

Committee on Resources

Subcommittee on Forests & Forest Health

Witness Testimony

TESTIMONY FOR HEARING ON H.R. 359

SUBCOMMITTEE ON FORESTS AND FOREST HEALTH

TUESDAY, FEBRUARY 23, 1999

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CENTRAL SIERRA CHAPTER, WILDERNESS WATCH

Good afternoon Madam Chairman and distinguished members of the Committee. My name is Steve Brougher and I am a volunteer with Wilderness Watch, a national non-profit organization dedicated to the preservation of America's designated wilderness. I am here to testify on behalf of Wilderness Watch about the concerns we and 20 other local, state and national organizations have expressed with H.R.359, a bill to require the operation and maintenance of 18 dams in the Emigrant Wilderness.

I began working in the Emigrant as a wilderness ranger in 1975, the year of wilderness designation. I became intimately familiar with this special place and developed throughout my 22 year career as a wildlife biologist and wilderness manager a thorough understanding of the importance of preserving such remnants of our wildland heritage. I took seriously my obligation as a public servant to uphold the intent of Congress so eloquently expressed in the Wilderness Act, and have continued to work for proper protection since retiring.

Much of the information you will hear about the value of these dams from the proponents of this bill is unsubstantiated opinion contrary to the facts. From my years of experience I can say, unequivocally, that these dams are **not** essential for providing recreational opportunities, for sustaining a fishery or for the ecological health of the Emigrant Wilderness, nor are they of **any** economic importance for local businesses. They **do** adversely affect wilderness values. But don't take my word for it - this information is readily available, to anyone interested in knowing the facts, in reports by the Stanislaus National Forest that I have cited in my supporting documents.

The premise of H.R. 359 is to clarify the intent of Congress that these dams were to be maintained and operated in perpetuity. I have provided a discussion of congressional intent in my supporting documents. Simply put, congressional intent for the dams to remain is a spurious argument that negates key underpinnings of the Wilderness Act and is not supported by the legislative history. P.L. 93-632 contained no special provision for maintenance of the dams, but states that the area will be administered in accordance with the Wilderness Act.

The purpose of the Wilderness Act was to preserve some areas in their natural condition, untrammelled by man and without permanent improvements. The Act also directs that wilderness will be administered in a way that preserves the wilderness character and specifically prohibits structures and installations. H.R. 359 completely frustrates the intent of the Wilderness Act by putting non-conforming uses back into the area. Did Congress intend to undo the very purpose of the legislation it passed when it designated the Emigrant? Two examples will illustrate the fallacy of this illogical argument and how it would play out across the entire National Wilderness Preservation System:

Some wildernesses contain old homesteads that were logged, plowed, etc. Should we assume that Congress intended for these old homesteads to be restored, the encroaching forest cut back, the buildings reconstructed?

Many wildernesses experienced off-road vehicle use prior to designation and the evidence of that use remains. Should we assume that Congress intended for ORV use to continue in these areas today?

The wilderness resource is a condition where wild nature prevails without human intervention or artifacts. This resource once existed throughout this nation, now greatly reduced from its original extent. Dubious arguments about the historical nature of the dams overlook a much larger historical perspective of national significance. The framers of the Wilderness Act recognized the historical significance of the wilderness resource to the development and character of this country and took action to preserve the last remnants of this historical legacy for future generations. The dams are 80 years old or less, compared to the thousands of years that the natural environment of the Emigrant has developed and flourished without them. It is far more critical to preserve this historical legacy of natural landscapes than a few insignificant structures that have existed in a mere blink of time.

H.R. 359 is an ill-conceived bill that will degrade important wilderness values and set a terrible precedent for the entire National Wilderness Preservation System. Special legislation to override the Wilderness Act opens the door for similar efforts to chip away at this vital conservation law, incrementally degrading the values the Act was intended to protect. It also interferes with an established 5-year planning process for the Emigrant Wilderness and would shut-out many citizens who have a legitimate interest in the outcome of this issue. And, despite past assurances that the dams would be maintained at no cost to the government, H.R. 359 contains a provision authorizing the appropriation of \$20,000 for administrative costs, thus requiring taxpayers to pay the cost of degrading the wilderness values of the Emigrant Wilderness.

Maintaining these dams is the antithesis of wilderness - their purpose is to trammel the hydrology and ecology of the area for illusionary recreation benefits, not to preserve the wilderness character. To realize the powerful vision of the Wilderness Act, we must be committed to the idea that we respectfully leave areas where wild nature can flourish. This type of action will slowly erode what has been preciously attained, making it easier to make more changes of increasing significance. Eventually the wildlands we thought were protected in a natural state in perpetuity will be reduced to nothing more than recreational parks that cater to comfort and convenience. Wilderness is intended to protect natural ecosystems and the benefits they provide to our society, not just a few narrow interests who do not understand or believe in the value of preserving wild environments.

Thank you for this opportunity to speak on behalf of the Emigrant Wilderness and the many people in this country who want it preserved in a natural condition. I hope you will make the right decision that supports the true intent of Congress, embodied in the promise of the Wilderness Act, "...to secure for the American people of present and future generations an enduring resource of wilderness."

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