February 12, 2016

The Honorable Rob Bishop and The Honorable Jason Chaffetz
U.S. House of Representatives
Washington, DC 20515

Dear Congressmen Bishop and Chaffetz:

The Grand Canyon Trust thanks you for the opportunity to comment on your Utah Public Lands Initiative (PLI) discussion draft, released January 20th, 2016. We further commend both of you and your staffs for the hard work, long hours, many miles on the road, and dedication you have shown to producing draft legislation. We regret, however, that we cannot support and must oppose the PLI in its current form.

Our opposition is rooted in the fact that the PLI does not represent a positive, solution-oriented step toward resolving land use and land tenure matters in eastern Utah. Chief among the harms contained in PLI are: management language not found elsewhere in law that undermines new wilderness and national conservation areas; special management areas and canyon country recreation zones that weaken existing protections; release and hard release of millions of acres of deserving potential wilderness; disposal of lands far in excess of standards set forth by the Public Purposes and Recreation Act; a wildly unbalanced and unfair SITLA state land exchange; creation of "energy zones" in excess of 2.5 million acres where multiple-use land management principles are cast aside and the reality of climate change is unacknowledged; excessive grants of RS 2477 road claims and a Book Cliffs Highway corridor to the State of Utah; hobbling of livestock management necessary to conserve ecosystems and species; inadequate provisions respecting sovereign Native American tribes with regard to protection and management of the Bears Ears cultural landscape; and the stated goal of the authors of PLI to place limitations on the President's authority to use the Antiquities Act of 1906.

Bold Ambitions

In creating the PLI in 2013, you embarked on an ambitious journey with the stated goal of "breaking the stalemate" over permanent land protection in eastern Utah. You wrote of a "window of opportunity" and "a paradigm shift" "moving away from the tired arguments of the past," promising that "a more reasonable, balanced use of the public land can be achieved in Utah." It seemed as if a new day had dawned, and all sides of the contentious public lands debate stretched themselves to envision concessions and compromise none of us had previously thought possible.

The PLI promised to enact a bold vision: "to build consensus among stakeholders" over which areas in seven eastern Utah counties should be preserved and which should be developed. Unfortunately, consensus has not been achieved in the PLI, and this discussion draft doesn't present a starting position from which consensus can be reached through compromise.

Aspirations Unmet

Compromise cannot be had when one set of interests is presented with a resolution that undermines the very foundation of the concessions that are offered. Because this bill would fundamentally degrade the meaning of wilderness and national conservation areas in law while granting the state, industry, and counties nearly everything they asked for and more, the draft PLI cannot be viewed as compromise from our perspective.

Throughout 2013 and 2014, we made solid progress. We reached negotiated agreements with all parties in two counties - Daggett and Summit - striking a delicate balance that ensured conservation interests were met alongside the interests of other stakeholders. Things began to sour in 2015, as Daggett County was allowed to break from our negotiated agreement. San Juan County excluded *everyone* living outside the county when crafting its proposal and entirely dismissed local concerns by rejecting a home-grown proposal to fully protect the Bears Ears cultural landscape - one that garnered support from 64% of local commenters. Other counties retreated to their "tired arguments of the past," and discussions deteriorated over too little wilderness and too much fossil fuel development. Despite our best efforts toward reaching durable compromise over dozens of field trips and mapping work sessions, it is now clear that no "paradigm shift" has taken place.

The single county where we maintain a durable negotiated agreement - Summit County - did not see our agreement honored in the PLI draft. We agreed, and the Summit County Council resolved, that new wilderness areas would be managed according to the Wilderness Act of 1964, and that special management areas would be managed per our resolution. Unfortunately, the draft PLI does neither, striking a blow to the only piece of true "consensus" possible in PLI.

Agreement is Possible

Setting aside the PLI as it has been drafted; we know that consensus and compromise are possible in a subset of the counties at issue. We strongly urge you, if you truly desire legislation that can pass both houses of Congress and be signed by the president, to set aside this seven-county PLI and re-enter discussions over areas of mutual agreement among stakeholders. There are many such areas of agreement, and with the right kind of leadership, durable, long-lasting compromise that truly breaks the stalemate over land management and land tenure can be achieved.

In order to do so, **the following provisions found in the PLI draft cannot be used as sideboards for reaching agreement in future legislation.**

Dramatic Departure from Standard Management Language

The PLI's proposed language for the management of wilderness is troubling on a number of fronts. The PLI draft seeks to change the accepted definition of wilderness as set forth in the Wilderness Act of 1964 by carving out special exemptions for water development, use of motorized vehicles and equipment, recreational and target shooting, livestock grazing, and wildlife management. Further, the national conservation areas, special management areas, and recreation zones envisioned by the PLI lack true conservation value based on the legislative language proposed.

We cannot agree to legislative language that would:

- Explicitly allow the motorized maintenance of existing and construction of new "water resource facilities" in all new wilderness, national conservation areas, special management areas, and recreation zones designated by the bill "which may be necessary in the future;"
- Prohibit the reservation of any federal water rights for all wilderness, national conservation areas, special management areas, and recreation zones designated by the bill;
- Prohibit permanent road and motorized route closures in all new wilderness, national conservation areas, special management areas, and recreation zones designated by the bill;
- Allow commercial timber harvest inside Forest Service Inventoried Roadless Areas covered by 95,000 acres of lands designated as special management areas;
- Mandate permanent snowmobile use on 95,000 acres of designated special management areas on National Forest System lands on just six inches of snow; and
- Ban any restriction on recreational or target shooting in all wilderness, national conservation areas, special management areas, and recreation zones designated by the bill.

