

October 16, 2003 Thursday

SECTION: CAPITOL HILL HEARING TESTIMONY

LENGTH: 1808 words

COMMITTEE: HOUSE RESOURCES

SUBCOMMITTEE: NATIONAL PARKS, RECREATION AND PUBLIC LANDS

HEADLINE: FAA OVERSIGHT PARKS AND LAND BILLS

BILL-NO:

H.R. 2909

TESTIMONY-BY: MR. JIM HUGHES, DEPUTY DIRECTOR OF LAND MANAGEMENT

AFFILIATION: BUREAU OF LAND MANAGEMENT

BODY:

Statement of Mr. Jim Hughes Deputy Director of Land Management, Bureau of Land Management

Committee on House Resources Subcommittee on National Parks, Recreation and Public Lands

October 16, 2003

Thank you for the opportunity to testify today on behalf of the Department of the Interior on H.R. 2909, the Utah Test and Training Range Protection Act. The Administration shares the goals of the sponsors of the legislation to support the continued operation of the Utah Test and Training Range (UTTR) and to protect public lands with special values. However, the Department has concerns with H.R. 2909 for two reasons. First, the bill is not specific as to the lands that will be designated as **wilderness**, and, according to studies performed by the BLM, much of the area may not be suitable for **wilderness** designation. Second, the bill would frustrate an ongoing administrative review process that began in 1997 with the conditional approval of a 20- year license to receive, transfer, and store spent nuclear fuel on the Skull Valley Indian Reservation.

Background

The UTTR is located in northwestern Utah and eastern Nevada within the Great Salt Lake Desert. Operated by the United States Air Force, the UTTR provides air training and test services, large force training exercises and large footprint weapons testing. A unique facility, it has the largest overland block of protected airspace in the continental United States.

The Cedar Mountains **Wilderness** Study Area (WSA) is located in Tooele County, Utah, and covers approximately 50,500 acres of BLM- managed lands. On June 26, 1992, President George H. W. Bush submitted his Administration's recommendations to Congress on **wilderness** suitability for BLM WSAs in Utah, including a recommendation that the entire Cedar Mountains WSA was not suitable for **wilderness** designation.

The Skull Valley Reservation is located in Tooele County, Utah, approximately 45 miles southwest of Salt Lake City. In 1996, the Skull Valley Band of Goshute Indians (Tribe) entered into a business lease with Private Fuel Storage, L.L.C. (PFS), a consortium of major utility companies, to provide a temporary storage facility for spent nuclear fuel on the Tribe's reservation.

In May 1997, the Department approved the lease subject to certain conditions, including a complete National Environmental Policy Act (NEPA) review, and the Nuclear Regulatory Commission's (NRC's) issuance of a license. Shortly thereafter, PFS filed its license application. In January 2002, the NRC issued a final Environmental Impact Statement (EIS) on the proposed storage project. The Bureau of Indian Affairs (BIA), the Bureau of Land Management, and the Surface Transportation Board serve as cooperating agencies with the NRC on the project.

In April 2002, the NRC Atomic Safety and Licensing Board (ASLB) began a series of local and statewide hearings that concluded on July 3, 2002. The major outstanding point of contention (environmental justice) was dismissed on October 1, 2002.

The ASLB issued three Partial Initial Decisions on three issues. First, on March 10, 2003, the ASLB ruled that the probability of an aircraft crash into the proposed facility would be high enough that PFS must analyze the potential consequences of such a crash. On May 22, 2003, the ASLB determined that an earthquake would have no impact on the proposed facility. The NRC upheld this decision on August 15, 2003. On May 27, 2003, the ASLB ruled that PFS is financially qualified to construct, operate, and decommission the proposed facility.

H.R. 2909

Major provisions of this legislation include the designation of the Cedar Mountains **Wilderness** Area, protection of military operations in and around the UTTR, and the prohibition on the granting of certain transportation rights-of-way in Tooele County, Utah.

Section 5 of the bill proposes to designate the Cedar Mountains **Wilderness** Area. The bill does not provide reference to a specific map or the acreage of the proposed **wilderness**. Based on information provided to BLM's Salt Lake City Field Office, we understand that the legislation may contemplate an area substantially larger than the existing WSA. While some of this area may have the **wilderness** characteristics appropriate for **wilderness** designation, in the opinion of the local BLM land managers, many portions lack **wilderness** characteristics. Areas to the north of the existing WSA, in particular, lack **wilderness** qualities.

