

**HEARING ON THE SAN RAFAEL SWELL NATIONAL
CONSERVATION AREA**

HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC
LANDS

OF THE
COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

ON

**H.R. 3625, A BILL TO ESTABLISH THE SAN
RAFAEL SWELL NATIONAL HERITAGE AREA
AND THE SAN RAFAEL SWELL NATIONAL
CONSERVATION AREA IN THE STATE OF
UTAH, AND FOR OTHER PURPOSES**

APRIL 23, 1998, WASHINGTON, DC

Serial No. 105-85

Printed for the use of the Committee on Resources



U.S. GOVERNMENT PRINTING OFFICE

48-613 CC

WASHINGTON : 1998

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**HEARING ON H.R. 3625, A BILL TO ESTABLISH
THE SAN RAFAEL SWELL NATIONAL HERITAGE
AREA AND THE SAN RAFAEL SWELL
NATIONAL CONSERVATION AREA IN THE
STATE OF UTAH, AND FOR OTHER PURPOSES**

THURSDAY, APRIL 23, 1998

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

The Committee met, pursuant to notice, at 9:04 a.m., in room 334, Longworth House Office Building, Hon. James V. Hansen, (chairman of the Subcommittee) present.

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

Mr. HANSEN. [presiding] The Committee will come to order. The Subcommittee on National Parks and Public Lands convenes to hear testimony on H.R. 3625, the San Rafael Swell National Heritage and Conservation Act, introduced by my colleague, Mr. Cannon, who represents Emery County.

I would like to welcome our many friends from Utah who have worked very hard on this legislation to bring this proposal and that truly balances the needs of the land, and the needs of the people, who support these public lands. This legislation has been worked on by many interests, State and local governments, historic and cultural interest, wildlife interests, and recreational interests. Although the administration's testimony claims that interests were not represented in this discussion, the truth is that all who were interested were invited to participate and did participate. Those who wish to sit back and throw stones and fail to roll up their sleeves and actually work on something in a positive manner, will not and cannot be taken seriously. This also applies to the administration.

The purpose of a hearing such as this is to hear constructive comments on how to make this bill better, to suggest changes to benefit land or help our local managers, or whatever it takes to help perfect legislation. We appreciate Mr. Shea coming out to Emery County and the visit we had with him. I am not 100 percent sure that the testimony he gives today was written by those who have been on the land or even knows what the land looks like, but that's something they'll have to work out.

H.R. 3625 is unique in that the designations fit the land. Many wilderness proposals attempt to force the land to fit the designation, and this just does not work. However, H.R. 3625 takes a very close look at the lands involved and maximizes their potential for what they are. This will protect wilderness, semi-primitive areas, bighorn sheep, scenic easements, history, and recreation.

This administration often talks about balance and new approaches to land management. However, when such a proposal comes along, they simply choose to sit back and sometimes, unfortunately, play partisan politics and let the public land suffer. As one who has been part of more wilderness bills than any man in Congress, I can tell you that I find that very disturbing. If we do not find balanced approaches that can be endorsed by the local people who live in these areas and find cooperative management schemes, our land, our wildlife, our history, and our children will suffer the consequences of playing politics with this thing.

I want to compliment the people from Emery County who work so diligently on this program and all the people who have put the hand of fellowship out to anyone that would talk to them. And, I don't think many of us realize the countless hours that these people have put on preparing this piece of legislation. In fact, as I look back at past administrations, and Presidents, and others who have worked on this, this is the way it should be done. People in the local area working with anyone who will come and work with them should take the time to do it.

And I particularly want to thank Randy Johnson, Kent Petersen, and Bevan Wilson for the great work they've done on this. And, all of those people who were willing to say let's sit down and work this out.

In 1984, we passed a wilderness bill in Utah. It was the Hansen-Garn bill on Forest Service, and it basically worked because we said everybody can be a player. However, we find a lot of people who choose not to be a player, and then when the time of reality comes, then they would come in and complain. I always worry about that.

I guess I've said enough at this time. The sponsor of this bill is Mr. Cannon from the third district in Utah. So, I'll turn the time to him now for any opening remarks that he may have.

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

Mr. CANNON. Thank you, Mr. Chairman. It is a pleasure to be here this morning and participate in this hearing. As many of you know, the debate over the land use in Utah is a long and complicated history. Having spent most of my own youth on this land, I know and cherish it. No one wants more than I what is best for this unique land.

That is why I am pleased to introduce H.R. 3625, the San Rafael Swell National Heritage and Conservation Act. This bill predicts nearly a million acres with various land designations and including 407,000 acres of wilderness, 193,000 acres of Semi-Primitive Areas, and 66,000 acres in which desert bighorn sheep management will take place, and 27,000 acres called critical environment.

To allow for integrated management and enhancement of the numerous visitor attractions in the area, H.R. 3625 establishes a National Heritage Area for Emery County and parts of Carbon in Sanpete County. It also creates a national conservation area on the beautiful San Rafael Swell, which will allow management that will preserve the dramatic canyon's wildlife and historic sites of the Swell. The plan provides for management a management system which includes a desert bighorn sheep preserve. The often neglected school trust lands of Utah are also addressed in legislation. H.R. 3625 gives the Secretary of Interior three years to trade out any school trust lands impacted by the Heritage Conservation Area.

The beauty of this plan is that it addresses specific concerns and problems with real practical solutions. I wish I could take credit for this impressive plan, but I can't. The local leaders of the area, and the citizens are the source of this conservation plan led by the Emery County Commissioners. They know the land management problems of this area well. I applaud their creativity and careful attention to detail in crafting this bill so that it meets these vexing problems with real-life practical solutions.

If successful, this proposal can be the model for resulting other Federal land management issues across Utah. Already other counties are expressing an interest in pursuing a similar process.

Let me emphasize that H.R. 3625 is a beginning. The text is neither sacred nor cast in stone. We're doing some new things here. We're in new territory. Rather, it builds a starting point from which to resolve the interrelated land management issues in the area. I would encourage the other witnesses and their respective organizations to see today's discussion as a dialogue. This is not a time for rigid positions or knee-jerk reactions, this is a time for constructive suggestions—a time to join the Utah lands solution revolution.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Cannon follows:]

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

Thank you Mr. Chairman. It is a pleasure to be here this morning to participate in this hearing.

As many of you know, the debate over land use in Utah has a long complicated history. Having spent much of my youth on this land, I know and cherish it. No one wants more than I what is best for this unique land.

That is why I am pleased to introduce H.R. 3625, the San Rafael Swell National Heritage and Conservation Act. This bill protects nearly a million acres with various land designations, including 407,000 acres of wilderness, 193,000 acres of semi-primitive areas, 66,000 in a desert bighorn sheep management area, and 27,000 acres of critical environment.

To allow for integrated management and enhancement of the numerous visitor attractions in the area, H.R. 3625 establishes a National Heritage Area for Emery county and parts of Carbon and Sanpete Counties. It also creates a National Conservation Area on the beautiful San Rafael Swell which will allow management that will preserve the dramatic canyons, wildlife and historic sites of the swell.

This plan provides for a management system which includes a Desert Bighorn Sheep preserve.

The often neglected school trust lands of Utah are also addressed in this legislation. H.R. 3625 gives the Secretary of Interior three years to trade-out any school trust lands impacted by the Heritage Conservation area. The beauty of this plan is that it addresses specific concerns and problems with real, practical solutions.

I wish I could take credit for this impressive plan, but I cannot. The local leaders and citizens of the area are the source of this conservation plan led by the Emery County Commissioners. They know the land management problems of this area well. I applaud their creativity and careful attention to detail in crafting this bill so that it meets these vexing problems with real-life practical solutions.

If successful, this proposal can be the model for resolving other Federal land management issues across Utah. Already, other counties are expressing interest in pursuing a similar process.

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I would encourage the other witnesses and their respective organizations to see today's discussion as a dialogue. This is not the time for rigid positions or knee jerk reactions. This is the time for constructive suggestions, a time to join the Utah lands "solution revolution."

Thank you Mr. Chairman.

Mr. HANSEN. Thank you.

We're privileged to be joined by the Ranking Member of the Committee, Mr. Eni Faleomavaega of American Samoa, a misplaced Utahn.

[Laughter.]

Mr. FALEOMAVAEGA. My apologies, Mr. Chairman, for being a little late this morning. I was tied up with another meeting, but I would like to first offer my personal welcome the good Senator from Utah, Senator Bennett, and I understand that Governor Leavitt will also be joining us in a couple of minutes, and the members of the Utah delegation.

Yes, I am a transferred Utahan in that sense. I think I missed a call with such a substantial number of the Polynesian community living in the State of Utah. I know the reason why they're all in Utah, Mr. Chairman. They're all preparing to—

Mr. HANSEN. It's called football.

Mr. FALEOMAVAEGA. No. Well, other than my cousin, Chris Ma'afala from your alma mater, but I think the reason why the Polynesians decided to live in Utah is that they are preparing for the winter Olympics—[Laughter.]

Like the Jamaicans in the bobsleds, I'm sure they can probably do well also. The slalom I think is what it's called.

But, Mr. Chairman, I do truly want to welcome the members of the Utah delegation for being here, and especially our good friend, Senator Bennett.

Mr. Chairman, the debate on the San Rafael Swell area is not new. Proposals to protect the area have been around since the mid-1930's when a San Rafael Swell National Park was first proposed. The area has also been a focus as part of the long-running Utah wilderness debate, and given its history, it's not surprising that a new proposal, substantially different from what has been considered previously, would generate considerable interest.

And I recall very well, Mr. Chairman, a couple of years ago I did join you at a field hearing that we held in Salt Lake City. And, needless to say, it was a very lively, interesting debate from the various sections of the community there in Utah, and I have no doubt that my good friend Mr. Cannon's proposed legislation will, needless to say, also generate some very interesting different points of view.

And I know, Mr. Chairman, that probably no one else, in my humble opinion, knows more about this area than you, yourself,

and that you've honestly tried several different ways to resolve this impasse.

I understand that Mr. Pat Shea with the Bureau of Land Management will also be representing the administration to give his points of view concerning this legislation. And with that in mind, Mr. Chairman, I do look forward to hearing from our witnesses this morning. And, I hope we will resolve this problem.

Thank you.

Mr. HANSEN. Thank you. Our friend from Nevada, our sister State, Mr. Gibbons.

**STATEMENT OF HON. JIM GIBBONS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEVADA**

Mr. GIBBONS. Thank you Mr. Chairman, and I'm very pleased to be here to join you and my colleagues in support of this bill. I also welcome my colleague from Utah, including the Governor. I'd like to say that those of us in Nevada are very interested as well as those in Utah of the outcome of this bill. We think it's a very important bill. In fact, I think it's such a swell bill, I would order—ask all my colleagues to support it as well.

[Laughter.]

Thank you Mr. Chairman.

Mr. HANSEN. I just knew somebody would come up with that joke.

We're very privileged to have our Senator, Robert Bennett, and our colleague, Mr. Merrill Cook, Representative of the Second District.

Senator Bennett, we'll turn the time to you, sir.

**STATEMENT OF HON. ROBERT F. BENNETT, A SENATOR IN
CONGRESS FROM THE STATE OF UTAH**

Senator BENNETT. Thank you Mr. Chairman. I have a prepared statement that I would submit for the record, and then make a few comments about it.

It was about three years ago that Senator Hatch and I sat in this room with the Governor and testified in favor of the Utah Wilderness Bill perhaps a little naively because we thought, at that time, we could get a resolution to this issue. All we did was set off a extremely bruising debate with hundreds of thousands, if not millions, of dollars spent in national advertising, heavy lobbying, and, unfortunately, a great deal of acrimony ended up in simply solidifying the position of polarization rather than moving toward a solution.

And, when it became apparent that neither side was going to get its way on the wilderness issue, the citizens of Emery County sat down around the table and undertook what has become a 2-year process in an effort to reach a consensus to bridge the gap between the polarized positions that have been taken. I not only applaud that as a logical thing to do, but I am interested to realize that that activity is in full compliance with both the language and the spirit of the 1964 Wilderness Act.

A lot of people in the debate over the previous bill forgot that during the debate of the Wilderness Act, very specifically, priority was to be given to the attitudes of the people on the ground, the

people who are closest to the wilderness designation. The people who live in and around it should have their opinions given priority over the opinions of people who are far away.

I grew up in Salt Lake City. I am not familiar with these lands in terms of my youth, as Congressman Cannon is, and former Congressman Owens is. I really approach this from the position of a complete newcomer. And so, I am delighted that the people who are closest to it have been the people who have created this solution. And, I think in response to the specific requirement of the 1964 Wilderness Act those of us who do not live there, those of us who do not have our lives firmly entwined with this land on a day-to-day basis need to pay attention—close attention to the opinions of those who do. The law requires it, as well as common sense.

Now, I informed the members of the Subcommittee that I intend to introduce similar legislation in the Senate. Senator Hatch will be joining me in this effort.

It's refreshing to me to be able to be involved, as I say, on the basis of what people close to the area have to recommend. Now, we are often told in Utah during these debates over the use of the land, that the future of rural Utah lies with tourism.

Along with you, Mr. Chairman, I went through the hearings that were all over the State of Utah, where we were told again, and again, and again, and again, by supporters of H.R. 1500 that rural Utahans could make more money off of tourism than they could mining, ranching, agriculture, and timber. I remember one witness saying, "we have a new extractive industry in rural Utah as we extract money from the wallets of the tourists who come in to see our incredible land." Well, if that is, indeed, is going to be the future of rural Utah, then the San Rafael Swell Heritage Area is a road map as to how we will get there. We may need to pay attention to that and keep that in mind.

Now, the proposal would create an advisory council to work closely with the land management agencies to promote the cooperative use of the lands. I think that's a very logical thing to do because we need to recognize that we learn as we go along and crafting a single decision in Washington, and then imposing it on an area forever and ever without any opportunity for fine-tuning and changing as the world changes and as people's use of the land develops is very shortsighted. So, I applaud the bill for having that in it.

Now, I am willing to enter into discussions on the Senate side of how this bill can be changed and improved. I'm willing to look at the question of the designation of Wilderness Study Areas beyond county lines. I understand that the Emery County people did not go beyond the county line of Emery County. That doesn't mean that Congress has to stay within those boundaries, and I understand that much of the controversy around this proposal has to do with drawing the county line across existing WSA's and saying that land beyond that line should not be included in the bill.

While I will start out with the language of the bill as it is, I will be willing to have discussions about that issue as it goes forward. I think we should understand that in this discussion we are not disagreeing on protection of the land. We are not disagreeing on which land needs to be protected. The only disagreement that I can find comes on the definition of how that protection should go for-

ward, and one of the things that has occurred in my experience since I've been a Senator is a recognition that there are many definitions. There are many ways to protect the land. And one of the reasons we have found ourselves at an impasse in the past is that stakes have been planted, positions taken on the assumption that everything is either or. You either have development or you have wilderness, and there is nothing in between, and there is nothing that either side will accept.

The fact is, of course, that there are plenty of opportunities in between full development and full wilderness, and many of them make more sense for the land than either of those extreme alternatives. This proposal recognizes that truth and was worked out by people of different points of view who came up with sensible ways to protect the land, and at the same time, protect the interests of the people who live close to it.

So, with that in mind, I hope that those of the other side of the issue three years ago would be willing to participate in a process that would involve the administration, the Utah delegation, Emery County Commissioners, and others to see if we can't resolve any remaining differences. I think perhaps if the principals could sit in a room without staff and P.R. people whispering in their ears as to how a press release might read, or how a fundraising letter might be affected, we could probably resolve this in an afternoon.

With that Mr. Chairman, as I said, I will submit my full statement for the record. I'll be happy to answer any questions the Committee might have at this time.

I will tell you in advance that we have a vote scheduled at 9:30 a.m. and I, therefore, will have to leave and I apologize that I'll not be able to stay here and hear the testimony of my colleagues. I'll be happy to respond to any questions any member of the Committee might have.

[The prepared statement of Senator Bennett follows:]

STATEMENT OF HON. ROBERT F. BENNETT, A SENATOR IN CONGRESS FROM THE STATE OF UTAH

Mr. Chairman, I appreciate the opportunity to testify before the Committee today. It was almost three years ago when Senator Hatch and I sat in this room with the Governor and testified in favor of the Utah Wilderness bill. After the bruising debate last Congress, I didn't think that I would be back before the Subcommittee so soon, but it is a pleasure to be here.

I first want to congratulate the Emery County Commissioners and the Emery County Public Lands Council for their excellent work in preparing the proposal we will refer to as the San Rafael Swell National Heritage Area. Two years ago, when it became apparent that neither side was going to get its way on the wilderness issue, citizens of Emery County sat down around the table and undertook a two-year process in an effort to reach a consensus on how to bridge the gap in opinions on public lands management in their county. These individuals recognized that there are many more facets to public lands management than just wilderness. The proposal you have before you today that has been introduced by Congressman Cannon is a result of their work.

The San Rafael Proposal: Common Ground—Common Sense

I am pleased to begin my remarks by informing the members of the Subcommittee today that I intend to introduce similar legislation in the Senate. I am delighted that Senator Hatch will be joining me in this effort. After the pummeling we received at the hands of our well-funded opponents in the 104th Congress, I am somewhat surprised that we are so willing to jump back into these murky waters. What would possibly compel us to do this?

In an era when government is supposed to have been reinvented to allow for a common-sense approach, it is refreshing when initiatives originate from somewhere other than I Street or Capitol Hill. The San Rafael Swell National Heritage Area embodies the spirit of compromise. In an area that encompasses well over one million acres rich in diversity of uses, resolving all of the conflicts is bound to be difficult. This is a good faith effort to resolve several competing ideas of public land use. When this proposal was presented, it was done so with the understanding that not everyone would be happy with the conclusions. But it was a good step in the right direction.

The people of Utah are often told that tourism is the future of rural Utah and that the traditional industries of mining, ranching, agriculture and timber are relics of the past. In good economic times that might be the case. But there must be a way to seize upon the tourism opportunities. If tourism is the destination for the future, then the San Rafael Swell Heritage Area is the roadmap to get Emery County there.

I believe the primary goal of the Emery County proposal is to promote tourism opportunities by designating a nationally recognized Heritage Area. However, the resources and the rich history of the San Rafael Swell people are invited to see must be first protected and enhanced. The proposal would create an Advisory Council that will work closely with the land management agencies to promote the cooperative use of the lands. It ensures that management plans and criteria are prepared for the different regions in the Heritage Area to preserve their unique qualities. It will promote and arrange for cooperative agreements with state and local governments to prepare for the inevitable influx of visitors.

I note with a bit of irony that we are talking today about methods by which we may protect public lands and establish a method of public input and management prior to the creation of the Heritage Area. This is a process that I wish we could have undertaken prior to the creation of the Grand Staircase–Escalante. I believe what we are involved in today is the proper way to proceed with the creation of a special management area. That is one reason why I am puzzled by the Administration's current opposition. Perhaps we should just designate it a National Monument and worry about the details later. The administration didn't seem to worry about details the last time it decided to set aside a few million acres in some type of designation.

Another important aspect of the proposal is its provision for the protection of continued management of one of the largest herds of bighorn sheep in Utah. It sets aside a Desert Bighorn Sheep Management area that is over 65,000 acres in size that has all of the protections of wilderness designation, but still provides the state of Utah with the management flexibility to properly manage the herd. This is a prime example of why a one-size-fits-all wilderness designation is not the best solution. If people will drive to Southern Utah in a chance that they might see a California condor, imagine their excitement to be directed to several designated viewing areas established for the purpose of seeing Desert Bighorns in their most natural of habitats.

Finally, the proposal will resolve the thorny issue of off-road vehicle use by creating semi-primitive areas that are restricted in access. This will bring to closure a continuous management battle and reduce uncertainty as to what activities are permitted.

Resolution begins with the first few steps

A comparison of acreage shows that under the proposal we protect 987,651 acres in Emery County under four different protective measures nearly half of that being wilderness by the strictest definition. The opponents to the Heritage Area proposal would protect 1,049,000 acres in Emery County as wilderness. The difference between the two proposals is under 100,000 acres. Yet, using the same tired, old rhetoric opponents branded the proposal "anti-wilderness" before it was even introduced. It was labeled an anti-wilderness bill because we disagree not on protection, but on definition.

It must be made clear that this proposal was not intended to be a wilderness bill alone. Wilderness is just one component of a larger land management process. With that in mind, I challenge the Board Members of the Southern Utah Wilderness Alliance to participate in a process with the administration, the Utah delegation and Emery County Commissioners which we might try to resolve the differences in this proposal. I would be happy to lead those discussions. I would venture that if we all sat in a room without staff for an afternoon, we could reach a consensus.

A closer inspection reveals that there is quite a bit of good in this bill. If these lands are really in peril as we heard all throughout the last debate, failure to participate in the process is like the individual trapped on his roof by rising flood wa-

ters who turns back the rescuers in the boat because he is sure the helicopter is on its way. My point is that lands can be protected by designations other than just wilderness.

In last year's wilderness debate, Members were implored by some individuals in the environmental community to act with vision and concern, not just for ourselves, but for our children. We heard a plea for "visionary." I applaud the architects of this proposal for showing that kind of vision, which bridges the gap between many competing uses and puts forth a plan that will allow for the protection of this special area while promoting a wise plan for its management for the future.

Granted, translating that vision to legislative language can be difficult. H.R. 3625 has several rough edges around it that need to be smoothed out. I will introduce companion legislation that in its first draft will be very similar. But I recognize that the process is just beginning. I am open for comments from both sides. Perhaps we will need to tighten legislative language, or look at some boundaries and I am willing to do that. I have already read the statement that Mr. Shea has submitted and I will admit he raises several good points that I am willing to entertain.

Mr. Shea praised the Emery County officials last week and referred to the proposal in the Utah press last week as "a step in the right direction." He stated: "The ideas in the bill have a lot of merit. It is a step in the right direction. It recognizes wilderness. It involves people in a very direct process for having their perspectives heard."

I was encouraged when I read those comments in the Deseret News last week. But I read the printed statement of Mr. Shea today and I hope he will elaborate on why—if these ideas have such merit—has the Administration so willingly waved the veto pen before the public hearing process has even gotten underway. It does not bode well for the process and it sends a very clear and very unfortunate message to the local people: "If your attempts fail to meet our predetermined outcome, your efforts are of no use to us."

Let me say to the Administration, rather than saying no, give us a chance to work with you. If we are able to cooperate, perhaps we will be successful in our efforts and at the end of this Congress we will have taken the first small steps to resolving the larger wilderness debate. I hope this could be the case.

I appreciate the Chairman for allowing me the opportunity to testify today. I look forward to hearing the comments of the panelists today.

Mr. HANSEN. Without objection, your full statement will be in the record and all of the statements given today in their entirety will be in the record, and anyone, of course, is free to abbreviate their statements if they're so inclined.

We'll now hear from Congressman Cook.

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

Mr. COOK. Thank you, Mr. Chairman, for allowing me the opportunity to speak on this important issue regarding the conservation of the San Rafael Swell encompassed in H.R. 3625. The San Rafael Swell is certainly one of the most beautiful and ecologically diverse areas in the State of Utah, and it deserves to be conserved and protected.

I commend the Emery County Commissioners and my Utah colleagues on the work they've put into this bill to create a sensible, balanced bill. Do I think H.R. 3625 solves the wilderness debate in Utah? No, I don't, but H.R. 3625 is a good initiative by local government to work out the problems in their local area and, in this case, Emery County, Utah. This is a good start toward resolving wilderness and public land management issues in Utah.

As we consider H.R. 3625, we know this is a solution that will drastically improve conditions and habitat in Emery County while preserving ecologically sensitive and vital areas within the San Rafael Swell. We also don't know that we'll have a lot more work to do. H.R. 3625 is a good approach toward balancing economic and

recreation opportunities, which is important to the citizen of my district in the Salt Lake Valley, while preserving this wilderness may be the most diverse and beautiful areas of the Swell, which is also important to my constituents. H.R. 3625 preserves one of the largest bighorn sheep herds in the State through the creation of the San Rafael National Conservation Area.

This designation of a National Conservation Area will allow the State to monitor and successfully manage the sheep herd while limiting and controlling access to this vital wildlife resource. H.R. 3625 also will allow for vital restoration and conservation of many other habitats in the San Rafael Swell benefiting many species within the National Conservation Area.

This bill creates more than 400,000 acres of wilderness as well as preserving many of the most vital and interesting areas from Utah's history. As open space continually declines due to population growth pressures, these areas will offer unique recreational and historical opportunities for generations. Many of these sites chronicle the important part mining had in Utah's economic development, as well as preserving and chronicling sites along the Outlaw Trail within the Swell, which is a vital heritage for both Utah and the Nation.

These areas deserve to be protected and shared as a remembrance for ourselves and for future generations. By preserving these areas, we will preserve who we were. These can serve as an inspiration for future generations to achieve greater things than either we or our ancestors thought possible.

Finally, H.R. 3625 fairly balances the economic needs of the people who make the San Rafael Swell area their home. We must remember that any decision we make regarding designation and management of public lands will have significant impact on these people. This bill remembers the people and their needs, as well putting forth a viable and vigorous management and preservation plan for the San Rafael Swell.

This bill may not be perfect, and it doesn't claim to end the wilderness debate in Utah, but it does balance the needs between preservation, wilderness, wildlife management, and human interaction with public lands in the San Rafael Swell. I would call that a win for everyone, especially for the San Rafael Swell.

[The prepared statement of Mr. Cook follows:]

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

Thank you Mr Chairman for allowing me the opportunity to speak on this important issue regarding the conservation of the San Rafael Swell encompassed in H.R. 3625.

The San Rafael Swell is one of the most beautiful and ecologically diverse areas in the state of Utah, and deserves to be conserved and protected. I commend the Emery County Commissioners and my Utah colleagues on the work they have put into this bill to create a sensible, balanced bill. Do I think H.R. 3625 solves the Wilderness debate in Utah? No I don't. But, H.R. 3625 is a good initiative by local government to work out the problems in their local area, in this case Emery County, Utah. This is a good start towards resolving Wilderness and public lands management issues in Utah, and as we consider H.R. 3625 we know this is a solution that will drastically improve conditions and habitat in Emery county, while preserving ecologically sensitive and vital areas within the San Rafael Swell. We also know we have more work to do.

Mr. HANSEN. Thank you, Congressman Cook.

Questions for Senator Bennett and Congressman Cook?

Let me just say this: I think they both hit upon one point that has to be made, and that is the BLM wilderness-park wilderness issue; this bill does not resolve it, but it is a step. It is one step into the issue. It would be an incremental step. It finally would break the logjam, and I honestly think that if we don't seem to be able to take it all in one bite, that this should be a very logical approach to do it—somewhat tying into what Governor Leavitt will probably testify to when he walks in about a step forward, and think this is a very progressive way.

The gentlemen from American Samoa.

Mr. FALEOMAVAEGO. Mr. Chairman, I don't have any questions, only to compliment Senator Bennett and Congressman Cook for their fine statements.

Given the fact that the whole approach is now being taken from our good friend, Congressman Cannon, the proposed legislation takes into full consideration the views and the concerns of the local communities who will be directly affected by this legislation.

And as you had noted earlier also, I think the statement of Governor Leavitt reaffirms the concept that is now being proposed is that we do this on an incremental basis. I'm curious to see how we're going to do this, and, hopefully, that our friends from the Bureau of Land Management will have their points of view taken in consideration, if this is possible and feasible under the circumstances.

So with that, Mr. Chairman, I want to thank both Senator Bennett and Congressman Cook for their testimonies.

Mr. HANSEN. Congressman Cannon.

Mr. CANNON. Thank you Mr. Chairman.

Let me just reiterate what I've said many times in the past. I deeply appreciate the intellect, and capability, and camaraderie we have in this delegation and I want to thank Senator Bennett and Congressman Cook for coming in and sharing their thoughts with us. We certainly look forward to working with them as well as with you, Mr. Chairman, on this bill and I appreciate your efforts to come over here today.

Thank you.

Mr. HANSEN. The gentleman from Nevada, Mr. Gibbons.

Mr. GIBBONS. Mr. Chairman, thanks.

I had only one question relating to the exercise of water rights by the Federal Government here. Perhaps either Senator Bennett or Congressman Cook could address the issue of water rights or perhaps the author of the bill. But, I'm curious as to—it's under section 407, Senator—whether or not the Federal Government acquiring a water right in that section would preempt State Water Right laws on the beneficial use of those water rights.

Senator BENNETT. No, it would not.

Mr. GIBBONS. That's all. Thank you Mr. Chairman.

Mr. HANSEN. Thank you.

Senator Bennett, we appreciate you being with us today. We know you're busy and have things to do. Thanks so much for coming over to our side. We appreciate it. We'll look forward to hearings when your bill is introduced on the other side.

Senator BENNETT. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you.

Congressman Cook, would you like to join us on the dais? We are privileged to have you here. We know you have other things to do, but if you have time, we'd love to have you.

Mr. COOK. Well, thank you very much, Mr. Chairman. I'd love to. I do have responsibilities with the Aviation and Banking.

Mr. HANSEN. I understand.

We'll now turn to the next panel, the Director of the Bureau of Land Management, a Utah native, Pat Shea. We're glad that Pat could be with us. Senator Mike Dmitrich, one of my old colleagues from way back, will be with us on this panel; Emery County Commissioners Randy Johnson, Kent Peterseon, and Bevan Wilson. If you'd all like to come forward and take your places, we'd appreciate it.

At the request of Director Shea, we'll ask the Utah folks to go first. So, Mike, are you ready?

**STATEMENT OF HON. MIKE DMITRICH, STATE SENATOR,
STATE OF UTAH**

Mr. DMITRICH. Yes.

Mr. HANSEN. We'll turn to Mike. Let me say that we normally operate under a 5-minute rule, and that is our rule in this Committee, and that thing right in front of you is just like a traffic light: green you start; yellow you wrap up, and red, I gavel you down, which really won't happen today because I want to hear your testimony, but if you could stay it close to that area, I'd really appreciate it.

Senator Dmitrich, we'll hear from you, sir.

Mr. DMITRICH. Thank you, Mr. Chairman, and members of the Committee. It is of great pleasure that I address you today. I'm addressing you on an issue of great importance, not only to my constituents, but to all the American people.

In Emery County, a county bigger than some New England States, lies one of the last great undiscovered national treasures, the San Rafael Swell—a place where the shores are long, vanished oceans. At every turn, there are signs of ancient Jurassic eras. Through the Swell passes the Old Spanish Trail, and cowboys can still be seen working. It is an area rich in biodiversity, both plant and animal. However, like many areas in the West, it is rich not only in beauty, but mineral wealth, grazing potential, and other uses which make human life possible.

For decades, the various user groups have been also, literally, at war. Many groups on all sides have staked out extreme positions over which they have declared no compromise, no surrender, no quarter asked, none given. The result has been an area in managerial confusion. Such a situation is extremely difficult for local elected officials, and local area resource managers from the State and Federal agencies.

However, not all voices have been strident and unyielding. Environmentalists, resource people, recreation groups from both in and out of the area have spent, literally, thousands of hours forging a plan to manage the San Rafael Resource Area in a sensible and thoughtful way.

You have before you H.R. 3625, which is a legislative embodiment of that effort and an emblem of their dedication to reason and compromise. It is a commitment from both the citizens of Carbon and Emery Counties, and those who don't live there, but who loves those lands to care for them and to use them responsibly now and forever. There are those who can, and will, cite the specifics better than I.

However, let me state that H.R. 3625 creates approximately 630,000 acres of National Conservation Area from which industrial development will be banned, but in which conventional tourism and livestock will be allowed. In addition, over 300,000 acres would place in the wilderness or primitive designations. Again, I will leave the real details to others, but what I want to do is give you some reasons to vote for this proposal and not a blanket wilderness designation.

For those who constituency lies east of the hundredth meridian, voting for wilderness always seems a safe and popular vote. However, as all of us who answer to the voters know what appears popular today can turn to voter resentment and anger tomorrow. If you enact, as some would have you do, a simple blanket wilderness designation for the San Rafael, the law of unintended consequence may begin to work with a vengeance.

First of all, since wilderness precludes many kinds of game management techniques, such as providing salt or water bubblers, you may be causing great harm to the just reemerging bighorn sheep herd found on the Swell. You will hear testimony on that later. It goes against our intuition, but some of those species cannot any longer survive without human intervention. A game manager supports this proposal.

Often wilderness precludes most kinds of archaeological work which would be criminal in this area so rich in Native American history. It may also mandate the destruction of some historical sites because they are the works of the "hand of man." Furthermore, since the only allowed means of travel in wilderness areas are foot and horseback, many of the wonders of this area will be denied to your constituents who are elderly and handicapped. Those people deserve access to the lands as well.

What might appear to be easy vote has many land mines in it. In the end, your constituents will be grateful that you took the thoughtful approach and did what is right for people and animals, for history and for culture, and for the opportunity to enjoy the land which they, hopefully, journey to my State senate district.

That said, let me state that I am not an opponent of wilderness designation. Some of the earlier proposals did have too little wilderness. There must be pristine and quiet places in the evermore hectic world where a person can enjoy nature as God created it.

Please note that an area larger than Rhode Island has been excluded from mineral development, and I am happy to say that there are several wilderness designations as part of the overall plan, but these are designations thoughtfully done, rather than done as part of a cynical numbers game. These areas contain the type of scenic wonders the original sponsor of the 1964 Wilderness Act had in mind. Besides, I have great sympathies with endangered species.

I am a rural Democrat that has survived the legislative process in the State of Utah for 30 years.

[Laughter.]

I can tell you this battle has been going on during that greater part of my 30 years of service. It is time for this battle to end. It is time to, finally, say no to narrow interests, and to say yes to the vast majority of Americans who know in their hearts that there's room for all of us. It is time to do the right thing, instead of the easy thing, for the wildlife, for the people of Emery County, for the people of the State of Utah, and all of America.

Thank you for this opportunity, and thank you, Chairman Hansen, for allowing this hearing. I have also submitted with my testimony of copy of Senate Concurrent Resolution 2, which I sponsored in the State legislature which had both hearings in the House and Senate and passed with only 6 negative votes out of the 104 legislators.

It is my pleasure to be here today.

[The prepared statement of Mr. Dmitrich may be found at end of hearing.]

Mr. HANSEN. Were you the sponsor of that bill, Senator?

Senator DMITRICH. Yes, Mr. Chairman.

Mr. HANSEN. And that passed? Out of 104, only 6 opposed it?

Senator DMITRICH. There were six negative votes.

Mr. HANSEN. And that was in favor of Congressman Cannon's bill?

Senator DMITRICH. Yes. That is in favor—the senate resolution has all the stuff that Congressman Cannon has in his bill.

Mr. HANSEN. So, in effect, the State legislature is solidly behind this legislation?

Senator DMITRICH. Solidly.

Mr. HANSEN. The people of Utah, in other words?

Senator DMITRICH. In fact, the negative votes—there was not any testimony given in the senate. It was just a negative vote.

Mr. HANSEN. Thank you, Senator Dmitrich. We appreciate you being here.

Chairman of the Emery County Commissioners, Randy Johnson. The time is yours, sir.

**STATEMENT OF RANDY JOHNSON, CHAIRMAN, EMERY
COUNTY COMMISSIONERS**

Mr. JOHNSON. Thank you Mr. Chairman.

Mr. HANSEN. Can you pull that mike just a little closer?

Mr. JOHNSON. I will do that.

Can I just make one point very quickly for the sake of everyone here that, while the San Rafael was most aptly named after earlier users of the Spanish Trail and most rightly would be pronounced San Rafael, in deference to the wonderful mix between human heritage and the beautiful land, we've always called it the San Rafael and it must be the San Rafael. It's just as true and natural as "Easter," in which most of you would think back here in this part of the Nation is some sort of a down-easter wind, but it really means rolling Easter eggs and having a picnic on Easter weekend down in the desert. So these things mixed with this land, and I wanted to make that point very quickly.

Mr. HANSEN. I won't comment at this time.

Mr. JOHNSON. Thank you very much.

[Laughter.]

Thank you for the opportunity to testify before you today on this important bill. I have spent a great deal of time trying to think of what I might say to you which would portray how important, I believe, that this new approach to public lands management really is.

I'm chairman of the Emery County Board of Commissioners. I'm also chairman of the Utah Association of Counties, Public Lands Oversight Committee; a member of the National Association of Counties Public Lands Steering Committee, and chairman of the Rural Public Lands County Council. I am also chairman of the board of directors of the Utah Lands Foundation, a resolution-oriented environmental organization based in Utah, and I'll speak mostly from that perspective today.

Obviously, public lands issues consume a great amount of my time. I want you to understand that I believe that what is before you is truly a remarkable landmark bill. H.R. 3625 has the potential to change the entire field of discussion and could lead us into an era of public lands problem solving if we willing to let it. The challenge would be in prying ourselves loose of the stalemate we have created.

As stated in an April 14, 1998 Desert News editorial "Perhaps a miracle, a big one at that, would move key players off dead center or more accurately from the outer extremes." I am here today to ask you for that big miracle. I must also ask the question, if there is a general refusal to come to the table and look for solutions, then what kind of future have we defined for ourselves? Isn't it time to reevaluate our public lands management philosophy? I believe that we must ask ourselves what kind of war have we created and who benefits.

I assert to you that the Emery County plan solves problems. It address the needs of all stakeholders. It works for the best good of the land itself, and most importantly, it is a manageable plan. Surely, this is a wonderful opportunity to move away from the stalemate described so well by the Desert News.

Emery County has searched that natural history and human heritage are just as important and deserving of protection and recognition as our scenic vistas. We also believe that the current status of protection, and the current status of polarization and acreage quotas is harmful—harmful to the land, harmful to the people who use and enjoy the land, and harmful to the Nation. Certainly, we are capable of prescribing a management philosophy that meets the needs of the land while assuring that we can also carefully manage the resources which come from the lands. We believe that Emery County has done just that.

H.R. 3625 is the only proposal that protects the entire San Rafael Swell. It is the only proposal that provides specific protection to one of Utah's largest herds of bighorn sheep. It is the only proposal that has started from the land upward drawing nearly all stakeholders to the table. And it is the only land management proposal that recognizes all the values of the land and works for truly manageable preservation of all those values. The National Heritage Area part of the plan addresses the wonderful blend of man and

nature which is unique to the San Rafael. Here the footprints of history trace themselves across the rugged beauty of the Swell. Dinosaur remains scatter the area, focusing on the Cleveland-Lloyd Dinosaur Quarry, one of the largest sources of fossil remains in the world. There is also ample evidence of early and Native American cultures throughout the heritage area with many examples of their wonderful history preserved in rock art.

Further, the heritage of the early settlers of this harsh and unforgiving land is woven into the area, and is every much as deserving of protection as recognition as the rocks surrounding them. Such treasures as Sid's Leaps, Swasey's Cabin, and Temple Mountain are as much a part of the San Rafael Swell as sand, and wind, and deep canyon draws. The Heritage Area works to identify and protect these and other wonderful sites for the enjoyment of all who come to the Swell San Rafael.

Few other places in the world can provide such an ample supply of heritage sites. Access to these destinations will be accomplished by means of existing and long-used roads and trails. Most importantly, the ever-increasing flow of tourists will find a greatly enhanced visit to San Rafael Swell while we are able to better manage the flow of people and better protect the more pristine of the San Rafael lands. This wonderful blend of man and his world is the very heart and soul of this plan. Tracking the various footprints of natural history and human heritage through the San Rafael Swell gives the breath of life of these lands and causes all who become hooked by the excitement and mystery of the area to take some share of ownership in the process of preservation and protection.

