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TEXT: [*S7781]

By Mr. HATCH (for himself and Mr. Bennett):

S. 884. A bill to designate certain public lands in the State of Utah as **wilderness**, and for other purposes; to the Committee on Energy and Natural Resources.

THE PUBLIC LANDS MANAGEMENT ACT OF 1995

Mr. HATCH. Mr. President, along with my colleague, Senator Bennett, I rise today to introduce the Utah Public Lands Management Act of 1995. This bill would designate approximately 1.8 million acres of land managed by the Bureau of Land Management (BLM) in [*S7782] Utah as **wilderness** and release another approximately 1.4 million acres of land as **wilderness** study areas (WSA) for nonwilderness multiple uses. With this bill, the requirements of the BLM under the Federal Land Policy and Management Act of 1976 to study and recommend to Congress those lands worthy of **wilderness** designation, as defined by the **Wilderness** Act of 1964, are met so far as it concerns the agency in our State of Utah. Identical legislation is being introduced in the House today by Representatives Jim Hansen and Enid Waldholtz . Utah Gov. Mike Leavitt is supportive of this measure.

Some may find it surprising that I am recommending more **wilderness** lands in Utah. The fact of the matter is that I am not antienvironment. Like any grandparent, I want to preserve nature's legacy in Utah for my 15 grandchildren to experience, learn from, and glory in. I believe, along with the English poet John Milton, that "Beauty is Nature's coin; must not be hoarded, but must be current. And the good thereof consists in mutual and partaken bliss."

I plan to fight for this new **wilderness** in Utah. I will also fight for balance. Nature itself is balanced; ecosystems work in wonderful ways to perpetuate life. Man is also a part of nature's grand scheme.

We have also had balance in our development of this legislation. This bill is the culmination of five intensive months of time and effort contributed by each member of the Utah congressional delegation, by Governor Leavitt, and by the local officials in those counties where these proposed **wilderness** areas are located. At the same time, different groups representing concerns on all sides of this issue-environmentalists, ranchers, conservationists, oil and gas developers, and others-have provided comments and input that have been helpful in fashioning this legislation.

Of course, this bill does not address all of the needs, the desires, or the concerns of all of these interests, or even of the entire Utah congressional delegation. But, in an attempt to resolve this contentious issue once and for all and to bring finality to a matter that has plagued Utahns and the management of our public lands for nearly two decades, we have attempted to write a bill that balances these divergent interests.

In 1978, the Utah State BLM Office began an exhaustive process to develop a Utah BLM **wilderness** proposal. This was no small task since more than 22 million acres of Utah land managed by the BLM were available for the study. In total, BLM employees scrutinized over 40 percent of Utah's total land mass to assess each acre's eligibility for **wilderness** classification. After this lengthy and tedious process, BLM identified an inventory of 3.25 million acres that met every classification requirement with no conflicts or de minimus conflicts. Since that determination, these acres have been managed as **wilderness** to preserve their natural character until Congress could formally designate them. In other words, nonwilderness multiple use activities have been prohibited to occur on these acres.

In 1991, BLM, after clearing all environmental and regulatory hurdles, submitted a report to Congress recommending a final designation total of 1,975,210 acres in 66 specific WSA's. Neither the House nor Senate acted on this report. This is frustrating to many of us who believe that, in this case, the work accomplished by BLM's professional land managers on this matter, is being unjustifiably ignored.

The Clinton administration has exacerbated the situation by adopting a policy that directs those lands designated as **wilderness** in a bill pending before Congress to be managed in the same manner as an officially designated WSA. For several years now, a bill has been introduced in the other body designating approximately 5.7 million acres of BLM land in Utah as **wilderness**. Therefore, the BLM now manages 5.7 million acres of land in Utah as if it is already **wilderness**. This is 2.45 million more acres than were originally studied by the BLM and assessed for **wilderness** values, and 3.73 million more acres that BLM actually recommended for **wilderness** designation in its report to Congress.

