

CONGRESSIONAL RECORD -- *Senate*

Wednesday, March 27, 1996  
(Legislative day of Tuesday, March 26, 1996)

104th Congress 2nd Session

142 Cong Rec S 2907

**REFERENCE:** Vol. 142 No. 44

**TITLE:** PRESIDIO PROPERTIES ADMINISTRATION ACT

**TEXT:** [\*S2907]

The Senate resumed consideration of the bill.

Pending:

Murkowski modified amendment No. 3564, in the nature of a substitute.

Dole (for Burns) amendment No. 3571 (to amendment No. 3564), to provide for the exchange of certain land and interests in land located in the Lost Creek area and other areas of the Deerlodge National Forest, Montana.

Dole (for Burns) amendment No. 3572 (to amendment No. 3571), in the nature of a substitute.

Kennedy amendment No. 3573 (to amendment No. 3564), to provide for an increase in the minimum wage rate.

Kerry amendment No. 3574 (to amendment No. 3573), in the nature of a substitute.

Dole motion to commit the bill to the Committee on Finance with instructions.

Dole amendment No. 3653 (to the instructions of the motion to commit), to strike the instructions and insert in lieu thereof "to report back by April 21, 1996 amendments to reform welfare and Medicaid effective one day after the effective date of the bill."

Dole amendment No. 3654 (to amendment No. 3653), in the nature of a substitute.

Mr. MURKOWSKI. I am not going to take too long because I know many of my colleagues want to speak on the issues affecting welfare and Medicaid. But I do want to express my disappointment with the Democratic leadership and my colleagues on the other side of the aisle who have effectively killed a major and important park and conservation measure. As a matter of fact, the parks bill that we debated for some 7 hours the day before yesterday now can no longer be discussed, there is no additional time for debate because the measure now has, out of necessity, been set aside.

Let us look realistically at what this action is costing the general public relative to its parks and specific areas of importance, including the Presidio, which was in this parks package. The package included the ability to provide [\*S2908] 2 million acres of **wilderness** to the people of the United States in the State of Utah, and to provide an important watershed to both New York and New Jersey known as Sterling Forest.

We had this measure before us. It had been put together as a consequence of a great

deal of effort and a great deal of compromise. Some 23 States were affected, with some 53 individual titles or lands affected in those States. It was a package that had been negotiated with the House as well, and it was apparent to all that in order for the package to pass we had to keep all its aspects, including those that were of a controversial nature. One of those, of course, was Utah **wilderness**. The issue was all or nothing with some of the opponents. They felt that 2 million acres added to the **wilderness** designation in Utah was inadequate; it should be 5 or 6 million acres. The citizens of Utah-the legislature, the Governor, the entire Utah delegation-felt that 2 million acres was adequate. In any event, this body would have made that determination on a clear and unrestricted vote had not some Members saw fit yesterday to attach the minimum wage amendment to this package-the minimum wage is an important issue, but it simply does not belong on this parks package-and as a consequence the parks package has been set aside.

It will come up another day, but I wish to express my disappointment, and I thank my colleagues who have worked so hard to try to bring the package together.

I am disappointed also in the media because they failed to recognize the importance of this package. But I wish to at least have the Record reflect why we had that package before us.

The Senator from California and the Senator from New Jersey, both have indicated that somehow it was the fault of the majority that the package was before the Senate and that it was unfair, some suggested awful, that they were forced to vote on Utah **wilderness** and other measures if they wanted to see their measures enacted. In other words, they wanted Utah **wilderness** out of it. Yet they knew that the House would simply not accept the package unless Utah **wilderness** was in it.

Let the Record reflect that it was the objections on the other side of the aisle that have held each and every one of these measures up for some year or thereabouts. This was the right of the individual Senator, but I think it is disingenuous for him and other Senators on the Democratic side to suggest we were holding these measures. We simply recognized the reality and pleaded with the various Senators on holding together because there was something in this for everyone; every State was affected in some manner or form, and we would either all gain something meaningful or we would simply lose the effort.

I do not think any of us at that time anticipated that the effort would be lost by attaching a minimum wage amendment to the parks package. I repeatedly tried to get time to break the threatened filibuster but there was no support on the other side of the aisle. Utah **wilderness** is a recent addition to the Senate Calendar, as is the Presidio. All the other measures have been effectively held up by the Democratic leadership because obviously they did not want to take on the holds from one Senator.

The situation was simple. If the Senator from New Jersey had not prevailed in both the House and Senate, then he was going to prevent any public land bills from being enacted. There were a few exceptions to that for which the Senator from Alaska is thankful, but it did not matter how important or critical to the National Park System they may be; in his opinion his measure was more important. That was his right. I respect him for his determination. But I want the Record also to reflect that I have tried my best to accommodate the interests of the Senator from New Jersey on Sterling Forest, but I am certainly not a magician. There are Members of the House who not only do not like the measure of the Senator from New Jersey, but they also have measures that they want. I hoped we could all get together to do something useful, or we could continue the stalemate. That appears to be where we are today.

So, there are two sides to every issue. I think we have all tried to work within our respective areas to accommodate the various Senators and to recognize this for what it was, and that was a giant compromise. While working with my friend from New Jersey and the Senators from California on their measures, as well as colleagues on both sides of the aisle, I appreciate the fact that the other side has decided, evidently, for the political opportunism associated with the realization that we have the AFL-CIO come out and publicly endorse the Clinton administration and indicated its willingness to raise some \$ 35 million to defeat Members on this side of the aisle who are running. Evidently, that was the momentum to put the minimum wage on the parks bill.

I also appreciate the fact that the people of Utah are the real victims in this, in a sense, because it is their State that is in jeopardy with regard to the amount of **wilderness**. I commend those Senators here for speaking on behalf of their State in the interests of the majority of the residents of that State.

We can either reestablish some sense of comity, or history is going to reflect this very important package of measures for the park system was killed, and the environment is the sufferer. Unfortunately, I do not think the media are going to pick up on the accuracy of this, but someday history will.

I guess my unhappiness grew even greater when the two Senators from Massachusetts saw fit to basically drive a stake into the heart of this measure. I, again, went out of my way to include measures dealing with the Boston National Historical Park, Blackstone River Valley, which were items of great interest to the Senators from Massachusetts. I told the House there was no deal on this unless they were prepared to deal with those measures-not the measures just of the Senator from New Jersey, but the measures proposed by the Senators from Massachusetts.

Apparently, they care more about the politicized potential of campaign contributions from organized labor than they do about the measures from their own State or other measures included in this package for the benefit of others. It is a political stunt, and it is an expensive political stunt, at the expense of the environment.

So we are into it, and the consequences of that lead us to a vote that is going to take place in about 45 minutes on cloture. I, naturally, urge my colleagues to support cloture, but I am realistic enough to recognize this vote is going to be seen as a politically symbolic vote. It is going to have a reference to the minimum wage, which it certainly should not. This is a vote that should be on the merits associated with the parks package.