It is a user-friendly plan, and everyone benefits from its manageable approach. The National Conservation Area works to preserve the more pristine areas of the San Rafael, and various levels of protection as dictated by the land itself. In more than 600,000 acres, the NCA not only includes huge tracks of wilderness designation, but it goes well beyond wilderness and its protective layers. It recognizes the largest bighorn sheep herd in Utah and makes provisions to manage and protect that wonderful resource. It also withdraws the entire San Rafael Swell from oil drilling, timbering, and mining.

Some will say we have withdrawn protection from many acres. What they really mean is that we are protecting those lands in ways other than wilderness—ways that are just as permanent, just as effective, and in many cases, much more protective than wilderness. Another criticism is that wilderness is permanent. Other protections are not.

And, Mr. Chairman, we are here before you to seek congressional designation which would make this hybrid eagle system management concept permanent, providing protection for the San Rafael Swell for many generations to come.

If you say the sand lands of the San Rafael need protecting, we say we agree. If you say there needs to be a wilderness experience available to anyone who seeks it, we say we agree. If you say we should preserve some of our precious lands for future generations, we say we agree. If you say there are some areas where no new roads should be built, and no new mining should occur, we say we agree, but if you say that wilderness is the only way to achieve

these things, then we say, we do not agree. We believe that we must reevaluate our public lands management philosophy. We must look at the conflict we have created, and ask ourselves where are we going and who benefits.

I close my testimony with the words of Thomas Jefferson directly from walls of the Jefferson Memorial: "I am not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered, and manners and opinions change, with the change of circumstances institutions must advance also to keep up with the times."

And I ask you once again for the big miracle. Let us move to a new hybrid form of manageable protection. Let us accomplish the purposes of the San Rafael Swell National Heritage Conservation Area.

Thank you, sir.

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

Mr. HANSEN. Excellent testimony. Thank you.

Commissioner Petersen. We'll turn time to you, sir.

**STATEMENT OF KENT PETERSEN, EMERY COUNTY
COMMISSIONER**

Mr. KENT PETERSEN. Thank you, Chairman Hansen. I appreciate being here, members of the committee.

Most of the people in my county live along between the mountains of the Los Plato and the San Rafael Swell to our east. Now much of our wealth comes from these mountains. Our water comes from these mountains. Our coal is in these mountains, but our hearts are in the San Rafael Swell. It's where we go when we want to be alone, and it's where we take our visitors when we want to show them something special. And when our people leave for a time and come home, the Swell is the first place they want to visit. The San Rafael Swell is a land of scenic beauty, but it is much more than this. It has a unique history and heritage.

Remnants of the early Americans abound throughout the Swell. Butch Cassidy and the Robbers Roost frequented the Swell. Cowboys have managed their herds on the Swell from the early 1870's until today, and abandoned uranium mines remind us of the Atomic Era.

Now we know these are public lands belonging to the people of the United States. We support the right of the people all around this country to be able to visit these lands and have a say in the way they are managed, but we feel very strongly that those of us who live next to these lands and who have spend our lifetimes on or near them, must have a large say in how these lands are managed.

Now the citizens of my county have a long history of caring for the land. In the late 1890's and early 1900's a person could tell a location, from the valley floor, of the sheep and cattle herds on the mountains by the clouds of dust they kicked up from the severely eroded lands. Local citizens petitioned the government for the es-

tablishment of the Manti National Forest, and now these lands are once again very productive.

In 1992, Project 2000, a Coalition for Utah's Future, a broad-based public interest organization, decided to try to resolve the Utah Wilderness issue. Emery County volunteered to be the pilot county for this effort. We met with a widely diverse group of stakeholders to see if we could come to a consensus resolution.

The stakeholders include State and national environmental groups, extractive industries, ORV users, ranchers, government agencies and local citizens. We worked for about two years and didn't reach consensus because the debate changed to be focused on H.R. 1745 and the sides became polarized.

However, these discussions provided the impetus for the development of this bill. We decided if we were going to have a say in our destiny we would have to become proactive and seek workable solutions.

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

We determined we all wanted the land protected, but we also found that wilderness was not the only method and is often not the best method. It is, in fact, a non-management tool. We studied various protection methods and determined that a national conversation area with various protection schemes inside the boundary would be the most effective method for managing the Swell.

And NCA provides protection for about 630,000 acres; and inside this area are wilderness, semi-primitive nonmotorized areas, an ACEC to protect the view from Interstate 70 and the Desert Bighorn Sheep Management Area. There are also wilderness and semi-primitive areas outside the NCA in both Carbon and Emery Counties.

Now the Desert Bighorn Area provides protection for the sheep while allowing Utah DWR all the tool it needs to keep the herd viable. Careful management is necessary for this. It also provides for watchable wildlife areas, scientific study of the sheep and educational opportunities for the public.

The semi-primitive areas provide the ideal management conditions for several areas in the San Rafael Swell. They provide for the wilderness experience while recognizing existing conditions.

Now most of the H.R. 1500 areas in the Swell are protected within the NCA either as wilderness or semi-primitive areas or by the NCA itself. Additional areas are protected outside of the NCA as both wilderness and semi-primitive. These designations protect the land while recognizing existing conditions.

I am sure that after careful study you will agree that H.R. 3625 is the ideal management tool for the San Rafael Swell and for all of Emery and Carbon Counties in Utah. Let's try a new solution for an old problem.

And I thank you again.

[The prepared statement of Mr. Kent Petersen may be found at end of hearing.]

Mr. HANSEN. Thank you, Commissioner Petersen. Before you leave the mike, though, I've often been interested in the poem you have about the San Rafael Swell. So I'll take the prerogative of the Chair and ask you if you'd like to read that.

Mr. KENT PETERSEN. Well, I thank you very much, Mr. Chairman. I'm disobeying one of the cardinal rules of a cowboy poet by appearing without my hat, but:

"I remember the first time I saw him, kind of hanging around by the store. His arms and his legs were both sunburned, and his nose was all peeled and sore. His boots had soles like a waffle, tacky shorts that had long since seen their best, and he wore an old faded blue t-shirt with a big 'Save the whales' on his chest.

"Now he looked like just a regular feller with maybe a story to tell, and he asked if I could please help him to check out the San Rafael Swell. We jumped in my four-wheel drive pickup and went out to take a look at the place, and I could tell that he liked the desert, from the looks that he got on his face.

"When we got to our first grazing allotment, I stopped the pickup and sat there to wait. It was his job, because of where he was sitting, to get out and open the gate. He got back in and was cussing, and when I looked down I started to hoot. He hadn't looked where he was stepping, and he had green stuff all over his boot.

"And then he explained how he didn't like cattle, said they should be banned from the land. They ruined the wilderness experience. Kind of hard for an old cowboy to understand, but I showed him the canyons and pinnacles caused by erosion from millenniums untold, and we marveled at the colors and stillness as we watched nature's beauties unfold.

"We saw signs of the old ones, the Fremont, who left their messages carved in the stone, and we saw diggings left by the miners and some petrified dinosaur bones. We saw the remains of an old homestead cabin right next to a cool flowing spring. We showed how this land could be helpful and the next season heartless and mean.

"We got back to town, and I left him. I forgot him, and I'm sure he forgot about me, and then I saw him about a month later on the late evening news on TV. He explained how this land should be set aside as a wilderness for backpackers and friends and get rid of those cows and the cowboys and those four-wheel drive trails.

"It seemed like a lot of folks listened. They were starved for the touch of the land. They just wanted a place to be all alone. It was a feeling we could all understand. They got to thinking of us as intruders. It was their land they wanted to preserve. It was theirs, and we no longer belonged on it. We'd been here for as long as we deserved.

"Well, we talked to our Senators and Congressmen, explained in detail of our fight. We wrote letters and talked to each other. We put up one hell of a fight. We thought for a while we were winning. We held rallies and parades with our friends, but, just like it says in the good book, eventually all things have to end.

"We lost, but I guess it's been all right. There's plenty of things here to do. We now live on a big reservation, and they put all the cows in the zoo."

[Laughter.]

Mr. HANSEN. Very well done.

Commissioner Wilson, thank you for being with us. We'll turn the time to you, sir.

**STATEMENT OF BEVAN K. WILSON, EMERY COUNTY
COMMISSIONER**

Mr. WILSON. My pleasure.

Chairman Hansen, Ranking Member and members of the Subcommittee, ladies and gentlemen, I come before you today as an Emery County Commissioner and as a native Democrat of Emery County. I appreciate the opportunity to testify on a matter that is of vital importance to all of us.

During the debate on the 1996 Utah wilderness bill, Senator Bill Bradley raised a question that is central to my discussion today. Senator Bradley asked, "How do we achieve a balanced, reasonable plan for conserving America's natural heritage while providing opportunities for economic growth and development across our public lands?" This is a question that we in Emery County have been pondering for over a decade.

The 10,000 citizens of Emery County live on tiny islands of private land surrounded by a sea of public land. Nine of the every ten acres are owned and controlled by government, either Federal or State. These lands not only surround us; they sustain us. Water is our most limited and precious natural resource. Every drop of water we use comes from public land. Ranching is our dominant agricultural enterprise. Much of the forage for our livestock comes from BLM or Forest Service land.

Emery County is the No. 1 coal-producing county in Utah. Most of our coal comes from Federal coal leases. Public land has always provided most of our recreational opportunities, and our growing industry is inseparably tied to those lands.

Public land issues have always been important to us, but they assumed a new importance during the BLM wilderness inventory process. Hundreds of local citizens attended public hearings and offered comments on the wilderness EIS. Since that time public land issues have occupied most of the county commissioners' time.

Suffice it to say, the commissioners and Public Lands Council met with numerous stakeholder groups, listened to hours of testimony, held dozens of meetings, and considered every conceivable land protection strategy before developing our proposal. I wish to make it clear that H.R. 3625 is our proposal. We are deeply indebted to the Utah congressional delegation for helping us express our wishes in legislative language.

What does H.R. 3625 do? First, it protects public land. It bans mining, logging, tar sands development, and oil and gas exploration on approximately one million acres. Some would have you believe that this bill somehow lessens existing protection. It does not. It protects lands now identified by the BLM as Wilderness Study Areas. It protects land in the center of the San Rafael Swell that are not identified as Wilderness Study areas. It provides specific protection to the Sid's Mountain Area, which is home to one of Utah's largest bighorn sheep herds.

Second, H.R. 3625 sets the stage for a tourist industry that respects the environment and local culture. It does this by blending

a National Heritage Area with a carefully selected mix of protective measures, including wilderness. Some paint tourism as the answer to all of southern Utah's environmental and economic problems, and wilderness as the ultimate tourist attraction.

I have no doubt that tourism will assume a growing importance in Emery County's economy. Emery County is pretty close to Utah's population center. A visitor from Salt Lake City can spend his entire vacation in Emery County without even having to purchase fuel locally. If we base tourism industry on traditional "windshield" tourism, we will have to attract a huge number of visitors because per capita spending will be so low.

We don't want to do that. That type of tourism would severely impact our public lands and compromise our cherished rural lifestyle. We hope to develop "value-added" tourism which will provide an enhanced experience to a smaller number of visitors. A National Heritage Area is a natural fit for that type of tourism. Protective designations, such as the Bighorn Sheep Management Area, also provides opportunities for sustainable tourism.

The Bighorn Sheep Management Area was developed in cooperation with wildlife managers and land managers primarily to protect the sheep and their habitat. The Area also provides unique opportunities for visitors to view bighorn sheep. Recently two Public Land Council members were explaining their concept to a National Public Radio reporter, while traveling through the Buckhorn Draw.

As if on cue, a herd of 13 bighorns moved out a gully, up a cliff face, and paused on top of a large boulder. The reporter was thrilled by his first encounter with bighorns in the wild. Guides and outfitters will be able to provide that experience to others, in perpetuity, if we adopt a plan that manages both lands and people. The bighorn sheep area is only one example of the sustainable, value-added tourism opportunities created by this H.R. 3625.

I repeat Senator Bradley's question, "How do we achieve a balanced, reasonable plan for conserving America's natural heritage while providing opportunities for economic growth and development across our public lands?" I believe that H.R. 3625 comes closer to answering that question than any proposal yet offered.

Emery County's public lands and its culture are inseparably linked. Our lands and culture have survived the rise and demise of free-range grazing. They have survived the uranium boom and bust. They have survived the roller coaster trend of the coal economy. The question yet to be answered is: Can they survive tourism and the service-based economy of the New West? Our challenges are great. We believe that H.R. 3625 will help us meet those challenges now and in the future.

Thank you for giving me the opportunity to testify.

[The prepared statement of Mr. Wilson may be found at end of hearing.]

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

We are honored to have Pat Shea, Director of the Bureau of Land Management, with us. Director Shea met with us in Emery County and has been very good to work with in this issue. We appreciate you being with us. We'll turn the time to you, Director Shea.

**STATEMENT OF PAT SHEA, DIRECTOR, BUREAU OF LAND
MANAGEMENT**

Mr. SHEA. Thank you. I would like to submit a written statement that was provided to the Committee.

Mr. HANSEN. Without objection.

Mr. SHEA. And I will summarize that testimony. I do think H.R. 3625 is predicated on a genuine local concern that is shared certainly by this Administration for preservation, conservation, and interpretation of invaluable national assets; and the San Rafael Swell certainly is one of those.

Indeed, many decades ago it was recognized as a area of great importance by my relatives who happened to help settle Emery County, and I should recognize that Bevan Wilson is a second cousin, just so there's no confusion here, and it's sort of nice and symbolic that we've got the two Republicans sort of book-ended by the endangered species, Utah Democrats.

I want to make a couple of points: The BLM does have two plans in place. One is the San Rafael Resource Management Plan, and the other is the Price Resource Area Management Framework Plan, and quite frankly, Mr. Chairman, one of the difficulties that we in the Bureau have had is how we try to reconcile those plans that are in place with the legislation. I don't say it's impossible, but we are still in the process of trying to do that, and much of my testimony will be focused on some areas of concern that we have.

We are pleased that the legislation recognizes I think a very valuable contribution that the Secretary of Interior, Mr. Babbitt, has introduced to the BLM process, and that is the Resource Advisory Committees. The RAC process I think has moved us away from the process of confrontation into recognized arenas of dialogue with each different group having a place at the table, to participate in that dialogue.

And so I think that is an important principle; although, consistent with Congressman Canon's agility, he has introduced in it a new concept, and I think we need to discuss that new concept very much up front and see how it can be reconciled with the 1964 Wilderness Act.

So instead of doing something inadvertently that results in litigation, I think we have an obligation to the people to deal with it directly, and if indeed we are trying to amend the Wilderness Act by this legislation, we ought to recognize that. If we are not, then we ought to make a clear declaration that we are not, but we shouldn't inadvertently slip into it.

No, it also creates or proposes a National Heritage Area, and we in the BLM certainly have had experience with National Heritage Areas, and we think they are very important models where the predominance of the land that you are dealing with is in private ownership. We don't think that that model necessarily has an immediate application where the predominant land is public land, as it is in the San Rafael Swell; not to say that there isn't something that can't be worked out there.

Now, we do think, again, because of the importance, and I would say the fundamental conservative nature of recognizing past legislation, namely the 1964 Wilderness Act; we believe as an administration that this bill inadvertently seeks to amend that Act, and

therefore the Department, the Secretary and I, would recommend the veto if this legislation was to become law. So I need to make that message very clear, that we in the present form would not be able to endorse this legislation and would recommend a veto on it.

Now, having said that, like I said, I hope we can find some areas of engagement, and certainly our meeting in Emery County and our going out to the San Rafael Swell was a step in the right direction. And I'd like to, for constructive purposes, mention a couple of things that, as the Director of BLM, I am more interested in trying to do.

You'll notice the map there has stars which are designated as Heritage Areas, under this legislation. What I would like to do is enter into a Memorandum of Understanding with Emery and Carbon County and see if we couldn't do a systematic survey to make sure that either under the existing framework, which I would point to as a San Rafael Resource Management Plan or the Price Resource Area Management Framework Plan.

We could provide the kind of protection—I don't think anybody disagrees that this area is vulnerable to an explosive growth in tourism and we need to have the infrastructure in there that allows to preserve those Heritage Areas. We just don't think we need to have the kind of legislation that's proposed, and reasonable people can disagree on that, but as an interim measure I would invite serious discussion and hopefully memorialization of that, of a Memorandum of Understanding, for a recognition by survey method of those areas for heritage designation.

I think within the bill itself, and I would point to section 105, there is not a clear delineation of what the relationship is between the Heritage Council, that is proposed, and the existing Resource Advisory Committee or the existing plans that have gone through the FLPMA process that is our organic Act.

We also don't believe that the bill was clear on how the two councils created under the Act would use or be obligated to use either NEPA process or FLPMA, and until there is clarity on that I think we need to be very cautious in this area.

I also think we are trying to, in some senses, back door the problem of the 2477 roads. On the map it says, "minor roads." Some of those roads are really river bottoms, and they may have been used as jeep trails, but I think the definition of a road is quite clear, and obviously that matter is being litigated, and I don't think we should by passing legislation attempt to—without clearly identifying the effort—to amend the law as to what a definition of a road is. And so we would respectfully request that the designation "minor roads" be taken off the map.

Let me try to use an analogy. My grandmother was a school teacher in Emery County, and she is the one that taught me how to make ice cream; and I remember as a kid always sitting there turning the handle and putting more salt on it because that was going to make it freeze up a little quicker.

And I would suggest that this legislation is a great formula for old-style, heavy cholesterol ice cream. I think we have decided for health reasons that perhaps old-style ice cream isn't always the healthiest thing. It certainly may taste the best, but I think frozen yogurt is a national standard, and I think we are obligated to stick

with the national standard unless we choose at a national level to change it.

And so, with all due respect, I come down on the side of frozen yogurt, and my friends from Emery County are proposed old-fashioned ice cream; and you are all are going to have to decide, and it's certainly within your power, under Article 1 of the Constitution, to amend it; but if you are going to set a national standard of ice cream, let's call it "ice cream." Let's not try to kid ourselves and say that we are really are serving frozen yogurt when it's not frozen yogurt.

So that may be an abstraction, but I think people of Utah will understand it, and I would be open to any questions you might have.

[The prepared statement of Mr. Shea may be found at end of hearing.]

Mr. HANSEN. Thank you very much for your testimony.

The gentleman from American Samoa, for a question to the panel.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I have been sitting here listening to the various testimonies, and without question, there has been a lot of issues brought forth for the Subcommittee's consideration, and a lot of times I think the members of the Committee are bothered by the fact that sometimes there are friends from downtown at the Bureau of Land Management who tend to dictate things from Washington, but never really have been out there in the western country to find out what it means to have cow manure under your boots or something of that sort.

And I'd like to ask Mr. Shea, as a native Utahan, you are quite familiar with this area that is being considered in this proposed legislation?

Mr. SHEA. I should also recognize that at one point in my legal career I represented Carbon County, and they sued Emery County over coal royalty disputes, and it was a sort of Hatfield and McCoy dispute, and it's a sign of the changing times that Mike Dmitrich, a known Utah Democrat from Carbon County, is now representing Emery County.

Mr. FALEOMAVAEGA. Mr. Shea, I notice in your statement that you made an interesting observation about the proposed legislation, that basically the provisions and the concept underlining the proposed legislation is in reference to how we deal with wilderness areas among the eastern seaboard States, where privately owned lands are predominant, and the futures of how we do this federally in terms of resolving some of the problems.

And you are suggesting in your statement here that the basic rudiments of this legislation really touch on the concerns of private landowners without touching on the fact that major portions of the State is federally owned land. And I think we go back to this same issue that I know that our good chairman has been very concerned about is the fact that so many of our western States are owned practically by the Federal Government, as opposed to so many of our eastern States who don't have this problem of Federal ownership.

And I noticed also in your statement that when it comes to federally owned lands, you are talking about all of America versus the State of Utah. And our good friends from Utah are saying, "Look, the place is in our State. Why can't we have an approach where there is a balanced approach to development as well as preserving the environment?" I think this is basically where we are at.

And my good friend Mr. Cannon proposes, hopefully, a balanced approach. I noticed that Senator Bennett commented earlier that the provisions to this bill is in compliance in his opinion—in compliance with the provisions of the Wilderness Act of 1964. Would you care to comment on that?

Mr. SHEA. I respectfully disagree. Again, I think what we are trying to do in designating some portions of it as semi-primitive and then making exceptions as to mechanical or mechanized use of the wilderness area, we are inadvertently or indirectly amending the 1964 Act. So I would respectfully disagree.

Mr. FALEOMAVAEGA. I also noted in your statement that you did list several of the current Federal enactments: the Archeological Resources Protection Act, the Clean Air Act, the Endangered Species Act, the NEPA, the FLPMA, the Environmental Impact Statements, whatever else that is thrown in there.

Now I noticed Mr. Cannon's bill does note those Federal laws, and in your statement you suggest that it doesn't put enough teeth really in saying whether or not these Federal laws can fully apply to the proposed bill.

Am I wrong in—

Mr. SHEA. No, you are correct in that. I think, quite frankly, that's probably one of the most difficult problems Congress faces today is finding ways with new legislation, like Mr. Cannon's, as to how it relates to past legislation. And that's why I said I really felt my testimony was a fairly conservative statement, because it does seem to me a very important, conservative principle that you don't invent something entirely new. It has a relationship to what preceded it, and in this bill that's unclear.

Mr. FALEOMAVAEGA. Now, as I recall, three or four years ago I personally attended, along with my good friend from New York, with Chairman Hansen—we had a field hearing in Salt Lake City on the proposed rule in this bill that the chairman then introduced. And I was under the clear impression that the Bureau of Land Management is supposedly working very closely with the various factions in Utah, politically, socially, economically.

And where are we? I mean, why the continuation of the problems that we are faced with? This is about the fifth bill that is being introduced now in trying to resolve this impasse. In your honest opinion, is the Bureau of Land Management, with all its resources, sincerely trying to resolve this with the leaders of Utah?

Mr. SHEA. I believe it is. I think one of the frank problems we have in Utah is that when people indicate that everybody has been invited to the table, that may be an accurate statement as to a portion of the meal, but they're certainly not there for the preparation of the meal.

And I think it's important to recognize, from the BLM's perspective, that if you are going to have a guest, they have a right, I believe, under the Federal Constitution, to participate not only in the

dessert or the main course, but also in the preparation. And I think it's in the preparation where there has been an absence of representation.

Mr. FALEOMAVAEGA. I also noticed that you commented about the two management plans in place by the Bureau of Land Management with its current efforts to deal or address these two basic areas, the San Rafael Swell. May I ask you: Was there an Indian name in place before the Spaniards came into this place?

Mr. SHEA. Undoubtedly there was. Unfortunately, at least the pre-European entry into North America name was never captured, so undoubtedly the natives at the time had a term for it, but I don't know that we in the modern era know what that term was.

Mr. FALEOMAVAEGA. Mr. Chairman, do you think there will be a problem that we can introduce a bill to change the name San Rafael Swell to the real true Native American name that it should have designated? I am just curious about that.

Mr. Chairman, I know my time is up, and I'll wait for another round. Thank you.

Mr. HANSEN. Gentlemen, thank you.

The gentleman from Utah, Mr. Cannon.

Mr. CANNON. Thank you, Mr. Chairman.

You know, I can't help looking at this group and being struck by a fact. On the wall in my office somebody has posted a joke that appeared in one of the offbeat Utah papers that had a sign saying, "Entering Utah. Next Democrat 436 miles." And yet, three-fifths of this panel is Democrats, and maybe the most remarkable thing is I think we can both characterize everyone on this panel as our friends. It's an interesting fact.

I have to apologize, Randy, about infecting people with San Rafael because that's my problem, and it's not that I don't know that you say "San Rafael," but having spoken Spanish for some period of my life, I just fall into that pattern. It reminds of where my daughter is going to school in southern Virginia, at a town where most westerners would pronounce it "Buena Vista" but, you know, when two vowels go walking, the first one does the talking. In Virginia, at least, they call it "Buna Vista" down there. The town is famous because that's where statewide apparently campaigns in Virginia begin with regularity.

Let me begin by commending the panel. I appreciate the efforts that have gone in. I would like to point out that ice cream is not yogurt. They are two different things, and you can enjoy them both, if you like yogurt.

[Laughter.]

Let me begin by asking some questions, and there's one other thing I wanted to say just as a matter of preparatory comment. I believe it was the Deseret News recently, Pat, you talked about dominion and stewardship; and frankly, that is what I would—you also referred to yourself as a conservationist, which is something I—I view myself as that—and frankly, I believe that if we can move forward in the context of weighing the concepts inherent in those three words: this is, dominion, stewardship and conservationist; I think we can make some progress.

And frankly, I appreciate the clarity of your response to the bill and hope that we can have a continuing dialogue. You know, one

of the things that just concerns me is the continued reference to the fact that not everyone was invited to participate in this process. I am not sure that if we asked the county commissioners who were reaching out to people or you, Mr. Chairman—I am inclined to ask you why you think people weren't involved, because I know of many, many outreach attempts to everyone that has an interest down there.

I am not sure that all of them decided they wanted to come to the full dinner or even the preparation, but why is it you think that people were not involved in this discussion or involved in only a limited way?

Mr. SHEA. Certainly, on my time in Utah, most recently when we were in Carbon and Emery County, I had discussions with people, particularly from the conservation community who were not part of the preparation, didn't know about the preparation. At a point at which it had been formulated, they were then invited to make comment and, quite frankly, didn't feel they were welcome at the table, but were going through somewhat of a formalistic "now is your 5 minutes to make a statement on it," and then, "thank you very much."

Now I want to quickly add, and I specifically want to address the three county commissioners, I think there's a real potential for a continued reaching-out process. And I think Governor Leavitt and the Utah delegation have made an effort in that direction, and I don't think we're back in 1992 and 1994 or 1996. I think we are making some progress, but there needs to be a chance for the Southern Utah Wilderness Alliance, for the Sierra Club, for other folks who, quite frankly, a few years ago were not entirely welcome in the area, to be engaged in a discussion on this.

Mr. CANNON. Are you familiar with the attempts by the Commission and by me to involve those two particular groups that you've referenced?

Mr. HANSEN. Could I ask the gentleman to suspend? Could I ask unanimous consent that the Governor of the State of Utah be allowed to sit on the dais? Is there objection? Hearing none, so ordered.

Back to the gentleman.

Mr. CANNON. I think I missed my time again, but are you referring particularly to the SUWA and Sierra Clubs, and are you familiar with our attempts—my attempts and the county commissioners' attempts—to draw them into the discussion?

Mr. SHEA. Congressman, as we were bouncing along the road to go out to the Swell, you described for me the details that you had had as an outreach, and I certainly then and now commend you for that effort. All I am saying is that as the process was initially being formulated, there needed to have been more participation than there was.

Mr. CANNON. Let me, at the end of my time, just ask—read a quote and ask—it may not be our fault that they were not at the table. SUWA ran an article in the May 30, 1994 issue of High Country News which stated that, "SUWA is unwilling to negotiate the issues, and the SUWA steers clear of consensus." Moreover, the ad encourages the use of lawsuits over consensus-building or advi-

sory committees, yet even states that "if this allows our critics to label us as extremists, then we are extremists."

I mean, is it possible that we are never going to be able to draw the Southern Utah Wilderness Alliance into this discussion?

Mr. SHEA. It's certainly possible. I don't think it's likely.

Mr. CANNON. In your mind will that be the end of the discussion? In other words, can this one group hold up any progress any progress in public lands in Utah?

Mr. SHEA. No.

Mr. CANNON. Thank you, and I do have some other questions on the next round.

Mr. HANSEN. We'll have another round. I'll deviate from the questions at this time, and we'll call upon the Governor of the State of Utah to give his presentation.

**STATEMENT OF HON. MICHAEL O. LEAVITT, GOVERNOR,
STATE OF UTAH**

Governor LEAVITT. Thank you, Mr. Chairman. My purpose today is to speak in support of the San Rafael National Heritage and Conservation Act. This is consistent with what I have believe was an important process question for us, and that we have been talking about these issues related to public lands and wilderness now for more than 20 years, and we are making very little progress.

I have called upon the citizens of our State to recognize that the most important thing that we can begin to do is to begin to agree on what we can agree on, and there are some important areas on which I think we can agree.

I have been advocating the idea of using an incremental approach. There are large tracts of wilderness that I believe everyone agrees upon, and I would very much hope that we could begin to make wilderness. This would not be all the wilderness that is necessary. There is still a broad debate on how much and where it should be, but there is at least 250,000 acres on the table here from a community-up effort that's being offered as agreement, and it's my clear view that we should continue forward.

There are some other very good ideas in this initiative that I am impressed with. The whole idea of being able to create the reserve for the bighorn sheep is a very exciting idea. I've got a prepared statement. In the interest of time, I'd just like to submit that and I'd like to respond to any questions that you would like to direct to me, but my purpose is to be here today to express my enthusiastic support for moving forward on things on which we can agree.

There are some very good innovations here that we should be taking very seriously.

[The prepared statement of Governor Leavitt may be found at end of hearing.]

Mr. HANSEN. Without object, the entire testimony will be included in the record.

I'd ask the members of the Committee, as they direct their questions, the Governor is willing to respond to questions as well as the panel which is before us at this time.

I do appreciate your opening statement, Governor, and basically I feel that the legislation that has been put forth by Representative Cannon basically fills the need that you were talking about years

ago as far as an incremental approach to this problem. This is a step into it.

It does not resolve all of the wilderness areas on BLM. It doesn't even come close, but it starts the process moving in a very creative way, by the people of Emery County and the good work of Senator Mike Dimitrich in the Senate and the House. So I really think we are on the right track at this particular point.

Of course, here we are to work out the details and see if we can come up with something that would be constructive. We'll have another round because I understand Congressman Cannon wants another round, and we'll now turn to our friend from New York, Mr. Hinchey, for any questions he may have for the Governor or the panel.

Mr. HINCHEY. Thank you very much, Mr. Chairman. I would like to join you in welcoming Governor Leavitt. It's such a pleasure to see you once again, sir. It's always a pleasure to have you here with us.

I have no particular questions to pose to the Governor at this time, Mr. Chairman. I do have an opening statement that I would like to make at whatever time you deem that to be appropriate.

Mr. HANSEN. The gentleman is recognized for his opening statement.

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

Mr. HINCHEY. Thank you very much, Mr. Chairman. I'd like to begin by saying that this bill demonstrates that there are some things I think on which we can all agree. We can agree that the lands covered by this bill are worthy of protection for their natural characteristics, not for their exploitive value.

We can agree that their economic future lies with the uniqueness of the land and its importance to the Nation, and we can agree that they are not ordinary places, not simply leftover lands deserving of obscurity.

Perhaps most importantly the very basis of this hearing is the recognition that these are Federal lands and therefore owned by all the American people and lands that all the American people have a legal and financial interest in and that they should have—

Mr. HANSEN. Could I ask the gentleman to briefly suspend? I think we have a group of students who are interested in watching this. Why don't you youngsters come up and just use this bottom tier here, if you would, and we'd be just pleased that you could join us for a few moments.

I appreciate the gentleman from New York's courtesy in suspending his statement at this time.

Mr. HINCHEY. Certainly.

Mr. HANSEN. Just walk all the way around and we'll probably get most of you on here. If you would like to sit down in those chairs, we'll take as many as we can. Now you'll all be graded on this, so take good notes, will you?

[Laughter.]

Thank you, gentleman from New York, for suspending. We'll turn the time back to you, sir.

Mr. HINCHEY. Thank you very much, Mr. Chairman. I was saying that these are lands in which all the people of our country have a deep legal and financial interest, and they are lands in which, as they come to know about them, I believe we'll have an even deeper interest in as well.

The premise of the bill that we have before us, which I think is a very creative piece of legislation, is that these lands are deserving of a special status and distinction in the national arena, worthy of the attention of all Americans, and I certainly very strongly agree with that idea.

However, that brings me to my first concern about the bill. We've been hearing quite a bit in the Committee in the past two years about the importance of consultation on public land issues. Yet the bill was apparently put together very quietly and developed as if the lands were only of local interest in Emery County.

The owners of the lands were not consulted. The bill was introduced just as the House was going into recess three weeks ago. Yet markup has already been scheduled. It would be hard for me to think of a bill as complex as this that was rushed through the Subcommittee process as quickly as this one has.

Nevertheless, I am glad that various people will be here today to comment on the broader national interest in these lands. I will keep my own comments on that subject.

First, Mr. Chairman, you know of my strong interest in Heritage Areas, and I am pleased to see the idea being applied in the West as it was with Cache La Poudre. It is a further demonstration that the interests of the East and the West in such programs are not as different as some would say they are.

Throughout our long discussions of Heritage Areas, both before you began chairing the Subcommittee and since, Mr. Chairman, you have rightly emphasized that Heritage Area proposals must fit certain criteria, such as prior study by the National Park Service, and that a Heritage Area designation must serve a national interest and not simply the local, economic interest. I hope consideration will be given to how those standards apply in this particular case.

Secondly, I am concerned about some of the terms of the special management areas proposed under the bill. I know, for example, that very little is said about how the "National Conservation Area"—that phrase I put in quotes—will be managed, only that it will be managed by an advisory committee whose membership will be almost exclusively composed of Utah residents.

Fond as I am of the many friends that I have made in Utah over the last several years, I must say again that these are lands owned by all the people and that all the people will be footing the bills, but they will have little representation on this committee under the provisions of this legislation.

I am concerned about the Bighorn Sheep Management Area. I wonder whether it makes sense to manage an area for the protection of a single species. My broader concerns about these areas concern their purposes.

The first purpose stated for the conservation area is to concern the resources for future generations, and again, of course, we can agree on that; but it's a broad statement. What are the resources

involved? Is there a conservation for the future compatible with the other stated purposes, such as ORV use for example?

As you would probably expect, I am leading up to my concerns about how the bill treats wilderness. It states several purposes that seem to be the same purposes as wilderness designation, but it severely restricts such designation. By my calculations, it would designate even less area as wilderness than the bill you withdrew from consideration over two years ago, Mr. Chairman.

It would end protection for 140,000 acres that are currently Wilderness Study Areas, and I think that is a very important consideration indeed. Its provisions on road claims would effectively foreclose wilderness designations on much of the area in question which in my judgment would defeat the goals of conservation.

In the past two years I have heard you and others praise wilderness, and I have heard Governor Leavitt praise wilderness, but it still seems that the goal is to reduce the supply of this precious commodity to the smallest number possible. As you know, I believe we have too small a supply of wilderness lands in their natural state as it is, and I believe we should make the strongest effort possible to preserve the wilderness we have.

I have spent 18 years working to protect the remaining wilderness in my home State, and I am committed to protecting the wilderness that we all share ownership of, wherever it may exist across the country. I believe a large percentage of the lands covered by this bill are eligible for wilderness designation and should be protected as wilderness, instead of trying to develop various new kinds of land management categories that fall short of wilderness designation. I realize full well that many people fear the word "wilderness" and resist designation because of those fears.

The same was true when we were designating wilderness in New York a century ago, but you might take the opportunity to put those fears to rest by sharing all the eloquent comments that you have made about the value of wilderness during our discussions of your eastern wilderness with the people of Emery County. That might help to bring us closer to a resolution on the future of these lands and help to educate the whole country on why these lands truly are worthy of national interest.

And although I think the bill is an interesting and creative exercise, particularly in the way that it seeks to employ the designation of national Heritage Areas; I think that unfortunately it falls far short of what we ought to be doing as a Committee and as a Congress with regard to exercising and expressing our deep respect and appreciation of the uniqueness of this particular part of our country.

I thank you, Mr. Chairman, for allowing me that opportunity.

Mr. HANSEN. Thank you. The gentleman from Minnesota, is recognized for questions for the panel, opening statement and questions to the Governor.

Mr. VENTO. Well, thanks, Mr. Chairman. I regret that I was not here earlier to begin the hearing, but I had other commitments. I appreciate and acknowledge the presence of the Governor and the work that has been done on this proposal. I am not very familiar with it, but I understand that the management entity that's included in the bill in terms of management of the national lands is

such that it does not have significant representation or at least majority representation by the Department of Interior at the BLM. Director Shea is here. I acknowledge his presence, and that's a concern. Is it not, Director Shea?

Mr. SHEA. You are correct.

Mr. VENTO. I think the—you know, the idea of—in terms of dealing with wilderness measures in the past, we have in fact tried to have special I guess for the Forest Service to have some national recreation areas and deal with these in a different way in terms of trying to provide or accord some protection in addition to the wilderness protection; and I think that his bill tries to mix that with the BLM in this BLM area and doesn't embrace the entire State.

This only addresses what portion of the State and Utah, Governor, is this about—this I know is three counties—is this about a quarter of the issue at hand in terms of the 20 million acres of wilderness the BLM that lands that are present?

Governor LEAVITT. I can't give you an exact percentage. It may be even be a smaller percentage than that.

Mr. VENTO. I am just trying to get an idea—

Governor LEAVITT. The important thing is it's progress.

Mr. VENTO. Director Shea, has the BLM done some studies with regards to the National Conservation Area or with regards to a Heritage Area in this, which of course is an entirely different entity than wilderness? I know there have been some wilderness studies, but has there been any analysis or any type of formal study of this process?

Mr. SHEA. We have two plans in place, as I mentioned earlier: the San Rafael Plan and the Price Plan, but we were not involved in the formulation of this legislation, and one of the things I suggested, particularly on the heritage side, is I do think that there is a great deal of administrative flexibility to do a survey between BLM and the people of Emery County and Carbon County to look at the heritage side.

On the conservation side, I think you're absolutely correct that we have a problem with trying to say this is wilderness but it's not quite wilderness under the 1964 definition, and my earlier statement was that I think Congress has the power to legislate whatever way they want, but for purposes of clarity if it in fact is wilderness area; they ought to comply with the 1964 law or amend it specifically.

Mr. VENTO. The issue here of course is that there has been—do we have any ACECs? Is there any other land designations in these areas that are already present or not?

Mr. SHEA. There is one in the near area. We are proposing that an NCA is part of this bill. The original proposal was for 890,000, and this covers 630,000.

Mr. VENTO. Well, I think that, Mr. Chairman, most of the time we would try to get some analysis I know on the formal bill that we had with Heritage Areas we actually had had some provision that provided for some money to try and get some parameters around the type of Heritage Areas that we are talking about.

Of course, that addresses, as the Director has pointed out, areas that are largely private land. How much private land is involved in this entire complex that we are talking about, this million acres?

Mr. SHEA. There is none in this—well, it's 630,000 acres.

Mr. VENTO. There is no private land at all?

Mr. SHEA. There are school trust lands and State trust lands, but there are no private lands.

Mr. VENTO. Currently, the management entity that—the idea of putting that in place was because there was substantial cross ownership of land. Is there a significant amount of State land in here?

Mr. SHEA. Not a significant amount, but there is some. I did point out in my testimony that the conservation areas were traditionally where the predominant nature of the land was private and that this was unusual here.

Mr. VENTO. Now I noticed that, but I was just wondering what the amounts were that we're trying to address. So I mean, the issue, Mr. Chairman, is, you know, not only that, but I understand that this anticipates a trade out of the school sections, this legislation does, so then it would be practically exclusively national land. Is that correct?

Mr. SHEA. Yes. If you could direct your attention to the map over there, the white portions of the wilderness areas, both the dark green and the light blue, as I understand it, are either State trust lands or school trust lands, but in the exchange process, which in my reading of the bill is not clear as to what process we would use for that exchange, then it would become solely Federal.