With this history in mind, my colleagues, especially those from public lands States, can understand why after 17 years and more than \$ 10 million in taxpayer funds, 2,700 work months of employee time, and a countless number of scoping meetings, public hearings, on-site visits, and other related meetings, we are eager to bring closure to this matter. The bill we are introducing today is the next step toward that goal.

Last January, the Utah congressional delegation and Utah Governor Leavitt outlined a process to develop this bill. Each of the 14 counties where the BLM WSA's are located were asked to conduct a public review within their respective county and to submit a county recommendation to the delegation by April 1. Each county utilized its own process to arrive at a county-wide recommendation. Counties examined the BLM's proposed inventory along with various other proposals put forward over the years by Representative Hansen, Representative Bill Orton, the Utah **Wilderness** Association, and the Utah **Wilderness** Coalition. The amounts in these proposals ranged between 1.4 million acres to 5.7 million acres.

I might add that one ground rule for this process was that a proposal for zero additional acreage was not acceptable to the delegation and that the delegation intended to propose a bill in June.

During the April recess, the delegation and the Governor held five regional meetings throughout Utah to receive public comment on the county recommendations, which totaled nearly 1 million acres, and the other proposals. In addition, written comments have been received and reviewed since April 1.

In total, more than 40 public meetings, including the regional meetings, have been conducted at various levels since January. More than 500 individuals have provided public testimony since the first of the year, and over 22,000 written comments in one form or another have been received by the Governor and the delegation on this issue. I sincerely appreciate all those who have taken the time to share their opinions regarding BLM **wilderness** in Utah.

Let me briefly explain the contents of the proposal we are introducing today.

As I mentioned, the bill designates 1.8 million acres of Utah's BLM land as **wilderness** contained in 50 specific areas. These areas include what I consider to be the Crown Jewels of Utah's public lands-those areas so rich in beauty and grandeur that there can be no question that they meet the **wilderness** criteria.

Let's face it-not every acre of BLM land is deserving of protection as **wilderness**. But, our bill captures those areas in **wilderness** that are well known to Utahns and most Americans, and that are fast becoming recognized by millions of international visitors every year. Photographs of these areas are found in most nature books; and they form the background for many commercial activities, such as TV commercials, still photographs, and movies.

They are the Grand Gulch area of San Juan County; Desolation Canyon, through which the Green River runs; and, the Little Grand Canyon, the Black Box, and Sid's and Mexican Mountains of the San Rafael Swell. They include the Escalante Canyons of Garfield County, once proposed to be a national park; Westwater Canyon, through which the mighty Colorado River flows; and the canyon area of the Dirty Devil River.

Numerous ecosystems are represented in this bill to be designated as **wilderness**. These areas include the high mountain ranges of the Deep Creek and Henry Mountains; river canyons through which the San Rafael River, the Dirty Devil River, the Escalante River, and the East Fork of the Virgin River flow; the desert regions of western Utah that encompasses Notch Peak, Fish Springs, and the Ceder Mountains; Utah's red rock region of Red Mountain, Canaan Mountain, and Crack Canyon; and contiguous areas that constitute several large and dramatic blocks of **wilderness**, such as Kane County's Fifty-Mile Mountain, the Escalante Canyon region, and the Desolation Canyon/Book Cliffs complex, which in itself would total more than 300,000 acres. [*S7783]

These names may not be recognizable to my colleagues, but they are truly the golden nuggets of Utah's public lands that are deserving of being called **wilderness**. I certainly encourage my colleagues to visit Utah and feast on these magnificent panoramas.

But, we have also tried to accomplish a balance in our legislation. As Milton said, "Nature's coin must not be hoarded."

We do not recommend, for example, **wilderness** designation for those Utah lands that are high in resource development potential, and these are many. We are not interested in locking out these lands that someday may provide the resources our State and this Nation will need to maintain our economic stability. These resources include deposits of oil and gas, coal, uranium, all kinds of precious metals, and other natural elements found in abundance within Utah's boundaries. While the specific boundaries of our proposed **wilderness** areas may be modified through the legislative process, we have attempted to craft boundaries that avoid any conflicts associated with existing rights and intrusions.

