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Senate Energy and Natural Resources Committee**

Subcommittee on Forests and Public Lands Management

**S. 2048, The San Rafael Western Legacy District
and National Conservation Area Act
April 26, 2000**

Thank you for the opportunity to testify regarding S. 2048, the San Rafael Western Legacy District and National Conservation Area Act. The San Rafael Swell is an area of immense beauty that deserves the special designation and protections that this bill confers. The Administration supports this legislation because of the additional protections it provides for important public lands including the withdrawal from mineral development and sale or exchange, restrictions on off highway vehicle (OHV) use and innovative provisions for a Legacy District. However, we would like the opportunity to work with the Committee and Senators Hatch and Bennett to address particular concerns and a few technical drafting issues.

The modification of the sweeping water language in section 202(k) must be addressed before markup. Furthermore, we believe the issue of NCA boundaries may need further modification. Wilderness designation for an appropriate portion of this area is a difficult issue that remains. The Administration believes that wilderness protections for a significant portion of this area is warranted and would have preferred that it could have been resolved in this legislation.

Both the NCA and the Legacy District are wholly within Emery County, in central Utah-an expanse of nearly 4,500 square miles populated by only 11,000 hardy souls. Emery County contains the longest stretch of interstate highway in America (110 miles from Green River to Salina) without highway services. Even with a 75 MPH speed limit, the stark and stunning beauty of the vertical cliffs, buttes, ridges, alcoves and pinnacles captures the eye and the imagination of nearly every daytime traveler who uses this remote stretch of interstate to traverse this extraordinary area. The placenames of Emery County (Black Dragon, Robbers Roost, Humbug and Convulsion Canyon to name but a few) speak to a storied past and a promising future inextricably linked to the human history, rugged grandeur and harsh demands of these lands.

The beauty of the San Rafael Swell area began 40 to 60 million years ago when a massive uplift formed a geologic structure called an anticline. This bulge in the earth's crust was later eroded to leave high mesas, deep canyons, domes, spectacular arches and spires. The terrain varies from sheer cliffs and dazzling canyons to more gently eroded badlands broken by shallow washes. The fins and folds of the San Rafael Reef jut through the southeast side of the area with dramatic sheer-walled cliffs, pinnacles, knobs, twisted canyons and valleys of stunning colors. Few canyons can compare to the entrenched, narrow gorges of the Black Boxes of the San Rafael

River which twists and turns through the San Rafael Swell. The rugged nature of the region has long served to discourage exploration and settlement except by the hardiest of individuals.

Human occupation of the area dates to at least 11,000 years ago. Petroglyphs and pictographs attest to occupation of indigenous people of the Fremont culture at the turn of the first millennium. Early European exploration of the area probably dates to the mid- to late 18th century Spanish explorers. Through the 1800s American explorers traveled through and around the San Rafael Swell region and were as awestruck by the area as we are today. Lieutenant E. G. Beckwith, a member of a 1853 railroad exploration expedition, wrote this of the region:

Desolate as is the country over which we have just passed, and around us, the view is still one of the most beautiful and pleasing I have seen. As we approached the river yesterday, the ridges on either side of its banks to the west appeared broken into a thousand forms-- columns, shafts, temples, buildings, and ruined cities could be seen, or imagined, from the high points along our route.

Nineteenth Century settlement of the area can be traced to the last colonizing mission called by Brigham Young. Fifty families were sent to settle Castle Valley by Brigham Young in August 1877, less than a week before the West's greatest colonizer left this life. In 1880 Emery County was created by the Utah Territorial Legislature and the 1880 Census counted 556 people, a number which increased to 4,657 by 1900.

Today, Emery County, which includes both the San Rafael Swell Area as well as more hospitable grasslands and river bottoms, is poised to meet the future by living in harmony with what these lands hold. The legislation before us today shows reflects a recognition that the Federal lands offer opportunities for economic growth that do not rely simply on extracting from the land but also on preserving and protecting special areas.

The San Rafael Western Legacy District and National Conservation Act provides important protections for this beautiful area, insuring future generations may also enjoy it. Not only will the people of Emery County have the opportunity to rediscover and rejoice in their own considerable history and contributions to the region but they will be able to share this history with the rest of the country-what a gift to all Americans.