Mr. VENTO. Let me just conclude by saying, Mr. Chairman, that I'll study the bill more carefully, but I think that if it is a start of a negotiating position I guess it's fine. In terms of how we are going to deal with—in other words, segmenting and trying to deal with issues that we can deal with and agree upon, but obviously there are a lot of changes from what is a Heritage Area and what are National Conservation Areas.

I understand that the conservation area is all Federal except for the State trust lands, and the Heritage Area encompasses all Emery and Carbon Counties and includes private lands as well. So, I don't know how we can sort through it, but if the Heritage or Conservation Areas can help in terms of—obviously, your bottom line is hard relief.

Mr. HANSEN. I think it's a little sad that the two gentlemen from Minnesota and New York—I know you are very busy, as we all are, but you've missed some great testimony explaining many of the questions that you've brought up from this panel and also from Senator Bennett and Senator Dmitrich.

Let me point out, this is a very unique approach. This is one that will take you to an historic area, a legendary area, and turn it in to a way to handle this for its best protection.

Questions come up by many of you as to how many acres we are putting in this. Let me point out, if you take wilderness, semi-primitive, bighorn sheep, ACEC, and other areas under protection, this H.R. 3625 comes to a total of 987,651 acres. Compare that to BLM's WSA, some 497,940, or what BLM recommended. What they recommended at one time that we do was 473,000. Now take H.R. 1500, that our former friend from Utah will be talking about, of 1,173,494. So they're very comparable, and the issue would be something they call Sid's Mountain—Sid's Mountain in this area

where wisely I think these folks are trying to determine a way to propagate the bighorn sheep.

So I can't imagine anyone saying, because no one really here can give us a good definition of wilderness anyway, why wilderness is more important when you are taking an area, making it kind of a quasi-wilderness and turning it into something where there would be areas for bighorn sheep which would require sometimes an entrance or helicopters and what these folks call "guzzlers," which is kind of an evaporation process, so they can have some water.

Mr. VENTO. Well, Mr. Chairman, I didn't even mention the size of the wilderness. I was just talking about the management structure—

Mr. HANSEN. Surely. I understand.

Mr. VENTO. [continuing] proposed and how much land there was. Obviously, we can disagree about how much ought to be declared wilderness or the definition of the wilderness, but the issue is whether or not—you know, how it was going to be managed is obviously important.

The point is we are taking a million acres and taking the Federal Government completely out of the management of it, and the guidance is going to be completely the legislation. It becomes very important. In fact, you have hard release. You have other factors involved. I guess I did mention them, that tangentially are referred to it as wilderness, but six out of the eight wilderness areas designated by the bill have less acreage than was included in your initial bill, as an example.

So there are some changes, and obviously, I understand that this mix—I am willing to look at mix in terms of conservation areas. It's a way to an end, but the question is, where do we—you know, I think in terms of how it's going to be managed and whether or not there will be future opportunities to readdress the question. I understand you want some certainty.

Mr. HANSEN. I appreciate the gentleman's comment. I'll recognize myself for 5 minutes now.

Mr. VENTO. Well, that's all I have—

Mr. HANSEN. Let me, if you'll give me 5 minutes, let me point out that I think the gentleman from Minnesota said it correctly. It is a mix. What we are talking about here is a very creative, innovative mix. That's what we are looking at and how we can come up with these things.

I think all of the issues that were raised by Director Shea and others are pretty legitimate issues. I would like to respond some of them, if I may.

Director Shea pointed out the idea that this doesn't really follow the wilderness criteria for the 1964 Act. With my friend from Minnesota, we've labored through many wilderness Acts, and I don't mean to put the Director on the spot, but I really don't think you can name a single wilderness area that we've worked on that doesn't deviate from the 1964 Act. As you aptly pointed out, Congress has the prerogative to make those changes.

Go to the California Desert Protection Act, which is probably the single biggest wilderness in the Lower 48 since the Utah 1984 Act, both of those deviated. The one we did on the Arizona strip deviated. The one we did in Wyoming that Dick Cheney carried, that

deviated. They all deviate because I don't know how we can practically make it that we don't see a deviation.

Director Shea pointed out that the boards were not represented. I would like to point out that we've done that all over America. Every Park Service I've worked with, and as you know I work with all 374 units of the Park Service; every one of them deviates somewhere, and every one of them has an advisory council.

So, my friend from Minnesota pointed out that this one would be handled entirely by the local folks. It doesn't have to be that way. That's not set in stone. I think, and I agree with you, we could change that around. We could put SUWA, the Sierra Club, and the Cattlemen's Association on them, for all I care. We would come up with an advisory council that could work. I don't see where we'd have any problems with that.

The other issue that Director Shea brought up, if I may look to an answer we've come up to, is the concern about applying a Heritage Area concept to public lands. I don't know if that's accurate. First, there is currently operating a Heritage Area in the Four Corners area. Although not federally recognized, it does cover almost exclusively public lands and the local governments from four states that help manage the Heritage Area, and they do a great job.

Moreover, we currently have 13 federally recognized Heritage Areas in this country, and all of them involved the participation of the Department of Interior and are structured almost identically to what these men right here came up with—almost identically. So I thought, when I first looked at this, that these county commissioners, Senator Dmitrich, and the people that worked on this had followed that as their skeleton. Maybe they fleshed it out a little differently, but it looked to me like they followed it identically.

So I have a hard time buying that idea—the local and State government could do a great job on their own. Now they're kind of just reaching to BLM for a viewpoint.

To say that there wasn't participation in this thing, I mean quite a few months ago these men asked me to sit down there in Ruby's Inn and look at this. I understand they gave the same thing to some of our environmental groups.

As my friend from the third district points out, a lot of these groups have elected not to participate. Over my 18 years in Congress, most of them would. In 1984 they did, but since that time, and Mr. Cannon has pointed out, some have agreed they don't want to participate. In fact, here, as it says right here in one of these groups, "while one advocacy group steers clear of consensus efforts."

I would ask that this be included in the record. Any objections? So ordered. Thank you.

[The information referred to may be found at end of hearing.]

Mr. HANSEN. And this is a plan of how to get people out of the area and direct them.

Also, on the order of 2477 roads, I don't see where this circumvents this at all. These are called minor roads for a reason, and they purposefully avoid RS 2477 fights. The assertion that was in the testimony, I can't go along with that.

If the administration will not support any wilderness designation that includes roads and wilderness areas—well, I won't go into that

because I see my time is going to end in a hurry, and I know you folks have some other questions.

But I would like to, with your permission, Director Shea, I would like to give you some questions to followup on this, if I could, and I would appreciate a response as rapidly as we could, because my friend from New York is right, we would like to move this legislation.

[The information referred to may be found at end of hearing.]

Mr. HANSEN. It's not as if we did this in the dead of the night, I mean this is kind of a repeat of what we've done for years and years around here. You can pick up on the 1984 wilderness bill, the 1.4 that the legislature of the State of Utah came up with, the 2.1 that Enid Green Waldhotz, or Green now, came up with the other pieces of legislation.

This is a kind of a repeat of those, but an extremely creative idea that is brought about by the people from the area of Carbon and Emery, and I have looked at a lot of pieces of legislation in my years here. I have rarely seen one as creative or as interesting as taking this compilation of a lot of ideas, putting it together to protect the land and this truly does and is extremely close to the wildest, most extreme position in protection. This one comes as close as any that I have seen.

We have asked for another round, and the gentleman from American Samoa is recognized.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Again, I would like to offer my personal welcome to Governor Leavitt for his presence and certainly for his insight and some of the helpful suggestions that he has offered, hopefully, to find some solutions to some of the difficulties that we have with the proposed bill.

Since we've been talking about lunches and dinners and yogurts and ice cream, I like both yogurt and ice cream, except when you eat too much, you get sick. I think I was struck by Governor Leavitt's earlier suggestion that we find the concept; and I think, Mr. Shea, you've indicated that you support the concept of an incremental approach to this problem that has been there for years and years and years.

And I wanted to ask Mr. Shea: What would be the administration's position if you were to go through—and, again, I noticed in your statement, you support the concept that the proposed bill has given—what would be some of the areas—perhaps incrementally—and maybe we don't find a whole loaf or a half a loaf or a third of a loaf—but get something moving so that we could all agree upon and get it passed? Rather than trying to ask for the whole loaf, can we work something that is digestible or feasible for both, especially for these members on this side of the aisle and certainly for the administration?

And I wonder if we are working on some kind of a deadline, that we really, truly make a sincere effort to go through some of these areas, that perhaps our friends from the administration could give some constructive suggestions on how we can move this legislation forward, and certainly with the consensual approval or support from this side of the aisle.

Mr. SHEA. No, I certainly think, and the chairman and I have had a number of conversations where the incremental approach has been a focus of those conversations. I think Congressman Vento's question, however, about the level of analysis that we've been able to do is a very valid one.

And just to go back to Congressman Cannon's point that he likes ice cream but doesn't like yogurt, I, like you, like both, but I think we need to have enough analysis to really be able to say, "Is this ice cream or is this yogurt or is some new blend?," and not to say that a new blend wouldn't work.

I mean the chairman was very correct, that every time this Committee has gone through a wilderness proposal there has been a specific recognition of how it was going to be at variance with past legislation on the wilderness question. I am simply suggesting in its present form there is not the clear-cut recognition of how this is varying from those other wilderness proposals.

Mr. FALCOMA. And I want to thank the chairman certainly for his initiative in inviting our appropriate leaders from the local areas, not only the residents and constituencies who are directly affected by the proposed bill, but we certainly appreciate their testimonies this morning.

And now after hearing from you, Mr. Shea, I sincerely hope that we do make a mix on this and that we do seriously apply Governor Leavitt's offered suggestion that perhaps by incremental approach that maybe we can resolve some of these problems.

Thank you, Mr. Chairman.

Mr. HANSEN. I thank the gentleman. The gentleman from Utah, Mr. Cannon.

Mr. CANNON. Thank you, Mr. Chairman.

I want also to thank the Governor for being here. And, in fact, if I could just take a moment to sort of indicate some of the origins for some of the ideas here—I mentioned earlier the county commissioner has done a great deal of work on this, but the Governor, of course, came up with the idea of an incremental approach, an approach to see if we could find areas where we agree, and that was the father in many ways of this idea.

In addition, Mr. Hinchey, I want to thank you for your work on the National Heritage Areas because I think that's an important element that we're trying to build into this process as well.

And I think I would be remiss if I didn't point out that my predecessor, Bill Horton, was a large—a big proponent, a very articulate proponent of National Conservation Areas. Take all of those ideas together and we've sort of built to get to the point where we are right now.

Going back to the questions, we were talking about the outreach that we've done. I'd like to point out that I spent time speaking with Ted Wilson about this project. Ted is a member of the board of directors of the Southern Utah Wilderness Alliance. I have spoken with people from the Sierra Club and a large group of people from the Sun-Utah Coalition, who visited me in my office, about how important this process was and how they should get involved. So I know that we've had other conversations; those are just some that come to mind. We've done some serious outreach.

Perhaps the county commissioners would be so kind as to discuss how they have reached out to draw in members of various groups into this discussion.

Mr. JOHNSON. Well, Congressman, one of the, shall I say, scariest aspects of getting this bill into this process has been that we in Emery County felt that we needed to introduce the concept and then build it from the ground up, and what that means is that we've taken a considerable amount of criticism because when we start talking with people about it, they say, "Well, you haven't mentioned this, and you haven't recognized that, and you haven't done this," but the point is we didn't want to do that all by ourselves in some little room.

We wanted to come up with the concept and put it out and draw groups into the process and build as we go, and that's exactly what we are still doing. We started by introducing this concept to the Governor and to our delegation members, and then branched out to the managing agencies of the area. We have gone around to cities and communities and water companies, and we have had an open and active invitation to all the environmental groups to join us at the table and help us literally construct this bill as we went along from the ground up.

And we are still in the process. I am a little uncomfortable with what has been said here about the management of it. I think it's clear that we want the Federal agencies to continue to manage these lands as they do now, but under the umbrella of this bill, and our boards that we are suggesting would be advisory boards in which the locals simply have a voice in defining the management, not in controlling the management of those areas.

So the point is that we have invited and been open to having every conceivable stakeholder take a part in putting this puzzle together, and we still remain that way.

Mr. CANNON. Have you reached out particularly to the Southern Utah Wilderness Alliance, the Sierra Club, and other groups like that?

Mr. JOHNSON. We have, sir.

Mr. CANNON. Can you give us just a little discussion of how you have done that?

Mr. JOHNSON. We made specific invitations to the Southern Utah Wilderness Association, which, you know, basically at the time encompassed most of the groups that dealt in southern Utah lands. We have had conversations since then with specifically Sierra Club, as well as the Grand Canyon Trust and other agencies that we felt would have an interest in those lands, and have made specific invitations to join us in the process.

Mr. CANNON. Thank you. Pat, you want to say something?

Mr. SHEA. Yes, I think there's a great solution here that Senator Dmitrich could support—is have Ted Wilson, who is running for the State Senate, get elected and then we can have another known Democrat help the Emery County people come up with a proposal that will work.

Mr. CANNON. Who is Ted running against? I am debating here whether we could pitch in support if you'll make him the spokesman for the environmental consortia that——

Mr. SHEA. Well, he certainly has one of the best records and I think would bring a lot, and frankly, that's one of the things we are talking about, is getting people like Ted involved in this process in a more direct way.

Mr. JOHNSON. We specifically asked Mr. Wilson on many occasions to join us, and he has expressed a considerable amount of interest in this process.

Mr. CANNON. Just two quick things: You mentioned a news article with some constitutional questions. Could you have someone put together that in a memo, so that we can integrate that, those concerns into the bill?

Mr. SHEA. Certainly.

Mr. CANNON. And second, one of the things that I'd appreciate is, if you would take a look at the map or have your people do that and identify those minor roads which you don't feel arrive at even that level, we'd appreciate being able to look at those in particular as well.

Mr. SHEA. We certainly will do that, and I would like, and have been asking the staff to get prepared, to have some Memorandum of Understanding with Emery and Carbon County to do a more systematic survey of the Heritage Areas because I think many of these would qualify, and there may be some additional ones.

Mr. HANSEN. The gentleman's time is up. We've got two other panels to go, so I am going to hold my two colleagues to 5 minutes, if you would, please, and then we'll move to the next panel. The gentleman from New York, Mr. Hinchey.

Mr. HINCHEY. I'll be very, very brief. I just want to say again that I very much appreciate the constructive atmosphere in which this legislation is being proposed. I think it offers an opportunity for us to look at this area again very, very carefully and closely.

My basic opposition, my basic concern about this particular issue is simply this: Beyond its creativity, beyond the use of Heritage Areas and beyond the constructive spirit in which I think it is offered, my concern is simply this: that if this bill were enacted, there would be 140,000 acres which are now in Wilderness Study Areas which would no longer be afforded that kind of protection.

I think that the area covered by this legislation contains within it large sections which ought to be designated as wilderness, and in that sense I think the legislation falls far short.

Mr. HANSEN. Thank you. The gentleman from Minnesota is recognized for 5 minutes.

Mr. VENTO. Thanks, Mr. Chairman.

It's fine to—and in looking at this, obviously, in the wilderness areas that are designated not to—obviously, recognizing there's a different mixture of wilderness and national conservation and the Heritage Area designation, one of the things that obviously is a little confusing is that you've got stacked on top of one another, on top of national land, I might say, different designations, and I deal with that all the time.

That obviously means that we're talking about in each case different pancakes in this stack in terms of how it affects what happens with the management of the land in this instance. And I haven't looked at this as thoroughly, obviously, and studied it as

carefully as I should, I admit, but in terms of the wilderness, you've carried over all of the many limitations which are unusual.

And I mean, I grant you that in each wilderness action that we've done, a statewide wilderness plan for Wyoming or for the Forest Service in Utah, for that matter, we've had differences, but you have a long list of changes here that engender problems, including the county land de-classification to RS 2477-like protection. Anyway, it engenders that whole issue.

And I would just suggest that if you want to solve a problem, the best way is to try to not solve all of them. You want to deal with the issue. Don't try and solve all of these problems in wilderness in this particular issue—besides the hard and soft language or whatever unique language you have here.

As I look down the list, there are quite a few in terms of—some are less controversial than others to be sure—but, you know, just like the mandated Federal purchase of land, I am not objecting to that so much. I think I could, but, I mean, some of the others in terms of including language on grazing when it isn't really necessary, I don't think there's any risk to this.

You know, are you concerned about communication towers in wilderness? I mean, I think you go through all of this list because I think that complicates the matters. Now, on the various—you know, you referred to this as advisory in terms of the Heritage Area group, and it is up to the Secretary to put them in. This management entity is given a lot of responsibility, and in fact, of course, they have to come up with some of their own local money.

And, you know, I think looking at what the makeup of that is in terms of the plan, there should be a greater representation, because this is national land, of the public land managers on it. Whether we could come up with a model here for looking at something in the West for a Heritage Area—I mean, we didn't have to do it in Cache La Poudre, as was pointed out here.

That Heritage Area went—because it was a lot of private land and public or State land involved in it, so it's a different type of entity, but we might want to be looking at the makeup of that and whatever other special areas in terms of, you know, it's fine to have the bighorn sheep area, but I don't know what the effect of the bighorn sheep in terms of trying to propagate that many in that area would be. But I think we certainly would be willing to—I would be willing to look at it, work on it, and try to come to some conclusion that would accomplish your goal.

But, in any case, with that said, I just want to point out the reason that you were talking about wilderness and talking about the other issues is because this bill touches on and engenders a lot of new proposals in terms of Conservation Area, Heritage Area, wilderness, and other requirements. And I think if you want to make—I think we've got to make the bill a little less controversial and follow more broadly the Wilderness Act with regards to wilderness areas.

So, that being said, Mr. Chairman, I understand that you want to move along, and so I would yield back the time or yield my time, if you want the time.

Mr. HANSEN. Well, I thank the gentleman from Minnesota.

Just let me say this on conclusion: I would hope that the folks, especially members of the Committee, would take it upon yourself to travel to this area. I think you will find this is probably one of the most unique areas I've ever encountered, as I have gone around the United States looking at these areas.

The gentleman from New York brings up a very interesting concept. Does it really fit? We're taking away some Wilderness Study Areas. Basically, we are really not. If you look at it, I think if you'd go out on the ground, you'd see that some of these would be semi-primitive areas. Some of these would be used for areas where they would probably have as much protection as a National Park has, which I think would be quite a unique thing.

Also, this is an area of history that's unbelievable. I mean, there's old mines on there. There's—well, Butch Cassidy probably shot it out with a few U.S. Marshals in that area. It's hard when you're talking Heritage Areas to say they all fit. That's why a Heritage Area is a Heritage Area.

One of them was so unique that something happened on the East Coast during the West—so I think before we freeze ourselves into cement on this by any means, it would be well for this Committee to take a weekend and come out and look at it, spend some time on it, see why we want to make Sid's Mountain an area for sheep. Let's keep an open mind on this. I think if we'd go, we'd do very well.

I appreciate so much the commissioners, Senator Dmitrich, Director Shea coming here. It's been very interesting and provocative testimony. I appreciate your being here. We'll excuse you at this time. We welcome you to stay and listen to the rest of the testimony that will be brought up in this hearing. Thank you so much.

Mr. WILSON. Mr. Chairman, may I just say one comment here? Mr. Chairman?

Mr. HANSEN. Excuse me. Commissioner Wilson.

Mr. WILSON. I would at this time just like to extend an invitation to you and your Committee members to come to Emery County. We would be very happy to host you on a tour of the San Rafael Swell and any areas, heritage sites, and so on, that you might find of interest. We would love to have you come.

Mr. HANSEN. We'll probably take you up on that invitation and appreciate your kindness and generosity. Thank you so much.

Our next panel would be Wilson Martin, program manager, Utah Department of Community and Economic Development, and Donald Keith Peay, Utah Chapter of the Foundation for North American Wild Sheep.

I want to tell you that Mr. Peay is truly an expert on wild sheep, and this will give you some good insight on what we are talking about.

Mr. Peay, we'll turn to you and this man has put in literally hundreds of hours in propagation of wild sheep and other wildlife. So we'll turn the time to you, sir.

**STATEMENT OF DONALD KEITH PEAY, UTAH CHAPTER OF
THE FOUNDATION FOR NORTH AMERICAN WILD SHEEP**

Mr. PEAY. I appreciate the chance to speak before this Committee. I am not a biologist. I am an engineer by training and de-

gree, but I have spent the last 10 years of my life involved in wildlife preservation. I would also say, just as Congressman Vento knows, that money from wild sheep advocates in Minnesota and the East Coast and New York have also contributed to our efforts in the San Rafael.

I have a written testimony which has been submitted. I am going to deviate from that because a lot of the issues have been covered. I specifically want to talk a little bit about bighorn sheep, since that seems to be a focus, and some of the technical details about management and propagation of those species.

I may just add that it seems like the 1964 Wilderness Act concept predates ecosystem management, and we found in the West with wildlife populations that you may set wilderness in one area where the animals live in the summer, but if you didn't protect where they go in the winter, it didn't do any good. Yellowstone and the bison issue is a classic example of some of the shortcomings of the 1964 Wilderness Act or National Park Act or any other Act.

And that's why we as wildlife advocates are so enthused about this concept which we think is ecosystem management for bighorn sheep in the San Rafael. It encompasses the winter range, the summer range, and all the management attributes required.

Just briefly, our organization has spent over 300,000 private dollars and restrained bighorn to this area. There were conflicts with ranching interests. We worked those out in a win-win fashion. And I want to just state that the use of helicopters, water development, and other management tools is the reason why these species exist.

They were extirpated by 1950. Their first reintroduction took place in 1979. By 1991, the herds have done so well with the current management and process that the San Rafael is now a court area where they can use bighorn to reintroduce into other indigenous parts of the State of Utah.

I would also like to point out—I was reading an article in the San Diego Tribune recently where in California they'd taken a completely no hands-on management by man, and because of that approach, they are going to have to list bighorn as threatened and endangered species in California.

Having said that, I think that's why this area, this concept, this proposal of the National Heritage Area is so important, is because it allows for management tools to preserve what most people consider the indicator species for wilderness: bighorn sheep.

I would also just like to touch briefly that on our local TV station there is a report just on April the 14th that the Washington, DC-based conservation groups were saying that, "wildlife populations were being devastated by congressional cutbacks."

I'd prepared in the record two maps, prepared by professional wildlife biologists in Utah, that show sheep populations in Utah 1972 versus 1997. They're infinitely more abundant, more dispersed in different areas. So I would suggest that some people out in DC come out West and find out the true facts, not only on Bighorns, but elk, antelope, bear, cougar, hawks, eagles, mountain goats, and many other species.

Let me just emphasize to the Committee: Having personally been involved in the restoration of bighorn along the Desolation Canyon Area in 1994 and 1995, we used helicopters. We touched down on

the ground for a matter of 5 minutes to release the Rocky Mountain bighorns into this area. Had we not been able to use helicopters, it would have been a 2-day horse ride, and how do you transport bighorn sheep for two days on horseback?

So, once again, the use of helicopters is critical. There are water developments in this Elliott Mountain Bighorn Area that the BLM has already been involved with us in installing, and we need to continue to have these if, in fact, the American people want to have bighorn sheep as part of the San Rafael National Heritage Area.

In summary, I would just like to say, to the American people, that we out West are committed to preserving wild places and wild things, and we think this is a great way to do it, through this Act. Thank you.

[The prepared statement of Mr. Peay may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Peay.

Mr. Martin, we will recognize you for 5 minutes, sir.

STATEMENT OF WILSON MARTIN, PROGRAM MANAGER, UTAH DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Mr. MARTIN. Yes, Mr. Chairman. It's good to be here. I wanted to present to you a poster. We in Utah, of course, value our history and heritage, and History and Heritage Week is coming up May 2 through May 9. And we have a poster for you and other members of the Committee, and we are really proud of our history and heritage. We have a poster competition among school kids and also professionals every year that demonstrate our interests.

Mr. Chairman, I also serve as a founding member of the Four Corners Heritage Council and also deputy State historic preservation officer for the State of Utah. Some two years ago, I met with this Committee regarding some changes in the National Historic Preservation Act regarding the Advisory Council on Historic Preservation.

We had some discussion similar to this, and I have submitted my testimony. I am going to deviate a little bit from it. We had some discussion much like this about compromises and finding new ground. And Mr. Chairman, this Committee led, I think, a very good discussion in finding new ground and compromising, using new tools, and we found some streamlining in the new Advisory Council regulations which are about to be enacted.

In that testimony two years ago I talked about the need in Utah to develop Heritage Areas, and in that discussion I talked about the Four Corners Heritage Council and also the Sanpete Regional Heritage Tourism Council, both State initiatives that partner with Federal agencies.

Now I am here to talk about the San Rafael Western Heritage Area. This area has some of the most important historic and archeological resources in the Nation. There are hundreds of sites that are either listed as eligible for the National Register that have already been identified. In a town of Helper alone 50 national register sites are already on the National Register. Those sites are part of the history of that railroad industry and also the mining history of that community.

We also have the Hiawatha and Kenilworth and Scofield and Sunnyside. All have historic sites listed on the National Register as historic places. Price has numerous historic buildings listed on the National Register.

So it also includes private land and public land in a National Heritage Area designation. There is Nine Mile Canyon which has pioneer homesteads, rock art sites, an old town site of Harper, Flying Diamond Ranch in the area. We have Buckhorn Wash Rock Art site listed on the National Register of Historic Places—Temple Mountain Wash, Black Dragon Canyon pictographs, all listed.

The National Register also includes sites further out in the community, both on the National Register in Federal lands and also on private lands. There is not only historic and archeological sites, but there are organizational structures that are in the area already to help support this National Heritage designation. Three certified local governments, certified under the National Park Service Preservation Act, are currently in place. One Main Street town is also in place in the town of Helper.

The Castle Country Travel Council has also been a long-term supporter of the heritage of this region. The College of Eastern Utah has supported the Heritage Region concept through the expansion of their museum. The San Rafael Swell has the resources, the people, and the organizations for the development of a heritage area management plan which could assist in conserving this important Heritage Area establish and maintain interpretive exhibits, develop recreational opportunities and increased public awareness and appreciation of the natural, historic, and cultural resources of this region.

Not only that, but the economic development, the key outcome can be realized. This Heritage Area, developed in partnership with business, local, State and Federal partners, has an excellent opportunity for success; most importantly, as a partnership for economic development which has at its core the sustaining of the heritage that will feed it.

We in Utah call this the development of a heritage industry, a partnership between private and public sector to achieve the economic success through the preservation of our heritage. We strongly support the proposed legislation to create the San Rafael Western Heritage Area. Heritage Areas protect the resources as well as enhance those resources for the visitor.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Martin may be found at end of hearing.]

Mr. HANSEN. Thank you. I appreciate the excellent testimony from both of you.

Before we proceed, the gentleman from New York has mentioned that our former colleague, Wayne Owens, has a plane to catch. Wayne, why don't you come up and we'll take your testimony now so we don't hold you up.

**STATEMENT OF HON. WAYNE OWENS, PRESIDENT, CENTER
FOR MIDDLE EAST PEACE, TESTIFYING ON BEHALF OF
SOUTHERN UTAH WILDERNESS ALLIANCE**

Mr. OWENS. Thank you very much, Mr. Chairman. It's even less important than an airplane, it is a meeting with members of the other body which presses me. Not that significant when you are sitting over here, of course.

I appreciate this opportunity. I want to clarify for the record that Director Shea and I had lunch together two weeks ago in a favorite French restaurant and resolved to go on diets and, hence, his preoccupation this morning with the difference between yogurt and ice cream, just for the Committee's information.

It's a pleasure to join you this morning. My interest in wilderness goes back many years to the time when I used to run cows down the Escalante. I grew up in that wild country around Panguitch and fell in love with those Red Mountains. And even when I was chasing wild cows in the summer, and you couldn't find any water to drink except putrid water, and in the winter when you had to melt it down, and it was freezing, I could never lose the love that I had acquired for those beautiful red rocks. And though I cursed the cows periodically, I never cursed the mountains.

I was not like Ebenezer Bryce, the old Utah cattleman who ran sheep and cows in that country which now bears his name as a National Park. When he was told by visitors who praised the beautiful place in which he had to run his cows, he often replied that he was not so impressed by the beauty as he was by the fact that it was "one hell of a place to lose a cow." But I think it's the mountains that are important and the red rocks.

This is a tough issue, as Director Shea has spoken of, in the temperament in southern Utah, this place from which I come. I have found over the years that it's very difficult to talk about the issues of wilderness in peace and with straightforward discussion about these issues. Support for wilderness in that area is not only very sparse but supporters are often accused of having improper family backgrounds, illegitimacy in your family background. This is a very, very tough issue in this special place.

When I sat on the other side of this dais with you, 9 years ago, Mr. Chairman, I introduced H.R. 1500 for the first time, because of this great love that I have for these red rocks and for my belief that their highest and greatest value in most instances is to preserve them for future generations. I wanted to protect them when I came into the opportunity of service on behalf of the State, and hence, it became a major preoccupation. And I want to say how much I appreciate the gentleman from New York, Mr. Hinchey, for carrying on by introducing that legislation and forcing a discussion of those important issues on a periodic basis.

And so I am here today to respectfully speak against H.R. 3625, and I do so for the same reasons that I spoke against and worked against the Utah delegation's wilderness bill in the last Congress. Like that bill, H.R. 3625 is not a wilderness preservation bill; it is a wilderness development bill.

From the point of view of one of those who believe that most of this land's highest value, most of this wilderness' value—highest and best use—in every sense of that term, including economic—is

its preservation in wilderness, this is simply a bad bill. It eliminates from protection over 140,000 acres of Wilderness Study Area in Emery and Carbon County, areas that have been protected for two decades against man's exploitation, and it eliminates from consideration over 650,000 acres of wilderness which H.R. 1500 seeks to preserve.

It dignifies with legal protection RS 2477 rights-of-way, calling them roads, and thereby permitting local development in some of the most pristine areas. So I can say that, yes, it designates some wilderness, but at the same time it creates serious management problems. I submit for the record, if I might, Mr. Chairman, a detailed explanation of how I think, in specificity, that the bill is very detrimental to the national and the State interests.

Other than that, I don't have any strong feelings, Mr. Chairman. [Laughter.]

I would be happy to try to respond to questions.

May I also say for the record that I represent also the Sierra Club or, as some folks down in our country say, Mr. Chairman, "the Sahara Club," today in my testimony, as well as the Southern Utah Wilderness Alliance, on whose board I serve.

[The prepared statement of Mr. Owens may be found at end of hearing.]

Mr. HANSEN. Thank you very much.

The gentleman from American Samoa, questions for this panel?

Mr. FALEOMAVAEGA. Mr. Chairman, I don't have any questions. I wanted to thank the members of the panel and certainly offer my personal welcome to our former colleague, Congressman Wayne Owens, for his appearance and providing us with his testimony on this legislation. Thank you.

Mr. HANSEN. The gentleman from Utah.

Mr. CANNON. Thank you very much, Mr. Chairman.

Let me just begin by thanking the members of the panel for your great testimony, and you, Don, for your incredible work in preserving bighorn sheep in Utah and elsewhere.

Mr. Owens, I think you were here when I read a quote to Director Shea about an ad that SUWA ran on May 30, 1994 in the High Country News talking about SUWA's unwillingness to negotiate. SUWA steers clear of consensus. The ad encourages the use of the lawsuits over consensus-building with the advisory committees; yet, even states that, "if this allows our critics to label us as extremists, then we are extremists."

Is it still the position of SUWA to not enter into deliberations that might lead to consensus or agreements?

Mr. OWENS. I think, Mr. Cannon, you and I had a conversation yesterday and agreed to have lunch—for the benefit of the chairman of the Ethics Committee, each paying his own way—to discuss these issues, and I am delighted to visit with you about them.

I think there are several reasons that it is very difficult for an advocacy organization like the Southern Utah Wilderness Alliance to enter into these kinds of negotiations. To begin with, the decisionmakers are all basically of one view, and it's about as adverse from that of the goals of the Southern Utah Wilderness as it can be.

Secondly, Mr. Scott Groene, our issues director, did, I think, make some genuine efforts to discuss these issues. He used to be my administrative assistant, and is very familiar with the legislative process here, and found that the concepts simply were very different than any that we could in any sense feel conscientious about or considered appropriate, and he simply found no willingness to talk about true preservation of wilderness.

The third point is that, when you look at your map and as you read your bill you see how much real wilderness is released for development and how even the small areas which are preserved under the title "wilderness," as the gentleman from Minnesota spelled out so well, are not preserved as wilderness in fact. Many are crossed with so many RS 2477 "ways", which the bill calls "roads," that even the small areas of designated wilderness are not preserved as such. Turning over control of much of the management of those areas to local consumptive users—that doesn't give us a lot of confidence that you really want to preserve any as wilderness, to be honest with you.

But I am happy—though I don't do it officially, I am only a member of the board—I welcome the opportunity which you offered me yesterday to visit about it.

Mr. CANNON. Thank you. I should point out, though, we have some sharp disagreements here. I would hope you would consider our relationship one of friendship. You educated me in the process that we are now involved in here, frankly, back in law school.

So I appreciate that and the history of that, but the distinction is sharp, and I guess what I have heard you just say is that basically there is no interest on the part of SUWA of coming off the clear, clean concept of a large amount of the wilderness, even though I think there's some compelling reasons to do that—for instance, either the RS 2477 rights-of-way exist or they don't, and in this plan it seems to me that we're dealing with those with some clarity and some openness rather than the very difficult, complicated, legalistic way that we've been treating them in the past, and we do it in a way that allows people access to some of the areas that I think are beautiful, wonderful, breath-taking.

It's interesting that we can come from the same experience, although I did not run cattle in that area. We did sort of grow up in the same general area to some degree and did not, again, suffer those hardships. We come to a very different conclusion about how that area should be used.

Is it not a matter of concern to the Southern Utah Wilderness Alliance that those RS 2477 right-of-ways may ultimately be proved to be real right-of-ways, giving the counties what I think are terrific defenses against the relatively extreme position of purely wilderness at 5.7 or more million acres?

Mr. OWENS. We are fighting those issues, dealing with RS 2477 rights-of-ways and roads, and are very much concerned about the implications of that fight. We just don't think you deal with them very well in this legislation, with, of course, all respect.

Mr. CANNON. Mr. Chairman, may I ask unanimous consent for just another couple of minutes, and I think I can finish up?

Mr. HANSEN. It is recognized. Is there an objection? Hearing none, two more minutes.

Mr. CANNON. I thank you. I will only have two more questions.

Let me just ask one about the Wilderness Study Areas first and get your view on that and then come back to roads. When this debate was going on, and we established Wilderness Study Areas, it was sort of a covenant between the government and the people that this was only a study. Granted, that gave dramatic control or limited access to those areas pretty much. Do you feel like people in areas where there are Wilderness Study Areas need to be thinking that these things as absolutely permanent until you get your way or is there some way that they have a right maybe in future legislation to sunset the study areas?

Mr. OWENS. First, an indirect answer to your question and then a more direct: I am finding that more and more people who live in many of those areas are understanding or coming to believe that the highest and best use of that land is in its preservation. As so much of these beautiful red rocks, wild countries disappear to development, more and more of the people who live in that area are more and more anxious, I think, that more be protected.

In direct response to your question, at some point I expect the Congress will deal with these issues. I don't believe they should be dealt with piecemeal, as your legislation proposes to do. I honestly think that the congressional process is such that we'll probably only have one real good shot at a wilderness bill, and it should be statewide, where you can give and take.

And I do propose to support, Congressman Cannon, and you know I do, and Mr. Hansen knows I will support the give-and-take in the legislative process. But it ought not to be picked off one piece at a time, one area at a time, where in fact there is very little give and almost all take.

Mr. HANSEN. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. HANSEN. Let me ask you, Mr. Owens, would you commit a member of SUWA's staff to work with our staff and others in working on this bill?

Mr. OWENS. Yes, we'll help you, Mr. Chairman.

Mr. HANSEN. We can count on—

Mr. OWENS. I am no longer Chair, as you know. I stepped down a couple of months ago, but I would advocate strongly that we do have more staff contact. I, as a board member, and Ted Wilson, whose name was brought up earlier, a former administrative assistant of mine and a former mayor of Salt Lake City and now vice chairman of the board, will cooperate. I know he feels the same way.

Mr. HANSEN. I would appreciate if you would give us a name of someone we can work with; we would really appreciate that.

Mr. OWENS. Owens and Wilson to begin with, but I'll also get a staff member to help.

Mr. HANSEN. I thank you so very much.

Mr. CANNON. Thank you. Let me just close by saying that I appreciate your being here and the clarity of your position. It's easier to work with positions that are clear, frankly.

We differ. I think that the incremental approach is the way to solve our problems and to do it in a way that truly meets, I think,

the larger objectives that you personally have and that other members of the organizations you represent have.

And so with the commitment to the chairman, I am not going to go any further and just say thank you at this point, and I appreciate your being here.

Mr. OWENS. Thank you.

Mr. HANSEN. The gentleman from New York, Mr. Hinchey, is recognized for 5 minutes.

Mr. HINCHEY. Thank you very much, Mr. Chairman, and I want to thank the members of the panel. To former member Wayne Owens, I want to personally express my appreciation to him for his introduction of H.R. 1500, for if that had not happened, it would not have given me the opportunity to have introduced the bill during my tenure here. And I very much appreciate the leadership you've shown and the courage that you have shown on this and other issues of national importance.

And it's a pleasure to see you and to welcome you here to this hearing.

Mr. OWENS. Thank you.

Mr. HINCHEY. And, by the way, Mr. Chairman, I must say that, reflecting on this process this morning, I think that the hearing itself has been very helpful because it has given us an opportunity to reflect more deeply and to look more deeply into this issue and to learn more about this land from the panel members that we have here before us at this moment, as well as those who were here just a few moments ago.

So I think that this hearing is a very good thing, and it broadens and deepens our knowledge, and I think for some of us it broadens and deepens our commitment to the land. I would just observe that as former Representative Owens has said, that, among other things, this bill releases 140,000 acres which are now in the study area. I think that's correct.

And, Wayne, I think also, if I remember correctly, that this legislation would result in wilderness designation for this particular area of more than 660,000 acres less than would be designated under H.R. 1500.

Mr. OWENS. That's correct. I think it's 560,000 acres. They're areas in addition that you and I proposed for wilderness in H.R. 1500, and also, it releases I think 180,000 currently being protected as wilderness study areas.

Mr. HANSEN. Will the gentleman from New York yield?

Mr. OWENS. One-hundred-and-eighty I think is the figure; 180,000 plus 550,000. Yes, sir. One hundred and forty thousand; I apologize.

Mr. HINCHEY. One hundred and forty. Yes, that's what I thought.

Mr. HANSEN. Excuse me.

Mr. HINCHEY. One hundred and forty, nevertheless—

Mr. HANSEN. Will the gentleman from New York yield on that point?

Mr. HINCHEY. Yes, sir.

Mr. HANSEN. Excuse me. I apologize for asking you to yield, but on areas that are protected, H.R. 3625 has 987,651 acres. WSA's has 497,940 acres. So, I don't know where you come up with 140,000. If you go strictly by the definition of wilderness, which is

extremely nebulous, I agree with your premise of 140,000. If you go to protected areas—ACEC, bighorn mountain sheep—those under NCA protection, you are actually doubling the protection here.

Excuse me. I just wanted to give you my interpretation. Thank you.

