

Statement of Ross C. “Rocky” Anderson

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Before the Subcommittee on National Parks, Forests and Public Lands
of the Committee on Natural Resources

Legislative Hearing on H.R. 1925
America’s Red Rock Wilderness Act of 2009

Thank you for the opportunity to testify before this subcommittee regarding America’s Red Rock Wilderness Act, H.R. 1925. My name is Ross C. “Rocky” Anderson. Except for three years of law school in Washington, D.C., I have lived my entire life in Utah and was privileged to serve as Mayor of Salt Lake City from 2000-2008.

Thank you Congressman Hinchey, for your commitment to this legislation, particularly after you took the torch from former Congressman Wayne Owens, a remarkable man who understood the tremendous responsibility we have to preserve, in their untrammelled state, the majestic places that make the State of Utah so magnificently unique. Thank you, Chairman Grijalva, for co-sponsoring America's Red Rock Wilderness Act and for giving us this opportunity to discuss the critical and timely issue of protection for Utah’s – and America’s – wild lands.

This far-sighted bill was initially sponsored by Congressman Owens in 1989, but there is a real urgency now because of the imminent, constant threat to the wilderness character of these lands posed by the explosion of off-road vehicle use and the consequences of climate change. If nothing is done to assume the responsibility we have as stewards of these lands, the matter of Utah wilderness will be decided by default when these last remaining wild places succumb to desecration by off-road vehicle abuse and other forms of development.

In 1960, Wallace Stegner, a westerner and former Utahn, articulated the imperative for wilderness with these words:

“Something will have gone out of us as a people if we ever let the remaining wilderness be destroyed; if we permit the last virgin forests to be turned into comic books and plastic cigarette cases; if we drive the few remaining members of the wild species into zoos or to extinction; if we pollute the last clear air and dirty the last clean streams and push our paved roads through the last of the silence, so that never again will Americans be free in their own country from the noise, the exhausts, the stinks of human and automotive waste.”

Wallace Stegner, *The Wilderness Letter*, 1960.

The warning in these words is unmistakable, but I have confidence in our ability, as Americans who value the preservation of these wild places and who recognize our responsibilities toward future generations, to exercise the wisdom to prevent Wallace Stegner’s grim depiction of a landscape without wilderness from ever happening.

America’s Red Rock Wilderness Act is a bold vision for Utah wilderness born out of the work of thousands of Utahns who care deeply for our wild lands. It lays the framework for what is possible to protect the "wild west" landscapes of Utah’s Colorado Plateau, and the starkly beautiful Basin and Range landscapes of our West Desert.

My support for Utah wilderness is informed by the experiences I’ve had hiking and camping in Utah’s wild lands, as well as experiencing the direct benefits of leading a major urban area adjacent to thousands of acres of designated wilderness.

My experiences of Utah's wild landscapes are part of the reason I chose to move back to Utah after law school. For me, as well as for millions of others, the experience of getting away to hike, explore, and camp in wilderness areas – away from the noise, pollution, and land-corrupting mechanization of our day – is soul-inspiring beyond measure. Just a few weeks ago, my son and I backpacked in the proposed Death Hollow wilderness, adjacent to the Box Death Hollow Wilderness Area near Escalante, Utah, and will never forget the beauty, the solitude, and the utter wildness of the spectacular landscape.

As Mayor of Salt Lake City, I was so pleased to introduce visitors to our nearby wilderness areas, assets to our city whose tremendous uniqueness

and value is no longer questioned – although, before the wilderness designations of those areas, many of the same arguments were made by opponents that we hear now in opposition to the Red Rock Wilderness Act.

In fact, before the wilderness designation of Lone Peak wilderness, both Salt Lake City and the Salt Lake City-County Health Department argued against the designation. They expressed fears that wilderness designation would make it difficult to protect the water quality of this area. Both of Utah's House members at that time opposed wilderness designation for Lone Peak. (U.S. Forest Service, Uinta National Forest-Wasatch National Forest, Intermountain Region, Region 4, "Lone Peak Wilderness Study, Study Report, Final Environmental Statement," 1976, 1, Appendix B; "Lawmakers Ask to Keep Lone Peak as 'Scenic,'" *Deseret News*, 3 March 1977).

Today, everyone would agree that those concerns and fears were entirely misplaced. The naysayers were wrong on every count. Wilderness adjacent to Salt Lake City has been of tremendous benefit to our community. It creates needed open space for the increasingly dense urban population of Salt Lake Valley and surrounding areas, world-renowned recreational opportunities, and vital protection for our watershed.

