

# THE CHANGING NEEDS OF THE WEST

OVERSIGHT HEARING  
BEFORE THE  
COMMITTEE ON  
NATURAL RESOURCES  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRD CONGRESS  
SECOND SESSION  
ON  
THE CHANGING NEEDS OF THE WEST

HEARING HELD IN SALT LAKE CITY, UT  
APRIL 7, 1994

**Serial No. 103-80**

Printed for the use of the Committee on Natural Resources



U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1994

79-996

For sale by the U.S. Government Printing Office  
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402  
ISBN 0-16-044535-3

## COMMITTEE ON NATURAL RESOURCES

GEORGE MILLER, California, *Chairman*

PHILIP R. SHARP, Indiana  
EDWARD J. MARKEY, Massachusetts  
AUSTIN J. MURPHY, Pennsylvania  
NICK JOE RAHALL II, West Virginia  
BRUCE F. VENTO, Minnesota  
PAT WILLIAMS, Montana  
RON DE LUGO, Virgin Islands  
SAM GEJDENSON, Connecticut  
RICHARD H. LEHMAN, California  
BILL RICHARDSON, New Mexico  
PETER A. DeFAZIO, Oregon  
ENI F.H. FALEOMAVAEGA, American Samoa  
TIM JOHNSON, South Dakota  
LARRY LAROCCO, Idaho  
NEIL ABERCROMBIE, Hawaii  
CALVIN M. DOOLEY, California  
CARLOS ROMERO-BARCELO, Puerto Rico  
KARAN ENGLISH, Arizona  
KAREN SHEPHERD, Utah  
NATHAN DEAL, Georgia  
MAURICE D. HINCHEY, New York  
ROBERT A. UNDERWOOD, Guam  
SAM FARR, California  
LANE EVANS, Illinois  
PATSY T. MINK, Hawaii  
THOMAS J. BARLOW III, Kentucky  
THOMAS M. BARRETT, Wisconsin

DON YOUNG, Alaska,  
*Ranking Republican Member*  
JAMES V. HANSEN, Utah  
BARBARA F. VUCANOVICH, Nevada  
ELTON GALLEGLEY, California  
ROBERT F. (BOB) SMITH, Oregon  
CRAIG THOMAS, Wyoming  
JOHN J. DUNCAN, Jr., Tennessee  
JOEL HEFLEY, Colorado  
JOHN T. DOOLITTLE, California  
WAYNE ALLARD, Colorado  
RICHARD H. BAKER, Louisiana  
KEN CALVERT, California  
SCOTT McINNIS, Colorado  
RICHARD W. POMBO, California  
JAY DICKEY, Arkansas

JOHN LAWRENCE, *Staff Director*  
STANLEY SCOVILLE, *General Counsel*  
JAMIE A. GRODSKY, *Counsel*  
CHARLENE DOUGHERTY, *Legislative Staff*  
LINDA GORDON STEVENS, *Clerk*

---

DANIEL VAL KISH, *Republican Staff Director*  
ALLEN FREEMYER, *Republican Consultant on National Parks, Forests and Public Lands*

## CONTENTS

	Page
Hearing held: April 7, 1994 .....	1
Member statements:	
Hon. George Miller .....	5
Hon. James V. Hansen .....	6
Hon. Karen Shepherd .....	7
Hon. Larry LaRocco .....	8
Witness statements:	
Hon. Orrin Hatch, a U.S. Senator from the State of Utah .....	1
Panel I—Evolution of Western Natural Resources Policy	
Charles F. Wilkinson, Moses Lasky Professor of Law, University of Colorado Law School, Boulder, CO .....	10
David M. Emmons, Professor of History, University of Montana, Mis- soula, MT .....	42
Ted Stewart, Executive Director of Natural Resources, State of Utah .....	47
Panel II—Economics and Demographics of the Contemporary West: Problems and Prospects	
Ed Whitelaw, Professor of Economics, University of Oregon, and President, Economic Consultants Northwest, Eugene, OR .....	68
John Cromartie, Population Geographer, Economic Research Service, U.S. Department of Agriculture .....	77
Louise Liston, County Commissioner, Garfield County, UT .....	109
Bill Hedden, Vice Chairman, Grand County Council, and Chairman, Canyon Country Partnership, Moab, UT .....	128
Panel III—The West For Itself: Sustaining a Future	
Lill Erickson, Northern Rockies Representative, Successful Commu- nities Program, Sonoran Institute, Tucson, AZ .....	156
Gail Small, Northern Cheyenne Tribe, Executive Director, Native Action, and Board Member, A Territory Resource Foundation, Lame Deer, MT .....	166
Donald Snow, Executive Director, Northern Lights Research and Education Institute, Missoula, MT .....	176
Randy T. Simmons, Professor of Political Science, Utah State Univer- sity, Logan, UT .....	185
David H. Getches, Professor of Law, University of Colorado Law School, Boulder, CO .....	194

### APPENDIX

APRIL 7, 1994

Additional material submitted for the hearing record from:

Hon. James Hansen:	
1. Letter to Chairman Miller from Mr. Hansen dated April 22, 1994 ..	245
2. Prepared statement of Don Leal, Senior Research Associate, Political Economy Research Center, before the Subcommittee on National Parks, Forests and Public Lands, dated February 1, 1994 ..	246
Hon. Bill Orton, a Representative in the Congress from the State of Utah: Prepared statement .....	250



## THE CHANGING NEEDS OF THE WEST

THURSDAY, APRIL 7, 1994

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
*Washington, DC.*

The committee met, pursuant to call, at 8:50 a.m. in Room N-1100, 2001 South State Street, Salt Lake City Government Center, County Commission Chambers, Salt Lake City, Utah, Hon. George Miller (chairman of the committee) presiding.

Mr. MILLER. The committee will come to order.

Before we begin with the statements of members of the committee, we will hear first from Senator Hatch. Welcome to the committee and thank you for participating with us today and we look forward to your testimony.

### STATEMENT OF HON. ORRIN HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. Well, thank you, Mr. Chairman.

We are happy to welcome all the members of the committee here to our State. It is good to see you back in Utah again, and we hope you and Congressmen Larry LaRocco and Eni Faleomavaega will come back again.

Mr. Chairman and members of the House Natural Resources Committee, I appreciate the opportunity to make a brief statement regarding the future of the rural West, which this field hearing is designed to address, among other things.

Many of the legislative proposals to advance the development of the "New West" will, in most cases, significantly alter the way we do things in public-land States like my home State here in Utah. These things are as basic as how to make a living, how to provide for a family, and how to protect and preserve the rights and freedoms we hold near and dear to our hearts.

They are summed up in words like livelihood, culture, and most importantly, values.

In recent years, I have heard individuals state that the West is changing and becoming more urbanized. What does that word "urbanized" mean exactly? Does it mean that we will soon be labeling Coalville, Heber City, and Park City as nothing more than suburbs of Ogden, Provo and Salt Lake City?

Has our culture "progressed" to such a homogeneous point that every city, no matter what the size, fits the cookie-cutter approach to policy development?

