

TESTIMONY OF LARRY YOUNG, EXECUTIVE DIRECTOR,
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On Behalf Of
THE SOUTHERN UTAH WILDERNESS ALLIANCE
And
THE WILDERNESS SOCIETY

REGARDING H.R. 2488,
“TO DESIGNATE CERTAIN LANDS IN THE PILOT RANGE IN THE STATE OF UTAH AS WILDERNESS,
AND FOR OTHER PURPOSES”

BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, RECREATION,
AND PUBLIC LANDS
CONGRESSIONAL HEARING
JULY 26, 2001

Mr. Chairman, members of the Subcommittee on National Parks, Recreation, and Public Lands, we are pleased to have been invited today to present this testimony regarding H.R. 2488 on behalf of the Southern Utah Wilderness Alliance and our 18,000 members in Utah and across the nation. The Southern Utah Wilderness Alliance was formed in 1983 as an advocacy and educational organization dedicated to the goal of protecting the public's unique and irreplaceable landscapes in Utah for future generations of Americans. The lands of most concern to our members are those administered by the Bureau of Land Management, an agency which holds in public trust more than 23 million acres land in Utah, predominantly in southeastern and western Utah. These lands, the spectacular mesas of sinuous canyons, the sandstone spires and graceful arches, the isolated desert mountains that rise like islands out of the sagebrush sea basins, are gems of unparalleled magnificence owned by all Americans. What remains of these treasures in their national condition, unaffected by development, should be placed into the National Wilderness Preservation System, thereby maintaining a lasting legacy of protected land.

Concurring in our testimony today is The Wilderness Society, an organization of 200,000 members nationwide, founded in 1935 and dedicated to ensuring that future generations will enjoy the clean air and water, wildlife, beauty and opportunities for recreation and renewal that pristine forests, rivers, deserts, and mountains provide.

“In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States... leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.” Such was the intent of Congress in enacting the Wilderness Act of 1964.

To the chagrin of the majority of Utahns, we are fast losing the extent and variety of our wilderness. In

Utah, of the 23 million acres administered on behalf of the public by the Bureau of Land Management (BLM), only 40 percent still qualifies for designation as wilderness. Because so little remains, Congress would be wise to set aside more rather than less. Bold steps are necessary to protect for the future what remains of these national treasures that are international attractions. Nowhere outside of Alaska is this natural heritage more in evidence than in Utah.

Most people in Utah would like to see our political leaders be bolder in their approach to settling the wilderness question. And since these are truly lands of national interest, Americans deserve better. We in Utah and others across the country support protection of our country's last remaining wild places in overwhelming numbers. We firmly believe that enactment of America's Redrock Wilderness Act, now sponsored by 150 Members of Congress, is the wisest course to adopt.

H.R. 2488: Fundamentally Flawed Legislation

Unfortunately, H.R. 2488 does not share this vision. It would protect only 0.2% of the lands deserving of wilderness designation and included in America's Redrock Wilderness Act. Even within the Pilot Range, the proposal excludes more than half the land deserving of protection, even though these excluded lands contain no user conflicts, and their designation as wilderness would enhance both the experience of wilderness and the protection of wildlife and other wilderness resources. Worse yet, H.R. 2488 is saddled with unprecedented "hard release" language that would blacklist deserving wild lands from future wilderness designation, and unprecedented management language that would weaken the Wilderness Act of 1964. In several instances, the unacceptable management language serves no purpose other than to establish precedence for future wilderness bills in Utah and across the country.

Although passage of H.R. 2488 would do very little to actually resolve the contentious Utah wilderness debate, the Southern Utah Wilderness Alliance would gladly support the bill if it protected all lands in the Pilot Range that are included in America's Redrock Wilderness Act and if it included clean management language that offered genuine wilderness protection that did not undermine the Wilderness Act of 1964. However, because H.R. 2488 ignores worthy lands in the Pilot Range and includes unacceptable management language, the Southern Utah Wilderness Alliance does not support H.R. 2488 in its current form.

Furthermore, our opposition to H.R. 2488 extends beyond our concern with its inadequacies with respect to the Pilot Range. Congressman Hansen has already acknowledged his intent to introduce a series of wilderness bills on a county-by-county basis (*Salt Lake Tribune*, July 17, 2001, p. A4) and H.R. 2488 is intended to serve as a template for these future bills. Congress must decide if it is willing to pass a series of wilderness bills that shortchange acreage within proposed wilderness units, permanently bar deserving lands from protection in the National Wilderness Preservation System, reify unacceptable management language, and leave the issue of wilderness protection in Utah unresolved and more contentious than ever. For all these reasons, the implications of this bill extend far beyond the Pilot Range itself.