What is the answer? Sterling Forest is going to lose, Presidio is going to lose, Utah **wilderness** is going to lose, and 47 other special park bills will not move. This is the problem with hostage taking: Either they all get freed or they all will die. I think it is time to get off the plastic pedestal and get down to the business of the Presidio and other measures. I will vote for Sterling Forest, I will vote for Presidio, I will vote for Utah **wilderness**, I will vote for the other measures in the package because of its overall good for the environment, good for the National Park System, and the good for the Nation. I think it is time my colleagues on the other side of the aisle wake up and join me on what is good for the U.S. Senate, and that is to pass this package of compromise legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I commend the chairman of the Senate Energy and Natural Resources Committee for the statement he just made and for the effort he has brought to the Senate floor to get this important legislation through. I join him in regretting it has

not been possible. I, too, hope in the future it will be possible.

#### THE WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION

Mr. President, I rise today to speak in favor of the omnibus lands bill, an amendment in the nature of a substitute to H.R. 1296. This bipartisan legislative package includes the Presidio bill and more than 50 other park and public lands bills, most of which have already been reported by the Energy and Natural Resources Committee. The vast majority of these bills are [\*S2909] not controversial and deserve to be passed as part of this package.

I realize a few of the provisions in this legislation are controversial. Most notable is the title addressing Utah **wilderness**. The groups involved have worked for many years to strike a compromise. I support the Utah delegation in its effort to bring some finality to this situation. I believe Senators Hatch and Bennett have made significant concessions, particularly in increasing acreage, and modifying the controversial hard release language. The people of Utah have wrestled with **wilderness** for over 20 years at a cost of \$ 10 million. This issue needs to come to closure.

I also want to speak about an issue closer to home: Walnut Canyon. On November 9, 1995, the Energy and Natural Resources Committee held a hearing on this legislation and on December 6, the committee voted unanimously in favor of reporting the legislation to the full Senate. Throughout the legislative process, this issue has had the full support of the House, the Senate, and the affected communities in Arizona.

This legislation, introduced by Senator McCain and me, is based on a consensus reached last year among interested parties, including the city of Flagstaff, the Coconino County Board of Supervisors, the Grand Canyon Trust, the National Parks and Conservation Association, the Hopi Tribe, the Navajo Nation, the National Park Service, the Forest Service, and numerous private individuals. I read this list only because I am proud that such diverse parties in Arizona could come together to support this important endeavor.

S. 231 is similar to the original legislation drafted last session by Representatives Karan English and Bob Stump, who deserve a great deal of the credit for bringing the parties together. This session, Representative J.D. Hayworth introduced a House companion bill, H.R. 562, which was approved by the House by an overwhelming vote of 371 to 49. I hope that we are able to match that here in the Senate.

Walnut Canyon National Monument is an Arizona treasure that we must protect. This legislation will expand the boundaries by exchanging Park Service land for Forest Service land, adding approximately 1,200 acres to the monument. Currently, the monument encompasses numerous Sinaguan cliff dwellings and associated sites. Walnut Canyon includes five areas where archaeological sites are concentrated around natural promontories extending into the canyon, areas that early archaeologists referred to as forts. Three of the five forts are within the current boundaries of the monument, but the two others are located on adjacent lands administered by the Forest Service. By exchanging Park Service land for this Forest Service land, the two outside forts will be within the monument and receive the protection that those resources need and deserve. It is a simple and commonsense way to make the monument whole.

Mr. President, again, I urge my colleagues to put partisan differences aside and pass the omnibus parks bill.

Mr. HATFIELD. Mr. President, I support the omnibus lands bill before the Senate today. I speak as one of the few Senators without a single item in this large package. Let me focus for a moment on the most controversial component of the package-title XX, the

Utah Public Lands Management Act.

As a member of the Energy and Natural Resources Committee, I have followed the divisive political debate that has raged for decades over the question of how much land in the State of Utah should be designated as **wilderness**. This debate has now spilled outside the boundaries of the Utah delegation and the State they represent. It is now a national debate in many ways outside their complete control. As a Senator who has seen this same thing happen in his own State, I can appreciate the difficulties of my colleagues from Utah.

I have also followed the Bureau of Land Management (BLM) over the last 15 years as it has spent in excess of \$ 10 million analyzing vast tracks of land in Utah to more precisely determine their suitability for **wilderness** designation. In 1991, Interior Secretary Lujan identified 1.9 million acres as suitable for **wilderness** designation. The bill before us, which recommends 2 million acres for designation, reflects the technical information gathered by BLM as well as input from over 75 formal public meetings and thousands of letters.

Over the past two decades, our thinking about natural resource management has evolved, resulting in a more flexible and cooperative role for government at all levels- Federal, State, local, and tribal. As one who has looked for ways for the Federal Government to provide more flexibility in regulated activities, I am pleased that this evolution is taking place.

Mr. President, during the consideration of this bill in the Energy and Natural Resources Committee, I raised a number of concerns about various aspects of this legislation. I compliment my colleagues from Utah for their willingness to work with me to address my concerns. The legislation now allows for more balance and predictability, two components that are vital in public land management and decisionmaking. Their revisions include the following:

The release language, previously characterized as too hard, has been softened. The bill now clarifies BLM's role in administering the 1.2 million acres under study that were not designated as **wilderness**;

Another 200,000 acres have been added, making the total **wilderness** designation slightly greater than BLM's 1991 final recommendation;

The land exchanges allowed for in the legislation are now equal value exchanges; and,

Provisions allowing the construction of dams, pipelines, or communication sites within the **wilderness** area have been deleted.

There are those who are still not satisfied. They would like more acreage to be designated and tighter restrictions to be put on any existing uses of those lands proposed for inclusion. Some would even like to totally eliminate all existing uses.

These goals are self-defeating. They run counter to the 1964 **Wilderness** Act, which called for designating lands untrammelled by man, for the purposes of retaining its primeval character. The goal was not to find lands that have been encroached upon and require they revert to their primeval character.

The seemingly endless Utah **wilderness** debate demonstrates what can happen when either side takes an all or nothing approach. We must all recognize that **wilderness** is not the only protective designation available to us. There are other, more appropriate ways to protect our public lands while recognizing and allowing for prior uses. My

colleagues from Utah have been fair and objective in their designations and in their release language.

This proposal relies upon BLM's planning process for the nondesignated public lands. This provides the flexibility and cooperative spirit necessary for sound management. It is important to note that their approach does not prevent a future Congress from reconsidering these lands' **wilderness** potential. Nothing is set in stone. Nothing would prevent a future Congress from passing legislation to add land to or withdraw land from this plan.

Those who depict this **wilderness** designation process as though we are faced with an irrevocable choice between **wilderness** or the bulldozer do us all a disservice.

Even for those lands never designated as **wilderness**, all is not lost for preservationists. There are a host of BLM land classifications designed to protect the natural and cultural attributes of our public lands without eliminating existing uses. Releasing the 1.2 million acres not selected for **wilderness** designation provides BLM's land managers, working together with local communities, greater management flexibility while insuring continued resource protection. These other protective designations include the following:

Areas of critical environmental concern;

Outstanding natural areas;

National landmarks;

Research natural areas;

Primitive areas; and

Visual resource management class I areas.

