

**Testimony of the Executive Committee of the Utah Wilderness Coalition
*Earthjustice, Natural Resources Defense Council, Sierra Club, Southern Utah
Wilderness Alliance, The Wasatch Mountain Club & The Wilderness Society***

**House Natural Resources Committee
Subcommittee on National Parks, Forests and Public Lands
October 1, 2009
on H.R. 1925, America's Red Rock Wilderness Act**

Introduction

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to provide testimony on this important and sweeping legislation. The lands proposed for wilderness in America's Red Rock Wilderness Act are threatened by surface-disturbing activities such as off-road vehicle use and oil and gas development. Protection for these lands is needed to maintain wildlife and plant habitat, protect the rich cultural heritage and archaeology of the region, and mitigate the effects of regional climate change.

The Utah Wilderness Coalition (UWC) comprises over 200 local, regional and national organizations dedicated to protecting the spectacular and unique wilderness qualities of public lands in Utah, concentrating efforts on the protection of lands the Bureau of Land Management (BLM) manages on behalf of the American people. For over a decade, the UWC has worked toward passage of America's Red Rock Wilderness Act (ARRWA), legislation to protect over nine million acres of public land in Utah by designating them as wilderness and placing them in the Wilderness Preservation System.

The members of the Executive Committee of the UWC include Earthjustice, the Natural Resources Defense Council (NRDC), Sierra Club, Southern Utah Wilderness Alliance (SUWA), The Wasatch Mountain Club, and The Wilderness Society. We share a common interest in preserving our nation's public land legacy, including the proposed Red Rock wilderness in Utah. We welcome the opportunity to work with the Utah delegation, members of the Committee, and Congress on this legislation.

We would like to start by thanking Chairman Grijalva for holding this hearing and for being such an ardent champion of the cause of Utah wilderness. We also welcome the chance to acknowledge Congressman Maurice Hinchey for his tireless work and unyielding support for H.R. 1925 – America's Red Rock Wilderness Act, which he has introduced for the past nine Congresses. We also wish to thank Chairman Nick Rahall of the full Committee for all the help he and his staff have provided on this issue. It is also noteworthy that America's Red Rock Wilderness Act enjoys cosponsorship by 17 members of the committee.

The broad support demonstrates that these unique and irreplaceable lands are a national treasure, important not just to Utahns, but to all the people of the United States.

Background

The Utah Wilderness Coalition strongly supports H.R. 1925 – America’s Red Rock Wilderness Act. It accurately identifies an iconic landscape deserving of preservation. The unique and ecologically fragile red rock country of the Colorado Plateau is a region of magnificent canyons, rivers and mountains, including spectacular areas such as Labyrinth Canyon, Cedar Mesa, Dark Canyon, the Book Cliffs, the San Rafael Swell and Desolation Canyon. These lands are threatened by inappropriate oil and gas development and under-regulated off-road vehicle abuse. Wilderness designation would protect these lands from the types of surface disturbing activities endangering them today.

America’s Red Rock Wilderness Act is based on extensive citizen wilderness inventories, conducted in response to inadequacies in the BLM wilderness review process. The Federal Lands Policy Management Act of 1976 (FLPMA), among other things, made clear Congress’ intent to set aside some BLM lands for wilderness. Section 603 of FLPMA outlines a process of wilderness review for BLM lands—a two-part process of inventory and identification, followed by a recommendation by the agency as to whether the lands identified with wilderness characteristics should be designated as wilderness.

Unfortunately, local political interference and inconsistent inventory practices limited the BLM inventories of southern Utah, and the first inventories found 2.9 million acres of lands with wilderness characteristics – a fraction of the number that would be credible. While these lands became the first generation of wilderness study areas (WSAs), conservation-minded Utahns were outraged by the deficiencies of the inventory and appealed this finding to the Department of the Interior Board of Land Appeals (IBLA). The appeal was successful, and the inventory was expanded to include a total of 3.3 million acres as WSA.

The controversy led Utahns to organize around the cause of protecting the spectacular BLM red rock lands, spawning the Southern Utah Wilderness Alliance (SUWA).and the UWC.