The dynamic of opposition and fear is typical. Almost every time lands are proposed to be protected as National Parks, National Monuments, and wilderness, vocal opponents raise many of the same complaints we hear today about America's Red Rock Wilderness Act. Yet after the protections are in place, people generally look back with gratitude for the foresightedness of those who made certain the exquisite nature of these magnificent places will be preserved for our children and for later generations.

Our realization as a community about the importance of undeveloped wild lands to our water supply and quality of life was demonstrated during my tenure as Mayor when Salt Lake City purchased 155 acres in Big Cottonwood Canyon to create the Willow Heights Conservation Area and another 149 acres to preserve Donut Falls, both of which will now be protected in perpetuity from development. We knew that, once developed, these pristine areas would be destroyed forever.

Most Utahns support Utah wilderness. Over the years Salt Lake City residents have frequently told me how important this issue is to them. This support shows up in the bright yellow “Protect Wild Utah” bumper stickers that are on so many vehicles in the Salt Lake City area, including my own. This support was demonstrated recently by a statewide survey of Utahns conducted by Dan Jones and Associates, which reflects that 60% of people who have developed an opinion on the matter want to see nine million acres or more of the federal lands managed by the Bureau of Land Management protected as wilderness. (Dan Jones & Associates, *A Study Conducted for Southern Utah Wilderness Alliance, General Public Study, Longitudinal Data*, September 2009).

Those in Utah who resist protection of these places should take a clue from the visitors to our state who come to Utah, and keep coming back, because they are in awe of the geography they find there. Where else in the world can you go from the inspiring granite peaks of mountains like the Wasatch to the red rock splendor of the San Rafael Swell in a four hour drive?

The beauty of the landscape is an astounding resource for Utah that sets it apart from most other places in the world, providing Utahns remarkable opportunities for outdoor recreation and serving as a magnet for tourists from other parts of the country and world. In a study of the economic impact of National Parks in Southeast Utah by the National Parks and Conservation Association, released in 2009, the authors report that: "In 2006, over 1.2 million visitors came to Arches and Canyonlands National Parks, spending some \$99 million during their visits." Economists estimate that this spending supported 2,315 jobs. (National Parks and Conservation Association, *Landscapes of Opportunity: The Economic Influence of National Parks in Southeast Utah*, April 2009, p. 7).

Long-term, sustainable economic development is best promoted by providing for low-impact recreational use. It will help generate the greatest monetary benefit from federal lands for the longest period of time.

Adaptation to the impacts of climate change is another significant benefit of protecting large swaths of wild lands on the Colorado Plateau and in the west desert. The U.S. Geological Survey predicts that by 2050 soil conditions on the Colorado Plateau will be worse than those typical of the Dust Bowl. And, as we know from the Dust Bowl years, dry soil, especially

if it is disrupted by human activity, easily becomes airborne, forming dust storms. Studies by the U.S. Geological Survey also show that undisturbed dry soil develops a fragile, but important crust, and the accompanying ecosystem of symbiotic life forms growing in that crust helps to keep it in place during high winds. Disruption of the soil by off-road vehicles results in crushing of plants, soil crust, and anything else in the way, loosening the soil to be carried away. (U.S. Geological Survey, *Impacts of Climate Change on Water and Ecosystems in the Upper Colorado River Basin*, August 2007).

Dust from Utah's Colorado Plateau is already a problem in Colorado, landing in the Colorado Rocky Mountains. Scientists have been tracking these dust storms for six years. In 2009, a record number occurred. As the red dust from the Colorado Plateau lands on snow, it increases the heat absorption of the snow, causing it to melt much faster. (Thomas Painter, Presentation, "Dust on Snow Panel: What's the Dirty Secret of Dirty Snow?," Colorado River District Annual Water Seminar, September 18, 2009; Thomas H. Painter *et al.*, "Impact of Disturbed Desert Soils on Duration of Mountain Snow Cover," *Geophysical Research Letters*, Vol. 34, L12502, 2007).

A contributing factor to soil disruption is the dramatic increase of off-road vehicle use. The pressing need for thoughtful management of these vehicles grows stronger with each new one that enters Utah's wild lands. Unless protections are enacted soon, there will be very few places for humans to go without the noise, pollution, and destruction of the land caused by ORVs.