I am sure these ideas are not very appealing to those who have made a conscious decision to escape from the Wasatch Front. When

we move farther out in Utah, the desire to remain separate from the Wasatch Front, and yet equal in the eyes of national politicians and policymakers, becomes even greater.

Some may have the demographical statistics and other information to demonstrate that rural economies are becoming less reliant on agrarian or extractive industries and, therefore, this shift should be accelerated by adopting certain national policies.

It is easy to except this premise for Utah because approximately 80 percent of our population lives along the Wasatch Front. However, this is, in my opinion, an elitist and dictatorial view that I do not support.

The other approximately 20 percent of Utah's population becomes offended when their livelihoods and their businesses and their overall economic and cultural contribution to society do not appear important enough to register on Congress' radar screen. But let me remind you that it is this 20 percent that provides the hotels, restaurants and grocery stores and gas stations to the 80 percent who leave their homes to recreate on the lands surrounding the 20 percent.

Then, there are the other critical services provided by the 20 percent that may go unnoticed, but not unused, by the visiting public from all over the world, including law enforcement, search and rescue, medical care, emergency facilities, and general health and human services.

I have been all over eastern Utah, from the north to the south, this week. I have been hearing from everybody about the pressure placed on local infrastructure because of the public lands and the increasing number of tourists visiting the public lands. Local officials do not know how they will continue to keep maintaining these services without some help from us, given the fact that this is a huge public-land State.

Obviously, achieving a quality experience for the 80 percent visiting the rural areas—and not just that 80 percent living here but people from all over the country and all over the world—depends on the health and vitality of the 20 percent.

There are communities in the West and in Utah where the local economies and general lifestyles are changing from their traditional methods. They cannot be faulted for adopting policies to bring about this change. However, accepting the position that change is good and therefore should be encouraged at all times in all places can be shortsighted.

We need to evaluate whether changes in policies affecting local economies and lifestyle are in the best interest of all our citizens, not just those in the population centers. I believe Congress should step back and analyze the implications of policy changes that may in some fashion or another erode the fundamental pillars upon which this country was built and, in particular, our State.

With today's emerging technologies that allow businesses to locate anywhere, we need to attract economic development to these areas without destroying the traditional economic base upon which rural Utah, and I submit other rural States, really has been built.

Having visited rural Utah earlier this week, as I mentioned, let me give the committee two examples of what I mean.

First, there is an effort under way to limit aircraft overflights of national parks. While these overflights can be annoying to some on the ground within the national parks, one of the aircraft operators just this week serving southeastern Utah informed me—and this is a small businesswoman who has come up from nowhere and built this little company and who is doing a lot of service—she said those who frequently use her services are the elderly, our senior citizens and the handicapped, or persons with disabilities who are not physically able to see the parks from the ground.

As we attempt to curb aircraft noise within our national parks with the “one-size-fits-all” approach, I fear we may exclude a certain class of citizens from enjoying those scenic areas, and they may be the citizens who would like to see them more than anybody else.

Second, the Administration is poised to restrict the historic uses of rights-of-way over public lands that were in existence long before Utah chose statehood. They have become, in the words of one of San Juan County’s elected officials just this week, “the veins and capillaries of our lives.”

He went on to say that “if you, the Congress, shut them down or clog them in any way, you might as well put us on a respirator because the heart of this community will expire.”

Now, he was not talking about jeep trails or hiking paths, he was referring to roads and thoroughfares that form the basis of rural Utah’s infrastructure and transportation systems.

There are many more examples of why citizens in rural Utah are scared about politics or policies that may possibly destroy everything they and their progenitors have built and force them and their children to leave an area that they love. When it appears this is being done solely in the name of change and to accommodate the urban areas, it becomes offensive. Now, I think we in Congress have to do better.

I am concerned that the unreasonable advancement of the so-called New West will create a living legacy of some aspects of the Old West, and that happens to be ghost towns. At that time, when rural flight disturbs the playgrounds of our urban areas, we will know how vital rural communities are to the well-being of our society.

In my opinion, we cannot let that situation develop beyond where it is.

Mr. Chairman, I want to personally thank you for allowing me to go ahead here, because I do have to be at an editorial board meeting at the *Tribune*. It was very gracious of you to allow me to do this, you and the other Members of the House as well.

I want to tell you how much I respect you and the members of this committee, and certainly the members of our own congressional delegation here in Utah. We are grateful for you bringing this hearing to Utah, and I hope you will listen to some of these rural concerns as well as some of the other concerns.

Thank you for giving me this opportunity.

Mr. MILLER. Thank you.

[Prepared statement of Senator Hatch follows:]

## STATEMENT OF HON. ORRIN HATCH

Mr. Chairman and members of the House Natural Resources Committee. I appreciate the opportunity to make a brief statement regarding the future of the rural West, which this field hearing is designed to address.

Many of the legislative proposals to advance the development of a "New West" will, in most cases, significantly alter the way we do things in public lands states like Utah. These things are as basic as how to make a living, how to provide for a family, and how to protect and preserve the rights and freedoms we hold near and dear to our hearts. They are summed up in words like livelihood, culture, and most importantly, values.

In recent years, I have heard individuals state that the West is changing and becoming more urbanized. What does that word "urbanized" mean exactly? Does it mean that we will soon be labeling Coalville, Heber City, and Park City as nothing more than suburbs of Ogden, Provo, and Salt Lake City? Has our culture "progressed" to a homogeneous point that every city no matter the size, fits the "cookie cutter" approach to policy development?

I am sure these ideas are not very appealing to those who have made a conscious decision to escape from the Wasatch Front. When we move further out in Utah, the desire to remain separate from the Wasatch Front, and yet equal in the eyes of national politicians and policymakers, becomes even greater.

Some may have the demographical statistics and other information to demonstrate that rural economies are becoming less reliant on agrarian or extractive industries, and therefore this shift should be accelerated by adopting certain national policies. It is easy to accept this premise for Utah because approximately 80 percent of our population lives along the Wasatch Front. However, this is an elitist and dictatorial view that I do not support.

The other approximately 20 percent of Utah's population becomes offended when their livelihoods, their businesses, and their overall economic and cultural contribution to society do not appear important enough to register on Congress' radar screen. But, let me remind you, that it is this 20 percent that provides the hotels, restaurants, grocery stores, and gas stations to the 80 percent who leave their homes to recreate on the land surrounding the 20 percent. Then, there are the other critical services provided by the 20 percent that may go unnoticed, but not unused, by the visiting public, including law enforcement, search and rescue, medical care, emergency facilities, and general health and human services. Obviously, achieving a quality experience for the 80 percent visiting the rural areas depends on the health and vitality of the 20 percent.

There are communities in the West, and in Utah, where the local economies and general lifestyle are changing from their traditional methods. They cannot be faulted for adopting policies that bring about this change. But, accepting the position that change is good and therefore should be encouraged at all times, in all places can be shortsighted.

We need to evaluate whether changes in policies affecting local economies and lifestyle are in the best interests of all our citizens, not just those in the population centers. I believe Congress should step back and analyze the implications of policy changes that may, in some fashion or another, erode the fundamental pillars upon which this country was built. With today's emerging technologies that allow businesses to locate anywhere, we need to attract economic development to these areas without destroying the traditional economic base upon which rural Utah was built.

