

Statement of
Robert T. Anderson, Counselor to the Secretary
Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Forests and Public Lands Management
S. 3052 Steens Mountain Wilderness Act
and
S. 3044, Las Cienegas national Conservation Area Act
September 26, 2000

Thank you for the opportunity to testify regarding S. 3052, the Steens Mountain Wilderness Act, and S. 3044, the Las Cienegas National Conservation Area Establishment Act. Both of these areas, the Steens Mountains of southwestern Oregon and Las Cienegas in the Sonoita Valley southeast of Tucson, Arizona are deserving of the recognition and the meaningful protections that are inherent in these special designations. The Administration supports both of these bills.

The Administration has testified before Congress several times this year on special protective legislation for public lands managed by the Bureau of Land Management (BLM). While each NCA or BLM-managed protected area is unique, there are certain common elements, and we have set a standard for what these special areas must include. Critical components include: a land, mining, and mineral withdrawal; off-highway vehicle (OHV) use limitations; and language which charges the Secretary to allow "only such uses" as further the purposes for which the area is established. In addition, we cannot consent to any language that represents a step backward from current management. I'd like to discuss with the subcommittee how each of these bills successfully addresses these important criteria and describe some of the important features of these very special places.

S. 3052, Steens Mountain Wilderness Act

This legislation is a result of a cooperative process between Oregon Governor Kitzhaber and the entire Oregon Congressional delegation. Dedicated to the principle that the Steens must be protected, the delegation and the Governor's office met innumerable times on their own and cooperatively with Secretary Babbitt to seek consensus. S. 3052 provides important protections that will keep Steens Mountain in its current, relatively undeveloped condition. These protections include a nearly half million acre protection area and a larger area covering almost 900,000 acres that is withdrawn from mining and mineral leasing on public land and the bill creates over 155,000 acres of wilderness. The provisions of S. 3052 that are critical to the protection of this remote landscape are the result of this consensus process.

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

The Steens Mountain fault block stretches 60 miles, rises to an elevation of 9,700 feet and dramatically drops 5,500 feet in three miles to the historic lakebed of the Alvord Desert. These dramatic changes in altitude and topography bring with them an equally dramatic diversity of flora and fauna. Wet meadows, alpine shrub communities, and grasslands dot the region, while much of the area is sagebrush steppe,

interspersed with juniper woodlands, aspen groves, and relic fir stands. Wildflowers come alive in the spring, painting entire hillsides in shades of purple, yellow and red.

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

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

Recognizing the very special nature of this area, the BLM in the past has used administrative designations, in a piecemeal fashion, to protect and preserve some of the many treasures of the Steens Mountain area. Twelve Areas of Critical Environmental Concern (ACECs) are within the Steens Mountain Area and cover approximately 173,000 acres. These areas are managed to promote and protect their unique attributes including historic, cultural, scenic, and fish and wildlife values. Six of these areas are also considered Research Natural Areas, providing significant research opportunities for universities and independent scientists alike. The Diamond Craters Outstanding Natural Area, unique to North America, is a stunning landscape of craters, cones and basalt flows formed a mere 17,000 years ago.

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

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

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

The legislation we are considering today, S. 3052, is somewhat different from the other NCA bills we have considered this year and has a different descriptive name, the Steens Mountain Cooperative Management and Protection Area. In some ways it is more far reaching and includes a wider range of protections than some other NCAs being considered by this Congress.

The bill includes a withdrawal of the lands within the protection area, and within a larger area as well, from the mining laws as well as from the mineral leasing and geothermal leasing laws. This is an important and significant provision. The lands within the protection area are withdrawn from the land laws, prohibiting their disposal in the future.

The indiscriminate use of off-highway vehicles (OHV) is one of the most serious threats to our public lands. This legislation has good, strong language limiting OHV use to roads and trails specifically

designated for their use and specifically prohibiting cross-country travel. New road construction is prohibited except in very proscribed circumstances. This bill also includes important "only such uses" language. We strongly support these provisions.