While our bill will designate certain lands as **wilderness**, it also contains language necessary to protect Utah's interests from the ramifications of this designation. This is not an attempt to lessen the validity of **wilderness** in anyway, or to erase with one hand what we are writing with the other. The proposed language is simply a recognition that **wilderness** designation can, and most likely will, affect valid existing rights or the historic uses of an area, and which, if allowed to occur unrestrained, would have a devastating impact on the economies of many rural Utah communities.

Obviously, this is not our intent, which is why we have included language that protects existing water rights with no express or implied Federal reserved water right; allows grazing to continue in **wilderness** areas without any diminution; prohibits the reclassification of an airshed due to **wilderness** designation; and protects the practice of native Americans to gather wood for personal use and to collect plants or herbs for religious or medicinal purposes within a

designated **wilderness** areas. We have included other language that is appropriate and necessary to address the unique situations existing throughout our State associated with this effort to create more **wilderness**.

In addition, we have included language that releases all of BLM's lands, with a few minor exceptions listed in the bill, from any further study or management for **wilderness** character or values, and returns them to the full range of nonwilderness multiple uses in accordance with already approved management plans. Adoption of this language is critical to passage of this bill. To me, it is the key to resolving this issue. Without this provision, this bill would be very difficult for me to support. Let us be clear about one point: if those acres now being managed as **wilderness** are not returned to multiple use, it is not the **wilderness** concept that would be shunned, it is the concept of representative and participatory democracy.

Finally, the bill contains language to effectuate an exchange between the State of Utah and the Secretary of the Interior of approximately 140,000 State school and institutional trust lands that would be captured, in whole or in part, by the areas designated as **wilderness**. These lands and their inherent economic value can only be utilized to provide revenues to Utah's public education system, and the only method of ensuring that our school children benefit from each acre of these trust lands is to trade them to the Secretary for available Federal lands located in Utah.

In 1993, Congress adopted, and President Clinton signed into law, my legislation providing for an exchange of similar lands located within Utah's forests, national parks, and Defense and native American reservations. The process outlined in that bill has proven to be rather cumbersome and frustrating, especially to Utah officials. We are therefore attempting to learn from this prior experience by authorizing a more sensible, reasonable, and quicker process for the exchange of school inholdings in this legislation. Again, the inclusion of a process for the direct, fair, and prompt exchange of captured school trust lands is pivotal to many of us in Utah.

Mr. President, I realize this bill would not be satisfactory to everyone in Utah or to those watching what we are doing from outside our State. Our bill contains an acreage figure that is 80 percent greater than the recommendation submitted by the affected counties, and 70 percent less than the proposal supported by one **wilderness** advocacy group. Maybe with such a wide expanse between these proposals, the acreage in our bill can be looked upon as a compromise proposal that merits consideration.

I am aware that some advocate a total of 5.7 million BLM acres as **wilderness** because they believe this generation should preserve and protect at least 10 percent of Utah's approximately 55 million acres for those generations to come. This message has been stated many times in recent months, especially during our five regional meetings last April.

An ad published in the Salt Lake Tribune on May 29 stated that "protecting 10 percent (of Utah's land) won't cost a single job in southern Utah," and that "90 percent of the land will be left for houses, roads, farming, mining, logging, tourist facilities, and the host of activities already there and yet to come."

If the proponents of this position are serious about preserving 10 percent of Utah's land mass from the laundry list of activities mentioned in the ad, then they should support our bill and rally behind it. Utah already has approximately 800,000 acres of **wilderness** managed by the U.S. Forest Service, which is ironically almost 10 percent of the total forest lands in Utah, and approximately 2 million acres of land in the form of national parks, monuments, and recreation areas that are restrictively managed by the National Park Service. The large majority of the activities listed in the ad are already prohibited for these lands. These two figures, added to the amount of acreage to be designated in our bill-1.8 million, or roughly 8.2 percent of the BLM land in Utah-would mean that approximately 4.6 million acres of land in Utah, or 8.36 percent of Utah's total land mass, will be preserved, protected, and managed by one Federal land agency or another from any future intrusions or conflicts.