Below, we discuss our concerns with H.R. 2488 in detail. We address the following:

- The Pilot Range: Land Worthy of Genuine Wilderness Designation Not Offered by H.R. 2488 (pp. 2-5). This section provides a description of the Pilot Range, with special emphasis on proposed wilderness units that are partially included in H.R. 2488.
- Critical Places Omitted: Half a Wilderness (pp. 5-8). This section focuses on excluded portions of the Pilot Range.
- Problems with Management Language (pp. 8-11). This section focuses on the unprecedented "hard-release" and military use language, as well as other serious management language problems in H.R. 2488.

- H.R. 2488 and Utah's Wilderness: A Terrible Template for the Future (pp. 11-12). This section summarizes our opposition to H.R. 2488 as it is currently written.

The Pilot Range: Land Worthy of Genuine Wilderness Designation Not Offered by H.R. 2488

The Southern Utah Wilderness Alliance, along with the more than 200 other conservation groups that make up the Utah Wilderness Coalition, has long been a proponent of adding lands within the Pilot Range to the National Wilderness Preservation System. The Pilot Range, located in the Great Basin on the Utah-Nevada border, is an outstanding example of BLM lands in northwest Utah deserving of wilderness designation. The Pilots' typically snow-covered peaks are more than an historic landmark – they are a haven both for wildlife and for human visitors seeking solitude, spectacular views, outstanding hunting opportunities, and untrammelled natural conditions. Utah's Pilot Range wilderness includes alpine meadows and basins, piñon-juniper forest, sage-covered slopes cut by rocky canyons, and rare perennial streams; it is home to herds of elk, Rocky Mountain bighorn sheep, pronghorn antelope, and mule deer, and Utah's only population of threatened Lahontan cutthroat trout. The Pilot Range deserves permanent protection by appropriate wilderness legislation – unfortunately, H.R. 2488 is not it.

The Pilot Range includes three proposed wilderness units. Unfortunately, H.R. 2488 includes only limited portions of the southern two units: the Pilot Peak Unit and the Central Pilot Range Unit. All of the Bald Eagle Mountain Unit is excluded. Below is a description of the two partially included units followed by a description of deserving portions of the Pilot Range that have been excluded from H.R. 2488.

Pilot Peak Unit Description: The Pilot Peak Unit straddles the Utah/Nevada state line, with approximately 27,000 acres on the Utah side and 23,000 acres on the Nevada side, giving this wilderness unit a total of about 50,000 acres of public land. The BLM has inventoried the Utah side of the Pilot Peak unit and found it to have wilderness characteristics. Unfortunately, of the 27,000 acres in Utah, about 14,000 acres of this deserving unit, including portions of a BLM-designated Area of Critical Environmental Concern, are excluded from H.R. 2488.

Pilot Peak is one of the gems of the Great Basin. Its 10,716-foot symmetrical shaped top was a landmark for early explorers and later for such famous wagon trains as the Donner-Reed Party, which passed to the east and north of this range in 1846. This wagon train was so badly weakened and so far behind schedule from traversing 80-plus miles of desert playa salt flats before reaching the life-giving spring at the edge of this peak, now named Donner Spring, that they became snowbound in the Sierra Nevadas that fall. The peak was named by John C. Fremont during his expedition in 1845. Kit Carson, the expedition's guide, sent ahead to locate water, found a line of springs at the eastern base, now known as McKeller Springs. Carson is reputed to have guided the rest of the Fremont's expedition across the salt flats by sending up smoke signals from the peak, hence Fremont's name for it.

The Pilot Peak Wilderness Unit encompasses bench lands starting at 4,300 feet, and climbs to lofty alpine regions of the peak and ridges at 10,716 feet, more than a mile above the valley floors below. Pilot Peak features two perennial streams, Donner and Bettridge Creeks (both inexplicably excluded from current or future wilderness designation by H.R. 2488). In April of 1977, a Utah Division of Wildlife Resources (UDWR) fisheries biologist sampled Donner Creek at the request of the Bureau of Land Management (BLM) and discovered Lahontan cutthroat trout. It is believed they were transplanted into Donner Creek in the early 1900's. The Lahontan cutthroat trout derive their name from Lake Lahontan, an ancient inland freshwater lake which existed during the ice age in Nevada. The lake extended from what is now Wells, Nevada, on the east, to what is now Pyramid Lake on the west. The great lake disappeared about 13,000 years ago, leaving a remnant population of the trout in lower lakes and streams of the Lahontan Basin in Nevada and California.

Due to hybridization with other trout species throughout its original range, the Donner Creek population is now believed to be the only pure strain of the Pyramid Lake variety of the Lahontan cutthroat trout in existence. For this reason, in May of 1988 the BLM designated approximately 1100 acres, including the watersheds of both Donner and Bettridge Creeks, as an Area of Critical Environmental Concern (ACEC), thus providing greater protection and management of the threatened Lahontan cutthroat trout. The species was originally listed as endangered in 1970 (35 Fed. Reg. 16047) and was reclassified as threatened (40 Fed. Reg. 29864) under the Endangered Species Act of 1973, as amended. Unfortunately, all but the northern edge of this ACEC would be excluded from current or future wilderness designation by H.R. 2488 – completely excluding Donner and Bettridge Creeks.