Having visited rural Utah earlier this week, let me give the committee two examples of what I mean.

First, there is an effort underway to limit aircraft overflights of national parks. While these overflights can be annoying to those on the ground within the national parks, one of the aircraft operators serving southeastern Utah informed me that those who frequently use her services are the elderly and the disabled or handicapped, who are not physically able to see the parks from the ground. As we attempt to curb aircraft noise within our national parks with a one-size-fits-all approach, I fear we may exclude a certain class of citizens from enjoying these scenic areas.

Second, the Administration is poised to restrict the historic uses of rights-of-ways over public lands that were in existence long before Utah achieved statehood. They have become, in the words of one of San Juan County's elected officials, "the veins and capillaries of our lives." He went on to say that "if you—the Congress—shut them down or clog them in any way, you might as well put us on a respirator because the heart of this community will expire." He was not talking about jeep trails or hiking paths; he was referring to roads and thoroughfares that form the basis of rural Utah's infrastructure and transportation systems.

There are many more examples of why citizens in rural Utah are scared about policies that may possibly destroy everything they and their progenitors have built and force them and their children to leave an area they love. When it appears that this is being done solely in the name of change and to accommodate the urban areas, it becomes offensive. I think we in Congress must do better.

I am concerned that the unreasonable advancement of the so-called "New West" will create a living legacy of the Old West: ghost towns. At that time, when rural flight disturbs the playgrounds of our urban areas, we will know how vital rural communities are to the well-being of our society. We cannot let that situation develop.

Thank you.

Mr. MILLER. It is rare to see a public officeholder who is more desirous to go to an editorial board meeting than sit in a congressional hearing, but we all have our preferences.

Senator HATCH. I know my place. Good to see you all.

Thank you.

#### STATEMENT OF HON. GEORGE MILLER

Mr. MILLER. Thank you.

Let me just say that as Chair of this committee I am delighted to have the committee come to Utah, to Salt Lake City, to begin our hearings on the changing needs of the West.

The primary goal of today's hearing is to gain a better understanding of the current social, economic and demographic issues confronting the West. Many of our existing Federal policies do not accurately perceive or effectively address contemporary western priorities.

Dramatic changes have taken place in the West since World War II. We want to hear from westerners about how those changes have brought about new challenges that need attention as we move into the twenty-first century.

When Congress adopted many of the major natural resource policies existing today, a primary national goal was to settle the West. The West of 1994 is not only settled, but has become the most urbanized region of the United States. Over 90 percent of the West's population lives in metropolitan areas. Although western growth is uneven, the population of the region has more than doubled in the postwar period.

Dramatic population growth is arguably one of the most important issues the West faces today. As people are now choosing to migrate in great numbers from urban to rural areas, new pressures are placed on the western lands, waters and open spaces that the entire Nation cherishes.

At the same time, economic changes present new problems and prospects. Declining employment in the traditional resource-based industries is matched by growth in services and other sectors. But the skills of the old jobs are not always the same as those of the new, and neither is the pay.

We are confronted with the need to create new kinds of jobs in this age of transition, and the equally important need to balance growth to protect the environment, preserve open space, and maintain the quality of life that has always defined the West.

From these challenges, positive results are already emerging. The dual mandate of the contemporary West—providing jobs and protecting the environment—is already inspiring westerners and others to think in terms of *sustainability*—finding new ways to

achieve economic stability for rural western communities while protecting natural resources for future generations.

The Rocky Mountain West, in dealing with its transitional economy and population growth, is arguably becoming the Nation's most successful incubator of sustainable development initiatives. Several of the witnesses here today will tell us about their creative efforts to fight polarized rhetoric, build common visions among diverse groups of people, and promote western communities that better suit the natural environment and use fewer resources than before.

We hope to look into the future to see how citizens and policymakers can work together to meet the diverse challenges of today, challenges that will become even more compelling as the West heads into the twenty-first century.

I look forward to hearing from all the witnesses and certainly want to thank them in advance for the time and effort that they have lent to the committee in setting forth this hearing.

Mr. Hansen, I recognize you for any statement you may have.

#### STATEMENT OF HON. JAMES V. HANSEN

Mr. HANSEN. Thank you, Mr. Chairman.

I thank you for holding this hearing today in Salt Lake, and I welcome all of our out-of-state visitors to Utah.

I would like to extend a special welcome to Ted Stewart, the Director of Natural Resources for the State of Utah; Dr. Randy Simmons, Director of the Utah State University Institute of Political Economy; and Louise Liston, Garfield County Commissioner.

Mr. Chairman, the "Changing Needs of the West" is an interesting topic you have chosen for our discussion today. I grew up in the West; I, too, have witnessed changes.

Yes, I agree there are some economic, demographic and social changes occurring in the West. However, we as westerners must play with certain cards we are dealt.

First, the Federal Government's overwhelming land ownership creates many difficulties for State and local governments that must be dealt with.

Second, this Nation chose to settle the West in a way that created a socioeconomic base that cannot be denied. Right or wrong, the fact is that, through policies of the past, industries, businesses, communities, governments, ways of life, families and people have grown up around and dependent on the vast natural resources of the West.

Third, government regulation is more cumbersome and burdensome than ever before in our history. How, then do we deal with the circumstances of the West? In the 11 western States, excluding Alaska, the Federal Government owns over 354 million acres of land. Some of this land is forever preserved; some of this land is available for productive purposes, and some is intensely managed for production and preservation.

This 354 million acres represents a foregone tax base for State and local governments for which PILT payments do not fairly compensate.

This 354 million acres represents an inability of each State to control a vast amount of the lands within its borders and, in many cases, its own destiny.

Most important, these 354 million acres also represent the cornerstone of the rural West. This cornerstone has spawned settlement, agriculture, commerce, industry, production, communities, government, and most important, people and families that have fought for over a hundred years to sustain rural life in the West.

No matter how much some may point fingers at policies of the past, we cannot deny those people who are working, living and producing on and around the Federal lands of the West. Nothing we do currently can make up for the supposed mistakes of the past, and we must stop punishing responsible users of the lands for past policies.

The fact is that users of the Federal land are ultimately good stewards of these lands. In the case of Federal grazers, the public range is in better shape than it has been in this century. While we allow responsible use of some of these lands, we also set aside vast areas for preservation and the public in general.

We have more national parks, recreation areas, wilderness, wild-life refuges, monuments, trails, wild and scenic river areas and areas of critical ecological concern and critical habitat for listed species than ever before in our Nation's history.

I hear a lot about the "urbanization of the West," and that we need to be concerned about the needs of those who live in urban areas. I can assure you that we are. For example, we have 368 units of the National Park Service. There are only so many Zions, Yellowstones or Grand Canyons. No matter how many parks we create or how many acres of wilderness we designate, the fact is that people will still be drawn to those crown jewels. If anything, we need more open spaces in urban areas where recreation is less costly, more convenient and available for a wider range of the population.

Through our various policies, Congress over the decades has created somewhat of a balance in the use of the 354 million acres in the West. Some land is preserved and some is managed under the wise policy of multiple use and sustained yield. Balance is possible. It is possible to continue to responsibly use our natural resources while maintaining the integrity of the resource itself.

