

Committee on Resources

Subcommittee on National Parks and Public Lands

Witness Statement

TESTIMONY ON H.R. 3605, THE SAN RAFAEL WESTERN LEGACY/ NATIONAL CONSERVATION AREA

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Presented before the House Subcommittee on National Parks and Public Lands

March 2, 2000

Mr. Chairman and members of the Committee:

It is with great pleasure that I testify on behalf of HR 3605, establishing the San Rafael Western Legacy District/National Conservation Area. With your considered help, I believe that this bill could represent the future of public land management in America---not just because of how well it protects our public lands, but also because of the extensive process that has brought us to this point.

HR 3605 withdraws over 1,000,000 acres of the San Rafael Swell area for special protection, thereby creating the San Rafael National Conservation Area (NCA). Working in tandem with this protective withdrawal would be a 2.9 million acre Western Legacy District which is designed to protect the wonderful heritage and history of the San Rafael Swell.

These two plans are designed to work together. They compliment each other. When we combine the special protection afforded by the NCA with the unique features of the Legacy District, our historical sites are protected, visitors to the San Rafael Swell are well instructed and receive an enhanced tourist experience, and the more pristine areas of the NCA are protected from unnecessary impacts.

The Western Legacy District part of the plan addresses the wonderful blend of man and nature which is unique to the San Rafael. Here, the footprints of history trace themselves across the rugged beauty of the Swell. Dinosaur remains scatter the area, focusing at the Cleveland-Lloyd Dinosaur Quarry, one of the largest sources of fossil remains in the world. There is also ample evidence of early Native American cultures throughout the Legacy District, with many examples of their wonderful history preserved in rock art. Further, the heritage of the early settlers of this harsh and unforgiving land is woven into the area, and is every much as deserving of protection as the rocks surrounding them. Such treasures as Sid's leap, Swasey's Cabin, and Temple Mountain are as much a part of the San Rafael Swell as sand and wind and deep canyon draws.

The Legacy District works to identify and protect these and other wonderful sites for the enjoyment of all who come to the San Rafael. Few other places in the world can provide such an ample supply of heritage

sites. Places such as Swasey's Leap Historical site, Outlaw Joe Walker Trail Corridor, Hidden Splendor Historical Site, the Spanish Trail Corridor, Copper Globe Historical Area, Rock Art Historic Corridor, and many, many others. Access to these destinations will be accomplished by means of existing and long-used roads and trails. Most importantly, the ever-increasing flow of tourists will find a greatly enhanced visit to the San Rafael Swell, while we are able to better manage that flow of people and better protect the more pristine parts of the San Rafael lands.

This wonderful blend of man and his world is the very heart and soul of this plan. Tracking the various footprints of natural history and human heritage through the San Rafael Swell gives the breath of life to these lands, and causes all who become hooked by the excitement and mystery of the area to take some share of ownership in the process of preservation and protection. It is a user-friendly plan, and everyone benefits from its manageable approach.

The National Conservation Area part of the bill works to preserve the more pristine areas of the San Rafael Swell in various levels of protection as directed by the land.

We have been criticized by some because our bill does not contain any wilderness. But that is the very point of what we have tried to accomplish here. **It is a process.** HR 3605 is wilderness neutral. We recognize that there are many complex issues to address in determining public land management policy. Consequently, we have proposed that we first withdraw more than a million acres, and then, with that protective designation in place, we establish a four year planning process in which we develop the permanent management plan. It is during that process that we will work to protect the more pristine lands at an appropriate level. **The result is protection within protection.**

We have also been criticized because, while there are many layers of protection already on the land, it is not permanent. They say that only wilderness can make it permanent. HR 3605 establishes permanent protection for over 1,000,000 acres, through congressional action, and it does it in the correct manner. It is built from the ground up, with all possible stakeholders and managers having a hand in the process, and drawing from those who know and understand the land best. It is permanent protection---**protection within protection**---resulting from collaboration and cooperation rather than something being thrust down from above and forced into position whether it fits or not.

I would like to point out several reasons why I believe that HR 3605 is important at this time:

First, it is time to break the seemingly eternal logjam we have had in the public land debate. Wilderness purists would have us believe that until we accept huge and ever-increasing areas of wilderness, we will never adequately protect our lands. And since our bill does not accomplish that, it is "anti-wilderness". But the wilderness advocates are not interested in what protection our bill does offer. They are only concerned that it is not all wilderness, and therefore it does not meet their moveable acreage quotas. But, how long must we remain hostage to such impossible tactics? It is time to move forward with new ideas and renewed commitment to resolve issues and solve problems. HR 3605 will allow us to do just that.

Second, HR 3605 allows for the involvement, in a respectful manner, of all possible stakeholders. Our public lands are owned by all the people of this nation, and they all have a right to their say in how those lands are managed. The current debate does not allow that. But HR 3605 is a product of that extensive dialogue, and consequently, there is an sense of ownership in the goals of this bill that builds a feeling of responsibility and respect in all those who have played a part in the development of our bill and who use our public lands. This sense of ownership will create a better quality of protection than any amount of

attempting to just "lock people out" could ever do.