Mr. HINCHEY. I appreciate that, Mr. Chairman, and that's an important distinction, but what I am saying is that, of those lands now in the wilderness study category, the enactment of this proposal would result in 143,000 acres being released from wilderness study; and that would mean that 143,000 acres less—143,000 acres of land would no longer have the protection that is afforded to them currently in the study mode which they are currently in.

And in addition to that, if I may, and Mr. Owens has just clarified that for me, that H.R. 1500 in the context of the area under discussion at the moment, H.R. 1500 would result in more than 660,000 acres of land being designated as wilderness, more than would be designated under this particular proposal.

So I understand what you are saying, Mr. Chairman, and I think that that's an important point, but I think it's important for us to look at it from both perspectives.

Mr. HANSEN. If the gentleman will yield for just one moment—it's not a major difference, but our calculations only have it at about 90,000, not 140,000 acres difference, but your point is well taken about the—

Mr. HINCHEY. OK. Well, that's something that can be settled. We estimate it to be 143,000 precisely, and I stick with that number until I am corrected.

The other area that interests me—Mr. Peay, is it?

Mr. PEAY. Yes, sir.

Mr. HINCHEY. Yes, sir. Thank you. One of the things about the bill that I find discomfoting is that, while it talks about the protection of ecological areas, its designations are cut more along political lines than along ecological lines. In some instances, for example, it cuts canyons in half and provides one form of protection on one side and not on the other, and it follows political boundaries to a great extent. And so, therefore, I have trouble with the legislation from a point of view of ecological protection in that it divides ecological areas.

There is also an aspect of your testimony that troubles me in that regard also, and that is that you're talking about an area that would be set aside for the protection of the bighorn sheep, which I think is an admirable objective. I find no quarrel with that whatsoever, but I find it difficult in my own mind to rationalize how you can have ecological concerns about a particular area in the context of one species.

How do you manage an area for the protection of one species and one species alone, or are you offering something else?

Mr. PEAY. It isn't just for one species. There's many other species, but the bighorn is kind of a flagship, because I've been in this wilderness debate for 20 years. Bighorn sheep is the indicator species, and I think it's remarkable, phenomenal, that a rural county commission in Utah is not trying to step up to the plate and say,

“These are pretty neat critters. Let’s make them the predominant specie that we’ll protect.”

These animals could be endangered at some point in time, in the very short future. So now we’re trying to protect them, and then on the other hand, we are hearing a comment we shouldn’t do that. So I can’t understand why anyone would not like this concept.

Mr. HINCHEY. So when you’re—if I may, Mr. Chairman?

Mr. HANSEN. Go ahead.

Mr. HINCHEY. So when you are offering the idea of protection of the bighorn sheep in a particular area, you are suggesting by that, that protection for the bighorn sheep would also be done in a way which would afford protection for all other species in that area as well?

Mr. PEAY. Bighorn won’t be the only animal in that area. This whole concept, in my opinion, looks out for all the species that inhabit the San Rafael but good emphasis for bighorn.

Mr. HINCHEY. OK. Thank you very much.

Mr. HANSEN. Thank you. Let me say that from the bills, BLM has in WSAs in that area 497,940 acres. That’s a fact. H.R. 3625 has 407,471 acres. The difference is 90,469. Lay that aside, and count what is protected.

There seems to be some of a religious Utopia here that if you say, “wilderness,” it has a certain protection, but nobody finds that. Wilderness is a protected area. So is primitive. So is ACEC. So is NCA protection. They are all protected areas, as are National Parks. Add all those up and H.R. 3625 protects more areas than WSAs by twice; of 987,651 acres versus 497,940 or a difference of 489,711 acres or additional protection under this bill.

But, I concur, it doesn’t have the term “wilderness.” Primitive and wilderness—you may recall that primitive areas, that’s what the old view in the mountains used to be. We called that primitive.

Now take the definition of primitive, take the definition of wilderness. They’re almost twins. So, I hope we don’t get hung up on the idea of this difference. We’re actually protecting more ground, and that’s what I think we are all trying to do, isn’t it? That’s kind of the impression that I got.

Now I would like to—

Mr. OWENS. Could I respond to that briefly, Mr. Chairman?

Mr. HANSEN. Surely. Excuse me.

Mr. OWENS. Nobody disputes that there are several layers of protection included in this bill, and much land is protected, but much is opened up for development, and the ultimate protection of wilderness is not afforded even to the 400,000 acres that you call wilderness in this bill because it is laced with roads that you recognize under RS 2477 and the management techniques do not permit it to rise to the level of protection which wilderness is.

Wilderness is a specific level of protection, undergirded by law and by regulation, and it says basically you are not going to change the nature of this land, to the extent that man can protect it unless Congress itself gives permission. That’s what we are trying to do, with wilderness designation, and that’s the status that I would like to see in a big portion of this. Then the rest of it, Mr. Chairman, should be preserved and protected, better said in the forms and na-

tures which you discussed and which do permit certain degrees of development and use, all of which I will support where appropriate.

Mr. HANSEN. I appreciate your comments that you brought it, and I don't want to get into a kicking match on what wilderness is, except that we all know that wilderness does allow some motorized areas, if existing cattlemen wanted to go in. You know, we get into that fight all the time around here. There is reason to take in wilderness. This 193,723 acres of this is primitive, non-motorized, giving more protection than wilderness does.

Other areas you really, if you want down to be cutting and splitting hairs, you can say the term "wilderness" all you want, but you've actually got more protection in this bill for ground than the wilderness bill had in WSAs. And that is an argument people should look at.

Mr. Peay, who I consider the resident expert on bighorn sheep—and I've known Mr. Peay for a long time—the thing that bothers me most on this area, how much attention with motorized vehicles of any type would the bighorn sheep need on Sid's Mountain?

Mr. PEAY. In talking with the professional wildlife biologists who have been deeply involved in the development of this plan, they are very comfortable with this whole proposal.

And I am not sure of what you are saying, but I was just in a board meeting with the National Wild Sheep Foundation and one premiere biologist said, "We seem to have invented this concept of Bighorns and people can't coexist," and as you've driven to Mojave and right there by Arches there's a resident population of sheep that take occupancy right by the highway, and so the bottom line: The plan is good for bighorns, but it does provide a lot more protection than just H.R. 1500, in my opinion, for bighorn sheep management.

Mr. HANSEN. What is a guzzler that you would need to put on that mountain? What does that mean?

Mr. PEAY. A guzzler, there's one there toward the Desolation Canyon that we actually landed a helicopter as we transplanted the bighorn. What it is, it's a piece of naturally colored tin that would be as big as this area inside of the desk here. It's an apron that catches the rainfall, and there's about a 2,000-gallon storage tank beneath the ground that's not visible, and then there's a little metered tube that comes out to a little drinker that works on a float valve like your toilet. So as the animals come in and drink, water is released, and then they go back. Without guzzlers in some of these arid areas, wildlife cannot live or survive or propagate.

Mr. HANSEN. I have noticed all around Utah that we have guzzlers on the west desert, up in the area of Yost Mountains and the Raft River Mountains, and we have them other places. I'd have a hard time believing that people don't want wildlife to drink. This isn't only bighorn sheep that drink out of this. This is everything that drinks in this particular area.

As I see it, the basic difference between what some folks are arguing and this is we're talking: Do we want to have bighorn sheep in that area? Other than that, they're almost treated exactly alike.

You've said earlier that a helicopter would touch down for a few minutes, 5 minutes or so, on occasion. I personally cannot under-

stand why people would be against wildlife. That kind of concerns me just a little bit. We'll have to work that out in any case.

Mr. FALEOMAVAEGA. Would the chairman yield?

Mr. HANSEN. The gentleman from American Samoa.

Mr. FALEOMAVAEGA. Just one quick question to Mr. Peay: You are the expert on bighorn sheep, and I wanted to ask: How much acreage will it take to provide for one bighorn sheep? I am not too familiar with your—I mean they live in the mountains I assume, but what does it take to, you know, just to let it grow?

Mr. PEAY. Well, the—

Mr. FALEOMAVAEGA. You have about 6,000. Are they an indigent species now? Are they an endangered species now?

Mr. PEAY. Not classified as such, but in Utah in 1972 there were only 500 of those animals. Through management techniques that are provided for in this bill, there's now about 4,000 of these animals.

Mr. FALEOMAVAEGA. So I know Utah is famous for a hunting season, but do you allow hunting of this sheep at a certain time or a certain number that can be hunted, like you would a deer?

Mr. PEAY. Very carefully regulated hunting, and just a quick example—a lady wrote in the Salt Lake Tribune, "Why would they allow anyone to hunt bighorn in the San Rafael?" and the fact of the matter is that hunting has generated about \$500,000 to reintroduce the bighorn. Without hunters, we would not have bighorn sheep in Utah.

Mr. FALEOMAVAEGA. If I were a hunter, how much would I pay to shoot one bighorn?

Mr. PEAY. In the San Rafael area there are 13 permits available to the citizens of America through a lottery draw at a cost of \$500. However, the State does sell one to the highest bidder, and in Reno this year it sold for \$52,000.

Mr. FALEOMAVAEGA. Are you aware of any other form of animals that are considered endangered in these wilderness areas that you care about just as much as you are with bighorn sheep?

Mr. PEAY. As we say, there are plenty of animals and plenty of causes. We've focused \$1.6 million on bighorn sheep in Utah.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. HANSEN. The gentleman from American Samoa should realize, let this become an endangered species and everything that SUWA, this Committee, and everybody else is doing is moot. Immediately the whole area becomes an HCP and the whole ball game is over anyway. So don't let it become an endangered species.

Mr. Martin, let me quickly ask you something. How do you envision the heritage concept working, and do you agree with what the administration has said? You have sat here and heard the—

Mr. MARTIN. Yes, I heard your testimony. Yes, Mr. Chairman, I think that the confusion of the administration is that Heritage Areas generally have a mix of high propensity of private sector, but in the West of course that's impossible.

Our Four Corners Heritage Council is mostly Federal land, and we have sitting at the table the Federal partners that sit at the table with appointees by the Governor and the local appointees; and that arrangement works very well because there's no power taken away from the Federal agencies under this concept. It's real-

ly an advisory process, and that advisory process I think works very well.

So I think the structure of a Heritage Area can work very well, even though there's a high propensity of Federal lands. There is a lot of private land in this Heritage Area, and that consultation process I think strengthens from both sides.

A Heritage Area doesn't take away, and I think it's an important point, it doesn't take away the authority of the Federal Government, but it provides a consultation process which I think strengthens the management and the protection of the resources both on private land and on the Federal lands associated with the idea.

Mr. HANSEN. Thank you for that answer.

We'll take one more question from Congressman Cannon, and we'll excuse this panel and get to our last panel.

Mr. CANNON. Mr. Owens, you mentioned this area as laced with roads, but you are aware, of course, that there are many other RS 2477s rights-of-ways or claims of rights-of-ways in the area in which are extinguished by this process. So, there is some tradeoff here. Is that something that is of concern to you and to SUWA?

Mr. OWENS. Well, it's a great concern as near as I can tell from the red lines, although my reds and greens may be a little confused at this distance, but it appears laced with roads even in the areas that you call proposed wilderness, the 400,000 acres that you call wilderness.

And of course it's of concern that there are a lot of RS 2477 ways which threaten the wilderness status, and I am willing to look at and talk with you and staff about whether there is a decent tradeoff here. It doesn't appear at first glance, Mr. Congressman, that it is a fair tradeoff. That's what I am commenting on.

Mr. HANSEN. The gentleman from New York has one final question.

Mr. HINCHEY. Well, just briefly, Mr. Chairman, I think that it's quite clear that the bill does afford various levels of protection, but I think that protection of course is a relative word. And there can be higher levels of protection and lower levels of protection, and one of the things that I am concerned about is the issue of roads which has just come up.

We heard earlier testimony today which indicated that some roads are designated that may not be roads even. The bottom of stream beds are considered as roads. So protection is a relative thing, and I think that the introduction of roads, particularly where they may not even be, just opens this up for a lot of criticism that otherwise might not be there.

The one thing that mystifies me about the sheep question is this: We are reintroducing sheep into this area, is that correct?

Mr. PEAY. Yes, sir.

Mr. HINCHEY. And that, of course, assumes that the sheep were able to live there before, and I wonder why we need these guzzlers now to provide water in an area where the sheep were able to survive before on assumably the water that was there.

Mr. PEAY. It's for distribution purposes. It's very clear in Nevada and other States, where they have put in guzzlers, wildlife populations have been able to expand to a greater extent than they were, say, 100 years ago.

Mr. FALEOMAVAEGA. Will the gentleman yield?

Mr. HINCHEY. Yes.

Mr. FALEOMAVAEGA. I just wanted to followup with a question to Mr. Owens again. I guess I would call you "Mr. Wilderness," since your introduction of H.R. 1500 has caused a lot of discussion about this.

Mr. OWENS. Please be aware that's not a good name in parts of Utah.

[Laughter.]

Mr. FALEOMAVAEGA. I say it in——

Mr. OWENS. I wear it proudly.

Mr. FALEOMAVAEGA. I say it with the most respectful consideration in what you honestly believed, what you considered to be in the best interest of your State and your constituents. And I wanted to ask, in retrospect, in terms of the several versions that have been proposed for the past several years since your introduction of H.R. 1500, do you honestly believe that we can work something out with the current proposal now before the Subcommittee?

Mr. OWENS. No.

Mr. FALEOMAVAEGA. In areas that we can identify——

Mr. OWENS. I fear that resolution of the wilderness issue is many, many years away, simply because of the polarity of the issue and the lack of support for it in any of the political structure of Utah, or almost any of it, for any substantive preservation of wilderness.

So the answer is, I am willing to talk, anxious to work, but I am very dubious, must be pessimistic with you about it. Wilderness, as the gentleman knows, is the highest degree of protection because only Congress can invade a wilderness. Not primitive areas, not any other areas, have that degree and that body of law supporting the method in which it is in fact protected. Therefore, wilderness is a final status or at least semi-final status, and that's really what makes it such a difficult issue for the people of Utah. They are ambivalent at best about how much of it should be preserved in wilderness status, but polls indicate that an overwhelming majority of Utahns want a very substantial portion of Utah preserved in wilderness. So the great polarity between political structure office holders and the people is such that I think it's a long distance away, the resolution of this issue.

Mr. FALEOMAVAEGA. Thank you, Mr. Owens. I thank the gentleman for yielding.

Mr. HANSEN. I would respectfully disagree with my friend on the idea of what the highest degree of protection is. You don't run cattle in parks. You can't hunt in parks. Some primitive areas are probably more protected than others. That's where we get a little nit-picky there but——

Mr. OWENS. It makes me very nervous to be in disagreement with the chairman, of course. We very seldom have been, but on that one I would respectfully disagree.

Mr. HANSEN. I thought we both had agreed that we both voted for a gold medal for Queen Beatrix.

[Laughter.]

Mr. OWENS. Boy, I had forgotten that vote, Mr. Chairman.

Mr. HANSEN. I am sure you had forgotten about that one vote we agreed on. I have great respect for my former colleague. He's a very intelligent man and a very good leader. With that, we'll dismiss, and, Wayne, hope you make your plane.

Mr. OWENS. Thank you.

Mr. HANSEN. We'll now turn to our last panel: Bill Meadows, president of the Wilderness Society, and it's always nice to have Mr. Meadows with us. He always gives us very thoughtful, well-reasoned testimony. And Mr. Wesley R. Curtis, director of the Governor's Rural Partnership Office.

Good to see both of you gentlemen.

Mr. Meadows, it's always nice to have you in front of us. We'll start with you, sir, and give you 5 minutes.

**STATEMENT OF BILL MEADOWS, PRESIDENT, THE
WILDERNESS SOCIETY**

Mr. MEADOWS. Thank you, Mr. Chairman. I am Bill Meadows, president of the Wilderness Society, and it's a pleasure to be here with you today to discuss protection of our Nation's wilderness.

I am also pleased to be here with former Representative Wayne Owens, a Utah native who loves the State, its public land, resources and wild lands. I enjoyed hearing his testimony and hope that mine will complement his.

I would like to focus my remarks on H.R. 3625's national implications and highlight key comparisons between this bill and Representative Cannon's earlier bill, H.R. 1952. I believe that such comparisons will best explain the concerns of the Wilderness Society.

In my written testimony I describe many ways in which H.R. 3625 is an improvement over H.R. 1952, but, first, I would like to acknowledge the work of many in Emery, Carbon, and Sanpete Counties, especially the county commissioners of Emery County who have sought to address the important issues before us, as well as the efforts of Representative Cannon and Governor Leavitt.

I was particularly pleased that Governor Leavitt was able to join the Wilderness Society at its governing council meeting in Springdale, Utah, this past fall, as was Representative Morris Hinchey. We had a good discussion on Utah wilderness in that context.

I also want to express the willingness of the Wilderness Society to sit down and work with anyone committed to a sound solution of wilderness issues in Utah.

Our concerns with the scope of H.R. 3625 are threefold: First, it does not address the full range of wilderness quality lands in Utah, as it makes wilderness designations in only two counties.

Second, even those counties in which wilderness designations are made, H.R. 3625 actually reduces the protection that wilderness resources currently receive, by eliminating Wilderness Study Areas' protection for over 140,000 acres. These former WSAs will no longer be managed to protect their wilderness values. As a result, these lands may be lost to development activities, including road construction and ORV use.

Third, H.R. 3625 only protects some 40 percent of the wilderness designations contained in H.R. 1500.

The Wilderness Society is very concerned by the wilderness management provisions of both these bills, Representative Cannon's earlier bills, H.R. 1952 and H.R. 3625. Both those contained non-standard and damaging wilderness management language affecting a variety of management issues. Such exceptions to standard wilderness management set a dangerous precedent for future wilderness legislation nationally.

These damaging wilderness exceptions include provisions related to reserved wilderness water rights and water development. In the arid West, wilderness areas must be protected by the provision of water for their streams and other water resource lifelines. Yet the water rights provisions of both, H.R. 3625 and H.R. 1952, expressly deny Congressional reservation of the water rights sufficient to sustain these magnificent desert lands.

In recent years Congress has enacted wilderness legislation for Arizona and California. In each of these bills, Congress reserved a quantity of water sufficient to maintain the integrity of the wilderness ecosystem. These statutes balance the need of water right holders with that of wilderness users and wildlife. H.R. 3625 does not.

Additionally, H.R. 3625 appears to allow almost unlimited expansion of existing water developments, without any regard for the impact of such expanded developments on wilderness resources.

A second concern, other road and motorized use issues. Road development and vehicular use constitutes one of the largest threats to wilderness resources in the West; yet H.R. 3625 appears to threaten serious road and vehicular damage to wilderness lands through provisions related to "fish and wildlife management." Native American cultural, grazing and valid existing rights are all problems. Each of these sections breaks with existing precedence for protection of Federal wilderness areas.

Finally, with respect to wilderness management, we must note ways in which H.R. 3625 is worse than H.R. 1952; for example, in its treatment of the so-called valid existing rights and RS 2477 road claims. One of the most distressing aspects of H.R. 3625 is the control it gives to local interest over Federal land management.

We are concerned that H.R. 3625 extends a new cooperation requirement to manage wilderness resources, to manage bighorn sheep management areas within the conservation area, and to manage semi-primitive non-motorized areas within the core conservation areas. Local governments and interests have a legitimate stake in Federal land management. It is not appropriate to cede management authority of Federal lands to local interests in the manner proposed by H.R. 3625.

To summarize, Mr. Chairman, we must oppose H.R. 3625 because we believe that it provides wilderness designation for inadequate acreage, threatens wilderness resources in Utah and on other BLM lands, and it releases lands currently protected as Wilderness Study Areas to management practices that may in fact degrade the wilderness values, makes non-wilderness Federal land designations that do not adequately protect these special areas and their wilderness resources, and it threatens to cede an inappropriate level of control over Federal, national lands, and wilderness management to local governments and interests.

Thank you very much for the opportunity to testify today.
[The prepared statement of Mr. Meadows may be found at end
of hearing.]

Mr. HANSEN. Thank you, Mr. Meadows.

Mr. Curtis, we'll recognize you, sir, for 5 minutes.

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

Mr. CURTIS. Thank you, Mr. Chairman. I point out that I will be speaking primarily today as a member of the Emery County Public Lands Council. I am a lifelong resident of Emery County and member of that council. It's been pointed out today, and we appreciate this fact, that this is a very creative, innovative proposal we have before you.

I think there's another remarkable thing about this proposal that needs to be mentioned. It was created without the help of a single attorney. We may have overlooked a few little wrinkles because we don't have that legal expertise, but I hope, as Congressman Cannon suggested in the beginning, that this testimony serves as a dialogue to work out some of these things because I think if we really look at what's being said here and what the motivations supposedly are for both sides, we are much closer than perhaps we realize.

Let me just hit a couple of points, deviating from the written testimony which I have submitted. First of all, regarding the involvement and the inclusion of others, I don't want to belabor this but the involvement of many stakeholders and environmental groups and others is well documented in this article in the packet submitted by Commissioner Petersen. I also point out the Bureau of Lands Management has been participating with Emery County through a Memorandum of Understanding for the past two years and has worked hand in hand with the development of this proposal.

I also would like to make a brief comment regarding water. For those who are concerned about a Federal water right on the San Rafael River, even if such a water right were granted and preempted State law in doing so, all it would likely be is a junior right on an over-appropriated river. We are proud to tell everybody here that the San Rafael River is one of only two rivers in the State of Utah that already a designated in-stream flow in place. We are concerned about the water needs of these wilderness areas.

And let me just say then that this bill is indeed environmentally sound. It's been carefully crafted to provide every needful protection to these lands because we knew it would have to withstand intense scrutiny. We've heard it said that this is an anti—it's not a wilderness bill; it's a wilderness development bill.

We take that really as an affront because we are sensitive to these lands. We have a connection to these lands that goes beyond those who don't live there. There's been a lot said about that these lands reduce protection when we withdraw Wilderness Study Areas. I would suggest that we're not reducing protection; we're expanding protection on these lands.

Wilderness proposals to this point, regardless of their acreages, I believe have an inherent weakness. They are one-dimensional in their focus. They offer slice-and-dice protections for isolated tracts

of lands, but they don't preserve the integrity of the whole. They focus on lands and acres, not on ecosystems. This bill that we have before you is a wilderness bill and a whole lot more. It goes beyond wilderness.

This is the only proposal from any quarter that protects the entire San Rafael Swell. It protects the environment and the integrity of an entire ecosystem. This is the only proposal ever made that withdraws threats of oil drilling, mining and timbering from the entire San Rafael Swell, which I might add is a remarkable concession for a rural county with an economy based on mineral extraction.

We've already talked about special protections and the needs for those regarding desert bighorn sheep. This bill is a protection measure in every sense of the word, and I think it's important, above all, that we point out that those who have spoken for and against this proposal really share much common ground and a common interest.

We desire indeed to protect these lands and feel that we can do so. If there are some things we need to tweak or adjust with this, we're more than willing—we have always extended an open invitation for anyone to participate.

In closing, let me just make one more comment that has been about something that has been accomplished through this process that no bill has been able to accomplish to this point, and it's an important lesson that we have learned. As we have proceeded through this process, which has been locally driven and locally initiated, we have learned a lot in engaging with other interests and stakeholders in the San Rafael Swell; but because it's been a locally initiated process there's a side benefit attached to this: It has led to local buy-in, local ownership and local pride in this proposal.

The local residents now are part of the solution, not part of the problem. They are now becoming the public eyes and ears, watching out for abuses on these lands. This is a remarkable and positive shift in attitude from what we have seen in the past. When we began our processes of talking with other groups, we entered those processes with a great deal of suspicion and feelings of mistrust regarding other parties.

We have learned that there is a lot of common ground. We invite the wilderness advocates and groups, if they feel these feelings of mistrust as we have, let's sit down and work these out. I think this is very possible and very doable, and in the process we can come up with something that's better than anything that's been on the table to this point.

What we have here is a chance to tailor something that can be a perfect fit for these lands. This proposal is not something that was done from afar. It fits the realities of the land. It was done by people who understand the lands; who are close to them; who see its nuances, its intricacies. We invite others to help us improve this process if needful, but, Mr. Chairman, I think you have before you here is a remarkable proposal, and I certainly urge you to move it through the process and create the San Rafael Swell National Heritage and Conservation Areas.

[The prepared statement of Mr. Curtis may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Curtis.

The gentleman from American Samoa is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I think from what Mr. Curtis has just stated to the members of the Subcommittee, I think while there are disagreements, but at least it is a starting point, and I, for one, also don't necessarily look at the polls as a means of saying where the will of the people of Utah stand on issues, depending on who is writing the polls and what questions are raised and how you take the poll.

But I wanted to ask Mr. Curtis what his thinking is on the opinion expressed earlier by Mr. Owens, as he had expressed an earlier opinion that he thinks that the people of Utah may not accept the current proposal.

Mr. CURTIS. I sincerely believe, and I don't say this just to support our own case, I think the people of Utah want to see these issues resolved, and they see this as a very prudent and wise proposal. And in fact just this past Saturday the Salt Lake Tribune, which tends to be the liberal-leaning paper in the State of Utah, came out with an editorial that is very much in support of what we are doing with this proposal.

Mr. FALEOMAVAEGA. I assume, Mr. Meadows, you have been working closely with Congressman Cannon's office in trying to have some input on behalf of the Wilderness Society and some of the provisions that have been proposed?

Mr. MEADOWS. Well, actually, Mr. Congressman, we were not aware of the legislation in any detail until it was—we received a draft of it several weeks ago. Now we've not been involved in the discussions at all.

Mr. FALEOMAVAEGA. You indicated earlier some of the similar expressions of concern that Mr. Shea of the Bureau of Land Management had expressed earlier. What do you consider to be the biggest priority of the problem or concern that the Wilderness Society has with this legislation?

Mr. MEADOWS. Well, I think the main thing is the distinction we have on this question of protection, and we believe we are losing protection by looking at this in this various level of management prescriptions; and we are going to lose wilderness protection in the course of adopting that.

I was actually very concerned with Senator Bennett's testimony this morning when he talked about this particular legislation serving as a road map for future wilderness.

Well, that's exactly what we are concerned about, is that this is in fact a road map, and if in fact we're going to have more roads, more off-road vehicles, in these places than we've had before, that gives us great pause.

Mr. FALEOMAVAEGA. The comparisons that were made in one of the fact sheets that was given to us—as you know, Mr. Owens' proposed bill requested 1.1 million acres for wilderness as opposed to the current bill's proposal for 407,471 acres.

You are familiar with these counties where these two areas are situated?

Mr. MEADOWS. I have not been to either of these counties. Our members are, and our board members have been there many, many

times. We have literally thousands of members in Utah, and 250,000 members, many of whom have spent considerable time in Utah. So I represent their interest as well.

Mr. FALEOMAVAEGA. I am not one for expertise in this area, but there's approximately a difference of about 600,000 acres from what the proposed bill provides, even less than what the BLM is recommending.

You are probably familiar with the fact that the chairman did introduce the bill a couple of years ago, and we held hearings on this issue, and that the BLM has been prodded to get moving to do some form of agreement with the parties at hand, and it seems that we are right back to square one again.

Mr. MEADOWS. Well, you know, one of the issues is that we don't have as much information as we need. One of the things that concerns me right now about this legislation is even those who are proposing it and who are endorsing it and speaking in favor of it, talk about it as a work in progress. It's something that we need to do more work with. We need to bring more people into the discussion. We need to do more research.

Well, let's not advance this piece of legislation prematurely. Let the Bureau of Land Management complete their reinventory. Let us learn more about the places. Let those wilderness advocates that we're working with very closely, who are on the ground day-in and day-out, actually try to document whether we have roads or ways or to try to take pictures of these places in dispute under the RS 2477 controversies. Let us go through that process and understand what is wilderness and what is not.

Mr. FALEOMAVAEGA. There are currently two management plans, and I think the Bureau of Land Management is currently making the study. If you are aware of this, do you know how many years they've been doing these management studies?

Mr. MEADOWS. Well, they were suspended from doing the reinventory just recently, and so they've been on hold. There's opportunity I think to re-institute that. We have to wait to see how the court eventually finds what happens in the judicial process.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. HANSEN. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. Thank you very much, Mr. Chairman.

Our concern here, of course, is with the Federal lands, the publicly owned land, the lands that are held in trust essentially by the Congress and their agents for all the people of the country. And one of the provisions of the bill that concerns me, and I wonder what you would think about this, Mr. Meadows, is the seemingly inordinate control over Federal lands that is turned over to local decisionmakers. And so the Federal lands would no longer be controlled by Federal agencies, but they would be controlled to a large extent by local designees in some way. Could you comment on that?

Mr. MEADOWS. Yes, I think the language here is instructive. We begin to talk in this bill about cooperation, that the BLM will cooperate with the local councils rather than consult, which is the standard. We are very concerned that the national interests, which I am trying to represent, that the members of the Wilderness Society or the Sierra Club or other organizations that actually have

memberships from 50 States who are all interested in what happens on the national lands, as expressed here in Utah, are not going to be given adequate opportunity to comment.

And the Federal agencies who have been charged with the good management of those lands are ceding that responsibility to local interests. Now we think there is a role and certainly we support the idea of regional—of local, regional advisory councils. We think those are appropriate so that local people who live near the land, including our members who live in Emery County and Carbon County, can have an opportunity to participate in that advisory process.

Mr. HINCHEY. Well, local advisory councils, I agree with you, would be a good thing, but we don't want to put the Federal Government in the role of an advisory council, advising local managers over Federal land.

Mr. MEADOWS. They don't need to be in the back seat. They need to be in the front seat and driving the decisions with support from those who can offer advice from the back seat, we think.

Mr. HINCHEY. One of the aspects of the Federal land, one of the uses, legitimate uses, of these lands is grazing, and that grazing is, of course, overseen by the Bureau of the Land Management, and they do so in a way that is designed to ensure the integrity of the land. But if you take the BLM out of that process and turn over the grazing regulations to local authorities, then you are going to have a different criteria for management, it would seem to me.

Mr. MEADOWS. I think that's true, although I have to, quite honestly, say we have conflict with the Bureau of Land Management over grazing issues as well. In fact, the first time I met with Director Shea, he asked me with whom do we have—the Wilderness Society—have the most conflict, and I said, "Well"—I knew he was asking the grazing, ranching community, mining—I said "Well, do you mean other than the Bureau of Land Management?"

So we do have conflict over the way our Federal agencies manage the land, too, but we find that there is a standard that we can hold them to. We can at least go talk with the local manager and hold them to a standard, and we're concerned about having that kind of—it's not just the local control; it's that you'll get different standards in different places, and we'll have, I think, a fragmented management policy for Federal lands.

Mr. HINCHEY. What does the legislation do with regard to water management? There are some aspects here that seem troubling with regard to the possibility of expanded water development issues in this region, if the provisions of this bill in that regard were to go forward?

Mr. MEADOWS. Well, you know, I think the bill is not written carefully enough. There may be some way for us to—I was interested in Mr. Curtis' comment about guarantee. Now that's a plus, and I'd be glad to talk more about that, but we are concerned that it is sort of unlimited. There is not a restriction here. We are concerned there is an open door for just an overdevelopment of water resources within the region.

Mr. HINCHEY. Thank you.

Mr. Curtis, I listened to your testimony very carefully and I'd agree that in many ways this moves the debate forward. It keeps

our attention focused on the issue, and it has some creative aspects to it, this particular legislation.

One of the things that you talked about in your testimony was a need to protect ecological systems and ecological regions, but I find in this bill that we would do something quite different than that in that areas are divided along political lines rather than in the context of ecological systems. And, indeed, I even see the canyons are cut in half and natural areas are divided in unnatural ways.

How do we reconcile the fact of the bill and the Acts that it would perpetrate with the idea of protecting the ecological systems?

Mr. CURTIS. I appreciate the chance to respond to that. The only place in question where we are dividing, as you suggest, on political boundaries, is in what we call the Book Cliffs Desolation Canyon area, which is in the top righthand corner of the map there.

The reason we have done that in this particular case is because Carbon and Emery Counties really can't dictate what's going to happen in the neighboring county, which is Grand County. However, in our minds, we feel that this is a very good step toward pressuring them to join with us in the process.

We more than welcome the addition of the rest of the lands designated in that WSA as being included with that package, and whether it be done in this bill or in a separate bill, it doesn't matter to us, but we feel those lands are certainly worthy of wilderness designation and would encourage the whole package to be brought into it. We have no problem with that.

Mr. HINCHEY. Well, I thank you very much for that, and that clarifies something in my mind, but it also raises other questions, and they are that this again points out a weakness of the particular legislation, in that it seeks to deal with an ecological problem from the point of view of political boundaries, and the limitation at the end of a county line, you know, just isn't going to work, unfortunately.

And when you try to have legislation that is designed to work within the confines of political boundaries, you obstruct your objective; and it may be that in the future if this legislation were to pass, it may be in the future that we might be able to interest an adjacent county into joining in or into participating in a meaningful way, but I don't know that that's true, and I wonder about the need or the efficacy, the value, of proceeding in this way that limits our ability to deal with ecological systems based upon arbitrary political boundaries.

Mr. CURTIS. What we are really focusing on, and the heart of the issue here is, the San Rafael Swell itself, which is indeed almost a self-contained ecosystem. Because of the geology, it is surrounded by ledges and cliffs that make it stand out unique and on its own, and that is really what we are referring to when we talk about an entire ecosystem.

And this is the only proposal that does that. It not only protects the lands but also protects the wildlife. It protects the habitat, and I guess the question I would really like to pose, actually a couple of questions, with regard to this entire proposal: In what way does this proposal fail to protect the resources of the San Rafael Swell, and what specific threats to these lands have we failed to address?

And if we can get clear, specific to those questions, we'd first to deal with those, but we think we've covered those bases.

Mr. HINCHEY. Well, I appreciate the openness with which you approach that, and I think that there are some clear examples of failures to protect important resources in the legislation; and I think that we would all welcome to point those out to you as we move forward.

Mr. HANSEN. The time of the gentleman has expired. I thank the gentleman from New York.

Mr. Curtis, how do you respond to Mr. Owens' and Mr. Meadows' assertions regarding water rights?

Mr. CURTIS. Well, as I indicated earlier, I think there's an implication here that there ought to be some type of Federal legislation that preempts State water law, and I don't think that's a battle you want to get into, but with regards to water rights themselves, we have long said that even with the Federal water right there, all it would be is a paper water right. It wouldn't necessarily have water attached to it because the stream is over-appropriated.

We have an agreement on the San Rafael in place right now that was worked out through Utah Power and Light with actually a designation established by the Division of Wildlife Resources that guarantees an in-stream flow on the San Rafael River. And these are the types of approaches that we think are much more meaningful, to actually provide water, not rights.

Mr. HANSEN. How do you respond to the idea regarding increase or decrease of off-road vehicles? Mr. Meadows made a big point that it would increase off-road vehicles.

Mr. CURTIS. I can tell you, from our perspective and the way that we have conceived this and believe this in our minds, that we are very concerned about off-road vehicles. It's a concern our local public has, and in our minds what we have put together here addresses that issue. The wilderness areas and the semi-primitive, non-motorized areas you see up there do not allow vehicular access.

And, in fact, the resource management plan that is in place right now on the San Rafael Swell does not allow vehicles to go off from designated roads and trails. We view the semi-primitive and the Desert Bighorn Sheep Management Area as being essentially managed for their wild qualities and being very similar to wilderness designation, as you pointed out earlier.

Mr. HANSEN. For some reason, if people say it's wilderness, it's all right. What we should do is call all these things "wilderness" and do what you want on them anyway, because they get more protection. There's some mystique out there that the term "wilderness" gives great protection, you saw from our former colleague Congressman Owens. Actually, primitive areas, as they used to be designated in the 1930's, get more protection than wilderness.

Mr. CURTIS. And could I add to that, Mr. Chairman? We asked the regional manager, the district manager of the BLM there, what it would take to really enforce wilderness on the San Rafael Swell, and he said it would require the United States Army. There are too many points of entry and access.

However, as I mentioned earlier, we're seeing something very significant happen here, and this is important to note. Our local people are buying into what we're doing here, and they're starting

to change their attitudes dramatically. In fact, he indicated to us just last week, the director of the area there for the BLM, that abuse has declined quite a bit in the past year.

And, in fact, the local off-road vehicle club has gone out and reclaimed some of these areas where vehicles should not have been. They have put up signs saying that people should not ride their vehicles there. They're reseeded and revegetated those areas. It's a whole different attitude, and that's what can come by working together on these types of processes.

Mr. HANSEN. It kind of goes to the area that you hear a lot of environmental groups say that, once this ground is gone, it is all that's lost. That's poppycock. I can show you areas all over America, and I would like to start with Promissary Ridge in Wyoming which was loaded with people and now has been reclaimed due to the efforts of Dick Cheney, and I supported—I carried the bill on the floor—totally reclaimed. I can show you areas around the Gunison in Colorado—totally reclaimed. I can show you areas in the California Desert Protection Act—totally reclaimed. And all of you who are rolling your eyes, I would be more than happy to take you and show you those areas because it just happens to be fact.

I strongly disagree with Mr. Meadows on one thing, that only the Federal Government can manage the land. It's not true at all. I hope I am not putting words in your mouth, Mr. Meadows. That's what I thought I heard you say. I used to be speaker of the Utah House, and we did exhaustive studies with what the State did compared to the Federal Government.

Now you take our western States—there's an imaginary line nobody can see, and one side is Federal and one side is State. We did a study—the Utah State University did for us when I was Speaker of the House—saying who managed the land the best—for the best use, taking care of it, help, all that type of thing. By far, the State of Utah did a better job. The kicker was this: On State lands BLM cost us 75 cents an acre in those days and Utah cost us 23 cents an acre. So, I don't know where this idea comes from that all wealth, wisdom, knowledge emanates from here. It's not true.

Mr. MEADOWS. Mr. Chairman, I mentioned that we have conflicts with the Bureau of Land Management. We obviously have conflict with the Forest Service and other land management agencies at the Federal level frequently. I can take you to places where private lands are better managed than State lands, or State lands better managed than public—than Federal lands. But I can also do the reverse.

I think there's a lot of inconsistency. We can talk about anecdotes, but the concern that we have, the base concern we have, is that these are Federal, national lands; and our Federal agencies need to take the responsibility for managing those appropriately. You and I together need to force them to do that well.

Mr. HANSEN. I don't disagree with that, Mr. Meadows. I'll agree with that statement, and I could show you in forests, because I used to chair the Committee on Forests and Forest Health, the majority of private ground, owned privately, is in better shape than the public ground. And the guy who would come in and testify is Dr. Patrick Moore, the president of Greenpeace, who will come in here and say, if you really want to see, it was managed there.

Now if I have a bone to pick with you folks—I really don’t—it would be this: You folks always come in, as my friend, Mr. Hinchey does, and say, “It’s public land. It’s owned by all of us.” I don’t disagree with that. What I do disagree is this: Because it’s public ground, we sit there—say Kane County, Emery County, Garfield County, specifically in the State of Utah. Now Garfield County is 90-something percent owned by the Federal Government. I imagine Emery County is pretty high—92 percent owned by the Federal Government. So, hey, we all own that ground. Well, then, why don’t you pay your share? I would think that SUWA, the Wilderness Society, the Sierra Club, Audubon Society, the National Conservancy Area would be up here demanding that Congress pay their share.

These guys are sitting there, and they have a fire caused by somebody in the East who carelessly does something; they got to go out and fight it. They have debris just strung all over the place; they’ve got to clean it up. They have some guy go up on a mountain and break his leg because he doesn’t know better; they send an ambulance out to take care of them. So they are sitting there and their tax base is zero almost.