Mr. President, I have seen a fair number of **wilderness** bills become law during my three decades on the Energy and Natural Resources Committee. Since 1964, Congress has enacted 88 laws designating new **wilderness** areas or adding acreage to existing ones. We now have a system that includes 630 **wilderness** areas encompassing 104 million acres in 44 States. [\*S2910]

I support passage of the Utah **wilderness** bill. This legislation brings to a close a 15-year-long battle and addresses more than its share of difficult issues. It does so fairly and objectively. Failure to pass this bill would put us into a third decade of debate and would seriously undermine the **wilderness** study process.

While I continue to view this legislation as pushing the edge of what is acceptable under the 1964 **Wilderness** Act, I take particular note of the longstanding and divisive debate this provision would allow us to move forward from. I look forward to following this debate in the coming days.

I yield the floor.

Mr. LEAHY. Mr. President, I rise in strong opposition to the omnibus national parks bill. There are so many problems with the Utah lands provisions that I hardly know where to begin in urging other Senators to vote against this package.

The Utah lands provision is simply unacceptable. It does not protect enough land, the American public opposes it, it includes hard release language, it sets bad precedents for

**wilderness** designation, it opens unique and beautiful lands to powerlines, dams, pipelines, mining, and other uses, it compromises the heritage of our children, and it achieves all this only by ransoming every other national park project in the Senate.

The proponents of Utah lands language cannot buy public approval at any price. I wrote to Majority Leader Dole last week to make this point perfectly clear. Senators, including this Senator who wants very much to see some of the associated measures pass, will not stoop to pass a so-called **wilderness** bill that leverages politics against the priceless beauty of remote Utah canyon lands.

I am frustrated by the high-stakes games being forced upon the Senate. One week we have our backs to the wall to finish a late farm bill so that farmers can begin planting. Another week we have our backs to the wall to finish a late appropriations bill so that the Federal Government can stay open. Last summer we were forced to adopt a salvage rider in order to get peace in the Middle East, relief to Oklahoma City bombing victims, and help for flood-damaged communities. In another occasion we have our backs to the wall to simply get veterans' benefits into the mail. Recently, the Senate has not been the deliberative body that Washington, Jefferson, Hamilton, and others envisioned for the greatest Nation in the world. The Senate should consider legislation on its merits. If a bill fails Senate approval, it fails. If it fails a veto override, it fails. Our Constitution sets the rules, and they have served us well for 200 years.

It is time to bring the political parties back together for reasonable debates on reasonable environmental policy. Conservation is as Republican as Richard Nixon and as Democrat as Jimmy Carter. Environmental protection is supported by Americans of all political stripes. I have worked with former Senator Bob Stafford in Vermont to restore the tradition of bipartisanship on environmental issues. Just recently I received a letter from the organization Republicans for Environmental Protection asking Senator Dole to strip the Utah provisions from the bill. It is wrong for any party to charge down a path of exploitation and environmental abuse, and I urge the Senate to correct its course.

My children, and many of the children of my colleagues, will live most of their lives in the next century. We are in a position to decide what the next century will look like. Yes, we got here first. Just as the first explorers made resource decisions centuries ago, we now face similar decisions about the fate of our natural resources. Just as the native Americans and first European settlers decided to protect public lands as commons, we have an obligation to those who will follow. This bill gives the Senate a clear opportunity to decide whether we protect our heritage, or say "me first" to the treasures of southern Utah.

The political pressure to support the Utah giveaway is enormous for some of my colleagues. Nonetheless, the responsibility to do the right thing is far more valuable and far more important. I urge the Senate to reject the Utah lands provision.

Mr. SARBANES. Mr. President, I rise today to add my voice to those requesting that S. 884, title XX of the pending substitute amendment, be removed from the Presidio bill and be considered as freestanding legislation.

Mr. President, on Monday the Senate began consideration of H.R. 1296, legislation developed with the assistance of the California delegation creating a Presidio trust to manage property at the Presidio in San Francisco. The Presidio, a former Army post overlooking San Francisco Bay, was recognized by the Congress in 1972 as a national treasure and was slated for inclusion in the National Park System upon its cessation from military use.

The substitute amendment before us, the omnibus parks and recreation bill, contains-in

addition to the Presidio bill—approximately 32 public lands titles, many of which have been reported out of the Energy and Natural Resources Committee with bipartisan support. However, one title of this amendment, title XX, the Utah Public Land Management Act, does not enjoy the same bipartisan support, and is preventing the Senate from completing action on the underlying Presidio legislation in a timely manner.

The Utah Public Land Management Act contains a number of provisions which would have a profound impact on all existing and future **wilderness** designations, seriously undermining standards of public lands management established by the **Wilderness Act** of 1964. The **Wilderness Act** of 1964 defined a **wilderness** as land where, "in contrast to those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and the community of life are untrammelled by man, where man himself is a visitor who does not remain."

Under this definition of **wilderness**, commercial activities, motorized access, and the construction of roads, structures, and facilities are prohibited in designated **wilderness** areas. I have serious concerns about provisions of the Utah land bill which would clearly undermine this definition of **wilderness**. This legislation would allow unprecedented uses incompatible with **wilderness** including motorized vehicle access within protected areas, construction of communication towers, and continued grazing rights.

In addition, I am concerned that the Utah lands bill designates only about 2 million of the Federal Government's 32 million acres in Utah as **wilderness**. Currently, the Federal Government manages 3.2 million acres of its holdings as **wilderness** study areas, allowing the Federal agency charged with managing the land the opportunity to conduct a thorough study to determine its suitability for inclusion in the **Wilderness** Preservation System. The legislation before us would direct those Federal agencies to make all land not selected for **wilderness** available for multiple uses, such as mining, grazing, and development. Hard release language included in the bill would preclude those agencies from managing this land in a way which would protect its **wilderness** characteristics for the future.

Mr. President, the wild and beautiful Utah public lands which are under discussion today are a national treasure belonging to all Americans. In my view, it is critical that we, as a nation, do not allow the destruction of our precious natural resources. **Wilderness** areas constitute only 2 percent of all land in the United States. We must not fail in our obligation to protect the beauty and integrity of these lands for future generations.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the substitute amendment to H.R. 1296, the Presidio bill.

Mr. President, as we all know by now, this is not a noncontroversial public lands bill. There are many provisions in the bill that truly are noncontroversial, and that have been considered and voted on in committee with little if any opposition.

And I would note that the bill includes the Sterling Forest Preservation Act, which Senator Bradley and I strongly support.

Unfortunately, the real goal of the pending substitute amendment is to slip through the highly controversial Utah **wilderness** provisions, based on Senate bill 884. Those provisions would permanently release millions of acres from **wilderness** study, and, in turn, [\*S2911] allow uses on these lands that will destroy lands with significant ecological and scientific value.

Mr. President, I oppose including S. 884 in this omnibus lands bill, and will support an effort to remove that title in its entirety. We need to act on many of the provisions in the

underlying legislation, which are truly noncontroversial. But we ought to have a separate, open, and honest debate on those provisions that are controversial.

Mr. President, I have heard from more people-both in New Jersey and from out West-about the Utah **wilderness** bill than perhaps any other public lands issue. By an overwhelming margin, people have urged me to support Utah **wilderness**, and to oppose S. 884 as written.