As this Administration moves its natural resource agenda forward, I hope the people who live on and around the land will not be forgotten.

Thank you, Mr. Chairman. I look forward to the response from our witnesses.

Mr. MILLER. Ms. Shepherd.

#### STATEMENT OF HON. KAREN SHEPHERD

Ms. SHEPHERD. Thank you.

I would like to take this opportunity to welcome my colleague Larry LaRocco from Idaho and to thank the many witnesses who have come from across the West to testify. They have prodigious resumes, and I think we are going to learn a lot from them.

Several months ago, when my husband and I were visiting the Third Mesa of the Hopi Pueblo near the Grand Canyon, I read the

following words from a tattered piece of paper hung by a cash register in a trading post. It said, "We don't inherit the earth. We borrow it from our children."

The message within the message is that living in the West is a zero-sum game. Overgrazed topsoil blows away forever. Trampled stream banks fill rivers with silt and destroy fish habitat. Deserted mines allow dangerous minerals to leach into streams and water tables. Mountain bikes carve everlasting scars into red rock. Careless hikers destroy cryptogamic matter that took a hundred years to build its protection over the soil.

People take and the land gives while we who share a love for the space and silence and majesty, all part of the West, fight instead of manage for the future.

We love the West and its secret wild places because here we feel free. Its vastness promises unlimited treasure, but all too often treasure becomes mirage when we reach for it. Boom and bust. Find the treasure, use it up, move on. But now there is nowhere to move, and we are borrowing what we use up from our children.

I serve on the Committee on Natural Resources because I believe it is time for us to pay attention, to allow our mutual love for the land to help us create communities dedicated to sustaining all of its parts: people, water, soil, plants, trees, air and wildlife.

This hearing is predicated on the belief that all of us who live in the West love the land and that we are dedicated to preserving its essence for our children, and that we must see the present clearly in order to project the future accurately.

Mr. Chairman, I commend you for your vision in gathering together this group of witnesses to talk about our collective future. We welcome you to our State, and I look forward to the testimony.

Mr. MILLER. Thank you.

Mr. LaRocco.

#### STATEMENT OF HON. LARRY LaROCCO

Mr. LaROCCO. Thank you, Mr. Chairman.

I am just delighted to be here today for this exciting hearing, and I look forward to hearing from our distinguished panel.

I want to say to my colleagues from Utah, I am delighted to be here. Karen Shepherd is certainly a leader in the Congress in reform and in natural resources issues, and we have had a close relationship since she came to this body.

I want to say in congressional jargon that the Natural Resources Committee is a non-major committee, but that does not fit where I come from. For me, this is a major committee. That is why I serve on it.

As Congresswoman Shepherd just said, for the same reasons, I come from a public-land State of Idaho. My district has five national forests. Sixty-four percent of the State is owned by the Federal Government, and we are ripe with natural resource issues.

But since I have been on this committee, I want to say to the chairman that I have been delighted that we have been together to examine the Yellowstone ecosystem. We have been together in Colorado to examine ecosystems there. We have been together in the Everglades. We have been together on the Selway River in the

midst of that beautiful wilderness, and last week we were examining and looking at mining properties in Nevada and California.

Certainly I think we are paying attention to the West. We are moving along the mission of this committee in dealing with grazing fees and participating in that bruising fight, which we hope will come to an end soon; trying to reform the Mining Law of 1872, which I think we should do in this Congress; and moving ahead on some of the preserve issues, such as the Montana wilderness bill and my own legislation to create more wilderness in Idaho.

I think we are entering into a period here when we look at the old statutes, the ones on the books, and begin to move forward. That is why we were in Yellowstone, Everglades, Colorado and other areas.

Tonight I will go back to Idaho and participate in a great memorial marking the tenth anniversary of the death of Senator Frank Church, a person who Floor-managed the Wilderness Act and who authored the Wild and Scenic Rivers Act. He was truly a giant in natural resource issues.

As I serve now in the Congress, we are looking beyond the preserve system and what we do beyond wilderness and ecosystem management.

I look forward to hearing the discussion today about sustainability, the New West versus the war on the West—which we hear so much about—and how we drive up the middle here with these issues when some people just want to make political hay out of the polarization in the West and how you resolve some of these issues with a two-year term.

It takes a lot of work and dedication to develop new policies on the West, and that is why I think this is a very, very important hearing, Mr. Chairman.

If we can ever get beyond the mistrust and distrust of our Federal agencies, I think we can see that we might have some good laws on the books, and we might move beyond in terms of new statutes. But if we can deal with that with this Administration and get on with managing these wonderful resources we have out here in the West, I think we will all be better off for it.

If we can cool down the political rhetoric and come together in a bipartisan way, I think we will all be better off for it in this great region.

So I thank you, Mr. Chairman, for being here. You are no stranger to this territory, and I look forward to our partnership in resolving very critical issues out here in our wonderful part of this great country.

Thank you.

Mr. MILLER. Thank you.

With that, we will begin with our first panel that is made up of Charles Wilkinson, Moses Lasky Professor of Law, University of Colorado Law School, Boulder, Colorado; David Emmons, Professor of History, University of Montana, Missoula, Montana; and Ted Stewart, Director of Natural Resources for the State of Utah.

Let me just say that last night the committee was welcomed to the State by the Governor. We had an opportunity to talk about some of these issues and efforts under way, both within the State and within the Congress, to try to resolve a number of the issues

that specifically confront Utah, and I was very encouraged by his remarks and his attitude on these issues and his suggested proposals for resolving these emotional issues of the West.

Mr. Wilkinson, we will begin with you. Welcome to the committee and again thank you for your time and effort. Your full statement will be put in the record in its entirety and you may proceed in a manner in which you are most comfortable.

**PANEL CONSISTING OF CHARLES F. WILKINSON, MOSES LASKY PROFESSOR OF LAW, UNIVERSITY OF COLORADO LAW SCHOOL, BOULDER, CO; DAVID M. EMMONS, PROFESSOR OF HISTORY, UNIVERSITY OF MONTANA, MISSOULA, MT; AND TED STEWART, EXECUTIVE DIRECTOR OF NATURAL RESOURCES, STATE OF UTAH**

#### **STATEMENT OF CHARLES F. WILKINSON**

Mr. WILKINSON. Thank you very much, Mr. Chairman and members of the committee.

I appreciate very, very much being asked out here today.

The committee asked me to sketch out the context for modern natural resources policy in the West, and I will try to do that with the obvious understanding that these are complicated matters and that my time is short.

The triggering event in the whole history of the West was the California Gold Rush. It produced extraordinary quantities of wealth, migrants, and ideas. Some of these ideas were abstract: that we needed to make the land over; that the Indian and his pantheistic societies had to give way; that expansion and growth were almost always good; and that the government should prodigiously subsidize the settlement of the West.

These ideas played out in specific laws and policies—the railroad land grants, the hard rock Mining Law of 1872, unregulated grazing on the public rangeland, high-yield harvesting of the public forests, the damming of the rivers of the Pacific Northwest without any real concern for the salmon and steelhead runs, the dedication of all of our rivers to unregulated development free of charge, and the widespread use of open western lands for military testing sites and waste dumps.

