ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND NATIONAL PARKS

OF THE

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES

NINETY-EIGHTH CONGRESS

FIRST AND SECOND SESSIONS

HEARINGS HELD IN WASHINGTON, D.C.

OCTOBER 21, 1983

H.R. 2983

TO PROVIDE FOR THE ADDITION OF ABOUT TWENTY ACRES TO THE SANDIA MOUNTAIN WILDERNESS

H.R. 1575

TO DESIGNATE THE BISTI BADLANDS WILDERNESS IN THE STATE OF NEW MEXICO

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SEPTEMBER 13, 1983

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H.R. 3562

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FEBRUARY 21, 1984

H.R. 4707

TO DESIGNATE CERTAIN NATIONAL FOREST LANDS IN THE STATE OF ARIZONA AS WILDERNESS, AND FOR OTHER PURPOSES

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NOTE.—The first listed minority member is counterpart to the subcommittee chairman.

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ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Sandia Mountain Wilderness Addition

Bisti Badlands Wilderness Act

San Juan Basin Wilderness Protection Act of 1983

FRIDAY, OCTOBER 21, 1983

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:05 a.m., in room 1324, Longworth House Office Building, Hon. John F. Seiberling (chairman of the subcommittee) presiding.

Mr. SEIBERLING. The Subcommittee on Public Lands and National Parks will please come to order.

Today we are having a hearing on three bills, H.R. 1575, to designate the Bisti Badlands Wilderness in the State of New Mexico; H.R. 3766, entitled "The San Juan Basin Wilderness Protection Act of 1983"; and H.R. 2983, to provide for addition of about 20 acres to the Sandia Mountain Wilderness in New Mexico.

H.R. 2983

Mr. SEIBERLING. Without objection, we will have printed at this point in the record a copy of the bill, H.R. 2983, which we are now about to take up.

[The bill, H.R. 2983, follows:]

USAV-00003878

98TH CONGRESS
1ST SESSION

H. R. 2983

To provide for the addition of about twenty acres to the Sandia Mountain Wilderness.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1983

Mr. LUJAN introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

---

A BILL

To provide for the addition of about twenty acres to the Sandia Mountain Wilderness.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That an approximate twenty-acre area as shown on a map
4 entitled Sandia Mountain Wilderness additions, dated March
5 26, 1981, on file in the Office of the Chief of the Forest
6 Service, Department of Agriculture, is hereby added to and
7 made a part of the Sandia Mountain Wilderness: *Provided,*
8 That the Secretary of Agriculture may allow the continuance
9 of the existing diversion dam and existing related facilities
10 conforming to the terms and conditions of maintenance he

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1 deems appropriate, including the provision for access and the
2 use of mechanized equipment only for construction and main-
3 tenance of existing structures: *Provided further,* That any up-
4 grading of the existing diversion dam shall be completed
5 within four years of the date of this Act in accord with the
6 plans approved by the Secretary of Agriculture. The Secre-
7 tary of Agriculture may extend the time of such reconstruc-
8 tion if he deems such extension is necessary and in the public
9 interest.

Mr. SEIBERLING. Our first witness this morning is the Honorable Manuel Lujan, First District of New Mexico, also the ranking minority member of this committee and in deference to him we will take up first H.R. 2983, which provides for addition of about 20 acres the Sandia Mountain Wilderness.

Mr. Lujan.

STATEMENT OF HON. MANUEL LUJAN, A U.S. REPRESENTATIVE FROM THE STATE OF NEW MEXICO; AND MEMBER, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. LUJAN. Thank you, Mr. Chairman.

I will wear my witness hat and perhaps I will run back over there and question myself.

Mr. SEIBERLING. Yes, you do work fast.

Mr. LUJAN. I requested this bill be heard first because it is noncontroversial. I am pleased to appear in support of this bill. The bill would provide for the addition of about 20 acres to the Sandia Mountain Wilderness within the Sibia National Forest of New Mexico.

Believe it or not, this is a wilderness bill that is absolutely noncontroversial. We normally talk about it, but in this case it is really true. Considering some of the heated debates we have had on other wilderness proposals I am sure you and other members of the committee will cherish a bill of this nature.

This legislation is similar to a bill which I introduced in the 97th Congress which was opposed at that time by the Department of Agriculture because of misinformation about a proposed flood control project in the designated wilderness area. This misinformation has now been clarified and the Department now supports the legislation.

The committee should have on file a letter dated September 21, 1983, from Secretary Block stating the Department's support. If you don't have a copy of the letter, I have one here.

[EDITOR'S NOTE.—The report of the Department of Agriculture on H.R. 2983 may be found in appendix I. See "Table of Contents" for page number.]

Mr. LUJAN. For the record, Mr. Chairman, I would like to give you a little background on why this legislation is now necessary.

When the Endangered American Wilderness Act of 1978 was being considered and subsequently enacted by Congress, approximately 20 acres of the then-proposed Sandia Mountain Wilderness were excluded to provide for ultimate construction and maintenance of a flood control project completely above the city limits of Albuquerque.

Following a study, and after various citizen groups questioned it, the city of Albuquerque discarded the project. Therefore, there is no longer any reason to exclude this acreage from the wilderness. The area proposed for wilderness designation is referred to as Sunset Canyon which lies literally in the backyard of many residents of Albuquerque.

I have here a map which I will be happy to make available to the committee showing the proposed wilderness area.

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[EDITOR'S NOTE.—The map referred to by Mr. Lujan may be found in the committee's files of today's hearing.]

Mr. LUJAN. There now exists in the proposed wilderness area a structure called a diversion dam built in 1964 for flood control and has been maintained only once since that time. However, some upgrading of the structure is just now being completed.

Because the original draft of H.R. 2983 provided for this upgrading, the Department of Agriculture has suggested that this particular reference in the bill be deleted. When we go to markup on this bill, I will suggest to the committee the appropriate deletion.

I am also advised that any future work will consist mainly of silt removal in order to keep the channel open. Such maintenance will in no way interfere with wilderness designation.

Mr. Chairman, I will be happy to answer any questions anyone may have on this bill. But if there are none, I will conclude my remarks and urge early passage of the legislation.

Mr. SEIBERLING. Thank you.

My only question is how far inside the 20 acres is this dam that you referred to.

Mr. LUJAN. Not very far. It is about in the middle of the 20 acres, a little toward the boundary.

Mr. SEIBERLING. Maybe the location can be pointed out.

Mr. LUJAN. As you can see, it straightens out the boundary really, and that is basically the idea, Mr. Chairman.

Mr. GRILES. It would change the boundary to this straight line boundary.

Mr. SEIBERLING. You don't feel periodic maintenance of that dam will cause any problem?

Mr. LUJAN. No.

Mr. SEIBERLING. All right, thank you. I have no questions.

Does any other member have questions. If not we thank you.

H.R. 1575

Mr. SEIBERLING. Without objection, we will have printed at this point in the record, a copy of the bill H.R. 1575, which we now call up.

[The bill, H.R. 1575, follows:]

98TH CONGRESS
1ST SESSION

H. R. 1575

To designate the Bisti Badlands Wilderness in the State of New Mexico.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 1983

Mr. LUJAN introduced the following bill; which was referred to the Committee on Interior and Insular Affairs.

A BILL

To designate the Bisti Badlands Wilderness in the State of New Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Bisti Badlands Wilder-
4 ness Act".
5 SEC. 2. In furtherance of the purposes of the Wilderness
6 Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.) and
7 consistent with the policies and provisions of the Federal
8 Land Policy and Management Act of 1976 (90 Stat. 2743;
9 43 U.S.C. 1701 et seq.), certain public lands in San Juan
10 County, New Mexico, which comprise approximately three
11 thousand nine hundred and sixty-eight acres, as generally de-

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1 picted on a map entitled "Bisti Badlands Wilderness-Pro-
2 posed" and dated January , 1983, are hereby designated
3 as the Bisti Badlands Wilderness and, therefore, as a compo-
4 nent of the National Wilderness Preservation System.

5 SEC. 3. Subject to valid existing rights, the Bisti Bad-
6 lands Wilderness shall be administered by the Secretary of
7 the Interior in accordance with the provisions of the Wilder-
8 ness Act governing areas designated by that Act as wilder-
9 ness. For purposes of this Act, any references in such provi-
10 sions to the effective date of the Wilderness Act shall be
11 deemed to be a reference to the effective date of this Act, any
12 reference to the Secretary of Agriculture with regard to ad-
13 ministration of such areas shall be deemed to be a reference
14 to the Secretary of the Interior, and any reference to wilder-
15 ness areas designated by the Wilderness Act of designated
16 national forest wilderness areas shall be deemed to be a refer-
17 ence to the Bisti Badlands Wilderness. For purposes of this
18 Act, the reference to national forest rules and regulations in
19 the second sentence of section 4(d)(3) of the Wilderness Act
20 shall be deemed to be a reference to rules and regulations
21 applicable to public lands, as defined in section 103(e) of the
22 Federal Land Policy and Management Act of 1976 (43
23 U.S.C. 1701, 1702).

24 SEC. 4. As soon as practicable after this Act takes
25 effect, the Secretary of the Interior shall file a map and legal

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1 description of the Bisti Badlands Wilderness with the Com-
2 mittee on Energy and Natural Resources of the United
3 States Senate and with the Committee on Interior and Insu-
4 lar Affairs of the United States House of Representatives,
5 and such map and description shall have the same force and
6 effect as if included in this Act: *Provided*, That correction of
7 clerical and typographical errors in the legal description and
8 map may be made. The map and legal description shall be on
9 file and available for public inspection in the offices of the
10 Bureau of Land Management, Department of the Interior.
11 SEC. 5. Prior to promulgation of rules and regulations
12 to provide for its administration as a component of the Na-
13 tional Wilderness Preservation System, subject to existing
14 withdrawals, the Bisti Badlands Wilderness shall be adminis-
15 tered under rules and regulations of the Secretary of the In-
16 terior applicable to designated primitive areas to the extent
17 consistent with the provisions of this Act.
18 SEC. 6. Notwithstanding any other provisions of law,
19 the De-na-zin area in San Juan County, New Mexico, com-
20 prising approximately nineteen thousand, nine hundred and
21 twenty-two acres depicted on a map appropriately referenced
22 and dated and on file with the New Mexico State Office,
23 Bureau of Land Management, shall be subject to review and
24 designation as a wilderness study area as provided in section

1 603 of the Federal Land and Management Policy Act (Public
2 Law 94-579) until March 1, 1985.

O

Mr. SEIBERLING. We will proceed to H.R. 1575, to designate the Bisti Badlands Wilderness in the State of New Mexico.

The first witness is the Honorable William Richardson of the Third District of New Mexico.

Mr. Lujan, will you testify on that, also?

Mr. LUJAN. Yes, sir. Go ahead though.

Mr. SEIBERLING. You are recognized. Why don't you both come up.

Mr. LUJAN. How do you want to proceed, Mr. Chairman.

Mr. SEIBERLING. Why don't you give us your testimony and then we will proceed with Mr. Richardson.

FURTHER STATEMENT OF HON. MANUEL LUJAN, A U.S. REPRESENTATIVE FROM THE STATE OF NEW MEXICO, AND MEMBER, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. LUJAN. Thank you, Mr. Chairman.

I am here today to testify in support of my bill, H.R. 1575, which should be before you. I will also address the other areas in the region which are being considered for wilderness designation.

Mr. SEIBERLING. Excuse me, are you testifying on both bills?

Mr. LUJAN. Yes.

As the committee knows, my bill, H.R. 1575, would designate the 3,968-acre Bisti area as wilderness. Senator Domenici introduced legislation in the Senate and I in the House for this area. Those two bills were intended to open up the discussion on the wilderness status for the entire Four Corners area rather than to be just limited to that particular area.

That area is small in size but great in scenic value, uniqueness, and scientific value. It is a remote desolate area characteristic of what we in New Mexico call the badlands. Weathering of the sandstones has resulted in many mushroom-shaped formations throughout the area. It has been described as a moonscape.

One can find petrified logs just in a casual walk through the area. It is also rich in fossilized dinosaur bones and other plant and animal fossils. The area is only 15 miles from the famous Chaco Culture National Historical Park and is considered part of the larger area representing the Chacoan culture.

The Bisti meets all the criteria for wilderness designation and I believe it is considered a relatively noncontroversial area. It is sparsely impacted by the actions of man, it offers outstanding opportunities for solitude and primitive recreation.

The BLM has recommended the area for wilderness designation in its draft EIS released last year and is taking the necessary actions to protect the area. The area is closed to mineral leasing. Exchanges, mandated by Congress in Public Law 96-475, are being worked out to remove two existing leases from the area to allow the Sunbelt Mining Co. to receive coal of equal value elsewhere. The Arc-Kin, a PRLA, also overlaps the area but could also be exchanged out. BLM has also nominated the area to the Registry of National Landmarks.

To summarize, I believe the resource conflicts in the area can be minimized and that the area is highly deserving of protection. The Department will recommend delay until the wilderness study proc-

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ess is complete. I do not agree and believe we can move ahead on the area.

The rest of the basin is not as easy. The entire San Juan Basin has a checkerboard land ownership pattern involving the State, private, and Indian lands and is the center of intense interest in the development of energy resources. There is an estimated 200 billion tons of recoverable coal of which 30 billion tons is federally owned. Of the 30 billion tons, the BLM has identified approximately 500 million tons lying within the three wilderness study areas, the Bisti, De-na-zin and Ah-shi-sle-pah.

I am of the opinion that development of the coal reserves in the basin should move forward consistent with all existing environment laws and requirements. Hand in hand with this development, however, must be a concerted effort to protect and preserve the most unique and sensitive areas.

There are many options open to us to accomplish this. One, of course, is wilderness designation.

The De-na-zin area has many of the unique scenic values of the Bisti. In my bill, I recommend continued wilderness study for that area.

It is a much larger area but along with that goes a much larger inventory of coal reserves. The current estimate is 140 million tons valued at $1.32 billion. Forty percent of the coal is within two preference right lease applications. If we decide to designate the area as wilderness, I believe the committee should consider exchange language. However, concern has been expressed to me by the companies involved that arriving at a valuation would not be as easy as one might think at first glance.

We are dealing with underground mining in De-na-zin and in all areas the precise amount and quality of the coal is not known. The land on which leases would be received in exchange are also unknown factors with possible problems of their own.

The Ah-shi-sle-pah area has an estimated 270 million tons of recoverable coal valued at $580 million in Federal royalty payments. The holders of the PRLA's which overlay much of the area have invested several million dollars in exploration work and in efforts to obtain a final PRLA and eventually a lease.

On the other hand, the area is fragile and is located only 3 miles north of Chaco Canyon along State road 57. The rugged badlands terrain would provide some opportunities for solitude and primitive recreation but the closeness of the road is likely to have negative impacts. The cultural, paleontological sites are fairly well identified and could, BLM believes, be protected while surface mining in the area is in progress. The coal in the area is very close to the surface and the most economical of the areas for immediate mining possibilities.

As a matter of fact, if you overfly the area you can see the coal from the air right on the surface.

Lastly, the Fossil Forest area appears to be a special treasure and one which we should give special attention to. The popularity of the area for scientific research and the importance of the area to the University of New Mexico appears to make its protection essential.

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Yet again, I believe it is essential that we look at the entire basin and not make our decision in a vacuum.

I look forward to working with the subcommittee on the legislation and I urge the members to listen carefully today to the various concerns and maintain an open mind on the future of the entire San Juan Basin.

In the final analysis, Mr. Chairman, it is my belief that several areas need to be protected—specifically, the Bisti, De-na-zin and the Fossil Forest. We could proceed with those three but there are problems with Ah-shi-sle-pah because there are several PRLA's in the area. Also, the coal is on the surface, it is not as scenic as the other areas, it is located immediately adjacent to a highway which will carry extensive coal traffic, and the area is very much the same as the other three.

I believe it is essential that we move on with designating certain areas for protection. Without such a decision, we are faced with closing off the entire northwest quarter of the State.

Mr. SEIBERLING. Thank you very much.

I have no questions at this point. I think maybe I will await some of the other witnesses at which point if they have not answered my questions I will get into them.

Do any other members have questions or comments?

Mr. CRAIG. Mr. Chairman.

Mr. SEIBERLING. Mr. Craig.

Mr. CRAIG. Mr. Chairman, Mr. Lujan, you have some areas designated. Could you show us how they break down in relation to your testimony and with which areas they share proximity?

Mr. LUJAN. Whoever provided this map, I just want to show my appreciation for it. This first one at the extreme left is not at all controversial. That is the one that both Senator Domenici and I have in that original bill.

Mr. CRAIG. What is the title of that area?

Mr. LUJAN. That is the Bisti.

This one, the De-na-zin, is a rather large area. We have some problems in it, the blue here is State land which could be——

Mr. CRAIG. You have acreage in there color-coded white.

Mr. LUJAN. Yes, that is of course private land and could be exchanged out. We have a real problem there in that many Navahos live in that area.

Mr. CRAIG. Are they actually living there now?

Mr. LUJAN. Actually living there now. That would not pose a big problem if the committee, in fact, would make provisions for access into that land. You understand, of course, we would have to go through wilderness areas but there are roads there leading into that area.

Mr. CRAIG. Are they living on their own land. Is that their own land?

Mr. LUJAN. Fee simple land. There is one family as I understand it, on BLM land that is not legally there but my understanding is that arrangements are being made to make some other arrangements for that family to live there.

Mr. CRAIG. Have those people in any way shown a willingness or desire to trade their land and moved?

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Mr. LUJAN. The Navaho Tribe will testify to that. My general impression is that it is up to them. The legislation leaves the option to them, but to those that do not we must leave access in and out and of course that will present a little problem for us because through the wilderness area we must leave some access.

Mr. CRAIG. Do their lands have any unique resource value?

Mr. LUJAN. The same as the rest of it. Yes, probably the same as the rest of it.

Mr. CRAIG. Is there any coal on the private land?

Mr. LUJAN. Yes; they probably have it.

It is a legal problem, some say they own the mineral rights. It is held in trust so that is something I am afraid we cannot decide with this legislation.

Mr. CRAIG. Yes.

Mr. LUJAN. The third piece, the Fossil Forest, that is a really unique area. It has a lot of development to it but in spite of that, and the other bill recommends a special designation of some kind because it is not really eligible for wilderness status, but it is recommended we give it a special designation which, in effect, would make it a wilderness.

Mr. CRAIG. Is it currently not under any designated protection?

Mr. LUJAN. The BLM is not allowing anybody to do anything. As a matter of fact they have suggested that for 10 years—that is the BLM suggestion—that for 10 years go ahead and dig up all the archeological work to be done there, and then we will look at it after 10 years.

The argument against that is that there are some things you don't want to dig up, that you want to leave permanently there. That is a good candidate though for some kind of designation for protection.

This one, the last one to the right here, is where we end up with a problem.

Mr. CRAIG. Which is the last one?

Mr. LUJAN. Just a minute, Ah-shi-sle-pah.

We have a problem with that. I am not saying at this point, let's not consider it for wilderness. I think we should look at it.

There is a lot of problem with that. That was where it is said that the coal is on the surface. There is a road that goes right next to it which will carry heavy coal traffic so the solitude you are looking for in wilderness areas and those sorts of things are not going to be affected. The road there is not conducive to that solitude.

Almost that entire area has preference lease applications on it. So we have a big, big problem.

My solution would be that in that particular thing, maybe we do wilderness study area or some designation or ask BLM to hurry up with their study on it. So basically I guess my recommendation to the committee would be that we move ahead on these first three areas that I described and then move slower on that last one because of the problems associated with it.

Mr. CRAIG. What total acreage are we dealing with in those outlines?

Mr. LUJAN. I have that. We are talking about a total of 37,000 acres, and this last one is probably 3,000. I would have to ask staff. This last one is 7,000 acres.

The Bisti is 4,000; De-na-zin is 23,800; Ah-shi-sle-pah is 7,000 acres, and 3,000, I believe, 2,720 acres in the Fossil Forest.

Mr. CRAIG. Thank you.

Mr. LUJAN. Thank you.

Mr. SEIBERLING. Thank you.

If there are no further questions, we will now hear from our colleague, Mr. Richardson.

Welcome to our subcommittee. We are looking forward to your testimony.

H.R. 3766

However, before you begin, without objection, we will have printed at ths point in the record, a copy of the bill, H.R., 3766, which we are about to discuss.

[The bill, H.R. 3766, follows:]

USAV-00003891

98TH CONGRESS
1ST SESSION

H. R. 3766

Entitled: "The San Juan Basin Wilderness Protection Act of 1983".

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1983

Mr. RICHARDSON introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

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A BILL

Entitled: "The San Juan Basin Wilderness Protection Act of 1983".

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "San Juan Basin Wilder-
4 ness Protection Act of 1983".
5 SEC. 2. (a) In furtherance of the purposes of the Wilder-
6 ness Act (16 U.S.C. 1131-1136), the following lands are
7 hereby designated as wilderness, and, therefore, as compo-
8 nents of the National Wilderness Preservation System—
9 (1) certain lands in the Albuquerque District
10 Bureau of Land Management, New Mexico, which
11 comprise approximately three thousand nine hundred

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1 and sixty-eight acres, as generally depicted on a map
2 entitled "Bisti Wilderness—Proposed", dated June
3 1983, and which shall be known as the Bisti Wilder-
4 ness;
5 (2) certain lands in the Albuquerque District of
6 the Bureau of Land Management, New Mexico, which
7 comprise approximately twenty three thousand eight
8 hundred and seventy-two acres, as generally depicted
9 on a map entitled "De-na-zin Wilderness—Proposed",
10 dated June 1983, and which shall be known as the
11 De-na-zin Wilderness; and
12 (3) certain lands in the Albuquerque District of
13 the Bureau of Land Management, New Mexico, which
14 comprise approximately seven thousand one hundred
15 and ninety-three acres, as generally depicted on a map
16 entitled "Ah-shi-sle-pah Wilderness—Proposed", dated
17 June 1983, and which shall be known as the Ah-shi-
18 sle-pah Wilderness.
19 (b) Subject to valid existing rights each wilderness area
20 designated by this Act shall be administered by the Secretary
21 of the Interior in accordance with the provisions of the Wil-
22 derness Act, except that any reference in such provisions to
23 the effective date of the Wilderness Act (or any similar refer-
24 ence) shall be deemed to be a reference to the effective date
25 of this Act, and any reference to the Secretary of Agriculture

1 shall be deemed to be a reference to the Secretary of the
2 Interior.

3 (c) As soon as practicable after enactment of this Act, a
4 map and a legal description of each wilderness area designat-
5 ed by this Act shall be filed by the Secretary of the Interior
6 with the Committee on Energy and Natural Resources of the
7 United States Senate and the Committee on Interior and In-
8 sular Affairs of the House of Representatives. Each such
9 map and description shall have the same force and effect as if
10 included in this Act, except that correction of clerical and
11 typographical errors in each such legal description and map
12 may be made by the Secretary subsequent to such filings.
13 Each such map and legal description shall be on file and
14 available for public inspection in the Office of the Director of
15 the Bureau of Land Management, Department of the
16 Interior.

17 (d) Within the wilderness areas designated by this Act,
18 the grazing of livestock, where established prior to the date
19 of enactment of this Act, shall be permitted to continue sub-
20 ject to such reasonable regulations, policies, and practices as
21 the Secretary of the Interior deems necessary, as long as
22 such regulations, policies, and practices fully conform with
23 and implement the intent of Congress regarding grazing in
24 such areas as such intent is expressed in the Wilderness Act
25 and this Act.

1 SEC. 3. (a) In recognition of its paramount aesthetic,
2 natural, scientific, educational, and paleontological values,
3 the approximately two thousand seven hundred and twenty
4 acre area in the Albuquerque District of the Bureau of Land
5 Management, New Mexico, known as the "Fossil Forest", as
6 generally depicted on a map entitled "Fossil Forest", dated
7 June 1983, is hereby withdrawn, subject to valid existing
8 rights, from all forms of appropriation under the mining laws
9 and from disposition under all laws pertaining to mineral
10 leasing and geothermal leasing and all amendments thereto.
11 The Secretary of the Interior shall administer the area in
12 accordance with the Federal Land Policy and Management
13 Act and shall take such measures as are necessary to insure
14 that no activities are permitted within the area which would
15 significantly disturb the land surface or impair the area's ex-
16 isting natural, educational, and scientific research values, in-
17 cluding paleontological study, excavation, and interpretation.
18 (b) Within one year of the date of enactment of this Act
19 the Secretary of the Interior shall promulgate rules and regu-
20 lations for the administration of the Fossil Forest area re-
21 ferred to in subsection (a) in accordance with the provisions
22 of this Act and shall file a copy of such rules and regulations
23 with the Committee on Interior and Insular Affairs of the
24 United States House of Representatives and the Committee

1 on Energy and Natural Resources of the United States
2 Senate.

3 SEC. 4. (a) The Secretary of the Interior shall exchange
4 such public lands or interest in such lands, mineral or non-
5 mineral, as are of approximately equal value and selected by
6 the State of New Mexico, acting through its commissioner of
7 public lands, for any State lands or interest therein, mineral
8 or nonmineral, located within the boundaries of any of the
9 tracts designated as wilderness under section 2. For the pur-
10 pose of this section, the term public lands shall have the same
11 meaning as defined in section 103(c) of the Federal Lands
12 Policy and Management Act of 1976.

13 (b) Within one hundred and twenty days of enactment of
14 this Act, the Secretary of the Interior shall give notice to the
15 New Mexico Commissioner of Public Lands of the tracts to
16 be designated as wilderness pursuant to section 2 of this Act
17 and of the Secretary's duty to exchange public lands selected
18 by the State for any State land contained within the bound-
19 aries of the designated wilderness areas. Such notice shall
20 contain a listing of all public lands which are located within
21 the boundaries of the State, which have not been withdrawn
22 from entry and which the Secretary identifies as being availa-
23 ble to the State in exchange for such State lands as may be
24 within the designated wilderness areas.

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1 (c) The value of the State and public lands to be ex-
2 changed under this section shall be determined as of the date
3 of enactment of this Act.

4 (d) After the receipt of the list of available public lands,
5 if the commissioner of public lands gives notice to the Secre-
6 tary of the State's selection of lands, within one hundred and
7 twenty days of such notice of selection, the Secretary shall
8 notify the State in writing as to whether the Department of
9 the Interior considers the State and Federal lands to be of
10 approximately equal value. In case of disagreement between
11 the Secretary and the commissioner as to relative value of
12 the acquired and selected lands, the Secretary and the com-
13 missioner shall agree on the appointment of a disinterested
14 independent appraiser who will review valuation data pre-
15 sented by both parties and determine the amount of selected
16 land which best represents approximate equal value. Such
17 determination will be binding on the Secretary and the
18 commissioner.

19 SEC. 5. (a) The Secretary of the Interior shall exchange
20 any lands held in trust for an Indian whose lands are located
21 within the boundary of the De-na-zin area referred to in sec-
22 tion 2(a)(2) at the request of the Indian for whom such land is
23 held in trust. Such lands shall be exchanged for lands ap-
24 proximately equal in value selected by the Indian allottee
25 concerned and such lands so selected and exchanged shall

1 thereafter be held in trust by the Secretary in the same
2 manner as the lands for which they were exchanged.
3 (b) Nothing in this Act shall affect the transfer to the
4 Navajo Tribe of any lands selected by the Navajo Tribe pur-
5 suant to Public Law 93–531 and Public Law 96–305.

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STATEMENT OF HON. WILLIAM B. RICHARDSON, A U.S. REPRESENTATIVE FROM THE STATE OF NEW MEXICO

Mr. RICHARDSON. Mr. Chairman, ranking minority member and colleague, Mr. Lujan, and members of the subcommittee. It is a pleasure for me to appear before the subcommittee today in support of H.R. 3766, the San Juan Basin Wilderness Protection Act, a bill I introduced in July.

I first became involved in this issue shortly after I bacame a member of the House. In early February, other members of the New Mexico delegation, including my distinguished colleague, Manual Lujan, introduced legislation to designate as wilderness only one of three wilderness study areas in the San Juan Basin. This legislative initiative came at the same time that Secretary Watt and the Bureau of Land Management issued its San Juan Basin action plan, a complex and voluminous leasing and land management proposal for the future of one of the most important public resources in the Southwest.

Under the San Juan Basin action plan proposed by the administration, the basin, which contains some of the most environmentally sensitive and archeologically and palenteologically significant resources in New Mexico, would undergo some of the most radical changes ever proposed for any public lands area in the country. Under the proposal, 1.5 billion tons of strippable coal on Federal land, would be offered at a lease/sale originally scheduled for the end of this year. That is more than three times the amount of Federal coal under lease in our State since Federal leasing policies began in 1920. Another 2.2 billion tons of preference right lease application coal, involving tracts less than 4 miles from Chaco Canyon National Historical Park, would be processed and opened to noncompetitive development. At least one of the wilderness study area in the basin—Ah-shi-sle-pah—would be dropped and opened for mineral development.

Mr. Chairman, these were somewhat controversial proposals. Mail immediately began to flow into my office. Constituents began to call my office. Archeologists, Indian officials, environmentalists all began to raise questions.

Since it is New Mexico's wilderness study areas and New Mexico's coal that is at stake and since it is in my distrist where this massive leasing and development program would take place, I decided that before I made any decisions about the adequacy of existing wilderness legislation for the San Juan Basin or the responsibleness of Secretary Watt's San Juan Basin action plan, I should hear from my constituents first hand.

In May of this year, our colleague, Jim Weaver, chairman of the Mining Subcommittee came out to Santa Fe for a field hearing. Professional staff representing Chairman Sieberling and Congressman Lujan were also there. The hearing was publicized in every daily newspaper in my district and in the large dailies in Albequerque. We invited representative of the coal companies, public service of New Mexico, the National Coal Association, environmentalists, archeologists, palenteologists, Navajo officials, prodevelopment groups and residents of the area to testify. In all, more than 500

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people attended the hearing, and the testimony lasted for more than 8 hours.

The message I received from the overwhelming majority of the peoples who attended this hearing and testified was that wilderness legislation designating only Bisti was inadequate to protect a small portions of the badlands from developmment, and that Secretary Watt's proposed coal lease sale for the San Juan Basin was too big, too messy, ill-timed, and ill advised.

I then decided to see the lands in question for myself. The following day the committee staff and I accompanied State BLM Director Bill Luscher on a tour of Chaco Canyon National Park and an examination of the three wilderness study areas. What I saw, Mr. Chairman, was truly stunning. Chaco Canyon National Historical Park, which is located near much of this proposed coal lease sale, contains some of the most archeologically significant ruins in the southwest. The numerous dwellings and ruins of the ancient Anazazi nation are truly remarkable. And the desolate beauty of places like Ah-shi-sle-pah, with its multicolored walls cut by millions of years of wear, and its unique geological formations and petrified remains, are among the most beautiful and unique in the Southwest.

As a result of this 2-day factfinding undertaking, I introduced two pieces of legislation H.R. 3767, a coal leasing reform bill, and H.R. 3766, the San Juan Basin Protection Act, the legislation the subcommittee is considering today.

The first bill would provide for a cooling off period on all Federal coal leasing for 9 months. During which time the Department of the Interior would be asked to reform its coal leasing regulations to incorporate each of the recommendations contained in the General Accounting Office's report on the disasterous Powder River Basin coal lease sale, in which Federal coal leases were determined to have been sold at $100 million below fair market value. This legislation, which is similar to the coal leasing moratorium recently passed by both the House and Senate, is necessary to stop this administration's attempt to lease all of the strippable coal in the San Juan Basin with one brush of the pen and to protect the small areas of the basin now under consideration for wilderness designation.

The second bill, H.R. 3766, which is before the subcommittee, would offer some permanent protection for a small portion of the Basin's Badlands. My legislation would make wilderness all three wilderness study areas; Bisti, De-na-zin, and Ah-shi-sle-pah. In addition, it would afford special protection to a unique area south of the three known as the Fossil Forest. The Fossil Forest does not contain the necessary characteristics to be designated as wilderness but it contains some of the most valuable palenteological resources anywhere, and my bill would direct the Secretary to withdraw the lands from being eligible for minerals development and protect the area to preserve its unique characteristics.

In all, Mr. Chairman, this is a very modest proposal. In total, this bill would cover 32,000 acres, a small portion of the vast, sprawling San Juan Basin. It is so small, in fact, that the three tracts my bill proposes to make wilderness contain less than 2 percent of the coal reserves in the entire basin. This bill is not de-

signed to lock up all of the northwest portion of our State from mineral development. On the contrary, this legislation is designed to ensure that a small portion of the unique and fragile badlands region of New Mexico is set aside and preserved so that future generations of Americans can enjoy the soliditude and beauty they offer.

Secretary Watt, who visited the area several weeks ago, has been strongly opposed to this legislation. Even though this a modest proposal, that does not surprise me. Secretary Watt has never known the meaning of moderation. However, I am deeply disturbed to learn that even though Secretary Watt is resigning, the Department of the Interior's position remains unchanged: They still want to lease almost 1 billion tons of coal in a glutted market. They still want to have strip mining occur within close proximity of Chago Canyon, and they still want to see at least one of the wilderness study areas opened for mineral development. From all of this I can only conclude that even though Secretary Watt is gone, the blindly prodevelopment policies of this administration remain.

My legislation seeks to restore some balance to the land use policies of the San Juan Basin. This bill seeks to provide this balance, without imperiling rational and balanced and responsible energy development, and without denying New Mexicans the jobs they need.

As I said before, Mr. Chairman, there was an overwhelming outpouring at our field hearing in favor of this commitment. The degree of that commitment is evidenced today by the appearance of several New Mexicans who have traveled to Washington to testify in favor of this legislation, and I want to take this opportunity to welcome them. I also want to take this opportunity to thank you once again for scheduling this hearing and to compliment the majority and minority staff, both at the committee and subcommittee levels for the fine work they have done.

Mr. Chairman, I would like to submit for the record a statement from the Governor of New Mexico strongly endorsing my wilderness proposals.

Mr. SEIBERLING. Without objection, we will include that in the record.

[EDITOR'S NOTE.—The statement of New Mexico Gov. Toney Anaya may be found in appendix I. See "Table of Contents" for page number.]

Mr. RICHARDSON. In addition, as you will see, a number of New Mexicans are here and will be testifying including the Navajo Nation; a number of environmentalists; and private citizens that care deeply about this area.

Once again I would like to commend Congressman Lujan for his willingness to compromise. What is a bit disturbing, though, Mr. Chairman, is that in reading the administration's statement that will be given shortly, I see the administration has taken a step backward since Secretary Watt took a position on the wilderness areas in New Mexico.

Under the State BLM Director's plan, it was Bill Lusher's feeling that the Bisti and De-na-zin should be designated as wilderness. As I see from the statement today, the administration seems to have

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balked off and said that only Bisti should be designated as wilderness. And we should study the areas more thoroughly.

Mr. Chairman, the State of New Mexico, the BLM, and many citizens of New Mexico have studied these areas thoroughly now and I think the time has come to deal with one of the most sensitive environmentally and archeologically and palenteologically sound areas in the Southwest. I think if we continue to dally on this issue, we will get into trouble.

I believe the plan I offer brings about a balance of the energy needs of our State and the Southwest with our environmental needs. After all, my bill only deals with 2 percent of the coal in the San Juan Basin.

The problem with coal development in the San Juan Basin is not wilderness; the problem is lack of a transportation system. The lack of a market and lack of demand.

I feel that this bill is balanced. I feel it has substantial support in New Mexico, and I hope this subcommittee passes this bill as quickly as possible. Thank you.

Mr. SEIBERLING. Thank you for a very good statement.

Let me ask you a couple of questions.

The bill that you introduced with respect to the moratorium on coal leasing, would that require some kind of an evaluation of which areas ought to be leased first and which later?

It strikes me that not only do we have Chaco Canyon and these particular areas, but there may be others that ought not be leased, at least until all the other coal has been used up.

I say that simply because they are important, environmentally important areas or may have impacts on other areas we are trying to protect.

Is there any plan—and I will ask the administration this—is there any plan to try to lease coal in some kind of a rational order from the standpoint of environmental protection as well as economic return to the Treasury?

Mr. RICHARDSON. Mr. Chairman, I think like most Americans and Members of Congress, I am hopeful that Secretary-designate Clark will come up with a rational coal leasing plan not only for New Mexico which is to be the site of a major coal lease sale originally to be considered in December—although now I understand there is a postponement until March and that such a plan be one that is sensitive to environmental conditions, that is sensitive to market prices, and be aware of reserves already leased.

The coal leasing bill that I introduced that you asked me about contains a requirement that the GAO recommendations regarding the Montana-Wyoming Powder River investigation be implemented before any further Federal lease sales are held in coal leasing.

In New Mexico, the State says it will lose $100 million in revenues if the Department goes ahead under existing regulations.

My bill, which is to essentially set a cooling-off period of approximately 6 months, means that the New Mexico coal lease sale would be postponed to about April 1984. It could go ahead then if Interior had amended its regulations to incorporate the GAO recommendations.

Mr. SEIBERLING. Thank you very much.

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I am not going to detain you because I understand you have another committee meeting. I appreciate having your testimony and I will get into some of my other questions with other witnesses.

Mr. Lujan.

Mr. LUJAN. Thank you, Mr. Chairman.

I have one question, Bill. When I did my test, and I agree with you on the Bisti, of course, also the De-na-zin and Fossil Forest. But I pointed out some problems with Ah-shi-sle-pah, not opposing it for wilderness but to look at the specific problems that are there.

What is your feeling on Ah-shi-sle-pah, if we did something like a wilderness study and see what we can come up with?

Mr. RICHARDSON. Congressman, I am ready to work very closely with you. My hope is that we do designate Ah-shi-sle-pah as a full wilderness area.

I traveled there and I think it is clear that there are substantial treasures that we need to protect. I think the concern that we might have is that there are some PRLA's there.

What I would like to point out is that in regard to these PRLA's, I think the legislation that we have submitted takes this very much into account. I think something can be worked out with the companies that are there.

In addition I feel that what we need to do is work to set up in the San Juan area—and I would hope that through your indulgence—we can set up a regional coal team in the San Juan Basin that is representative of New Mexicans.

Regrettably, the last regional coal team appointed by Secretary Watt contained no Navajos. Yet there are 93,000 Navajos in that immediate area. They have a substantial stake in this legislation. Yet they were not represented. It should come as no surprise, then, that the regional coal team recommended in that area that Ah-shi-sle-pah be left out as wilderness.

My concern is that we make a broader representation of New Mexicans on that regional coal team and I think they would substantiate what the State of New Mexico and what I have said, that we can proceed with Ah-shi-sle-pah as a wilderness area without causing harm to anybody.

Mr. SEIBERLING. Would the gentleman yield?

Mr. LUJAN. Certainly.

Mr. SEIBERLING. I understand the areas in question contain only about 15 percent of preference right lease applications in the entire area, and, of course, as you point out, only about 2 percent of the Federal coal reserves in the San Juan Basin.

Mr. RICHARDSON. That is correct, Mr. Chairman.

Mr. SEIBERLING. So we are not talking about a significant fraction of the Federal coal in the basin. Further, as I understand it, there is a question as to whether the coal can be mined without undue disruption of environmental values. If it cannot, the lease applications may be without any real value, and the "commercial quantities" test may not have been met by the lease applicants.

Mr. LUJAN. I understand that, Mr. Chairman. It is so easy for us in the committee to say, well, change it. Every wilderness bill that we pass through the committee, we say, well, just change it. It is a very difficult thing to actually accomplish. What are the values and where are you going to find equal value?

I am not saying, don't designate it eventually; I am saying, let's look at it. There are a lot of reasons why perhaps that might not be the thing to do. We may find that it is. The other three we are sure of. Let's move with those.

The Department will testify that we ought to wait for the process. The process does not end until 1991. One of the things I am going to want to find out from the Department is they have their first draft. Can we have some recommendations ahead of that?

We have got to proceed with an orderly development of that area. It does not make sense to just shut off the entire northwest corner of the State. That is why I am interested in moving along and designating some areas and saying, let's move along with some development in those areas that are not sensitive.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you.

Mr. Lehman.

Mr. LEHMAN. I wanted to ask Mr. Lujan if I heard correctly that you agree on every area except the one and you propose including the one as a study area.

Mr. LUJAN. It is a study area already.

Mr. LEHMAN. It is already a study area. Does that status prevent the mining from going forward?

Mr. LUJAN. Absolutely.

Mr. SEIBERLING. All right. Thanks.

Mr. Craig.

Mr. CRAIG. I have a couple of questions, Mr. Chairman.

You said your legislation represents what you believe to be a more balanced plan and approach for the area. In that testimony, you mentioned something I thought was interesting, you said there is no market for the coal and no method of transportation to get it out.

In other words, you said roads or rails can't be built into the area even if the coal becomes available to be removed for national consumption?

Mr. RICHARDSON. No; what I am saying is that the reason we have problems with our coal exporting and our coal market in the area is that we do not have a railroad system or an efficient transportation system. They can be built and there are plans right now in the New Mexico Legislature and on the Governor's desk and other proposals to get this coal on rails.

But I think with the coal slurry pipeline option being out that the rails are one of the few alternatives that we have. My concern is that I think if we continue to study this area to get that, it won't get the wilderness designation that it deserves.

Let me just also say that if we are talking about coal development in New Mexico, there is a substantial Lee Ranch mine located 20 miles southeast of Crown Point which is near some of these areas. Lee Ranch is going to go forward. I think this is a mine that is environmentally sound, that there are no environmental conflicts, and I have no problem seeing Lee Ranch proceed forward. In all, that mine will provide 500 jobs.

In addition to that, right now in New Mexico there is already under lease on Federal lands more than 400 million tons of coal.

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This will take care of New Mexico's coal needs for the next two decades.

Mr. CRAIG. Wait a minute. We are not talking about New Mexico's coal needs. That is public land and Federal land.

We are talking about the Nation's coal needs that could ultimately be met by your State. There is a substantial difference, of course, since it is not private land or State-owned land, is it?

I live in a public lands State too, and I get that shoved down my throat too. When I say Idaho doesn't want it, and I have people tell me it is not Idaho's business, but the Nation's business, and therefore it is the Nation's coal.

Mr. RICHARDSON. I realize that. The problem with New Mexico's coal is that it has a low Btu content and we almost regrettably have to consider a lot of it local coal. I think if we had in the State an efficient transportation system we might be able to move beyond our State borders. The problem is that we have to find an efficient transportation system. I am not quarreling with you.

Mr. CRAIG. If there is a concern of asset transportation, is there then any proposal to build a powerplant in the area and ship power out by wires?

Mr. RICHARDSON. There are proposals in that nature right now in the San Juan Basin area and there is also a powerplant proposal and there are also a number of railroad proposals.

Right now the issue is whether it should be private or public, or whether the Navajo Nation should be involved. Again, as I said, the Nation has a large part of its land in that area. They want to have a say in what kind of railroad and what kind of development we have.

Mr. CRAIG. Isn't what is really pending the question of rights, and therefore availability of coal? Which comes first, the chicken or the egg?

Doesn't the coal-have to be there and definitely available before there is transportation and powerplant development?

Mr. RICHARDSON. Yes.

Mr. CRAIG. So if you stop coal production, won't you ultimately stop railroad building and therefore powerplant development?

Mr. RICHARDSON. Yes.

Mr. CRAIG. That is what I thought. Thank you very much.

Mr. RICHARDSON. Thank you, Mr. Craig.

Mr. SEIBERLING. I would just like to point out that there is an article in today's Post. There was another article in the paper a few days ago about the apparent warming trend for the entire earth, which indicates that in the next 100 years the average temperature of the earth may go up between 2 and 8 degrees. The article goes on and points out—I believe it is a study by the National Academy of Sciences—that if this happens, the entire Southwest will become untenable for agricultural purposes unless water is imported from other regions of the continent.

So there is one other factor we are going to have to consider: whether we ought to be burning coal or other fossil fuels at all. I merely point that out to indicate that we are getting to the point in the environmental consequences of industrial development where our latitude for doing whatever we want to do is becoming more and more circumscribed.

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So while this bill only deals with three small wilderness areas involving an infinitesimal amount of coal compared to the total available, it is another case of where environmental concerns are going to become more and more crucial if we are going to be able to have a viable life in this country and this planet. So the idea that we can just go ahead and burn anything that is usable for energy and dig up anything, which is the Secretary Watt approach——

Mr. CRAIG. Mr. Chairman, now that Secretary Watt is gone, why don't we move on to the future?

Mr. SEIBERLING. I am not complaining about him as a person.

Mr. CRAIG. You shouldn't be.

Mr. SEIBERLING. I am complaining about his policy.

Mr. CRAIG. I hope they will stick.

Mr. SEIBERLING. I never attacked the Secretary as a person. In fact, I think it is unfortunate that he is gone.

Mr. CRAIG. Mr. Chairman, I appreciate your concern and I think it is a valid one. I have never argued with the fact that we have to preserve our heritage and our environment, and we must also recognize that we have got to live in some of that environment.

I read in the paper yesterday that in Akron, Ohio, your State, they are burning garbage and letting dioxins into the air. Maybe that is because coal is so expensive and you have locked so much of it up that it isn't available to burn.

Mr. SEIBERLING. The article did not say Akron was putting dioxins into the air. It merely said that waste-burning plants such as the one in Akron——

Mr. CRAIG. Excuse me, Mr. Chairman. I am saying the burning is a reality. The problem of dioxins is a possibility that may become reality today, not 100 years down the road when we are dealing with a couple of degrees shift in the hemisphere's temperature levels.

We have to deal with today's problems. I am not too worried about 100 years from today.

Mr. SEIBERLING. All I am saying is that we have to be very careful and develop rational, balanced approaches to resource development if we are going to have life that is worth living in another couple of generations. Maybe you are not concerned about the future of your children and grandchildren, but most of us are.

Mr. CRAIG. I am here because I do care, Mr. Chairman.

Mr. RICHARDSON. Mr. Chairman, let me just say that I very strongly agree with your view that we have to develop new, clean-burning technologies, like fluidized bed combustion, and coal to methanol. I think we have to proceed with those kind of energy resources of the future so we can use our coal reserves in an environmentally safe manner.

Again, I regret the lack of research funds that have gone into this area, but let me just conclude by imploring this committee not to leave that Ah-shi-sle-pah area out. I think it is critically important. We want to prevent mining from taking place very near the Chaco Canyon. That is a material treasure that I think needs to be preserved.

This issue has been studied enough. The State of New Mexico is for it. The residents of that area are for it and I think the economic

needs of the coal companies that are in the area can be taken care of.

I hope, Mr. Chairman, that this administration does not proceed and support in the past what I consider to be the blind prodevelopment policies of Secretary Watt. I hope that with Mr. Clark, that we have a chance to make some positive steps.

However, in this first opening shot since Secretary Watt left, I regret that this new team at Interior is moving backward. I want to point that out.

The State BLM Director wanted two of those three areas, De-nazin and Bisti. Now they say just Bisti. I hope that is not the portent of the future.

Mr. SEIBERLING. We are going to have to move forward to a vote over on the floor, so I am going to recess the committee for 15 minutes.

Mr. CRAIG. Mr. Chairman, before you recess, let me say for the record that though I have not been to the Chaco Canyon area, I have seen the pictures and I totally agree with you that there are some very valuable resources there that deserve protection.

If this Nation were to destroy the heritage of its past, it would be demonstrating great foolishness. There is uniqueness in that area that clearly deserves our consideration and protection.

Mr. SEIBERLING. Thank you.

We will recess for 15 minutes.

AFTER RECESS

Mr. SEIBERLING. The subcommittee will resume its hearing.

Our next witnesses consist of Mr. J. Steven Griles, Deputy Assistant Secretary for Land and Water Resources at the Department of the Interior, and Mr. J. B. Hilmon, Associate Deputy Chief of Forest Service, U.S. Department of Agriculture.

In view of the fact that the Department of Agriculture is only here because of H.R. 2983, the 20-acre addition to Sandia Mountain Wilderness, I think we can take them first and let them go on their way rejoicing, if that is all right with everybody else.

So, accordingly, we will first hear from Mr. Hilmon.

[Prepared statement of Hon. J. B. Hilmon may be found in appendix I.]

PANEL CONSISTING OF HON. J. B. HILMON, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE; AND HON. J. STEVEN GRILES, DEPUTY ASSISTANT SECRETARY FOR LAND AND WATER RESOURCES, U.S. DEPARTMENT OF THE INTERIOR

Mr. HILMON. Thank you, Mr. Chairman.

Congressman Lujan has quite accurately described the situation with respect to the 20 acres that is proposed to be added to the Sandia Mountain Wilderness so I will abbreviate my statement.

I would like to have my complete statement included in the record in full.

Mr. SEIBERLING. Without objection, your full statement will be included in the record.

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Mr. HILMON. The Department of Agriculture has no objection to the enactment of this bill with the amendment which Congressman Lujan referred to.

H.R. 2983 provides for upgrading the existing diversion structure within 4 years of enactment of the legislation. The necessary upgrading has been completed this summer and, therefore, we recommend the references to construction and upgrading be deleted from the legislation.

That concludes my statement, Mr. Chairman. I would be happy to answer any questions you may have.

Mr. SEIBERLING. You do not feel that the maintenance of this structure inside the boundary of the wilderness is incompatible with the wilderness character of the area?

Mr. HILMON. We don't in this case. The structure lies on the boundary of the wilderness. It is an earthen dam and it is pretty well seeded——

Mr. SEIBERLING. How large is the lake?

Mr. HILMON. It is an intermittent-type lake. It has some water in it up to 2 or 3 feet in depth, when there is a severe rainfall. It is a small watershed somewhere in the area of 200 acres, so it does not result in a large body of water.

Mr. LUJAN. Mr. Chairman, I would just like to comment that that is one of the best reports I have ever seen from the Forest Service.

Mr. SEIBERLING. I happen to agree.

Mr. Craig.

Mr. CRAIG. Mr. Chairman, is this consistent with the 1964 Wilderness Act?

Mr. LUJAN. Absolutely.

Mr. CRAIG. In regard to manmade structures.

Mr. SEIBERLING. It is a preexisting structure.

Mr. CRAIG. Thank you.

Mr. SEIBERLING. I have not seen the structure, so I have to take their word for it.

Mr. CRAIG. My concern, Mr. Chairman, which is no concern at all really, is that we have a lot of preexisting manmade structures in RARE II areas being examined under the BLM for wilderness designation which do not promote the character of wilderness.

In areas of Idaho, we tore down manmade structures and removed them from the view of man to enhance the quality of wilderness, and I certainly support this legislation and understand and appreciate the cleanliness of boundaries.

At the same time, I have questions but I understand the chairman explained that this is not precedent-setting.

Mr. SEIBERLING. Will the gentleman yield?

Mr. CRAIG. Certainly.

Mr. SEIBERLING. I assume you understand those acts do permit continuance of grazing and structures related to grazing in wilderness areas and that is probably the best example, the most frequent, it seems to me.

That includes water retention structures and that sort of thing.

Mr. CRAIG. I have recognized the fallacy of that language for some time.

Mr. SEIBERLING. The cattlemen like it.

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Mr. CRAIG. Not the reality of it.

Mr. SEIBERLING. All right. Thank you, Mr. Hilmon.

Mr. HILMON. Thank you, Mr. Chairman.

Mr. SEIBERLING. We will now proceed with Mr. Griles.

Mr. GRILES. Thank you, Mr. Chairman.

As I previously stated to you, I apologize for our testimony being late, but it was because we in the Department wanted to be sure we had a position that would be positive in support of Congressman Lujan's bill.

It is a pleasure to be here, and I have here with me several members of the Department of the Interior's professional staff that I would like to recognize. First, Marv LeNove, Chief of the Branch of Wilderness Resources, Bureau of Land Management is here; along with individuals from the U.S. Geological Survey who are in charge of doing the mineralization studies in the wilderness study areas as required by the Federal Land Policy and Management Act of 1976.

They are here in case there are additional questions.

Mr. SEIBERLING. I am reminded it has been my policy to swear in administration witnesses so I will do that before we proceed with the testimony.

You don't need to stand.

Mr. GRILES. That is all right, I don't mind.

Mr. SEIBERLING. All right.

[Witnesses sworn.]

Mr. LUJAN. Mr. Chairman, I might ask if you swear in Forest Service witnesses or is that reserved for Interior?

Mr. SEIBERLING. Well, I forgot. I don't think we are going to have any problem on anything. I am just trying to be consistent.

I am sorry, my memory is not always what it ought to be.

Would you proceed.

Mr. GRILES. Yes, sir.

Mr. Chairman, it is a pleasure to be here today in behalf of Secretary Watt and Assistant Secretary Gary Carruthers who is a native of New Mexico to express their views on H.R. 1575 and H.R. 3766. Both Secretary Watt and Assistant Secretary Carruthers visited these areas under consideration during a helicopter tour on September 16 of this year and came away committed to the creation of the Bisti Wilderness.

However, we believe action should be postponed on the De-na-zin and Ah-shi-sle-pah Wilderness study areas. Such postponement would not adversely affect the areas because, as required by law, they are being managed to prevent impairment of their suitability for preservation as wilderness.

It is premature for Congress to be considering legislation for wilderness designation for the De-na-zin and Ah-shi-sle-pah areas prior to completion of the wilderness study process and the opportunity to review the findings of the 3-year study. The study process was mandated by Congress in the Federal Land Policy and Management Act, and is being carried out by the BLM as Congress directed.

For Congress now to ignore that mandate could result in decisions being made without the information developed in these detailed and costly studies which will be completed in the next year. I want to emphasize we believe these studies will be completed on

the two areas we are speaking of today, specifically, in the next year and do not recommend their enactment at this time.

To do otherwise would be a waste of vast expenditure of funds for the wilderness study process on the public lands. Approximately $240,000 has been spent on studying the Bisti, De-na-zin and Ah-shi-sle-pah areas. To date, approximately $70 million has been spent by BLM in its wilderness study program, including funds expended in conducting wilderness inventory, studies and mineral surveys.

H.R. 1575 would designate as the Bisti Badlands Wilderness, and as a component of the National Wilderness Preservation System, approximately 3,968 acres of public lands in San Juan County, N. Mex. The area would be administered by the Secretary of the Interior in accordance with the wilderness management provisions of the Wilderness Act of 1964.

Prior to the promulgation of rules providing for administration of the area as wilderness, the Bisti Badlands Wilderness would be managed under regulations of the Secretary of the Interior applicable to designated primitive areas to the extent they are consistent with H.R. 1575.

The Bisti Badlands is a visually spectacular area composed of a number of unusual land forms. Mushroom-shaped rock formations, pinnacles and spires shaped by natural forces create a moonscape appearance. There are exposed petrified logs and stumps, and the remains of prehistoric animals are common. The Bisti area contains 175 fossil localities; the area has become internationally prominent for paleontological studies. It includes sites that are sacred to the Navajo Indians. There is a variety of recreational opportunities in the area.

Our study of Bisti was conducted under section 202 of the Federal Land Policy and Management Act. It was conducted on an accelerated basis to put it on the same schedule as other major studies in the area. Included among the major activities are regional coal leasing, proposed powerplant, coal preference right lease applications, and proposed land exchanges. The Bisti study discloses that the area has all the characteristics and qualities that warrant wilderness designation. We, therefore, support enactment of that portion of H.R. 1575 which establishes the Bisti Badlands Wilderness immediately.

We have one technical problem with H.R. 1575. Under section 6 of H.R. 1575, the De-na-zin area, comprising 19,922 acres of public lands in San Juan County, N. Mex., would be subject to review and designation as a wilderness study area until March 1, 1985, as provided in section 603 of the Federal Land Policy and Management Act of 1976. We do not believe that section 6 of the bill is required.

The De-na-zin site is already being studied for wilderness designation by the Bureau of Land Management under section 603 of the Federal Land Policy and Management Act. As I stated we think within the next year, the EIS and mineralization study on the De-na-zin will be forthcoming to Congress. We suggest that section 6 be deleted.

H.R. 3766 would designate as the Bisti Wilderness the 3,968 acres that would be affected by H.R. 1575, and would also designate 23,872 acres as the De-na-zin Wilderness, and 7,193 acres as the

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Ah-shi-sle-pah Wilderness. I note that the areas designated in H.R. 3766 for De-na-zin and Ah-shi-sle-pah are significantly larger than BLM's wilderness study areas. BLM is studying 18,554 acres for De-na-zin and 6,563 acres for Ah-shi-sle-pah.

We do not support enactment of H.R. 3766 at this time.

While we support the Bisti area as wilderness, we have several concerns about De-na-zin and Ah-shi-sle-pah relating to acreage, coal deposits in the area, Navajo rights, and more importantly the congressionally established program that you authorized under section 603 to be completed so as to allow Congress to have the full information this study will generate.

As I say, we will have that within the next year.

We would like to submit for the record a copy of the open file report of the Bureau of Mines entitled "Mineral Investigation of the Ah-shi-sle-pah, Bisti, and De-na-zin Wilderness Study Areas, San Juan County, N. Mex." This report summarizes the results of a Bureau of Mines wilderness study and will be incorporated in a joint report with the Geological Survey. I would ask that the EIS concerning these areas be included in the record.

[EDITOR'S NOTE.—The Bureau of Mines' report referred to above may be found in the committee's files of today's hearings.]

Mr. GRILES. As I stated earlier, we believe it is premature to designate the De-na-zin and Ah-shi-sle-pah areas as wilderness before the section 603 mandated wilderness studies are completed and the President has made his recommendations.

We object to section 3 of H.R. 3766 which relates to the Fossil Forest. The area was included in a recently completed BLM land use plan. Special values in the area were recognized, and can be protected under the existing authorities in the Federal Land Policy and Management Act. Accordingly, section 3 is redundant and unnecessary. In addition, detailed mineral surveys of the area have not been completed, although we do know there are significant coal resources under the area because of its location in relation to the coal-bearing formations in the San Juan Basin.

We believe that area is adequately protected today and those values truly recognized as being outstanding internationally as well as nationally are protected by the BLM in the Fossil Forest.

This concludes our statement, Mr. Chairman, and we are prepared for questions.

Mr. SEIBERLING. Thank you, Mr. Griles.

I appreciate there has been some movement by the Department at least on the Bisti Wilderness. I would feel more comfortable with your statement that the two study areas are protected by law if it weren't for the position that the Department under this administration has taken with respect to wilderness study areas.

Not only do we have the problem of the dropping of the areas of less than 5,000 acres and dropping of areas being considered as wilderness because of their proximity to other areas and dropping of so-called split-estate areas, but even where there were none of those features present we have the phenomenon of the administration going ahead and granting oil and gas leases in BLM wilderness study areas—and I have flown over one of them, the Mount Ellen area in Utah—on the basis that, well, once the oil and gas

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has been extracted the area can then be restored to its previous condition.

I submit to you that that is absolutely incompatible with the language of section 603 of FLPMA which says that until Congress decides otherwise the wilderness study areas shall be managed in such a manner as to protect their natural wilderness characteristics.

So I don't feel much confidence in your statement that these—the De-na-zin and Ah-shi-sle-pah areas are protected because they are in wilderness study area category.

Mr. GRILES. Mr. Chairman, I think the administration's position is quite clear on the issue of oil and gas leases in wilderness study areas, they are prohibited, it is not occurring and will not occur.

I am not familiar with your particular concern but we are not issuing leases in those areas.

Mr. SEIBERLING. How do you account for the fact there is one, at least that I have seen in the Mount Ellen area.

Mr. GRILES. We will respond for the record on your particular case but I think it is a misrepresentation of the administration's position to infer we are in fact taking actions that violate FLPMA. That is simply not true.

Second, Mr. Chairman, I think that in regard to these two specific areas we are protecting them. They will be not impaired by any activities of BLM under the FLPMA law until such time as a decision is made regarding their wilderness suitability. That is the commitment made by law and by this administration.

[EDITOR'S NOTE.—In response to Chairman Seiberling's inquiry the Department subsequently submitted the following information:]

Representative Seiberling flew over Mt. Ellen as the drilling company was commencing its drilling operations on a post-Federal Land Policy and Management Act lease. The lease had been issued on March 1, 1980, more than 2 years prior to the Secretary's ban on leasing in BLM Wilderness Study areas. The company's Application for Permit to Drill [APD] was filed on January 22, 1982, and approved on June 9, 1982, subject to a nonimpairment determination and subsequent reclamation measures to ensure that the area was placed in "substantially unnoticeable condition" by the time the Secretary of the Interior would forward any suitability recommendations to the President.

The APD was issued only after an environmental assessment was completed. As a part of this assessment an interdisciplinary resource team visited the site, conducted a nonimpairment evaluation of the proposed activity and concluded the company could drill for oil and gas and reclaim the area in sufficient time so as not to constrain the Secretary's recommendation on wilderness suitability. The drill rig was on site from June 1982 to November 1982 and did not hit anything but water.

All on-the-ground operations, except final reclamation, were completed prior to December 30, 1982. Reclamation began in the spring of 1983. By 1985 or 1986 the area will be in "substantially unnoticeable condition." When the site was inspected in July 1983, about 4 weeks worth of grass had revegetated.

BLM is holding a reclamation bond which will be retained until reclamation has been completed to the satisfaction of the District Manager. Temporary road access has been closed off and the area reseeded.

Hand planting of tree species (pinyon-juniper) may be needed because pinyon-juniper trees were cleared on the site. At present the area may look unnatural because dark vegetation surrounds the light colored soil which was disturbed. The area will be scalloped and the edges feathered so as to minimize the square appearance of the disturbance.

Mr. SEIBERLING. Some in the Department certainly don't agree with your statement that leasing is not permitted in wilderness study areas. I have seen opinions from the Solicitor's office mis-

quoting me from the record in the FLPMA legislation to argue that they can go ahead and lease in wilderness study areas.

I understand some of the members of the Department assert that the President can release wilderness study areas he doesn't recommend for wilderness despite the "until Congress determines otherwise" language in FLPMA.

Mr. GRILES. If you speak of a Solicitor's opinion, I don't have that. I have the administration's position and I have stated it for the record.

Mr. SEIBERLING. I put those two together and I say they have in the past issued at least one lease and possibly others in wilderness study areas for oil and gas development and I don't feel comfortable.

But I am pleased to see that your present statement indicates that that is not the present policy of the administration.

Now, you say it is premature for Congress to be considering legislation for wilderness designation for De-na-zin and Ah-shi-sle-pah prior to completion of the wilderness study process and the opportunity to review findings of the 3-year study. Yet in the Arizona strip legislation the administration has supported designation of BLM wilderness study areas as wilderness by the legislation.

Mr. GRILES. Mr. Chairman, in this particular case we have particular concerns that we think the study should go forward in terms of the mineralization issue, the coal deposits and other valuable resources that lie there. You, as an official of the people you represent, need that information.

We would like to provide that.

You will then have full knowledge of what resources would be tied up in terms of the wilderness designation.

Mr. SEIBERLING. That is useful, of course. Yet, I do feel that the administration has not always followed that position and, therefore, there is nothing ironclad that requires them to take a position that Congress shouldn't act until the wilderness study process is completed because they have already, at least in that case that I mentioned in Arizona, supported wilderness designation despite the fact they have not completed the wilderness study process.

Mr. GRILES. Let me respond back to your concern about the oil and gas for a moment to be sure on that.

Mr. SEIBERLING. Yes.

Mr. GRILES. In terms of FLPMA and its requirements and the Wilderness Act and its requirements.

There was reference to valid existing rights prior to those acts and it could be——

Mr. SEIBERLING. I am not referring to that.

Mr. GRILES. It could be that we have a situation of that nature. If so, we will respond for the record to your particular concern on that one issue that you raised.

As I say that is not the policy.

Mr. SEIBERLING. Now, in the Ah-shi-sle-pah area you say that the draft environmental impact statement indicates it might be nonsuitable because it may be more valuable for its coal value than its wilderness value.

I understand that only about nine-tenths of 1 percent of the coal in the entire San Juan Basin potential is estimated to be in the Ah-shi-sle-pah area. Is that correct?

Mr. GRILES. The exact percentage, Mr. Chairman, I don't know. I do have figures for that if you like. The figures in terms of demonstrated reserves are 204 million tons; in terms of mineable additional reserves of 67,900,000. So we are talking about inferred reserves of close to 271 million tons of coal.

Is that 1 percent or 10 percent? I don't have that percentage.

Mr. SEIBERLING. If you are talking about the three areas or just——

Mr. GRILES. No, sir, just Ah-shi-sle-pah alone.

Mr. SEIBERLING. If it is only 1 percent of the coal in the basin, I have difficulty seeing how its coal value requires that it be developed unless there is some other factors we are not aware of.

Mr. GRILES. That amount in annual production of tonnage is close to one-third of what we would use in terms of coal in this country in 1 year.

Mr. SEIBERLING. I am looking at the data for the Ah-shi-sle-pah WSA percent of total Federal recoverable coal reserves, San Juan Basin, which appears in table 2-1 on page 2-2 of your 1982 draft environmental impact statement and it says Ah-shi-sle-pah, WSA, amount of coal, 0.27 billion, the same figures you gave us; percent of total Federal recoverable reserves San Juan Basin, nine-tenths of 1 percent.

So unless there is other information besides that it doesn't strike me that it would be a tremendous setback to the development of the San Juan Basin if this particular area is put in wilderness.

Mr. GRILES. I understand the chairman's position. I think that your point is one that we agree with in that we do not know. The study is not complete. The mineral survey will be forwarded to Congress as it is completed. With that full information and as the final documents by the experts, Bureau of Mines, and USGS come in, you will have the exact information you are questioning me about.

For that reason we have requested and believe that within less than 1 year we will have that full study done for you and you will then have the full information to make those judgments.

Mr. SEIBERLING. Now, finally, on Fossil Forest, you point out of course that the area can be protected under existing authorities in FLPMA and I not only agree that it can be, I insist that the law requires that it shall be, but I still have the same question I had with respect to the other wilderness study areas.

Will it be?

Mr. GRILES. This area, Mr. Chairman, is not part of a wilderness study area under FLPMA. It is a smaller area than what FLPMA would authorize. The fact is it is being protected, it has been recognized for its unique qualities by the BLM. The only use of that area is for the research that has or can occur. It has been put off limits to any type of adverse activities that could affect those unique characteristics and to give the scientific community an opportunity to recover those.

Any type of mining activities that ever occur there would require that 10 or 30 years from now that those mining activities recover

any of those unique characteristics—the paleontological resources—so that they would be preserved for the future.

Mr. SEIBERLING. I am mistaken, apparently it is not a wilderness study area and, therefore, my statement that the law requires it shall be protected, I guess, is a little bit too strong, although other sections of FLPMA require preserving of natural values.

Mr. GRILES. It is on that basis that we are protecting it. We have taken action in the land use plan for that area to assure that for the next 10 years under that plan that there will be no adverse impact on that area.

During that time we are authorizing the archeological community from New Mexico State and that area generally to go in and recover those paleontological resources.

Mr. SEIBERLING. We know that that is a sufficient means of protecting the archeological resources and possibly other resources that may be there. There may be reasons why you wouldn't be able to protect them and properly examine them from the scientific standpoint in the short period of time available.

How would you protect those paleontological resources in that period?

Mr. GRILES. Entry during that period is controlled by the BLM.

Mr. SEIBERLING. How are they protected?

Mr. GRILES. They are protected in that the area cannot be withdrawn for any use except the use I spoke to, in terms of taking the resource and studying the resource.

Mr. SEIBERLING. What happens to the protection after 10 years?

Mr. GRILES. What happens after 10 years?

Mr. SEIBERLING. Yes.

Mr. GRILES. Mr. Chairman, for any future land use plans, which are subject to the full scope of public participation, those kinds of changes would be studied. I have been corrected by the staff the lands were not withdrawn per se, the management plans call for this area to be studied and protected in that regard.

The other thing you are aware of is that there is a PRLA outstanding for that area.

Mr. SEIBERLING. But the preference lease right applications do not automatically entitle the applicant to a lease. Leases are awarded only if development can be done without disrupting the environmental resources.

Mr. GRILES. According to the courts the PRLA must be issued if it can meet the standards of law and has commercial quantities.

Mr. SEIBERLING. That is a big question.

Mr. GRILES. Absolutely. That is why the BLM has reproposed its preference right lease coal resource study for that area in the last 2 weeks to assure that we have, in terms of management decisions we will make, a full range of the prime concerns.

Mr. SEIBERLING. All I can say is that in the hearing we had out in New Mexico, Mr. Richardson asked Mr. Luscher, the BLM State Director, "Where preference right lease applications overlap the three wilderness study areas, can you deny leases or require underground mining only in order to protect the wilderness values, the cultural values, paleontological and archeological sites?"And Mr. Luscher answered, "Yes, we can."

Mr. GRILES. My answer is the same.

Mr. SEIBERLING. That applies to the Fossil Forest area also?

Mr. GRILES. If that is the decision made at the point any PRLA would be decided to be issued, yes, in stipulations in the lease, yes. We are not at the point of making that decision. Those decisions, and the environmental impact review stipulations on recoverable coal, are still being reviewed by the BLM in New Mexico, by the State Director, as well as what stipulations would be imposed to assure protection.

Mr. SEIBERLING. Do you agree in the Fossil Forest area that you can likewise deny the leases or require underground mining only in order to protect the archeological, paleontological, and other values?

Mr. GRILES. At this time it would be premature——

Mr. SEIBERLING. I am not saying you will, I am asking do you agree that you can?

Mr. GRILES. I agree that if those preference right lease applications require that stipulations be placed upon them to protect those kinds of resources, that it can be done.

Mr. SEIBERLING. This is the question of denial or requiring underground mining.

Mr. GRILES. If we deny a lease application that has commercial quantities and can meet the stipulations, we have a taking problem that we would have to address, Mr. Chairman, and you are a much better——

Mr. SEIBERLING. You are begging the question.

Mr. GRILES. I am not sure I understand it then.

Mr. SEIBERLING. My point is that the lease applicants may not be able to meet the "commercial quantities" test unless they can prove a lease can be developed in a way that is compatible with the environmental and other values. So it is begging the question to say you cannot deny a commercial application.

Mr. GRILES. I don't question that.

Mr. SEIBERLING. That is the whole question. Does the area applied for have commercial value after all the factors are considered?

Mr. GRILES. Exactly. That is the question we are addressing. We have not answered that question.

Mr. SEIBERLING. All I can say is that your hedging the answer does not make me feel the Fossil Forest will necessarily be protected.

Mr. GRILES. We are in a study process. We have not made a final decision on these areas in terms of preference right lease applications. For me to give you an answer would be unfair to those individuals who have rights out there.

Mr. SEIBERLING. So the answer is that it can be protected as you say in your testimony but you cannot answer my question as to whether it will be?

Mr. GRILES. It will be protected.

Mr. Chairman, it will be protected until such time as the decisions in the Bureau of Land Management and the requirements of FLPMA and the Wilderness Act are met.

Mr. SEIBERLING. That is the whole question. The answer is that we don't know whether it will be permanently protected. The bill would insure protection, however.

Mr. Lujan.

Mr. LUJAN. Thank you, Mr. Chairman.

Just to follow up on that.

Not only—we are going around the bush here. Whether we may or we shall or whatever, I think the significant thing is that they are being protected.

Mr. GRILES. Right. Exactly.

Mr. LUJAN. That is the significant answer; that the Department intends to protect those values in that area.

Mr. GRILES. Exactly, Mr. Lujan.

Mr. LUJAN. The other thing that I might talk about is that we were talking about oil and gas permits in the area. We are talking about coal here. It is totally different. There is no interest in oil and gas in that area because it is far, far away from any production now.

So there has been no interest demonstrated in it.

It is beyond my wildest imagination that they would go in and allow surface coal mining in that area. I don't think that the Department would do that.

Let me move on to some other questions.

What is the current status of the final EIS? You have already released last year the proposed, the draft EIS for the proposed wilderness areas.

Mr. GRILES. That is right.

Mr. LUJAN. What is the current status of the final EIS?

Mr. GRILES. The current status is that the final EIS on this particular wilderness area has been submitted to the Washington office for review. The wilderness study EIS will then go through the administrative process as will the mineralization study that Bureau of Mines/USGS will complete, and submitted to the President as required by FLPMA for his recommendation. We hope that occurs within the next year, as I stated.

Mr. LUJAN. While this study is going on, while we are waiting for the final EIS, there can be no coal leases on that property; is that correct?

Mr. GRILES. There will be no surface disturbance on that area at all. We will not have any competitive coal sales at all or anything like that to disturb the coal areas.

Mr. LUJAN. When do you anticipate the Department making a final recommendation on wilderness designation.

Mr. GRILES. In this particular area, Mr. Lujan?

Mr. LUJAN. Yes.

Mr. GRILES. As I stated, I would hope it would be within the next year or sooner.

Mr. LUJAN. Your recommendation now for the Bisti is to go ahead with it, we know enough about it already, and we have no objection for the Bisti to be a wilderness and if you want to pass a bill today go right ahead and do it. That is correct.

Mr. GRILES. That is correct, absolutely. The bill has been considered by the Senate Energy Committee which seemed favorable. If you pass the bill out of here it will mean we have wilderness protection.

Mr. LUJAN. On the other three you are not saying let's not ever designate as wilderness areas, you are saying let's take a look and

see what the values are and then at some time next year if that is when it is ready, at that time we will either recommend for or against it being wilderness when we know more about it; is that right?

Mr. GRILES. That is right, Mr. Lujan. The fact is these other areas are being studied under section 603 of FLPMA. Bisti is a section 202 study. We expedited the study because it didn't have to go through mineralization studies and do all the things that the Wilderness Act requires and that the Congress mandated.

So we have been able to segregate that and move it forward to get that recommendaton to you so we can support your bill today.

Mr. LUJAN. Would you wait for the entire recommendation for New Mexico as far as wilderness designation is concerned or could we possibly get a recommendation on this particular area as opposed to the entire BLM study of all wilderness areas in the State?

Mr. GRILES. I have been informed, Mr. Chairman, that the study of the rest of the State is on another schedule that is 1½ years behind. I would not envision us holding up this report to you to allow the remainder of the study for the State to come forward. We understand your desire and the other Members of Congress desire to move these areas into wilderness and we have tried to move. That is the reason Secretary Watt expedited the study of wilderness when he first came in so that we would have these studies done much before the 1991 date.

Mr. LUJAN. I must say, you know, in spite of all the kicking around that the Department gets around here that the Department has been very good in keeping these areas in pristine condition. I have more questions, Mr. Chairman, but I am concerned about the vote that we have to go for.

Mr. SEIBERLING. We will recess for 15 minutes.

AFTER RECESS

Mr. SEIBERLING. Mr. Lujan.

Mr. LUJAN. Thank you, Mr. Chairman. You have been discussing the Fossil Forest before. Has that particular area ever been studied by the Department for some kind of special protection, one, or for coal leasing, two?

Mr. GRILES. The answer to both is yes. We have studied it in the general land use planning, too. In that general land use planning we have come up with stipulations to insure protection for the next 10 years. In terms of the preference right lease applications that were filed, the 1920 Minerals Act requires us to adjudicate that right, and in adjucating that right we have had to meet its requirements and are doing EIS studies of it.

Mr. LUJAN. What about sizes. Do they differ any between what the draft EIS might say might be suitable for wilderness areas or what you would anticipate the Department would eventually support for wilderness areas as opposed to what is in either of the two bills?

Mr. GRILES. Yes, sir, in terms of the acreage we believe the Bisti area is a sufficient size to support, in terms of protection and manageability.

In the other two areas, the particular acreage in the bills is significantly larger than what the BLM's professional resource managers, and its wilderness staff have determined meet the wilderness characteristics of the area. As I stated in my testimony, the acreages for De-na-zin are 18,544, and I believe in H.R. 3766 are 23,872.

Mr. LUJAN. Let us stop at that one and I wonder do you know why the difference?

Mr. GRILES. I think the difference was based upon road existence, and incompatible activities that have been set up by FLPMA. The EIS will address that and we will enter that into the record. We will also submit to the record for you what the specific problems were that were outside of the BLM study that resulted in its study.

[EDITOR'S NOTE.—The draft EIS referred to above may be found in the committee's files of today's hearing.

[In response to Mr. Lujan's inquiry, the Department subsequently submitted the following information:]

We have not yet seen the maps referred to in H.R. 3766. However, we believe that bill includes in the De-na-zin acreage lands owned by the State of New Mexico, split estate lands and lands dropped from further study during the BLM inventory because they lacked wilderness characteristics.

As to Ah-shi-sle-pah, the bill probably includes lands dropped from further study during the BLM inventory because they lacked wilderness characteristics.

Mr. LUJAN. Would you do that for all of the areas where you do not agree?

Mr. GRILES. Yes, sir.

Mr. LUJAN. One final area, and I guess we have to answer that, or maybe two. One, on the transfer of the PRLA's to somewhere else, as I said earlier it is pretty easy for us to do just exchange and move on ahead. Is that going to create some particular problems for the Department?

Mr. GRILES. The transfer of valid existing rights, whether it be in the Cranberry Wilderness in West Virginia or in this particular area or any other area, is a major problem for the private sector and for the public sector. It is a loss of resource but also, in terms of value evaluation and because of the restrictions in terms of core drilling and resource analysis, it is difficult to evaluate these areas in terms of true value. And so the exchange provisions, though a simply worded process and administrative procedure, can be almost impossible to d[illegible] times. It is a problem.

Mr. LUJAN. That always kind of bothers me because we do it so flippantly. We say, well, just exchange.

Mr. GRILES. It is not an easy process to develop and administer by the BLM by any means.

Mr. LUJAN. We have the same problem in De-na-zin with residents of the area. Are there any negotiations that have gone on or any discussions with any of the Navajos, and I understand they are all Navajos that live in that area, as to whether exchange lands with them or have access to it? Have there been any discussions?

Mr. GRILES. Mr. Chairman, I think the EIS discusses some of those problems. There are some problems as to whether or not some individuals in fact have the right to be there and relocation of those individuals and other things. I have been informed by the staff, Mr. Chairman, that there have been discussions, but only in terms of trying to figure out who is who and where they are and

this kind of thing to determine what the impacts of these proposals could be.

Mr. LUJAN. Are there any changes in BLM policy with respect to these areas? There was an implication by previous witnesses that there is, as a matter of fact, some sort of a change in policy. Is there?

Mr. GRILES. I assume you are referring to the Congressman's statement from New Mexico, and I can only say that I am sure he has been given bad information. Our position is the same as the State director's at this time, and that is we have a process in place. The State director has made his initial decisions. He has published a draft EIS and we are pushing that EIS through the administration's process with the minerals requirement of the Wilderness Act and there is no change. We have not taken any step backward. In fact, we are here today supporting Bisti as a major step forward in terms of the administration's position. I think that needs to be recognized. Thank you.

Mr. LUJAN. Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you. Mr. Richardson is over in another committee offering an amendment, and that is why he is not back yet.

Mr. Griles, could you stay a little longer, because he had some questions he wanted to ask you.

Mr. GRILES. Mr. Chairman, I can stay a little longer. I do have another commitment that is going to require me to leave within about 20 minutes. So if you think he could be back——

Mr. SEIBERLING. I do not know.

Mr. LUJAN. I think he will be back.

Mr. GRILES. We will be happy to respond to his questions for the record immediately.

Mr. SEIBERLING. He told staff that he was coming back, so if you could wait as long as you can I would appreciate it.

I notice that the date of the draft EIS is 1982. What additional information do you need with respect to those two wilderness study areas that is not already available as a result of the draft EIS and whatever else has been done since 1980?

Mr. GRILES. As I stated, Mr. Chairman, in our prepared testimony the draft EIS was prepared. The final EIS is being prepared and it basically is being finished at this point. Therefore we think we will have it completed and out in the near future. The process also calls for another study that is in the law—the mineralization study—that was required by Congress. We spent $70 million of public funds to do these studies.

Mr. SEIBERLING. But not $70 million on these two little areas.

Mr. GRILES. We spent $70 million to do these studies on wilderness areas. We spent over $250,000 in these three study areas to determine what the mineralization potentials are and what the resource potentials are from the wilderness viewpoint. Our recommendation to the Congress is that we allow these studies to come forward to you so that you will have that information so that when you make a decision you do it with the full range of what the impact is.

Mr. SEIBERLING. I think if we had infinite time that probably would be the desirable way to proceed. If we are about to make

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these resources, whatever they may be, unavailable then we certainly ought to do that. But what Congress puts in wilderness it can ultimately take out of wilderness.

Mr. GRILES. I appreciate that position.

Mr. SEIBERLING. It is not as though the minerals and other resources are going to disappear if we put it in wilderness. The only time they disappear is when they have been dug out or otherwise disposed of.

Mr. GRILES. I assume, Mr. Chairman, that the removal of various wildernesses will be one of the leading proposals of someone in Congress but I do not know who that is at this point. Our position is that you should not make that decision until such time as we get that information to you. The clock is at 11 o'clock on a 12 o'clock decision. It has been ticking. Three years have gone by and we are now at the point where we are almost ready to give you that information, and our request is that you wait and allow us to provide that full scope of information to you.

Mr. SEIBERLING. Do the companies that have explored have such information? I understand private companies have explored these areas. Do they not have information now?

Mr. GRILES. In terms of the company resource data it has been submitted to the Bureau of Mines, and that is what is in the study that will be forthcoming. It is now being——

Mr. SEIBERLING. That is also in the draft EIS.

Mr. GRILES. Part of that data is in the draft EIS. The data in the draft EIS is in terms of the mineralization potential. We are finding the same data as in the mineralization study. It is important that you allow us to finish that mineralization study. The data is different because of the mineralization data in that report.

Mr. SEIBERLING. What other minerals besides coal are you talking about?

Mr. GRILES. Basically that is it. There are some other potential minerals.

Mr. SEIBERLING. The draft EIS has information about coal. They have the estimates as to the quantities. You gave me the figures yourself on the quantities.

Mr. GRILES. Exactly. I gave you estimates from a draft EIS. Our final EIS will have additional data, but more importantly the scientific professional community of the U.S. Geological Survey and the Bureau of Mines will put into their report in the near future a total analysis. That has not been done and it is not part of the EIS. This is simply a staff analysis of personnel in the BLM who do not profess to be the professional experts as do personnel in the USGS and the Bureau of Mines. That is their charge by law under the Wilderness Act.

Mr. SEIBERLING. You know, this reminds me of an incident that occurred when I was still a practicing lawyer and there were some lawyers arguing a case before the second circuit court of appeals and the lawyers kept wanting to have more time after each argument and each brief filing to file some more briefs because there were some more points that they wanted to make. Finally when the third or fourth request came along the judge denied the request to file more briefs and when the lawyers started to protest and the judge said, "Counsel, some concession has to be made to the short-

ness of human life." When we have a bill before us that disposes of the wilderness issue in an important area it seems to me we ought to try to wrap it all up at once. And unless there is some truly outstanding omission of fact we ought to proceed. Nothing we do in this case is irreversible. Later Congresses can decide if all the other coal is gone to use this. So I hear what you are saying and I think that we should look at the whole picture, but if you have information now which is being evaluated then I suggest you get it to us right away, because this train is ready to move and we are not going to come back a year from now and do it all over again, if we can possibly avoid it. So I am just saying that as chairman I am going to move the bill.

So if there is information you think we ought to have that you have in your possession, you had better not wait until that last "t" is dotted and the OMB's sharp pencil boys have signed off. You better just get that information in to us now. And I really cannot believe that when we are dealing with something that involves 1 percent of the coal reserves in the San Juan Basin that it is going to make one damn bit of difference, from a coal development standpoint, whether it is in wilderness or whether it is not. But if I am wrong about that then you better get the information to me that shows I am wrong.

Mr. GRILES. May I respond just once to that?

I like your analogy and I agree with it. The court analogy is similar to the law. It is called a Wilderness Act. It has had a date established. It has directed this administration to do certain things.

A brief will be filed at the appropriate time and that is what you have asked us to do and directed us to do, and that is to do the mineralization study. We are asking you to allow us, as a party to this process, to allow us to do it and then make the proper presentation to the President.

We endorse H.R. 1575. We are here today to do that.

Mr. SEIBERLING. That is progress. I agree.

All I am saying is that we hear what you are saying and Congress, having imposed that requirement, also has the power to waive it insofar as its own actions are concerned.

So I am just saying that if there is information that you think we need to have and you have it, you had better get it to us.

Mr. Craig.

Mr. CRAIG. I have just a couple of brief comments, Mr. Chairman. The dialog that I have heard the last several minutes can be summarized as a "what you see ain't what you get" kind of statement, that Congress decides 1 year to embody into law certain procedures by which we are to analyze certain areas or considerations, but then we change our minds. I guess that is the nature of this body, so you never want to believe the law until Congress decides tomorrow what the law might be.

Mr. SEIBERLING. You had better believe the law as long as it is in effect.

Mr. CRAIG. I believe what you just said, Mr. Chairman, but Congress writes laws and then they change their minds, so you have to take that under consideration. Obviously, everyone has to act under the law, but they had better come to this committee to ask if

that is going to be the law tomorrow. That is what I should have said.

My concern has always been, Mr. Chairman and Mr. Secretary, that we proceed in a judicious manner to determine what values are or might be applicable in the future. The argument used by some, which to date has been proven invalid, is that we can always lock it up and then somewhere down the road come back if that is the will of Congress.

There are some of us in the West who fear that some day that might be the case. Such a helter-skelter approach would be even more damaging than the judicious manner that the FLPMA law spelled out was the will of Congress some years ago.

The only thing I have to say, Mr. Chairman, is that the 0.9-percent coal we are talking about in the Basin area might be locked away by the proposed legislation, could produce enough royalties to this Government, to cover approximately 9 percent of the deficit that this Congress—and I repeat this Congress—has created in the last year as its proposesal for the fiscal year 1984 budget.

It is an interesting parallel that the potential resources that would ultimately yield revenues to the government are just the same percentages as the current deficit.

Thank you very much, Mr. Chairman.

Mr. SEIBERLING. Thank you.

Well, it does not look like Mr. Richardson is going to get back here, so we might as well let you take off, Mr. Griles.

Mr. GRILES. Mr. Chairman, I appreciate your allowing us to appear. We support H.R. 1575 and hope that you can take quick action so we can have some wilderness designated and move the bill forward.

Mr. SEIBERLING. I can assure you that as far as I am concerned, we will take some action on some bill.

Thank you.

We will now go to our next witnesses, which consist of Mr. Paul Frye, Office of the Attorney General for the Navajo Nation, and Mr. Frank Sandoval of the Huerfano Chapter of the Navajo Nation.

Salutos, senors.

[Prepared statement of Paul Frye, together with followup correspondence between Mr. Frye and Chairman Seiberling; and a resolution of the Huerfano Chapter of the Navajo Nation may be found in appendix I.]

PANEL CONSISTING OF PAUL FRYE, ATTORNEY FOR THE DEPARTMENT OF JUSTICE OF THE NAVAJO NATION; AND FRANK SANDOVAL, HUERFANO CHAPTER, NAVAJO NATION

Mr. FRYE. Yatai [Indian]. Good afternoon, members of the committee, Mr. Chairman.

I am Paul Frye. I am an attorney with the Department of Justice for the Navajo Nation. On the panel with me is Frank Sandoval, who I meet for the first time this morning. Frank is a representative of the Huerfano Chapter.

I do not speak as the attorney for the Huerfano Chapter or for any individuals. My client is the Navajo Tribe.

Mr. Chairman, if you have a preference on how we should proceed, of course I would be interested in knowing it.

Mr. SEIBERLING. If you would like to put your entire statement in the record and summarize it, that would get us all out of here a little quicker.

Mr. FRYE. Thank you. I do move that the written testimony be put in.

Mr. SEIBERLING. Without objection.

Mr. FRYE. The concern that has been raised—and I am happy that Congressman Lujan has agreed that the De-na-zin and Fossil Forest areas need protection. It appears that the only area of disagreement between Congressman Richardson and Congressman Lujan is the Ah-shi-sle-pah area.

The Navajo Nation supports the designation of Ah-shi-sle-pah as well as De-na-zin and Bisti as wilderness and we support protection for the Fossil Forest area as well.

The concern, of course, that has been raised is the preference right lease applications. Frankly, my investigation of the law and the facts here suggest to me that the question of valid existing rights for preference right leases in the area is not a real and substantial question. I say this partly for the reasons that the chairman raised, and that is that the environmental values are so sensitive that commercial quantities really should not and cannot be legally found.

I also agree and would like to extend some things that Congressman Lujan said, and that is that in Ah-shi-sle-pah it is the case that coal can be seen on top of the ground. The Mineral Leasing Act of 1920 requires a discovery in unclaimed and undeveloped lands of commercial quantities of coal and I really think that there has been no such discovery here.

As early as 1970 in House document 406, 59th Congress, second session, had a report presented to it by the Department of the Interior saying that workable quantities and quality of coal is known to exist in many of these preference right lease areas.

Furthermore, there is, as has been talked about by Mr. Craig, no reliable and efficient means of transportation from the area.

The commercial quantities test, as stated in the Bureau of Land Management regulations, as well as interpreted by the courts, requires that the transportation costs at the time that final showings are submitted be calculated into the commercial quantities test.

Therefore, without a viable way of transporting the coal, the costs of this coal, getting the coal to the markets, if there are markets, is astronomical. There just are not commercial quantities of coal out there in our estimation, under the law.

The final point, and one which has just recently come to my attention having reviewed some documents at Farmington Mineral Management Service, and cross-referencing those to the prospecting permit applications is that the same people who in 1958 were drilling for oil and gas in these areas applied for the prospecting permit some 9 years later.

The question here is, What does unclaimed and developed mean in section 201? The Department has taken the position fairly consistently in the past that what that meant was that a reasonable

person would not have, from the activities that had taken place before, would not have the expectation that coal would be there.

Recently, and this was in the prior administration, the Secretary requested a third solicitor's opinion on this question. This opinion said that the unclaimed, undeveloped language was congressional surplusage. We think that clearly the Congress, in disposing of the coal resources of the Nation under a preference right system where no competitive bidding is required or allowed, really wanted someone to have to go out there and discover coal. And that earlier Solicitors' opinions are correct.

The fact that people have applied for prospecting permits after having drilled for oil and gas through the coal-bearing layers and examined the core samples presumably shows again that there was no discovery of coal.

The only vested rights that we feel are in the area are rights that are of the Indian allottees in the area and rights of the Navajo Tribe. Congressman Lujan alluded to some of those difficulties in the case of allotment owners.

In the De-na-zin area, the white assertee is Indian allotments and those people have vested rights in those lands held by the United States. The decisions to exchange those lands will be theirs and, I think, theirs alone.

In the past, I would say, however, people have been willing to cooperate in these land exchanges. There was a large land exchange program in the 1930's between the Sante Fe Railroad and I think 180 allottees that went fairly smoothly. There were the Elkins, Albers, Pruitt land exchanges in the 1945 through 1960 era where ranches were blocked out and Indian allottee ownership was also blocked out. So I don't think that that ultimately will be a problem.

The Navajo Tribe has claimed many of the areas in its lawsuit under Executive Order 709 and we have selected some of the areas that are designated to be protected as wilderness in the selection under the Navajo-Hopi Settlement Act consistent with our duties to the relocatees, the people who will be forced to relocate. We support the designation of wilderness of these areas but we have to make sure that the Navajo Tribe does receive the maximum value and the best lands for these relocatees because the costs of relocation are going to be staggering. The infrastructure costs are just tremendous.

So we would again cooperate fully with any type of proposal or legislation that would preserve these lands in the State that we think is the maximum resource value for the lands, yet not prejudicing the rights of the relocatees from the former joint use area.

Thank you.

Mr. SEIBERLING. Thank you very much.

I was very interested in reading your prepared statement in which you make the same points that I was attempting to make, but not as well, with the previous witness. I think that is an excellent statement. I have no other questions.

Mr. Lujan?

Mr. LUJAN. Yes. You say the Navajo have selected some of the areas, I guess in two of them, in Ah-shi-sle-pah, not in Bisti?

Mr. FRYE. That is correct, but we do also have a fairly significant area of Fossil Forest under selection.

Mr. LUJAN. Let me back up a little bit. Under the Settlement Act, the Navajos were supposed to select 30,000 acres?

Mr. FRYE. Up to 35,000 in the State of New Mexico.

Mr. LUJAN. How many of those acres are in these two or three areas?

Mr. FRYE. Approximately 7,500 acres.

Mr. LUJAN. The concern that I have, and, as you know, I was opposed to the Hopi-Navajo petition because I am having to move people all over the place. And here we are looking at the same thing in the Den-ah-zin where it is designated as a wilderness area and kick people out of there.

Some provision has got to be made for those who do not want to exchange land and do not want to move. They have a right of way in there, consistent, of course, with wilderness designation, unless they are going to ride a horse in there. But if they have a car or truck or whatever, that they be able to get into this place.

Mr. SEIBERLING. Will the gentleman yield?

Mr. LUJAN. Yes.

Mr. SEIBERLING. The Wilderness Act itself mandates that you have access.

Mr. LUJAN. I am sure that we do because I don't want to be in a position of again saying, you have got to move again.

Mr. FRYE. I am glad that you raised the issue, Congressman Lujan, because I think our position is the same as the chairman's.

Mr. LUJAN. The 7,500 acres, those have not been agreed upon that those would be, in fact, relocatable lands by the Navajo Tribes or they already have been agreed to.

Mr. FRYE. The Navajo Tribe has requested the immediate transfer of those 7,500 acres and we may have to sue the Secretary to mandamus him to transfer those.

Mr. LUJAN. Why don't you just select 7,500 acres somewhere else instead of saying we want them there, but then you transfer some over to us? Why is that not better?

Mr. FRYE. When the selection took place, a lot of this wilderness activity was not going on. On July 8 of this year, our authority under the Settlement Act to select lands expired.

Mr. LUJAN. When did you select them?

Mr. FRYE. These were selected late last year.

Mr. LUJAN. We have known before then that these would be dandy dates. I can't understand the reasoning why you would go in and select some land in an area that you say should be wilderness and then exchange. It is because it is not more coal value, frankly?

Mr. FRYE. Yes; absolutely. We are trying to maximize the value of the lands we select for the people who will have to be relocated.

Mr. LUJAN. So you then would not be expecting acre-for-acre exchange?

Mr. FRYE. I think it would be an equal value exchange.

Mr. LUJAN. Including the value of the coal?

Mr. FRYE. Yes.

Mr. LUJAN. That is pretty good from that standpoint but I don't know that they should move ahead with it. We have got enough problems already for the PRLA without muddying up the water

more with that kind of an agreement. But that is something outside of this.

Mr. SEIBERLING. Would the gentleman yield?

Mr. LUJAN. Yes.

Mr. SEIBERLING. I think you make a good point.

Let me ask you, Mr. Frye. Suppose we wrote a provision into the bill that said that you may select in lieu of the 7,500 acres or such portions as are in the areas proposed for wilderness, other lands that would be of equal value but not less than the same amount of acres, or something like that?

Mr. FRYE. I think we would be amenable to that.

Mr. LUJAN. Yes; but you don't have that value now. You don't have the ownership, so to speak, of those 7,500 acres. So if we wrote that into the legislation, what we would be saying is, OK, under the original legislation you are entitled to 7,500 acres. It did not say 7,500 acres with 3 billion dollars' worth of coal in them. You are entitled to 7,500 surface acres.

So in one case we are talking about 7,500 acres but according to your statement, we are talking about 7,500 acres plus the value of the coal. I think it complicates the whole thing substantially.

Mr. FRYE. Yes; I think the relocation problem is a very complicated problem. I think we do see the selection in terms of value because we need to get the maximum value to cover these costs.

Mr. LUJAN. Of course, that is your job as an attorney, and you do it very well.

Thank you, Mr. Chairman.

Mr. SEIBERLING. All right, Mr. Richardson.

Mr. RICHARDSON. Thank you very much, Mr. Chairman.

First of all, I want to welcome my distinguished constituents. I am very happy that we have two representatives from the Navajo Nation and one of the gentleman that is appearing before us, Mr. Chairman, is a leader in the Huerfano chapter in the San Juan Basin.

Mr. Sandoval, I wondered if you heard the administration's statement saying that they were concerned about Navajo rights and opposing the legislation that I introduced. I wonder if on the basis of the past experience that the Navajo Nation has had with Interior in the San Juan Basin if you felt that he meant that his interest was in protecting Navajo rights or excluding Navajo rights?

Mr. SANDOVAL. Are you asking me, Bill?

Mr. RICHARDSON. Yes.

Mr. SANDOVAL. Bill, I did not think the way I understand his statement that he was fully protecting the Navajo and I had read in my statement, by the way, Mr. Chairman.

Could I do that first before I answer the questions?

Mr. SEIBERLING. Yes; we already started to ask Mr. Frye questions why don't we complete questioning, Mr. Frye, and then we will hear your statement.

Do you have any other questions of Mr. Frye?

Mr. RICHARDSON. Yes.

Mr. Frye, I wonder if maybe you could answer part of that question and also if you feel that the Navajo Nation has been excluded disproportionately when a member of the region was put on the regional coal team or whether you had any indications since Mr.

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Clark has come in whether there might be a possibility of having at least one Navajo representative on that regional coal team?

Mr. FRYE. We as you know, Congressman Richardson, have requested a place on the regional coal team and have been denied. The last task force meeting between the State Director of BLM and the Navajo area director of the BIA, we again brought that up. That was again denied.