The Administration has stated that only Congress has the authority to designate **wilderness** or new **wilderness** study areas. The Department of the Interior was delegated the authority to review and recommend **wilderness** in Section 603 of the Federal Land Policy and Management Act (FLPMA). That authority expired in 1993. During this review, the BLM identified over 20 million acres of lands with **wilderness** characteristics, but ultimately found many of those lands were not suitable for **wilderness** designation. As stated before, the BLM submitted its recommendations regarding suitability to President George H.W. Bush who, in turn, submitted them to Congress. These lands are now designated **wilderness** or have been released from WSA status by the Congress, or remain in **wilderness** study area status containing a combination of "suitable" and "unsuitable" acres. The lands encompassed in this bill contain acreage that was either found to be unsuitable for **wilderness** during that review, or was never identified as having **wilderness** characteristics in the first place.

In general, the Department supports the designation of **wilderness** areas in Utah, but we would like the Committee to consider the impacts of designating **wilderness** areas where there may be ongoing incompatible uses. During the original WSA inventory process, and now when updating a land use plan and considering **wilderness** characteristics, the BLM generally looks at size, naturalness, opportunities for solitude and primitive (non- motorized) recreation, and other special features. The **Wilderness** Act of 1964 specifically prohibits motorized equipment in **wilderness** areas.

The Department wants the Committee to know that there is motorized recreational use within parts of the areas proposed for **wilderness** in this bill. While Section 3 of the bill specifically authorizes certain military activities to continue notwithstanding any potential **wilderness** status, it does not do so for other uses. All other non-**wilderness** uses in the designated areas, including existing motorized recreational uses, would be prohibited by this bill upon enactment.

Sections 2, 3, and 6 directly relate to the UTTR. We believe these sections need modification. The BLM will work with the Air Force in a cooperative fashion to meet military mission requirements. However, proposed exceptions to **wilderness** and WSA management raise concerns. It is possible that through discussions with the Committee and the sponsors of the legislation many of these concerns could be addressed. In addition, many of the issues raised could be worked out cooperatively between the BLM and the Air Force through the use of Memoranda of Understanding (MOUs).

Planning for the public lands within the area surrounding the UTTR has been precluded by legislation for many years. We believe the goal of the legislation is to lift those prohibitions and to move forward on planning in a collaborative fashion in consultation with the Air Force. However, we believe that the language in the bill is confusing on this point and needs clarification. While section 4(a) appears to provide direction to proceed with land use planning, section 6(b) may contradict that by only lifting certain planning prohibitions on the proposed Cedar Mountains **Wilderness** Area but not on the rest of the BLM- managed lands in the area. Likewise, section 6(a) is confusing and could be construed as negating other legislative language within the bill.

Section 4(b) of the legislation prohibits the issuance of transportation rights-of-way under section 501(a)(6) of the Federal Land Policy and Management Act of 1976 (FLPMA) in certain areas of Utah until at least 2015. There are currently two pending applications for transportation rights-of-way in the approximately 250,000 acres covered by the prohibition. Those applications are from Private Fuel Storage LLC for a 30 mile railroad line on public land and from Broken Arrow Corporation for a 2 mile access road, 100 feet on public land. There are also 12 existing 501(a)(6) rights-of-way in the proposed prohibition area. The Department has concerns about the direct impact H.R. 2909 will have on the pending applications for rights-of-way, as well as potential amendments and renewals of existing authorized rights-of-way.

The chronology of administrative actions illustrates the nature and scope of the administrative processes that have been completed to date. Likewise, the administrative processes that are pending would be dispositive regarding the proposed temporary storage facility. If, for example, the NRC does not issue a license, the project will not operate. Continuation of the ongoing administrative processes resulting from the Tribe's business lease with PFS would provide the cooperating agencies with an opportunity to determine whether the proposed project is viable as an administrative matter only. Should Congress choose to enact H.R. 2909, the administrative process would come to a halt. However, if H.R. 2909 is not enacted, in the Spring of 2004, the ASLB is expected to render a decision and make a recommendation to the NRC regarding the dispositive administrative licensing issue. The NRC will then issue a Record of Decision and issue or deny the license. If the NRC grants a license, both the BLM and the Surface

Transportation Board would issue Records of Decision regarding the pending railroad right-of-way application. The Department has worked closely with the Tribe to support them in their efforts to achieve some form of viable economic development on their reservation.