I mean the tax base of Garfield County—two Congressmen’s salaries is more than that—and they are sitting there trying to take care of all that area, and my good friend, Pat Williams, a good Democrat from Montana, and I raised the amount five times to what it was, payment in lieu of taxes, and Congress won’t—and basically when it was controlled by the Democrats would never do it. We are getting a little more out of the Republicans as far as coming up with money to pay their share of the ground.

And in any business deal, if I owned a share, I ended up paying my share. I would hope to see you people put your money where your mouth is, and I say that respectfully, Mr. Meadows, and come out and help us out on some of those areas, so we can take better care of the ground.

Mr. MEADOWS. Absolutely. And let me just comment on that briefly. I just paid my taxes last week, just as you did. A portion of that I hope is going to protect our lands and manage those lands appropriately. The Wilderness Society is part of a public lands funding initiative, 140 organizations, pushing Congress and the administration to put more money into the budgets for Bureau of Land Management, the National Park Service, Forest Service, and the Fish and Wildlife Service, to manage the lands that we own more effectively.

We have been niggardly in our approach to funding those agencies and that’s why the local government are feeling pressed. We do have an obligation as the National government to fund those agencies appropriately to manage those lands.

Mr. HANSEN. I would agree with that, and I think that’s laudatory, what you are doing, but we got one now that just doesn’t urge it; it’s on the books; it’s authorized; it has been paid. I would hope that everyone of your groups would come on and say, “Come on, you guys are always bellyaching about it. Put your money where your mouth is, and give some of that payment in lieu of taxes,” and you’ll get a lot better care of your land.

These county commissioners have to sit there and say "What are we going to get this time? These guys want us to do all this work. They want us to clean this up. They want us to take care of it. They want to do all these things. All these eastern and western guys come and play on it; yet, they won't pay their share."

And if you are a county commissioner like these poor guys have to be and sit here and take that crap all the time from this, you would see they get really uptight. Every time I go visit our 29 counties and say, "Why don't they put their money where their mouth is?," they want to tell us how to run it and they say "Oh, yeah, we've got payment in lieu of taxes."

"However, you are supposed to get about a quarter an acre. We are going to give you 3 cents an acre this time. Yes, we are going to screw it up. We are going in there. We are going to cause fires. We are going to mess it up and all that type of thing," but they don't put their money in. I get a little exercised over that.

Mr. MEADOWS. Well——

Mr. HANSEN. Mr. Meadows, just respond and we'll go to the other gentleman here.

Mr. MEADOWS. That's exactly the kind of place where the Wilderness Society and the county commissioners from Emery County and this Subcommittee and someone from the Budget Committee perhaps, subcommittee, or Interior, could sit and talk out a solution, and we are eager to talk about those issues because I think that's where we can make a difference.

Mr. HANSEN. I am looking forward to the resolution from the Wilderness Society, from SUWA, Sierra Club and others saying, "Why doesn't the government pay their share?" Now that would be a very worthwhile thing for you folks to get involved in.

The gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I just want to say that I very much respect and agree with your advocacy on behalf of local people with regard to the responsibility of the Federal Government to pay its fair share on these Federal lands. And I just want to point out that you were absolutely correct in recognizing the leadership of Pat Williams on that and that I supported him and others supported him in that initiative.

We very much agree that these are Federal lands, and the Federal Government has a responsibility, and we very much support increases in those budgets that were mentioned by Mr. Meadows just a few moments ago, and also the need to increase the payment in lieu of taxes for these lands. I very much support you on that.

Mr. HANSEN. Well, I am looking forward to all your support when that appropriation bill comes up and all the good things that Mr. Meadows' group is going to say about it.

Thank you so much. We'll adjourn and this will end this hearing, and thanks to everyone for coming.

[Whereupon, at 12:30 a.m., the Committee adjourned subject to the call of the Chair.]

[Additional material submitted for the record follows.]

STATEMENT OF HON. MIKE DMITRICH,

Mr. Chairman, Ranking Member, and members of the Subcommittee, it is with great pleasure that I address you today, not simply because I do not get to address such an august body often, but because I am addressing you on an issue of great importance not only to my constituents but to all of the American people.

In Emery County, a county bigger than some New England states, lies one of the last great undiscovered national treasures, the San Rafael Swell. The cliffs were the shores of long vanished oceans. At every turn there are the signs of the ancient Jurassic era, through the swell passes the old Spanish Trail and cowboys can still be seen working, it is an area rich in biodiversity both plant and animal, however, like many areas in the west, it is rich not only in beauty, but mineral wealth, grazing potential, and other uses which make human life possible.

For decades, the various user groups have been, almost literally, at war. Many groups, on all sides, have staked out extreme positions over which they have declared "No compromise, no surrender," "No quarter asked, none given." The result has been an area in managerial confusion, such a situation is extremely difficult for local elected officials and local area resource managers from the state and Federal agencies.

However, not all voices have been strident and unyielding. Environmentalists, resource people and recreation groups, from both in and out of the area, have spent literally thousands of hours forging a plan to manage the San Rafael resource area in a sensible and thoughtful way. You have before you H.R. 3625, which is the legislative embodiment of that effort and an emblem of their dedication to reason and compromise. It is a commitment from both the citizens of Carbon and Emery counties, and those who don't live there but who love these lands, to care for them and to use them responsibly now and forever.

There are those who can, and will, cite the specifics better than I, however, let me state that H.R. 3625 will create a 630,000 acre national conservation area from which industrial development will be banned but in which conventional tourism and livestock will be allowed. In addition, over 300,000 acres will be placed in wilderness or primitive designations.

Again, I will leave the real details to others, but what I want to do is give you some reasons to vote for this proposal and not a blanket wilderness designation. For those whose constituencies lie east of the 100th meridian, voting for wilderness always seems a safe and popular vote. However, as all of us who answer to the voters know, what appears popular today can turn to voter resentment and anger tomorrow. If you enact, as some would have you do, a simple blanket wilderness designation for the San Rafael, the law of unintended consequences may begin to work with a vengeance.

First of all, since wilderness precludes most kinds of game management techniques, such as providing salt or water bubblers, you may be causing grave harm to the just reemerging big horn sheep herd. You still hear testimony on that later. It goes against our intuition, but some of these species *cannot* any longer survive *without* man's intervention. The game managers support this proposal.

Often, wilderness precludes most kinds of archeological work which would be criminal in this area so rich in Native American history. It may also mandate the destruction of some historical sites because they are the works of "the hand of man."

Furthermore, since the only allowed means of travel in wilderness areas are foot and horseback, many of the wonders of this area will be denied to your constituents who are elderly or handicapped. Those people deserve access to the lands as well.

What might appear to be an easy vote has many land mines in it. In the end your constituents will be grateful that you took the thoughtful approach and did what is right for people and animals, for history and culture, and for their opportunities to enjoy the land when they hopefully journey to my state senate district.

That said, let me state that I *am not* an opponent of wilderness designation. Some of the earlier proposals did have too little wilderness. There must be pristine and quiet places in this ever more hectic world where a person can enjoy nature as God created it. Please note that an area larger than Rhode Island has been excluded from mineral development. I am happy to say that there are several wilderness designations as part of this overall plan, but these are designations thoughtfully done rather than done as a part of a cynical numbers game. These areas contain the type of scenic wonders the original sponsors of the 1964 Wilderness Act had in mind.

Besides, I have great sympathies with endangered species. I am a rural Utah Democrat. Nonetheless, I have survived to become the senior person in the Utah legislature. I can tell you, this battle has been going on during the greater part of my 30 years of service. It is time for this battle to end. It is time to finally say no to the narrow interests and say yes to the vast majority of Americans who know

in their hearts that there is room for us all. It is time to do the right thing—instead of the easy thing—for the wildlife, for the people of Emery County, Utah and all of America. Thank you for this opportunity and thank you, Chairman Hansen for holding this hearing.

STATEMENT OF RANDY G. JOHNSON, COMMISSIONER

Chairman Hansen and members of the Committee,

Thank you for the opportunity to testify before you today on this important bill. I have spent a great deal of time trying to think of what I might say to you that has not been said before, and which might in some small way portray how important I believe this new approach to public lands management really is.

I believe that I should first let you know of my involvement in public lands matters so that you will understand my perspective on these issues.

I am Chairman of the Emery County Board of Commissioners. Emery County is a county about the size of Connecticut which is 92 percent state or federally owned.

I am also Chairman of the Utah Association of Counties Public Lands Oversight Committee, a member of the National Association of Counties Public Lands Steering Committee, and Chairman of the Rural Public Lands County Council.

Lastly, I am Chairman of the Board of Directors of the Utah Lands Foundation, the only resolution-oriented environmental organization in Utah.

Consequently, public lands issues consume a great amount of my time. I want you to understand that I am excited to testify today, because I believe that what is before you is truly a landmark bill. H.R. 3625 has the potential to change the entire field of discussion, and could lead us into an era of public lands problem-solving if we are willing to let it.

The challenge will be in prying ourselves loose of the stalemate we have created. As stated in an April 14, 1998 Deseret News editorial: "Perhaps a miracle—a big one at that—would move key players off dead center, or, more accurately, from the outer extremes. Beyond that, there doesn't appear to be much hope of exorcising the intransigence of wilderness advocates who are perfectly satisfied with the status quo. Defacto wilderness is as sacrosanct as officially designated wilderness. There is no incentive for wilds advocates at loggerheads with others to budge, *which is the root of the stalemate.*"

I am here today to ask you for that "big miracle."

I must also ask the question, if there is a general refusal to come to the table and look for solutions, then what kind of future have we defined for ourselves? Isn't it time to re-evaluate our public lands management philosophy? I believe that we must ask ourselves: What kind of a war have we created—and who benefits?

I assert to you that the Emery County Plan solves problems. It addresses the needs of all stakeholders. It works for the best good of the land itself. And, most importantly, it is a manageable plan. Surely this is a wonderful opportunity to move away from the stalemate described so well by the Deseret News.

I think it is important for you to know that I consider myself an environmentalist. But, I am not allowed to be one because I do not believe that we should make wilderness of every possible piece of land that we can force into some semblance of qualification, ignoring man's impacts while making a crime of historic uses.

Wilderness was meant to apply only to those exemplary lands which truly qualify. It was never intended as a management tool for all public lands. Nor should it be. Some environmentalists, in their eagerness to lock up the land, have made villains of those who mined uranium and other resources when our nation had a great need for those products, and have portrayed local elected officials as thugs and land barons. This is truly unfortunate, because the sustainability of those lands has been critical to our use of the land since the 1800's. This is evidenced by the fact that the beauty and wonder of this area has been so well preserved over the years that the entire nation is focused on it today.

This is at the heart of the Emery County bill. It is our firm belief that natural history and human heritage are just as important and deserving of protection and recognition as are slick rocks. We also believe that the current status of polarization and acreage quotas is harmful—harmful to the land, harmful to the people who use and enjoy the land, and harmful to the nation. Surely our beautiful lands deserve more than junk science and exaggerated and manipulated statistics. Surely they deserve our best efforts. Certainly we are capable of prescribing a management philosophy that meets the needs of the land while assuring that we can also carefully manage the resources which come from the lands.

We believe that Emery County has done just that. H.R. 3625 is the only proposal that protects the entire San Rafael Swell. It is the only proposal that provides spe-

cific protection to one of Utah's largest herds of Bighorn Sheep. It is the only proposal that has started from the land upward, drawing nearly all stakeholders to the table. And, it is the only land management proposal that recognizes all the values of the land and works for truly manageable preservation of those values.

The Emery County proposal is based on two principles:

(1) Man is not an intruder in his own world; and (2) Man is capable of protecting and preserving all the values of the land, while carefully utilizing the basic and essential resources the land provides.

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

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

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

The National Conservation Area works to preserve the more pristine areas of the San Rafael in various levels of protection as dictated by the land. In more than 600,000 acres, the NCA not only includes huge tracts of wilderness designation, but it goes well beyond wilderness in its protective layers. It recognizes the largest Desert Bighorn Sheep herd in Utah and makes provisions to manage and protect that wonderful resource. It also withdraws the entire San Rafael Swell from oil drilling, timbering, and mining.

With our National Heritage/Conservation Area proposal, Emery County has created a protective blanket which actually fits the land, and works to recognize and preserve all the wonderful qualities of that land.

Some environmentalists will say we have withdrawn protection from many acres. What they really mean is that we are protecting those lands in ways other than wilderness—ways that are just as permanent, just as effective, and in many cases, much more protective than wilderness.

Another criticism of optional forms of protection is that wilderness is permanent, others are not. But, Mr. Chairman, we are here before you to seek congressional designation which would make this hybrid ecosystem management concept permanent, providing protection for the San Rafael Swell for many generations to come.

Mr. Chairman and members of the Committee—

if you say that the lands of the San Rafael need protecting, we say, "We agree!"

If you say that there needs to be a "wilderness experience" available to anyone who seeks it, we say, "We agree!"

if you say we should preserve some of our precious lands for future generations, we say, "We agree!"

if you say there are some areas where no new roads should be built, and no new mining should occur, we say, "We agree!"

But—

if you say that wilderness is the only way to achieve these things, then we say, "We do not agree."

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

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

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

We ask you, once again, for that "Big miracle." Let us move to a new, hybrid form of manageable protection. Let us accomplish the purposes of the San Rafael Swell National Heritage/Conservation Area.

I thank you.

STATEMENT OF KENT PETERSEN, EMERY COUNTY COMMISSIONER

Chairman Hansen and members of the Subcommittee, my name is Kent Petersen. I am a member of the Emery County Commission. I am pleased to be able to talk to you about H.R. 3625, The San Rafael Swell National Heritage Area, National Conservation Area.

Most of the people in Emery County live along the western side of the county between the mountains of the Wasatch Plateau on our west and the San Rafael Swell to our east. Our homes and our farms are in the valleys, fed by the streams which originate in the mountains. Our cattle spend their summers and get fat in these mountains. The coal for the power plants which provide jobs for our people are in these mountains. Even though much of our wealth comes from the mountains **Our Hearts are in the San Rafael Swell**. It is where we go when we want to be alone, and it is where we take our visitors when we want to show them something special. When our people come home after they have been away for a while, the Swell is always one of the first places they want to visit.

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

We know these are public lands belonging to the people of the United States. We support the right of the people all around this country to be able to visit these lands, and to have a say in the management of them. We feel very strongly, however, that those of us who live next to these lands, and who have spent our lifetimes on or near them, must have a large say in how these lands are managed.

Decisions and solutions dropped down from on high, without input from local citizens are very disruptive. They require a strong police presence to force people to follow new rules which often make no sense. Solutions that are sensible, and have a strong local support, police themselves.

This is a plan developed at the local level with strong consideration of national interests. It will protect some very important lands. It will protect and manage the wildlife who live on these lands. It will manage the people who visit and use these lands. And it will protect the heritage and the history of those who have called these lands home.

The citizens of Emery County have a long history of caring for the land. In the late 1890's and early 1900's a person could tell the location, from the valley floor, of the sheep and cattle herds on the mountains by the clouds of dust they kicked up from the severely over grazed land. Large herds of cattle from the area, and from outside the area, even from outside of the state, were grazing uncontrolledly on the public lands. Local citizens petitioned the government for the establishment of the Manti National Forest. Through cooperative efforts of the local ranchers and the Forest Service the lands have recovered and are once again very productive.

In 1992 **Project 2000, A Coalition for Utah's Future**, a broad based public interest organization, decided to try to resolve the Utah Wilderness issue. Emery

County volunteered to be the pilot county for this effort. We met with a widely diverse group of stakeholders to see if we could come to a consensus resolution.

The stakeholders included members of state and national environmental groups, oil, gas, mining and utility interests, OHV users, ranchers, local government, state and Federal land management agencies, and local citizens. We met for about two years. We did not reach a consensus resolution because in 1995 the debate changed to focus on H.R. 1745, the Utah wilderness bill. The two sides became polarized and it was impossible to work for consensus.

These discussions, however, provided the impetus for the development of H.R. 3625, The San Rafael Swell National Heritage and Conservation Act. They also led to the formation of the Emery County Public Lands Council. It is a broad-based group of local citizens who meet on a regular basis to discuss, and resolve, public land issues. We have signed Memoranda of Understanding (MOU's) with the BLM, Forest Service, and State Agencies. We decided if we were going to have a say in our destiny we would have to become proactive and seek workable solutions.

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

At a public meeting in Castle Dale, Montell Seely, a local sheep rancher and historian, and George Nickas, a member of the Utah Wilderness Association, described very similar visions for Sid's Mountain, a key portion of the Desert Bighorn Sheep Management Area in H.R. 3625. They differed only in the methods for accomplishing their vision. George, the environmentalist thought it should be made a part of a large wilderness area. Montell said that it should always remain wild and that its location would ensure that it would. H.R. 3625 will satisfy both their visions.

We determined that we all wanted the land protected. We also found that wilderness was only one method of land protection and is often not the best method. It is, in fact, a non management tool. We studied various protection methods and determined that a National Conservation Area (NCA) with various protection schemes inside the boundary would be the most effective method for managing the San Rafael Swell. The addition of the National Heritage Area will protect and manage various heritage and historical sites within the NCA and throughout Carbon and Emery Counties.

The National Conservation Area provides protection for 630,000 acres. Inside of this area are wilderness areas, semi-primitive nonmotorized areas, an area of critical environmental concern (ACEC) to protect the view from the Interstate 70, and the Desert Bighorn Sheep Management Area. There are also wilderness areas and semi-primitive nonmotorized areas outside of the NCA in Carbon and Emery Counties.

The Desert Bighorn Sheep Management Area provides protection for the sheep while allowing the Utah Division of Wildlife Resources to use all the tools it needs to keep the herd viable. The Desert Bighorn Sheep is very susceptible to disease, and over population is the greatest threat to a herd. Careful management is necessary to keep the herd healthy. The management area will also provide for watchable wildlife areas, scientific study of the sheep, and educational opportunities for the public.

The semi-primitive, nonmotorized areas provide the ideal management conditions for several areas in the San Rafael Swell. They provide for wilderness recreation and isolation away from the usual human activities while recognizing the existence of man made features such as existing roads.

Most of the areas on the San Rafael Swell listed in H.R. 1500 are protected within the NCA either as wilderness, or semi-primitive, nonmotorized areas. Additional areas are protected within the NCA and as semi-primitive nonmotorized areas outside of the NCA boundaries. These designations protect the land while recognizing valid existing rights.

The visual ACEC provides protection for the unique visual corridor along I-70, a major transcontinental highway. Thousands of travelers drive across the San Rafael Swell daily. Their view will be protected and we will develop methods for informing them about what they are seeing.

I am sure that after careful study you will agree that H.R. 3625 is the ideal management tool for the San Rafael Swell and for all of Emery and Carbon Counties in Utah. Maybe it will be the model for a new way to resolve public land disputes in the west.

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

STATEMENT OF BEVAN K. WILSON, EMERY COUNTY COMMISSIONER

Chairman Hansen, Ranking Member, and members of the Subcommittee: I come before you today as an Emery County Commissioner and as a native son of Emery County. I appreciate the opportunity to testify on a matter that is of vital importance to all of us.

During the debate on the 1996 Utah Wilderness Bill, Senator Bill Bradley raised a question that is central to my discussion today. Senator Bradley asked "How do we achieve a balanced, reasonable plan for conserving America's natural heritage while providing opportunities for economic growth and development across our public lands?" That is a question that we in Emery County have been pondering for over a decade.

The ten thousand citizens of Emery County live on tiny islands of private land surrounded by a sea of public land. Nine of every ten acres are owned and controlled by government, either Federal or state. These lands not only surround us; they sustain us. Water is our most limited and precious natural resource. Every drop of water we use comes from public land. Ranching is our dominant agricultural enterprise. Much of the forage for our livestock comes from BLM or Forest Service land. Emery County is the number-one coal producing county in Utah. Most of our coal comes from Federal coal leases. Public land has always provided most of our recreational opportunities, and our growing tourism industry is inseparably tied to those lands. Huntington native Edward Geary has written that these lands "... form the proper edge of the sky." In a very real sense these lands define our cultural and economic horizons as well.

Public land issues have always been important to us, but they assumed a new importance during the BLM wilderness inventory process. Hundreds of local citizens attended public hearings and offered comments on the wilderness EIS. At about that time Emery County developed an Economic Development Council and hired Scott Truman as its first director. Much of Scott's time was occupied with public land issues. In the mid-eighties Scott and others proposed the creation of a National Park on the San Rafael Swell. That concept was abandoned because of local opposition. Some viewed a National Park as a single-use designation that would not address other national and local needs. Others simply did not want to see that level of tourism development on the Swell.

Since that time public land issues have occupied most of the County Commission's time. Others will detail the process that led to the introduction of H.R. 3625. Suffice it to say, the Commissioners and Public Lands Council met with numerous stakeholder groups, listened to hours of testimony, held dozens of meetings, and considered every conceivable land protection strategy before developing our proposal. I wish to make it clear that H.R. 3625 is our proposal. We are deeply indebted to the Utah Congressional Delegation for helping us express our wishes in legislative language.

What does H.R. 3625 do? First, it protects public land. It bans mining, logging, tar sands development and oil and gas exploration on approximately one million acres. Some would have you believe that this bill somehow lessens existing protections. It does not. It protects lands now identified by the BLM as wilderness study areas. It protects lands in the center of the San Rafael Swell that are not identified as wilderness study areas. It provides specific protection to the Sids Mountain area, which is home to one of Utah's largest Bighorn Sheep herds.

Second, H.R. 3625 sets the stage for a tourist industry that respects the environment and local culture. It does this by blending a National Heritage Area with a carefully selected mix of protective measures, including wilderness. Some paint tourism as the answer to all of Southern Utah's environmental and economic problems, and wilderness as the ultimate tourist attraction. I know something of tourism. For ten years I operated a trading post on Route 66 in Flagstaff, Arizona. My customers included native Hopis and Navajos, as well as tourists on route to the Grand Canyon, Sunset Crater, and the Petrified Forest. During those ten years I learned about tourism's seasonal booms and busts. The year was divided into "the season" and the "off season." If you didn't do well during "the season," the "off-season" got mighty long. I learned that the whole family had to work to make a living on tourism wages. We all worked long hours to make ends meet. I learned about the need to diversify. I was involved in the operation of a wholesale oil and gas distributorship, a truck-stop and trading post. I bought and sold livestock. Additionally, I operated a wholesale ice company, steak house and other businesses.

I have no doubt that tourism will assume a growing importance in Emery County's economy. Emery County is relatively close to Utah's population centers. A visitor from Salt Lake City can spend his entire vacation in Emery County without even having to purchase fuel locally. If we base our tourism industry on traditional

“windshield” tourism, we will have to attract a huge number of visitors, because per capita spending will be so low. We don’t want to do that. That type of tourism would severely impact our public lands and compromise our cherished rural lifestyle. We hope to develop “value-added” tourism which will provide an enhanced experience to a smaller number of visitors. A National Heritage Area is a natural fit for that type of tourism. Protective designations such as the Bighorn Sheep Management Area also provide opportunities for sustainable tourism.

The Bighorn Sheep Management Area was developed in cooperation with wildlife managers and land managers primarily to protect the sheep and their habitat. The Area also provides unique opportunities for visitors to view Bighorn Sheep. Wildlife watching is a growing industry. In 1991, out-of-state visitors spent \$983,000 on wildlife-watching trips in Utah. By 1996, that figure had grown to \$1.4 million. Recently, two Public Lands Council members were explaining this concept to a National Public Radio reporter, while traveling through the Buckhorn Draw. As if on cue, a herd of thirteen bighorns moved out of a gully, up a cliff face, and paused on top of a large boulder. The reporter was thrilled by his first encounter with bighorns in the wild. Guides and outfitters will be able to provide that experience to others in perpetuity, if we adopt a plan that manages both lands and people. The Bighorn Sheep Area is only one example of the sustainable, value-added tourism opportunities created by H.R. 3625.

I repeat Senator Bradley’s question: “How do we achieve a balanced, reasonable plan for conserving America’s natural heritage while providing opportunities for economic growth and development across our public lands?” I believe that H.R. 3625 comes closer to answering that question than any proposal yet offered.

Emery County’s public lands and its culture are inseparably linked. Our lands and culture have survived the rise and demise of free-range grazing. They have survived the uranium boom and bust. They have survived the roller coaster trend of the coal economy. The question yet to be answered is, can they survive tourism and the service-based economy of the New West? Our challenges are great. We believe that H.R. 3625 will help us meet those challenges now and in the future.

Thank you for giving me the opportunity to testify before you.

STATEMENT OF PAT SHEA, DIRECTOR, BUREAU OF LAND MANAGEMENT

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to testify on H.R. 3625, the San Rafael Swell National Heritage and Conservation Act. Though Representative Cannon’s bill is predicated upon the local community’s genuine concern for the preservation, conservation and interpretation of very significant heritage resources present in the San Rafael Swell and its surrounding region, there are numerous problems with the bill’s approach to these issues which require us to oppose it today. And although the bill seeks a goal we support—to encourage and facilitate a collaborative approach among Federal land managers, local governments, agencies, and other concerned organizations to protect certain heritage and natural resource values within the area—we have some alternative suggestions on how to accomplish that goal. The San Rafael Swell region is being “discovered” and all of us must acknowledge and deal with the impacts, both positive and negative, of that fact. The Bureau of Land Management (BLM) has the largest land holding in the area and has two land use management plans in place to provide management direction to these lands—the San Rafael Race Management Plan. and the Price Resource Area Management Framework Plan. The Utah Resource Advisory Council (RAC), established by Secretary Babbitt, offers an existing mechanism to begin looking at the impacts and solutions to the region’s growing tourism economy. The RAC process is based on a recognition that there should be local solutions to issues of public land management, but not local dictates. Unfortunately, H.R. 3625 employs the National Heritage Area model for addressing some of these issues, a model which has been used primarily in the eastern United States in areas of predominantly privately-owned lands. It is not a model that is well-suited to the public land management issues of the San Rafael Swell region.

Finally, though the recognition of the need to protect some areas in wilderness status is gratifying, unfortunately the proposal was not developed with involvement by all major interests. The wilderness areas proposed for the region encompassed by the proposal fall far short of previous wilderness bills considered in this Subcommittee, and include management prescriptions which are incompatible with wilderness as defined in the 1964 Wilderness Act. Given these deficiencies, if passed in its present form, the Secretary would recommend that the President veto H.R. 3625.

Although we oppose this bill, we support the concept of a collaborative approach to recognizing the values of and developing means to protect cultural sites of national and local significance within the San Rafael Swell region. I will outline some proposed alternatives to accomplishing this goal later in my testimony. Before doing so, however, I will discuss in detail five major problem areas in the bill.

San Rafael Regional Heritage Council and the San Rafael Swell National Conservation Area Advisory Council

First, the two councils proposed in H.R. 3625 do not include representation by a broad enough spectrum of public land constituencies who have legitimate concerns about the management of the resources on the public lands encompassed by the proposal. These public lands belong to all Americans, and all Utahns, and Americans who live elsewhere in Utah and elsewhere in the United States have a legitimate stake in the management of these resources. This really should come as no surprise to anyone on this Subcommittee who has sat through the years of debate over these issues. Successful resolution of management issues in the region will require a more inclusive approach.

Transplanting the national heritage area designation concept, which has been used predominantly in the eastern United States where mostly non-Federal lands are involved, to the San Rafael Swell region where there are large holdings of federally administered lands, does not work well. H.R. 3625 only vaguely identifies what entities will comprise the Heritage Council and how they will operate. The participation of local government entities, such as county governments, is essential if the Council is to succeed, but the procedure identified in the legislation leaves doubt as to which entities will actually participate. It is also not clear how entities will be represented on the Council. The use of the term "council" implies that entities would appoint representatives, but it is not clear if this is intended or whether these entities form some sort of a coalition of interested organizations. The NCA Advisory Council has more detailed requirements for representation than the Heritage Council, but is also vague as to the spectrum of interests that would be represented.

Provisions for the Heritage Council also conflict with, or at least lead to confusion about, who is responsible for planning and management responsibilities which FLPMA requires BLM to administer. H.R. 3625 fails to clearly articulate what the relationship will be between Federal land managers in Carbon, Emery and Sanpete counties and the proposed San Rafael National Heritage Council. The legislation charges the Council with completing and implementing a management plan for the lands and resources within the national heritage area, yet there is no provision for how this plan interfaces with BLM's San Rafael Resource Management Plan or the land use plans of the Forest Service which also manage lands in the area. Section 105(b)(4) requires the plan to "detail appropriate land and water management techniques," but is unclear as to whether, or how, such decisions by the Heritage Council would amend BLM's San Rafael Resource Management Plan.

The title of Section 108 implies that the San Rafael National Heritage Council has the status of a Federal agency. If so, the Council must operate under the laws and regulations which govern Federal agencies, such as the Archeological Resources Protection Act, the Clean Air Act, the Endangered Species Act, etc. Yet Section 107(b) limits the Secretary from requiring "land use restrictions" when providing the technical and financial assistance required by the legislation. This may, in effect, limit the Secretary from complying with the requirements of these laws when assisting the Council in implementing its management plan.

The application of the National Environmental Policy Act (NEPA) and the FLPMA to the preparation of a management plan by the Heritage Council is unclear. It is not clear whether this bill envisions NEPA compliance. Secretarial approval or disapproval of the plan, however, would require such compliance. Further, BLM's role in the management plan is uncertain. The plan would constitute a major Federal action for the Federal lands, yet it is not clear whether BLM would be the "lead agency," for purposes of compliance with the Council on Environmental Quality regulations. Who would pay for the preparation of an EIS, BLM or the Heritage Council, is not stated.

Given these problems, I suggest that the BLM, the State of Utah, the county governments, and other interested parties cooperate in doing an in-depth survey of the unique heritage resources, recreation resources, and tourism infrastructure of the San Rafael Swell region. After the information is available the various participants should make recommendations regarding implementation of the heritage area concept or other approaches for developing gateway communities which could be applied in the San Rafael Swell area. By fully involving all parties in a such a survey, buy-in to the management plan would be more likely.

RS 2477 Right-of-Way Assertions

RS 2477 was adopted by Congress in 1866 and granted a right-of-way for the construction of highways across public land not reserved for public uses. When FLPMA was passed in 1976, Congress repealed RS 2477, but did not terminate valid rights-of-way existing on the date of FLPMA's enactment.

Rights-of-way validly acquired pursuant to RS 2477 provide access to and across Federal lands for States and local governments, and the general public. Historically, these rights-of-way have not presented many problems for Federal land managers, because in general their existence is obvious and unquestioned.

In recent years, however, there has been controversy over whether certain claimed access routes are "highways" that were "constructed" pursuant to RS 2477. This controversy causes uncertainty for Federal land managers charged with managing and protecting Federal lands according to current environmental, land use, and national security laws.

The matrix identified as roads on the map referenced in the legislation includes many routes which are wash bottoms, abandoned and unmaintained mining exploration routes, and trails impassable to vehicular traffic. We are concerned that labeling these areas as minor roads on the map could, if it became law, establish these routes as RS 2477 rights-of-way.

These so-called minor roads appear to be within many of the areas proposed as wilderness or for semi-primitive nonmotorized designation, and legislatively establishing them as rights-of-way, is confusing, unmanageable, and incompatible with the purposes of these areas. According to this legislation, such roads would have a setback of 100 feet on either side, creating swaths 200 feet wide through areas ostensibly managed as wilderness. All of the minor roads should be removed from this map, and no roads should extend into, or run through areas proposed for wilderness. This bill is not the appropriate vehicle to resolve contentious RS 2477 claims.

National Conservation Area

The San Rafael Swell region of Utah has long been recognized as having high-quality geological, archeological, historical, paleontological, wildlife, and scenic resources of national significance. The natural and cultural values of these lands have caused much of it to be included in BLM's wilderness study areas and in wilderness legislative proposals dating back more than a decade. Furthermore, in 1989, BLM proposed an 876,000 acre National Conservation Area for the area in its San Rafael Resource Management Plan and Environmental Impact Statement.

Although H.R. 3625 would designate an NCA boundary (except for a mineral withdrawal) it does not provide substantive protections for the important heritage and natural resources of the San Rafael Swell area. Moreover, it creates an unnecessary Advisory Council which would represent a narrow segment of the population interested in the management of the NCA. The bill's Section 203 unwisely reinvents FLPMA's well-understood and tested multiple-use and sustained yield definitions. As a general matter, BLM does not support any bill whose effect would be to reinvent FLPMA. FLPMA evolved in 1976 from the decade-long investigation by the Public Land Law Review Commission, led by prominent western Congressmen and Senators. The final product is a statute which has given BLM numerous flexible tools to accomplish a variety of land management goals with input from people across the spectrum of interests.

Finally, the NCA proposed in H.R. 3625 would dedicate an area proposed by many including the BLM, for wilderness to the intensive management of bighorn sheep, in part for export to other regions. The ecological cost of "ranching" bighorn sheep is not known and needs to be examined closely for resource trade-offs, including loss of wilderness values.

School and institutional trust lands exchange process

Sections 204, 222, and 406 of H.R. 3625 all deal with acquiring non-Federal lands inside various designations and exchanging them for Federal lands outside those areas. These sections do not provide a uniform approach to accomplish such land exchanges, creating confusion. Combining the provisions of Section 204(a)(1), 204(b), and Section 222(b) to replace Section 406 would provide a consistent and reasonable approach to these land exchanges. Section 406's requirement of acquisition of all lands within two years, without any sharing of the associated costs, is unreasonable. The land exchange process should allow the Secretary to work with the State of Utah to complete mutually acceptable exchanges.

Wilderness

I commend the proponents of this bill for recognizing areas that should be designated wilderness. Nevertheless, the proposed wilderness is 80,000 acres smaller

than the BLM proposed in the previous Administration. Moreover, it allows excessive access by vehicles on virtually any historically used route in a wilderness which is drastically out of step with the Wilderness Act of 1964. The wilderness proposal outlined in H.R. 3625 is not the product of an inclusive process. Until we have such a process, we will not have a workable resolution of the wilderness issue.

Thank you for allowing me to testify regarding this legislation before your Subcommittee. I would be happy to answer any questions you may have.

STATEMENT OF GOVERNOR MICHAEL O. LEAVITT, STATE OF UTAH

Thank you for allowing me the opportunity to speak to you today about the San Rafael Swell National Heritage and Conservation Act.

The protection of public lands in the State of Utah is an issue of national significance. The Federal Government administers more than 65 percent of the land in the State. These lands include some of the most spectacular scenery to be found anywhere in the world. The public lands in Utah are also host to a variety of activities and uses, and in many cases, the center of a good deal of controversy.

For decades now Utahns, along with many concerned people living outside the state, have waged contentious battles over how these lands should be managed and protected.

In my *State of the State* address in January 1997, I recounted a marvelous event I was privileged to experience here in the nation's capitol. In September of 1993, I was among those gathered on the White House lawn to witness a handshake that would change the course of history as Yasser Arafat and Yitzhak Rabin clasped hands in a gesture that bridged decades of bitterness and strife between Israelis and Palestinians with the signing of the Oslo peace accords. Across the street in Lafayette Park, protesters from both sides loudly chanted their objections.

As I told the citizens of my state, "We're not talking about world peace, but our state, for decades has been divided on the wilderness issue. It is time, now, to say enough fighting, to begin building on what unites us. Each of us shares a love for the land, and each of us shares a common desire to preserve sensitive lands. Let us begin with those lands on which there is substantial agreement. I'd like to say to the extremes on both sides of this debate, let's quit protesting in Lafayette Park, come to the table, and after 20 years let's stop fighting and start protecting land."

At that time I proposed a different approach to addressing these issues. I suggested that rather than deal with a statewide proposal that included enormous acreages and even larger political and emotional stakes, we needed to take a different road. I suggested that we deal with these public lands issues by means of an incremental approach, in which we would deal with areas or regions one at a time, piece by piece, as we worked our way a step at a time toward a total solution.

I have been convinced for a quite some time that if we are going to break the impasse over wilderness and the protection of public lands, we must begin by designating *some* wilderness *somewhere* in order to begin the process. This initial step, this first success, would be a critical catalyst for setting in motion the string of events that could ultimately break the gridlock and move toward resolution.

In presenting this incremental approach, I emphatically stated that it could not be successful unless it were accomplished through valid public processes and active involvement on the part of the numerous stakeholders associated with the issues.

The San Rafael Swell National Heritage and Conservation Act is a remarkable example of the innovation and quality that can occur when public processes are allowed to take root and develop in a natural and healthy way. This proposal is the fruit of years of discussion and soul-searching within Emery County, and in collaboration with an array of stakeholders.

The product of this effort is a proposal that addresses the protection requirements of the lands in a manner that is both far-reaching and environmentally sound. It considers the protection and management needs of an entire ecosystem. It is a unique proposal that could only be designed by those who are closest to the lands and who understand its intricacies and nuances.

This is an excellent example of the virtue of an open incremental approach. It clearly demonstrates the fact that there is indeed much common ground upon which to work.

This proposal is truly a local initiative. It was not developed by outsiders nor by state or Federal Government agencies. But at the same time, Emery County officials did not do their work behind closed doors. This bill is the result of interaction and input from numerous sources from across the political spectrum.

Its conception occurred as the result of a significant planning process known as the *Emery County Wild Lands Futures Project*. This process, which was sponsored

by the Coalition for Utah's Future—a private non-profit organization working to build consensus on major Utah issues—received strong support and involvement from my administration. Emery County reluctantly but courageously volunteered to be the pilot county in testing the potential for building consensus in these thorny matters.

The *Midlands Futures Project* brought an array of stakeholders to the table to participate in facilitated discussions aimed at identifying common interests and shared values with regards to the BLM lands of the San Rafael Swell. Participants included representatives from local, state, and Federal agencies, as well as user groups representing recreation, hunting, water development and industrial interests. There were also many significant environmental organizations seated at the table, including the Utah Wilderness Association, the Sierra Club, the Nature Conservancy, and the Audubon Society.

It was through these meetings that the walls of mistrust began to crumble, and people in the room discovered that their individual agendas were all driven by the same underlying motivation—a deep and sincere love for the lands and a desire to do right by them for current and future generations.

Though the process was never completed because of intensified battles from both sides of the issues, important seeds had been planted in Emery County—seeds Emery County continued to cultivate and nourish, and which today have blossomed into a proposal that is without precedent in the Utah public lands debate.

Consider what Emery County has proposed: Protection of 240,000 acres of wilderness. Areas we would all agree should be wilderness. Beyond wilderness the bill also proposes a National Conservation Area that gives statutory protection to the San Rafael Swell. In a bold step for which they have been widely criticized by many of their sister counties, they have removed the threat of commercial extractive development by proposing to exclude oil drilling, mining, and timbering activities from the Swell.

For many other acres of critical lands that don't quite fit the requirements of wilderness designation, they have innovatively applied an additional layer of protection in the form of semi-primitive non-motorized designation.

To their credit, Emery County officials have looked toward the future, and are proposing to further enhance the value of this public lands resources by creating something very new to Utah—a National Heritage Area. In doing so, they will be preserving and sharing with the nation an intriguing piece of western American history and culture.

They have also recognized the importance of another significant asset that is part of the San Rafael Swell—the Desert Bighorn Sheep. Their concept of creating a Desert Bighorn Sheep management area to provide opportunities for public education and observation of these magnificent animals in their natural settings adds an important new dimension of conservation to the National Conservation Area.

All in all, this is a proposal that is environmentally sound and secure. It protects and preserves the lands, the habitat, the wildlife, and the spirit of a spectacularly scenic and varied landscape. It is a proposal that has my full support and encouragement.

