



February 27, 2013

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GENERAL SESSION

February 20, 2013

Program: SJR10 Joint Resolution on the Protection of the Greater Canyonlands Region

Presented by: Energy/Natural Resources/Agriculture & Environment

Director: Hilarie Orman

Chair: Sandra Peel

Speakers: Sen. Jim Dabakis (D) Dist. 2 (Salt Lake County)

Rep. Michael Noel (R) Dist. 73 (Beaver, Garfield, Kane, Piute, San Juan,
Wayne Counties)

Steve Bloch – Staff Attorney,
Southern Utah Wilderness Alliance (SUWA)

Hilarie Orman introduced the topics, stating the Outdoor Industries Association (OIA) has questioned Utah's commitment to preserving its recreational lands. The OIA spends tens of millions of dollars in Utah. Its two annual conventions are the largest conventions Utah hosts. In a letter to the Governor, the OIA supported the intent of **SJR10**. It also requested the creation of an Office of Outdoor Recreation in Utah to show Utah's commitment to outdoor recreation.

Sen. Dabakis said we now have a once-in-a-generation chance to do something about protecting the Canyonlands, an "unspoiled and magical place." The senator's proposal refers to 1.5 million acres that surround Canyonlands National Park. Those 1.5 million acres are currently classified as Forest Service land, Bureau of Land Management (BLM) land, and School & Institutional Trust Lands Administration (SITLA) land. This land (the Greater Canyonlands) is the largest piece of roadless land in the continental United States and Hawaii.

SJR10 proposes that the state asks the federal government to protect these lands.

The Resolution doesn't say how it should be protected, since different interests would seek different designations (pristine, wilderness, etc.) The belief is that the term "protect" within the language of **SLR10** will be enough to satisfy the various groups, except perhaps those with an economic interest. Greater Canyonlands has the largest deposit of tar sands in North America, including Canada. It is also rich in Potash.

Sen. Dabakis referred to one of last session's bills, which demanded the federal government give 30 million acres of federal lands in Utah back to the state. At the bill signing, Rep. Dabakis said he asked his

Republican colleagues, tongue-in-cheek, where the Constitution allows any state to require *anything* of the federal government. The bill also called for Utah to set aside \$3M for bringing suit against the federal government if the lands are not released by December 31, 2014.

There is concern, the senator continued, that Pres. Obama might be persuaded at the end of his term of office to use the Antiquities Act to lock up greater Canyonlands, as Pres. Clinton did at the end of his term, with The Grand Staircase/Escalante. One of the proposals of **SJR10** is to pre-empt use of the Antiquities Act in determining the fate of the Greater Canyonlands. Sen. Dabakis would like to take legislators from the state Natural Resources Committee to Washington to meet with the Interior Secretary and settle the issue.

A disagreement exists over whether the Utah Statehood Enabling Act requires the federal government to dispose of the federal lands it retained under the act. As a legal issue, Sen. Dabakis believes Utah has no standing to reclaim the land it renounced and gave up all title to, in perpetuity.

Rep. Noel is working on a Resolution that runs counter to **SJR10**. He mentioned the National Environmental Policy Act (NEPA), which set up procedural requirements for all federal government agencies in preparing environmental impact statements. NEPA, he contended, often makes it difficult for Utah to effectively manage its lands and resources. Like many federal strategies, NEPA may originally have been well intended. However, Rep. Noel believes it, and the environmental activist groups who oppose responsible development, are ultimately harmful to Utah. Suits against the state and lengthy delays seem to become ends in themselves, he added.

Often, claims are made of negative impacts. He argued that today's technology

significantly reduces, and often negates, most harmful environmental impacts. For example, he asserted, horizontal drilling can now reach inside sensitive areas and have a minimal impact on the land. This was ignored when the Grand Staircase/Escalante National Monument was created under the Antiquities Act in 1996. It prevented the Andalex coalmine project. Rep. Noel said he worked on the Environmental Impact Statement on the mine project, which found the impacts would be minimal. He charged that SUWA and other like-minded groups made false claims of negative impacts to federal officials, persuading them to create the Escalante Monument. Now, he contended, the public has barely any access to one of the treasures of our state.

Acknowledging federal protection of the Canyonlands to be an emotional issue, he asked if anyone could honestly believe that Utahans would favor the wanton destruction of this beautiful region. Even the Navajo Indians, he said, want responsible improvement in that area. They also want a voice in determining what happens to that land, and should be heard.