Even with enactment of America's Red Rock Wilderness Act, there will still be 17,000 miles of dirt roads, jeep trails, and old mining tracks for off-road vehicle enthusiasts to enjoy on BLM lands on the Colorado Plateau. That figure does not include all trails in the Grand Staircase-Escalante National Monument. Those who say we are "locking up the land" and no one will have access to it except for backpackers and horse-packers should understand that they will have access too because 70% of the land proposed for wilderness designation within America's Red Rock Wilderness Act is within eight city blocks of a motorized route.

Another argument we hear against America's Red Rock Wilderness Act is that it will inhibit energy development in Utah. But the facts don't

bear this out. Utah holds approximately 2.5% of the country's proven oil reserves. The technically recoverable, undiscovered natural gas and oil resources on land within America's Red Rock Wilderness Act amount to less than twenty-three days of natural gas and approximately 6.5 days worth of oil at current rates of consumption. (U.S. Department of Energy, Energy Information Administration, visited September 2009).

Some are worried about the impact of Utah wilderness designation on school trust lands. Wilderness designation is actually a good thing for Utah's schools and students. Trust lands within wilderness can be traded for federal land with greater revenue-generating potential. America's Red Rock Wilderness Act can serve as a catalyst for exchanging the scattered, difficult-to-develop school trust lands for amalgamated blocks of land in areas more appropriate and more promising for development. For example, when the Grand Staircase-Escalante National Monument was designated it created impetus for a large land exchange to remove all trust lands within the monument's boundaries. The United States gave Utah's school kids \$50 million in cash and large acreages of land productive for energy development. Trust lands within the Monument were traded for federal land at Drunkards Wash, near Price, Utah, among other places. Drunkards Wash is an extremely profitable natural gas field. In 2006, this field alone provided 60% of all state trust land oil and gas revenue. (State of Utah, School and Institutional Trust Lands Administration, *Tenth Anniversary Report (July 1, 1994 to June 30, 2004)*; Report to the Utah Legislature, *A Performance Audit of the School & Institutional Trust Land Administration (SITLA)*, Number 2006-01, January 2006, pp. 8-9).

Finally, there are those, including Representatives from Utah, who argue that the federal government was required, constitutionally or otherwise, to give up its lands in Utah at the time of statehood. The Congressman from Utah's First Congressional District has maintained in a recent op-ed piece in Utah's major daily newspaper that the U.S. Constitution contains a provision giving rise to the Equal Footing Doctrine and that somehow that doctrine forbids federal ownership of lands in states at the time of statehood. Actually, Article IV of the Constitution, cited by the Congressman, says no such thing. Further, the 1894 Enabling Act for Utah to be admitted to the Union makes several references to continued federal ownership of lands, including, under Section 3, (1) a requirement that Utahns disclaim all right and title to the unappropriated public lands lying within the boundaries of the State; (2) a requirement that until the United

States extinguishes its title to lands, they shall remain subject to the disposition of the United States; and (3) a prohibition that “no taxes shall be imposed by the State on lands or *property therein belonging to or which may hereafter be purchased by the United States.*” (Emphasis added.)

Were the county supremacists correct about the Equal Footing Doctrine, one wonders why they have not pursued their claims in the courts. The United States Court of Appeals rejected that very claim (*United States v. Gardner*, 107 F.3d 1314 (9th Cir. 1997)) – and the U.S. Congress obviously gives it no credence because of the many bills it has passed relating to the management and control over federal lands, which the Property Clause of the Constitution clearly contemplates.

While it is true the federal government does not pay property taxes on the land it owns in Utah, it does provide the state with "payment in lieu of taxes," under which Utah receives the third highest amount in the nation. Also, Utah ranks 18th in the nation, on a per capita basis, of land within the state that is not owned by the federal government.

Many good reasons support enactment of America’s Red Rock Wilderness Act. When considering this vital measure, please hearken to the words of Utah native Terry Tempest Williams:

"If you know wilderness in the way that you know love, you would be unwilling to let it go."

(Terry Tempest Williams, *Testimony*, Milkweed Editions, 1996)

Utah Congressman Wayne Owens understood this, Utahns understand this in greater numbers than ever before, and people outside of Utah understand this. Utah's red rock wilderness is a gift we should not squander. Please embrace this far-sighted opportunity, in service to the world and to later generations, without any further delay.

Respectfully submitted,

Ross C. “Rocky” Anderson