It is difficult to overemphasize how important this proposal is toward setting in motion the processes and discussions that can ultimately resolve critical public land concerns within the State of Utah. All eyes are focused upon this bill. If it is successful, it is natural to assume that other successes will follow, and that these successes will follow a similar process of public involvement and environmental sensitivity that will serve both state and national interests.

Indeed, if there can be hope for peace in the Middle East, then surely there can also be hope for meaningful progress in preserving and protecting the national and local interests associated with Utah's spectacular public lands treasure. The San Rafael Swell National Heritage and Conservation Act is certainly a worthy representative to lead the way toward reaching this essential objective. It is my hope that in the very near future we can all clasp hands in another handshake of success that will change the course of the future, and that will leave a lasting legacy for generations to come.

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

Mr. Chairman and Members of the Subcommittee, I am William H. Meadows, President of The Wilderness Society, and I am pleased to come before you today to discuss a matter of great significance for our nation's public lands: the protection of the magnificent red rock canyons and other public lands in Utah. We have met together to discuss these important lands before, most recently when I testified last

June regarding H.R. 1952, the "Utah Wilderness and School Trust Lands Protection Act of 1997," introduced by Representative Chris Cannon last year.

I am also pleased to be sharing the panel with Representative Wayne Owens today, a Utah native who loves the state, its public lands resources, and wild lands. I understand that Rep. Owens will focus much of his testimony on the specific areas affected by H.R. 3625. With that in mind and in light of Representative Cannon's ongoing efforts with respect to the management of public lands in Utah, I will focus my remarks on the national implications of this legislation by highlighting key comparisons between H.R. 3625 and Representative Cannon's earlier bill. I believe that such comparisons will best explain the position of The Wilderness Society on "The San Rafael Swell National Heritage and Conservation Act."

Before I begin, however, I would like to acknowledge the work of many in Emery, Carbon, and Sanpete Counties who have sought to address the important issues before us, as well as the efforts of Representative Cannon and Governor Leavitt. I would also like to express the willingness of The Wilderness Society to sit down with any parties committed to the sound resolution of wilderness issues in Utah, to work cooperatively to find a lasting approach to the sound management and protection of public lands and wilderness resources in that great state.

1. Scope of Legislation:

Introduced in 1997, H.R. 1952 addressed the designation of some 1.8 million acres of BLM wilderness in a "statewide" fashion, while H.R. 3625 addresses wilderness designation for public lands in two Utah counties: Emery and Carbon. [H.R. 3625 also makes additional non-wilderness designations for Sanpete County.] H.R. 3625 creates a total of 407,468 acres of wilderness designations in these two counties, a designation that is roughly 143,000 acres smaller than the Wilderness Study Area acreage in these counties, and roughly 666,000 acres smaller than the wilderness designations that would be made by H.R. 1500, "America's Redrock Wilderness Act," which The Wilderness Society supports.

On a positive note, the wilderness designations of H.R. 3625 seem intended to take effect immediately upon enactment, while the wilderness designations contained in H.R. 1952 were entirely contingent on the completion of the state/Federal land exchange outlined by this earlier bill. In addition, we are pleased that H.R. 3625 does not contain H.R. 1952-like language allowing the State to pick which Federal lands it would acquire in exchange for state trust lands within designated wilderness areas. H.R. 1952 contained this potential "sweetheart" land exchange deal for state, at Federal taxpayers' risk and expense.

Our concerns with the scope of H.R. 3625, however, are three-fold: First, it does not address the full range of wilderness quality lands in Utah. Second, even in those counties in which it does make wilderness designations, it actually reduces the level of protection that wilderness resources currently receive, by eliminating WSA protection for over 140,000 acres. These "former" WSAs (which are currently receiving interim protection as wilderness) will no longer be managed to protect their wilderness values. Without wilderness quality protection, these lands may be lost to development activities including road construction and ORV use. Third, H.R. 3625 only protects some 40 percent of the wilderness designations contained in H.R. 1500.

2. Wilderness Release:

H.R. 1952 contained "hard" release language that would have expressly prohibited the BLM from protecting the wilderness values of lands not designated as wilderness under that legislation. Furthermore, under H.R. 1952, public lands in Utah could never again be considered for wilderness protection. H.R. 3625, on the other hand, contains non-standard, but apparently "soft" wilderness release language, improved language that—as we currently interpret it—would allow for the future wilderness consideration of all remaining BLM lands in the state. In addition, H.R. 3625 does not appear to undercut the BLM's authority to choose to protect wilderness values as part of a multiple-use management approach to "released" lands. [H.R. 3625 releases 143,000 acres of WSAs to multiple-use management, lands that are currently protected as if they were wilderness. (Sect. 304)]

3. Wilderness Protection and Management:

One of The Wilderness Society's chief concerns with the wilderness area boundaries of both H.R. 1952 and H.R. 3625 is that these boundaries appear too-often to be drawn according to political lines or other non-ecological factors (e.g., both bills "cut" canyons in half and often follow county rather than natural boundaries). Of equal importance, however, is the matter of how both bills govern management of those lands which they do designate as wilderness. Unfortunately, both bills contain non-standard and damaging wilderness management language affecting a variety of management issues and resources. We believe that such exceptions to standard wil-

derness management are both inappropriate in Utah and set a dangerous precedent for future wilderness legislation, nationally. The damaging wilderness “exceptions” of H.R. 1952 and H.R. 3625 include provisions related to:

- Reserved wilderness water rights and water developments: In Utah and elsewhere in the arid West, wilderness areas must be protected from the future drain-off of their streams and other water resource “lifelines.” Yet the water rights provisions of both H.R. 3625 (Section 407) and H.R. 1952 expressly deny Congressional reservation of a water right sufficient to sustain these magnificent desert lands. Furthermore, both bills contain provisions forcing the Federal Government to apply for a water right consistent with Utah state law. These provisions do not provide any real opportunity for water for wilderness resources, as Utah state water laws do not recognize wilderness resources as an appropriate recipient of water.

In the two most recent BLM wilderness bills enacted for arid Arizona and California, Congress reserved a quantity of water sufficient to maintain the integrity of the wilderness ecosystem. Both bills balanced the needs of water rights holders with that of the wilderness users and wildlife—H.R. 3625 does not.

Additionally, Section 407 (d) of H.R. 3625 appears to be written to open the door for inappropriate water developments and dam construction in wilderness. As worded, this section seems to allow almost unlimited expansion of existing water developments (and the access thereto) without any regard for the impact of such expanded developments on wilderness resources.

- Grazing management: During passage of The Wilderness Act of 1964 and subsequent wilderness debates, Congress has attempted to balance the continuation of pre-existing grazing operations in areas designated as wilderness with the protection of Federal range resources and other legitimate planning and management concerns. TWS believes the language of both H.R.3625 and H.R. 1952 would alter the existing balance between grazing and the protection of resources within wilderness areas, and could be interpreted as providing the BLM with less ability to protect range resources within wilderness areas than on non-wilderness public lands.

Section 303 of H.R. 3625 undermines existing Secretarial authority to enforce reasonable regulations and policies to manage grazing in wilderness areas to prevent undue resource degradation. Section 4(d)(4)(2) of The Wilderness Act states that pre-existing grazing of livestock in wilderness “shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary.” Language reflecting the Secretary’s ability to provide such appropriate guidance for the management of pre-existing grazing in wilderness has been included in subsequent wilderness legislation (the California Desert Protection Act, for example).

Furthermore, the grazing guidelines which Congress developed during passage of the Colorado Wilderness legislation during the 96th Congress—which have provided the standard for grazing management in wilderness—also emphasize that all reasonable measures must be taken to minimize the impact of grazing activities on wilderness character and to protect other resource values.

- Other road and motorized use issues, and Native American motorized access: Road development and vehicular/ORV use constitute one of the largest threats to wilderness resources in certain areas of Utah and elsewhere in the West. Unfortunately, several provisions of H.R. 3625 appear drafted so as to allow dangerous road/vehicular damage to wilderness and public lands, including the bills sections related to “fish and wildlife management,” “Native American cultural,” grazing, “valid existing rights,” and other uses. Each of these sections breaks with existing legal and administrative precedents for the protection of the fundamental roadless and wild nature of Federal wilderness areas.

- State fish and wildlife agency authority in wilderness: The Wilderness Act specifically allows for the continued jurisdiction of state fish and wildlife agencies over matters related to the management of fish and wildlife populations. The language of H.R. 3625 (Section 408) broadens the existing situation under The Wilderness Act to the point that state fish and game agencies could apparently undertake almost any fish or wildlife related management activity, including water impoundments, dam or road construction, motorized use, and other significant development activities with no apparent restrictions. This language is unnecessarily and dangerously broad.

- Mandatory Federal acquisition of non-governmental lands: Both H.R. 1952 and H.R. 3625 force the Secretary to offer to acquire lands from non-governmental entities if such lands are located not only *within*, but also *adjacent* to lands designated as wilderness. Given the limited funding available to the Fed-

eral Government, the Department of Interior must be very selective in prioritizing lands to acquire. We see no reason *to force* the Secretary to offer to acquire lands that are not actually within wilderness designations.

Finally, with respect to wilderness protection and management, we must note that the ways in which H.R. 3625 is *worse than* H.R. 1952. Specifically, H.R. 3625 contains language (which H.R. 1952 does not) that would harm wilderness values by adversely affecting management of:

- “Valid existing rights:” Section 222(a) of H.R. 3625 dangerously expands existing precedents concerning so-called valid existing rights (VERs) to include protection of “full exercise of those rights.” As drafted, this section would severely undercut the Secretary’s current authority to exercise some control over access to and exercise of VERs. (Sect. 222 & 302) Under such sections, development interests could argue that the “full exercise” of their rights would require the construction of roads, full motorized vehicular access, and/or the installation of facilities that are incompatible with wilderness designations. Could open the door for increased “blackmail” development proposals in wilderness (i.e., aggressively proposed “development” plans that are made by private interests in the sole hope that the Federal Government will pay to stop them.)
- Cultural/paleo resources: H.R. 3625 threatens both wilderness and cultural/paleo resources by allowing “means of discovery conventional to the science of archeology, including customary means of ingress and egress.” Management of wilderness lands is appropriately geared to a higher protection standard than that of other public lands. “Customary” archeological practices that might be appropriate on non-wilderness Federal lands may well be completely inappropriate in wilderness areas. For example, the language of H.R. 3562 could well be interpreted to include road construction and motorized access including large earth-moving equipment. (Sect. 402) Such uses/activities would seriously degrade wilderness values.
- Communication towers: Section 207 states nothing in Act shall be construed as prohibiting Secretary from authorizing installation of communications equipment in conservation area for public safety purposes. Communications towers are most frequently located on ridgetops that are visible for many miles, such development would seriously impair the “untrammled” character of wild lands and should be subject to the strictest of appropriate regulations. We are concerned that this Section could be interpreted so as to actually facilitate the installation of inappropriate communications towers in wilderness, by allowing an abuse of the “public safety” test.
- 2477 road claims: The set-back provisions regarding “roads and rights-of-way as boundaries” (Section 408(c)) expressly recognize so-called “County Class D” roads, which are closely associated with R.S. 2477 road claims. In recent years, we have seen an explosion of such road claims in Utah, many of which prove bogus on closer examination. We are concerned that H.R. 3625 appears to give validation to such controversial road claims. In addition, non-wilderness set-back strips along such “roads” minimize wilderness protection and maximize inappropriate road and vehicular access into these wild and magnificent lands. If H.R. 3625 is to include provisions against “buffer zones” (Section 408(b)) because they extend wilderness-like protection outside of wilderness areas, it should not include “anti-wilderness buffers” that extend development and mechanized travel into the heart of wild areas.

4. Non-Wilderness Issues:

Because it contains designations other than wilderness, certain of H.R. 3625’s troubling provisions also affect management of non-wilderness Federal lands—National Conservation Area, Semi-primitive Areas, etc.

One of the most distressing aspects of H.R. 3625 is its language that threatens to give inordinate local control over management of these Federal lands. In the management of National Heritage Area(s) (NHA) for example, the Secretary (Sect. 104) could make a local government/group the NHA “management entity.” A local governmental or private interest that assumed management entity status would have a great deal of discretion in decisions affecting both planning and management of these Federal lands. If such a local entity took on this management status, then the Department’s role in managing these Federal lands is largely relegated to one of providing technical support (Section 107). In addition, Sect. 106’s vague wording also appears to give local government/interests an inappropriate role in implementing NHA plan. While it is clear that local governments and interests have a strong and legitimate interest in the management of these Federal lands, we do not feel it is appropriate to turn over management authority for Federal lands to local control in the manner proposed by H.R. 3625.

With respect to management of the National Conservation Area, Section 222 of H.R. 3625 requires that the BLM “cooperate” with the NCA Advisory Council created in Section 205. This “cooperation” requirement appears to greatly exceed current BLM requirement under FLPMA to “consult” with all interests during management/planning for Federal wilderness.

In addition, H.R. 3625 restricts the Secretary’s ability (Section 401) to manage grazing and protect Federal resources (NCA, Semi-primitive Areas) in non-wilderness areas. H.R. 3625’s language governing management of pre-existing grazing within areas of the NCA and in the Semi-Primitive Areas outside of the NCA appears to thwart agency protection of these lands. We assume that the intent of this Section is to establish that the designation—in and of itself—of the NCA or the semi-primitive areas conveys no *additional* requirements on the management of grazing. However, the actual wording of Section 401 appears to eliminate almost all BLM authority to assure that grazing on these lands is managed so as to protect Federal resources.

Section 407 expressly prohibits reserved Federal water rights for the National Conservation Area and Semi-Primitive Areas established by H.R. 3625 and allows for the nearly unconstrained expansion of existing water developments in these areas. Such provisions undercut the protections that this bill claims to provide these Federal lands.

Conclusion

The mission of The Wilderness Society (TWS) directs us to ensure that the integrity and beauty of America’s wild lands are protected unimpaired for future generations. We have established two goals: to build and sustain a nationwide network of wild lands; and, to ensure that customs and practices affecting wild lands embody the land ethic. As described by Aldo Leopold and Robert Marshall who were instrumental in the founding of The Wilderness Society in 1935, the land ethic, “changes the role of Homo Sapiens from conqueror of the land community to plain member and citizen of it. It implies respect for his fellow-members and also respect for the community as such.”

Our vision for the future has at its core the commitment to secure and maintain the essential benefits and values of wilderness: habitat for the diversity of plant and animal species, pure air and water, natural beauty, physical recreation, spiritual renewal, scientific research and the opportunity to educate ourselves and our children about the proper place of humanity in the great tapestry of the natural world. We see Congressionally designated wilderness areas as the core of the national network of wild lands which we seek; a network also comprised of protected and well managed forest, park, refuge, and public lands.

To summarize, Mr. Chairman: We must oppose H.R. 3625 because we believe that it: (1) provides wilderness designation for an inadequate acreage of wilderness quality lands in the state and in the San Rafael area; (2) threatens wilderness resources in Utah and on other BLM lands nationally by failing to provide true wilderness protection for the public lands which it designates as wilderness; (3) releases lands currently protected as Wilderness Study Areas (WSAs) to management practices that may degrade their wilderness values; (4) makes non wilderness Federal land designations that do not adequately protect these special areas and their wilderness resources; and (5) threatens to cede an inappropriate level of control over Federal land and wilderness management to local governments and interests.

We thank you for the opportunity to testify before you today.

STATEMENT OF WES CURTIS, DIRECTOR, GOVERNOR’S RURAL PARTNERSHIP OFFICE,
STATE OF UTAH, AND MEMBER, EMERY COUNTY PUBLIC LANDS COUNCIL

Mr. Chairman, Ranking Member, and members of the Subcommittee, I appreciate this opportunity to talk to you about a remarkable proposal for protecting one of the nation’s unique public lands and heritage treasures—the San Rafael Swell.

This bill is the product of years of work and a long process of public involvement. It is a marvelous manifestation of local initiative acting in the national interest. It is also a manifestation of a significant change in attitude and perspective on the part of the residents of Utah’s Carbon and Emery Counties.

As recently as a few years ago, Emery County was one of the leaders in opposing wilderness designation and other environmental protection schemes. They strongly resisted what was viewed as imposed solutions from Washington that threatened, rather than enhanced, local culture and lifestyles. Fortunately this attitude began to change once county leaders set aside the emotions of the moment and took a close

look at what they truly valued. In doing so it became clear that protecting this public lands treasure was vitally important to the people of Emery County.

To understand our interest in the future of the San Rafael Swell, one must understand our love for this land and our strong connection to it. Like everyone else, we marvel at its scenic beauty. But to us this land is more than beautiful scenery. This land has shaped our culture, our communities, our thinking, and our hearts. It is part of our lives.

We have a love not only for the land, but for the heritage and legacy it has given us. This land tells the stories of our past—the tales of who we are and how we came to be.

It is important to note that the bill you have before you is environmentally sound. It has been carefully crafted to ensure that every needful protection is in place, because we knew this proposal would have to stand up to intense scrutiny. This bill reflects the keen sense of responsibility we feel to protect this public lands treasure and to pass it on as a legacy to future generations.

We are puzzled when we hear certain factions, who seem to have little interest in finding workable solutions, denounce this bill as inadequate and then sum up their opposition by parroting the tired and worn phrase they have applied to every lands proposal of this decade by saying this is an “anti-wilderness bill.” They then imply that this bill leaves thousands of acres unprotected because it releases them from Wilderness Study status. They imply that wilderness designation is the only means for protecting these lands, and that anything else is “anti-protection.” In making these statements they are not telling the whole story.

The truth is this: H.R. 3625 is a wilderness bill—and a whole lot more!

A weakness inherent in all the past and current wilderness proposals, regardless of their total acreages, is that they are one-dimensional in their focus. They offer “slice and dice” protections but don’t preserve the integrity of the whole. They focus on lands and acres, not on eco-systems.

H.R. 3625 is the only proposal from any quarter that offers protection for the entire San Rafael Swell. It not only designates 407,000 acres of wilderness, it goes beyond this to protect the environment and integrity of an entire eco-system. It not only addresses the needs of the lands, it addresses other needs as well—such as habitat and wildlife management and cultural and historic preservation.

This is the only proposal that withdraws the threats of oil drilling, mining, and timbering from the entire San Rafael Swell—a remarkable concession for a rural county with an economy based on mineral extraction.

This is the only proposal that provides special protection and management for the desert bighorn sheep, as well as opportunities for watchable wildlife and public education at the same time.

One of the great success stories of the San Rafael Swell is that of the desert bighorn sheep. The Sid’s Mountain herd began with the transplanting of a small herd of sheep in the late 1970s. Now the Swell is home to one of the largest herds in the state, and it has been used as transplanting stock for many other herds, both inside and outside the state of Utah.

We take great pride in this locally. In fact, we have selected the desert bighorn sheep as the symbol of our National Conservation Area.

This is the only proposal that preserves another critical component of the San Rafael Swell—a component every bit as priceless and threatened as the lands—that of the history and heritage of the San Rafael Swell region.

This bill is a protection measure in every sense of the word. The purpose of a National Conservation Area is to protect resources. The purpose of a National Heritage Area is to protect and perpetuate cultural and historic resources.

The questions we pose to any and all, are these: In what way does this proposal fail to protect the resources of the San Rafael Swell? What specific threats to these lands have we failed to address? If there are any, we want to be the first to know—and we will be the first to address them.

We have learned an important lesson through the course of developing this proposal that we wish to share. We have learned that a locally initiated, locally driven approach such as this one has an important side-benefit attached to it. We have found that it leads to local buy-in, local ownership, and local pride in the proposal. As a result the local residents become part of the solution instead of part of the problem. With this buy-in and community pride the local public becomes the eyes and ears to help monitor and protect against abuse. This represents an important and positive shift in attitude from days past.

It would be a sad day for the future of the public lands debate, a sad day for local initiative, a sad day for the national environmental interest, and a sad day for the lands themselves if this proposal were rejected simply because it doesn’t carry the popular label of the day.

On the other hand, passage of this bill would be a triumph for compromise and common sense; a triumph for hope—for hope of resolving difficult public lands issues in a sound and sane manner. It would be a triumph for the lands, for the habitat, for the wildlife, for the environment, for the history and heritage of the American West, and for the nation as a whole.

This is truly an extraordinary proposal—or maybe we should just call it a “Swell” proposal. Instead of being satisfied with standard issue, one-size-fits-all khakis, the people of Emery County elected to begin with a new piece of cloth. By taking this cloth to the designer and the tailor, they have come up with something quite different from the designs and fashions of the past. They have come up with something better, for in this case, the cloth has been tailored to be a perfect fit—a perfect fit for the needs of the lands, a perfect fit for the eco-system, and a perfect fit for the American people.

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

STATEMENT OF RICHARD M. WARNICK, SALT LAKE CITY, UTAH

Mr. Chairman:

My name is Rich Warnick. As a member of the Utah Wilderness Association, I was one of the authors of our original Utah Bureau of Land Management wilderness proposals in 1985, which first advocated a series of regional wilderness bills. I later served as the BLM ranger at the Cleveland-Lloyd Dinosaur Quarry from 1987 to 1989, and also monitored wilderness study areas on the San Rafael Swell and Desolation Canyon.

It is with a feeling of cautious optimism that I offer my comments on H.R. 3625, the San Rafael Swell National Heritage and Conservation Act. I ask that this statement be included in the hearing record.

Local support is the key to wilderness designation in Utah. In the Utah Wilderness Act of 1984, our last successful wilderness bill, the areas that received designation were the ones with the strongest local constituencies. It is indeed encouraging that Carbon and Emery Counties have put together this proposal. I believe it can become the catalyst for a long-delayed compromise on this issue.

As you know, the Utah Wilderness Association worked hard to achieve consensus on a San Rafael wilderness package. In a four-year process facilitated by the Coalition for Utah's Future, UWA put into practice the principle that more progress can be made when parties focus on solving problems instead of trying to win battles. This process aided the formation of the Emery County public lands council. The “handshake agreement” reached between UWA and Emery County in March, 1995 represented a glimmer of hope. Unfortunately, the present bill does not reflect that agreement. If it did, I would have no doubt that Congress would approve it.

The amount of wilderness designation in the bill is inadequate. Leaving aside Sids Mountain, only approximately half of the area that deserves wilderness protection on the San Rafael Swell is included. The bill's proposal for Desolation Canyon is about 100,000 acres short of an adequate designation—it also uses county lines as wilderness boundaries.

I believe the wilderness areas in this bill fall short simply because some elected officials have an unjustified fear of the National Wilderness reservation System and its relationship to economies. National conservation areas can augment wilderness designation, but they should not substitute for it. New negotiations will be needed to achieve a genuine compromise.

H.R. 3625 also contains unprecedented management language. Title IV, sections 402, 403, 404, 405, 407 and 408 should be changed. Wilderness area management is adequately addressed in the Wilderness Act and relevant agency management policies.

Everyone who hailed the proclamation of the Grand Staircase-Escalante National Monument ought to support the San Rafael Swell National Heritage Area. The Bureau of Land Management has not been able to take care of and interpret the abundant paleontological, archaeological and historic sites on the San Rafael Swell as well as it should. I fully support the proposal for a national heritage area.

Testimony by Donald Keith Peay
Representing the Utah Chapter of the Foundation for North American Wild Sheep
59 North Eaglewood Drive
North Salt Lake, Utah 84054

H. R. 3625 "San Rafael Swell National Heritage & Conservation Act"

The Utah Chapter of the Foundation for North American Wild Sheep is a non-profit, pro-hunting, wildlife conservation organization. Over 500 Utahns are members of this organization, that has generated more than \$1.6 million private dollars for Bighorn Sheep restoration and preservation in Utah since 1991. The Emery and Carbon County Commissions should be commended for their proposal, which if implemented by Congress, shall provide long term protection of such a rich and diverse cultural and wildlife region in Utah. Extensive public input has gone into the plan, along with comment and recommendations by the professional biologists of the Utah Division of Wildlife Resources (DWR).

Although Bighorn were indigenous to this vast area, they were extirpated by the 1950's. Records of the Utah DWR show that Desert Bighorn were re-introduced into the San Rafael Swell beginning with 12 sheep in 1979, 11 sheep in 1982, and 28 more sheep in 1983. Through careful management and the use of helicopters, predator control, water development, and other modern wildlife management tools, recent counts of more than 440 observed animals correlate to an estimated population of 600 Desert Bighorn in the San Rafael Swell. Biologists have found that when sheep become too concentrated, they tend to suffer catastrophic die-offs. The San Rafael Swell Desert Bighorn herd is doing so well, that beginning in 1991, Bighorn were captured from the San Rafael, using helicopters, and San Rafael Bighorn were transplanted to start two new herds in the Dirty Devil River and Little Rockies areas.

The San Rafael is definitely a core area being used as a source Desert Bighorn Sheep to re-introduce sheep to many of their indigenous ranges throughout Utah. The San Rafael Desert Bighorn herd allows for viewing, and carefully regulated hunting opportunities, which generate hundreds of thousands of dollars to the state wildlife management agency and local economy. It is highly commendable, that the local county commissions have recognized this extremely valuable resource, and has set aside core areas where Bighorn are the primary management objective.

The Utah Chapter of FNAWS has invested more than \$300,000 in private dollars in the San Rafael to assist the BLM re-arrange grazing permits in a win/win fashion with two long time grazing permittees.

Petroglyphs clearly show the presence of Bighorn in the Desolation Canyon area. However, once again, they were extirpated by the 1950's.

I was personally involved in restoring and releasing Rocky Mountain Bighorn along the Desolation Canyon, Turtle Canyon, and Bighorn Mountain in 1994. Fifty Bighorn were released in 1994 and 1995. The present estimation of the herd is now about 100 animals, which is still below the 150 number believed to be a Minimum Viable Population (MVP). Helicopters were once again invaluable for re-storing and now maintaining Rocky Mountain Bighorn in this remote and pristine area. Professional biologists have expressed a desire to research, and possibly provide additional water sources developed by man in this arid area. The BLM has already installed two man made water developments in the Turtle Canyon/Elliott Mountain area.

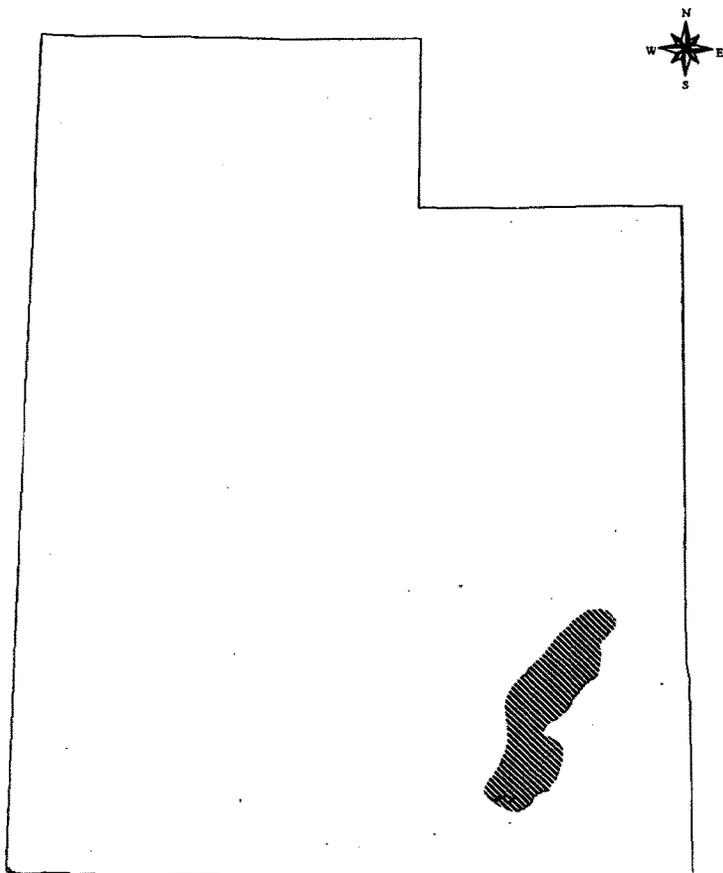
It was shocking to see on our local TV, a report on April 14, 1998, a group of Washington D.C. based, "conservationists" blasting Congress, saying budget cutbacks were endangering wildlife populations on our public lands.

A professional wildlife biologist prepared two graphs showing the distribution of Bighorn in Utah in 1972, and now in 1997. The total population of all three Bighorn species in Utah was less than 500 in 1972. Today, that number is approaching 4,000, and growing. Thirty years ago, Utah had 5,000 elk, that number today is 60,000. Utah has greater populations and broader distribution of black bear, cougar, mountain goats, elk, bighorn, moose, antelope, wild turkey, hawks, eagles, and many other wildlife species than we have had since 1920. Similar stories could be told in Colorado, Wyoming, Nevada, and Arizona. These Washington D.C. groups need to come out west, and get the facts.

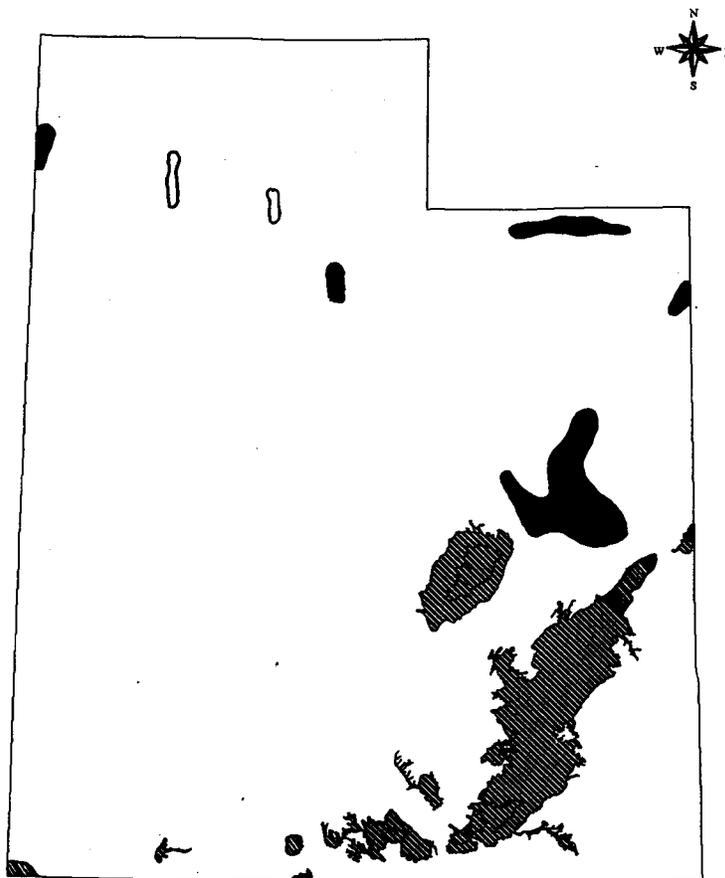
Yes, the west is facing growing human populations which can threaten wildlife habitat and wildlife populations. However, as I just stated, through careful, modern day wildlife management systems, the vast majority of Utah's wildlife species are infinitely more abundant than they were 70 years ago, when Utah was sparsely populated, and considered a vast untamed wilderness.

It is my testimony today before the American people, that Utah wildlife conservation organizations, local governments, and Utah's state Government and Legislature are committed to keeping abundant wildlife populations on public lands for future generations of Americans to enjoy. That includes, viewing, photography, scientific study, or hunting. People are coming to live in the west because we have a great quality of life. To ensure future wildlife populations, we need to have management capabilities. If the Congress of the United States wants to protect wildlife, they need aggressively pursue this legislation, and pass into law, H.R.3625, The San Rafael Swell National Heritage and Conservation Act.

Bighorn Sheep Distribution in Utah 1972 PRIOR TO FNAWS



Bighorn Sheep Distribution in Utah 1997 AFTER FNAWS



- Rocky Mountain Bighorn Sheep
- Desert Bighorn Sheep
- California Bighorn Sheep

Donald Keith Peay
59 North Eaglewood Drive
North Salt Lake, Utah 84054
801-299-1685

EDUCATION

B.S. Chemical Engineering, Brigham Young University, Provo, Utah, 1986
MBA, Brigham Young University, Provo, Utah 1989

WORK EXPERIENCE

Hercules Aerospace, Salt Lake City Utah, 1984 - 1991

Worked in various engineering and lower level management positions involved in the manufacture of solid rockets. Final position was a plant environmental operations supervisor, responsibilities included: RCRA ground water monitoring program, collection and disposal of hazardous waste, and operation of processing plant to break down and dispose of waste waters used in the manufacture of nitro-glycerin.

Petroleum Environmental Management, Inc. (PEMI) 1991-1995

President and founder of firm. PEMI performed environmental site assessments, engineering, design and implementation of remedial systems for the retail gasoline, and real estate industry. Sold firm in 1995 to a Maryland based consulting firm.

Sportsmen for Fish and Wildlife (SFW), 1995 - Present

President and founder. This grass roots coalition's mission is to: protect wildlife habitat, promote quality wildlife management programs, and protect Utah's hunting and fishing heritage. SFW has been a part of seeing an increase of over \$30 Million into Utah's wildlife management and wildlife habitat protection programs.

Utah Chapter, Foundation for North American Wild Sheep (UFNAWS), 1991 - 1998

President and co-founder. This all volunteer organization has raised more than \$1.6 million, completing 10 major habitat projects involving millions of acres for Utah bighorn sheep. UFNAWS has also assisted the Utah DWR, BLM, and Forest Service in establishing 11 new populations of Bighorn throughout Utah.

AWARDS

"**Outstanding Contributor Award**", 1996 from 6,000 member international FNAWS
Board of Directors, School Trust Lands Administration by Governor Leavitt, 1995
Graduated top 1/3 of MBA Class

"**Outstanding Chapter of the Nation Award**", President of the BYU American Institute
of Chemical Engineering (AIChE) student chapter

SUPPLEMENTAL SHEET

Wilson G. Martin, Deputy
State Historic Preservation Officer
Division of State History
Preservation Office
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Outline of Comments

San Rafael Swell Western Heritage Area

- **Leading area for heritage and natural resources**
 - Historic Districts
 - Significant historic and archaeological sites
 - Magnificent Rock Art
 - Hundreds of important historic and archaeological resources
 - Many experiences available
 - Tradition of mining and recreation
 - Nine Mile Canyon
- **Museums support efforts**
 - Helper Western Mining and Railroad Museum
 - Price Museum of Natural History and Archaeology
 - John Wesley Powell Museum in Green River
 - San Rafael Museum in Castledale
- **Organizations support effort**
 - Private
 - Public
 - Federal
 - Local
- **Recommendation**

The San Rafael Swell Western Heritage Area in Utah has the resources and organization to become a significant National Heritage Area. We support its designation.

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STATEMENT BEFORE THE INTERIOR HOUSE COMMITTEE
ON NATIONAL PARKS AND PUBLIC LANDS
APRIL 23, 1998
WILSON MARTIN
DEPUTY, STATE HISTORIC PRESERVATION OFFICER

Mr. Chairman, it is my pleasure to be here and address this Subcommittee. It was some two years ago that I addressed this committee regarding the National History Preservation Act, specifically the operations of the Advisory Council on History Preservation and proposed new regulations for that agency.

I am happy to report that much progress has been made in that area and the new regulations being proposed by the Advisory Council on Historic Preservation are much different than the proposal two years ago. Through this committee's work, significant regulation streamlining has occurred which will have an effect of reducing the cost of this program in Utah.

In that testimony, I talked about a growing opportunity in Utah for heritage tourism and developing heritage areas. I specifically discussed the Sanpete Regional Heritage Tourism Council and emphasized a need to support a heritage industry.

Now I come to talk about another specific area of Utah, the San Rafael Swell Western Heritage area. This area of the state is one of the country's leading last frontiers and possesses important historical, cultural, and natural resources that are representative of the central themes associated with the history of the American West. Themes including pre-Columbian and Native American culture, exploration, pioneering, settlement, ranching, outlaws, and prospecting and mining. The San Rafael Swell area has significant resources and institutional structures that can support the development of a heritage region in the state of Utah. This designation will be an economic asset to this part of Utah and will strengthen a needling economy.

The area has hundreds of important historic resources that are listed on the National Register of Historic Places or eligible. They include:

Helper Historic District with over fifty properties on the National Register. This historic area has homes and associated mining and transportation sites and provides a great tourism experience. The town of Helper has caught the vision of what might be by adding a mining museum, The Western Mining and Railroad Museum. There is a trail walk and outdoor interpretive exhibits, not to mention the real thrill of seeing in operation, the rail yard and ongoing related activities associated with this National Register Historic District. Bridges, rail facilities, the houses and people all make this a wonderful significant heritage destination.

A theater group is now in Helper which is adding night life. The annual illuminated Christmas parade attracts thousands.

Not far from Helper is the historic town of Kenilworth, a company town, it is all there with its narrow grid streets to company housing, outbuildings, water channels, bridges, guard shack, and much more. Hiawatha, also close by, is a place ready to happen. It has the old fire station, community church, company store and even the infamous jail all in tact. It is a potential living

history museum with machine shops, official cottages and mining service facilities. Other places like Scofield and Sunnyside have stories to tell and all of these would be reason enough to designate this area as a National Heritage Area. But there is more — much more.

Price has numerous historic buildings and a fine quality museum, largely dedicated to the archaeology and paleontology of the region. It is a fine facility of national importance connected to the College of Eastern Utah. It provides one of the anchors to the region. All of this is in the northern part of the proposed area.

East of this is Nine Mile Canyon. Nine Mile Canyon has pioneer homesteads, an old town site of Harper, Flying Diamond Ranch. The Canyon also sports historic graffiti and significant prehistoric Rock Art. Figures include mountain sheep and many others images. Emery and Carbon county have numerous national significant sites with the recently developed Buckhorn Wash Rock Art site, Temple Mountain Wash, and Black Dragon Canyon pictograph. All are listed on the National Register of Historic Places.

The internationally famous Cleveland Lloyd Dinosaur Quarry, Castledale historic buildings, and important San Rafael Museum add much to the region as well as the Dry Wash petroglyphs, Lime Kilns, Head of Sinbad pictographs, and numerous historic, archaeological and Paleontological attractions.

The Green River with its outdoor recreation opportunities and the famous John Wesley Powell Museum anchor the eastern edge of this significant heritage area.

Many of these are open for tours, site visits or events. Other destinations include the Cedar Mountain Driving Tour which gives the public access to archaeological sites of the area: the Price Muncipal Building, listed on the National Register of Historic Places for its important local son, Lynn Fausett, WPA (Work Progress Administration) murals. A museum here offers hands-on and interpretive experiences for the tourist, resident and river traveler alike.

There is not only places to visit, but there is also organizational support. In this area, there are three Certified Local Governments, certified under the National Park Service Historic Preservation Act and one Main Street town, the Carbon, Helper, and Green River certified local governments and Helper Main Street. These local governments already receive grants and technical assistance for developing a heritage industry in Utah. Even small groups like Reflections of the Ancients program in Wellington are there to serve the people and provide excellent heritage education, tourism, and recreational experience for people who visit this important region. The Castle Country Travel Council has been a long supporter of the heritage of this region. Private organizations like the Adventure River Expeditions out of Green River and the College of Eastern Utah have also supported this regions heritage destination experience and economic develop through heritage. With this legislation, a multi-county organization can develop the plans and implement joint efforts to develop the area.

The San Rafael Swell has the resources, the people, and the organizations for the development of a heritage area management plan which could assist in conserving this important heritage area, establish and maintain interpretive exhibits, develop recreational opportunities and increased public awareness and appreciation of the natural, historical, and cultural resources of this region. Not only that, but the economic development — the key outcome can be realized.