These powerful ideas, laws and policies, these lords of yesterday, were supported by Americans of the day, leaving aside racial minorities, because they were enormously effective tools for achieving the widely accepted objective of settling the West as quickly as possible.

These old ideas in laws are radical and extreme by today's standards. Not one of them would have a chance of passing today's Congress. Suppose, for example, we now had in place a leasing system for hard rock minerals. One could imagine the reaction of you and all other Members of Congress to a mining industry lobbyist proposing that Congress now adopt the provisions of the 1872 mining law.

What? You want to mine gold and silver owned by the Federal Government and you want to pay no royalties at all? You want 20 acres of free land every time you make a strike, and you want to

loosen regulatory standards for those cyanide-leaching operations? Could you run that one by me once again?

The greatest on-the-ground impact of the lords of yesterday was not during the nineteenth century, but during the post-World War II era, during the time of the big buildup of the West. The rest of the country reeled the West in with jet air travel, the interstate highway system and the modem and the fax.

The population has jumped from 16 million to nearly 55 million. Small cities, including this one, expanded four, six, ten times over and grew into metropolises. And, of course, it has been since the war that the cities so exploited the interior West.

It all happened so fast. We cannot act wisely in this field if we do not understand to our depths how short a time 50 years is. And there is nothing in our current policies to prevent what happened in the last 50 years during the next 50 years.

The post-World War II era is now probably over. There is a deepening sense that we have put a sacred place at terrible risk, that we have gone too far, but it is complicated. In these surging times, we have also come to appreciate more deeply, as our society becomes ever quicker and more impersonal, the lasting importance of family and community.

There are deeply held concerns about impacts on rural communities that have long depended on the traditional extractive economics of the West. We have learned, too, that Federal regulations can be too oppressive; that litigation can be too costly and time consuming; and that when things break right, that close-to-the-ground, local negotiations can make for the best results.

So we are proceeding in fits and starts to phase out the lords of yesterday in pragmatic, equitable ways. Yet the apprehension continues. More and more westerners of all stripes are quite sure that we cannot do in the next 50 years what we have done since World War II and continue to have a West.

I hope you will emphasize that the overarching policy objective is economic, environmental and cultural sustainability. Sustainability is not some passing buzz word, but the point toward which we will be navigating for our lifetime and beyond.

You regularly hear complaints that sustainability is vague. Of course it is vague. Sustainability is young, and young, vibrant ideas are always vague at first. Democracy and capitalism were. Yet already we can begin to see the outlines of the sustainability that westerners are crafting at Yellowstone and in the Pacific Northwest. And, too, we need to remember that sustainability is an aspiration, not a checklist of requirements.

Kai Lee put it exactly right in his recent book *Compass and Gyroscope*: "Sustainability is not a goal, not a condition likely to be attained on earth as we know it, rather it is more like freedom or justice, a direction in which we strive."

We must also acknowledge that a major part of the policy context is population growth. Any plans, no matter how well conceived and drafted, to resolve issues of water use in the Central Valley, salmon in the Northwest great rivers, pollution and congestion in the cities, or the continued existence of the great bear and the green-eyed wolf, all of those plans will be submerged if our species continues to expand at current rates.

I realize that population, along with ethnic and racial hatred, is one of the two most pressing and complex issues our world faces. The matter of equity, to give just one example, is excruciatingly difficult. Ultimately, the issue of population will probably not be decided by laws, but by a change in our societal ethics.

I realize, too, that population is a matter of national and global concern, not just one of the West, and that it is not one that can somehow finally be resolved by this committee. Yet it would, I think, be wrong not to emphasize the decisive role that growth will play, no longer just in the long term, but now in the mid and short term.

National leaders of your stature can make an historic contribution by furthering a serious discussion of the issue of population growth so that we can begin to approach population in a determined, fair and sensible way. In time, that discussion can be the foundation for the ethics and the myriad policies that will follow—that must follow, really.

There is a place across the Wasatch where all of these forces have been brought to bear. The Colorado Plateau, the red rock wonderland with, as one poet noted, a chemistry as strong as first love.

At the end of World War II, the public would have considered the plateau the Nation's most desolate God-forsaken region. Since then, we have built it up big. Water projects, energy projects, soil loss in that frail landscape, compounded by thousands of human deaths from uranium mining, nuclear testing and project construction.

By 1994, the God forsakenness has vanished. There are no fewer than 30 million visitor days a year in the plateau's national parks.

Yes, the Colorado Plateau is still the Colorado Plateau, but time in a land where the long span of geologic time is on grand display and where the old people lived and loved for millennia is growing shorter. It is no longer as simple as when Wallace Stegner, who came of age in this gracious city and who found his being in southern Utah, wrote that this canyon country fills up the eye and overflows the soul.

I personally hold apprehension for my own family memories as well as for the priceless legacy of the old people as I wonder for how long will remain intact the perfect kiva, roof and ladder fully intact, that my son Phillip and I came on last year, high on the side of a red rock canyon toward the end of a five-day backpack. Remember, this is nothing less than the world's university of geology and the world's university of archeology.

We should be clear about what we plan to sustain on the plateau. In addition to the traditional resources, we should sustain the increasingly valuable assets of long vistas, archeological resources and remoteness.

We should also be determined to offer sustainability to the Indian communities and the farm/ranch communities on the plateau, for they themselves are now nearly indigenous.

Wilderness designation can be a key, positive element in these times. You were right, Mr. Chairman, to urge Secretary Babbitt to mandate interim protection of all Utah lands proposed for wilderness, for we now know that the BLM inventory was badly flawed

and that the most accurate study is the 5.7 million inventory compiled by the Utah Wilderness Coalition.

The status quo should be preserved on those lands because very substantial additions to the wilderness system or other protected status systems in Utah are inevitable.

The people and the lands themselves will compel that, and when we do the serious objective economic analysis and when all the people come to the table, we will find that wilderness or other preservation designations clearly will help, not hurt, the economy all across southern Utah.

In conclusion, I hope that the committee and the Congress will insist—as legislators, yes, but also as moral leaders—that we shall sustain our sacred lands and waters and sustain also our communities, each with its own history, economy, schools, and hopes and dreams for the future.

That is a tall order. It will be tough going. It will take time. It may be that we are feeling our way step by step toward a somewhat new framework of Federal standards and increased local implementation, but this is a new time and there are new ideas and a new determination in the wind.

In the last analysis, all westerners want to do right by both our lands and our communities. We all want to take the actions now to assure that two generations from now the West will still be the West.

Thank you very much.

Mr. MILLER. Thank you.

[Prepared statement of Mr. Wilkinson follows.]

COMMITTEE ON NATURAL RESOURCES  
HOUSE OF REPRESENTATIVES  
UNITED STATES CONGRESS

April 7, 1994  
Salt Lake City, Utah

Testimony of Charles F. Wilkinson

Mr. Chairman, I would like to thank you and the other members of the Committee for inviting me here to testify.

