

Committee on Resources

Subcommittee on National Parks and Public Lands

Witness Statement

Testimony on H.R.3605, San Rafael Western Legacy District and National Conservation Area

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On Public Lands
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Chairman Hansen and members of the committee, my name is Kent Petersen. I am chairman of the Emery County Commission. I was elected to the Commission in 1992. I am pleased to be here to talk to you about HR 3605, The San Rafael Western Legacy District and National Conservation Area.

The San Rafael Western Legacy District includes all 2.8 million acres of land in Emery County. It will be established to preserve, conserve, and interpret the historical, cultural, natural, and scenic resources of the San Rafael region of the state of Utah, as well as the economic viability of rural communities in the region. The San Rafael National Conservation Area will provide enhanced management and protection of 1.1 million acres located on the San Rafael Swell in the heart of the Legacy District.

Only 8% of the land in Emery County is in private ownership, 82% is in federal ownership, and 10% belongs to the state of Utah. The citizens of Emery County have a long history of caring for the land whether it was private, federal, or state . In the late 1890's and early 1900's you could tell the location, from the valley floor, of the sheep and cattle herds 15 miles away on the mountains, by the clouds of dust they kicked up from the severely over grazed land. Large herds of cattle from outside the area, even from outside of the, state were grazing uncontrolledly on the public lands. Local citizens petitioned the government for the establishment of the Manti National Forest. Through cooperative efforts of the local ranchers and the Forest Service the lands have recovered and are once again very productive.

In the 1930's we cooperated with the Federal government to establish Taylor Grazing Act, on the lands in the San Rafael Swell. Again grazing was limited to holders of grazing allotments. Through conservation efforts of local users and the BLM, the condition of the land is again

improving.

The San Rafael Swell which is within the National Conservation Area is a land of scenic beauty, but it is much more than this. It has a unique history and heritage. Many of the dinosaur skeletons on display throughout the world have come from the Cleveland Lloyd Quarry operated by the BLM on the northern edge of the Swell. Rock art, and other remnants of the early Native Americans, abounds throughout the Swell. Butch Cassidy and the Robbers Roost gang frequented the Swell and used it as a getaway route after more than one robbery. Cowboys have managed their livestock on the swell from the early 1870's until today. They also named most of the landmarks and places of interest. Prospectors and miners searched for, and mined valuable uranium on the Swell during the 1950's and 60's. These are only a part of the history and legacy we will be protecting with the San Rafael Western Legacy District and National Conservation Area.

When I was elected to the County Commission in 1992 the wilderness debate had been going on for more than 10 years with no solution in sight. We in Emery County decided we should work for our own solutions. We became the pilot county in an effort to resolve the Utah wilderness issue developed by **Project 2000, A Coalition for Utah's Future**. They are a broad based public interest organization. We met with a widely diverse group of stakeholders to see if we could come to a consensus resolution of the wilderness issue in Emery County.

The stakeholders included members of state and national environmental groups, oil, gas, mining and utility interests, OHV users, ranchers, local government, state and federal land management agencies, and local citizens. We met for about two years. We were able to reach consensus on many issues but were unable to come to a final resolution because of outside political pressures.

These discussions led to the formation of the Emery County Public Lands Council. It is a broad-based group of local citizens that meet on a regular basis to discuss and resolve public land issues. We have signed Memorandums of Understanding (MOU's) with the BLM, Forest Service, and State Agencies. We decided if we were going to have a say in our destiny we would have to become proactive and seek workable solutions. These discussions also led to the demise of the Utah Wilderness Association, the main environmental group working with us. They were blackballed by the other Utah environmental organizations for working with us.

While meeting with **Project 2000, The Coalition for Utah's Future** we found that our goals for the land were not all that different from most members of the environmental community. We all wanted the San Rafael to remain forever as it is today. The differences were in how we were to accomplish this goal.

At a public meeting in Castle Dale, Montell Seely, a local sheep rancher and historian, and

George Nickas, a member of the Utah Wilderness Association, described very similar visions for Sid's Mountain in the heart of the San Rafael. They differed only in the methods for accomplishing their vision. George, the environmentalist thought it should be made a part of a large wilderness area. Montell said that it should always remain wild and that its location would ensure that it would. HR 3605 will satisfy both of their visions.

We determined that we all wanted the land protected. We also found that wilderness was only one method of land protection and is often not the best method. It is, in fact, a non management tool. We studied various protection methods and determined that a National Conservation Area (NCA) with various protection schemes inside the boundary would be the most effective method for managing the San Rafael Swell. The addition of the Western Legacy District will protect and manage various legacy and historical sites within the NCA and throughout Emery County.

After the defeat of HR 3625, The San Rafael Swell National Heritage Area, National Conservation Area Act in 1998 we were determined to try again. We have found that if we can get people to come and talk to us, we can show them that our proposals not only have merit, but are the best solution to the management of the San Rafael. We have presented our plan to Senators, Congressmen, agency directors and to ordinary citizens. All have gone away praising our plan, but in the end national politics caused the defeat of the bill. This time we worked through the state BLM to present the plan to the Secretary of the Interior. We were not able to get the Secretary, but he sent his deputy, Molly McCusick to talk to us. After touring the San Rafael with us and discussing our plans she agreed to work with us towards a mutually acceptable solution. The bill you see before you today is the result of these discussions. Not only is it a good bill, but it can provide a blue print for resolving public land issues all over the west.

We know these are public lands belonging to the people of the United States. We support the right of the people all around this country to be able to visit these lands, and to have a say in the management of them. We feel very strongly, however, that those of us who live next to these lands, and who have spent our lifetimes on or near them, must have a large say in how these lands are managed.

Decisions and solutions dropped down from on high, without input from local citizens are very disruptive. They require a strong police presence to force people to follow new rules which often make no sense. Solutions that are sensible, and have a strong local support, police themselves.

This bill is in many ways similar to the establishment of a National Monument which has been

so popular with this administration and with the environmental community, except it was started from the ground up. Details for management of lands within the Conservation Area will be developed during the four year planning process.

This is a bill started at the local level with strong consideration of national interests. It will protect some very important lands. It will protect and manage the wildlife who live on these lands. It will manage the people who visit and use these lands. And it will protect the heritage and the history of those who have called these lands home.

I am sure that after careful study you will agree that HR 3605 is the ideal management tool for the San Rafael Swell and for all of Emery County, Utah. Maybe it will be the model for a new way to resolve public land disputes in the west.

Thanks to you for giving me the opportunity to testify, and thanks to Chairman Hansen for holding this hearing.

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