In 1984, Utah citizens began to conduct their own citizens’ inventory, using the standards of inventory that the BLM should have used in its wilderness inventory. This culminated with the introduction of H.R. 1500 in 1989 by the late Utah Rep. Wayne Owens. H.R. 1500 was the first iteration of America’s Red Rock Wilderness Act and called for the protection of 5.1 million acres. In 1993, after Congressman Owens left the House, Rep. Maurice Hinchey assumed sponsorship of the updated H.R. 1500, which reflected the citizen inventory, encompassing 5.7 million acres.

In 1996, then-Secretary of the Interior Bruce Babbitt announced there would be a new BLM wilderness inventory to correct the original flawed inventory. Also in 1996, President Bill Clinton proclaimed Grand Staircase-Escalante National Monument.

In 1997, Senator Dick Durbin of Illinois introduced a companion bill to America's Red Rock Wilderness Act, S. 773, the first introduction of the Red Rock bill in the Senate.

In 1999, the BLM released the results of its reinventory. The agency found an additional 2.6 million acres of lands that met the wilderness characteristics criteria, for a total of 5.9 million acres. However, the completion of an updated citizens' inventory in the same year determined that 9.5 million acres of BLM lands in Utah actually qualified for wilderness designation.

In 2003, then-Secretary of the Interior Gale Norton and then-Utah Governor Mike Leavitt entered into an out-of-court agreement to settle a dormant lawsuit challenging the 1999 wilderness reinventory. The agreement stipulated that the BLM would no longer set aside wilderness study areas to protect wilderness characteristics. The BLM thereby forfeited the main tool it could use to preserve wilderness quality lands pending a Congressional wilderness designation. This effectively stopped the 1999 reinventory from leading toward more interim protections for the lands contained in ARROW.

In 2006, the Cedar Mountains Wilderness was designated through legislation sponsored by Rep. Rob Bishop of Utah. It protects 100,000 acres that were included in ARROW, in Utah's West Desert.

In 2008, the BLM released six controversial resource management plans allowing energy development and off-road vehicle use to continue on lands proposed for wilderness in ARROW. These plans also included wilderness reviews validating an additional 800,000 acres of the ARROW proposal as wilderness quality. Unfortunately, these same plans designated approximately 3,000 miles of motorized routes within lands proposed for wilderness.

A lawsuit filed by SUWA, The Wilderness Society, the Natural Resources Defense Council (NRDC) and Earthjustice and other organizations secured a temporary restraining order against the issuance of 77 oil and gas lease parcels sold in December, 2008. This set the stage for the new Obama Administration and Interior Secretary Ken Salazar to void these leases and call into question the management plans under which they were offered. Most of the voided leases were in lands proposed for wilderness in ARROW and/or near a national park.

The Washington County Growth and Conservation Act, sponsored by Senator Robert Bennett of Utah, passed as part of the 2009 Omnibus Public Lands bill, designating 125,000 acres of BLM wilderness and creating a new National Conservation Area that protects an additional 60,000 acres of roadless lands. All of the BLM lands designated wilderness by this bill were included in ARROW.

Overview

H.R. 1925—ARRWA—will designate approximately 9.5 million acres of federal public land as wilderness. About 6 million acres of this land are on the Colorado Plateau portion of Utah. More specifically, these lands include the Grand Staircase-Escalante National Monument, the San Rafael Swell, Desolation and Labyrinth Canyons, the Dirty Devil and Henry Mountains region, and the greater Cedar Mesa area including Dark Canyon.

The BLM has inventoried about 7.8 million acres of ARRWA and found that wilderness characteristics exist on 6.7 million acres. The BLM's own wilderness inventories agree with ARRWA nearly 90% – confirming the quality of the citizens' inventory in nearly all of the lands in ARRWA inventoried so far for wilderness characteristics.

Of the 9.5 million acres in ARRWA, 3.3 million acres are currently in WSAs. These lands are managed to preserve their wilderness characteristics until Congress either designates them as wilderness or releases them from study.

There are an additional 3.6 million acres that the BLM has found to possess wilderness characteristics through either the 1996 reinventory or the resource management planning processes. Due to the 2003 Norton-Leavitt agreement, the BLM cannot make these lands WSAs without withdrawal from the agreement. Unfortunately, the bulk of these non-WSA lands exhibiting wilderness characteristics have no interim protection from the impacts of oil and gas drilling or off-road vehicle use. ARRWA would afford permanent protection to these lands.