S. 3052 expands the current Donner und Blitzen Wild & Scenic River by adding nearly 15 miles to that previously Congressionally designated "wild" river and would create a new addition to the Wild & Scenic River system, the Wild Horse Creek, a nearly 10-mile long river designated as "wild."

Additionally, the bill designates over 155,000 acres of wilderness. Along with the wilderness designation, the bill establishes a water right "sufficient to fulfill the purposes for which the wilderness is established." These are important provisions of this bill, which we fully support. Within the wilderness area, on the very top of the mountain in the most fragile areas, the bill eliminates cattle grazing.

We would like the opportunity to work with the sponsors of the bill and the Committee on a number of technical issues that should be resolved before markup. These include issues such as appropriate maps, acreages, and wilderness boundaries adjacent to roads. We are confident that these issues can be resolved amicably.

An important component of the bill is Title VI which authorizes a series of land exchanges. These exchanges, when completed, will move over 18,000 acres of some of the most beautiful and environmentally sensitive lands into public ownership and protection. Most of these lands will be added to the wilderness area and much of them to the "no livestock grazing area".

There is a strong benefit to the public and the environment for the top of Steens Mountain to move into complete public ownership. The simplest way to accomplish this end would have been to purchase these lands. However, the ranchers who currently own and ranch the top of Steens Mountain have been there for generations. Sharing our love for the mountain they were willing to exchange out the most sensitive areas, but wanted to continue some ownership and their family traditions of ranching in the area. Therefore, the bill includes both land exchanges to provide these ranchers with alternative areas, off the top of the mountain, in which to continue their livelihood, and compensation for moving their operations and changing the way they ranch.

These exchanges have been discussed extensively. Secretary Babbitt raised concerns about the values of the lands being exchanged and the compensation packages and whether or not these could be deemed "even" exchanges. Nonetheless, the Oregon delegation and Governor Kitzhaber believe that these exchanges reflect the cost of obtaining these important lands. Mindful that the ranchers on top of the mountain do not have to sell, and they are willing to rearrange their lives only at this cost, and given that these land exchanges will consolidate the most fragile and environmentally important lands at the top of Steens Mountain into Federal ownership, the Department of the Interior will not oppose the compensation provisions in this bill and therefore will support S. 3052. The Administration does not view this bill as a precedent for future acquisitions.

S. 3044, Las Cienegas National Conservation Area Establishment Act

The proposed Las Cienegas NCA straddles southeastern Pima County and northeastern Santa Cruz county along the Babocomari River only 46 miles southeast of downtown Tucson. Pima County's burgeoning population, expected to exceed one million in 2010, places extraordinary demands on the landscape. This Las Cienegas NCA proposal is one important part of a community effort to address these demands. In 1999, Pima County developed the Sonoran Desert Conservation Plan which combines short-term actions and long-range planning to "ensure that our natural and urban environments not only coexist but develop an interdependent relationship, where one enhances the other." This is a grassroots movement to save and preserve what is best of the Sonoran Desert, and an important element of the plan is an NCA for the Empire-Cienega area.

After many years of efforts to protect the Empire-Cienegas area by numerous groups, the Bureau of Land Management (BLM), in 1995, formed the Sonoita Valley Planning Partnership (SVPP), which is made up of Federal, state and local governments and agencies, private landowners and a variety of constituency groups. Through the SVPP significant collaborative work on a management plan for the area has been accomplished. This work will be a key component of any future land use planning for the proposed NCA. The Sonoran Institute prepared a report in March of last year entitled, "Cienega Creek Watershed—Proposed National Conservation Area Assessment," which addresses many local concerns and is the result of substantial public involvement at workshops and open houses held in local communities.