My name is Charles F. Wilkinson, Moses Lasky Professor of Law at the University of Colorado. I graduated from Stanford Law School and, after ten years of law practice with private firms in Phoenix and San Francisco and with the Native American Rights Fund, began law teaching in 1975. My areas of emphasis include public land law, water law, and Indian Law. In addition to my articles, I am the author or co-author of nine books, including the standard law texts in Federal Public Land Law and Indian Law; The Eagle Bird -- Mapping A New West (Pantheon Books, 1992); and Crossing the Next Meridian -- Land, Water and the Future of the West (Island Press, 1992).

I am attaching excerpts from Crossing the Next Meridian that discuss some of the now-outmoded ideas that have created many of the laws and policies that continue to govern natural resources in the modern American West. The excerpts also examine possible directions for future policy, including the central idea of sustainability.

# CROSSING THE NEXT MERIDIAN

Land, Water, and the  
Future of the West

Charles F. Wilkinson

ISLAND PRESS

Washington, D.C. □ Covelo, California

(Island Press 1992)

*Chapter One*

# The Lords of Yesterday

\* \* \* \*

The stresses in the Jersey-Jack area and at Pyramid Lake are contemporary manifestations of the age-old nexus between people and the land and its yield, a relationship that has always been the hallmark of society in the American West. Indian people in aboriginal times built their diets, economies, and religions on the swarming herds of buffalo and elk and the bank-to-bank runs of salmon and steelhead. The fleeting presence of the fur traders during the early nineteenth century was premised on the shipment of hundreds of thousands of beaver and otter pelts back to England, France, and Russia. The first wave of European settlers—one of the greatest human migrations in history—poured into California and other regions during the mid-nineteenth century in pursuit of gold and silver. In the late 1800s, stockmen came west to establish far-flung ranching empires based on the rich grasses of the prairies. Near the turn of the century, farmers put tens of millions of acres into crops.

The pattern of a culture reliant on its natural assets continues today. Nearly all western urban centers have engaged in protracted and bitter struggles over the importation of water from distant watersheds. The region is dotted with Elk Citys and Dixies—small towns dependent on timber harvesting, tourism, ranching, mining, or farming. The western population boom of the 1970s and early 1980s was fueled in large part by oil, gas, coal, and uranium development. Since World War II, recreation has emerged as a key economic factor and has outstripped most of the traditional consumptive resource uses. Recreation—skiing, camping, hunting and fishing, bird- and animal-watching, off-road vehicle use, and sightseeing—now is the second or third leading industry in most western states. Colorado state officials estimate that tourism in the state produced \$6 billion in retail sales in 1991. A 1985 Stanford Research Institute International report on Wyoming's economy found that "travel and tourism are especially important to Wyoming because they generate net wealth for the state without using up natural resources or destroying the environment." In 1986, in the midst of a downturn in the extractive industries, *High Country News* concluded that "[t]raditionally, the rural Western economy is portrayed

as a three-legged stool, resting solidly on mining and logging, agriculture, and tourism. Today the economy teeters precariously on tourism. . . ."<sup>12</sup>

There is also a more intangible side to this. Frederick Jackson Turner was speaking of psychic, as well as economic, values when he ascribed a central role to the frontier in the nation's history. The westward movement has always stood at least as much for freedom and the wonder of deep backcountry as it has for economic opportunity. It also has to do with the uncluttered, pastel high plains, with what contemporary Wyoming author Gretel Ehrlich has called "the solace of open spaces."<sup>13</sup>

Further, there has long been a spirituality about western land and its fruits. Navajos believe that their people came up from the earth, within the area bounded by the Four Sacred Peaks. Expansionists during the past century commonly invoked God's name, arguing that He had placed the abundant resources there for a reason and that it was contrary to divine will not to put water, minerals, and land to productive use. Those older ideas live in various fashions today, supplemented by the notion that the wildlands of the West rejuvenate the human spirit. The idea of government-protected wilderness, one of America's great contributions to intellectual history, came to its natural zenith in the American West. The big open country is a salve to western city-dwellers—it is what brought most of them west—and it infuses the region with a subtle but palpable informality.

The relationship between modern civilization and western lands is laced with crosscuts and ironies. This politically conservative region with deep strains of localism is mostly owned by the federal government; federal lands comprise 50 percent of the eleven western states (the Pacific Coast east to the Montana-Wyoming-Colorado-New Mexico tier of states) and 90 percent of Alaska. Much like Harold Thomas, corporate executives in Denver and Phoenix spend the winter planning an open-pit coal mine or a dam on a free-flowing river, then allocate two spring weeks to floating down through the mystical, red-hued walls of the Colorado Plateau. Indian councilpeople, struggling to reverse the seemingly intractable poverty on their reservations, will approve the mining venture and the water project, all the while determined to preserve the old ties to the earth. Loggers and cowhands may help to tear up some ground with clear-cuts or steer hoofs, but a clean and vital outdoors remains the fiber of their daily lives. Across the region, and in many sectors of the East as well, everyday citizens expect the western lands to generate wood products, metals, food, and electricity—and, as well, abundant wild animals; stretched-out, pristine vistas; wondrous watercourses; and a deep quiet that stirs in a near-primeval way the contemplation of centuries back and centuries ahead.

The West and the nation have struggled for generations to reconcile these and other changing and conflicting counterpressures. By the late twentieth

century, however, agreement has emerged as to the root principles that should guide the West's land and resources. These are not just my, or any single group's, ideas but rather are broadly stated precepts—a mix of national policies, local prerogatives, market economics, social concerns, and environmental protection—held by most people concerned with the American West. The shared set of values encompasses these ideas:

1. Sustainable development should be employed so that resources will be available in sufficient quantity and quality for future generations.
2. Roughly equal respect should be given to the traditional extractive uses and to the more recently conceived nonconsumptive uses. Wildlife, recreation, and wilderness are "resources"—they, too, are a supply of something valuable.
3. Resource development should be conducted in a relatively level, consistent way in order to promote and preserve healthy, stable, and lasting communities.
4. Federal and state governments usually ought to receive a fair return when their resources are developed.
5. Government subsidies should be given to private industry only sparingly and under compelling, well-documented circumstances.

Stated even more broadly, a consensus exists that western resources generally ought to be developed but that development ought to be balanced and prudent, with precautions taken to ensure sustainability, to protect health, to recognize environmental values, to fulfill community values, and to provide a fair return to the public.

These principles have broad acceptance, but development in the West does not proceed in accordance with them. Rather, Westwide, natural resource policy is dominated by the lords of yesterday, a battery of nineteenth-century laws, policies, and ideas that arose under wholly different social and economic conditions but that remain in effect due to inertia, powerful lobbying forces, and lack of public awareness.

The lords of yesterday trace to one of the extraordinary eras in all of history, the American westward movement of the nineteenth century. Initially, the mountains, heat, and scarcity of water and the sheer distance of travel across the Great Plains were daunting impediments to settlement. So too was Indian opposition. Nevertheless, as historian Walter Prescott Webb accurately observed, the American West, as compared with frontiers in other parts of the world, had an essential simplicity to its expansionist policy.