What is really crucial I think is that we have done demographic studies of the area; 92 percent of the people that would be affected by PRLA issuance who live in this area are Navajo people and we don't have a voice on the regional coal team. I think that is just a shame.

Mr. RICHARDSON. Thank you, Mr. Chairman.

Mr. SEIBERLING. Mr. Craig.

Mr. CRAIG. Mr. Chairman, I was confused a little about your testimony, and I guess what focused my interest was when you made reference to my comments about transportation.

The Navajo-Hopi settlement or Relocation Resettlement Act allows land selection.

Mr. FRYE. That is correct.

Mr. CRAIG. Are you saying the Nation has selected 7,500 acres in this area?

Mr. FRYE. Yes, sir.

Mr. CRAIG. Is that up for wilderness consideration?

Mr. FRYE. In Fossil Forest.

Mr. CRAIG. Will you then want to trade from those lands for lands outside the wilderness?

Mr. FRYE. We don't necessarily want to. If we can do that consistent with our obligations to the relocatees we would like to, I think, support Congressman Richardson because I think he does speak for the people who are living in the area and so, therefore, we would cooperate to the extent we could consistent to those duties to do whatever is necessary to get these lands protected.

Mr. CRAIG. You mentioned that in oil drilling there in the past, core drilling samples apparently indicated little coal of any marketable value based on transportation costs and other factors. I believe you said that, right?

Mr. FRYE. It was slightly different than that. The point on the oil and gas drilling was——

Mr. CRAIG. The point I want to clarify with you is that you seem to deemphasize the value of the coal that exists in this area.

Mr. FRYE. All I was saying was that under the Mineral Leasing Act of 1920 no commercial quantities have been discovered because right now at the time of the final showings there is no viable means of transportation, and truck transportation drives the costs so there will be no market for that under the present circumstance.

Mr. CRAIG. Do you say that to date there has been no demonstration by anyone that large bodies of coal of commercial value exist?

Mr. FRYE. Definitely there are large bodies of coal but not in commercial quantities as defined by the Mineral Leasing Act.

Mr. CRAIG. So, is it because of the value placed on the coal by transportation costs escalation or escalating the price of coal? I may be confused on it, but I sense an inconsistency in your statement.

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Why would you want to select the land and trade it for coal values if in fact there is no value in the coal that is there?

Mr. FRYE. Because the argument on commercial quantities depends on the conditions that exist at the time of the final showing. It is a legal argument. We realize there is great value of coal there but without a railroad or without some other economic means of transportation——

Mr. CRAIG. How about placing a generation plant in the area?

Mr. FRYE. We are discussing that possibility now with the Public Service Company of New Mexico.

Mr. CRAIG. Who is "we"?

Mr. FRYE. The Navajo Tribe. We are thinking in terms of the Navaho-Hopi selection of a joint venture with Public Service Company of New Mexico in the San Juan Basin. We are also thinking of doing our own venture in the Lower San Juan Basin around Standing Rock which is about 30 miles south of this area.

Mr. CRAIG. If you are discussing that potential venture now, and you have, in essence, laid claim through selection to a portion of land that has commercial value—or coal of great quantity—why would you then want to trade out of that coal if you plan to use the coal for the generation of electricity? What is the reason there?

Mr. FRYE. Because there is so much coal in this area that these environmentally sensitive areas just are not necessary. We can get coal from other places and it is just a policy decision on the part of the Navajo Nation to support the protection of these areas if we can as wilderness.

Mr. CRAIG. Therefore, would you want to trade, if you could, the 7,500 acres that you have selected to date in exchange for other coal areas that would be less environmentally sensitive?

Mr. FRYE. That is correct.

Mr. CRAIG. So you would develop the basin, and you would look at the possibility of the development of a coal-fired generation facility?

Mr. FRYE. Yes, sir.

Mr. CRAIG. I see.

That is what was confusing to me, Mr. Chairman.

Mr. LUJAN. I think the argument will come later, but right now for acquiring it, it doesn't have the value.

Mr. SEIBERLING. We are dealing with a statutory definition.

Mr. CRAIG. I understand that. I just couldn't understand the logic, but Mr. Frye has explained it a little better now.

Mr. LUJAN. You are not an attorney.

Mr. CRAIG. That is true. I am not an attorney.

Mr. FRYE. You are lucky.

Mr. SEIBERLING. In the words of Justice Holmes, "The light of the law is not logic."

Mr. FRYE. I just cited the logic for declaring that a cow is a sheep. That was the holding of the 10th circuit.

Mr. CRAIG. We don't run sheep. I have never heard them bleat. Thank you very much, Mr. Chairman.

Thank you, Mr. Frye. That is an interesting proposition that your nation proposes. Thank you.

Mr. SEIBERLING. Mr. Sandoval.

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Mr. SANDOVAL. Good afternoon, Mr. Chairman, and members of the committee [translated from Indian].

Mr. SEIBERLING. Thank you.

Mr. SANDOVAL. I haven't been hearing anybody talking Navajo [translated from Indian].

Mr. SEIBERLING. I can say to you [Indian dialect] which you wouldn't understand even though it is Indian; it happens to be Chippewa and it means "Hello, how are you today?"

Mr. FRYE. I hope the court reporter is getting all this down [translated from Indian].

Mr. SANDOVAL. I want to talk Navajo. Seems the reporter will need a translator.

In all seriousness, Mr. Chairman and members of the committee, I am Franklin D. Sandoval; guess when I was born?

I thank you for the opportunity to appear before this committee and share my community's view and wishes on H.R. 3766. Let me begin by saying a word from the Huerfano Chapter, it is the fourth largest chapter of the 108 chapters of the Navaho Nation.

Our chapter is located in the eastern Navajo Agency in northwest New Mexico in San Juan County.

Our chapter covers about 15 square miles with an approximate population of 4,000. This includes the Bisti, and De-na-zin discussed in H.R. 3766.

My chapter supports the preservation of the four areas in the bill mentioned and is opposed to coal development as presently planned. As some of you may know, we the Navaho people in our traditional cultural way, we have deep respect for nature. We consider earth, Ni-ho-dzan, meaning "mother," because it nurtures life, provides water, food, and a means of livelihood.

I can go on and on as to how we relate to Mother Nature and our concept pertaining to land. So we of the Huerfano Chapter look at this proposed act in accordance with our old cultural beliefs.

There are 17 Navajo families holding legal up-to-date grazing permits in the proposed areas of the act. There are also 10 individual allotments affected by the proposed act.

That is the conclusion of my statement.

Mr. Chairman and members of the committee, I will be glad to answer any questions you might have. I think I am the only true Indian member or I am right from where you are talking about, so I, if you have any questions, I would be glad to answer them.

I made my own Indian map here, so it looks confusing. It is just the way it is.

The dark outline is the Paragon Ranch. The cross, the yellow cross-checkered ones is the one Mr. Frye was talking about. I tried to outline the orange showing the different areas.

The blue is the State land.

The noncolored white area is public domain lands.

The black cross-checked one is the Youth Mountain exchange.

The green outlined ones is the ones you keep calling his name, Mr. Watt told us not to bother.

And the orange ones are past Executive order trust lands, and the pink line across there you see there, and below that is where we claim the Executive Order 709 down from that.

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So the brown there, you will see some brown with numbers, those are Indian allotments that were allotted to individual Indians starting in the 1900's.

By the way, I heard sheep mentioned; I was raised in the Otis community within the Huerfano community we have eight but it is considered one chapter. That is why—here is an overall reservation I mean to show you.

The yellow one here on the small one is the one we are talking about. That is where our chapter is.

Mr. SEIBERLING. Thank you, Mr. Sandoval. I appreciate very much the fact that you have come all the way here to give us the direct testimony of some of the people most closely affected by this legislation and by the other actions that we are discussing.

We are grateful to have these maps because obviously you have far more knowledge about all of the ramifications of this than we do. This is most helpful.

Mr. SEIBERLING. I have no questions at this point. I will yield to you, Mr. Lujan.

Mr. LUJAN. I have no questions, Mr. Chairman.

Thank you.

Mr. SEIBERLING. Mr. Richardson.

Mr. RICHARDSON. Thank you, Mr. Chairman.

I wish to commend both witnesses. I would like to commend Mr. Frye for his statement and I think it is reflective of the views and attitudes of the new chairman of the Navajo Nation. I don't know, Mr. Chairman, if Peter Sanchaw, the new chairman, has ever testified before your committee but he is an impressive man with new directions for the Navajo Nation. I think he has shown, by virtue of this statement, that he knew the critical need to balance energy requirements with environmental needs and I think it is reflected in Mr. Frye's statement.

If anybody should be concerned about coal development in the San Juan Basin, it is the Navajo Nation where 71 percent unemployment prevails and they are cognizant of their religious rights of the archeological sites and environmental protection and I just wish to commend Mr. Frye and Mr. Sandoval who is being quite modest in what he has said.

He is actually a political leader in the area. He is from the Huerfano Chapter which is contiguous to where we are discussing and having his testimony shows that those people in that area, the Navajo Nation which many times, and I think rightfully so, are not represented, their views are not represented, that today they have endorsed the bill that I have introduced and I hope that this committee takes heed with what they said.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you, Mr. Richardson.

Mr. Craig.

Mr. CRAIG. Maybe Mr. Sandoval or Mr. Frye can respond to this. In the original Settlement Act was there a designated area from which the nation could select?

Mr. FRYE. Yes, sir.

Mr. CRAIG. Is it a boundaried area?

Mr. FRYE. It was a portion of the areas selected—a portion had to be within a certain distance from a reservation boundary and—18 miles I am told. I should defer to Mr. Sandoval, I see.

There was a total of 35,000 acres that could be selected in New Mexico.

Mr. CRAIG. I ask that in an effort to minimize the difficulty if this committee and the Congress decides that areas designated or outlined by this legislation should become wilderness and produce selection lands inside those areas. Then we would face the complication of moving outside to find comparable acreages. There are at this time, in your belief, no comparable acreages of resource value outside these wilderness areas and within the 18-mile limit that would yield the resource value in which the nation is interested, and yet avoid the complications of trades that would ultimately have to result in equal evaluation.

I say that because we have had the colloquies this morning this committee is saying we are going to go forward with something and Interior is saying we don't know what is there yet. I assume that if you lay claim to portions of land on which there are values present, that will require that ultimately Interior to evaluate of resource values on those lands before fair exchanges would result. Is that reasonable logic based on that in which your nation is interested?

Mr. FRYE. That is correct. That is reasonable logic.

Mr. CRAIG. So whether we do the resource study and evaluation for wilderness determination, or for settlement exchange determinations, those studies are going to have to be done by someone in order to make valid resource judgments.

Mr. FRYE. What I would like to do is go back to our land development staff. I know there have been some lands as a result of our inquiry into H.R. 3766 as to what other lands we could select if we had the power to select still which would be of approximately the same value to us. So I would like to defer my answer to that and perhaps respond to the subcommittee later.

Mr. CRAIG. Mr. Chairman, Mr. Frye, I think that instead this committee and Congress deciding that H.R. 3766 is the bill we want to pursue and facing the complication of determining values for the exchanges involved it would be better to adjust the timeframe or limitation and pick other areas so we won't need the BLM to expend cost for further studies.

Do you understand what I am saying?

Mr. SEIBERLING. I think that is right and if they could do that that would be very good. If they could decide they feel they could get the same values by selecting 7,500 acres somewhere else it seems to me that that would resolve the whole thing.

Mr. LUJAN. If the gentleman would yield; I never imagined something like this. You know I was involved in the legislation for the settlement act and relocation and all those things, and in the conference when we decided on the 35,000 acres which I thought was just an unreasonable thing, we should have never put that in there, but that came because Utah and Arizona limited how many you could get there so we felt if they are going to do it we are going to do it.

But it never occurred to me that this is the kind of land selection that we are looking at. At that time I thought, OK, some people are going to have to move from the joint use area, let's find someplace where they can move to.

Basically we were looking at, at least in my mind I thought we were looking at surface rights, grazing rights, et cetera, until now that you bring this whole subject up. I never knew that we were selecting some for the value that it might bring to the tribe's coffers. It was a place where people could live because the legislation was kicking them off their land.

So it seems to me like we have gone far afield from at least this member thought we were going.

Mr. CRAIG. Would the gentleman yield?

Mr. LUJAN. Yes.

Mr. CRAIG. Don't you agree that what I have just outlined is a reasonable description of what we are getting into? Aren't we complicating the affair? If that 7,500 acre selection is inside the proposed wilderness and the selection exchange is based on equal value, then we must also request that BLM go outside those land determinations, to do the core drilling to make equal value determinations. If they are not based on the considerations you outlined earlier, but on a whole new parameter, we are talking coal-fired generation facilities being owned, operated, or at least leased by the Navajo Nation. We have a whole new dimension here.

Aside from any legislation being proposed, maybe we ought to amend the old law to allow you to look 30 miles out instead of 18 miles. At least we would stop the costs of the BLM having to go in and examine, in a very intensified way, like parcels of ground that you selected and would want to accept as exchange.

At least we could say we are going to create a situation for the Nation where only one selection must be made outside of areas that are under wilderness consideration.

Mr. LUJAN. They have that right now.

Mr. CRAIG. I understand there is a limitation.

Mr. LUJAN. They have the right to select outside the proposed wilderness because this is where the values are there.

Mr. SANDOVAL. We would rather have the Hoppi land dispute law repealed.

Mr. LUJAN. I would agree with you. I would go with you on that. I thought that from the very beginning.

Mr. SANDOVAL. As far as selected lands, trying to trade that, I don't think our—my community doesn't stand fully on that point. This is generally the Navajo Tribe's position or mine at the chapter level. We have tribal ranches and we just had, I think you might be aware we just purchased the Rutherford Ranch for relocation of the people we had to move from the Navajo irrigation project. That is open.

But the thing about it is we can move some of these people from De-na-zin where 12 families are involved but under the Taylor Grazing Act and BLM we cannot move them on public domain lands unless we exchange them out.

I will bring one other point up about these 12 families, they are not moving just because they can get a grazing area somewhere else. A lot of them have gravesites there and they have sacred cere-

monial places within these areas, so I think like I said—I didn't say it but my chapter has not fully studied the complexity and exact proposed planning at our chapter level, and I was instructed by my chapter to go see what they—listen and see what needs to be done yet.

I am qualified in saying that my chapter has not completely studied it for themselves as allotees and those that have existing grazing permits under the cooperative agreement per the Taylor Grazing Act.

Mr. SEIBERLING. If the gentleman would yield, let me point out that the extent to which there are people living in one of the proposed wilderness areas they could stay, continue to live there if they want so there is no need for them to relocate if they don't want to.

But as far as repealing the Settlement Act is concerned, after going through that once I don't think you are going to get the Congress to reopen that one.

Mr. CRAIG. No.

Mr. SANDOVAL. I thought I would just throw that in.

Mr. LUJAN. There is one way to get it open, if we get a majority in this country we will reopen that Settlement Act.

Mr. SEIBERLING. That isn't likely to happen.

Mr. CRAIG. Will the gentleman yield?

Mr. SEIBERLING. Yes.

Mr. CRAIG. To carry this conversation one step further, do you sense a prohibition against in allowing the Nation to go forward with its 70-plus 100 acre selection, even if it were classified ultimately as wilderness. Restrictions would prohibit mining or surface disturbance, but they could continue to use it as they had historically for grazing and living on it.

I know we have "in-holders" in some areas.

Mr. SEIBERLING. They could do that to the extent they already do but if you are talking about resettling people onto some of the land that is in the proposed wilderness that would be clearly incompatible it seems to me.

All I am saying is the people who already live there obviously can continue, and to the extent there is grazing obviously that can continue. But if they want some land they can develop for economic purposes I believe your suggestion of maybe considering extending the distance so they could have more lands to select from might be something they would want to consider and we would want to consider.

I thought that was an excellent suggestion.

Mr. CRAIG. It would certainly solve a lot of the complications that are obvious in this problem.

Mr. SEIBERLING. There is no point in developing values if there is another solution.

However, let me just ask you, Mr. Frye, how is the Navajo Nation developing the decisions as to what lands they want to select now? Did they do some core drilling or what?

Mr. FRYE. We had a consulting geologist consult the literature and I think we did not do any core drilling ourselves. But we did—I think basically we did literature search.

Mr. SEIBERLING. You had enough information so you were satisfied or your clients were satisfied, even though if we got into one of these procedures about exchanging values obviously the Federal Government and their forum would have to get more information.

So if we could avoid that that ought to be done.

Mr. FRYE. I would like to——

Mr. SEIBERLING. That ought to be avoided.

Mr. FRYE. I have two points, Mr. Chairman, if I may. One of the points that Mr. Lujan made, and that is that our selection was not determined solely on the basis of mineral values. The BLM report on the Paragon selection concedes that this is in addition the best grazing land that is sort of contiguous form.

In one response to the chairman's comments on the uses that the tribe could put to the selection, it seems to me that the selection because it predates and will predate the passage of H.R. 3766 will be one of those valid existing rights and basically it would be a right of title to that land.

Mr. SEIBERLING. That depends on the extent to which the selection has become legally——

Mr. FRYE. Well, I——

Mr. SEIBERLING. As I understand, it is still a pending application. The selection has not been finally legally certified as having been made.

Mr. FRYE. That is right.

Mr. SEIBERLING. Or having been approved.

Mr. FRYE. The Secretary has not transferred title to us although we think he has basically a ministerial duty before him, that it is nondiscretionary.

Mr. SEIBERLING. If there is any way we can avoid getting this bill involved in that issue I think obviously it would be to everybody's advantage.

Mr. FRYE. I agree.

Mr. LUJAN. The only way not to get involved in that issue is to close your eyes because it is part of the issue. I would submit that probably what will happen if the selection is not made before wilderness designation is made on that land that the Secretary will tell you, sorry, you cannot have it because it is wilderness; or, you can have it subject to the restrictions in the Wilderness Act. Therefore there is no value because you cannot mine it.

So you are looking at those things, too.

Mr. SEIBERLING. If they decide they are willing to accept an alternative mode of selecting lands then we don't get into that issue.

Mr. LUJAN. But you could extend that limit 100 miles and they won't select any other lands?

Mr. FRYE. I am not sure.

Mr. SEIBERLING. I don't know. I think what we need to do is to allow a little more time for them to evaluate just how they see their interests here and perhaps we can then structure the legislation to accommodate them.

I don't know how much time you need to do that.

Mr. FRYE. I would hope to be able to come back with a proposal to the committee within 1 or 2 weeks.

Mr. SEIBERLING. Fine. That is great. I don't want to wait forever or for a year. If we can do it in a couple weeks, I would think that that would be the way to do it.

Are there any other questions of these witnesses?

If not, I want to thank you very much, gentleman.

Mr. SANDOVAL. Mr. Chairman, I speaking for the chapter, we can coexist with the bill and we still wholeheartedly endorse it, and I guess we have to confer with our big lawyers and our chief so to speak, so our Chapter I say, I will take back what I have learned and they will discuss it and we will get together with Paul and then recommend whatever is necessary.

Mr. SEIBERLING. Thank you very much.

Mr. FRYE. Thank you.

Mr. SEIBERLING. Our final panel of witnesses is Mr. Jonathan Teague, Mr. Dave Glowka, Rio Grande Chapter of the Sierra Club; Mr. Mike Scott, Wilderness Society; Ms. Alison Monroe, Southwest Research and Information Center; and Ms. Debbie Sease of the Sierra Club.

[Prepared statements of David Glowka; Jonathan M. Teague; Alison Monroe; and Michael D. Scott may be found in appendix I.]

PANEL CONSISTING OF DAVID GLOWKA, RIO GRANDE CHAPTER, THE SIERRA CLUB; JONATHAN M. TEAGUE, RIO GRANDE CHAPTER, THE SIERRA CLUB; ALISON MONROE, SOUTHWEST RESEARCH AND INFORMATION CENTER; MICHAEL SCOTT, SOUTHWEST REGIONAL DIRECTOR, THE WILDERNESS SOCIETY; TERRY SOPHER, THE SIERRA CLUB; AND DEBBIE SEASE, WASHINGTON REPRESENTATIVE, THE SIERRA CLUB

Mr. SEIBERLING. I appreciate the patience with which you have all sat there.

We have a resolution of the Huerfano Chapter opposing the coal mining and generating station in the Bisti area and without objection, we will include that in the record following Mr. Sandoval's testimony.

Mr. GLOWKA. I am Dave Glowka and I would like to suggest an order for the appearance of our testimony.

After I will be Mr. Teague, Ms. Monroe, Mike Scott, Mr. Sopher, and Debbie Sease.

Mr. SEIBERLING. What about Alison Monroe?

Mr. GLOWKA. She would be third on the list.

Mr. SEIBERLING. I don't have Terry Sopher on my list. Where is he coming in?

Mr. GLOWKA. After Mike Scott.

Mr. SEIBERLING. All right. Proceed.

Mr. GLOWKA. Thank you, Mr. Chairman.

I have a rather lengthy statement and I would like to summarize it and enter it in the record.

Mr. SEIBERLING. Without objection, it will be included in the record in full.

Mr. GLOWKA. I have letters from other conservation groups in New Mexico that I would like to tender also.

Mr. SEIBERLING. Without objection the letters will be placed in the committee's files of today's hearing.

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Mr. GLOWKA. The Wilderness Study Committee for New Mexico will submit written testimony later.

Mr. SEIBERLING. We will keep the record open for a reasonable time for any additional testimony.

Mr. GLOWKA. Thank you, Mr. Chairman.

I am David Glowka, I represent the Rio Grande Chapter of the Sierra Club of New Mexico. The Sierra Club and other public interest groups have been working for more than 10 years for preservation of parts of the Bisti Badlands, and we enthusiastically welcome the introduction of the San Juan Basin Wilderness Protection Act. I would like to thank Congressman Richardson for introducing this bill and thank Congressman Lujan for support of the Bisti, De-na-zin and Fossil Forest, and we look forward to working with your office, Mr. Lujan, to resolve any problems with Ah-shi-sle-pah.

The four areas that would be protected by this bill cover approximately one-half of the spectacular landscape north of Chaco Canyon known as the Bisti Badlands. The Bisti actually consists of several islands of highly eroded badlands, surrounded by sandy, arid grasslands. These separate units all share the geologic characteristics that make the Bisti Badlands a true scenic wonder.

Easily eroded shales, clay and coal, interlaced with thin layers of white and red standstone, give rise to the abundant mushroom-shaped rock formations for which the Bisti is best known. Colorful minerals, unworldly mounds of clay, and spectacular pinnacles and spires are some of the other surface features that combine to create a scenic and wilderness resource that many people have come to know and appreciate.

The largest of the badlands areas in the Bisti is over 20 miles long, 5 miles wide, and encompasses the Bisti and De-na-zin Wilderness study areas. Most of this area has also been designated an area of critical environmental concern by the Bureau of Land Management. In addition, the lands within the Bisti WSA have been nominated to the National Registry of Natural Landmarks. Furthermore, legislation was passed in 1980 to effect the transfer of existing Federal coal leases in the Bisti WSA to areas outside the badlands.

The second largest badlands area in the Bisti contains the Ah-shi-sle-pah Wilderness study area. Like much of the San Juan Basin, these badlands have mixed ownership; thus, even though they are almost entirely roadless and certainly suitable, physically, for wilderness designation, these badlands are not entirely public lands, making the WSA's smaller than the individual badland areas in which they are located.

The Fossil Forest is located in the third largest area of the Bisti. Although the Federal share of the lands in the Fossil Forest is too small to make a manageable wilderness, the important fossil resource located there dictates the need for this area's preservation.

While there are other badlands in New Mexico, three factors make preservation of at least these four areas of the Bisti Badlands extremely important and urgent. First, the Bisti Badlands are by far the most diverse and scenic of the various badlands in New Mexico, and they easily rival any in the country.

Second, the three WSA's in the Bisti are the only roadless, federally owned badlands in New Mexico large enough to be managed as

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wilderness. Third, the Interior Department's frenzied push to lease and develop vast areas of land in and around the Bisti for coal makes the scenic, wilderness, and scientific resources of the Bisti highly endangered.

There seems to be general agreement, even among the coal industry, that the Bisti WSA should be spared from development.

The Bisti WSA, which incidentally contains the thickest coal seams of the four areas is, of course, eminently qualified for wilderness status. It is the best known of the areas, largely because it is the most accessible—a major State road connecting Farmington, N. Mex., with the Gallup-Grants area passed directly by the Bisti WSA. The badlands in and around this WSA have been recognized for years for their scenic beauty and abundant fossils.

The sandstone-capped, mushroom-shaped formations now almost synonymous with the Bisti Badlands are especially prolific here. The rugged topography of this area, coupled with its high density of interesting geologic features, affords visitors to the Bisti WSA outstanding opportunities for solitude and primitive recreation, including unequaled opportunities for photography and inspiring hiking and backpacking. Efforts have been under way since the early 1970s to have these lands preserved in one way or another, first as a county park, then as an outstanding natural area, and finally as a wilderness.

The De-na-zin WSA, however, is even more suitable as wilderness than the Bisti WSA. Its large size and less accessible nature permits hiking for days without seeing significant human intrusions. Its diversity of surface features is also greater than that of the Bisti WSA. The De-na-zin WSA contains, in general, a lower concentration of mushroom-shaped rock formations but a higher concentration of colorful surface minerals, red standstone-capped bluffs and mesas, and important fossils.

The De-na-zin WSA holds within its borders an international reference for an assemblage of fossils representing the transition from the age of dinosaurs, the Mesozoic era, to the age of mammals, the Cenozoic era. This is one of only a half-dozen places in the world where this transition can be found. Small pockets of grasslands within the De-na-zin WSA give it a diversity of plants and animals not found in the Bisti WSA.

The Ah-shi-sle-pah WSA is a mixture of badlands, arid grasslands, and desert wash. The Ah-shi-sle-pah wash here has cut a path through the surrounding uplands, creating a relatively flat valley floor approximately one-half to 1 mile wide and bordered by rugged erosional features and petrified logs. Within the valley floor but outside the wash's current bed, windblown sand has been deposited, resulting in one of the best examples of native grasslands in the region.

The opportunities for solitude and primitive recreation are also quite abundant here. Since the valley floor is lower than the surrounding uplands, the views from within the Ah-shi-sle-pah WSA are restricted to the north, east, and west but generally open to the south, in which direction the mesas and buttes of Chaco Canyon can be seen. Highway 57 lies to the east and cannot be seen nor generally heard from within the WSA.

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Surface and underground mining is proposed to the north, east, and west of the Ah-shi-sle-pah WSA, so the restricted views in these directions are especially fortunate from the wilderness viewpoint—the area could easily be managed as wilderness, and the intrusions of surrounding energy development would not be visible.

The Ah-shi-sle-pah, having such a diverse ecology and offering distant views only in the direction least likely to undergo significant change, offers us a chance to preserve a place that can truly convey the feeling of the magical San Juan Basin as it now exists—before it is changed forever by the extensive energy development proposed by the Interior Department.

The Fossil Forest has geologic characteristics quite similar to the Bisti WSA; however, its scenic beauty is not the only reason the Fossil Forest should be spared from development. The Fossil Forest, as the name implies, contains some of the finest records of prehistoric forest life found anywhere in the world. Hundreds of petrified tree stumps can be found there, many of which still stand upright in their original positions, roots and all. Even more significant than the trees themselves are the remaining records of the forest floor as it existed 65 million years ago.

The preservation and subsequent study of this forest floor will allow scientists the opportunity to learn more about the assemblage of plant and animal life that existed there in prehistoric times. Already, the limited excavations that have been conducted in the Fossil Forest have yielded specimens found so far nowhere else in the world. These fossils are important not only for their value to the paleontologist but also for their value to the layperson.

Walking through the Fossil Forest is like walking through an outdoor natural history museum, where the fossil displays are constantly changing, as erosion gradually uncovers new fossils and eventually perches them up on pedestals of softer material. The diversity of fossil types, together with their degree of preservation, makes the Fossil Forest one of the most unique fossil areas in the world.

In summary, we enthusiastically support H.R. 3766. We feel it provides urgently needed protection to some highly important and unique scenic, wilderness, recreation, and scientific resources which are currently not adequately represented in the National Wilderness Preservation System. Our Interior Department is currently proposing energy development that would change the landscape, the environment, and the social fabric of the San Juan Basin forever. In the name of balance, if nothing else, these four areas at least should be spared from the draglines and preserved for the future.

Mr. SEIBERLING. Thank you.

Who is next? Mr. Teague?

Mr. TEAGUE. Good morning, Mr. Chairman and members of the subcommittee.

Mr. SEIBERLING. Well, it is afternoon already.

Mr. TEAGUE. Indeed it is.

With the permission of the subcommittee, I would like to attempt to summarize my statement and submit the statement in its entirety for the record.

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Mr. SEIBERLING. Without objection, your entire statement will be included in the record.

Mr. TEAGUE. I am a member of the San Juan Basin Task Force of the Rio Grande Chapter and Sierra Club, and I am also speaking on behalf of the Friends of the Earth. I thank you for the opportunity to appear today and testify on behalf of H.R. 3766, the San Juan Wilderness Protection Act of 1983. We in the Sierra Club and the Wilderness Society applaud Representative Bill Richardson for his leadership in seeking legislation to preserve the wilderness areas included in this bill.

The wilderness values possessed by these lands, with the exception of the Fossil Forest, are outstanding. Based upon my own experience of all three of the WSA's, they fully meet all four of the criteria of section 2(c) of the Wilderness Act. All three areas appear to have been affected almost exclusively by the forces of nature, "with the imprint of man's work substantially unnoticeable." These WSA's in fact are a pure demonstration of the geomorphological actions of nature over time in shaping the exotic and spectacular badlands landforms which comprise most of their area.

These WSA's each afford the opportunity for primitive and unconfined recreation in abundance. Due to the enclosed views provided by the larger topography of the areas and to the highly dissected nature of the terrain, these areas, despite their comparatively small size, are "big enough" for many people to "get lost in." One can easily remove oneself in the space of a few hundred yards or so from the traces of civilization and be transported to the distant past represented by the outcropping fossils and petrified wood. Infinite opportunities for photography, hiking, meditation, and scientific study exist in each of these WSA's.

One of the most outstanding qualifications which all four areas possess that merits them for preservation is their paleontological resources. The badlands within and around the four areas in this bill are erosional features on the outcropping Kirtland-Fruitland formation. This formation and the Ojo Alamo and Nacimiento formations above it mark the geological dividing line between the age of dinosaurs and the age of mammals. As the BLM itself has stated, the Kirtland-Fruitland formation "contains an unparalleled record of one of the most important episodes in history, the abrupt change from domination by dinosaurs to domination by mammals."

Some 20 new taxa of early mammalian species have been identified from localities in these areas; the Fossil Forest is particularly rich, containing an assemblage of fossils found in only three other places in the world. The fossil remains range in scale from very large dinosaur skeletons to mammalian microfossils that readily escape detection by the naked eye.

Throughout the badlands proper, fossil logs continue to weather out, with occasional bone scatters and whole assemblages appearing after the intermittant but sudden storms. These areas are like outdoor museums, in which the exhibits are gradually but constantly changing as the dynamic process of badlands formation continues.

The scenic qualities of these four areas are high and reflect a great deal of diversity among them within the typical badlands topography of the Bisti locale. Highly stratified and colorful beds of

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sandstone, shales and clays, coal and vitreous clinker formed by the in situ combustion of the coal beds become especially vivid at sunrise and sunset.

The masses and silhouettes of clay mounds and sandstone columns offer an ever-changing display as one walks through the areas, with a great variety of scale to deceive the eye. Large outdoor "amphitheatres" and colonades are found in all three of the WSAs. They rival or excel in their scenic quality other badlands in the Southwest such as the Painted Desert.

Yet the areas each have unique characters. Aeolian sand deposits in Ah-shi-sle-pah offer habitat for climax desert grasslands. De-na-zin has pinon-juniper woodland in its red Ojo Alamo sandstone areas. Bisti is favored with expanses of while sandstone caprock and polychrome clay hills. All three areas are recognizably part of the"Bisti", a Navajo word roughly translated as "badlands," but each one varies subtly from the others.

A number of scenic badlands are found in the San Juan Basin, all of varying size and naturalness and lying on and off the Navajo Reservation. Few of these other areas possess the integrity, purity and extent of the four areas to be protected by this bill.

The three WSA's and the Fossil Forest are themselves part of a larger expanse of some 70,000 acres of contiguous badlands with checkerboard surface ownership. No other parcels of Federal land offer the wilderness values, scenic qualities and scientific interest of these four areas. No other areas in the San Juan Basin have the potential for preservation and ease of management of these three WSA's.

EXISTING USES AND NON-NAVAJO IMPACTS

The present non-Indian uses of these lands are primarily recreational, including photography, hiking, backpacking, horseback riding, and sightseeing. Although some locations outside the proposed boundaries show signs of oil field activity and dumping, the areas themselves are virtually pristine.

The signs of recent drilling for minerals can still be discerned in a few places, but these traces are small in extent and are fast weathering into oblivion. The tire tracks left by the passage of the few vehicles which have driven in the areas, such as those of BLM trucks during the September 16, 1983, press conference for Secretary James Watt in the Bisti WSA, are ephemeral on the indurated sedimentary periments where the passage of vehicles is most feasible. In the washes where most of the vehicle routes occur, the tracks are obliterated after each storm.

Few ways for vehicles exist in the areas, which have been closed as roadless areas to off-road vehicle use. The areas have also been closed to the collecting of fossils and petrified wood. There are no maintained roads in any of these areas.

EXISTING NAVAJO USE OF AREAS IN THE BILL

Nearly all of the four areas are under lease or allotted for grazing as are the surrounding Federal lands. However, due to the typically extremely sparse vegetation on the badlands themselves, little

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or no grazing occurs there. Grazing is primarily limited to the wash bottoms and grassy mesa uplands around the badlands.

Virtually no grazing improvements exist on the WSA's that are apparent to the casual visitor; those that are present are of a minimal nature [BLM WSA 1979]. I have seen livestock within these areas only on one occasion and only a few signs of their presence in more than a dozen visits to the WSA's and the Fossil Forest.

On October 8 and 9, 1983, Alison Monroe, Southwest Research and Information Center; Maggie Fox, Southwest regional representative, Sierra Club; Leonard Tsosie, Crownpoint office, DNA People's Legal Services, serving as interpreter; and I visited the De-na-zin area to confirm the locations of and, if possible, interview the Indian landholders. We spoke briefly with three families and tried to find out what and where local uses of the WSA area were. There are 10 Navajo Indian allotments within or embraced by the De-na-zin WSA, totaling some two and one-quarter sections, either on the southern boundary or located contiguously in the northeastern part of the WSA.

On the allotments themselves grazing improvements seem limited to fences, corrals, and two moderately developed freshwater springs. The allottees with whom we spoke stated that they use the areas on their allotments and around them for the gathering of medicinal and ceremonial plants and for grazing, which are compatible uses, sometimes driving over a route to the escarpment on the north side of De-na-zin wash to collect them.

One family follows a route to the west-northwest from the allotments to a wood gathering area east of the proposed wilderness. Three families were identified as obtaining water for domestic use and livestock from the springs on the allotments, usually on a seasonal basis when not available at other local sources.

Even the human impacts on the Indian allotted lands are minimal and are limited to discrete sites that include houses, hogans, corrals, and outbuildings, most of which were not maintained. The BLM identified a 40-acre illegal occupancy on section 7, T24N. R11W comprised of a dwelling and associated development, but we were unable to locate it or to identify the site [BLM WSA 1982].

In any event, this parcel is contiguous with the present allotted lands and is scheduled to be exchanged as part of the BLM-Navajo El Malpais land exchange. Traditional Navajo land users occupy lands bordering all three WSA's. Their way of life in general harmony with nature has contributed to the preservation of surrounding lands in a natural condition.

RECLAMATION INFEASIBILITY AND THE UNSUITABILITY OF THESE AREAS FOR COAL MINING

The scenic resources of the proposed wilderness and study area lands would be utterly obliterated by mining activities. Surface mining would homogenize all formations and banded strata, fossils and archeological materials as overburden. Even under the diligent application of reclamation plans, the recreational and principal scientific values would be irretrievably lost.

The State of New Mexico has initiated a paleontological salvage program for surface mining on its lands. We commend the State

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for taking the first step in beginning this program, acknowledging, as it does, at least the value of the information in the fossil record.

However, the program is voluntary only; even if it were mandatory, however, it would be of limited effectiveness in the recovery of large fossil assemblages and virtually worthless in terms of data recovery from the even more crucial micro-fossil assemblages, such as small specimens and plant materials.

In paleontology, as in archeology, context is crucial. Destroying the stratigraphic sequence of the fossil record eliminates most of its utility for research purposes. Although a salvage program is highly desirable for lands which are going to be surface-mined or otherwise disturbed, it is in no way a substitute for preserving study areas intact for careful, long-term research.

As our understanding of the fossil record deepens, so will the questions which we pose to the remaining available physical evidence. And an increasingly sophisticated comprehension of the ancient past life, especially of such events as the massive species extinction that occurred with the end of the Mesozoic era, can only improve our understanding of the future life.

Beyond the loss of the scientific, scenic, cultural and wilderness resources, however, the ultimate reclamation of surface-mined badlands in New Mexico is yet in doubt. No demonstration of such reclamation to any beneficial use exists, and no reclaimed areas in badlands, or elsewhere in northwest New Mexico, have been released from bond, despite the presence for decades of active strip-mines in the Four Corners region of the State. There are grave doubts about the ability to establish a stable vegetative cover on mined lands in the arid San Juan Basin.

Moreover, there are doubts about the ultimate stability of any cover that might become established in former badlands on the regraded spoils because of hydrological instabilities created in the watersheds, which could lead to massive erosion and headcutting of gullies in reclaimed areas, which I will submit for the record.

In areas such as De-na-zin, where underground mining has been proposed by the BLM, no study has been done on the likelihood or environmental consequences to surface values of subsidence after mining. In any underground mine, some subsidence is inevitable and the resulting surface disturbance can be profound.

Moreover, in proposing underground mining for the De-na-zin WSA, the BLM has not addressed mine safety or accident problems, such as coal seam fires which could necessitate the stripping of the surface in order to extinguish them.

Despite express provisions in the law for declaring WSA's and paleontological study areas unsuitable for surface mining, the BLM has persisted in carrying forward extremely sensitive and valuable areas such as the Fossil Forest and Ah-shi-sle-pah for coal leasing. This reluctance on the part of the managing agency to apply unsuitability criteria to these areas reflects their past decision to lease the lands for coal.

In the case of PRLA's filed on the Ah-shi-sle-pah WSA, the BLM has instructed Arch Minerals to prepare contingent final showings of commercial quantities on their applications in this WSA. There is no allowance for this creative and unduly partial agency interpretation of the Surface Mining Control and Reclamation Act. This

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bias is reflected also in the BLM's unsupported and unreasonable recommendation of nonsuitability for wilderness for this WSA in the San Juan-Chaco Management Framework Plan of 1981, after a clear and lengthy analysis of the outstanding values of this area.

Similar criticism is in order for the decision in the MFP on the Fossil Forest; BLM's own analysis fails to justify the decisions reached. The only protection proposed by BLM is a 10-year hold on coal leasing in the area, allowing the opportunity for study. No funding for such study was recommended.

In the same planning document, BLM recommended the designation of a Bisti/De-na-zin area of critical environmental concern [ACEC]. Despite the statement in the applicable regulations that approval of an MFP by the State BLM Director constitutes designation of the ACEC's recommended therein, BLM today denies that a Bisti/De-na-zin ACEC has been designated; it has not prepared the management plan for an ACEC which the regulations mandate upon designation. Consequently, no measures have been taken out of the ordinary to protect the recognized extraordinary wilderness, scenic and scientific values that the ACEC area contains.

There do not appear to be any strategic minerals in the four areas proposed for protection under this act. Mineral resources are limited to low-grade coal and marginal quantities of oil and gas. As Congressman Lujan noted, primary production in the SUB are located distant from WSA's. Regionally, the SUB has been well explored, having been drilled since 1901.

There are no known geological structures [KGS] within the Bisti WSA; Ah-shi-sle-pah has low potential productivity of oil and gas and development of this resource is not expected. Although there is one small KGS within the De-na-zin area, the BLM estimates that oil potential is marginal and potential for gas is speculative. The last pre-FLPMA oil and gas lease is slated to expire in 1986, and little or no exploratory drilling is being contemplated—BLM WSA 1982.

The coal underlying these areas constitutes less than 2 percent—200 billion tons in SUB, 30 billion tons in Federal, 0.5 billion tons in WSA's—of the recoverable coal resource on Federal lands alone in the San Juan Basin. Errors by BLM of a factor of two or more would have marginal effect on this fact.

This figure ignores coal on Indian and State, as well as private lands, much of which is ready for production or under a mine plan but which is undeveloped due to the nonexistence of a market. The additional lack of transportation facilities to the Bisti coal region renders this coal even more noncompetitive.

We used a pie chart rather than a bar graph because the bars for coal in the WSA were too small to show. Compared to the surface resources contained within these limited areas and in light of the wealth of mineable coal elsewhere, it is only reasonable to set these areas aside for their superlative scenic, scientific and other natural values so that future generations can enjoy them.

I note that a recent comprehensive coal market study by the State of New Mexico's Energy and Research Development Institute established that presently permitted or leases are more than adequate to meet demand until the next century.

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In closing, I would like to commend again Representative Lujan for his willingness to compromise. I think we can work out the questions that surround the status of Ah-shi-sle-pah, and I am pleased that he feels that the other two areas could be designated as wilderness and that the Fossil Forest could be protected.

I would be happy to answer any questions that you might have.

Mr. SEIBERLING. Mr. Scott.

Ms. MONROE. If I could go first, my name is Alison Monroe, and I am very pleased to be here. This is the first time I have even been in Washington, and I thank the chairman and the members of the committee for allowing me to speak here.

I would like to commend Congressman Richardson and everybody else who worked on the bill and Senator Bingaman for introducing H.R. 3766, and I would also like to thank Mr. Lujan for his comments about the areas of De-na-zin and the Fossil Forest.

Southwest Research and Information Center is a nonprofit public interest group in Albuquerque that provides information to public and citizen groups on environmental and energy issues. And one of our main goals is to help people living in areas affected by energy development to bring about some better decisions on the plans that affect their lives.

And our main interest in this area has been BLM's coal development proposals which are very massive proposals that can change just about every aspect of life in the whole northwestern corner of New Mexico. And these issues here include air quality, water allocation, grazing, jobs, employment, culture, recreation and wilderness. And very different types of people have come together from all over New Mexico and elsewhere to try and gain some input into these decisions.

We believe it is appropriate to set aside a small part of BLM's surface and mineral holdings in San Juan Basin as wilderness to protect it from indiscriminate coal leasing and mining and other intrusive forms of development. At the same time, we are concerned that the rights of the Navajo people who live in and use these areas be protected, and we would like to ask the committee to make clear in its report that these areas should be managed in a way that allows existing uses, rights and occupancies by Native Americans to continue.

Since BLM has not found that these uses by the Navajos have compromised the wilderness qualities, I do not believe there is a conflict between wilderness and these existing Navajo uses.

The bill, in part, addresses some of these things fairly clearly. The Wilderness Act would seem to allow access to continue into the inholdings in De-na-zin and grazing and the maintenance of existing grazing facilities and existing levels of grazing to continue. Other land uses that are sure to occur in this area are water hauling, herb gathering and access to sacred areas.

The committee might also want to address, so that we can clarify with your expertise, exactly what the plans are for these people so they can decide what they think about the wilderness proposals, things such as vehicle use for grazing and temporary drillings on grazing permits.

I believe these things can be worked out, and I hope the committee's report will have some languge dealing with the issue of exist-

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ing Native American users and their compatibility with wilderness, and I am sure we can get together after the hearing and submit more material about these uses.

Thank you very much.

Mr. SEIBERLING. Who is next?

Mr. SCOTT. Good afternoon, Mr. Chairman.

My name is Michael Scott, and in the interest, as you put it, the shortness of human life and in our case the emptiness of our stomachs, I think that I will make my testimony as brief as possible.

Before proceeding, I would like to extend our thanks to Congressman Richardson for introducing H.R. 3766 and for the leadership that he has shown to the sensitivity of the environmental values and human values contained in this bill and exemplified in the San Juan Basin and also to Congressman Lujan for his statements in support of the protection of the De-na-zin and Fossil Forest areas, and we too feel confident that sort of in the spirit of compromise that was exemplified this morning that we will be able to work out a bill that is acceptable to all.

So we would like to commend the efforts on behalf of everyone. And we are also particularly pleased that the Navajo Nation testified in support of this piece of legislation and, Mr. Chairman, your suggestion for some sort of an exchange provision to be added to the legislation, and I think that Mr. Frye responded to it in a positive manner, is something we would definitely support as well, because I think it provides a mechanism for resolving some of the complexities of this issue and providing some surety to the future of this area, at least the integrity of the areas as wilderness.

Congressman Craig asked a question relative to, Well, doesn't Congress have to abide by its own rules? And I think one of the things that we would like to ask is: Doesn't the administration have to abide by the rules that Congress sets forth?

The reason that this bill, and actually both bills are before this committee today, is because of actions taken last Christmas by the administration, and particularly Secretary Watt, to draw up a number of wilderness study areas around the country, in this case the Bisti, and after the uproar died down in New Mexico, over this, there were a number of responses, including the two pieces of legislation that are before the committee today to answer the concerns expressed by New Mexicans and other individuals around the country about the manner in which the wilderness review and these candidate areas were being handled by this administration.

So I think that in some senses, turnabout is fair play. The administration is going to compromise the process and force us as conservationists to come to Congress and ask for help, and I would think it is perfectly reasonable for Congress to respond to those kinds of needs and to pass legislation such as the one before us today.

I might point out as well that when the administration witness was here today, he pointed out that one of the concerns they had with the bill was the fact that the De-na-zin and Ah-shi-sle-pah areas are significantly larger than those recommended by, as he termed them "professional BLM people in the field."

In the De-na-zin case, the additional acreage comes very simply from the addition of several State sections upon the recommenda-

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tion of the State where subsurface is owned by the Federal Government and only the surface by the State. Those areas qualify in exactly the same manner for wilderness status and were excluded by the BLM primarily because of that split ownership, again, a problem that we have with the current administration.

For Ah-shi-sle-pah we recommended one more section be added to extend the Ah-shi-sle-pah washout and protect the badlands area.

One issue that was sort of coming up consistently across the board this morning is the general issue of valid rights, and it affects three general areas that we are dealing with. One is the oil and gas arena, and another is the coal leasing arena, and a third is the Native American rights arena, and we are of the belief that section 2(b) of H.R. 3766 adequately protects a number of these rights where it states essentially in its preamble that, subject to valid existing rights, a number of activities shall be allowed to occur.

Now, the issue of valid rights relative to oil and gas leases is one that the definition is constantly changing and depending on what court case is pending in one case or another, what a valid right is may change or at least its constraints may change, and it depends a lot upon the individual lease; and although there are a number of leases in these areas, their rights will be protected by this valid rights reservation in the legislation.

The larger issue relating to coal and PRLA's is one that we do have a recommendation for, Mr. Chairman. Congressman Richardson's bill recommends withdrawing the Fossil Forest area from mineral leasing, and we would recommend that that withdrawal be extended to include the other WSA's covered in this legislation for a very simple reason that, again that would be subject to valid rights, but Congress would have the surety of knowing that upon passage of this legislation that no new coal rights could be established and thereby the surface would be protected from stripmining.

And, finally, in the area of Indian rights, I think that it is clear that their uses have preceded the uses that would be established by passage of wilderness for this area and so that they are protected, but we too, as Alison recommended, would like to see those rights set forth clearly in the committee report.

And with that, Mr. Chairman, we would urge speedy consideration of H.R. 3766, and we are confident that the differences between Congressman Lujan and Congressman Richardson will be worked out and we would like to see this go forward in an expeditious manner.

We will be happy to answer any questions.

Mr. SEIBERLING. Thank you. Who is next?

Mr. SOPHER. Mr. Chairman, I am Terry Sopher. I would like to address two important points that were brought up by administration witnesses.

Mr. SEIBERLING. Do you have prepared remarks?

Mr. SOPHER. Yes, sir. Mr. Scott has the remarks.

Mr. SEIBERLING. They will be included in the record.

Mr. SOPHER. The first point I wanted to address that the administration brought up is the assertion that areas such as the Fossil

Forest will be protected without the kinds of provisions that this legislation would provide.

Mr. SEIBERLING. They said they can be. My question to them was, Will they be? And we went round and round on that.

Mr. LUJAN. Who has determined that they have got to be?

Mr. SOPHER. I would like to point out several things that I think will clarify the record on this issue of whether they can and whether they will.

First of all, the facts that I will briefly review show that their policies never would protect such areas. There are only a limited number of mechanisms that exist under the authority of the Federal Land Policy and Management Act to protect such values outside of wilderness study areas. Fossil Forest, of course, is not a wilderness study area.

What are those FLPMA authorities? Well, first of all, the general mandate of FLPMA outside of wilderness study areas is to prevent unnecessary and undue degradation of the lands and resources. Under the administration's policies, prevention of undue and unnecessary degradation have been defined to mean anything that is beyond that normally caused by whatever activity they allow on the land.

Now, to clarify that, let's take a look at hard rock mining activities, activities on mining claims. This would mean that if the normal procedure on a mining claim to get access is to bulldoze a road to that mining claim and in bulldozing that road, they have to go through paleontological areas, then under this standard of prevention of undue and unnecessary degradation, they would be allowed to bulldoze the road because that is necessary. It is not unnecessary in order to get to their claim. So that standard provides no protection for the kinds of values that we have in an area like the Fossil Forest.

And to illustrate that, I would like to cite a memorandum to the Assistant Secretary of Land and Water from Director Burford, dated June 23, 1982, in which he is talking about his recommendation, one of the few recommendations for withdrawals that they have made for a small area to be withdrawn from the public lands, and he addresses the question of whether the so-called 3809 surface management regulations provided adequate protection.

He says, the 3809 regulations are not and were never intended to be a means to prohibit activities on a mining claim but are only a means to prohibit unnecessary and undue degradation. Therefore, an area where surface and subsurface disturbance will destroy the values identified cannot be protected.

The second point is, What are they doing about withdrawal policies? One way to get around this problem of the weak standard, that standard of preventing undue and unnecessary degradation, would be to withdraw lands from the operation of leasing and the mining laws, as you propose to do in this legislation for Fossil Forests.

Well, in April of this year the administration adopted a policy of greatly restricting prohibiting BLM officials on the ground from effecting very many withdrawals to protect these kinds of resource values. So I would suggest, Mr. Chairman, that review of these

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facts demonstrate the administration policies will not, in fact, protect such resources.

The second point I would like to address very briefly is the assertion by Mr. Griles that this administration is firmly and fully enforcing and implementing the mandates of FLPMA with regard to protection of the BLM wilderness study areas. In fact, the facts reveal that the wilderness study policies imposed by Watt make a travesty of that FLPMA mandate.

What he has put in place is, in fact, an antiwilderness gauntlet that will leave little pristine wilderness for the committee to consider if indeed, as recommended by Mr. Griles, you wait for their studies to be completed.

Mr. Craig earlier expressed concern about allowing imprints of man in areas that were being considered for wilderness. Well, in fact, Watt's policies have been and are continuing to fill BLM WSA's with the very kinds of impacts that disqualified areas from wilderness study to begin with. Once these new uses and new imprints of man are in the WSA's, Watt's policies then mandate and require that WSA's not be recommended for wilderness. That is quite a nice catch 22.

And let's look at the assertion that there is no need to hurry. They are being fully protected. We will find, in fact, that WSA's under these policies are being saturated with leases, mining claims, and range improvements. We will find that off-road vehicle use is being promoted in the WSA's, including off-road vehicle races in the Quito WSA in New Mexico and in numerous WSA's in the California desert. We would find further that major mineral developments have been alloyed as you have documented in numerous oversight hearings and field trips.

Finally, we will find that there is a failure to provide prompt rehabilitation of the so-called temporary impacts that are being allowed.

I finally point out that, in the case of the De-na-zin wilderness study area, Mr. Watt's action earlier this year in eliminating WSA acreage included over 1,300 acres in the De-na-zin wilderness study area. This was despite the fact the State of New Mexico had clearly indicated an interest in exchanging out of those lands.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you.

Ms. Sease.

Ms. SEASE. Thank you, Mr. Chairman.

I am Debbie Sease, Washington representative for the Sierra Club. Realizing that local Sierra Club activists would want to be giving our position and ably defending this legislation, I prepared a very brief statement in support of H.R. 3766. I would request that the statement in its entirety be made a part of the hearing record.

I appreciate this committee's patience in listening to our views and discussion of the issues, and I would only briefly add, in addition to our support for this legislation, a couple of reactions to the administration's testimony this morning.

Perhaps I am naive. I continue to be surprised at the duplicity in the administration's position on wilderness. The primary reason that the administration cited for not supporting H.R. 3766 and the designation of De-na-zin and Ah-shi-sle-pah was that they had not

been fully studied. They implied in this statement that the Bisti had been studied more than those other areas.

All three of these areas are on a similar study tract. The document that they have referred to with regard to the Bisti also includes similar documentation on De-na-zin and Ah-shi-sle-pah. It seems a mere slam to say these have not been studied as much as the Bisti.

The second part of their testimony that was distinguishing was that they responded that they had been adequately protecting these areas and implied that because they are not now issuing new leases in wilderness study areas that they never had. They have issued dozens of post-FLPMA leases and in the three areas that are under consideration now, leases that while they have wilderness protection stipulations are creating constituencies that may oppose those areas being designated. It was only in response to Congress and Congress concern that no new leases be issued that they halted this policy.

I would finally like to thank Congressman Richardson for introducing this bill, holding hearings or asking this committee to hold hearings in New Mexico and listening to the views of New Mexicans, and I would like to also thank Congressman Lujan for his support of the protection of these areas, and I am confident that through the legislative process the New Mexico delegation and this committee can find solutions to those concerns you raise with regard to Ah-shi-sle-pah.

Thank you.

Mr. SCOTT. Mr. Chairman, could I bring your attention to this chart which we didn't get a chance to point out. The big debate as to how much coal is in the four areas versus the entire amount of coal in the San Juan Basin is graphically shown here.

This little blue slice represents the total coal reserves within the four areas contained in H.R. 3766, and I think it is a good graphic representation of what we are dealing with here.

Mr. SEIBERLING. Yes; I am glad you did bring that up because I didn't respond at one point to Mr. Craig today, when he said this might have a lot of value even though it is only 1 percent. We were talking about the Fossil Forest area and that this would be a loss of revenue to the State and to the local people.

Of course, that assumes that if the Fossil Forest isn't mined there is going to be that much less coal mined in the basin in the future. The amount of coal that is mined is going to depend on the market assuming the rest of this coal is open for development, the other 98 percent. The fact that 2 percent is removed from the market doesn't mean that there is going to be any less mining in the foreseeable future. For one thing, just because land is leased does not necessarily mean it is developed for mining. Perhaps 100 years from now if all the San Juan Basin coal has been mined except the 2 percent and Congress held out and said "We still aren't going to allow mining," then there would be a loss, but obviously in the short term there will be no loss.

Mr. LUJAN. Mr. Chairman, we are making it too simplistic, if I might. It is the location where it is located that makes the difference and when we talk about just 2 percent, you are assuming that

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the other coal is just as available, as far as transportation is concerned and the location of the coal.

So it is not quite that simple to say just 2 percent, and 98 percent is available. Not all of the other 98 percent is available. This is located close to that highway that goes by Ah-shi-sle-pah and makes it more convenient, but it is not just a black and white thing to say that the other 98 percent is just as available as this particular part would be.

Mr. SEIBERLING. Of course, that is correct except that I pressed the administration witnesses as to whether there were any particular reasons why some of this coal was in a different status than others, and he came up with no answer. So some of it may be more accessible than others, but I cannot believe that in this entire area that it just happens that the Fossil Forest area is the only coal that is easily accessible and easily developable. I would be very surprised if that were the case, and no one claimed that it was.

Mr. LUJAN. We must point out, however, in our kicking around of the administration that, as a matter of fact, these three areas that are being considered for wilderness right now were designated by this administration as wilderness study areas of having some value, some preservation value.

So it is not an entirely black and white situation here. There is the matter of degrees when we do it. The administration has not said these will never be wilderness areas. They have said "We are studying those areas," and although I disagree with them on some of them, still I don't think that it is fair just to kick them around and say, "You want to open the whole northwestern part of the State."

There has been the sensitivity of looking at those areas and saying "These are worthy of study as possible wilderness areas."

Mr. SEIBERLING. My understanding is that the study areas were designated by the previous administration. I am not debating that. I just wanted to point out that just because 1 or 2 percent of the coal in an area has been removed for the time being by legislation from development doesn't mean that there isn't going to be just as much coal developed in the next 20, 30, or 50 years.

I think I already used up my time, so I recognize the gentleman from New Mexico.

Mr. LUJAN. You know, one of the things I guess that I keep looking at, I think it doesn't make any sense to just shut off an entire corridor of a State to any kind of development, and that is where we find ourselves and where we will continue to find ourselves.

I have always thought that we could pinpoint these areas that we thought had those preservation values and identify them as we are doing this morning and say, "All right, let's go and designate these areas as nondevelopable." But I have not heard anyone say, "OK, once we designate those areas, then let's go ahead. Let's remove, then, the moratorium."

Is it the feeling of this group that once we do that, once we designate those areas that, OK, then we are through with that area of the State and then let's move on with some development? Yes?

Ms. MONROE. No; I don't think that is our position. I think there are very serious problems in the procedures in the coal leasing program that need to be addressed. Wilderness is only one consider-

ation in deciding how much coal to lease, where and things like setting leasing targets, setting minimum bids; things like that are things that certainly need to be addressed at a minimum for the coal leasing program.

Mr. LUJAN. So you are saying that—my feeling was, OK, let's designate the wilderness areas, be sure we have the right amount of money coming in, and after all it is the royalty that is where the real bucks are. The entry level bid is peanuts.

What you are saying is that if we go ahead and designate them as wilderness areas you will still insist there be no coal mining in the northwestern part of New Mexico.

Ms. MONROE. No; not that, there will always be a lot of coal mining in northwest New Mexico. The need for new leasing and the need for processing the PRLA's in the manner that doesn't seem to comply with the laws, I would dispute that.

In March of 1982 in response to some controversy about New Mexico leasing target the Minerals Management Service did a study of how much coal could be mined without new competitive leasing from existing mines and PRLA's. They found that in comparison with our present production, New Mexico about 20 million tons a year by 1990, there was enough coal in leases and PRLA's to produce 82 million tons a year without a Ah-shi-sle-pah and 86 million tons a year with it.

Mr. LUJAN. Let me ask you the question in a different way.

When we move ahead with this bill and assuming—you know, you get all four areas, all designated as wilderness or put aside, whatever—what you—would you then feel we were through with the wilderness issue as far as San Juan Basin is concerned?

Mr. TEAGUE. I think that is correct, Congressman.

Mr. LUJAN. We could put in release language for that particular basin, very strong release language that says, Ok, we have done it. Now so far as the wilderness question is concerned, we will release it from that.

Then you can bring your lawsuits or whatever as far as PRLA's and——

Mr. SEIBERLING. Will the gentleman yield?

Mr. LUJAN. Yes.

Mr. SEIBERLING. The staff points out to me that since there are no other roadless areas in San Juan Basin on BLM lands that qualify for wilderness consideration, there is no occasion for release language. We have only used release language where there were other roadless areas and we have said that we would now release them and they don't have to be managed to preserve wilderness characteristics.

Mr. LUJAN. If there is not any we can look at and there are so many bills that pass here that, well that is being done anyway so we don't need a law, but we are going to put it in anyway, to affirm it, what is the objection to the release language?

Mr. SEIBERLING. I am not sure there is an objection, I reserve my rights there, but there is no need to do it. The problem with the release language as it originally developed was that there were a lot of roadless areas studied in the national forests that were not recommended for wilderness in the RARE II process. So the forest products industry said:

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We want to have some idea that if a wilderness bill is passed and certain areas are designated "wilderness" the environmental groups or others aren't going to come along and demand that these additional roadless areas be studied for wilderness.

Mr. LUJAN. That is what I am trying to get at here.

Mr. SEIBERLING. I am told there are no roadless areas in the San Juan Basin except the ones dealt with in this bill. So there is no reason for release language.

Mr. LUJAN. There is no harm if we have it in there.

Mr. SEIBERLING. I won't say there is no harm. That is what I refuse to be backed into. There may be harm.

Mr. LUJAN. Let's ask the group and see.

Ms. SEASE. One may compare that in contrast to the areas containing 2 percent of the coal, but in this case they contain almost 100 percent of the qualifying lands in the San Juan Basin. They do contain 100 percent of the qualifying lands.

Mr. SEIBERLING. That is my point.

Mr. LUJAN. What about release language?

Ms. SEASE. I think it would be unwise to add to this bill further issues for controversy.

I have seen how the Congress has gotten stuck on wilderness bills because of how release language is worded. Since there are no lands to be released by such language, it would seem to me needlessly burdening the bill with additional encumbrances.

Mr. LUJAN. I guess maybe that is the point.

We take a position—here it doesn't make any difference whether we have release language or not according to all the statements made.

But philosophically we take a position and are not willing to move from that and that is what makes it difficult to come up with any compromise at all or any agreement that makes sense.

Why not? Why do you say let us not have release language if there is no more lands to be called wilderness? If we specify a particular area—I am just talking about the San Juan Basin now, not the others we are studying, not the whole State, just that particular area—Ok, let's do it. Let's designate some for preservation and let's move on to it.

Mr. SEIBERLING. Would the gentleman yield?

Mr. LUJAN. Yes.

Mr. SEIBERLING. I am sure there are a lot of other things we could put into the bill that would settle matters which are not at issue in the legislation. We could think of various other things and say, well, since it doesn't have any practical effect why not put it in, it will make somebody feel better.

I just think that we should follow the same principle of the courts: and that is that they won't decide issues that are not actually before them. There is no issue before us once we have acted on these four areas as to wilderness, because there are no other areas that qualify as wilderness. I think her point is absolutely right, she expressed it better than I, why stir up another issue and give somebody an argument, that since it doesn't have any effect, let's put in hard release.

Mr. LUJAN. That is what we ought to do.

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Mr. SEIBERLING. The next time we come around in some case where it does have effect and somebody wants hard release they will say, oh, but you agreed to that in this bill. Therefore, what is the matter?

Mr. LUJAN. We will stipulate it is not a precedent, Mr. Chairman.

Mr. SEIBERLING. That stipulation is absolutely worthless. Let's not put a lot of things in this bill that have no practical effect.

Mr. LUJAN. Let's not put things in this bill that we hold a philosophical view on.

I think that has been our problem all along.

Mr. SEIBERLING. All I can say is if the gentleman wants this bill passed in even the form that he endorses, then let's not bring in a lot of extraneous issues that have no application.

Mr. LUJAN. That is not an extraneous issue. Go ahead.

Mr. TEAGUE. I think what we are looking at is basically a question of fairness, Mr. Lujan. There is a very small fraction of land in the basin which is wilderness, it is a precious thing. There is a lot of coal land. I think all we are asking is that wilderness in this case be treated on the same basis that coal is. When the BLM offers a coal lease sale they don't then say well the coal that wasn't purchased or that we didn't lease this time is then forever barred from further leasing.

There is a recognition that the planning process is dynamic and that decisions on resource management will continue to be made in the future.

I think that is why I at least personally in principle would oppose the unnecessary inclusion of hard release language. We don't do that for other resources and I cannot see the way clear to do it in particular for wilderness, particularly in this case where the wilderness is such a small fraction of the total resource base.

Mr. LUJAN. Only to give some assurance that we are not going to be coming back every single day, every time somebody turns a spadeful of dirt and we will say, oh, oh, that is eligible for release language, let's go with it.

Mr. SEIBERLING. If the gentleman would yield, I will tell you what will happen if you start bringing up release language.

There are some people who think that even without wilderness that it is an outrage to strip the rest of this area and you are going to get those people coming back and saying: Oh, well if we are going to fight over this whole thing then let's also have a further study as to whether there should be any coal leasing at all from an environmental standpoint, because it will mess up the area from the standpoint of the general environment, not just the wilderness characteristics.

So that could go on and on. The fact is there—unlike the national forest—there is no provision for BLM wilderness review every 10 to 15 years in a new planning cycle. So there isn't any occasion for even getting into the release at all—hard release, soft release, anything else.

Why get into an argument over release in the San Juan when there isn't any problem?

The courts don't like to decide cases in the abstract and we shouldn't do it either.

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Mr. LUJAN. This is a little different than a court hearing.

Mr. SEIBERLING. I know, but the policy makes sense as a practical policy.

Mr. LUJAN. The policy of having release language and saying these are the wilderness areas and then we have to go on for development, certainly makes a lot of sense to me.

Mr. SEIBERLING. I assure the gentleman if he wants to kill this bill all he has to do is stick in a lot of extraneous matters like release language and we will just bog it down completely.

Mr. LUJAN. I don't think we ought to have a closed mind on the thing. Just like we are looking at the various areas with an open mind—we all are—the chairman shouldn't have a closed mind.

Mr. SEIBERLING. I think this is a pointless argument.

Mr. GLOWKA. If I could add, I have driven all over the San Juan Basin——

Mr. LUJAN. Me, too.

Mr. GLOWKA [continuing]. And backpacked and hiked all over the San Juan and I agree with the BLM statement that there are no contiguous areas of Federal land large enough to designate as a WSA. Practically speaking, I cannot see how we would ever see that situation arise again.

Mr. SEIBERLING. Would the gentleman yield? I have no objection to putting into the committee report a statement that the committee considers that there are no other areas in the San Juan Basin that qualify for wilderness consideration and that for that reason we have not included any release language.

Mr. LUJAN. Let's leave that up for further discussion in trying to arrive at proper solutions.

Mr. SEIBERLING. The time of the chairman and the ranking minority member have long since expired.

Mr. Richardson.

Mr. RICHARDSON. Thank you, Mr. Chairman.

I will be very brief and I also want to commend the New Mexico witnesses, the Sierra Club, and Wilderness Society for their help in preparing this legislation, too, and Mr. Teague and Mr. Glowka for taking me around the San Juan Basin. I think if there is credit for this legislation—and they have given me a lot of credit—I would like to give them credit, too.

I am proud to have you as my constituents. I don't want to belabor the point of the release but what concerns me, Mr. Chairman, is that if we don't proceed and allow more time to elapse, I am concerned about the legislation section 603 language which I understand in a recent opinion by Mr. Alexander Good from the Interior Department—which in effect says if the President decides he won't recommend the areas for wilderness and he adopts this opinion of Mr. Good's, it says the President and not the Congress can release the areas, that groups such as yours—the environmental groups—you in essence would have to go to court to block development of this land and to force the administration to basically listen to the FLPMA laws that say only Congress can make this designation.

Isn't in effect what might happen—I mean what prevents Mr. Good and then Mr. Clark and then the President from saying, well, we have read the legislation and according to our interpretation of

section 603, we are saying that the only ones we can deal with are the ones we recommend, accordingly De-na-zin and Ah-shi-sle-pah can be open for development? Isn't that in effect what could happen and in effect aren't we ratifying the intent of Congress in this legislation?

Anyone?

Ms. SEASE. Yes, Congressman, in fact we spend a lot of time in court fighting just that kind of opinion by the Department of Interior.

Mr. SEIBERLING. Would the gentleman yield?

Mr. RICHARDSON. Yes.

Mr. SEIBERLING. The gentleman wasn't in Congress when we had the Watergate fiasco, but it was the assertion of the Nixon administration reiterated by President Nixon after he resigned, in the famous television interview with—I forget the name of that—Mr. Frost, yes, that the President had an inherent power when the national interest was involved to override the statutes. Apparently there are still people, including this Mr. Good who is in the Solicitor's office, who are reasserting that power.

As a matter of fact, it is being reasserted in other fields, too, not just in the environmental field. That, of course, is an absolute abomination which would totally destroy the rule of law if the President, like the king, could simply by fiat overrule the law.

That may pertain in certain countries in the less developed world where the President or the executive reserves the right to rule by executive decree, but we have not gotten that kind of system in this country.

Yet, it is still being asserted and by lawyers, too, who ought to know better.

So I think the issue of the President's authority to release areas without congressional approval poses a serious threat and that is one reason why I agree with the gentleman that we should not wait until they have dotted all the i's and crossed the t's on these other two areas. If we think the areas qualify as wilderness I see no reason on Earth why Congress shouldn't put them in if we are only talking about an infinitesimally small fraction of total coal reserves in the area and nobody claims there is anything else—that is my reaction to that.

Mr. RICHARDSON. Thank you, Mr. Chairman.

For those that are testifying that are New Mexicans, what I couldn't understand is why the BLM Director of New Mexico's recommendation that both Bisti and De-na-zin, which I understand have been studied equally in terms of time, that they make a decision on the Bisti, but not on De-na-zin and now I guess what I am trying to seek is confirmation of my view—I don't want to be this hard on the new Interior Department—that in effect by the statement of the administration today we are stepping several steps backwards in the view that only Bisti should be designated.

Mr. TEAGUE. If I may comment on that, I believe the administration position was that inadequate geological or mineral data was available for the other areas, particularly on the coal resource. We would like to observe that ample coal resource data should already be in the hands of the BLM; the Minerals Management service receives it in the geological survey since the PRLA holders who hold

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them overlapping this area had to submit this with their initial commercial showings.

These were filed at least 2 years ago. Furthermore, there is no Federal drilling going on to determine coal resources since the Mineral Management Service budget for this gathering of coal information has been cut.

So it is not clear to us what additional field data will be forthcoming by delaying. It seems like they must have in their hands already all the information that they need to make these decisions.

As Mr. Griles mentioned this morning, it is true that they are working on the open file report, and he said that that would be ready within a year or whatever he said, but that report, the open file report, contains all the data collected by the Mineral Service on these natural resources. They have all that mineral data in that report.

The only thing done beyond that is the fine-tuning in the bureaucratic writing of the report. So all the essential data is available when the open file report is available.

Second, part of Watt's antiwilderness policies that he imposed on the Bureau of Land Management in fact have resulted in setting up a system whereby the study results in the professional judgments of the field managers are put through an extensive review process in Washington to be sure they fit with their political preconceptions about whether there should be wilderness or not in a particular area.

Mr. RICHARDSON. Again I want to thank all the representatives, not just from New Mexico but from Washington, the Sierra Club, and Wilderness Society, thank them for their support, their votes of confidence, and I think their suggestion, Mr. Chairman, that we move rapidly is a good one. I appreciate your role as chairman of this subcommittee in the hearing you have given us today. Thank you.

Mr. SEIBERLING. Thank you.

If there are no further comments or questions, this hearing is adjourned.

[Whereupon, at 2:40 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Aravaipa Canyon Wilderness Act

Arizona Strip Wilderness Act of 1983

TUESDAY, SEPTEMBER 13, 1983

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:25 a.m., in room 1324, Longworth House Office Building, Hon. John F. Seiberling (chairman of the subcommittee) presiding.

Mr. SEIBERLING. The Subcommittee on Public Lands and National Parks will come to order.

First let me say we are conducting hearings on H.R. 2724, the Aravaipa Canyon Wilderness Act, located in Arizona, and H.R. 3562, the Arizona Strip Wilderness Act of 1983.

For the benefit of all interested parties, let us, without objection, have printed at this point in the hearing record, copies of those two bills.

[The bills, H.R. 2724 and H.R. 3562 follow:]

USAV-00003958

98TH CONGRESS
1ST SESSION

H. R. 2724

To designate the Aravaipa Canyon Wilderness in the State of Arizona.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 1983

Mr. MCNULTY (for himself, Mr. UDALL, and Mr. MCCAIN) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

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A BILL

To designate the Aravaipa Canyon Wilderness in the State of Arizona.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Aravaipa Canyon Wilder-
4 ness Act".
5 SEC. 2. The Congress finds that—
6 (a) the Aravaipa Canyon, situated in the Galiuro
7 Mountains in the Sonoran desert region of southern
8 Arizona, is a primitive place of great natural beauty
9 that, due to the rare presence of a perennial stream,
10 supports an extraordinary abundance and diversity of

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1 native plant, fish, and wildlife, making it a resource of
2 national significance; and
3 (b) the Aravaipa Canyon should, together with
4 certain adjoining public lands, be incorporated within
5 the national wilderness preservation system in order to
6 provide for the preservation and protection of this rela-
7 tively undisturbed but fragile complex of desert, ripar-
8 ian and aquatic ecosystems, and the native plant, fish,
9 and wildlife communities dependent on it, as well as to
10 protect and preserve the area's great scenic, geologic,
11 and historical values, to a greater degree than would
12 be possible in the absence of wilderness designation.
13 SEC. 3. In furtherance of the purposes of the Wilderness
14 Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.) and
15 consistent with the policies and provisions of the Federal
16 Land Policy and Management Act of 1976 (90 Stat. 2743;
17 43 U.S.C. 1701 et seq.), certain public lands in Graham and
18 Pinal Counties, Arizona, which comprise approximately six
19 thousand six hundred and seventy acres, as generally depict-
20 ed on a map entitled "Aravaipa Canyon Wilderness—Pro-
21 posed" and dated May 1980, are hereby designated as the
22 Aravaipa Canyon Wilderness and, therefore, as a component
23 of the national wilderness preservation system.
24 SEC. 4. Subject to valid existing rights, the Aravaipa
25 Canyon Wilderness shall be administered by the Secretary of

1 the Interior in accordance with the provisions of the Wilder-
2 ness Act governing areas designated by that Act as wilder-
3 ness. For purposes of this Act, any references in such provi-
4 sions to the effective date of the Wilderness Act shall be
5 deemed to be a reference to the effective date of this Act and
6 any reference to the Secretary of Agriculture with regard to
7 administration of such areas shall be deemed to be a refer-
8 ence to the Secretary of the Interior, and any reference to
9 wilderness areas designated by the Wilderness Act or desig-
10 nated national forest wilderness areas shall be deemed to be a
11 reference to the Aravaipa Canyon Wilderness. For purposes
12 of this Act, the reference to national forest rules and regula-
13 tions in the second sentence of section 4(d)(3) of the Wilder-
14 ness Act shall be deemed to be a reference to rules and regu-
15 lations applicable to public lands, as defined in section 103(e)
16 of the Federal Land Policy and Management Act of 1976 (43
17 U.S.C. 1701, 1702).

18 SEC. 5. As soon as practicable after this Act takes
19 effect, the Secretary of the Interior shall file a map and a
20 legal description of the Aravaipa Canyon Wilderness with the
21 Committee on Energy and Natural Resources of the United
22 States Senate and with the Committee on Interior and Insu-
23 lar Affairs of the United States House of Representatives,
24 and such map and description shall have the same force and
25 effect as if included in this Act: *Provided,* That correction of

1 clerical and typographical errors in the legal description and
2 map may be made. The map and legal description shall be on
3 file and available for public inspection in the offices of the
4 Bureau of Land Management, Department of the Interior.
5 SEC. 6. Except as further provided in this section, the
6 Aravaipa Primitive Area designations of January 16, 1969,
7 and April 28, 1971, are hereby revoked. Prior to promulga-
8 tion of rules and regulations to provide for its administration
9 as a component of the national wilderness preservation
10 system, subject to existing withdrawals, the Aravaipa
11 Canyon Wilderness shall be administered under rules and
12 regulations of the Secretary of the Interior applicable to des-
13 ignated primitive areas to the extent consistent with the pro-
14 visions of this Act.

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USAV-00003962

98TH CONGRESS
1ST SESSION

H. R. 3562

Entitled the "Arizona Strip Wilderness Act of 1983".

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 1983

Mr. STUMP (for himself, Mr. UDALL, Mr. RUDD, Mr. MCCAIN, Mr. MCNULTY, Mr. MARRIOTT, Mr. HANSEN of Utah, Mr. NIELSON of Utah, Mr. SEIBERLING, and Mr. YOUNG of Alaska) introduced the following bill; which was referred jointly to the Committees on Interior and Insular Affairs and Agriculture

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A BILL

Entitled the "Arizona Strip Wilderness Act of 1983".

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Arizona Strip Wilderness
4 Act of 1983".
5 SEC. 2. (a) In furtherance of the purposes of the Wilder-
6 ness Act, the following lands are hereby designated as wil-
7 derness and therefore, as components of the National Wilder-
8 ness Preservation System—
9 (1) certain lands in the Arizona Strip District of
10 the Bureau of Land Management, Arizona, which com-

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1 prise approximately six thousand five hundred acres, as
2 generally depicted on a map entitled "Cottonwood
3 Point Wilderness—Proposed", dated May 1983, and
4 which shall be known as the Cottonwood Point Wilder-
5 ness;

6 (2) certain lands in the Arizona Strip District of
7 the Bureau of Land Management, Arizona, which com-
8 prise approximately thirty-six thousand three hundred
9 acres, as generally depicted on a map entitled "Grand
10 Wash Cliffs Wilderness—Proposed", dated May 1983,
11 and which shall be known as the Grand Wash Cliffs
12 Wilderness;

13 (3) certain lands in the Kaibab National Forest
14 and in the Arizona Strip District of the Bureau of
15 Land Management, Arizona, which comprise approxi-
16 mately seventy-seven thousand one hundred acres, as
17 generally depicted on a map entitled "Kanab Creek
18 Wilderness—Proposed", dated May 1983, and which
19 shall be known as the Kanab Creek Wilderness;

20 (4) certain lands in the Arizona Strip District of
21 the Bureau of Land Management, Arizona, which com-
22 prise approximately fourteen thousand six hundred
23 acres, as generally depicted on a map entitled "Mt.
24 Logan Wilderness—Proposed", dated May 1983, and
25 which shall be known as the Mt. Logan Wilderness;

1 (5) certain lands in the Arizona Strip District of
2 the Bureau of Land Management, Arizona, which com-
3 prise approximately seven thousand nine hundred
4 acres, as generally depicted on a map entitled "Mt.
5 Trumbull Wilderness—Proposed", dated May 1983,
6 and which shall be known as the Mt. Trumbull Wilder-
7 ness;
8 (6) certain lands in the Arizona Strip District of
9 the Bureau of Land Management, Arizona, which com-
10 prise approximately eighty-four thousand seven hun-
11 dred acres, as generally depicted on a map entitled
12 "Paiute Wilderness—Proposed", dated May 1983, and
13 which shall be known as the Paiute Wilderness;
14 (7) certain lands in the Arizona Strip District, Ar-
15 izona, and in the Cedar City District, Utah of the
16 Bureau of Land Management, which comprise approxi-
17 mately one hundred and ten thousand acres, as gener-
18 ally depicted on a map entitled "Paria Canyon—Ver-
19 milion Cliffs Wilderness—Proposed", dated May 1983,
20 and which shall be known as the Paria Canyon–Ver-
21 milion Cliffs Wilderness;
22 (8) certain lands in the Kaibab National Forest,
23 Arizona, which comprise approximately thirty-eight
24 thousand two hundred acres, as generally depicted on a
25 map entitled "Saddle Mountain Wilderness—Pro-

1 posed", dated May 1983, and which shall be known as
2 the Saddle Mountain Wilderness; and
3 (9) certain lands in the Arizona Strip District, Ar-
4 izona, and in the Cedar City District, Utah, of the
5 Bureau of Land Management, which comprise approxi-
6 mately nineteen thousand six hundred acres, as gener-
7 ally depicted on a map entitled "Beaver Dam Moun-
8 tains Wilderness—Proposed", dated May 1983, and
9 which shall be known as the Beaver Dam Mountains
10 Wilderness.
11 (b) The previous classification of the Paiute Primitive
12 Area and the Paria Canyon Primitive Area are hereby abol-
13 ished.
14 SEC. 3. (a) Subject to valid existing rights, each wilder-
15 ness area designated by this Act shall be administered by the
16 Secretary concerned in accordance with the provisions of the
17 Wilderness Act: *Provided,* That any reference in such provi-
18 sions to the effective date of the Wilderness Act shall be
19 deemed to be a reference to the effective date of this Act, and
20 any reference to the Secretary of Agriculture shall be deemed
21 to be a reference to the Secretary who has administrative
22 jurisdiction over the area.
23 (b) Within the wilderness areas designated by this Act,
24 the grazing of livestock, where established prior to the date
25 of enactment of this Act, shall be permitted to continue sub-

1 ject to such reasonable regulations, policies and practices as
2 the Secretary concerned deems necessary, as long as such
3 regulations, policies, and practices fully conform with and im-
4 plement the intent of Congress regarding grazing in such
5 areas as such intent is expressed in the Wilderness Act and
6 this Act.

7 SEC. 4. As soon as practicable after enactment of this
8 Act, a map and a legal description on each wilderness area
9 designated by this Act shall be filed by the Secretary con-
10 cerned with the Committee on Energy and Natural Re-
11 sources of the United States Senate and the Committee on
12 Interior and Insular Affairs of the House of Representatives,
13 and each such map and description shall have the same force
14 and effect as if included in this Act: *Provided,* That correc-
15 tion of clerical and typographical errors in each such legal
16 description and map may be made by the Secretary con-
17 cerned subsequent to such filings. Each such map and legal
18 description shall be on file and available for public inspection
19 in the Office of the Chief of the Forest Service, Department
20 of Agriculture or in the Office of the Director of the Bureau
21 of Land Management, Department of the Interior, as is ap-
22 propriate.

23 SEC. 5. (a) The Congress hereby finds and directs that
24 lands in the Arizona Strip District of the Bureau of Land
25 Management, Arizona, and those portions of the Starvation

1 Point Wilderness Study Area (UT-040-057) and Paria
2 Canyon Instant Study Area and contiguous Utah units in the
3 Cedar City District of the Bureau of Land Management,
4 Utah, not designated as wilderness by this Act have been
5 adequately studied for wilderness designation pursuant to
6 section 603 of the Federal Land Policy and Management Act
7 (Public Law 94-579), and are no longer subject to the re-
8 quirement of section 603(c) of the Federal Land Policy and
9 Management Act pertaining to management in a manner that
10 does not impair suitability for preservation as wilderness.
11 (b) The Congress hereby determines and directs that—
12 (1) certain lands in the Kaibab National Forest
13 known as the Red Point (03063), Big Ridge (03064),
14 Burro Canyon (03065) and Willis Canyon (03066)
15 roadless areas, as identified in Executive Communica-
16 tion numbered 1504, Ninety-sixth Congress (House
17 Document numbered 96-119), and the portion of the
18 Kanab Creek RARE II roadless area (B3-060) not
19 designated wilderness by this Act have been adequate-
20 ly studied for Wilderness in the RARE II Final Envi-
21 ronmental Statement (dated January 1979);
22 (2) such studies shall constitute an adequate con-
23 sideration of the suitability of such lands for inclusion
24 in the National Wilderness Preservation System and
25 the Department of Agriculture shall not be required to

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1 review the wilderness option for such areas prior to re-
2 vision of the initial plans required for such lands by the
3 Forest and Rangeland Renewable Resources Planning
4 Act of 1974 as amended by the National Forest Man-
5 agement Act of 1976 and in no case prior to the date
6 established by law for completion of the initial planning
7 cycle; and
8 (3) such areas need not be managed for the pur-
9 pose of protecting their suitability for wilderness desig-
10 nation pending revision of the initial plans.

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Mr. SEIBERLING. Before proceeding, without objection, I will offer for inclusion in the record a letter from Congressman Bob Stump, together with a statement of his, in which he expresses his appreciation for the subcommittee's hearing and indicates his position in support of a multiple-use approach to Federal lands.

[EDITOR'S NOTE.—The letter and prepared statement of Hon. Bob Stump referred to above by Chairman Seiberling may be found in appendix II. See Table of Contents for page numbers.]

Mr. SEIBERLING. I have no opening remarks.

Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman. If I may make a few brief opening remarks, I would appreciate it.

Mr. SEIBERLING. The gentleman is recognized.

Mr. HANSEN. Last Thursday and Friday I had the opportunity to spend some time during both of those days, on the Arizona Strip. It was an extremely interesting experience and it gave me some idea of what is taking place regarding this particular piece of legislation. I would like to thank and compliment all those persons who have worked on this legislation. If anything, this should be a landmark piece of legislation considering the work and cooperation that took place between a number of entities with different opinions. I would like to compliment all those who worked on it.

Because H.R. 3562 is entitled "The Arizona Strip Wilderness Act," it is commonly understood that H.R. 3562 designates significant lands in the State of Arizona as wilderness. What is not well known is that H.R. 3562 also has a major impact on the State of Utah.

The first and most obvious impact on my State is the fact that H.R. 3562 would designate approximately 22,551 acres in the State of Utah as wilderness. These acres are located in the southern part of the State within my congressional district and include portions of the Paria and the Beaver Dam areas.

The second impact this legislation has on Utah is less well known. Because of the great natural divide we call the Grand Canyon, the lands located north of the Grand Canyon and commonly known as the Arizona Strip are somewhat isolated from the rest of Arizona. Consequently, in some ways these lands and their users are closely attached to interests in the southern part of the State of Utah.

For example, many of the ranchers with grazing interests located in the Arizona Strip either live in Utah or have their agricultural operations based in Utah. The same is true of many of the industrial, conservationist, and other groups or individuals interested in the Arizona Strip.

Another observation I would like to make about this legislation is its uniqueness. It is unique in the way in which it was developed. In many cases, wilderness legislation is the result of a congressional initiative that is later amended, modified, and changed to address the often competing interests and concerns of local citizens, developers, and environmentalists, with varying degrees of success.

This is unique because it was developed by those competing interests through a long process of review, evaluation, negotiation, compromise, and give and take. As I have monitored this process, I have seen diverse interests consulted in the formulation of this leg-

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islation, including energy and mining interests, environmentalists, ranchers, local residents, elected officials, and others. The result is a compromise that seems to be acceptable to virtually all.

I believe it is also unique in that the entire congressional delegations of the States involved, Arizona and Utah, have cosponsored this legislation. I recall our chairman, Mr. Udall, of the full Interior Committee, as well as yourself, Mr. Chairman, stating that they would not oppose a unified delegation's wilderness proposal. I appreciate their recognition of this principle as indicated by their joining as cosponsors of this bill.

In addition, I would like to note that I was in contact with Utah's Governor Scott Matheson yesterday to confirm his support of this Arizona strip wilderness proposal. He is forwarding a letter to me expressing that support. I would ask unanimous consent at this time that the record remain open so that I might include his letter in the formal printed record of this hearing.

Mr. SEIBERLING. Without objection, that will be done.

Mr. HANSEN. Thank you.

I would like to conclude by expressing my appreciation to Mr. Stump, the sponsor, for his leadership on this most difficult issue. His willingness to respond to the concerns of the Utah delegation is greatly appreciated.

I am anxious to hear the comments and testimony of our witnesses on this legislation. I am hopeful that we can move promptly toward the favorable consideration of this bill.

Thank you, Mr. Chairman. I appreciate the time.

[EDITOR'S NOTE.—The letter from Gov. Scott Matheson referred to by Mr. Hansen may be found in app. II. See Table of Contents for page number.]

Mr. SEIBERLING. Thank you.

Would the gentleman yield?

Mr. HANSEN. I would be happy to yield.

Mr. SEIBERLING. I would like to say that I appreciate the gentleman's remarks about the importance of the delegation getting together. But this legislation before us today represents more than just the delegation getting together. All of the interests involved, the environmentalists, the industry people, and other local interests, all got together and worked out a consensus approach. When the delegations do that, then it makes our job much simpler, when they work with all of the interests.

So I would make a distinction between a delegation bill—and I am not suggesting what kind of bill the Utah delegation would work up—but I would make a distinction between a delegation bill that represents only the delegation getting together with some of the interests and a delegation bill which represents a true consensus among all, often conflicting, points of view. I think that footnote is a very important addition to the gentleman's comments, with which I generally agree.

Mr. HANSEN. Thank you, Mr. Chairman. I appreciate those comments. I would hope you wouldn't think I am setting you up for the Utah bill, even though I may say I had that idea in mind. [Laughter.]

I wouldn't think you would, but I just believe in making the record clear as to my personal point of view.

Mr. HANSEN. I am crushed that you would think such a thing. [Laughter.]

Mr. Chairman, that's fine. I know you have very interesting things going on with Mr. Wiessner there, but on page 2 of my opening remarks I made the same point that you have made, that it is not just a delegation, but a composite joint effort on the part of a lot of fine organizations working together. I am glad they all could come together.

I would hope that as you chair this great subcommittee here, and as we look at other pieces of wilderness legislation, that consideration should be done in this way, rather than in an aura of confrontation, of let's butt heads all the way to the top. I think if we can discuss and work things out with those who have an interest, it sure makes it a lot more painless than it could be.

Mr. SEIBERLING. I thank the gentleman, and if he will look at my record, my first effort is always to try to get all of the various parties together. Sometimes it succeeds and sometimes it doesn't succeed. But that should always be our first effort. If we can't do that, then we just have to sort of try to push something through.

Mr. HANSEN. I appreciate the way you handle that.

Mr. SEIBERLING. Thank you.

Our first witness today is our distinguished colleague, the Honorable James McNulty of the Fifth District of Arizona, also a fine member of this committee.

STATEMENT OF HON. JAMES F. McNULTY, JR., A U.S. REPRESENTATIVE FROM THE STATE OF ARIZONA; AND MEMBER, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. McNULTY. Thank you, Mr. Chairman, and thank you for the opportunity to testify here this morning. I do so in connection with H.R. 2724, which is the Aravaipa Canyon Wilderness proposal.

That bill has long been a favorite of my friend, Barry Goldwater, from the State of Arizona, a Member of the other body, and because of my familiarity, generally, with the area and my affection for him, I was pleased to sponsor the bill here in the House. Messrs. Udall and McCain have joined me.

Mr. Chairman, to prepare myself for this testimony this morning I met with the State Director of the Bureau of Land Management, Dean Bibles, 2 weeks ago. He and I and my high school senior daughter flew a helicopter from the west end of Aravaipa Canyon, actually the Aravaipa River, back to the beginning of the area that is proposed to be included within this bill, and then to a high point over these enormous canyons and then down to the old Salisar Homestead, the meadow that is about in the center of the canyon. There Mr. Bibles had very kindly trailed in some horses from the east end of the canyon and we rode the remaining distance through water most of the way back out the east end of the canyon.

I brought a couple of dozen photographs of this extraordinary work of nature, and I would be pleased to have anyone examine them that would be interested. This is one of the most fascinating natural wonders in the United States. It is but little known because it is not readily accessible. In years past vehicles have made their way through the canyon from one end to the other. They

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can't do so now, and extremely heavy rains this spring have washed away what little there was in the way of roadway surface. I deliver the exhibits as "exhibit A in evidence".

These are enormous cliffs, very high, in some areas over 1,000 feet. They are very sheer. Areas leading into the bottom of the canyon are very steep also, or in some cases, in the instance of a place called Hell Hole, the walls of the canyon are not over 4 feet apart.

At any rate, it is an unforgettable sight and an unforgettable trip. It is currently being managed by the National Park Service. Thirty persons per day are allowed to come in the west end of the canyon and 20 persons to come in the east end of the canyon.

It adequately fulfills in every respect the legal and the emotional definitions of a wilderness area, and I am most hopeful that this committee will approve the bill and forward the same with a "do pass" recommendation to the full Interior Committee.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you very much. It sounds like a fascinating place. For a moment I thought you were going to say 30 people are allowed in each day and 20 allowed to come out [laughter], which would indicate some people would like to stay there forever. But it does look beautiful. I thank you for showing us these pictures because it really does help give a better idea to the members who otherwise are just looking at lines on a map or words on paper.

I see some good pictures of you looking very rugged and healthy and relaxed.

Mr. MCNULTY. You will be able to tell from those pictures that is not the first time I have been on a horse, Mr. Chairman.

Mr. SEIBERLING. I'm sure of that.

Thank you very much. I appreciate the fact that you have taken the time and effort to help work this out. I am sure we will have a lot easier time getting it moved through the Congress as a result.

Mr. Hansen.

Mr. HANSEN. No comments. I appreciate the pictures you were showing me earlier. I think you have a very worthy project.

Mr. MCNULTY. Thank you.

Mr. SEIBERLING. If you wish to sit in on the hearings, of course, we would be happy to have you. Even though you're not officially a member of the subcommittee, we would certainly welcome your presence.

Mr. MCNULTY. Thank you kindly, Mr. Chairman.

Mr. SEIBERLING. We will now proceed to hear from Mr. Robert Burford, Director of the Bureau of Land Management, and Mr. J. Lamar Beasley, Deputy Chief of Programs and Legislation, U.S. Forest Service.

Gentlemen, if you will both come to the witness table, we will hear from each of you and then go into questions. I see, though, that it is not set up for panels, so maybe we will have questions first of Mr. Burford and then you will be able to leave if you wish to do so without waiting for Mr. Beasley.

All right, sir, Mr. Burford.

[Prepared statement of Hon. J. Lamar Beasley may be found in app. II. See table of contents for page number.]

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PANEL CONSISTING OF ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR; AND HON. J. LAMAR BEASLEY, DEPUTY CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. BURFORD. Mr. Chairman, as a point of clarification, do you wish statements on both H.R. 2724 and H.R. 3562?

Mr. SEIBERLING. Yes; why don't you give us your testimony on both bills—not at the same time, but one after the other.

Mr. BURFORD. Well, I am a man of many accomplishments, but I don't think I can read both statements at the same time. I'm glad the chairman recognizes my virtuosity.

Mr. Chairman, I appreciate the opportunity to appear before the subcommittee this morning to discuss the administration's views on H.R. 2724. H.R. 2724 would designate approximately 6,670 acres of public lands in Graham and Pinal Counties, Ariz., as the Aravaipa Canyon Wilderness, and a component of the National Wilderness Preservation System. If the bill is enacted, the lands would be administered by the Secretary of the Interior in accordance with the wilderness management provisions of the Wilderness Act of 1964.

Prior to promulgation of rules and regulations providing for the administration of Aravaipa Canyon as a wilderness, the lands would be administered in accordance with regulations of the Department of the Interior applicable to designated primitive areas to the extent these regulations are consistent with the provisions of H.R. 2724.

This bill was introduced after President Reagan and Secretary Watt recommended to the Congress that Aravaipa Canyon be designated as wilderness. This is consistent with the process spelled out in section 603 of FLPMA.

Aravaipa Canyon, as the members of the committee present know, is an outstanding natural area of many contrasts. A gem of the Southwestern desert, the canyon landscape consists of high mesa-like cliffs through which courses a free-flowing stream that provides lush vegetation and a habitat for birds and animals that is seldom seen in the surrounding desert. Opportunities abound for scientific study, wildlife observation, photography, and primitive recreation. These values have long been recognized by both the BLM and the Department of the Interior. Approximately 4,000 acres of the now proposed wilderness were previously designated as the Aravaipa Canyon Primitive Area on January 6, 1969, and April 28, 1971.

A mineral study conducted by the U.S. Geological Survey and the Bureau of Mines, both of the Department of the Interior, indicates that the proposed wilderness area contains no significant mineral deposits. We believe that designation of the Aravaipa Canyon area will result in no adverse impact on the Nation's security, mineral needs, or economic well being.

The administration's recommendation that Aravaipa Canyon be designated as wilderness is a result of the wilderness study required by section 603 of the FLPMA passed in 1976. Public hearings were held in November 1979. In addition, all interested elected officials were notified of the proposed recommendation. There have

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been no major objections to the recommended action from any of those officials. We heartily recommend that H.R. 2724 be enacted.

I would now like to read the statement on H.R. 3562, Mr. Chairman, unless you wish to ask questions on the Aravaipa Canyon first.

Mr. SEIBERLING. No, why don't you go ahead with the other bill.

Mr. BURFORD. Thank you.

I appreciate the opportunity to appear before the subcommittee to discuss the Department of the Interior's views on H.R. 3562, which would be cited as the Arizona Strip Wilderness Act of 1983.

Section 2(a) of the bill would designate as wilderness nine areas comprising a total of 394,900 acres, including 288,600 acres of public lands administered by the Bureau of Land Management, and 106,300 acres of national forest lands. The areas designated as wilderness are situated in BLM's Arizona Strip District, Ariz., the Cedar City District, Utah, and in the Kaibab National Forest, Ariz., and comprise parts of Coconino and Mojave Counties, Ariz., and Kane and Washington Counties in Utah. Section 2(b) would abolish the previous classification of the Paiute Primitive Area and the Paria Canyon Primitive Area.

Section 3 would require that the areas designated as wilderness by the act be administered by the Secretary concerned in accordance with the provisions of the Wilderness Act. Section 4 would require that maps of the involved areas be filed with the appropriate House and Senate committees, and that copies of such maps be on file in the headquarters offices of the Bureau of Land Management and the Forest Service, as appropriate.

Section 5(a) would release from further wilderness consideration under section 603 of FLPMA approximately 620,600 acres of BLM administered public lands. The lands that would be released are in BLM's Arizona Strip District and in units of BLM's Cedar City District in Utah that are contiguous to the Paria Canyon instant study area. The released areas would no longer be subject to the requirement that they be managed to prevent impairment of their suitability for preservation as wilderness. Section 5(b) would release from further wilderness consideration four Forest Service areas and a portion of a fifth, comprising a total of 52,270 acres.