Who are these people who visit my office, write me letters, stop me in the halls? They are people from New Jersey who understand what it means to live in the most densely populated State in the Nation. People who understand what it means to live in a State still reeling from the legacy of pollution from the industry, and who value open space, beautiful natural resources, and clean fresh air.

These New Jerseyans know that once land is destroyed by extensive development, it may never return as it was. At best, it takes a very long time to recover.

I've heard it said on the floor of this Senate that the only people who oppose S. 884 are the Eastern elites. Well, Mr. President, these so-called elites from New Jersey are really ordinary people who care about their environment and their Nation's natural resources. They care because they know what it's like to be without.

But, Mr. President, not everybody opposed to S. 884 is from New Jersey. Take the mayor of Springdale, UT. He visited me a year ago to explain how his community benefits more from preserving the **wilderness** than from activities that would alter or destroy it. As the mayor explained, recreation and its associated businesses provide for a sustainable and growing economy. By contrast, he said, resource extraction does not.

I've also heard from a fourth generation Utah native, the past president of the Salt Lake City Rotary Club, a Mormon, and father of four children who urged me to get involved in this issue.

He told me that recreational and other commercial enterprises depend on the **wilderness**. And that these businesses are critical to the economic vitality of the State of Utah and to Utah's quality of life. He also told me that preservation is crucial to his peace of mind.

Mr. President, it is true that these lands are all in Utah. But they are also national lands that contribute to the entire country. They have great ecological significance, and they provide scientific and educational treasures, as well as a growing recreation business. That is why I care.

I also care very much about title XVI of the bill, the Sterling Forest Preservation Act. Let me talk a little about Sterling Forest and why its preservation is so important.

This bill designates the Sterling Forest Reserve and authorizes up to \$ 17.5 million to acquire land in the Sterling Forest area of the New York/New Jersey Highlands region.

This would preserve the largest pristine private land area in the most densely populated metropolitan region in the United States. It also would protect the source of drinking water for 2 million New Jerseyans.

Mr. President, the Highlands region is a 1.1 million acre area of mountain ridges and valleys. The region stretches from the Hudson to the Delaware Rivers and consists primarily of forests and farmlands. The Forest Service, in a 1992 study, called the Highlands, "a landscape of national significance, rich in natural resources and recreational

opportunities."

Unfortunately, the Highlands region faces an increasing threat of unprecedented urbanization. Perhaps the most immediately threatened area is Sterling Forest.

Located within a 2-hour drive for more than 20 million people, the 17, 500-acre tract of land on the New York side is owned by a private company that has mapped out an ambitious plan for development.

The community that this corporation plans to develop will have a negative impact on drinking water for one-quarter of New Jersey residents. It also threatens the local ecosystem and wildlife, the nationally designated Appalachian Trail, and the quality of life of residents of the New York-New Jersey metropolitan area.

I will not describe this proposed project in detail.

But suffice it to say that one cannot build more than 14,000 housing units and 8 million square feet of commercial and light industrial space, and release 5 million gallons of treated wastewater into a pure environment, without a significant impact.

My concern about the project's effect on New Jerseyans' drinking water is not new. We have known for some time that this development will destroy valuable wetlands, which filter and purify the water supply, and watersheds, which drain into reservoirs-reservoirs which supply one quarter of New Jersey's residents with drinking water.

The proposal calls for three new sewage treatment plants to accommodate the development. These plants will discharge 5.5 million gallons of treated wastewater each day into the watersheds.

Compounding matters will be nonpoint source pollution generated by runoff from roads, parking lots, golf courses, and lawns. This runoff carries pollutants such as fertilizers, salt, and petroleum products, among others. Together these pollutants pose a serious threat to drinking water, which is why there is so much concern in New Jersey.

I am not alone in my opposition to the proposed development. Residents from the nearby communities also oppose it. Based on testimony delivered during local public hearings, the development plan will impose \$ 21 million in additional tax burdens on surrounding communities. On the other hand, under the management scenario proposed by this bill, a park would generate revenue.

The only viable management option for this important ecosystem is preservation. And that is what is proposed in this legislation.

The bill would provide critical protection for the forest. But it does not impose the heavy hand of the Federal Government on the local community or on the owner of the property. The funds authorized in this bill represent a fraction of the total funding needed to purchase the forest. The rest would come from other public entities, such as the States of New Jersey and New York, and private parties.

I also would note that the legislation specifically requires a willing buyer-willing seller transaction-if the company determines that it is not in its best interest to sell, it doesn't have to.

Furthermore, the Federal Government would be relieved of the significant costs associated with forest management, law enforcement, fire protection, and maintenance of the roads and parking areas under an agreement with a respected bi-State authority.

These provisions have the support of the local communities, the two States, and regional interests. They are cost effective and reasonable. And they are environmentally responsible.

Senator Bradley and I have worked on this bill for years now, and we are pleased to note that last June, the bill passed as part of H.R. 400, now pending in the House. We have heard many expressions of support from the Speaker of the House for preserving Sterling Forest, and we anxiously await passage of H.R. 400.

Unfortunately, including Sterling Forest in this bill only serves to, in the words of the Sterling Forest Coalition, "hold Sterling Forest hostage to S. 884." The people of New Jersey do not support this omnibus lands bill as written, and I share their view.

Let me quote from a letter I received yesterday from the Highlands Coalition, a leading organization with membership in Connecticut, New York, and New Jersey:

The Title XX of this bill, the Utah Public Lands Management Act . . . is anathema to environmental principles and must not be connected to Sterling Forest funding . . . The amount of acreage it would set aside as **Wilderness** in southern Utah is meager compared to what the majority of citizens in Utah and surrounding States would like to see. The preservation of Sterling Forest must not be at the cost of environmental degradation elsewhere in the United States. The Omnibus Parks bill must be amended to delete in its entirety the S. [\*S2912] 884 Utah Public Lands Management provisions. If this bill is not so amended, we ask you to vote against the entire Omnibus Parks package.

Mr. President, letters like this help show how our Nation's **wilderness** areas meet national interests. I ask unanimous consent that the text of the letter from the Highlands Coalition be printed in the Record .

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Highlands Coalition,

Morristown, NJ, March 21, 1996.

Re National Parks omnibus package.

Hon. Frank R. Lautenberg,

Senate Office Building,

Washington, DC.

Dear Senator Lautenberg: The Highlands Coalition, with membership organizations representing more than 300,000 people in New York, New Jersey and Pennsylvania, has been working for over 5 years for the preservation of the Sterling Forest in New York as public lands. New York, New Jersey and a private foundation have committed between \$ 20 and \$ 30 million for this purpose, but we need the federal funding component. Over the past three years various bills have been introduced in both the House and the Senate that would provide federal funding, but none of these has yet been signed into law. Now, another bill containing provisions for Sterling Forest funding, the Omnibus National Parks bill, has been introduced in the Senate.

The Title XX of this bill, the Utah Public Lands Management Act introduced by the Utah

Senators as S. 884, is anathema to environmental principles and must not be connected to Sterling Forest funding. The amount of acreage it would set aside as **Wilderness** in southern Utah is meager compared to what the majority of citizens in Utah and surrounding states would like to see. Further, key provisions would allow development in designated federal **Wilderness** areas in Utah, thus threatening the integrity of the entire National **Wilderness** Preservation system.