The absence of the military, the proximity of the new land to the old, the ease of migration, and the absence of any attempt on the part of the government to regulate or control the process made the American situation the last word in simplicity. . . .<sup>14</sup>

The crucial ingredient in Webb's formulation was the *laissez-faire* policy of both the federal and state governments. The West held an array of natural goods that could support settlement of the region, boost the national economy, and assist mightily in establishing the young nation's place in the international trade community. The chosen means to achieve those ends was for the federal and state governments to open the gates, step back, and allow American ingenuity to take over. There was no commonly perceived need for any environmental policy. A recent survey, for example, named John Muir as the greatest Californian in history, but for most of his career (he died in 1914) Muir's brilliant philosophical ruminations over the value of wild places to humanity were sustenance for only a small group of followers. Westerners cared about the intangible products of their land but took them for granted because they were so abundant. Environmental constraints played at most a marginal role in the making of western public policy during the nineteenth century. The main thrust was to transfer public resources into private hands on a wholesale basis in order to conquer nature. Historian Vernon Parrington called it "the Great Barbecue."<sup>15</sup>

Government not only allowed nearly unfettered private resource development. It also subsidized it. The opening of the American West for settlement by non-Indians during the nineteenth century is often painted as a time of heightened individualism and self-reliance, and there is no question that those human qualities mattered a great deal during that intense time. Nevertheless, settlement was promoted and supported by perhaps the most extensive program of subsidies ever adopted by any government. More than 1 billion acres owned by the United States were given to private citizens and corporations free or for minimal filing fees. Railroads obtained 94 million acres directly and received an additional 37 million acres that had been transferred to states for the benefit of the railroads; these railroad land grants amounted to an area nearly the size of California and Washington combined. In addition to land, the United States dispensed free minerals, timber, range, and water. As with the Newlands Project in Nevada, Congress underwrote most of the massive western dams and reservoirs by passing reclamation acts, beginning in 1902, that extended billions of dollars in subsidies to water development interests.<sup>16</sup>

The states contributed mightily to the subsidies. They transferred to settlers and corporations, at little or no cost, most of the lands and minerals they had received from the federal government at statehood. Until the turn of the twentieth century, states engaged in no regulation whatsoever of hunting and fishing, whether for commercial or subsistence purposes. Western states took a passive, but decisive, stance in the key area of water. They allowed unrestricted diversions from all streams and lakes, without any payment to the government, and decreed that such appropriations

would become vested property rights. Further, the states organized special water districts with favorable tax treatment so that irrigators and other water developers could promote and fund large water projects.

The issue of subsidies, a recurring topic in this book, deserves special mention here. "Subsidy" is a loaded term and is often used pejoratively, but subsidies can be a legitimate component of government policy. A subsidy—most commonly defined as government action that supplies capital, commodities, or services at less than their market cost—is almost universally accepted as appropriate when there is some private market failure; a classic modern example is the funding of mass transit. Subsidies also are widely supported when necessary to further the public interest where a diffuse constituency is not organized, in market terms, to provide public benefits; instances include government funding of the arts, parks, and medical research. I will argue later that finely tuned, targeted subsidies sometimes ought to be extended to small ranchers, farmers, and timber mills to maintain community stability and to preserve the cultural values afforded by those subcultures of the West. The real objection, in other words, ought not be to subsidies generally but to irrational or unexamined subsidies. The crux of subsidy policy is continuous and vigilant reexamination:

"Federal programs aimed at supporting or improving the economic position of particular groups or industries should be constantly reevaluated in the light of changing circumstances. Whatever their initial justification, subsidy programs should be so contrived as to eliminate the necessity for their continuation. The broad changes which must be expected in our economy require frequent revision in the scope and character of these programs if they are to achieve their purposes."<sup>17</sup>

It is not the point of this book, therefore, to second-guess federal and state programs during the formative years of the American West. Many of those policies had enormously beneficial effects for the nation, or at least for the vastly larger non-Indian population. The homesteading program, with all of its abuses, is justly acclaimed as one of the most progressive land distribution policies ever undertaken by any nation. The almost incomprehensibly large subsidies to railroads may well have been excessive, but it is hard to deny that some extraordinary public incentive was required to achieve the widely held objective of connecting the coasts. Much the same is true with many of the early large-scale reclamation projects. Federal capital was necessary if the West was to be opened for the small family farm.

The fact that the nineteenth-century program may have been right for its own time does not, however, settle the question of whether it is right for these times. I have found five lords of yesterday that fit the needs of the frontier West but that are radical and extreme by modern lights. They

exemplify public policy at a moment and a place when there seemed to be no end to nature's ability to produce still more material goods with few negative consequences. These lords of yesterday in no sense amount to a full listing of natural resource issues in the modern American West. There are pressing questions relating to water and air pollution, land use planning, the greenhouse effect, acid rain, nuclear energy, and toxic wastes. I have not included some of these subjects here because they are not distinctively western issues; that is, those concerns will be approached by a set of principles that by and large are as applicable in, say, Massachusetts and Ohio as in Colorado and Alaska. I also have excluded a few sets of issues that are distinctively western, such as the leasing of onshore and offshore oil, gas, and coal deposits. The central problems in mineral leasing do not trace to decisions made in another era—the mineral leasing laws have been substantially modernized—so the core conceptual issues vary from those presented by the lords of yesterday. Nevertheless, although the laws and policies taken up here do not encompass all western natural resource problems, they have a sweeping and pervasive influence in western society and are properly treated together because of the common themes that they raise. They are the heart of what can be called the law of the American West.

The first lord of yesterday is the Hardrock Mining Law of 1872, which dedicates more than half of all public lands to mining as the preferred use. Individual miners—or, much more often, mining corporations—can enter federal lands and extract hardrock minerals (gold, silver, copper, uranium, and many others) entirely free of charge. Further, this extraordinary law allows successful mining operations to obtain title to the land overlying the deposit; miners can receive as many 20-acre parcels as they wish, providing only that they discover valuable minerals under each. The hardrock statute, born of the California gold rush, is the vehicle for an array of health and environmental hazards, fraudulent practices, and land use problems arising from the some 1.1 million hardrock mining claims that blanket the western public lands.

The second and third lords involve the public rangelands and forestlands. In the nineteenth century, the federal government began the practice of allowing free and unregulated grazing of cows and sheep on the public domain. There is now a modicum of control on the 170 million acres of Bureau of Land Management lands where private grazing is allowed, but grazing fees are set at a fraction of their market value, and poor grazing practices have devastated western rangeland and the rivers that receive millions of tons of eroded soil annually. In the national forests, the Forest Service continues to push into remote, roadless areas such as the Jersey-Jack, still following its turn-of-the-century policy of treating logging as the dominant use of the forests in spite of changed public perceptions of the

forests and clear evidence that many current government timber sales are unprofitable.