We have heard the voices of those advocating this position who truly want to pay back, or tithe, to God for the beauty He has created in Utah's rural country by setting one-tenth of Utah's land. That is why our bill would add BLM's Crown Jewels in Utah to the Crown Jewels already designated by the Forest Service and the National Park Service. I do not accept the argument that this gesture must be made entirely with only BLM land when there is so much splendor and natural peace contained in Utah's other 33 million acres.

Mr. President, during the Memorial Day recess I visited several of the sites to be designated as **wilderness** in our bill. It was a magnificent journey through Utah's backcountry, and the trip helped me appreciate even more the beauty of our great State. I also came to a better understanding of the areas listed in our bill and why I can affirmatively state today that they are worthy and deserving of **wilderness** designation.

At the same time, I came to a clearer understanding of the conflicts that will arise once this designation becomes final, and why we need to take reasonable steps to remediate, if not completely avoid, these potential conflicts. Our bill is an attempt to take these justifiable, yet reasonable, steps.

I recognize that some modifications in our bill may occur during the upcoming legislative review of this bill. I also recognize that changes are inevitable if this bill is to pass the Senate, pass the House, and eventually be signed by the President. But, I need to clearly and emphatically state that despite my strong desire to create this new **wilderness** and to close this issue in Utah, I am not willing to accept any concession that is not in the best interests, both short- and long-term, for my State. This bill represents a consensus package of ideas and proposals arrived at through a painstaking process. These ideas should be built upon during the legislative process.

I urge my colleagues to consider this bill carefully, and I look forward to [*S7784] working with them toward passage of this bill by the Senate this year.

I also want to pay tribute to my colleague from Utah, Senator Bennett .

Since he has come to the Senate he has worked long and hard on these types of pieces of legislation. He served on the Energy and Natural Resources Committee. He did a terrific job and is doing a good job working with his former colleagues on that committee, at this point, on this bill. He understands these issues. He has worked hard on them. He has done a terrific job. I have a lot of admiration and respect for the hard efforts he has put forth.

I also want to compliment my dear colleagues in the House, Congresspeople Jim Hansen and Enid Waldholtz.

Jim is chairman of one of the crucial committees over there in this area. Much of the weight of this falls on his shoulders in the House. Enid Waldholtz, our freshman Member of Congress, is standing right there beside him trying to do the best she can to help Utah to designate the appropriate **wilderness** areas. We appreciate the work they have done, and give them a lot of the credit for what has been done.

I would also like to say in closing that Congressman Orton has expressed a desire to work with the Senate. I hope that he will. We are disappointed he has not come on the bill at this time.

I think it does make it easier if every Member of our congressional delegation agrees, but a majority of our State legislature, our Governor, and all Republican Members of the delegation do agree.

Congressman Orton, to his credit, has said that he believes that it is pretty likely that he will support this in the end. He wants to present at least an alternative point of view as well through

a bill that he will file for the purpose of debate. I respect that. I do hope that sometime in the future he can get on this bill and help to pass it through both Houses of Congress.

Mr. President, I ask unanimous consent that a copy of the bill of Senator Bennett and myself be printed in the Record .

Mr. BENNETT. Mr. President, I appreciate the leadership shown on the **wilderness** issue by my senior colleague, Senator Hatch . He carries tremendous responsibility in this body by virtue of his elevation to the chairmanship of the Judiciary Committee, and there are some political opponents who would have suggested that by virtue of that responsibility he might be less attentive to Utah issues than he might otherwise be.

I assure the people of the State and the people of the Nation that that is not true. He is very attentive to Utah issues and he has demonstrated that in his leadership in this matter. All Members are grateful to him and to our Governor, Michael O. Leavitt, for the work they have done on this issue.

Senator Hatch has outlined the details of this proposal. I would like to make a few additional points for those that may not understand some of the factors relating to the Utah **wilderness** question.

Some groups have said that the Utah **wilderness** issue is the premier environmental issue of this Congress, and they are prepared to fight to the last possible breath in order to set aside 10 percent of the State in BLM **wilderness**. They say we must do at least 10 percent for our children. Those who are unfamiliar with the State of Utah might be impressed by this argument, because after all, 10 percent seems like a relatively small amount to set aside for future generations for some kind of preservation.