Vegetation in this region is quite diverse depending on elevation, water, and slope angle. The upper reaches of this peak and north-facing slopes have piñon and juniper forests, cliffrose, mountain mahogany, aspens, willow, sagebrush and lupines. Piñon and juniper forests, which provide diverse habitat, extend down in places to around 5,000 feet along the bench lands. South-facing slopes and high ridge tops are dominated by sagebrush, native grasses, and mixed mountain brush communities. Lower elevations, bench lands and drainage bottoms are a mix of rabbitbrush, native grasses such as Indian ricegrass, and greasewood.

Wildlife is abundant, consisting of mule deer, elk, pronghorn antelope, Rocky Mountain bighorn sheep, mountain lion, bobcat, badger, coyote, jackrabbit, cottontail, various ground squirrels and rodents. The deer population is minimal throughout the Pilot Range, but the perennial streams and associated dense vegetation within the ACEC make this area quite important to deer year-round. The Utah Division of Wildlife Resources has identified much of this unit as “high priority” mule deer and elk habitat. Raptors found within the ACEC, and throughout the unit, include the golden eagle, red-tailed hawk, kestrel, great horned owl, and Coopers and sharpshinned hawks. An active red-tailed hawk nest has been located in the Donner Creek drainage. Upland game birds in the ACEC consist of the mourning dove and chukar partridge. Sage grouse and Hungarian partridge are found in Pilot Range. Reptiles that commonly occur in the area include the Great Basin rattlesnake, Great Basin gopher snake, and the Salt Lake horned lizard.

Views from Pilot Peak and surrounding mountain areas are impressive. A visitor has an expansive 360-degree view of the Grouse Creek, Hogup, Promontory, Cedar, Stansbury, Deep Creeks and the Wasatch Mountains on the Utah side of this range and into Nevada, ranges such as the Toano, Delano, Goshute, Pequops and the Ruby Mountains, along with many others into the Great Basin can be seen. Rising above the vast playa salt flats of the Great Salt Lake Desert, once covered by ancient Lake Bonneville around 15,000 years ago, one can see the Silver Islands, Crater Island, Lemay Island, Pigeon Mountain and the Newfoundland Mountains.

Precipitation in this area mostly comes in the form of snow in the winter months from October through April. Precipitation varies from around six inches at the lower elevations to around sixteen inches at the upper elevations of Pilot Peak. Numerous springs are a direct benefit from this precipitation, providing critical wildlife habitat. Opportunities for hiking, backpacking, camping, horseback riding, scenic photography, hunting, wildlife viewing, backcountry skiing and sight seeing are abundant throughout this entire unit.

Central Pilot Range Unit Description: The Central Pilot Range Unit is situated in the middle of the Pilot Range in the northwest corner of Utah while a small portion of the western flanks enters Nevada. It has a north-south orientation that is typical in the Great Basin. The southern boundary utilizes the impressive Patterson Pass jeep route – with its many granite rock outcroppings – while the northern boundary uses the many private inholdings and routes at the historic mining area of Copper Mountain. The eastern boundary is a well-used route and an aqueduct system that provides water for local ranching and for the railroad at Lucin. The western boundary, which at times is in the state of Nevada, uses private ownership.

This wilderness unit encompasses bench lands from 5,300 feet in elevation, to alpine ridges at 7,800 feet,

with the impressive Box, Cook, and Hogans Alley canyons on the west and McGinty Canyon on the east. Vegetation at higher elevations and on north-facing slopes is dominated by piñon and juniper forests, mountain mahogany, and mixed mountain brush communities. South-facing slopes and high ridge tops are dominated by sagebrush, native grasses, and mixed mountain brush communities. Lower elevations, bench lands and drainage bottoms are a mix of rabbitbrush, native grasses, and greasewood.

Around 15,000 years ago, the inland sea of Lake Bonneville was shaping much of what is these bench lands today. Several ancient lake shorelines can be seen, and impressive deltas were formed from sediment flowing into the lake and settling. This is most obvious on the western portion of this unit.

This region has abundant wildlife, with big game animals such as elk, mule deer, Rocky Mountain bighorn sheep and pronghorn antelope inhabiting many portions of this unit. Mountain lions, bobcats, badgers, coyotes, bats, ravens, and several species of reptiles also inhabit this unit. The Utah Division of Wildlife Resources has identified this area as “high priority” habitat for mule deer and elk. This region also lies along a major migratory route for such raptors as the golden eagle and the red-tailed hawk, which feed on the many small mammals and rodents. Occasionally, turkey vultures can be seen soaring above searching for a meal.