Conclusion

The Department of the Interior would be happy to work with the Committee and the sponsors of H.R. 2909 to protect both the important mission of the UTTR and the conservation values of BLM-managed lands in its vicinity. We encourage Congress to move forward on designation of **wilderness** and release of WSAs, and as always, we would like to provide the sponsors and the Committee with information on the status of these lands and their current uses. We would welcome the opportunity to propose changes to the bill to address our concerns regarding the suitability of certain areas for **wilderness** designation, to increase the manageability of the designated **wilderness**, and to ensure that we are not inadvertently affecting important current uses or public expectations.

October 16, 2003 Thursday

SECTION: CAPITOL HILL HEARING TESTIMONY

LENGTH: 1847 words

COMMITTEE: HOUSE RESOURCES

SUBCOMMITTEE: NATIONAL PARKS, RECREATION AND PUBLIC LANDS

HEADLINE: FAA OVERSIGHT PARKS AND LAND BILLS

BILL-NO:

H.R. 2909 (see reference for full bill)

H.R. 1796

TESTIMONY-BY: SCOTT GROENE, STAFF ATTORNEY

AFFILIATION: SOUTHERN UTAH WILDERNESS ALLIANCE

BODY:

Statement of Scott Groene Staff Attorney, Southern Utah Wilderness Alliance

Committee on House Resources Subcommittee on National Parks, Recreation and Public Lands

October 16, 2003

My name is Scott Groene and I am a staff attorney with the Southern Utah Wilderness Alliance. I speak today also on behalf of the Campaign for America's Wilderness, the Natural Resources Defense Council, and The Wilderness Society.

In summary, we have serious concerns with H.R. 2909. There has been inadequate information provided to determine the effect of this legislation on public land. We are also concerned with the adverse effect the existing bill would have on designated wilderness and Wilderness Study Areas (WSAs).

H.R. 2909 covers hundreds of thousands of acres of Bureau of Land Management (BLM) land that qualify as wilderness in Utah's basin and range country known as the West Desert. The legislation is far reaching, as it would affect this wilderness, military use of the West Desert, and a potential rail line for transporting nuclear waste into Utah.

The Affected Landscape:

The WSAs: The legislation would directly affect at least nine existing Wilderness Study Areas, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain and Conger Mountain WSAs. These WSAs cover only a fraction of the West Desert that qualifies as wilderness.

The West Desert is roughly located between the Great Salt Lake and Nevada, and is characterized by rugged mountain ranges alternating with broad valley floors. About 20 million years ago the opposite motion of enormous plates of the earth's crust began forming this landscape. Land east of California's San Andreas Fault, where the plates

meet, has since been stretched, creased, and wrenched into shape like so much soft clay, forming the Sierra Nevada and the hundreds of ranges east to Utah's Wasatch Mountains. Throughout the Great Basin, massive walls of rock rise abruptly, lifted at an angle approaching 60 degrees. The landscape is young geologically, and in the profound silence of the desert one may easily imagine that these mountains are still growing, which is precisely the case.

Rising from the desert floor at an elevation of 4,800 feet to peaks over 12,000 feet high, the Deep Creek Mountains are among Utah's most spectacular. For all their ruggedness, the Deeps also contain verdant alpine meadows and forested canyons that are an unexpected delight to desert travelers. The enormous vertical relief -- greater than that of the Teton Range from Jackson Hole -- creates a variety of ecological conditions that foster biological diversity unmatched in Utah's desert mountains. Eight perennial streams flow from the rough-hewn canyons, allowing deer, elk, bighorn sheep, cougar, bobcat, coyote, and other wildlife to flourish. Due to their isolation from other similar environments, the Deeps also support a dozen plant and animal species found nowhere else.

The Fish Springs Range rises like an enormous dorsal fin out of the flat desert. Steep, dry, craggy, and remote, bisected by rugged canyons, the range offers solitude just a short distance from good roads.

At over 9,600 feet, Swasey Mountain is the highest peak in the House Range and a prominent West Desert landmark. This wilderness includes limestone caves as well as a nationally significant fossil collecting site.

The enormous western face of Notch Peak is the desert equivalent of Yosemite's El Capitan. Notch Peak rises vertically almost 4,450 feet and is one of the highest cliffs in North America. Striking bands of gray and white limestone decorate the sheer rock face, and twisting canyons give it dimension.

The King Top WSA of the Confusion Range contains unique Ordovician fossils, which have special scientific and educational value. King Top Mountain, with an elevation between 5,000 and 8,000 feet, supports wild horses and antelope and is well used during autumn by deer hunters. Much of the area is a high plateau, rugged and sere, remote from human intrusion.

Crystal Mountain at the northern end of the proposed Wah Wah WSA stands out against the gray limestone, as a pure white remnant of volcanoes that preceded basin-and-range faulting in this region.

