

**Statement of Molly McUsic**  
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**Before the House Resources Committee**  
**Subcommittee on National Parks & Public Lands**  
**H.R. 4828, Steens Mountain Cooperative Management and Protection Area**  
**July 18, 2000**

Thank you for the opportunity to testify regarding H.R. 4828, the Steens Mountain Cooperative Management and Protection Area Act. Steens Mountain in southeastern Oregon is an area of exceptional beauty. This very special area deserves the important protections afforded by this bill. The Administration will support this legislation if important modifications are made.

This legislation is a result of a cooperative process between Oregon Governor Kitzhaber and the entire Oregon Congressional delegation. Dedicated to the principle that the Steens must be protected, the delegation and the Governor's office met innumerable times on their own and cooperatively with Secretary Babbitt to seek consensus. The bill before us is an important step in that process. Like all consensus documents, no one can claim complete victory for their viewpoint, but all can congratulate themselves on a bill that provides meaningful and lasting protection for Steens Mountain. These protections include a nearly half million acre protection area and a larger area covering almost 900,000 acres that is withdrawn from mining and mineral leasing on public land and creates over 140,000 acres of wilderness. These provisions are designed to keep this remote landscape in its current, relatively undeveloped condition.

The fault-block mountains and broad valleys that make up the Steens Mountain area were formed 18 million years ago when the earth's crust began stretching east to west. This fault movement, which continues to this day, was followed by large volcanic flows of basalt and intensive climate changes. These factors have worked together to create a 5,500 foot escarpment on the east face of the Steens, 2,000 foot deep glacial gorges with exposed layers of basalt, and the broad expanse of the Alvord Valley.

The Steens Mountain fault block stretches 60 miles, rises to an elevation of 9,700 feet and dramatically drops 5,500 feet in three miles to the historic lakebed of the Alvord Desert. These dramatic changes in altitude and topography bring with them an equally dramatic diversity of flora and fauna. Wet meadows, alpine shrub communities, and grasslands dot the region, while much of the area is sagebrush steppe, interspersed with juniper woodlands, aspen groves, and relic fir stands. Wildflowers come alive in the spring, painting entire hillsides in shades of purple, yellow and red.

A plethora of game and nongame mammals populate the Steens including: Pronghorn antelope, Rocky Mountain elk, mule deer, and California bighorn sheep. Three active wild horse herds are in the area, including the unique and highly prized Kiger Mustangs descended from Spanish mounts. The fossilized remains of sabertooth cats, mastodons, and giant camels attest to the faunal diversity in the past as well.

The lakes and over 145 miles of stream that cross the Steens Mountain area are home to an abundant variety of fish species including the endangered Borax Lake Chub and the Lahontan cutthroat trout. A mecca for bird watchers, this area is known for its many resident hawk species (Cooper's red tailed, Swainson's, and sharp-shinned), prairie falcons, golden eagles, and long-eared owls. The more elusive Ferruginous hawk, burrowing owl, and northern goshawk can also be seen flying over this diverse terrain. A small but important sage grouse population also calls this area home, and with its historic habitat in rapid decline, this population is regionally significant.

Recognizing the very special nature of this area, the BLM in the past has used administrative designations, in a piecemeal fashion, to protect and preserve some of the many treasures of the Steens Mountain area. Twelve Areas of Critical Environmental Concern (ACECs) are within the Steens Mountain Area and cover approximately 173,000 acres. These areas are managed to promote and protect their

unique attributes including historic, cultural, scenic, and fish and wildlife values. Six of these areas are also considered Research Natural Areas, providing significant research opportunities for universities and independent scientists alike. The Diamond Craters Outstanding Natural Area, unique to North America, is a stunning landscape of craters, cones and basalt flows formed a mere 17,000 years ago.

In 1988, the Congress protected 75 miles of the Donner und Blitzen River as a "wild" river under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq). Flowing through a variety of elevations and plant communities across the west slope of Steens Mountain, the designated Wild and Scenic portion of the Donner und Blitzen River and its tributaries is located entirely within the proposed Steens Mountain Cooperative Management and Protection Area.

The Steens Mountain area also includes hundreds of thousands of acres of Wilderness Study Areas (WSAs). These areas are currently being managed to preserve their naturalness, solitude, primitive and unconfined recreational opportunities, and special features.