Views from this area are breathtaking. From the upper reaches of the unit, a visitor has an impressive 360-degree view of the Grouse Creek, Raft Rivers, Hogup, Promontory, Cedar, Stansbury and Wasatch Mountains on the Utah side of this range, and into Nevada, ranges such as the Toano, Delano, Pequops and the Ruby Mountains can be seen. In the expansive playa salt flats of the Great Salt Lake Desert, which was once covered by Lake Bonneville, one can see the Silver Islands, Crater Island, Lemay Island, Pigeon Mountain and the Newfoundland Mountains. To the south, along the ridges, 10,716-foot Pilot Peak looms over the desert landscape below.

Precipitation in this area mostly comes in the form of snow in the winter months, providing the necessary ground water to feed the many springs in this unit. Visitors to this area are immediately struck by the overwhelming feeling of solitude and remoteness. Opportunities for hiking, backpacking, camping, horseback riding, scenic photography, hunting, wildlife viewing, and sightseeing are abundant throughout this entire unit.

Critical Places Omitted: Half a Wilderness

Without explanation, H.R. 2488 excludes more than half the Pilot Range's wilderness in Utah. Of the 49,000 acres that qualify for wilderness protection, H.R. 2488 omits 27,000 acres – leaving only 22,000 acres of proposed wilderness in the bill. When H.R. 2488 was introduced on July 12, it proposed to designate 37,000 acres of wilderness – but its sponsors already have rolled back even this truncated wilderness proposal to the current inadequate 22,000 acres. (Representative Jim Hansen and Utah Governor Mike Leavitt agreed last year that the Pilot Range wilderness should be at least 37,000 acres, and Rep. Hansen himself introduced last year a 37,000-acre Pilot Range wilderness as part of H.R. 3035. Yet now H.R. 2488 has moved the goalposts to a minimal 22,000 acres.)

H.R. 2488's boundary excludes the entire 12,000-acre Utah Wilderness Coalition-proposed Bald Eagle Mountain Unit at the north end of the range. Though there is a communication tower at the northern edge of this area, this does not detract from its remoteness or wildness; the Bald Eagle Mountain unit is still predominantly natural in character and deserving of wilderness protection.

Inexplicably, the bill also cuts off 15,000 acres of BLM-identified wilderness from east and south sides of the Pilot Peak Unit – this omitted wilderness clearly meets all standards set out in the Wilderness Act, has been confirmed by the BLM as wilderness quality land, and has been recommended by the Governor of Utah and the previous Secretary of the Interior for wilderness designation. It provides spectacular views, solitude, and wildlife

habitat – yet H.R. 2488 fails to protect it. The Pilot Range deserves at least 49,000 acres of wilderness, not the minimal 22,000 acres proposed in this bill.

Why exclude parts of the Pilot Range that have been determined by the BLM to have wilderness characteristics and that previously have been proposed for wilderness designation by Governor Leavitt and Congressman Hansen? One possible explanation is that these lands are primarily bench lands falling at the foot of the mountain range. But these excluded benches and creeks (including creeks currently a part of the BLM designated Area of Critical Environmental Concern) are an integral part of the Pilot Range's Great Basin wilderness landscape. The BLM has recognized that these lands enhance the experience of solitude and recreation, and protect wildlife and other wilderness resources. In its 1999 FLPMA 202 Wilderness Inventory of another Great Basin mountain range, the Cedar Mountains, the BLM explicitly recognized that bench lands enhance solitude and offer critical wildlife habitat (see BLM Utah Wilderness Inventory, <http://www.ut.blm.gov/wilderness/wrpt/wrptnwcedar.html>). The same is true for the Pilot Range's eastern bench lands which offer views of vast open spaces to the Silver Island and Newfoundland Mountains. The bench lands by themselves would be worthy of wilderness protection, given that they would constitute a unit of more than 10,000 acres that offer recreational opportunities, stunning views, and the protection wildlife. When added to the Pilot Peak Unit, they become even more valuable.

Inexplicably, Congress is being asked not only to exclude these lands from wilderness designation, but to determine that they are “unsuitable for wilderness designation” (see Section 3 of H.R. 2488). This finding is particularly repugnant because the BLM has identified these lands as having the necessary qualities for entry into the National Wilderness Preservation System, and because the sponsor of H.R. 2488 sponsored last year's H.R. 3035, which found these very same lands quite suitable – and indeed proposed them – for wilderness designation.

Finally, H.R. 2488 also omits more than one square mile of wilderness-quality land at the northwest corner of the Pilot Range unit, in the middle of the range. This area, which is mostly State land, should be added to BLM's inventory unit and included in the Pilot Range wilderness area – as part of its 1999 reinventory, BLM made a point of drawing boundaries to include deserving State sections along the boundaries of potential wilderness units, and this area is deserving. (In addition, both the BLM boundary and H.R. 2488 use an incorrect road alignment on the cherry-stemmed Patterson road; and both mistakenly include a stock tank in the northeast corner of the Pilot Range unit.)