The Conger Ranges is an odd jumble of hills, mountains, and rugged cliffs that culminate in the 8,000-foot summit of Conger Mountain. Creased ridgelines leading to a forested peak mark the view of Conger Mountain from the west, while the eastern side is sheer and rocky; more than a dozen canyons slice into the area.

These WSAs include more than geologic splendor. Two treelines, an upper and lower, define three life zones in the higher mountains of the Basin and Range. Above treeline in the Deep Creek Mountains, for instance, flowered meadows sprawl among the granitic peaks and glacial cirques. On the limestone soils of high ridges in the Wah Wah Mountains, House Range, and Deep Creek Mountains grow bristlecone pine trees, gnarled and tenacious, among the earth's oldest living things. In sheltered slopes and valleys are clusters of spruce, subalpine and Douglas fir, limber pine, and aspen.

At lower elevations, where available moisture diminishes, is a broad belt of pinyon pine and juniper woodlands, interspersed with patches of wiry mountain mahogany and

sagebrush. Below this woodland are hills covered with sage, grasses, and shadscale. Saltbush and greasewood dominate the benchlands, though in places spring-watered marshlands contrast with the arid surroundings. Finally there is the enormous solitude of wide salt flats, their white alkali crusts and brackish water seeming to lead downhill only because of the earth's curvature.

Each of the mountain ranges in Utah's Basin and Range Province is an isolated ecosystem, a biological island surrounded by desert playas, where many unique species have evolved or survive as relics after separation from a larger historic range. Several of these montane islands have been the subject of ecological studies.

Six of the WSAs in the West Desert encompass habitat for the peregrine falcon. Eagles and many other uncommon birds also winter there. Trout Creek and Birch Creek in the Deep Creek Mountains support the rare Bonneville cutthroat trout. Both bighorn and antelope are native to the Basin and Range country.

Several rich and well-documented habitation sites in Utah's West Desert indicate human occupation by Desert Archaic and Fremont Indian cultures in the region for at least 10,000 years. The most important cultural sites are caves and rock shelters. Major cultural sites have been identified in the Deep Creek, Fish Springs, and near Granite Peak, but all of the ranges within the Utah Wilderness Coalition's proposal have been only lightly inventoried, and it is probable that important finds await discovery. Other known archeological sites remain unpublicized to protect them from vandalism.

The Cedar Mountain Wilderness: It is uncertain how much of the Cedar Mountain Wilderness that is proposed for wilderness designation by the Utah Wilderness Coalition as outlined in America's Redrock Wilderness Act (H.R. 1796), would be protected under H.R. 2909, as no map has been provided. The Coalition's proposal would protect approximately 110,000 acres of the Cedar Mountains in three units (North Cedar Mountains: 14,718 acres, Central Cedar Mountains: 66,186 acres, South Cedar Mountains: 28,338 acres).

In the late 1970's, the BLM performed a wilderness inventory of the central unit of this range and identified roughly 50,000 acres that was designated as the Cedar Mountain WSA. The agency subsequently acknowledged that this inventory was flawed and inadequate and set about to conduct a comprehensive wilderness inventory for the State of Utah. In a 1999 document, the BLM reported that it had reconsidered the Central Cedar Mountain Unit and determined that it had previously missed over 15,000 acres that qualified as wilderness here, bringing the unit size to approximately 66,000 acres. In other words, on re-inventory, the BLM largely agreed with the Utah Wilderness Coalition's central unit boundaries. Secretary Norton has since precluded the agency from conducting further wilderness inventories and protecting these lands in Resource Management Plans. Unfortunately, that means that the BLM has not conducted adequate inventories for the North and South Cedar Mountain wilderness units.

The Cedar Mountain wilderness units lie on the eastern edge of the Great Salt Lake Desert and are situated just south of I-80, roughly a one hour drive west of Salt Lake City. These wilderness units display classic Basin and Range topography, are oriented in a north-south direction, with elevations ranging from 4,400 feet to over 7,700 feet at its mountain summits and ridgelines. Deep canyons, running east and west from the ridgelines are peppered with pinon pine and juniper forests. 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, and greasewood are common in drainage bottoms and bench lands.

The viewshed from this range is spectacular, including the Silver Islands, Crater Island,

and the Newfoundland Mountains, which are surrounded by the expansive playa salt flats of the Great Salt Lake Desert which was once covered by the ancient inland sea of Lake Bonneville around 15,000 years ago. Distant views of numerous mountain ranges are seen in every direction and include the Grouse Creek, Pilot Range, Deep Creek Mountains, Fish Springs Range, Dugway Range, Granite Peak, Promontory Mountains, Stansbury Mountains, Wasatch Mountains, Lakeside Mountains and Grassy Mountains.

