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**TESTIMONY ON H.R. 4027,  
AN ACT TO CLARIFY AUTHORITY GRANTED UNDER THE ACT “ENTITLED  
AN ACT TO DEFINE THE EXTERIOR BOUNDARY OF THE UINTAH AND OURAY  
INDIAN RESERVATION IN THE STATE OF UTAH”**

**SUBMITTED TO THE  
HOUSE NATURAL RESOURCES COMMITTEE  
SUBCOMMITTEE ON INDIAN AND ALASKA NATIVE AFFAIRS**

**TUESDAY, MARCH 20, 2012**

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Chairman Young, Ranking Member Boren, and Members of the Subcommittee, thank you for the opportunity to testify on behalf of The Wilderness Society in regards to H.R. 4027. I would also like to thank Congressman Matheson for his leadership on this important issue, and Chairman Bishop for his support. I ask that my written testimony be made a part of the hearing record.

The Wilderness Society works on behalf of its 500,000 members and supporters to protect wilderness and inspire Americans to care for our wild places. We work extensively in Utah to promote the preservation of public land in a way that provides opportunities for economic development of rural communities.

You may be wondering why The Wilderness Society is interested in legislation that affects Tribal land in Utah. The answer is that this legislation provides the opportunity to advance the preservation of one of the most important wilderness landscapes in the lower 48 states, and does so in a way that benefits the Ute Indian Tribe and State of Utah as well.

H.R. 4027 is classic “win-win” legislation. It will preserve lands with outstanding ecological and cultural values, promote tribal economic development, provide funding for the State of Utah, and provide an economic benefit to the Federal treasury. The Wilderness Society supports this legislation and urges the committee to advance it.

**History of the Hill Creek Extension**

Congress expanded the existing Uintah and Ouray Reservation in 1948, adding over 500,000 acres of land known as the Hill Creek Extension. In establishing the Hill Creek Extension, Congress did two things in addition to providing additional land to the Ute Indian Tribe. First, it

retained for the Bureau of Land Management (BLM) the mineral rights for vast tracts within the northern Hill Creek Extension. Second, it trapped 38,000 acres of state-owned land—including mineral rights—within the extension.

To address the second issue, Congress provided the State of Utah with the authority to relinquish the state land (and later, mineral rights) within the extension, and to select replacement lands or rights “outside the area hereby withdrawn.” Eventually, the State sold to the Ute Indian Tribe the 38,000 acres of surface lands within the extension, while retaining the mineral rights to those lands.

Now, the State seeks to relinquish its 18,000 acres of mineral rights within the southern extension, and select, in their place, mineral rights currently held by the BLM in the northern extension. Were such an exchange allowed to occur, it would facilitate the protection of a vast expanse of wilderness, while shifting energy development to an area already impacted by previous activity.

Because of the ambiguous wording and varied interpretations of the original Acts affecting the Hill Creek Extension, legislation is now necessary to clarify that the exchange of mineral rights between the State of Utah and BLM is permissible.

### **Desolation Canyon, the Book Cliffs, and the Tavaputs Plateau**

When combined with adjacent public lands, the southern Ute Reservation is part of a complex of wildlands that contains portions of three significant landforms—Desolation Canyon, the Book Cliffs, and the Tavaputs Plateau—and spans close to one million acres. This is one of the most significant stretches of wildlands in the lower 48 states.

In many ways, this majestic landscape defies description. The Desolation Canyon of the Green River cuts through the Tavaputs Plateau, forming steep, striated canyons, each containing hidden treasures. Desolation Canyon is a very popular whitewater run, and each year people come from across the country to experience the sublime beauty of the inner canyon.

The Book Cliffs and Tavaputs Plateau are similarly striking. Strikingly rugged, with deep canyons, and forested slopes, the Book Cliffs and Tavaputs Plateau host a rich array of scenic, ecological, and cultural treasures.

It is here that a visitor can find Nine Mile Canyon, once called “the world’s longest art gallery” for its collection of thousands of pictographs and petroglyphs that emblazon its walls. Visitors can also find healthy populations of trophy-sized elk, deer, and bighorn sheep, as well a dazzling array of wildlife like the majestic golden eagle and reclusive mountain lions. Known as the “American Serengeti” the Book Cliffs and Tavaputs Plateau are incredibly biologically diverse, and harbor as many as 14 threatened and endangered species of plants and animals.

### **Current Management Status**

The southern extension lands—those containing the Book Cliffs and Tavaputs Plateau—are among the most remote and rugged lands in the lower 48 states. The Ute Indian Tribe has long managed this area to preserve its ecological and cultural values. Tribal resolutions prevent

development of the southern extension lands, and ensure that the area is managed to maintain its wilderness values, preserve opportunities for hunting and cultural activities, protect imperiled species.

If allowed to occur, oil and gas development could cause significant impacts on this sensitive landscape. As described by the Bureau of Land Management, the southern extension “is where relatively undisturbed natural values interrelate to Tribal lifeways and religious pursuits. In these Tribal sensitive areas, construction, operation and sights and sounds of oil and gas wells and associated support facilities would degrade the roadless and natural character of undisturbed areas.” In short, oil and gas development in the midst of a nearly million-acre wilderness landscape would have significant impacts and should be avoided.

In contrast with the undeveloped southern extension, the northern extension contains areas with widespread development and extensive oil and gas deposits. The Ute Indian Tribe has formed its own energy company, Ute Energy LLC, to develop these energy resources.

### **H.R. 4027 – A Simple Solution**

H.R. 4027 would clarify that in making its selection of mineral rights to exchange for the rights it would relinquish, the State of Utah may select mineral rights held by the BLM within the northern extension. If passed, the legislation would provide several important benefits.

Most importantly, by allowing the State of Utah to relinquish its mineral rights within the southern extension, the legislation would substantially reduce the potential for oil and gas development within the Desolation Canyon-Book Cliffs-Tavaputs Plateau wilderness landscape. By eliminating the State of Utah’s mineral rights within the southern extension, the legislation would help ensure that this area is permanently protected for its wilderness, ecological, and cultural values.

Were the legislation to fail, the State of Utah would retain the right to select mineral rights held by the BLM in other regions of Utah. However, the State would also retain the right to develop the mineral resources on the rights it holds within the sensitive lands of the southern extension. Such a result could have disastrous consequences for this fragile and important landscape.

The legislation would help preserve the environmentally sensitive lands of the southern extension by shifting oil and gas development to disturbed and developed areas of the northern extension. The legislation would also help the Ute Indian Tribe by preserving important cultural sites and expanding economic development opportunities. By facilitating the development of minerals in the northern extension, the legislation would also provide revenues for the State of Utah and the federal treasury.

We are concerned about the imposition of a 30-year limit on the sharing of royalties and urge the committee to remove this provision to ensure that the federal government is receiving adequate compensation for publicly-owned resources.

### **Conclusion**

H.R. 4027 will help preserve a vitally important wilderness landscape, while providing other important benefits for the Ute Indian Tribe and State of Utah and we urge the committee to advance this legislation. We wish to thank the Subcommittee for holding this hearing, and Congressmen Matheson and Bishop for their leadership on this important issue. Thank you for the opportunity to testify.