The ecological significance of excluded bench lands beneath the mountains of the Pilot Range: The lower elevation benches that support Utah's distinctive Great Basin mountain ranges are an ecologically integral, and functionally irreplaceable, habitat type in the Great Basin desert. These ecological “transition zones” play an important role in both surface and groundwater hydrology, and in fulfilling the needs of native aquatic and terrestrial species.

Hydrologically, the benches are the link that enables both surface and groundwater to flow from the mountains to the critical lowland valleys below, which in turn provide a haven for migratory wetland birds and rare desert fish. Of critical importance in the case of the Pilot Peak benches, the benches are known to contain an amount of natural seeps and springs. Destroy these springs with roads, ORV's, water usurpation and other developments, and the creeks that bring water from both the springs and high mountain runoff will eventually cease to be perennial, with certain impacts to aquatic species that live in these creeks, as well as wetlands in the valleys below.

A prime example of the hydrologic importance of these bench lands to aquatic wildlife is illustrated in the case of the federally listed Lahontan cutthroat trout. The Pilot Peak range is home to the only known population of what is believed to be the last remaining pure strain of the Pyramid Lake variety of Lahontan cutthroat trout. As in all Great Basin mountain ranges, the Donner (a.k.a. Morrisson) and Bettridge Creeks that support these

cutthroat are susceptible to sudden high flows, which can wash the trout clear down to the valley floor on the west slope of the Pilot Range. Unless the benches through which these creeks flow are adequately protected from development, future road-building, off-road vehicle (ORV) use, and water diversions, the streams and essential protective riparian ecosystems could become degraded to the point where fish washed down into the valley would not have a functional, perennial and healthy system that would enable the trout to make their way back up to their proper range.

Indeed, species other than fish rely on functional streams and their associated, healthy riparian areas through the bench land transition zone. Deer and elk are known to use healthy riparian corridors through mountain benches as a migration route from their winter ranges on the valley floors to their summer ranges in the mountains. And only on the benches will one find the critical cottonwood-willow associations which constitute necessary habitat for neotropical migrant birds, as well as game birds such as chukar. The cottonwood-willow association is not found in the coniferous zone that dominates most high mountain ranges in the Great Basin, nor will it be found on the valley floors, where creeks either dwindle to nothing, or water is gathered in lotic systems with emergent plant associations.

Bench land ecosystems also offer important habitat for terrestrial wildlife. A good example is the sage grouse, which is soon to be a candidate for federal listing. While sage grouse prefer the more open habitats of the valley floors for lek sites and breeding, the benches (with more alluvial soil and less alkaline conditions that feature more robust grass and forb communities) offer the habitat most necessary for nesting and brooding. Taller grass on the benches can protect nests and chicks from predation, while higher density and diversity of forbs offer the greater nutrition required by nesting birds and their young. Right now, protection of any habitats known to be important to sage grouse should be taken very seriously, because there is an active petition to list this species under the Endangered Species Act.

Lastly, the bench lands excluded from H.R. 2488 are also home to many species identified on the BLM's "sensitive species list," including critical habitat for the Long-Billed Curlew and the Ringtail Cat.

The wilderness value of the excluded Bald Eagle Mountain Unit: The Bald Eagle Mountain wilderness – excluded entirely from H.R. 2488 – lies on the northern portion of the Pilot Range. It is situated in the northwest corner of Utah and a small portion lies within Nevada. This wilderness unit is classic basin and range topography, oriented in a north to south direction and has elevations from 5,000 to over 8,000 feet at the mountain summit. Deep canyons run east and west from the ridge lines and are covered in piñon pine and juniper forests. Mountain mahogany and mixed mountain brush communities dominate the north-facing slopes, while the south-facing slopes and ridge tops are dominated by sagebrush and native grasses. Rabbitbrush, native grasses and greasewood are common in drainage bottoms and bench lands.

Views from this area are spectacular with the Silver Islands, Crater Island, Lemay Island, Pigeon Mountain and the Newfoundland Mountains all surrounded by the expansive playa salt flats of the Great Salt Lake Desert which was once covered from the inland sea of Lake Bonneville around 15,000 years ago. Distant views to the Grouse Creeks, Raft Rivers, Hogup, Promontory, Cedar, Stansbury and the Wasatch Mountains can be seen out on the Utah side of this range. Into Nevada, ranges such as the Toano, Delano, Pequops and the Ruby Mountains can be seen. Though there is a communication tower at the northern edge of this area, this does not detract from its remoteness or wildness; the Bald Eagle Mountain unit is still predominantly natural in character and deserving of wilderness protection.