We strongly support enactment of H.R. 3562.

It is a unique piece of legislation. Its provisions and the land use management which will result therefrom represent the successful culmination of several months of direct negotiation among individuals and organizations representing competing interests. Among those involved in the negotiations were State and local governments, representatives of the Energy Fuels Corp., Western Nuclear Corp., livestock grazing permittees in proposed wilderness areas, the Wilderness Society, the National Parks and Conservation Association, the National Wildlife Federation, and the Sierra Club.

The Bureau of Land Mangement was not an active participant in the negotiations. However, it served as a catalyst by bringing the various interests together and providing assistance upon request. It is unlikely that any single group or interest would have come up with this exact proposal. The Bureau of Land Management is nearing the end of its Arizona Strip Wilderness study environmental impact study effort and is completing the analysis of all reports,

recommendations, and public comments. The analysis indicates that the proposal set forth in H.R. 3562 and the land management proposal that would result from the study effort may be sufficiently close that we can strongly support the bill.

The lands involved in H.R. 3562 offer varied and unique resource values. Enactment of the bill and implementation of the agreements reached in the negotiations would result in a balanced approach to the use of those resources. The bill would provide wilderness protection for almost 400,000 acres of diverse land areas containing spectacular geologic formations and topographic features, as well as important wildlife habitat for bighorn sheep, golden eagles, prairie falcons, and other species. In so doing, the bill would preserve other resource values such as the ability to enjoy primitive and unconfined recreational activities, solitude, photography, horseback riding, hunting, spelunking, and other leisure time activities.

The areas proposed for wilderness designation contain no known deposits of critical or strategic minerals. However, their designation as wilderness would preclude the future leasing of oil and gas and other mineral deposits, mineral location under the mining laws, off-road vehicle uses, road development, and wood cutting.

Under section 3(b) of the bill, existing grazing uses could continue.

The release of 620,600 acres of public lands from wilderness consideration would open the lands to mineral exploration, particularly uranium. Other minerals, such as gypsum, gold, silver, iron, lead, manganese, tungsten, copper, nickel, cobalt, mica, and noncommercial quantities of oil and gas are known to exist in the areas proposed for release.

We have three technical comments which will be discussed in the Department's report on this bill.

We strongly support the bill. It was my privilege to visit the area approximately 6 weeks ago. It is a unique area. It is not the first time I have been in that country, since I grew up a little bit to the east of there and have been in the area before. It is a wild, unique area. I personally enjoy it and do, therefore, endorse the bill for the Department as well as for myself.

Mr. SEIBERLING. Thank you. It is a pleasant experience to have the Department supporting two bills dealing with wilderness before this subcommittee. I want to commend the BLM for the exceptional staff work that was done out in the field particularly on this bill, which I think helped a great deal.

I was out in the area last November and I certainly concur with you as to the fine qualities that are represented by the wilderness units proposed in this bill. I also was pleased to be able to meet with the people from the Energy Fuels Corp. and the environmental groups and helped encourage them to try to get together and work this thing out. I am delighted that it has, in fact, been done, and that the administration has worked with them. I think it is a very commendable result and I want to thank you for your testimony in support of the legislation.

Mr. BURFORD. Your thanks will be sent down to the appropriate staff members. I appreciate the compliment for them.

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Mr. SEIBERLING. You had better give them all a little drink beforehand so they can stand the shock. [Laughter.]

Mr. BURFORD. I will.

Mr. SEIBERLING. Thank you.

Mr. Hansen.

Mr. HANSEN. I shall reiterate your remarks, Mr. Chairman. It is a refreshing experience to sit on this subcommittee and see the unanimity and the cooperation. It's just like a "love in", isn't it? I don't know if my heart can stand it. [Laughter.]

Last Thursday I had the opportunity of being with Energy Fuels flying over the area, and Friday, with your man, Bill Lamb, I spent maybe 10 hours with him going over the different areas. I thought sure my wife would be a widow after going up and down some of those areas with the rotor blades only 2 or 3 feet from the sides of those canyons. It is possibly some of the most spectacular country I have ever been in in my life, even though I, too, grew up in basically that area. You don't see it until you get the opportunity to see it that way.

I think it is a well-reasoned bill, well put together, and again, not to beat a dead horse, it seems to me this is the way this type of legislation ought to be put together.

Mr. SEIBERLING. I am glad that the gentleman was provided those harrowing experiences. I wasn't the only one that had some rather harrowing experiences during the recess, only mine were up in Alaska flying around.

Thank you very much, Mr. Burford. If there are no other questions, we will let you go on your way rejoicing. [Laughter.]

Mr. BURFORD. Mr. Chairman, I want to compliment you on conducting one of the most enjoyable committee hearings it has been my pleasure to attend in this building.

Mr. SEIBERLING. Thank you. Make the most of it.

Mr. BURFORD. We have some charts and maps here, if you want to look at them.

Mr. SEIBERLING. We have some maps here. Unless there are some particular points you wish to bring out, I think we're pretty well prepared.

Mr. BURFORD. I don't think there is anything unique about our maps, but they do display the area and if you wish we can leave them. Otherwise, we'll take them back.

Mr. SEIBERLING. We have a full set, so I guess that won't be necessary.

Thank you very much.

Mr. Beasley, welcome.

Mr. BEASLEY. Mr. Chairman, members of the subcommittee, it is my pleasure to present our views today on H.R. 3562, the Arizona Strip Wilderness Act of 1983.

With your permission, Mr. Chairman, I would summarize my statement and ask that it be included in the record.

Mr. SEIBERLING. Without objection, your entire statement will be placed in the record and you may proceed.

Mr. BEASLEY. Of the nine areas that are proposed to be designated by this bill as wilderness, two of these areas pertain to national forests. They include approximately 100,000 acres of national forest lands. The Department of Agriculture supports the National Forest

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System land being included in the National Wilderness Preservation System, but recommends that the bill be amended in some areas in response to some of the concerns that we have, which I will mention.

The proposed Kanab Creek Wilderness contains approximately 62,000 acres of National Forest System lands, and approximately 9,000 acres of adjacent Bureau of Land Management lands. This area is dominated primarily by Kanab Creek. The national forest system lands were recommended for wilderness and further planning designation as a part of RARE II.

The proposed Saddle Mountain Wilderness contains approximately 39,000 acres of National Forest System lands and almost all of this area was recommended for wilderness designation as a part of RARE II.

Release of the five areas in section 5(b)(1) of the bill, comprising about 49,000 acres, from further review of the wilderness option is for only the first generation of land management plans. We strongly recommend that permanent release from further consideration for wilderness be provided.

Additionally, we believe this bill offers an opportunity to take further steps in resolving the difficult wilderness issues. In October 1982, the U.S. Court of Appeals for the Ninth Circuit affirmed a lower court decision that the environmental impact statement on RARE II was legally inadequate. Consequently, on February 1, 1983, it was announced that the Forest Service would reevaluate all roadless areas examined by RARE II in States where no congressional action had ensued. The review would be in the context of preparing management plans for individual national forests. We feel it would be appropriate for this bill to declare that the RARE II environmental impact statement for Arizona legally was sufficient. It would avoid the need for costly and time-consuming revisions to land management plans for national forests in Arizona. We would be pleased to provide the committee staff with language to accomplish these recommendations.

We have just received copies of the maps that accompany H.R. 3562 and are still reviewing the proposed wilderness boundaries. We really are not sure whether there are any problems or not and, undoubtedly, there probably aren't. But we would like to have some additional time to work with your staff to make any suggested possible boundary adjustments, if necessary, to avoid conflicts with roads or other developments adjacent to the proposed wilderness boundaries. Again, this would be just to make sure that the boundaries are such that we could manage our road systems—where it might require some additional maintenance, turnouts, some widening of roads, et cetera.

Again, we are not sure there is a problem, but we would like the opportunity to spend a little more time in reviewing the maps.

This concludes my prepared testimony, and I would be pleased to respond to questions.

Mr. SEIBERLING. I guess it is too much to think that we were going to have total harmony. I am a little bit shocked at the Forest Service, frankly, Mr. Beasley, asking for permanent release language.

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Now, as you know, the standard form of release and sufficiency language which we have included in every single RARE II wilderness bill that has been enacted by the Congress, as well as all those that have been passed by the House but not yet enacted by the Congress, was worked out with the Chief of the Forest Service sitting right in this room working it out with us. I just think it ill behooves the Forest Service, after all this time, and knowing the position of this committee and the House of Representatives, to try to renege on that compromise that was worked out—not only with the Forest Service, but with representatives of the environmental groups and the National Forest Products Association.

So what is the explanation for that?

Mr. BEASLEY. Mr. Chairman, to my knowledge, the administration hasn't changed its position on release.

Mr. SEIBERLING. Does that mean that the position of the Chief of the Forest Service does not represent the administration?

Mr. BEASLEY. Oh, sure it is, Mr. Chairman, but I don't recall any bill where the administration, where it has pertained to national forest lands, has changed its position other than to ask for——

Mr. SEIBERLING. That is true, but my point is, what is the value of trying to sit down with the Chief, Chief Peterson, and work out something—and I realize that he was not there committing the administration—but what is the point of trying to negotiate something if the Forest Service isn't going to be able to bring the administration along with them?

Mr. BEASLEY. I think the value is that the Chief had the chance to enter into dialog on the pros and cons, and certainly his views are heard——

Mr. SEIBERLING. But that wasn't intended to be just an academic discussion.

Mr. BEASLEY. I realize that, Mr. Chairman. But also the Chief can go just so far in pursuing——

Mr. SEIBERLING. I would just like to say that I think it is about time this administration recognized that the Congress has spoken loud and clear on this subject and have included the language that we worked out with Chief Peterson in every single bill that has been enacted into law, and signed by the President, including this President.

So let's quit this game of playing around and trying to grab a little bit more and trying to, in effect, change the intent of the Forest Management Act, which is—and I might say we are trying to preserve the flexibility of the Forest Service to manage the national forests by not putting them in a straitjacket with respect to lands that are released. We are trying to preserve all of their options. Chief Peterson himself, sitting before this subcommittee, has testified in hearings that there are times when, even if an area is not in wilderness, even if it has been released, they will want to manage it the same as though it were in wilderness, and possibly some day even make recommendations for further wilderness because of the fact that the soils are unstable or the slopes are too steep or whatnot.

So I just think it is deplorable that we can't get a concession out of this administration. It doesn't do any good to have them sit there and say, "Oh, now we're going to be good and we're going to

support wilderness" when they keep on pressing this point and beating this dead horse. I wish you would convey that to the Chief and to Mr. Block, that I am very, very unhappy with the continued hard-nosed stonewalling of the administration on this release issue.

If you really want to solve the RARE II problem and avoid RARE III, just get off this dime and start being a little bit flexible. This isn't a Soviet system. It's time we got a little bit flexible over there at the other end of Pennsylvania Avenue, particularly in the Department of Agriculture, on this issue.

Now, I am sorry to inject a sour note on what I thought was going to be a happy consensus here on some non-controversial legislation that has been worked out. By taking this position, you have kicked that right out of the ball park.

As far as the areas that are to be covered by sufficiency language, there is sufficiency language in this bill, the standard form of release and sufficiency language, which covers the areas released. I see no basis for extending it to all of Arizona because there are certain parts of Arizona that aren't covered by this bill. One of the reasons is because we wanted to try to dispose of as much as we could on a consensus basis. If you're now going to try to sweep in all the other areas, then you're going to kick that consensus also right out the window.

Now, let's get a little realistic for a change. I don't mean to lecture you, Mr. Beasley, but I am just getting sick and tired of the attitude of this administration on this issue. Let's get moving and try to start working these things out.

Now, as far as your other suggestion of wanting to review the boundary adjustments, of course, we will work with you. If there are boundary adjustments needed to avoid conflicts with roads and other things, we will be happy to do that.

Thank you very much.

Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman. I have no questions. I would like to add just one comment.

I am not quite sure I understand this last part, where you brought up the boundary adjustments. I am just assuming what you're saying there. Does this make it a manageable type of thing, that the line is not drawn in some arbitrary manner that is not reasonable for the Forest Service to enforce or work with; is that a correct statement?

Mr. BEASLEY. Essentially, that's correct, Mr. Hansen. The maps were apparently drawn from our maps, so there shouldn't be major problems with them. The unfortunate thing is we didn't have enough time before this hearing for our field people to do just one last check. We would like for them to have the time to do that, which would not take very much time.

Mr. HANSEN. I am sure you would be using natural markers, instead of just metes and bounds which hang out in the air somewhere. I am certain you could come up with something that makes sense insofar as the enforcement of the act is concerned.

Mr. BEASLEY. That is correct. We want to make sure that once those boundaries are established that they won't create future management problems.

A good example might be if the boundary came close enough to a road that it precluded us in the future from widening that road or creating a turnout or something like that. We would like to be sure that doesn't occur.

Mr. HANSEN. I personally feel that is a very reasonable suggestion and possibly should be included in all wilderness, regardless of whether it is BLM or Forest Service. Those that are on the grounds, so to speak, have the opportunity to make a final give or take of a few rods or feet either way to make this thing work out.

As I have noticed in our proposed Utah bill, it would be impossible on some of the metes and bounds we have thus far. They are just completely arbitrary. I say that criticizing myself more than anyone. Someone on the ground has to give it the final touch. I think it is an excellent suggestion and appreciate your bringing it up.

Mr. BEASLEY. I might mention the committee has been very cooperative in doing this in the past.

Mr. HANSEN. Thank you, Mr. Beasley.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you.

Mr. Udall.

The CHAIRMAN. Mr. Chairman, I came here this morning encouraged that we in Arizona were finally going to begin to put our voluminous problems behind us. Through your leadership and a lot of good, constructive action, we have completed, in most cases, wilderness proposals in Oregon, Colorado, and several States. Where we are working on California, and several other States that have had a lot of problems, the best positive solution has been to get going on a consensus.

I have been pleased to work with Senator Goldwater on the Aravaipa Canyon legislation. This is an old area that both of us have been associated with for a long time. I think that makes sense. I am glad to see Mr. Burford's positive testimony in that regard.

We, at a staff level, delegation level, have been trying to put together the rest of the RARE II recommendations in my State. It has been my hope that in this Congress we can finally resolve those issues. In fact, politically, I have been telling my busines friends—and they have been very good about it—in the cattle, and mining, and forest products industry—I have been telling these folks there probably isn't any better political timing for this legislation than right now. They have got a conservative President in the White House who would probably veto a bill that went too far, against the wishes of Senator Goldwater and others. I have admired and supported the chairman of this subcommittee, where month after month, bill after bill, we have hacked out this release language question.

You are dead right in everything you said to the witness, Mr. Beasley. I agree with it and want to associate myself with your remarks. I want to pledge to work with you and the Forest Service and all of the people in Arizona to come up with a constructive, positive, settlement of all these issues. I think we can do it. Lord knows, I don't want to take them into a new Congress 1½ years from now and go back to square 1 and start over. We have got a good chance, a good opportunity, to do some very positive things

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and to show that our State can lead in this area. So I strongly support the goals of what is being done here, but I also share all your concerns with what is an attempted runaround of a policy that has been long established by this committee.

I thank you.

Mr. SEIBERLING. Thank you. I want to commend the chairman of the Interior Committee for his flexibility and devotion to working out a solution that is represented by these two bills. I think it is a real achievement and a difficult one at that. I would fully expect that this subcommittee will support both bills as is, subject to the boundary adjustments that Mr. Beasley referred to.

The CHAIRMAN. Would the gentleman yield?

Mr. SEIBERLING. Yes.

The CHAIRMAN. I just wanted to add that one of the options, procedurally, has been to marry these two bills as separate titles into a RARE II bill for Arizona. If we go that route, I don't know how I explain to anybody that in title II, the so-called Arizona Strip resolution, we go down one road that at least hasn't been the practice before, and apparently in the other titles of the bill we will be trying to go down another road, the compromise in the release language that the gentleman from Ohio has worked out.

Mr. SEIBERLING. I want to thank you, Mr. Beasley. I hope you will take my remarks as not personal, but a concern in terms of the policies of the Department and the administration. I think Mr. Peterson and Mr. Crowell and Mr. Block need to think long and hard about whether they really want to get RARE II behind us.

I personally have made it an objective to get as much of RARE II behind us in this Congress as possible. It has now been dragging along for two Congresses, and this is the third one, and I think we really do need to try to resolve these issues. We are not going to succeed unless there is more flexibility all around. The release issues I think we should regard as a settled issue. Most people who are realists already regard it as settled. We are simply trying to protect the prerogatives of the administration and future administrations to manage the land and make recommendations as in their best judgment they see fit. I don't think we ought to put them in a statutory straightjacket of saying "Oh, but where once we have considered an area as wilderness, from that point on you have to manage it for other uses, you cannot manage it for wilderness." So we came upon some release language that said we have considered them, they need not be managed to preserve their wilderness character. But at least that gives you the flexibility to do it if you want to.

I don't think that is unreasonable. I know what the industry's position is, particularly the timber industry, that they want to be able to plan farther ahead than the next planning cycle. Well, if so, let them take their case to Congress to revise the National Forest Management Act, instead of trying to do it piecemeal by release legislation in each wilderness bill that comes up. That's really the way to approach it and not this kind of back door route.

Thank you very much.

Mr. BEASLEY. Thank you, Mr. Chairman. I will certainly convey your statements today.

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Mr. SEIBERLING. We will now proceed with a panel consisting of Mr. John Adams, chairman of the board of the Energy Fuels Corp.; Mr. Jerry Grandey, vice president of Energy Fuels Corp.; and Mr. Brad L. Doores, corporate counsel, Energy Fuels Corp.

[Prepared statement of Gerald W. Grandey may be found in app. II.]

STATEMENT OF GERALD W. GRANDEY, VICE PRESIDENT, ENERGY FUELS CORP., ACCOMPANIED BY JOHN R. ADAMS, CHAIRMAN OF THE BOARD, AND BRAD L. DOORES, CORPORATE COUNSEL; AND JOHN D. ATKINS, SENIOR GOVERNMENTAL AFFAIRS REPRESENTATIVES, PATHFINDER MINES CORP.

Mr. GRANDEY. Mr. Chairman, my name is Gerald Grandey. I am vice president of Energy Fuels Corp. I would like to ask your consent to have Mr. John Atkins join us. He is with Pathfinder Mines Corp. Given the number of people that are testifying after us, I felt that some support was in order.

Mr. SEIBERLING. Without objection.

Mr. GRANDEY. I would like to take a minute, too, and introduce the gentleman immediately to my left, Mr. John Adams, who is the chairman of the board. He is the son of the founder of Energy Fuels Corp., the founder being Bob Adams, who is really the instigator, the fellow with the idea in the first instance of trying to put the coalition together and resolve what we perceived several years ago to be a rather difficult wilderness issue. So Mr. Adams is here as chairman of the board. Then second on my left is Brad Doores, corporation counsel to Energy Fuels Corp.

Mr. SEIBERLING. Thank you.

Mr. GRANDEY. With your permission, I would like to summarize my statement and then enter it into the record verbatim.

We are here with a great deal of appreciation to address the subcommittee regarding H.R. 3562, otherwise known as the Arizona Strip Wilderness Act of 1983.

Energy Fuels, as you may know, is a privately held, relatively small mining company, headquartered in Denver, Colo. We have been very active over the years in the coal industry as well as in the uranium industry, probably one of the last surviving privately held uranium companies that exists.

Over the past several years we have been engaged in a very active exploration program that is focused on an area that is perhaps one of the most remote in the United States called the Arizona Strip. The exploration that has been done down there has been recognized by the industry as perhaps one of the most aggressive that has been conducted not only in the United States but also in the world for uranium over the past several years, as the industry has gone into a decline.

The Arizona Strip is a region of about 6 million acres in size, lying north of the Grand Canyon in the extreme northwestern corner of the Arizona Strip. It is a region that heretofore had really not been recognized for its mineral potential. It was only back in the 1950's, with a discovery that resides on the south rim of the Grand Canyon called the Orphan Mine, that people began to suspect that the Arizona Strip held more than just canyons and

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vast acreages of land. With the Orphan Mine as an example, our geologists, back in the mid-1970's, began to say that if there was one such ore body, there ought to be others. We began our extensive evaluation and exploration effort.

Of what we know today, the Arizona Strip appears to be the only area in the United States that has the potential to produce relatively high grade uranium ore, which even at today's depressed market is capable of competing with foreign sources of the material, such as South Africa, Canada, and Australia. To date, our efforts have resulted in a number of discoveries where the ore grades are 5 to 10 times what they are on the average in the rest of the United States.

By way of example, most of the uranium ore bodies run 2 to 3 pounds of uranium per ton of ore. The discoveries that we have made down in the Arizona Strip can range between 10 and 20 pounds of uranium per ton. So you can see they are 5 to 10 times as rich as those in the rest of the United States.

Currently, Energy Fuels owns and operates three active mines in an area called Hack Canyon, again north of the Grand Canyon. A fourth mine called the Pigeon Mine is under development and is expected to go into full production in 1985.

I should emphasize that these mines are, by mining standards, relatively small. The ore bodies are vertical. They stand on end. When they are in full production, they occupy really about 5 acres or less in terms of total disturbance.

In addition to the mining activities that we are conducting on the Arizona Strip, our geologists over the last 4 or 5 years, in their extensive evaluation efforts, have identified well over 1,000 targets that we believe could contain the same potential as the Hack Canyon and Pigeon Mines that we are currently producing.

We have spent, since 1981, over $10 million a year in exploration efforts alone. This counts nothing toward the development activities that we have also conducted. The $10 million per year has been spent almost exclusively on exploration of the Arizona Strip.

Unfortunately, many of the targets that we have identified and many of the discoveries we have made are located in 44 areas that were designated by the Bureau of Land Management as wilderness study areas. These 44 areas in the Arizona Strip total about 775,000 acres. Until released by Congress, they have been and will continue to be managed pursuant to the fairly stringent "nonimpairment" standard. Under this standard, our right to develop and mine an ore body, once discovered, is uncertain at best. Moreover, the ability to conduct exploration activities in a cost-effective and economical way has been impeded. We predict or we surmise that it costs us probably 5 to 10 times as much to conduct our uranium exploration efforts under the nonimpairment standard as it would otherwise.

These existing study areas may not be released to multiple use until 1991, and if the RARE II program is any indication, it could even be beyond this period before the uncertainty that we live with in the Arizona Strip, not to mention the rest of the country, is resolved.

Given the uncertainty that we were living with, and our desire to develop the discoveries that we do have within wilderness study

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areas, and to conduct our exploration on a more cost-effective basis, we set out several years ago to see if the wilderness issue that impacts the Strip and the exploration program could be resolved earlier than 1991 or beyond through resolution, through consensus and compromise, rather than through conflict and confrontation. We started out by introducing a lot of people—environmental organizations, local citizens of the area, governmental agencies—to the nature of our exploration activities and to the nature of our ore bodies in the mines. We then proposed, with representatives of the environmental community, including the Sierra Club, Wilderness Society, the Arizona Wildlife Federation, Audubon Society, and the National Parks and Conservation Association, we proposed that we get together to see if there was a way that it could be resolved through consensus, through compromise and negotiation.

Everybody was rather skeptical at first, but we began to sit down together almost a year ago, and over the course of 4 or 5 months we held a number of meetings, mostly down in Phoenix, using the services of the Bureau of Land Management, so that we had at that end information developed by this agency at our fingertips that we could consult, and we finally reached, about the beginning of this year, a consensus as to which areas should be released and returned to multiple use and which areas ought to be included in the National Wilderness Preservation System.

Clearly, our objective, being in the mining business, was to obtain the release to multiple use those areas that we considered to have a high degree of mineral potential. Based upon the number of years of exploration that we have done in the area, we believe we have accomplished this purpose and this objective through the negotiations and consensus that we embarked upon.

After tentative agreement was reached with the environmental groups, we then tried to broaden the consensus or coalition. We began a fairly intensive program of bringing in the various other individuals and interest groups that had some desire and some interest in the Arizona Strip. We talked to other mining companies who followed us a year or two later into the Arizona Strip and briefed them, got their support. We talked with local and State cattlemen's and grazing associations and, with some minor adjustments, obtained their support. We went to the local governmental officials and the residents of the area, briefed them several times, and ultimately obtained their input, again made some minor adjustments and obtained their support.

Finally, on July 13, 1983, with the coalition's unanimous support, the bill was introduced in both Houses of Congress. Hence, the reason we are here today.

Specifically, the Arizona Strip Wilderness Act provides for approximately 285,000 acres of BLM lands and 102,000 acres of Forest Service lands, for a total of approximately 387,000 acres to be added to the National Wilderness Preservation System. Importantly, it also provides for the release of approximately 490,000 acres of BLM land and 50,000 acres of Forest Service land, for a total of approximately 540,000 acres, which will be returned to multiple use.

The benefits to be had from the passage of the Arizona Strip Wilderness Act are clear. The wilderness question will be decided once and for all, ending many years of potential controversy and debate.

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In the areas released, our company and others will be able to conduct exploration in a cost-effective and responsible manner. The discoveries that we have in the area will also be capable of being developed without uncertainty.

American taxpayers will also be saved countless dollars which will otherwise have to be spent by the BLM and the Forest Service to continue their lengthy wilderness evaluation programs. With the final disposition of the public lands clearly defined by Congress, other interested parties and users of the Arizona Strip will be able to continue their use or create new uses without current uncertainty.

The Arizona Strip Wilderness Act represents the consensus of opinion of a very broad base of constituents. We have come to grips with the complex and controversial issues associated with the wilderness debate, and we have succeeded in satisfying the concerns of almost everyone involved. It is our hope that you and the other members of the subcommittee will support this consensus.

We thank you very much for your attention and hopefully your support. If you have any questions, I will be happy to respond or direct them to my colleagues for an answer.

Mr. SEIBERLING. Thank you very much, Mr. Grandey. I want to commend you not only for an excellent statement but for the tremendous effort that has been made by your company to try to work out this bill and to achieve this successful result.

I take it that includes support by you and other people with whom you have talked of the release formula that's in the bill, is that correct?

Mr. GRANDEY. Mr. Chairman, we are very pleased with the release language that has been developed, particularly with respect to the BLM lands. We started out with release language on the BLM side that even we were not particularly happy with, and some of the other representatives of the mining industry. We didn't feel that it really addressed the issue of how the land was to be managed. When we finally got to the issue of continuing management on the part of the Bureau of Land Management, and indicated the nonimpairment standard would no longer be applied, even though the area could continue to be studied in the future, that as long as we were not facing the yoke of the nonimpairment standard we were then free to conduct our exploration programs in a cost-effective and responsible manner. More importantly, many of the discoveries we have right now, which are being held up as a result of the WSA program, could go forward. So on the BLM side we are very, very pleased.

On the Forest Service side, we really have not gotten into the debate and I will evade the issue almost altogether, because the Forest Service ground already is withdrawn from appropriation under the mining law of 1872. Being withdrawn from location, really the Forest Service land, from the mining perspective, has not been all that important. I would say that throughout the negotiations, because the Forest Service recommendations had been developed many, many years ago and had been through two administrations without a whole lot of controversy, that the Forest Service was really an add-on to the bill to make it a package transaction rather than a controversial part.

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Mr. SEIBERLING. I wasn't aware that the Forest Service land there had been withdrawn from the 1872 mining law.

Mr. GRANDEY. It was withdrawn by the Solicitor's opinion. It was issued back in 1956 or 1965. I may have my dates transposed.

Mr. SEIBERLING. That's an interesting piece of information.

Well, I certainly think that everyone ought to consider themselves well served by the release language which is in this bill. As I said to Mr. Beasley, it does seem to me that it is in the interest of the industry to get the RARE II issue resolved as much as possible in this Congress. The next composition of the next Congress and the administration is uncertain. I don't think, however, it is going to be any more favorable to the industry than the present Congress and the present administration. Within that context, they ought to consider this their opportunity to resolve this issue in a way that is most favorable to their point of view. Certainly at least they know where they stand in this Congress and they don't know what is going to happen two years from now.

I think you were very wise to work this out. It seems to me it is a very intelligent bill.

I think that a lot of people, when they think about the BLM wilderness, need to come to the same realization that you did, that the release of this land from the provisions of section 603 of FLPMA is a very important factor, because the nonimpairment requirements of that section are extremely strong and very, very clear. So when those are no longer applicable, it seems to me that's a real plus from the standpoint of possible development of those areas. I am glad you made that point.

Mr. Hansen.

Mr. HANSEN. Mr. Chairman, I appreciate your comments and associate myself with them. I agree with what you said.

I would like to add that this Energy Fuels group are very interesting people. They should be held up as a good example to a lot of the industry people that constantly come into our offices berating us on different wilderness issues, of how wilderness legislation should be handled. They are dynamic, progressive, and innovative, and I think much of that credit goes to their pioneering in this field and to Mr. Bob Adams.

Mr. SEIBERLING. Would the gentleman yield?

Mr. HANSEN. Yes.

Mr. SEIBERLING. It also may have something to do with the fact that they have a very outstanding counsel, who is a former member of this committee, and therefore understands the processes of the Congress a little better than some of the lawyers that we have to deal with from the industry side.

Mr. HANSEN. I knew I couldn't get away from that. [Laughter.]

Let me just say that I am sure John will continue this great precedence that his father has established. We appreciate what you said.

I do have one question that I would like to ask. As I was perusing through your remarks here, you mentioned the 44 WSA's. How many of those will be released, where there was high potential fuel?

Mr. GRANDEY. Where there is high potential, we feel that as a result of the negotiations, Mr. Hansen, all of them containing the

mineral potential that we have identified will end up being released.

Mr. HANSEN. I see.

Mr. GRANDEY. We felt very, very good as a result of the negotiations, that the area in which we have been most active, the areas that we have identified as having the same kind of mineral potential that our present mines have and have demonstrated to us, do get returned to multiple use as a result of this legislation.

Mr. HANSEN. I notice Mr. Grandey mentioned his two mines, the Pigeon and Hack Canyon. I saw those last Thursday. It's a super example of how to do it right. Also, the explanation, which seemed obvious to me, of how they would be preserved or restored at a later time. That should be looked at by a lot of people.

I have no further comment, Mr. Chairman.

Mr. SEIBERLING. Thank you very much. I have no further comments or questions, Mr. Grandey. I again want to commend you and your organization for the outstanding job they have done.

Mr. GRANDEY. Thank you for the opportunity and also for your kind words.

Mr. SEIBERLING. All right. We will now hear from Mr. Toby Cooper, representing Defenders of Wildlife. Welcome, Mr. Cooper.

[Prepared statement of Toby Cooper, with attachments, may be found in appendix II.]

STATEMENT OF TOBY COOPER, DIRECTOR OF NATIONAL ISSUES, DEFENDERS OF WILDLIFE

Mr. COOPER. Thank you very much.

As you know, I will restrict my comments to the Aravaipa Wilderness bill.

I am here today representing both Defenders of Wildlife and the Defenders of Wildlife Trust for the George Whittell Wildlife Preserve at Aravaipa Canyon, which we will abbreviate the Aravaipa Trust.

Both organizations share an extremely high level of interest in the future of Aravaipa Canyon, just north of Tucson, and the Defenders and Aravaipa Trust have supported wilderness designation for the canyon for many years. We enthusiastically applaud Senator Goldwater and Congressman McNulty for sponsoring the legislation to so designate the canyon.

I will go over briefly a bit of background here. I will summarize my statement very quickly, though. The conservation efforts at Aravaipa began back in 1970 when the Nature Conservancy recognized the biological uniqueness of Aravaipa and began purchasing lands around the perimeter of the canyon. In 1972, Defenders of Wildlife purchased the Conservancy's holdings and began planning a major acquisition effort to be called the George Whittell Wildlife Preserve. The preserve is intended to provide a protective buffer zone of wilderness-character lands around the Bureau of Land Management primitive area that embraces the canyon proper. Defenders' purchases were made possible by the estate of the late George E. Whittell.

In 1974, the Aravaipa Trust was established to consolidate the acquisition and management of the preserve in Tucson. The pur-

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pose of the trust is to encourage and foster preservation of the many species of wildlife in the Aravaipa Canyon Primitive Area and the surrounding area as a memorial to George Whittell. Defenders of Wildlife and the Aravaipa Trust are separate organizations but remain closely tied by the common bond of Aravaipa's beauty and value to wildlife.

There has been a solid partnership forged between Defenders and the trust and BLM. Since the BLM owns the core of the canyon itself, and the trust manages essentially the rim lands and perimeter lands, a great deal of cooperation is necessary and we have been very pleased with the results.

At the present time the trust owns or leases 26,104 acres adjacent to the primitive area, 6,029 of which are deeded lands, and 20,075 acres are leased from the BLM or the State. The trust plans to continue acquisition around the canyon until the preserve is complete. Priority is now being given to the purchase of one major parcel and several smaller ones which are considered desirable.

At this point I was prepared to discuss a map which outlines the acquisition. I went to the Senate committee where the map has been residing and they couldn't find it. They had a 1½ days to find it. They're buried in maps over there, of course, the Senate Energy Committee, and most of them are Alaska——

Mr. SEIBERLING. Maybe that explains what has happened to some of our bills over there. [Laughter.]

Mr. COOPER. Yes. I think we probably found a few of those, but we could not find the map.

Anyway, suffice it to say that the map illustrates how the BLM owns the core canyon, which is quite narrow, and the trust either owns or has leased lands around the perimeter of it to create essentially a buffer and a protective zone around the watershed for the canyon which, of course, is extremely critical in the arid lands.

My statement goes on to explain the biological uniqueness and the value of the canyon to wildlife and the amazing diversity of wildlife that exists there. The diversity is a product of the juxtaposition, if you will, of the permanent stream flowing through the canyon and the surrounding Sonoran Desert lands. It is this presence of water, of course, that supports the wildlife and creates a diversified habitat with multiple benefits for wildlife. So there is numerous species found in Aravaipa Canyon that are not found in the surrounding Sonoran Desert lands, the cactus lands, and so forth, but are only found in the canyon. There is bighorn sheep that live in the side canyons and on the rim lands, and a great deal of diversity of bird life, Mexican blackhawks and canyon wrens and vermilion flycatchers, birdlife that you don't find in many other places. There is javelina, coatimundis—I was there last fall on a 1-day hike through the canyon and found a hognosed skunk, which was benign and simply scurried away, but nevertheless, there is a great deal of wildlife in the canyon, including the possibility of cougars. The tracks have been seen, although nobody has actually photographed a cougar in the canyon.

Birdlife is, of course, the big feature and attracts birdwatchers from many miles around.

There is two species of endangered fish—at least they are under consideration for listing—the spikedace and the loach minnow. The

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Fish and Wildlife Service has announced that it has substantial data to support this consideration and we are awaiting notice of final listing. There is also at least five species of rattlesnakes in the canyon.

So both the trust and Defenders are committed to completing the preserve as a complement to the proposed wilderness. Together, these lands provide a biological jewel and a showcase for the emerging BLM wilderness program. We appreciate this opportunity to speak on behalf of this bill and we urge its speedy passage.

At the end of the statement is a short annotated bibliography of the research that has been sponsored through the trust in the canyon area on the biological attributes of the wildlife, the hydrology, the geology, and so forth in the canyon.

Thank you very kindly. I would be glad to entertain questions and again urge that this legislation move forward expeditiously.

Mr. SEIBERLING. Thank you. I compliment you for your work in preserving this area.

Let me just ask you about one aspect, though, of your ownership or holding of land, the 20,000 acres. Well, first of all, the 6,000 acres which is deeded land, are they under any management restrictions in terms of covenants running with the land or anything like that, that means they will be protected permanently?

Mr. COOPER. Absolutely. All the lands are managed strictly for their wilderness character, as required by the will of George Whittell, whose estate provided the funds under which the purchases were made. So the land is committed to a wilderness character by virtue of the covenants.

Mr. SEIBERLING. What about the leased lands?

Mr. COOPER. The leased lands are also subjected by virtue of the funds, subjected to the same kinds of wilderness restrictions on their management. Many of the leased lands—I can't speak to the entire complexity of the acquisition effort—but many of the leased lands are slated for acquisition upon willingness of the present owners.

As you know, the ownership patterns down there go back many, many generations, with the Salizars and some of the other families down there. As the lands do become available, some of the lands under either lease or easement will be purchased. So there is a long-range plan for acquisition.

Mr. SEIBERLING. What about the BLM lands? How many acres are BLM lands?

Mr. COOPER. I had that on the map, I'm sorry to say. I guess I don't have that broken down in my statement. I can provide that.

Mr. SEIBERLING. I wish you would.

Now, what is the term of the leases?

Mr. COOPER. I can't answer that now.

Mr. SEIBERLING. Could you provide that, too?

Mr. COOPER. I could provide that quite easly, just by a few phone calls.

Mr. SEIBERLING. What kind of commitments are there from the BLM to enable you to renew the leases? I suppose they are limited by statute in terms of the right to renew.

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Mr. COOPER. I can't answer that one, either. These are good questions and I can find the answers for you. I just don't have them at this time.

Mr. SEIBERLING. I think it would be helpful just to have it for the record.

So some of the assurances of permanent protection are stronger than others, that's the point, because the leased lands, obviously the leases could expire and at that point you're in a state of uncertainty until and unless they are renewed or you acquire the land.

Now, is there any possibility of acquiring the BLM lands from the BLM?

Mr. COOPER. There is a possibility of that, not the core of the canyon itself, but some of the leased lands, yes.

Mr. SEIBERLING. Well, it seems to me there are two ways of handling this. They could be acquired or they could be added to the wilderness by statute.

Are the leased lands scattered in a checkerboard manner somehow interlarded with the private lands?

Mr. COOPER. They are scattered, yes.

Mr. SEIBERLING. So probably putting them in wilderness would not perhaps be practical, unless the lands around them were acquired and managed in the same way.

Well, I don't think we need to solve that problem today, but it does seem to me that that's something we ought to focus on, because I gather that the preservation of the canyon itself by this legislation would not be nearly as interesting from a conservationist's point of view if it weren't for the 26,000 acres of land around it that's being protected, also.

Mr. COOPER. That's absolutely right. The trust is a very long-term concern and it has the base funding from the Whittell estate, of course, but it continues to raise money on its own. So the entity continues in perpetuity with the sole purpose of acquiring and preserving and protecting the lands around the canyon.

Mr. SEIBERLING. I think that is outstanding, and I am only suggesting that we ought to consider how to make it more permanent and bolster the efforts of the trust to do that.

OK. I have no other questions. Mr. Hansen.

Mr. HANSEN. I have no questions. I just thank Mr. Cooper for his remarks.

Mr. SEIBERLING. Thank you very much.

Mr. COOPER. Thank you.

Mr. SEIBERLING. Our next witnesses are in a panel. Mr. Mike Scott and Mr. Terry Sopher of the Wilderness Society. Welcome, gentlemen.

[Prepared statement of Michael D. Scott may be found in app. II.]

STATEMENT OF MICHAEL D. SCOTT, REGIONAL SOUTHWEST DIRECTOR, THE WILDERNESS SOCIETY, ACCOMPANIED BY TERRY SOPHER

Mr. SCOTT. Thank you, Mr. Chairman.

My name is Michael Scott. I am the Southwest regional representative of the Wilderness Society, based in Denver.

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In the interest of time, I would like to summarize my statement and enter the statement for the record.

Mr. SEIBERLING. Thank you. We appreciate that. Without objection, your entire statement will be included.

Mr. SCOTT. Thank you.

As many other witnesses here this morning have expressed, I would also like to laud the sponsors of this legislation and the participants in putting this compromise together—two of those cosponsors being you, Mr. Chairman, and Mr. Hansen. It is a unique piece of legislation, one which, as you correctly pointed out, represents a compromise between a variety of competing interests.

It also has a couple of firsts. It marks the debut of a significant piece of BLM wilderness legislation, the first one, at least to our knowledge, that has come before this subcommittee and, in fact, has the opportunity of becoming law. We at the Wilderness Society are very pleased to have this come before you, as BLM wilderness is a top priority of ours.

It also represents this unique compromise that was expressed before. We would like to extend our congratulations to Energy Fuels as well, for their fine work. I would like to point out, when the question of reclamation and the nonimpairment criteria came forth, that it is the policy of Energy Fuels to reclaim their operations on the strip to a point where, hopefully in a few years, after they have left a particular operation, that you would not be able to know that something was on the ground. We are particularly appreciative of their policy in so doing and wish other companies around the country would have that same dedication to public spirit and public interest as Energy Fuels has demonstrated.

We came to the table to speak with Energy Fuels for somewhat slightly different reasons than Energy Fuels did, and some somewhat the same. We were concerned that the public interest was not going to be served by any kind of protracted conflict that might exist over the next 10 or 15 years over wilderness on the Arizona Strip. We were also committed to the thought that those conflicts could be solved and solved in a somewhat relatively short period of time, and we also believed that, given the nature of the Arizona Strip, we could have significant wilderness designation and still allow for mining activities to occur on lands that would be adjacent to or outside of our particular area of interest.

As both Congressmen here today have expressed, having seen the Arizona Strip and its unique values, you can well understand why we, as a conservation organization, are particularly interested in that area. It will mark the first time that we are going to have desert wilderness with those beautiful canyons that range from Kanab Creek, that look somewhat like the Grand Canyon itself, to the Redrock country of the Paria Plateau, in wilderness. So we were deeply concerned with this.

We looked at the manner in which the BLM was conducting their wilderness review and had a number of concerns. First off, the BLM came up with a recommendation in their draft environmental impact statement of something less than 3 percent of potential inventory for wilderness, something in the neighborhood of 28,000 acres out of 775,000 acres. As you can recognize by the legislation that is before you today, we, as a variety of interest groups,

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agreed on a little more than 10 times that much in wilderness. We felt, as conservation organizations, that the BLM was being unrealistic in their assessment of what ought or ought not to be wilderness and that they were, in fact, creating some of this conflict that would exist for the next few years. We really tried to get to a point where we would go beyond that, where we could reach some sort of consensus.

The other reason that we sat down to talk was just what Energy Fuels indicated, which was they were interested in exploring more and more—and we saw more and more exploration activity going on in the Arizona Strip, and the possibility of more and more of those areas, that we just were interested in, through roads being constructed and through exploration activity going on—that we would lose them over time, and we would lose them as possible wilderness candidates. So we wanted to sit down and address this particular issue early and directly.

We also believed that the BLM, as I indicated earlier, was not being quite realistic or sensible in its assessment of what ought or ought not to be wilderness, because they were using a number of issues—as an example, grazing conflicts—to exclude areas that we thought had the possibility of compromise. A good example of that is an area called Sand Cove, immediately adjacent to the Paiute Primitive Area, where the BLM had indicated they did not recommend it for wilderness in part because of significant conflicts with future grazing improvements. As Energy Fuels indicated, we sat down with the grazing industry and with the Grazing Advisory Board from St. George and asked them, "Well, if this area was going to be wilderness, what were your areas of significant concern and could we reach some sort of a compromise on this?" And we did. We cut out a few thousand acres of Sand Cove and the area will still be available for grazing, certainly something that is consistent with wilderness, and yet at the same time we answered the other concerns that the grazing industry had relative to that. We did not see that happening from the BLM. We did not see that kind of consensus building or that kind of fair examination of reasonable alternatives coming from BLM.

So, in summary, because of all these concerns we had, we decided it would be in our best interests as well to sit down and discuss these areas and to come up with a consensus bill and something that represented a compromise. We did not see that coming from the agency charged with that responsibility and decided that it might be best if we approached that in sort of an extracurricular activity, if you will.

We have a number of specific comments on individuals areas that I won't go into in detail that represent some of the workings of the group that sat down and examined each one of those areas where we would like to see gates on specific roads and where we would not. I would refer you to our written comments in the hopes that those concerns would be included in the record statement and in the committee report.

Thank you, Mr. Chairman. I would be happy to answer any questions.

Mr. SEIBERLING. Thank you very much. I commend you and your organization for working with the other people, including the in-

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dustry people, and other environmental groups, and the delegation, to resolve these issues. I think it is a very, very outstanding job.

I am glad you were able to use the grazing language which we worked out, also on a consensus basis, in connection with the Colorado Wilderness bill two Congresses ago. I sat down with the ranking Republican member of this subcommittee, Jim Johnson of Colorado, and the Chief of the Forest Service, and the Sierra Club, and the National Cattlemen's Association, and we worked it out in one afternoon. When we got through, Jim Johnson said to me, "Boy, when we started, I never would have believed we could do it." And we did.

I might also add that later that it was like pulling eyeteeth to get the Forest Service to publish what we worked out. But after many more months of putting the heat on the Forest Service, they finally published the guidelines we had worked out and got them distributed to the various local forest supervisors. I am glad to hear it is still working.

Mr. SCOTT. I would like to mention that we did take the opportunity when we met with the livestock industry in St. George to share that language with them. They were pleased to see that compromise and it expressed particular concern about that as well.

I would also like to take a moment, not to beat BLM over the head too long, to also commend them for their willingness to come here to testify in support of this bill. I was giving you something of a historical perspective about why it was we started out sitting down at the table.

Mr. SEIBERLING. I am also interested in the fact that one of the areas that has been recommended as a special management area—and you held strong in not going along with that—we have continually resisted, in this committee, the designation of areas in some kind of status between wilderness and ordinary national forest management. There isn't really much area in between that is meaningful. So we felt the way to solve these problems is to fish or cut bait. You either have wilderness or you have a national forest without a wilderness designation. But there are constantly efforts to try to come up with some kind of a hybrid and it usually ends up satisfying no one.

Mr. SCOTT. In that particular circumstance, the lower Grand Wash Cliffs is what we were referring to there as a potential special management area concept. Our concern relative to that was that those are a very beautiful formation of cliffs. They represent the break in the Colorado Plateau as it sort of tumbles down into the basin and range country in Nevada. We felt that confident that Energy Fuels could conduct mining operations in that area without, if you will, ultimately impairing the quality of that land. But we were also very concerned that other activities would leave the esthetic, biologic and other qualities of that area intact. I think we still have the opportunity to reach a consensus with the various groups on how actually that area ought to be managed.

It is in our testimony because we wanted to share with you our particular concern over that area and bring it to the committee's attention with the hopes they would address it as well.

Mr. SEIBERLING. The Forest Service is supposed to manage the national forests with sensitivity, even where the forest is under a

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complete multiple use operation. So it seems to me the way to handle that is not to have a statutorily designated special management area but to put in some strong indications that the Forest Service or BLM, whichever is the managing agency——

Mr. SCOTT. This would be the BLM.

Mr. SEIBERLING [continuing]. To put some strong language in the committee report indicating how the committee thinks the Forest Service ought to proceed to protect the other values in the area. In the past the Forest Service has been sensitive to those matters.

I was up in Alaska in August with Chairman Udall and other members. Among other things, we flew in to Edelan Island down at southeast Alaska and looked at logging operations at the Midcoff Lumber Co. there, and flew over the south part of the island, which in the House-passed bill we had designated as wilderness. Frankly, it should be operated as wilderness. But the Senate, as part of their compromise effort, which ultimately we accepted, of course, without a conference, dropped out that wilderness proposal.

However, the Forest Service recognizes the sensitive nature of the area. It's a magnificent series of mountains and lakes, hanging lakes and bays, and really deserves to be protected. It is under their management plan and they intend to operate it, in effect, as a primitive area. So it will not be logged and have its wilderness character compromised.

There are other ways to do that without statutory designation. In that case I think it probably should still be ultimately put in the wilderness designation to make that permanent. But they are continuing, as part of their management practices, to protect the area as far as possible.

Maybe that is what we ought to do here, rather than try to statutorily designate a special management area. I'm not saying we'll never do it, but I will say we have strongly resisted creating hybrid areas by statute. We have done it under some circumstances. Only the way we did it was in the Idaho Wilderness bill where we designated a part of it, even though it was in the wilderness, as being open to certain types of very restrictive mining operations.

Mr. Hansen.

Mr. HANSEN. No questions, Mr. Chairman.

Mr. SEIBERLING. All right. Thank you.

Mr. SOPHER. Mr. Chairman, could we have one more moment, please?

Mr. SEIBERLING. Yes, Mr. Sopher.

Mr. SOPHER. We would like to also go on record concerning H.R. 2724, to designate Aravaipa Canyon. We do, of course, support the designation of Aravaipa Canyon and we commend the sponsors and the committee for giving early consideration to this magnificent area.

We would like to call your attention to section 6, which we believe requires technical amendment. Section 6, as introduced, provides that right after designation the area will be administered as a primitive area. This, in our opinion, should be changed so that the area is administered as wilderness immediately upon designation. So we would recommend that technical amendment.

In closing, I would like to again commend the BLM for supporting these bills before you today. But at the same time, while they

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have been providing that support here today, I would point out that Secretary Watt continues undaunted in his antiwilderness policies which our members believe are subverting the intent of this committee and the Congress with regard to the wilderness review on the BLM lands.

As you know, Mr. Chairman, from the oversight hearings you held in the past 1½ years, there are many parts of the program that are not being properly implemented, but these policies continue today. We would like to urge the subcommittee to hold more oversight. It is a concern of our members that unless the Congress takes further action, the BLM wild lands, by the time they make it through Secretary Watt's antiwilderness gauntlet, will have little pristine nature left for the committee to consider realistically designating as wilderness.

As you well know, in what I think is defiance of the committee's unanimously adopted resolution on February 10, Secretary Watt continued to eliminate substantial BLM wilderness study acreage from the wilderness study status. The grand total since last December is 1.5 million acres eliminated from study status. Those lands have been in jeopardy. I am pleased to report this morning that in the lawsuit which we and the Sierra Club, the Sierra Legal Defense, and several other national groups filed on that action, last Friday the judge issued a temporary injunction which orders the Secretary to protect those areas until the judge can rule on the issue.

But there are many other areas that are under jeopardy through illegal bulldozings, through approval from the BLM under Secretary Watt's policies, to allow major drilling and roadbuilding in these areas that have been pristine prior to this point. So we do urge your continued oversight and consideration of action to stop the destruction of these unique wildlands.

Mr. SEIBERLING. Thank you. You may be assured that we will continue our oversight efforts. I agree with you, that Secretary Watt is in violation of various provisions of the Federal Land Policy and Management Act with respect to these lands. We do not intend to sit idley by and allow that to happen without putting all the effort we can into correcting this.

I think one of the most unfortunate aspects is that he has set up the so-called Board of Land Appeals, which is a nonstatutory body, within the Department, with his own handpicked members, and now turns around and cites its rulings as though they were court decisions with the value of legal precedent, which strikes me as being one of the finest boot-strap operations I have seen since I have been in the Congress, but one which has no legal standing. In fact, I would think that at some point it might be useful for the Congress or some other judicial action to challenge the validity of any of their rulings. It is purely an advisory group as far as any legal standing is concerned, and yet it is now being used by the Secretary as legal justification for some of his actions on the BLM lands. It strikes me as being rather flimsy, to say the least.

As to the point about changing the language with respect to wilderness designation of Aravaipa Canyon, the Senate has already done that, I am told, and I think there will be no problem with our following their lead on that.

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Thank you very much.

Mr. SCOTT. Thank you.

Mr. SEIBERLING. Why don't we hear from Mr. Russ Butcher of the National Parks & Conservation Association, and Miss Debbie Sease, Sierra Club, both as a panel.

All right, Mr. Butcher.

PANEL CONSISTING OF RUSSELL D. BUTCHER, SOUTHWEST REGIONAL REPRESENTATIVE, NATIONAL PARKS & CONSERVATION ASSOCIATION, AND ALSO ON BEHALF OF THE NATIONAL AUDUBON SOCIETY; AND DEBBIE SEASE, WASHINGTON REPRESENTATIVE, THE SIERRA CLUB

Mr. BUTCHER. Mr. Chairman, I am the Southwest regional representative based in Cottonwood, Ariz., of the National Parks & Conservation Association. I have been asked to speak also on behalf of the National Audubon Society.

As one of the key negotiators for the Arizona Strip Wilderness consensus proposal, we support with great enthusiasm H.R. 3562. We are pleased with the substance of this legislation, and we are pleased with the way in which this proposal was reached. For all of us who participated in the negotiating process, this has been an enjoyable experience—in fact, an exciting adventure in the democratic process.

It was exactly 1 year ago that we first met and began talking informally with the top officials of Energy Fuels Nuclear, talking about their company's uranium exploration and mining activities north of the Grand Canyon, and about the relationship of these activities to an array of Federal wilderness study areas.

Helicopter tours—you all have had the pleasure of recently helicoptering around the Grand Canyon region—we have had that pleasure, too, and additional cautious, nonbinding discussions followed last autumn. These soon evolved into a series of serious, substantive negotiating sessions held in Phoenix between Energy Fuels Nuclear, the Wilderness Society, Sierra Club, National Audubon Society, Arizona Wildlife Federation, and our association. Miraculously, nearly every one of these meetings in January and February of 1983 brought us step-by-step closer to a consensus proposal. Together we weighed and balanced the pros and cons of each BLM and Forest Service wilderness study area. Some clearly deserved wilderness protection. Some did not. Others contained mineral exploration impacts or had an extraordinary mineral potential, drawing into serious question whether these units should actually be recommended for wilderness.

All of this is certainly not to say we never encountered any tough issues to resolve. Of course, we did. There were several times in which it appeared our entire consensus effort would be aborted over some impasse. In all of these conflicts between mineral and wilderness values, however, one side or the other ultimately agreed to make a sacrifice, or both sides gave ground.

An absolutely indispensable ingredient—and I really want to stress this—of our negotiations was a feeling of mutual trust that pervaded the meetings. Each side was "up front" with the other in a spirit of candor, cooperation, and even cordiality. From our per-

spective, Energy Fuels' representatives—Jerry Grandey, Pam Hill, Brad Doores and the others—were both responsive to, and respectful of, our concerns, and we reciprocated.

In mid-February we presented our consensus plan to BLM and Forest Service staffs for their suggestions. They were enthusiastic about both the consensus process and proposal, and offered a few boundary modifications toward improving manageability of several units.

In mid-March we met with members of the Arizona Strip District Grazing Advisory Board. Several range management concerns were resolved—Scott has referred to one of those that was smoothed out—and the board then gave its endorsement. Energy Fuels' officials next succeeded in gathering the support of local chambers of commerce, and municipal and county representatives of the Arizona Strip and southern Utah, along with a number of other energy companies.

In May, as a newly appointed member of the BLM's Arizona Strip District Advisory Council, I was invited to explain to that council the consensus proposal and process. The members expressed unanimous enthusiasm and hoped legislation could be favorably acted upon soon.

After the Arizona Strip Wilderness bills were introduced in both Houses of Congress in mid-July, the Interior Department's National Public Lands Advisory Council also gave its blessing.

The press, too, has begun taking special notice of this unique wilderness legislation, with articles appearing in Time magazine, the New York Times, the Christian Science Monitor, the Rocky Mountain News, the Arizona Republic, Arizona Daily Star, Salt Lake Tribune, the Deseret News, and others. The Arizona Republic has published two favorable editorials—July 28 and September 8—one of which said, in part:

> The Arizona Strip Wilderness bill now before Congress is a triumph of compromise over environmental conflict. It is a rare species on the environmental landscape—a wilderness proposal that both environmentalists and industrial leaders support. . . . It could prove a model for future accords here and elsewhere in the Nation. . . . It is a beautiful compromise.

Thank you.

Mr. SEIBERLING. Thank you. I appreciate your testimony and the very interesting account of the work that you did. I want to commend you and your organization for working this out with the other interests concerned.

All right, Miss Sease.

Ms. SEASE. Mr. Chairman, when one is the last witness in a series of witnesses that agree, one runs the risk of being repetitious. Happily, my statement is quite brief.

I am Debbie Sease, Washington representative of the Sierra Club. The Sierra Club is a 91-year-old citizen environmental organization. We currently have 348,000 members organized in active chapters in every State, and we have active groups in over 300 localities. Wilderness preservation has long been a top priority of the Sierra Club. Our involvement in the BLM wilderness review began a decade ago with our lobbying for the inclusion of wilderness review language in the Federal Land Policy and Management Act.

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I am particularly pleased to testify on H.R. 2724 and H.R. 3562 which would make significant additions to the National Wilderness Preservation System in Arizona.

I would like to take this opportunity to share with the committee the Sierra Club's views on both of these bills, especially as they relate to the overall implementation of section 603 of FLPMA by the BLM and the Congress.

Aravaipa Canyon was recognized by the Bureau of Land Management as having special values in 1969 and was the Bureau's first administratively designated primitive area. It is the first and only BLM wilderness study area to date that has been recommended by the President for wilderness preservation. We fully concur with this recommendation and think it is appropriate that Congress enact H.R. 2724. We would, however, urge the committee to incorporate the technical changes in the Senate version, S. 626.

The Arizona Strip contains some of the wildest, most isolated and most beautiful land in North America. It is appropriate that the Congress act now to protect with wilderness designation a small part of that vast wild country. H.R. 3562 is the product of a long and arduous process of compromise and consensus. It is supported by the entire Arizona delegation and by virtually all interested constituencies.

I was pleased to hear today Director Burford's support for this legislation. The original BLM recommendation for wilderness in the strip was for only 28,000 acres. It is gratifying that a concerted effort by interested citizens has caused the Bureau to reassess its earlier recommendation and to support wilderness for almost 395,000 acres of the strip.

I believe that the Congress will see more of this kind of effort by citizens in the future. Although not all of the BLM recommendations are as inadequate as the original Arizona Strip proposal, there is widespread dissatisfaction with the agency's handling of the BLM wilderness review. In the long run, it will be the Congress that determines what is added to the wilderness system from the BLM public lands. H.R. 2724 and H.R. 3562 are a good beginning. It is to be hoped that the administration will be equally supportive of future citizen wilderness proposals.

Thank you for the opportunity to comment on these two pieces of legislation.

Mr. SEIBERLING. Thank you very much. I again commend your organization for the work they have done on this. I have no other questions or comments.

If there are none, this hearing is now adjourned.

[Whereupon, at 12:10 p.m., the subcommittee adjourned.]

USAV-00003999

ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Arizona Wilderness Act of 1984

TUESDAY, FEBRUARY 21, 1984

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to call, at 10 a.m., in room 1324, Longworth House Office Building, Hon. John F. Seiberling (chairman of the subcommittee) presiding.

The CHAIRMAN. This is a hearing of the Subcommittee on Public Lands and National Parks of the Committee on Interior and Insular Affairs, and we will now come to order.

The subcommittee is chaired by the distinguished gentleman from Ohio, Mr. Seiberling, who will be along in a few minutes. He sent word for me to go ahead and convene the hearing and get started on what is a long and interesting and important list of witnesses today.

We have kind of operated in cycles, stages of about 10 years. The wilderness bill was passed in 1964. I guess I am about the sole survivor on the committee who was here when that action was taken. We assumed there would be about 10 years for the Forest Service to sort out the forest acres, the roadless acres, and make recommendations. We came pretty close to that 10-year cycle and then we concluded that it would probably take another 10 years, which would put us up in the 1984-86 range, to have Congress make the final decisions on these proceedings.

Some of the States have been very fortunate. A number of the States have resolved their problems and we passed legislation to carry out the act. Arizona is one of the major States left that has not faced up to it. But I think in this legislation and in the months that have gone on before, we have made a good start getting all the groups, factions, and interests in our State to focus on the problem and to make recommendations. So this is an important day for Arizona.

I have a short prepared statement I would like to read at this time.

Since 1976 Arizona, like all the public land States of the West, has struggled through a difficult debate over future management of close to 2 million acres of roadless national forest land. In 1979 the Carter administration closed out one phase of that debate by rec-

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ommending to the Congress about 400,000 acres be placed in the Wilderness System, and more than a half million acres be kept in limbo, which was called further planning, and that the remainder be devoted to multiple-use management.

Since 1979 Arizonans who used the forests for livelihood, for recreation, for scientific purposes, and for much more, have labored under the uncertainties of interim management. It proved especially difficult to move to the next step of the debate, into talks and enactment of legislation to accept, reject, or modify those administrative recommendations.

This has hurt people in Arizona, causing frustration and confusion. Miners are not sure where to invest their exploration in development dollars. Ranchers wonder about the future management of their grazing allotments. Conservationists fear the loss of critical, sensitive lands in the fragile Arizona environment.

The Forest Service goes about its job without any clear direction from the Congress. Lawsuits in other States threaten court-imposed land management regimes that would benefit no one. The current administration launches a senseless, costly and resource-wasting process called RARE II to paw over the inventory again. The very expensive land management plans now in the later stages of development by the Forest Service, such as Coronado Forest plans for southern Arizona alone would add about $2.5 million. These stages lack the critical information that only congressional decisions about wilderness can provide.

Last year the entire delegation joined me in recognizing that the time had come to act. Since last spring we have been engaged in intensive discussion with a wide variety of individuals, organizations, and government officials to get the facts and to probe where the critical interests lie and to make some decisions. I am grateful to the countless people in Arizona who have given their time and effort to this most difficult task.

Based on this very productive effort, I introduced H.R. 4707 on February 1. This bill would designate about 750,000 acres of new national forest wilderness below the Grand Canyon. It would designate an important segment of the Verde River as a wild and scenic river. I am told that only 2 percent of the river miles in this country qualify for such protection, and that out of that small 2 percent only 8 percent has actually received it. In addition, there are no desert rivers at all in the system of protected rivers now on the books.

My bill also would combine the Arizona Strip Wilderness bill and the Aravaipa Canyon Wilderness bill. These bills have already been marked up favorably by the subcommittee and would make the first major addition of BLM lands to the Wilderness System.

The RARE II component of the bill is strikingly close to the Forest Service recommendation. Only 8 out of 31 areas offered as wilderness for further planning were recommended for nonwilderness by the Forest Service. The bill would virtually eliminate lands being managed in the troublesome further planning category.

If passed, the bill would bring the total of Arizona's national forests devoted to wilderness, including the Blue Range Primitive Area, to about 14 percent, which is comparable to other Western States. The total of all forest wilderness, national parks, and wild-

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life refuges in Arizona amounts to about 16 percent of Federal lands and about 7 percent of all lands in the State.

Above all, I firmly believe that we have before us a fair, rational, and defensible bill. It is not what everyone is completely happy with. In fact, I know of no one who is completely happy with it, including the author, but I am not wedded to everything in it. Already since its introduction we have agreed to numerous boundary adjustments and other modifications based on the comments of affected parties, and these will be included in the amendments I will offer when we get to markup.

I look forward to this hearing today as the possible source of new information by which we can work out some remaining differences. But as we have seen in wilderness bill after wilderness bill that has come to this subcommittee, total agreement is an unrealistic goal. I am comfortable with the balance this bill strikes. I think it gives cattlemen the guarantees they need and deserve that they will be able to conduct modern, efficient ranching operations in the wilderness areas. I think it excludes most, though certainly not all, of the most highly mineralized lands to which industry needs access.

I think it excludes the best commercial timberlands, protects the vital operations of Arizona utilities and water resource projects. I know it gives the best possible guarantee we have been able to develop with additional wilderness studies, and de facto wilderness management will not occur until late in this century, consistent with the mandate of the National Forest Management Act.

I believe this bill protects our children and our children's children, the lands and waters that made Arizona such a special place for my father and for my father's father. Those of us who grew up in the Southwest have learned the same sad lesson the people have learned throughout this country, that if we do not act to protect our lands and our waters we will lose them irrevocably, and with them lose so much of the life they sustain. We know better now not to let that happen. It is up to us to see that it does not happen.

As I said in the beginning, today is an important day for Arizona. Today we begin what I am confident will be a successful effort to put this issue behind us for a long, long time to come, to accomplish something in which we can take pride.

Mr. McNulty.

Mr. McNulty. Mr. Udall and members of the committee, thank you for hearing me out of turn. I am, of course, not a member of the subcommittee. As a member of the House of Representatives with 13 months' standing, it is certainly a wonderful opportunity for me to participate in the framing of a bill that places a million and a quarter acres in wilderness. And while I thought that that cup might not be received by me quite as quickly, the time has arrived and it is here.

The bill represents a solid, useful, and fair beginning on the consideration of what I suspect may be only the first of wilderness bills relating to the State of Arizona. I join my friend, my colleague, and the author of this bill in claiming that the final form of the bill may well not follow that which is printed under H.R. 4707, but that the time has arrived and it is appropriate for us to consider this and to come up with the States and reach a conclusion, if

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we possibly can, given the enormous interest on the part of our various facets of our Arizona society.

Out of all that, may come something I am satisfied we can take to the floor in good conscience and pass. I thank you, Mr. Chairman, for your indulgence.

Mr. SEIBERLING. Thank you. Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman.

I would like to ask unanimous consent to insert the statement of Representative John McCain, who is unable to be here today.

Mr. SEIBERLING. Without objection, it is so ordered.

[EDITOR'S NOTE.—Prepared statement of Hon. John McCain, a U.S. Representative from the State of Arizona; and member, Committee on Interior and Insular Affairs, may be found in appendix III. See Table of Contents for page number.]

Mr. HANSEN. I would just like to say, Mr. Chairman, we have a real interest in this bill. The State that I represent and our sister State of Arizona are very comparable in many things that we do. I sometimes think that the line should have been the Colorado River rather than the line that was put in there because the Arizona Strip is put together by people who all live in Utah. You folks have the land; we have everything else down there, the mining, the lumber, and everything.

They are my constituents, so we have an interest in what goes on there. I just want to compliment the chairman, Chairman Udall, for the great job he did on the Arizona Strip bill, a super job on that, and we supported that bill. I spent many hours flying over that area. One of the delightful experiences of my life, was seeing that beautiful area and the great potential it has.

I feel that bill is well put together by some good people who worked hundreds of hours on it. I compliment them for that. I hope this bill works as well as the last one.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you.

The CHAIRMAN. We will give you the strip if you give us the share of the Colorado River water.

Mr. HANSEN. Will you take the Great Salt Lake at the same time? You are going to get it anyway. The way it is going.

The CHAIRMAN. I am sorry I opened up the discussion.

Mr. SEIBERLING. It is obvious that the recess has regenerated the spirit of humor and wit of my colleagues. Mr. Clarke.

Mr. CLARKE. Mr. Chairman, I just want to say I have been through a similar wilderness bill from my State. I think compromise is certainly the best solution. It doesn't make everybody happy, but I think it is the way to go.

Mr. SEIBERLING. Thank you, Mr. Chairman. I want to thank you for starting the hearing without waiting for me. You were doing so well. I was hoping you would continue in the Chair.

This is an extremely important bill among the RARE II bills that this committee has considered in this Congress, although it is the first major wilderness bill that I have not personally been out to hold a field inspection on and visit some of the areas. But since it is the gentleman from Arizona, our distinguished chairman's own State, it seems to me that my attendance would be superfluous, and I simply commend him for the efforts he has made to try to

wrap up the entire Arizona wilderness issue in this Congress, instead of letting it go piecemeal with the BLM and the Arizona Strip and then later RARE II.

While I know a lot of people were pressuring to do it piecemeal, it seems to me that our distinguished chairman has once again demonstrated his wisdom and his knowledge of the legislative process, and his interest in the people of Arizona, who deserve to have all the uncertainties that go with the RARE II process hanging over their head, settled and decided once and for all.

There is an old saying in Wall Street: money flees uncertainty. And no one is going to invest in any kind of business unless they know that they are going to be able to proceed, and they know which areas are going to be developable and which are off limits. So I certainly commend the chairman and everybody else who took part in this process, to resolve these uncertainties, protect the key areas of natural beauty and wonder in that magnificent State, and once and for all, settle this issue.

Now, before we begin taking testimony from our scheduled witnesses, I believe it would be worthwhile to have a copy of H.R. 4707, the bill on which we are meeting today, printed at this point in the hearing record. Without objection, so ordered.

USAV-00004004

98TH CONGRESS
2D SESSION

H. R. 4707

To designate certain national forest lands in the State of Arizona as wilderness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1984

Mr. UDALL introduced the following bill; which was referred jointly to the Committees on Interior and Insular Affairs and Agriculture

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A BILL

To designate certain national forest lands in the State of Arizona as wilderness, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Arizona Wilderness Act
4 of 1984".

5 TITLE I

6 SEC. 101. (a) In furtherance of the purposes of the Wil-
7 derness Act (16 U.S.C. 1131–1136), the following lands in
8 the State of Arizona are hereby designated as wilderness and
9 therefore as components of the National Wilderness Preser-
10 vation System:

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1 (1) Certain lands in the Kaibab National Forest
2 which comprise approximately six thousand five hun-
3 dred and ten acres as generally depicted in a map enti-
4 tled "Kendrick Mountains Wilderness—Proposed" and
5 dated February 1984 and which shall be known as the
6 Kendrick Mountain Wilderness.
7 (2) Certain lands in the Prescott National Forest
8 which comprise approximately seven thousand three
9 hundred acres as generally depicted in a map entitled
10 "Juniper Mesa Wilderness—Proposed" and dated Feb-
11 ruary 1984 and which shall be known as the Juniper
12 Mesa Wilderness.
13 (3) Certain lands in the Prescott National Forest
14 which comprise approximately twenty thousand acres
15 as generally depicted in a map entitled "Arnold Mesa
16 Wilderness—Proposed" and dated February 1984 and
17 which shall be known as the Arnold Mesa Wilderness.
18 (4) Certain lands in the Prescott National Forest
19 which comprise approximately twenty-eight thousand
20 four hundred and twenty acres as generally depicted in
21 a map entitled "Castle Creek Wilderness—Proposed"
22 and dated February 1984 and which shall be known as
23 the Castle Creek Wilderness.
24 (5) Certain lands in the Prescott National Forest
25 which comprise approximately eight thousand five hun-

1 dred and forty acres as generally depicted in a map en-
2 titled "Granite Mountain Wilderness—Proposed" and
3 dated February 1984 and which shall be known as the
4 Granite Mountain Wilderness.

5 (6) Certain lands in the Prescott National Forest
6 which comprise approximately five thousand six hun-
7 dred and ten acres as generally depicted in a map enti-
8 tled "Apache Creek Wilderness—Proposed" and dated
9 February 1984 and which shall be known as the
10 Apache Creek Wilderness.

11 (7) Certain lands in the Prescott National Forest
12 which comprise approximately thirty-eight thousand
13 three hundred and eighty acres as generally depicted in
14 a map entitled "Sheridan Mountain Wilderness—Pro-
15 posed" and dated February 1984 and which shall be
16 known as the Sheridan Mountain Wilderness.

17 (8) Certain lands in the Coconino National Forest
18 which comprise approximately nineteen thousand acres
19 as generally depicted in a map entitled "San Francisco
20 Peaks Wilderness—Proposed" and dated February
21 1984 and which shall be known as the San Francisco
22 Peaks Wilderness.

23 (9) Certain lands in the Coconino National Forest
24 which comprise approximately forty-seven thousand
25 four hundred and eighty acres as generally depicted in

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1 a map entitled "Red Rock-Secret Mountain Wilder-
2 ness—Proposed" and dated February 1984 and which
3 shall be known as the Red Rock-Secret Mountain Wil-
4 derness.

5 (10) Certain lands in the Coconino National
6 Forest which comprise approximately nine thousand
7 eight hundred and ninety acres as generally depicted in
8 a map entitled "Wet Beaver Wilderness—Proposed"
9 and dated February 1984 and which shall be known as
10 the Wet Beaver Wilderness.

11 (11) Certain lands in the Coconino National
12 Forest which comprise approximately fourteen thou-
13 sand and ninety acres as generally depicted in a map
14 entitled "Fossil Springs Wilderness—Proposed" and
15 dated February 1984 and which shall be known as the
16 Fossil Springs Wilderness.

17 (12) Certain lands in the Coconino National
18 Forest which comprise approximately thirty thousand
19 acres as generally depicted in a map entitled "West
20 Clear Creek Wilderness—Proposed" and dated Febru-
21 ary 1984 and which shall be known as the West Clear
22 Creek Wilderness.

23 (13) Certain lands in the Coconino National
24 Forest which comprise approximately ten thousand
25 nine hundred and thirty acres as generally depicted in

1 a map entitled "Sycamore Canyon Wilderness—Pro-
2 posed" and dated February 1984 and which shall be
3 included in the Sycamore Canyon Wilderness.
4 (14) Certain lands in the Coconino National
5 Forest which comprise approximately thirty-two thou-
6 sand eight hundred and seventy acres as generally de-
7 picted in a map entitled "Rattlesnake Wilderness—
8 Proposed" and dated February 1984 and which shall
9 be known as the Rattlesnake Wilderness.
10 (15) Certain lands in the Tonto National Forest
11 which comprise approximately sixty thousand acres as
12 generally depicted in a map entitled "Mazatzal Wilder-
13 ness—Proposed" and dated February 1984 and which
14 shall be included in the Mazatzal Wilderness. Nothing
15 in the designation of this wilderness area shall be con-
16 strued to prevent the installation and maintenance,
17 subject to such conditions as the Secretary deems de-
18 sirable, of hydrologic, meteorologic, or telecommunica-
19 tions facilities, or any combination of the foregoing,
20 which are essential to flood warning, flood control, and
21 water reservoir operation purposes. As provided in sec-
22 tion 4(d)(1) of the Wilderness Act, within the wilder-
23 ness area added by this paragraph, the use of aircraft
24 or motorboats, where these uses have already become

1 established, may be permitted to continue subject to
2 such restrictions as the Secretary deems desirable.
3 (16) Certain lands in the Tonto National Forest
4 which comprise approximately forty thousand acres as
5 generally depicted in a map entitled "Superstition Wil-
6 derness—Proposed" and dated February 1984 and
7 which shall be included in the Superstition Wilderness.
8 (17) Certain lands in the Tonto National Forest
9 which comprise approximately thirty thousand four
10 hundred acres as generally depicted in a map entitled
11 "Hellsgate Wilderness—Proposed" and dated Febru-
12 ary 1984 and which shall be known as the Hellsgate
13 Wilderness.
14 (18) Certain lands in the Tonto National Forest
15 which comprise approximately thirty thousand four
16 hundred acres as generally depicted in a map entitled
17 "Salome Wilderness—Proposed" and dated February
18 1984 and which shall be known as the Salome Wilder-
19 ness.
20 (19) Certain lands in the Tonto National Forest
21 which comprise approximately fifty-four thousand nine
22 hundred and ninety acres as generally depicted in a
23 map entitled "Four Peaks Wilderness—Proposed" and
24 dated February 1984 and which shall be known as the
25 Four Peaks Wilderness.

1 (20) Certain lands in the Tonto National Forest
2 which comprise approximately forty-one thousand two
3 hundred and ninety acres as generally depicted in a
4 map entitled "Salt Wilderness—Proposed" and dated
5 February 1984 and which shall be known as the Salt
6 Wilderness.

7 (21) Certain lands in the Coronado National
8 Forest which comprise approximately thirty-nine thou-
9 sand seven hundred acres as generally depicted in a
10 map entitled "Rincon Mountain Wilderness—Pro-
11 posed" and dated February 1984 and which shall be
12 known as the Rincon Mountain Wilderness.

13 (22) Certain lands in the Coronado National
14 Forest which comprise approximately sixty thousand
15 one hundred and fifty acres as generally depicted in a
16 map entitled "Chiricahua Wilderness—Proposed" and
17 dated February 1984 and which shall be included in
18 the Chiricahua Wilderness.

19 (23) Certain lands in the Coronado National
20 Forest which comprise approximately ten thousand
21 three hundred and twenty acres as generally depicted
22 in a map entitled "Pajarita Wilderness—Proposed"
23 and dated February 1984 and which shall be known as
24 the Pajarita Wilderness.

1 (24) Certain lands in the Coronado National
2 Forest which comprise approximately twenty-five thou-
3 sand acres as generally depicted in a map entitled
4 "Galiuro Wilderness—Proposed" and dated February
5 1984 and which shall be included in the Galiuro Wil-
6 derness.

7 (25) Certain lands in the Coronado National
8 Forest which comprise approximately twenty-seven
9 thousand one hundred and sixty acres as generally de-
10 picted in a map entitled "Santa Teresa Wilderness—
11 Proposed" and dated February 1984 and which shall
12 be known as the Santa Teresa Wilderness. Reasonable
13 access shall be permitted to continue on the existing
14 right-of-way from United States Route 70 along Black
15 Rock Wash to the vicinity of Black Rock.

16 (26) Certain lands in the Coronado National
17 Forest which comprise approximately twenty-five thou-
18 sand one hundred and seventy acres as generally de-
19 picted in a map entitled "Mt. Wrightson Wilderness—
20 Proposed" and dated February 1984 and which shall
21 be known as the Mt. Wrightson Wilderness.

22 (27) Certain lands in the Coronado National
23 Forest which comprise approximately twenty-two thou-
24 sand two hundred and eighty acres as generally depict-
25 ed in a map entitled "Miller Peak Wilderness—Pro-

1 posed" and dated February 1984 and which shall be
2 known as the Miller Peak Wilderness.
3 (28) Certain lands in the Apache–Sitgreaves Na-
4 tional Forest which comprise approximately seven
5 thousand acres as generally depicted in a map entitled
6 "Bear Wallow Wilderness—Proposed" and dated Feb-
7 ruary 1984 and which shall be known as the Bear
8 Wallow Wilderness.
9 (b) Subject to valid existing rights, the wilderness areas
10 designated under this section shall be administered by the
11 Secretary of Agriculture (hereinafter in this Act referred to
12 as the "Secretary") in accordance with the provisions of the
13 Wilderness Act governing areas designated by that Act as
14 wilderness, except that any reference in such provisions to
15 the effective date of the Wilderness Act (or any similar refer-
16 ence) shall be deemed to be a reference to the date of enact-
17 ment of this Act.
18 (c) As soon as practicable after enactment of this Act,
19 the Secretary shall file a map and a legal description of each
20 wilderness area designated under this section with the Com-
21 mittee on Interior and Insular Affairs of the United States
22 House of Representatives and with the Committee on
23 Energy and Natural Resources of the United States Senate.
24 Such map and description shall have the same force and
25 effect as if included in this Act, except that correction of

1 clerical and typographical errors in such legal description and
2 map may be made. Such map and legal description shall be
3 on file and available for public inspection in the Office of the
4 Chief of the Forest Service, United States Department of
5 Agriculture.

6 (d) The Congress does not intend that designation of
7 wilderness areas in the State of Arizona lead to the creation
8 of protective perimeters or buffer zones around each wilder-
9 ness area. The fact that nonwilderness activities or uses can
10 be seen or heard from areas within a wilderness shall not, of
11 itself, preclude such activities or uses up to the boundary of
12 the wilderness area.

13 (e)(1) As provided in paragraph (6) of section 4(d) of the
14 Wilderness Act, nothing in this Act or in the Wilderness Act
15 shall constitute an express or implied claim or denial on the
16 part of the Federal Government as to exemption from Arizo-
17 na State water laws.

18 (2) As provided in paragraph (7) of section 4(d) of the
19 Wilderness Act, nothing in this Act or in the Wilderness Act
20 shall be construed as affecting the jurisdiction or responsibil-
21 ities of the State of Arizona with respect to wildlife and fish
22 in the national forests located in that State.

23 (f)(1) Grazing of livestock in wilderness areas estab-
24 lished by this Act, where established prior to the date of the
25 enactment of this Act, shall be administered in accordance

1 with section 4(d)(4) of the Wilderness Act and section 108 of
2 Public Law 96-560.

3 (2) The Secretary is directed to review all policies, prac-
4 tices, and regulations of the Department of Agriculture re-
5 garding livestock grazing in national forest wilderness areas
6 in Arizona in order to insure that such policies, practices, and
7 regulations fully conform with and implement the intent of
8 Congress regarding grazing in such areas, as such intent is
9 expressed in this Act.

10 (3) Not later than one year after the date of the enact-
11 ment of this Act, the Secretary of Agriculture shall submit to
12 the Committee on Interior and Insular Affairs of the United
13 States House of Representatives and to the Committee on
14 Energy and Natural Resources of the United States Senate a
15 report detailing the progress made by the Forest Service in
16 carrying out the provisions of paragraphs (1) and (2) of this
17 section.

18 SEC. 102. (a) The Secretary shall review the following
19 lands in conjunction with the requirements of the National
20 Forest Management Act of 1976 and in furtherance of the
21 purposes of the Wilderness Act, as to their suitability or non-
22 suitability for preservation as wilderness and shall submit his
23 recommendations to the President:

24 (1) Certain lands in the Coronado National Forest
25 which comprise approximately seven hundred and forty

1 acres as generally depicted on a map entitled "Bunk
2 Robinson Peak Wilderness Study Area" and dated
3 February 1984.
4 (2) Certain lands in the Coronado National Forest
5 which comprise approximately five thousand and eighty
6 acres as generally depicted on a map entitled "Whit-
7 mire Canyon Wilderness Study Area" and dated Feb-
8 ruary 1984.
9 (3) Certain lands in the Coronado National Forest
10 which comprise approximately fifty-five thousand and
11 ninety acres as generally depicted on a map entitled
12 "Mount Grahm Wilderness Study Area" and dated
13 February 1984.
14 With respect to the areas named in paragraphs (1) and (2),
15 the President shall submit his recommendations to the United
16 States House of Representatives and the United States
17 Senate no later than January 1, 1986.
18 (b) Subject to valid existing rights, the wilderness study
19 areas designated by this section shall, until Congress deter-
20 mines otherwise, be administered by the Secretary so as to
21 maintain their presently existing wilderness character and
22 potential for inclusion in the National Wilderness Preserva-
23 tion System.
24 SEC. 103. (a) The Congress finds that—

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1 (1) the Department of Agriculture has completed
2 the second Roadless area review and evaluation pro-
3 gram (RARE II); and
4 (2) the Congress has made its own review and ex-
5 amination of national forest system roadless areas in
6 the State of Arizona and of the environmental impacts
7 associated with alternative allocations of such areas.
8 (b) On the basis of such review, the Congress hereby
9 determines and directs that—
10 (1) without passing on the question of the legal
11 and factual sufficiency of the RARE II final environ-
12 mental statement (dated January 1979) with respect to
13 national forest system lands in States other than Arizo-
14 na such statement shall not be subject to judicial
15 review with respect to national forest system lands in
16 the State of Arizona;
17 (2) with respect to the national forest system
18 lands in the State of Arizona which were reviewed by
19 the Department of Agriculture in the second Roadless
20 Area Review and Evaluation (RARE II), except those
21 lands designated for wilderness study in section 2 of
22 this Act or by previous Acts of Congress that review
23 and evaluation shall be deemed for the purposes of the
24 initial land management plans required for such lands
25 by the Forest and Rangeland Renewable Resources

1 Planning Act of 1974 as amended by the National
2 Forest Management Act of 1976 to be an adequate
3 consideration of the suitability of such lands for inclu-
4 sion in the National Wilderness Preservation System
5 and the Department of Agriculture shall not be re-
6 quired to review the wilderness option prior to the re-
7 vision of the initial plans and in no case prior to the
8 date established by law for completion of the initial
9 planning cycle;
10 (3) areas in the State of Arizona reviewed in such
11 final environmental statement which, upon enactment
12 of this Act, are not designated as wilderness or desig-
13 nated for further study by Congress need not be man-
14 aged for the purpose of protecting their suitability for
15 wilderness designation pending revision of the initial
16 plans; and
17 (4) unless expressly authorized by Congress, the
18 Department of Agriculture shall not conduct any fur-
19 ther statewide roadless area review and evaluation of
20 national forest system lands in the State of Arizona for
21 the purpose of determining their suitability for inclusion
22 in the National Wilderness Preservation System.
23 SEC. 104. Section 3(a) of the Wild and Scenic Rivers
24 Act (16 U.S.C. 1273(a)) is amended by inserting the follow-
25 ing after paragraph (50):

1 "(51) VERDE, ARIZONA.—The segment from the
2 boundary between national forest and private land in sections
3 26 and 27, township 13 north, range 5 east, Gila Salt River
4 meridian, downstream to the confluence with Tangle Creek,
5 as generally depicted on a map entitled 'Verde River—Wild
6 and Scenic River' which is on file and available for public
7 inspection in the Office of the Chief, Forest Service, United
8 States Department of Agriculture; to be administered by the
9 Secretary of Agriculture. This designation shall not prevent
10 water users receiving Central Arizona Project water alloca-
11 tions from diverting that water through an exchange agree-
12 ment with downstream water users in accordance with Ari-
13 zona water law. After consultation with State and local gov-
14 ernments and the interested public and within two years after
15 the date of enactment of this paragraph, the Secretary shall
16 take such action as is required under subsection (b) of this
17 section.".

18 TITLE II

19 SEC. 201. The Congress finds that—

20 (1) the Aravaipa Canyon, situated in the Galiuro
21 Mountains in the Sonoran desert region of southern
22 Arizona, is a primitive place of great natural beauty
23 that, due to the rare presence of a perennial stream,
24 supports an extraordinary abundance and diversity of

1 native plant, fish, and wildlife, making it a resource of
2 national significance; and
3 (2) the Aravaipa Canyon should, together with
4 certain adjoining public lands, be incorporated within
5 the national wilderness preservation system in order to
6 provide for the preservation and protection of this rela-
7 tively undisturbed but fragile complex of desert, ripar-
8 ian and aquatic ecosystems, and the native plant, fish,
9 and wildlife communities dependent on it, as well as to
10 protect and preserve the area's great scenic, geologic,
11 and historical values, to a greater degree than would
12 be possible in the absence of wilderness designation.
13 SEC. 202. In furtherance of the purposes of the Wilder-
14 ness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.) and
15 consistent with the policies and provisions of the Federal
16 Land Policy and Management Act of 1976 (90 Stat. 2743;
17 43 U.S.C. 1701 et seq.), certain public lands in Graham and
18 Pinal Counties, Arizona, which comprise approximately six
19 thousand six hundred and seventy acres, as generally depict-
20 ed on a map entitled "Aravaipa Canyon Wilderness—Pro-
21 posed" and dated May 1980, are hereby designated as the
22 Aravaipa Canyon Wilderness and, therefore, as a component
23 of the national wilderness preservation system.
24 SEC. 203. Subject to valid existing rights, the Aravaipa
25 Canyon Wilderness shall be administered by the Secretary of

1 the Interior in accordance with the provisions of the Wilder-
2 ness Act governing areas designated by that Act as wilder-
3 ness. For purposes of this title, any references in such provi-
4 sions to the effective date of the Wilderness Act shall be
5 deemed to be a reference to the effective date of this Act and
6 any reference to the Secretary of Agriculture with regard to
7 administration of such areas shall be deemed to be a refer-
8 ence to the Secretary of the Interior, and any reference to
9 wilderness areas designated by the Wilderness Act or desig-
10 nated national forest wilderness areas shall be deemed to be a
11 reference to the Aravaipa Canyon Wilderness. For purposes
12 of this title, the reference to national forest rules and regula-
13 tions in the second sentence of section 4(d)(3) of the Wilder-
14 ness Act shall be deemed to be a reference to rules and regu-
15 lations applicable to public lands, as defined in section 103(e)
16 of the Federal Land Policy and Management Act of 1976 (43
17 U.S.C. 1701, 1702).

18 SEC. 204. As soon as practicable after this Act takes
19 effect, the Secretary of the Interior shall file a map and a
20 legal description of the Aravaipa Canyon Wilderness with the
21 Committee on Energy and Natural Resources of the United
22 States Senate and with the Committee on Interior and Insu-
23 lar Affairs of the United States House of Representatives,
24 and such map and description shall have the same force and
25 effect as if included in this Act: *Provided,* That correction of

1 clerical and typographical errors in the legal description and
2 map may be made. The map and legal description shall be on
3 file and available for public inspection in the offices of the
4 Bureau of Land Management, Department of the Interior.
5 SEC. 205. Except as further provided in this section, the
6 Aravaipa Primitive Area designations of January 16, 1969,
7 and April 28, 1971, are hereby revoked. Prior to promulga-
8 tion of rules and regulations to provide for its administration
9 as a component of the national wilderness preservation
10 system, subject to existing withdrawals, the Aravaipa
11 Canyon Wilderness shall be administered under rules and
12 regulations of the Secretary of the Interior applicable to des-
13 ignated primitive areas to the extent consistent with the pro-
14 visions of this title.

15 TITLE III

16 SEC. 301. (a) In furtherance of the purposes of the Wil-
17 derness Act, the following lands are hereby designated as
18 wilderness and therefore, as components of the National Wil-
19 derness Preservation System—
20 (1) certain lands in the Arizona Strip District of
21 the Bureau of Land Management, Arizona, which com-
22 prise approximately six thousand five hundred acres, as
23 generally depicted on a map entitled "Cottonwood
24 Point Wilderness—Proposed", dated May 1983, and

1 which shall be known as the Cottonwood Point Wilder-
2 ness;
3 (2) certain lands in the Arizona Strip District of
4 the Bureau of Land Management, Arizona, which com-
5 prise approximately thirty-six thousand three hundred
6 acres, as generally depicted on a map entitled "Grand
7 Wash Cliffs Wilderness—Proposed", dated May 1983,
8 and which shall be known as the Grand Wash Cliffs
9 Wilderness;
10 (3) certain lands in the Kaibab National Forest
11 and in the Arizona Strip District of the Bureau of
12 Land Management, Arizona, which comprise approxi-
13 mately seventy-seven thousand one hundred acres, as
14 generally depicted on a map entitled "Kanab Creek
15 Wilderness—Proposed", dated May 1983, and which
16 shall be known as the Kanab Creek Wilderness;
17 (4) certain lands in the Arizona Strip District of
18 the Bureau of Land Management, Arizona, which com-
19 prise approximately fourteen thousand six hundred
20 acres, as generally depicted on a map entitled "Mt.
21 Logan Wilderness—Proposed", dated May 1983, and
22 which shall be known as the Mt. Logan Wilderness;
23 (5) certain lands in the Arizona Strip District of
24 the Bureau of Land Management, Arizona, which com-
25 prise approximately seven thousand nine hundred

1 acres, as generally depicted on a map entitled "Mt.
2 Trumbull Wilderness—Proposed", dated May 1983,
3 and which shall be known as the Mt. Trumbull Wilder-
4 ness;

5 (6) certain lands in the Arizona Strip District of
6 the Bureau of Land Management, Arizona, which com-
7 prise approximately eighty-four thousand seven hun-
8 dred acres, as generally depicted on a map entitled
9 "Paiute Wilderness—Proposed", dated May 1983, and
10 which shall be known as the Paiute Wilderness;

11 (7) certain lands in the Arizona Strip District, Ar-
12 izona, and in the Cedar City District, Utah, of the
13 Bureau of Land Management, which comprise approxi-
14 mately one hundred and ten thousand acres, as gener-
15 ally depicted on a map entitled "Paria Canyon-Vermil-
16 ion Cliffs Wilderness—Proposed", dated May 1983,
17 and which shall be known as the Paria Canyon-Ver-
18 milion Cliffs Wilderness;

19 (8) certain lands in the Kaibab National Forest,
20 Arizona, which comprise approximately thirty-eight
21 thousand two hundred acres, as generally depicted on a
22 map entitled "Saddle Mountain Wilderness—Pro-
23 posed", dated May 1983, and which shall be known as
24 the Saddle Mountain Wilderness; and

1 (9) certain lands in the Arizona Strip District, Ar-
2 izona, and in the Cedar City District, Utah, of the
3 Bureau of Land Management, which comprise approxi-
4 mately nineteen thousand six hundred acres, as gener-
5 ally depicted on a map entitled "Beaver Dam Moun-
6 tains Wilderness—Proposed", dated May 1983, and
7 which shall be known as the Beaver Dam Mountains
8 Wilderness.

9 (b) The previous classification of the Paiute Primitive
10 Area and the Paria Canyon Primitive Area are hereby abol-
11 ished.

12 SEC. 302. (a) Subject to valid existing rights, each wil-
13 derness area designated by this title shall be administered by
14 the Secretary concerned in accordance with the provisions of
15 the Wilderness Act: *Provided,* That any reference in such
16 provisions to the effective date of the Wilderness Act shall be
17 deemed to be a reference to the effective date of this Act, and
18 any reference to the Secretary of Agriculture shall be deemed
19 to be a reference to the Secretary who has administrative
20 jurisdiction over the area.

21 (b) Within the wilderness areas designated by this title,
22 the grazing of livestock, where established prior to the date
23 of enactment of this Act, shall be permitted to continue sub-
24 ject to such reasonable regulations, policies and practices as
25 the Secretary concerned deems necessary, as long as such

1 regulations, policies, and practices fully conform with and im-
2 plement the intent of Congress regarding grazing in such
3 areas as such intent is expressed in the Wilderness Act and
4 this title.

5 SEC. 303. As soon as practicable after enactment of this
6 Act, a map and a legal description on each wilderness area
7 designated by this title shall be filed by the Secretary con-
8 cerned with the Committee on Energy and Natural Re-
9 sources of the United States Senate and the Committee on
10 Interior and Insular Affairs of the House of Representatives,
11 and each such map and description shall have the same force
12 and effect as if included in this Act: *Provided,* That correc-
13 tion of clerical and typographical errors in each such legal
14 description and map may be made by the Secretary con-
15 cerned subsequent to such filings. Each such map and legal
16 description shall be on file and available for public inspection
17 in the Office of the Chief of the Forest Service, Department
18 of Agriculture or in the Office of the Director of the Bureau
19 of Land Management, Department of the Interior, as is ap-
20 propriate.

21 SEC. 304. (a) The Congress hereby finds and directs
22 that lands in the Arizona Strip District of the Bureau of Land
23 Management, Arizona, and those portions of the Starvation
24 Point Wilderness Study Area (UT-040-057) and Paria
25 Canyon Instant Study Area and contiguous Utah units in the

1 Cedar City District of the Bureau of Land Management,
2 Utah, not designated as wilderness by this Act have been
3 adequately studied for wilderness designation pursuant to
4 section 603 of the Federal Land Policy and Management Act
5 (Public Law 94-579), and are no longer subject to the re-
6 quirement of section 603(c) of the Federal Land Policy and
7 Management Act pertaining to management in a manner that
8 does not impair suitability for preservation as wilderness.

9 (b) The Congress hereby determines and directs that—

10 (1) certain lands in the Kaibab National Forest
11 known as the Red Point (03063), Big Ridge (03064),
12 Burro Canyon (03065) and Willis Canyon (03066)
13 roadless areas, as identified in executive communica-
14 tion numbered 1504, Ninety-sixth Congress (House
15 Document numbered 96-119), and the portion of the
16 Kanab Creek RARE II roadless area (B3-060) not
17 designated wilderness by this Act have been adequate-
18 ly studied for Wilderness in the RARE II Final Envi-
19 ronmental Statement (dated January 1979);

20 (2) such studies shall constitute an adequate con-
21 sideration of the suitability of such lands for inclusion
22 in the National Wilderness Preservation System and
23 the Department of Agriculture shall not be required to
24 review the wilderness option for such areas prior to re-
25 vision of the initial plans required for such lands by the

1 Forest and Rangeland Renewable Resources Planning
2 Act of 1974 as amended by the National Forest Man-
3 agement Act of 1976 and in no case prior to the date
4 established by law for completion of the initial planning
5 cycle; and
6 (3) such areas need not be managed for the pur-
7 pose of protecting their suitability for wilderness desig-
8 nation pending revision of the initial plans.

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Mr. SEIBERLING. We will now hear from our first panel, consisting of Mr. Mike Scott of the Wilderness Society; Ms. Joni Bosh, Arizona Wilderness Association; Mr. Doug Hulmes, private citizen; and Ms. Sharon Galbraith.

Excuse me, I skipped over a very important witness. Let's start over again.

Mr. J. Lamar Beasley, Deputy Chief of Programs and Legislation, Forest Service, U.S. Department of Agriculture. My bifocals did me in again, Mr. Beasley, I am sorry.

STATEMENT OF HON. J. LAMAR BEASLEY, DEPUTY CHIEF OF PROGRAMS AND LEGISLATION, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY JAMES OVERBAY, DEPUTY REGIONAL FORESTER, ALBUQUERQUE, N. MEX., AND JAMES PAONE, BUREAU OF MINES

Mr. BEASLEY. Thank you, Mr. Chairman and members of the committee. I am pleased to have this opportunity to present the administration's views on H.R. 4707, the "Arizona Wilderness Act of 1984." This bill represents a statewide designation of certain National Forest System and Bureau of Land Management lands for inclusion in the National Wilderness Preservation System and addition of the Verde River to the Wild and Scenic Rivers System.

I am accompanied today by Mr. Jim Overbay, Deputy Regional Forester from the regional office in Albuquerque, N Mex.

The Department recommends enactment of the Arizona Wilderness bill with the amendments described in my testimony. Firm boundaries of the proposed wildernesses in this bill have not been available, so our recommendations are subject to change pending actual review of locations. Title I, section 101, of H.R. 4707 would designate 23 new wildernesses and make additions to 5 existing wildernesses. These wilderness designations total approximately 753,000 acres.

Provisions are also made in this section for grazing use, protection of existing water rights, continued State authority for wildlife and fish management, and prohibition of wilderness buffer zones. Provision is also made for installation and maintenance of hydrometeorological or telecommunications facilities in the proposed Mazatzal Wilderness. The Secretary of Agriculture is directed to review grazing on the national forest wilderness in Arizona and report on progress being made in the administration of grazing within the Arizona Wildernesses.