The preservation of Sterling Forest must not be at the cost of environmental degradation elsewhere in the United States. The Omnibus Parks bill must be amended to delete the S. 884 Utah Public Lands Management provisions.

Sincerely,

Wilma E. Frey,

Coordinator.

Mr. LAUTENBERG. I also ask unanimous consent to have printed in the Record an editorial from a newspaper in New Jersey, the Bergen Record, who editorialized, "Sterling Forest is too important to this region's well-being to become a hostage of partisan politicking."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

#### Promises, Promises-Utah Land Grab Would Hurt Sterling Forest

Is this crazy or what? At a time when many congressional Republicans are trying to project a more moderate approach on environmental issues, some of their brethren are pressing for an omnibus public-lands bill that is an anathema to conservationists-and a stumbling block to saving Sterling Forest.

It's time for the GOP leadership, House Speaker Newt Gingrich and Senate Majority Leader Bob Dole to get on the same page and push for legislation that saves important resources without sacrificing others.

The omnibus environmental bill, which is expected to come to a Senate vote as early as later this week, includes \$ 17.5 million toward the purchase of Sterling Forest. But it also includes a provision that would open 20 million acres of **wilderness** in southern Utah to forestry, mining, and other commercial interests. That's unacceptable.

Interior Secretary Bruce Babbitt has said, rightly, that he would recommend that President Clinton veto any bill that includes the Utah land giveaway. That would sink years upon years of effort to obtain federal funding to save Sterling Forest-a 17,500-acre watershed that provides the drinking water for 2 million New Jerseyans.

At a time when the owners of the land are moving ahead with their plans to build 13,000 housing units and 8 million acres of commercial development on the mountainous tract, such a setback at the federal level would be disastrous.

Just last month, Mr. Gingrich stood in a clearing near Sterling Forest and pledged that Congress would soon pass a bill to save the land without sacrificing any environmentally sensitive land in the process. The only sure way to do that is for Mr. Gingrich to push forward with an existing Sterling Forest bill, HR-400.

This bill has already passed the Senate. And Mr. Clinton has indicated he would sign it.

Now it's a question of Mr. Gingrich keeping his word. Sterling Forest is too important to this region's well-being to become a hostage of partisan politicking.

As for the other public-lands legislation, the Republicans would be wise to jettison the Utah land grab and to press forward with an omnibus bill that has the nation's best interests at heart.

Mr. LAUTENBERG. Mr. President, I also care about title XXVI, which recognizes the historic significance and natural beauty of the Great Falls area of Paterson, NJ. Paterson is my home town. The history of the region was part of my childhood.

In 1778, Alexander Hamilton came to the area and decided that the Great Falls could serve as a power source for the Nation's first industrialized community. Working with Pierre L'Enfant and then Governor William Paterson, Hamilton began to develop the resources as a means to free the Nation from England through business and manufacturing.

Over the years, Paterson became known as the Silk City, and as the center of the textile industry.

During the past decades, however, the Great Falls historic preserve has borne the brunt of industrial flight and the treasures at the Great Falls are threatened. This bill would allow for the partnership of the National Park Service to assist in restoring the treasures and history of the area. The Senate passed this bill last Congress. The bill deserves to be passed on its own, rather than as part of an omnibus park land bill that will be vetoed.

In conclusion, Mr. President, I hope my colleagues will understand what is happening here. Most of the bills included in this package are noncontroversial. But some are not.

We should move forward and strike those bills that will attract a veto from the President and allow the rest of the bills to be considered and passed on their own merit.

Mr. BINGAMAN. Mr. President, I rise to express my concerns with the current language of the Utah **wilderness** bill. First of all, I am opposed to this controversial bill being attached to a large group of largely noncontroversial bills that are very important.

I do support passage of a Utah **wilderness** bill. However, I cannot support this bill. This bill largely precludes future designations of BLM **wilderness** in Utah; substantially alters the definition of **wilderness**; and may result in an unfair land exchange value between the United States and the State of Utah.

I am opposed to the hard release language the bill contains. If this bill were to become law, it would be the first of over 100 **wilderness** laws to contain hard release language. I agree that lands not included in this bill should generally be released to standard multiple use provisions, but I do not agree that BLM should be precluded from ever considering future **wilderness** designations on any of the other 20 million acres of public land in Utah. I believe the soft release language that the Bush administration supported is the appropriate route.

Even if these issues were resolved, I still have grave concerns stemming from the unique management and land exchange provisions. If this Utah **wilderness** bill were to become law, the Nation would effectively have two **wilderness** systems, Utah and the rest of the Nation. It would in effect result in a brand of **wilderness** that would be so different, that current BLM regulations, which are appropriate for all other BLM **wilderness** areas, would have to be substantially altered just to accommodate the unique provisions of this bill.

Most startling is the fact that it appears that the Secretary of the Interior would in Utah have less authority to control access in and around **wilderness** areas than nonwilderness areas. I repeat, it appears the Secretary would have less authority to control access in and around **wilderness** areas than nonwilderness areas. How can this be **wilderness** if it is less protected than other multiple-use lands?

One small example of nonconformity is the bill's special provisions for facilities within **wilderness** areas. Section 2003(d) provides:

Nothing in this title shall affect the capacity, operation, maintenance, repair, modification or replacement of municipal, agricultural, livestock, or water facilities in existence of the date of the enactment of this Act

There is no qualification to this paragraph. Conceivably, projects could be expanded without any regard to impacts to **wilderness** values. This is only one small example of the special provisions included in the language of this bill.

In the past, **wilderness** laws have generally deferred to the access provisions [\*S2913] of the **Wilderness** Act of 1964. This practice provides a measure of consistency throughout the **wilderness** system. The proponents of this Utah **wilderness** bill have strayed so far from the vision of the original framers of the **Wilderness** Act that an alternative type of **wilderness** would, in effect, be established. I do not support this establishment of an alternative version of **wilderness**.

Even if this bill did not contain these nonconforming provisions, I would still have concerns with the land exchange provisions that would provide a unique means to establish the value of Federal lands to be exchanged to the State of Utah. These provisions would give a significant advantage to the State of Utah that no other State has enjoyed in its **wilderness** bills.

I support passage of a Utah **wilderness** bill. However, I believe the bill must not preclude future designations of **wilderness**; substantially alter the definition of **wilderness**; nor result in unfair exchange values between the United States and the State of Utah.

Mr. FEINGOLD. Mr. President, I rise today to express my deep concerns about the inclusion of S. 884, the Utah Public Lands Management Act, into the omnibus parks package now before the Senate.

I believe that it is critically important to make my colleagues aware that this omnibus package is not simply a means to clear small measures on the docket of the Energy and Natural Resources Committee. Among its provisions is a measure which decides the fate of 22 million Federally owned acres of land in southern Utah. It designates a portion of the acres as **wilderness** and leaves vast areas free for development. This is one of the few times this session that the Senate will have the opportunity to engage in a dialog over what should happen to these and other Federal lands.

