



Protect America's Climbing



**TESTIMONY ON THE UTAH PUBLIC LANDS INITIATIVE ACT
(H.R. 5780)**

September 14, 2016

**For consideration by the Subcommittee on Federal Lands
United States House of Representatives**

Submitted by

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and

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Dear Chairman McClintock and Members of Subcommittee on Federal Lands:

On behalf of the Access Fund and Outdoor Alliance, we welcome the opportunity to submit this testimony for inclusion into the public record regarding the proposed “Utah Public Lands Initiative Act,” also known as the “PLI” or H.R. 5780.

The Access Fund is a national advocacy organization whose mission keeps climbing areas open and conserves the climbing environment. A 501(c)(3) non-profit and accredited land trust representing millions of climbers nationwide in all forms of climbing—rock climbing, ice climbing, mountaineering, and bouldering—the Access Fund is the largest US climbing advocacy organization with over 13,000 members and 100 local affiliates. The Access Fund provides climbing management expertise, stewardship, project specific funding, and educational outreach.

Outdoor Alliance is a coalition of seven member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, the Mountaineers, and the American Alpine Club and represents the interests of the millions of Americans who climb, paddle, mountain bike, and backcountry ski and snowshoe on our nation’s public lands, waters, and snowscapes.

Eastern Utah includes world-class outdoor recreation opportunities, unique natural values and countless Native American cultural sites. While H.R. 5780 would provide protections for some portions of this exceptional landscape, it does not provide enough to protect recreation assets and these other important values for future generations. For climbers, eastern Utah contains some of the most iconic, unique and high quality opportunities in the world, including areas like Indian Creek, Castle Valley, Fisher Towers, San Rafael Swell, Valley of the Gods, Arch Canyons, Lockhart Basin, Comb Ridge, and thousands other climbing sites. A recent survey of over 1,000 climbers nationwide who travel regularly to this region found that our members and the national community value wild experiences, vast landscapes, undeveloped viewsheds, clean air, solitude, and cultural heritage. We want to protect southeast Utah for future generations because we know firsthand how valuable the area is to personal growth. Climbers—along with the greater outdoor recreation community—also contribute significantly to the economy of the region as evidenced by growing visitation levels and the Outdoor Industry Association’s report showing that in Utah alone outdoor recreation generates \$12 billion in consumer spending, 122,00 direct jobs, \$3.6 billion in wages and salaries, and \$856 million in state and local tax revenue. As such, the Access Fund and Outdoor Alliance are committed to working with both the Congress and the Administration toward appropriate, durable protections for eastern Utah’s incredible public lands.

We believe the legislative process can achieve a solution that honors recommendations from numerous stakeholders who have weighed-in over the course of this painstaking three-year process. However, time remaining in the 114th Congress is very short and the PLI is problematic for the climbing and greater outdoor recreation community because, among other things, it does not adequately consider the voice of the human-powered recreation community and, for many areas that are highly-valuable to our community, favors development and resource extraction

over conservation of the environment and protection of cultural and recreation resources. Perhaps most importantly, we cannot support legislation that transfers vast tracts of public land and energy leasing authority to state control. We also fundamentally oppose plans that can result in the large-scale disposal or transfer of our public lands to the states.

Please find below our suggested improvements to H.R. 5780 that would ensure clean air and water along with public access to natural landscapes that will allow Utah to benefit from a thriving recreation economy and high quality of life. As with our previous comments, we make no representation whether the amount and location of proposed wilderness and conservation designations are enough for this bill to be viable in Congress and for the President's signature.

I. POSITIVE ELEMENTS OF THE PUBLIC LANDS INITIATIVE

Since the initial “discussion draft” of the PLI was released in January of 2016 there have been significant improvements incorporated into the now-introduced H.R. 5780. We appreciate that H.R. 5780 reflects some of the outdoor recreation community's comments on the draft legislation such as an Indian Creek National Conservation Area, Wild and Scenic Rivers (357 miles of the Green, Dolores, San Juan and Colorado Rivers) and in particular some boundary adjustments to address potential management challenges related to rock climbing at Bridger Jack Mesa, Mexican Mountain, and San Rafael Reef.

However, we believe that the PLI still needs considerable work since additional provisions were included in the latest version that would diminish world-class recreation assets and the environment, thereby threatening the growth of Utah's recreation economy. We maintain hope that a legislative process could find the right balance to manage our federal public lands, honor Native American values, protect recreation resources and the recreation economy in gateway communities, and provide landscape-scale conservation measures.

II. NEEDED IMPROVEMENTS TO THE PUBLIC LAND INITIATIVE

Eastern Utah is world-famous for its unmatched natural, cultural and recreational values. While the PLI protects some of the special places noted herein, negative elements in the bill far outweigh its positive aspects. The Access Fund and Outdoor Alliance believe that the following issues, addressed in more depth below, are key parts of the PLI that require adjustment.

- Internal management direction in the PLI conflicts with the Wilderness Act, Federal Land Policy and Management Act, National Forest Management Act, and National Environmental Policy Act.
- The PLI fails to conform to local agreements between stakeholders, as well as county proposals developed during the PLI process.
- Unprecedented giveaways to the State of Utah, including over a thousand miles of public roads, massive SITLA “trade-in” areas, and regulatory authority over federal energy leases.
- The PLI affords insufficient protections for the Bears Ears region.
- Other problematic provisions addressed in more depth below.

