

Committee on Resources

Subcommittee on National Parks & Public Lands

Witness Statement

Testimony on H.R. 3035
Utah National Parks and Public Lands Wilderness Act
By the Utah Shared Access Alliance

The Utah Shared Access Alliance was formed to represent the interests of those who choose or are required to use motorized vehicles for access and recreation on public land. Our members and supporters view and enjoy public land via motorized or mechanized vehicles, whether by snowmobile, full sized 4-wheel drive, All Terrain Vehicle, motorcycle or bicycle. Organized by the leadership of Utah's largest individual user groups just a year ago we have 5000+ in our membership and organizational membership base and represent the interests of over 78,000 off highway vehicle users in Utah. We are very concerned with public land use issues especially issues regarding Wilderness.

We appreciate the opportunity to testify before Congress and wish to thank Congressman James V. Hansen for his efforts in trying to resolve this contentious issue. A large number of public land visitors will be affected by this. Our members and supporters use and enjoy public land. We enjoy the scenic beauty. We marvel at the tenaciousness of our ancestors when we visit historic sites. We study and appreciate the geological and archeological wonders throughout Utah. There exists a vast network of roads and trails that we use for access and recreation. To most of us, long hikes in unforgiving environs are simply not possible. The Wilderness Act specifically prohibits the use of motor vehicles, motorized equipment or motorboats, landing of aircraft, no other form of mechanical transport, and no structure or installation. To deny the use of vehicles denies us access. These areas become so inaccessible that they might as well be on the moon. Wilderness designation's primary effect is to deny access to a majority of public land users.

Congress must realize the effect this legislation will have on our lives. Wilderness designation comes at an enormous price to those who live in rural Utah. This sometimes rugged and unforgiving land has shaped a unique heritage. Begun when hearty Mormon pioneers moved west in an effort to avoid persecution for their beliefs. They struck out and created a unique and valuable culture. Today rural Utah's are proud, independent and hard working people. The traditional access to public land is a valued and integrated part of our lives and livelihoods. Some of the strong feelings about this issue may seem extreme. Remember Bruce Babbitt hanging in effigy after the designation of the Grand Staircase-Escalante National Monument? While that kind of public expression is considered inappropriate to some, the sentiment comes from the realization that our way of life is going to drastically change. Congress should recognize the concerns of adjacent communities and affected counties.

Congress has long recognized the value of protecting the stability of communities and counties adjacent to federal lands. Congress has required that land managers protect the economic or community stability of those localities. We remind Congress that the cost of Wilderness designation to communities can be overwhelming. When considering any Wilderness legislation, including H.R.3035, Congress must proceed carefully. The cumulative effect of massive Wilderness designations and the movement away from the principles of multiple use and sustained yield in public land management can be devastating to local

communities. Congress's actions here will have an impact on our families. Congress must make local public involvement meaningful.

Congress has provided in law for meaningful involvement from the American people in federal land management. Congress also recognized the importance of coordination of inventories and suitability studies regarding lands identified as having wilderness character with local, state and other federal agencies. The negotiations between Utah's Governor Michael O. Leavitt and Secretary of the Interior Bruce Babbitt has thus far has been void of meaningful public input. We are concerned about the lack of public input generally and local input specifically. Congress should use these hearings to increase and enhance the input of local communities regarding the appropriateness of Wilderness designations near them. When considering protection of these lands: We ask that Congress consider the large body of existing environmental law.

Wilderness advocates claim that Wilderness designation is imperative for needed environmental protection. From the perspective of a rural Utah'n this is unnecessary. Congress passed many laws that protect our environment. Those of us who live and work near these lands know these laws. We understand how they work together to provide protection. In fact, rural Utah is the first to benefit from the protection these laws provide, and we are the first to feel the consequences of the restrictions these laws sometimes impose. When Congress creates Wilderness under the guise of "protection" those sacrifices already made in the effort to protect the environment betray us.

Congress must understand the precedence this legislation sets. H.R. 3035 contains lands which have been studied by the Secretary of the Interior and rejected for recommendation as Wilderness. They were rejected by the BLM for 3 primary reasons. They either did not meet the standards for designation set by the Wilderness Act, they could not be practicably managed as Wilderness or they were not suitable as Wilderness because of other resource values or for other reasons. There is a higher "burden of proof" required for official Wilderness designation of these lands.

When considering H.R. 3035 Congress must not ignore determinations of manageability and suitability. Since Wilderness designation is likely to remain for a long period of time, these issues must be analyzed in a complete and public manner. Roads are an issue.