Wildlife is abundant in this region. Mountain lions, elk, mule deer, Rocky Mountain bighorn sheep, pronghorn antelope, bats, ravens and reptiles inhabit this unit. This region also lies along a major migratory route for such raptors as the golden eagle and the red-tailed hawk. The southern portion of the unit contains interesting and historic mining activity, including the remains of a aerial tramway that once hauled ore off the mountain.

Visitors to this area are immediately struck by the overwhelming feeling of solitude. Opportunities for hiking, camping, horseback riding, scenic photography, hunting and sight seeing are abundant throughout this entire unit. The Bald Eagle Mountain Unit is also likely home to many species identified on the BLM's "sensitive species list," including: high-value habitat for the Bobolink, Burrowing Owl, Ferruginous Hawk, Osprey, Swainson's Hawk, and Short-Eared Owl, and critical habitat for the Ringtail Cat.

Problems with Management Language

In the history of enacting wilderness legislation, which to date has added a total of 106 million acres to the National Wilderness Preservation System, great care has been taken to maintain the purity of the wilderness concept and to observe standard prescriptions that have made consistent in large measure the management of wilderness. H.R. 2488 contains unacceptable new prescriptions that diverge from this pattern of consistency in management prescriptions. This legislation is sadly flawed and, if enacted as currently drafted, would result in a pronounced weakening of wilderness standards. The Southern Utah Wilderness Alliance cannot support erosion of the wilderness concept as embodied in H.R. 2488. Below, we discuss in detail several sections of H.R. 2488 which raise serious, significant concerns that must be brought to light and addressed before this bill can pass muster.

Section 2(e): We are concerned that Section 2(e) as written would permit construction within wilderness areas of water developments such as "game guzzlers," designed to increase the population of non-native species. Construction of any new facility in wilderness (except for narrow exceptions) is inconsistent with the definition of wilderness in the 1964 Wilderness Act. This section must be revised to clarify that management activities do not include construction of facilities for water sources to artificially increase populations of either non-native or native species.

Section 2 (f): This section represents one of the most disturbing provisions of the entire bill. The language far exceeds anything ever included in any wilderness bill for public lands. More than 100 wilderness laws have been enacted. All but two have been silent with respect to military use. The two that included language related to military use, the Arizona Desert Wilderness Act of 1990 and the California Desert Protection Act of 1994, did not include language such as that proposed here. Rather, each bill put in place adequate protections to ensure that the military would be able to conduct low-level overflights and to maintain existing communication and tracking installations.

Specifically, H.R. 2488 contains unprecedented language eliminating existing BLM authority to manage lands under its control. It allows the Department of Defense to unilaterally install and maintain new buildings, equipment, and temporary roads lasting up to 50 years inside designated wilderness areas; it allows unrestricted perpetual motorized access to wilderness areas; and it grants the military control over citizen access to wilderness areas. None of these new rights have ever before been granted to the Department of Defense in designated wilderness. In addition, the plain text of Section 2(f) would exempt the Department of Defense from other land management statutes such as FLPMA, NEPA, and the ESA, statutes that fully apply to the Department in almost all circumstances.

The Southern Utah Wilderness Alliance would not be opposed to bill language that sought to enact protections for military training needs related to the proposed Pilot Range wilderness if they were based on language similar to the Arizona Desert Wilderness Act of 1990 and the California Desert Protection Act of 1994. In addition, given that the Wilderness Act of 1964 already provides for emergency access and response in the event that human life or health is at risk, the language in Section 2 (f)(4) is unnecessary and redundant.

However, the unnecessary practical effect of Section 2 (f) in its entirety is to cede authority to manage

public lands covered by this bill to the Department of Defense. In fact, H.R. 2488 would give the Department of Defense far greater control of proposed BLM wilderness in the Pilot Range than it has in the 20 miles of ordinary private, State, and BLM lands between the proposed Pilot Range wilderness and the Hill Air Force Bombing and Gunnery Range.

Proponents of this bill may argue that national security rests upon inclusion of the language contained in H.R. 2488. They may even call into question the patriotism of those who challenge the necessity of the language. However, their argument is flawed for several reasons.

First, no one denies that the nation's military readiness is an extremely important matter, but it should be noted that significant acreage near the Utah Test and Training Range where such preparedness is practiced has been included in Wilderness Study Areas for more than ten years. The Air Force has flown hundreds of sorties, or practice runs, annually during the last decade, and military personnel at Hill Air Force Base have acknowledged that Wilderness Study Areas have in no way affected their ability to ensure pilots are properly trained, equipment thoroughly tested, and emergencies quickly handled. The Air Force already has a working agreement with the Department of Interior for emergency access, recovery of equipment, and the like. Designating the Pilot Range as wilderness with more appropriate management language than that contained in H.R. 2488 would continue to protect military interests and national security without degrading the Wilderness Act of 1964. For example, military operations have not been hampered or compromised by the more acceptable management language in the Arizona Desert Wilderness Act of 1990 and the California Desert Protection Act of 1994.