The Utah provisions contained in the measure currently before the Senate are controversial provisions. Both Utah and national newspapers have been a hotbed of debate over the question of how much **wilderness** to protect and the process used to develop the bill. I also know that many citizens in my State are deeply concerned about aspects of this bill which would fundamentally changes the way the Federal Government will manage lands which all Americans own. Wisconsinites who care deeply about the Federal lands in Utah as well as Federal land policy in general have written to me and urge significant changes in this measure.

Mr. President, a major concern about the measure currently before the Senate relates to the hard release language in the Utah provision which affects the future ability of the BLM to designate additional acres in Utah which may need protection in as **wilderness**. BLM is currently managing 3.2 million of the 22 million acres it holds in Utah as **wilderness**. The provisions of the substitute amendment relating to Utah would designate approximately 2 million acres as **wilderness**. They further require that any lands not explicitly designated by the bill as **wilderness** will be managed for multiple-use. Therefore, even if BLM finds in the future that these lands are sensitive and in need of protection, no additional lands could be designated as **wilderness**. The Senate has never passed a bill containing such language before, and such language is a significant departure from the tenets of the 1964 **Wilderness Act**.

The key protection **wilderness** designation offers the lands in southern Utah is protection from certain kinds of development-but not from the use of the lands. Activities allowed in **wilderness** areas are: foot and horse travel; hunting and fishing; backcountry camping; float boating and canoeing; guiding and outfitting; scientific study; educational programs; livestock grazing if it has already been established; control of wildfires and insect and disease outbreaks; and mining on preexisting mining claims.

Prohibited activities, according to the 1964 **Wilderness Act** include: use of mechanized transport except in emergencies, or such vehicles as wheelchairs; roadbuilding, logging, and similar commercial uses; staking new mining claims or mineral leases; and new reservoirs or powerlines, except where authorized by the President as being in the national interest.

The magnificence of the wildlands that are at stake in this debate cannot really be done justice in words, Mr. President. As my colleague from New Jersey, Mr. Bradley, has already shown the Senate, they include starkly beautiful mountain ranges rising from the desert floor in western Utah with ancient bristlecone pine and flowered meadows. Some areas are arid and austere, with massive cliff faces and leathery slopes speckled with pinyon pine and juniper trees. Other areas support habitat for deer, elk, cougars, bobcats, bighorn sheep, coyotes, birds, reptiles, and other wildlife. These regions hold great appeal to hikers, hunters, sightseers, and those who find solace in the desert's colossal silence.

These BLM lands are truly remarkable American resources of soaring cliff walls, forested plateaus, and deep narrow gorges. This region encompasses the sculpted canyon country of the Colorado Plateau, the Mojave Desert, and portions of the Great Basin.

Some in this body may think it strange that a Senator from Wisconsin would speak on behalf of **wilderness** in Utah. The issue of and debate over Utah **wilderness** protection, Mr. President, has been one of which I have been aware since the time I joined the U.S. Senate. Many of my constituents believe that the lands of southern Utah are the last major unprotected vestige of spectacular landforms in the lower 48 States-of the caliber of lands so many nationwide already hold dear, such as Yellowstone, the Grand Canyon, and the Arctic National Wildlife Refuge. I have received more constituent mail-over 600 pieces in all-from Wisconsin citizens concerned about **wilderness** lands in Utah, than I have on any other environmental issue in this Congress-including many critically important issues to my state such as clean water, safe drinking water, the protection of endangered species, and Superfund reform. A man from Menominee Falls, WI, writes about the lands of Utah:

These resources are national treasures that make our country great, and once they are gone they are lost forever.

A woman from Beloit added in her letter:

I live in Wisconsin but my real home is the natural world . . . most voters do not concur with the irrevocable destruction that would result from (this measure) becoming law. Please: do all you can to be a voice for **wilderness**-not only in Wisconsin but in the fragile and gorgeous West.

One of the most poignant testimonials came from an Eau Claire resident:

I have not had a lot of experience writing letters to my elected representatives. However, it appears that the current priorities in Washington are shifting away from conservation towards a destructive, greed oriented approach, under the guise of economic growth and development of public lands. Given this climate, I feel I must write to express my opinion. I have had the opportunity to visit much of the West over the past 30 odd years on annual family vacations. This is truly a unique land without rival anywhere else in the world. My family and I have learned to love and respect this region and we feel that it must be protected in its natural form. I strongly urge you to oppose any compromise Utah lands bill that does not include a strong vision of conservation for future generations.

Mr. President, I read from some letters from Wisconsin residents because I think it is critical to understand that the importance of protecting these lands in Utah extends beyond the borders of that State. Many Americans enjoy and treasure this area, just as they do other great American **wilderness** areas and it is the responsibility of all members of the Senate to be concerned about the fate of this national treasure.

I have been personally touched by these appeals from residents of my State. In recognition of the importance of this issue to my constituents, on October 11, 1995 I circulated a small paperback book containing essays and poems by 20 western naturalist writers reflecting their thoughts on the protection of **wilderness** in Utah to all members of the Senate. The book, entitled "Testimony," was released on September 27, 1995. It is modeled after the late author Wallace Stegner's 1960 **Wilderness** Letter to the Kennedy administration, which was a critical benchmark document in the development and eventual passage of the 1964 **Wilderness** Act. In his 1960 **Wilderness** Letter, Wallace Stegner said "something will have [\*S2914] gone out of us as a people if we let the remaining **wilderness** be destroyed." Mr. President, those words are echoed and reverberated by these western writers as they describe the legislation now before the Senate and its affect on Utah.

The paperback was compiled during August 1995. The selections represent the opinions of the authors, written in direct response to the measure currently before Senate which would affect public lands management in Utah. The book includes writings by individuals such as: Terry Tempest Williams, Utah native and author of five books; T.H. Watkins, editor of **Wilderness** magazine; N. Scott Momaday, winner of the 1969 Pulitzer Prize for "House Made of Dawn"; and Mark Strand, former Poet Laureate of the United States. 1,000 copies of the book were printed for distribution on the Hill, and I now understand that the writers intend to release this work through Milkweed Press in Minnesota for the general public. The writers donated their work to produce this small booklet and the printing costs were covered by a donation from a nonprofit foundation.

I distributed this book because I felt that it was important for all members of the Senate to have a copy of this book to review in making a decision that so profoundly affects future of such a spectacular area.

One of the pieces in the Testimony book that most caught my attention, Mr. President, was a selection by Stephen Trimbell. Steve Trimbell is a writer and photographer who

lives in Salt Lake City, and who was instrumental in working with Terry Tempest Williams to facilitate putting the Testimony book together. Those Senators who have been following the debate over the Utah **Wilderness** Act are already very familiar with Mr. Trimbell's handiwork. For several months, every Friday, photographs of the areas excluded from **wilderness** designation under the measure before us were dropped off in every Senator's office. Many of those "Friday pictures," as they have come to be known around my office, were taken by Trimbell. I wanted to share Steve Trimbell's words on this matter with the Senate. He writes:

My place of refuge is a **wilderness** canyon in southern Utah.

Its scale is exactly right. Smooth curves of sandstone embrace and cradle me. From the road, I cross a mile of slickrock to reach the stream. This creek runs year-round, banked by orchids and ferns. Entering the tangle of greenery, I rediscover paradise. The canyon is a secret, a power spot, a place of pilgrimage.