Wildlife is abundant in the Cedar Mountains. Mule deer, pronghorn antelope, coyote, bobcats, bats, an occasional mountain lion, ravens and reptiles all inhabit these units. This mountain range is also home to such raptors as the golden eagle and the red-tailed hawk.

Several archeological sites have been identified in the northern portion of the range. However, in other locations comprehensive inventories are still needed to fully understand this resource. The Utah Wilderness Coalition's proposed Cedar Mountain wilderness units provide exceptional solitude opportunities for visitors. In addition to being remote and seldom visited, vegetation and topography enhances a person's outstanding sense of isolation and seclusion. Hiking, camping, backpacking, hunting, horseback riding, scenic photography, nature study and wildlife sightseeing are a few of the outstanding primitive recreation opportunities within the Cedar Mountains.

Legislative concerns: We have several concerns regarding the legislation.

Lack of map: There is no map depicting the areas to be designated as wilderness. It is premature to conduct a hearing when there is no means by which to measure the benefit or potential harm conveyed by the legislation.

Reference:

108th CONGRESS, 1ST SESSION
IN THE HOUSE OF REPRESENTATIVES
AS INTRODUCED IN THE HOUSE

H. R. 2909

2003 H.R. 2909; 108 H.R. 2909

SYNOPSIS:

A bill to ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces

DATE OF INTRODUCTION: July 25, 2003

SPONSOR(S):

Sponsor and Cosponsors as of 07/31/2003
BISHOP, ROB (R-UT) - Sponsor
CANNON, CHRIS (R-UT)- Cosponsor
MATHESON, JIM (D-UT)- Cosponsor

TEXT:

HR 2909 IH

108th CONGRESS

1st Session

H. R. 2909

To ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

July 25, 2003

Mr. Bishop of Utah (for himself, Mr. Cannon, and Mr. Matheson) introduced the following bill; which was referred to the Committee on Resources

A BILL

To ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Test and Training Range Protection Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Utah Test and Training Range" means those portions of the military operating area of the Utah Test and Training Area located solely in the State of Utah. The term includes the Dugway Proving Ground.

(2) The term "covered wilderness" means the wilderness area designated by this Act and wilderness study areas located near lands withdrawn for military use and beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain, and Conger Mountain units designated by the Department of the Interior.

SEC. 3. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH TEST AND TRAINING RANGE.

(a) Findings. The Congress finds the following:

(1) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(2) The Utah Test and Training Range in the State of Utah is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense.

(3) The Cedar Mountain Wilderness Area designated by section 5, as well as several wilderness study areas, are located near lands withdrawn for military use or are beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range.

(4) The Utah Test and Training Range and special use airspace withdrawn for military uses create unique management circumstances for the covered wilderness in this Act, and it is not the intent of Congress that passage of this Act shall be construed as establishing a precedent with respect to any future national conservation area or wilderness designation.

(5) Continued access to the special use airspace and lands that comprise the Utah Test and Training Range, under the terms and conditions described in this section, is a national security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

(b) Overflights. Nothing in this Act or the Wilderness Act ([16 U.S.C. 1131](#) et seq.) shall preclude low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the covered wilderness, including military overflights and operations that can be seen or heard within the covered wilderness.

(c) Special Use Airspace and Training Routes. Nothing in this Act or the Wilderness Act shall preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over the covered wilderness.

(d) Communications and Tracking Systems. Nothing in this Act or the Wilderness Act shall prevent any required maintenance of existing communications, instrumentation, or electronic tracking systems (or infrastructure supporting such systems) in the covered wilderness or prevent the installation of new communication, instrumentation, or other equipment necessary for effective testing and training to meet military requirements so long as the Secretary of the Interior, after consultation with the Secretary of the Air Force, determines that the installation and maintenance of such systems, when considered both individually and collectively--

(1) create a similar or lesser impact on the environment;

(2) do not expand the size or significantly expand the number of such systems, as in existence on the date of the enactment of this Act; and

(3) do not require construction of any roads in the covered wilderness.

(e) Emergency Access and Response. Nothing in this Act or the Wilderness Act shall preclude the continuation of the memorandum of understanding in existence as of the date of enactment of this Act between the Department of the Interior and the Department of the Air Force with respect to emergency access and response.