Second, if national security really does rest upon ceding control of the proposed Pilot Range wilderness to the Department of Defense, as H.R. 2488 would, then it follows that all the land between the proposed wilderness and the Hill Air Force Bombing and Gunnery Range – some 20 miles away – must be of equal or greater importance to national security and in need of similar or more stringent management language. It follows that practical control of these other lands also ought to be turned over to the Department of Defense so that it could unilaterally build installations and roads and control human access. Yet H.R. 2488 remains silent with respect to these lands even as it seeks to reify language that would weaken the purity of wilderness protection in future wilderness bills.

In summary, Section 2(f)(3) and (5) go far beyond anything ever included in previous wilderness bills, they are not necessary to provide for military training needs, they give the BLM less control over BLM wilderness lands than other BLM lands (even other BLM lands closer to the Hill Air Force Range), they give the military unilateral authority to close or restrict public access to Department of Interior administered public lands, they allow wilderness designation to be used as an excuse to expand Air Force control beyond lands specifically withdrawn for military use. Members of Congress should recognize Section 2(f) for what it is – an anti-wilderness initiative that is unnecessary, erodes the authority of the Department of Interior, and unnecessarily restricts individual freedom that is not restricted on other public and private land far closer to the Hill Air Force Bombing and Gunnery Range.

Section 2(h): This section on water rights is one of the most troublesome because it diverges from the management language that has been used in the vast majority of past wilderness bills. It should go without saying that a wilderness requires water, especially a desert wilderness like the Pilot Range. The Wilderness Act defines wilderness as “a place where the earth and its community of life” – its ecosystems – are “untrammeled by man.” Ecosystems require adequate water to sustain their plant and animal communities. Yet H.R. 2488 expressly prohibits the reservation of any water right for wilderness in the Pilot Range, leaving open the possibility that critical watersheds could become entirely dewatered, threatening the long-term survival of the Pilot Range's wild ecosystems. It is imperative to get a reserved water right for this wilderness area – local wildlife, including the threatened Lahontan cutthroat trout, need it, and it would set a terrible precedent not to get reserved water for this island range surrounded by desert. Indeed, the BLM has designated an Area of Critical Environmental Concern to

protect the two Pilot Range creeks that harbor these threatened fish – a very important water-related resource. Yet H.R. 2488 includes another unexplained special finding, the suggestion that Congress would recognize that “there is little or no water-related resources in the Pilot Range Wilderness.” The fact that these important threatened fish and other wildlife depend on the Pilots’ scarce water, should lead to the logical conclusion that the scarcity of water *should* require an express water right.

In the California Desert Protection Act and the Arizona Desert Wilderness Act, Congress expressly provided a water right with identical language: “Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this title.” Water rights are adjudicated by State water laws, and nothing in the California or Arizona legislation or other wilderness bills has ever superseded State law, which means that the water right conferred upon wilderness is junior to all existing rights and claims at the time of enactment. There would be no usurpation of existing water rights. H.R. 2488 must expressly reserve a water right for wilderness by using the same language as the California Desert Protection Act and the Arizona Desert Wilderness Act, or the legislation will remain unacceptable.

Section 3: Wilderness release is one of the most important matters in legislation of this type because wilderness is a non-renewable resource and once it is gone, it is likely gone forever. Therefore, Congress and the conservation community have been extremely vigilant in safeguarding the opportunity to designate lands in the future that qualify but that are not included in a specific piece of legislation at the time of its enactment.

The wilderness release language in H.R. 2488 has two major flaws that undermine the wilderness process laid out under the Wilderness Act of 1964 and FLPMA. First, Section 3 includes an unprecedented “hard release” provision – a special, nonstandard finding that non-designated lands within the Pilot Range are “nonsuitable for wilderness designation, and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas.” The finding of “nonsuitable for wilderness” is unwarranted and unexplained, and could put these lands off-limits to the BLM and the Congress for future wilderness designations. (Furthermore, the finding is unnecessary with respect to Wilderness Study Areas established under authority of Section 603 of FLPMA since there are no Wilderness Study Areas in the general area of the Pilot Range.) Inclusion of this hard release language reveals the true intent of H.R. 2488 – to serve as a template for future wilderness bills that would limit the eventual amount of wilderness added to the National Wilderness Preservation System. The cumulative intent of this language is to establish a norm of “hard release” for future wilderness bills – a provision that Congress has never approved in the past. Finally, the language in H.R. 2488 is ambiguous regarding what lands are being released, as it does not specify what constitutes the Pilot Range.