Rep. Noel does favor the provision of **SJR10** that would preempt the Antiquities Act, which he feels gives undo power to Washington. Rather, he suggested, there should be more local input in determining the fate of these lands. He noted that reclamation of the land after drilling can now be done so well that you can't even see the holes afterward. Reclamation is required, today. It is enforced, he said, by large bonding requirements on the driller.

Steve Bloch first responded to the idea that environmental groups want to "lock it all up," countering that SUWA does not want that. Several agreements over the last few years have been worked out with oil and gas operators. They provide for robust levels of economic activity while preserving some of the state's special landscapes. Mr. Bloch said

SUWA will work to protect the Canyonlands while allowing development in less sensitive areas. He also said the “fallout” from the Staircase Monument was actually a boon to SITLA as compensation in the form of a \$50M million check, significant coal holdings in the Wasatch Plateau and gas & oil holdings south of Price. Mr. Block anticipates a similar arrangement to be worked out with the Canyonlands. SITLA should receive new trust lands outside the Canyonlands in exchange for those lost within Canyonlands.

Mr. Bloch said studies of the Grand Staircase/Escalante and several other national monuments have found these designations have actually worked to the benefit of local and statewide economies, and to The West as a whole. Jobs were created, he continued, and The West became more attractive to people who will consider living there. SUWA considers the notion of Utahans that “the land is ours” is unproductive. Time and money will be wasted on the effort to take it back. These lands, rather, belong to all Americans. There must be a national dialog about their future. To that end, he favors **SJR10**.

Mr. Bloch then cited a report titled, “West is Best: How Public Lands in the West Create a Competitive Economic Advantage.” It describes how public lands and those with special designations provide benefits. It says these areas attract high paying jobs to the populated areas because of the quality of life. They also create a more stable economy by avoiding the boom and bust cycles that the extractive industries are more likely to experience. It can be found on the Internet at <http://www.headwaterseconomics.org>.

Continuing the pointed interchange between them, Mr. Bloch said Rep. Noel’s claim that designated areas are completely shut off from the public is a bit hyperbolic. The areas in question will be open to public access. Visitors will still be able to drive to many of them. There are thousands of miles of roads and hundreds of vehicle trails throughout this area. Sen. Dabakis, he said, is calling for a conversation about which roads should close, which should stay open, and which existing rights may be honored.

Reported by Stuart Gygi

General Session II

Program: SB73 Outdoor Recreation Office Act

Presented by: Energy/Natural Resources/Agriculture & Environment

Director: Hilarie Orman

Chair: Sandra Peel

Speakers: Alan Matheson – Senior Environmental Advisor to Gov. Herbert/
Chair, Balanced Resource Council

Sen. Jerry Stevenson (R) Dist. 21 (Davis County) – Unable to attend –
Sponsor, SB73 Outdoor Recreation Office Act

Alan Matheson said The Balanced Resource Council was created to recommend action on water & air quality issues, public lands policy, and other areas impacting Utah's natural resources. He believes Utah's policies ought to strike a good balance, allowing us to develop necessary resources in a responsible way while maintaining the beauty and availability of Utah's natural outdoor treasures.

It is also important, he continued, for Utah to design and maintain a diverse economy. Hi-tech corporations, outdoor recreation, universities, tourism, local businesses, energy and agriculture all make significant contributions to the success of our economy. The governor has charged his Balanced Resource Council to craft an "Outdoor Recreation Vision." Among other things, it calls for creating an Office of Outdoor Recreation with a director authorized to implement The Vision.

An Outdoor Recreation Advisory group, comprised of representatives from the recreation industry, legislators, and business leaders, was formed to create the 60-page Vision document. Mr. Matheson believes it achieves its goal of designing a strategic policy plan for Utah's outdoor recreation,

similar to the one the state has for its energy development.

Relative to ensuring responsible use and development of public lands, he said, The Vision provides a guiding set of principles involving outdoor recreation that will help in making decisions and resolving conflicts. Other key points in The Vision include details on the economic benefits of outdoor recreation and tourism, and ideas on how to better attract outdoor industry businesses to Utah.

Responding to questions, Mr. Matheson said maintaining and protecting outdoor recreation in Utah would be an ongoing effort. The new agency and director that would be created by **SB73 Outdoor Recreation Office Act** would be an important part of that effort. The director would gather data, help resolve issues, and also carry on the advisory group. The fiscal impact would probably be \$100,000. Those interested may read The State of Utah Outdoor Recreation Vision at <http://utah.gov/governor/docs/OutdoorRecreationVision.pdf>

Reported by Pam Grange

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