(f) Prohibition on Ground Military Operations. Except as provided in subsections (d) and (e), nothing in this section shall be construed to permit military operations to be conducted on the ground in covered wilderness in the Utah Test and Training Range.

SEC. 4. PLANNING PROCESS FOR FEDERAL LANDS IN UTAH TEST AND TRAINING RANGE.

(a) Analysis of Military Readiness and Operational Impacts. The Secretary of the Interior shall develop, maintain, and revise land use plans pursuant to section 202 of the Federal Land Policy and Management Act of 1976 ([43 U.S. C. 1712](#)) for Federal lands located in the Utah Test and Training Range in consultation with the Secretary of Defense. As part of the required consultation in connection with a proposed revision of a land use plan, the Secretary of Defense shall prepare and transmit to the Secretary of the Interior an analysis of the military readiness and operational impacts of the proposed revision within six months of a request from the Secretary of Interior.

(b) Limitation on Rights-of-ways. The Secretary of the Interior shall not grant or issue any authorizations pursuant to section 501(a)(6) of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1761](#)(a)(6)) upon Federal lands identified as inventory units UTU-020-086, UTU-020-088, UTU-020-095, UTU-020-096, UTU-020-100, UTU-020-101, UTU-020-103, UTU-020-104, UTU-020-105, and UTU-020-110 as generally depicted on the map entitled "Wilderness Inventory, State of Utah", dated August 1979, until the later of the following:

(1) The completion of a full revision of the Pony Express Area Resource Management Plan, dated January 12, 1990, by the Salt Lake Field Office of the Bureau of Land Management.

(2) January 1, 2015.

SEC. 5. DESIGNATION AND MANAGEMENT OF CEDAR MOUNTAIN WILDERNESS, UTAH.

(a) Designation. Certain Federal lands in Tooele County, Utah, as generally depicted on the map entitled "Cedar Mountain Wilderness" and dated XXXXXX are hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System to be known as the Cedar Mountain Wilderness Area.

(b) Withdrawal. Subject to valid existing rights, the Federal lands in the Cedar Mountain Wilderness Area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the United States mining laws, and from disposition

under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments to such laws.

(c) Map and Description. (1) As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall transmit a map and legal description of the Cedar Mountain Wilderness Area to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(3) The map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management and the office of the State Director of the Bureau of Land Management in the State of Utah.

(d) Administration. Subject to valid existing rights and this Act, the Cedar Mountain Wilderness Area shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act ([16 U.S.C. 1131](#) et seq.), except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(e) Land Acquisition. Any lands or interest in lands within the boundaries of the Cedar Mountain Wilderness Area acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Cedar Mountain Wilderness Area.

(f) Fish and Wildlife Management. As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction of the State of Utah with respect to fish and wildlife on the Federal lands located in that State.

(g) Grazing. Within the Cedar Mountain Wilderness Area, the grazing of livestock, where established before the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act, section 101(f) of Public Law 101-628 (104 Stat. 4473), and appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress ([H. Rept. 101-405](#)).

(h) Buffer Zones. Congress does not intend for the designation of the Cedar Mountain Wilderness Area to lead to the creation of protective perimeters or buffer zones around the wilderness area. The fact that nonwilderness activities or uses can be seen or heard within the wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 6. RELATION TO OTHER LANDS AND LAWS.

(a) Other Lands. Nothing in this Act shall be construed to affect any

Federal lands located outside of the covered wilderness or the management of such lands.

(b) Other Laws. Section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852) shall not apply to the Cedar Mountain Wilderness Area.

October 16, 2003 Thursday

SECTION: CAPITOL HILL HEARING TESTIMONY

LENGTH: 1847 words

COMMITTEE: HOUSE RESOURCES

SUBCOMMITTEE: NATIONAL PARKS, RECREATION AND PUBLIC LANDS

HEADLINE: FAA OVERSIGHT PARKS AND LAND BILLS

BILL-NO:

H.R. 2909

H.R. 1796

TESTIMONY-BY: SCOTT GROENE, STAFF ATTORNEY

AFFILIATION: SOUTHERN UTAH **WILDERNESS** ALLIANCE

BODY:

Statement of Scott Groene Staff Attorney, Southern Utah **Wilderness** Alliance

Committee on House Resources Subcommittee on National Parks, Recreation and Public Lands

October 16, 2003

My name is Scott Groene and I am a staff attorney with the Southern Utah **Wilderness** Alliance. I speak today also on behalf of the Campaign for America's **Wilderness**, the Natural Resources Defense Council, and The **Wilderness** Society.

