

# **Committee on Resources, Full Committee**

- - Rep. James V. Hansen, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6201 - - (202) 225-2761

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## **Witness Statement**

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**COURTLAND NELSON, DIRECTOR  
UTAH STATE PARKS AND RECREATION  
COMMITTEE ON RESOURCES  
RECREATIONAL ACCESS TO PUBLIC LANDS  
Wednesday, May 23, 2001 - 10:00 a.m.  
1324 Longworth HOB**

Courtland Nelson, Director  
Utah Division of State Parks & Recreation  
May 23, 2001

We are fortunate in Utah to have an abundance of public lands that provide outstanding recreational opportunities. From rivers, to redrock, to desert, to high elevation mountains; we have it all. But, to take advantage of these opportunities, we must have access to these lands. This is not just an issue for the citizens of Utah. Thousands of visitors from all parts of the world come here to see and experience our world-class landscapes.

On behalf of the Utah Department of Natural Resources, thank you for the opportunity to submit comments on the themes of public recreation and associated public access to the federal lands. We have a long history of working with the federal agencies, and local communities in the development of motorized and non-motorized recreation opportunities, as well as partnering on our nation=s lakes, reservoirs and waterways for safe boating. Over the years, we have been very pleased with many accomplishments in our cooperative efforts with the Bureau of Land Management, the U.S. Forest Service, the U.S. Fish and Wildlife Service and the National Park Service. Mr. Chairman, our work over the last decade has been primarily with the multiple use agencies (BLM and Forest Service) and to a lesser degree, specific park units of the National Park Service. It is important to underscore our positive and healthy relationship with a variety of federal representatives. These land managers have applied for both motorized and non-motorized grants as part of our statewide programs. They have worked with us on education endeavors, both on the ground and in the classroom, to further ensure the safe recreation for Utah citizens. We have been very pleased with our improved regional planning as it relates to the opportunities that are in place for the trail users and the visitors to State Parks in Utah.

I have been involved in Utah and Arizona for twenty years with program management and other joint activities with the federal agencies and feel as though there are many positive accomplishments over the years. I assume, however, that much of the interest in today's meeting focuses on some aspects of federal land management that are not working as well for the recreating public and those interested in resource conservation and protection.

## **U.S. Forest Service**

Recent Forest Service actions have created quite a stir here in Washington, D.C. and on the ground. For instance, the proposed roadless inventory and closure for the Forest Service would have a significant effect on opportunities for the recreating public. The prohibition against new construction or reconstruction of roads will eliminate the use of these lands to meet future demand for developed site recreation such as camping and picnicking. This will create additional pressures to expand or develop these kind of sites on the remaining lands of all ownership including State Parks. It is not known whether there are lands within the inventoried roadless area suitable for this use, but if there are, the total acreage affected would probably be very small in comparison to the total area of roadless inventory and would not significantly detract from the purpose of the initiative. These lands could play a vital role in meeting this future need. Eliminating this possibility seems short-sided.

There are already almost 34,000,000 acres of National Forest in the lower 48 states designated as Wilderness, Wilderness Study Areas, Wild and Scenic Rivers and National Monuments. There are an additional 8,353,000 acres in Alaska for a total of 42,000,000 plus acres. Both building and reconstruction are prohibited on the vast majority of these acres. If we add the 54,000,000 acres of inventoried roadless acres, the total is 96,000,000 acres or nearly one-half of all National Forest land. This seems to be an inappropriate prohibition of lands allocated for dispersed recreation, most of which will ultimately be non-motorized. This is a significant change for a system of National Forest originally reserved from the public domain to produce timber and water and later changed to manage under multiple use concept.

The effects of future road building do not significantly impact the total acreage. The Draft Environmental Impact Statement states that under the no action alternative there will be approximately 300 miles of new roads built in the inventoried roadless areas over the next five years. @ If we assume that each mile would affect 5,000 acres this would mean 25,000 acres would be affected during this period. This is less than one percent of the 54,000,000 acres inventoried. The maintenance costs for these new roads also seems insignificant. If they build 60 miles per year and the maintenance costs were \$1,500 per mile, the total cost would be \$90,000. This is less than two-tenths of one percent of the total annual Forest Services' road maintenance budget of \$656,000,000.

There is an assumption built into this analysis that all roads are bad, based on some problems caused by the current road system. Many of the old roads built during the last 50 years do not cause resource problems as measured by today's standards. However, with today's science and stringent requirements of NEPA it is doubtful that any such road would be built in the future. Therefore, the projected impacts of new road construction are exaggerated.

The number of grant applications from Forest Service Districts in Utah for our motorized and non-motorized matching grants have leveled off or declined (in the case of motorized grants) due in part to district confusion regarding Forest Service support and commitment to trail programs for their users. The attached data suggests that both the Forest Service and BLM are the major providers of trail-based recreation in Utah. The demand continues to rise while construction and maintenance are lagging behind.