This superabundance of piecemeal special designations (both Administrative and Congressional) cries out for an overarching permanent special designation as provided in the legislation before us. This legislation seeks to ensure that the people who have long valued this region will continue their stewardship and protection of this unique and special environment. The Department of the Interior supports the cooperative efforts that fostered this legislation and the long-term vision and protections this legislation provides.

The Administration has testified before this subcommittee several times this year on special protective legislation for Bureau of Land Management (BLM) managed public lands. We have set a standard for what these special areas must include, and the legislation before us largely complies with that standard. First, we have stated that National Conservation Areas (NCAs) or other special conservation designations must provide new meaningful protections and they cannot diminish any protections or authorities that currently apply to the lands. Critical elements include: a land, mining and mineral leasing withdrawal, off highway vehicle (OHV) use limitations, and language which charges the Secretary to allow "only such uses" as further the purposes for which the area is established. Also, and importantly, we cannot consent to language that represents a step backward from current management.

The legislation we are considering today, H.R. 4828, is somewhat different from the other NCA bills we have considered this year and has a different descriptive name, the Steens Mountain Cooperative Management and Protection Area. In some ways it is more far reaching and includes a wider range of protections than some other NCAs being considered by this Congress.

The bill includes a withdrawal of the lands within the protection area, and within a larger area as well, from the mining laws as well as from the mineral leasing and geothermal leasing laws. This is an important and significant provision. However, we believe that through an oversight the provisions of Title IV were not extended to the land laws. We support a complete, not a partial withdrawal, which would withdraw the lands described in Title IV not only from the mining laws and mineral leasing laws but also from entry and disposal under the land laws. This is a substantive and important provision which would prohibit the future sale by the BLM of any of the lands within this boundary and prevent entry into these lands.

The indiscriminate use of off-highway vehicles (OHV) is one of the most serious threats to our public lands. This legislation has good, strong language limiting OHV use to roads and trails specifically designated for their use and specifically prohibiting cross-country travel. New road construction is prohibited except in very proscribed circumstances. This bill also includes important "only such uses" language. We strongly support these provisions.

H.R. 4828 expands the current Donner und Blitzen Wild & Scenic River by adding nearly 15 miles to that previously Congressionally designated "wild" river and would create a new addition to the Wild & Scenic River system, the Wild Horse Creek, a nearly 10-mile long river designated as "wild."

Additionally, the bill designates over 125,000 acres of wilderness, while not releasing any acres from Wilderness Study Area (WSA) status. Along with the wilderness designation, the bill establishes a water right "sufficient to fulfill the purposes for which the wilderness is established." These are important provisions of this bill, which we fully support. However, sections 201 (b) and (c) of the wilderness section could lead to confusion, and result in the exclusion of lands intended to be included as wilderness. Additionally, 201(c) could create the misunderstanding that roads are being allowed in wilderness. We would oppose such inclusion. This subsection needs to be deleted with the understanding that the maps referenced in subsection 201(a) will reflect that these roads so that they are outside of the designated wilderness areas. We would like the opportunity to work with the Oregon delegation and the Committee to revise the wilderness title to assure clarity and consistency with the Wilderness Act.

An important area of concern is Title VI of the bill providing for land exchanges. We fully agree that land exchanges are a crucial part of this bill. A number of private landowners within the protection area are interested in engaging in land exchanges with the Federal government to remove their private ranches from the top of the mountain and we want to move to complete those exchanges. There is a strong benefit to the public and the environment for the top of the mountain to move into complete public ownership. The BLM has begun a process of evaluating and negotiating with these ranchers. However, we would caution that it is critical that the American taxpayer receive fair value for its lands and that we pay fair value for lands received. The process must be equitable and it must enhance environmental protections. We look forward to working with the members of the Oregon delegation and the Committee to ensure fair exchanges that serve the public interest.

Finally, Title VIII of the bill raises troubling issues. As the Subcommittee knows, completing even a legislated land exchange can take time and it makes little sense to hold the entire bill hostage to final completion of the land exchanges and the exchange of forage. While we understand and agree that the land exchanges in Title VI are an integral part of this legislation, we prefer that the issues surrounding their completion be adequately addressed within Title VI. It may be that specific provisions of the bill, for example section 201(c)(2) regarding retirement of grazing permits, would need to be conditional on the completion of certain land exchanges. However, the entire legislative package should not be.

The bill before us is still a work in progress; it was only introduced last Wednesday night, and we believe a more detailed and thorough review of many of the details is necessary. The Department of the Interior wants to continue to be a part of the process of completing and perfecting this bill, and we look forward to working with the Committee and the Oregon delegation as we move forward.