Section 102 directs that the Secretary study three areas on the Coronado National Forest and make recommendations as to their wilderness suitability. Section 103 provides, with respect to National Forest System lands in the State of Arizona, that the RARE II final environmental impact statement not be subject to judicial review and that RARE II areas not designated by Congress for wilderness study, be released from further review and for possible future wilderness designation through the initial land management plans.

Section 104 would designate a 50-mile segment of the Verde River as a wild and scenic river.

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Title II would designate 6,670 acres of Bureau of Land Management land in Aravaipa Canyon to be included in the National Wilderness Preservation System to be administered by the Secretary of the Interior.

Title II, section 301, would designate 394,900 acres of new wildernesses in northern Arizona, generally referred to as the Arizona Strip District. Two of the nine wildernesses designated in this area, Kanab Creek and Saddle Mountain proposals, include national forest system land totaling 104,377 acres. Other sections provide for continued grazing on these proposed wildernesses and release of other lands in the northern part of the State from wilderness consideration under the same conditions as title I, section 102. Title III is identical to H.R. 3562 on which we have previously testified.

Of the 73 million acres of land in the State of Arizona, over 32 million acres are in Federal ownership. Approximately 11.3 million acres are national forest system lands. Presently, there are approximately 996,000 acres of existing wilderness in the National Wilderness Preservation System in Arizona, including 9 wildernesses totaling 552,000 acres on national forest.

An additional 165,000 acres, known as the Blue Range Primitive Area, have been managed as a national forest primitive area on the Apache National Forest and was recommended for wilderness as a result of our primitive area review. H.R. 4707 does not deal with the Blue Range Primitive Area. The status of this area should be clarified.

Nearly 2 million acres were analyzed during the second roadless area review and evaluation. From that analysis, 406,700 acres were recommended for wilderness, 471,900 acres were identified for further planning, and 1,076,400 acres were recommended for nonwilderness uses.

Of the national forest areas proposed for wilderness in H.R. 4707, 13 of the 30 areas, totaling approximately 381,000 acres were previously recommended for wilderness by RARE II. Two of these areas are in the Arizona Strip proposal.

Ten of the proposed national forest wildernesses totaling 317,000 acres were identified for further planning in RARE II. None of the further planning has been completed to the point of final recommendations; however, all of the planning is underway and is a part of the forest planning being done in compliance with the National Forest Management Act.

Seven areas identified in H.R. 4707 for wilderness were identified for nonwilderness multiple uses from RARE II. These areas total 144,000 acres. The areas recommended for wilderness study in section 102 include two further planning areas of 5,820 acres and one area of 55,090 acres with a RARE nonwilderness recommendation.

We generally support wilderness designation for those proposals in H.R. 4707 which were recommended for wilderness by the RARE II analysis; however, based on the latest information provided us by the Department of Interior, the mineral potential for Mount Wrightson, Miller Peak, Castle Creek, and Granite Mountain may be greater than previously anticipated. We have not had a full opportunity to analyze all the information ourselves.

Both we and the committee should further review the latest mineral information prior to making a final decision on these areas.

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We recognize that the boundaries of the other proposed wildernesses from RARE II, Kendrick Mountain, Juniper Mesa, San Francisco Peaks, Red Rock-Secret Mountain, Rincon, Chiricahua, and Santa Teresa Peak may need some modification. We would like to work with the committee as boundaries are reviewed and finalized.

Before making recommendations on their wilderness suitability for those areas identified in RARE II as further planning, we would prefer to complete the planning. However, because the resource values that would be foregone now appear to be low on five of these areas, we do not oppose their designation as wilderness. These areas include the Arnold Mesa, Wet Beaver, Fossil Springs, West Clear Creek, and Rattlesnake proposals.

We recommend several boundary modifications on these areas. From information we now have, we oppose inclusion of Mazatzal, Hellsgate, Superstition, Four Peaks, and Galiuro areas, since the resources values, principally mineral potential, merit further planning before final recommendations are made for wilderness or nonwilderness uses.

The other category includes three areas, Sycamore Canyon, Salt, and Bear Wallow. We do not believe these areas merit wilderness designation; however, since there are no significant resource concerns which cannot be mitigated through appropriate boundary modifications, we would not oppose these areas as a part of a statewide resolution of the wilderness issue. By working closely with the committee in the boundary location of these areas, we feel that these three wilderness proposals would have little impact on other resource uses.

We do not believe the provisions in section 101 for grazing, water rights, authority for wildlife and fish management, and prohibition of buffer zones are necessary since adequate authority is provided in the Wilderness Act and the special grazing guidelines developed in conjunction with the enactment of Public Law 96-560. We oppose the special provisions for the Mazatzal Wilderness proposal. We believe there is adequate authority in the Wilderness Act, section 4(d) to assure that uses such as those identified for this area are provided for when determined to be necessary.

We do not oppose the study proposal for Bunk Robinson Peak and Whitmire Canyon on the Coronado National Forest since these areas are being included in studies being done in New Mexico under Public Law 96-550. We do not support inclusion of the Mount Graham area as a wilderness study area. The Mount Graham area was recommended for nonwilderness in RARE II. Development of an observatory in this area is being considered and would be incompatible with wilderness designation.

We support the bill's declaration that the RARE II final environmental impact statement for Arizona is legally sufficient and that adequate consideration had been given to the wilderness and nonwilderness values for all roadless areas in the State recommended in RARE II either for wilderness designation or for uses other than wilderness.

As the committee is aware, the administration continues to recommend that the release language contained in section 103 of the

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bill be strengthened to provide more long-term stability to the national forest system lands not designated as wilderness.

Section 104 would add 50 miles of the Verde River to the Wild and Scenic Rivers System. Our 1981 study considered the 50 miles included in section 104. We recommended that the upper 39.5 miles of the river be added to the national system. We continue to support this addition.

Regarding title III of the bill, we continue to support designation of the Kanab Creek and Saddle Mountain proposals as wilderness as identified in the Arizona Strip Wilderness bill, H.R. 3562.

This concludes my prepared comments on this bill. I would be happy to answer any questions the subcommittee might have.

Mr. SEIBERLING. Thank you, Mr. Beasley.

I take it in general you support the bill?

Mr. BEASLEY. We do support the bill, but raise some questions where we do have some additional information that we feel needs to be studied. There are some specifics in the bill which I mentioned in my testimony, that we do not agree with, but overall we support the bill with amendments, as I pointed out, that we feel should be made.

Mr. SEIBERLING. Let me get to a specific point. On page 5 of H.R. 4707 there is language to insure that the installation and maintenance of hydrologic, meteorologic, telecommunications or other facilities essential to flood warning, flood control, and existing water reservoir operations can continue in wilderness. Similar language has been placed in the recently introduced Utah Wilderness Act pertaining to hydrologic, meteorologic, landslide hazards, vault toilet, and other facilities relating to proper watershed management. I don't know what a vault toilet is.

I have resisted the inclusion of such special langauge in numerous wilderness bills in the past because I believe that Congress and the Forest Service have long since agreed that such facilities and activities were clearly permissible in the wilderness areas pursuant to the scientific, educational, and conservation purposes stated in sections 2 and 4 of the Wilderness Act.

I also note that subsection 4(a)(1) of the Wilderness Act states that "Wilderness will not be construed as interfering for the purpose for which national forests are established," and that the Organic Administration Act of 1897 provides that one of two primary reasons for establishing national forests is for the purpose of "securing favorable conditions of water flow."

Congress has addressed this issue several times in recent years, and in that regard I would refer you to the House committee reports on the Endangered American Wilderness Act, the Colorado Wilderness Act, and the California Wilderness Act. I believe Chief Peterson is familiar with these reports and that he fully agrees with our interpretation.

Given these facts, would you agree with me that the special langauge of the Arizona and Utah bills is unnecessary, and that it could create the false impression that the types of facilities or activities authorized are impermissible in wilderness in the absence of special authorizing language?

Mr. BEASLEY. Mr. Chairman, as we have pointed out in our testimony today and as we did point out earlier in our testimony for

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the designation of areas in the State of Utah, we felt that these provisions were not necessary. We do feel that under the various sections of the Wilderness Act, there is adequate authority to work with these types of requested installations, and at least the executive branch doesn't feel that additional authority is needed.

Mr. SEIBERLING. It seems to me that we could quite easily address this issue in the committee report. We could simply make reference to the fact that nothing intended to prevent these activities from continuing after wilderness designation. This has been done in numerous previous committee reports.

Mr. HANSEN. Will the chairman yield?

Mr. SEIBERLING. Certainly.

Mr. HANSEN. Possibly I could ask the question, if I may, of the witness.

If you say these are not necessary and it is really redundant and a moot point, then why does it really matter if it is in or out? I mean, if it is already taken care of in the Wilderness Act, in our bill in Utah, and in this Arizona bill, that the distinguished chairman has put in, why would it really matter if it is in there? And if it is already taken care of, maybe it is redundant, maybe it is there but why do we make an issue? Why would the Department worry, then?

Mr. BEASLEY. Mr. Chairman, we in the past have looked at different proposed amendments or restatements of portions of the Wilderness Act, and for the sake of clarity and to avoid duplication, in each case in the past we have pointed out that it would be our preference that it not be repeated, and that it not be restated in subsequent acts, and we rely back on the parent act.

Mr. HANSEN. Are you confident in your own mind that the parent act, as you refer to it, has the exact identical language that will take care of the exact identical problem?

Mr. BEASLEY. We are not aware of cases where these kinds of proposed uses have just in effect been completely turned down. There are different provisions in the act, as you are aware, where this would be dealt with, one, to a certain degree the Secretary could deal with it. In other places in the act, it might require some promulgation of regulations by the President. But taking all those sections combined, we do feel that there is adequate authority to provide for the type of use, if it is needed.

Now, there is one area in the act that we need to be aware of, and that is in carrying out these kinds of activities, we are directed by the act to maintain the wilderness environment, and so that once you begin rubbing against that, it might be necessary to go for regulations promulgated by the President, but to date we have not found it necessary to do that.

I might just share with you one other aspect of this. We do have an interagency group working on this very specific issue. It is composed of Bureau of Reclamation, the National Weather Service, Soil Conservation Service, Geological Survey, and the Forest Service, and we are dealing with the Colorado River Basin at this point in time, and looking at what are the needs, and then once those specific needs are identified, then how would we go about serving those needs. And at least to this point, we have not found—and we are not that far along, I have to agree—but we have not found, at

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least at this point, that we are blocked in any way by a lack of authorities.

Mr. SEIBERLING. Could I give the gentleman a shorter answer to his question?

Mr. HANSEN. Yes.

Mr. SEIBERLING. The answer that I would give is that we have not put this type of language in wilderness bills before because we felt that the existing law made it clear that these were permissible uses in wilderness areas, and if we now put it in a bill, it then raises a question with respect to all the other wilderness areas where we don't have this language, as to whether or not those are permissible activities. It seems to me that we don't want to possibly infer that Arizona is a special case, because some future court might look at the special language and infer that speicial and specific authorization is needed in each wilderness area bill where Congress intends for hydrologic, meteorologic, and similar facilities to be allowed. If there are any concerns, we can simple cover them in the committee report and say that these say in effect what the language here implies, that these are permissible activities in all wilderness areas nationwide.

The committee understands that they are permitted now under the Wilderness Act, and we can simply note that fact in the committee report.

Mr. HANSEN. I appreciate the chairman's explanation. I didn't mean to take that much of your time. I apologize.

Mr. SEIBERLING. I just thought we ought to clarify, because we don't want to start creating negative implications that the courts and other areas will take and run with, as sometimes happened in the past.

The CHAIRMAN. Would the gentleman yield?

Mr. SEIBERLING. I will be happy to recognize the distinguished chairman, if I may finish one other question.

Would the Forest Service be willing to work with the committee to prepare a letter confirming the existing policy as outlined in our committee report, in other words, to reassure those concerned with the issue that special language is unnecessary?

Mr. BEASLEY. Yes, Mr. Chairman, we would be pleased to work with you.

Mr. SEIBERLING. We can do that in addition, so we can put it in the committee report. We'll get a letter from them. It seems to me that would nail down the question.

The gentleman from Arizona is recognized.

The CHAIRMAN. I am pleased that the chairman from Ohio has raised this issue, and I want to compliment Mr. Hansen on it too.

There has been, rightly or wrongly, a credibility problem with the Forest Service, with the livestock industry in particular. I don't know why it exists, but we have to face it. We have tried to meet that with some of the language which Mr. Seiberling and Mr. Hansen have been discussing.

It seems to me that we have got to recognize the point the chairman makes, that all the 200 or 250 other wilderness bills we have passed—we assume it refers to the authorization in the wilderness areas, and we have said that is enough, but the livestock folks dealing with individual Forest Service people have had some bad expe-

riences, and they are anxious for us to put our legislative language where our mouth is. We say this is all protective, and we want to see something done about it.

Mr. SEIBERLING. Would the chairman yield?

The CHAIRMAN. Sure.

Mr. SEIBERLING. I think that there is ample precedent for all the other language in here about grazing and so forth, because that represents provisions we have put in other wilderness bills and is the fruition of a long train of negotiations that led to the agreement that we made with the cattlemen's association. That ultimately led to the new guidelines that the Forest Service promulgated several years ago as a result of those negotiations, reaffirming and spelling out in great detail that the cattlemen do have these rights.

The only thing is, this provision that I referred to on page 5 of your bill deals specifically with certain facilities that only relate to meteorological and similar hydrologic, meteorologic, and telecommunication facilities, and I was concerned that since there hadn't been any past negotiations generally—Forest Servicewide negotiations on this—that by putting that specific language in the bill, we might raise the question as to whether such activities and facilities are allowed in other wilderness areas where there is no specific statutory authorization.

The CHAIRMAN. I think the gentleman is entirely right. If I were from some other State and saw this specific language going in on specific places in Arizona in the bill itself, I would wonder whether I was protected as the Arizona folks are protected.

We have got to be fair in our policy nationwide. I am looking for the strongest possible way, outside of the bill language, either the language that the gentleman discussed or report language.

I had previously—a few years ago—when the livestock people were worried about one rancher who had a plastic pipe about the size of my thumb that ran 150 yards from a spring to a watering tank, and I actually sent him a letter saying, I have seen this and my congressional intention is that it is perfectly permissible under the existing wilderness language, but I hope we can find ways to do that without setting a precedent and having to go back and amend 20 other bills in several dozen situations that people would like protection on.

I thank the chairman for raising the point.

Mr. HANSEN. Mr. Chairman, while you are on that, before you leave, will you yield?

The CHAIRMAN. I yield.

Mr. HANSEN. Thank you.

Let me say, if I may, I am sure the chairman brought an excellent point up when he said possibly it could be done in report language, and if that can be done, I would feel very comfortable with that.

I do have some concerns. I have the 1964 bill in front of me, and I really feel possibly we find ourselves in this situation with the 20 bills that went along. It doesn't mean they are sacrosanct.

I would hope somewhere along the line we would all feel we can improve on things. We have discussed that before. There isn't any debate concerning that. If we can find a better wheel here, maybe

we ought to use it, but I personally feel from reading both of these, page 207 of the 1964 Wilderness Act, subheading 4—compare that to 5 on the bill that you have put out—that this really is a substantial difference, and possibly the concerns of the people in Arizona, possibly the concerns of the people in Utah would be best taken care of.

Mr. Beasley, if you feel comfortable with the 1964 act, that is fine, if that is the administration's position. That is up to you folks, but I really feel that what they have put in page 5 of this bill that is in front of us possibly perfects it, makes it a little better than it previously was, and gives some protection.

I in no way want to throw it in the face of the 20 bills that are there, Mr. Chairman, and I don't put it out as argument, except maybe there is a perfecting thing.

Mr. SEIBERLING. Would the gentleman yield?

The CHAIRMAN. I yield.

Mr. SEIBERLING. If we just put it in this bill or put it in just the Utah bill, that is fine; that takes care of Utah and Arizona, but it doesn't do a thing for any other States, where we have always said we don't need special language.

It seems to me that it is far better and broader in terms of its effect if we spell out in the committee report that it is the intent of the Congress under the Wilderness Act that these facilities be permitted where necessary, and that the Forest Service has the authority to put them there or to authorize them being put there. That then becomes a general statement, an intepretation, a definitive interpretation of the Wilderness Act, whereas if you just put it in one narrow bill, then that takes care of one bill, but raises some serious questions about every other wilderness area where you don't have special language. That is all I am saying. Let's not, for the sake of pinning it down in one area, commit some potential mayhem with respect to other areas.

Mr. HANSEN. Mr. Chairman, I agree with what you say, and I am given to understand in a case of interpretation by the court, the legislative intent and what is in the report would be something looked at. Is that a correct statement?

Mr. SEIBERLING. Correct.

The CHAIRMAN. I agree. As we go forward, I will consult with the chairman of the subcommittee and the gentleman from Utah and see what we can do here.

Mr. HANSEN. Thank you. I appreciate that explanation.

The CHAIRMAN. Let me ask Mr. Beasley one question.

You say on page 4 of your statement, a couple of lines below the administration's recommendations, "based on the latest information provided by the Department of Interior, the mineral potential for Mount Wrightson, Miller Peak, Castle Creek, and Granite Mountain may be greater than previously anticipated."

Then elsewhere you talk about Sheridan Mountain, Apache Creek, Granite Mountain, three areas at least, and some others have all previously been rated by the Bureau of Mines and the USGS, and even some by the Arizona Mining Association, as having only low to moderate potential for minerals.

What is this new information on which these recommendations are based?

Mr. BEASLEY. Mr. Chairman, we have representatives from the Department of Interior with us this morning that, with your permission, I would ask that they come to the table and respond to your questions.

The CHAIRMAN. I don't want to take up too much time, but briefly, if you could, tell us, is there a new study out, or have new studies been made?

Mr. BEASLEY. This is Mr. Jim Paone from the Bureau of Mines.

The CHAIRMAN. Could you tell us when and what this new information is?

Mr. PAONE. Some of the latest information is from some industry sources that we consulted after we had a good look at the proposals in the new Arizona bill. Also, about a week ago the Bureau of Geology and Mineral Technology from the University of Arizona published a report, and they have in this report a map showing some of the latest information that they were able to gather. This is some of the latest information available to us.

The CHAIRMAN. Could you share that later with our staff or with members of the committee that might want to see this?

Mr. PAONE. I would be very glad to, sir.

The CHAIRMAN. That is all I wanted to do.

Mr. Beasley, I wanted to say in closing that I hope you will work with us in the next few busy weeks. Congress doesn't have too many days to work this year with the Presidential election and all of that. We have got to finalize the boundaries on a lot of these places.

We have talked generally about so many acres in such and such a place, but we are going to have people, and maybe some of the people get out on the land with representatives of the Forest Service and locate the ridgelines and locate other places of interest, and I think in that way we can maybe bend the fences a little bit and make successful mineral areas that aren't presently covered by the bill.

But I hope you will work with us and the conservation groups in finalizing these proposed boundaries over the next few weeks.

Mr. BEASLEY. We would be very pleased to do that. We appreciate the work that committee staff and personal staffs have done in working with us to this point. We know that there has been quite a bit of work done in just the recent week, and we haven't really had an opportunity here to fully analyze that.

The CHAIRMAN. Thank you.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you.

Mr. McNulty.

Mr. MCNULTY. I would come before other members of the subcommittee, but I do have some questions, Mr. Chairman. Shall I proceed?

Mr. SEIBERLING. Go ahead.

Mr. MCNULTY. Mr. Beasley, you puzzle me with your thought that the development of an observatory in Mount Graham would be incompatible with wilderness designation, because all the maps that I have seen have indicated that the road from the Swift Trail that goes up to the top of Mount Graham, Riggs Flat Lake, includes all the likely observatory sites, and consequently the many

thousands of acres emplaced in that corridor lie without the area designated as a further study planning area.

Mr. BEASLEY. Mr. Chairman, I would like for Mr. Overbay to respond to that. I think it is probably a lack of having definitive information that really provides the justification for this position we have at this point, but I would like for Mr. Overbay to respond.

Mr. OVERBAY. It is our understanding that that study is still underway, and the exact locations have not been selected. That is the reason for this position.

Mr. MCNULTY. But you see that all the peaks—you know the corridor that I am talking about is excluded from the further study planning area, do you not?

Mr. OVERBAY. Yes, sir.

Mr. MCNULTY. And you know that all the high points lie within that corridor.

Mr. OVERBAY. It would depend on what associated facilities and use might be planned to go along with that, whether that would be compatible with wilderness designation.

Mr. MCNULTY. There is a letter from the American Association for Research in Astronomy, the Consortium of Land Grant Colleges, that the part of the project to do all of this that says they don't even feel the designation as a wilderness area would interfere with their plans. Have you seen that?

Mr. OVERBAY. I have not seen that letter.

Mr. MCNULTY. My final question concerns the Galiuros. Now the Galiuros, Mr. Beasley, have a substantial amount of wilderness within them now, and what is proposed to be added is kind of a thin fringe or corridor around the exteriors of the two wilderness areas.

Why would those things particularly commend themselves to you for mineral potential, given the large sites that are already designated as wilderness?

Mr. BEASLEY. The position on this particular area was based entirely on this recent information we have on minerals.

Mr. MCNULTY. Thank you very much.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman. I will just ask one quick question, if I may, of Mr. Beasley, as a point of clarification.

On page 6 you talk about, "Section 104 would add 50 miles of the Verde River to the Wild and Scenic Rivers System. Our 1981 study considered the 50 miles included in section 104. We recommended that the upper 39.5 miles of the river be added to the national system. We continue to support this addition."

What are you saying, you want 50 or 39.5?

Mr. BEASLEY. We are supporting 39½ miles at this point.

Mr. HANSEN. What does the bill call for?

Mr. BEASLEY. Fifty.

Mr. HANSEN. So what is the conflict?

Mr. BEASLEY. Proposed reservoir expansion on Horseshoe Dam; and it is our understanding that should that come about, it could back water into the lower stretch, the lower 10 miles.

Mr. HANSEN. So this is merely to preserve the 39.5 miles as wild and scenic, and if you put it to 50, you are going to take it out with this dam; is that right?

Mr. BEASLEY. If the proposed expansion of Horseshoe came about, that is correct.

Mr. HANSEN. Has anyone got that worked out, or is that a conflict here?

Mr. BEASLEY. I am not sure we have as much definitive information on what the plans are for Horseshoe Dam.

The CHAIRMAN. Will the gentleman yield to me?

Mr. HANSEN. I will be happy to yield.

The CHAIRMAN. I have already agreed to pull back another 10 miles. I have told the Salt River project, the water folks, that I surrender on the idea of having a new cliff for Horseshoe Dam, and it shouldn't be in the wild and scenic river, and somebody with the biggest design they could possibly build might go another 10 miles, so I am willing to give on that 10 miles. I have an amendment to that effect.

Mr. HANSEN. Thank you for the explanation, Mr. Chairman.

Thank you, Mr. Beasley.

Mr. SEIBERLING. Thank you.

Mr. Clarke.

Mr. CLARKE. No questions, Mr. Chairman.

Mr. SEIBERLING. Mr. Craig.

Mr. CRAIG. No questions.

Mr. SEIBERLING. Thank you very much, Mr. Beasley, and the gentlemen who came with you.

Mr. BEASLEY. Thank you, Mr. Chairman.

Mr. SEIBERLING. We will now go to the panel which I previously called, Mr. Mike Scott, the Wilderness Society, Ms. Joni Bosh, Arizona Wilderness Association; Mr. Doug Hulmes, private citizen; and Ms. Sharon Galbraith, Plateau Group of the Sierra Club.

How do you want to proceed, ladies first? Ladies first, all right.

[Prepared statement of Michael D. Scott may be found in appendix III.]

PANEL CONSISTING OF JONI BOSH, ARIZONA WILDERNESS ASSOCIATION COALITION; SHARON GALBRAITH, PLATEAU GROUP, THE SIERRA CLUB; DOUG HULMES, PRESCOTT, ARIZ., REPRESENTATIVE, ARIZONA WILDERNESS COALITION; AND MICHAEL D. SCOTT, SOUTHWEST REGIONAL DIRECTOR, THE WILDERNESS SOCIETY

Ms. BOSH. Mr. Chairman and members of the subcommittee, my name is Joni Bosh, coordinator and an executive committee member of the Arizona Wilderness Coalition.

The coalition is a grassroots volunteer group committed to the protection of Arizona's last remaining roadless forest lands, refuges, and wild rivers. We represent 16 organizations in Oregon and a number of unaffiliated individuals, over 11,000 altogether.

On behalf of the coalition, I want to thank Representative Udall and Senator Goldwater for introducing this bill. It is a constructive and important first step in the process of getting some wilderness in Arizona.

As written, the bill protects many deserving areas—we are real pleased about that—and honors many compromises, both site specific compromises agreed to by us and other parties, and language compromises which have been established in other bills, and have proven to be successful and workable in other wilderness bills. In general, the bill is quite promising.

However, there are some particulars that are of concern to us. First, many of our members think that this bill is the base for a reasonable wilderness bill, that it represents the bottom line as it stands now.

We do not want to see any units dropped from this bill.

Second, we believe that it is appropriate to add to a bottom line bill several important and valuable areas which have been overlooked, most notably on the Apache-Sitgreaves, but in a few other areas also.

Third, the language concerning water gaging station—as you have indicated, concerns us also—in the proposed Mazatzal Wilderness additions grants too broad an authority for an activity that we think is allowed under the Wilderness Act. We too think it can be handled in committee language.

Our members feel very strongly about the current contents of the bill for several reasons. Over a long and careful process, we selected those areas that we thought were the best of the roadless areas identified by the Forest Service. We did not indiscriminately propose every single area. It was much less.

Then we took our proposal to the delegation and to the various industry groups which might have an interest in our proposal. In fact, we initiated those meetings.

Through an equally long and detailed process, we worked out boundary adjustments for the few actual conflicts and potential problems.

We've kept the congressional staff informed of those compromises as they were worked out, and we're pleased to see that many of them are incorporated in the bill. Obviously, this bill is a solid foundation on which to build.

With those general comments out of the way, as a Phoenix resident and a river runner, I will direct the rest of my comments to the forest nearest my home, the Tonto, and to the various rivers we proposed.

We are very pleased with the Tonto Forest units that are in the bill. The Tonto is an outstanding area, and the places that are in well deserve to be there.

We think it is especially essential to protect these areas close to the Phoenix metropolitan area. We expect to have another 400,000 people there in the next 20 years, and to preserve places where people can go to escape the pressures of city life is really essential.

In particular, two of the existing wilderness areas need to be expanded as they get a lot of use, and they were originally drawn with township and rangelines that are rather arbitrary.

Our boundaries have included the ends of canyons or the continuation of mountain ranges and ridges that would make them logical units, and also includes a few areas that were left out that would present the entire ecosystems that are present in those areas.

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On Hell's Gate, the original RARE II boundary includes primarily the main canyon. We have added Haigler, Spring, and Houston Creeks, and the rough canyons around them, not much top land, to make them an integral unit. Those are all fingers of the same area.

We happen to fly over that coming in and from the air; that is a spectacular area that needs to be protected as a whole.

We worked carefully with the Forest Service to establish boundaries for the very popular and scenic Four Peaks unit. It is a very popular unit, about an hour from Phoenix. The Boulder Creek, Mine Mountain, and Lone Pine additions fill out the less consistent boundaries originally proposed and protect one of the largest and most varied stands of saguaro in the central part of the State.

I have, I think, for your edification a little briefing paper that our Tonto Forest volunteers have prepared, and I will pass this up to you, and you can see the maps that are included in that. It fills out the unit and makes it a very consistent whole, so that there are no large blanks in between arms.

[EDITOR'S NOTE.—The information paper on the Tonto Forest referred to above has been placed in the committee's files of today's hearing.]

Ms. BOSH. The Salt River unit encompasses a good chunk of the watershed along the Salt above Roosevelt Lake above the last of the dams that SARP operates in that area. We have recommended enlarging the boundaries to include some critical raptor habitats on Redmon Flat and along Pinal Creek, Klondike Buttes, and Black Mesa, the black bear habitat along Rockinstraw Mountain and east of Horseshoe Bend, and that as much as possible of Cherry Creek, Coon Creek, and Chalk Creek be protected to insure vital water sources for all species. That area has two of the nesting sites of the desert bald eagle.

The black bear habitat is extremely critical to the portion. The State has almost 70, possibly 80. There are black bears living along that area from Four Peaks area down to Rockinstraw Mountain and east of Horseshoe Bend. They are there because there is a wide variety of habitat from the Sonoran Desert up to Ponderosas that are on Four Peaks. We think that these, as well as Cherry Creek, Coon Creek, and Chalk Creek need to be protected.

There is very little water as you well know, in Arizona and what little riparian habitats we can protect is essential to protect.

The Salome unit has already been significantly reduced. I think we have pretty well agreed with that, but we absolutely must protect the canyon of Workman Creek. That is a convoluted, narrow, little canyon. When you are in it, it is reminiscient of being in parts of Korea.

The mining industry maintains that there is uranium potential there. I haven't seen their report from last week. Most of the mining claims that we have seen have been on the far east end. They proved to be a very low quality. Most mining activity is now going on several miles to the east in the Sierra Oches. That was a roadless area that we did not ask for.

We are a little disappointed that three very small units which total only about 33,000 acres were not included in the bill. These are the goldfields, Horse Mesa, and Black Cross. They are, in our opinion, an integral part of the unit between the Superstitions and

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Four Peaks. The only thing that separates them from those two areas is a dirt road and the Salt River.

Black Cross itself is a rather rugged country of narrow winding canyons, slick rock domes, and volcanic buttes. Most of it is surrounded by cliff faces, and down to the Salt River project side where they control the river, the boundaries could be set back far enough to allow them to do any reclamation activities that they would like to undertake.

Horse Mesa is next to Black Cross. It is a mesa top surrounded by 2,000-foot cliffs that on the river side slope at the very base down to the water. We feel the boundaries can be pulled back there, too, to allow them to do whatever work they wanted and to protect this area.

The Fish and Game, I think, in Arizona recently introduced 26 desert bighorn back into that area. It is cut by a magnificent canyon on Fish Creek Canyon. We would like to see that protected too as a wilderness habitat and as a wilderness area.

There is one access to the mesa top that is used occasionally for grazing. We have no problem with that, and it is obviously now used by the desert bighorns, but it has probably got some of the finest natural grasslands left in the State there.

Goldfields are located just to the west of those two units. From the air they are extremely rugged, rough country. They are cut with little narrow tiny canyons that are sandy bottomed, very quiet private places to be. The Forest Service plans to make that into an area to absorb some of the days from the Superstitions, the western Superstitions, which is being lugged to death in essence, and we have no problem with that.

Trails are totally compatible with the unit, and we would be satisfied to see a parking lot or parking area on the outside so people could get into it and enjoy it.

As far as the rivers are concerned, we are absolutely delighted that the Verde River is in. Many of us in Arizona have worked for years to obtain wild and scenic designation for the Salt, the Verde, and the SF. They were all studied by the Forest Service, I think, almost 6 years now, but now action was taken early on in this administration. They were sort of frozen, I think.

There was a very meager amount of riparian maybe at that time in Arizona. Only 14 percent is left of what we originally had in our desert. Over 80 percent of all the wildlife in Arizona depends during part of its life cycle or all of its life cycle on that habitat. Whatever we can protect is crucial to those species.

In addition to the above three mentioned rivers, we proposed in our proposal that we gave to the delegation that six other streams be at least authorized for study to determine if they would qualify as wild and scenic rivers. The boundaries of those stream segments all fall within wilderness areas that we proposed.

I believe six of those areas—at least three of those are in the bill today. It is absolutely critical that some way be found to protect those riparian streams.

The segment of the Salt that we would like to see designated directly by the bill runs from the Apache Tribe boundary down to the headwaters, or the top, I should say, of Roosevelt Lake at the 288 bridge. That area has one inholding. The Forest Service, I be-

lieve, is negotiating with those folks, and it doesn't seem to have much problem. The Forest Service also recommended it as a wild and scenic river.

The SF River segment that we are particularly concerned about flows from New Mexico back into Arizona. The segment we would like to see protected is the 13 miles that is the most rugged and isolated on the upper end. The desert bighorn sheep have been using that as a corridor in their migrations from New Mexico. They started that a few years ago.

This stream flows almost the year around with a few dry months. The Salt and the Verde flow all year round. I think they are the only two perrenial desert streams in the United States.

I pointed out some of the shortcomings. We are concerned about them, but overall we are extremely encouraged that the bill is off to a good start. We hope to work with you so that we can finalize some of these boundaries that aren't yet finalized and make sure that this is a bill that will be truly representative of the best that we have in Arizona.

Thank you.

Mr. SEIBERLING. Thank you. We will now hear from Ms. Galbraith.

Ms. GALBRAITH. Mr. Chairman and members of the subcommittee, my name is Sharon Galbraith. I live in Flagstaff, Ariz. I represent the Plateau Group of the Sierra Club and the Arizona Coalition. I will be speaking on behalf of the Coconino Forest units.

I would also like to thank Representative Udall and Senator Goldwater for introducing this bill.

Although many spectacular areas in the Coconino National Forest were included, however, two equally important units, Strawberry Crater and Jack's Canyon, were left out.

From the beginning we have strived for consensus on the units within the Coconino Forest. Volunteers met frequently with the Southwest forest industries to discuss their concerns. On February 28, 1984, the individual area supporters met with the grazing permittees who have operations within parts of the proposed units. These meetings were especially productive. We found that there was either no opposition to wilderness designation or that the conflicts could be alleviated with a boundary adjustment.

As a result of all the meetings that we have had, the Wilderness Coalition has significantly reduced its boundaries on Rattlesnake, Red Rock, Secret Mountain, West Clear Creek, West Beaver Creek, Fossile Springs, and Jack's Canyon.

The support of local government is reflected in a resolution from the Coconino County Board of Supervisors, which is attached to the back of my testimony. This resolution formally petitioned Congress to designate Kendrick Mountain, the San Francisco Peaks, Strawberry Crater, Red Rock, Secret Mountain, Rattlesnake, West Beaver Creek, West Clear Creek, Fossile Springs, and Jack's Canyon as wilderness. This very evening the Flagstaff City Council will be voting on a similar resolution. I expect the city council to also support these units. Further, the industry proposal also recommends these units.

Since a consensus was reached on the units within the Coconino National Forest, we question the decision to leave out Strawberry

Crater and Jack's Canyon. Strawberry Crater is a part of the San Francisco volcanic field, which contains some 600 craters and cones. In spite of the numbers of cones it is very unique. It is 50,000 to 100,000 years old and very different in appearance from the younger cinder cones.

This area offers ample opportunities for solitude and for exploring interesting geological and archeological features. While geologic designation has been mentioned as an alterntive to wilderness, it is a policy decision that could easily be changed. Present management is not adequate to prevent offroad and illegal woodcutting activities. IU feels that wilderness designation is needed to insure proper management of the unit. Since volcanic activity was instrumental in creating the landscape around Flagstaff, there should be a cinder cone in this bill.

Jack's Canyon is one of the many small limestone canyons which cut through the forests of the Colorado Plateau. However, it is the only example of the limestone canyon in our proposal. Its cliffs rise 200 to 500 feet in height while the width of this rugged canyon varies dramatically. Typical features of this unit include caves, overhangs, small islands, water holes, and slick rock on the canyon floor. Vegetation ranges from ponderosa pine in the higher elevations to lush riparian habitat along the creek. Jack's Canyon should be preserved as an example of what the more remote sections of the Colorado Plateau were once like.

We are very pleased that this bill contains outstanding examples of the high peaks and red rock canyons of northern Arizona and it is important that these remain in the bill. Yet to be truly representative of the Coconino the bill needs to include Strawberry and Jack's Canyon. With the rapid growth that is occurring in Arizona it is important to preserve these areas now.

The efforts that have taken place on the Coconino point out that it is possible under the certain circumstances for commercial user groups, local government and wilderness advocates to agree on designation of public lands.

We would like to see those agreements honored.

Thank you for your attention.

Mr. SEIBERLING. Thank you for an excellent statement.

Mr. Hulmes.

Mr. HULMES. Mr. Chairman and members of the subcommittee, my name is Doug Hulmes. I am a teacher of environmental sciences at Prescott College, in Prescott, Ariz. I am also the Prescott representative for the Arizona Wilderness Coalition. It is an honor to have the opportunity to speak to you on behalf of the Arizona Wilderness bill. I have been working for wilderness in Arizona for three major reasons. As an ecologist, I recognize the importance of having ecological control areas for the purpose of comparison on resource management areas that are managed for multiple use.

Second, I feel we all have a responsibility to future generations to insure that we hand down to our future generations some areas that are pristine.

Prescott is one of the most rapidly growing communities in the State of Arizona. There is a tremendous need for maintaining open space, to maintain the quality of life that we have come to enjoy and appreciate, and it is becoming increasingly rare in America.

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I am generally very pleased with the compromise bill on the Prescott National Forest. Six out of the 15 areas identified by the RARE II process is not statistically great but it does represent the ecological and geographical diversity of the forest.

I was very disappointed, however, that Woodchute Mountain was not included in the bill proposal. Woodchute is a small area that is located centrally between the communities of Prescott and the population center of Verde Valley. The area offers spectacular vistas of the red rock area around Sedona, San Francisco Peaks, and the broad valleys to the west of Mingus Mountain.

The area is more accessible than most of the other areas being recommended, and it is the only area that is accessible by a paved highway. All of the other areas you must travel for several miles on dirt roads. The area is also less rugged than all the other areas and is the only area that is easily accessible to elderly and handicapped populations. I have personally taken handicapped adults into the area and had very enjoyable experiences.

The area also possesses very diverse wildlife, including bear, deer, and 2 weeks ago I saw three golden eagles. I also encountered a mountain lion 3 years ago. I would like to submit these photographs.

Mr. SEIBERLING. I am glad to see you are still here.

Mr. HULMES. The mountain lion was treed by a dog and we spent 45 minutes taking photographs and I climbed a tree approximately 20 feet from the mountain lion and I assure you, I had a wilderness experience that few people will ever enjoy.

Woodchute Mountain is not included in the bill even though it was supported by the industrial coalition and also Katy Leak sends her warmest regards.

Mr. SEIBERLING. How did the mountain lion make out?

Mr. HULMES. Contrary to all popular opinion, the mountain lion was more happy to get away from us than we were to get away from it, and we finally decided we had been harassing him enough and left it alone.

The Arizona Wilderness Coalition has agreed to withdraw approximately 18,000 acres on other areas of the Prescott as a compromise to ranching interests. Adding Woodchute's 5,500 acres seems a fair exchange if this is truly a compromise process. I have spent 5 years volunteering for the wilderness process, including 2 years with the RARE II and now the Arizona Wilderness Coalition. I feel the areas identified truly represent a positive outcome of this process. I have gotten to know ranchers and many other people in the communities.

The areas I would specifically like to mention include Granite Mountain, which is one of the most unique climbing areas and hiking areas in the State. It also dominates the horizon around Prescott.

Apache Creek is one of the most remote and rugged areas being proposed and includes granite outcrops and is a significant habitat for the mountain lion.

Castle Creek and Arnold Mesa possess a wide variety of vegetation that ranges from desert grassland to high coniferous woodland. Also the southern bald eagle of which there are only 12 known pairs, nests in the vicinity of Arnold Mesa along the Verde River.

Juniper Mesa possesses the ancient population of aligator juniper, which in my opinion represents the bristle cone pine of the Southwest mountains. This tree is increasingly being utilized for wood poaching for firewood purposes on the Prescott. Last year I came across an individual tree that had been cut down illegally that was still alive—two-thirds of the tree had been left. I counted the rings and it was well over 1,200 years old.

Juniper Mesa is the only significant area being recommended in the Arizona bill that still has a large population of these ancient, beautiful trees, and I will pass these pictures around that illustrate these wilderness areas.

Sheridan Mountain, which was mentioned earlier, is one of the few areas on the Prescott National Forest that has a significant area of riparian vegetation. Again, I mentioned that more than 85 percent of the riparian vegetatrion in the State is already gone. The riparian areas on Sheridan Mountain also represent important habitat for the endangered Mexican black hawk and is believed to be the northern extension of this bird.

These are little known areas on the Prescott National Forest that have survived historic timber and mining activities. They are all that is left of the wild and pristine forests that once covered the central mountains of Arizona. America is unique because we have had the opportunity and foresight to manage, conserve, and preserve some of our natural resources. Wilderness has had a vital influence in forming our country's values of freedom, political philosophy, religion, and hope for the future.

Thank you very much.

Mr. SEIBERLING. Thank you for a very helpful statement.

We will hear from Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

In the interest of time, I would like permission to summarize my statement and have it entered in the record.

Mr. SEIBERLING. Without objection, your full statement will be included in the record.

Mr. SCOTT. Thank you.

We, too, would like to take the opportunity to thank Congressman Udall and Senator Goldwater for introducing the bill and we would also like to thank Congressman McNulty for the time and effort he has put into this effort and we know that he has spent long hours, along with staff, in looking into this, particularly in the Colorado and Apache.

I think it is important to note where it was that we as a coalition have come from. The original proposal that we submitted to the delegation contained 3.2 million acres within it. Roughly half of those 3.2 million acres were in forest lands and the other half were contained within four wildlife refuges that have had wilderness recommendations pending since 1974, and the bill before us contains about 750,000 acres in it, and we believe that it is a very excellent first step, but it needs some changes in order to improve it to a point that it will be the outstanding bill that we know it should be. Those changes should take place in the area of added acreage, and also changes in language that is contained within the bill.

Now, a number of others, both in this panel and later on, will be giving much more detail on specific acres that we have been concerned about, but I would like to note that the so-called users group, which is composed of industry representatives from around the State, put together their version of a wilderness proposal earlier this year that contains some 500,000 acres within it, and of those 500,000 acres, approximately 170,000 acres to which both industry and conservationists agreed are not contained within this bill, and we are particularly troubled by that. I think that we would recommend that those 170,000 acres be added back into this bill since there is a consensus between industry and the conservationists that that should occur.

Probably the most troubling area that we see in the proposal is on the Apache, where of some half million potential wilderness acres, there is only approximately 7,000 acreas proposed for wilderness in this bill.

As we know, the Blue Primitive Area, and its contiguous units, represent about 200,000 acres of probably the wildest area of Arizona, and its sister area, which is also the Blue in New Mexico is already designated wilderness. As Chairman Udall pointed out, we like to designate wilderness based on its geographic and topographic boundaries, and it makes little sense to us to have a wilderness area such as the Blue cut in half by an artificial State line and we recommend to the chairman that the Blue be added back in, along with its contiguous unit.

In a similar fashion, there are two other areas in the Apache which have contiguous areas in New Mexico that have been dealt with, those being the Lower San Francisco and Hell Hole. Those are both wilderness study areas in New Mexico, yet proposed to be dropped from wilderness consideration in this bill, virtually guaranteeing that those areas will have to be dropped in New Mexico because they will be difficult, if not impossible, to manage as having an artificial state line running through them.

While we recommend them for wilderness at a minimum, we believe that they should be wilderness study areas to compliment their New Mexico counterparts so they can be studied as an entire unit and their merits be determined thereon.

We also are particularly troubled that the Cabeza Prieta Wildlife Refuge in Chairman Udall's district, and was at one point recommended for a national park, is not contained within this bill. Although it is large in acreage—some 800,000 acres—it is also the finest piece of Sonoran Desert left in the world and contains the Sonoran pronged horn antelope, a species we know little about, but is entirely limited to this area. At one point the Air Force supported Cabeza Prieta Wilderness and it is a very important game refuge and would be a very important addition to this bill, and we again recommend that that be added to the bill.

Now, as far as language goes, we are very pleased to see that the bill contains standard releases so that we do not have to deal with that issue and find ourselves in the interesting position of supporting the administration in their comments on the rest of the language sections.

We are particularly troubled by two sections, the one section dealing with gaging stations which we support the removal of for

the reasons outlined by Chairman Seiberling, and additionally, we are opposed to the buffer zone—so-called buffer zone section. It is not something that conservationists ever agree to, even though it was contained within the Colorado wilderness bill, and we believe that artifically tying the hands of the Forest Service, who are professional land managers, constrains them from their mandates under the National Forest Management Act.

If you prohibit a type of land use on a given piece of land, that may in fact be the best for that land, you may be doing it a disservice rather than a service, and just as a city planner, say, would plan transitions from dense urban development to single family housing, it may be that the Forest Service in a given situation would want to transition uses from a primitive wilderness sort of experience to a denser or more developed sort of activity and not be constrained from doing so. So we oppose that section and would recommend that it be deleted.

Like the administration, we, too, have a forthcoming mineral study on some 13 areas in Arizona. Our Economic Policy Department will be submitting a report on some of the more controversial areas that are contained within the bill and some that are not within the bill that details our positions and information that we have found on the mineral values and potentials of those highly controversial areas.

In conclusion, I think we would like to say again that we believe this is a very, very good first step and thank Chairman Udall and Congressman McNulty for their efforts. We would ask that the changes that we have recommended be made to the bill, and just as a final note, we have not addressed any of our comments to either Aravaipa or the Arizona strip bill, having done so in the past, and our support for those continues in an unwaivering fashion.

We would be happy to answer any questions. Thank you.

Mr. SEIBERLING. Thank you very much.

I am going to recognize Chairman Udall in a second. I want to make a couple of comments. First of all, I don't construe section 101(d), page 10, as prohibiting the establishment of buffer zones by the Forest Service. It merely says this bill does not intend to create them and eliminates any implication that they would be required. If the Forest Service, as part of their normal management procedures, decided that certain areas next to a wilderness should be protected, then that is within their prerogative in spite of this language. That certainly was the intent when we put such language in the Colorado bill, and I will let the chairman, Mr. Udall, indicate whether he thinks that that intent has changed in any way in this bill.

So I don't think you need to have the fear that this would be a prohibition if my interpretation is correct. Certainly we can spell that out in the committee report.

Second, you heard the Forest Service say they wanted to reserve judgment on precise boundaries until they had a chance to look at them, and I presume that the same consideration will then apply to the authors of the bill with respect to possibly including other areas if certain areas that are in this bill are dropped out as part of the overall balancing that apparently still needs to take place.

Mr. Udall.

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The CHAIRMAN. I thank the chairman and I agree with his analysis. Since we are making congressional legislative history here, I think I want the record to reflect my total agreement with the position you have taken with what you have said.

I want to thank the witnesses and the coalition for the work you have done. As we get near the time of discussion it is going to be necessary for you to go out again on several occasions to designate people to go with the Forest Service and the industry people to try to find exact boundaries, to try to finalize the lines that need to be drawn, and I think we can do that in ways that will help all sides get a better piece of legislation.

So I thank you for your help and all of the efforts that have gone into this.

Mr. SEIBERLING. Mr. McNulty.

The CHAIRMAN. I just hope that we can call on the skill of the people from all the various interests that are represented here this morning. It is clear we are not going to finish anything here today, and as time goes by there is going to have to be substantial refinements made. I don't know that it will be substantial in terms of acres, but whatever, I would just like to say to every one of you that we wish you would cooperate with us and help us and advise us where and when you can.

Thank you.

Could I add one point. You have thanked me, all of you, in your statements and otherwise, and also Congressman McNulty. I wanted the record to reflect the other Arizonan on this committee, Congressman McCain, although he has no wilderness areas in his metropolitan Phoenix area, has been most constructive and most helpful and we look forward to working with him in the making of the final decision related to this bill. He wanted to be here today but couldn't be, but we have consulted with him closely as development of this bill has gone along.

Mr. SEIBERLING. Thank you.

Mr. Craig.

Mr. CRAIG. No questions.

Mr. SEIBERLING. Mr. Clarke.

Mr. CLARKE. No questions.

Mr. SEIBERLING. Mr. Cheney.

Mr. CHENEY. I would like simply to thank the panel for their testimony this morning. I have no questions at this time.

Mr. SEIBERLING. Thank you. I think the panel has given some outstanding testimony and even though I am not familiar with most of the areas that they described, they have aroused my interest and I am anxious to get out there. If I do, I hope I can get in touch with some of you to show me some of the things that you have described today.

Thank you.

We will proceed with the second panel. Mr. J. Robert White, Western Regional Council and Mr. Ed Wren, Southwest Forest Industries.

[Prepared statements of J. Robert White and Edward J. Wren may be found in appendix III.]

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STATEMENTS OF J. ROBERT WHITE, WESTERN REGIONAL COUNCIL, ACCOMPANIED BY KIT CAPLES; AND EDWARD J. WREN, SOUTHWEST FOREST INDUSTRIES

Mr. WHITE. Mr. Chairman and members of the committee, I thank you. In the interest of time I, too, would like to summarize my comments and submit a more complete statement for the record.

Mr. SEIBERLING. Without objection, Mr. White's statement will be included in the record in full.

Mr. WHITE. The Western Regional Council appreciates the opportunity to comment on the Arizona Wilderness Act of 1984, H.R. 4707. I am J. Robert White, representing the Wilderness Ad Hoc Committee of the Western Regional Council. I would like to give a brief oral statement and submit an additional written statement for the record.

But first, I want to express appreciation to Congressman Udall, the sponsor of H.R. 4707, for the open manner in which the bill was developed. While I do not necessarily agree with all aspects of the final product, I do appreciate his willingness to allow our input during the process. I have worn several hats in this process, working with the Arizona Users Group, representing my own company—the Valley National Bank of Arizona—and working with the Western Regional Council Wilderness Ad Hoc Committee. Today, as I stated, I am appearing for the Western Regional Council.

The Western Regional Council would like to address its statement to three provisions in the forest lands portion of H.R. 4707: Release language; sufficiency language; and prohibition of buffer zones.

For the past decade the management status of at least one-third of the National Forest System has been in limbo. This long debate has created tremendous uncertainty that impacts the entire economy, but particularly the energy and natural resource industries and ultimately, the American consumer. Each public land withdrawal and even each acre awaiting final determination, limits acreage accessible to exploration and development. That is why the matter of release language is of such great importance.

Adequate release language must provide, over the long term, certainty and stability to public land management and use. We are concerned that the release language in H.R. 4707, precluding Department review of wilderness only through the initial forest planning cycle, does not provide to either industry, forest managers or other forest users, the certainty and stability required to make and implement meaningful plans and decisions. We also wonder about what the impact of legal challenges to those initial forest plans may have on the release of nonwilderness lands.

We urge Congressman Udall and other Members to reconsider the release language in H.R. 4707. We ask that such language be amended to provide for a longer, more certain period of release to nonwilderness multiple use, thereby permitting greater certainty and stability to forest managers and to all forest users.

The U.S. court decision in *California* v. *Bergland* has only increased the uncertainty under which business interests in the West must labor. The decision has also resulted in the Forest Service ini-

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tiating a Rare III process. This process, with its additional costs, extended time delays, increased uncertainty for both forest managers and users, and renewed opportunities for litigation, can only serve to further frustrate the wilderness process and the interests of all those involved.

The sufficiency language in H.R. 4707 resolves these problems by prohibiting further judicial review of the Forest Service environmental impact statement with respect to national forest lands in Arizona. Consequently, the Western Regional Council strongly supports the sufficiency language included in H.R. 4707.

The culmination of the Forest Service Rare process was, and is, intended to be a decision by Congress regarding the designation of certain lands and wilderness and/or the release of other lands to multiple use. The integrity of that wilderness process would be undermined if wilderness areas and wilderness mangement were extended into so-called protective perimeters or buffer zones.

The possibility of creation of such buffer zones also reinserts the factor of uncertainty into the management and use of valuable forest lands and resources. Therefore, the Western Regional Council strongly supports the prohibition on buffer zones in H.R. 4707.

In conclusion the Western Regional Council sincerely appreciates the opportunity to testify on H.R. 4707, the Arizona Wilderness Act of 1984. We ask that you give the council's views your careful consideration.

Thank you, Mr. Chairman, and Members.

Mr. SEIBERLING. Thank you.

Mr. Wren.

Mr. WREN. Thank you very much, Mr. Chairman, Chairman Udall.

I would also like to, and will, abbreviate my remarks and ask that my entire statement be entered into the record, Mr. Chairman.

Mr. SEIBERLING. Without objection.

Mr. WREN. I represent the Southwest Forest Industries, which is the largest forest products company in the State of Arizona, employing some 1,500 people with an annual payroll of about $45 million.

I first met with Chairman Udall about 8 years ago in Tucson relative to how we were going to finally take care of national forest land in the State, and he and I both agreed at that time that it would be good to, as soon as possible, to get on with it so that no matter which side you were on, whether you were a multiple-user group like our company, a forest products company, or you were an environmental group, at least you knew once and for all, at least as far as most of the acreage was concerned, where you stood so you could make the kind of future plans that needed to be made, particularly where you are a major corporation like we are.

Once again, like everybody else, I would like to commend the chairman in particular, Congressman McNulty, Congressman McCain, and their staffs who have all come out—Jean Toohey who came out on behalf of the minority—who have been out to the State and unlike some other proposals that I have seen where they just start talking about acreage that nobody has seen, in this case, not only the Congressmen themselves but their staff people have

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been out there. They have seen this acreage, they have walked it, many have flown over it, and, therefore, to a large degree, know what they are talking about instead of dealing in pure acreage.

This proposal, like several others I have been involved with—Colorado, New Mexico, California, and Oregon, being our other examples—one in which both sides started out at opposite ends of the spectrum. As was pointed out earlier by some of the environmental groups, they wanted 3.2 million acres and basically our group wanting less than 100,000 acres, and I think we have ended up with what is an excellent compromise.

As I point out in my testimony, this compromise was reached by, I think, reasonable people, by people who in our case, some of our key foresters, who are out on the particular acreage, and in particular, those areas where there was some controversy—Red Rock, Secret Mountain, Bear Wallow, West Clear Creek. We walked that land, they walked that land, and we had several meetings which finally resulted in the compromises which you see before you today.

We have made one change and that is that Congressman Udall, after several meetings he and his staff had in Arizona, specifically requested that we consider adding 4,000 acres to Bear Wallow, which is the only acreage in the Apache National Forest being recommended for wilderness. It does contain some commercial timberland but we agreed last week that we had no problem with adding that 4,000 acres and we appreciate his input into that, and glad to do that.

As I point out in my testimony, I was involved along with Dick Barnes and you, Chairman Seiberling, Biz Johnson, and others, when we put together the release language for the California bill. I point out in my testimony that we also shared a concern on the release language, but once again, I realize, having appeared before the subcommittee several times, rather than arguing what my point might be, I think the question I point out is really a question of trust more than it is anything else.

Congressman Udall referred earlier when he was talking about grazing language, to a credibility problem, and I just think the trust—I hope that the same trust that evolved from the process where our company and other multiple users groups got together with the wilderness groups and worked out a compromise that obviously nobody is totally happy with, but it turns out to be a reasonable compromise—that the same kind of trust can carry over into the future.

And that is the thing that bothers us more than anything else, and I think the State of Colorado, at least from our company's standpoint, is a good example where we forged along with Congressman Kogovsek, what we thought was a reasonable wilderness bill at that time, and then turns around a year ago and in 1983 we see a brandnew proposal that not only takes all of the study areas and proposes them for wilderness, but in fact takes multiple use lands and puts them back into wilderness.

That was not the final proposal introduced by Senator Hart, but that was the initial proposal, and I guess these and the kind of appeals that were filed the same day that the Forest Service plan comes out—in this case in Colorado, the San Juan plan—the

appeal gets filed the same day, we wonder when this is all going to be over with.

Once again, in ending my testimony, I would like to particularly thank Chairman Udall for his effective leadership, for the prodding, for the bringing people to the table and telling them that there was going to be a bill and they had better get working on it, and I think he deserves this bill, and I hope to see him get it basically in the status that it is right now.

Thank you.

Mr. SEIBERLING. Thank you.

Do you have testimony, Ms. Caples?

Ms. CAPLES. No; I do not.

Mr. SEIBERLING. All right, thank you very much.

I would like to comment on a couple of things. First of all, Mr. Wren, the Colorado Wilderness proposal that you referred to, I assume, was the one introduced, proposed by Senator Hart. Is that what you said?

Mr. WREN. Yes, sir. The original one I was referring to, there was a proposal that was first issued that did not end up in—all of it did not end up in the particular legislative proposal, Mr. Chairman.

Mr. SEIBERLING. You referred to a second proposal; is that correct?

Mr. WREN. Yes, sir.

Mr. SEIBERLING. Was that a National Forest Service proposal or a legislative proposal?

Mr. WREN. Yes, sir.

Mr. SEIBERLING. There is no way you are ever going to stop Congressmen and Senators from introducing bills, no matter what we put in here.

Mr. WREN. I have learned that.

Mr. SEIBERLING. So I don't really think that has any bearing on the release question. The release question deals with whether the Forest Service is required to restudy roadless areas for wilderness once we have enacted a wilderness bill and put in the release language. We have been up and down and around that issue ever since we thought we had settled it in 1980 including settling it with a representative of the National Forest Products Association as well as all the other people concerned.

So what your concern is, and Mr. White's concern is, is that you don't like the fact that the Forest Management Act already requires the Forest Service periodically to review its forest plan, and among the many options the Forest Service is required to review is wilderness. If you don't like that requirement, then propose amending the National Forest Management Act of 1976, but don't come in here and try to amend it ad hoc through individual wilderness areas. That to me is not an orderly way to try to address alleged problems with the National Forest Management Act.

In fact, in all of the States where we have passed legislation with the standard release language—which was negotiated back in 1980—have had no problems that I know with the Forest Service, nor are they likely to have any until the Forest Service gets around to reordering or reviewing or amending the forest manage-

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ment plans, and there is no State where there is even an initial forest management plan out yet.

So I really think that it is premature to criticize that National Forest Management Act or our standard release formula, except that I realize that you just don't like the way the act was written. But that was also a compromise that was worked out. I was here when it happened. It seems to me that we ought to give it a chance to work. So those are my reactions to comments on release, but I take it that in general you are happy with the sufficiency language. You are happy with the sufficiency language, you are happy with the buffer zone language, and so that is two out of three, that is not bad.

Mr. Udall.

The CHAIRMAN. I have never been able to get two out of three in most things in life.

It has really been stimulating and encouraging and a very pleasant experience for me to work with not only the conservation groups with whom I have had a long association, but people like Ed Wren and Bob White, and I am really grateful for the very kind things that were said about me by both of you, and I appreciate it very much.

Ed Wren comes from a good industry in the West, a fine company I must say, and he has been forthcoming. It is very easy for us to negotiate familiar positions and as he said in his statement, when I first proposed this bill he came forward and said that the way to go was to get this resolved and negotiate, get the groups together, get different points of view. And without the constructive spirit of Ed and his company, and Bob White and other groups, we wouldn't be where we are today, and we think we can look back with pride before this year is out that we didn't fall into the trap that California fell into with big lawsuits. Maybe we can counsel with Wyoming and other States before they are finished.

Ed Wren incidentally—we have had strong bipartisan support. John McCain and Barry Goldwater and Ed Wren were down at the White House for a time when Mr. Cheney was there in the same administration. This has been a very rewarding thing so far. We have got a ways to go and further compromises to make, but with the spirit that has been shown here today on all sides, I think we are going to get the job done and I thank all of you.

Mr. SEIBERLING. Thank you.

Mr. Craig.

Mr. CRAIG. Thank you very much, Mr. Chairman; I appreciate all of the testimony that has been given. I can also appreciate the frustration you folks have expressed as it relates to release language and the confusion that has resulted in what appears to be a constant state of limbo toward a permanent, well defined, understandable management plan that recognizes the variety of the uses that we all collectively recognize for our public lands. I hope that we can bring some clarification to it in the overall process in which we are now currently involved.

I know the chairman has very strong feelings in that area and I can appreciate those, based on perceived agreements of reality of the past. But at the same time, they appear not to address immediate and future needs of all parties involved and I hope that we can

bring about some degree of compromise in that area in the coming months as we deal with this legislation.

Thank you for your testimony.

Mr. SEIBERLING. Would the gentleman yield?

The CHAIRMAN. I would be happy to yield.

Mr. SEIBERLING. The compromise was worked out in 1980 and nothing has changed. It is just that the only thing changed was that we had a change of administration and that got a lot of people thinking they could get more and that is human and understandable, but we worked out the compromise. There isn't any confusion. Everybody understood that it was a very good clarification of the law. The only confusion comes from people trying to upset that compromise, and I have gone into the whole thing in great depth all over again, because of the questions being raised by Mr. Cheney and others, and I come out at the same point that it was a sensible, reasonable, realistic compromise, which adequately reflected the interests of all concerned, and that the problems that have been raised are largely political when you get down to looking at them.

So I really think this bill is commendable for sticking to the compromise that has been in every wilderness act enacted since RARE II began, and I don't really think there is any confusion except the confusion resulting from people trying to upset the compromise that was worked out.

Mr. CRAIG. I have heard your explanations before, clearly from your point of view; I am not going to argue with you. I will argue that compromises can be changed, and sometimes should be changed if they do not address problems in the nature that they were intended to address. I don't discredit your point of view, I simply disagree with your point of view.

Certainly I think that as fair people on this committee, we can have reasonable areas of disagreement and that we ought to be willing to sit down and look at them. We can, I think, resolve a great deal more based on being willing to sit down and to rediscuss the area.

In the public lands in the State I deal with, there is a great deal of confusion at this moment in regard to establishing a long-term overview of what may or may not be based on a perpetuation of a series of planning cycles that maybe ought not review certain areas for certain purposes. It has brought confusion. I think as a result of that confusion, you have people of good will coming before this subcommittee—certainly coming before me—asking that we in a reasonable way review this process.

I think the Wyoming legislation is an effort in that area. I am now in the process of reading your explanation to my colleague from Wyoming as to how you perceive it, and I am simply saying we have been known to change things from time to time. This is an area that I think deserves at least consideration for some possible changes.

Mr. SEIBERLING. Thank you.

Mr. McNulty.

Mr. MCNULTY. Pass, thank you.

Mr. SEIBERLING. Mr. Cheney

Mr. CHENEY. Thank you, Mr. Chairman.

I, too, would like to join my colleagues in thanking the panel for appearing here today. Especially it is good to see an old friend, Mr. Wren, with whom I had the pleasure of serving a good many years in the executive branch.

I don't want to tread, Mr. Chairman, on the delicate ground of the release language this morning. It is an important subject and it is one that I know you feel strongly about, and I feel strongly about. I would like simply for the record to mention the fact that not all of us were involved in the opportunity in 1980 when the language was crafted because we didn't all serve on the subcommittee at that time, and many of us have pursued a modification of the release language not out of any disrespect or animosity for the views of those who were involved in originally crafting it, but rather because we think it might be possible to better craft langauge that would meet the needs and requirements of our constituents.

I would like to thank the chairman for the courtesy he has extended me during the course of the debates—it is obviously not over yet—and I would also like to thank him for the lengthy memo that he prepared over the course of the break. It is a learned dissertation on the fine points of the release language and I look forward to having the opportunity to give it the kind of serious response that it deserves.

Thank you.

Mr. SEIBERLING. Thank you. I hope you would urge the gentleman from the other body that represents his State to give it equally serious consideration before he starts criticizing.

Mr. CHENEY. Mr. Chairman, if I may, on behalf of my colleague, his perception of course is that his committee and the other body has twice unanimously passed a version of the Wyoming bill and certainly they are entitled to their view, too, and ultimately maybe we have to resolve it in conference. We will give it the best shot we can.

Mr. SEIBERLING. Thank you.

Thank you very much. As you can see, you stimulated some very excellent discussion here. We do want to debate this issue thoroughly, and as it has been in the past, I am sure it will be again, and we appreciate your advice.

Our next panel is Ms. Anita McFarlane, Arizona Chapters, National Audubon Society; Mr. Rob Smith, Assistant Southwest Representative, Sierra Club; and Mr. Paul Hirt, private citizen.

[Prepared statements of Rob Smith, Paul Hirt, and Michael Gregory may be found in appendix III.]

PANEL CONSISTING OF ANITA McFARLANE, REPRESENTING SEVERAL ARIZONA CHAPTERS OF THE NATIONAL AUDUBON SOCIETY; ROB SMITH, ASSISTANT SOUTHWEST REPRESENTATIVE, THE SIERRA CLUB; PAUL HIRT, REPRESENTING THE GRAND CANYON CHAPTER OF THE SIERRA CLUB, AND THE ARIZONA WILDERNESS COALITION; AND MICHAEL GREGORY, PRIVATE CITIZEN

Ms. MACFARLANE. Thank you, Mr. Chairman, and members of the subcommittee.

My name is Anita MacFarlane and I represent the six chapters of the National Audubon Society in Arizona. The National Audubon Society is an environmental organization with more than 500,000 members nationwide and over 4,000 members in Arizona.

It is my pleasure to appear before the subcommittee to testify for wilderness in Arizona. Though the Audubon Society often conjures the epithet "bird watchers," our interests encompass the broad spectrum of the natural environment. As activists, our objective is to do this in a pragmatic, objective, and unemotional way, weighing on balance, what is good for the land.

My purpose today is to address the question of the inclusion of four of the national wildlife refuges within the Arizona Wilderness legislation: Cabeza Prieta, Kofa, Imperial and Havasu.

At first appearance, it seems that it should not be necessary to consider such an inclusion. Are not these Federal lands defined and protected? The image summoned by the term wildlife refuge is a well identified tract of land giving protection and shelter from danger and hardship to undomesticated species, a sanctuary from adversity created by the understanding and good will of man. Such, regrettably is not the case.

The rugged yet fragile beauty of the American Southwest, coupled with the history of its broad, unpeopled horizons challenges men to conquer, to try their basic mettle. In some it is more base than others, prompting them to defile and destroy. This mindset of unthinking bravado coupled with ignorance, and the American penchant for materialism have effectively combined to pose a serious threat to our refuge system.

Against this threat is posed a fragmented composite of laws governing refuge management. They are vague, ill defined, openended, and subject to manipulation by special interests. The explosive growth of the Southwest has created pressures to develop, degrade, and exploit the refuge lands and habitats with ever increasing frequency. Unlike the National Park Service, no organic act exists to give direction or provide a concept of management. Through political default the refuges have lost the reality of sanctuary and have, in fact, become an exploitable domain.

Life in arid lands is fragile and tenuous. As the threat of growth and development stresses the region, the sanctity of the refuge becomes more imperative. Unlike the great Mississippi, with its abundance of water and habitat, the Colorado River is but a delicate sustaining line traversing the xeric landscape. It is a limited resource over-exploited at every bend.

The Havasu National Wildlife Refuge, which was a place long before the developers dreamed of Lake Havasu City and "London Bridge," is under serious pressure. There was recently a request to dredge a channel 1,000 feet long and 100 feet wide through the refuge to accommodate power boats desiring access to a marina, hotel, and golf course complex proposed by a California developer. This effort is now in abeyance due to efforts of the Audubon chapters in Arizona and other local residents. This could have transected the very segment of the refuge that has the highest wildlife value.

Lake Havasu City is entertaining the concept of relocating its airport at the refuge. The KOA campground on the margin of the

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refuge desires an access to the lake across refuge lands and, to cap it, the Corps of Engineers has received a request to operate a gold dredge in the waters of the Topock Gorge. It is tough to be a bird nowadays.

I cite Havasu Wildlife Refuge for its array of perverse threats in order to draw a clearer image of what reality is. These are but a few of the conflicts that threaten our resource lands.

Along with the Havasu Refuge, Imperial Refuge is also threatened by man-induced floods, low flows, poaching, jet boating, land development, visitation pressure, unauthorized camping, woodcutting, and off-road vehicles.

Kofa Wildlife Refuge, primarily set aside to protect and provide refuge for big horn sheep, is threatened with many of the problems mentioned above, plus unrestricted shooting, plant and animal removal and destruction of archeological resources. There is also increased pressure for using refuge lands for right-of-way corridors for powerlines and natural gaslines and several hundred patented and unpatented mining claims scattered throughout the refuge.

Cabeza Prieta is basically the largest portion of Sonoran Desert in existence, home of the only herd of Sonoran pronghorn antelope in Arizona and once proposed as a national park. It, too, is threatened with woodcutting, off-road traffic and mining claims, among others. There is no respite.

Protecting these areas is an imperative which becomes even more important as our wildlands diminish. In historic times there existed an estimated 5,000 acres of riparian cottonwood along the margin of the Colorado River from the present site of Davis Dam to the Mexican border. Today there remains but a scant 500 acres. Less than 14 percent of Arizona's riparian lands remain intact and unmodified, and we had little to start with. You can see why we are concerned.

I appeal to the members of the subcommittee to grant protection for dependent and environmentally sensitive wilderness species, and to stop the destruction of these designation lands.

This Wilderness Act includes primarily national forest areas. However, Audubon supported inclusion of the wildlife refuges in the proposal made by the Arizona Wilderness Coalition and we still feel that wilderness designation will best protect these very important areas. Within the proposal the roads currently used for critical ongoing programs of game management are excluded, thus allowing continuation of water development as needed.

In summary, I have attempted to demonstrate in my testimony that adequate protection is not guaranteed, that control has been lost and that corrective action is imperative in the interests of our national wildlife refuges. Since 1974 there has been a wilderness recommendation for the entire refuge system. It is time for positive action now.

Thank you for your attention.

Mr. SEIBERLING. Thank you.

Mr. Smith.

Mr. SMITH. Mr. Chairman, members of the subcommittee, my name is Rob Smith, and I am assistant Southwest representative for the Sierra Club.

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In the past year or so especially, I have spent a lot of time down in Arizona working with the Wilderness Coalition and other individuals in preparation of the conservationists proposal, much of which is reflected in this Arizona Wilderness bill.

I would like to offer my own thanks, in particular to Congressmen Udall and McNulty and also to Congressman McCain. I would agree with earlier speakers, in fact the process has been quite open and perhaps more light than heat has been generated by the less formal processes, but still very detailed field work in consultation with various groups and individuals has taken place so far, and I feel like there is a lot of information that was used in this bill, and I want to thank you for always having an open door to us and helping to stimulate a productive discussion with a variety of users groups, which I feel has led us to a lot of compromise, resolutions of issues that are embodied in this bill right now.

There has been resolution on a lot of areas—the Apache Site Graves Forest being one area that I know we hope would be resolved and that we would like to make a lot of changes over there. My purpose here today, though, is to talk about a couple of the issues, release and grazing issues, that still seem to plague some of the discussion.

H.R. 4707 contains a standard release compromise which has passed through Congress and is now contained in at least seven other RARE II wilderness bills. This is something we support. As this subcommittee knows, this was a compromise from our point of view. It is not our language in the sense of conservationists wanted nothing and felt that to have gone as far as a standard release language was in fact a significant compromise and, of course, it is a compromise for the other side, too.

I think that with industry we do share and understand the goals of resolving a management stalemate that occurs when so much land is under perpetual study and then restudy, and also when there is always a threat of legal challenges from one side or the other, and lawsuits have been brought from both sides over the history of this.

Also, I think that this soft release, standard release compromise does in fact put the wilderness review process back in the entire land planning process where it belongs. Along with an assortment of other values so that everything can be looked at together the next time around.

I have heard also in discussions with other user groups, that the Colorado compromise just didn't work. In fact, it works more than we had hoped it would. I was up in Colorado and spent a lot of time working on the details of the Colorado Wilderness bill in 1980. The fact that there is now another Colorado Wilderness bill proposed was at congressional discretion. In fact, the conservationists always had approached more areas than remained as congressional designated wilderness study areas after the 1980 bill, and we took our proposal to Congress and said we would like not only designation on all the wilderness study areas that Congress has directed be studied, but also several other areas, too, and Congress said no, sorry, even though this release language is a constraint on the Forest Service, even though citizens can always bring forward new recommendations for wilderness, even though Congress can always

bring forward their own proposals and not be constrained, in fact, we will overall honor that compromise and only deal with those areas which we specifically directed be by congressional designation, wilderness study areas.

And so we thought that if the compromise to the degree it works, works even more than we thought. In fact we did not have the tools available to us to file any lawsuits over RARE II to stop the process, that was removed by the language in the Colorado bill. We feel we have no tools to force the Forest Service to redo within just a couple of years the original bill, an entire RARE II or RARE III or whatever. For us, the compromise works and works and works.

This committee is well aware of all the details that went into that compromise and release language, but I thought I would underscore some of the importance of it to the Arizona conservationists. To them, the chance to be able to come back in the future, in the second planning cycle, at the end of the century, is very important, otherwise they are in the position of making all the choices right now and forever writing off the future for those areas that are not preserved right now, and so it is important, it gives hope that in the future our children can come back and do have a chance, the same chance that we are exercising now to make the case for wilderness preservation for certain areas that perhaps at that time will seem important to protect.

And with the standard release provisions of H.R. 4707, I am able to make an argument, and people are willing to believe it, that we may not be getting everything we want in this bill, but at some point in the future there will be another chance to come before this committee and to go to the Forest Service, and this is not the final word. If it was the final word I doubt the compromise would be able to be achieved. Both sides would look at this as the final thing. Their last chance. I think without the standard release provision, we would not be here today, basically supporting the introduction of this bill and some generally minor amendments to it.

As far as the grazing language goes, that was another issue that comes up chronically in our Arizona Wilderness discussions. Like release, the grazing compromise is also a compromise, and that was crafted carefully, very careful selection of language and after a great deal of debate, in 1980, and like release, it was also seen as something that could be stuck on other wilderness bills so that it wouldn't have to go through the same debate over and over and over again, that the focus of the debate could be on areas and boundaries where we think it should be.

Again, we agree with industry that the goal is the recognition that grazing in a practical and economic manner can continue as it exists now in wilderness areas and while this langauge may not give all sides exactly the same kind of unqualified protection they may want, to tinker with it now, like tinkering with a release, opens up a whole host of new questions which really aren't even in the debate and I guess I would say, like release, we find that there is no evidence that it doesn't work, therefore, we are reluctant to fix it.

Certainly with the broad, generic language that is sometimes proposed which opens up the question of establishing even greater

rights perhaps within wilderness than exists on forest lands outside for some of the users.

We have heard some stories that the grazing language does not work because there are enforcement problems. There are horror stories about a person waiting especially long time in order to clean out a stock tank or being denied permission. It is very difficult to pin down those specifics for a variety of reasons and what it all seems to boil down to in the end is a basic mistrust of the Forest Service enforcement.

We are concerned about how the Forest Service enforces grazing language, too, but we find that it is easy to get into that sort of debate where one side says one thing and the other side another, and there seems to be no compilation of facts before us on the table. I would strongly urge that before this subcommittee considers changing these compromises—which I would assert have worked so far—and open up such a host of various issues, perhaps some of them unrelated to exactly what we are trying to solve, that we have before us a set of facts from which to work, and I think for that reason, we accept the study language in H.R. 4707 that asks for compilation of how the grazing language has been put in place on forest lands and puts the burden on the Forest Service and protects the rancher, who might suffer from retribution or the individual citizen that doesn't have access to all of this forest so the Forest Service can directly bring their set of facts before the subcommittee and then perhaps we can march together before this committee or into court or wherever we need to go, in order to make sure that in fact the grazing compromise, as we understand it, is carried out as it should be on the forest lands.

I would urge that the committee move hastily so that in fact we can have in Arizona RARE II bill an Aravaipa Strip bill, in this Congress, and I would suggest that if we do get bogged down on reopening debate on all of these questions for which there has been compromise that I don't think that result will be anything significantly better. However, I am afraid the result we will see is no Arizona wilderness bill, or any of those three bills in this Congress, and I would hope that we pursue acreage and boundary questions and accept the compromises that have been worked out and demand proof that they do not before we change them.

Thank you very much.

Mr. SEIBERLING. Thank you, Mr. Smith, for an excellent statement.

Mr. Hirt.

Mr. HIRT. Thank you, Mr. Chairman.

Members of the committee, my name is Paul Hirt. I represent the Rincon Group of the Grand Canyon Chapter of the Sierra Club as well as the Arizona Wilderness Coalition, of which I am an executive committee member.

It is my great pleasure to testify here on H.R. 4707, the Arizona wilderness, Forest Service wilderness bill. I would also like to thank Chairman Udall and Mr. McNulty and Mr. McCain, whom we had the pleasure of working with in Phoenix, also for their diligence on this effort. It is a long-awaited, well-conceived piece of legislation that will be of benefit to Arizonans and to the quality management of our forest lands for years to come.

I am concerned particularly with the Coronado Forest and the Apache. I am the forest coordinator for the Coronado, for the environmental groups that I am representing. I would like to commend the key units in the bill, commend that there are key units that were put into the bill such as Mount Wrightson, Miller Peak, and Pajarita, ones which were targeted by the mineral industry as being important to them. I appreciate them being put in the bill despite that.

I also appreciate setting the Galiuro, the Grams, and the Chiricahuas in the bill particularly because I feel they represent possibly some of the finest wilderness values on the Coronado. I would like to point out that we only recommended 14 out of the 24 roadless areas on the forest, and that 24 includes 2 areas that were dropped in 1976 by the Forest Service but picked up again in RARE III.

There have been 2 years of extensive refinements and boundary adjustments and compromises that have been made. For a moment I should say I am summarizing the highlights of my testimony, if that is appropriate.

Mr. SEIBERLING. Do you want your full statement in the record?

Mr. HIRT. Yes, sir.

Mr. SEIBERLING. Without objection, it will be done.

Mr. HIRT. Two years of refinement, compromises and boundary adjustments have left what we feel on the Coronado a specifically not inflated proposal that is unequivocally defensible in all ways, and I would like the opportunity to make that defense in more detail. A few general points.

The Coronado Forest is considered by many biologists to be the richest, most diverse area in the country in terms of habitat and populations of plants and animals, particularly rare and endangered species, unique species, species that are endemic to this area alone. They are near equatorial to Canadian species, interlapped in a mosaic of distinct vegetative types, in ecosystems and whole biotic provinces which all coexist in successive layers on these isolated mountain ranges.

The Coronado Forest is also uniquely suited for wilderness recreation tracts, that it is composed of isolated mountain islands that rise sharply 3,000 to 7,000 feet above the basin floors. The slopes are extremely steep, and the soil conditions are shallow and fragile. Access to resources in these mountains is extremely limited. Custodial management emphasizing wildlife and scenic resources, dispersed nonintensive recreation and special protection of significant ecological features is an acknowledged and appropriate management emphasis of the Coronado Forest.

I would also like to say it is interesting to note that the 1982 Coronado draft land management plan had an alternative, alternative A, which was designed to maximize the present net value of the forest. In this objective function, the computer spit out maximum recreation and maximum wilderness, so obviously it is the most cost-efficient use of the Coronado Forest.

Finally, public comment and perception of wilderness in the whole of district 5, which includes the Coronado and the Apache, especially the counties on the Coronado, shows wilderness is a highly valued management emphasis.

A recent survey conducted by Representative Jim McNulty—and we thank him for that—indicated that 72 percent of respondents favored preservation of these areas over development. The Coronado plan received comments and wilderness was the fourth highest, or the subject that had the fourth highest amount of comments, and 80 percent of those general comments favored wilderness. A recent PLM survey in 1982 had 80 percent or more considered wilderness available under land use on Arizona's Federal land, and important for protection of wildlife, plants, air, water, and natural lands.

I would respectfully like to request a reconsideration specifically of the merits and resource issues of three areas on the Coronado Forest. The first one is Cochise Head. Because of ruggedness and remoteness of this area, small-scale production is about the only possible mineral value in this area. It has unparalleled significance. It is adjacent to the Chiricahua National Monument Wilderness. The Arizona Native Plant Society has called the Chiricahua Mountains the area with the greatest diversity and significance in terms of important plants in the State of Arizona, and the bulk of these plants exist on the north end, or Cochise Head, as we call it.

The Arizona Heritage Program designated this area as one of the top four areas in the State in terms of ecological significance.

The second area I would like to recommend to your further reconsideration is the Dragoons. We have a significantly reduced boundary proposal for the Dragoons, which is only maybe about two-thirds of the original roadless area, and this new recommendation centers basically on the barren tertiary granitic stock. This is an area that is important to the mining industry and we have excluded 90 percent of the areas that have recognized mineral potential. And this is only potential; it is unsubstantiated.

The third area which we would like to see included is the Tumacacoris. We have an adjusted boundary for the Tumacacoris recommended by the Forest Service, and in this adjusted boundary there are no identifiable conflicts, only review rhetorical opposition to wilderness in general. The game and fish department has recommended this area for wilderness both during RARE II and during the current RARE III reevaluation.

During RARE II the Forest Service had recommended this area for further planning, and when it got to the regional level it was dropped to nonwilderness with no explanation, so we consider this area to still be a further planning area.

The current district ranger, Bill Russell of the Nogales district, which manages this area, says that he feels it is just like the existing Superstitious Wilderness, considers it has extremely high wilderness values and would like to recommend the area for wilderness, with its adjusted boundaries he has recommended. The adjustments include areas where range management options would be implemented.

The fourth adjustment I would like to recommend to your consideration is to upgrade Bunk Robinson and Peak and Whitmire Canyon to wilderness from further planning, and Michael Gregory will speak more on this issue.

I would like to hope that three areas that have been targeted as of greatest importance to the mineral industry in the Coronado

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Forest be kept in this wilderness bill, and if I may, I would like to talk a little bit about those three areas.

First of all, thank you for the inclusion of those areas. They are Miller Peak, Mount Wrightson, and Pajarita No. 1. The opposition of the mineral industry in these areas is in all cases based mostly on adjacent or peripheral organizations. None of these areas show specific evidence of commercially significant potential, and I am talking economic potential. There is mineralization in most of southern Arizona. We need to look rationally at which areas have development potential. None of these areas do.

I should mention I have a full packet of supplemental information which, if it is allowed, I would like to submit for the record.

There is a copy of mineral resources and wilderness values in six key areas in the Coronado Forest that are important to the mining industry, compares mineral values from State and Federal sources with ecological values, and there is the original report which a geologist from the Arizona Bureau of Geology and Mineral Technology, and I worked on discussing mineral values in the areas in the Coronado and in the rest of the State, and a full proposal for the Mount Wrightson Wilderness, which includes important mineralization and geology data.

Mr. SEIBERLING. We will include them in our records. We won't print them in the printed record because we try to keep it within bounds. It does get rather expensive to print everything.

Mr. HIRT. That is fine.

Mr. SEIBERLING. If that is all right with you.

[EDITOR'S NOTE.—The paper referred to above is entitled "Mineral Resources and Wilderness Values in Key Areas: Coronado Forest"; and may be found in appendix III following Mr. Hirt's prepared statement. See Table of Contents for page number.]

Mr. HIRT. Yes, sir, Mr. Chairman. This right here are multiple copies of this recent report which I have put together in the last several weeks on the key areas targeted by the mineral industry, their ecological values in comparison to mineral values.

Mr. SEIBERLING. We will put them all in our file. They will be available for anyone to read.

Mr. HIRT. First of all, Mount Wrightson. The ecological values of the area are significant. The Mount Hopkins Smithsonian National Observatory is adjacent to the unit, almost in the unit itself. Just a corridor excludes it. They had a mineral withdrawal already, and they endorse wilderness for the area as protective of those features which make observation efficient.

Madera Canyon, which is also a corridor within the wilderness, is a high-use area, is the highest area of recreational use on the Coronado, next to the Pusch Ridge and Santa Catalina areas to the north of Tucson. It has 200 species of birds and tours by Audubon and other ornithological organizations are offered internationally into this area. There are other threatened and endangered species on this mountain. It is listed as one of the top ecologically significant areas by the National Heritage Program. It has been recommended for wilderness by the Forest Service, by Arizona Game and Fish, and by the Smithsonian.

Miller Peak, which is also targeted by the mineral industry, has the Coronado National Monument adjacent to the southern bound-

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ary. They are concerned about mining activities. The Ramsey Canyon Nature Preserve, internationally reknown, exists adjacent to the northern boundary and has wilderness on three sides of it. They are concerned about preservation of the whole ecosystem in the mountain. It has very high use by the citizens of Sierra Vista and is the only area in the bill adjacent to Sierra Vista that will be protected as wilderness, the Wrightsons and Dragoons, which also are adjacent but are not included. It is also one of the top foreign estates mentioned by the Arizona Heritage Program, in terms of ecological significance, top four roadless areas in the State.

Many rare and threatened species exist here, and wilderness designation was endorsed by the Forest Service, game and fish department, the Nature Conservancy, Coronado National Monument, as well as the Sierra City Council, and there is a copy of their resolution available.

The last unit, Pajarita No. 1, includes the Sycamore Canyon-Gooding Research National Area, considered by the Arizona National Heritage Program to be the No. 1 area in the State in terms of ecological significance. It has a perennial desert stream, dozens of federally and State listed endangered and threatened species, some that are found nowhere else in the world. It is absolutely barren minerally, the whole area.

It has a 3,000-foot thick cover of tertiary volcanic rock, and although there is adjacent mineralization which is, I understand, of importance to the mineral industry, the unit itself's boundaries are lined along the ridge top, and there would be no conflict with any existing activities.

Also I would like to recommend the Tumacacoris that are to the north of this, as a potential of the Pajarita area. It is the upper watershed of the area, and would be essential in protecting the whole watershed of this. They are adjacent to each other, just separated by the Ruby Road, a Forest Service dirt road.

Basically, that is my testimony. I appreciate the opportunity to be here, and I would appreciate a continual opportunity to go over these resource issues in great detail. I have spent 2 years studying this proposal and would like to have the opportunity to discuss them further.

Mr. SEIBERLING. Where are you located?

Mr. HIRT. I live in Tucson, Ariz.

Mr. SEIBERLING. I am sure that Mr. Udall's staff and the subcommittee's staff will try to draw on your expertise and may have questions in further amplification. We appreciate very much all the material you have given to us.

Mr. Gregory.

Mr. GREGORY. Mr. Chairman, I too would like to have my written statement submitted. I will summarize orally.

Mr. SEIBERLING. Without objection, it will be included.

Mr. GREGORY. My name is Michael Gregory. I am a self-employed printer and publisher and am employed as a part-time instructor at Cochise Community College in Cochise County, Ariz. For the past 12 years I have lived on a 40-acre homestead in the mesquite grassland in the Sulphur Springs Valley a few miles west of the town of McNeal, Ariz.

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On days when the smoke from the Douglas smelter is blowing the other way, I can see the mountains of Sonora, Mexico, 15 miles to the south; and the peaks of the Chiricahua and Peloncillo Mountains 30 miles or so to the east, running north and south along the Arizona-New Mexico border.

U.S. Highway 666, the Coronado Trail, runs from Douglas north through McNeal and some 200 miles further north passes through the Blue Range of the Apache National Forest. The Blue Range, like the Chiricahuas and the Peloncillos, marks the boundary between Arizona and New Mexico.

I would like to address the wilderness situation in these three areas: the Chiricahua-Peloncillo portion of the Coronado National Forest, and the Blue Range-Mogollon Rim portion of the Apache-Sitgreaves National Forest. These are the national forest areas of Arizona that I know best.

Mr. SEIBERLING. I really wish you would summarize, because the bells are going to buzz any minute here, and then we are going to be in real trouble.

Mr. GREGORY. Let's skip the paragraph about why I know these areas and I will go on to some more substantive things.

Mr. SEIBERLING. Try to hit the highlights.

Mr. GREGORY. The Sitgreaves National Forest, to the west of the Apache and joined to it administratively a few years ago, is characterized by the wide tableland of the Colorado Plateau, which supports extensive stands of easily accessible ponderosa pine stands that were considered once to be some of the best anywhere. Now, after 50 years of intensive logging, they are mostly young, thin plantation pines standing out on the flats in regiments.

In contrast, the Apache side of the Apache-Sitgreaves is still wild, probably the wildest of all Arizona's forests. Bounded on the north by the Colorado Plateau, on the east and south by the San Francisco River, and on the west by the Black River, Eagle Creek and the Apache Indian Reservations, this side of the forest is anything but flat.

Starting from the oak and piñon forests in the south, the Blue Range climbs torturously up to the 9,000-foot Mogollon Rim through red rock canyons and abrupt peaks, dry mesas, and twisted waterways until it reaches the subalpine forests and meadows of the rim. Highway 666, which bisects the Apache, is a designated scenic route as it passes through the series of life-zones that inhabit the Blue Range.

To many, the Blue and the Apache are synonymous terms. The wilderness qualities for which the Blue Primitive Area was established in 1933 extend throughout the Apache, on both sides of the highway. The Blue Range represents the southernmost extension in Arizona of the Rocky Mountain forest type. This area has the highest precipitation rate in the State. Five of Arizona's few rivers begin on the mountains of the Apache within a few miles of the Mogollon Rim.

Some 600,000 acres of the Apache, over 70 percent of the public land, is in roadless blocks of 5,000 acres of more, and several thousand more are broken up into smaller 2,000-to-3,000-acre parcels by logging roads and ORV trails. Over 600,000 acres are still roadless despite a century of logging activity. After a century of prospect-

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ing. Thanks to the onslaught of population and ORV's, roadless acreage on the Apache in the past few years has begun to disappear more rapidly, but the wild nature of the forest is still retained in over half a million acres.

Yet the Arizona Wilderness bill, as introduced, would designate only 7,000 acres of the Apache as wilderness.

Those 7,000 acres, or the 11,000 acres now agreed to by the concerned parties as recommended by Mr. Wren, part of the Bear Wallow RARE II unit are certainly deserving of wilderness designation; they are beautiful, critical wildlife habitat, an important watershed, and contain what is generally recognized as the finest old-growth stand of ponderosa in the State.

One of the State's largest elk herds winters in this area. The endangered southern bald eagle and an abundance of other wildlife rely on the riparian habitat of Bear Wallow Creek, a major tributary of the Black River.

But to designate only this 11,000-acre segment and not the rest of the roadless area of which it is a part, would be to fail in achieving one of the main purposes of the Wilderness Act—preservation of ecosystem integrity. And to designate only this unit of all the half million roadless acres on the Apache would be to miss the opportunity to preserve the basic character of the forest.

The wilderness qualities of the Bear Wallow segment do not stop at the boundary of the 11,000 acres, but are shared by the whole Eagle Creek watershed that falls away to the south of the rim as the Bear Wallow Creek drainage falls away to the north and west. The natural boundary for this wilderness area is defined by these watersheds and contains the Salt House and Hot Air RARE II units as well as the Bear Wallow segment.

Although artificially fragmented during the RARE II process, these three units comprise a single roadless area as recognized in the current Forest Service reinventory. They form a single unit in current Forest Service planning, reflecting their natural relationship as part of a continuum ranging from the base of the Blue Range to the northern slopes of the rim.

The turkey and mountain lion and bear that frequent Bear Wallow also inhabit the rest of the roadless area. The protected spotted owl and spotted bat and peregrine and bald eagle fly over the whole system. The Arizona Wilderness bill would be a much better piece of legislation if it designated a Bear Wallow Wilderness to include at least the northern half of the Eagle Creek watershed, a total of some 35,000 acres.

Across Highway 666 from the Bear Wallow/Salt House/Hot Air roadless area are the Blue Range Primitive Area and several contiguous roadless units which have been proposed by the Forest Service and others as additions to the primitive area. Like most of the Apache roadless areas, the Blue—as it is known—is defined by watersheds, in this case those of the Blue and San Francisco Rivers. This portion of the Apache is even more highly diversified in topography, eco-types, wildlife and recreational opportunities. The Blue is known worldwide for its rich biotic systems and spectacular scenery.

Mr. SEIBERLING. Mr. Gregory, this isn't a summary; you are just reading it word for word.

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Mr. GREGORY. I was going to cut out quite a bit later but I will jump along if you would like.

Mr. SEIBERLING. If you can just give us the key points, we would appreciate it.

The CHAIRMAN. In fairness to the other witnesses.

Mr. SEIBERLING. This could go on for 15 minutes if you don't try to summarize.

Mr. GREGORY. What I was going to say then—I will try to summarize without looking at it—the Blue primitive area has been recommended for many years by people as a wilderness area. The Forest Service itself recommended it in 1971. I think that the problems with the Blue that many people have documented and made them call for wilderness designation are primarily administrative problems, and I myself, being familiar with the area, would not say that it has to be wilderness at this time.

However, there are several areas contiguous to the Blue, which are not protected by the primitive areas status, and I think those areas should be protected. Those areas in particular are the Red Peak area, the Hanagan Meadow area, Blue Cookout, Brigham Peak, Squaw Creek, Pipestem Mountain, Alder Peak, Horse Canyon, Maple Peak, Snare Creek, Bullard Peak, and Webster Mountain.

The New Mexico portion of the primitive area has already been designated wilderness, and I think we should now consolidate things on the Arizona side to give it the same status or at least protect those other areas so they have primitive area status, which is an equal kind of protection, as I understand it. Just north of the existing primitive area is Centerfire Creek area.

This Centerfire roadless area is also defined by creeks and streams. There are three of them there. It is the home of several endangered species including the loach minnow, and bighorn sheep have recently been reintroduced. This is an area which the industry groups, particularly the timber industry, has agreed with the Arizona Wilderness Coalition should be designated as wildernesses.

And the area called Escudilla Peak, a little further to the north, both have that kind of consensus agreement between the resources and the coalition, and I would like to see them put back in the bill.

The deep canyon of the lower San Francisco, a little farther south of the Blue primitive area, is another recognized biotic wonder, especially the deep canyon of this area, which was recommended by the Forest Service in RARE II for protection. This area, again, I would like to see added in the bill. It has been eliminated and it has great support among local members as well as people all over the State of Arizona.

If we go back down 66 to the southeast corner of the State, we come back to the Coronado Forest, two areas that Mr. Hirt mentioned, which I would like to discuss, the Whitmire Canyon area and the Bunk Robinson area. These areas lay on the New Mexican border and the Mexican border. They are rich biotic areas, containing what may be the widest diversity of endangered species in the United States, if not in North America.

The Peloncillo Mountains, of which they are a part, run up to the edge of the Chiricahuas and are an extension of the Sierra Madre and biotic system of Mexico into Arizona, a major flyway for

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birds, a major route of travel for many Mexican species of mammals. I would highly recommend that these two areas be added to the bill as full wilderness designation rather than further planning status that they now have.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Thank you for cooperating by summarizing. I don't have any questions. I thought all of the witnesses were very good. I would like to comment, though, on the comment about the bird watchers that Ms. McFarlene made. I am a bird watcher myself. You know, I remember before they developed modern technological ways of detecting mine gas in mines, deep coal mines, they used to carry canaries down into the mines, and if the canary passed out, that meant that it was time to get out of there.

When a species of bird disappears, that is a warning to mankind that a part of our environment has been disastrously impaired. I read not long ago about what is happening to some of the supposedly protected areas in southern Mexico, which comprise the winter homes for many species of birds from the United States, the upper part of North America. This habitat is likely to be greatly diminished.

When we wipe out enough bird species, our insect population is going to multiply enormously. Birds eat many times their weight in insects every year, so the idea that somehow people who are concerned about that are just a bunch of impractical bird watchers is an idea that needs to be hit hard, because just because some people can't look farther than their pocketbooks or their nose does not mean that we should not try to protect some of the important ecological areas in this country. And I am glad you brought that subject up.

Ms. MCFARLENE. Thank you for your comments, sir.

Mr. SEIBERLING. Mr. Udall.

The CHAIRMAN. A good panel, and it represents a lot of hard and conscientious work. I have no questions. I would comment on your area of presentation including the game refuges. Nothing would make me happier. I have advocated for a long time that Chiricahua be put in the National Park System at least, and the others clearly have arguments to be made in wilderness status.

I think all that can be done this year is to take care of the RARE II recommendations, to make those decisions, to give industry and everybody in Arizona and all sides of this issue some certainty as to what the future holds with regard to most of these public lands. We will have to deal eventually with wilderness in national parks, wilderness status for some of the game refuges, wilderness status for some of the BLM land that are under study and review.

But my judgment as a legislator, based on a lot of experience around here, is that we have got an excellent chance of getting done what is in this bill. But if we try to add too much more, we may overload the camel, and I don't want to do that.

Mr. SEIBERLING. Thank you. Mr. McNulty.

Mr. MCNULTY. No questions.

Mr. SEIBERLING. Mr. Craig.

Mr. CRAIG. I have just one question. Mr. Smith, you referred to grazing and your concern there. It is also a concern of a good many members on the committee as to interpretation of the 1964 act

versus implementation and application. I know that we made some changes in the 1980 Colorado langauge to attempt to clarify the conflicts that reside between management and the permitee.

I have observed with considerable concern out in my State that what is in fact stated in the law versus its application can become two different kinds of things, simply because of obstacles put forward. For example; the backpacker in the wilderness sees a four-wheel drive pickup in there delivering salt to cattle. Why should that be in there? That obviously appears to be in the minds of the less than informed, but a clear violation of some sort. Clearly it must be. It is a motorized vehicle, regardless of whether it is there cleaning out watering systems or whatever.

In my pursuit of this concern—which I have discussed with the chairman—one of the problems that continually comes to the forefront is a difference in application and oftentimes our Forest Service managers on the ground don't even know what the language of the 1980 Colorado activity is.

We cannot change the language to designate more specifically the role of the Forest Service management as it relates to the permittee, and in the 1964 act. But, we can educate, the uneducated that reside in the local ranger districts, as to how one might apply that in a practical sense.