I found this canyon in my youth, twenty years ago. I came here again and again. I brought special friends and lovers. When my wife and I met, and I discovered that she knew this place, I felt certain that she knew a place deep within me, as well. My children are within a year of walking into the canyon on their own. I thrill to think of that first visit with them.

On those early trips, I rarely saw other people. Once, in the velvet light before dawn, I awoke, sat boldly upright, and looked past my sleeping bag into a lone ponderosa pine—a tree that brought the spicy scent of mountain forest to this desert canyon. A few seconds later, a great horned owl noiselessly landed on a branch and looked back at me with fierce eyes. The owl flew down canyon, searching for unwary

mice. I lay back, fell asleep, and awoke again when the sun warmed me.

I bathed in plunge pools and waded along the stream, learning to pay attention, looking for reflections and leaf patterns and rock forms to photograph—details that I would not see if the canyon had not taught me how to look. Never before had I spent so much time alone on the land. Here, I matured, as a naturalist and photographer and human being.

This **wilderness** canyon made me whole. It can still restore me to wholeness when the stress of life pulls me thin. It bestows peace of mind that lasts for months.

People smile when they remember such particular places on Earth where the seasons and textures and colors belong to them. Where they know, with assurance and precision, the place and their relationship to it.

"This is my garden."

"This is our family beach."

"I know this grove like the back of my hand."

"I can tell you where every fish in this stream hides."

"I remember this view; it takes me back to my childhood."

These landscapes nourish and teach and heal. They help keep us sane, they give us strength, they connect us to our roots in the earth, they remind us that we share in the flow of life and death. We encounter animals in their native place and they look into our eyes with the amalgam of indifference and companionship that separates and unites us

with other creatures. A garden can connect us with wildness. **Wilderness** connects us with our ancestral freedoms even more powerfully.

Recently, we visited a canyon new to us in the southern Utah **wilderness**, this time with urban cousins—two girls, seven and eleven. The younger girl spotted a whipsnake, a nesting Cooper's hawk, beetles, Indian paintbrush. We painted ourselves with golden cattail pollen and launched boats we wove from rushes and milkweed leaves. Taught never to walk alone in their city, here the girls forged ahead out-of-sight, exploring, appropriating power, gathering the dependable certainties of the **wilderness**, building emotional bedrock, new layers of confidence and self-esteem. Perhaps this canyon will become their canyon.

We need to preserve every chance to have such experiences, for ourselves, our children, and the grandchildren of our grandchildren.

For we have reached the end of the gold rush. This wild country is our home, not simply one more stop on the way to the next boomtown. Respect for our home, thinking as natives, begins in our backyards, with our children. We move outward from there to local parks, to preservation of greenbelts, and from there to big **wilderness**.

**The wilderness** canyons of Utah belong not to an elite cadre of backpackers, not to the cattle raising families of Escalante and Kanab, not to the Utah state legislature, not to the Bureau of Land Management. They belong to all citizens of the United States. In truth, they belong to no one. They are a magnificent expression of the powers of Earth, and we Americans hold Utah **wilderness** in trust for all humans and all life on our planet.

The truly conservative action becomes clear: to preserve as many wildlands as possible for future generations rather than to fritter them away in casual development without even noticing. A Utah **wilderness** bill with too little land preserved and too many exceptions for development is unacceptable, destroying irreplaceable wild places for the short-term wealth of the few.

Every year our wildlands shrink. We must act now, decisively, boldly. To save my canyon. Their canyon. Your canyon.

We must preserve the wholeness of wild places that belong to everyone and to no one. In doing so, we demonstrate our trustworthiness—our capacity to take a stand on behalf of the land. On behalf of the canyons.

Our canyons.

That short piece of writing is so powerful, Mr. President, because it is a timeless statement about how people feel about natural places. For myself, I personally know the value of wild areas. For the last 9 years, I have spent my summer vacations on Madeline Island, immediately adjacent to the Apostle Islands National Lakeshore in northern Wisconsin. I have always found the quiet beauty of the Apostle Islands refreshing and invigorating. The Apostle Islands are not a place the people in Wisconsin go for high-tech hubbub; it is a place where people go to experience nature's beauty.

I want to recount a story, one perhaps several of members of the Senate may remember, from 1967, when the Senate Subcommittee on Parks and Recreation held hearings on Senator Gaylord Nelson's plan to create the Apostle Islands National Lakeshore.

A man named John Chapple, a newspaperman from Ashland, WI, testified at those hearings. Mr. Chapple, who spent much of his life around the Apostle Islands, related the story of a time when he and his 10-year-old son were out in a 14-foot motorboat on the

waters around the Apostle Islands:

On one occasion, the water was very rough, and I pulled our little boat onto a sand beach so I could put some more gas in the motor.

Three men came walking out. 'Don't you know this is a private beach?' they said. 'You are not supposed to land here.'

That stung, and it still stings.

Twenty-five men with fortunes could tie the Apostle Islands up in a knot and post 'keep out' signs all over the place.

The beauty that God created for mankind would not be available to mankind anymore.

These islands, with their primeval power to truly recreate, to reinvigorate, to inspire mankind with a love of peace and beauty . . . must be preserved for all the people for all the time and not allowed to fall into the hands of a few.

When the Senate acted to protect this area of northern Wisconsin, they heard the voices of Wisconsinites like Mr. Chapple who knew the value of peace and beauty and of preserving our natural heritage. Though those words were spoken by man nearly 20 years ago, about an entirely different landscape, they almost sound like an addendum to Steve Tribell's story about southern Utah canyons, which is included in a new testimony.

In places like the Apostle Islands and southern Utah, Wisconsinites have found opportunities to develop a consciously sympathetic relationship to the rest of the world, so that we may [\*S2915] better live in it. These natural places are a confluence for the things we value in Wisconsin.

The parallels between the Apostle Islands in my State and southern Utah, interestingly go even further than the emotions that these landscapes evoke among the people of my State. Along the Apostle Island National Lakeshore's shoreline there are the wonderful rust colored sandstone cliffs. These sandscapes serve as staging areas for birds following their ancient paths of migration in the spring and fall. Of similar appearance and construct to the landscapes of southern Utah, these cliffs are particularly impressive this time of year now that they are covered with ice. The February 28, 1996, edition of the Minneapolis Star-Tribune ran a wonderful article about these red cliffs covered in ice that states:

Frozen waterfalls hide a labyrinth of nooks and crannies that kids climb through and slide down like some frozen playland. "Awesome" is the word muttered by many visitors to the sea caves sculpted by centuries of wind and water at Apostle Island National Lakeshore near Bayfield.

In the case of the Apostle Islands, how did the Senate respond, Mr. President? And what does it tell us about the stewardship and attention we should pay here in the Senate to southern Utah. In 1967, Senator Nelson was leading the effort that led to President Nixon's signing, on September 26, 1970, of the legislation that established the Apostle Islands National Lakeshore-only a few months after the first Earth Day.