In summary, we have serious concerns with H.R. 2909. There has been inadequate information provided to determine the effect of this legislation on public land. We are also concerned with the adverse effect the existing bill would have on designated **wilderness and Wilderness** Study Areas (WSAs).

H.R. 2909 covers hundreds of thousands of acres of Bureau of Land Management (BLM) land that qualify as **wilderness** in Utah's basin and range country known as the West Desert. The legislation is far reaching, as it would affect this **wilderness**, military use of the West Desert, and a potential rail line for transporting nuclear waste into Utah.

The Affected Landscape:

The WSAs: The legislation would directly affect at least nine existing **Wilderness** Study Areas, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain and Conger Mountain WSAs. These WSAs cover only a fraction of the West Desert that qualifies as **wilderness**.

The West Desert is roughly located between the Great Salt Lake and Nevada, and is characterized by rugged mountain ranges alternating with broad valley floors. About 20

million years ago the opposite motion of enormous plates of the earth's crust began forming this landscape. Land east of California's San Andreas Fault, where the plates meet, has since been stretched, creased, and wrenched into shape like so much soft clay, forming the Sierra Nevada and the hundreds of ranges east to Utah's Wasatch Mountains. Throughout the Great Basin, massive walls of rock rise abruptly, lifted at an angle approaching 60 degrees. The landscape is young geologically, and in the profound silence of the desert one may easily imagine that these mountains are still growing, which is precisely the case.

Rising from the desert floor at an elevation of 4,800 feet to peaks over 12,000 feet high, the Deep Creek Mountains are among Utah's most spectacular. For all their ruggedness, the Deeps also contain verdant alpine meadows and forested canyons that are an unexpected delight to desert travelers. The enormous vertical relief -- greater than that of the Teton Range from Jackson Hole -- creates a variety of ecological conditions that foster biological diversity unmatched in Utah's desert mountains. Eight perennial streams flow from the rough-hewn canyons, allowing deer, elk, bighorn sheep, cougar, bobcat, coyote, and other wildlife to flourish. Due to their isolation from other similar environments, the Deeps also support a dozen plant and animal species found nowhere else.

The Fish Springs Range rises like an enormous dorsal fin out of the flat desert. Steep, dry, craggy, and remote, bisected by rugged canyons, the range offers solitude just a short distance from good roads.

At over 9,600 feet, Swasey Mountain is the highest peak in the House Range and a prominent West Desert landmark. This **wilderness** includes limestone caves as well as a nationally significant fossil collecting site.

The enormous western face of Notch Peak is the desert equivalent of Yosemite's El Capitan. Notch Peak rises vertically almost 4,450 feet and is one of the highest cliffs in North America. Striking bands of gray and white limestone decorate the sheer rock face, and twisting canyons give it dimension.

The King Top WSA of the Confusion Range contains unique Ordovician fossils, which have special scientific and educational value. King Top Mountain, with an elevation between 5,000 and 8,000 feet, supports wild horses and antelope and is well used during autumn by deer hunters. Much of the area is a high plateau, rugged and sere, remote from human intrusion.

Crystal Mountain at the northern end of the proposed Wah Wah WSA stands out against the gray limestone, as a pure white remnant of volcanoes that preceded basin-and-range faulting in this region.

The Conger Ranges is an odd jumble of hills, mountains, and rugged cliffs that culminate in the 8,000-foot summit of Conger Mountain. Creased ridgelines leading to a forested peak mark the view of Conger Mountain from the west, while the eastern side is sheer and rocky; more than a dozen canyons slice into the area.

These WSAs include more than geologic splendor. Two treelines, an upper and lower, define three life zones in the higher mountains of the Basin and Range. Above treeline in the Deep Creek Mountains, for instance, flowered meadows sprawl among the granitic peaks and glacial cirques. On the limestone soils of high ridges in the Wah Wah Mountains, House Range, and Deep Creek Mountains grow bristlecone pine trees, gnarled and tenacious, among the earth's oldest living things. In sheltered slopes and valleys are clusters of spruce, subalpine and Douglas fir, limber pine, and aspen.

At lower elevations, where available moisture diminishes, is a broad belt of pinyon pine and juniper woodlands, interspersed with patches of wiry mountain mahogany and sagebrush. Below this woodland are hills covered with sage, grasses, and shadscale. Saltbush and greasewood dominate the benchlands, though in places spring-watered marshlands contrast with the arid surroundings. Finally there is the enormous solitude of wide salt flats, their white alkali crusts and brackish water seeming to lead downhill only because of the earth's curvature.