In my State I find cattle grazing can have, if properly handled, a compatible relationship with a wilderness area.

When it comes to the practical application of a modern-day industry, there are certain things done today in that industry that were not done 20 years ago. It appears to be a difference in how the ranger in a given area applies certain practical approaches to the allowing of that permitee certain types of access during given times of the year to particular ranges.

I hope that the studies talked about can result in a greater awareness, because it appears that we will not change the 1964 act or modify it in any significant way to cause that clarification, although it appears that the 1980 language allows that.

That is more of a statement than a question, I guess, Mr. Smith.

Mr. SMITH. If I might just respond, Congressman and Mr. Chairman, many of the problems you cite are perhaps those of enforcement, which I am afraid that if we enact new laws, those will then be more laws that are not enforced, and if the problem is one of enforcement, perhaps as you suggest, we need to train the Forest Service better or perhaps make absolutely clear, perhaps by more lengthy discussions in a committee report exactly what the language is supposed to allow.

Although what I do fear is that some of the proposals that are put forward that are sort of broad generic fixes allow, establish, for instance, an absolute right where it is now a privilege to use motorized equipment in a wilderness area, or establish the absolute right rather than the privilege as it now is, to graze on public lands. There are lots of things that are allowed on public land that are in fact privileges, although they may be perceived as rights.

It is those thresholds that in fact would be very significant changes, not so much in the Wilderness Act as to other laws that govern use, that govern grazing on public lands that I would hope to stay away from. But I think the study that is called for in this

bill perhaps will help us get at exactly what changes very specifically might be needed or what further discussion or what the problem really is.

I am just concerned that a change that is proposed may in fact address a particular instance that we are aware of but may not solve the problem, if there is one at all, in other States or other places. So I think we need some more facts before us before we can act with surety.

Mr. CRAIG. I think the problem is recited in other places and in other areas; I don't think there is any question about it because it comes up from time to time not only in my State but certainly with the industry representatives from a broad cross-section of primarily western public land States that have run into this conflict. It is very difficult for them to understand why the law says one thing but it appears the application on the ground becomes an entirely different thing.

Mr. SEIBERLING. Would the gentleman yield?

Mr. CRAIG. I would be happy to.

Mr. SEIBERLING. That is the very reason that we finally prevailed upon the Forest Service after we had a lengthy negotiation with everybody concerned, to issue their guidelines. The gentleman wasn't involved in that. But I can tell you it was like pulling eye teeth to get the Forest Service to publish those guidelines, even after they had agreed to do so. And when you get them out into the field, it is like pulling eye teeth sometimes to get the local Forest Service supervisor and the rangers to even read them, much less implement them.

So it really is a problem of administration, and there is no amount of legislation that is going to solve that problem. We must put pressure on the Forest Service, where we find out they are not applying their own guidelines. I don't know of any other way to solve that problem.

Thank you very much, gentlemen and lady. We appreciate very much your excellent testimony.

Mr. SMITH. Thank you.

Mr. SEIBERLING. We go to the fourth panel: Mr. C. J. Hansen of the Arizona Mining Association and Mr. Ken Bennett of Phelps Dodge Corp.

[Prepared statements of C. J. Hansen and Ken C. Bennett may be found in appendix III.]

PANEL CONSISTING OF C. J. HANSEN, PRESIDENT, ARIZONA MINING ASSOCIATION; AND KEN C. BENNETT, EXECUTIVE ASSISTANT, WESTERN OPERATIONS, PHELPS DODGE CORP., REPRESENTING PUBLIC LANDS COMMITTEE, ARIZONA MINING ASSOCIATION

Mr. C. J. HANSEN. Mr. Chairman and members of the committee, my name is C. J. Hansen and I am president of the Arizona Mining Association. I have filed with the committee a written statement, and in the interests of time I will attempt to skim quickly over the highlights.

Mr. SEIBERLING. All right. Without objection, your statement will be included in the record, in full.

Mr. C. J. HANSEN. The Arizona Mining Association represents 17 member companies, including all of the copper producers in Arizona, with a multiple array of facilities such as smelters and electrowinning and road manufacturing plants.

For more than 70 years our State has led this Nation in the production of copper, and traditionally we now produce about two-thirds of the copper in the United States, together with significant amounts of molybdenum, silver, and gold.

In good times, the Arizona copper industry has always been an important economic factor in Arizona. In 1981, which I consider the last good year that we had, the wages, benefits, taxes and purchases of this industry was estimated to be in excess of $9 billion. I think as most of you know, the domestic mining industry in general and the copper producers in particular are undergoing some extremely hard times.

I think it is probably best characterized by the joint letter of Senator DeConcini and Representatives Udall and McNulty which stated that the copper industry, the U.S. copper industry, is now facing the greatest crisis in its history.

I suspect it is reasonable for some of you to wonder why an industry that is having such a difficult time making a profit at the mines it already operates would even be concerned about its rights to explore and develop other mineral deposits upon the public domain. I think a part of that can be explained by the abiding confidence most mining men have that they gain throughout their careers as they experience the ebbs and flows of some very tough world market conditions.

Let us be thankful, for instance, that back in the dreary days of the Great Depression there were mining men with confidence and the courage to explore, find, and develop the mineral deposits that became so crucial to this country in World War II and the Korean conflict.

I think that we also have a great deal of confidence in the long-range view of the copper market. We always should remember that the United States is the largest consumer of copper in the world, and while substitute materials are always being developed, the versatility of copper and the intrinsic values of that metal give us great confidence that copper consumption will continue at a healthy rate.

There was a time when mining people had a knee-jerk negative reaction to any mention of wilderness. I want to commend Congressman Udall and Congressman McNulty for the enlightened attitude they have taken in the composition of the Arizona wilderness bill. I think this has been done without all of the traditional acrimony that prevailed in other wilderness debates over the past year.

We in the mining industry took a rather different approach to the RARE II wilderness proposals. We asked our member companies to provide us with all of the data, geologic and otherwise, that they had, on the various areas that were proposed or discussed as wilderness in the RARE II forest lands. Together with that data and other information that we collected from the USGS, the Bureau of Mines, the Bureau of Geology and Mineral Technology, at the University of Arizona, and the State department of mineral

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resources, we compiled a seven-volume study on the mineral potential of the various areas that were proposed for wilderness.

That study was presented last year to members of the Arizona delegation, last fall. It was compressed and summarized into a two-volume work which also was supplied to members of the delegation.

In addition to compiling mineral information and evaluating what we consider to be the mineral potential of all of the areas under consideration, we also worked over several months with a group of users such as the timber people and the cattle people, in discussing which areas of the State we thought should be recommended to the Congress and members of the Arizona delegation for wilderness designation.

That was submitted to the delegation on January 13, 1984, approximately 501,000 acres that we recommended for wilderness. Since then, of course, Congressman Udall has introduced H.R. 4707, with approximately 750,000 acres.

We have carefully studied the areas that we thought ranked highest for mineral potential. In going carefully through the bill, we now find that Mount Wrightson, the entire Mount Wrightson area we would recommend be deleted, and there are portions of three other areas. This is not to say that there are not other areas included in the bill that have mineral potential, but those are the four areas that we would like to address. Mr. Bennett will go into greater detail on these areas, and those portions that we would ask be deleted.

Our other concern with the bill, and it has been talked about considerably here this morning, are the release provisions. I was heartened by Mr. Craig's comments about his concerns because we have some of those same concerns. We do not think that the release language is clear enough. We do not think it will clarify the continuing problems that we have with whether or not these areas are going to be released into productive uses.

I want to particularly address subsection (b)(2) of section 103 on page 14, which states that the Department of Agriculture "shall not be required to review the wilderness option prior to the revision of the initial plans."

We contend that that language should be changed to "shall not review" in order to clarify what seems to be an intended prohibition. The following subsection 3 on the same page states that "Areas not designated as wilderness or for further study by Congress need not be managed for the purpose of protecting their suitability for wilderness designation."

We believe the language "need not" should be amended to "shall not." Our concern with this language is that if any revision to the initial plan is required for litigation or for other reasons, there is the implication that the Department may be required to once again commence a wilderness review and management. Such a situation could develop at any time after the initial plans are completed, and that is as early as 1985.

It would seem that all the parties who struggled with this wilderness problem over these last 14 years, the Congress, their staff people, the Forest Service, and the land users, deserve an end to this process for a time certain. If a date is not specified, such as

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that in the Wyoming legislation, then the relief language should be clarified and strengthened. It is time that the national forest lands not selected for wilderness or further study be released for their other productive uses.

Thank you very much.

Mr. SEIBERLING.. Mr. Bennett.

Mr. BENNETT. Mr. Chairman, members of the subcommittee, my name is Ken C. Bennett. I am executive assistant of Phelps Dodge Corp., Western operations, with headquarters in Phoenix. However, I am appearing before you today as chairman of the public lands committee of the Arizona Mining Association.

I would like to excerpt from my full statement that was submitted to the subcommittee, and hope that the full statement can be included.

Mr. SEIBERLING. Yes; without objection your full statement will be included.

Mr. BENNETT. I would like to commend Congressmen Udall, McCain, and McNulty for the hard work and effort that they and their staffs have put forth on this bill. A lot of very serious work went into it, and we are looking forward to the successful completion of that bill.

Mr. Chairman, Arizona plays a significant role in meeting the Nation's mineral needs. For many years, Arizona has been the premier metal-producing State in the Nation. In 1981, the last normal year for the State's mining industry, it produced two-thirds of the Nation's newly mined copper, one-quarter of the Nation's molybdenum, one-fifth of the Nation's silver and over one-tenth of the Nation's gold.

Copper is Arizona's prime mineral resource and the State's unique contribution to the world. The concentration of copper in Arizona, not fully recognized when the State was first defined, is so unusual that it has been called a planetary resource. There are few other known locations on this Earth where the forces and processes of nature combine to form such a concentration of metal in such a restricted region as copper deposits in southern Arizona.

Other large deposits of the type found in Arizona occur in the Western Hemisphere, but nowhere are these deposits found in the known abundance and concentration as in this part of the American Southwest (Map 1).

There are currently 81 major copper occurrences identified in southern Arizona and the probability for discovery of additional deposits is much higher in this State than in most other parts of the United States or the world. The U.S. Bureau of Mines has estimated that Arizona may contain up to 80 percent of the U.S. future copper reserves.

The Arizona Mining Association examined the mineral potential of every RARE II area in Arizona. This was done by reviewing Federal, State, and in-house company mineral data. Mineral rankings on these RARE II areas were developed and the results were transmitted to the Arizona congressional delegation last year. When the Arizona Wilderness Act of 1984 was introduced by Congressman Udall on February 1 of this year, the Arizona Mining Association analyzed the bill closely, taking a very hard objective look at its contents.

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Our conclusion is that the bill contains nine RARE II areas, or parts of RARE II areas, that may contain substantial mineral potential. These areas are Pajarita No. 1, Mount Wrightson, Miller Peak, the north half of the Chiricahua Wilderness additions, the southern and western portions of the Superstition Wilderness additions, Castle Creek, Sheridan Mountains, Arnold Mesa, and Salome.

After considerable discussions and compromise with our member companies, we have concluded that four of the areas proposed should be deleted in whole or in part.

The first area is Mount Wrightson, located south of Tucson in the Santa Rita Mountains (map 2).

Minerals are extremely rare in nature and randomly distributed, so that extensive exploration is needed to locate and define deposits and the potential for economic development. Geological scientists discover mineral and ore deposits where they exist. Many times these are along known mineral zones or belts where previous major mineral discoveries have been made. Mount Wrightson occurs near the center of one of the most prolific mineral zones in the world.

I have included a map here that we will submit with our testimony that shows that that mineral zone going between northern Sonora, Mexico, where the La Caridad mine is, up through Silver Bell mine, northwest of Tucson. The zone is actually a subzone of the larger southern Arizona, northern Sonora, Mexico, copper belt that contains over 91 copper deposits.

Mount Wrightson is effectively surrounded by these major porphyry deposits. There are nine copper deposits located just south of Tucson in the valley floor northwest of Mount Wrightson; three porphyry copper deposits of Helvetia, Rosemont, and Peach Elgin to the north; and three porphyry copper deposits south of Mount Wrightson, which include Kerr McGee's recently discovered Red Mountain.

I will point out with Red Mountain there is very little history of any copper production in that area south of Mount Wrightson prior to the discovery of the large porphyry copper deposit of Red Mountain.

In addition to the porphyry copper potential of the area, we submit that the western portion of the area contains a large number of gold, silver, and smaller copper deposits. Some of these mines and prospects occur within the unit and have had past production. We would submit that the area west of range 15 east deserves to be deleted from the legislation on the basis of just this small mine potential.

The second area of concern to the Arizona Mining Association is Castle Creek, located in the southern Bradshaw Mountains (map 3). This RARE II area is surrounded by a tremendous number of small to medium size past producing mines and prospects. In addition, there are known laramide copper-molybdenum porphyry deposits that have been drilled by several companies. Known major hydrothermal centers occur on the west of the unit at Crown King, on the southwest at Copper Basin (Lane Mountain) and on the northwest at Pine Flat.

There is significant potential for gold, silver, copper, and zinc deposits within the volcanogenic massive sulfide-type deposits that

occur within the Precambrian greenstone terrain on the west-northwest and eastern portions of the unit. As a result, the Arizona Mining Association requests that the northwest-west portion of the unit be deleted and the eastern portion of the unit as shown on the map be deleted from further consideration as wilderness.

The third area of concern to the Arizona Mining Association is Arnold Mesa located in central Arizona within the Black Hills (map 4). The Squaw Peak mine is immediately adjacent to the northern boundary of the Arnold Mesa RARE II area. This copper-molybdenum deposit contains in excess of 30 million tons of 0.35 percent copper and 0.012 percent molybdenum reserves.

It is believed that this mineral horizon may extend into the Arnold Mesa area. As a result, we request that the northwestern tip of the Arnold Mesa unit be deleted from wilderness consideration.

The last unit that the Arizona Mining Association has concern with is Salome, located west of the Sierra Ancha Wilderness Area and north of Roosevelt Lake in east central Arizona. The Dripping Spring quartzite of younger Precambrian age hosts a large number of uranium deposits and larger uranium veins occur near rock of diabase composition. Map 5 shows 51 uranium deposits that occur within and around the Sierra Ancha Wilderness Area and on the northern periphery of the Salome RARE II unit.

Two of these deposits, Workman Creek and Red Bluff, were under development prior to the most recent recession. Wyoming Minerals, which was developing the deposits, has spent more than $1 million on uranium exploration in the Sierra Ancha area. The Arizona Mining Association requests that the northeastern tip and a small portion of the northwest portion of the Salome unit be deleted from wilderness consideration so that potential uranium horizons may be further evaluated.

Minerals are extremely rare in nature and randomly distributed. The ability to produce and develop domestic mineral resources is dependent upon the mining industry being given access to land where these minerals may be present.

We hope that we are withdrawing a number of areas that have considerable mineral potential and occur within the primary copper mineral belt of the United States.

Our national policy of mineral sufficiency has been affirmed by the Mining and Minerals Policy Act. If this policy is to be effective, it is imperative that the highly mineralized public lands in the West be left open to exploration and development.

Mr. Chairman, the Arizona Mining Association appreciates the opportunity to present this testimony on H.R. 4707. We urge your favorable consideration of our comments. Thank you.

Mr. SEIBERLING. Thank you very much.

I particularly appreciate the specific testimony with respect to recommended boundary changes, because when we get to the specifics then we can then really take a look at these things and when it is in generalities it becomes very much less effective.

I would like to comment on the remarks you made, Mr. Hansen, about the release language, particularly where you say your concern is in any revision in an initial plan that is required by litigation or for other reasons there is an implication that the depart-

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ment may be required to once again commence wilderness review and management.

I think that is incorrect reasoning. First of all, let me point out that the sufficiency language tells the court that as far as Congress is concerned, released areas have been reviewed for wilderness and need no longer be considered for wilderness review in this planning cycle. That means that wilderness could not be the basis for appealing an initial plan.

Thus, if a court ordered revision took place it, first of all, would occur for reasons other than wilderness—such as that the Forest Service didn't do the right management job, or didn't adequately evaluate timber, wildlife, et cetera.

Any revision would, therefore, not be a revision directing wilderness review because Congress has already decided that wilderness review has been completed and is adequate, which overrides the Forest Management and Wilderness Act requirements on that ground.

So then the only question would be whether or not this was a revision for purposes of the language in the release formula. A court is not going to construe that as a revision because of the established principle of judicial restaint that courts only address cases that are actually before them—and the wilderness issue would not be before them. Courts don't reach beyond the scope of the argument and say well, we are going beyond the issue on appeal before use and order wilderness review. That would clearly be contrary to the sufficiency language and would be clearly at odds with the obvious intent of Congress.

So I just think that that is a concern that you need not have because the status of the land as far as wilderness review is concerned, would have been settled by the sufficiency language. Do you want to comment on that?

Mr. HANSEN. I do respect your views and I know that this was the result of a very hard and difficult compromise, but throughout my life I have been continually impressed with the ingenuity of litigants, and I do have some concerns that litigation could place a cloud upon the release of these lands for other uses.

Now, I appreciate what you say about sufficiency language, and I think we all understand the intent of Congress, but some court down the road may misconstrue that intent, and that is our concern. We think the language can be clearer.

Mr. SEIBERLING. Courts can always misconstrue the intent of Congress and persons can always sue. Whether they can win is another question, and we have addressed ourselves to the reasonable likelihood of winning. It seems quite clear to me that if a court ordered changes in an initial land management plan, that would be a change, in order to require proper implementation of the plan. It would not be a revision because it would merely be making the initial plan and putting it in proper form. So I just don't see how you can make it any clearer than that. It seems to me it is pretty obvious.

Mr. HANSEN. I suggested two amendments.

Mr. SEIBERLING. But what they would do is in effect preempt the Forest Service and say they couldn't on their own make a revision, and I will agree with you if the Forest Service, after creating and

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implementing an initial plan, later on decided to make a revision, then they have got to consider all their options, and that is what we intend, and that is what the National Forest Management Act intends. What you want to do is rewrite the existing National Forest Management Act. All I can say is, if so, address that act, don't let's try to do it piecemeal through the back door by ad hoc wilderness bills.

Mr. HANSEN. Again, with all due respect, Mr. Chairman——

Mr. SEIBERLING. Don't worry about the respect, I don't expect my words to be taken at anything more than their value.

Mr. HANSEN. Well, I think if that is the intent of Congress, there should be a way to make this langauge a little clearer than it is.

Mr. SEIBERLING. If there is I will be glad to entertain it. What you want to do is change the existing law, and that goes beyond merely making it clearer.

Thank you.

The CHAIRMAN. Good to have Mr. C. J. Hansen with us. He is one of the outstanding lawyers in the mining field.

Mr. SEIBERLING. I got the impression that he was. He knows his stuff.

The CHAIRMAN. He has worked in several States with several companies and now is president of the industry in our State and I want to thank him publicly and the mining industry of Arizona for their response, the sensible way they responded to our request to join us in trying to write up a wilderness bill that can be passed and remove uncertainty in Arizona. In the light of that attitude, I want to take a good hard look at the three or four places Mr. Bennett specifically mentioned and see whether there are answers or boundary changes that might be made.

One thing went through my mind, I will ask you or Mr. Bennett to respond if you can. Public opinion can be aroused by small things, but remember we had a fight 7 or 8 years ago over amending the old mining law—I don't recall which side I took on that—but I still have teeth embedded in my posterior.

One of the things I used to cite under the old mining law, the good Lord put mining deposits in random places, you can't predict it, but there must be 100 places in Pima County where you could get limestone for a mining operation. Some guy came from somewhere, took the top off a beautiful small foothill mountain about 15 miles south of Tucson, which was clearly visible from all parts of the city, and the mine wasn't a big operation, but it was a white, ugly scar in the background of the mountains down there, and Mount Wrightson in particular.

Your point is—I can't really argue with your point that there are heavy mineralizations and established working mines on all sides of that area. Clearly that is a belt of copper deposits that extends on into Mexico. But maybe as experts you could tell me, do we have to go all the way to the top of Mount Wrightson—this is a hiking area, it is one of the places from which you can see all over the State, it is an outstanding view.

Most of the copper deposits that are being worked, it seems to me, are around 2,000, 3,000, 3,500 feet in elevation at the most. Do these deposits occur in such a way that you have got to tear the top off this 9,000 foot mountain to get to the valuable stuff? I can imag-

ine the kind of outrage that will be expressed by many citizens in Tucson if we had an open pit mine up the beautiful mountain that dominates the southern horizon from Tucson.

Mr. BENNETT. I don't think there is any elevation controlling factor with copper deposits and I guess what we are asking is for an opportunity to look at the area as our technology improves to see whether there are deposits there. Now, just because you find a deposit doesn't necessarily mean that it would be an open pit copper deposit, in a critical area like that, and I bring up Red Mountain which is Kerr-McGee's most recent discovery there just south of Mount Wrightson, which occurs at a depth of about 3,500 feet. That more than likely would be an underground-type deposit. I just can't really say. Well, it really depends—all we are asking for is the opportunity to have those acres open in our search.

Mr. The CHAIRMAN. You want the entire mountain deleted?

Mr. BENNETT. Yes.

Mr. UDALL. You go up in the canyon. It is a popular recreation area, and if we delete it—I thought there was some way to protect it and that last 4,000 feet of the mountain, some thing of this sort, but you want the entire mountain area deleted?

Mr. BENNETT. I believe there may be other ways to protect the resources of the area aside from making it pure wilderness.

The CHAIRMAN. All right. That is all I have and I thank you and your company and the entire Arizona industry for the attitude and approach you have taken. We had, as was mentioned earlier today, our letter by Mr. Hansen—I think our letter to the President—asking for the plan to revive the hard rock mining industry and particularly copper. Mr. McNulty, who went to a good deal of work last year to get the Mineral Institute's bill passed by the House and Senate, which provided some money to help at least on a long-term basis, with the research and development that is needed to have a healthy mining industry. I am told the President yesterday vetoed that bill so we can shed a tear or two for that one.

That is all I have, Mr. Chairman.

Mr. SEIBERLING. Thank you.

Mr. Craig.

Mr. CRAIG. Thank you, Mr. Chairman.

I have no specific questions for the two gentlemen. I appreciate your testimony.

It is difficult to argue in light of the pressures over the past 10 years, that we ought to recognize the mining industry present and future. I guess we have done a poor job in communicating to the world that a whole nation and not only a select group benefit instead of a whole nation. For some reason, when a group like Phelps-Dodge comes forward and argues in behalf of allowing certain areas to be open for exploration, somehow that rapidly gets equated into a few limited people wanting to make a profit instead of an industry that is clearly part of an economic base of a nation benefiting the entire nation.

I would think the human being is a clear part of the whole process and recognizing that, you just can't accommodate everything on all lands. The mining industry and grazing industry, all have a part. I know in our consideration of land in Idaho we are attempt-

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ing to use very closely our known mineralized areas and potential-future areas.

We, on the one side of the Nation, as Chairman Udall has mentioned, have encouraged mineral institutes to develop new technology, for the very purpose of utilizing it on lands that might not have yielded any information under old technology. At the same time, we are progressively locking up those lands where that new technology may be used. It resembles the tobacco subsidies on one hand and the Government saying on the other hand that it is bad to do. We get caught in that kind of position.

I would hope that we can accommodate your interests in this legislation, because they are not only your interests, they are the Nation's interests. Nor some reason in the last several years, certain groups have been very skillful in arguing the point that this issue is not in the national interest but is in single individuals' interests. I think they fail to recognize that their well being has been a result of a broad general interest of that industry and its participation in the economy.

It always has been one of my sadnesses that we have progressively done this in the wilderness efforts that have gone forth over the years by this Congress, and that we just simply have not recognized it. I hope that future generations will not suffer as a result of this. But, I am very fearful that they will.

Thank you very much.

Mr. SEIBERLING. Mr. McNulty.

Mr. MCNULTY. Mr. Chairman, everybody in this room knows that I have lived in a copper mining camp all my adult life—for the last 33 years, and happily so. My children were born and raised there. It has been a good, fine life for me. Consequently, I guess I have a special reason to be curious about a number of these things, especially in the light of the fact that Mr. Bennett, along with Mr. Gregory are two of the Cochise County folks here with us this morning on this bill.

Ken, with respect to the question that Mo just asked you a minute ago about the whole mountain. In the last part of your testimony you made a special reference to the area of what you call west of the 15th range east. You say that deserves to be deleted from the legislation on the basis of just the small mine potential respecting gold, silver, and copper deposits. I haven't got a big map here. That is the Madera Canyon area or perhaps even somewhat west and/or south of that.

Is that just a casual thought on your part or should that be considered as a comment or criticism or suggestion that we should work on further?

Mr. BENNETT. I think what we are talking about here is two different types of mineralization. We are talking mostly copper mineralization of which Arizona far and away leads the Nation in that, when considering that in the areas in the way we look for those deposits, the whole mountain range is a very critical area within the belt, in fact falls in the very center of that belt where there isn't just a subzone, there is 29 known deposits now extending all the way down to—the second phase that we look at are the small gold and silver mines or mining potential, smaller high-grade deposits.

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As you are probably aware, most all of the large mining companies now have small mines divisions. Phelps Dodge is very active in that area looking for the smaller deposits that don't take a tremendous amount of capital to start and as a result, a much quicker return on our investment. It is those areas that I am talking about that would be west of range 15 east.

The map that I have shown, the upper map there shows the area of past producing mines or prospects that are located on the west of that unit and as a result, we feel that the potential alone, the gold and silver, the small mines, becomes a very critical area on Mount Wrightson in the western portions.

Mr. McNULTY. Has P.D. Small Mines Division got any claims in this area?

Mr. BENNETT. I don't believe we have any right now. We are concentrating on the Costa basin area where we have a mine and are developing it right now.

Mr. McNULTY. Thank you.

Thank you, Mr. Chairman.

Mr. SEIBERLING. I would like to make one more observation, Mr. Hansen, because I think maybe it has been overlooked in this argument about release.

One of the arguments that is often raised against including certain fragile areas in wilderness, in many of the bills that we have taken up, was that it isn't necessary because the Forest Service, under the National Forest Management Act, if they were areas of unstable soils or for some reason shouldn't be eroded, wouldn't allow logging and development in those areas anyway, so we didn't need to put them in wilderness.

A perfect case in point was the River of No Return Wilderness bill in Idaho. I don't know whether Mr. Craig was on the committee at that time.

Mr. CRAIG. No.

Mr. SEIBERLING. But there were some areas that the environmentalists wanted added to that wilderness area because they said they have very steep slopes, very unstable soils, that they shouldn't be logged or roaded. The Forest Service said we didn't need to include them in wilderness because under our management plans we would not allow development in those areas.

However, if we are going to have release language which says that they cannot consider those areas for wilderness management and that they must consider them for development types of multiple use, then a tremendous amount of pressure is going to develop to add additional areas to wilderness beyond what we have already because the environmental groups are going to say we can no longer rely on the Forest Service using its management prerogatives to protect areas that are fragile or sensitive.

So I simply submit to you that you know it cuts both ways. I have learned after many years in this body that sometimes you try to accomplish something to achieve what you think is important, and you find that it is actually counterproductive. I think the hard release language would do just the opposite of what you want. It would actually spur legislation for additional wilderness and would create better arguments for Congress to put more areas in wilder-

ness. So I just submit that to you for consideration by your industry because I think it is something that they tend to overlook.

Mr. HANSEN. That is a very cogent point, but I do think it demonstrates again our concerns with the discretion that the Forest Service administrators have in these matters and our concerns with what we consider to be de facto wilderness. You mentioned the River of No Return. I feel that that would be a proper name for this whole RARE II process.

Mr. SEIBERLING. Well, I can imagine you are a formidable man in the courtroom and I am not going to pursue the argument. I just wanted to submit that to you.

Mr. HANSEN. I understand your point, Mr. Chairman.

Mr. SEIBERLING. Thank you.

We will now proceed with the final panel consisting of Mr. John Olson, Arizona Cattle Growers Association, and Ms. Susan Clarke-Cordero, private citizen.

[Prepared statements of John Olson and Susan Clarke-Cordero may be found in appendix III.]

PANEL CONSISTING OF JOHN OLSON, ARIZONA CATTLE GROWERS ASSOCIATION; AND SUSAN CLARKE-CORDERO, PRIVATE CITIZEN

Mr. OLSON. Thank you, Mr. Chairman. I will try to summarize my remarks.

Mr. SEIBERLING. Without objection your entire statement will be included in the record in full.

Mr. OLSON. Thank you, I appreciate that.

As briefly as I can put it together, Mr. Chairman, members of the committee, the Arizona Cattle Growers Association has agreed to support more wilderness for Arizona if agreement can be reached on a list of five concerns, and briefly they are, No. 1, the ACGA believes the Arizona Strip Wilderness legislation introduced in Congress must remain separate from other Arizona wilderness bills under consideration. Ranchers on this strip believe that this separation was part of a compromise that eventually settled the wilderness question in that part of Arizona.

No. 2, any so-called ominibus wilderness legislation contain release language that guarantees relief from further wilderness considerations until the approximate year of 2000.

No. 3, statewide wilderness legislation must contain some specific language that mandates the use of motorized, mechanized equipment under rule and regulation for the maintenance and construction of improvements on wilderness areas.

No. 4, the question of whether Arizona rivers should be included in the wilderness under wild and scenic river classification should be considered in separate legislation and based on a different set of qualifications than what is set forth for lands.

No. 5, wilderness classification creates resources and private property problems for those areas adjoining the wilderness. Trail heads and areas of recreation designed to complement the wilderness on nearby land need extra management and protection outlined in any wilderness legislation for Arizona.

Cattlemen and cattlewomen throughout Arizona have little choice but to oppose much of the wilderness being proposed for the State as long as these five points aren't settled. To a large degree, acceptance of an individual area as wilderness is based, at least to us, on whether or not a rancher can rely on the assured use of motorized mechanized equipment or whether he or she can rely on release language to assure many of the specified time to plan and operate without the threat of additional wilderness implementation.

Mr. Chairman, we hope our industry has indicated our willingness to work with our delegation, with the Arizona Wilderness Coalition, and with all the interests associated with this question of wilderness for the State of Arizona. We have met repeatedly with members of the delegation. We have had numerous meetings with members of the Arizona Wilderness Coalition. We have joined in concert with groups like the Mining Association and timber interests to initiate language and acreage proposals. We have done, we believe, a great deal to further for many of us what is a concept that is a little bit hard to swallow. It has been difficult to understand in the past.

We want to stress that while our submission today does not include recommendations for specific areas, we stand ready to work on those and come up with compromise boundaries or eliminations or additions where workable.

Our members have had two meetings in the last month or so with members of the Arizona Wilderness Coalition where we have discussed specific areas and even though philosophically we have maintained that we would never do that until our five points were covered, we did it in an act of faith, hoping that no one could call us obstructionists or troublemakers.

The fact is, that we are still up in the air about these areas. We don't yet know what has been agreed to by the coalition or by the delegation. It is a little hard to comment when we don't yet know what has been agreed to. There are at least two more forests in the State, Tonto and Coronado, that have yet to be reviewed in meetings between cattlemen and Wilderness Coalition people, and so for that too, it is a little difficult to comment on. When those are complete and we know what agreements have been made, and we can see some maps and be assured as to some specific boundries, we are eager to comment on the pros or cons of those particular areas, and with that, Mr. Chairman, I will be happy to answer any questions, if there are any.

Mr. SEIBERLING. All right, thank you.

First, we will hear from our witness, Ms. Cordero.

Ms. CORDERO. My name is Susan Clarke-Cordero. I was born and raised in Nogales, Ariz. now reside in Salmon Well, Ariz. I am a private citizen, a homemaker, the wife of a copper mine mechanic, and a daughter of a fourth generation Arizona rancher. I represent my family and do not belong to any association or coalition. My parents and I have traveled here at great personal sacrifice because we have the belief that the individual counts and should be heard.

Although we, in principle, disagree with the inclusion of wilderness areas on Federal lands, we see a definite need for a compromise between interest groups. We feel this bill offers as fair a com-

promise as we have seen thus far. We feel 750,000 acres is more than generous. However, we would like to see the following considered:

We realize that bills will be made as long as there are legislators. However, we would like to see an inclusion of a clause that guarantees that the American public will not be subjected to the enormous expense of future lengthy wilderness proposals in Arizona. If properly managed, the designated wilderness areas should suffice.

Population increases should be considered as well as the needs of that population. Since the Wilderness Act of 1964 the American public has been made to foot the bill for numerous evaluations, investigations, and court and public hearings. Our tax dollars could be better used in the future for improving the living conditions of our poor, regarding the pollution of our air, lakes, and streams, the care of our elderly infirm, and handicapped, the prevention of crime, the education of our youth, and the employment of our citizens.

Let this bill then, be the last word on an issue that will not directly aid our less fortunate brothers and sisters, who I am sure would rather have their survival insured rather than further preservation of land that they may not ever be able to enjoy.

Two, regarding livestock grazing by permittees in wilderness areas. This bill offers guidelines that in our opinion are too ambiguous. Mr. Beasley of the Forest Service feels the present Wilderness Act of 1964, its language provides, enough "authority." What about accountability?

As discovered in the 95th Congress and again in the 96th Congress, which revealed in the Committee on Interior and Insular Affairs report accompanying H.R. 5487, to quote:

> National forest administrative policies on grazing and wilderness are subject to varying interpretations on the field and are frought with pronouncements that simply are not in accordance of the law.

We would like to state that it has been our experience that the practice is not limited or exclusive to wilderness, it has been our experience that such misinterpretations of the law are frequent occurrences in our area and often result in what we believe to be infringement of permittee's civil rights, as well as unjustifiable financial mismanagement. As evidence of these allegations and to aid in Mr. Smith's evaluation of facts or horror stories, I would like to submit this reference report by my father, W. H. Clarke, Jr., so you may see it at your own leisure. If Forest Service policy can in our opinion subject the permittee within a multiple use area to the effect of such varying interpretation, we believe wilderness designations made with added specifications permittees must follow, must be drawn up with specific language to insure this Forest Service be curtailed. The Forest Service is obviously a branch of our Government that we believe has no built-in set of checks and balances since even congressional mandates can be violated.

We, therefore, suggest that the subcommittee consider a method whereby Forest Service personnel can be held perhaps personally accountable for the misadministration of the law as would any citizen for mismanagement of Federal funds. As permittees must be yearly evaluated by the Forest Service for cooperation, range man-

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agement, and productivity on Federal lands, we suggest as a counter-balance that permittees be allowed the same privilege not only as a permittee, but as a taxpayer.

These yearly permittee evaluations of Forest Service policy and personnel should be forwarded to the legislators of their district, to the Forest Service district supervisors and be made available to the public. Who better to determine the application of the law than the permittee who must live within the guidelines and the lawmakers who have created them?

The public has a right to be fully informed as to the progress on their forest lands and the permittee who utilizes their lands. We understand that one must consider the human factor, a written law must be enforced by people and people have a natural tendency to be swayed by their personal beliefs. However, as this factor cannot be considered in our legal law enforcement or private sector of our society, it cannot be allowed to be considered within a branch of our Government.

The Forest Service is a servant of our citizens and, therefore, has a moral and legal responsibility toward the public to adhere to the laws created by the elected representatives of that citizenry. It is up to you to guarantee through proper language in this bill, that this obligation be met.

Also, Chairman Seiberling, I would like to comment when you were referring that possibly in order to get the language corrected or more specific within this bill that we take this to the Forest Management Act, we apply to that, or we explain or do something to change that, sir. Congress is responsible for the National Forest Management Act, we didn't create it, you did.

Mr. SEIBERLING. We like it, you don't like it.

Ms. CORDERO. What can we do about it?

Mr. SEIBERLING. I am suggesting the people who don't like it are the ones that should propose changes in the act instead of attacking it from the flanks through wilderness legislation. We don't have an obligation to change something that we think is working. We try to proceed on the theory if it ain't broke, don't fix it. You are the ones that claim it is broke.

Ms. CORDERO. Obviously there are quite a few of us who believe it is broken. Possibly even if you review the book and see there are misinterpretations and see, you will realize specific language is needed. If the multiple use permittee can be basically told by a ranger for various reasons how he interprets the law, we can only sympathize with what the wilderness area permittee is going to go through when he is going to need more rule to follow. As far as we are saying there is a definite weakness in this bill that may be harmful to the livelihoods of certain individuals. That must be strengthened. If this weakness exists due to the National Forest Act as you imply, then you fix it.

Thank you.

Mr. SEIBERLING. Thank you very much.

I do have a couple of comments here. First of all, Ms. Cordero, if you know any way to guarantee that future legislators won't introduce bills, I would be very interested to know what it is.

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Ms. CORDERO. I have no idea, sir. I am saying in this particular issue in Arizona, I think it has gone too far. Our population in Arizona is going to continue to increase whether we like it or not.

Mr. SEIBERLING. No matter what we do in this Congress, we can't stop future Congresses from deciding to add, subtract, or multiply wilderness.

Ms. CORDERO. So we can possibly perhaps——

Mr. SEIBERLING. That is in the nature of life, you know, each Congress has a duration of 2 years, and one Congress cannot bind another. The only thing that is permanent, to the extent anything is, is the Constitution itself, and even that is subject to reinterpretation. So you are asking the impossible if you think we can somehow prevent wilderness from being reviewed at some future time.

And I might say to some of the other witnesses—Mr. Hansen, for example, said that he thought that once it was put in wilderness, that it was gone forever as far as developing the minerals is concerned. That isn't so. A future Congress can take out of wilderness what an earlier Congress put in. So nothing is final in this world and I don't know any way to make legislation that can survive more than one Congress in that sense.

Now, I do have some specific questions for Mr. Olson.

You have indicated you are less than satisfied with the Forest Service policies and practices—and so has Ms. Cordero—concerning livestock grazing in wilderness areas. Could you please provide us with specific problems in specific areas? I have read a letter that you wrote to Mr. McNulty or, somebody did, which was specific, but those are basically complaints about the Forest Service not carrying out a local and balanced and consistent execution of the guidelines that we carefully worked out. Can you provide us with a list of specific areas where you believe the Forest Service is violating Congress' guidelines on grazing and wilderness?

Mr. OLSON. Mr. Chairman, if you are asking for names and dates and places, that is sometimes rather difficult. Unfortunately, a lot of permittees, most permittees, are very intimidated when asked to get up and testify in essence against a person who holds their future in the palm of their hand, or their local rangers.

Mr. SEIBERLING. We aren't insisting that we name the permittee, but if we could get down to the specifics as to which rangers or which forest rangers are not complying with the guidelines, that would help. Otherwise I don't think it matters whether we write it into law or not. The guidelines are law, for that matter. The Colorado Wilderness bill, in effect, makes them statutory by incorporating them by reference and says the Congreses hereby declares "that with respect to livestock grazing, the provisions of the Wilderness Act relating to grazing shall be interpreted and administered in accordance with the guidelines contained under the heading, Grazing in National Forest Wilderness."

In effect, those are statutory. You could bring a lawsuit, if you felt that the Forest Service was not complying with those guidelines. So I really don't know what more could be done in terms of specifics unless you feel that the guidelines themselves aren't good enough. I noticed you do suggest an amendment to mandate that motorized equipment be allowed wherever it was already used, but the guidelines, guideline No. 2, spells out in great detail the rules

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for motorized equipment, and it says that they are to be used where practical alternatives don't exist. It strikes me that that is a reasonable position. What is wrong with that?

Mr. OLSON. Mr. Chairman, our attorneys—and I suppose the old story about depending upon which attorney you talk to you get a different version—our attorneys tell us that they are not sure that that reference has the full effect and force of law and we are concerned that it is too fragile and will not carry through and could be changed much easier, for instance, than a statute could be changed.

Mr. SEIBERLING. Do you have a written opinion from your attorneys to that effect?

Mr. OLSON. I will get that for you.

Mr. SEIBERLING. We would be interested in seeing it. Pending that, I think we will have to assume that the statute means what it says. I note that even in the absence of references in the statute, when regulations are promulgated by a government agency they have the force of law. I would be interested to see any opinion to the contrary.

Now, turning to the release language issue, could you identify the specific phases of the standard release formula which you think are inadequate?

Mr. OLSON. Our concern and uncertainty lies around the general question of tying them to the forest plans, Mr. Chairman.

Mr. SEIBERLING. Well now, the grazing permits themselves only last for a maximum of 10 years, after which they are up for review and approval. So how does having a longer certainty in the planning cycle of the Forest Management Act help you?

Mr. OLSON. Mr. Chairman, if we could be assured that the forest plans would in fact last 10 years, we would be probably pretty content with that.

Mr. SEIBERLING. If you have a 10-year grazing permit, doesn't that take you through the 10 years?

Mr. OLSON. We are talking about release language, Mr. Chairman, and the release language isn't necessarily tied to——

Mr. SEIBERLING. Except that once you get that grazing permit, you have certainty for the life of the permit as long as you comply with it.

Mr. OLSON. Mr. Chairman, I am sorry, I truly am sorry, I didn't understand the question.

Mr. SEIBERLING. Well, it seems to me it is pretty clear. All I am saying is that that is a contract between you and the Government, which is enforcible for the life of the contract.

Mr. OLSON. Yes sir, I agree.

Mr. SEIBERLING. So you don't need to worry for the duration of that grazing permit. When it is up for renewal then you have a question as to whether it is going to be renewed. Isn't that the point at which uncertainty exists?

Mr. OLSON. Our uncertainty is with whether or not release language is going to last for the tenure of the forest plan. We don't believe the forest plan is certain enough to be able to be relied on.

Mr. SEIBERLING. Are you saying a revision in the forest plan can abrogate your grazing permit?

Mr. OLSON. Yes sir, we believe it could.

Mr. SEIBERLING. If you have a legal opinion to that effect, I would be interested in seeing that, too.

Going to the specific problems that you raised in your testimony, most of the areas that are put in wilderness are not really subject to intensive livestock management anyway, are they?

Mr. OLSON. Well, Mr. Chairman, we have, in our discussions so far in Arizona, with the areas being considered in this legislation, we have instances of some pretty heavy concentrations or need for concentration of management, yes.

Mr. SEIBERLING. You are saying that some of the wilderness areas could be developed for intensive livestock or have been already?

Mr. OLSON. Yes sir.

Mr. SEIBERLING. I see. Well, I would be interested to know what those areas are, if you can tell us.

As to the wilderness study, it seems to me that that doesn't impair the type of range management that will go on until and unless Congress puts it in wilderness. Wilderness study area status is not any different from a regular national forest status as far as grazing is concerned.

Mr. OLSON. We find differences, sir. There are improvements pending, for instance, on wilderness study areas that cannot be completed or even started until it is determined whether they go into wilderness eventually or not. That is a great deal different than normal forest lands.

Mr. SEIBERLING. What you are saying is that the Forest Service decides because of a certain area's characteristics, that not only are they going to study it for wilderness possibly, but they are going to manage it differently. Is that what you are saying?

Mr. OLSON. Yes sir.

Mr. SEIBERLING. That is their prerogative as managers of the national forest. That is exactly what we intended them to do when we passed the National Forest Management Act—to decide about how areas should be managed from the standpoint of sound forest management. Your quarrel is with the National Forest Management Act, not with the release language.

Well, I guess I have beat this issue about as much as I can.

Mr. Udall.

The CHAIRMAN. Mr. Olson, I hope we can conclude this hearing and get some lunch shortly. I wasn't going to ask any questions, but I have one I wanted to get into. On page 2 and elsewhere in your statement, you referred to the breach with regard to the Aravaipa and Arizona strip bill. You refer to a breach of the original agreement and I take it, as the author of the bill before us, that I am the one who breached the agreement.

Would you kindly tell me where I made an agreement not to include the Aravaipa bill in the statewide legislation?

Mr. OLSON. Mr. Chairman, Mr. Udall, I do not refer to the Aravaipa bill as a breach, but the ranchers on the strip district, during our deliberations of the strip bill, believed that they were told many times either by you or your representatives that that bill would remain sacrosanct, as it were. That it would remain separate and be introduced and passed that way. They believed it so much that they have told us now—the association—that that promise has

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not been kept, and they feel threatened because it is being included with this legislation. I can't do better than that, Congressman.

The CHAIRMAN. I appreciate that. I take great pride in keeping my word to people. For the life of me I cannot understand it. Your statement says the cattle growers cannot support the strip bill as long as it is part of a statewide legislation, and you cannot support statewide legislation to include the strip bill. I have a lot of arguments on important matters of substance. I have never yet encountered a situation where I am told that the procedure that we follow is so vital that action must be taken.

It is like I go to the grocery store to get my wife a list of groceries and I go to the hardware store to get myself a list of hardware I need for the weekend, and when I get home she says even though the sack contains everything I ordered and nothing more, I won't accept it as long as your hardware items are in the sack. You have to have two sacks.

I appreciate all the advice I get on legislation, but I rarely see folks getting hung up on how, when on procedure legislation. I think we need to support the bill. I support it, I included it in the bill, not a word has been changed. For people to tell me they would withdraw the support for legislation because that bill happens to be packaged with some other things on the same subject, to me is not very logical or very justified, but everybody has a right to do what they want to do.

Mr. OLSON. May I respond to that, please?

The CHAIRMAN. Sure.

Mr. OLSON. Please understand where we come from, Congressman. On this issue of the strip and all of the wilderness, the Arizona Cattle Growers Association has historically opposed the addition of any wilderness for Arizona and have repeatedly stated that over the years longer than I have been around.

Trying to accommodate your concerns and wishes and desires to pass wilderness legislation in Arizona, and partly because we now have got to take a more modern way with the issues facing Arizona, we changed our resolution's language last August, over much criticism from our own people, and have been trying to support the legislation.

Our association, which incidentally, represents virtually all of the ranchers in the State of Arizona, is very torn between pro and con on wilderness. The people on the strip at one point being as conservative and antiwilderness a group as ever came down the river, up until a few months ago, agreed to compromise on that bill. They decided they could live with the bill. They decided that maybe waiting would bring something worse, but for one reason or another, they decided to accept the legislation. But there is a little bit of paranoia running through the ranks and our ranchers don't necessarily trust the people who are promoting a lot of wilderness for Arizona, present company included, Congressman.

But the fact is that they thought they had an agreement, they believed it was part of the compromise. Right or wrong, that is the way they felt and still do. To suddenly find that changed on an issue that they are basically suspicious of may be creating mountains out of mole hills, but believe me, Congressman, it is a legiti-

USAV-00004089

mate concern, and one that they are not doing for anything that could be construed as a frivolous reason.

Mr. CHAIRMAN. I understand the sentiment among folks. I also understand the necessity for Congressmen and Senators to have some flexibility and procedure. I seem to remember a number of occasions where the cattle industry strongly supported somebody in the Senate putting a rider on unrelated legislation that they favored. If this is some kind of a rule that you can never combine bills, even though you strengthen both of them, is one I haven't encountered.

I am committed to get that strip bill passed, to get it in this Congress this year. I think we are entitled to a little bit of flexibility in terms of procedure, and well, I won't beat it any further.

Mr. SEIBERLING. Mr. Craig.

Mr. CRAIG. Thank you, Mr. Chairman.

To Ms. Cordero and of course, John, welcome to the committee. We appreciate your testimony as far as the frustrations that you expressed, Susan. It is frustrating to many of us back here. We would like to think that we could designate, once and for all, a certain amount of wilderness, recognizing the value of preserving certain ecosystems. Then get on with the business of saying this Nation will have x number of acres of wilderness and there will be no more; the rest will be multiple use.

That is not going to happen. To my disappointment, to a good many people's disappointment, we have a variety of laws that are in place that keeps the cycle moving. In Arizona we have developed a variety of groups who make their livelihood from that and in so doing they will continue to promote it whether we would like it or not. That is just the nature of the system as it builds in its own dynamics and its own momentum. I appreciate the frustration of traditional land use people from a multiple use standpoint.

You speak of your heritage, not unlike mine in the State of Idaho, where we believe we were good caretakers of the land. There would be a perpetuation of certain types of lifestyle and industry only to find out all of a sudden someone in New York decided that no, that wasn't going to happen in Arizona. The laws are now in place that will keep this cycle going in perpetuity, for how ever long, until for whatever reason this Congress chooses to change the law. I suspect that not this Congress or certainly future Congresses, will change it.

So, we deal with it on a piece by piece basis as it comes along, attempting to recognize our concerns, both historical and current, along with other people's concerns, that might serve this direct opposition to yourselves.

John, I have the same problems in Idaho and I hope that we can remedy those to some extent. I think the thing that you mentioned, changing the rules in the middle of the game as it relates to release language, and the points the chairman made about the 10 year cycle, are very important. It is possible when we look at a permitee and a 10 year permit process and ability to envelope over that process, a new set of rules, vis-a-vis a current or new wilderness proposal. Then the game does change and that operator, if he is into the second year of his permit, recognizing that he, prior to the wilderness legislation, did have very easy access, if you will, to

USAV-00004090

the land, through motorized vehicles, loses that privilege. So those regulations can change and the game does change.

One thing that is unique about the permitting cycle, versus the wilderness or the planning process as it currently is, is that we cattlemen, tend to view under reasonable management approaches and responsible conservation efforts, that that permitting process is somewhat of an in-perpetual approach. We have a woman with us today who speaks of four generations. Whereas when the game plan changes, as a result of wilderness, a frustration results as to whether that industry can operate under current economic circumstances with the new limitations that the wilderness legislation, by its nature, offers.

Game plans are changed dramatically under wilderness designation for grazing operations and for anyone who has not had that experience, I think they simply fail to recognize it as reality. I know we are now attempting to address that through the 1980 Colorado language.

Grazing by numbers has dropped dramatically, simply because of the difficulty of operating within that new designated wilderness. It is a real sadness to me that we cannot bring about some degree of compromise that will allow greater amount of flexibility for that kind of operation and I appreciate both testimonies. I think it is extremely valuable for the record, and I hope that the committee's members will read it.

Thank you.

Mr. SEIBERLING. Mr. McNulty.

Mr. MCNULTY. The only thought that I have in concluding is, Mr. Chairman, I am grateful to my friend from Idaho for explaining in some detail the whole business about the enforcement ability of a forest permit on lands which are in midterm of that permit managed as wilderness lands. I suppose, yes, that the cattle grower has the right to enforce the permit, but not on the same basis or the same conditions that he did at the beginning of the front end of that permit, and so I think that that statement, the idea of enforcability of it ought to be qualified as in fact in practice it surely is.

I don't claim that is something that can be corrected in this bill but I do think that the conditions under which we have a right and insist upon a right, once they are changed, are a substantial modification or at least some modification of it, and in fairness, we ought to realize that.

Thank you, and thank you, Mr. Olson.

Mr. SEIBERLING. Thank you.

If there are no further comments, this hearing is adjourned.

[Whereupon, at 2 p.m., the subcommittee was adjourned.]

USAV-00004091

APPENDIX I

FRIDAY, OCTOBER 21, 1983

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

Honorable Morris K. Udall
Chairman, Committee on Interior
and Insular Affairs
House of Representatives
Washington, D.C. 20515

September 21 1983

Dear Mr. Chairman:

As you requested, here is our report on H.R. 2983, a bill "To provide for the addition of about twenty acres to the Sandia Mountain Wilderness."

The Department of Agriculture has no objection to the enactment of the bill with the amendment provided herein.

H.R. 2983 would add approximately 20 acres to the Sandia Mountain Wilderness while allowing for continued maintenance and upgrading of an existing diversion dam and related facilities. The bill directs that any upgrading of the existing diversion dam be completed within 4 years of the date of enactment in accordance with plans approved by the Secretary of Agriculture. The Secretary would be authorized to grant a time extension if the Secretary deemed such an extension necessary and in the public interest.

USAV-00004092

When the Endangered American Wilderness Act of 1978 was being considered and subsequently enacted, approximately 20 acres of the then proposed Sandia Mountain Wilderness, Cibola National Forest, were excluded to provide for ultimate construction and maintenance of a small flood control project immediately above the city limits of Albuquerque. We supported this exclusion so the project could be accomplished.

The City of Albuquerque has now withdrawn its application for the flood control project and advises that it will rely on maintenance and upgrading of existing facilities as provided for in this bill. Therefore, the Department of Agriculture has no objection to the inclusion of this area in the wilderness.

H.R. 2983 provides for upgrading the existing diversion structure within 4 years of enactment of the legislation. The necessary upgrading is underway at the present time and will be completed within a few weeks. Therefore, we recommend that the references to construction and upgrading be deleted from the legislation. This will limit use of mechanized equipment to maintenance of the structures existing at the time of enactment. This will meet the needs of the City of Albuquerque and the Forest Service for the use of the flood control structures and the management of the wilderness. We recommend that the bill be amended by deleting the words "construction and" in line 2, page 2, and in line 3, page 2, change the colon to a period and delete the remainder of the line and all of lines 4 through 9.

No increase in appropriations would be required by enactment of this bill.

The Office of Management and Budget advises that there is no objection to presentation of this report from the standpoint of the Administration's program.

Sincerely,

John R Block

John R. Block
Secretary

TONEY ANAYA
GOVERNOR

STATE OF NEW MEXICO
NATURAL RESOURCES DEPARTMENT
Santa Fe 87503
(505) 827-7835

BRANT CALKIN
SECRETARY

Position of State of New Mexico
On
HR 3766, The San Juan Basin Wilderness Protection Act of 1983

October 21, 1983

Mr. Chairman, and members of the committee, it is a pleasure to appear before you in support of HR 3766.

New Mexico is fortunate to be endowed with an abundance of natural resources, and it is our intent that we use and protect them not only for the benefit of the citizens of today, but for those who will succeed us. It is prudent and appropriate, therefore, that we support the legislation which would declare the areas known as Bisti, Ah-shi-sle-pah and De-na-zin as wilderness. We also believe that the Fossil Forest deserves the special protection provided in this bill.

The attributes of the proposed areas are in many ways similar to areas which have already been found worthy of wilderness designation. These characteristics, solitude, unspoiled condition, etc., are testimony enough to the value that wilderness designation seeks to preserve. But these are also areas which are unlike any currently found in the nation's tiny store of wilderness treasure. With the esoteric, convoluted landforms in the proposed areas comes an element of timelessness and geologic evolution which can truly re-create the human spirit. Walking in the bids of the ancient sea is to walk in an earlier epoch, to experience a "time warp" which can remind the receptive human intellect of how fleeting our tenure on this delicate planet can be. We should protest these tiny silent places as time machines for ourselves and our children and theirs, as evidence of our generation's love for the nest.

We commend Representative Richardson for the leadership he has undertaken to prepare this legislation. Working closely with the involved Indian people, the New Mexico State Land Office, and the staffs of several other New Mexico State Agencies, he has put together a vehicle which avoids potential conflicts, directs development of other resources in the energy rich San Juan basin away from these particularly sensitive sites, and gives these areas the formal protection which they deserve.

STATEMENT OF
J. B. HILMON, ASSOCIATE DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands and National Parks
Committee on Interior and Insular Affairs
House of Representatives

Concerning H.R. 2983

October 21, 1983

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I appreciate the opportunity to be here today to present our views on H.R. 2983, the bill to provide for the addition of about 20 acres to the Sandia Mountain Wilderness, in New Mexico.

The Department of Agriculture has no objection to the enactment of this bill with amendments.

H.R. 2983 would add approximately 20 acres to the Sandia Mountain Wilderness while allowing for continued maintenance and upgrading of an existing diversion dam and related facilities. When the Endangered American Wilderness Act of 1978 was being considered, this 20-acre parcel was excluded to provide for the future construction and maintenance of a small flood control structure immediately above the city limits of Albuquerque. Since passage of the Sandia Mountain Wilderness in 1978, the city of Albuquerque has withdrawn its application for the flood control project. Therefore, the Department of Agriculture has no objection to the inclusion of this area in the wilderness.

H.R. 2983 provides for upgrading the existing diversion structure within 4 years of enactment of the legislation. The necessary upgrading has been completed this summer and, therefore, we recommend that references to construction and upgrading be deleted from the legislation. This will limit use of mechanized equipment to maintenance of the structures existing at the time of enactment.

This concludes my prepared testimony. I will be happy to respond to questions.

THE NAVAJO NATION
WINDOW ROCK, NAVAJO NATION (ARIZONA) 86515

PETERSON ZAH
CHAIRMAN, NAVAJO TRIBAL COUNCIL

EDWARD T. BEGAY
VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL

TESTIMONY OF PAUL FRYE, ATTORNEY FOR THE DEPARTMENT OF JUSTICE OF THE NAVAJO TRIBE OF INDIANS, BEFORE THE PUBLIC LANDS AND NATIONAL PARKS SUBCOMMITTEE, ON THE SAN JUAN BASIN WILDERNESS ACT OF 1983 AND THE BISTI BADLANDS WILDERNESS ACT, ON OCTOBER 16, 1983.

Good morning, Mr. Chairman. I am Paul Frye, an attorney with the Department of Justice of the Navajo Nation. I am pleased to testify on behalf of the Navajo Nation in favor of H.R. 3766, the San Juan Basin Wilderness Act of 1983.

As the bill recognizes, there are Navajo claims of ownership of portions of the lands to be protected under the Act. Despite the potential mineral value of these lands to the Navajo Nation, it is clear to us that the paramount resource value of these lands is recreational and scientific. The August, 1979, Accelerated Intensive Wilderness Inventory acknowledges the value of the Bisti, Ah Shi Sle Pah, and De Na Zin areas as wilderness, and the Fossil Forest is unquestionably of great scientific importance to paleontologists and others.

It is clear to the Navajo Nation that the only substantial valid existing rights to the lands included in H.R. 3766 are those of the Navajo Nation and of individual Navajo Indians. These rights originate in Executive Orders 709 and 744 and section 25 of the Act of May 29, 1908, the Navajo Hopi Settlement Act, the General Allotment Act, and the settled federal policy of protecting Indian

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occupants of the public domain.[1] In the case entitled Navajo Tribe of Indians v. State of New Mexico, et al., No. CIV 82-1148 JB (D.N.M.), the Navajo Tribe has alleged the continuing vitality of the Executive Order 709/744 Navajo Reservation and has asserted ownership of the lands within the E.O. 709/744 boundaries which have not been allotted. Thus, portions of the Bisti area, and all of the Ah Shi Sle Pah and Fossil Forest areas are claimed by the Navajo Nation. Portions of De Na Zin, Ah Shi Sle Pah, and the Fossil Forest have, in addition, been selected by the Navajo Nation pursuant to the Navajo Hopi Settlement Act. To protect the interests of the Navajo Nation and of the future relocatees, it is necessary that the bill explicitly provide for the ability of the Navajo Tribe of Indians to, in its discretion, select lands of equal value to those lands within or adjacent to the lands to be protected by this legislation to which the Navajo Tribe may have legal title, and that the bill explicitly require the Secretary of the Interior to transfer in trust the surface and subsurface of any lands so selected to the Navajo Tribe of Indians.[2] While supporting all efforts to obtain Wilderness and other protection of the lands, the duties of the Navajo Nation to Navajo Indians in the former Joint Use Area would preclude a Tribal commitment to maintain as Wilderness lands selected under the Settlement Act.

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[1] See 43 C.F.R.2091.5; Cramer v. United States, 261 U.S. 219 (1923).

[2] This is required, in part, because of the expiration of the time period within which the Navajo Tribe may make selections under the Settlement Act. P.L. 96-305, §1 (amending 25 U.S.C. 640d-10(c)).

USAV-00004097

Principal opposition to this legislation may be expected to be voiced by applicants for preference right coal leases. Our examination of the law and of the facts surrounding the PRLAs shows that there are no vested rights to coal leases in the areas. The PRL applicant has, of course, a right to have its application processed in accordance with law, if such an applicant is a "qualified applicant." However, the courts recognize that the Secretary of the Interior has wide discretion to protect the environment through lease stipulations, and if the environmental concerns are as sensitive as they are here, the lease stipulations may be such as to make the lease unprofitable. And without a discovery of "commercial quantities" of coal, the lease application must be denied. Clearly, the Congress, with its plenary authority over the management of public lands, may make those determinations as well, through withdrawals or otherwise.

Moreover, it is undeniable that there is no economically feasible method for transporting coal from the San Juan Basin to the markets (if any) for the coal. The cases and BLM's own regulations require that costs of transportation be included in the "commercial quantities" test, and that the test not be conducted in the abstract but with reference to the conditions existing at the time of the final showings. As the litigants in the case of Chaco Energy v. Thercol, decided by the New Mexico Supreme Court on December 1, 1981, agreed:

> The only feasible method of transporting coal from the proposed mine [the closest lease area to any road] was by railroad.

The most sensitive lands cannot be reclaimed (West Bisti EMRIA), and water is not available or suitable for this purpose in other areas.

(Kimbeto EMRIA, draft) The PRL applicants cannot show "commercial quantities."

There are other reasons why the Preference Right Lease Applications cannot be granted in accordance with law. None of the lands are unclaimed and undeveloped, all containing abandoned oil and gas wells, or being under lease for oil and gas, or both.[3] Indeed, some of the oil and gas exploration which preceded the applications for preference right coal leases was done by the same applicants (or their relatives) for the coal prospecting permits. Moreover, as early as 1907 it was known that the areas encompassed by some of the PRLAs were areas in which "workable coal is known to occur." House Doc. 406, 59th Cong., 2d Sess. The PRL applicants have "discovered" nothing; prospecting was unnecessary for this purpose. Cf., 30 U.S.C. 201. In addition, the granting of prospecting permits in spite of Indian occupancy is and was void. 43 C.F.R. 2091.S.

In sum, the protection of the lands embraced in H.R. 3766 is the most appropriate balance of resource values. The Navajo Tribal government recommends that the rights of the Navajo occupants and allottees to their property and to their historic land uses be addressed and fully honored by the Committee, and that the Committee note that the intent of section 5(b) is that the Tribal selection of lands will be unemcumbered by the Act's provisions. To reiterate, the specific language mentioned earlier in this testimony is needed in the Act itself, to ensure that the Navajo Tribe can fulfill its duties to future relocatees from the Former Joint Use Area.

Thank you for your consideration.

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[3] This contention is made notwithstanding the newly-adopted view of the Department of the Interior that the "unclaimed, undeveloped" language in 30 U.S.C. 201 is irrelevant Congressional surplusage.

USAV-00004099

THE NAVAJO NATION
WINDOW ROCK, NAVAJO NATION (ARIZONA) 86515

PETERSON ZAH
CHAIRMAN, NAVAJO TRIBAL COUNCIL

EDWARD T. BEGAY
VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL

November 07, 1983

Hon. John F. Seiberling
Chairman, Subcommittee on Public Lands
and National Parks
Committee on Interior and Insular Affairs
812 House Office Building, Annex I
Washington, D. C. 20515

ATTN: Andrew Wiessner, Esq.
Counsel, Public Lands

RE: H. R. 3766

Dear Chairman Seiberling:

At the hearing on H.R. 3766 (the San Juan Basin Wilderness Protection Act of 1983) on October 21, 1983, the Subcommittee indicated a willingness to consider amendments offered by the Navajo Tribe which would ensure both that Tribal interests in providing for the welfare of future relocatees and that interests in protecting the valuable wilderness and scientifically important lands in the San Juan Basin would be accomplished. The Navajo Tribe appreciates the Subcommittee's concerns in this regard.

Attached is a proposed amendment to section 5 of the subject legislation, with a copy of a January 6, 1880, Executive Order referred to therein. This is included in the proposed amendment to eliminate the possibility of misunderstanding as to what lands are encompassed in the selection authority conferred upon the Navajo Tribe by the amended section 5.

As you will note, the proposed amendment allows the Navajo Tribe, in its discretion and after consultation with the Relocation Commission, to select lands in lieu of those which have been selected by the Tribe but which are to be protected under H. R. 3766. Because it appears that there are insufficient lands of equal value within 18 miles of the January 6, 1880, boundary, the final sentence of proposed section 5(b) authorizes lieu selections within 36 miles from that boundary, as suggested might be done by Representative Lujan.

Proposed section 5(c) is in essence the same as that in section 4 of P. L. 96-305, amending section 11(a)(2) of the Act of December 22, 1974. The final phrase in the proposed section 5(c) is needed to protect the Navajo Tribe from the leasing of minerals, etc., by the Department of the Interior prior to the passing of beneficial title of the lands and minerals to the Navajo Tribe.

As I discussed with Mr. Wiessner, the Department of the Interior has shown inexplicable recalcitrance in conveying beneficial title to lands already selected by the Navajo Tribe under the Navajo-Hopi Settlement Act. To protect fully the interests of the Tribe and the future relocatees, therefore, it must be clear in the Committee Report that the selections under the amended section 5(b) are to be of the same force and effect as the original selections; i.e., that the Secretary, upon receipt of the selections, has a non-discretionary duty to convey both the surface and subsurface of the selected lands subject to valid existing rights

As you know, the intent of the original section 5(b) of H. R. 3766 is that Tribal selections made under the Settlement Act would be unaffected by the Act and that the Navajo Tribe would be able to develop the lands in the way it decided to be in the best interest of the future relocatees. This has been the consistent understanding of the bill's sponsor, Representative Richardson, and of the environmental groups supporting the legislation. Adoption of the amendment proposed here and inclusion in the Report of the above language describing the Secretary's duties would, of course, moot any controversy over potential Tribal developments in the lands to be protected. If, however, the bill remains as it is, the legislative history should reflect the intent of Representative Richardson, arrived at after input from the Tribe and other supporters of the bill.

We appreciate the sensitivity demonstrated by the Subcommittee with regard to the rights of individual Navajo allottees, Navajos with historic grazing rights, and religious practitioners who have traditionally gathered herbs and conducted ceremonies in the areas to be protected. We suggest that the ability of the Navajo residents to continue to obtain water from the areas be also recognized by the Committee, and that the long-standing policy of the United States to protect Indian residents of the public domain be remembered.

The Navajo Tribe, to summarize, intends to utilize the selection authority conferred by proposed section 5 in order to allow protection of the lands as wilderness and for scientific inquiry. We believe that this is best accomplished through the proposed amendments. Please notify me if the Subcommittee desires further input.

Very truly yours,

THE NAVAJO NATION

Paul E. Frye, Staff Attorney
Department of Justice
Post Office Box 2010
Window Rock, Arizona 86515

PEF/mcy
Attachment

[ATTACHMENT A]

(b) Nothing in this Act shall affect the transfer to the Navajo Tribe of any lands selected by the Navajo Tribe pursuant to Public Law 93-531 and Public Law 96-305. Notwithstanding the limitations imposed by §4 of Public Law 96-305, within eighteen months after the date of enactment of this Act, the Navajo Tribe after consultation with the Relocation Commission, shall have th e authority to select lands in New Mexico administered by the Bureau of Land Management of equal acreage in lieu of any or all of the lands which have been previously selected by the Navajo Tribe but which are the same lands as those described in sections 2(a) and 3(a) of this Act. A border of any parcel of land so selected shall be within thirty-six miles of the boundary of the Navajo Reservation described in Executive Order dated January 6, 1880.

(c) Title to such lieu selections shall be taken in the name of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo Reservation, and shall be subject only to valid existing rights as of December 1, 1983.

[ATTACHMENT B]

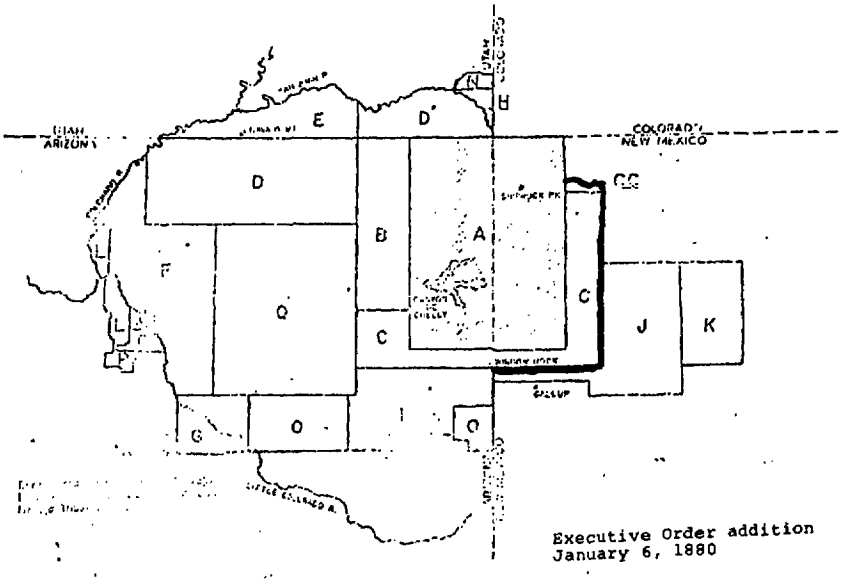
Executive Order of January 6, 1880

It is hereby ordered that the following-described country lying within the boundaries of the Territories of New Mexico and Arizona, viz:

Commencing in the middle of the channel of the San Juan River, where the east line of the Navajo Reservation in the Territory of New Mexico, as established by the treaty of June 1, 1868 (15 Stat. 667), crosses said river; thence up and along the middle channel of said river to a point fifteen miles due east of the eastern boundary line of said reservation; thence due south to a point due east of the present southeast corner of said reservation; thence due south six miles; thence due west to the one hundred and tenth degree of west longitude; thence north along said degree to the southwest corner of said reservation in the Territory of Arizona, as defined by Executive Order, dated October 29th, 1878, be, and the same is hereby, withdrawn from sale and settlement and set apart as an addition to the present Navajo Reservation in said Territories.

R. B. HAYES

Executive Mansion
January 6th, 1880



Executive Order addition
January 6, 1880

THE NAVAJO NATION

WINDOW ROCK, NAVAJO NATION (ARIZONA) 86515

PETERSON ZAH
CHAIRMAN, NAVAJO TRIBAL COUNCIL

EDWARD T. BEGAY
VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL

9 November 1983

Hon. John F. Seiberling
Chairman, Subcommittee on Public
Lands and National Parks
Committee on Interior and Insular Affairs
812 House Office Building, Annex I
Washington, D.C. 20515

Attn: Andrew Weissner, Esq
Counsel, Public Lands

Re: H.R. 3766

Dear Chairman Seiberling:

This letter supplements my letter of November 7, 1983 and confirms a telephone conversation of this evening with Andrew Weissner, the Subcommittee's counsel for public land issues.

Because the legislative history will, as I understand the situation, reiterate the Secretary's ministerial duties to transfer the surface and subsurface of the in lieu lands which the Navajo Tribe will select, the following language in the Act would seem to be appropriate, and the Navajo Tribe suggests the following proposed amendment to section 5 for the Committee's consideration:

(b) Except as provided herein, nothing in this Act shall affect the transfer to the Navajo Tribe of any lands selected by the Navajo Tribe pursuant to Public Law 95-531 and Public Law 96-305. Provided, however, that, notwithstanding the limitations imposed by section 4 of Public Law 96-305, within eighteen months after the date of enactment of this Act, the Navajo Tribe, after consultation with the Relocation Commission, shall have the authority to and shall select lands in New Mexico administered by the Bureau of Land Management of equal acreage in lieu of the lands which have been previously selected by the Navajo Tribe within the boundaries of the Wilderness areas and of the Fossil Forest, as described in sections 2(a) and 3(a) of this Act. A border of any parcel of land so selected shall be within thirty-six miles of the boundary of the Navajo Reservation described in Executive Order dated January 6, 1880.

(c) Title to such in lieu selections shall be taken in the name of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo Reservation, and shall be subject only to valid existing rights as of December 1, 1983.

Thank you again for your consideration. Please advise if additional input from the Navajo Tribe is desired.

Very truly yours,

Paul Frye
Staff Attorney

cc: Hon. William Richardson
Hon. Manuel Lujan, Jr.

RESOLUTION OF HUERFANO CHAPTER

Opposing Coal Mining, Generating Station, and Sub-Division in Bisti Areas

WHEREAS: The Huerfano Chapter and the Community, along with other Eastern Navajo Chapters are expressing their deep concerns for the possible development of Coal Mining, Power Plant and Sub-Division in Bisti and De-Na-Zin Areas.

It appears to the Huerfano Chapter and the Community, that the beginning of strip mining will only destroy all living plants, ruin the soil, ruin fertilization and whatever little water there is, and it will come to where there would not be any vegetation left for any animals to survive on. Without the above mentioned, how will the allotees survive, how will they provide food for themselves. The residents in the Bisti and De-Na-Zin Areas are very much depended on their livestock for food and other necessities.

It also appears, that the relocating of residents in that area will cause extreme hardship on them, as they, for many years, have been living on their allotments and whatever the land produces have became part of their everyday living and their every day happeness.

It is ashame that some aggressive individual would want to destroy another individual's happiness, just so that he can get what he wants and leave nothing for the other human to survive on.
We, the concerned citizen of Huerfano Chapter do not believe in taking another individual's livelihood and happy invironment just to satisfy our aggression.

NOW THEREFORE BE IT RESOLVED THAT: The Huerfano Chapter incooperated with the other Eastern Navajo Chapters have expressed their concern for the residents of Bisti and DE-Na-Zin Areas and have Opposed the future Development of Strip Mining, Power Plant and Sub-Division in Bisti Areas.

WE, HEREBY CERTFY THAT THE FOREGOING RESOLUTION: Was duly considered at the Huerfano Chapter meeting and was moved for adoption by Thomas Yazzie, Seconded by Holyan Charley and same was passed by the vote of 47 in favor 0 opposed on 08, day of January, 1983.

Chapter President

Chapter Secretary

Chapter Vice-President

Council Delegate

CC: File
Ed Plummer, Supprint. EMA

THE RIO GRANDE CHAPTER OF THE SIERRA CLUB

TESTIMONY OF DAVID A. GLOWKA, RIO GRANDE CHAPTER OF THE SIERRA CLUB, BEFORE THE PUBLIC LANDS AND NATIONAL PARKS SUBCOMMITTEE, ON THE SAN JUAN BASIN WILDERNESS PROTECTION ACT OF 1983, OCTOBER 21, 1983

Mr. Chairman, my name is David Glowka, and I represent the Rio Grande Chapter of the Sierra Club in New Mexico. The Sierra Club and other public interest groups have been working for more than ten years for preservation of parts of the Bisti Badlands, and we enthusiastically welcome the introduction of the San Juan Basin Wilderness Protection Act.

The four areas that would be protected by this bill cover approximately one-half of the spectacular landscape north of Chaco Canyon known as the Bisti Badlands. The Bisti actually consists of several islands of highly eroded badlands, surrounded by sandy, arid grasslands. These separate units all share the geologic characteristics that make the Bisti Badlands a true scenic wonder. Easily eroded shales, clay, and coal, interlaced with thin layers of white and red sandstone, give rise to the abundant mushroom-shaped rock formations for which the Bisti is best known. Colorful minerals, unworldly mounds of clay, and spectacular pinnacles and spires are some of the other surface features that combine to create a scenic and wilderness resource that many people have come to know and appreciate.

The largest of the badlands areas in the Bisti is over twenty miles long, five miles wide, and encompasses the Bisti and De-na-zin Wilderness Study Areas. Most of this area has also been designated an Area of Critical Environmental Concern by the Bureau of Land Management. In addition, the lands within the Bisti WSA have been nominated to the National Registry of Natural Landmarks. Furthermore, legislation was passed in 1980 to effect the transfer of existing federal coal leases in the Bisti WSA to areas outside the badlands.

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The second largest badlands area in the Bisti contains the Ah-shi-sle-pah Wilderness Study Area. Like much of the San Juan Basin, these badlands have mixed ownership; thus, even though they are almost entirely roadless and certainly suitable, physically, for wilderness designation, these badlands are not entirely public lands, making the WSA's smaller than the individual badland areas in which they are located.

The Fossil Forest is located in the third largest area of the Bisti. Although the federal share of the lands in the Fossil Forest is too small to make a manageable Wilderness, the important fossil resource located there dictates the need for this area's preservation.

While there are other badlands in New Mexico, three factors make preservation of at least these four areas of the Bisti Badlands extremely important and urgent. First, the Bisti Badlands are by far the most diverse and scenic of the various badlands in New Mexico, and they easily rival any in the country. Second, the three WSA's in the Bisti are the only roadless, federally-owned badlands in New Mexico large enough to be managed as Wilderness. Third, the Interior Department's frenzied push to lease and develop vast areas of land in and around the Bisti for coal makes the scenic, wilderness, and scientific resources of the Bisti highly endangered.

Although there seems to be general agreement, even among the coal industry, that the Bisti WSA should be spared from development, the lure of profits all too easily made has caused some to oppose preservation of the other three areas included in the San Juan Basin Wilderness Protection Act. All of these areas, however, should be judged on their own merits, not on their similarity to the Bisti WSA nor on their coal values. Coal is quite abundant throughout the San Juan Basin, and these four areas hold less than two percent of the Basin's recoverable federal coal reserves. The prime reason these areas are so coveted by the coal companies is that nature has already removed much of the overburden through erosion, making the surface mining of these areas more profitable that that of the surrounding uplands.

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The Bisti WSA, which incidently contains the thickest coal seams of the four areas, is, of course, eminently qualified for Wilderness status. It is the best known of the areas, largely because it is the most accessible--a major state road connecting Farmington, New Mexico, with the Gallup-Grants area passes directly by the Bisti WSA. The badlands in and around this WSA have been recognized for years for their scenic beauty and abundant fossils. The sandstone-capped, mushroom-shaped formations now almost synonymous with the Bisti Badlands are especially prolific here. The rugged topography of this area, coupled with its high density of interesting geologic features, affords visitors to the Bisti WSA outstanding opportunities for solitude and primitive recreation, including unequaled opportunites for photography and inspiring hiking and backpacking. Efforts have been underway since the early 1970's to have these lands preserved in one way or another, first as a county park, then as an Outstanding Natural Area, and finally as a Wilderness.

The De-na-zin WSA is even more suitable as Wilderness than the Bisti WSA. Its large size and less accessible nature permits hiking for days without seeing significant human intrusions. Its diversity of surface features is also greater than that of the Bisti WSA. The De-na-zin WSA contains, in general, a lower concentration of mushroom-shaped rock formations but a higher concentration of colorful surface minerals, red sandstone-capped bluffs and mesas,and important fossils. The De-na-zin WSA holds within its borders an international reference for an assemblage of fossils representing the transisiton from the Age of Dinosaurs (the Mesozoic Era) to the Age of Mammals (the Cenozoic Era). This is one of only a half-dozen places in the world where this transition can be found. Small pockets of grasslands within the De-na-zin WSA give it a diversity of plants and animals not found in the Bisti WSA.

The Ah-shi-sle-pah WSA is a mixture of badlands, arid grasslands, and desert wash. The Ah-shi-sle-pah Wash here has cut a path through the surrounding uplands, creating a relatively flat valley floor approximately one-half to one mile wide and bordered by rugged erosional features and petrified logs. Within the valley floor but outside the wash's current

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bed, windblown sand has been deposited, resulting in one of the best examples of native grasslands in the region. The opportunities for solitude and primitive recreation are also quite abundant here. Since the valley floor is lower than the surrounding uplands, the views from within the Ah-shi-sle-pah WSA are restricted to the north, east, and west but generally open to the south, in which direction the mesas and buttes of Chaco Canyon can be seen. Surface and underground mining is proposed to the north, east, and west of the Ah-shi-sle-pah WSA, so the restricted views in these directions are especially fortunate from the wilderness viewpoint--the area could easily be managed as Wilderness, and the intrusions of surrounding energy development would not be visible. The Ah-shi-sle-pah, having such a diverse ecology and offering distant views only in the direction least likely to undergo significant change, offers us a chance to preserve a place that can truly convey the feeling of the magical San Juan Basin as it now exists--before it is changed forever by the extensive energy development proposed by the Interior Department.

The Fossil Forest has geologic characteristics quite similar to the Bisti WSA; however, its scenic beauty is not the only reason the Fossil Forest should be spared from development. The Fossil Forest, as the name implies, contains some of the finest records of prehistoric forest life found anywhere in the world. Hundreds of petrified tree stumps can be found there, many of which still stand upright in their original positions, roots and all. Even more significant than the trees themselves are the remaining records of the forest floor as it exisited 65 million years ago. The preservation and subsequent study of this forest floor will allow scientists the opportunity to learn more about the assemblage of plant and animal life that existed there in prehistoric times. Already, the limited excavations that have been conducted in the Fossil Forest have yielded specimens found so far nowhere else in the world. These fossils are important not only for their value to the paleontologist but also for their value to the lay-person. Walking through the Fossil Forest is like walking through an

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outdoor natural history museum, where the fossil displays are constantly changing, as erosion gradually uncovers new fossils and eventually perches them up on pedestals of softer material. The diversity of fossil types, together with their degree of preservation, makes the Fossil Forest one of the most unique fossil areas in the world.

The Bureau of Land Management, through its land use planning process, has decided to recommend the Bisti and De-na-zin WSA's for Wilderness designation. At the same time, however, the BLM has decided to recommend Ah-shi-sle-pah as non-wilderness and to lease it for surface coal mining. The rationale behind the inconsistant recommendations for these three WSA's, however, does not support the BLM's decisions. The BLM, in its Management Framework Plan (MFP) Update, gives three reasons for not recommending the Ah-sh-sle-pah WSA as Wilderness:

> "...the Ah-shi-sle-pah WSA is not suitable for Wilderness because it
> a. doesn't contain the quantity and quality of wilderness characteristics that would support designation;
> b. would have numerous management problems, and
> c. has considerable value for coal that cannot be realized if the area is Wilderness."

BLM's rationale behind the first reason is that although "...the topography within Bisti and Ah-shi-sle-pah are similar, ...a higher density of interesting eroded spires and mushroom formations is located within the Bisti, perhaps allowing for a greater abundance of primitive and unconfined recreation experience." This reasoning does not recognize the fact that some of the most beautiful mushroom formations do indeed occur in the Ah-shi-sle-pah WSA; nor does it recognize the importance of the diversity of landscapes and the prime grasslands that Ah-shi-sle-pah holds. The BLM's reasoning presumes that we must make a choice between WSA's, ignoring the fact that these three WSA's are the last roadless areas of sufficient size in the entire strippable coal belt that could possibly become Wilderness. Settling for two of the three WSA's is not a compromise--the "de facto" wilderness that once covered this entire area has already been severely compromised through generally unrestrained and unplanned development. Furthermore, the BLM's reasoning is analogous to saying that since we already have mountain Wilderness areas in the

National Wilderness Preservation System, further designation of such areas as Wilderness would only duplicate existing Wilderness characteristics and, therefore, no other areas such as this should be designated. Congress has often rejected this reasoning in the past.

The management problems mentioned in the BLM's second reason for recommending against Wilderness designation for Ah-shi-sle-pah include "contiguous Navajo occupancy and being partially overlain by PRLA's, which will most likely be developed." We fail to see how contiguous Navajo occupancy would cause management problems, since Navajos have lived adjacent to the Ah-shi-sle-pah WSA for years with no apparent desecration to its natural values. As for PRLA's, these do not imply a valid existing right to mine, nor do they even ensure a lease. These "management problems" are, therefore, not valid reasons to deny Wilderness status to the Ah-shi-sle-pah WSA; and, in fact, the Wilderness Environmental Impact Statement for these areas found that no potential management problems exist for the Ah-shi-sle-pah.

The third reason the BLM gives is, likewise, not valid. BLM's analysis of the coal value in Ah-shi-sle-pah, upon which this reason is based, assumes that coal between 200 and 400 feet below the surface will be strip mined. As even the MFP Update admits, however, coal below approximately 200 feet cannot be economically recovered by current surface mining techniques--and given the abundance of coal in the western United States that exists in thicker seams, is nearer the surface, and is of higher quality, it is doubtful that such deep surface mining in the Ah-shi-sle-pah WSA will ever become economical. If one does not make the BLM's dubious assumption, the estimate of recoverable coal in Ah-shi-sle-pah (119 million tons) is only slightly higher than that for the Bisti WSA (94 million tons) and much less than that for the De-na-zin WSA (200 million tons); thus the coal value argument cannot be legitimately used to deny Wilderness status to Ah-shi-sle-pah alone.

The BLM has also used faulty reasoning in reaching its land use decision regarding the Fossil Forest. The paleontological staff at the BLM Albuquerque District Office recommended that, in light of the known scientific values of the Fossil Forest, at least part of this

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area should be intensively managed and established as an Area of Critical Environmental Concern. The BLM ignored its own scientists and instead decided to lease the Fossil Forest with the stipulation that no mining or related activities would be allowed until the BLM or other agencies or institutions have completed studies of the resources in the area, or until 1991, whichever comes first. At the same time, however, budget cuts in the BLM's paleontological research program for the Fossil Forest virtually assure that these studies will not be completed before mining begins. The BLM based its decision on an informal survey of selected members of the paleontological community about the value of the Fossil Forest. In its MFP Update, the BLM states that "...the Fossil Forest has not been identified by the paleontological community as needing preservation." A review of BLM records, however, showed us that several of the respondants to the survey, primarily paleontologists who have actually done excavation work in the Fossil Forest, believed that the Fossil Forest should indeed be preserved for scientific study, a position consistent with the BLM's own paleontological staff. Yet the MFP Update does not mention this survey result. In short, the BLM decided from the outset that the Fossil Forest would be mined and then set out to construct reasons, however erroneous, to support that decision. This approach, incidently, was used by the BLM throughout its land use planning process in the San Juan Basin. It is clear to those of us who have followed the process closely over the past several years and provided input at every possible point that the BLM simply went through the motions of conducting land use planning based on careful study. In most cases, adequate studies were not performed, and even in those areas where they were, the management decisions generally were not consistent with the studies' conclusions.

In summary, we enthusiastically support H. R. 3766. We feel it provides urgently needed protection to some highly important and unique scenic, wilderness, recreation, and scientific resources which are currently not adequately represented in the National Wilderness Preservation System. Our Interior Department is currently proposing energy development that would change the landscape, the environment, and the social fabric of the San Juan Basin forever. In the name of balance, if nothing else, these four areas at least should be spared from the draglines and preserved for the future.

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TESTIMONY OF JONATHAN M. TEAGUE ON BEHALF OF THE WILDERNESS SOCIETY AND THE SOUTHWEST REGIONAL OFFICE OF THE SIERRA CLUB, BEFORE THE PUBLIC LANDS AND NATIONAL PARKS SUBCOMMITTEE, ON THE SAN JUAN BASIN WILDERNESS ACT OF 1983, OCTOBER 21, 1983

Good morning, Mr. Chairman and members of the Subcommittee. My name is Jonathan M. Teague. I am a member of the San Juan Basin Task Force of the Rio Grande Chapter of the Sierra Club and a member of the Wilderness Society. I would like to thank you for the opportunity to appear before you today and testify on behalf of HR3766, the San Juan Wilderness Protection Act of 1983. We in the Sierra Club and the Wilderness Society applaud Representative Bill Richardson for his leadership in seeking legislation to preserve the wilderness areas included in this bill.

As you know, this legislation would designate the Bisti, De-Na-Zin, and Ah-Shi-Sle-Pah Wilderness Study Areas as wilderness (with somewhat expanded boundaries) and the Fossil Forest as a scientific study area withdrawn from mining uses. I and many other people have been engaged for several years in an effort to see that the lands encompassed by this bill are protected for their wilderness, scenic, scientific and educational values. I would like to present to you the reasons why we think that these areas merit protection variously as scientific study areas and components of the National Wilderness Preservation System. Lesser degrees of administrative protection are unlikely to conserve the natural values of these lands. Whatever other resource values might be that would be foregone by wilderness designation or withdrawal are quite secondary when compared to to the unique

natural assets of these areas and the total resource base of the San Juan basin.

Qualifications of the Three WSA's for Wilderness

The wilderness values possessed by these lands (with the exception of the Fossil Forest) are outstanding. Based upon my own experience of all three of the WSA's, they fully meet all four of the criteria of Section 2(c) of the Wilderness Act. All three areas appear to have been affected almost exclusively by the forces of nature, "with the imprint of man's work substantially unnoticeable." These WSA's in fact are a pure demonstration of the geomorphological actions of nature over time in shaping the exotic and spectacular badlands landforms which comprise most of their area.

These WSA's each afford the opportunity for primitive and unconfined recreation in abundance. Due to the enclosed views provided by the larger topography of the areas and to the highly dissected nature of the terrain, these areas despite their comparatively small size are "big enough" for many people to "get lost in." Once can easily remove oneself in the space of a few hundred yards or so from the traces of civilization and be transported to the distant past represented by the outcropping fossils and petrified wood. Infinite opportunities for photography, hiking, meditation, and scientific study exist in each of these WSA's.

The foregoing statements apply equally to the Bisti WSA, despite its comparatively small size of appriximately 4000 acres. Its boundaries are compact and the area as a whole is situated in a basin, affording enclosed views and restricting lines of sight outside the area. The other two areas, Le-Ma-Zin and Ah-Shi-Sle-Pah, are well above the recommended minimum size for a wilderness area; moreover, they also have predominant view lines directed

away from prospective coal lands nearby. All three WSA's are quite manageable in the form and extents originally envisioned by the BLM in its Wilderness Inventories (BLM 1979, 1982) and this situation would be much enhanced by the slightly expanded boundaries and state-federal land exchanges proposed in this bill. The last main criterion for wilderness, the possession of scenic, scientific, historical or educational values, is met overwhelmingly by the three WSA's and the Fossil Forest, as elaborated below.

Scientific Values

One of the most outstanding qualifications which all four areas possess that merits them for preservation is their paleontological resources. The badlands within and around the four areas in this bill are erosional features on the outcropping Kirtland-Fruitland formation. This formation and the Ojo Alamo and Nacimiento formations above it mark the geological dividing line between the age of dinosaurs and the age of mammals. As the BLM itself has stated, the Kirtland-Fruitland formation "contains an unparalleled record of one of the most important episodes in history, the abrupt change from domination by dinosaurs to domination by mammals"(BLM Coal 1982, p.3-59).

Some twenty new taxa of early mammalian species have been identified from localities in these areas; the Fossil Forest is particularly rich, containing an assemblage of fossils found in only three other places in the world. The fossil remains range in scale from very large dinosaur skeletons to mammalian microfossils that readily escape detection by the naked eye. They are often found in close association with the remains of their ancient habitats, thereby allowing the study of paleo-ecological relationships. The Fossil Forest again in particular exemplifies such fossil associations. It earns its name from the presence of hundreds of late Cretaceous tree

stumps and logs, which were fossilized in situ on the forest floor where they grew and were buried some 65 million years ago.

Throughout the badlands proper, fossil logs continue to weather out, with occasional bone scatters and whole assemblages appearing after the intermittant but sudden storms. These areas are like outdoor museums, in which the exhibits are gradually but constantly changing as the dynamic process of badlands formation continues.

Scenic Values

The scenic qualities of these four areas are high and reflect a great deal of diversity among them within the typical badlands topography of the Bisti locale. Highly stratified and colorful beds of sandstone, shales and clays, coal and vitreous clinker formed by the in situ combustion of the coal beds become especially vivid at sunrise and sunset. The masses and silhouettes of clay mounds and sandstone columns offer an ever-changing display as one walks through the areas, with a great variety of scale to deceive the eye. Large outdoor "amphitheatres" and colonades are found in all three of the WSA's. They rival or excel in their scenic quality other badlands in the Southwest such as the Painted Desert.

Yet the areas each have unique characters. Aeolian sand deposits in Ah-Shi-Sle-Pah offer habitat for climax desert grasslands. De-Na-Zin has pinon-juniper woodland in its red Ojo Alamo sandstone areas. Bisti is favored with expanses of white sandstone caprock and polychrome clay hills. All three areas are recongnizably part of the "Bisti" (a Navajo word roughly translated as "badlands"), but each one varies subtly from the others.

A number of scenic badlands are found in the San Juan Basin, all of varying size and naturalness and lying on and off of the Navajo Reservation.

Few of these other areas possess the integrity, purity, and extent of the four areas to be protected by this bill. The three WSA's and the Fossil Forest are themselves part of a larger expanse of some 70,000 acres of contiguous badlands with checkerboard surface ownership. No other parcels of federal land offers the wilderness values, scenic qualities and scientific interest of these four areas. No other areas in the San Juan Basin have the potential for preservation and ease of management of these three WSA's.

Existing Uses and Non-Navajo Impacts

The present non-Indian uses of these lands are primarily recreational, including photography, hiking, backpacking, horseback riding, and sightseeing. Although some locations outside the proposed boundaries show signs of oil field activity and dumping, the areas themselves are virtually pristine. The signs of recent drilling for minerals can still be discerned in a few places, but these traces are small in extent and are fast weathering into oblivion. The tire tracks left by the passage of the few vehicles which have driven in the areas (such as those of BLM trucks during the September 23, 1983 press conference for Secretary James Watt in the Bisti WSA) are ephemeral on the indurated sedimentary periments where the passage of vehicles is most feasible. In the washes where most of the vehicle routes occur the tracks are obliterated after each storm.

Few ways for vehicles exist in the areas, which have been closed as roadless areas to off-road vehicle use. The areas have also been closed to the collecting of fossils and petrified wood. There are no maintained roads in any of these areas.

Existing Navajo Uses of Areas in the Bill

Nearly all of the four areas are under lease or allotted for grazing as are the surrounding federal lands. However, due to the typically extremely sparse vegetation on the badlands themselves, little or no grazing occurs there. Virtually no grazing improvements exist on the WSA's that are apparent to the casual visitor; those that are present are of a minimal nature (BLM WSA 1979). I have seen livestock within these areas only on one occasion and only a few sign of their presence in more than a dozen visits to the WSA's and the Fossil Forest.

On October 8-9, 1983 Alison Monroe (Southwest Research and Information Center), Maggie Fox (Southwest Regional Representative, Sierra Club), Leonard Tsosie (Crownpoint office, DNA People's Legal Services; serving as interpreter) and I visited the De-Na-Zin area to confirm the locations of and, if possible, interview the Indian land holders. We spoke briefly with three families and tried to find out what and where local uses of the WSA area were. There are ten Navajo Indian Allotments within or embraced by the De-Na-Zin WSA, totaling some two and one quarter sections, either on the southern boundary or located contiguously in the northeastern part of the WSA.

On the allotments themselves grazing improvements seem limited to fences, corrals and two moderately developed freshwater springs. The allottees with whom we spoke stated that they use the areas on their allotments and around them for the gathering of medicinal and ceremonial plants, sometimes driving over a route to the escarpment on the north side of De-Na-Zin wash to collect them. One family follows a route to the west-northwest from the allotments to a wood gathering area east of the proposed wilderness. Three families were identified as obtaining water for domestic use and livestock from the springs on the allotments, usually on a seasonal basis when

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not available at other local sources.

Even the human impacts on the Indian allotted lands are minimal and are limited to discrete sites that include houses, hogans, corrals, and out-buildings, most of which were not maintained. The BLM identified a 40 acre "illegal occupancy" on Section 7, T24N R11W comprised of a dwelling and associated development, but we were unable to locate it or to identify the site (BLM WSA 1982). In any event, this parcel is contiguous with the present allotted lands and is scheduled to be exchanged as part of the BLM-Navajo El Malpais Land Exchange. Traditional Navajo land users occupy lands bordering all three WSA's.

Reclamation Infeasibility and the Unsuitability of These Areas for Coal Mining

The scenic resources of the proposed wilderness and study area lands would be utterly obliterated by mining activities. Surface mining would homogenize all formations and banded strata, fossils and archeological materials as overburden. Even under the diligent application of reclamation plans the recreational and principal scientific values would be irretrievably lost.

The state of New Mexico has initiated a paleontological salvage program for surface mining on its lands. We commend the state for taking the first step in beginning this program, acknowledging as it does at least the value of the information in the fossil record. However, the program is voluntary only; even if it were mandatory, however, it would be of limited effectiveness in the recovery of large fossil assemblages and virtually worthless in terms of data recovery from the even more crucial micro-fossil assemblages (such as small specimens and plant materials). In paleontology as in archeology, context is crucial. Destroying the stratigraphic sequence of the fossil record

eliminates most of its utility for research purposes. Although a salvage program is highly desirable for lands which are going to be surface-mined or otherwise disturbed, it is in no way a substitute for preserving study areas intact for careful, longterm research. As our understanding of the fossil record deepens, so will the questions which we pose to the remaining available physical evidence. And an increasingly sophisticated comprehension of the ancient past of life -- especially of such events as the massive species extinction that occurred with the end of the Mesozoic Era -- can only improve our understanding of the future of life.

Beyond the loss of the scientific, scenic, cultural and wilderness resources, however, the ultimate reclamation of surface-mined badlands in New Mexico is yet in doubt. No demonstration of such reclamation to any beneficial use exists, and no "reclaimed" areas in badlands (or elsewhere in northwest New Mexico) have been released from bond, despite the presence for decades of active stripmines in the four-corners region of the state. There are grave doubts about the ability to establish a stable vegetative cover on mined lands in the arid San Juan Basin. Moreover, there are doubts about the ultimate stability of any cover that might become established in former badlands on the regraded spoils because of hydrological instabilities created in the watersheds, which could lead to massive erosion and headcutting of gullies in reclaimed areas (Curry 1982; see also Wells 1982 for a discussion of the surficial geology of badlands).