This heritage area, developed in partnership with businesses, local, state, and federal partners, has an excellent opportunity for success. Most importantly, it is a partnership for economic development and has as its outcome, heritage tourism and building, what we call in Utah, a heritage industry -- a partnership between private and public sector to achieve economic success through the use of our heritage. We strongly support the proposed legislation to create the San Rafael Swell Western Heritage Area.

Wilson G. Martin

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THE WILDERNESS

I remember the first time I saw him
 Kind of hanging around by the store
 His face and his arms were both sunburned
 His nose was all peeled and sore

His boots had soles like a waffle
 Khaki shorts that had ~~been put to the test~~ *been since seen their best*
 He wore an old faded blue tee shirt
 With a big "Save the Whales" on his chest

He looked like just a regular feller
 With maybe a story to tell
 Then he asked if I could please help him
 To check out the San Rafael Swell

We both jumped in my four wheel drive pickup
 And went out to take a look at the place
 I could tell that he liked the desert
 By the look that he got on his face

When we got to our first grazing allotment
 I stopped the truck and sat there to wait
 It was his job cause of where he was sitting
 To get out and open the gate

He got back in and was cussing
 And when I looked down I started to hoot
 Cause he hadn't looked where he was stepping
 Now he had green stuff all over his boot

He explained how he didn't like cattle
 He said they shouldn't be allowed on the land
 They ruin the "wilderness experience"
 Kind of hard for a cowboy to understand

But I showed him the canyons and the pinnacles
 Caused by ~~river and wind storms~~ *erosion for millenia untold.*
 and we marveled at the colors and stillness
 As we watched nature's beauties unfold

We saw signs of the "Old Ones" The Fremont
 Who left their messages carved in the stone
 And we saw diggings left by the miners
 And some petrified dinosaur bone

We saw the remains of an old homestead cabin
Right next to a cool flowing spring
An example of how this land could be friendly
And the next year heartless and mean

We got back to town and I left him
I forgot him and I'm sure he forgot me
Then I saw him about a month later
On the late evening news on TV

He explained how the land should be set aside
As a wilderness for backpackers and friends
And get rid of the cows and the cowboys
And the four wheel drive trails had to end

It seemed like a lot of folks listened
they were starved for a touch of the land
They wanted a place to be all alone
It was a feeling we could all understand

They got to thinking of us as intruders
It was their place they wanted to preserve
It was theirs and we no longer belonged on it
We'd been here for as long as we deserved

We talked to our Senators and Congressmen
Told them in detail of our plight
We wrote letters and talked to each other
We put up one Hell of a fight

We thought for a while we were winning
We held rallies and parades with our friends
But just like it says in the good book
Eventually all good things have to end

We lost but I guess its been alright
There are plenty of things here to do
Cause we live on a big reservation
And they put all our cows in the zoo

Kent Petersen
© 1991

between environmentalists and wise use proponents there without anyone sitting up and taking notice.

Three years ago, my wife and I bought property in the Silver City area hoping to move there from southeastern Arizona in five years or so. Our home away from home and the friends we made in the Mimbres Valley were a welcome respite from our jobs as managers of a large nature preserve and guest accommodations across the state in Arizona. We were attracted to the area for the reasons you stated in your articles — an eclectic blend of ranchers, miners and hippies in a beautiful natural setting.

The last three years, however, have made us aware of the divisiveness, ignorance, hypocrisy and blatant lies among the anti-environmentalists and certain employees of the Forest Service. Their

and the Greater Gila Biodiversity Project for their determination and fortitude under such adverse and violent conditions.

Mark B. Apel
Casacabel, Arizona

ABOUT LYCRA AND DENIM

Dear HCN,

As a sometimes cross-country skier and mountain biker who occasionally dons lycra, I must say that I think T.M. Power misses the point when he examines the "caustic humor" that traditional Westerners seem to have for the newly arrived urban "services" people (HCN, 5/2/94).

As a not-so-recent urban migrant (I came to the West from Boston 38 years ago), I can tell you from long observation that urban people are really not very interested in getting to know old-time residents. Most people in Vail and Aspen, for instance, don't have a clue as to how a working ranch really operates.

When the Wal-marts and the City Markets arrive, pushing out small business owners that have dedicated their lives to the communities they live in, the people have a right to be upset. When people with lots of money and not much time carve up the hay meadows, destroying their agricultural productivity and leaving nothing but ostentatious displays of conspicuous expenditure to mess up the landscape, local people have a right to be upset.

Mark Rey, a forest industry

what is coming, you begin to appreciate the "Old West."

The local folks may joke about our lifestyles but they do not threaten us. On the other hand we, in our condescending and sometimes ill-informed arrogance, have made very concerted efforts to destroy them in the name of "reform."

There are 280 million people out there across America, with cars and toys and cash, looking for a place to play. We have a broke federal government that is reducing, not increasing, its Forest Service and BLM personnel. Who is going to manage the situation? The fastest way we can destroy the environment in the West is to destroy the existing rural infrastructure, and that's exactly what we are doing.

Roger C. Brown
Gypsum, Colorado

Why one advocacy group steers clear of consensus efforts

The Southern Utah Wilderness Association often receives invitations from government entities or other groups to participate on various types of advisory committees. It is usually our policy to decline these offers. The rationale behind this policy goes like this:

1. *Advisory committees include interests which benefit from the status quo, and therefore have little or no desire to change. Their inclination is to stall any change by talking or studying the issue to death.*
2. *Frankly, our participation is sought mostly to co-opt us into a process where it is assumed we would lay down our legal and other weapons to suit "in good faith." The talks would then proceed while the other side, in the bureaucracy or private sector, continues its environmentally destructive, and sometimes illegal, activities.*
3. *Advisory committees come out of a controversy sparked by a government agency either failing to or attempting to carry out its statutory or regulatory mandate. An agency loves nothing more than to shift its duty by shifting responsibility to affected parties, rather than risk perturbing any of those parties by doing its job. SUWA will not participate just to tell an agency to do what is legally required. We will tell the agency, then sue if no compliance follows.*
4. *Advisory committees allow elected and appointed officials to duck responsibility, thus avoiding any tough decisions "while the deliberations proceed" or "until the committee comes to a consensus." In most cases, the groups are biased toward exploitation, while their mandate or mission is for conservation, and their findings are provable excuses for officials to do far less than what is needed.*
5. *Advisory committees are often run by consensus. Consensus works only when there is some basis of agreement to begin with; it does not work if participants are coming from diametrically opposing viewpoints. A consensus can be reached, for instance, if participants agree a road should be built, but need to decide the best route. A consensus cannot be reached when some participants want to clearcut, and others want to protect, a tract of forest.*
6. *SUWA believes strongly in American democracy. The framers of the constitution established three branches of government for there to be appropriate checks and balances. We will use all three branches in order to successfully achieve environmental protection. Our opponents despise us for using all three branches because it is easy for them to grease one branch but not all three. Advisory committees are usually a forum in which to browbeat agencies, taking away another of our three avenues for recourse.*
7. *SUWA is a law and order organization. Lawsuits either compel or allow bureaucrats to do the right thing. Lawsuits are better cover for good bureaucrats and a better motivator of bad bureaucrats than an advisory committee. SUWA will not negotiate with lawbreakers. The law usually requires a minimum standard of environmental protection. When the law is followed, we're willing to talk about other issues.*

If this policy allows our critics to label us as extremists, then we are extremists. And we are the first to admit there are exceptions to the rule. On occasion SUWA has and will enter into negotiations when a favorable outcome appears possible. ■

SUWA's position is borrowed from a policy adopted by the Oregon Natural Resources Council. There's no use inventing the wheel twice, the group says. SUWA can be reached at 436 Alameda Ave., Salt Lake City, UT 84111; ONRC is at 522 Southwest Fifth Ave., Portland, OR 97204.

U.S. GOVERNMENT PRINTING OFFICE

EMERY WATER CONSERVANCY DISTRICT

P.O. Box 998
Castle Dale, Utah 84513
Telephone (801) 381-2311

April 13, 1998

Congressmemberr Chris Cannon
118 Cannon House Office Bldg.
Washington DC 20515

The Honorable Representative Chris Cannon,

The Emery Water Conservancy District has read the HR Draft Bill #3225 to establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area.

We endorse the concept and view the proposal as a sound and workable land management vehicle. The Bill recognizes the many multiple uses of the area and provides a usable program for protecting and preserving the area; Cultural and Paleontological Resources, the Native American cultural and religious uses; the Local Grazing uses; San Rafael Swell Desert Bighorn Sheep Management area; Semi Primitive non-motorized use area; Wilderness Area; and the Bill provides for a management plan and council to insure the implementation of the proposal.

Sincerely,


Eugene Johansen
Chairman
Emery Water Conservancy District

**Ray Wareham, President
Ferron Cattleman Association
P.O. Box 55 Ferron, Utah 84523**

April 15, 1998

TO: All Utah Legislators
Emery County Commissioners
Emery County Land Council

Dear Sirs:

The Ferron Cattleman's Association would be pleased to go on record as supporters of the San Rafael Swell National Heritage Area proposal.

It seems this is a very useful and reasonable proposal for all parties concerned. Also, it will be very useful in protecting the very unique beauty of the San Rafael Swell area. All groups of people can be represented with a plan of this type as well as preserving the beauty and history of the area.

It is our hope that all of our elected officials can support the proposal.

Sincerely,


Ray Wareham
Ferron Cattleman Association President

Subject: San Rafael Swell National Heritage/Conservation Area Legislation, H.R. 3625

Date: Wed, 15 Apr 1998 10:36:57 -0600

From: Deckers <bikemd@ctv.net>

To: senatorhatch@hatch.senate.gov

CC: payne@ecc.co.emery.ut.us

April 15, 1998

To members of the Utah Delegation:

RE: In support of the San Rafael Swell National Heritage/Conservation Area Legislation, H.R. 3625.

MECCA Bicycle Club (an association of bicycle enthusiasts), located in Emery County, Utah give their support to Bill H.R. 3625. We use the San Rafael Swell Desert and surrounding areas quite extensively and believe that this Bill will preserve, protect and control the use of this area.

Sincerely,

Danny Decker
Chairman of MECCA

**A Resolution
of
The Carbon County Board of Commissioners**

WHEREAS Carbon and Emery Counties, being political subdivisions of the sovereign State of Utah, were once one entity; and.

WHEREAS the economies and cultures of Carbon and Emery County are now and forever linked; and.

WHEREAS the Emery County Commission has gathered together parties from all interested groups to discuss the management of the San Rafael Resource Area; and.

WHEREAS representatives from the environmental, recreational, livestock grazing, resource development and various and sundry other interests have spent hundreds of hours forging a thoughtful and and workable management plan for the San Rafael Swell; and.

WHEREAS the Congress of the United States of America has made provision in law for Heritage areas; and.

WHEREAS the legislative embodiment of those discussions (H.R. 3625) calls for the creation of such a Heritage Area in the San Rafael; and.

WHEREAS said proposal contains adequate protection and proper management for the Desert Bighorn Herd; and.

WHEREAS said proposal provides for all user groups including protection of such Wilderness designations as fit the original intent of the Federal Legislation; and.

WHEREAS the Carbon County Board of Commissioners believes that the formation of the San Rafael Resource Area is in the best interests of the Citizens of Carbon County.

NOW THEREFORE BE IT RESOLVED that the Carbon County Board of Commissioners call upon the Congress, especially those members representing Carbon County directly, to vote favorably on such legislation as would create the San Rafael Heritage Area.

William D. Krompel
William D. Krompel-Chair

Neil Breinholt
Neil Breinholt-Commissioner

Michael S. Milovich
Michael S. Milovich-Commissioner

4-12-98
Date



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

599 West Price River Drive
Price, Utah 84501
Phone # (435) 637-2817
Fax # (435) 637-4940

File Code: 1510

Date: April 20, 1998

Emery County Commissioners
75 East Main
Castle Dale, UT 84513

Dear Commissioners:

We have reviewed the text of H.R. 3625, a bill to establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes. This bill is the result of many hours of hard work on the part of many groups and individuals throughout the local area. Your leadership has been instrumental in putting the proposal together. We commend your efforts and will lend support to help make this dream a reality.

In our review we identified a few changes and clarifications that we believe would help strengthen the bill. We also provided these comments to higher levels of the Forest Service for possible inclusion in formal agency comment on the bill. These comments referenced to specific sections of the bill are:

SEC. 103. (b) Boundaries. - This section describes the Heritage Area as including Carbon and Emery Counties and portions of Sanpete County, Utah. Some features just outside these boundaries are important to the local heritage such as the John Wesley Powell Museum and a portion of Nine Mile Canyon (world renowned for the quality and quantity of its pictographs and petroglyphs). Wording could be added to Secs. 104, 105 and/or 106 to allow for including such locations in the planning and implementation activities for the area.

SEC. 104. (a) Recognition of Management Entity. - Because a portion of the Heritage Area includes National Forest System Lands, wording should be included to provide for consultation of the Secretary with the Secretary of Agriculture, acting through the Chief of the Forest Service on recognizing the management entity.

SEC. 105. (7) (1) Approval or disapproval. - Add -- The Secretary shall consult with the Secretary of Agriculture acting through the Chief of the Forest Service for comment and concurrence on those portions of the plan relating to National Forest System Lands before approving the plan.

SEC. 107. (c) Determinations Regarding Assistance. - Wording should be added recognizing and providing for participation of USDA and Forest Service. Wording should be added to the Bill identifying authorities for receiving and providing assistance.



Emery County Commissioners

2

SEC. 108. DUTIES AND AUTHORITIES OF OTHER FEDERAL AGENCIES. - This should be clarified. We do not believe the intent is to require Federal agencies to receive certification from the management agency that adverse effects of each activity has been minimized.

I support and commend this effort and initiative by local people to preserve and maintain important parts of the local heritage and culture. The suggestions listed above should enhance and strengthen this effort.

Sincerely,


JAYETTE S. KAISER
Forest Supervisor



Southern Utah Wilderness Alliance

April 8, 1998
1471 South 1100 East
Salt Lake City, Utah 84105

Tracy Jeffs
Chairman
Emery County Public Lands Council
P.O. Box 1298
Castle Dale, Utah 84513

Dear Tracy:

Thank you for recently taking the time to discuss the Public Lands Council's San Rafael proposal with Herb and I, and your hospitality with lunch.

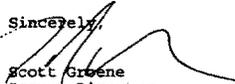
Since our discussion, Representative Cannon introduced H.R. 3625, which SUWA opposes primarily because of the lack of wilderness protection offered by the legislation.

Despite the introduction of Representative Cannon's bill, we remain willing to discuss this, and any other, proposal with your organization. We would be happy to explain why we oppose Representative Cannon's legislation, or to discuss the portions of the PLC's proposal where there may be common agreement.

During our visit we were given a small map of the PLC proposal. We would appreciate a larger map which provides sufficient detail so that we can determine which motorized routes would be left open within the various designations. We would of course be happy to pay the copying costs for such a map.

Thank you for your consideration of our request, and please call if I can answer any questions.

Sincerely,


Scott Greene
Issues Director

c: Herb McHarg

A tool for communities across the West

Community & Wild Lands Futures

A Pilot Project in Jasper County, Utah

Disputing Parties Heading Onto Cooperative Public Lands Trail



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Introduction

In twelve short months, a traditional rural community in Utah moved from what appeared to be a deeply seated, anti-environmental sentiment to a protection oriented public lands agenda. Involved Emery County leaders and citizens alike, are now publicly espousing the desire to work with disparate parties and land managers to solve problems and seek mutually beneficial land protection mechanisms. How did this rather dramatic transformation in the county's approach to public lands issues occur? The answer involves the willingness of several visionary county and environmental leaders to be the "guinea pig" in a cooperatively designed Community and Wild Lands Futures Pilot Project sponsored by the Coalition for Utah's Future/Project 2000 (CUF), a non-profit, multi-issue organization comprised of diverse community leaders interested in a quality future for all Utah citizens. It also involves the surfacing of values, long held within the county but unacknowledged, due to the acrimonious nature of environmental disputes throughout Utah and the West over the past fifteen years.

The pilot was conceived in the summer of 1993 when CUF's conflict resolution consultant, Susan Carpenter, put a hypothetical question before a group of some 25 disparate stakeholders interested in resolving the conflict over Utah's BLM wilderness designation issue. She asked participants to assume the year is 1999, and that a Utah BLM wilderness bill, which everyone could support, had just been signed into law. "What", she asked, "are the steps beginning in 1999 and then working backwards to 1993, that led to the passage of this bill?" The group's response to this question became the basis for the conceptualization of the Community and Wild Lands Futures Pilot Project (CWFP). CWFP, they hoped, could become a model for other rural Utah communities and interested parties in the West.

The word *future* is key here. Conservationists in the design group reasoned that helping communities

articulate their values, visions, and goals for an "ideal" future, would enable citizens to move beyond current problems and contentious issues toward a more pro-active plan based on commonly shared community values and "sense of place". This, they also theorized would lay a more productive foundation for subsequent discussions regarding environmentally sensitive, adjacent public lands. Rural leaders in the design group supported this community-based, grassroots approach. They expressed the need for local empowerment and a seat at the table when making decisions regarding public lands issues affecting their future.

The group boiled these ideas down to three community questions, which were to be followed by broad-based *wild lands futures* deliberations in a focused geographic area. The community questions were: *What do we have?*, *What do we want?*, and *What can we do?* In short, the hypotheses proved correct. Asking citizens what they valued, how they wanted the future to look, and exploring options to achieve this vision on the front side of a county-wide general planning initiative, led to outcomes such as:

1. the formation of a public lands council,
2. county agreement to enter *wild lands futures* deliberations with a broad range of interests and affected parties from within and without the county,
3. a county proposal for the protection of over 500,000 acres of BLM land (including 184,000 acres of wilderness), and
4. the conceptualization of a public lands institute involving cooperative partnerships with the BLM and other agencies for the preservation and management of the San Rafael Swell.



A view of the San Rafael Swell along the San Rafael River. Photo by N. Layne Miller

The design group reasoned that helping communities articulate their values, visions, and goals for an "ideal" future, would enable citizens to move beyond current problems and contentious issues toward a more pro-active plan based on commonly shared community values and "sense of place".

Emery County Culture Typifies Many Rural Utah Counties

Quietly tucked away along the heel of the eastern slopes of the Wasatch Plateau, approximately 150 miles southeast of Salt Lake City, UT, exist roughly one dozen rural Emery County communities. Over 75% of the Emery County work force (population 10,332) earn a living in one of three non-agricultural, economic sectors: mining (26.5%) government (24.4%), and TCU (transportation, communications, and utilities—22.5%). Additionally, many of these residents are third, fourth and fifth generation Mormon pioneers with a strong passion and respect for traditional land use ethics. The natural resources in the area have always been as much a part of their community fabric as they are an integral part of their economic well-being.

What differentiates Emery County from similar neighboring counties? Bituminous, underground coal feeds several, multi-million dollar, coal-fired power plants, which contribute to a significant county tax base. The demographics are also somewhat unique. In 1990, of all counties in the U.S. with populations over 10,000, Emery County ranked second among the "most child-oriented counties"; 43% of the population was under 18 years of age. Over 10 percent of the families with children lived in poverty. The dependency ratio in the county was 104 in 1990. This means that there were 104 dependents (persons under 18 and over 65) per 100 persons age 18 to 64. Unemployment in 1993 was 7.2%; third highest in Utah.

As with many rural Utah counties, only a small portion of the land in the county is privately owned (8%). The majority of lands lying within the county's borders, are public lands, managed by the federal government. This fact feeds a dominate rural resentment toward "the meddling feds in our backyard". "Our backyard", in this case, happens to be the geologically unique and magnificent San Rafael Swell (the Swell), currently under the management of the Bureau of Land Management (BLM) in the United State Department of the Interior

(DOI). County Commission Chair, Kent Petersen, refers to the Swell as "the desert - where our hearts are". It lies largely within Emery County's borders on the northwest edge of the Colorado Plateau, and reaches within fifteen miles of several towns along Emery County's corridor of private lands, known as Castle Valley. The Swell is approximately 50 miles long and 30 miles wide. It is a spectacular dome of uplifted sedimentary rock containing jagged cliff faces, narrow slot canyons, hidden valleys, mesas, buttes, canyon systems, and desert streams. It is home to big horn sheep, and provides critical habitat for peregrine falcons, among other species. Over the past 100 years, it has also sustained numerous ranching operations.

Like most areas of the rural West, Emery County is not immune to the divisive disputes regarding environmental issues on public lands, in particular that of BLM wilderness designation. Figuratively speaking, in early 1994, many folks in Emery County would have rather eaten environmentalists for dinner than have fathomed the idea of sitting down to talk things over with them. Eighteen months later, in startling contrast, one influential citizen leader recently remarked, "The environmental community is welcome anytime at our table. I'm ready to step out front on this. I'm an environmentalist." What happened to create such a dramatic shift in perspectives? Let's look at the pilot project.

Pilot Project Background

In 1990, a Project 2000 wilderness task force lamented over the vitriolic and polarized nature of the BLM wilderness dispute in Utah. This led to board member, Terry Tempest William's reflective comment that "all Utahns share a common love for the land". Inspired by the discussion, CUF Executive Director, Stephen Holbrook, conceptualized a conflict resolution project involving all of the key affected parties (stakeholders) in the Utah BLM wilderness

dispute. As the project developed, the organization also recognized an overall need to improve environmental decision-making in Utah and the West.

CUF's first initiative was to convene representatives of all key groups to identify and clarify primary issues associated with the debate. Out of this came agreement on and documentation of the issues. The CUF staff realized that the project required skills beyond those within the organization. A national search for a conflict resolution consultant, resulted in the selection of Susan Carpenter of Susan Carpenter and Associates, who initially worked on the project in collaboration with Interaction Associates. After 50 on-site, state-wide interviews, and Dr. Carpenter's characterization of the dispute as being "at the top of the conflict spiral", it was concluded that CUF should define its role as a neutral party, "championing" the use of processes to advance the resolution of issues related to the BLM wilderness dispute in Utah.



Continuum project participants visit school trust land parcels in the Book Cliffs.

Recognizing that the wilderness issue was too big to tackle as a whole and that the fears and distrust among parties was too intense, the stakeholders decided to try a building block approach. These participants drove the direction of the project by choosing from a series of options identified and explored by the group. The group decided to address the issue of what to do with the school trust lands in BLM wilderness. It was the hope of CUF that if this effort succeeded, the stakeholders would be able to resolve additional issues and eventually take on the designation issue. The parties did reach agreement on acceptable mechanisms. Two documents, both edited

by CUF board member, Cherie Shanteau, were produced during these initial efforts. The first, "Guide to the Issues", spelled out the determining factors to consider in deciding whether a parcel should or should not be considered for wilderness. The second, "Assessment and Recommendation of Mechanisms to Resolve Problems Relating to School Trust Lands in BLM Wilderness", evaluated state in-holdings within BLM wilderness.

Perceptions of Power



Former Southern Utah Wilderness Alliance (SUWA) Executive Director, Brent Calkin, on right, leads strategy to focus environmental BLM wilderness efforts at the congressional level.

Genuine engagement in the project varied among stakeholders. Those who felt unempowered in the debate, tended to invest more time and energy in the project than those who believed they held power and the ability to block undesirable legislation in Congress. The latter operated more from a damage control angle than from one of genuine engagement. They tended to represent polar extremes, at "war" with each other, appearing as mirror images, like warriors sharing common strategies characterized by adversarial power politics. Election outcomes every two years altered the mix of stakeholders with perceived power, to some degree, but the mix remained largely constant over time. What the elections did dramatically change, however, was playing strategies: who played offense, who played defense, and eventually, who chose to play at all.

After the 1992 elections, CUF secured the endorsement and participation of Utah's Governor Leavitt, and all five of Utah's congressional delegation members:

Senators Hatch (R) and Bennett (R), and Representatives Hansen (R), Orton (D), and Shepherd (D). Both Governor Leavitt and Rep. Shepherd were former board members that believed in the project's potential value for Utah as a whole community. Although the majority of these key decision-makers represented constituents advocating little or no wilderness, newly elected Congresswoman Shepherd represented a largely urban,



Former board member and Congresswoman, Karen Shepherd, articulates political need for a broadly supported community-based resolution to the Utah BLM wilderness dispute.

pro-wilderness constituency. Shepherd's endorsement of the project was met with mixed reviews from environmental organization staff members representing major interests in the project. Since the lands in question

were of national significance, these representatives did not believe in a Utah-based wilderness decision and believed the new Democratic political landscape dictated a need to focus their limited resources at a national level. They felt they had the power to protect their interests at a congressional level and perceived little incentive to work with the less compatible state and local power structures.

In the spring of 1993, separate caucuses for both sides of the issue were planned and convened. CUF reached out beyond the current participants to provide an opportunity for more than fifty people from each side to deliberate the value of pursuing next steps. Governor Leavitt addressed both groups to express his support for the problem-solving initiative. National, state and local interviews were conducted to determine possible next steps. Soon after, four national environmental organizations formally withdrew from the project, having decided that they had a better chance of achieving their objectives in Washington DC. Was the project worth pursuing without several key stakeholders? Susan Carpenter advised that productive advancement of the issue could still occur provided:

1. CUF was willing to re-frame the project,

2. a critical mass of stakeholder representatives were still interested in pursuing next steps, and
3. environmental interests were still represented in the process. Within one month, all three conditions were met.

Moab Forum Builds Foundation for Pilot Project

During the spring of 1993, CUF conducted participant interviews in Utah and Washington DC. This helped identify a common thread among all of the diverse interests: the desire to explore social and economic issues of rural communities adjacent to wilderness study areas. Absent support from several, locally-based representatives of national organizations, CUF drew on the advice of other supportive environmental leaders and resource experts in the region including: Dick Carter, of Utah Wilderness Association (UWA), who supported the project from beginning to end.



Board member, Terry Tempest Williams, expresses her hopes for quality rural futures in a break-out group, while board member Christie Shanteau facilitates discussion.

author, Terry Tempest Williams; Jim Ruch of the Grand Canyon Trust; Charles Wilkinson of University of Colorado's Natural Resources Law Center; and Don Snow of Northern Lights Research and Education Institute. Combining their advice with that of rural leaders, representatives of key interest groups, resource experts, consultants, and board members, CUF Senior Project Coordinator, Deborah Callister, collaboratively planned the development of a one and a half day forum in June of 1993, focused on "Rural Communities and Wilderness Areas" - addressing the social and economic sustainability of adjacent communities. Some seventy representatives of different interest

groups participated, including those mentioned above. Forum goals included: 1. identification of current social and economic concerns of adjacent rural communities, 2. definition of visions, long-term interests, and common goals for the future of these communities, 3. exploration of options to produce a positive future, 4. development of recommendations and preliminary strategies for implementing them, and 5. determination of ways to proceed. Participant engagement in the deliberations was broad and genuine among participants. Highlights from the sessions are described below.

Don Snow addressed the group on the topic of "Solving Problems by Working Together - Creating Positive Visions". He spoke of the need to move beyond the use of mechanical and political tools toward developing relationships and "habits of the heart". "I do not believe in the goodness of environmental battles won at the expense of local communities. I do not take comfort in victories that result in the immediate loss of livelihood, or the invasion of personal identity, or liberty, in the name of environmental quality." "I would prefer that we innovate, and whenever possible, that we seek to find the means to cooperate at the local level." Harold Hiskey, Vice President of Regional Services for Southern Utah University highlighted the inherent differences between urban and rural communities. Rural communities tend to be delicately self-reliant, but have less flexibility and stability than their urban counterparts. For example, quality of life can be diminished with the loss of one doctor or one teacher, he said. Garfield County Commissioner, Louise



Garfield County Commissioner, Louise Liston (far left), conveys rural concerns and interests at the Moab forum. Seated to the right are County Commissioners Lane Moon (Milard County), and Bill Redd (San Juan County), and Executive Director of the Southeastern Association of Governments, Bill Howell

Liston also spoke about quality of life issues. She discussed land stewardship, characterizing her fellow citizens as "nature lovers, not nature worshippers" and she closed by asking, "Can rural communities adjacent to wilderness areas expect to have economic viability and sustainability?" Grand County Councilman, Bill Hedden, told the group he felt like a "visitor here from the future". He highlighted the overwhelming growth problems Grand County was facing from its successful tourism promotion campaign. He spoke about droves of tourists, the rapid degradation of the desert's fragile environment due to a sharp increase in foot traffic, Moab's loss of customs and culture, and of wilderness as a tool for managing people. The message that we need to take charge of our future now before it takes charge of us, he said, "is a warning from the future".

The forum included a visioning activity that was conducted for the first time in the project's history. Participants drew pictures of their respective ideal rural communities and described them in professionally facilitated small groups. Each of these groups then reported back to the entire group. The results were fascinating. The diverse participants shared far more in common than most had ever suspected and the improved rapport among participants was palpable. The activity served to illustrate the underlying project premise that 'all Utahns do share a common love for the land'. Later that evening at the Grand County Community Center, rancher Hardy Redd and conservationist, Jim Ruch, facilitated an informal, interactive, panel session focusing on the town of Moab, as a case study.

The next day, panelists discussed "Strategies, Tools and Programs - Options for the Future". Scott Hirschi, Director of State Lands and Forestry, described his experience in dealing with the desert tortoise issue in Washington County. Other panelists discussed rationale for sustainable local economies, the need for cooperation and dialogue, and the inherent problems with bureaucratic rule-making. Following a general discussion to identify additional options, task groups convened to form and

"I do not believe in the goodness of environmental battles won at the expense of local communities. I do not take comfort in victories that result in the immediate loss of livelihood, or the invasion of personal identity, or liberty, in the name of environmental quality." "I would prefer that we innovate, and whenever possible, that we seek to find the means to cooperate at the local level."

-Don Snow



Professor Charles Wilkinson, National Wilderness Society board member, encourages participants and suggests possible ways to proceed.

develop recommendations and action plans.

Over lunch, Charles Wilkinson provided his perspective on the group's deliberations and his commitment to community based consensus processes. He echoed rural participants' expressions of family values and the desire to have attractive choices for their children to stay or return to their communities. He commended rural Southern Utahns for their attendance and for the respect and integrity that permeated their discussions. He provided a brief history on wilderness designation, expressed hope that the group could act before a crisis arises in Utah, and made suggestions on possible ways to proceed.

After lunch, task groups reported back their findings to the larger group. Participants concluded that next steps should include two inter-connected tracks: 1. rural community development and sustainability issues, and 2. wild lands futures issues. A volunteer group agreed to meet during the summer and flesh-out how best to proceed. At the close of the forum, Congresswoman Shepherd conveyed her continued support for the group's efforts and shared her thoughts on the need for "New Ways of Doing Business."

This project background briefly summarizes the first two and a half years of project history. It is the foundation upon which the pilot project was constructed and it relates to the gubernatorial and congressional delegation decision to "fast-track" a Utah BLM wilderness bill in January of 1995.

Community and Wild Lands Futures Pilot Project (CWFP)

In the summer of 1993, the broad-based group of stakeholder volunteers known as the Process Advisory Group, including decision-makers and resource representatives, gave birth to the Community and Wild Lands Futures Pilot Project. As described in the opening of this paper, when challenged to consider how a wilderness bill passed Congress by working backwards from 1999, the Process Advisory Group agreed that the first step should be community-based. Out of the discussions came the following project goals:

1. Address community and wild lands futures in a rational and scientific manner.
2. Create a grass roots process for comprehensive local community planning and sustainability.
3. Identify resources to enrich the process and generate useful information to share.
4. Connect the local visioning/planning process with the issue of public wild land futures and with state and national processes and players.
5. Develop a broad based recommendation for the classification of public wild lands in the pilot region.
6. Educate the broader general public about rural planning and community self-determination, and ecosystem management of natural systems and wild lands issues.
7. Create a replicable model.



Process Advisory Group members conceptualize CWFP. Seated left to right are Jim Peacock, Utah Petroleum Association; Jim Ruch, Grand Canyon Trust; Robin Matheson for Congresswoman Shepley; Ted Stewart, Utah Department of Natural Resources; Gibbs Smith, Gibbs Smith Publishing; Stephen Holbrook, CUF, Commissioner Peterson, Emery County; LaVern Webb, Office of the Governor; and Ron Madsen representing Senator Hatch.

A concept paper was circulated among approximately 300 interested parties at national, regional, state and local levels requesting constructive feedback. The reviews were favorable, which meant the next task was to select from one of several receptive pilot communities.

Emery County Takes the Plunge

CUF staff ventured through various rural counties to visit and clarify with county commissioners what the pilot project offered. Grand and Emery Counties expressed the most interest. The advisory group reconvened in October of 1993. Emery County Chair, Kent Petersen, informed the group that his county was about to embark on a general planning process in collaboration with Utah Association of Counties (UAC), and the Governor's Office of Planning and Budget (OPB). He felt that the pilot project could fit into the planning process, provided that Emery County's plan was locally driven. "We welcome input from the Coalition [CUF], but we want to emphasize that the initial planning will be an Emery County effort", stated the letter he provided. Grand County Councilman, Bill Hedden, surprised the group by requesting help from CUF to fund staff support for the newly formed Canyon Country Partnership (CCP) involving southeastern rural county officials, federal agencies, interest groups and the general public. Eventually, it was determined that both requests could be accommodated. In October of 1993, Emery County became the chosen community for the pilot project, and CCP received CUF funding to initiate staff support.

Major Implementation Challenges

The light was green. The county was receptive. A broad group of individuals supported the pilot project concept. OPB's State Planning Coordinator, Brad Barber, was involved with both the pilot project and the general county-wide planning initiative, and communications were up and running with state-hired planning consultants. Bear West. The conditions seemed ripe for implementing the pilot project. Much to

CUF staff members' surprise, the experience during the next four months was like being lost in a maze filled with smoke and mirrors. Ultimately, an exit was found, but not without the occasional feeling that it might be best to just pull the project.

Why the smoke and mirrors? The answer is trust. Unfortunately, CUF was perceived by many in Utah's rural sector to be a powerful Wasatch Front group with a hidden environmental agenda. How could this influential board possibly care about Emery County? The project's wilderness history meant guilt by association and nothing but trouble. The fear was real. In short, the inherent challenges faced by an outside, neutral third party, working to implement a cooperatively designed pilot project dealing with sensitive community and wild lands futures issues, were abundant. The primary project implementation hurdles are described below:

Fear Drives Communication Constraints: In November of 1993, the County instructed CUF to route all communications through the general planning consultants, who would then report to a county staff representative, who would then report to his boss, who, in turn, would report to the county commissioners. Thus, project communications involved numerous individuals and layers, which naturally served as filters. This ineffective mode of communication was largely driven by a pervasive lack of trust and belief in a hidden wilderness agenda among newly involved county representatives and consulting staff members assigned to the project. Other problems involved financial ramifications for the general planning consultants due to the unexpected need to integrate the pilot project with the general planning process. Also, CUF's collaborative style seemed foreign to others. One county representative said that CUF should have "no role" until the county plan was in place. This was extremely disconcerting since the pilot project design embodied the principle that it should occur on the front side of a community planning initiative. The high stakes nature of the project led to countless clarification meetings with county representatives, planning consultants, OPB, and eventually with

county leadership. Patience and sheer tenacity, led to more direct communications among key players and decision-makers. Finally, agreements were reached allowing integration of the community futures activities into the beginning of the general planning process. Thus, the door cracked open, as did the opportunity to develop understandings and build trust among project participants.

Involving Outside Parties: Project advisors recommended involvement of environmental interest representatives in the county's general planning process. This, they felt, would help connect the community futures phase with the wild lands futures phase and provide a mechanism for two-way education among parties regarding different interests, issues and concerns. The steering committee would have been an ideal place to achieve this integration of interests. However, given the anti-environmental sentiment in the county, merely suggesting the idea might have killed the project. Instead, CUF found another way to facilitate this education process. The County agreed to invite, as observers, certain conservation leaders who had proven to be genuinely interested in solving public lands problems at a community-based level. Fortunately, what began as one-way dialogue, eventually grew into extensive two-way communications.

Exploring options to achieve desired visions and goals, also led to a cross-fertilization of ideas among diverse groups and individuals. By summer of 1994, trust was building and the county agreed to invite a series of resource panelists from within and without the county that could provide diverse perspectives on economic development and sustainability issues. Notably, Luther Propst of the Sonoran Institute, used a slide show presentation to summarize common attributes among successful communities in the nation and the West. This, on the heels of identifying top community values and visions, created a turning point in the project. Citizens responded to his presentation by acknowledging the positive and unique aspects of the adjacent public lands in the Swell, as well as the historical and cultural strengths within their communities.

Modeling Good Process: Perhaps it was equally frustrating for all parties involved in this cooperative effort to achieve a solid understanding of the county's planning process, its design, and its goals. General discomfort with the pilot project's BLM wilderness history and the fact that it was conceived of outside of the county, combined with the complexities of adding it to a more traditional planning project, made the delivery of a cohesive process quite difficult. These latter constraints prevented the pilot from serving as a central driving force within the community, which made it extremely difficult to initiate momentum and maintain broad citizen involvement throughout the initiative.

Elections and Decision-maker Buy-in: The land and the interested parties changed very little over the years. What did change, however, was who held the power to make decisions. 1994 county elections occurred six months into the planning initiative, which was close to the final stages of the community futures activities. Only County Commission Chair, Kent Petersen, remained in office. Fortunately, the two new commissioners aptly gained understanding of the pilot project's relationship to the general planning activities. The next two months were spent assessing the pilot project, given the new political landscape at local, state, and national levels. In December, the Emery County leadership agreed to move forward with the



Emery County Commission Chair, Kent Petersen shares his concerns positive about wild land futures plans with county officials while awaiting Governor Lamm's arrival in January of 1995.

Wild Lands Futures phase of the project, on the condition that they could "pull the plug at any point" they felt necessary.

Much to the dismay of many environmentalists, the unthinkable occurred. The 1994 elections resulted in a national political shift to the Republican party, driven by the desire to regain more control in decision-making at state and local levels. Congresswoman Enid Waldholtz's (R), victory over incumbent Congresswoman Shepherd (D) in the 1994 national elections, reflected this sweep across the nation. Without Congresswoman Shepherd, Utah's congressional delegation lost its environmental "balance" and its members quickly decided to "fast-track" the wilderness decision-making process, making a joint announcement with Governor Leavitt in January of 1995. The plan was to complete a county-initiated, public recommendation process in time to submit legislation to both houses of Congress by June of 1995. Unfortunately, this leadership decision proved to be the equivalent of dropping the floor out from underneath the *wild lands futures* phase of the CUF project.

It is one thing for a project to have the endorsement of key decision-makers, and it

is another to have their genuine engagement and understanding. Governor Leavitt remained engaged and supportive of the project from beginning to end. However changes in the partisan composition and the balance within the congressional delegation

presented significant challenges. Since CUF's activities involved a new way of doing business, some leaders were more comfortable with it than others, including incumbents. Therefore,

direct buy-in and commitment to project outcomes on the part of all of the necessary decision-makers remained an elusive goal. This was complicated by the fact that BLM wilderness bills require an act by Congress involving over 500 decision-makers. Historically, passage of such a bill requires a state congressional delegation's unanimous support, particularly that of both senators. The Alaska wilderness bill is the only exception to this rule.