This testimony does not address whether specific lands contained in H.R. 3035 meet the roadless requirements of the Wilderness Act. However we remind Congress that the Wilderness Act addresses rights-of-way conflicts. Former Utah Congressman Bill Orton provided an excellent analysis of the issues regarding roads in his report, Utah Public Land Use Management: Report of Findings and Recommendations. Orton says:

Revised Statute 2477, 43 U.S.C. Sec. 932, establishes the ownership rights of states and counties for roads and road right-of-ways. Nothing in the Wilderness Act of 1964, or the designation of wilderness within Utah, is intended to effect or restrict in any way the rights of the state, county or local governments in use and maintenance of roads and right-of-ways established under this statute. To the greatest extent possible, wilderness area boundaries must be established to avoid right-of-way conflicts. Where an RS-2477 right is established, boundaries must be set to exclude roads. Where a question exists as to the validity of an asserted RS-2477 right, and the right in question has not been adjudicated prior to Congressional designation of wilderness, if the right is subsequently upheld the wilderness boundary must be adjusted to exclude the right-of-way and the 1/8 mile set back.

"The concept of cherry stemming (simply excluding a roadway from a wilderness area as if it does not exist) or drawing the wilderness boundaries right to the very edge of a roadway, is certainly contrary to the basic intent of the wilderness act. To the maximum extent possible, the practice of cherry stemming shall be

avoided and boundaries shall conform to natural boundaries and terrain such as mountain ranges, ridges, hills, valleys, cliffs, and riversà" These issues are not decided in a political vacuum.

This issue cannot be discussed without the mention of the highly organized and well funded organizations that currently advocate massive Wilderness designations in Utah. It is a shame that we in Utah are loosing our heritage and traditions to build membership and power for these organizations. These Wilderness advocates do not care who they hurt in their zeal to designate as much Wilderness as possible. What is happening to the public land rises to the level of a systematic denial of certain civil rights to a vast majority of public land users.

Summary:

We applaud the effort to preserve and protect valid existing rights and privileges. We support the acknowledgement of the importance of livestock grazing on lands historically used for this purpose. We support the adjacent management language as well as the military use protection. These provisions are extremely important.

- We support Wilderness designation on lands that meet the manageability and suitability requirements.
- H.R. 3035 has the potential to exclude a large portion of the scenic West Desert to all but the healthy and hardy.
- Wilderness boundaries must be set to exclude roads. Recreational roads and trails hold a high value among public land visitors. Motorized and mechanized recreation is an important socio-economic factor that must be considered whenever Wilderness boundaries threaten to eliminate this historic use.
- A heritage of access and recreation on these lands will be lost or changed forever upon the passage of any Wilderness legislation.
- There is a unique and valuable culture that exists only in Utah. Wilderness legislation will forever change that culture. Adjacent communities need a stable and diverse economic base if they are to survive. Congress must act carefully whenever their actions transfer land out of multiple use management.
- Local involvement must be meaningful.
- Congress must consider the protection already provided for in existing environmental law.
- Lands which have been studied and rejected for recommendation for Wilderness designation should not be considered.
- This Act must not be intended to effect or restrict in any way the rights of the counties to use and maintain roads and rights of ways granted under Revised Statute 2477.

Utah's Governor Michael O. Leavitt often stresses the importance of "certainty in public land management". We wish to emphasize to Congress just how important it is that Utah's citizens be given some surety as to how Utah's public land is to be managed. When powerful and wealthy organizations are free to wield their unfair influence year after year Utah's suffer.

Utah Shared Access Alliance
P.O. Box 526008
Salt Lake City, UT 84106
801-484-3940
www.usa-all.com

Wilderness Act Sec. 4 (c)

Wilderness Act, Sections 202 and 603 of the Federal Land Policy and Management Act, BLM Wilderness Inventory Policy, BLM
Wilderness Management Policy and the National Environmental Policy Act
Clean Air Act, Clean Water Act, Colorado River Basin Salinity Control Act, Safe Drinking Water Act, Comprehensive
Environmental Response, Compensation and Liability Act, Superfund Amendments and Reauthorization Act, Resource Recovery Act,
Resource Conservation and Recovery Act, Toxic Substances Control Act, Federal Insecticide, Fungicide and Rodenticide Act, Soil
and Water Resources Conservation Act, Fish and Wildlife Coordination Act, Endangered Species Act ,
Wild Free-Roaming Horses
and Burros Act, Bald Eagle Protection Act, Migratory Bird Treaty Act, Animal Damage control Act, Public Rangelands Improvement
Act, National Historic Preservation Act, Antiquities Act, Historic Sites Act, Reservoir Salvage Act, Historic Preservation Act,
American Indian Religious Freedom Act, Archaeological Resources Protection Act, Native American Graves Protection and
Repatriation Act, Federal Cave Resource Protection Act, National Trails System Act, Wild and Scenic Rivers Act. Executive Order
11990 Protection of Wetlands, Executive Order 11593 Protection and Enhancement of the Cultural Environment

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