In areas such as De-Na-Zin, where underground mining has been proposed by the BLM, no study has been done on the likelihood or environmental consequences to surface values of subsidence after mining. In any underground mine some subsidence is inevitable and the resulting surface disturbance can be profound (USGS 1983). Moreover, in proposing underground mining for the

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De-Na-Zin WSA (BLM WSA 1982, BLM Coal 1982) the BLM has not addressed mine safety or accident problems such as coal seam fires which could necessitate the stripping of the surface in order to extinguish them.

Inadequacies of Present Management

Despite express provisions in the law for declaring WSA's and paleontological study areas unsuitable for surface mining, the BLM has persisted in carrying forward extremely sensitive and valuable areas such as the Fossil Forest and Ah-Shi-Sle-Pah for coal leasing. This reluctance on the part of the managing agency to apply unsuitability criteria to these areas reflects their past decision to lease the lands for coal. In the case of PRLA's filed on the Ah-Shi-Sle-Pah WSA, the BLM has instructed Arch Minerals to prepare contingent final showings of commercial qunatities on their applications in this WSA. There is no allowance for this creative and unduly partial agency interpretation of the Surface Mining Control and Reclamation Act. This bias is reflected also in the BLM's unsupported and unreasonable recommendation of nonsuitability for wilderness for this WSA in the San Juan-Chaco Management Framework Plan, after a clear analysis of the outstanding values of this area. Similar criticism is in order for the decision in the MFP on the Fossil Forest; BLM's own analysis fails to justify the decisions reached.

In the same planning document, BLM recommended the designation of a Bisti-De-Na-Zin Area of Critical Environmental Concern (ACEC). Despite the statement in the applicable regulations that approval of an MFP by the state BLM director constitutes designation of the ACECs recommended therein, BLM today denies that a Bisti-De-Na-Zin ACEC has been designated; it has not prepared the management plan for an ACEC which the regulations mandate upon

designation. Consequently, no measures have been taken out of the ordinary to protect the recognized extraordinary wilderness, scenic and scientific values that the ACEC area contains.

Mineral Areas in the Protected Areas

There do not appear to be any strategic minerals in the four areas proposed for protection under this act. Mineral resources are limited to low grade coal and marginal quantities of oil and gas. There are no known geological structures (KGS) within the Bisti WSA; Ah-Shi-Sle-Pah has low potential productivity of oil and gas and development of this resource is not expected (BLM WSA 1982). Although there is one small KGS within the De-Na-Zin area, the BLM estimates that oil potential is marginal and potential for gas is speculative. The last pre-FLPMA oil and gas lease is slated to expire in 1986, and little or no exploratory drilling is being contemplated. (BLM WSA 1982).

The coal underlying these areas constitutes less than 2 percent of the recoverable coal resource on federal lands in the San Juan Basin. This figure ignores coal on Indian and state as well as private lands, much of which is ready for production or under a mine plan but which is undeveloped due to the nonexistence of a market. The additional lack of transportation facilities to the Bisti coal region renders this coal even more noncompetitive. Compared to the surface resources contained within these limited areas and in light of the wealth of mineable coal elsewhere, it is only reasonable to set these areas aside for their superlative scenic, scientific, and other natural values so that future generations can enjoy them.

Thank you Mr. Chairman and members of the Subcommittee for this opportunity to speak before you; I will be happy to answer any questions.

USAV-00004123

THE RIO GRANDE CHAPTER OF THE SIERRA CLUB

SUPPLEMENTAL TESTIMONY OF JONATHAN M. TEAGUE ON BEHALF OF THE WILDERNESS SOCIETY AND THE SOUTHWEST REGIONAL OFFICE OF THE SIERRA CLUB, BEFORE THE PUBLIC LANDS AND NATIONAL PARKS SUBCOMMITTEE, ON THE SAN JUAN WILDERNESS PROTECTION ACT OF 1983, NOVEMBER 9, 1983.

Mr. Chairman and members of the Subcommittee. I would like to take this opportunity to supplement my testimony before you on October 21, 1983. I will elaborate on some points and offer a response to statements made by Mr. J. Steven Griles of the U.S. Department of Interior.

Wilderness Study Schedule and the Availability of Data on Mineralization

I would like to observe that all three of the BLM Wilderness Study Areas included in this bill, H.R. 3766, were originally placed by the Carter Administration on an accelerated study schedule so as to expeditiously place before Congress the question of whether or not they should be wilderness. The present Administration has by its practice endorsed such accelerated study of wilderness areas in setting a 1984 deadline for review of all of the rest of New Mexico's WSA's. This is despite the fact that the Federal Land Policy and Management Act mandates a 1991 deadline. Given the fact that a major coal lease sale was scheduled for 1984, as was the processing of the Preference Right Lease Applications for the San Juan Basin, it is timely that Congress consider the wilderness question now. The issue of the complexity of land status in the San Juan Basin is likewise inconsistently raised as an objection by the Administration, since this complexity has not deterred the pace and planning of coal development. Moreover, the present bill has well addressed any issues of diversity of land status in its provisions for exchange or exclusion of non-federal lands,

In regard to the question of needed information on mineral resources, the only question concerns the quantity and quality of coal. However, the area for which this issue has been raised is the Ah-Shi-Sle-Pah WSA, which is blanketed by existing PRLA's. For these applications to be valid, the PRLA holders had to submit to the Department of Interior (specifically now the BLM, formerly the Minerals Management Service and before that the Geological Survey) data on the extent and quality of the coal resource as part of their intial showings of commercial quantities. These initial showings were filed at least two years ago; they have not been made available to the general public because of the asserted proprietary nature of the geological data. Nevertheless, the BLM has had access to this data.

In addition, it was stated at a meeting of the Regional Coal Team (12-2-81) for the San Juan River Coal Region in 1981 that no funding was then available or likely to be made available for any federal drilling program to assess the coal resource for coal lease tract delineation. Instead, private drilling efforts were to be relied upon to supplement whatever existing federal coal data was available, and this private, proprietary information was solicited at that meeting. Accordingly, it is meretricious to state that Congressional consideration of wilderness in the San Juan Basin should be delayed until further data is accumulated and studies completed, when apparently no new data-gathering efforts are being undertaken by the Department of Interior on its own.

The Demand for New Mexico Coal and Electricity

Independent studies of electrical demand forecasts clearly show that there is no demand either in state or regionally for electricity that would be generated from the proposed New Mexico Generating Station to be located just south of the Bisti WSA. Accordingly, there is no demand for coal for this use, on the part of the public.

In addition, the State of New Mexico's Energy Research and Development Institute commissioned a detailed report entitled The New Mexico Coal Market Study, published in January 1983, which showed little or no demand for new sources of coal production from New Mexico in general and the San Juan Basin in particular. This study included as components An Economic Analysis of the Competitive Position of New Mexico Coal in Western Coal Markets, a Quantitive Assessment of Actual Transactions, and Prospective Buyers and Sellers' Overseas Customers.

There exists larger quantities of coal outside the WSA's and outside the general Bisti area as well. No one is building railroads to the Bisti area, whereas railroads are being constructed to the Lee Ranch tracts to the south, which are economically developable coal. Moreover, railroads are planned to the Burnham mine or other areas on the Navajo Reservation.

Present Management of the Proposed Areas

The BLM has proposed no permanent protection for the Fossil Forest. Instead, it was recommended that a ten year delay be observed in leasing coal under the Fossil Forest area, to allow for paleontological research. However, no funding was recommended for such research, nor has any been forthcoming. Thus, the MFP recommendation is a hollow gesture and constitutes no protection at all.

Land Status Questions and Native American Uses

The bill as written already provides for exchange at the sole discretion of the land holder or allottee of Indian Alloted lands for lands outside the proposed wilderness areas; this is an issue only in the De-Na-Zin WSA. The State Land Office of New Mexico has stated its willingness to exchange state surface rights for similar surface rights elsewhere; no state mineral rights to coal are involved.

As proponents of this legislation, it is our express concern that no existing uses of the proposed wilderness lands by Native Americans be displaced and that Indian Allottees be allowed unhindered use of their lands if they choose not to exchange them. Existing Native American uses should be protected as valid existing rights. Although it is our feeling that the Wilderness Act and other applicable laws provide for this, we would encourage the Subcommittee to address this question specifically in the language of the Committee Report and to recommend specific language to this effect if necessary.

Thank you for this opportunity to supplement my testimony before the Subcommittee.

USAV-00004127

Supplemental Statement on H. R. 3766 , 98th Cong., 1st Session
"San Juan Basin Wilderness Protection Act"

by Alison Monroe, S. R. I. C
November 28, 1983

As was stated at the hearing of October 21, Southwest Research and Information Center supports H. R. 3766 with the understanding that it allows existing Native American land uses, rights, and occupancies to continue. We believe that H. R. 3766 does protect these uses, rights and occupancies as is, based on the attached memo by Don Juneau, although language could be added to the bill to make this even clearer. This supplemental statement gives a little more background on what we know of these uses and on the special considerations involved in protecting wilderness in an area historically used by Native Americans.

I. Uses of the land in the four areas covered by the bill.

a. All wilderness areas.

As noted in the BLM's environmental impact statement on the three areas, all the areas have ways and trails (vehicle tracks) in them as well as grazing improvements such as tanks and fences (Bureau of Land Management, Draft Environmental Impact Statement: Bisti, De-Na-Zin, Ah-Shi-Sle-Pah proposed wilderness areas). These "ways" are for the most part extremely faint and impassable. All wilderness areas contain grazing leases on BLM land held by Navajos. Most or all of these leases are administered by BIA through the BLM/BIA Cooperative Agreement of September 15, 1978. People are allowed to build temporary dwellings (tents, hogans, and trailers) on grazing leases in the public domain; as mentioned in the attached memorandum by Don Juneau, it is traditional for people to move to temporary dwellings seasonally. Although BLM believes that there are no uncounted people living on federal lands in the three areas, the existence of dwellings on these lands cannot be ruled out because of the practical problems of making an intensive on-the-ground survey, and because people may use temporary seasonal dwellings on their grazing leases.

In sum, it is possible that people use ways and trails to drive to grazing improvements, dwellings, and sacred plants or sacred areas. As shown below we have no information on specifics of any such driving except for De-Na-Zin.

b. De-Na-Zin

De-Na-Zin contains eight Indian allotments totally surrounded by proposed wilderness, and two allotments on the southeastern edge partly surrounded by proposed wilderness. These are shown on the enclosed map drawn by Frank Sandoval of Huerfano Chapter on BLM base map "De-Na-Zin". Furthermore, there are two quarter sections affected by the Navajo Land Exchange, one of which is within De Na Zin and one of which may be partially included in De-Na-Zin. These are T. 24 N, R. 12 W, section 7, SE 1/4 and T. 25 N, R. 11 W, section 34, NW 1/4. Attached is a Federal Register notice 47 FR 56409) describing the

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exchange, which was set up by P. L. 97-287. When this exchange is complete, as may happen in the next few months, the quarter sections will be held in trust for the Navajo Tribe. They should be deleted from the lands affected by the bill.

Some of the allotments as well as one of the Navajo Land Exchange quarter sections are definitely occupied. BLM estimated in the EIS that 25 people live in such areas within De-Na-Zin. We know of at least two people that live full time in sections 7 and 8 of 24 N 12 W, and at least two more that live there part time.

Two of the "ways" into De-Na-Zin are definitely used, for access into the allotments and inholdings in sections 7 and 8 and for water hauling from the springs there to a residence north of De-Na-Zin. Provision ought to be made for continuing this use. The "ways" involved are ways no. 13 and 16 on map H attached.

Note that many of the allotments have multiple owners; according to the Bureau of Indian Affairs one of them has 46 heirs. So the number of people that could be affected by a change in the management of areas surrounding their allotments is considerably greater than the number of people that live on the allotments.

There are approximately 13 Navajo-held grazing leases in northern De-Na-Zin. There may be people living in temporary dwellings on grazing leases there. The remainder of the area is leased to the Paragon Ranch, an non-Indian operation owned by a subsidiary of the New Mexico utility company Public Service Company of New Mexico.

The people living in Section 7 collect sacred herbs in an area south of there that may be in sections 17 and 18. They drive a short distance into those sections and then park and walk.

c. Bisti

There are four grazing leases in Bisti. There may be a temporary dwelling in the SE corner of T. 23 N R 12 W section 3. Other temporary dwellings have been reported in the vicinity of Section 9 but we believe they are outside the wilderness study areas. Enclosed is a map showing grazing leases.

d. Ah-shi-sle-pah

There are approximately four grazing leases and one temporary dwelling in Ah-Shi-Sle-Pah, according to Frank Sandoval.

e. Fossil Forest

The Fossil Forest is entirely included in the Paragon Ranch grazing area. We have no information on Indian land uses there. There are two Indian allotments immediately north of the Fossil Forest.

II. Considerations for wilderness management in the Checkerboard area.

The present outcome of a long history of changes in land status is that the San Juan Basin has a largely checkerboarded land pattern with intermixed BLM, tribal, Indian withdrawal, Indian allotted, and other surface. We think that wilderness designation of public lands--BLM and state lands--is entirely appropriate for the three areas which would be made wilderness by HR 3766. In part this is due to the apparent lack of administrative means that BLM and the state are willing and able to use to preserve the areas in their natural state[1].

However, we do not feel it is appropriate for Congress to pass laws setting aside wilderness areas or other environmental management zones in Indian owned areas. In addition, we believe most environmentalists in New Mexico have come to the conclusion that it is not practical or desirable to intervene in tribal decisions as to which Indian-owned lands should be set aside for recreation, preservation or development. Such decisions should be made by Indians, not by the environmental/political process.

Furthermore, SRIC feels that if the San Juan Basin lands involved in the bill happen to come under tribal jurisdiction as the result of ongoing legal questions, the lands will then be subject to the tribal decisionmaking process as to whether they will be developed or preserved. One such obvious legal question, the proposed transfer of Paragon ranch lands to the Navajo tribe as a result of PL 95-531 and P. L. 96-305, appears to be resolved through Section 5(b) as amended Nov. 17. The other obvious legal question is the ongoing lawsuit over the existence of the reservation created by Executive order 709 , which if found to be valid would embrace Ah-Shi-Sle-Pah, Fossil Forest, and part of Bisti.

In addition to questions of tribal jurisdiction, there is the separate issue of the rights of Indian allottees and Indian users of public lands. These people's rights are protected by existing case law and regulations, as shown in Juneau's attached memorandum, but in practice their rights are not well protected by any existing agency or political entity, due to language problems, jurisdictional overlap, cultural differences, and physical isolation. One example of this is BLM's coal leasing program for the San Juan Basin, which proposes to relocate people from lands they use and in many cases own, and in other ways appears to propose to deprive them of their use of the land without appropriate consultation and compensation. SRIC and New Mexico environmental groups have opposed the coal leasing program on several grounds including the fact that it infringes on the rights of existing residents. We support the wilderness proposal with the understanding that it does not infringe on such rights.

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1. BLM has failed to even designate "Areas of Critical Environmental Concern" in Ah-Shi-Sle-Pah and the Fossil Forest. A BLM land use plan did designate an Area of Critical Environmental Concern in the Bisti-De-Na-Zin area, but BLM has since stated that this was not a final designation, and has not given the Bisti-De-Na-Zin ACEC concrete and meaningful protection in lease stipulations for underground and surface coal mining.

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III. Recommendations

Although we believe the bill as written allows existing uses, occupancies, and access to continue, the bill could be amended to explicitly state this[2]

In any case, the committee report should clarify the impact of the bill by explicitly stating its impact of the bill on the following:

(a)allottees' title to their allotments;

(b)access to inhabited and uninhabited allotments, especially by the routes in De Na Zin labeled 13 and 16 on the attached map "H";

(c)access to water sources;

(d)allottees' rights to develop surface and minerals on their allotments;

(e)grazing permittees' rights to maintain improvements including dwellings;

(f)access to gathering points for sacred herbs and other sacred areas.

Finally, as stated above, areas in De-Na-Zin affected by the Navajo Land Exchange, P. L. 97-287, should be removed from the areas designated by the bill.

Thank you again for allowing us to testify at the Subcommittee hearing and for your consideration of these suggestions.

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2. The following language could be added to the salvo clause in section 2b: subject to valid existing rights of Indian occupants, allottees, and homesteaders, including seasonal subsistence and aboriginal use and occupancy, in the proposed Wilderness Areas; Provided that within the Areas, current levels of motorized and other uses and improvements shall be permitted to continue subject to such reasonable rules and regulations as the Secretary of the Interior shall prescribe, after consultation with local residents, Navajo chapters, and the Navajo Tribe.

[ATTACHMENT A]

Analysis of "San Juan Basin Wilderness Protection Act"

H. R. 3766 and S. R. 1740, 98th Cong., 1st Session

By Donald Juneau, Esq.
P. O. Box 40536
Albuquerque, NM 87196

for Southwest Research and Information Center
November 21, 1983

This memorandum discusses the extent to which existing uses and occupancies by Native Americans in the areas to be designated wilderness by H. R. 3766 may be allowed to continue after the passage of H. R. 3766.

Section 2 of the bill designates three areas as part of the National Wilderness Preservation System, under the Wilderness Act of 1964, as amended, 16 U. S. C. 1131-1136:

(1) Bisti, 3,968 acres
(2) De-Na-Zin, 23,872 acres, and
(3) Ah-Shi-Sle-Pah, 7,193 acres.

These areas are to be administered by the Secretary of the Interior pursuant to the Wilderness Act.

Section 3 of the Act withdraws 2,720 acres of the Fossil Forest from disposition under mining and mineral-leasing laws.

Section 5(a) allows an Indian allottee or homesteader to exchange lands within the De-Na-Zin Wilderness Area for lands approximately equal in value. However, the exchange can only be effected at the instance of the allottee, and he or she is given the right of selection of the equivalent area.

The Wilderness Act itself defines wilderness as a place which retains its primeval character and influence without permanent human improvements or human habitation. 16 U. S. C. 1131(c). It forbids commercial enterprises, mechanized means of transport, or permanent roads. 16 U. S. C 1133(c). The Wilderness Act allows ingress and egress to private land-owners within a wilderness area, and also the right of ingress and egress to mining claimants "or other valid occupancies". 16 U. S. C. 1134(a), (b)[1]. As is shown in the discussion below, the salvo clauses in H. R. 3766 would cover the use of motor vehicles and

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1. The Attorney General has ruled that fragment (b) of 16 U. S. C. 1134 allows the government to deny access if there had not been a prior existing access-right, and that in such a case a land exchange must be offered as an indemnity. 43 Op. Atty. Gen. (June 23, 1980)

dwellings already in the proposed areas, but it would not hurt to insert an explicit provison in section 2(b) in the bill[2].

As originally enacted the Wilderness Act contemplated the inclusion of National Forests and National Parks and Monuments as Wilderness Areas. See 16 U. S. C. 1132(a), (c). There is no mention in the Act of a Wilderness Area which would be set up within an Indian Reservation, or on lands used and occupied by Indians.

The three proposed Wilderness Areas are wholly or partly within the boundaries of the extension to the Navajo Reservation effected by Executive Orders 709 and 744, promulgated on November 9, 1907 and January 24, 1908, respectively. See 3 C. Kappler, ed., Indian Affairs: Laws and Treaties 669 (1913). This area of approximately 1.9 million acres of land is presently involved in litigation, in which the Navajo Tribe claims that it is still part of its reservation. Navajo Tribe v. New Mexico., Civ. No. 82-1148 (D. N. M. filed October 6, 1982); see also Blatchford v. Winans, appeal docketed No. 83-5517 (October 17, 1983), now pending before the Supreme Court of the United States.

It is thus quite possible that the whole area will be decreed by a Court as part of the Navajo Reservation. Should this happen, Tribal consent would be required to designate any areas therein for special management. A mechanism for Tribal approval could be set up by a later bill. A precedent may be found in the statute which enlarged the area of Badlands National Monument in South Dakota; section 2(a) of this statute required the consent of the Oglala Sioux Tribe before any further acquisition of reservation lands by the Secretary of Interior. Act of August 8, 1968, Public Law 90-468, 82 Stat 663, 16 U. S. C. 441k.

Assuming that the status of the area is still predominantly public domain, the aboriginal use and occupancy rights of individual Navajos are protected by the salvo clauses in sections 2(b) and 3(a) of the bills . These provide that the withdrawals are made "subject to valid existing rights".

The protection of aboriginal use and occupancy has been an enunciated policy of the Department of Interior since at least 1884. In that year, the Commissioner of the General Land Office issued a Circular which ordered that the Registers and Receivers of the various land offices not accept filings and entries on lands occupied and cultivated by "non-reservation Indians...who are making efforts to support themselves by their own labor..." Circular, Indian Occupants, 3 L. D. 371 (1884). Three years later, the circular was re-issued with the emphasis that it applied "to every land district and to all lands occupied by Indian inhabitants in any part of the public land States and

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2. For example, Section 103(b) of the Act of December 19, 1980, Pub. L. 96-550, 94 Stat. 3224, contains a proviso that "current levels of motorized and other uses and improvements shall be continued subject to such reasonable rules and regulations as the Secretary of Agriculture shall prescribe," in six designated Wilderness areas.

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Territories of the United States", the officials being "enjoined and commanded to strictly obey and follow the instructions of the above circular and to permit no entries upon lands in the possession, occupation, and use of Indian inhabitants, or covered by their homes and improvements..." Circular, Land in the Possession of Indian Occupants, 6 L. D., 341, 342 (1887). This policy was subsequently followed by the Department. See Schumacher v. Washington, 33 L. D. 454, 456 (1905); Ma-gee-see v. Johnson, 30 L. D. 125 (1900): State of Wisconsin, 19 L. D. 518 (1894); Poisal v. Fitzgerald, 15 L. D. 19 (1982). The Supreme Court specifically endorsed these policies, and enforced them, in United States v. Santa Fe Pacific R. R., 314 U. S. 339, 345 (1941), and Cramer v. United States, 261 U. S. 219, 227-229 (1923). Cramer was concerned with Indians who did not live on a reservation, but used and occupied public domain lands; their aboriginal possession was to be protected because it "flows from a settled governmental policy". 261 U. S. at 229 (1923).

The latest expression of this policy is 43 CFR 2091.5 (1982):

> Authorized officers will ascertain by any means in their power whether any public lands in their districts are occupied by Indians and the location of their improvements, and will suspend all applications made by others than the Indian occupants, upon lands in the possession of Indians who have made improvements of any value whatever thereon.

Aboriginal use and occupancy is, of course, not the same as cadastral ownership of land under Anglo-American law, but it was early recognized and defined in Mitchel v. United States, 9 Pet. 711, at 746 (1835):

> Indian possession or occupation was considered in reference to their habits or modes of life; their hunting grounds were as much in their actual possession as the cleared fields of the whites; and their rights to its exclusive enjoyment in their own way and for their own purposes were as much respected, until they abandoned them, made a cession to the government, or an authorized sale to individuals...

In the context of Navajo culture and lifestyle, this means a recognition of nomadic, seasonal nature of Navajo economic existence. Navajo extended families traditionally reside and are organized around a sheep herd, which is cared for by the various members of the extended family on a cooperative basis. They may also have cattle herds. See G. Witherspoon, Navajo Social Organization, 10 Handbook of North American Indians 524, 527-28, 530(1983). The families establish two residences, one for summer and one for winter (traditionally a ramada and a hogan, respectively) See C. Mindeleff, Navajo Houses, 17th Ann. Rept. Bur. Am. Ethnol., 1895-96, Part 2 487, 514-17, and plate LXXVI (1898). Herds are traditionally seasonally moved from one's parents' use-area to one's spouse's use-area. See generally D. Aberle, The Peyote Religion among the Navajo 52-90 (2nd ed. 1967). Navajo religious beliefs also ordain that the land, and the plants and animals living on it, are not to be interfered with or wantonly destroyed. See G. Reichard, Navajo Religion 22, 144 (1950); J. Downs, Animal Husbandry in Navajo Society and Culture, 1 U. Cal. Pub. Anthrop. 92-93 (1964).

The fact that the Navajo people are nomadic herders, and that their seasonal

migrations are an essential feature of their culture, makes this behavioral aspect a component of the aboriginal use and occupancy protected by law. These are the valid existing rights recognized and guaranteed by the salvo clauses. These rights include the right of ingress and egress into the proposed wilderness areas, the right to establish and maintain seasonal extended family residences, and the right of access to and use of ground water resouces for their households and herds. To an extent, the grazing rights salvo in section 2(d) of the bills recognizes this pastoral life-style, but the salvo clauses in fragment (b) of the same section without question cover the situation.

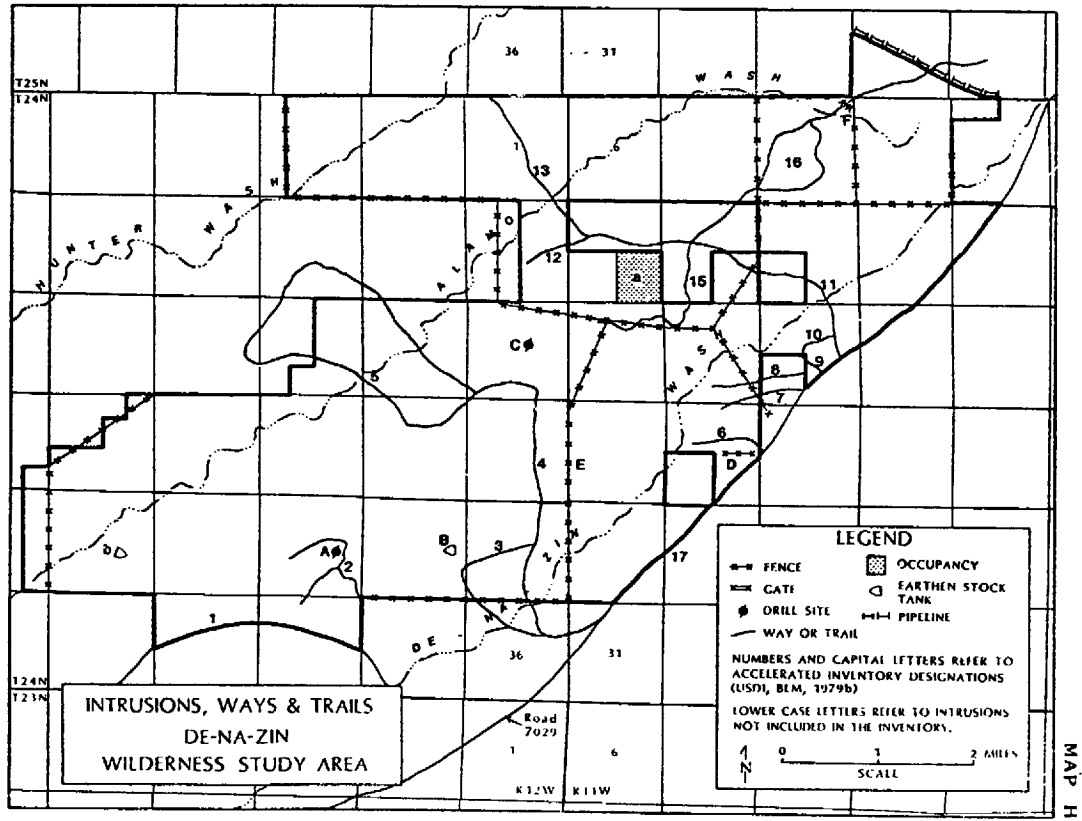
The fact that much of the area to be included in the three proposed Wilderness areas and the Fossil Forest is public domain land does not mean that the lands concerned lose their legal identity as Indian country. Public domain lands intermixed with Indian allotments are deemed to be an Indian Reservation, Mattz v. Arnett, 412 U. S. 481, 505 (1973). Moreover, aboriginal rights of occupancy, such as subsistence food-gathering and the nomadic life-style, may be validly exercised even off an Indian Reservation, on private fee or state lands. Menominee Tribe v. United States, 391 U. S. 404, 408-13 (1968).

Everything said above concerning aboriginal use and occupancy applies with equal if not greater force to allottees. An allotment is trust land with the beneficial owner an individual Indian, rather than an Indian tribe. As such, an allottee possesses the same "valid existing rights" as an individual Indian occupant. Indeed, allottees have all the rights that a fee owner would have, including water rights. United States v. Powers, 305 U. S. 527, 532-33 (1939). Moreover, the federal government, as the fiduciary guardian for the Indians, must protect occupancy rights of individual Indian allottees, and see to it that their traditional modes of land use are not impaired. See United States v. Mitchell, 77 L. Ed. 2d 580 (1983); United States v. Dana, 706 F. 2d 919 (9th Cir. 1983).

Although the salvo clauses are adequate on their face, it is always better to be explicit. Therefore, the following underlined language should be added to the salvoes:

> subject to valid existing rights of Indian occupants, allottees, and homesteaders, including seasonal subsistence and aboriginal use and occupancy, in the proposed Wilderness Areas; Provided that within the Areas, current levels of motorized and other uses and improvements shall be permitted to continue subject to such reasonable rules and regulations as the Secretary of the Interior shall prescribe, after consultation with local residents, Navajo chapters, and the Navajo Tribe.

[ATTACHMENT B]



MAP H

USAV-00004136

[ATTACHMENT C]

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
FARMINGTON RESOURCE AREA
P.O. BOX 568
FARMINGTON, NEW MEXICO 87499-0568

IN REPLY REFER TO:

OCT 17 1983

Ms. Allison Monroe
P.O. Box 4524
Southwest Research & Information Center
Albuquerque, New Mexico 87106

Dear Ms. Monroe:

This is in reference to your letter of September 23, 1983, requesting some information on the three proposed wilderness areas. In answer to your questions:

1. There are no known Navajo residences in these proposed wilderness areas on public lands, other than the tract identified for the Navajo Land Exchange in T. 24 N., R. 11 W., Section 7: SE1/4. There are Navajo homesites in the NW1/4 of Section 7, and W1/2 of Section 8 on Indian allotments. We do not have any information as to how many families reside there. There maybe other families living in the area that we are not aware of.

2. As far as we know there is no one else living on public land within the proposed wilderness area, but other Navajos do use a portion of these wilderness areas for grazing their livestock.

3. The residents on Indian allotments use the road No. 13 to and from their residences on the north side of the De-na-zin proposed wilderness area. There are other trails and roads leading to these residences from the east and south but are hardly used, because they are rough and at times washed out.

4. We did not receive any letters or inquiries from nearby residents concerning the proposed wilderness designation or any other information such as roads, water and wood hauling or coal digging, etc. and how it would affect them.

We hope we answered your questions and feel free to call our office if you have further questions.

Sincerely yours,

R. Bingham

Mat Millenbach
Asst Area Manager (Acting)

cc: Bob Muller, ADO

[ATTACHMENT D]

IN REPLY REFER TO
8500 (014)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
505 Marquette Avenue N.W., Suite 815
P. O. Box 6770
Albuquerque, New Mexico 87107

NOV 02 1983

Ms. Alison P. Monroe
Southwest Research & Information Center
P.O. Box 4524
Albuquerque, New Mexico 87106

Dear Ms. Monroe:

As a follow-up to our October 18th telephone conversation with you regarding your September 23, 1983 letter to Bob Muller on the Richardson-Bingaman bill, we will attempt to answer the questions you raised that were not covered in the October 17, 1983 Farmington Office reply (to your other letter). Answers are provided in the same sequence as your questions.

1. This question should have been satisfactorily answered by the October 17th Farmington reply.

2. The SE1/4 of Section 7, T. 24 N., R. 11 W., N.M.P.M. is included in the Exhibit "A" lands in the Navajo Land Exchange (NM-32341). The Exhibit "A" lands have not yet been conveyed to the Navajo Tribe. This is because the BLM has to review and approve the deeds and title insurance policy on the tracts that the Bureau expects to receive in the exchange before issuing patent on any public lands. As of the date this letter is written, we have not received any deeds or title policy from the Tribe.

3. Public Law 97-287, signed by the President on October 6, 1982, provided BLM with the authority to convey the lands included in the Navajo Exchange (NM-32341) in trust status. The exact wording in Section 2 of the Act states "Any interests in lands acquired by the Navajo Tribe under Section 1(a) shall be held by the Secretary of the Interior in trust for the benefit and use of the Navajo Tribe."

4. The land classifications you have described are correct with the exception of one additional land classification that exists within the Le-na-zin boundaries as shown on your map. These are the split-estate lands (BLM surface and State subsurface) consisting of approximately 855 acres located in Section 2, T. 24 N., R. 12 W., and Section 16, T. 24 N., R. 11 W., N.M.P.M. These lands were dropped from further consideration as wilderness by BLM as a result of the Secretary of the Interior's decision in December of 1982.

In reference to your statement on a section of 2198 lands within the Fossil Forest boundaries, as shown on your map, our records show no such withdrawal

within those boundaries. There are, however, 2198 lands located adjacent to the southern boundary, as identified on your map, of the area known as the Fossil Forest.

If we can be of any further assistance in this matter, do not hesitate to contact us again.

Sincerely yours,

L. Paul Applegate

L. Paul Applegate
District Manager

[Editor's Note.--An additional attachment from Alison Monroe, an excerpt from the Federal Register, December 16, 1982, "New Mexico Proposed Land Exchange Between Navajo Indian Nation and Bureau of Land Management", may be found in the committee's files of today's hearing.]

THE WILDERNESS SOCIETY

FOUNDED IN 1935

TESTIMONY OF MICHAEL D. SCOTT, SOUTHWEST REGIONAL DIRECTOR OF THE WILDERNESS SOCIETY, BEFORE THE PUBLIC LANDS AND NATIONAL PARKS SUBCOMMITTEE, ON THE SAN JUAN BASIN WILDERNESS ACT OF 1983, OCTOBER 16, 1983

Good morning Mr. Chairman. My name is Michael D. Scott. I am the Southwest Regional Director of The Wilderness Society. I am pleased to be here to testify on H.R. 3766, the San Juan Basin Wilderness Act of 1983.

Before proceeding with my testimony I would like to offer our sincere thanks to Representative Bill Richardson. His leadership in developing and introducing H.R. 3766 is a shining example of his sensitivity to the environment and his constituency. Representative Richardson is in the forefront in his recognition of the need to preserve portions of our public lands for wilderness. You can be sure we will be working closely with him on other important BLM areas in his district as well as across the country.

We are particularly pleased that the Navajo nation has expressed its support for these 3 areas as wilderness as well as scientific protection for the Fossil Forest. These areas are not only a wilderness heritage but contain many sacred areas.

The immediate need for a San Juan Basin Wilderness bill was precipitated last Christmas when actions taken by Secretary James Watt dropped many BLM WSA's around the country. One of those areas was the Bisti Badlands WSA. This area, included in the bill, holds a special place in the hearts of New Mexicans. As soon as Secretary Watt's actions were known in New Mexico, the

1901 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20006
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public domain [illegible] The [illegible] Mexicans and shared with Representative Richardson.

Three other areas, all closely linked, are covered in this legislation. The De-na-zin WSA is a roughly 23,000 acre area of outstanding badlands cut by deep revines and dotted with dinosaur skeletons.

Ah-shi-sle-pah, to the south of De-na-zin is a remote area of dry washes, fantastic slopes, and sparse vegetation. It's almost 7200 acres shares with the Bisti and De-na-zin the unique collection of badlands formations referred to as hoodoos.

These 3 areas together form a landscape unlike any other place on earth. So unlike, in fact, that the Apollo 7 astronauts trained there for their flight to the moon. NASA found the area to more closely resemble a moonscape than any other place in the country.

The final area covered in this legislation is the Fossil Forest. The area is aptly named. Its 3,000 acres are south of De-na-zin and east of Ah-shi-sle-pah. It is a literal thicket of fossil remains. According to paleontologists the fossils in the Fossil Forest portray the transition from reptiles to mammals. This transition is not represented in this major way elsewhere. Representative Richardson's legislation does not designate this area as wilderness, but wisely sets it aside as an area of scientific interest. The bill calls for it to be managed as a scientific resource.

All these areas are well worth preserving. They are a very small portion of the San Juan Basin, being the best of the best, having been culled from many others. Yet one of the most frequently heard reasons for opposition cites the "tremendous" resource conflicts in these areas. It is true that oil and gas leases exist in these WSA's and that Preference Right Lease Applications (PRLA) exist in 3 of the areas. Others today will address the issue of

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how much coal and oil and gas actually exists in these 4 areas and how little this is as compared with the available coal and oil and gas reserves in the San Juan Basin. I would like to address this resource issue from another prospective -- that of valid rights.

Valid rights is cited almost as frequently as the resource "lockup" argument as a reason for not designating these areas as wilderness. But when one takes a close look, the controversy, if there is one, evaporates.

Section 2(b) of the bill states, "Subject to valid existing rights each wilderness area...shall be administered by the Secretary...in accordance with the Wilderness Act..." The issue of what is a valid right and what is not is a complex one. In oil and gas leases, for example, the extent of a valid right depends of a reading of each individual lease. Leases issued after the passage of FLPMA in WSA's have a "wilderness stipulation" which essentially states the BLM may prohibit any activity which impairs the wilderness values of an area. Thus, a post FLPMA oil and gas lease within a WSA does not convey any development rights.

Leases issued prior to FLPMA have rights varying according to the individual lease. A recent D.C. Court of Appeals case (the Palisades decision) suggests that leases issued prior to FLPMA but after the passage of NEPA may be invalid if an EIS was not done prior to issue or a No Surface Occupancy (NSO) stipulation put on the lease. Section 2(b) will adequately protect such rights as exist.

Of the 4 areas in this legislation, H.R. 3766 withdraws the Fossil Forest from leasing and appropriation under the mining law of 1872. Another, the Bisti, has 3 small oil and gas leases of minor consequence. De-na-zin has several pre and post FLPMA oil and gas leases and some PRLA's on its southern

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[illegible]

several sections of PRLA's.

De-na-zin has one small producing oil well on its southwest edge. The well produces 3 barrels of oil per day which is stored in a small tank. Every couple of weeks the owner, Mr. Dugan, collects the accumulated oil via a [illegible] way. The well was drilled earlier this year and by all accounts probably won't last long. In any event Section 2(b) protects Mr. Dugan's rights.

There are many in industry who maintain that holders of PRLA's have an absolute right to a lease. We do not agree. NRDC v. Berklund concluded that among the options available to the Secretary in determining whether or not to issue a coal lease is the option to withdraw an area from leasing and thus deny the PRLA. This legislation (Section 3(a)) withdraws the Fossil Forest because of its preeminent surface values even though Fossil Forest is underlain by PRLA's. We recommend that this withdrawal be broadened to encompass the Bisti, De-na-zin and Ah-shi-sle-pah areas as well. This withdrawal would be subject to valid rights and thus rights already granted would not be affected. The withdrawal would insure that upon designation as wilderness no new rights could be established and thus Congress would have the certainty of knowing that wilderness values in these areas would be protected.

The valid rights question extends to one other arena, that of Indian allotees living on Indian allotment land within De-na-zin. While we can not be certain, we believe very few people, possibly only 2 or 3, live within the De-na-zin year round. Several families graze sheep in the area and live there seasonally. Again, Section 2(a) gives these allotees the rights of historical access and use they have enjoyed and preserves their way of life. We would recommend that the Committee address these uses in greater detail in its

committee report, setting out its intent that this legislation protects allotees rights.

Portions of De-na-zin, Ah-shi-sle-pah and Fossil Forest are affected by the Navajo Hopi Resettlement Act. Because some of these lands may eventually be transferred to the Navajo nation we recommend that the Committee add a provision to the bill authorizing the Secretary to pursue a land exchange if these lands are transferred to the Navajo.

Mr. Chairman, H.R. 3766 contains areas worthy of inclusion in the National Wilderness Preservation System. Rights that have been granted are protected by the bill. We can achieve greater certainty of protecting these areas values by extending the withdrawal provisions of 3(a) to all 4 areas. We urge your positive consideration of our recommendations.

Thank you. I would be happy to answer any questions.

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USAV-00004144

APPENDIX II

TUESDAY, SEPTEMBER 13, 1983

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

BOB STUMP
3D DISTRICT, ARIZONA

511 CANNON BUILDING
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3061 FEDERAL BUILDING
PHOENIX, ARIZONA 85025
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Congress of the United States
House of Representatives
Washington, D.C. 20515

ARMED SERVICES COMMITTEE

PERMANENT SELECT
COMMITTEE ON INTELLIGENCE

VETERANS' AFFAIRS
COMMITTEE

September 12, 1983

Hon. John F. Seiberling
Chairman
Subcommittee on Public Lands and National Parks
Committee on Interior and Insular Affairs
A812 HOB Annex 1
Washington, D.C. 20515

Dear Mr. Chairman:

Personal business in Phoenix will preclude me from attending tomorrow's hearing on H.R. 3562. Have taken the liberty of enclosing ten copies of my statement, and would appreciate your placing it in the hearing record.

USAV-00004145

John, I appreciate your interest in this particular legislation, and want to assure you that your support is well-founded. Rarely have I seen such divergent groups form a consensus on an issue such as this. I hope that the efforts and work which made H.R. 3562 will be used as a positive and creative example of what can be accomplished in addressing the multiple-use/wilderness question.

Again, my thanks.

Sincerely,

BOB STUMP
Member of Arizona

BS:ld
enclosures

STATEMENT OF

CONGRESSMAN BOB STUMP

before the

SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS

September 13, 1983

on H.R. 3562

Mr. Chairman, I want to thank you and the Subcommittee for your interest in what I consider to be a unique piece of legislation addressing the multiple use/wilderness issue.

For many months, several divergent groups, who would usually be viewed as adversaries, have worked together to form a consensus on wilderness designations and multiple use for the Arizona Strip. The legislation which you have before you today is the result of those efforts, and is proof positive that give and take on the part of all participants can result in a compromise which addresses all concerns. I am happy to say that in addition to those who will be testifying in support of the bill today, H.R. 3562 is supported by the Arizona Cattle Growers Association and the local governments and civic organizations of the Arizona Strip.

The Arizona Strip Wilderness Act of 1983 will assure the multiple use of almost three million acres of public land located in the northwestern corner of Arizona.

The Arizona Strip is that portion of the state which lies north of the Grand Canyon to the Utah border, and lies west of the Colorado River extending to the Nevada border. It is a unique area of natural beauty in Arizona which attracts millions of visitors each year for recreation and sightseeing, is rich in uranium, as well as oil, gas and other minerals, and supports ranching and timber harvesting. Of the 6.5 million acres of land in the Arizona Strip, 52% or 3.4 million acres is managed by the Bureau

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of Land Management or the Forest Service, and also includes the Kaibab Indian Reservation. Excluding the Grand Canyon National Monument, the Grand Canyon National Park, the Kaibab National Forest, and the Lake Mead National Recreational Area, the Arizona Strip encompasses approximately two million, seven hundred ten thousand acres of public domain.

The Arizona Strip Wilderness Act of 1983 represents the hard work and general consensus of the diverse groups who use and have a direct interest in the Strip. While I do not generally advocate wilderness designation of public lands, I nonetheless am encouraged by the process by which this bill has come about, and how the question of the multiple use of public lands has been addressed. The key and important factor in this agreement is that it expresses the needs and desires of the ranching, mining, local government, public land managers and environmental communities. It is indeed a creative and positive approach to the wilderness question, and is an example of business interests and environmental concerns working together. Such joint efforts deserve our strong support.

Almost 800,000 acres were included in Bureau of Land Management Wilderness Study Areas in the Arizona Strip. H.R. 3562 designates approximately 165,996 of those acres, as well as 122,604 acres in the Paiute Primitive Area, Paria Primitive Area, and Vermillion Cliffs Natural Area, as wilderness.

The remaining 620,000 acres or 79% of the BLM Wilderness Study Areas will be released to multiple use. This action involves no loss in effort to maintain the long term productivity of the range management of livestock and the return to multiple use allows the historical use of grazing, lumbering and mining in the Arizona Strip to remain intact.

In addition, the bill will designate approximately 106,300 acres of national forest land as wilderness. The designation of those acres represents

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67% of the total Arizona Strip USFS RARE II areas, thereby releasing 52,270 acres to multiple use.

As important, the bill also makes a finding of the fact, and a direction to the federal agencies, that all of the lands in the Arizona Strip not designated as wilderness by this Act have been adequately studied for wilderness designation pursuant to Section 603 of the Federal Land Policy and Management Act and are no longer subject to the requirements of Section 603(c) of the Federal Land Policy and Management Act pertaining to management in a manner that does not impair suitability for preservation as wilderness.

I urge your support of this positive approach to the question of the multiple use of our federal lands.

Thank you.

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114

SCOTT M. MATHESON
GOVERNOR

September 14, 1983

Congressman James V. Hansen
U.S. House of Representatives
1113 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Jim:

I understand that the Subcommittee on Public Lands and National Parks of the House Interior Committee is currently considering legislation to designate wilderness areas in the Arizona Strip area of Utah and Arizona. My office has carefully reviewed the proposed legislation as it affects two spectacular areas within the state of Utah, Paria Canyon and the Beaver Dam Mountain. These areas should be added to the National Wilderness Preservation System and we would urge prompt approval of the bill.

As you know, the Arizona Strip bill is the product of intensive study and negotiation involving a broad range of public land users in that area. That process was commendable and offers an interesting approach to solving some of the tough energy development/wilderness trade-offs that exist in the west.

I appreciate your willingness to support this bill as a cosponsor, together with the other members of Utah's congressional delegation and offer the full support of my office. Please accept my offer of support and contact my office if we can provide any assistance.

Sincerely,

Governor

cc: Senator Jake Garn
Senator Orrin Hatch
Congressman Dan Marriott
Congressman Howard Nielson

SMM:jb

STATEMENT OF
J. LAMAR BEASLEY, DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands and National Parks
Committee on Interior and Insular Affairs
House of Representatives

Concerning H.R. 3562

September 13, 1983

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I appreciate the opportunity to be here today to present our views on H.R. 3562, the "Arizona Strip Wilderness Act of 1983." This bill would establish wilderness areas in Arizona and Utah on lands administered by the Forest Service and the Bureau of Land Management (BLM).

The bill would designate nine separate wildernesses containing approximately 100,870 acres of National Forest land and 288,500 acres of BLM land.

The Department of Agriculture supports the National Forest System land being included in the National Wilderness Preservation System, but recommends the bill be amended in response to several concerns we have.

The proposed Kanab Creek wilderness contains approximately 61,680 acres of National Forest System lands and approximately 8,900 acres of adjacent Bureau of Land Management lands. The area is dominated by Kanab Creek, a deep, vertical walled canyon that marks the western edge of the Kaibab Plateau. The area is adjacent to the north boundary of Grand Canyon National Park. The National Forest System lands were recommended for wilderness designation as part of RARE II.

The proposed Saddle Mountain wilderness contains approximately 39,190 acres of National Forest System lands and was recommended for wilderness designation as part of RARE II. This area is also adjacent to the north boundary of Grand Canyon National Park. It is in the eastern part of the Kaibab Plateau and contains a series of scenic and rugged canyons.

Release of the five areas named in section 5(b)(1) of the bill, comprising approximately 48,900 acres, from further review of the wilderness option is for only the first generation of land management plans. This is inadequate. We strongly recommend that permanent release from further consideration for wilderness be provided. These areas have received adequate consideration for wilderness through the RARE II study and the Congress in developing this bill. No further consideration of the wilderness option is necessary.

Additionally, we believe this bill offers an opportunity to take further steps in resolving the difficult wilderness issues. In October 1982, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision that the environmental impact statement on RARE II was inadequate. Consequently on February 1, 1983, we announced our decision to reevaluate all roadless areas as part of the ongoing program of preparing management plans for individual National Forests. Meanwhile, we are continuing to urge Congress to enact legislation to resolve the issue of wilderness designation. It would be appropriate for this bill to declare that the RARE II EIS for Arizona was sufficient in providing adequate consideration of the wilderness and nonwilderness values of all those roadless area lands in Arizona which RARE II ultimately placed in the nonwilderness category. It would avoid the need for costly and time-consuming revisions to land management plans for National Forests in Arizona. We have provided the Committee language to accomplish these recommendations.

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We have just received copies of the maps that we understand accompany H.R. 3562 and are still reviewing the proposed wilderness boundaries. We would like to work with your staff to make suggested possible boundary adjustments to avoid conflicts with roads or other developments adjacent to the proposed wilderness boundaries.

This concludes my prepared testimony. I will be happy to respond to questions.

USAV-00004153

USDA
SUPLEMENTAL STATEMENT

Recommended Amendments to H.R. 3562

September 1983

1. In lines 1 and 2, page 7, remove the words "prior to revision of the initial" and insert in lieu thereof, the words "in any." Following the number "1976" in line 5, page 7, insert a period and delete the remainder of line 5 and all of lines 6 and 7.

2. Add new subsection 5(b)(4).

(4) The second Roadless Area Review and Evaluation process and procedures which resulted in identifying lands as recommended for wilderness, requiring further planning, and to be managed for uses other than wilderness in the State of Montana are hereby declared legally sufficient for the purpose of the National Environmental Policy Act and the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 for the initial planning cycle required by that Act.

Testimony of Gerald W. Grandey, Esquire
to the
United States House of Representative's
Committee on Interior and Insular Affairs' Subcommittee
on Public Lands and National Parks

September 13, 1983

Good morning. My name is Gerald W. Grandey. I am a vice president of Energy Fuels Nuclear, Inc. I appreciate the opportunity to address this subcommittee regarding H.R. 3562, the Arizona Strip Wilderness Act of 1983.

The Arizona Strip Wilderness Act of 1983 is a unique piece of legislation. It is the product of a compromise among ideologically disparate interest groups: mining companies, conservation organizations, grazers, local businessess, regulatory agencies, and local, state and national governmental entities.

Energy Fuels, along with several major conservation organizations, was instrumental in initiating the negotiations which ultimately resulted in the introduction of the Arizona Strip Wilderness Act of 1983.

Energy Fuels is a privately held, relatively small mining company headquartered in Denver, Colorado. We are currently engaged in the most active and aggressive uranium exploration and development program in the United States. For the past

five (5) years our efforts have been centered on the Arizona Strip - a six (6) million acre area in the northwestern corner of Arizona which extends north of the Grand Canyon to the Utah - Arizona state line.

Energy Fuels' commitment to exploration and development in the Arizona Strip stems from our conviction that the region holds the greatest heretofore unrecognized mineral potential in the nation. The Arizona Strip appears to be the only area in the United States which has the potential to produce high grade uranium reserves capable of competing in world markets even under today's depressed conditions. Based upon this conviction, we have secured an extensive land position in the Arizona Strip. Furthermore, we have conducted, over the past several years a very aggressive and extensive exploration program with the objective of locating, exploring, and developing the unique high grade uranium reserves which exist. To date, these efforts have resulted in numerous discoveries which are five (5) to ten (10) times richer than the average uranium ore body found elsewhere in the United States.

Currently, Energy Fuels owns and operates three (3) uranium mines, collectively known as the Hack Canyon Mines, on the Arizona Strip. A fourth mine, the Pigeon Mine, is under development and is scheduled to begin full production in 1985. These mines are among the few producing uranium mines left in the United States. It should be emphasized that these mines are relatively small underground mines by most standards occupying approximately five acres per site.

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In addition to our mining activities, our exploration geologists have identified over 1,500 uranium targets (potential ore bodies which warrant further exploration). Since 1981, we have spent over $10 million a year on our exploration activities alone. Concurrent with our aggressive exploratory effort is an equally vigorous reclamation program.

Unfortunately, many of our high grade uranium discoveries and exploration targets in the Arizona Strip are located within forty-four (44) designated Bureau of Land Management Wilderness Study Areas ("WSA's") totalling approximately 775,000 acres. Until released by Congress these areas are and will continue to be administered by the BLM under the stringent "non-impairment" standard. Under this standard our right to mine a discovered ore body is uncertain, at best. Although the issue of whether or not a commercial ore body located within a WSA can be mined has yet to be determined, it is clear that any effort to obtain such authorization will be vigorously opposed by the environmental community. It is also clear that the non-impairment standard has created overwhelming burdens and expense for the identification and development of the region's demonstrated mineral potential. Under the timetable for releasing areas set forth in statute, existing WSA's may not be released until 1991 and, if the Forest Service RARE II program is any indication it could be beyond even this date when the region's mineral potential is once again made available to the nation.

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Our desire to develop discoveries and conduct exploration within the Arizona Strip more cost effectively led us to approach various groups interested in the Arizona Strip to determine if the wilderness issues applicable to the Arizona Strip could be resolved through negotiation and compromise rather than through confrontation and conflict. Representatives of the environmental community from the Sierra Club, Wilderness Society, Arizona Wildlife Federation, Audubon Society, and the National Parks & Conservation Association were initially approached to see if there was any interest in trying to arrive at a consensus concerning the Arizona Strip WSA's. Suffice it to say that the proposition and prospects were greeted with skepticism but also with a sincere willingness to give it a chance. The first discussions were held a year ago, and after several months, numerous meetings and many hours of negotiation, we reached a tentative agreement in principal as to which areas should be included in the National Wilderness Preservation System and which areas should be released to multiple use. Our objective in these negotiations was to obtain the release to multiple use of those areas within the Arizona Strip which, based upon our extensive knowledge of the area, possess high mineral potential or which otherwise do not possess true wilderness characteristics. At the same time, we attempted to recognize the areas within the Arizona Strip which qualify for and should be included within the National Wilderness Preservation System. In our view, the members of the various environmental

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groups that participated in the process had the same objectives. To be sure, the participants had strongly held convictions about certain areas and those convictions often times clashed. However, through the course of those early negotiations and dialogue, due to the willingness of all participants to compromise where compromise was reasonable, the tentative agreement on boundaries was possible.

After this tentative agreement was reached, the task remained of obtaining the input and approval of the other organizations, individuals and groups interested in the Arizona Strip. To this end, beginning in April of this year, an intensive series of presentations and meetings ensued with other mining companies, local and state cattlemen's organizations, local businesses, civic groups and local, state and federal governmental and regulatory agencies. We solicited their comments and support of the wilderness proposal. Three months and several meetings later, the necessary adjustments were made and the various parties pledged their support. The proposal was introduced as the Arizona Strip Wilderness Act of 1983 in both Houses of Congress on July 13, 1983, under the sponsorship of the entire Arizona delegation, the majority of the Utah delegation, Representative Seiberling of Ohio and Representative Young of Alaska.

Specifically, the Arizona Strip Wilderness Act of 1983 provides for approximately 285,000 acres of BLM lands and

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102,000 acres of Forest Service lands -- for a total of approximately 387,000 acres to be added to the National Wilderness Preservation System. Additionally, it provides for the release of approximately 490,000 acres of BLM land and 50,000 acres of Forest Service land -- for a total of approximately 540,000 acres.

The benefits to be had from the passage of the Arizona Strip Wilderness Act of 1983 are clear. The wilderness question will be decided once and for all ending many years of potential controversy and debate. In the areas released to multiple use, our Company and others with active programs in the Arizona Strip will be able to conduct exploration in a cost effective and responsible manner. Discoveries that are made will be able to be developed, thereby adding to the nation's mineral wealth and reducing the dependence upon foreign imports. American taxpayers will be saved countless dollars which will otherwise have to be spent by the BLM and Forest Service on their lengthy wilderness evaluation programs. With the final disposition of the public lands clearly defined by Congress, other interested citizens will be free to utilize the land as prescribed without the current uncertainty.

The Arizona Strip Wilderness Act represents the concensus of opinion of a very broad base of constituents. We have come to grips with the complex and controversial issues associated with the wilderness debate, and we have succeeded in satisfying the concerns of almost everyone involved.

USAV-00004160

It is our hope that you, the members of the Public Lands and National Parks Subcommittee will support this coalition in our efforts.

Thank you for your attention. If you have any questions, I will be happy to respond.

Respectfully submitted,

ENERGY FUELS NUCLEAR, INC.

By Gerald W. Grandey
Gerald W. Grandey
Vice President-Legal and
Regulatory Affairs

USAV-00004161

Defenders
OF WILDLIFE

STATEMENT OF TOBY COOPER

DIRECTOR OF NATIONAL ISSUES

DEFENDERS OF WILDLIFE

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS

OF THE

HOUSE COMMITTEE ON INTERIOR AND ISNULAR AFFAIRS

ENERGY AND NATURAL RESOURCES COMMITTEE

TO DESIGNATE THE ARAVAIPA CANYON WILDERNESS

IN THE STATE OF ARIZONA

September 13, 1983

1244 NINETEENTH STREET, NW • WASHINGTON, DC 20036 • (202) 659-9510

USAV-00004162

Mr. Chairman and members of the committee:

I am Toby Cooper, Programs Director for Defenders of Wildlife. Our offices are located at 1244 19th Street, N.W., Washington, D.C. 20036. Defenders of Wildlife is a national, non-profit organization dedicated to representing the best interests of wildlife in governmental decision-making.

I am here today representing Defenders of Wildlife and the Defenders of Wildlife Trust for the George Whittell Wildlife Preserve at Aravaipa Canyon (Aravaipa Trust). Both organizations share an extremely high level of interest in the future of Aravaipa Canyon, north of Tucson, Arizona. Defenders and the Aravaipa Trust have supported wilderness designation for the canyon for many years, and we enthusiastically applaud Senator Goldwater today for introducing S. 626 and Congressman McNulty for sponsoring the companion legislation.

Background

The private conservation efforts at Aravaipa began in 1970 when The Nature Conservancy recognized the biological uniqueness of Aravaipa and began purchasing lands around the perimeter of the canyon. In 1972, Defenders of Wildlife purchased the Conservancy's holdings and began planning a major acquisition effort to be called the George Whittell Wildlife Preserve. The Preserve is intended to provide a protective buffer zone of wilderness-character lands around the Bureau of Land Management (BLM) primitive area that embraces the canyon proper. Defenders' purchases were made possible by the estate of the late George E. Whittell.

In 1974, the Aravaipa Trust was established to consolidate the acquisition and management of the Preserve in Tucson. The purpose of the Trust is to encourage

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and foster preservation of the many species of wildlife in the Aravaipa Canyon Primitive Area and the surrounding area as a memorial to George Whittell. Defenders of Wildlife and the Aravaipa Trust are separate organizations but remain closely tied by the common bond of Aravaipa's beauty and value to wildlife.

Since the beginning of the private acquisition effort at Aravaipa, a solid partnership has been forged between Defenders, the Aravaipa Trust, and the BLM. The wilderness quality of the land has cemented this partnership. Because the George Whittell Preserve lands are managed for their wilderness qualities, statutory designation of Aravaipa's federal lands as wilderness is highly desirable.

At the present time, the Trust owns or leases 26,104 acres adjacent to the primitive area, 6,029 acres of which are deeded lands and 20,075 acres are leased from the state or BLM. The Aravaipa Trust plans to continue acquisition of lands around the canyon until the Preserve is complete. Priority is now being given to the purchase of one major parcel and several smaller ones which are considered desirable. The Trust has provided a large-scale map for use by the Subcommittee, which outlines the status of all major land parcels around Aravaipa Canyon.

The Trust lands provide multiple benefits for the canyon. Besides protecting wildlife and wildlife habitat, including the prime bighorn sheep habitat surrounding the canyon, the rolling uplands owned by the Trust constitute a critical watershed for Aravaipa. Protection of these fragile, arid lands from overgrazing, and thus protection of the canyon itself from the destructive effects of erosion and siltation, is a prime goal of the Trust.

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The ability of Aravaipa Canyon to continue to support its amazing diversity of wildlife is highly dependent upon the quality and quantity of water flowing down the canyon's permanent stream. For this reason, the Trust has initiated research into Aravaipa's hydrology, with special attention on the movement of water through the subterranean aquifer. In addition, the canyon has been the site of numerous wildlife studies and other investigations, a bibliography of which is appended to this statement. This body of knowledge will contribute greatly to understanding the canyon's needs in order to facilitate wilderness management decisions.

Wildlife Values

Aravaipa Canyon shelters a spectacular desert riparian wildlife and plant community. The canyon stream is permanent while the several sidecanyons provide watercourses for intermittent streams. The steep -- often vertical -- canyon walls of salmon-pastel sandstone support typical Sonoran cacti and shrubs, but the canyon floor is thick with towering cottonwoods, sycamore, willow, walnut, ash, and wildflowers.

A day's hike through the 12-mile canyon affords a priceless opportunity to observe wildlife. A healthy population of bighorn sheep thrive on the north rim, and occasionally rest on the slopes overlooking the river. They are easily observed but also easily disturbed. Javelina, though rarely seen in daylight, are frequently in evidence. Coati mundis, bobcat, ringtails, hognosed skunks, and other mammals are common. Even tracks of the elusive cougar have been found.

Aravaipa's birdlife is one of its prime attractions. Canyon wrens and black phoebes are constant companions of visitors to the canyon. Golden eagles, black hawks, zone tailed hawks and other raptors are found along the length of the

canyon. The two hawk species are uncommon north of the Mexican border, but Aravaipa seems to provide the right habitat requirements. Vermillion flycatchers — a flash of scarlet and black — are frequent in spring and summer. The BLM's bird list totals almost 160 species, and the list is expected to grow with further study.

Aravaipa also provides habitat for endemic fish. Two species, the spikedace and the loach minnow, are under consideration by the U.S. Fish and Wildlife Service (FWS) for protection under the Endangered Species Act. The FWS has announced that it has substantial data to support this consideration and we are now awaiting notice of listing. Also, at least five species of rattlesnakes are resident in the canyon.

Wilderness Designation

In large part, the rich diversity of wildlife in Aravaipa is a result of the juxtaposition of the Sonoran desert biome and the riparian communities fed by the stream. This diversity is what gives Aravaipa national significance and helps qualify it for wilderness designation. Aravaipa is prized by citizens in Arizona and nationwide for its uniqueness, fragility, isolation, gentle beauty and rich biota. Wilderness status for the existing primitive area is both timely and highly appropriate.

The Aravaipa Trust and Defenders of Wildlife are committed to completing the Aravaipa Preserve as a complement to the proposed wilderness. Together, these lands will provide a biological jewel and showcase for the emerging BLM wilderness program. We appreciate the opportunity to present this data and we look forward to speedy passage of this legislation.

USAV-00004166

Annotated Bibliography

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Johnson, T. B. (ed.). 1980. 1980 Progress report for the biological survey of the George Whittell Wildlife Preserve, Graham and Pinal counties, Arizona. Comprehensive summary of amphibians, reptiles, birds, mammals, vegetation and flora, and their biotic communities and habitats.

USAV-00004167

[ATTACHMENT 1]

December 20, 1983

The Honorable John F. Seiberling
House Office Building
Washington, D.C. 20515

Dear Congressman Seiberling:

Thank you for conducting the September 13 hearings on Arizona Wilderness, including the H.R. 2724, the Aravaipa Canyon Wilderness. The record established on that date will enhance wilderness protection efforts now and in the future. Responses to your specific questions follow.

Q. How many acres of Bureau of Land Management (BLM) land does the Defenders of Wildlife Trust for the George E. Whittell Wildlife Preserve at Aravaipa Canyon (Aravaipa Trust) hold leases?

A. The Aravaipa Trust holds leases for 1310 acres of BLM lands in four scattered parcels. The Trust also holds leases for 18,765 acres of state lands, most of which are contiguous with either the Trust's deeded lands or the Primitive Area itself.

Q. What are the terms and restrictions of the BLM leases?

A. The Trust holds standard grazing permits for the lands in question. This does not confer upon the Trust the right to restrict public access or exclude other forms of appropriate multiple use. It does mean the level of grazing applied to the land is under the discretion of the Trust, and the Trust is dedicated to maintaining the land in its natural state, without any livestock. By virtue of this process, the Trust gains the benefits of a waiver of grazing fees, although the duration of this waiver is not fixed.

Q. What assurances do you have from BLM that your leases will be renewed?

A. The Trust's grazing leases are now in the early years of a 10-year lease. However, the Trust holds no preferential right of renewal and is treated like any other public land tenant.

Q. Is there a possibility of acquisition of the BLM-leased lands?

A. In theory, the public land sale provisions available in the Recreation and Public Purposes Act provide the opportunity for the Trust to acquire the parcels in its present leases. However, because the BLM-leased lands are small, scattered blocks, the Trust's priority acquisition funds may be directed at lands closer to the canyon.

1244 NINETEENTH STREET, NW • WASHINGTON, DC 20036 • (202) 659-9510

In addition, the Trust would like to point out one other consideration applicable to the Aravaipa Wilderness bill and committee report. In February 1982, the Governor's Task Force on Parks and Recreation in Arizona reported its findings to Governor Babbitt, including the recognition that the state should initiate federal land exchanges that will facilitate more unified management of public recreation areas. To this end, the Task Force recommended that:

> State land holdings in the tributaries of Aravaipa Canyon cannot be managed independently of the proposed Aravaipa Wilderness Area; both the federal government and the state would benefit from a land exchange bringing the Aravaipa Canyon area under unified management and enabling the State to select other lands more suited to producing [State Land] Trust income.

The Task Force recognized the benefits of unified land management in general, and the need for such unity at Aravaipa in particular. The Aravaipa Trust was very pleased with this recommendation, since state lands currently reduce the integrity of the habitat management frameworks that the Trust is trying to establish.

To date there has been no action on the Task Force recommendation for more unified management at Aravaipa. However, now that the Aravaipa Wilderness bill has passed the Senate and is under active consideration at the House committee level, the Congress is in a position to urge BLM to consider some beneficial exchanges. The Trust remains ready to serve in any way practical and feasible to help meet these objectives.

Sincerely,

Toby Cooper
Director of National Issues

Enclosures:
Letter of October 6, 1983, from William Roe to Toby Cooper
Summary of land status and acreages, Aravaipa Trust
Mammoth Quadrangle map
Copies of cover page, title page, and page 13 of the Governor's Task Force on Parks and Recreation in Arizona, Final Report and Recommendations

TC:dsb

DEFENDERS OF WILDLIFE TRUST FOR THE
GEORGE WHITTELL WILDLIFE PRESERVE at ARAVAIPA CANYON

30 N Tucson Blvd • Tucson, Arizona 85716

[ATTACHMENT 2]

6 October 1983

Toby Cooper
Defenders of Wildlife
1244 19St. NW
Washington, D.C. 20008

Dear Toby:

I am enclosing some information in regard to Aravaipa Canyon. The Preserve is outlined in red on the enclosed BLM map. Please note that within the eastern portion of the Preserve there are three inholdings not controlled by the Trust. Also, note that in the western portion the boundary is within the existing primitive area and extends to the rim of Aravaipa Canyon itself. This is based on the legal description of the lease which the Trust currently has with the BLM.

The enclosed list of BLM acreages does not include any of the BLM property north of Aravaipa Canyon that is within Graham County.

If you have any questions, please give me a call. I would like the opportunity to talk with someone on the House Committee that is looking at the Aravaipa Wilderness issue. Looking forward to hearing from you on the progress of the legislation.

Sincerely,

William G. Roe
Managing Trustee

WGR:dgk
Enclosures

DEFENDERS OF WILDLIFE TRUST FOR THE
GEORGE WHITTELL WILDLIFE PRESERVE at ARAVAIPA CANYON

30 N. Tucson Blvd. • Tucson, Arizona 85716

	Acreage
-BLM lands leased by Whittell Trust (includes 600 acres at Little Table Mtn which is not contiguous to the Primitive Area)	1310
-BLM lands leased by Salazar (includes 80 acres at Little Table Mtn which is not contiguous to the Primitive Area)	4852
-BLM acreage north of the wilderness proposal and the San Carlos Indian Reservation (all this acreage is 5-6 mi. north of the study area on the boundary of the reservation)	300 approx.

State land south of the proposed wilderness:

Trust	9600
Salazar	10315*

*includes 640 acres just north of the proposed wilderness

THE WILDERNESS SOCIETY

FOUNDED IN 1935

TESTIMONY OF MICHAEL D. SCOTT, REGIONAL SOUTHWEST DIRECTOR, THE WILDERNESS SOCIETY, BEFORE THE PUBLIC LANDS AND NATIONAL PARKS SUBCOMMITTEE, ON H.R. 3562, THE ARIZONA STRIP WILDERNESS ACT OF 1983, SEPTEMBER 13, 1983.

I am pleased to be here today to testify on H.R. 3562, the Arizona Strip Wilderness Act of 1983. This bill has had an unique genesis. It is supported by, among others, the mining industry, local government, the livestock industry, and conservationists.

This unusual combination of support is not an accident. It represents many months of work at forging a compromise acceptable to the entire range of interests on the Arizona Strip.

The Arizona Strip is a remote land of many contrasts. It is a dry land of harsh terrain and subtle colors. From the red rock canyons of the Paria Plateau to the unexpected aspen forests for the Paiute Primitive area, the Arizona Strip offers surprises at every turn. Because of its remoteness it has been an area only lightly used by outdoor enthusiastics. That is, until recently. As people seek more out of the way places to visit, the Arizona Strip is seeing a surge of visitorship. Because of these two factors -- the unique and pristine quality of the Strip, and the increase in use -- the Arizona Strip has become a top legislative priority for The Wilderness Society. It is important to note another important facet of this legislation: H.R. 3562 is the first bill to establish BLM wilderness areas that will stand on their own, not be mere adjuncts to Forest Service or National Park Service

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(303) 388-5801

USAV-00004172

areas. Conservationists are extremely pleased with this debut of BLM wilderness.

At the same time that the Strip emerged as a top conservationist priority, energy companies, most notably Energy Fuels Nuclear (EFN), began to discover significant uranium deposits. As you know Mr. Chairman, in most cases there are no significant minerals in wilderness or wilderness candidate lands. As unfortunately happens on occasion, some of these significant uranium deposits overlapped with outstanding wildlands in the Strip. Fortunately, EFN is not a typical hard-rock mining company.

Conservationists and EFN decided to discuss those differences. Surprisingly, this working group found we had considerable areas of agreement. First of all we all felt that the public interest would not be served by protracted conflict. Second, we believed that in most cases, conflicts between wilderness and other values would be resolved. And finally, each side believed that the public interest called for both preservation of significant wilderness <u>and</u> development of significant minerals.

We wanted to resolve the wilderness issue for the Strip as quickly as possible because we saw more and more exploration activity approved by the BLM in candidate lands. This exploration resulted in an overall reduction in the pristine qualities of many of these areas. Our goal is to preserve these qualities. In many circumstances, the type and quantity of activity approved by BLM posed serious concern about the manner in which the Congress' mandate to protect the WSA's was being implemented. EFN had its own economic reasons for early discussion and, more importantly, was willing to support a compromise bill.

Where we believed that differences could be resolved the BLM seemed to be creating conflicts when none existed. For instance, one of the reasons Sand Cove (1-128) was not recommended by BLM was that "Designation would prohibit

planned range and habitat improvements..." (pg.21 DEIS). Yet we met with the livestock industry and worked out a compromise. This lack of issues resolution meant that various public interests would be, or become, polarized for many years.

As mentioned previously, this bill is the first to establish significant BLM wilderness. It is the first because in the interest of the public we removed the wilderness review and recommendation process from the BLM. We did this because, under the BLM, it was not working. The draft EIS on Arizona Strip WSA's, published early last year, recommended a total of 26,186 acres as suitable for wilderness. That is just 3% of the total WSA acreage on the Strip. It is less than 15% of what the bill before you recommends for BLM wilderness alone. The public reaction to this BLM proposal was overwhelmingly negative. The compromise contained in the bill before you, however, is very close to the one recommended by the public.

Because of the tremendous disparity between the desires of the public and the draft recommendations of the BLM, we, and I think EFN also, saw ahead of us a long and protracted battle over wilderness on the Strip. This was totally unnecessary. We determined that the results of our review process would be transmitted to the BLM as an "enhanced wilderness" recommendation from the public. We hoped that this recommendation would become the BLM's preferred alternative. The final EIS has not been issued yet, but since the BLM is here today testifying in support of this bill, we assume that our proposal, or one very similar to it, will be in the final EIS.

As mentioned above we talked with the livestock industry on several occasions to gain their support. One of the concerns expressed by the livestock industry was how grazing would be managed under wilderness designation. We shared with them the clarifications on grazing policy which accompanied the

Colorado Wilderness Act of 1980. We assured them that, as with all wilderness, these lands would be managed in accordance with those policies.

Several of the recommended areas contain so called "split estates." These split estates are all state lands. Both the governors of Arizona and Utah have stated that they desire to trade these areas with the BLM. Interior should be encouraged to expedite these exchanges.

It is important to note the contribution EFN has made to making this process of compromise possible. Not only has EFN given freely and openly of its time, but it has gone out of its way to involve the public in solving a very complex and potentially volatile situation.

EFN's sense of equity extends not only to involving the public but into the spirit of this compromise. For instance, in agreeing an area should be wilderness, EFN hasn't given a partial commitment. They have stood behind this bill and have made a promise not to explore or develop claims they hold in any recommended areas. We applaud this attitude and wish this sense of fair play was the rule rather than the exception.

We would like to discuss each of the areas recommended in the bill for wilderness designation. There are specific concerns and recommendations for management which emerged from our working group that effect each area.

Cottonwood Point Wilderness

Cottonwood Point is really the Arizona extension of a larger Utah WSA called Canaan Mountain. This spectacular unit borders Zion National Park and will make a fine addition at some future time to the NWPS. We do have a point to raise here concerning the release language of the bill. Sec. 5(a) states:

> The Congress hereby finds and directs that lands in the Arizona Strip District of the BLM, Arizona, and those portions of the Starvation Pint WSA (UT-040-057) and Paria Canyon ISA and contiguous Utah units in the Cedar City District of the BLM, Utah, not designated wilderness...are no longer subject to the requirement of Sec. 603(c)...

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USAV-00004175

Confusion arises here over the term "contiguous Utah units." It could be read to infer that the Canaan Mountain portion of Cottonwood Point, since it is in Utah and is contiguous, is released. This was not our intent. We recommend to solve this confusion over the phrase "and contiguous Utah units" by inserting it on page 6, line 1 after "(UT-040-057)." This will make it clear the bill only refers to units contiguous to Starvation Point and Paria.

Grand Wash Cliffs

The Grand Wash Cliffs are on the very western boundary of the Strip. A spectacular north-south series of cliffs, they run south to the Lake Mead NRA. The cliffs themselves have an upper, middle, and lower bench and represent the western break in the Colorado Plateau as it begins its descent into the Great Basin desert.

This bill designates the upper, or northern, portion of the Grand Wash Cliffs as wilderness. The southern portion of the Cliffs, while equally spectacular and with outstanding wilderness values, were left out because of significant mineral potential identified by EFN geologists.

Our working group discussed these lower cliffs in great detail. In fact, the lower cliffs initially represented a serious impasse for the group until we hit upon a special management concept that would allow reasonable mining and grazing uses while protecting the scenic, aesthetic, and wildlife values. What we had in mind is an area where temporary roads constructed for mining purposes would be reclaimed once their usefulness for mining activities was past. Mining would be conducted with a "minimal impact" approach and mine sites and their infrastructure would be reclaimed to a high standard.

Livestock improvement activities such as catchments and stock tanks, but not chaining, would be unhindered as these leave very little impact on the land. However, new, permanent roads would not be allowed to be constructed. The overall intent of the special management area was to preserve the unique qualities of the entire Grand Wash Cliffs area, the upper section in wilderness, the lower section as a special management area.

There has been inadequate time prior to this hearing to develop full consensus on such a proposal. But we think it is possible to do so. EFN believes that operation procedures on the Strip can conform to low impact standards that would protect the special natural values of the lower Grand Wash Cliffs. Our investigations of range improvements disclosed no proposed activities in the area which would be prohibited by the SMA designation, although we have not had time to discuss this with the livestock industry.

The Grand Wash Cliffs Wilderness is the one area on the Strip where the working group proposes a limited closure of an existing road. This road, which traverses the middle bench from north to south, is used by the grazing permitees to service their allotments. The middle bench is also the area most used by visitors. We propose gating and locking the road at its northern and southern exits from the wilderness. This has been agreed to by the permitees and the BLM.

Kanab Creek Wilderness

The Kanab Creek Wilderness comprises all of the Forest Service Kanab Creek RARE II area and selected portions of the BLM WSA called Hack Canyon. The Forest Service area is within the Kaibab Game Preserve and was withdrawn from mineral entry by President Theodore Roosevelt. The BLM's Hack Canyon WSA has two working mines operated by EFN on its borders, and known mineral potential within it. Kanab Creek, of which both these units are part, is the

largest canyon system on the north rim of the Grand Canyon. Most people, when standing in lower Kanab Creek, believe they are still in the national park when, in fact, they are on either unprotected BLM or Forest Service land. EFN has done extensive exploration work adjacent to this recommended area and, in fact, has a mine at the head of Hack Canyon.

Because of the extensive adjacent mineral activity, we would urge that the Committee Report accompanying this bill, while recognizing the mineral values of the area, instruct the BLM to approve mining plans and plans of operations consistent with the intent of the compromise for Kanab Creek and designed to protect a visitor's experience in the Kanab Creek Wilderness.

Mt. Logan Wilderness

Mt. Logan is immediately adjacent to Grand Canyon National park. The boundaries we propose round out topographic features split by park boundaries and ~~include Mt. Lo~~gan itself and the adjacent Hell's Hole. This is a regionally unique geologic feature offering outstanding scenic values.

We have left open a small dirt road running east to west through the unit as it is an import access route to service livestock allotments in the area.

Mt. Trumball Wilderness

Mt. Trumball rises some 3,000 feet off the desert floor in the central part of the Arizona Strip. Topped by ponderosa pine and aspen, it offers visitors an unparralleled 360° view of the Strip, as well as archaeological remains and interesting volcanic features.

Paiute Wilderness

This area has as its core the old Paiute Primitive area. It runs from sage at its base to cool springs and aspen at its peak. The Virgin Mountains comprise its summit, cut through by the Virgin River Gorge, the same river that flows through Zion National Park.

USAV-00004178

Paria Canyon, Vermillion Cliffs Wilderness

Paria Canyon is a true red rock canyon. The 40-mile length of the canyon is a popular backpacking route. In one place where Buckskin Dive enters the Paria, one must float a backpack across a deep and cold pool. Buckskin Dive itself is a 200-400 foot deep, several mile long slash in the red rock, almost never wider than two arms' lengths.

The Paria Plateau is dominated by Coyote Buttes, a phantasmagorical collection of sandstone formations and hidden seeps. The Vermillion Cliffs Natural Area wraps around the southern part of the Paria Plateau, looking down on Lee's Ferry and the hundreds of thousands of visitors who raft through the Grand Canyon each year.

As the map of the proposed area shows, we did not propose designating quite all of the Vermillion Cliffs Natural Area as wilderness. Rather, we followed the old Honeymoon Trail, the route taken by Mormon couples to the temple in Saint George, where it leaves the present Highway 89A. The working group did propose, however, to leave that small portion of the cliffs between HWY 89A and the Honeymoon Trail as a Natural Area. This will protect the scenic views of the Cliffs, while at the same time allowing a logical transition from Natural Area to wilderness.

Saddle Mountain

Saddle Mountain, on the southeast corner of the Kaibab Plateau, is the predominant feature in the area, offering visitors a beautiful view of Marble Canyon and the beginnings of the Grand Canyon. Saddle Mountain also provides the hiker with many outstanding recreational experiences.

Beaver Dam Mountains

The Beaver Dam Mountains are the northerly extension of the Virgin River Gorge. Separated by the Virgin River and a highway from the Paiute Wilderness, these mountains include the roadless portion of the Virgin River Gorge. This deeply incised canyon is close to St. Gorge and offers residents and visitors a first hand chance to experience a desert river and it environs.

Thank you for the opportunity to testify. I'd be happy of answer any questions.

###

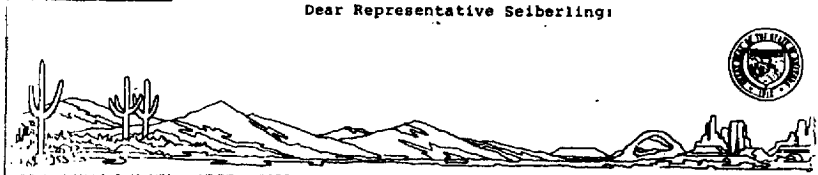
USAV-00004180

GOVERNOR'S COMMISSION ON ARIZONA ENVIRONMENT

November 22, 1983

Representative John F. Seiberling
1225 Longworth House Office Building
Washington, D. C. 20515

Dear Representative Seiberling:



PHOENIX ARIZONA 85007 • ROOM 119

For your information, the Governor's Commission on Arizona Environment met in Prescott, Arizona October 27-28, 1983, specifically to address the wilderness issue and make recommendations to Governor Babbitt on guidelines for establishing wilderness areas in Arizona.

One recommendation of specific interest to you concerns the Arizona Strip Wilderness Bill of 1983 (HR-3562) that you are co-sponsoring with other members of the Arizona Congressional delegation. The Commission recommended that this bill be kept separate, as it has been introduced, and not attached to any statewide omnibus wilderness bill.

The recommendation reads as follows:

> WHEREAS, the proposed Arizona Strip Wilderness Bill of 1983 currently before Congress represents landmark legislation for resolving traditional conflicts between divergent interest groups in establishing wilderness; and WHEREAS, a remarkably effective coalition representing these divergent interests have developed a Wilderness Bill for the Arizona Strip that reflects sacrifices from each interest group; and WHEREAS, the inclusion of the Arizona Strip Wilderness Bill of 1983 into a larger, more inclusive and controversial Wilderness Bill carries with it the risk of losing support for the agreed upon Strip Bill and its possible defeat in Congress; THEREFORE, BE IT RESOLVED, that the Governor's Commission on Arizona Environment, recommends that the Arizona Strip Wilderness Bill be passed on its own, unencumbered by other wilderness proposals.

AND, BE IT FURTHER RESOLVED, that a work group be formed to develop a wilderness proposal for the remainder of Arizona using the same techniques that resulted in the Strip Wilderness Bill.

We appreciate the opportunity to assist in this process. If further public opinion participation is needed, the Commission would again be willing to act as an intercommunicator on the wilderness issue.

Sincerely,

Roy P. Drachman

Roy P. Drachman
Chairman

RPD:AR:gbo

UNION PACIFIC CORPORATION

JUNE M. WHELAN
DIRECTOR OF WASHINGTON AFFAIRS-
MINING

SUITE 800 SOUTH
ONE LAFAYETTE CENTRE
1120 TWENTIETH STREET, N.W.
WASHINGTON, D.C. 20036
(202) 861-6840

September 21, 1983

Mr. Andrew F. Wiessner
Counsel, Senate Subcommittee on
Public Lands and National Parks
House Annex #1, Room 812
Washington, D.C. 20515

Dear Andy:

Attached is the Rocky Mountain Energy statement on the Arizona Strip District Wilderness Act of 1983.

Rocky Mountain Energy currently has a large ongoing uranium exploration program on lands in northwestern Arizona. Some of this exploration will occur very close (within two miles) to the proposed Mt. Logan wilderness area.

RME does not object to designation of any of the proposed wilderness areas in S.1611 or H.R.3562; however, with exploration and potential mine development running so close to the boundaries of the Mt. Logan area, we are concerned that we could be precluded from development on lands adjacent to the wilderness area. We are concerned about the creation of a "buffer zone" around the wilderness area.

Sincerely,

June

/bjt

Attachment

Comments of Rocky Mountain Energy
Arizona Strip District Wilderness Act of 1983

Rocky Mountain Energy, the mining subsidiary of Union Pacific Corporation, is a major western uranium producer. We currently have a large ongoing uranium exploration program on lands in northwestern Arizona. Some of this exploration will occur very close (within two miles) to proposed wilderness additions in the Arizona Strip District Wilderness Act of 1983 (S.1611 and H.R.3562).

RME generally supports the bills as a positive step in protecting some of the most spectacular natural beauty in the west, while assuring the multiple use of almost three million acres in northwestern Arizona.

However, we do have several concerns. First, RME has just leased four sections of fee land (2560 acres) in Whitmore Canyon which is approximately 1.5 miles from the proposed Mt. Logan wilderness area. (Technical Description: 35, T34N, R10W; Secs. 31 & 33, T34N, R09W; and Sec. 3, T33N, R09W)

We intend to conduct intensive uranium exploration activities on these lands over the next several years. The Whitmore Canyon area shows considerable promise of uranium potential. Favorable geologic structure and identified targets exist to the west of Mt. Logan. A major geologic structure cuts through the center of the Mt. Logan area. This is significant since most major uranium ore bodies in Arizona have been located within 1-2 miles of such major structures.

Measures have been introduced recently (i.e. the National Park System Protection and Resources Act H.R. 2379) that have the potential to restrict development outside of federal parks or wilderness areas.

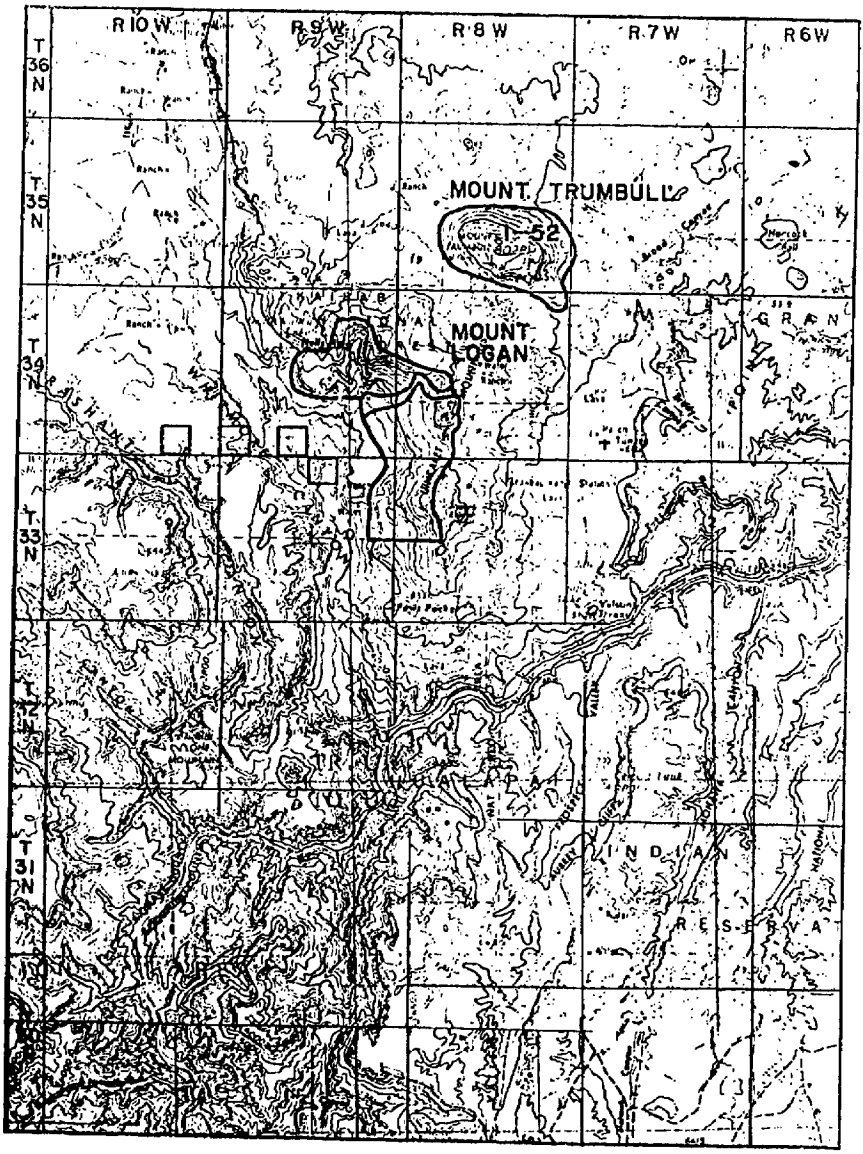
With exploration and potential mine development occurring so close to the boundaries of the Mt. Logan area, we are concerned that we might be precluded at some point through law or regulation which restricts development on lands adjacent to the wilderness area.

There is a large financial investment involved in a uranium exploration program and pre-commercial development. We have estimated that the cost of the exploration to discovery phase at approximately $3 million. Pre-commerical development, which involves mine shaft sinking, orebody delineation and preparation for production, could range from $8 to $10 million.

Before committing to this substantial level of expenditure, an entity must have reasonable assurance it will be able to proceed with exploration and subsequent development (subject to all applicable environmental and land use requirements) if a marketable deposit is discovered. We are concerned that creation of subsequent "buffer zones" around wilderness lands specified in the Arizona bill could significantly curtail or even halt our activities.

RME is committed to an environmentally sound uranium exploration and development program in northwestern Arizona. For example, our Bear Creek uranium mine and mill in Wyoming operates under some of the most stringent state and federal requirements of any such complex in the country. This facility is continually cited by state and federal officials for its excellent environmental compliance record.

Again, RME does not object to designation of any of the proposed wilderness areas in S.1611 or H.R.3562. What we seek is clarification in these bills that nonwilderness activities will be allowed up to the boundaries of the wilderness area as long as such activities are in full compliance with existing environmental laws.



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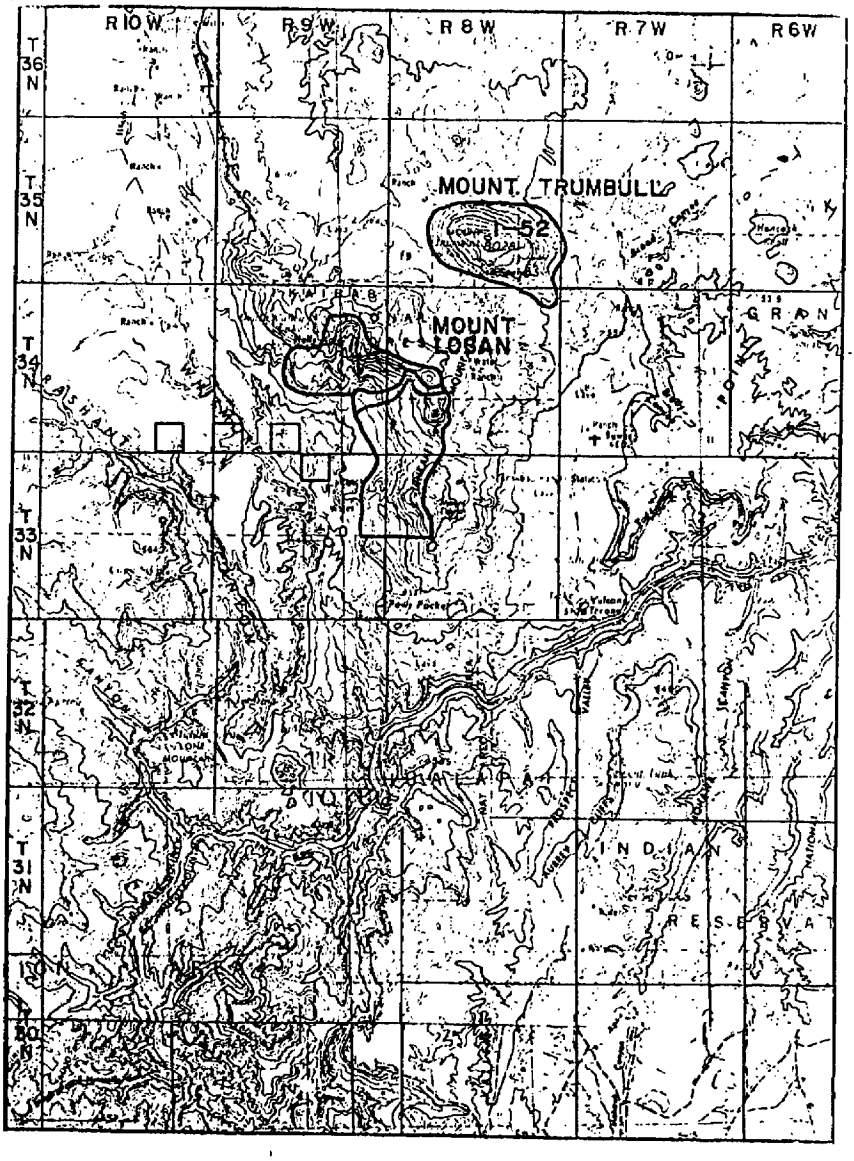
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APPENDIX III

TUESDAY, FEBRUARY 21, 1984

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

STATEMENT BY CONGRESSMAN JOHN MCCAIN
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS & NATIONAL PARKS
REGARDING THE ARIZONA WILDERNESS
FEBRUARY 21, 1984

Mr. Chairman, I appreciate the opportunity to address the Subcommittee on Public Lands and National Parks on the question of wilderness in the State of Arizona.

I believe today's hearings are a significant step in a lengthy effort to resolve this issue. The RARE II recommendations were sent to Congress in January, 1979 and I believe it is time to act on them. Until we do, the Forest Service lands in Arizona will remain in a state of limbo with no clear and positive direction being given as to how they are to be managed. The Congress is the only body which can resolve the wilderness issue and I believe we should get on with the job.

USAV-00004188

The wilderness issue is a difficult one for our delegation. I would like to commend the Chairman of the full Interior Committee, Mo Udall, and our distinguished senior Senator, Barry Goldwater, for their initiative in introducing legislation. Having a bill before us gives us a framework from which to speak. Putting a bill together of this magnitude is not an easy process and yet Mo has taken on the task and devoted considerable time and effort to it.

He has not introduced a "shell bill" nor has he attempted to purposely overload it to put himself in some sort of bargaining position. I respect the work he has done and the good-faith effort this bill represents.

I am certain that some changes will be made and I am hopeful that the testimony today will help us focus on specific areas and boundaries as well as general language changes need in the bill. H.R. 4707 is a good starting point for these discussions.

Having travelled throughout the state in recent months for the sole purpose of looking at the RARE II areas and having met for many long hours with the various groups and professional forest service personnel, I am keenly aware of the fact that feelings run hot on all sides. Arizonans have a passion for the land they live on and strong feelings about how the federal government can and should affect our use of the land. Arizona has no shortage of areas that qualify for wilderness. They are

pristine and have outstanding features. They are also rich in natural resources. No matter what the final wilderness allocations are I am hopeful we will reach an agreement which is in the best interests of sound land management and resource develop in Arizona.

Two coalitions have formed in the state and have presented their wilderness proposals. The Arizona Wilderness Coalition which is an umbrella organization for a number of conservation groups has proposed approximately 1.6 million acres of national forest wilderness. Individuals have also gone to great effort to "adopt" individual areas and closely study them. I have read several very well-done summaries of their findings.

A newer coalition made up of the Arizona Cattle Grower's Association, Arizona Mining Association, Salt River Project, Southwest Forest Industries, Arizona Department of Mineral Resources, Southwestern Minerals Exploration Association, Arizona Mining and Prospecting Association, Kaibab Industries and Valley National Bank have put together a proposal recommending 501,000 acres as wilderness. Their recommendation also contains seven very specific language proposals involving some very basic issues such as release language, water management, transmission line corridors, a prohibition on creation of buffer zones around wilderness areas, grazing language, and the installation and maintenance of hydrometeorological and telecommunications facilities.

30-300 O—84——21

USAV-00004190

Land management in Arizona goes hand in hand with water management. The need for water as well as flood protection cannot be overlooked when looking at land designations. Mo's bill contains state water rights language, provisions affecting the Salt River Project and a wild and scenic river designation for a portion of the Verde River. Close scrutiny will be applied to these issues.

Arizona also plays a significant role in providing minerals for our nation. Despite recent market setbacks, Arizona will continue to be a leading state in production of copper, molybdenum, silver, gold and uranium. It is impossible to separate the mining issues from the wilderness concerns and some difficult choices will have to be made. I believe the mining interests in the state have already demonstrated a willingness to take on this task and I shall look to them for factual information and workable proposals.

A lot of discussion in this hearing will no doubt focus on the grazing interests. I am particularly interested in hearing the views of the Administration and witnesses on the adequacy or inadequacy of the so-called Colorado grazing language.

The grazing and release language issues are two of the toughest ones to resolve as they affect every wilderness bill this Subcommittee considers and there are very large national constituencies out there working on these issues. I am hopeful that we can do what is right for Arizona and reach a consensus which will allow enactment of a bill expeditiously.

Again, Mr. Chairman, I commend you for scheduling this hearing and look forward to working with you on the legislation.

THE WILDERNESS SOCIETY

FOUNDED IN 1935

STATEMENT OF MICHAEL D. SCOTT REPRESENTING THE WILDERNESS SOCIETY BEFORE THE HOUSE PUBLIC LANDS AND NATIONAL PARKS SUBCOMMITTEE ON H.R. 4707, "THE ARIZONA WILDERNESS ACT OF 1984", FEBRUARY 21, 1984.

Mr. Chairman, members of the Committee, my name is Michael D. Scott and I am the southwest regional director for The Wilderness Society. I appreciate the opportunity to testify on H.R. 4707.

We would like to thank Chairman Udall for his interest in protecting Arizona wilderness and for introducing this bill. We recognize that the bill is seen by some as a compromise between competing Arizona interests: timber, livestock , water development, mining, and conservation. While we believe H.R. 4707 to be a good beginning, we have several serious concerns about both potential wilderness areas and management.