A. Public Lands Initiative Planning and Implementation Committee

The PLI's Planning and Implementation Committee is not sufficiently well-balanced, does not adequately represent the entire spectrum of recreation interests and local concerns, and is predisposed to decisions that favor development and resource extraction over conservation and protection of cultural and recreation resources. We believe the design of this committee will render predictable outcomes and result in forgone conclusions that support industrial development to the detriment of recreational users, the regional economy, and public land conservation.

B. Energy Policy and Master Leasing Plans

The PLI provides the state of Utah control over energy leasing decisions, including federally-owned leases, and will conflict with the Moab Master Leasing Plan—a plan that Access Fund and Outdoor Alliance enthusiastically support because it brings better balance and certainty to energy development and the protection and enhancement of recreation opportunities. We believe that the Interior Department should retain its primacy in the leasing authority over federal lands owned by all Americans, and that such management decisions should be informed by meaningful and vigorous public involvement, such as was the case with the Moab Master Leasing Plan.

C. SITLA

The PLI proposes transfer of federal lands to the state of Utah—in very large blocks—that could negatively affect the environment, recreation access, the integrity of National Park viewsheds and air quality, and quality of life of neighboring communities. The PLI includes a mandatory land exchange that will result in large consolidated blocks of SITLA land bordering, and within, high value recreation sites in San Juan, Grand, and Emery Counties. This exchange is clearly designed to give SITLA large blocks for the purpose of energy and potash development. Many of these trade-in areas are greatly valued by Utahns and countless visitors for their recreation and scenic values. Specifically, we are concerned about the following SITLA consolidations: 1) northwest of Moab along State Highway 313 in the Big Flat area from Monitor and Merrimac Buttes all the way to the Green River, 2) just north of Interstate 70 near the San Rafael Reef and the San Rafael River, and 3) near Bluff, Utah just north of the San Juan River.

We are also deeply concerned with the parcels that would be retained by SITLA and border the Dugout Ranch at Indian Creek. These Dugout Ranch parcels are among the most important to the viewshed of the rock climbing community and we urge that they be conveyed to the federal government. All these locations represent high value recreation, natural and cultural areas that stand to be greatly harmed by development that will come with these SITLA trade-ins.

Unfortunately, many of the details regarding where and how much of this federal land will be transferred to the state and consolidated was not available to the public prior to this bill's introduction, thus limiting the ability of stakeholders, like the Access Fund and Outdoor Alliance, to provide meaningful input regarding this very important aspect of the PLI. Moreover, this title contradicts the National Environmental Policy Act and Federal Land Policy and Management Act by declaring the land exchange to be in the public interest and stating that the

exchange is in compliance with Federal law. School Trust Land consolidations should be reduced to minimize the impact of potential industrial development on the outdoor recreation economy, conservation, and local communities and we need to better understand these implications.

D. Road Claims

The PLI attempts to resolve long-standing road disputes (RS 2477 claims), but would do so by simply granting to the State of Utah over a thousand miles of rights-of-way on BLM land. These routes are currently the subject of extensive litigation, and thus far the State of Utah and its counties have a very mixed record of prevailing in court. As such, we believe that the PLI's provisions prematurely address state rights-of-way before the courts have had a chance to resolve such claims based on evidence pursuant to RS 2477 that each right-of-way actually existed before the passage of the Federal Land Policy and Management Act of 1976.

The PLI also requires the management existing designated routes in a manner that "is consistent with Off-highway vehicle and mechanized use of the designated routes that is authorized on January 1, 2016." This language in essence codifies the existing controversial 2008 Resource Management Plans that are also under litigation, and seemingly would prevent the BLM from managing these "routes" in accordance with court orders even where the state of Utah loses its claims in court. For these reasons we believe the PLI should not address RS 2477 issues and let the courts resolve these thousands of controversial road claims.

E. Air Quality

The PLI prohibits the designation of Class I airsheds for newly designated wilderness areas unless Class I status is agreed to by the State of Utah. If the past is any indication, the State of Utah will never agree to Class I airsheds for these proposed areas (and the federal government unlikely to conceding federal supremacy on this topic), thus the flexibility intended for this provision is meaningless. Access Fund and Outdoor Alliance support the option of designating these areas as Class I airsheds to protect and enhance the local environment and economy.

F. Additional Concerns

Finally, the PLI favors some land management strategies that are not informed by currently accepted land management best practices. For example, PLI grazing and snowmobile prescriptions do not follow well-substantiated, sustainable resource management approaches. Also, the Seep Ridge Utility Corridor (AKA Book Cliffs Highway/Utility Corridor) should not be included in the bill. Grand County residents and local elected officials have rejected this corridor numerous times over the last 35 years. While this conveyance has been changed from a "road" to a "utility" corridor, the concerns about industrialization that will be facilitated by the corridor remain. Finally, Access Fund fundamentally opposes the PLI "partner" bill, H.R. 5781, which would remove the President's authority under the Antiquities Act.

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Chairman McClintock and members of the Subcommittee on Federal Lands, we appreciate the opportunity to provide testimony on Utah Public Lands Initiative Act (HR. 5780). The Access

Fund and Outdoor Alliance have reviewed the PLI and cannot support this proposal for the reasons stated herein.

Respectfully Submitted,

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