Third, HR 3605 combines the protective withdrawal of the National Conservation Area with the Western Legacy District, thus coordinating the management of the land with the management of the people who visit the land, to the benefit of both. This hybrid combination will enhance our ability to protect the land because we will be able to better focus the human interaction with the land.

Part of the problem with the current debate is that it omits the human equation. There is a growing number of people who love the public lands and who have every right to expect to be able to visit and enjoy them in their own way. Wilderness proposals ignore this human element, but the San Rafael National Western Legacy District/National Conservation Area bill takes into account the people part of the equation and works to resolve it. The result will be a better brand of protection.

I would like to further illustrate this point by pointing out the differences between HR 3605 and current wilderness proposals:

- Wilderness purists remain focused on one thing only---wilderness. They will not be part of any discussion that may vary from that focus.
- HR 3605 takes into account all possible points of view and works to draw each perspective into the process.
- Wilderness purists rely on contention and controversy, and therefore they continually work to escalate the urgency of their claims.
- HR 3605 is designed to resolve long-standing issues and works for permanent and genuine resolution.
- Wilderness purists claim that all public lands are beautiful, all public lands are at risk, and that only wilderness will protect them from the risk.
- HR 3605 recognizes all levels of need, takes into account current protections, and views wilderness as one tool in a complex management system.
- Wilderness purists refuse to come to the discussion table, refuse any form of dialogue, and reject any type of consensus building.
- HR 3605 recognizes all the values of the land and all the people who use it. It works to resolve land management issues with respect for all stakeholders.
- Wilderness purists view man as a harmful intruder in the natural world.
- HR 3605 asserts that man and nature can and must coexist in a sensitive and respectful manner.
- Wilderness purists believe that as long as there is no progress in the debate, they have won their cause. A loggerhead is a victory.
- HR 3605 contends that we have the science, the understanding, and the inclination to address our public land management issues to the benefit of the land and all who use it.
- Wilderness purists use such words as "War", "Fight to the death", and "No net loss" in the public land debate.
- HR 3605 uses such words as "Solution", "Cooperation", and "Peaceful resolution" in development of its on-going planning process.

Lastly, the third, and perhaps most compelling reason for HR 3605 is because we need a solution to our

public land management dilemma. We have been at loggerheads for far too long. I believe that HR 3605 has the potential to move around the blockade and create a positive future for public land management in America.

Unfortunately, in a nation where diversity is the central thread in our national fabric, we have created a situation in the public lands debate where gross generalities dictate the parameters of the discussion and diverse opinions are no longer welcome.

We have always had widely diverse points of view on all the different issues of running this nation. And, we have always been able to draw those viewpoints to the table to create solutions that are a blend of the best ideas and are the best for all involved. It is important to have a process where these viewpoints can come together to establish common ground and to seek common solutions.

Unfortunately, we do not have that ability in the current wilderness debate. Consensus building and dialogue are considered to be hostile to the vision of "pure" wilderness.

It is deeply concerning to me that, in this nation, any group or individual would be able to say, "Our idea is so sacred and so perfect that no other perspectives will be entertained." What is even more alarming is that such a group could gather enough power as to be able to essentially hold hostage any democratic process and thwart any true progress toward resolution of the issues in question.

Quite frankly, the wilderness issue is just such a scene. The wilderness vision, as defined by current advocates, cannot do all things that the land needs, and creates enemies of people who should be cooperative allies.

In deep contrast, HR 3605 has, with deliberate intent, drawn all possible stakeholders into the development stages. It further has worked to assure that all relevant ideas and concerns are addressed. This bill is not just about helping people carefully and respectfully coexist with the land, it is about helping people coexist with people---with respect for the opinions and ideas of each other while working for common solutions.

We have become much too intolerant of each other, unwilling to bend, unwilling to consider the needs of the other. Perhaps it is because we have become so consumed with the issue itself that we have lost sight entirely of who we are.

A great man once said, "Tolerance may be a virtue, but it is not the commanding one. There is a difference between what one is and what one does. What one is may deserve unlimited tolerance; what one does only a measured amount. A virtue when pressed to the extreme may turn into a vice. Unreasonable devotion to an ideal, without considering the practical application of it, ruins the ideal itself".

No dream has real value unless there is a practical application of its vision.

The wilderness dream has no practical application. It is laden with difficulty. Wherever it is proposed it creates far more problems than it could ever solve.

HR 3605, on the other hand, represents a dream for our public lands---a dream of using our best work, through vision, science, and cooperative effort to protect and care for our public lands. But also, it contains a prescribed manner for applying that vision to the land in such a way that the dream can actually be accomplished.

HR 3605 is Vision and Reality as cooperative partners.

We believe that we must re-evaluate our public lands management philosophy. We must look at the conflict we have created, and ask ourselves where we are going and who benefits from the continual contention.

I close my testimony with the Words of Thomas Jefferson, from the walls of the Jefferson Memorial:

" I am not an advocate for the frequent changes in law and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times..."

It is time to move beyond the loggerhead. It is time to keep pace with the times. It is time to do the right thing.

Thank you.

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