Early last year, conservationists representing groups from all parts of Arizona met in Phoenix. The purpose of the meeting was to put together a wilderness proposal to encompass 15 years of work beginning with RARE I. We decided to put the proposal together as a coalition in order to give it the broad base of support and credibility such an effort needs. Thus was born the Arizona Wilderness Coalition. Our proposal was developed with one goal in mind: to identify, publicize, and designate those roadless forest areas throughout Arizona with outstanding wilderness qualities. We also recommended that four wildlife refuges , with wilderness proposals since 1974, be enacted. We included Wild and Scenic River proposals for those segments of several

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important rivers that flow through Wilderness or proposed wilderness. Finally, some small BLM areas which contain less than 5,000 acres but are contiguous to our proposed forest areas are included. We were careful to include only areas of high quality. Therefore, many of the Forest Service roadless areas identified in RARE II were not in our proposal. In total, we recommend that 1.6 million acres of Forest Service lands be designated as wilderness and 1.6 million acres of refuge lands be designated as well . This 3.2 million acre proposal became the basis of our efforts for a wilderness bill.

We then took our proposal to every major interest group in the state. When Chairman Udall announced his intention to introduce a wilderness bill, we responded to his requests for information by telling him of concerns around the state that we had encountered. Recently, industry countered our proposal with one of their own that includes 500,000 acres of Forest Service land. The bill before us today, Chairman Udall's bill, includes approximately 750,000 acres of Forest Service lands, putting his proposal well below our 1.6 million and somewhat above industry's proposal.

In addition to smaller acreage and fewer areas industry also wanted Wyoming-style release language and a host of special "exemptions," e.g., utility corridors through wilderness areas and changes in grazing language. We are pleased that H.R. 4707 has standard release, the compromise language that all parties agreed to in the 1980 Colorado Wilderness Act and which has been included in all wilderness bills signed into law. We are opposed, however, to two sections in the bill.

Sec. 2(a)15 adds 60,000 acres to the Mazatzal Wilderness, which we enthusiastically support. But the section continues:

> Nothing in the designation of this wilderness area shall be construed to present the installation of maintenance, subject to the conditions as the Secretary deems desirable,

> of hydraulic, meteorologic, or telecommunications facilities, which are essential to flood warning, flood control, or water reservoir operation purposes. As provided in Section 4(d)(1) of the Wilderness Act , within the wilderness area added by this paragraph, the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary deems desirable.

We cannot support the inclusion of this language. Its intent, with which we have no argument, is to allow the Salt River Project to install and maintain new and existing water gauging stations. This is, however, already permissible under the Wilderness Act, as the Committee Report on the Endangered American Wilderness Act makes clear (see attached). Section 2(a)15 would amend the Wilderness Act -- needlessly -- to do something already allowable, which is bound to cause confusion about legislative intent. The provision is more appropriate in report language. Including this special exemption raises new questions, certainly not the goal of those favoring the inclusion of this provision. For example, if Congress believes specific authorizing language is necessary to permit installation and maintenance of gauging stations, does this imply that all gauging stations in wilderness not specifically mentioned in statute are not authorized? We think not. It is much clearer to leave this type of statement to report language. We have noted a trend toward "inflation" of exemptions that should be stopped. For example, the Endangered American Wilderness Act included a provision allowing, <u>for the Lone Peak Wilderness only</u>, language directing the Forest Service to utilize specified sanitary facilities and to allow specified access for watershed protection because the area provides the water supply for Salt Lake City. Although this was already allowed under the Wilderness Act, statutory language was included for one specific case. Unfortunately, we now find that the bill proposing wilderness areas for Utah include the same language but <u>apply it to all proposed wilderness areas and give access to all local municipalities</u>.

In addition, we are opposed Section 2(d), which prohibits establishment of so-called buffer zones. Like hard release, we view this as an attempt to withhold options from the Forest Service, the professional land managers. While we do not advocate the universal need for buffer areas, it may be appropriate under certain circumstances to establish perimeter areas that, along with other uses, protect Wilderness. Just as city or county zoning provides for transitions from dense urban development to single family housing, forest land managers should not be prevented from providing transitional land uses to harmonize with adjacent areas. Section 2(d) would prohibit this and therefore limits the ability of the Forest Service to meet its responsibilities under the National Forest Management of 1976 and the Multiple-Use, Sustained Yield Act of 1960. We strongly recommend that both of these sections be deleted.

Turning to the specific areas recommended for the wilderness designation, we are gratified to see that many of Arizona's most spectacular and important RARE II areas are in H.R. 4707, including Mt. Wrighton and Four Peaks. We are, however, troubled by the exclusion of a number of areas we believe should also be included.

The so-called "Users Group" submitted a 500,000 acre proposal to the Arizona Congressional delegation. Of this 500,000 acres, we find that 170,000 acres are not included in H.R. 4707. Some of these areas, such as Strawberry Crater and Jacks Canyon, are not only supported by both industry and conservationists, but by local government as well, and are of exceptional wilderness quality. We strongly urge that these areas and all the other areas jointly supported by industry and conservationists be included.

The largest and most worthy Forest Service area excluded from the bill is the Blue Primitive Area and contiguous units. This area -- already wilderness just over the border in New Mexico -- is perhaps the wildest portion of

Arizona. It offers the best opportunity for preservation of a major ecosystem, with a total of approximately 200,000 acres, and should be included in H.R. 4707.

Bunk Robinson and Whitmire Canyon are proposed as Wilderness Study Areas (WSAs) to match their respective halves in New Mexico. Scientists the world over recognize the importance of these two areas. They should be wilderness as should their New Mexico counterparts. Two other important areas that straddle the border, and which are WSAs in New Mexico, are not included in this bill: Lower San Francisco and Hell Hole. Lower San Francisco is a deep river canyon with a variety of unique plant and animal species. The river is favored by river runners from both Arizona and New Mexico. The Forest Service recommended the core of the canyon for wilderness. Hell Hole was recommended by the Forest Service for further planning in recognition of its natural values and the WSA designation in New Mexico.

It makes little sense to slice these two areas in half, releasing the Arizona portions while retaining the parts in New Mexico. The two should be designated as wilderness or at the very least WSAs so that they can be studied -- as is required under the National Forest Management Act's planning provisions as entire units.

Finally, we are deeply concerned about the exclusion of all four refuges from the bill. Of particular importance is Cabeza Prieta, an 800,000 acre game refuge on the Mexican border adjacent to Organ Pipe Cactus National Monument in Chairman Udall's district. This refuge is the wildest and most outstanding example of Sonoran Desert in the world. It is home to the Endangered Sonoran Pronghorn Antelope and a large herd of desert bighorn. It is threatened because it is on the Administration's deauthorization "hit list" and needs the additional protection of wilderness. Cabeza Prieta was recommended for wilderness in 1974. Designation will not effect current uses. We know of no

significant conflicts. Many Arizona citizens support its inclusion in the Wilderness system. The Air Force, which operates an adjacent base, has indicated they have no objection to wilderness for Cabeza Prieta. Cabeza Prieta is worthy of wilderness designation and should be added to H.R. 4707.

In conclusion, The Wilderness Society applauds the introduction of H.R. 4707 as a tremendous first step towards resolving RARE II in Arizona. With the incorporation of suggestions we and others have made today, we believe H.R. 4707 can be of major benefit to the citizens of Arizona and the United States.

Thank you. I am happy to respond to questions.

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95TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 95-540

DESIGNATING CERTAIN ENDANGERED PUBLIC LANDS FOR PRESERVATION AS WILDERNESS, PROVIDING FOR THE STUDY OF ADDITIONAL ENDANGERED PUBLIC LANDS FOR SUCH DESIGNATION, FURTHERING THE PURPOSES OF THE WILDERNESS ACT OF 1964, AND FOR OTHER PURPOSES

JULY 27, 1977.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

together with

SUPPLEMENTAL AND MINORITY VIEWS

[To accompany H.R. 3454]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 3454) to designate certain endangered public lands for preservation as wilderness, to provide for the study of additional endangered public lands for such designation, to further the purposes of the Wilerness Act of 1964, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Endangered American Wilderness Act of 1977".

STATEMENT OF FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) many areas of undeveloped public lands posses and exhibit outstanding natural characteristics giving them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) certain of these undeveloped public lands meet all statutory criteria for suitability as wilderness as established by subsection 2(c) of the Wilderness Act (78 Stat. 890), but are not adequately protected and lack statutory designation pursuant to the Wilderness Act as units of the National Wilderness Preservation System;

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he deems appropriate. section 4(d)(1) of the Wilderness Act allows the Secretary to permit motorboat and aircraft use in wilderness areas where the use had become established prior to addition of the area to the Wilderness System. Of course, common sense dictates that mechanized vehicle use may be necessary and appropriate in emergencies or for the proper administration of an area. As a rule, there should be no altitude limits on aircraft overflight in wilderness areas.

Fisheries Enhancement.—Fisheries enhancement activities and facilities are permissible and often highly desirable in wilderness areas to aid in achieving the goal of "preserving the wilderness character of the area" as stated in section 4(b) of the Wilderness Act. Such activities and facilities include fish traps, stream barriers, aerial stocking, and the protection and propagation of rare species.

Shelters, Campside Facilities.—Trailside shelters or lean-tos should not be provided in wilderness areas except where necessary under section 4 (b) or (c) of the Wilderness Act for the protection of the wilderness, or for the health and safety of the user. In general, fire rings, hitching posts, non-permanent tent platforms or pads, and other temporary structures used by outfitters may be allowed at the discretion of the Secretary, and the Committee feels that these should not have to be removed each winter if they can be stored in an unobtrusive fashion.

Weather Modification Special Equipment.—Snow gauges, water quantity and quality measuring instruments, and other scientific devices are located in many wilderness areas and are entirely appropriate to further the scientific, educational, and conservation purposes of wilderness areas as stated in sections 2 and 4 of the Wilderness Act. Weather modification activities should also be permissable, if they do not impair the ecological balance and wilderness qualities of an area. The strongest case for weather modification exists in drought years when necessary to augment precipitation in order to aid in "preserving the wilderness character" of an area as set forth in section 4(b) of the Wilderness Act, or to enhance watershed values.

The committee hopes the above guidelines will prove instructive in future deliberations on wilderness areas and legislation, and will eliminate much of the confusion and uncertainty surrounding alleged uses, or prohibitions of uses, within wilderness areas.

Recognizing the many deficiencies of the 1972 RARE program, the committee approves the plan to initiate a new roadless area review and evaluation (RARE II) which will take another complete look at the National Forest "de facto" wilderness areas incorporating the new guidelines outlined above. This review will be, as described by Assistant Secretary Cutler, "more innovative in managing around objectionable features to minimize their impacts" while at the same time enabling the inclusion of lands in the Wilderness System which are "not entirely free of marks of mankind, but (which are) fully capable of providing, in the long term, wilderness benefits to many people." This attitude represents a new philosophy which should enable the RARE II program to more fully comply with the spirit of the definition of wilderness in section 2(c) of the Wilderness Act as an area where "the imprint of man's work is substantially unnoticeable" than did the 1972 RARE review.

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STATEMENT OF J. ROBERT WHITE, WILDERNESS AD HOC COMMITTEE, WESTERN REGIONAL COUNCIL, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, ON H.R. 4707, ARIZONA WILDERNESS ACT OF 1984, FEBRUARY 21, 1984

Mr. Chairman and Members of the Subcommittee:

The Western Regional Council appreciates the opportunity to comment on a number of specific provisions contained in the Arizona Wilderness Act of 1984, H.R. 4707. I am J. Robert White, Vice President of the Valley National Bank of Arizona. I am here today representing the Wilderness ad hoc Committee of the Western Regional Council (WRC) and the Wilderness ad hoc Committee Chairman, George S. Dibble, Jr.

The Western Regional Council was organized to provide a voice for the business community of the Intermountain West. Its membership is composed of chief executive officers of corporations representing many industries doing business within the Mountain States region. The Council is working to establish balanced policies which consider the benefits of both economic development and environmental preservation. It also provides a forum for the resolution of business and industry problems on a regional basis.

The WRC would like to address its statement to three provisions in H.R. 4707.

1) The release to non-wilderness management status of Arizona forest lands found to be unsuitable for wilderness designation through the RARE II process;

2) Sufficiency language to end continuous wilderness study of non-wilderness lands in Arizona; and

3) Prohibition on the creation of protective perimeters or buffer zones around designated wilderness areas.

Individual WRC members and companies have commented and will continue to provide direct input on specific areas and acreage. This statement will be directed only towards the release language, sufficiency language, and anti-buffer zone provisions of the bill.

Release of Lands for Non-wilderness Use

For the past decade the management status of at least one-third of the National Forest system has been in limbo because Congress has not proclaimed whether it is to be wilderness or non-wilderness. The wilderness process has been, and continues to be, embroiled in studies, re-studies, and litigation. From 1977 to 1979, the Forest Service studied its roadless areas for a second time to determine which areas should be recommended as

wilderness and which should be released to multiple-use. Today, in 1984, Congress and the courts still have not finally resolved this issue. In fact, pursuant to a Federal court decision, the U.S. Forest Service has now initiated another wilderness review process commonly known as RARE III.

This long debate has created tremendous uncertainty that only Congress can resolve. This uncertainty particularly impacts the energy and natural resource industries and, ultimately, the American consumer. Each public land withdrawal, and even each acre awaiting final determination for designation or release, further limits acreage accessible to exploration and development. These actual and de facto withdrawals have serious negative implications for this nation's future supplies of energy and minerals, the U.S. balance of payments, and the domestic economy.

Most of the lands being considered for wilderness are in the western states and Alaska, areas of high mineralization. They represent a large percentage of the unexplored lands remaining in this country where there is potential to find significant quantities of energy and mineral resources. At present, the western states are known to have 90% of the nation's uranium, 80% of its oil shale, 40% of its coal, and large deposits of oil, natural gas, and other needed or critical minerals.

The withdrawal of public lands for wilderness review or designation must also be viewed in the larger context of total federal land withdrawals and restrictions. The federal government owns one-half of the land in the West (including 50% in the eight-state WRC area). Much of this land is subject to use restrictions that either limit or totally prohibit energy or mineral exploration and development. Restricted federal lands include almost 80 million acres of national parks, more than 84 million acres of wildlife refuges, 191 million acres administered for military purposes, 51 million acres held in trust by the federal government as Indian reservation lands, and millions of acres set aside as wilderness or under consideration for wilderness designation (perhaps the most restrictive of all federal designations or withdrawals).

The increasing curtailment of resource exploration and development on public lands is one of the most serious problems facing the energy and mineral industries. That is why the matter of release language is of such great importance to these industries.

Adequate release language must provide, over the long-term, certainty and stability to public land management and use. Such certainty and stability is of vital importance to forest planners and supervisors who must implement management and use

decisions regarding our valuable national forest resources. That certainty is also critical to energy and mineral companies who must make difficult long-range decisions, based upon expected land use and management, and taking into account the years required for planning, permitting, exploration, etc.

It would be in the interest of our member companies and, we believe, it would be consistent with the intent of the Wilderness Act of 1964, to have non-wilderness lands released permanently to multiple use and management. Consequently, the Western Regional Council supports substituting the following release language in H.R. 4707:

> National forest system lands in the State of Arizona not identified in this Act as additions to the National Wilderness Preservation System or heretofore designated by an Act of Congress as components of the National Wilderness Preservation System shall be managed for multiple uses other than wilderness, until and unless otherwise directed by an Act of Congress. Such lands shall be deemed for purposes of current and future land use plans which are required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (as amended by the National Forest Management Act of 1976) to have been given adequate consideration as to their suitability for inclusion in the National Wilderness Preservation system.

Such release language would provide the certainty and stability required by forest managers and users without, in any way, binding any future Congress or precluding further Congressional wilderness designations. It would fulfill, in all aspects, the requirements of the Wilderness Act of 1964.

We recognize that certain non-development interest groups seek shorter periods of release or even no release. Nevertheless, we are concerned that the release language in H.R. 4707, precluding Department review of wilderness only through the initial forest planning cycle, does not provide industry the certainty and stability required to make and implement meaningful plans and decisions. We urge Congressman Udall and other members of the Arizona Congressional delegation to reconsider the release language currently in H.R. 4707. We ask that such language be amended to provide greater certainty and stability to forest managers and to all forest users.

Sufficiency Language

Soon after the completion of the second Roadless Area Review and Evaluation (RARE II) in 1979, the State of California brought suit against the Secretary of Agriculture, challenging the legal and factual sufficiency of the RARE II Final

Environmental Impact Statement regarding its consideration of wilderness in more than 40 areas of California involving more than 900,000 acres.

In the entire RARE II review, 62 million acres or roadless areas in the National Forests were studied for their suitability for wilderness preservation or for other uses. The decision recommended 15.4 million acres for wilderness designation, 36 million for non-wilderness uses, and 10.6 million acres for further study. The areas in California at issue in the suit were recommended for non-wilderness use.

In January, 1980, Judge Lawrence Karlton of the United States District Court for the Eastern District of California in California v. Bergland, held that the RARE II final EIS had insufficiently considered the wilderness alternative for the specific California areas challenged. Judge Karlton enjoined any development which would "change the wilderness character" of these areas until subsequent consideration of the wilderness values could be completed by the Department of Agriculture in accordance with the National Environmental Policy Act (NEPA). The District Court said that the RARE II Final EIS was inadequate to support the non-wilderness designations in the 47 disputed areas in California, and violated NEPA.

The U.S. Court of Appeals, on October 22, 1982, issued a decision upholding the U.S. District Court decision in - California v. Bergland. The Appeals Court reversed in part but affirmed in all important aspects the decision of the District Court. The Karlton injunction remains in place and:

-- Prohibits the Forest Service from taking any action that may change the wilderness character of any area in dispute until and unless an EIS, prepared and circulated in accordance with NEPA, has been filed which considered the impact of such action upon the wilderness characteristics of such areas;

-- Prohibits the Forest Service from relying on RARE II non-wilderness designations and the RARE II environmental statement's consideration of the impact on non-wilderness designations on the wilderness qualities of any area in dispute when preparing National Forest Management Act unit plans;

-- Orders the Forest Service to consider, evaluate, and assess wilderness values and possible wilderness classification under the Wilderness Act for each area in dispute prior to promulgation of such plans.

This court decision has only increased the uncertainty under which business interests in the West must labor. Specifically, this decision makes it easy for non-development groups to tie up development on all National Forest roadless areas in states of the 9th Circuit (California, Oregon, Washington, Idaho, Montana, Nevada, Alaska, and Arizona), and of other states, as well. This occurred just recently in Oregon with the lawsuit brought by the Oregon Natural Resources Council over RARE II sufficiency in that state.

The court decision has also resulted in the U.S. Forest Service initiating a RARE III process. This RARE III process will result in unnecessary additional costs, extended time delays, increased uncertainty for both forest managers and users, and, most likely, renewed opportunities for litigation that can only serve to further frustrate the wilderness process and the interests of all those involved.

The sufficiency language in H.R. 4707 resolves these current and potential problems, at least within the State of Arizona, by prohibiting further judicial review of the Forest Service Environmental Impact Statement "with respect to National Forest System lands in the State of Arizona". Such language will help remove some of the uncertainty over the status of many acres of public land in Arizona. Consequently, the Western Regional Council strongly supports the sufficiency language included in H.R. 4707.

Prohibition on Buffer Zones

The culmination of the Forest Service Roadless Area Review and Evaluation process was (and is) intended to be a decision by Congress regarding the designation of certain Forest Service lands as wilderness and/or the release of other Forest Service lands to multiple-use. The integrity of that wilderness process would be undermined if designated wilderness areas and wilderness management were extended into so-called protective perimeters or buffer zones around any wilderness area. Besides undermining the wilderness process, the possibility of creation of such buffer zones reinserts the highly objectionable factor of uncertainty into the management and use of valuable Forest Service lands and resources.

The Western Regional Council strongly supports the prohibition on buffer zones in H.R. 4707.

In conclusion, the Western Regional Council sincerely appreciates the opportunity to testify on H.R. 4707, the Arizona Wilderness Act of 1984. We ask that you give the Council's views your careful consideration.

Statement by Edward J. Wren, vice president, Southwest Forest Industries, before the Subcommittee on Public Lands & National Parks, House Committee on Interior and Insular Affairs, Washington, D.C. February 21, 1984.

Mr. Chairman, Chairman Udall, members of the Committee. I appreciate the opportunity to appear before you today in support of the acreage provisions contained in H.R. 4707, the legislation designating 752,900 acres for inclusion in the Wilderness system and an additional 60,900 acres in further planning.

The Company I represent, Southwest Forest Industries, is heavily involved in building and paper products manufacturing and distribution in several states, including Arizona, Colorado, New Mexico, Oregon and California in the Southwest and Pacific Northwest. In Arizona alone, where we are the largest forest products company, Southwest has operations in eight Arizona communities and presently employs approximately 1,500 people with an annual payroll of approximately $45 million.

Managing the forest resource is a prime concern in our state, where 26 percent of the total land area, or 18.5 million acres, is covered by forests. Most of this acreage features smaller tree species but 3.9 million acres of it is classified as commercial timberland that can support commercial operations. More than 97 percent of this commercial forestland is on public land with the National Forests comprising 63 percent of the total, the Indian trust lands 26 percent, other federal (including BLM) and state lands six percent and the remaining three percent is controlled by private interests.

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I mention this because unlike some other states in the western U.S., there really is no alternative but the National Forests as the raw material source for a lumber or paper manufacturing facility in Arizona.

Our Company has been involved to a major degree in the process which led to both the Colorado and New Mexico Rare II bills enacted by Congress and in the California and Oregon bills which are presently pending before the Congress.

In each instance the negotiations followed somewhat similar patterns in that the multiple user groups started at one end of the spectrum by favoring little additional Wilderness designation while the Wilderness groups were at the other end favoring substantial additions to the Wilderness system.

While I do not presume to speak for any other organization or group, I would say to you that in my personal opinion the legislation before you today is a good compromise--one agreed to by reasonable people on both sides under the leadership, direction and prodding of the distinguished chairman of this committee. It reminds me of the compromise which was put together relative to the Colorado Rare II legislation, where Congressman Ray Kogovsek played the major role in bringing both sides together in southern Colorado and forging what our Company considers to have been a piece of legislation which was fair and equitable to everyone, even though neither side achieved their pre-set goals. But that is the essence of compromise.

Basically this same scenario occurred with respect to the Arizona Wilderness proposal. When representatives of our Company

first met with representatives of the Arizona Wilderness Coalition we stated our political position, they stated theirs and the two were miles apart. But then we began the serious negotiations, and in short order made substantial progress toward a final resolution of the acreage where commercial timberland was involved. It is important to note that both sides were aware of the actual lands in question, both had experienced individuals who had carefully walked the acreage in question and had opinions, from on-the-ground observation, as to whether the area was suitable as Wilderness designation or should more correctly be classified as multiple use management or further study. Certain of these areas--Red Rock-Secret Mountain, West Clear Creek and Bear Wallow as examples--involved some spirited discussions and necessitated a real give-and-take before the final compromise was reached. In the end, it turned out that of the 68,780 acres which our Company originally decided should not go into Wilderness because of the fact these acres contained good commercial forestland, 34,780 of these acres will be included in Wilderness and the remaining 34,000 acres is recommended for multiple use. These precise figures are not what is contained in the legislation though, as Chairman Udall requested that we strongly consider the addition of between 3,500 and 4,000 wilderness acres to the 7,000 presently in the bill for the Bear Wallow area in the Apache-Sitgreaves National Forest. We agreed to this last week.

The various multiple use groups in Arizona have met on several occasions over the last year in a good faith effort to

work out a reasonable compromise, one which they and particularly their members can accept even though in many cases it is a hard pill to swallow, particularly for groups who believe strongly we have enough Wilderness and enough areas in close proximity to all major communities in Arizona where anyone can enjoy the Wilderness experience. Some of them still have major problems with certain areas proposed for Wilderness in this legislation. All of them have problems accepting the standard release language which first surfaced in the California Rare II bill passed by the House and is included in the Colorado, New Mexico and Alaska bills which have become law.

Our Company shares this concern and let me try and put that into perspective. I was involved in the negotiations which developed the language, working with Congressman Harold Bizz Johnson who represented the northern California area where we have timber manufacturing operations, and with Dick Barnes who worked out the provisions with you, Chairman Seiberling, and others. We have carefully followed the path this language has taken since that time, and are therefore fully aware of the Congressional Research Service report issued late last year, of the fact there is another one due out soon which will be markedly different from that one, of Chairman Seiberling's letter to Congressman Cheney and the other dialogue--some public and some private--which continues on this subject.

I do not wish to take the time to argue for different language, which has been alternatively referred to as harder

soft, or softer hard, or semi-hard. I would like to point out to the subcommittee my strong belief, having been involved in this for the past nine years, that the problem is simply one of trust. I would hope that the trust which was established and eventually resulted in the proposed Arizona Wilderness legislation will carry over once the bill becomes law. Based on past experience, the problem is that after these compromises are reached the multiple user groups discover that the environmental groups use every means at their disposal to frustrate the result, presenting a legal challenge to every forest plan and, to date at least, never allowing these plans to become final and thus leaving land designated as multiple use in federal legislation in a de-facto Wilderness status. Our experience has taught us that we should worry about a new Secretary of Agriculture or a new regional or individual forest supervisor who would, for whatever reason, decide to "revise" a first generation plan shortly after implementation.

I fully realize why it would be difficult to guarantee that a planning cycle will last for 10 or 15 years as this would necessitate the amending of the National Forest Management Act. I will not belabor the point I made relative to trust, but I do hope that the members of the subcommittee and committee understand why many of us have strong feelings about placing into statute provisions which we consider are important and which are now outlined in report language.

Let me conclude by thanking Chairman Udall and full committee members Congressmen McCain and McNulty and their staffs

for taking the time necessary to meet with everyone interested in this bill, for going out and actually observing the land in question and for achieving what I personally believe is a fine piece of legislation.

I first met with Chairman Udall in Tucson eight years ago as Rare II was beginning and he said it was time to finalize the decisions on the federal lands so that no matter what the outcome at least people would know where they stood and could put together their plans for the future. Without his dogged determination and willingness to tell both sides that they had to compromise and he would accept nothing less, we wouldn't be here today discussing this bill. It is my hope that an Arizona Wilderness bill will pass both houses of Congress and be signed into law this year as a fitting tribute to Mo. Thank you Mr. Chairman and committee members and I would be glad to answer any questions.

TESTIMONY OF ROB SMITH, ASSISTANT SOUTHWEST REPRESENTATIVE FOR THE SIERRA CLUB, ON THE ARIZONA NATIONAL FOREST WILDERNESS ACT OF 1984, HR 4707, BEFORE THE HOUSE SUBCOMMITTEE ON PARKS AND PUBLIC LANDS, FEBRUARY 21, 1984

Mr. Chairman and members of the Subcommittee,

My name is Rob Smith, and I am Assistant Southwest Representative for the Sierra Club. I am very happy to be here today testifying, at long last, on an Arizona national forest wilderness bill. This bill has been a long time in the making and represents an acceptable resolution between between concerned parties on a number of areas -- the Blue Range Primitive Area and neighboring lands being a major exception.

Aside from certain areas, though, two issues in particular have continued to come up in our discussions with industry groups.

One of those issues is the degree to which this bill resolves the wilderness question on Arizona's national forests for the near future. HR 4707 strikes a fair compromise by employing the standard release formula found in the seven RARE II wilderness bills which have already passed Congress.

I'm sure this Subcommittee is well aware that standard release language was a significant compromise for both sides. It is a complex and careful mix that acheives the commonly held goal of removing our forest roadless areas from management stalemate and placing future wilderness reviews into the forest planning process where they belong.

I know this Subcommittee is quite familiar with the details of this language, but let me underscore the importance of standard release provisions to wilderness advocates in Arizona.

To many of our people, standard release is absolutely necessary for them to settle for less than our entire proposal. If the Forest Service were denied the option to reassess roadless areas for several decades into the future or if the agency was forced to develop areas after passage of this bill, there would be almost no hope for the undesignated wild places. This would be our only chance to save them. HR 4707 assures that our children will have the same option to save special places that we are exercising now.

The other issue that has come up several times is the continuation of grazing in wilderness. Here, too, this Subcommittee has spent countless hours debating this issue before crafting a set of standard guidelines for national forest wilderness everywhere.

The grazing language now embodied in existing wilderness bills and which appears in HR 4707, like the standard release language, also was carefully worded. And agin, it is a mutually held goal of ranchers and wilderness advocates that grazing continue in wilderness areas in the spirit of this Congressional direction.

In addition to relying on this existing language, we have excluded from our wilderness proposals many areas where local ranchers wanted future developments and where they frequently use motorized equipment.

Still, the concern is voiced that the law is not yet clear enough, and that boundary adjustments will not address all cases. For various reasons, individual horror stories are not well documented. Broad generic language fixes are proposed that would potentially give grazing permittees more rights within a wilderness area than they currently have on Forest Service land outside wilderness boundaries.

Ultimately, the issue boils down to a basic mistrust of how the Forest Service applies the Congressional grazing guidelines.

We believe the grazing provisions of HR 4707 are adequate for Arizona. We would strongly oppose any changes in this language for which there was no clearly proven need.

We accept the provision in HR 4707 calling for a study of grazing in Arizona's wilderness as a means to document any alleged problems. We urge this Subcommittee to avoid making any changes in the standard grazing language until adequate information is in hand to justify tinkering with the existing compromise and to specifically identify what, if anything, needs to be done.

In summary, we do not believe a significantly better compromise can be struck on these two issues than already exists. We fear that to open up debate on these points now will stall the Arizona bill beyond hope of passage in this Congress. We don't think that's worth it.

We hope this Subcommittee will accept the grazing and release language of HR 4707 so that we may acheive resolution of the wilderness question for Arizona's national forests, Aravaipa Canyon and the Arizona Strip as soon as possible.

Thank you for the opportunity to be here today.

TESTIMONY OF PAUL HIRT BEFORE THE SUB-COMMITTEE ON PARKS AND PUBLIC LANDS, ON HR 4707,"THE ARIZONA NATIONAL FOREST WILDERNESS ACT OF 1984," FEBRUARY 21,1984.

Mr. Chairman and members of the Sub-committee, my name is Paul Hirt and I represent the Rincon Group of the Grand Canyon Chapter Sierra Club. I am also an executive committee member of the Arizona Wilderness Coalition and forest coordinator for the Coronado National Forest for these groups.

I am pleased to be able to testify before you today on the Arizona National Forest Wilderness Act. This long awaited, well conceived landmark piece of legislation will be a credit and benefit to all Arizonans as well as to the quality of our National Forests themselves.

I would like to address the portion of the bill which relates to the Coronado Forest, and also to a lesser extent, the Apache Forest. Our Arizona Wilderness Coalition Proposal for the Coronado began as a compromise; that is, we didn't ask for "everything". There were a total of 24 roadless areas identified on the Coronado Forest (including two areas adjacent to the Pusch Ridge wilderness which were dropped from consideration in RARE II during 1976and re-included in the current roadless area reevaluation- RARE III). In 1982, the Arizona Wilderness Coalition (AWC) chose to advocate for 14 of the most important of those 24 areas.

Over the past two years of its development, our proposal has been significantly refined, adjusted and compromised further in response to identified resource concerns, until at this point, we feel that it is entirely and unequivocably defensible and reasonable. The purposes of the Wilderness Act, the Multiple-Use mandate and the nation's need for commodity resource development on public lands are all well served by our present recommendations. We therefore respectfully request that careful reconsideration be given to the merits and detailed resource analyses of three areas in the Coronado not included in the bill. Those three areas are the North End (Cochise Head), the Dragoons and the Tumacacoris. In the Apache Forest, the Salt House area contiguous to Bear Wallow and a corrider of the San Fransisco River should be reconsidered for wilderness, while our recommended Additions to the Blue Primitive area should receive some sort of interim protective status along with the Blue.

I would like to emphazize my very strong support for the many areas on the Coronado which were put into the bill. In particular, the areas of Mt. Wrightson, Miller Peak and Pajarita #1 which were on a priority list of importance to the mining lobby, as well as the Galiuros, Chiricahuas and Santa Teresas which have some of the highest wilderness values in the Forest.

Supplemental material to my testimony, provided to the committee, discusses these areas in detail, and a recently updated report comparing mineral values in key areas with ecological and recreational values is included. At this time, I would like to talk a little about our efforts at resource analysis and conflict resolution.

During 1983 Don Gest, a geologist who was working at the Arizona Bureau of Geology and Mineral Technology (ABGMT), and I spent six months researching State and Federal mineral data sources, culminating in a report which is in your supplemental packet. (An extensive bibliography of both published and unpublished sources as well as individual professional testimony is included with this report).

Our assessment gives an overview of economic mineral production in Arizona (emphasizing the large copper companies) and then describes the history of mineral production associated with RARE II areas in the AWC proposal. An appendix to our mineral report includes an assessment and rebuttal of the Arizona Mining Association (AMA) assessment of RARE II areas.

I have written a lengthy comprehensive wilderness proposal for the proposed Mt. Wrightson wilderness, an area which is of great concern to the AMA also. Included in the proposal is a complete section of geological analyses, mineralization data and production history. In addition, I have recently prepared a supplemental summary of mineral values in relation to other multiple-use values such as wilderness for Mt. Wrightson. Both these reports are in your packet of supplemental information.

In essence, there are little or no real mineral-resource conflicts within the boundaries of the Mt. Wrightson area as proposed by the AWC. The AMA

has targetted Mt. Wrightson as one of the most important areas to them, if not the most important; however, I fail to see any substance to their claims (so to speak) in regards to any potential for economically viable mineralization within the unit. Judging from the AMA's own assessment of Mt. Wrightson, their opposition to the area is based on erroneous production data, claims concerning vast and nebulous mineral "zones" which are non-specific to the unit itself, and a littany of adjacent mineralization within a 50-100 mile radius.

Although significant mineralization occurs nearby, (increasing with distance from the proposed wilderness), no production has been recorded within our boundaries and there is at best only scattered, weak and commercially valueless pockets and veins of metallic mineralization. These insignificant deposits are of little interest and mostly on the periphery of the area. The purported mineral conflicts in each of the areas on the Coronado targetted by the mining industry are similar in character and scope to Mt. Wrightson. It is our documented judgement that actual conflicts are minimal and wilderness designation for every area in our proposal will have an insignificant effect on actual or potential commercial production of minerals in Arizona.

The other major resource issue we worked on researching and mitigating is grazing. It has always seemed ironic that an activity which is Congressionally mandated as compatible with wilderness can, at the same time, be considered a major conflict. As we refined our boundaries, we made many adjustments where permittees & the Forest Service wanted to do more intensive management. We excluded the whole southern and southeastern ends of the Whetstones (almost 30% of the whole unit) for the permittee to try the Savory intensive range program. We made adjustments in Mt. Wrightson, Mt. Graham, Cochise Head, Chiricahua Additions and the Tumacacoris for access and range management practices like water developments, prescribed burning, etc.

I personally visited every Coronado district office and talked to the district rangers and range conservationists in order to collect data on real or perceived range conflicts. Many boundary adjustments were offered in places even where the Wilderness Act permits the activity. To the best of our knowledge, none of the areas we are recommending in the Coronado Forest have any ident-

ifiable approved allotment management plans (AMP's)which would conflict with wilderness management according to Congressional guidelines.

In addition, I did a brief study of range condition and utilization maps at the Forest Headquarters. This study was extremely enlightening. The maps show that an average of 60%-70% (more or less depending on the unit) of the allotments that overlap our recommended areas are classified as "no capacity". This is largely due to the fact that much of the areas are over 40% slope and/or support non-forage type vegetative communities. In essence, the vast majority of grazing on most affected allotments takes place outside the wilderness boundaries. This is documentable.

I would appreciate any opportunity to go over in more detail some of the resource issues of certain areas in and out of the bill, and to discuss the adjustments which we have offered to mitigate identifiable resource concerns.

One point which we would like to emphasize is that wilderness and recreation are both ecologically and economically the most appropriate and efficient management emphasis for the Coronado Forest. In the 1982 Coronado Draft Land Management Plan, Alternative A was a run which was set up to "maximize the present net value of the Forest". The computer maximized both wilderness and recreation in this alternative, subordinating all other management emphases.

Due to the fact that the Coronado Forest is composed of isolated mountain "islands" rising 3,000 to 7,000 feet from the surrounding basin floors, the slopes are extreme, soil conditions shallow and fragile, arid vegetation is generally sparse with long regrowth rates, impairing activities are often permanent, riparian areas are rare, invaluable and irreplacable, and access to any existing resources other than those in the lower edges ("bajadas") of the ranges is extremely limited. Custodial management of existing roadless areas emphasizing wildlife, scenic values, special protection of unique ecological features and dispersed recreation is the acknowledged appropriate mangement emphasis for most of the Coronado.

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It should also be noted here that the Coronado Forest is considered by many leading biologists to have the richest most varied ecological habitat for plants and animals in the United States, including rare, threatened and endangered species. International tours are offered by a number of ornithological organizations into a half dozen areas in the Coronado. The Nature Conservancy runs three world rekowned Nature Preserves on or near the boundaries of three of our recommended wilderness areas. The Arizona Natural Heritage Program placed the top 4 roadless areas of ecological significance state-wide all in the Coronado.

A final topic I would like to cover in this testimony is public comment and perception of wilderness in district 5, which includes all but one area in the Coronado proposal, plus the whole Apache proposal. A review of public input and recent polls indicates that supporters of wilderness easily outnumber those who decry it as a "lock-up". I would like to cite three recent statistical sources which support that contention:

1) Most recently, a district 5 constituent survey, conducted by Representative Jim McNulty, showed that 72% of respondents favored preservation of wilderness over development. We feel this was a very significant poll and we thank Rep. McNulty for his diligence in assessing the public's opinions on this subject. I would like to add a bit to the results of this survey by discussing briefly the nature of the survey question. It was worded so as to suggest that these potential wildernesses also contain important marketresources and that the respondent was to choose between preservation now or development now. While conflicts between wilderness preservation and commodity production is generally how the issue is perceived, in most cases this is not a significant issue on the Coronado. With few exceptions, the very fact that these areas are still roadless is for the most part a result of either a lack of market commodities or an infeasibility of extraction. In addition to this, the AWC proposal sought to minimize any real or potentially real conflicts by avoiding recommending areas with realistic development potential and adjusting boundaries where appropriate.

My point in regards to the wilderness survey question is, that if constituents were asked whether pristine areas with few real resource conflicts should be designated wilderness now or not, I believe the response would be even more

overwhelmingly pro-wilderness than 72%. We think it is extremely significant that even when faced with a conflict and choice scenario the survey respondents favored wilderness by three to one.

2) The Coronado Forest published its first Draft Land Management Plan in December of 1982. A public comment period lasted until April 1983. Subsequently the Forest analyzed the responses and publicized the results in a 75 page summary. More than 10 times the normally expected volume of input was received. Much of it of very high quality and detail. Comments were separated by the Forest into 164 different subjects. "Wilderness" received the 4th highest number of comments of all subjects. The following are summaries of the public response:

111 comments were received favoring wilderness for specific areas on the Coronado. Only 57 comments opposed wilderness, and 40 of those were from off-road-vehicle users opposing one particular area of one particular unit.

With one exception, every single area recommended by the AWC received at least four comments supporting wildernes to every one comment against, usually much more than that. The areas of Bunk Robinson and Whitmire Canyon received the greatest volume of comments and had no comments opposing wilderness designation.

On wilderness in general, 72 comments favored more wilderness than what the Forest recommended in their Proposed Action. Only a total of 21 comments favored what the Forest recommended or less. And, while much of the anti-wilderness responses were petitions and form letters, no form letters or petitions were received favoring wilderness, all of the responses were individual personal letters.

(The Apache Forest also in district 5 has not published a plan yet, so no comment analysis is available.)

3) The BLM in Arizona conducted an extensive Arizona wilderness attitudes survey in 1982. The report is a statistically valid survey of registered voters. Some of the data results broken down by county are summarized below:

"81% of all respondents believe that wilderness is an important use of Arizona's Federal land."

"More than 80% believe that federal wilderness areas are important for the protection of wildlife, plants, air and water quality, and natural lands."

One survey question asked how important the respondent felt wilderness uses were on Arizona's Federal land. 88.1% of Pima county residents answered that wilderness was "very important" or "fairly important". Likewise, 80% of respondents in Cochise county, 67.58% of respondents in Graham county, and 63.8% of Greenlee county said that wilderness was "very important" or "fairly important".

To the statement, "Wilderness is a good thing to most Arizona poeple", 81.23% of Pima county respondents agreed and 9.72% disagreed. 74.28% of Cochise county respondents agreed and 10% disagreed. 54% of Graham county respondents agreed and 28.15% disagreed. 49.43% of Greenlee county respondents agreed, while 37% disagreed.

From the above it is clear that to a greater or lesser extent every county with wilderness in district 5 had a clear majority of respondents indicating that they value that type of land use. The appearance that the smaller more rural counties are generally opposed to wilderness is unsubstantiated.

There is a very significant pro-wilderness constituency in district 5, and it is our feeling that the bill as it is presently written does not fully recognize the values and merits of the areas themselves, the concerns of the local environmental community or the sentiment of the majority of the public in district 5.

We urge that amendments to the bill in the Coronado and Apache Forests be supported by the committee. No areas presently in the bill should be dropped and the following additions or changes are recommended:

Additional protection adjacent to the Chiricahua National Monument in the Cochise Head area (North End) is called for. A very strong case can be made for wildernes for the whole recommended unit (see the Mineral Conflicts

Analysis Supplement, page 8, for an assessment of the mineral potential in relation to the ecological/recreational values of Cochise Head). It is acknowledged that the area has "probable" and "substantiated" mineral-resource potential according to the U.S.G.S. Within the boundaries of the unit, however, the potential is mainly for small-scale development. In a larger and more important sense, the outstanding ecological and geological value and uniqueness of the area is far superior.

The Dragoon area with the reduced agency recommended boundary is another area which should not be overlooked. All the conflicts have been resolved with the reduced proposal, which is only about two thirds of the original roadless area. The area has unsurpassed value for the mountain climbing community and is known to be one of the best climbing areas in the country (a well kept secret- until now). It has cultural, scenic and recreational values important to both the Sierra Vista and Tucson communities. The adjusted proposal should be added to the bill.

The Tumacacori area with adjustments on the east and west sides for range improvements and general management ease should be added to the bill. It is considered to have some of the finest wildlife values in the Coronado to the Arizona Game and Fish Dept., which has recommended the unit for wilderness. The Arizona Natural Heritage Program identifies this area (along with the Pajarita#1 unit directly to the south) as being one of the four top roadless areas in the state in terms of ecological significance. It is critical habitat for numerous species of state listed rare and threatened plants and animals. It is an important migration corrider to the world famous Madera Canyon area bordering Mt.Wrightson. There are no specific identifiable conflicts in this area, only rhetorical opposition to wilderness. It is particularly critical that this area be protected as it is the upper watershed for Sycamore Canyon and the Goodding Research Natural Area (contained within the Pajarita #1 unit).

Upgrading Bunk Robinson and Whitmire Canyon from further planning to wilderness is appropriate and defensible (see Michael Gregory's testimony on these areas). They are of little interest to the mining lobby which has rated both areas as low in mineral potential. The "User Group" recommended Whitmire Canyon for inclusion into the bill. The grazing permittee in that area favors wilderness.

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Both areas have unique and unsurpassed wildlife values and serve as a migration route for Mexican species into the United States (similar to the Tumacacoris). Public support for these two areas is exceptionally high, especially on the New Mexico side. The New Mexico delegation put their portions of these two areas into "further planning" in their 1980 wilderness bill; referring them to Arizona which has management jurisdiction over the whole range, under the direction of the Coronado Forest headquartered in Tucson. It is Arizona's responsibility to act now.

Of course, we would like to see all of the areas we have recommended put into the bill. As mentioned earlier, we strongly feel that our whole proposal is reasonable and wholly defensible, and that the facts support our case. However, the above mentioned amendments are our immediate priorities for the Coronado.

In regards to the Apache Forest, as outlined in Michael Gregory's testimony, the additions of Salt House to the 11,000 acre Bear Wallow area, a corrider of the San Fransisco River, the Centerfire and Escudilla areas all should be designated wilderness. This would comprise only a bare minimum beginning for the ultimate designation of the whole Blue-San Fransisco-Eagle rivers watershed. In addition, we feel that some type of protected status should be given to the Blue Primitive Area Additions as defined in the current adjusted compromise boundaries proposed by Michael Gregory. The additions on the south we consider to be of particular importance, as well as the San Fransisco River corrider and the Salt House area on the Eagle Creek watershed.

As a personal aside, the Apache Forest is my most favorite area in the state. My wife and I visit the back-country religiously several times a year since our first visit to the area in 1976. It is the largest, coolest, lushest high country forest in the state, and autumn amidst the Fir and Aspen here is an experience not to be equalled anywhere in Arizona. In terms of the ideal in wilderness values, this may very well be the premier example as well as the last remnant of wild natural forested expanses in the state. My soul will never rest until at least the Blue-San Fransisco-Eagle watersheds have been protected from resource development for the enjoyment and benefit of future generations and the quality and integrity of the whole ecosystem of the eastern Mogollon Rim.

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I very much appreciate this opportunity to express my views and the views of the conservation community in general in southest Arizona. I am looking forward to speaking with all of you individually and having the opportunity to discuss in better detail the key issues. Thank-you for your time and attention.

SIERRA CLUB

Grand Canyon Chapter · Arizona

MINERAL RESOURCES AND WILDERNESS VALUES IN KEY AREAS: CORONADO FOREST
(Supplemental report on Mt. Wrightson p.1, Dragoons p.6, North End p.8, Chiricahua Additions p.12, Pajarita#1 p.13, Miller Peak p.14)

Mt. Wrightson- This area has been reported on extensively already in terms of geologic character, known mineralization, production history and commercial potential. All of that information is contained in an appendix to this report. To summarize:

There is no denying that in the vicinity of the Santa Rita mountains there is extensive commercially significant deposits of minerals. Every copper deposit is covered by valid claims and all are available for exploitation. None of these are in the proposed wilderness. Smaller mining operations and prospecting continue, particularly to the north, south and southwest of the wilderness. Within the carefully selected boundaries of Mt. Wrightson, however, there is little interest and almost no activity. The only area actually on the wilderness boundary which the Forest Service has any 'plans of operation' for is in the north where about 6 individual miners are doing some tailings work and prospecting, considered of questionable economic feasability by the agency, but accomodated nonetheless. A recent boundary adjustment recommended by the Forest Service and accepted by the AWC excludes the vast majority of the area of interest to the claimants.

The real questions in relation to this legislation should be: What is the mineral potential within the boundaries of the wilderness? What would be the specific impacts, if any, to the mining industry in designation of this area? What other multiple-use values, besides mining, exist on Mt. Wrightson? And finally, what is the appropriate management for the area? I will address the questions one at a time:

Mineralization within the area must be contrasted to mineralization outside the area. To summarize from an Az. Bureau of Mines publication, the steep, broken, rugged and discontinuous nature of the geology within the wilderness area essentially precludes the liklihood of any commercially valuable deposits or for profitable extraction (Index of Mining Properties for Pima and Santa Cruz counties; see appendix for summary of this data).

In the surrounding foothills, mining is more feasable for a number of reasons; within Mt. Wrightson itself, however, not only is it geologically improbable, but it is also geographically prohibitive. This is an area with abrupt and radical topographic relief, characterized by precipitously steep terrain in most places. Slopes greater than 40% are common. In terms of accessibility alone, the majority of the area is infeasable.

A perusal of the history of mineral production on or near the boundaries of Mt. Wrightson gives a relative view of the area's capacities. There are only a couple of places on the boundary of Mt. Wrightson that have any reported production (data accurate through 1981) and none within the unit. One mine in upper Chino Canyon produced 950 tons of ore in its history and exhausted the deposit by 1915 after only a few years of production. Another group of mines in the Cave Creek area produced from 1933-1960 reporting a total yield of 1500 tons of ore. These are nearly insignificant production quantities and for comparison can be contrasted to the nearby Duval mining operation at Sierrita which produced about 36,000,000 tons of ore in 1981 alone.

As should be obvious from the above information, the mineralization within Mt. Wrightson is minor to the point of practical insignificance. It is to be emphasized that areas surrounding Mt. Wrightson do have higher quality mineral concentrations

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with a greater feasability of commercial extraction. The better areas are many miles away from the wilderness however, and are open to exploitation.

The question, "what would be the specific impacts, if any, to the mining industry in designation of this area?" would best be answered by the industry itself. I fail to see any reason why this area could be of any real importance to the industry. The A.M.A. assessment of the Mt. Wrightson RARE II area sites the great number of mines in the proximity of the unit and sites the significant production of copper from all the major producing mines south of Tucson as reasons for opposing the unit itself. This infers that surrounding mining potential extends into the rugged central core of the Santa Ritas where the wilderness is located. This is a fallacious argument. In response to the mining industry's opposition to wilderness for Mt. Wrightson the delegation should ask for substantiation of actual or forseeable conflicts, rather than a rhetorical littany of activity outside the wilderness.

The third question is, "what other multiple-use values exist on Mt. Wrightson besides mining?" This is a key question. Wilderness, by congressional definition, is a multiple-use along with timber, range , wildlife and fish and recreation. If one thinks about it, in point of fact, mining is the one activity which generally precludes all other multiple-use activities on the Forest.You cannot hunt, hike, graze, harvest timber or fuelwood or anything else on a pit or tailings pile.

On the other hand, in a wilderness the public can hunt, fish, hike, backpack, graze cattle, preserve important scenic, ecological, geological or archaelogical features, protect watershed and soil, wildlife habitat, etc, etc. About the only thing you can't do in a wilderness is harvest timber and drive vehicles for pleasure. You can even mine on valid claims in a wilderness.

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Wilderness is a multiple-use. The mining lobby is constantly demanding that these lands be "returned to multiple-use". I have yet to see any lands used by mining companies returned to multiple-use. In reality there is only one activity which is a true "lock-up"of potentially productive lands and that is mineral extraction.

Be that as it may, mining is only one of the many important uses of our public lands, and the question is, what other multiple-use values are there on Mt. Wrightson that require consideration? There are two areas within the wilderness which have already been withdrawn from mineral entry to safeguard other multiple-use values. One surrounds the Mt. Hopkins Smithsonian observatiory and another centers on the Madera Canyon recreation area.

The internationally famous multiple-mirror telescope atop Mt. Hopkins would benefit from a moratorium on all large-scale mining in the Santa Ritas, in addition to the officially withdrawn area. Dust, vibration and light or air pollution would all have devastating effects on the multi-million dollar facility and its observational effectiveness. You cannot just up and move an observatory to another location either. A discussion of the needs and concerns of the Smithsonian is crucial for land management planning in this area.

The Smithsonian, through public affairs officer Dan Broccious, has endorsed wilderness designation for Mt. Wrightson (as well as for Mt. Graham where they are planning another facility). In fact, new wilderness boundaries were arrived at through cooperation with the Smithsonian wherein the wilderness now hugs the facility even closer than the original RARE II boundary did. The Forest Service concurs with these boundaries too.

Madera Canyon, which directly borders and drains the major peaks in the wilderness, accomodates more visitors per year than any other recreation area in the Forest with the exception of areas in the Santa Catalina mnts. north of Tucson. The unique ecological features of Madera Canyon and its environs support one of the richest avifauna populations in the southwest. Tours by Audubon and other ornithological groups are offered nationally and internationally into this area. Recreational use of the whole area for its unique and outstanding natural features is the primary management emphasis of the Forest Service. In fact, recreational demand in the area has increased so rapidly in the past two decades that the Forest Service decided in 1974 to cancel the recreational residence leases of cabin owners in Madera Canyon to dismantle them in order to accomodate the increased visitation by the general public and the demand for natural conditions.

Wilderness is considered to be the best form of management for preserving the features which make this area so popular to recreationists. It is a fact also that recreation has the best cost-benefit ratio of all activities on the Forest. In the 1982 Coronado Draft Land Management Plan, the computer generated benchmark alternative which "maximized the present net value" of the Forest had recreation and wilderness at a maximum level. It is economically efficient and sensible to manage for recreation and wilderness on the Coronado. Mt. Wrightson is particularly suited for wilderness and the Forest Service made that recommendation for good reason during RARE II.

This in effect also answers the last question, which was, "what is the appropriate management for the area?" It should be evident that in this case wilderness is the answer, and not mineral exploration and development. (For more detailed information on this area, see the appendix or the full 35 page report on the area in your files or available from the AWC.)

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DRAGOONS- It must first be stressed that we are proposing a significantly reduced portion of the original roadless area which admittedly had a number of problem areas. The conflicts with the new boundaries are arguably none.

What conservationists are most concerned about designating in these mountains is the central rugged portion surrounding East and West Stronghold Canyons and the higher peaks in the range. This protects the areas of greatest value in terms of cultural/historic concern (Cochise Stronghold), recreational (most popular trails, rock climbing areas and the lands adjacent to the developed campground), and the scenic/geologic features of special significance.

The newly published (1984) U.S.G.S. report on minerals and RARE II areas contains an assessment of the Dragoons. The following is a summary of that information as it relates to the adjusted area we are recommending:

The central-southern rugged portions of the Dragoons are composed of a tertiary granitic stock which is essentially barren of mineralization. Along the edges of the stock is some potential for small-scale development. The related ore bodies are mainly small-scarn type deposits of base metals and silver with some tungsten.

The U.S.G.S. has identified six areas of "probable mineral resource potential". Three of them are outside the whole RARE II area itself, while the other three border the new boundaries with only minor and insignificant overlaps. In essence, the recommended wilderness is closely aligned with the barren granitic stock formations.

The Earth Materials Evaluation report by Wesley Pierce of the Az. Bureau of Geology and Mineral Technology (ABGMT) suggests that there are two areas of potential conflict in the Dragoons,

one at the southern margin bordering the Middle-Pass mining district and one in the north. The north end of the Dragoons has been excluded from the current proposal as has all of the activity associated with the Middle-Pass district. Even the small historic Abril mine which the Forest Service included in their "managable" boundary has been adjusted out by the AWC in the current proposal.

No production of minerals within the current boundaries has been reported and the liklihood of any commercially viable find is extremely low. All the mines and active prospects are outside the area and are currently available for exploitation. Again, the mining lobby's concern is about adjacent activity and potential, and is not specific to the vast majority of the unit itself.

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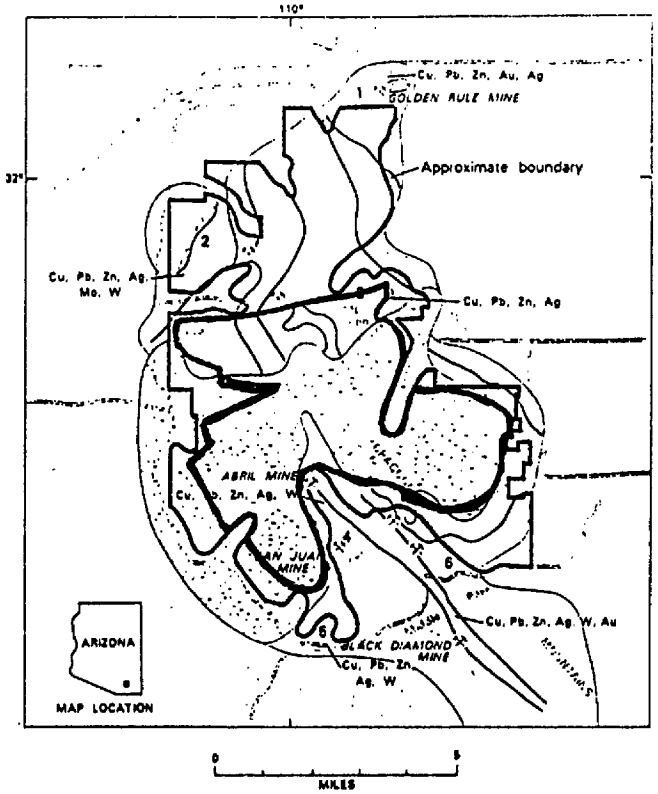

EXPLANATION

- Geologic terrane with probable mineral-resource potential
- Cu Copper
- Au Gold
- Pb Lead
- Mo Molybdenum
- Ag Silver
- W Tungsten
- Zn Zinc
- Mine
- Alluvium on gravel (Quaternary)
- Stocks, mainly granite (Tertiary)
- Sedimentary and metasedimentary rocks (Mesozoic, Paleozoic, and Precambrian)
- Contact
- Fault
- 2 Location discussed in text

Figure 15.—Dragoon Mountains Roadless Area, Arizona.

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NORTH END ("COCHISE HEAD")- The U.S.G.S. study on the North End concluded that the area has "probable or substantiated metallic mineral-resource potential in about one fifth of the area." Two areas in the U.S.G.S. report have "substantiated" mineral resources. One lies on the southeast corner largely outside the wilderness and contains the Hilltop mine. The other lies in the north-central portion of the unit and contains only a few small prospects. The rest of the mineral resource potential in the North End area is "probable" and about half of these areas are all or partially outside the wilderness.

ABGMT's Wesley Pierce states in his report that "Although not known to contain materials of high current interest, the region has a diverse potential that requires careful evaluation."

This area is extremely rugged and steep, so much so that it was the last sanctuary for mountain lion and black bear in the Chiricahuas when they were nearly extirpated from the area earlier in this century. Its remoteness and general inaccessability has preserved its wilderness qualities to a particularly high degree and served to deter more extensive mineral prospecting such as has taken place in areas adjacent to the roadless area. This general physical barrier will likely determine the future of mining activities in the area. The possibility of profitable extraction of mineral resources from most of this area is low.

Additionally, significant mining activity is occurring, and will continue to occur, outside the roadless boundary. The whole area to the northwest in and around Bowie Mountain is extensively mined and prospected. Viewed in context, wilderness for the Cochise Head area will only discourage exploitation in a small percentage of the areas with developable resources, it will only protect those areas with an already de facto inaccess-

ability due to terrain, and finally, it will not curtail any existing operations. The actual effect on existing and forseeable opportunities will be quite small. The question is whether it is more appropriate to keep the area open for more exploration and mineral entry (albiet on a small scale) or to preserve the areas existing natural conditions.

Our advocacy for this area regardless of its apparent mineralization is based on its outstanding and unsurpassed values in terms of amenities and ecological qualities. The following is only a brief outline of the more salient features of the Cochise Head area. This information comes from the files of Catchor Taylor, a famous naturalist who lives in the community of Portal near Cochise Head. Mr. Taylor is author of a guide to the Chiricahua Mountains, teaches environmental studies at nearby Cochise College and is an ex-Forest Service employee of the Douglas district (five years) and ex-Park Service employee of the Chiricahua National Monument (three years).

Cochise Head (the central geological feature of the area) is the largest rock monolith south of the Mogollon rim. It is a profile of an indian warrior's face (Cochise) which is a full mile long, composed of a sunset colored rhyolite formation and about 60 million years in age. Cochise Head has figured in photographs in Arizona Highways, including a front page feature, numerous times in the past several decades.

This area contains the most dependable perennial stream water in the whole Chiricahua mountain range (in Wood Canyon Park). It contains the tallest Alligator Juniper ever measured in the United States; a thousand years old at least. Between Cochise Head in the center of the unit and Wood Canyon in the north of the unit, there are nine different species of nesting raptors; including the endangered Peregrine Falcon, the rare Zone-tailed Hawk, Prairie Falcons, Golden Eagles and a race of the Goshawk. The most reliable Peregrine Falcon eyrie in

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the Chiricahuas is on Cochise Head.

The area has long been a refuge for substantial populations of mountain lion, black bear and other such wilderness related wildlife species. There are four "life zones" represented here: the Lower Sonoran, Upper Sonoran, Transition and Canadian. The Chiricahuas were identified by the Arizona Native Plant Society to contain more threatened, endangered and rare species of plants than any other mountain range in the State; and the "North End" contains a larger share of these plants than other parts of the range. In addition, this specific part of southeast Arizona is considered by many biologists to be ecologically one of the richest most unique areas in the United States.

This portion of the Chiricahuas sustained Cochise's main Rancho Rio which was situated just to the north of the present day Forest Service boundary. Just to the northeast of the Cochise Head area is where corn was first domesticated in the United States. This northern stretch of the mountain chain was the home of the ancient Cochise and later Mogollon cultures, and is the site of the origination of agriculture in this country.

The North End was the third highest rated roadless area in the state in terms of its WARS score. It was recommended for further planning in RARE II and in the 1982 Coronado Draft Land Management Plan it was recommended for wilderness with a boundary which included even more acreage than the original RARE II area.

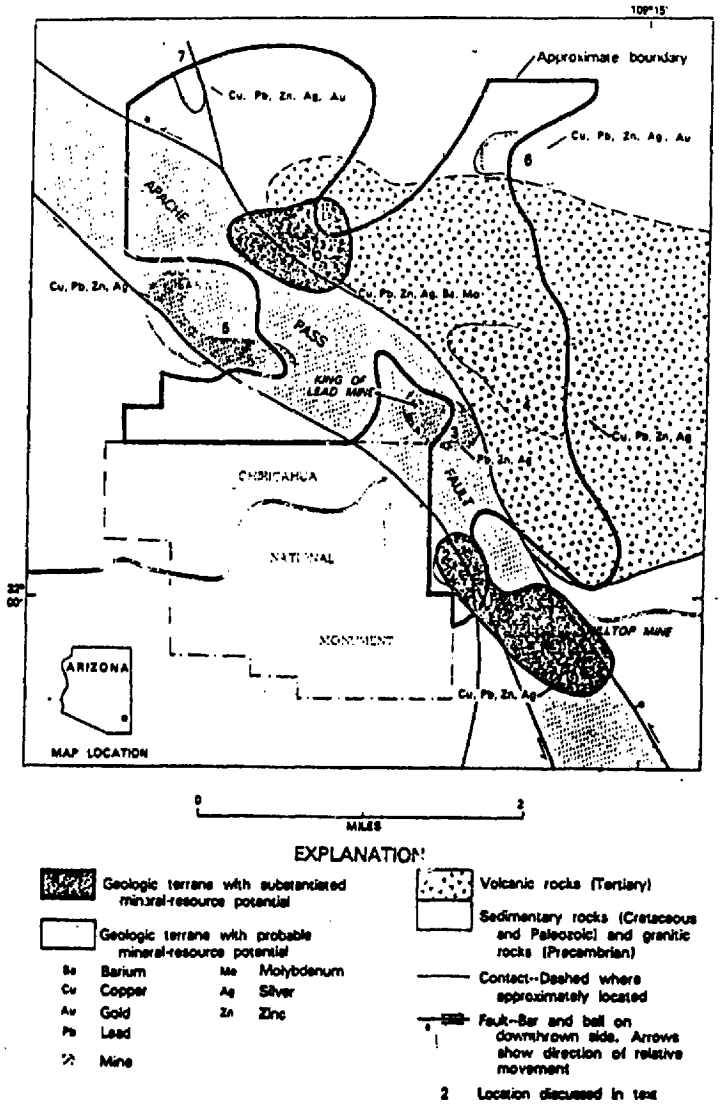
In the late 1970's, a coalition of hunters, ranchers, miners, scientists and environmentalists formed as an advocacy group favoring Forest Service wilderness designation for the area. The coalition was sponsored by the American Museum of Natural History in N.Y. through the Southwestern Research Station in Portal, Az. The coalition was opposing a plan for expansion

of the Chiricahua National Monument (which is contiguous with the North End). National Forest wilderness was chosen as the preferred management for the areas unique features. A public hearing in Portal drew a crowd of approximately 150 people to this remote area of the state. 99% of the testimony favored Forest Service wilderness for the whole area.

It has been suggested that an adequate selection of the unique features of the Chiricahuas are protected in the Additions to the existing Chiricahua Wilderness to the south. While these Chiricahua Additions are probably one of the most important and valuable areas in the bill, it is nonetheless inaccurate to suggest that the North End would be simply supplemental. Following are some of the features of the North End that distinguish it from the Chiricahua Additions:

1) Geologically, the Additions are only about one third the age of the North End. There are no ancient limestone formations (some as old as 350 million years) in the Additions.
2) There are no comparable rock features in the Additions that even come close to Cochise Head.
3) The Additions were much less inhabited by the Cochise and Mogollon cultures and less frequented by the Chiricahua Apaches.
4) The North End is more rugged and remote than the Additions; with an accompanying greater frequency of black bear, mountain lion, and sensitive species such as raptors.
5) There are many more arid land type species of state listed threatened and rare plants in the North End than in the Additions.

It is concluded that this area is unquestionably suited for inclusion into the National Wilderness Preservation System; that when viewed in context, it is seen that wilderness will not have a significant affect on mineral production locally and that the ecological values of the area are demonstrably superior to the mining values; and finally, that addition of this area to the bill will add important qualities not represented in the Chiricahua Additions to the south.



EXPLANATION

Geologic terrane with substantiated mineral-resource potential

Geologic terrane with probable mineral-resource potential

Ba Barium
Cu Copper
Au Gold
Pb Lead
Mine
Mo Molybdenum
Ag Silver
Zn Zinc

Volcanic rocks (Tertiary)

Sedimentary rocks (Cretaceous and Paleozoic) and granitic rocks (Precambrian)

Contact--Dashed where approximately located

Fault--Bar and ball on downthrown side. Arrows show direction of relative movement

2 Location discussed in text

Figure 24.—North End Roadless Area, Arizona.

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Chiricahua Additions - This area is almost exclusively covered by tertiary volcanic rock which is of post-ore age. They are considered to be of very low mineral potential. To the north in the direction of Cochise Head and the Hilltop mine older Cretaceous and Paleozoic rocks are exposed which are moderately mineralized (see North End).

The interest of the A.M.A. in the northern portions of the Additions centers onthe possibility of deposits occurring in older rocks beneath the young valcanics. There is no published evidence to suggest that any mineralization in the older rocks of the region is widespread enough or of high enough quality to make development in this rugged volcanic covered area economically feasible. The areas of known occurrence and greater accessibility are near the Hilltop region southeast of Chiricahua National Monument, to the north of the Additions.

The U.S.G.S. report on the Chiricahua Wilderness ays this of the area: "The results of the combined geological, geophysical, geochemical, and mining history investigations indicate that the Chiricahua Wilderness is largely unmineralized.... Possible mineralization of Creteceous and Paleozoic rocks beneath the volcanic pile is highly speculative and would be difficult to explore. Although in nearby areas these olders rocks are more abundantly mineralized .... the estimated overlying thickness of 3,000 feet of the volcanic rocks in the wilderness is so large that underlying mineral deposits would be difficult to locate.

There is a reasonable separation between the Chiricahua Additions and the North End where the minerally barren volcanics give way to the older rocks. Historic and current mining activity exists in this area which centers on the Hilltop mine. Wilderness for both Cochise Head and the Additions would not curtail any of that activity.

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Pajarito One - This area also is covered by minerally barren tertiary volcanics. Similar to the Chiricahua Wilderness, it is approximately 3,000 feet in depth making exploration for the theoretical mineralization very difficult and extraction infeasible. Mineralization beneath the volcanics is merely speculative. It is based however upon the significantly active lead, zinc, silver and gold producing mining districts to the west of the unit below and beyond the geologic contact with the volcanic rocklawyers.

The boundary of Pajarito One on the west follows the ridge line, so that in essence the whole unit is defined by the geologic contact and falls exclusively within the unmineralized zone. Just to the north of the area, some deep rove drilling located a very weak uranium deposit. With the intensive production of high quality uranium deposits in the Arizona Strip's district and elsewhere, the uranium here is wholly insigificant and will never be capable of sustaining a profitable extraction.

Although oil and gas leases cover much of this area and the Tumacacoris to the north, no evidence suggests that there is any potential for these energy resources whatsoever.

The concerns of the mining industry relate to hardrock mining activity to the west and some activity to the east. Despite that fact that no potential exists within the unit, this area and the Tumacacoris are given a "High Mineral rating" in the A.M.A. assessment. Wesley Pierce in the ABGMT study identifies the concern: "... the existence of wilderness would influence what could be done with adjacent land that has direct mineral potential." This is not only discouraged by such congressional language as the prohibition of buffer zones in the present bill; but it is also unlikely since the unit and the present mining activity are separated by several miles and thousands of feet or rugged cliffs and ridges. In addition, the main area of recreation use and ecological concern lies in Sycamore Canyon deep in the center of the roadless area.

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Miller Peak - Similar to the Mt. Wrightson, this area has been given a very high mineral rating because of a long history of small scale mining operations in and near the unit. However, all significant known deposits are outside the boundary. Mainly lead, zinc, silver and gold with some tungsten has been produced in this area.

The Copper Glance, probably the largest mine in the unit, produced in the 1910's and yielded approximately 7,500 oz. of silver. In comparison, the State of Texas mine a few miles away outside the proposed wilderness produced from the 1880's to 1946 and yielded approximately 20,000 oz. of silver, 800,000 lbs. of lead, and 600,000 lbs. of zinc.

The entire mining district covering Miller Peak has produced in its reportedhistory (1893-1963) only 8,000 tons of ore. This is an essentially insigificant amount and belies the true weak potential for development on Miller Peak. (In terms of how this total 8,000 ton amount would contribute to mineral production in Arizona, between 150-200 million tons of ore are produced annually in this state from the major copper companies alone. The 7,500 oz. of silver produced in the history of Copper Glance mine compares to well over 6 million ounces of silver produced annually in Arziona just as a copper by-product.)

It is reasonable to assume that due to historical precedent and the steep, broken and rugged nature of most of thisunit, future commercially valuable or significant mining operations are highly unlikely.

On the other hand, recreational esthetic and ecological values are demonstratbly superior to mineral-resource values. Wilderness designation is appropriate to protect the outstanding natural features of this area and the quality of recreational experience for the burgeoning population of Sierra Vista at the foot of Miller Peak. The Forest Service recommended Miller Peak for wilderness during RARE II and has an extensive wilderness managsment plan for the area. Management emphasis is on providing Sierra Vista with an area for quality natural wilderness related recreation.

Sierra Vista is one of the fastest growing communities in Arizona and the urban area has encroached right up to the Forest boundary. Heavy use of all existing campgrounds and trailheads has forced the Forest to plan for

better access to remoter areas and more developed sites adjacent to the wilderness backdrop. Two other mountain ranges bound Sierra Vista: the Drajoons and Whetstones, both were recommended by conservationists and neither made it into the bill. Miller Peak may be Sierra Vista's only wilderness.

Recently, a mining company applied for a permit to explore development possibilities in an historic mining area in the Carr Canyon next to the proposed wilderness. The residents of Sierra Vista were outraged since the road and the surrounding areas were key access points to camping areas and to trails into the wilderness. The outcry was so loud and sustained that television stations in Tucson (90 miles away) carried the story for a week. The Forest Service has put the request to mine on a distant back burner.

The Sierra Vista city council recently approved unanimously a resolution supporting designation of Miller Peak as a wilderness (see accompanying newspaper clipping).

Esthetically, the area provides vistas of over a dozen major mountain ranges in Southern Arizona (this is the third highest mountain range in the Coronado) as well as several ranges in Sonora, Mexico. The San Pedro River Valley stretches out on the east side of the range and the famous grasslands of the Sonoita Basin fall to the west. Numerous cliff-lined canyons provide a cool, wet, lushly vegetated contrast to the stepp ridges and peaks.

The Arizona Natural Heritage Program rated Miller Peak in the top four of RARE II areas in Arizona with ecological significance. (Also in the top four were Mt. Wrightson, the Chiricahuas and the Pajarito One - Tumacacori complex).

On the Southern border of Miller Peak is the Coronado National Memorial which endorses wilderness for the area. On the northern edge is the world famous Ramsey Canyon Nature Preserve owned and operated by the Nature Conservancy

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which also endoress wilderness for Miller Peak. The Ramsey Canyon watershed is entirely contained in the roadless area and the Preserve is bounded on three sides of the proposed wilderness.

The whole area is noted for its wildlife, especially birds, which number over 170 species, including many rare, threatened and unique ones. Fourteen species of hummingbirds have been recorded in Ramsey Canyon. Sixty reptile species, rare rattlenakes and 78 species of mammals have been identified.

This is one of the most ecologically valuable roadless areas in the state of and of prime concern to Sierra Vista residents in terms of preservation of its outstanding natural features for recreation purposes. It is adjacent to Coronado National Monument and Ramsey Canyon Nature Preserve whichdepend on the maintenance of non-impairing management emphasis in the area for their own integrity. It is a place of outstanding beauty with a high degree of opportunity for solitude and primitive recreation. In contrast to this, the weak mineralization and minor economic significance of the area in terms mineral development potential are far outweighed.

It should be evident that wilderness is the appropriate management for Miller Peak.

Prepared by Paul Hirt
For the Arizona Wilderness Coalition

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TESTIMONY OF MICHAEL GREGORY BEFORE THE SUBCOMMITTEE ON PARKS AND PUBLIC LANDS, ON "THE ARIZONA NATIONAL FOREST WILDERNESS ACT OF 1984," 21 FEBRUARY 1984.

My name is Michael Gregory. I am a self-employed printer and publisher and am employed as a part-time instructor at Cochise Community College. For the past twelve years I have lived on a 40-acre homestead in the mesquite grassland in the Sulphur Springs Valley a few miles west of the town of McNeal, Arizona. On days when the smoke from the Douglas smelter is blowing the other way, I can see the mountains of Sonora, Mexico, 15 miles to the south; and the peaks of the Chiricahua and Peloncillo Mountains 30 miles or so to the east, running north and south along the Arizona/New Mexico border.

U.S. Highway 666, The Coronado Trail, runs from Douglas north through McNeal and some 200 miles further north passes through the Blue Range of the Apache National Forest. The Blue Range, like the Chiricahuas and Peloncillos, marks the boundary between Arizona and New Mexico.

I would like to address the wilderness situation in these three areas: the Chiricahua/Peloncillo portion of the Coronado National Forest, and the Blue Range/Mogollon Rim portion of the Apache-Sitgreaves National Forest.

These are the national forest areas of Arizona that I know best. For 5 years I was a seasonal employee of the U.S. Forest Service, the last two on the Alpine Ranger District of the Apache, the district which administers the Blue Range Primitive Area and several other roadless areas of the forest. The year after I left the Forest Service, I worked as a contract thinner on the nearby Gila National Forest and lived in the Blue River community at the heart of the Primitive Area. In the past five years these mountains have been my favorite vacationing place, as they are for thousands of people in the southwest—and more every year as more easterners move into the desert states.

The Sitgreaves National Forest, to the west of the Apache and joined to it administratively a few years ago, is characterized by the wide tableland of the Colorado Plateau, which supports extensive stands of easily accessible ponderosa pine—stands that were considered once to be some of the best anywhere. Now, after 50 years of intensive logging, they are mostly young, thin plantation pines standing out on the flats in regiments.

In contrast, the Apache side of the Apache-Sitgreaves is still wild, probably the wildest of all Arizona's forests. Bounded on the north by the Colorado Plateau, on the east and south by the San Francisco

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River, and on the west by the Black River, Eagle Creek and the Apache Indian Reservations, this side of the forest is anything but flat. Starting from the oak and pinyon forests in the south, the Blue Range climbs torturously up to the 9000' Mogollon Rim through red rock canyons and abrupt peaks, dry mesas and twisted waterways until it reaches the subalpine forests and meadows of the rim. Highway 666, which bisects the Apache, is a designated scenic route as it passes through the series of life-zones that inhabit the Blue Range.

To many, the Blue and the Apache are synonymous terms. The wilderness qualities for which the Blue Primitive Area was established in 1933 extend throughout the Apache, on both sides of the highway. The Blue Range represents the southernmost extension in Arizona of the Rocky Mountain forest type. This area has the highest precipitation rate in the state. Five of Arizona's few rivers begin on the mountains of the Apache within a few miles of the Mogollon Rim.

Some 600,000 acres of the Apache, over 70% of the public land is in roadless blocs of 5000 acres or more, and several thousand more are broken up into smaller 2-3,000-acre parcels by logging roads and ORV trails. Over 600,000 acres still roadless despite a century of logging activity. After a century of prospecting. Thanks to the onslaught of population and ORV's, roadless acreage on the Apache in the past few years has begun to disappear more rapidly, but the wild nature of the forest is still retained in over half a million acres.

Yet the Arizona Wilderness Bill as introduced would designate only 7000 acres of the Apache as wilderness.

Those 7000 acres, part of the Bear Wallow RARE II unit, are certainly deserving of wilderness designation: they are beautiful, critical wildlife habitat, an important watershed, and contain what is generally recognized as the finest old-growth stand of ponderosa in the state. One of the state's largest elk herds winters in this area. The endangered southern bald eagle and an abundance of other wildlife rely on the riparian habitat of Bear Wallow Creek, a major tributary of the Black River.

But to designate only this 7000-acre segment and not the rest of the roadless area of which it is a part, would be to fail in achieving one of the main purposes of the Wilderness Act--preservation of ecosystem integrity. And to designate only this unit of all the half million roadless acres on the Apache would be to miss the opportunity to preserve the basic character of the forest.

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The wilderness qualities of the Bear Wallow segment do not stop at the boundary of the 7000 acres, but areshared by the whole Eagle Creek watershed that falls away to the south of the Rim as the Bear Wallow Creek drainage falls away to the north and west. The natural boundary for this wilderness area is defined by these watersheds and contains the Salt House and Hot Air RARE II units as well as the Bear Wallow segment. Although artificially fragmented during the RARE II process, these three units comprise a single roadless area as recognized in the current Forest Service re-inventory. They form a single unit in current Forest Service planning, reflecting their natural relationship as part of a continuum ranging from the base of the Blue Range to the northern slopes of the Rim.

The turkey and mountain lion and bear that frequent Bear Wallow also inhabit the rest of the roadless area. The protected Spotted Owl and Spotted Bat and Peregrine and Bald Eagle fly over the whole system. The Arizona Wilderness Bill would be a much better piece of legislation if it designated a Bear Wallow Wilderness to include at least the northern half of the Eagle Creek watershed, a total of some 35,000 acres.

Across Highway 666 from the Bear Wallow/Salt House/Hot Air roadless area are the Blue Range Primitive Area and several contiguous roadless units which have been proposed by the Forest Service and others as additions to the Primitive Area. Like most of the Apache roadless areas, the Blue (as it is known) is defined by watersheds, in this case those of the Blue and San Francisco Rivers. This portion of the Apache is even more highly diversified in topography, eco-types, wildlife and recreational opportunities. The Blue is known world-wide for its rich biotic systems and spectacular scenery.

Despite the clear directive of the Wilderness Act and Forest Service regulations, traditionally the Blue has not been managed as wilderness, and in recent years many instances of abuse within the Primitive Area have given rise to a demand from many people that the area be given full wilderness protection. Since this is primarily an administrative problem however, I think there need be no change in designation at this time. What is essential at this time is congressional protection of the surrounding areas, and I strongly urge you to include in the bill language that will protect those roadless areas contiguous to the Primitive Area--especially the areas around Hannagan Meadow, Blue Lookout, Red Peak, Brigham Peak, Squaw Creek, Pipestem Mountain, Alder Peak, Horse Canyon, Maple Peak, Snare Creek, Bullard Peak and Webster Mountain.

For several years the portion of the Old Juan Miller Road that ran along the bed of the Blue River from the Fritz ranch to the HU Ranch just inside the southern boundary of the Primitive Area has not been maintained, and the Forest Service has indicated that it has no intention of ever maintaining the road again. It is already quickly disappearing, and the next flood season should completely obliterate it, making the administrative boundary between the Pipestem and Lower San Francisco RARE II areas anomalous. A natural boundary for the area

should protect this four-mile segment of the river as well as the land on either side--which would be accomplished by the proposed extension to the line that runs by way of natural features from Webster Peak on the east through Horse Canyon and Alder Creek to Pipestem Mountain on the west.

The New Mexico portion of the Primitive Area has already been designated wilderness in the 1980 New Mexico Wilderness Act, including consolidating additions to preserve ecological integrity. The same consolidation principles should be undertaken now on the Arizona side to protect these areas which would be left unprotected by the bill as introduced.

Just north of the existing Primitive Area across a dirt road, part of the same system, is the Centerfire roadless area. Bordered by Centerfire Creek, Campbell Blue Creek and the upper Blue River, this riparian area is the home of the endangered Loach Minnow and other protected species that inhabit the nearby Blue and Bear Wallow areas. Arizona Game & Fish has re-introduced bighorn sheep to Centerfire, and they are thriving in their native habitat. Centerfire is a steep, rugged area much dissected by streams, a popular hiking spot and heavily visited by big game hunters. Southwest Forest Industries, the main industry concern in the area, has recommended this area for wilderness designation in concurrence with conservationists.

Conservationists, the timber industry and other resource users have also agreed in recommending designation for an 8000-acre Escudilla Peak wilderness at the northern edge of the Apache. This massive basaltic uplift overlooking the Colorado Plateau has long been recommended for preservation for its historical, cultural and ecological qualities, and I urge you to include it in the bill now that the resource conflicts have been settled.

The deep canyon of the lower San Francisco River is recognized widely as an important biotic and cultural area. Prehistoric Indian sites, as in most of the Blue, are plentiful here and in need of protection against vandals. The San Francisco is one of Arizona's major rivers, heading on Escudilla Paek and defining the eastern and southern boundaries of the Blue Range. This is prime riparian habitat for a wide variety of avifauna, including the endangered Mexican Black Hawk. Bighorn sheep frequent the canyon walls and come down to the river to drink. During flood season the river is a favorite rafting place and provides many other recreational opportunities. The Forest Service has recommended a narrow corridor along the river for wilderness designation, and conservationists propose a slightly broader area in the interests, again, of preserving the ecological integrity of the area, and to align with the proposed boundaries on the New Mexico side.

Following the San Francisco downstream, we come again to Highway 666, and if we take it south we come again to the Chiricahuas and Peloncillos on the Coronado. These mountains are quite different from those of the Apache. Instead of being influenced by the wet, Rocky Mountain climate regime, these are mountains of the Sierra Madrean type, rich in biotic diversity due to their being the meeting place of three great biotic provinces--the Sonoran, the Chihuahuan and the Navajoan. The Chiricahua and Peloncillo Mountains support one of the largest populations of unique,rare, threatened and endangered species in the United States. Many species found nowhere else north of Mexico live in these mountains.

The Cochise Head area at the northern end of the Chiricahuas has many unique geologic and biotic features. Dominated by the massive rock face that gives the area its name, Cochise Head is contiguous to the existing Chiricahua National Monument wilderness, and for many years controversy has run high about whether Cochise Head should be managed as wilderness by the Park Service or the Forest Service. The Forest Service has recommended the area for wilderness, and recent boundary adjustments worked out with the Forest Service during the recent roadless area re-inventory should be adopted in designating this Cochise Head Wilderness.

The Peloncillo Mountains, containing the Bunk Robinson and Whitmire Canyon roadless areas, are known world-wide for their abundance of exotic wildlife. The last Maned Wolf in the U.S. was sighted here, and if Jaguars are ever seen again north of the border, many biologists expect that it will be here in Guadalupe Canyon. The eastern portion of that canyon has been protected as a natural area by the state of New Mexico, and the Bunk Robinson and Whitmire Canyon areas have been recommended for further planning in the New Mexico Wilderness Act, awaiting action from the Arizona side to determine their final status. There are no resource conflicts for these areas, and their importance as biotic preserves becomes more evident the more they are studied. Only a few days ago, botanists announced the discovery in the Bunk Robinson area of a thriving community of a cactus species found no where else in the world. It is the overwhelming opinion of the scientific community that these areas be designated as wilderness with this bill.

In closing, I thank you for the opportunity to contribute to your decision-making on this bill, and again strongly urge that you pass the bill with the amendments I have proposed.

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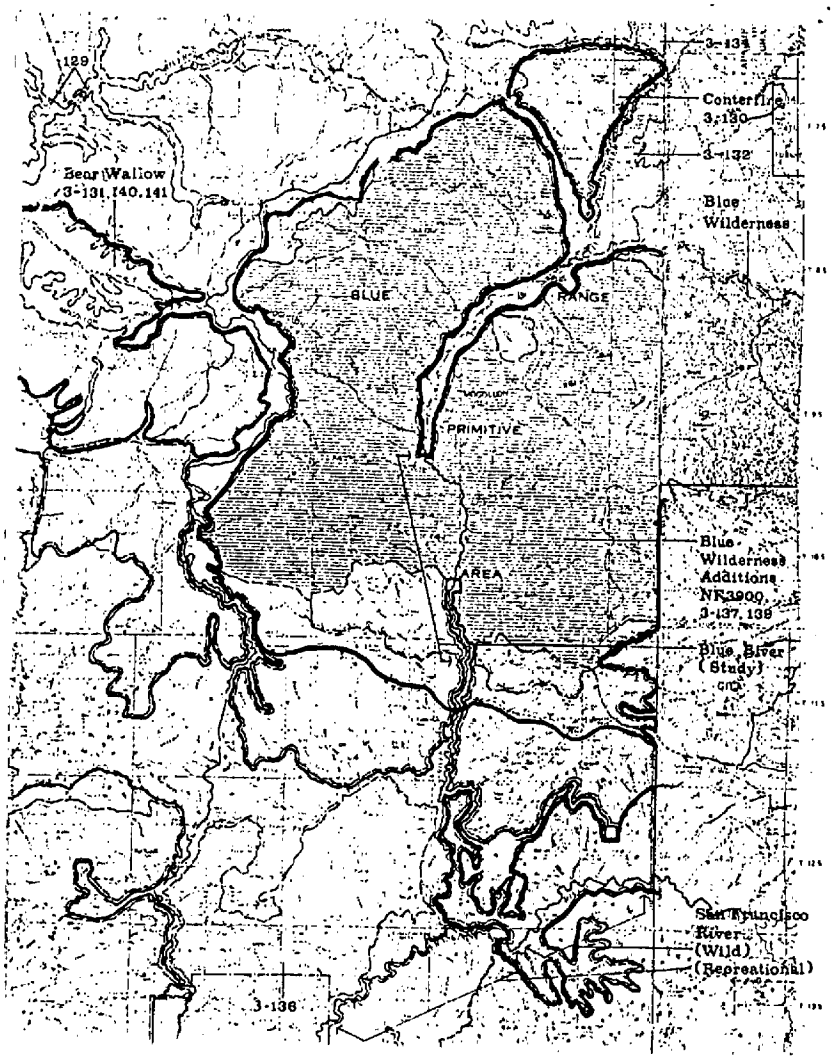
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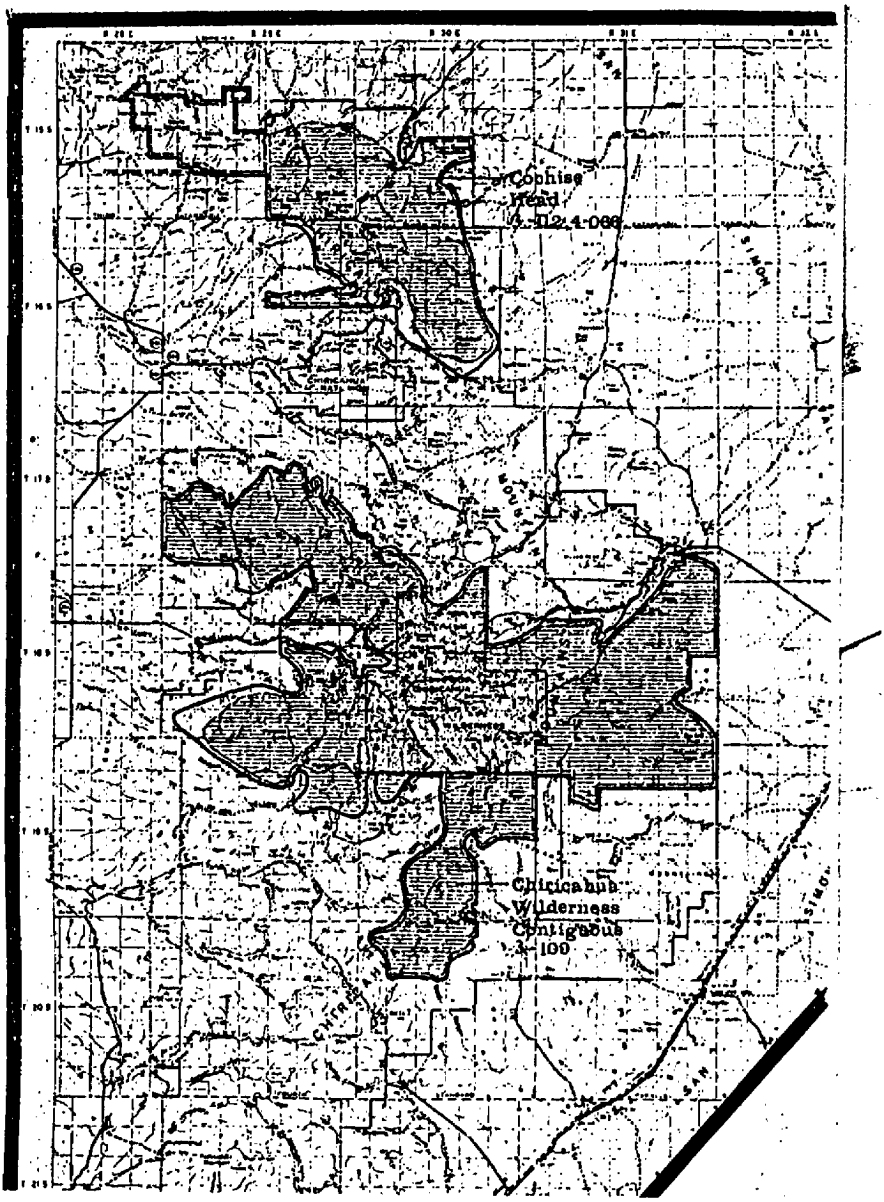

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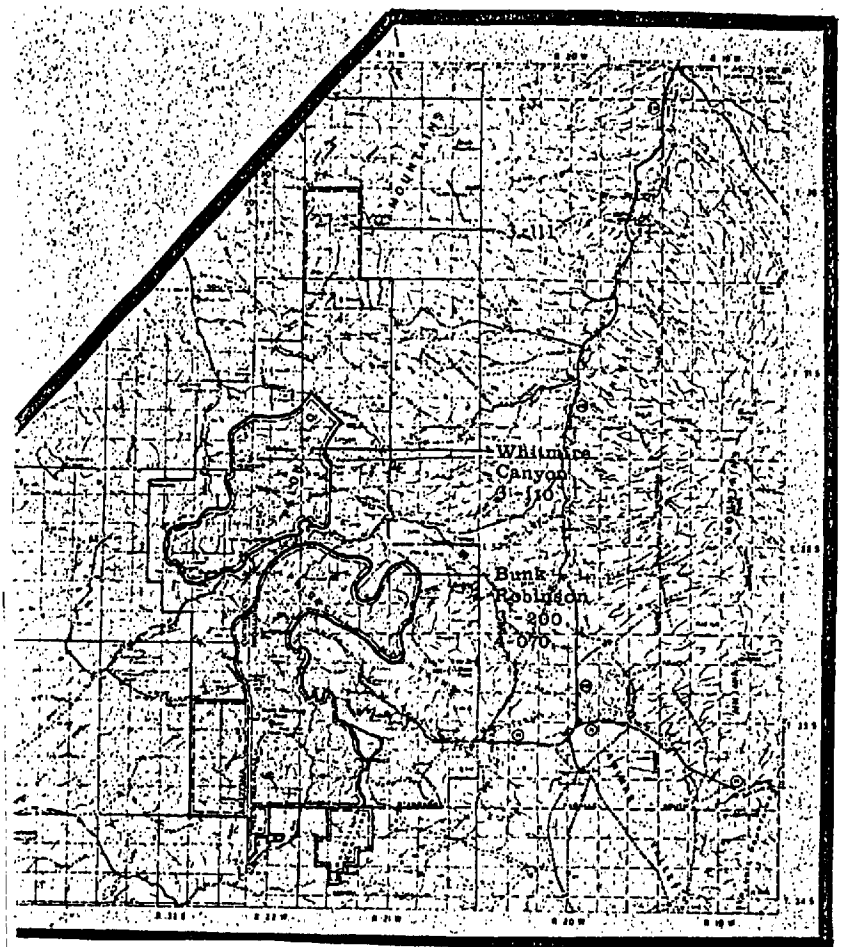

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THE VALUE OF WILDERNESS FOR ECOSYSTEM RESEARCH

Excerpted from: Franklin, J.F.; "Wilderness for Baseline Ecosystem Studies;" in: Proceedings of IUFRO XVII World Congress, Japan, 1981

Natural resource managers are faced with increasingly complex ecological problems as society struggles to face and expanded array of goods and services from a shrinking forest land base. How can site productivity be maintained under the pressures placed on it by an intensive forest management and harvesting systems? What are the natural sources of nitrogen, and what types and amounts of organic matter are needed to perpetuate favorable soil chemical and physical conditions. What structural components and food sources are needed to provide habitat for the desired diversity of organisms, including threatened and endangered species? What are the natural levels of sediments in streams supporting important fisheries and how are sediments maintained at these levels? Ecosystem studies needed to provide answers to these questions must include research on functioning of natural forests. The natural forests and landscapes needed for this research are increasingly confined to specifically designated nature preserves. There are a variety of approaches differing in objectives and nomenclature, such as national parks, research natural areas, biosphere reserves, and Wilderness. Legally designated Wilderness provides some particularly important opportunities for ecosystem research due to their large size and management for natural values. The opportunities to look at whole drainages and associated land and water interactions are especially critical to ecosystem science. Designated Wilderness will, of course, grow ever more important as ecological research sites with the domestication of much of the remaining North American landscape. Wilderness, and similar areas, have a tremendous potential for providing ecological information critical to the management of adjacent commodity lands. Wilderness, in the sense of extensive natural tracts with minimal human interference, provides scientific opportunities not generally associated with smaller preserves or areas used for developed recreational activities. Scale is probably a key factor since, other things being equal, the larger the area, the greater the possibilities for natural integrity of ecosystems and their environment. Four particular research opportunities associated with Wilderness can be illustrated from North America. All of these involve using a Wilderness for baseline studies of processes, organisms, or environments in the natural state and use of that knowledge in managing resources or interpreting phenomena in developed regions. These four special research opportunities are availability of: 1) whole drainage basins, allowing scientists to study the relationships between land and water; 2) populations and, often, complete ranges of larger herbivores and predators; 3) sequences of stands of different ages or successional states on comparable sites (chronosequences); and, 4) areas for monitoring background levels of environmental pollutants.

Whole Drainages

Resource managers commonly deal with ecosystems at the very large scale of drainage basins involving hundreds or even thousands of

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hectares; this necessitates development and integration of scientific information at the drainage level. Questions of effects of forestry activities on fisheries, erosion, and water quality commonly require the perspective of a river drainage, for example, as do questions involving large, migratory herbivores. The research required to answer such questions is still at the level of basic principles. Natural drainages are needed, therefore, as the laboratories where knowledge of interactions between land and water and biological and physical processes can be developed.

Populations of Large Animals

Studies of natural or semi-natural populations of larger herbivores and predators and their interactions required large wild land tracts because of the large ranges typically involved. In the United States, wilderness areas associated with national parks are much more useful than those of other agency jurisdictions, since hunting is not allowed and even fish-stocking has been eliminated in many areas. Such national park Wildernesses have been the sites of several classical studies, including the relationship between populations of moose (Alces Alces) and grey wolves (Canis lupis). In Olympic National Park, biologists have been studying natural populations of the Roosevelt elk (Cervus elaphus roosevelti), a large herbivore and important game animal. These studies are leading to major revisions in an ecological understanding of the species. The non-migratory nature of the animals is one unexpected finding; essentially all of the Elk were previously believed to migrate between the lowland forests in winter and the sub-alpine meadows in summer. Groups in the natural, undisturbed Elk populations were found to be extremely stable. Finally, flood-plain communities of hardwoods, especially red alder (Alnus rubra), proved to be disproportionately important for foraging, especially in the spring. An important management implication outside of the park wilderness is that flood-plain habitats are necessary for balanced elk habitat, in addition to the clearcut lands, and young, even-aged forests which were previously thought to provide the required array of food and cover.

Stand Sequences

The extensive natural landscapes found in Wilderness typically are covered with a mosaic of forest types which can be very valuable in ecological studies. These reflect varied environmental conditions and disturbance histories. In the western U.S. forest composition varies with moisture, nutrients and temperature gradients. Classification of forest sites based upon studies of natural forest communities and recognition of plant indicator species have made extensive use of virgin landscapes which will, of course, be increasingly confined to Wilderness in the future. Large contiguous tracts are particularly valuable for this work, since it is possible to study variations over the landscape to allow complicated geographical disjunctions. Many studies of plant communities in the U.S. have utilized Wilderness, actual or proposed. Many of these of studies have had practical applications and included a new approach to resource inventory. Fire and other disturbances typically have created very successional stages in forest age classes in wilderness

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landscapes. In the western U.S. forest stands range up to 1,000 years or more in age. Where several forest age classes are represented in the same habitat or site type, the sequence of age classes, or chronosequence, can be used to study time-related ecosystem changes. Wilderness, and similar large preserves are especially useful for chronosequence studies, since they are more likely to include a variety of forest ages on a given habitat type, and include the old successional stages obviously absent from managed landscapes. Chronosequence studies not only provide basic ecological knowledge, but also information relevant to management. For instance, studies of forest fire fuels have been particularly useful, showing that fuel buildups peak in relatively young stands, not in old-growth forests.