Why Wilderness is Needed – Threats to the Land

The lands proposed for wilderness in America's Red Rock Wilderness Act are threatened by surface-disturbing activities such as off-road vehicle use and oil and gas development. Protection for these lands is important to maintain wildlife and plant habitat, protect the rich cultural heritage and archaeology of the region, and mitigate the effects of regional climate change.

Off-road vehicles are perhaps the single greatest surface-disturbing threat to the red rock landscape. In addition to the aesthetic concerns of unsightly damage and noise, cross-country off-road vehicle use destroys the fragile biologic soil crusts that retain moisture, anchor plant life, and reduce wind and water erosion. While the BLM deserves some credit for recently moving to a system of designated routes, these routes are still too numerous to protect sensitive landscapes. Furthermore, implementation is slow and enforcement is inconsistent and spread too thin.

Oil and gas drilling and development are other major threats to ARRWA lands. Eighty percent of BLM lands in Utah are available for oil and gas leasing. Unfortunately, excluding the WSAs, over 90% of the remaining lands in ARRWA remain open to

leasing. While energy development is certainly one of the multiple uses of public lands envisioned by FLPMA, it is incompatible with wilderness resources – in fact this type of activity destroys wilderness characteristics. Unless Congress acts to protect the lands in ARROWA, there will continue to be a slow attrition of lands with wilderness characteristics due to energy development.

As mentioned earlier, in late 2008 the Department of Interior released six Resource Management Plans (RMPs) which guide management decisions on 10 million acres of public land in southern and eastern Utah, including about 5 million acres that would be protected by ARROWA. These plans would allow for environmental damage because they allow oil and gas drilling to increase in lands proposed for wilderness and designate some 3,000 miles of motorized routes within ARROWA acreage. The plans, which have a lifespan of about 20 years, missed an opportunity to protect the lands in ARROWA using a variety of tools to prevent surface disturbance and maintain existing wilderness characteristics.

Emerging climate science is indicating that windborne dust from the Colorado Plateau, much of it from Utah, is carried by high-altitude winds east to Colorado's Rocky Mountains. This red dust settles on the snowpack leading to a darkening of the snow, which decreases the reflectivity and hastens the early melting of the snow. Additionally, USGS studies show that climate change will render the desert Southwest and Rocky Mountain regions hotter and drier. The worst effects of climate change will only be intensified by dust on snow, which will further reduce already stressed water supplies in the region and exacerbate deteriorating air quality. Surface disturbance and destruction of biologic soil crusts is the major contributor to these problems. Wilderness designation is a powerful tool to mitigate surface disturbance.

Utah is home to a vast and rich cultural heritage, and a great archaeological and anthropological legacy remains on our public lands. At various times in history, Utah has been home to paleolithic peoples, Fremont, Anasazi, Paiutes, Hopis, Shoshone, Utes, and Navajo, all whom have left a wealth of artifacts on public lands. Very little of this cultural resource has been surveyed. Again, surface-disturbing activities, especially off-road vehicle use, pose a direct threat to these artifacts. Wilderness designation would stanch the slow destruction of these cultural treasures on lands within ARROWA.

America's Red Rock Wilderness Act would preserve some of the last unbroken tracts of lands in Utah. Unfragmented lands provide the habitat necessary to support healthy, biologically diverse ecosystems. A scholarly article recently published in Volume 29 of the Natural Areas Journal reports that 25% of Utah's special status species are found in wilderness study areas and that WSAs "encompass much of Utah's impressive rare and endemic plant diversity." Passage of ARROWA would permanently protect 9.5 million acres of the best habitat remaining in Utah.

Utahns and America's Red Rock Wilderness Act

Opponents to America's Red Rock Wilderness Act sometimes claim that the proposal lacks support in Utah. A new poll of Utahns, recently conducted by Dan Jones and Associates, strongly suggests otherwise. Approximately 60% of decided Utahns statewide support the proposal or want even more wilderness (9-23 million acres). The poll was a proportional cross section of Utahns representing urban and rural parts of the state. This poll suggests that Utah's Congressional delegation might be seriously out of touch with their constituents on this issue.

A range of interests support wilderness designation in Utah's Redrock. The Faith and the Land Dialogue has signed an ecumenical statement affirming the spiritual value of wilderness. Similarly, Women and the Land encourage Utahns to share what wilderness represents to women and men as individuals. The group produced a Wilderness Quilt that is now being published in book form.