Each of the mountain ranges in Utah's Basin and Range Province is an isolated ecosystem, a biological island surrounded by desert playas, where many unique species have evolved or survive as relics after separation from a larger historic range. Several of these montane islands have been the subject of ecological studies.

Six of the WSAs in the West Desert encompass habitat for the peregrine falcon. Eagles and many other uncommon birds also winter there. Trout Creek and Birch Creek in the Deep Creek Mountains support the rare Bonneville cutthroat trout. Both bighorn and antelope are native to the Basin and Range country.

Several rich and well-documented habitation sites in Utah's West Desert indicate human occupation by Desert Archaic and Fremont Indian cultures in the region for at least 10,000 years. The most important cultural sites are caves and rock shelters. Major cultural sites have been identified in the Deep Creek, Fish Springs, and near Granite Peak, but all of the ranges within the Utah **Wilderness** Coalition's proposal have been only lightly inventoried, and it is probable that important finds await discovery. Other known archeological sites remain unpublicized to protect them from vandalism.

The Cedar Mountain **Wilderness**: It is uncertain how much of the Cedar Mountain **Wilderness** that is proposed for **wilderness** designation by the Utah **Wilderness** Coalition as outlined in America's Redrock **Wilderness** Act (H.R. 1796), would be protected under H.R. 2909, as no map has been provided. The Coalition's proposal would protect approximately 110,000 acres of the Cedar Mountains in three units (North Cedar Mountains: 14,718 acres, Central Cedar Mountains: 66,186 acres, South Cedar Mountains: 28,338 acres).

In the late 1970's, the BLM performed a **wilderness** inventory of the central unit of this range and identified roughly 50,000 acres that was designated as the Cedar Mountain WSA. The agency subsequently acknowledged that this inventory was flawed and inadequate and set about to conduct a comprehensive **wilderness** inventory for the State of Utah. In a 1999 document, the BLM reported that it had reconsidered the Central Cedar Mountain Unit and determined that it had previously missed over 15,000 acres that qualified as **wilderness** here, bringing the unit size to approximately 66,000 acres. In other words, on re-inventory, the BLM largely agreed with the Utah **Wilderness** Coalition's central unit boundaries. Secretary Norton has since precluded the agency from conducting further **wilderness** inventories and protecting these lands in Resource Management Plans. Unfortunately, that means that the BLM has not conducted adequate inventories for the North and South Cedar Mountain **wilderness** units.

The Cedar Mountain **wilderness** units lie on the eastern edge of the Great Salt Lake Desert and are situated just south of I-80, roughly a one hour drive west of Salt Lake City. These **wilderness** units display classic Basin and Range topography, are oriented in a north-south direction, with elevations ranging from 4,400 feet to over 7,700 feet at its mountain summits and ridgelines. Deep canyons, running east and west from the ridgelines are peppered with pinon pine and juniper forests. 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, and greasewood are common in drainage bottoms and bench lands.

The viewshed from this range is spectacular, including the Silver Islands, Crater Island, and the Newfoundland Mountains, which are surrounded by the expansive playa salt flats of the Great Salt Lake Desert which was once covered by the ancient inland sea of Lake Bonneville around 15,000 years ago. Distant views of numerous mountain ranges are seen in every direction and include the Grouse Creek, Pilot Range, Deep Creek Mountains, Fish Springs Range, Dugway Range, Granite Peak, Promontory Mountains, Stansbury Mountains, Wasatch Mountains, Lakeside Mountains and Grassy Mountains.

Wildlife is abundant in the Cedar Mountains. Mule deer, pronghorn antelope, coyote, bobcats, bats, an occasional mountain lion, ravens and reptiles all inhabit these units. This mountain range is also home to such raptors as the golden eagle and the red-tailed hawk.

Several archeological sites have been identified in the northern portion of the range. However, in other locations comprehensive inventories are still needed to fully understand this resource. The Utah **Wilderness** Coalition's proposed Cedar Mountain **wilderness** units provide exceptional solitude opportunities for visitors. In addition to being remote and seldom visited, vegetation and topography enhances a person's outstanding sense of isolation and seclusion. Hiking, camping, backpacking, hunting, horseback riding, scenic photography, nature study and wildlife sightseeing are a few of the outstanding primitive recreation opportunities within the Cedar Mountains.

Legislative concerns: We have several concerns regarding the legislation.

Lack of map: There is no map depicting the areas to be designated as **wilderness**. It is premature to conduct a hearing when there is no means by which to measure the benefit or potential harm conveyed by the legislation.