Many of my constituents are concerned that perhaps there isn't that kind of momentum in this body any more. As their letters reflect, they believe that there is a concerted campaign to undermine landmark environmental legislation, such as the Clean Water Act, and to curtail or end the Federal role in protection of endangered species and their habitats. They express frustration that the Senate is responding to efforts to persuade

Americans they cannot afford further environmental protection, that the idea of protecting our natural heritage is somehow an affront to the American ideal of rugged individualism.

As we consider this measure we must be mindful of Wallace Stegner's words I quoted earlier, of the need to act carefully on these issues in community and with sympathy and responsibility for our place in the great scheme of things.

I feel that it is exceedingly important to be actively engaged in discussing alternatives for the management of significant resources such as these. I urge my colleagues to be committed to do so in Utah, and I urge them to oppose the inclusion of the Utah measure in this Omnibus package.

The Utah **wilderness** provisions in the legislation now before the Senate has several major weaknesses.

The first major concern is the "under protection" of areas that are suitable for **wilderness** designation. The bill would protect only 2 million acres in contrast to the 5.7 million protected in a competing bill, H.R. 1500, introduced in the House of Representatives and the 3.2 million acres currently being managed by BLM as **wilderness** pending congressional designation.

Mr. President, as other Senators have discussed, the review of public lands in Utah to determine their **wilderness** potential has had a long and contentious history. The BLM's initial inventory of this area to implement the 1976 Federal Land Policy and Management Act, known as FLPMA, identified 5.5 million acres of land as having potential **wilderness** values. Subsequent stages of that process resulted in 2.6 million acres of land being designated as **wilderness** study areas (WSA's) a designation which is a precursor to **wilderness** designation. Utah environmental interests challenged the 2.6 million designation, urging that about 700,000 acres be reinventoried. That additional study by BLM ultimately provided WSA status to 3.2 million acres-the management situation under which BLM is currently operating.

Controversies over the inventory have resulted in disagreement over how much **wilderness** to designate in Utah. Concerns over BLM's survey lead citizen groups to continue to conduct field based research to determine the **wilderness** values of other sensitive areas. These citizen group surveys lead to the development of alternative legislation to the proposal included in the omnibus package, which has been introduced in the other body by a Representative from New York, (Mr. Hinchey). That legislation, H.R. 1500, America's Red Rock **Wilderness** Protection Act, would set aside 5.7 million acres of land as **wilderness**-even more than the BLM is currently protecting as WSA's.

In addition to current congressional proposals, there have been previous administrative attempts to resolve the **wilderness** question in Utah. In 1991, the Bush administration recommended to Congress that 1.9 million acres be protected as **wilderness**. The proposal before us today has a similar acreage figure, only it recommends designation for different areas. However, the Interior Department now believes that more areas deserve **wilderness** designation.

In her testimony on behalf of the Department before the Energy and Natural Resources Committee this past December, Silvia Baca, Deputy Assistant Secretary, Land and Minerals Management for the Department of the Interior stated:

We are sure other areas, both inside and outside existing WSAs, deserve such (**wilderness**) status.

I would remind Members of the Senate of the position taken by the Bush administration does not bind us as we consider the fate of this area, particularly given, as Ms. Baca also stated in her testimony, that:

1.9 million acres is inadequate to protect Utah's great **wilderness**.

The second area of concern is the fact that the lands in Utah designated as **wilderness** in this amendment would be required to be managed in a manner inconsistent with the **Wilderness Act**. In short, the meaning of "**wilderness**" designation would be significantly altered in this bill for these lands. The legislation is full of these exceptions to standard **wilderness** management protocol.

For example, under section 2002 of the amendment, roads would have to be maintained to a much greater extent than is provided for in the **Wilderness Act**. Access by cars, motorcycles, trucks, sport utility vehicles, and heavy equipment is guaranteed at any time of the year for water diversion, irrigation facilities, communication sites, agricultural facilities, or any other structures located within the designated **wilderness** areas. This type of unrestricted vehicular use is currently not allowed on lands now managed by BLM, or on many other parcels of Federal land, regardless of whether or not they are designated as **wilderness**. Creating an exemption to allow such activities within **wilderness** areas raises the question, Mr. President, what is the purpose of extending a special designation such as "**wilderness**" if we do so with so many holes that the designation is essentially meaningless or that the lack of such a designation would actually be more protective. As I said before, this bill would allow activities in a federally designated **wilderness** that would not be permitted on other nonwilderness Federal lands.

Another example of the way this legislation would undermine the management of **wilderness** areas is included in section 2006 on military overflights. This section includes special language preempting the **Wilderness Act** and permitting low level military flights and the establishment of new special use airspace over **wilderness** areas. This language sets a precedent for allowing such activities, precedent which is of great concern to the citizens of my State. I have been involved, along with concerned Wisconsin citizens, in monitoring the recently proposed expansion of low level flights by the Air National Guard in Wisconsin. The path of these low level flights would cross extremely ecologically sensitive areas in my State, and the existence of those areas has been instrumental in forcing the National Guard to take a more careful look at the planning of any such flights.

The third area of concern, which I highlighted earlier in my remarks, is the hard release language. This language, if enacted, would set an unacceptable precedent for the National **Wilderness** system. None of the more than 100 **wilderness** bills already enacted into law contains such language. In the past, moreover, hard release has been proposed only for lands formally studied by a Federal agency for designation as **wilderness** but released [\*S2916] from the WSA study status by Congress. The language in this amendment goes even further, Mr. President, it applies to all the 22 million acres of BLM lands in Utah not just the 3.2 million WSA acres.

The final area of concern is the land exchange embodied in the Utah **wilderness** portion of this bill. This legislation mandates that State lands within or immediately adjacent to designated **wilderness** areas be exchanged for certain areas now owned by BLM. Some lands to be exchanged are explicitly designated in this legislation, such as the 3,520 acres that would be given to the Water Conservancy District of Washington County, Utah for the construction of a reservoir. Other areas are not explicitly designated. The State is allowed under this measure to choose from a pool of Federal lands in different areas. As others have discussed, the Dutch-owned mining company, Andalex Resources is currently moving through the Federal permitting process to develop a coal mine on lands which the

State is interested in acquiring. This exchange has significant fiscal consequences.

First, the Interior Department believes the lands not to be of approximately equal value. More importantly, should the lands have been permitted for mining under Federal ownership, the taxpayers would receive the return for all such mining activities. CBO determined that the net income to the Federal Government of the lands being transferred to the State of Utah would amount to an average of almost \$ 500,000 annually over the next 5 years, or approximately \$ 2.5 million in Federal receipts. In contrast, the Federal receipts anticipated from the lands being traded to the Federal Government in exchange would amount to about \$ 33,000 per year or a mere \$ 165,000 over the same period. In comparative terms, Mr. President, for every \$ 1 that the Federal Government gives in the lands it exchanges with Utah it only gets back 7 cents.

All of these concerns, Mr. President, have led the Secretary of the Interior, Mr. Babbitt to announce on March 15, 1996 that he would recommend that the President veto this omnibus package unless the Utah provisions were removed. That is a step that the Senate should take. If the Utah provisions remain in this bill as currently drafted, the bill deserves not only a Presidential veto, but a condemnation from every American who cares about protecting our natural resources.