However, the efforts to protect this area predate these planning efforts. The BLM took over management of the Empire and Cienega ranches and portions of the Rose Tree Ranch in June 1988, through a land exchange valued at more than \$30 million. This farsighted acquisition of 45,000 acres of land has set the stage for today's hearing. Without this important acquisition, these lands of sweeping vistas and tall lush grasslands, filled with a rich diversity of wildlife and rare native fishes, were slated for yet another housing development of 30,000 homes. Today, this high desert basin is a showcase for what these lands may have looked like before the intrusion of western man. Grasses, some as high as six feet, are the dominant feature of the land. Giant cottonwoods are interspersed along the creek banks. Willows, velvet ash, oaks and junipers are scattered throughout the area. One of the few year-round, free-flowing streams in the entire state, Cienega Creek is a rare and welcome site in this desert landscape.

Cattle were probably introduced into the area in 1698, when Father Eusebio Francisco Kino drove a herd of 160 cattle to a small mission near the present-day town of Patagonia, Arizona. Unlike some areas where cattle have meant disaster for the native grasses and healthy landscape, here good range management has resulted in healthy rangelands. A continued commitment to responsible grazing is an important element in the proposed NCA.

Three rare native fish, the Endangered Gila topminnow, the Gila Chub, and the Longfin dace are endemic to Cienega Creek. Not only are the native fish rare but there are no introduced fish within Cienega Creek, further enhancing the unique qualities of this rare Southwest river habitat. An astounding 170 species of birds have been spotted in this bird watchers' paradise. A wide variety of game species and smaller non-game mammals are abundant throughout the area.

Historic and prehistoric use of this area is well established. Evidence of human settlement goes back at least 5,000 years, and settlement of later Hohokam and Sobaipuri people is well documented.

The guiding force behind more recent development of the area was Walter L. Vail, rancher, entrepreneur and successful businessman. Begun in 1876, as a 160-acre ranch, by 1905 the Empire Ranch included more than 1,000 square miles of southern Arizona. The original four-room adobe house, built in 1874 (later expanded to 22 rooms), is part of the proposed NCA. It is currently being stabilized through the assistance of the Empire Ranch Foundation, a group of private citizens dedicated to collaborative management of the Empire-Cienega Resource Conservation Area with the BLM. Currently, the Foundation is focusing on preserving the historic Empire Ranch buildings, and interpreting both historic and current ranching life in southeast Arizona for the public. In 1999, the ranch house restoration project was the recipient of a \$95,300 "Save America's Treasures" Millennium grant from the White House Millennium Council.

The Cienega Valley holds prehistoric treasures as well. In 1997, the University of Arizona, and the Arizona Sonora Desert Museum excavated the remains of a previously unknown dinosaur species – the Sonorasaurus, a large plant-eater that roamed the area during the Jurassic period.

This legislation, introduced by Senator McCain and its House companion championed by Congressman Kolbe, recognizes that this significant western landscape and the important natural and cultural resources it encompasses, need and deserve meaningful protections. The bill contains the critical elements of an NCA that I have discussed: mining, mineral and land withdrawals, OHV restrictions, and "only such uses"

language. Additionally, it does not contain management restrictions which would impair the BLM's ability to protect this important resource.

The bill also contains a new and unique aspect which we support and applaud. It creates both a 42,000 acre NCA and a larger Sonoita Valley Conservation Planning District. The purpose of the planning district is to build on the cooperative work of the Sonoita Valley Planning Partnership (SVPP). The SVPP has been an integral part of the planning for this area and through this bill, its efforts will continue through the auspices of the planning district. In addition, should the Federal government acquire lands within the planning district in the future (only from a willing seller as specified in the bill) those lands will become part of the conservation area.

When we testified before the House Resources Committee on this legislation we raised a number of concerns about specific provisions of the legislation. The bill before this subcommittee today, reflects the changes that have been made in response to our concerns and the concerns of the local community. We support this legislation. The Department of Justice advises that section 7(a) raises constitutional concerns with respect to prerogatives reserved to the President by the Recommendations Clause. The Department of Justice will provide language to address this concern.

Conclusion

Mr. Chairman, the two bills before this subcommittee, S. 3052, the Steens Mountain Wilderness Act and S. 3044 the Las Cienegas National Conservation Area Establishment Act are good bills. They provide important new protections to these special areas without diminishing current management. We support both of these bills and urge their speedy passage.