## **Bureau of Land Management**

As I mentioned previously, we have a long and successful partnership with the Bureau of Land Management in Utah. We currently manage or co-manage several park sites and recreation facilities around the state of Utah in a very successful manner. Some of these areas involve complex management due to the presence of

endangered species, range land management issues and the development of recreation facilities on BLM properties staffed and managed by State Parks. We have, I believe, successfully worked through these various projects to the satisfaction of a majority of Utahns. Currently we are working with the Bureau of Land Management office in St. George and the Washington County Water Conservancy District for the creation of a new state park facility that will meet both motorized and non-motorized trail user needs, as well as create a boating and camping opportunity on a large reservoir. The key to this effort is the opportunity for dispersed recreation on the BLM lands. I would be very concerned if there were any future decisions that would allow any significant restrictions without specific scientific rationale as this partnership is put together. For decades these lands have been available to the recreating public. With the recent creation of the Habitat Conservation Plan for the Deseret Tortoise in this region, there is less federal property available for motorized and non-motorized trail activities. Our future partnership, to a degree, hinges on the availability of recreation opportunities on those lands. Any additional restrictions spill over into other properties regardless of their ownership. My field rangers are constantly asked to resolve disputes between public land owners and recreation users. At the root of many of those conflicts are issues involving restrictions to lands that have traditionally been opened for reasonable use and access.

We find, for instance, in managing boating facilities that often have closures or restrictions, while having a benefit for one specific lake or reservoir, make situations worst in adjacent bodies of water. There is considerable data from social science research that would indicate that closures merely increase environmental degradation in other areas and do little to improve overall habitat protection or recreational opportunity.

Congress should settle the Wilderness issue for BLM lands administered in Utah. Failure to act is creating an enormous and ever growing burden on local administrators as they work to preserve the wilderness character of millions of acres of land while trying to meet ever increasing user demands. This is an untenable position which must be resolved at the earliest possible date. The American public would be much better served if the resources used to cope with this problem were available to provide goods and services from their public lands.

### **The Future**

There is little that most of us at the local level can do to affect the work of Congress and the Administration in making laws and policies that will determine the broad land use allocation questions. However, within the state of Utah, government agencies at all levels are developing structured and harmonious working relationships that will enable them to cope with the existing situation and to meet the needs of the public when the broad land use issues are settled. We know each other. We trust each other. We are committed to working together despite our various missions and circumstances.

As an example, over the past decade the use of off-highway vehicles on public lands has become an issue of crisis proportions. While recognized as a legitimate use of public lands, all of the land managing agencies were becoming overwhelmed with the scope and dimension of this use. As a result a group of agency heads called the Natural Resources Coordination Council decided to take this on as an interagency project. A Memorandum of Understanding was signed and a steering team was formed. Subteams were organized and chartered and the work began. The goal was to bring to bear the collective resources of all the participating agencies to protect natural resources while at the same time providing and preserving the outstanding off-highway vehicle recreation riding opportunities in the state.

Some of the results of this interagency effort have been the development of a communications campaign,

the identification of high use areas, organization of local interagency teams to deal with the highest priority areas, organization of interagency law enforcement teams, development of uniform trail signing standards and much more. While all of these results have been significant achievements, the greatest achievement has been the working relationships established that will facilitate the resolution of future issues.

In addition, a tremendous partnership is taking root between the user groups and the agencies. There is full recognition that no recreation program on public lands can be successful without the participation and commitment of those most directly affected by it. Where agencies are finding it difficult to deal with on-the-ground problems, the organized users are stepping in and doing their part. They realize the importance of their contributions to the long-term viability of their recreation pursuits.

It would be our hope that reasonable decisions could be made about the future closures and access restrictions. Let me be more specific. In the cases of Utah and Nevada, you are all aware that we are having tremendous population increases. People moving to this part of the country reasonably expect to have ample opportunities to use their public lands. We all agree that certain areas should be wilderness and be managed under very restrictive access methods. We all agree that other areas are open and available for dispersed recreation opportunities. The tough task is to make the decisions with regards to broad closures of large tracks of federal land which may benefit that area by keeping citizens out at least from some perspectives, but it may have the net effect of greatly concentrating other users in areas that will no doubt have much more significant resource impacts.

As you have seen in both personal watercraft situations and snowmobiling at Yellowstone, industries have been built upon the opportunity to access federal lands and waters. The trend line in Utah, and I believe most western states, is continuing to go up dramatically for the sale of motorized vehicles and mountain bikes. I do not see, from my personal experience and observation, any change in this trend line. All one has to do in Salt Lake City is go to an OHV shop or bike shop on a Saturday morning from January to March to observe the dramatic interest in purchasing these types of vehicles. Exactly the same situation exists for mountain bikes and other four-wheel drives or other mechanical methods of travel. Whether it is a result of a sustained good economy, a land mass that awaits recreational use or other factors, there are going to be tremendous expectations for reasonable opportunities to access federal lands. We in Utah would hope to be a helpful part of that solution in reaching decisions that we can live with.

Land management planning, travel planning and project planning on public lands is increasingly complex and expensive with uncertain outcomes. Law, regulations and case law born out of litigation has created a process that is almost impossible to complete without some flaw. As a result, when some faction does not agree with the decision reached, appeals and lawsuits can postpone many projects indefinitely. This can occur even when most would agree that the process was fair, reasoned and within the agencies discretionary prerogatives. The cost of pursuing these cases to a conclusion is staggering. Most agency local units will not take on more than a few projects in a year which require a NEPA process because they do not have the resources to do so. This sometimes includes even the smallest projects. In some cases the result of this quagmire is that they cannot complete the necessary planning and project approvals in a timely manner to take advantage of state and other grant opportunities which significantly increase on-the-ground accomplishments. Planning process management is the primary activity of many agencies, not land management. To those of us outside these agencies, it seems unfortunate that so much of an agencies resources must be used to complete even the smallest of projects when they could be used to do so much for the users of the public lands. Securing access for many recreation uses is certainly in this category. Perhaps it is time for Congress to review the impacts of the laws which have far outgrown any outcome envisioned by those who first enacted them.

Thank you for the opportunity to participate in this important dialog. I hope my comments have been helpful.

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