Objectionable Grazing Management Language

We cannot agree to legislative language that would:

- Lock in or increase livestock numbers in all new wilderness, national conservation and special management areas - regardless of drought, market conditions, or ecological damage. These conditions are unprecedented in law;
- Allow the use of motorized vehicles in all new wilderness, national conservation areas, and special management areas to "rescue sick animals" or for "the placement of feed." This provision is unprecedented in law;

- Eliminate the species viability requirements of Part 219, 36 CFR as they relate to livestock grazing in all new wilderness, national conservation areas, and special management areas designated by the bill;
- Allow the state of Utah exclusive jurisdiction for predator control in all new wilderness areas, including the use of helicopters for aerial gunning; and
- Give "priority consideration" to data provided by the Utah Department of Agriculture to establish "historic grazing areas, locations or use" in all new wilderness, national conservation areas, and special management areas should a dispute arise among permittees and federal land managers.

These provisions take the "Congressional Grazing Guidelines" (House Reports 96-1126 and 101-405) for wilderness several steps further, and are unprecedented in law.

RS 2477 Rights of Way

We cannot agree to legislative language that would:

- Grant in perpetuity to the State of Utah ownership of RS 2477 road claims (over 9,000 miles in the case of the PLI) with no survey for cultural resource damage, or demonstrated transportation or recreational need;
- Grant ownership of roads to the State of Utah inside national parks and on national forest lands; and
- Allow for litigation to continue on RS 2477 claims in national parks, inside new wilderness and on national forests not granted by legislation.

SITLA Land Exchange

We cannot agree to legislative language that would:

- Exchange state lands out of protected areas on a rough acre-for-acre basis instead of a value-for-value basis;
- Mandate that loss be incurred by the U.S. taxpayer by giving greater acreage of hand-selected consolidated parcels with far greater mineral value than those exchanged; and
- Establish an unreasonable time limit on a land exchange, such as this draft envisions.

Other Provisions

We cannot agree to legislative language that would:

- Release or hard release millions of acres of deserving wilderness in eastern Utah including the Uinta Mountains, Diamond Mountain, Desolation Canyon, the Book Cliffs,

Wasatch Plateau, Hatch Point, the La Sal Mountains, the canyons of Elk Ridge, White Canyon, and the San Juan River corridor;

- Disregard the need for protections to and inter-tribal collaborative management of the Bears Ears cultural landscape, instead giving veto power to state and county appointees over management recommendations made by sovereign Native American tribes;
- Grant title to the State of Utah for a fossil fuel haul road and/or pipeline connecting the Uinta Basin south to Interstate 70 through Utah's wild Book Cliffs that could facilitate the development of oil shale and tar sand resources;
- Create in excess of 2.5 million acres of "energy zones" where fossil fuel extraction and mineral development are prioritized above all other uses of public lands, prohibiting established principles of multiple use management;
- Roll back BLM's oil and gas leasing reforms and cancelling Master Leasing Plans for the seven PLI counties;
- Transfer excessive acreage from the United States to counties and the State of Utah and its entities inconsistent with size and use requirements as outlined in the Recreation and Public Purposes Act;
- Mandate the designation (including new construction) of a "Red Rock Country Off-Highway Vehicle Trail" from Moab, UT to Grand Junction, CO, where thousands of miles of designated routes already exist without preparing a NEPA Environmental Impact Statement;
- Grant almost 10,000 acres of BLM lands to the State of Utah to expand Goblin Valley State Park, and require that the BLM cooperatively manage an additional 157,000 acres (including wilderness and NCA lands) jointly with the State of Utah, in part to promote motorized recreation;
- Allow "donation only" for acquisition of private lands inside wilderness, national conservation areas, and special management areas, effectively cancelling the Land and Water Conservation Fund and other purchases of private lands in eastern Utah from willing sellers; and
- Place any limitations on or exemptions from the Antiquities Act, forever barring the ability of a president to designate new national monuments in Utah.

A Path Forward

We sincerely thank you for your consideration of our comments. We have enjoyed working with, and have even formed lasting friendships among your staffs. We believe we can still set a model for how land management issues are resolved in the West, but to do that we must stand down from the agenda and position-driven rhetoric that pervades the language of the draft PLI. Change is incremental, progress is slow, and though new approaches can be meritorious, when we stray too far from established precedent regarding public lands, our chances of success in Congress are greatly diminished.

Far from being merchants of conflict, The Grand Canyon Trust has a solid 30-year track record of collaboration and compromise to reach durable agreements that advance both conservation

and sustainable development. We are Utahns too, deeply rooted in this place, and we truly and earnestly seek genuine resolution that betters the future for all Utahns and all Americans. We are also patient, and we know that the future holds this promise: to progress beyond hyperbole and rancor around public lands so that we can set about making our communities more livable for future generations.

Sincerely,

Bill Hedden
Executive Director

CC:
Governor Gary Herbert
Senator Mike Lee
Senator Orrin Hatch
SITLA Director David Ure
Interior Secretary Sally Jewell
Agriculture Secretary Tom Vilsack
CEQ Managing Director Christy Goldfuss
Bureau of Land Management Director Neil Kornze
National Park Service Director Jonathan Jarvis
USDA Forest Service Chief Tom Tidwell
Ranking Member of the House Natural Resources Committee Raúl Grijalva
Ranking Member of the Senate Committee on Energy and Natural Resources Maria Cantwell