Pollutant Monitoring

Wilderness areas are proving valuable sites for monitoring background levels of environmental pollutants, information of direct societal concern if not necessarily to resource management. The National Atmospheric Deposition Program in the U.S. includes a network of samplings stations where the chemistry of both precipitation and dry atmospheric fallout are monitored. Several sites in preserved landscapes, including Olympic and Great Smokey Mountains National Parks, are used to determine background levels, for instance, levels of chemicals at sites well removed from major sources of pollution. A comprehensive environmental pollutant-monitoring system has been developed and tested in wilderness cores of both the Olympic and Great Smokey Mountains National Parks. These sampling programs provide baseline data on pollutant levels in the air, plants, soils, and water. Through repeated samplings, it is possible to determine trends in the background levels of important pollutants.

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STATEMENT OF C. J. HANSEN, PRESIDENT, ARIZONA MINING ASSOCIATION, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, FEBRUARY 21, 1984

My name is C. J. Hansen, and I am President of the Arizona Mining Association. This organization represents 17 member companies, including all of the copper producers in the State. In addition to open-pit and underground mines, these companies have seven smelters in Arizona and other facilities for the leaching, solvent extraction, electrowinning and refining of copper, as well as the manufacture of copper rod.

For more than 70 years, Arizona has led this nation in copper production. Within the past decade, our State has increased its traditional share from over one half to more than two-thirds of all the copper mined in the United States. In conjunction with their copper operations, these same mines produce substantial amounts of other important minerals, allowing Arizona to rank second in the U. S. production of both silver and molybdenum, and fourth as a supplier of gold.

In good times, the Arizona mining industry has always been a major contributor to the State's economy. In 1981, for example, the direct and indirect impact of the Arizona

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copper industry's payment of wages, benefits and taxes, and the purchase of goods, was estimated to be in excess of $9 billion dollars.

As most of you know, the domestic mining industry in general and the copper producers in particular suffered a disastrous decline in 1982 and 1983. These hard times are still with us.

Only six of our major copper mines are still operating; two smelters are shut down; and employment has declined from 26,000 workers to about 13,500. The Arizona delegation to Congress is fully aware of this dire situation, and its members have exerted numerous efforts to assist us in the struggle against adverse economic factors caused mainly by the burdens of surplus copper imposed on the world market by foreign producers. In their recent joint letter to President Reagan, Senator DeConcini and Representatives Udall and McNulty stated that the American copper industry is facing the most severe crisis in its history. It is a matter of bitter irony that the U.S. government has been an accomplice in the creation of this problem by virtue of the tax dollars it has sent abroad through participation in the International Monetary Fund and similar institutions to enable the expansion of copper production by such nations as Chile, Zaire and Zambia.

I'm sure some members of the Subcommittee must wonder why an industry unable to profitably operate many of the mines it now has would be concerned about its rights to

explore for and develop additional mineral deposits upon the public domain. One answer to that is the abiding confidence most mining men gain throughout their careers as they experience the ebbs and flows of world market conditions and the demands for needed metals in our industrial society. Let us be thankful, for instance, that in the dismal days of the Great Depression, there were those mining men whose faith and persistence helped identify and prepare the mineral deposits that became so crucial to the nation in World War II and the Korean Conflict.

Beyond that, mining people tend to take a long-range view of these matters. Let us remember that the United States is the largest consumer of copper in the world. While substitute materials are always being developed, the versatility of copper and the intrinsic values of the metal give us great confidence that copper consumption will continue to grow at a healthy rate. For these reasons, we do not believe that increased reliance on foreign copper -- where the supply is subject to many disruptions, including revolutions and palace coups -- would be in the national interest. The search for domestic sources of copper as well as gold, silver and many other essential minerals will be pursued with all the vigor and investment the industry can afford.

There was a time when mining people had a knee-jerk, negative reaction to any wilderness proposal. We believed that no area should be foreclosed from exploration.

However, scar tissue is a great teacher, and this industry has accumulated a bountiful amount of scars during the expansion of the wilderness system.

Knowing that various areas of Arizona's National Forest lands would be proposed for wilderness designation under the RARE II program, the mining industry brought a different approach to the situation. Through the Public Lands Committee of our Association, we asked all of our member companies to search their records and provide us with whatever information was available on the geology of the areas involved. We also analyzed information maintained by the State Department of Mineral Resources, the Bureau of Geology and Mineral Technology of the University of Arizona, the U.S. Geological Survey, the Bureau of Mines, and various other governmental and private sources.

What resulted was a seven-volume study of the mineral information available on these areas. This was delivered to members of the Arizona Congressional Delegation in 1982. This has since been synthesized into a two-volume edition, which also was supplied to the Arizona members of Congress last fall.

I believe this study represents a thorough and conscientious effort to evaluate the mineral potential of areas proposed as wilderness although it must be acknowledged that nobody has X-ray eyes capable of penetrating the ground to identify hidden minerals.

Let us also keep in mind that whereas the original Wilderness Act allowed exploration and mineral development for 20 years, that time has now expired, and any area designated for wilderness today is put in the closet forever. It is gone. Period.

Knowing this, the Arizona Mining Association took a constructive approach to the enactment of an Arizona Wilderness bill from the RARE II lands (with the awareness that vast acreages of BLM lands will later be proposed for the same designation). Over a period of several months, we met with representatives of other user groups. We expressed our views on various areas, and the other users expressed theirs. What emerged after long and careful consideration - and a series of hard compromises - was the proposal sent to the Arizona Delegation on January 13, 1984. I strongly believe that this represents a fair and reasonable solution to the question of additional wilderness within Arizona's National Forest lands.

The bill subsequently introduced by Representative Udall and designated as H.R. 4707 includes more acreage for wilderness than was proposed by the user's group. The Arizona Mining Association takes the position that the Mount Wrightson area and portions of three other areas should be deleted from this legislation because of their high mineral potential. Mr. Ken Bennett will provide greater detail on these four areas in his testimony.

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Another major aspect of this legislation that greatly concerns those of us in the mining industry is the release language contained in H.R. 4707. It had been our hope that the bill would contain clear language releasing the remaining RARE II lands from the limbo of "wilderness management." This has not been done, and we believe the present language is ambiguous and subject to misinterpretation. For instance, subsection (b) (2) of Section 103 (page 14) states that the Department of Agriculture "shall not be required" to review the wilderness option prior to the revision of the initial plans. We contend that should be changed to "shall not review" in order to clarify the prohibition. The following subsection (3) on the same page states that areas not designated as wilderness or for further study by Congress "need not" be managed for the purpose of protecting their suitability for wilderness designation. We believe "need not" should be amended to "shall not."

Our concern with this language is that if any revision of an initial plan is required by litigation or for other reasons, there is an implication that the Department may be required to once again commence a wilderness review and management. Such a situation could develop at any time after the initial plans are completed, as early as 1985.

It would seem that all the parties who have struggled with this wilderness problem over these last 14 years, the Congress, their staff people, the Forest Service, and

the land users deserve an end to this process for a time certain. If a date is not specified, such as that in the Wyoming legislation, then the release language should be clarified and strengthened. It is time that the National Forest lands not selected for wilderness or further study be released for their other productive uses.

STATEMENT OF KEN C. BENNETT, PHELPS DODGE CORP., ON BEHALF OF THE ARIZONA MINING ASSOCIATION, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, ON H.R. 4707, THE ARIZONA WILDERNESS ACT OF 1984, FEBRUARY 21, 1984

Mr. Chairman, Members of the Subcommittee, my name is Ken C. Bennett. I am Executive Assistant of Phelps Dodge Corporation, Western Operations with headquarters in Phoenix. However, I am appearing before you today as Chairman of the Public Lands Committee of the Arizona Mining Association. In the time allotted, I would like to add to what Mr. Hansen has already stated and indicate specific objections to areas included in H.R. 4707, the "Arizona Wilderness Act of 1984."

Mr. Chairman, Arizona plays a significant role in meeting the nation's mineral needs. For many years, Arizona has been the premier metal producing state in the nation. In 1981, the last normal year for the state's mining industry, it produced two-thirds of the nation's newly mined copper, one-quarter of the nation's molybdenum, one-fifth of the nation's silver and over one-tenth of the nation's gold.

Copper is Arizona's prime mineral resource and the state's unique contribution to the world. The concentration of copper in Arizona, not fully recognized when the state was first defined, is so unusual that it has been called a planetary resource. There are few other known locations on this earth where the forces and processes of nature combine to form such a concentration of metal in such a restricted region as copper deposits in Southern Arizona. Other large deposits of the type found in Arizona occur in the western hemisphere, but nowhere are these deposits found in the known abundance and concentration as in this part of the American Southwest (Map 1). There are currently 81 major copper occurrences identified in Southern Arizona and the probability for discovery of additional deposits is much higher in this state than in most other parts of the United States or the world. The U.S. Bureau of Mines has estimated that Arizona may contain up to 80 percent of the United States' future copper reserves.

The same geologic forces that created the imposing mountain ranges of Southern Arizona were also responsible for implacement of ore deposits, and the Arizona Mining Association is concerned about designation of wilderness areas located within this copper zone (refer to Map 1). As the area available for exploration continues to shrink, it is inevitable that opportunities for copper discoveries will be lost.

As a result, the Arizona Mining Association examined the mineral potential of every RARE II Area in Arizona. This was done by reviewing federal, state and in-house company mineral data. Mineral rankings on these RARE II areas were developed and the results were transmitted to the Arizona Congressional Delegation last year. When the Arizona Wilderness Act of 1984 was introduced by Congressman Udall on February 1 of this year, the Arizona Mining Association analyzed the bill closely taking a very hard objective look at its contents. Our conclusion is that the bill contains nine RARE II Areas or parts of RARE II Areas that may contain substantial mineral potential. These areas are: Pajarita No. 1, Mt. Wrightson, Miller Peak, the north half of the Chiricahua Wilderness Additions, the southern and western portions of the Superstition Wilderness Additions, Castle Creek, Sheridan Mountains, Arnold Mesa, and Salome.

After considerable discussions and compromise with our member companies, we have concluded that four of the areas proposed should be deleted in whole or in part.

Mt. Wrightson

The first area is Mt. Wrightson located south of Tucson in the Santa Rita Mountains (Map 2).

Minerals are extremely rare in nature and randomly distributed, so that extensive exploration is needed to locate and define deposits and the potential for economic development. Geological scientists discover mineral and ore deposits where they exist. Many times these are along known mineral zones or belts where previous major mineral discoveries have been made. Mt. Wrightson occurs near the center of one of the most prolific mineral zones in the world. These deposits extend from the Silver Bell Mine northwest of Tucson to the La Caridad Mine in Sonora, Mexico. The zone is actually a sub zone of the larger Southern Arizona/Northern Sonora, Mexico Copper Belt that contains over 91 copper deposits.

Mt. Wrightson is effectively "surrounded" by these major porphyry deposits. There are nine copper deposits located just south of Tucson in the valley floor northwest of Mt. Wrightson; three porphyry copper deposits of Helvetia, Rosemont and Peach Elgin to the north; and three porphyry copper deposits south of Mt. Wrightson, which include Kerr McGee's recently discovered Red Mountain.

The point to be made here is that Mt. Wrightson should not become a portion of the Arizona Wilderness System prior to completion of a program of intensive drilling and thorough analysis of its porphyry copper potential. There is inadequate information about the existence of minerals in this area because mineral surveys were not conducted as part of the RARE II study and review process. The mineral potential of the area can be determined only by continuous re-evaluation of the area in light of ever changing exploration technology and economics. A case in point is that in 1922, the Commissioner of the General Land Office, based on a report by the U.S. Geological Survey, classified an area south of Tucson, Arizona as "non-mineral in character." An

aerial photograph of the area made in 1937 disclosed no evidence of mining in an area covering approximately 525 square miles. Today, that same tract of land contains seven major copper mines that in 1981 produced more than $1/2 Billion worth of copper.

The unique nature, the erratic distribution, and the small size of a mineral deposit require that a prospector have large amounts of lands to begin to search for an orebody. Exploration often involves four main stages -- the appraisal of the regional potential, detailed reconaissance, detailed investigation of a target area, and detailed three-dimensional probe of the target area by drilling. This exploration process has a telescoping effect, starting from upward of 10,000 square miles and eventually working down to an area of maybe two square miles where the orebody itself may occur.

In addition to the porphyry copper potential of the area, we submit that the western portion of the area contains a large number of gold, silver and copper deposits. Some of these mines and prospects occur within the unit and have had past production. We would submit that the area west of Range 15 East deserves to be deleted from the legislation on the basis of just this small mine potential.

Castle Creek

The second area of concern to the Arizona Mining Association is Castle Creek located in the southern Bradshaw Mountains (Map 3). This RARE II Area is surrounded by a tremendous number of small to medium size past producing mines and prospects. In addition, there are known Laramide copper-molybdenum porphyry deposits that have been drilled by several companies. Known major hydrothermal centers occur

on the west of the unit at Crown King, on the southwest at Copper Basin (Lane Mountain) and on the northwest at Pine Flat. There is significant potential for gold, silver, copper and zinc deposits within the volcanogenic massive sulfide type deposits that occur within the Precambriam greenstone terrain on the west-northwest and eastern portions of the unit. As a result, the Arizona Mining Association requests that the northwest-west portion of the unit be deleted and the eastern portion of the unit as shown on the map be deleted from further consideration as wilderness.

Arnold Mesa

The third area of concern to the Arizona Mining Association is Arnold Mesa located in central Arizona within the Black Hills (Map 4). The Squaw Peak Mine is immediately adjacent to the northern boundary of the Arnold Mesa RARE II Area. This copper-molybdenum deposit contains in excess of 30 million tons of 0.35 percent copper and 0.012 percent molybdenum reserves. It is believed that this mineral horizon may extend into the Arnold Mesa area. As a result, we request that the northwestern tip of the Arnold Mesa unit be deleted from wilderness consideration.

Salome

The last unit that the Arizona Mining Association has concern with is Salome located west of the Sierra Ancha Wilderness Area and north of Roosevelt Lake in east central Arizona. The Dripping Spring Quartzite of younger Precambrian age hosts a large number of uranium deposits and larger uranium veins occur near rock of diabase composition. Map 5 shows 51 uranium deposits that occur within and around the Sierra Ancha Wilderness Area and on the northern periphery of the Salome RARE II unit. Two of these deposits,

Workman and Red Bluff, were under development prior to the most recent recession. Wyoming Minerals which was developing the deposits has spent more than $1 million on uranium exploration in the Sierra Ancha area. The Arizona Mining Association requests that the northeastern tip and a small portion of the northwest portion of the Salome unit be deleted from wilderness consideration so that potential uranium horizons may be further evaluated.

Minerals are extremely rare in nature and randomly distributed. The ability to produce and develop domestic mineral resources is dependent upon the mining industry being given access to lands where these mineral may be present. We believe, with these modifications and with the necessary release language, we can support the bill as it is currently envisioned. But we hope that the Committee will understand that you are withdrawing a number of areas that have considerable mineral potential and occur within the primary copper mineral belt of the United States. We would hope that Congress will examine the means by which the exact mineral potential can be examined and identified in these areas for the welfare and national needs of the United States in the future. Our national policy of mineral-sufficiency has been affirmed by the Mining and Minerals Policy Act. If this Policy is to be effective, it is imperative that the highly mineralized public lands in the west be left open to exploration and development.

Mr. Chairman, the Arizona Mining Association appreciates the opportunity to present this testimony on H.R. 4707. We urge your favorable consideration of our comments. Thank you.

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S T A T E M E N T

of the

ARIZONA CATTLE GROWERS' ASSOCIATION

to the

Committee on Interior
and Insular Affairs
United States House of Representatives

Subcommittee on Public Lands and National Parks

Relative to

Omnibus Arizona Wilderness Legislation

February 21, 1984

The Arizona Cattle Growers' Association is the Arizona spokesman for all segments of the state's beef cattle industry -- including cattle breeders and producers and feeders. The ACGA represents approximately 2,000 professional cattlemen and cattlewomen throughout the state. Membership includes individual members as well as 16 affiliated local and county cattle associations.

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STATEMENT

The Arizona Cattle Growers' Association (ACGA) appreciates this opportunity to present our views relative to omnibus wilderness legislation for Arizona. It is no secret that our industry is frustrated with current negotiations and we welcome the opportunity to discuss our concerns and proposals for solution to many of our problems on the general question of wilderness for Arizona.

Historically, Arizona's cattle industry has opposed the addition of wilderness in the state. Wilderness has been seen as an obstacle to an otherwise reasonable use of land by ranchers and their cattle. Even though the 1964 Wilderness Act allows livestock grazing on wilderness areas, ranchers are very aware of the limitations wilderness places on a typical ranching operation. So totally dependent on the land, western ranchers have reason to question land management policies that may restrict or eliminate their use of the land.

Even with our deep concerns and basic opposition to wilderness classification, the cattle industry in Arizona has communicated in good faith with the Arizona Wilderness Coalition in an attempt to seek compromise on the general question of wilderness as well as specific areas under consideration in the state. The ACGA has consistently stated that our industry will accept wilderness for Arizona if agreement can be reached on five basic points that are of great concern to ranchers as well as other land users.

1. When the ACGA and ranchers in Northern Arizona <u>compromised and agreed</u> to wilderness legislation for the "Arizona Strip", part of the compromise included agreement that the Strip Bill would remain separate from

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other Arizona wilderness legislation. Now it's being said that the Strip Bill will be included in statewide legislation along with Aravaipa Canyon legislation. Besides as a breach of the original agreement, this action has ranchers on the Strip concerned because they want to see the legislation pass Congress unchanged. They, and the ACGA, fear the chance for amendment and defeat is greater with the Strip Bill attached to a statewide bill. The ACGA cannot support the Strip Bill as long as it is a part of statewide legislation and we cannot support statewide legislation that includes the Strip Bill.

2. The ACGA has strenuously called for release language in a statewide bill that gives land users a definite date to depend on. Our demand for a specific date (see appendix 1 for our suggested language) is based on what we consider the unreliability of the Forest Plans. H. 4707 and S. 2242 base release language on Forest Plans lasting ten to fifteen years. The fact is that Forest Plans can change due to a number of reasons including lack of funding and that ranchers cannot rely on a ten or fifteen year period of release based on Forest Plans. More than that, Forest Plans can and will be appealed and their implementation may take years to accomplish. The uncertainty surrounding Forest Plans make our acceptance of them as release language basis virtually impossible. If in fact, the pro-wilderness interests really are willing to release the lands for ten or fifteen years as they have told us and as they maintain the Forest Plan language allows, then we believe our specific date suggestion should be acceptable. We know the pro-wilderness interests want more wilderness and we're willing to have more considered after we've

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had a period of time to live with what we create with this legislation. That period of time has to be to the approximate year 2000.

3. While the 1964 Wilderness Act allows livestock grazing on the wilderness, ranchers are very concerned with their ability to use motorized/mechanized equipment to maintain improvements that are part of a wilderness ranch. A rancher on wilderness cannot compete in a modern cattle industry if he has to rely on handtools and horse-drawn equipment while his non-wilderness neighbors run their business with up-to-date and mechanized equipment. While current Forest Service policy allows use of motorized/mechanized equipment on wilderness, application of this policy is uneven at best. Some ranchers in Arizona and elsewhere are allowed to use the modern equipment and others are not. Too often, long periods of time elapse while a rancher's application for the use of mechanized equipment on wilderness is being considered. Some ranchers receive permission to repair a fence in thirty days, yet others have to wait a year or longer for the same request (see attached letter from the Forest Service to Congressman Jim McNulty). Moreover, ranchers are very concerned because neither H. 4707 nor S. 2242 contain any specific language guaranteeing use of motorized/mechanized equipment, under reasonable rule and regulation, for maintenence of improvements or construction of new improvements. We're told that we should rely on language that refers to a list of suggested wilderness rules that appear in the Congressional Record and that are referred to originally in Colorado wilderness legislation. Frankly, and as absolutely essential as mechanized/motorized equipment use on the wilderness is to ranchers, we're more than just a

little concerned with basing our future use of wilderness ranches on a reference rather than specific language in the law (see appendix 5 for our proposed language). Ranchers are very concerned that they will not be able to use needed equipment when necessary unless specific language is included in the law.

On the subject of improvements, many Arizona ranchers have expressed confusion over their existing Allotment Management Plans which often call for improvements to be made in the future and how proposals for such improvements will be carried out under wilderness classification. Depending on the source of the information (Arizona Wilderness Coalition, Forest Service personnel, Interior Committee staff, lawyers) they've been told these improvements "can be installed", "can't be installed", "depends on the situation" and, "if the law doesn't stipulate, you cannot". Arizona ranchers would sincerely appreciate an answer to this question and an end to their confusion.

4. Fifty miles of the Verde River is included in the legislation being proposed for wilderness. The ACGA believes that rivers may well qualify for some wilderness classification, but that consideration of the rivers of Arizona in this legislation is misplaced. The study of these rivers for wilderness is so completely different than the land under consideration that we believe they should be addressed in separate legislation and not under this statewide bill. Arizona is a water-short state and actions taken in Arizona regarding water may well have much different consequences than the same actions in another state. Ranchers in some parts of Arizona rely entirely or almost entirely on river water for the maintenance of their livestock. If by including rivers in this legisla-

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tion livestock are denied access to the rivers, serious problems would exist for many ranchers. On the Tonto National Forest, for instance, a denial of access to the Verde River for cattle could not be corrected by other actions such as the construction of stockponds or the drilling of wells since the watershed management programs would simply not allow it. No one has been able to assure us that a rancher's access to the rivers of Arizona is safe with the passage of this legislation including rivers. Consider the ramifications for some Arizona cities and counties and their water supplies if rivers are not more specifically studied as wilderness rivers before actions are taken. In Arizona we have to much more carefully calculate our water use than in most states and we don't believe enough is known about the effects of including rivers in this proposed legislation. We strongly suggest that the Arizona rivers be given separate consideration under a separate set of qualifications, if it is found to be necessary.

5. In everyone's zeal to add all this wilderness to the forest lands of Arizona, little thought is being given to the impact on adjoining lands and resources. The popular "trailheads" where wilderness enthusiasts and others gather to begin the wilderness "experience" or just to recreate, are located on private and public lands adjacent to the wilderness and are subject to increased problems ranging from just simple increases in people pressure and the accompanying "traffic jams" to outright acts of vandalism by thoughtless "users". Nowhere in previous, current or proposed wilderness legislation do we see any language addressing this serious problem (see our proposed language in Appendix 6). Most management agencies and staff acknowledge the problem and anticipate an

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increase of the problem and an accompanying lack of adequate funding to accomplish a solution. Ranchers will be directly affected by the location of "trailheads" and urge Congress to include an observation of the problem in legislation and follow-up with the necessary funds to make it possible for the respective managing agency to avoid what will no doubt be more of a problem in the future.

Our position on specific areas suggested for wilderness classification in H. 4707 and S. 2242 is unclear at this point in most of the cases. Our uncertainty is for several reasons. Our chief problem is that our support for wilderness in some areas is based on acceptance of our demand for, among other things, "hard" release language, motorized/mechanized equipment language in the legislation, and the exclusion of rivers from the proposed law. Without the assurances provided by these points we simply cannot accept a number of the areas listed in the two bills. Secondly, our members have engaged in a number of meetings with members of the Arizona Wilderness Coalition the last two months and we have been promised, or we think we have been promised, several changes in current boundary proposals with even some entire areas being deleted from consideration. As yet, we have seen no maps from either the AWC or anyone else that actually shows the areas and their respective boundaries and we do not know if we can support or if we are obligated to oppose various areas. Suffice it to say that, at this point and based on our member's meetings on the Prescott National Forest and the Coconino National Forest and information from members in other areas of Arizona, we are opposed to wilderness classification for the areas listed in the legislation; H. 4707 and S. 2242. We hope our members have proven their

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good faith and willingness to negotiate and compromise in our meetings with the Arizona Wilderness Coalition and our meetings with the various members of the Arizona Congressional Delegation. We have taken this position of opposition to the areas proposed as wilderness in the legislation because we simply do not know where we stand according to the areas proposed and their boundaries. To reiterate, we have not seen any maps with defined boundaries based on our meetings with the AWC and we are still not convinced that current bill language concerning release, mechanized/motorized equipment, rivers and adjacent lands will do everything the pro-wilderness people tell us it will.

The Arizona Cattle Growers' Association and many, if not most of our members are willing to accept wilderness in Arizona if we can achieve improvements in our stated concerns over language in the legislation. We can accept wilderness when we know what changes, if any, have taken place in area boundary proposals and if some areas have been eliminated from consideration as we have asked. Another problem is that the Arizona Wilderness Coalition has not met yet with ranchers on the Coronado National Forest and the Tonto National Forest to discuss specific areas with them. Ranchers on both the Tonto and the Coronado feel they should have the same opportunity to negotiate wilderness with the Coalition that the ranchers on the Prescott and the Coconino have had. Since the Arizona Wilderness Coalition insisted on these meetings in the first place, they should agree that continuing and finishing the meetings are an essential part of the communications regarding the passage of a wilderness bill for Arizona. We hope the last two National Forests can be discussed so our members can better understand the legislation and the intent of the AWC.

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Thank you for the opportunity of presenting our views regarding omnibus Arizona wilderness legislation. As we've already indicated, we are prepared, and look forward to, continuing our discussions with the Arizona Wilderness Coalition and anyone else who can help us reach the necessary compromise for successful legislation.

Finally, we would like to suggest that hearings be held in Arizona so that Congress can have the benefit of hearing the opinions expressed by as many Arizona citizens as possible.

APPENDIX 1

Administrative and Congressional Review and Release of Roadless Areas

The Congress hereby determines and directs that
(1) Lands in the State of Arizona managed by the Forest Service not designated as wilderness by this Act have been adequately studied for wilderness in the RARE II Final Environmental Impact Statement (dated January, 1979) and such statement shall not be subject to judicial review with respect to national forest system lands in the State of Arizona;
(2) Such studies shall constitute an adequate consideration of the suitability of national forest system lands in the State of Arizona for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not review the wilderness option for such land prior to revision of the initial plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 and in no event prior to January 1, 1998;
(3) Such lands shall not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans and in no event prior to January 1, 1998.

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APPENDIX 5

Grazing in Wilderness Areas

The grazing of livestock including the use of motorized equipment for the maintenance of range improvements and for grazing management activities, where established prior to the date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture. The Secretary is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in Arizona in order to ensure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act. The Secretary shall give particular attention to changes needed in such policies, practices and regulations to assure that maintenance of range improvements and grazing and range management activities in forest wilderness areas in Arizona are permitted on a timely basis.

APPENDIX 6

Management of Concentrated Use

The Secretary of Agriculture shall manage entry points and areas in national forest wilderness areas in Arizona receiving concentrated public use so as to avoid unreasonable interference with other authorized activities in such areas.

USAV-00004277

JAN 17 1984

Honorable James F. McNulty
House of Representatives
Washington, DC 20515

Dear Congressman McNulty:

This is in response to the request on January 11, 1984, from your aide, Linda Lewis, for information on applications that have been received from National Forest grazing permittees to perform range improvement work in established National Forest Wildernesses and Primitive areas in Arizona.

The request by Ms. Lewis concerned the following three questions:

1. What is the number of applications we have had from Forest Service grazing permittees to perform range improvement work in established wildernesses or primitive areas on National Forests in Arizona?

2. Approximately how long of a time period was involved from the application to the decision by the forest on each application?

3. What was the decision on each of the requests as far as approval or disapproval?

The National Forests in Arizona have provided us the information listed below. Since we have basically operated under our existing wilderness guidelines for approximately three years, the following information covers the period of 1981 through 1983.

National Forest	Range Improvement	Date Requested	Date Approved	
Apache Sitgreaves	Fence	12/11/80	06/08/81	6 months
(Blue Range Primitive Area)	Fence	08/06/81	04/12/82	8 months
	Fence	11/09/81	01/18/82	2 months
	Fence	01/26/82	02/19/82	24 days
	Fence	01/13/82	03/08/82*	one year

*This fence improvement also included the use of motorized equipment. The motorized equipment use portion was not approved until 01/24/83

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Honorable James F. McNulty

National Forest	Range Improvement	Date Requested	Date Approved
Coconino	0	-	-
Coronado	0	-	-

In RARE II areas, the situation is as follows:

One stock tank approved within two weeks, two Grazing Allotment Management Plans signed by the permittees on 8/30 and 9/83. These management plans will involve the construction of several range improvements when approved by the Forest Supervisor.

Kaibab	0	-	-
RARE II (Kanab Creek)	Water development	approved in 30 days	
Prescott			
Sycamore Canyon	Clean stock tank with mechanized equipment	02/81	05/81 3 months
Pine Mountain	Clean stock tank with mechanized equipment	01/81	06/81 5 months
RARE II area Castle Canyon	Use of power saw to clear brush from holding corral	approved in 30 days	
Tonto	Clean stock tank with mechanized equipment	approved in 30 days	
	Fence Constr. Helicopter slung materials	approved in 30 days	
	Fly in fence materials	approved in 20 days	
	Fly in fence materials	approved in 15 days	

The above information does not include the numerous periodic entries by National Forest grazing permittees to either inspect their livestock or perform routine maintenance of existing range improvements in established National Forest Wildernesses or Primitive areas.

These, as well as all other wilderness entries, are documented in the annual wilderness reports to the Chief of the Forest Service as well as to Congress.

I assure you that the Forest Supervisors are striving to respond as rapidly to these types of applications in order to improve management on ranges in established wildernesses and primitive areas. I would appreciate your bringing to my attention any specific cases where an extraordinary length of time in responding to these types of applications is reported to you in order to improve our efficiency in responding to the grazing permittees.

Sincerely,

M. J. HASSELL
Regional Forester

STATEMENT OF SUSAN CLARKE-CORDERO, PRIVATE CITIZEN, REFERENCE BOOK SUBMITTED BY W. H. CLARKE, JR., PERMITTEE, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, ON H.R. 4707, ARIZONA WILDERNESS ACT OF 1984, FEBRUARY 21, 1984

My name is Susan Clarke-Cordero. I was born in Nogales, Arizona and now reside in San Manuel, Arizona. I am a private citizen, home-maker, wife of a copper mine mechanic and daughter of a fourth-generation Arizona rancher. I represent my family and do not belong to any association or coalition. My parents and I have traveled here at great personal sacrifice because we have the belief that the individual counts and should be heard.

Although we, in principle, disagree with the inclusion of wilderness area on federal lands (refer to pages 1-18 in reference book), we see a definite need for compromise between interest groups. We feel this bill offers as fair a compromise as we've seen thusfar. We feel 750,000-plus acres is more than generous.

We realize bills will be made, as Mr. Sieberling stated, as long as there are legislators. However, we would like to see the following considered:

i) We would like to see an inclusion of a clause that guarantees that the American public will not be subjected to the enormous expense of future, lengthy wilderness proposals in Arizona. If properly managed, the designated wilderness areas should suffice. Population increases should be considered as well as the future needs of that population.

Since the Wilderness Act of 1964, the American public has been made to foot the bill for numerous evaluations, investigations and court and public hearings.

Our tax-dollars could be better used, in future, for improving the living conditions of our poor; towards seeking solutions regarding the pollution of our air, lakes and streams; the care of our elderly, infirm and handicapped; the prevention of crime; the education of our youth; and the employment of our citizens. let this bill, then, be the last word on an issue that will not directly aid our less-fortunate brothers and sisters whom I am sure would rather have their survival ensured rather than further preservation of land they may not ever be able to enjoy.

USAV-00004281

2) Regarding livestock grazing by permittees in wilderness areas, this bill offers guidelines that, in our opinion, are too ambiguous.

Mr. Beasley of the Forest Service feels that the present Wilderness Act of 1964 language provides enough "authority"--but what about accountability?

As discovered by the 95th Congress and again in the 96th Congress, which revealed in the Committee on Interior and Insular Affairs Report accompanying H. R. 5487 of 1979, to quote, "National Forest administrative policies on grazing on wilderness are subject to varying interpretations on the field and are fraught with pronouncements that simply are not in accordance", end quote, of the law.

We would like to state that it has been our experience that this practice is not limited to or exclusive of wilderness (refer to pages 69-77 of reference book). It has been our experience as Forest Service permittees that such misinterpretations of the law are frequent occurences in our area and often result in, what we believe, to be infringement of permittee civil rights, as well as unjustifiable financial mismanagement (refer to pages 29-115). As evidence of these allegations and to aid Mr. Smith's (Assistant Southwest Representative, Sierra Club) evaluation of "facts" or "horror stories", I submit this reference report by my father, W. H. Clarke, Jr. If Forest Service policy can, in our opinion, subject the permitte within a multiple-use area to the effects of such "varying interpretations", we can only sympathize with the permittee in a wilderness area who will have added specifications he must follow. Therefore, this bill (H. R. 4707) must be drawn up with specific language to ensure this Forest Service practice be curtailed.

The Forest Service is obviously a branch of our government that, we believe, has no built-in sets of checks and balances since even Congressional mandates can be violated. We, therefore, suggest that this committee consider a method whereby Forest Service personnel be held personally accountable for the misadministration of the law, as would any citizen, and for mismanagement of federal funds.

As permittees must be yearly evaluated by the Forest Service for co-operation, range management and productivity on federal lands, we suggest, as a counter-balance, the permittee be allowed the same privilege--not only as a permittee but as a taxpayer. These yearly permittee evaluations of Forest Service policy and personnel should be forwarded to the legislators of their district, to the Forest Service district supervisor and be made available to the public. Who better to determine the application of the law than the permittee who must live within those guidelines and the lawmakers who have created them? Also, the public has the right to be fully informed as to the progress of their Forest Service in the field and the permittee who utilizes their lands.

We understand that one must consider the "human factor"--a written law must be enforced by people and people have a natural tendency to be swayed by their personal beliefs. However, as this factor cannot be considered in our legal, law-enforcement or private sector of our society, it cannot be allowed to be considered within a branch of our government.

The Forest Service is a servant of our citizens and therefore, has a moral and legal responsibility towards the public to adhere to the laws created by the elected representatives of that citizenry. It is up to you to guarantee, through proper language in this bill, that this obligation be met.

I would like to address Mr. Sieberling's comments regarding the National Forest Management Act.

Sir, Congress is responsible to amend the National Forest Act. We didn't create it--you did. We're saying there's a definite weakness in this bill that may be harmful to the livelihoods of certain individuals that must be strengthened. If this weakness exists due to the National Forest Management Act, as you imply, then you fix it.

Thank you.

USAV-00004283

BOB STUMP
3D DISTRICT, ARIZONA

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Congress of the United States
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ARMED SERVICES COMMITTEE

PERMANENT SELECT
COMMITTEE ON INTELLIGENCE

VETERANS' AFFAIRS
COMMITTEE

February 21, 1984

Honorable John Seiberling
Chairman
Subcommittee on Public Lands
1324 Longworth
Washington, D.C. 20515

Dear Mr. Chairman:

Unfortunately, prior commitments will preclude me from personally testifying at today's hearings on H.R. 4707. For that reason, I would like to request that the enclosed statement be included in the hearing record.

Your assistance in this matter is appreciated.

Sincerely,

BOB STUMP
Member of Congress

BS:d

STATEMENT OF CONGRESSMAN BOB STUMP, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, ON H.R. 4707, FEBRUARY 21, 1984

Mr. Chairman, last July, I signed a letter, with my colleagues in the Arizona delegation, soliciting the advice and recommendations of interested parties in Arizona regarding the multiple use and wilderness designations for Forest Service lands in our State. Significant progress has been made toward achieving our goal, but I believe we have more work to do. While I do not generally support wilderness, the necessity for a RARE II re-evaluation affords us both the opportunity and challenge to resolve the multiple-use/wilderness issues facing our State. The decisions should be made now so that the uncertainty of land use designations is removed and those who use the forests are able to plan for their future. More importantly, the decisions must be made by Arizonans - especially those who will be directly affected by such designations. This Subcommittee has considered, and recently reported, a piece of legislation which clearly demonstrates that give and take on the part of all participants can yield effective consensus legislation addressing wilderness issues.

The purpose of our efforts should be the determination of which of our forest lands in Arizona truly reflect the intent of the 1964 Wilderness Act. Wilderness is defined in that Act as an area of federal land that "generally appears to have been affected primarily by the forces of nature." Our determinations must not be preconceived in terms of numbers of acres. Nor should we lose sight of our responsibility in realistically assessing when the public benefits from additional wilderness preservation no longer exceed the public losses from other resources remaining unused. The discussions necessary to make such an important determination cannot be rushed if we are to make reasonable assessments and decisions.

USAV-00004285

The purpose of my testimony today is not to address specific areas of designation, but rather to encourage ongoing discussions and negotiations. As the bill is now written, I must oppose it. Not only are the areas included too encompassing and some not worthy of wilderness designation, but I feel we have failed to address some of the concerns of traditional public land users, most specifically in the areas of release language and grazing. In addition, I cannot support the inclusion of the Arizona Strip Wilderness Act provisions. The provisions of that Act were negotiated as an issue in and of itself, and should stand alone. Ongoing meetings with respect to specific acreage designations have had some positive results and should be continued. The most notable failure in those meetings has centered around language concerning the release formula and the ability of cattle growers to continue their grazing operations in wilderness areas.

As a result of our solicitation, the Delegation has received recommended language which addresses both the release formula and the grazing issue by those public land users who will be directly affected by wilderness/multiple use designations. I strongly urge that that language be incorporated into whatever we determine is a final agreement.

The recommended language for release and sufficiency provides that lands not designated as wilderness shall not be managed for the purpose of protecting their suitability for wilderness designation pending the revision of the initial Forest Service plans, and in no event prior to January 1, 1998. Adoption of this language clearly states our intent to resolve the wilderness/multiple use question so that responsible land use planning and activities can proceed, but at the same time it removes any doubt as to the direction for Forest Service land

management. We are not, through this language, requiring development; rather, we are siginificantly reducing the planning of Forest Service lands for wilderness through the management plan process.

There appears to be widespread agreement with regard to the continuation of grazing within designated wilderness areas. However, I do not believe that that agreement is adequately reflected in the provisions of this bill. The normal management problems experienced between the Forest Service and the cattle industry will no doubt continue, but I do not believe that we should add to those problems by failing to adequately address the grazing issue in this bill. I am concerned that we have once again clouded the grazing issue through the incorporation, by reference of guidelines and policies. We are encouraging widespread interpretation of those guidelines leading to further problems, especially in the area of mechanized equipment. I am also concerned that because we are incorporating guidelines rather than substantive requirements, a court may emphasize the lack of an amendment to the Wilderness Act and view the incorporation of the guidelines hostilely as a new twist on retroactive legislative history, and give it little effect. For that reason, I believe that we should include language in this bill which not only provides for livestock grazing, but also the use of mechanized equipment.

Mr. Chairman, in closing, I would like to once again refer to legislation recently passed by this Subcommittee as an example of what can be achieved in resolving the multiple use/wilderness issue. The Arizona Strip Wilderness Act took many long months of intense negotiation. The appeal and success

of this legislation is that it is a product of those who have a direct interest and use in the Strip, rather than a Congressional mandate. The result will be a plan with which everyone in that area can live, strongly facilitating the implementation of land use management. It took time, and more importantly give and take. The negotiations have yielded a strong consensus for wilderness and multiple use in the Arizona Strip, and it is unanimously endorsed. Employing the same sense of give and take, and taking the time to insure that we have addressed all concerns, I would hope that we could have a similar success in resolving this issue.

USAV-00004288

ELDON RUDD
4TH DISTRICT, ARIZONA

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February 29, 1984

Hon. Morris K. Udall
Chairman, Committee on
Interior and Insular Affairs
1324 Longworth House Office Bldg.
Washington, D.C. 20515

Dear Mo,

On February 21st, the Interior Subcommittee on Public Lands and National Parks held hearings on H.R. 4707, the Arizona Wilderness Act. Previous commitments prevented my presence at that time. I would therefore appreciate your assistance in seeing that my enclosed statement on the bill is included in the record for those hearings.

Thank you, in advance, for your attention to this request.

With best wishes,

Sincerely,

Eldon

Eldon Rudd
Member of Congress

ER:yy
Enclosure

ELDON RUDD, M.C.

STATEMENT BEFORE THE HOUSE SUBCOMMITTEE
ON PUBLIC LANDS AND NATIONAL PARKS
REGARDING THE ARIZONA WILDERNESS ACT

MR. CHAIRMAN, I HAVE LONG ADVOCATED "MULTIPLE USE" LAND MANAGEMENT AS THE BEST MEANS OF ACCOMMODATING THE MANY AND VARIED NEEDS OF OUR PEOPLE, WHETHER THEY BE DEVELOPMENT AND RESPECTFUL USE OF THE NATURAL RESOURCES WITHIN THESE LANDS, RECREATION OR WILDERNESS PRESERVATION. SURVEYS OF MY CONGRESSIONAL DISTRICT INDICATE A VAST MAJORITY IN SUPPORT OF MULTIPLE USE, OR NON-WILDERNESS DESIGNATION, OF PUBLIC LANDS.

WHILE I THEREFORE DO NOT GENERALLY SUPPORT ADDITIONS OF WILDERNESS, I WAS PLEASED BY THE SORT OF NEGOTIATIONS BETWEEN USER GROUPS AND ENVIRONMENTALISTS WHICH SUCCESSFULLY BROUGHT ABOUT A CONCENSUS ON THE STATUS OF THE ARIZONA STRIP, THAT AREA NORTH OF THE GRAND CANYON EXTENDING TO THE UTAH AND NEVADA BORDERS, AND THE

30-300 O—84——28

USAV-00004290

INTRODUCTION OF THE ARIZONA STRIP WILDERNESS BILL, H.R. 3562, WHICH I WAS PLEASED TO COSPONSOR WITH THE OTHER MEMBERS OF THE ARIZONA DELEGATION.

THE ARIZONA STRIP BILL AS WELL AS THE ARAVAIPA CANYON WILDERNESS BILL, H.R. 2724, WHICH SETS ASIDE SOME 6,000 ACRES, ARE NON-CONTROVERSIAL.

THESE TWO MEASURES ARE INCLUDED, HOWEVER, AS SEPARATE TITLES IN THE LEGISLATION BEFORE THE SUBCOMMITTEE TODAY. WHILE I SUPPORT THESE BILLS, THEY WERE NEGOTIATED SEPARATELY AND DESERVE CONSIDERATION ON THEIR OWN MERIT, AND, IN MY VIEW, SHOULD NOT BE INCLUDED IN THE STILL CONTROVERSIAL ARIZONA WILDERNESS ACT, H.R. 4707. I ALSO BELIEVE THE HOUSE SHOULD ADDRESS THE PROPOSED WILD AND SCENIC RIVER DESIGNATION OF THE VERDE RIVER IN SEPARATE LEGISLATION.

I COMMEND THE SUBCOMMITTEE, AND THE ENVIRONMENTAL

AND USER GROUPS WHICH HAVE BEEN WORKING ON THIS LEGISLATION TO REACH AN ACCEPTABLE COMPROMISE AND A RESOLUTION TO THE FOREST SERVICE'S LONG-DRAWN OUT ROADLESS AREA REVIEW AND EVALUATION PROJECT, RARE II. NUMEROUS CONCERNS ARE STILL BEING VOICED ABOUT H.R. 4707, BUT MOST EVERYONE SEEMS TO AGREE THAT THE RARE PROCESS WILL GO ON FOREVER UNLESS WE TAKE ACTION. I WOULD THEREFORE URGE FURTHER DISCUSSIONS TO ADDRESS AND RESOLVE THESE CONCERNS BEFORE THE BILL MOVES TO MARKUP.

HIGH IN THE LIST OF THOSE CONCERNS IS THAT THE RELEASE LANGUAGE IN THE BILL SHOULD BE STRENGTHENED TO PROVIDE MORE CERTAINTY TO USER GROUPS AND OTHERS ABOUT THE STATUS OF THE LAND NOT DESIGNATED AS WILDERNESS.

ADEQUATE PROVISIONS SHOULD ALSO BE INCLUDED TO ENSURE GRAZING RIGHTS AS WELL AS MOTORIZED ACCESS FOR MAINTENANCE AND RANGE IMPROVEMENTS.

CONSTITUENTS HAVE VOICED THEIR CONCERNS ABOUT CERTAIN PROPOSED WILDERNESS DESIGNATIONS, INCLUDING THE

MAZATZAL WILDERNESS ADDITIONS, HELLSGATE, SALOME, FOUR PEAKS, AND THE SUPERSTITION WILDERNESS ADDITIONS BECAUSE OF MINERAL AND ENERGY POTENTIAL, AS WELL AS GRAZING AND RECREATION USES.

ALL OF THE AREAS I JUST MENTIONED ARE IN THE FOURTH CONGRESSIONAL DISTRICT AND WERE PROPOSED AS EITHER NON-WILDERNESS OR FURTHER PLANNING UNDER RARE II. IT IS MY POSITION THAT THESE SPECIFIC AREAS SHOULD BE RELEASED TO MULTIPLE USE MANAGEMENT.

IT IS MY HOPE THAT THE SUBCOMMITTEE WILL ADDRESS THESE CONCERNS, AND CONTINUE TO WORK WITH AFFECTED GROUPS IN THE STATE TO REACH A SOLUTION ACCEPTABLE TO THOSE INVOLVED.

USAV-00004293

6947 E. 6th St. #4
Scottsdale, Az. 85251
February 10, 1984

Congressman Morris Udall
U.S. House of Representatives
235 Cannon Building
Washington, D.C. 20515

Dear Mo:

I've had a good chance to study and think about the Arizona Wilderness Bill, and though I have some important reservations I feel it stakes out a reasonable middle ground where both sides can meet, talk, and try to work out our remaining differences. My detailed comments on the bill follow, but let me start off just by saying thanks for all the leadership and hard work you and your staff have put into this issue. I feel quite optimistic that an acceptable bill will emerge from these discussions, and I can't tell you what a relief it is to know that 12 years of studies, re-studies, bureaucratic entanglements, and pointless delays are finally about to end in concrete and productive action.

I was very pleased with the areas the bill includes from the Tonto National Forest - not only Four Peaks, my personal favorite, but also Hell's Gate, Salome, the Salt River, and important additions to the existing Superstition and Mazatzal Wilderness Areas. I am personally familiar with most of these areas and can vouch for their wilderness qualities. I'm not certain what, if any, boundaries are delineated in the bill at this point, but I hope you will give careful consideration to the additions the Coalition has suggested to some of the RARE-II boundaries. Of special importance are the Haunted Canyon area in the Superstitions; Haigler, Spring, and Houston Creeks in Hell's Gate; and Boulder Creek, Mine Mountain, and Lone Pine on Four Peaks. I was quite disappointed that Horse Mesa, Black Cross, and the Goldfield Mountains were not included in the bill. I am aware of the extreme hard line taken by the industry groups in the Tonto, and I appreciate your courage in including so much land in spite of their opposition, but these three small units (totalling only about 33,000 acres) are among the least controversial in the Forest, and each has special and outstanding wilderness characteristics. The Goldfields are an extraordinarily rugged range preferred by some hikers to larger, higher, but far more crowded Superstitions nearby. Black Cross is an intriguing maze of narrow winding canyons, slickrock domes, and volcanic buttes. A large bat cave with extensive guano deposits, previously unknown even to Forest Service personell, was recently discovered (by yours truly) in this area. Horse Mesa is startlingly different from anything else in the Tonto: a sprawling volcanic mesa surrounded on all sides by cliffs more than 2000 feet high, and topped by some of the finest undisturbed natural grassland in the state. To climb the single trail up through the cliffs and enter the enormous grassy basin on top, and then to continue up to the summit for awe-inspiring views to the north and east or to follow the spectacular canyons draining into Fish Creek on the west, is to have a new and

USAV-00004294

unusual type of wilderness experience not available anywhere else in central Arizona. Bruce Wright hiked with me there on January 29th, and I think he will agree with my assessment of the area's quality. Though small, it is every bit as much of a "gem" as Hell's Gate, Four Peaks, or Salome, and I hope you will find a way to add it to the bill.

I'm generally satisfied with the bill's treatment of the Kaibab, Prescott, and Coconino National Forests. I was especially happy to see Arnold Mesa and Castle Creek included from the Prescott, and the fabulous canyon country below the Mogollon Rim - West Clear Creek, Wet Beaver Creek, Fossil Springs, and Secret Mountain/Red Rock - in the Coconino. However, I was really surprised that Strawberry Crater, a lovely cinder-cone area near Flagstaff that even the industry groups recommended for wilderness, was not included. Flagstaff citizens have long supported wilderness protection for this area, and I urge you to add it to the bill.

The Coronado is more troublesome. While I am delighted with the areas that were included - Miller Peak, Mt. Wrightson, and the Santa Teresas especially - there was one crucial omission and several areas relegated to further planning for reasons I fail to understand. The omission is Cochise Head, an area of superlative natural beauty and ecological diversity with a long history of interest and wilderness support from local citizens. They can (and undoubtedly will) describe and defend the area in much greater detail than I can, but I want to add my voice to theirs in asking that Cochise Head be included in the bill. Two of the further planning areas, Bunk Robinson and Whitmire Canyon, straddle the Arizona/New Mexico state line and are strongly supported for wilderness in both states. It's my understanding that when New Mexico wrote it's own wilderness bill in 1980, they excluded these two areas only so Arizona could give them proper consideration in our own bill. In other words, they passed the buck to us - so why are we passing it back to them, and just what additional sort of "planning" is required anyway? Mt. Graham, one of the largest and most spectacular of the Coronado units, was also put into further planning, apparently because of the proposal for a large observatory on one of the higher peaks. Yet the wilderness proposal is restricted almost entirely to the steep, canyon-cut flanks of the mountain, excluding the relatively gentle high country where roads, campgrounds, and other forms of development already exist and where the observatory will be built (if it is built at all). A further planning designation is simply not necessary.

The most serious problem with the bill is the almost total lack of wilderness in the Apache/Sitgreaves. Certainly Bear Wallow is worthy of protection, but so are several other units, including two - Centerfire and Escudilla Mountain - that even the industry proposal agreed to. At a bare minimum these two areas should be added to the bill, and I urge you to take a closer look at several other units as well, including Salt House, Pipestem, and Lower San Francisco.

Although I have been emphasizing what I think is wrong with the bill, please understand that my basic reaction is quite positive and enthusiastic. I've been involved in the wilderness effort on Arizona's forests since RARE-I in 1972, and it has been tremendously gratifying

USAV-00004295

over these last few months to see the process finally coming together and to see such traditional "enemies" as environmentalists, ranchers, miners, and politicians all working towards a common goal. Even where we haven't been able to agree, and perhaps never will, I think we've all benefited from this new willingness to communicate and negotiate in good faith. The wilderness bill as it stands is good: flawed, in need of some improvements, but definitely on the right track. I'm looking forward to the hearings on the 21st, and I thank you again for your hard work and dedication.

Sincerely,

Tom Wright

Tom Wright

cc: Arizona Congressional Delegation
Governor Bruce Babbitt
Rep. John Seiberling

USAV-00004296

ISSUE BRIEF: WILDERNESS AND MINERAL PRODUCTION IN ARIZONA

BY RICHARD E. RICE, ECONOMIC POLICY DEPARTMENT, THE WILDERNESS SOCIETY, MARCH 1984

INTRODUCTION

In early 1983, the Arizona Wilderness Coalition (AWC) proposed that 1.6 million acres of Arizona's remaining National Forest roadless land be formally added to the National Wilderness Preservation System (NWPS).1/ The AWC proposal, which follows more than a decade of work on the part of Arizona conservation groups, has since become a focal point in the debate over future wilderness allocations in the state.

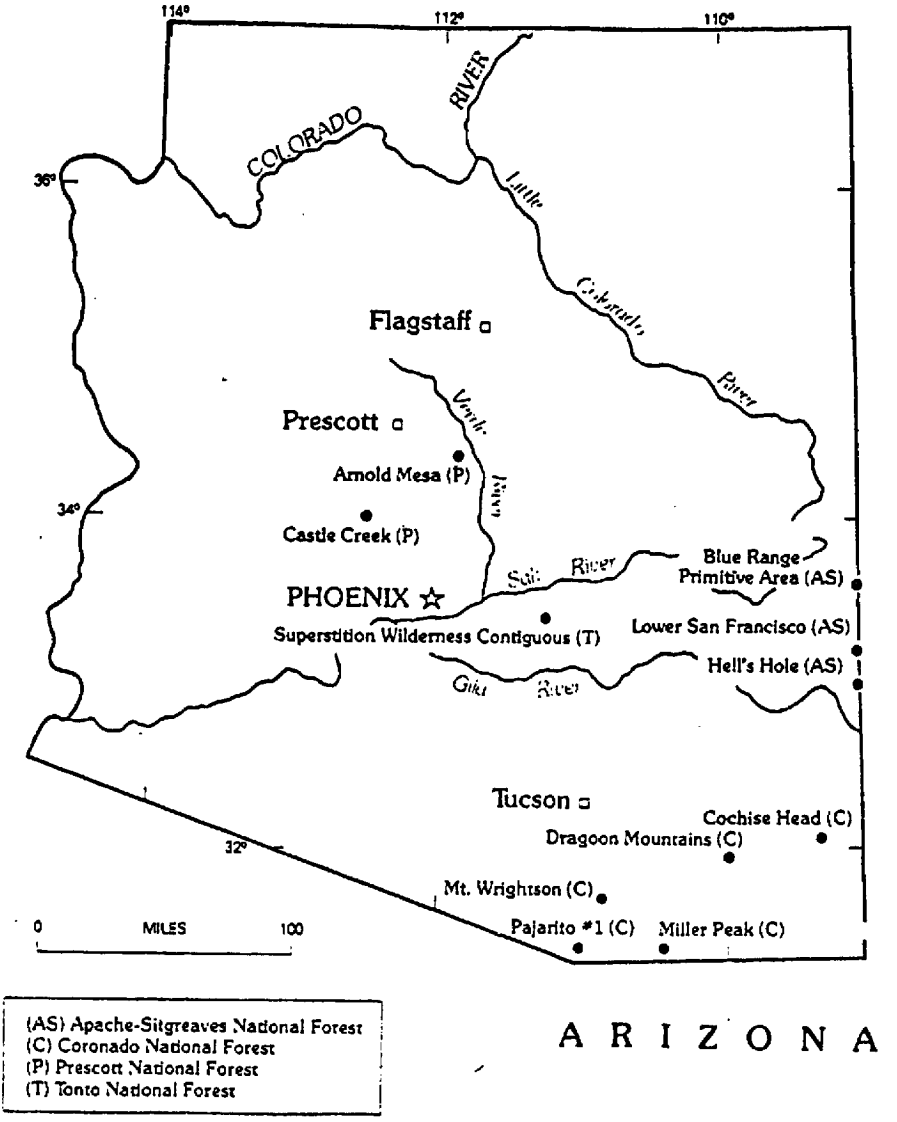
Given Arizona's long history as a major minerals producer, much of the controversy over the AWC proposal centers on the withdrawal of mineral deposits that may be contained within certain areas recommended for wilderness designation. The purpose of this report is to examine the economic significance of the conflict between nonfuel minerals development and wilderness preservation in eleven of the more controversial areas contained in the AWC proposal. These areas are located primarily in southeastern Arizona and include portions of the Apache-Sitgreaves, Coronado, Prescott, and Tonto National Forests (Map 1).

The report is divided into four sections beginning with an overview of Arizona's nonfuel minerals industry. Emphasis in this section is placed on the general supply and demand situation for copper and related minerals. A brief description of the current availability of wilderness lands in Arizona is presented in the second section, along with a discussion of past and projected trends in the demand for wilderness recreation in the state. The third section examines the mineral potential and wilderness values of each of the eleven proposed wilderness areas. The report ends with an assessment of the economic consequences of proposed wilderness designations in Arizona.

1/ The NWPS was established by Congress in 1964. It includes approximately 80 million acres managed by the U.S. Forest Service (USFS), in the Department of Agriculture; and National Park Service (NPS), Fish and Wildlife Service (FWS), and Bureau of Land Management (BLM), in the Department of the Interior. Management of congressionally designated wilderness in Arizona is divided almost equally between the USFS and the NPS (Table 3).

USAV-00004297

MAP 1: LOCATION OF ELEVEN PROPOSED WILDERNESS AREAS WITH POTENTIAL MINERAL CONFLICTS IN ARIZONA



THE NONFUEL MINERALS INDUSTRY IN ARIZONA

Arizona is one of the largest producers of nonfuel minerals in the world, owing primarily to the production of copper and its byproducts. In 1981, the state produced a near record of just over one million metric tons of copper or 68 percent of the U.S. total. In recent years, Arizona copper production has been nearly equal to that of Chile, the second largest producer of copper in the world.2/ The state is also one of the nation's most important producers of molybdenum, silver, and gold (Table 1). All of these metals, however, as well as the state's modest output of lead and zinc, are recovered primarily as byproducts of copper production.

Despite these impressive production statistics, the U.S. domestic copper industry has experienced serious financial difficulties over much of the past decade. U.S. copper mines have not attained a rate of capacity utilization consistently above 80 percent since 1974. Foreign producers, in contrast, have generally operated at more than 85 percent of capacity. During the extremely depressed 1982-1983 period nearly one-half of the industry's productive mine capacity lay idle.3/

As the largest domestic producer of copper, Arizona has been particularly hard hit over the past several years. During 1982, earnings in the state's mining industry dropped dramatically as output was curtailed and the price of copper and its major byproducts fell to near record lows.4/ Before the year's end, nearly 13,000 copper workers were unemployed -- almost one-half the industry's normal workforce. By mid-1983, Arizona copper mines were still operating at about 60 percent of capacity, with many mines closed for the entire year. Given market prices of 20¢ or more per pound below average domestic production costs, it is unlikely that any of the mines that remained open were recording a profit.5/

This latest period of difficulties for the domestic copper industry stemmed in la ge measure from a precipitous drop in the demand for copper associated with economic recession in the U.S. and other industrialized countries. However, the industry continues to face a number of problems which

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2/ U.S. Department of the Interior, Bureau of Mines, 1982 Minerals Yearbook Preprint: Copper, pp.16, 33.

3/ Ibid, p.3.

4/ U.S.Department of the Interior, Bureau of Mines, Mineral Industry Surveys: The Mineral Industry of Arizona in 1982, Intermountain Field Operations Center, Denver, Colorado, 1983.

5/ U.S. Department of the Interior, Bureau of Mines, Mineral Commodity Profiles 1983: Copper, p.3.

USAV-00004299

TABLE 1: NONFUEL MINERALS MINED IN ARIZONA, 1981

Nonfuel Mineral	Share of U.S. Production	Arizona's Rank Among States
	(%)	
Copper	68	first
Molybdenum	30	second
Silver	20	second
Gold	7	fourth

SOURCE: U.S Department of the Interior, Bureau of Mines, 1981 Minerals Yearbook Preprint: The Mineral Industry of Arizona, p.1.

are more long-term and structural in nature. According to the U.S. Bureau of Mines, "domestic mines and smelters are caught between marginally profitable ores and high environmental costs on one side, and slow demand growth and strong foreign competition on the other. These pressures are expected to restrain the growth of productive capacity and force the evolution of a leaner, more competitive domestic industry".6/

In January 1981, for example, the average cost of producing copper in the United States was 92¢ per pound compared to an average of 68¢ per pound for foreign producers. As shown in Table 2, half of this difference is due to higher U.S. milling costs, which in turn are almost entirely attributable to the lower grade of domestic ores. On average, U.S. copper ore grades are a full 35 percent below the average mined in foreign countries. The remaining difference between the average cost of production for domestic and foreign producers is attributable to higher U.S. smelting and refining costs (due in large part to the costs of complying with smelter emission regulations), and lower domestic byproduct credits (again, due to the lower average grade of U.S. ores). Although gradual improvements in the efficiency of U.S. production processes -- such as the scheduled conversion of smelters to more energy efficient designs -- are expected to help hold down future increases in production costs, technological breakthroughs that could substantially alter production costs in favor of the domestic copper industry are seen as unlikely.7/

Compounding the problems caused by the relatively high costs of domestic production are expectations of a slowing in the rate of growth of market demand for copper in the United States. This trend is particularly apparent for primary -- or newly mined -- copper. Between 1981 and 2000, the average growth

6/ Ibid., p.1.

7/ Ibid., p.17.

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in the demand for primary U.S. copper is expected to be less than one percent per year, while the demand for secondary -- or recycled -- copper, due to its ready availability and lower cost, is expected to grow at about 1.5 percent per year.8/ A continued gradual substitution of aluminum and glass fiber for copper in the transmission of electricity (which accounts for more than 50 percent of the copper used in the U.S.), as well as the substitution of aluminum and plastics for copper in other uses and the phasing out of copper used in coinage, are all expected to contribute to a lowered rate of growth in domestic demand.

Reserves of domestic copper, on the other hand, are expected to be more than adequate to meet U.S. demand for the foreseeable future. In Arizona alone, for instance, there are sufficient reserves already in private hands to accommodate more than 50 years of production at a level equal to the average annual output since 1970.9/ A recent publication of the Arizona Bureau of Geology and Mineral Technology, moveover, has characterized these reserves as "...almost all cheaper to mine than the proved, indicated or estimated reserves on federal lands".10/

Nevertheless, according to the Bureau of Mines, "...it appears unlikely that U.S. copper mines will continue to satisfy domestic demand for primary copper as fully as at present. Unless the price of copper climbs back up to something like $1 per pound in 1981 dollars and stays there, it appears inevitable that enough marginal mines will close to bring average U.S. production costs more into line with averages in the rest of the world."11/ By the end of the century, it is forecast that domestic producers will account for only about 75 percent of the market demand for primary copper, relative to 90 percent in 1981.

Moreover, according to Bureau of Mines projections, "...such reexpansion of capacity as would be necessary to follow the growth of domestic demand would probably come about through expansion of operating mines rather than from new mines.12/ Since 1970, the capital cost of new copper production capacity has

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8/ Ibid., p.16.

9/ Arizona Department of Mineral Resources, Special Report No. 5, The Primary Copper Industry of Arizona in 1981; U.S. Department of the Interior, Bureau of Mines, 1982 Minerals Yearbook Preprint: Copper, and Bureau of Mines, Minerals Yearbooks for the years 1970-1981.

10/ Newcomb, Richard T., "The Future of the United States Copper Industry," Fieldnotes, Fall 1983, Vol.13, No.3, Arizona Bureau of Geology and Mineral Technology, p.8.

11/ U.S. Department of the Interior, Mineral Commodity Profiles 1983: Copper, p.16. At the end of 1983, the price of copper on the New York Commodity Exchange was 64¢ per pound.

12/ Ibid.

TABLE 2: AVERAGE COST OF PRODUCING COPPER IN THE UNITED STATES AND FOREIGN COUNTRIES, 1981[1]

	United States	Foreign Countries
	(cents per pound of copper)	
Mining	33	33
Milling	34	22
Smelting and refining	35	24
Miscellaneous costs	5	7
Total operating cost	106	85
Taxes	5	9
Byproduct credits	(19)	(27)
Net operating cost	92	68

[1] Data may not add to totals shown because of independent rounding.

SOURCE: U.S. Department of the Interior, Bureau of Mines, Copper Availability -- Market Economy Countries: A Minerals Availability Program Apparaisal, 1983.

risen by more than half (in real terms) to approximately $11,000 per annual metric ton for a new mine-through-refinery project. The cost of expanding an existing mine, on the other hand, typically runs about $6,000 per annual ton.13/

In Arizona, the outlook for the copper industry is much the same as for the nation as a whole. Combined with the projected growth of other sectors in the state's economy, the high production costs and low demand for copper are expected to result in a steady decline in the relative contribution of the industry to overall employment and earnings in the state. By the year 2000, total earnings in metal mining and manufacturing are expected to decline to about 2.9 percent of the state's total personal income, relative to projected 3.6 percent in 1985. Similarly, the relative importance of employment in the industry is expected to fall from a projected annual average of 1.9 percent of the state's workforce in 1985 to about 1.4 percent by the turn of the century.14/

13/ Ibid, p.11.

14/ U.S. Department of Commerce, Bureau of Economic Analysis, 1980 OBERS BEA Regional Projections, Vol.9, Region 6, July 1981, Tables 3 and 4.

WILDERNESS IN ARIZONA

In contrast to the situation for copper, the demand for wilderness recreation in Arizona is expected to rise substantially over the next several decades. Owing to a lack of consistent historical records, however, it is more difficult to accurately project the demand for wilderness use than the demand for copper and other minerals.

According to data collected by the U.S. Department of Agriculture, the average annual rate of growth in recreation visits to all Forest Service wilderness areas was about 4.3 percent between 1965 and 1980.15/ In 1982, Forest Service lands in the National Wilderness Preservation System provided about 10.6 million recreation visitor days (RVDs) of use, compared to about 4.6 million RVDs in 1970.16/ Use of Forest Service wilderness areas in Arizona accounted for nearly 325,000 RVDs in 1982 or about three percent of all visits to National Forest wilderness. Combined with areas managed by the National Park Service, 1982 wilderness use in Arizona totaled just over 600,000 RVDs.17/

Over the past ten years, recreation visits to Arizona wilderness have risen at about 4.4 percent per year, a rate just above the national average. Use varies considerably from area to area, however, with those units nearest the state's major metropolitan areas receiving a disproportionate share of the total. According to the Forest Service planners, for example, use of the Pusch Ridge Wilderness in the Coronado National Forest near Tucson is currently more than 25 percent above its recommended carrying capacity.18/ Serious problems associated with overuse are also being experienced on portions of the Superstition Wilderness in the Tonto National Forest near Phoenix and in Saguaro National Monument on the outskirts of Tucson.19/ With an additional 350,000 people projected to live in the Tucson metropolitan area by the year 2000 and

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15/ U.S. Department of Agriculture, Forest Service, Trends in Recreational Use of National Forest Service Wilderness, Missoula, Montana, Intermountain Forest and Range Experiment Station, Research Note INT-319, 1981.

16/ U.S. Department of Agriculture, Forest Service, "Use of National Forest Wilderness and Primitive Areas," Unpublished reports for the years 1970-1982. One "visitor day" is defined as twelve hours of recreation use by one or more persons.

17/ Personal communication with Dr. Kenneth Hornback, U.S. Department of the Interior, National Park Service.

18/ U.S. Department of Agriculture, Forest Service, Southwest Region, Draft Environmental Impact Statement, Proposed Coronado National Forest Plan, Sept. 1982, p.59; see also U.S. Department of Agriculture, Forest Service, op. cit., for the years 1980-1982.

19/ U.S. Department of Agriculture, Forest Service, Southwest Region, Proposed Tonto National Forest Plan, Dec. 1982, p.9 and personal communication with Mr. Hal Coss, Suguaro National Monument.

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an additional one million in the Phoenix metropolitan area, such problems of overuse are expected to increase substantially in the future. The size and current use of all designated wilderness areas in Arizona is summarized in Table 3.

Although projections of future demand for wilderness use in Arizona vary from one national forest to the next, it is clear that the overall level of demand will continue to increase and that use will be greatest near the major urban centers. Judging from past experience, the rate of growth in demand for wilderness recreation will likely equal or exceed the rate of growth in population. According to the latest estimates of the Arizona Department of Economic Securities, population for the state is expected to increase at an annual rate of about 3.7 percent well into the next century, with slightly higher growth rates expected for Tucson and Phoenix (Table 4).

With a rising demand for outdoor recreation, the importance of wilderness to the overall state economy is also likely to increase over the next several decades. Precise employment and expenditure impacts, however, are difficult to specify. Earnings in the service sector of the state's economy, a large percentage of which is related to tourism and outdoor recreation, are expected

TABLE 3: RECREATIONAL USE OF ARIZONA WILDERNESS IN 1982

Wilderness Unit	Agency	Acreage	Recreation[1] Visitor Days
Chiricahua	NPS	9,440	24,710
Organ Pipe Cactus	NPS	312,600	99,610
Petrified Forest	NPS	50,260	98,060
Saguaro	NPS	71,400	60,120
Chiricahua	USFS	18,000	11,300
Galiuro	USFS	52,717	7,600
Mazatzal	USFS	205,242	27,000
Mount Baldy	USFS	7,079	25,700
Pine Mountain	USFS	20,061	7,600
Pusch Ridge	USFS	56,933	105,500
Sierra Ancha	USFS	20,850	17,400
Superstition	USFS	124,117	88,600
Sycamore Canyon	USFS	47,757	32,300
	Total	996,456	605,500

[1] One visitor day is defined as twelve hours of recreation use by one or more persons.

SOURCE: U.S. Department of the Interior, National Park Service; U.S. Department of Agriculture, Forest Service.

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TABLE 4: ARIZONA POPULATION PROJECTIONS, 1983-2010

	1983	1990	2000	2010	Average Annual Growth Rate	Percent Increase 1983 to 2000
			(thousands)		(%)	
State Total.....	2,937.3	3,678.1	4,710.1	5,848.2	3.7	99.1
Phoenix Metropolitan Area (Maricopa County).....	1,633.1	2,095.9	2,710.8	3,316.3	3.8	103.1
Tucson Metropolitan Area (Pima County).....	581.5	736.4	935.9	1,211.8	4.0	108.4

SOURCE: Arizona Department of Economic Securities, Population Statistics Unit, November 1983.

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to grow at about 6 percent per year (in real terms) through the year 2000.20/ In 1982, the tourism and travel industries were second only to manufacturing as a source of personal income in the state, contributing $4.5 billion in total spending, and accounting for nearly 18.5 percent of all wage and salary employment.21/

20/ U.S. Department of Commerce, op. cit., Table 3.

21/ Valley National Bank of Arizona, Arizona Statistical Review, Sept. 1983, pp.2,18,40.

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THE NONFUEL MINERALS AND WILDERNESS CHARACTERISTICS OF ELEVEN PROPOSED WILDERNESS AREAS BY NATIONAL FOREST

Although none of the areas in the AWC wilderness proposal are known to contain major mineral deposits, a number of areas have been identified as having overlapping or immediately adjacent mineralization. Of these, eleven are seen as particularly important to both conservationists -- for their wilderness characteristics -- and mining interests -- for their nonfuel minerals potential (Table 5). In order to clarify the particular tradeoffs involved, a summary of the mineral potential and wilderness values associated with each of the eleven areas is presented below.

Major factors considered in each summary for nonfuel minerals potential include: the type of minerals known to occur in each area; the potential for mineral occurrence; and the volume and dates of any recorded past production. Unless otherwise noted, historical production statistics are taken from Arizona Bureau of Geology and Mineral Technology (ABGMT) Bulletin #194, Metallic Mineral Districts and Production in Arizona (1983). This publication summarizes all Arizona minerals production reported to the U.S. Bureau of Mines from 1901 to 1981, as well as other data collected for years prior to 1901.22/ Information on the mineral potential of the proposed areas is taken from a variety of sources, including publications of the ABGMT and the recently published USGS Professional Paper 1300, Wilderness Mineral Potential (1984).

Major wilderness characteristics considered include: opportunites for primitive recreation and solitude; the presence of unique or important cultural and historical sites; the occurrence of threatened or endangered species and/or ecosystems; and the proximity of areas to major population centers. Much of the information presented here is taken from the AWC Arizona Wilderness Proposal (1983).

Apache-Sitgreaves National Forest

The three proposed wilderness areas considered in the Apache-Sitgreaves National Forest are: Blue Range Primitive Area; Lower San Francisco; and Hell's Hole (Map 1). Due to similarities in the mineral potential and wilderness characteristics of these areas, they are discussed together, with important differences noted as necessary.

Minerals Potential: Several mining districts are located in the vicinity of the three proposed wilderness areas, including the major Morenci "Copper Mountain" mining district to the southwest. However, there is no record of mineral production or of patented mining claims within any of the three areas.

Thorough assessment of the region's mineral potential is hampered by a covering of relatively young volcanic rock up to several thousand feet thick.

22/ ABGMT Bulletin #194 lists mineral production by mining district only. Information on the production of individual mines (presented below) is from the original data base used in preparing the published mining district totals.

TABLE 5: ELEVEN PROPOSED WILDERNESS AREAS WITH POTENTIAL MINERALS CONFLICTS

	AWC Proposed[1] Acreage
Apache-Sitgreaves National Forest	
Blue Range Primitive Area (NF-3900)[2]	193,365
Lower San Francisco (03-139)	59,330
Hell's Hole (03-138)	38,031
Coronado National Forest	
Cochise Head (03-112)	28,000
Dragoon Mountains (03-201)	22,000
Miller Peak (03-117)	23,000
Mount Wrightson (03-113)	27,000
Pajarito #1 (03-115)	10,320
Prescott National Forest	
Arnold Mesa (03-092)	27,995
Castle Creek (03-085)	27,750
Tonto National Forest	
Superstition Wilderness Contiguous (03-018)	40,000

1 All acreage figures are approximate.

2 Numbers in parentheses are RARE II area identification codes.

SOURCE: Arizona Wilderness Proposal, Arizona Wilderness Coalition, Phoenix, Arizona, 1983.

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Although a number of deep exploratory core holes have been drilled in the Blue Range Primitive Areas since 1969, none have established the presence of economically significant mineral deposits.23/ The mining companies which financed this drilling have since discontinued their projects.

Forest Service mineral evaluations classify portions of the Blue Range and Lower San Francisco as having low to moderate (undemonstrated) potential for copper, molybdenum and silver.24/ Hell's Hole is classified as having moderate potential for copper, silver, lead, gold, and zinc. All mineral potential in the Hell's Hole area, however, is located in New Mexico.

Wilderness Characteristics: The Blue Range Primitive Area is distinguished by the famous Mogollon Rim across its northern end; the spectacular cliffs and lush canyon of the Blue River, which runs the length of the area from north to south; and the wild, nearly 4,000 foot, canyon of the San Francisco River along the area's southern boundary.

The Primitive Area was established in 1933 and proposed for wilderness designation (with minor exclusions) in 1971 by the Forest Service. In 1980, the New Mexico portion of the Primitive Area and several contiguous units were designated wilderness by the New Mexico Wilderness Act.

The Blue Range and Lower San Francisco areas are rich in Native American archaeological sites, ranging from the early Mogollon and Sinagua cultures to late Apache. At present, many of these sites are being vandalized.

The Blue Range and Lower San Francisco are also popular big game hunting areas where fox, javelina, bobcat, mountain lion, black bear, Nelson's elk, and several species of deer are all common. In addition, these areas support a number of threatened and endangered species, including the southern bald eagle, peregrine falcon, aplomado falcon, spotted owl, black-eared bushtit, olive warbler, Arizona woodpecker, spotted bat, dwarf shrew, kirk fox, and Apache trout.

The flora and fauna of the Hell's Hole area correspond to the semi-tropical Grama-Tobosa shrubsteppe ecosystem of northern Mexico -- an ecosystem endangered in the Southwest. Hell's Hole is the only RARE II area recommended for wilderness which is representative of the Grama-Tobosa association and is the northern-most extension of this ecosytem in Arizona.

All three areas are within a day's drive of Phoenix, Tucson, Albuquerque, Santa Fe, and El Paso. They contain outstanding opportunities for solitude and primitive recreation, including backpacking, camping, river rafting and nature study.

23/ U.S. Department of the Interior, Geological Survey Professional Paper 1300, Wilderness Mineral Potential, 1984, p.54.

24/ U.S. Department of Agriculture, Forest Service, Final RARE II EIS, 1979; U.S. Department of Agriculture, Forest Service, Purposed Blue Range Wilderness, Arizona - New Mexico, 1971; U.S. Department of the Interior, Ibid, p. 52ff.

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The Coronado National Forest

The five areas considered in the Coronado National Forest are: Cochise Head; Dragoon Mountains; Miller Peak; Mount Wrightson; and Pajarito #1 (Map 1). The forest lies entirely within the geophysical province known as the Basin and Range and encompasses a number of isolated mountain ranges to the south and east of Tucson. Unlike areas in the Apache-Sitgreaves National Forest, the areas considered in the Coronado are all geologically different and are therefore discussed individually below.

Cochise Head

Minerals Potential: While no mineral production is known to have taken place within the roadless area, a number of scattered prospects and several patented claims lie within or just outside the area's boundaries. Two small areas of substantiated mineral potential have been identified within the roadless area -- one for copper, lead, zinc, silver, barium, and molybdenum, at estimated depths ranging from many hundred to several thousand feet below the surface, and another for copper lead, zinc, and silver, at undetermined depths. The latter is associated with the nearby Hilltop mine which last produced in 1950 (total base metal and silver production of about $1.1 million between 1902 and 1950). Small quantities of similar ores may have also been produced from the King of Lead Mine (located between the roadless area and the Chiricahua National Monument to the south), and from mines in the Buckhorn Basin to the west of the roadless area. Undemonstrated potential for base metals and silver also exists in one additional area within and two small areas which lie mostly outside the roadless area boundaries.

Wilderness Characteristics: The proposed wilderness is dominated by the single largest outcrop in the Coronado National Forest, Cochese Head, which rises to a elevation of 8,109 feet from valleys 4,000 feet below and is over one mile long. Other spectacular rock formations, including a number of natural arches, are also present.

The area shares with the rest of the Chiricahuas an abundance of unique biological characteristics, a result of the meeting here of four major geophysical provinces -- the Sonoran and Chihuahuan deserts and the Rocky Mountain and Sierra Madrean landforms. More distinct habitats and more species of flora and fauna occur in the Chiricahaus than in any other inland area of a comparable size in the U.S. Four different life zones are represented, from lower Sonoran to Canadian, as well as nine species of endangered plants and at least 40 of the 109 animal species currently listed as endangered in the Southwest.

Of cultural and historical interest are artifacts found in the area from the Mogollon and Mimbres Indian cultures and remains of the last Apache habitations.

The area provides excellent opportunities for solitude and primitive recreation including remote, rugged canyons, caves, and scenic vistas. Although use of the area is comparatively light at present, it is within half a day's drive from the major metropolitan areas of Tucson, Phoenix, and El Paso, and within a day's drive of Santa Fe and Albuquerque.

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With minor exclusions, the area has been recommended for wilderness designation by the U.S. Forest Service.

Dragoon Mountains

Minerals Potential: Base and precious metals have been mined from several sites near the Dragoon Mountains roadless area. Production from within the unit itself is limited to one small lead-zinc mine in the west central portion of the area which last produced in the 1940s. The value of all production from patented claims and mines in or near the roadless area is estimated to be about $2 million.

A recent evaluation of the area's mineral potential undertaken by the U.S. Geological Survey identifies six locations, mostly on the periphery of the roadless area, which may contain deposits of copper, lead, zinc, molybdenum, and in some cases, gold and silver. A somewhat lower potential for tungsten deposits also exists in three of these areas.

Boundaries for the proposed wilderness area supported by the Arizona Wilderness Coalition have been revised to exclude most of these six potentially mineralized areas.

Wilderness Characteristics: The Dragoon Mountains is an area of dramatic and beautiful topography, with many sheer cliffs, jagged rock formations, and balanced rocks. Views from its high country offer sweeping vistas of 50 miles or more to neighboring mountain chains.

An important historic site in the proposed wilderness is an area known as Cochise Stronghold, in which the Chiricahua Apache chief Cochise hid his tribe from the U.S. Cavalry during the 1870s.

A number of rare plant species are known from the Dragoons, and it is believed that the unit hosts a rare species of rattlesnake.

The area offers ample opportunities for solitude and primitive recreation, including hiking and backpacking. Portions of the unit are also popular for deer and javelina hunting, and several of its rock cliffs are popular sites for technical climbing.

Recreational use of the area, particularly day use, is expected to increase substantially in the future given its proximity to Tucson which is located 65 miles to the northwest.

Miller Peak

Minerals Potential: A number of patented mining claims are located in or near the proposed wilderness area. Over the years, these properties have produced small quantities of base and precious metals, including lead, zinc, copper, tungsten (produced outside the roadless area), silver, and gold. Probably the largest mine in the unit itself, the Copper Glance, last produced in the early 1900s and yielded approximately 7,500 ounces of silver. Total

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historical production from the mining district which covers the Miller Peak area is about 8,000 tons of ore.

Placer mining in nearby valleys may indicate vein deposits within the roadless area. However, after nearly a century of prospecting on Miller Peak, no gold veins and only a few small silver veins have been discovered. A Forest Service minerals evaluation classifies the area as having moderate hard rock mineral potential.25/

Wilderness Characteristics: The proposed Miller Peak unit is characterized by deep canyons, rugged peaks and ridges, and unusually scenic vistas. Elevations range from about 5,000 feet to 9,466 feet at Miller Peak. Two peaks in the roadless area exceed 9,000 feet, with most of the crest between them over 8,000 feet.

Opportunities for solitude and primitive recreation are abundant throughout the area as is exceptional wildlife observation. A number of well maintained trails offer access to most major points of interest. From the high peaks, vistas of more than a dozen major mountain ranges in southern Arizona and several in Sonora, Mexico can be seen over the high desert of the San Pedro Valley on the east and the grasslands of the Sonoita Basin on the west.

The Huachuca Mountains, in which the Miller Peak unit is located, are noted for their abundant wildlife. The variety of birds is particularly impressive, with over 170 species known to the area, including 14 species of hummingbirds, the exotic coppery-tailed trogon, and the rare buff-breasted flycatcher. Over 60 species of reptiles and nearly 80 species of mammals are also found in the Huachucas, including three rare rattlesnakes, black bear, mountain lion, coatimundi, javelina, ring-tailed cat, and the tiny pygmy mouse. The Miller Peak unit forms the boundary on three sides of the famous Ramsey Canyon Nature Preserve managed by the Nature Conservancy.

As with other areas in the Coronado, recreational use of the Miller Peak area is expected to grow substantially in the future due to population growth in nearby Tucson (less than two hours north by car) and Sierra Vista (six air miles to the north).

Mount Wrightson

Minerals Potential: There is a long history of small scale prospecting in the immediate vicinity of Mount Wrightson, including the first claim filed under the 1872 Mining Law located just to the south of the proposed wilderness. In addition, there are a number of large scale porphyry copper deposits located further to the north, northwest, and south of the area (Helvitia, the Sierritas

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25/ U.S. Department of Agriculture, Forest Service, Final RARE II EIS, 1979.

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and Red Mountain respectively).26/ However, there is no record of production from within the area itself.

Adjacent production appears to have been heaviest in the area's "western arms" near the Wrightson and Tyndall mining districts. These are lead, zinc, and silver districts with two mines (both in the Tyndall district) accounting for nearly all of the area's recorded production. One is the Quantrell mine located in the upper Chino Canyon just outside the proposed wilderness boundary. Total historic production of this mine is about 950 tons of ore produced between 1908 and 1914.

The other producing mine in the area, and by far the largest in the immediate vicinity of Mount Wrightson, is the Glove Mine located several miles south of the proposed wilderness near the boundary of the Coronado National Forest. The total recorded production from the Glove Mine, which last produced in the mid 1970s, is 38,000 tons of ore, yielding mostly zinc with some lead and silver.

According to ABGMT Bulletin #191, Index of Mining Properties in Santa Cruz County, there is little prospect for additional economic mineralization in either the Tyndall or Wrightson mining districts:

> The more obvious surface indications of economic mineralization in the Tyndall district have been prospected or worked over many years. What may remain in the vein-type deposits is of doubtful economic value and the replacement deposits in the Paleozoic limestone appear to be limited[,] [p. 27].

and,

> The economic mineralization found in the Wrightson district has been spotty and sparse and appears to be on the fringe of stronger mineralized areas [p. 29].

Bulletin #191 does, however, identify two mining districts well to the south of Mount Wrightson (i.e., Salero and Ivanhoe 27/), as having potential for deeper economic mineralization associated with the major Red Mountain copper deposits in the Harshaw mining district.

The only apparent potential for copper porphyry deposits immediately adjacent to the proposed wilderness is in the Cave Creek mining district which borders the unit on the northwest. Production in this district was last reported in 1963 and totaled 1500 tons of ore over its 20 year history. The total yield of base and precious metals from the Cave Creek district included 13 tons of copper, 6,300 ounces of silver, and 12 ounces of gold.

26/ ABGMT Bulletin #194 refers to the Sierritas as the Pima mining district and to Red Mountain as the Harshaw mining district.

27/ Formerly part of the Tyndall and Wrightson mining districts, respectively.

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Wilderness Characteristics: The proposed wilderness envelops the core of the Santa Rita mountain range in southeastern Arizona. Located 30 miles south of Tucson, the unit is surrounded on all sides by semi-arid rolling hills and savannah. At its center is the visually striking Mount Wrightson Peak which rises majestically 7,000 feet from the valley floors below to a height of nearly 9,500 feet. As the highest point in Santa Cruz and Pima counties, it forms an impressive landmark viewed from Tucson and surrounding communities.

Like other ranges in the Coronado, the Santa Ritas provide an unusual diversity of biological communities within a relatively small geographical area. Madera Canyon, a developed recreational area on the unit's northwest boundary, for example, supports one of the richest avifauna populations in the Southwest. Tours of the area, advertised both locally and nationally, are offered by the Audubon Society and other ornothological groups. The area also hosts a wide variety of mammals and reptiles, including bear, bobcat, deer, mountain lion, and a number of state-listed rare and endangered species.

The steep, rugged hillsides, deep canyons, and lofty peaks and ridges which characterize the proposed wilderness offer outstanding opportunities for solitude and primitive recreation. Access to the unit's major creek drainages and peaks is provided by a system of developed trails. Large tracts of the area, however, remain untouched and nearly inaccessible.

Due to its proximity to Tucson and the numerous small towns and retirement communities which surround the Santa Ritas, recreational use of the unit is already comparatively heavy and is expected to increase in the future. Largely in an effort to accommodate this expected demand, the Mount Wrightson unit has been recommended for wilderness by the Forest Service. Designation of the unit is also supported by the Smithsonian Institution which maintains its internationally renowned Mt. Hopkins Observatory just south of Mount Wrightson Peak.

Pajarito #1

Minerals Potential: There is no record of mineral production or of substantiated mineral potential from within Pajarito #1. Similar to the Blue Range Primitive Area in the Apache-Sitgreaves National Forest, the Pajarito area is covered by up to 3,000 feet of nonmineralized volcanic rock. Interest in the area stems in large measure from its proximity to mining activity in the Oro Blanco mining district immediately to the west and some activity in the Pajarito district to the east. Both districts are classified as lead, zinc, and silver producing areas. Total historic production from the Pajarito district (1910-1969) is approximately 1,400 tons yielding mostly lead with some silver and minor amounts of zinc, copper, and gold. Production from the Oro Blanco district, which was last reported in 1976, is more substantial and includes (over its 73 year history) 28,000 tons of lead, 24,000 tons of zinc, 1,900 tons of copper, 4.3 million ounces of silver, and 44,000 ounces of gold. Nearly all production in the Oro Blanco district took place in the 1930s and centered on the Montana mine group near Ruby, Arizona. According to ABGMT Bulletin #191, "There appears to be a lack of favorable geologic characteristics for large economic mineralization outside of the Montana mine group..."(p.18).

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The western boundary of the proposed Pajarito #1 unit generally follows a ridgeline above and to the east of the geologic contact with the Oro Blanco district. So long as the wilderness boundary does not reach to the west of this contact, conflicts with any future mineral development in this district should be avoided.

Wilderness Characteristics: Pajarito #1 is a relatively small area (approximately 10,300 acres) located 50 miles south of Tucson and 16 miles west of Nogales along the Arizona-Mexico border. The unit is characterized by rolling hills and grass-covered ridges and, near its center, by the savannah oak woodlands and soaring cliffs of Sycamore Canyon.

Though less rugged than other parts of the Coronado (with elevations between 3,500 and 5,400 feet), the riparian and aquatic habitats found in the unit's canyons host an unusual variety of flora and fauna, some of which is found nowhere else in the United States. In addition, the area contains the only known stand of saguaro cactus in Santa Cruz County.

In recognition of the area's ecological importance, 545 acres of Sycamore Canyon were set aside as the Goodding Research Natural Area in July 1970.

Prescott National Forest

Two proposed wilderness areas located in the Prescott National Forest -- Arnold Mesa and Castle Creek -- are discussed below.

Arnold Mesa

Minerals Potential: According to USGS Professional Paper 1300, a 1980 analysis of the Arnold Mesa roadless area, including geologic, geochemical, and aeromagnetic investigations and a survey of mines and prospects, provides "...little evidence for the occurrence of mineral or energy resources"(p. 49). In addition, although prospecting and claimstaking have occurred intermittently since the mid-1800s, no mine production has been reported from within the roadless area itself.

Adjacent production is limited to the Squaw Peak mine located just outside the unit's northern boundary.28/ The only known production from this mine took place from 1934 to 1946. The 1,300 tons of ore produced during this period yielded 26 tons of lead and 10 tons of copper, with some silver, zinc, and molybdenum.

While there is "a small possibility" that parts of the roadless area are underlain with porphyry copper deposits, assessment of this potential is hampered by a covering of up to 1,500 feet of barren sedimentary and volcanic rock.

28/ USGS Professional Paper 1300 also lists the production of a "...minor amount of gold with an estimated value of a few hundred to a few thousand dollars..." from a small small mine located to the northwest of the roadless area (p. 50).

Wilderness Characteristics: The proposed Arnold Mesa unit is located in and along the flanks of the Black Hills just south of Camp Verde, Arizona. The area forms a northwest-southeast ridge dividing the drainages of the Verde and Agua Fria Rivers. The crest of the Black Hills within the unit are moderately dissected rolling uplands which fall off gradually to the southwest toward the Agua Fria River. Pinyon-juniper woodlands dominate on the higher slopes (up to 6,700 feet), but give way to Sonoran grasslands on the southwest. The northeast flank, which forms the western wall of the Verde River, drops nearly 4,000 feet from the crest and is cut by deep, rugged canyons such as those of Gap and Chasm Creeks. Vegetation in this area changes from pinyon-juniper to chaparral to riparian woodlands in the canyons and along the Verde River.

Protected species in the area include the Gila trout, which has been successfully re-established in Gap Creek, and the southern bald eagle, which is known to nest in an area several miles outside the proposed wilderness.

Approximately 23 miles of established trails traverse the unit and provide access to most points of interest. Indian sites which are awaiting study are reported throughout the area.

At present, recreational visitation to the Arnold Mesa unit is relatively light. The area is less than two hours' drive, however, from both Flagstaff and Phoenix and less than one hour from Prescott.

Castle Creek

Minerals Potential: Some porphyry copper, lead, zinc, and silver production has taken place in areas adjacent to the proposed Castle Creek wilderness. The unit itself, however, is for the most part dominated by a barren granitic geology (Crazy Basin quartz-monzonite) with little potential for mineral development.

The most significant activity adjacent to the unit is from the Tiger-Crown King mining district immediately to the west which produced 270,000 tons of ore between 1893 and 1965. Production included 1,656 tons of zinc, 760 tons of copper, 403 tons of lead, 1.1 million ounces of silver, and 122,000 ounces of gold.

Portions of the proposed wilderness on the west appear to lie outside the barren granite formations and may therefore contain mineralization similar to that found in the adjacent Tiger-Crown King district. The practical significance of this overlap, however, must be tempered by the area's rugged topography and the fact that nearly two decades have passed since production was last reported from this district.

Wilderness Characteristics: The Castle Creek unit is situated on the eastern slopes of the Bradshaw Mountains approximately 20 miles south of Prescott and 40 miles north of Phoenix. The unit is characterized by extremely rugged topography and diverse vegetation. Elevations range from 3,000 to 7,100 feet including a number of granite peaks with spectacular, unobstructed vistas overlooking the Agua Fria River to the east. Several tributaries of the Agua

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Fria run through the unit forming deep, twisting canyons punctuated with glistening waterfalls.

The area's vegetation varies with changes in elevation, moisture, and topography and includes chaparral and desert grassland species, stands of mixed conifers along the streambanks, and ponderosa pine in the higher elevations. The dense vegetative cover and varied topography also host a broad mix of wildlife including mountain lion, bobcat, fox, javelina, quail, and deer.

Protected wildlife species known to the area include desert tortoise, Arizona Gilbert's skink, buff-breasted flycatcher, gila monster, Arizona ridge-nosed rattlesnake, yellow mud turtle, and tarahumara frog. The Arizona Natural Heritage Program has also identified a number of federally-listed endangered plant species in the area.

A system of more than 25 miles of developed trails provides access to much of the unit and is presently used by horseback riders, backpackers, and day-hikers.

Several archaeological sites in the area awaiting study are believed to represent a transition stage between two major Indian cultures to the north and south of the proposed wilderness.

Tonto National Forest

Superstition Wilderness Contiguous is the only area considered in the Tonto National Forest.

Minerals Potential: Geologic studies and mineral evaluations undertaken by the USGS and Bureau of Mines between 1973 and 1977 indicate that the Superstition Wilderness and adjoining areas "...hold little promise for occurrence of mineral resources."29/ Proposed additions on the south and east of the existing wilderness lie within six miles of large, producing copper-mines. In addition, the Globe, Miami, and Superior mines, which together have produced in excess of $2 billion worth of copper and precious metals, lie within 20 miles of the wilderness. Despite this proximity and extensive prospecting throughout the area, there is no record of production or of patented claims in or near the Superstition Wilderness.

Two small areas of probable mineral resource potential (including copper, lead, zinc, siver and gold), are identified in USGS Professional Paper 1300. Both areas are located on the southern border of the existing Superstition Wilderness, one lying mostly within the wilderness (in the Peralta Canyon area), and one, in the southeast, situated mostly on the outside of the existing boundary. Although both areas contain signs of having been worked in the past, there is no record of production from either site.

Wilderness Characteristics: The Superstition Wilderness is located between U.S. Highway 70 and Arizona State Route 88 approximately 35 miles due

29/ U.S. Department of the Interior, op. cit., p.113.

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east of Phoenix. The Superstition Mountains, for which the wilderness is named, rise abruptly from the adjacent desert to the south and west to a height of nearly 6,300 feet. The interior of the wilderness contains a ruggedly dissected landscape with local relief between canyon bottoms and ridge tops ranging from several hundred to several thousand feet. In many places wind, water, and time have combined to carve intricate and fantastic formations for which the Superstition Mountains are famous.

Vegetation in the wilderness ranges from pine woodlands in the higher elevations to suguaro and riparian species in the lower lying areas.

The proposed additions to the Superstition contain a mix of features not yet represented in the existing wilderness along with extensions of some habitats and geological formations similar to those already protected. The stands of saguaro and cottonwood found in the northeastern additions, for instance, are as extensive and beautiful as any within the wilderness to the south. The southeastern additions, in contrast, contain pine covered mountains deeply incised with canyons carved by permanent desert streams -- a combination not presently found in the wilderness. Also included in the proposed additions are magnificent granite cliffs on the east and intricate volcanic canyons on the north.

Recreational use of the existing Superstition Wilderness, particularly the area's western half, is currently in excess of its recommended carrying capacity. Given the area's proximity to Phoenix, visitation is likely to continue to increase for some time to come.

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CONCLUSIONS

The best available geological information for the eleven proposed wilderness areas reviewed in this paper provides no indication that preservation of these lands would entail a significant withdrawal of nonfuel mineral deposits. Indeed, after more than a century of intensive exploration, there is no evidence that economically producible nonfuel mineral deposits exist in any of the proposed wilderness areas. With respect to copper -- the principal mineral involved -- experts believe that reserves already in private ownership are more than sufficient to meet Arizona's share of projected market demand well into the next century and that nearly all of these reserves are of greater value than those remaining on federal lands. In short, the "opportunity cost" of wilderness designation -- measured in terms of forgone nonfuel minerals production -- appears to be negligible.

In addition, two economic trends that are completely independent of wilderness land allocation decisions indicate that the mining industry -- which now accounts for about two percent of the jobs in Arizona -- is likely to play an even smaller role in future years. First, Arizona and other leading domestic suppliers of copper, though rich in identified reserves, no longer enjoy a comparative advantage in world copper production. The availability of higher quality ore in major exporting countries, such as Chile, means that low-cost foreign supplies will account for a growing share of the primary copper market in the United States. Second, new technology in the form of aluminum and glass fibers and more efficient recycling of wire and other copper products is sharply reducing the rate of growth in market demand for copper ore. Such technological advances diminish the economic value of nonfuel mineral deposits that may exist on proposed wilderness lands in Arizona.

Focusing primarily on outdoor recreation opportunities, the available evidence strongly suggests that preserving the eleven proposed wilderness areas would yield substantial and increasing positive economic benefits to society. Nationwide, the demand for wilderness recreation has risen at an average rate of more than four percent per year for the past two decades and future demand for wilderness recreation is expected to be particularly intense in Arizona where population is projected to double by 2010. In fact, several designated and proposed wilderness areas near Phoenix and Tucson are already heavily overused. Furthermore, it is important to recognize that the development of an area's mineral resources is for all practical purposes an irreversible decision. Whereas new technology can augment the supply of copper and other nonfuel minerals, it can do little to increase the stock of unaltered natural environments.

In summary, this comparison of wilderness preservation and nonfuel minerals production in Arizona shows that wilderness recreation opportunities are more limited in supply, have fewer close substitutes, and are characterized by a strong and growing demand. A decision in favor of wilderness designation will provide scarce outdoor recreation services and maintain all land use options for future generations at the cost of little or no forgone mineral production.

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