Federal Public Lands: Owned by all Americans

All of the lands proposed for wilderness in ARRWA are federal public lands managed by the BLM. With the passage of FLPMA in 1976, Congress expressed its intent for these lands to remain in the federal estate and be managed for multiple use. One of the multiple uses specified by FLPMA is wilderness. The U.S. Congress is the sole body that can designate wilderness, making the question a national prerogative, not solely a state or local question, as some suggest.

This national concern about protecting wild lands is why ARRWA enjoys broad national support: currently H.R. 1925 has 140 cosponsors and Senator Durbin's companion bill (S. 799) has 21 cosponsors. While local input is always important in making federal land decisions, local interests and opinions should not drown out the interests of all Americans in the process of deciding which lands in the federal estate should be preserved without impairment for future generations.

Impacts on State-Owned Lands

America's Red Rock Wilderness Act will affect certain state-owned parcels managed by Utah State Trust Lands. However, protective designations can be an impetus for land trades that benefit Utah students. This situation occurred when the state traded remote and largely inaccessible tracts in Grand Staircase-Escalante National Monument, as well as in the West Desert, for more desirable tracts that can be developed to fund education. Most recently this occurred with the House passage of H.R. 1275, which would exchange state lands with recreational values in Grand County for federal lands with mineral values in Uintah County. These types of exchanges can be win-win for funding education in Utah and protecting special landscapes. Such a land exchange would be important follow-up legislation after passage of ARRWA.

Wilderness Truth and Myths

It is important to dispel a few common myths about wilderness often offered as reasons to not designate wilderness. One common myth is that wilderness conflicts with the “multiple use” mandate. However, wilderness designation allows for “multiple use” both in fact and in law in the 1976 Federal Lands Policy and Management Act. The “multiple uses” of wilderness, according to law, include the protection of watersheds, maintenance of soil and water quality, ecological diversity, habitat, and a wide range of recreational opportunities, including hiking, backpacking, horse-packing, hunting and fishing.

Some claim wilderness restricts recreational opportunities. One of the chief purposes of wilderness, however, is to provide people with a broad array of outdoor recreational opportunities. These may include backpacking, hiking, hunting, fishing, camping, horseback riding, mountaineering and rock climbing, cross-country skiing, snowshoeing, wildlife viewing, photography, canoeing and kayaking.

Some claim wilderness harms local and regional economies. On the contrary, wilderness can provide numerous economic benefits and assist in maintaining the natural capital that can help communities diversify their economies by attracting and retaining new businesses, residents and a local workforce. Wilderness can also protect scenic backdrops that improve property values, thereby increasing county revenues.

The claim that only pure, pristine and virgin lands qualify for wilderness is also false. The Wilderness Act carefully defines wilderness as land “which generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable.” In fact, many existing designated wilderness areas include reclaimed roads, capped oil wells and other impacts that have faded to be “substantially unnoticeable.”

There is a myth that wilderness erodes private property rights or water rights. In fact, only federal land may be designated as wilderness. Private property (and state lands) may be surrounded by wilderness, but wilderness area management restrictions, such as prohibitions on roads and mining do not apply to private land. Property owners must be assured “adequate access” to their parcels, including permission where necessary to drive through wilderness. Similarly, the Wilderness Act makes no “express or implied claim or denial on the part of the federal government as to exemption from State water laws.”

Some claim wilderness violates the Americans with Disabilities Act (ADA). This is also untrue, as the ADA specifically allows wheelchairs in wilderness. (Land managers are not required, however, to modify the lands managed as wilderness to accommodate disabled visitors).

Finally, there is a myth that you cannot fight fires, respond to emergencies or control insects and diseases in wilderness. Section 4(d)(1) of the Wilderness Act states

that “such measures may be taken as necessary in control of fires, insects and diseases.” Also, the law allows non-conforming uses in emergencies to ensure the health and safety of people.

Conclusion

The Executive Committee of the Utah Wilderness Coalition again thanks the House Natural Resources Subcommittee for National Parks, Forests and Public Lands for this hearing. We look forward to working with members and staff on this worthy legislation.

Thank you for the opportunity to submit testimony.

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