I have a map here, Mr. President, that I think will put this argument in its proper perspective. If we look at the portion in the map that is in green, it amounts to approximately 8 million acres. This is land in the National Forest Service. That which is in dark green has already been designated as **wilderness** in Forest Service land, but 8 million acres have been set aside for future generations. There will be no McDonald's hamburger stands. There will be no strip malls. There will be no Marriott hotels built in these 8 million acres.

During the hearings, we were threatened with all of those things. If we do not set this aside as **wilderness** we will have McDonald's hamburger stands and strip malls all over the State. Here are 8 million acres that will not get that.

In addition, we see this dark purple area in various places on the map. Those are national parks and recreation areas with set-asides for fish and wildlife preservation, comprising over 2 million acres. So when we add those to that in green we get a 10 million acre set-aside.

Now, if we add the additional 1.8 million that Senator Hatch 's and my bill calls for in BLM **wilderness**, that is shown here in the green area, the total comes to approximately 12 million acres.

That, Mr. President, is not 10 percent of the State, it is 20 percent of the State set aside for the future generations, making sure that there will be on these 12 million acres no economic development other than that which is already permitted in the **Wilderness** Act, which is to say, grazing, minerals, and other multiple uses of the public licenses.

The additional land that is shown in yellow, Mr. President, is BLM land. Once again, the BLM will not allow the building of a strip mall or a McDonald's hamburger stand or a hotel on these 22 million acres.

The amount of acreage left to private hands, when we take the military reservations-that is what this is-and the Indian reservations-that is what this is-the amount left to private hands in the State of Utah is shown in white.

In the demagoguery around this issue, some people have said can we not set aside 10 percent of the land? Is not 90 percent enough for the developers? I show this chart, and just say that which is in white is what is available to developers. Frankly, it is located upon the corridors of highways that are already in place.

What we have proposed, Senator Hatch and I, is perfectly proper, legitimate, **wilderness** use. However, it will not freeze out the multiple use that could take place in this BLM land.

People say that **wilderness** calls for multiple use. **Wilderness** calls for grazing if it is already established. **Wilderness** calls for mineral exploration if the leases have already been signed.

I close with this example of what has happened to that truth. That is, it is true the **wilderness** bill calls for this multiple use on **wilderness** land if it has already been established. We have a prime example of what the 1964 **Wilderness** Act had in mind down in southern Utah on the Kaiparowits Plateau. On the Kaiparowits there are close to 300,000 acres that would be considered part of a **wilderness** activity, and we have set aside a good portion of that in our bill.

In that acreage, there is an existing mineral lease, a coal lease. It is owned by a company called Andalex, named after the two children of the owner of the company, Andrew and Alexander. The company is named Andalex. The Andalex coal leases have existed for years.

Under the **Wilderness** Act, a careful reading of it, they can continue to exist, and Andalex can extract coal from that area. Those people who are insisting on heavier acreage have said over their dead bodies will they allow Andalex to rape the **wilderness** for the sake of the coal. That is the kind of rhetoric that has surrounded this debate.

Mr. President, over the last week, during the recess, I went to the Andalex coal facility. What did I find? Out of the roughly 300,000 acres of the Kaiparowits, the Andalex coal mine would require 40 acres. Not 40, 000-40. Four-zero, with no zeros after.

The 40 acres, by happy coincidence, happen to be at the bottom of a circular canyon, so if you are not standing on the edge of the canyon looking down, you cannot see it from anywhere in this entire area.

If the **Wilderness** Act of 1964 says anything, it says that the Andalex proposal should go forward. Yet the people who are saying that Senator Hatch and I are not taking care of future generations are turning around and putting the **Wilderness** Act on its head by saying we will not permit a coal operation on 40 acres because somehow it would destroy the **wilderness** experience the surrounding 300,000 acres.

Mr. President, I focus on that because it demonstrates the degree to which we have gotten away from reality in this debate. I hope the Congress in its wisdom will come back to reality and intelligence on this issue.