The bill takes a unique two-tier approach to protecting this important region. First, S. 2048 creates a nearly one million acre National Conservation Area. The San Rafael National Conservation Area created by the bill encompasses approximately 959,000 acres of BLM-managed public lands. (There may be room to consider whether these are the most appropriate boundaries or if modifications may be advisable.) Subject to valid existing rights these lands will be withdrawn from mining, land laws and mineral leasing providing important protections. The Secretary is charged under the bill with allowing only such uses of the NCA as further the purposes for which the conservation area is established-another critical protection.

Importantly, vehicular travel within the NCA will be limited to roads and trails designated for their use. The designation of roads and trails, along with many other aspects of management, will be finally determined as part of a management plan. This management plan will be developed

with complete public input and involvement, and in partnership with the Emery County Commissioners. This bill does not in any way constrain current BLM authority to limit OHV use as necessary to prevent resource degradation. The BLM is committed to taking whatever interim actions are necessary to protect the resources of the area while the management plan is being developed.

The NCA encompasses six Wilderness Study Areas (WSAs) totaling 269,736 acres and an additional 354,866 acres of lands with wilderness characteristics as determined by the BLM in its Utah Wilderness Inventory 1999. This legislation addresses wilderness with a hold harmless clause. Section 202(l) of the bill makes clear that nothing in the bill alters the provisions of the Wilderness Act and FLPMA as they pertain to wilderness resources within the NCA. Appropriate wilderness designation is a component of providing full protection for these irreplaceable lands, and the Administration would like to have seen the wilderness issue resolved as part of this bill. However, this bill does protect these areas against degradation.

We are concerned about the language in section 202(k) of the bill that deals with water. It contains sweeping language not contained in any other law dealing with public lands. We would like the opportunity to work with the Committee and Senators Hatch and Bennett to resolve this and clarify accurate acreages before the bill is marked up. Also, it is our understanding that the map, dated February 8, 2000, and created by the BLM for the Emery County Commissioners, is the map that the bill will reference after markup.

The second tier of this legislation, a Western Legacy District, is a new and unique concept, and one that we believe can work well in this situation. This concept was developed from the Heritage Area model which has been so successfully used in the East, but here has been tailored to work in a western landscape dominated by Federal lands. The San Rafael Western Legacy District encompasses over 2.8 million acres of Federal, state and private lands. The vast majority of these lands are 2 million acres of BLM-managed public lands. The Western Legacy District encompasses the NCA and is coterminous with the boundaries of Emery County.

The role of the Western Legacy District is to promote the conservation, history and natural resources of the area. This in turn will provide new economic opportunities to the local community. The San Rafael region has a story just waiting to be told to a public fascinated with the history of the old west. Emery County doesn't need Hollywood to create that story-the people of Emery County lived it! Whether it's a retelling of Sid's Leap which commemorates a daring and dramatic leap on horseback over a 100-foot deep canyon by one of the Swazey Brothers or the attempt by another brother to tame a mountain lion, there is a tale to be told to a public eager to come, see, and hear it.

The bill establishes a Legacy Council which will provide the Secretary advice and recommendations for management of the entire area. The bill also authorizes a total of \$10 million (no more than \$1 million in any one year) to be available for matching grants and technical assistance. These monies may be used for a wide range of projects including: planning, historic preservation and educational and interpretive facilities. We believe it will allow the local community to more fully realize the potential economic benefits derived from the protection of the San Rafael region.

In addition to retelling the history of the settlement of the West, there are other opportunities for increased tourism, and economic growth. Within the proposed NCA boundary in northern Emery County is one of the world's foremost sites for dinosaur fossils- the Cleveland-Lloyd Dinosaur Quarry. Over 12,000 bones including those of the Allosaurus (the largest carnivore of the Jurassic Age) and its prey including Stegosaurus, Diplodocus and three distinct dinosaur species found only in Emery County have been excavated at the site. While scientists have explored the quarry since the early part of the 20th century, it has become a growing tourist attraction in more recent years. The Visitor Center with its mounted Allosaurus attracts 5-7,000 visitors annually. This site arguably rivals Dinosaur National Monument and the potential for increased visitation is excellent.

Mr. Chairman, the legislation before us provides considerable new protections for these important lands. It provides the local community with opportunities for economic growth and it does so in a rational, realistic manner.

Finally, Mr. Chairman let me take a moment to commend the Emery County Commissioners and the efforts they have made. Randy Johnson, Kent Peterson and Ira Hatch deserve enormous amounts of credit for the bill before this subcommittee today.

I would be happy to answer any questions.