Second, the bill would terminate the BLM’s ongoing designation of new Wilderness Study Areas under Section 202 of FLPMA on 15,000 acres of Pilot Range lands which the BLM found to have wilderness quality, but which this bill omits. Seen in the context of Utah’s ongoing wilderness controversy, it is clear that H.R. 2488 is meant as a tool, directly in Box Elder County and as a precedent elsewhere, to thwart completion of BLM’s long-overdue designation of additional Wilderness Study Areas in Utah. The completion of the 202 review process, and adoption of resource plan amendments to establish WSAs for lands found recently by BLM to qualify as wilderness, is of preeminent importance to the conservation community, and this option should not be precluded by the legislation.

In order to be acceptable, H.R. 2488 must delete “nonsuitable for wilderness designation” language, references to Section 603 of FLPMA, and release language terminating the BLM 202 process. It should also clarify language with regard to what constitutes the Pilot Range.

Section 4: The “adjacent management” language in Section 4 would restrict BLM from protecting wilderness areas from impairment by activities taking place at their borders. This section is unnecessary and

unacceptable. This unfortunate boilerplate language essentially mandates that the agency shall permit any kind of development right up to the boundary of wilderness, no matter that there might be different designs or locations that would work just as well and would safeguard important wilderness values such as silence, solitude, undisturbed wildlife, and the like. This section should be deleted.

Summary of Problems with Management Language

Designation of wilderness entails not only adding special places into the National Wilderness Preservation System, it means assuring that the concept of wilderness and the standards for managing it are maintained. The Southern Utah Wilderness Alliance urges the Subcommittee on National Parks and Public Lands to give serious consideration to maintaining the integrity of the wilderness idea and the Wilderness Act of 1964, not undermining it as H.R. 2488 does currently. We will be unable to support the bill unless the reasonable changes suggested specifically and generally above are in large measure adopted, and would be pleased to work with staff on modifications that the committee should adopt.

H.R. 2488 and Utah's Wilderness: A Terrible Template for the Future

H.R. 2488's chief sponsor has indicated he views it as a model for designating wilderness one county at a time, throughout Utah. The reasons to add what wilderness remains to the system established in 1964 by Congress are many. Unfortunately, this bill in its present form is a terrible model to pursue the goal of designating wilderness.

First, it is a plainly inadequate proposal for wilderness within Box Elder County. It would designate as wilderness *only 12 percent* of the qualifying wildlands in Box Elder County, and less than half the qualifying lands in Utah's Pilot Range itself. It would fail to designate any wilderness at all in the Newfoundland Mountains (recommended by BLM), Crater Island and Silver Island Mountains (both recommended by Utah Gov. Mike Leavitt last year), or the Grouse Creek Mountains and Grassy Mountains (recommended by the Utah Wilderness Coalition and not yet inventoried by the BLM), all located wholly or partly in Box Elder County.

Second, it would create unprecedented weakened wilderness areas, allowing the construction of new buildings and equipment, temporary roadbuilding, and permanent motorized access in so-called "wilderness."

Third, without justification it simply hands the keys to BLM wilderness over to the Air Force, allowing the military to lock the public out of the public lands.

Fourth, it fails to reserve a water right for the wilderness it designates – putting at risk the health of the ecosystem it claims to be protecting.

Fifth, within the Pilot Range it would shut down BLM efforts to protect thousands of acres of acknowledged wilderness outside this bill's inadequate boundary and establish a Congressional finding that lands excluded from wilderness designation in this bill are "unsuitable for wilderness designation" – thereby barring BLM from protecting these excluded lands as wilderness in the future.

This model, if followed, would prevent wilderness designation on millions of acres of Utah's wilderness and fail to give genuine wilderness protection to the few lands actually designated. It would lead to future wilderness bills driven by unacceptable management language, and weaken the Wilderness Act of 1964. Utah wilderness and the National Wilderness Preservation System deserve better. So do the majority of Utahns and Americans who value wilderness.

Noted national author and Utah native Terry Tempest Williams wrote this about our duty to protect our remaining wild places:

The eyes of the future are looking back at us and they are praying for us to see beyond our time. They are kneeling with hands clasped that we might act with restraint, that we might leave room for the life that is destined to come. To protect what is wild is to protect what is gentle. Perhaps the wildness we fear is the pause between our own heartbeats, the silent space that says we live only by grace. Wilderness lives by this same grace. Wild mercy is in our hands.

H.R. 2488 as currently written lacks the grace and mercy that the Pilot Range and National Wilderness Preservation System need you to demonstrate. The future of wilderness is in your hands. If excluded lands are added and unacceptable management language changed as outlined in this testimony, the Southern Utah Wilderness Alliance could support H.R. 2488 even though we believe America's Redrock Wilderness Act is a far better vehicle for protecting deserving Utah lands as wilderness. Without such change, we urge members of the subcommittee to reject H.R. 2488. Again we would be pleased to work with staff on modifications that the committee should adopt.

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