In the face of the wilderness "fast-track", CUF and the Emery County stakeholders jumped into high gear, completing a wilderness designation proposal for the Emery County Commission by March, 1995. Unfortunately, this short cycle didn't address larger political concerns of the county commissioners and the County's wilderness recommendation differed significantly from the stakeholders' recommendation. Interestingly, Emery County plans to pursue the goal of maintaining consensus-based land-use planning, regardless of the outcome of the pending Utah wilderness legislation in Congress. Why are they pursuing cooperative efforts? A look at the actual pilot activities and outcomes will provide insight as to why Emery County sees value in adopting these practices.

Community & Wild Lands Futures Project Activities & Outcomes.

Data research, community feedback, and human resource experts served to enrich the process throughout the pilot activities. State planning consultants provided salient data and many presenters explored the relevant global, national, state, and county trends in areas such as coal and agricultural markets, tourism, and demographics. Respected senior rancher and water specialist, Eugene Johansen reflected, "The big thing is that our communities used to be all of one

mind or out of the same mold. Since we brought industry and other things we are no longer the same way. There are a lot of differences and those differences have to be dealt with. Fifty or twenty five years ago we either mined or we were in agriculture. Now we are retirees, recreationists, and



Former CUF board member and long time project supporter, Governor Leavitt deliberates the implications the "fast-track" wilderness decision will have on the pilot project with facilitator/consultant, Susan Carpenter.

environmentalists. Now we have to deal with all of the problems that exist and not just a few of our own."

Community Futures

• "What Do We Have?" - Clarifying the Values of the County's Citizens

Scoping Meeting: In March of 1994, approximately fifty Emery County citizens participated in a public scoping meeting designed to identify issues, concerns, and aspirations for Emery County. Residents broke into facilitated small group discussions to achieve these goals. Citizen responses were recorded on wall notes, and participants voted on their three most pressing issues. Bear West project consultants analyzed the results. The top six issues included: protect water rights, maintain multiple use, maximize local control - minimize federal/state influence, balance development with rural quality of life, continue improvement of educational system, and increase the County's role in decision-making processes. This session provided an opportunity for citizens to "vent", while identifying current concerns and issues in the County.

Community Survey: In April of 1994, thirty five hundred questionnaires were mailed to all of the box holders in the County asking eight questions aimed at identifying the major values, strengths, weaknesses, and visions of Emery County citizens. A three percent response rate was achieved and CUF analyzed the approximate 100 responses. Next, CUF reported respondent demographics and documented the frequency and priority of responses. The local newspaper carried a front page story reporting the results. The top five values identified were: 1. Small town, country atmosphere and rural life-style, 2. Scenic beauty (proximity, access to mountains and desert), 3. Low crime, 4. Good friendly people, 5. Peace, quiet, and privacy. Top strengths included: community-minded citizens, economic development possibilities, good schools, good law enforcement, good city and county governments, recreational opportunities,

and a scenic environment. Top weakness or threats to the County's future included: outside political and environmental interests, high unemployment with particular concern over shortage of youth jobs, influx of welfare cases, recreation needs, education in general, lack of concern for county beautification, water shortages, and growth, in descending order of response frequency.

According to Emery County participants, this activity established a thinking process. It took the "pulse" of the community, laid a very solid foundation in determining the priority values of the community and it helped determine a planning direction. In Economic Development Extension Agent, Wes Curtis' words, "The basic values identified by the participants had a significant effect on the planning process, particularly the public lands classification issues. I would recommend that community leaders conduct a similar activity on an annual basis, both to reassess community goals and attitudes, and to evaluate progress toward achieving community goals."

• "What Do We Want?" - Defining What the County Would Like to See Happen

Visioning Workshop: Enclosed with the citizen survey, was an "eye-catching" announcement of, an invitation to, and an R.S.V.P. section for a County "Futures Workshop". Its purpose was to identify what citizens wanted Emery County's future to look like and specific steps that could lead to this desired future. To maximize broad citizen involvement, community outreach included: public notification in meetings, newspapers, and on local television; flyers distributed by youth groups; essay contests regarding what individuals "hold dear" about living in Emery County; "futures" discussions in high school government classes; notification of seniors, and communications with town mayors, power plant managers, and steering committee members. Dinner was served and child care was provided to encourage attendance.

Over 100 individuals responded. Approximately seventy-five actually attended. One fifth of the participants were from Emery County's largest community, Green

"The basic values identified by the participants had a significant effect on the planning process, particularly the public lands classification issues..."

- Wes Curtis

River; a town that lies east of the Swell, isolated from Emery's other towns along Highway 10. This was a large turn-out by County standards, involving many new faces. For example, County functions often occurred with little input from Green River representatives due to the distance and isolation that exists between Green River and Castle Dale, the County seat.

At the workshop, in May 1994, County leadership and planning consultants reviewed the County comprehensive planning process, outcomes of the scoping meeting and questionnaire responses. Next, OPB's State Planning Coordinator, Brad Barber, presented relevant trends affecting the County's future including agricultural and non-agricultural trends, state and local population change, growth by industry, implications of technological advances, unemployment rates, largest employers, sources of County income, land ownership, tourism trends, and market values of agricultural products.



Planning consultant, Ralph Becker of Bear West, reviews citizens' visions and goals for the County's future.

Next, local facilitators conducted interactive small group sessions involving a futures exercise, which they had previously reviewed with CUF project consultant, Susan Carpenter. It was much like the one described above at the Moab forum. Participants drew a picture of their ideal County future. These personal visions then became the basis for identifying each participant's top three County goals, which were recorded on wall notes and prioritized by participants. The results from each small group were then reported back to the whole group. Thus top citizen goals were identified. These were reported in the

Emery County Progress as follows: 1. Maintain the small town country and rural life-styles in Emery County, 2. Maintain multiple-use of public lands, 3. Stress economic development - create employment opportunities, diversify economy, encourage new businesses, and keep young people in Emery County, 4. Preserve and improve water supply, 5. Connect all of county (roads and phones), and 6. Pollution-free environment.

Several "outside" observers, were asked to make comments at the close of the workshop. Wayne Urie of the Utah Farm Bureau, conveyed his respect and encouragement for the volunteer citizens' commitment to help develop a common vision for the County. George Nickas of UWA later summarized his remarks in writing. "It's obvious that many goals of county residents are consistent with environmentalists', though we may differ on how to achieve them. That is where the dialogue initiated by the Coalition's efforts may prove to be particularly fruitful as we explore options for preserving wild lands while meeting the hopes and aspirations of local residents." Gibbs Smith of Gibbs Smith Publishing, a former president of the Utah Chapter of the Sierra Club, also shared encouraging remarks with the County citizens. He later submitted a letter to the *Emery County Progress* editor, which was printed in July of 1994. He wrote, "The meeting was encouraging. The hopes and dreams of the citizens, and of the County and city officials who attended, inspired me to feel that Emery County will serve as a model for all of Utah in shaping a County plan that unites the citizens and envisions a future of economic development, environmental preservation, and a vital rural lifestyle." These latter interactions spawned a new line of thinking in Emery County regarding environmentalists. "May be they don't all wear horns," mused one county representative.

"It's obvious that many goals of county residents are consistent with environmentalists', though we may differ on how to achieve them. That is where the dialogue initiated by the Coalition's efforts may prove to be particularly fruitful as we explore options for preserving wild lands while meeting the hopes and aspirations of local residents."

George Nickas

• "How Do We Get There?" - Identifying Different Ways the County Could Achieve Future Visions

Economic Sessions: The range of options for exploring ways to achieve the County vision was limited by the structure set forth in the general planning process. Thus, CUF reluctantly settled on economic development as a topic for exploring options to achieve the desired County future. The ideal scenario would have involved a more comprehensive approach including education, human services, infrastructure and the economy, as well as citizen facilitated task forces. Absent this option, economic development seemed to offer the best way to explore future options with broad citizen involvement and information sharing from a wide range of resource experts. Working closely with County representatives, in August of 1994, CUF organized a series of economic development summits. The County invited a number of observers with diverse interests to attend, and approximately fifty citizens participated in each of these summits.

The purpose of the first summit, in September of 1994, was to gather relevant information. Resource experts shared a broad range of options with County citizens. The keynote speaker, Luther Propst from the Sonoran Institute in Tucson, Arizona, presented a slide show on "Factors in Creating a Successful Community". This sparked a lively, facilitated citizen discussion regarding the lessons and implications for Emery County. Key thoughts were captured on wall notes for all to see. A panel followed, focusing on trends and forecasts in areas such as coal usage/power generation, Teton County, Idaho experiences, and rural development. Guest panelists included Jeff Burks, Utah State Office of Energy and Resource Planning; Richard Clark, Teton County, Idaho Economic Development Council and member, Greater Yellowstone Coalition; and Ed Meyer, Utah Office of Business Development. Citizens, once again, engaged in a facilitated discussion regarding the implications for Emery County's future and possible action items. Key ideas were recorded on wall notes.

The second summit, also in September 1994, focused on specific areas of interest for the County. Participants reviewed a summary of salient points from the first meeting before hearing presentations from resource experts on value-added agriculture, technology's role in rural Utah, and light industry, manufacturing and small business. Guest presenters included: Dennis Worwood, Emery County Extension Agent; Mike Alder, Technology Development for Utah; Wes Curtis, Utah Small Cities Inc.; Les Prall, State Department of Community and Economic Development; and Brooke Williams, Plateau Innovations. Following each presentation, participants interacted in facilitated discussions regarding general implications for the County. Citizen feedback and possible action items were recorded and later prioritized by participants using these wall notes. The results were then forwarded to Emery County's Economic Development Action Team for further assessment.

The third summit, in October 1994, involved recreation and tourism. Brad Barber presented tourism trends and their potential implications in Emery County. Jane Brass, Coordinator for the Western Rural Development Center, Oregon State University, provided the County with extensive information regarding tourism assessments. Next, citizens and County leaders engaged in thoughtful deliberations regarding the implications for Emery County. As the discussion evolved, citizens agreed to the desirability of a County-wide tourism assessment survey and many of them expressed a need for cautious tourism development, in order to protect certain community values associated with the San Rafael Swell.

All of the economic sessions were energized and full of creative citizen ideas. In the Economic Development Director, Rosann Fillmore's words, "The economic development visioning meetings made us more thoughtful as we planned. They broadened our understanding of issues and drew from our communities the opportunities citizens most want to pursue." Steering Committee member, Keith Ware, of Emery County concludes, "It gave thought to how we may progress without compromising our lifestyle that we value so much."



Emery County Public Lands Council member, Craig Johnson, emphasizes the high value ranchers and citizens place on trail access to various areas in the San Rafael Swell.

and we want to protect it. We also want a big say in how we protect it." Today, Public Lands Council discussions focus on how to make that happen.

Council Chair, Tracy Jeffs, says that things are changing in the county due to the formulation of the public lands committee as an integral part of County government. "Now we can work on a national level with the BLM and the Forest Service, in partnership," he remarks.

"We are all environmentalists with a small 'e.' We have a deep love for the land and we want to protect it. We also want a big say in how we protect it."

— Kent Petersen

• Creating a Public Lands Committee

Recently, Bill Howell, Executive Director of the Southeastern Association of Governments wrote, "A public lands committee was formed by the County partly in response to the pilot and partly in response to the County planning effort." The idea surfaced in November of 1994, in an interactive public lands meeting during the general planning process. One month later, it was a reality. Emery County Steering Committee member Val Payne thinks, "It all ties back to the brainstorming thing [Futures Workshop] because public lands appeared in all of the various groups in one form or another. It helped us realize that was an important area to be focused on." Now, having been institutionalized by the County Commission, it has served as a forum for internal County wilderness designation deliberations, and has functioned as a focal point for interactions with the BLM and other agencies.

The opening of the council's position statement reads, "We the people of Emery County, place high value on the lands of the San Rafael Swell, and it is our desire to preserve and protect these lands for future generations. We also place high value on preserving and protecting our communities and our local economy." At the onset of the wild lands futures discussions with outside interests, Chairman Petersen told the participants, "We are all environmentalists with a small 'e'. We have a deep love for the land

Wild Lands Futures

- Developing a Cooperative Problem-solving Approach for the Protection and Use of Public Lands in the County

Once citizens had explored options to achieve the ideal County vision through the economic development summits, CUF staff began focusing on how best to make the transition from the *community futures* phase to the *wild lands futures* phase of the project. The new public lands council was the obvious vehicle for doing this.

Communications, again proved problematic. Late one evening, after one CUF staff member was figuratively taken to the "wood-shed" and drilled by leaders questioning, "You want to do what, with whom, where, when, and why?," and after clarification of what CUF was offering regarding *wild lands futures* deliberations, a bottom-line question was put forth: "Who's process is it?" CUF staff responded, "It is everyone's process," while quickly pointing out Emery County's role as host and as a major stakeholder. CUF reassured County representatives that the project would not move forward without their direct involvement and approval to do so. After careful consideration, County leaders cautiously agreed to take next steps.

This was soon complicated by the 1994 post-election decision to "fast-track" a wilderness bill by Governor Leavitt and the Utah congressional delegation. In late December of 1994, a caucus was held with willing conservation leaders to determine if they saw value in moving forward. Many pleaded with Governor Leavitt's representatives to extend the time-frame needed to conduct comprehensive discussions for the Swell. How was this to be used as a model for lasting resolution to the BLM wilderness issue throughout the State?, they probed. Deputy Director for Policy, La Varr Webb, informed them that Governor Leavitt had already secured a longer time-frame to ensure time for a public recommendation process. A political reality existed. The Republican alignment of both the Utah congressional delegation and that of the United States Congress meant a window of opportunity existed to attempt passage of a Utah congressional delegation-based wilderness bill. Furthermore, local papers were reporting the desire, on the part of some delegation members, to act *immediately* without anymore public process.

Thus, a window of opportunity to attempt a "wilderness consensus" for the Swell also existed; short as it was. All parties reluctantly agreed to move forward. Control issues in the County illuminated the need to educate parties regarding the meaning of consensus. Unfortunately, the external time constraint precluded CUF's plan to conduct a participant skill-building workshop. Instead, a group charter was drafted to make the process more explicit, non-adversarial, and more productive. It defined consensus as "solutions which all parties find acceptable". The charter outlined the project's purpose and goals, principles, and ground-rules, leaving open a section on structure and procedures. This section was to be completed by project participants at the wild lands planning session. It was shared with, modified, and conferred upon by key players in advance of the first meeting.

Next, CUF identified all of the primary interests involved with land management issues for the San Rafael Swell, taking into account those with the power to significantly

influence decision-makers or block future legislation. In late January of 1995, CUF convened all willing stakeholder representatives to initiate the *wild lands futures* deliberations. Participants represented county, state, federal, congressional, conservation, mining/power generation, recreational, and agricultural interests. Resource experts, facilitator/consultants, staff, and various CUF board members were present to support the group. Meeting goals were to: review the Emery County *futures* outcomes to date, identify goals and components for the wild lands futures phase, and understand how the project relates to the recently announced state-wide BLM wilderness process.

Some thirty five participants reviewed Emery's visions, goals and activities. The



Brad Barber, State Planning Coordinator, speaks and binds participants in terms of the delegation's role in Governor Leavitt's wilderness bill process.

charter was fully embraced and adopted by the group. Brad Barber shared the latest information regarding the Utah BLM wilderness process. Several participants expressed strong dissatisfaction with the "fast-tracked" nature of it. Publisher and conservationist, Gibbs Smith remarked, "If you believe in the draft charter, what is going to happen if the environmentalists in Utah use national muscle? This is going to go into a power play. There will be big losers who will seek retribution. The scene will be polluted even worse if one of the sides is a big loser. It takes time and a lot of resources to get to consensus and keep with the charter. It may not happen here. The reason I'm here is that I believe in a

collaborative process, but I sincerely believe that this is going to play out in a way that it will go on for years." Brad acknowledged the short time-frame and encouraged Gibbs to convey his feelings directly to the Governor.



Former Chairman Chair of the Sierra Club, Gibbs Smith endorses group charter and predicts years of activity due to the delegation's "fast-track" decision, while The Nature Conservancy's Chris Montague (1), and Emery County's Commissioner Johnson listen (2).

In the afternoon, the group looked at the geographic scope, roles, time-frame, components, activities, resources needed and assignments. Only six meeting dates were possible due to an April 1995 statewide county wilderness recommendation deadline. Governor Leavitt arrived and was briefed on the group's progress by County Chairman Petersen. After responding to a series of questions from the group the Governor concluded, "It is a political process. Mistakes will be made, but it can be done in the given time-frame. These circumstances are not ideal, but it is possible. I pledge that this will be a disciplined process - open, and what you come up with will be the primary means of moving forward. It is a great opportunity, especially considering the starting point that Project 2003 had." What the Governor meant by "opportunity", in this context, was the project's chance to do something tangible; to create a specific proposal for a specific piece of legislation.

Participants convened for the first substantive session in early February of 1995. Meeting goals included: 1. review of criteria for wilderness, including an update on the affects of wilderness study areas (WSA's) and wilderness management,

2. understand the values and interests of the participants, 3. define the geographic scope and regions for discussion, 4. seek consensus on specific areas for consideration, and 5. determine the sequence of future discussions and resources needed. All of the meeting goals were met. One week later, the group met for a second session. The goals of this meeting were to: 1. clarify wilderness management and air quality issues, and 2. to develop recommendations regarding two proposed wilderness areas. Outside BLM specialists served as resources for the wilderness management and air quality issues. Next, the group studied Crack Canyon. They reviewed possible boundaries; identified issues, concerns, and possibilities; explored options for handling the issues; heard from various observers, including a few members of Emery County's Public Lands Council, who took hard-line positions; and adjourned with the clear understanding that a group recommendation would not be achieved in time to meet the deadline, using this format.

Given the size of the group and the pending April deadline, CUF met with key participants to discuss options for expediting the consensus process. It was suggested that a representative smaller, working group could convene to develop a consensus recommendation for the larger group's consideration, provided the larger group agreed to this revised format. In late February of 1995, the third large group meeting of the month took place. The goals were to agree on the working group format for the development of a group consensus, and to understand all of the issues, interests, and concerns for each WSA being considered in the process. Participants concurred with the working group concept and its members under the following conditions: 1. participant input in advance of the working group sessions, 2. participant notification of working group schedules and session outcomes, and 3. five day advance participant review of any working group recommendations prior to large group consideration. Next, participants identified issues and interests for Mexican Mountain, San Rafael Reef, Muddy Creek, Sid's Mountain and Horseshoe Canyon WSA's for the working group's consideration.

I pledge that this will be a disciplined process - open, and what you come up with will be the primary means of moving forward.

- Governor Leavitt



Commission Chairman Kent Petersen negotiates wilderness boundaries with UWA's George Nickas (far left) while Commissioners Johnson, Wes Curtis, and Brad Barber study the map.

It was decided that the working group would convene on the fourth large group meeting date in March, 1995. Emery Commissioners Petersen and Johnson, UWA's Dick Carter and George Nickas, OPB's Brad Barber, and Emery County representative Wes Curtis, comprised the group. The goal of the session was to negotiate agreements on designation/allocations for the WSA's of the San Rafael Swell. Participants reviewed the differences between traditional and interest-based negotiations and ways to reach agreements. Brad Barber updated the group on the statewide decision-making process. He also briefed the group on his findings regarding air quality and water rights issues. The group explored options for agreeing on boundary designations using maps provided by the BLM and the State. Agreements were reached on all WSA's with the exception of Sid's Mountain, but consensus options were identified for this area. After a brief caucus, the Emery County contingent indicated a need to take the group's findings back to the Emery County Public Lands Council.

Several days later, Emery County leadership decided it was in their best interest to proceed to develop the County's own recommendation on wilderness designation to meet the April 1 county submission deadline to the congressional delegation. They were concerned that to do anything other, would place them in an unfair position in their subsequent negotiations with the delegation. "We had no indication that the delegation would abide by our recommendation. We had high hopes, but if

Emery County was on one side and the other rural county recommendations were on the other side [significantly less wilderness acres], we could have been left holding the bag," remarked Emery County's Wes Curtis.

One week after the working group negotiation, in a debriefing meeting with UWA, OPB and CUF staff members, Emery County Commissioner, Randy Johnson, told the group that he had "pushed hard for a consensus", which was close at hand. He then identified the multiple roadblocks to reaching one. He spoke of external constraints that focused the discussions solely on wilderness with a "W" and of pessimism conveyed by a state-wide county organization. He spoke of the "incredibly short time-frame", but concluded that we need to "etch in stone that this process is not a failure". He reported a shift in the way citizens view and address wilderness issues. "I see progress on every plane," he remarked. UWA representatives spoke about how individual and organizational "perceptions of power" related to player/non-player status over time (see page 3), and the need for "political maturity". Both Emery County and UWA acknowledged significant pressures placed on the process from those choosing not to participate, and both parties identified the lack of guarantee that a consensus would be appropriately respected by the Utah delegation, as an insurmountable obstacle.

Barry Scholl's article in the October issue of the *Catalyst* described the pressures being felt by participating parties on the conservation side. In the article Scott Groene, Southern Utah Wilderness Alliance's (SUWA) staff attorney says, "Project 2000 at first concerned us because it was an attempt to deal with wilderness in Utah and not nationally. It fizzled because the national groups aren't involved." In the same article Scholl quotes Congresswoman Shepherd, "If the people of Emery County make some decisions about how much land to preserve, then they'll feel more invested in those decisions. It's a terrible mistake to leave public opinion and grassroots support out of the equation. If you ignore those factors, you get endless resistance. Preservation is then seen as federal imposition on a small pitiful state. It all comes

back to the people. I firmly believe there are enough people in Utah who support preservation, but they haven't been activated." These quotations capture two distinctly different perspectives or pathways chosen by wilderness advocates in response to CUF's consensus building initiative. While the decision on the part of the national wilderness advocacy groups to withdraw participation was a factor throughout the pilot project, it is interesting to note how much progress was made by those conservationists who chose to risk involvement at a community level. Today, Emery County representatives continue to stress how close they were to reaching consensus on wilderness boundaries with UWA. "We were within a fifteen minute period of deciding we could live with each other," says Emery County's Tracy Jeffs. "If we could have had two more months for these ideas to mature at a local level and another fifteen minute meeting, we could have reached a consensus," he recently concluded.

Emery County's recommendation to the Governor and the congressional delegation proposed 184,000 acres of designated wilderness, 84,900 acres of "primitive" areas (roadless), and 244,300 acres of "semi-primitive" areas (vehicles only on existing and designated roads). While one environmentalist told the County that its plan "stinks", a few conservation leaders actually congratulated the County on its intention to protect over a half million acres of BLM land. Notably, pilot project participant Brooke Williams, took the county at face value and asked, "O.K., you say you want to protect all of this land, but you don't want to do it with wilderness. How are you going to do it then?" This led to Emery County Public Lands Council discussions in which Council Chair, Tracy Jeffs, seeded the rationale for a more proactive, cooperative County approach to public lands issues.

Today, the seed is germinating and concepts are maturing. County initiated deliberations include ideas to 1. develop a resource area partnership among Emery County, the BLM, the Forest Service, and other public land users, 2. become a nationally supported pilot program, and

3. conceptualize a non-profit San Rafael Swell Institute. Today, Emery County is proposing and exploring a planning/management partnership arrangement with the BLM. The purpose would be to:

- Incorporate direct local involvement in land management agency planning processes.
- Incorporate direct local involvement in land management agency decision-making processes.
- Reconcile differences between the Emery County master plan and the planning goals and objective of the land management agencies.
- Develop consistency between the ordinances and regulations of the federal and County entities.
- Cooperate in law enforcement activities.
- Cooperate in the provision of emergency services.
- Cooperate in the permitting, design, placement, construction, and costs of public facilities (roads, buildings, etc.).
- Cooperate in the facilitation of allowable uses.
- Cooperate in the mitigation of impacts from various uses.
- Cooperatively work to resolve local conflicts between uses, users, and stakeholders.
- Leverage the limited resources of the local and federal entities through coordinated efforts.
- Share in a joint stewardship over the public lands within Emery County.

CUF believes it is a major accomplishment that Emery County is now adopting cooperative, problem-solving principles in newly conceived public lands initiatives within the County.

"We were within a fifteen minute period of deciding we could live with each other. If we could have had two more months for these ideas to mature at a local level and another fifteen minute meeting, we could have reached a consensus."

- Tracy Jeffs

Guiding Principles & Lessons Learned

Given the complex history of The Community and Wild Lands Futures Project, and its relevance to public lands disputes throughout the West, CUF has attempted to capture and share guiding principles and key lessons learned with the hope that this can lead to the improvement of environmental decision-making in Utah and the West.

• *Local ownership in the planning initiative is essential.*

Utah State University Professor, Mark Brunson indicates that he believes the pilot project did create a grass roots process for comprehensive local community planning and sustainability...because of the long-term involvement of [commissioners] Kent Petersen and Dixie Thompson in the Project 2000 process." However, his research on related issues suggest that these sorts of "problem-unraveling exercises" will only work if they are perceived to be "the local folks' own idea". Jane Brass from the Western Rural Development Center writes, "My sense was that the process brought a wide range of local citizens into the planning process. I think they took ownership of the process so that they could have influence over the changes that were inevitable in their area. They are not denying or resisting changes, but rather attempting to manage it to their benefit." Brooke Williams agrees, "Emery now has confidence; they feel that what they know is important. Rural Utah seems to suffer from an inferiority complex. The pilot made great strides in fixing that."

"It is the feeling of the participants that every rural county could benefit a great deal from an experience similar to that of Emery County."

— Wes Curtis



Emery County Steering Committee member Zora Peacock (right) listens to feedback from "outside" observers at the close of the County Futures Workshop along with fellow citizens.

Feedback from Emery representatives substantiate local ownership in the process. Rosann Fillmore writes, "I believe Emery County is absolutely pro-active on the issues. No longer do we have a "victim" mentality regarding public lands issues. Emery County will be involved in decision making." Steering committee member Zora Peacock agrees, "Peoples opinions have changed. They know they can do something." Wes Curtis adds, "The process initi-

ated a flurry of planning activities and discussions of local values and priorities. The process also led to a deeper understanding of the value of such planning processes. As a result, Emery County is nearing completion of a Comprehensive Master Plan that will have a breadth and depth that surpasses most similar plans. "It is the feeling of the participants that every rural county could benefit a great deal from an experience similar to that of Emery County." And former County Commissioner, Mark Justice remarks, "I think everyone needs to be in the planning business. You need to know where you are going. If you don't know where you are going and don't have a goal about what you are trying to achieve, then you just wander."

• *Third party guidance is valuable, provided sound process skills and communications allow for an inclusive, broad-based community-driven initiative.*

In hindsight, the pilot might have had an even greater impact if it could have functioned as the central process, rather than as an add-on to a more traditional planning process. This would have improved communications and provided an opportunity to pursue, in depth, the community assessment, the articulation of visions, and the exploration of options. Traditional planning could have been applied as needed, and a more creative and collaborative comprehensive County plan could have been further developed. Overwhelmingly, participant feedback referenced the need to reach beyond leadership and the usual citizens, to engage a broader range of community members. More time spent in the community before, after, and during the planning meetings might also have led to broader commitment and community trust. One participant recommended larger, totally public meetings interspersed along the way as a means for opening up the process to the entire population. This, combined with citizen-led task forces, would surely have heightened citizen involvement.

In spite of the many challenges met by a neutral outside party working constructively to advance discussions on a complex public

lands dispute, project outcomes suggest that a *broad-based community futures* approach can serve as a valuable force for shifting the dynamics away from adversarial behavior among parties toward that of cooperative problem-solving. In the ideal world, the inertia for such an organic process would spring forth from within a community, but it is possible for an outside third party to serve as a catalyst, provided there are *no* hidden agendas.

• *The economic well-being of rural communities adjacent to public lands is related to the communities' willingness to look beyond today's problems toward tomorrow's possibilities.*



Moab panelists Jim Rich, Brooke Williams, Don Snow, and Scott Hirsch, U. to r. and facilitator Louise Hies listen to forum participants.

Executive Director of the Utah Rural Development Council, Scott Truman, argues that Emery County's prosperity is directly related to its willingness to "sit down and take a look at the greater picture, and realize how good it is. You take another county that doesn't have that economic base and while they may have it, in some ways very good, they are still somewhat desperate as they view their world with other people outside of their county and there is an act of desperation that I think goes with hunting the smokestack industries; going for jobs at any cost." This premise was echoed by Brooke Williams at the Moab Forum. He argued that people in rural areas need jobs and health care to provide for their families, and may be forced to compromise their environmental quality to survive. Using a graph, he showed the inverse relationship between per capita

income in third world countries and pollution. Tracy Jeffs reflects on the "catch-22" involving the desire to develop while protecting rural values, "I take full credit for lack of time to explore ecosystem management. It's wise to do but we got swallowed up in the wide tide." Thus, CWFP validates a need for more educational, community-based conservation initiatives aimed at both economic and environmental sustainability.

• *Healthy participant dynamics are essential ingredients for creating productive problem-solving efforts.*

The multitude of challenges met by the initiative to improve environmental decision-making in Utah and the West required a tremendous amount of patience, time, and financial and human resources. Trust building through mutual respect among disputing parties took years to achieve. These process accomplishments are intangible, yet essential ingredients for shifting the dynamics of the dispute away from adversarial behavior among parties toward that of interest in identifying mutually acceptable solutions together. Participant ownership in the project's design was key to moving the project forward, however, it took time and patience for all involved. When some of the environmental organizations withdrew their participation from the project, the project's focus shifted away from working to solve state-wide wilderness issues, toward that of solving community and wild lands futures problems in a focused geographic region. This was frustrating for some, who would have preferred to stay on the initial track. There is also a question of timing. A sense of urgency stimulates participation that might otherwise be reluctant. This creates a dilemma because the process is inherently tedious and lengthy. Do participants value the many inherent and intangible project accomplishments? The majority of project participants from all perspectives recently indicated that the pilot project was useful because it created trust and understanding among widely differing people. However, many felt that it was just a beginning, and that its value is yet to be realized.

"Many walls of suspicion and mistrust have been removed through this process."

"There have been significant changes in Emery County as a result of the project activities. Perhaps one of the most significant changes has been a change in attitude and perspectives on the part of county leaders and many citizens. Instead of the traditional "knee jerk" reaction of "no wilderness," and of environmentalists being devils enemies who could never be trusted, leaders in Emery County have learned to respect and accommodate many differing points of view. Many walls of suspicion and mistrust have been removed through this process.", writes Emery County citizen Wes Curtis. He continues, "Even though there have been important changes in Emery County already, it is felt the ultimate products of this effort are still in the future, and that seeds that are currently germinating as a result of this project will bear significant fruit in the future." UWA's George Nickas writes, "We're confident that these community based decision making processes will become the "model" for public lands issues. Indeed they must in order to address the ecological crisis we face within an appropriate social/political context." BLM Resource Area Manager, Penny Dunn feels the project was useful because "it developed a good working relationship amongst county officials and interested citizens and state/federal officials". Senator Bennett's representative, Brad Shafer writes,

"Although the agreements reached in this phase ultimately fell victim to political pressures, one should not base the decision of the usefulness of the project on that final outcome. I feel it useful in two particular aspects: one, the process provided a forum for interested and willing parties to come together and rationally discuss the San Rafael Swell; two, through the process of working individual arguments out, each party was able to see some legitimacy to the other's position."

• *Political decision-makers need to champion, honor and respect inclusive, community-based, problem-solving initiatives.*

Decades of polarity and resentment among opposing parties add to the complexity of the Utah BLM wilderness decision-making process. "Only a few visionaries, including

the Emery County Commission, the Utah Wilderness Association (UWA) and those who participated in the Project 2000 process, recognized that the wilderness debate could have been a wonderful exercise in innovative planning," writes *Salt Lake Tribune* Recreation Columnist, Tom Wharton. He continues, "Governor Leavitt started with the right idea, proposing an ecosystem-management approach to the Escalante Canyons that showed promise of meeting the economic needs of Garfield County while protecting a large region of state, forest service, national park and BLM lands. But, in a knee-jerk reaction, major environmental organizations wouldn't even consider Leavitt's ideas.



UWA's Dick Carter often makes numerous speeches associated with protecting wild lands in the future.

"UWA's Dick Carter writes, "... wilderness, because it is a congressional allocation, may not be the best issue to seek a consensus-based solution, particularly because the decision makers showed only passing interest/support (and later non-support) for the process (the timing factor) and were never willing to say a "consensus-based solution" would be accepted as part and parcel of their legislation. Possibly, a fourth issue of consequence is the fact that wilderness has become an incredible political icon (it has always been a crucially important biological and cultural icon). Years of fear mongering by wilderness opponents and "don't cross this line-in-the-sand" rhetoric by environmentalists have done little to assist a valuable discussion. It has become an institutional political icon, making it difficult to discuss even after 3 years of facilitated dialogue!"

• Consensus decision-making may not have been realistic once the complex issue of wilderness designation was fast-tracked by the congressional delegation.

The impact the "fast-tracked" Utah BLM wilderness process had on the pilot project was dramatic. Never had the project moved forward so expeditiously. While the sudden deadline served to focus and seriously engage all willing participants, the time-frame was too short. The pace even moved beyond the comfort level of urban participants. Precious little time was left for education within and among participating parties. It collapsed a projected eight month process into five short weeks. There was no time for the participants to walk and talk together on the land, and it focused the entire *wild lands* discussion on *wilderness* with a capital "W" as opposed to the intended *comprehensive* wild lands designation/management approach. In Susan Carpenter's words, it "limited the project's ability to let the community set its own pace and the project's ability to work with other counties in the state". CWFP illustrates that success of this approach requires an issue of sufficient concern to stimulate interests that does not demand quick resolution. It also shows how once the initial conditioning has been achieved, subsequent effort can be undertaken more expeditiously. Additionally, credibility development in one area can smooth the way in another area.

Governor Leavitt conveyed his thoughts in a letter to CUF's Stephen Holbrook. He wrote, "The attempts of consensus building serves as an important first step in these kinds of negotiations. Your willingness to be a player in the process and work together with those of differing viewpoints should be a model for conflict resolution processes in the future." "If I were the Governor," states County Extension Agent, Dennis Worwood, "what I would do is [say] O.K., you have to be willing to come to the table - be part of the solution - or you have no seat at the table." "I think the environmental community that sits down with these people, particularly from Emery County,

based on what they've been through, need to realize that they are sincere about it. And, as they look at negotiating and working plans out, I don't think that they should be taking that polar position just so they can meet some place in the middle. I think there is an effort that has been made already to start in the middle and make something work even better, rather than staring on opposite ends and trying to come to a position where nobody really likes but they're willing to agree." CUF agrees that it is time to create more opportunities for people to work together to find mutually acceptable solutions to today's daunting community-based problems.

Application of the Model

In conclusion, the *Community and Wild Lands Futures Pilot Project* did advance environmental decision-making through inclusive community and interest group participation. Outcomes are evolving and project participant evaluations were overwhelmingly favorable. County participant, Keith Ware says that the project moved the County in a direction it may not have otherwise taken by "making everyone more aware of what we stand to lose if we do not act to protect our heritage." In the spring of 1995, founder of the greater Yellowstone Coalition, Rick Reese, wrote "The benefit of the work of Project 2000 in Emery County is independent of the timing or the ultimate outcome of wilderness legislation. And therein lies its greatest value." OPB's Brad Barber writes, "It [the project] taught us that this type of thing may work in the future. Once a wilderness bill is done in Utah - we should talk about moving into cooperative management." CUF board member and *Moab Times* Editor, Sam Taylor says, "In the event the [Utah delegation] bill does not become law, CUF has laid the ground work that will still lead to piece-meal resolution for the BLM wilderness issue. We have given them a road-map," he concludes.

Many participants believe that the pilot has application value for comprehensive planning efforts in rural areas, and some can see it being applied to growth management,

"The benefit of the work of Project 2000 in Emery County is independent of the timing or the ultimate outcome of wilderness legislation. And therein lies its greatest value."
Rick Reese



County Commissioners Randy Johnson, Bevan Wilson, and Kent Petersen (l. to r.) help guide Emery County and its citizens through the pilot process.

transportation, education and topical problems in urban areas. It clearly is recognized as being superior to the conventional approach of deriving local input from a couple of perfunctory public hearings. Jane Brass suggests that the need for disseminating information regarding the pilot model "is pervasive as states struggle with public lands issues." She cautions that communities should not have consultants dictate a quick way out. Rather, she recommends working through a process to "find answers that will be more acceptable to your community". Another participant echoed the concern that it could be dangerous to create a "cook book approach". The emphasis from a model should be on need and a few questions to ask in the beginning, he cautioned. Chairman Petersen advises other rural county leaders, who might be considering a similar planning model. "1. Put together a good steering group. 2. Listen to their input, and 3. Listen to people from other areas and take advantage of their successes and failures."

"Endlessly shifting public policy does not address the underlying concerns of both environmentalists and resource users, who would do better, in my view, to solve problems together on an on-going basis."

- Stephen Holbrook

• *Community Visions: a Catalyst for Creating Positive Futures*

CWFP demonstrated that engaging local citizens in discussions about their values and visions of the future enabled them to develop solid plans for economic development and empowered them to approach the highly polarized issue of wilderness as an issue which could be resolved with their traditional adversaries, not as a battle to be won. CUF's Stephen Holbrook remarks, "It is said that 'those who live by the sword, die by the sword', perhaps this is a little strong in the environmental decision-making context. It might be more accurate to say that those who live by the power of each election shall be displaced by the next election. Endlessly shifting public policy does not address the underlying concerns of both environmentalists and resource users, who would do better, in my view, to solve problems together on an on-going basis."

"The constructive progress made by the County in are relatively short time-frame will continue to bear fruit for the county on public lands issues and other matters of interest. In reference to *Discovering Common Ground* by Marvin Weisbord, project consultant, Susan Carpenter, summarizes her perspective. She writes, "Weisbord makes the point that creating the tension between what we have and what we really want is a much more effective way to get what we want than the more traditional methods of problem-solving and conflict management (identify the problem and then develop options to solve it). My experience bears this out. I see the Coalition's Emery County Community/Wild Lands Futures Project as a powerful, effective model which can be applied to a wide range of issues at the county and state level across the West." Currently, CUF is moving forward with an initiative focused on *quality* growth in Utah. History will reveal whether we, as a whole and increasingly diverse community in Utah and the West, are able to build on the lessons learned from the Emery County experience.

Acknowledgements:

CUF wishes to thank Brad Barber, Robert Barrett, Susan Carpenter, Emery County Utah, Dr. David Gardner, Governor Michael Leavitt, former Congresswoman Karen Shepherd, Cherie Shanteau, Stephen Toben, The Utah Wilderness Association, Alonzo Watson and the hundreds of project participants for their valuable contributions in creating a new model for Utah and the West.



Native American site in Little Wild Horse Canyon, San Rafael Swell, photo by A. Laves, M.D.

September 7, 1995

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Utah's Future/Project 2000

With generous support from:

The William and Flora Hewlett
Foundation, the George S. and
Dolores Dore' Eccles Foundation
and The Union Pacific Foundation.
If it were not for the patience and
substantial support from these
foundations, the Community and
Wild Lands Futures Project would
not have been possible. Most
foundations prefer to fund advocacy
work for "one side or the other" in
the environmental arena. Coalition
for Utah's Future/Project 2000's role
as a neutral convening party proved
less attractive to the majority of
potential funders who are interested
in environmental issues. When the
Utah congressional delegation
changed the playing field for the
project, our funders stayed with us
to assure conclusion of the effort in
Emery County. Coalition for Utah's
Future/Project 2000 greatly appreci-
ates the visionary and
valuable support provided by these
excellent philanthropic foundations.

***Cover Photo by: N. Layne Miller;
The Family Butte in the San Rafael
Swell, Emery County, Utah***

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