The final two lords of yesterday relate to water, which figures so prominently in the West. The Jersey-Jack area and Pyramid Lake, in other words, are typical of most western resource conflicts today because they implicate water in substantial ways. The fourth lord involves the dams and other development practices of the Pacific Northwest that have crippled the runs of Pacific salmon and steelhead. During the mid-nineteenth century, we set the stage for our policy toward salmon simply by doing nothing. Unrestricted netting and trapping, even dynamiting, were allowed. Unregulated dams on tributaries of the Columbia River—usually constructed in the name of “cheap” hydropower—destroyed spawning beds and choked off migration routes. Even passable dams with fish ladders account for a loss of about 5 to 13 percent of each run *at each dam*. Salmon bound for the area near Harold Thomas’s Allison Ranch on the Salmon River, for example, must surmount eight dams and will lose three-quarters of their numbers during the upriver steeplechase. The problems for young fish traveling downstream to the ocean are even more severe. Fish biologists still have not found a reliable bypass system to prevent mortality for juvenile salmon and steelhead on their journeys to the ocean. Further, asserted demand for still more hydropower creates pressure to manage the dams on an even more intensive basis, which will bode even worse for these remarkable fish. In addition to the dams, land management practices such as those proposed in the Jersey-Jack area have cost us dearly in terms of loss of salmon habitat—and, therefore, loss of salmon.

The final lord of yesterday also deals with western water. The prior appropriation doctrine first announced by the California Supreme Court in 1855, along with associated water policies, is perhaps the area in which the law of the American West is most out of kilter. Like the Hardrock Mining Act, the essential notion behind prior appropriation is an exercise in simplicity: water developers have been allowed to tap into any western stream without charge and extract as much water as desired, so long as the water is put to a beneficial use—that is, a domestic purpose or a commercial use such as mining, farming, ranching, manufacturing, or power production. Diverters of water under this system obtain vested property rights that cannot be taken away unless the government pays full compensation. The oldest water rights are absolutely superior to those of all junior users; senior users need not share the resource, as was the law under the riparian doctrine accepted in the eastern states. Under the pure prior appropriation doctrine, western water users can, with impunity, flood deep canyons and literally dry up streams, as has happened with some regularity. Large water development efforts were subsidized by the federal and state governments.

Until recently, no consideration of any kind was given to the needs of fish, wildlife, or the streams or canyons themselves. Thus, projects such as Newlands and Derby Dam were not only allowed but also actively promoted.

The lack of symmetry between nineteenth-century methods and modern values is compounded by a related problem, the capture by large interests of the laws and policies that comprise the lords of yesterday. It was not intended to be this way. Congress envisaged the westward expansion as a movement for "the little man," for individual initiative. The Jeffersonian ideal of the small family farm was repeatedly invoked during the nineteenth century as the cornerstone of the westward movement. One problem, however, was that Jefferson conceived his theories on the East Coast; although he plainly grasped the immense potential of the West, as demonstrated by his achieving the Louisiana Purchase and commissioning the Lewis and Clark expedition, the evidence had not yet come in as to whether the small family farm would work in the West. As it turned out, many of Jefferson's ideas were impractical. For example, in most areas beyond the 100th meridian, the 160-acre plot envisaged in the Homestead Act of 1862 was larger than needed for a family farm (if irrigated) and too small for ranching. Big interests seized on the land and resource laws in a variety of ways, recounted in more detail throughout this book, and water developers, railroads and their landholding companies, timber companies, corporate ranches, agribusiness, and multinational mining companies took control of the economy of the West. Because of these forces, many of the main players in the western economy are located in urban centers, sometimes outside of the region, and have no concern for or accountability to the rural areas where the resource development occurs. As a result, the West has been imprinted with a lurching, up-and-down economy that cuts against the building of stable, lasting communities and often causes towns to stagnate after the trees, metals, or oil deposits drop in value or are mined out.

Reform has been stalled by several factors, some obvious, some much less so. Of course, to a considerable degree proposed changes are beaten back simply by the political and financial muscle wielded by the interests that have so much to gain by perpetuating the lords of yesterday. Yet we fundamentally misperceive the nature of the problem if we look only to the extractive industries. A larger, and more subtle, force is also at work.

The western economy has settled into the comfort of a unique kind of welfare system subsidized both by direct federal and state action and by the habit of writing off the extraordinary costs imposed on the environment and on dispossessed western communities such as Dixie and the Pyramid Lake Indian Reservation. To be sure, the industries are the direct beneficiaries,

and their actions drive the system. But there is a trickle-down effect, and the subsidies permeate broad segments of the West's populace, often whole communities. Most westerners receive cheap water and electricity. Wages from the mills, mines, farms, and ranches—and from construction projects for dams and roads—end up in the markets, restaurants, gas stations, and clothing stores, and in the local school and park budgets, too. Banks pin their investment strategies on the long-settled system; many of their loans depend on it. Land developers and realtors push for one-time profits from the growth spurts stimulated by building another dam, excavating a new open-pit gold mine, or pushing up the timber cut another notch.

Going with the lords of yesterday has understandably been the accepted way for nearly a century and a half. The elaborate structure, however, cannot remain in place much longer. Government treasuries are at the breaking point. The costs to the lands and waters are coming due: growing numbers of rivers, aquifers, forests, rangelands, and farms are in decline. It is increasingly evident that the traditional reliance on the extractive industries cuts against the promising, emerging western economy based on recreation and tourism; scaled-back resource development; and, critically, light industries that are drawn by the region's lands, waters, space, and pace of life—and that are now able, through modern communications, to overcome the distance that once made location in the West impractical. Still, final change cannot come until westerners fully perceive the nature and magnitude of the current problems, look beyond their perceived short-term interests, and determine to alter the settled ways.

It will not be easy, and opposition has and will come from many quarters. Even though most westerners accept the shared set of values discussed above, it is hard to move from a settled system with its tangible financial returns to an uncertain future—even if there is good cause to believe that change will bring a better future, sustainable in terms of both the western economy and the lands and waters that westerners hold so dear. It is hard even when the day of reckoning moves, as it has, from the long term to the mid term to the short term.

In spite of their antiquity and pervasive influence, the lords of yesterday have operated mostly out of the sunlight. Public scrutiny into the full impacts of the lords of yesterday has been deflected by a mystique, instilled by the beneficiaries of the existing system, that these issues are so complex that they are beyond the ken of average citizens. The mining laws are the province only of the initiated. Forest and range policy can be comprehended only by those who can deal comfortably in millions of board feet and millions of animal unit months. The need for, and scope of, western water projects must be resolved by the superior knowledge of expert lawyers, economists, and engineers. We are, after all, talking about a

matrix of law and policy that must support power grids spanning from Seattle to the San Francisco metropolitan area; a logging program covering ancient forests from the Rocky Mountains to the Alaska panhandle; and tunnels and aqueducts sending out Colorado River water to San Diego, Los Angeles, Las Vegas, Phoenix, Tucson, Salt Lake City, Albuquerque, and Denver and points east. These matters, the argument goes, must be left to experts.

This book operates on the opposite premise. To be sure, there is a point at which a forester must plan a timber sale, an engineer must design a dam, and a lawyer must draft federal agency regulations. But the public must make fundamental policy judgments before then. As matters now stand, most of those judgments were made long ago by a distant society and are embedded in state and federal laws. The laws, now with a momentum of their own, drive development. But the essential workings of the lords of yesterday are surprisingly uncomplicated. Remember the words of Walter Prescott Webb: the Gilded Age was highlighted by its simplicity.

The Jersey-Jack project is a case in point. It may well be wise to design a public timber program to benefit the Bennett Lumber Mill in Elk City and the jobs and people it supports. Or it may be that overly ambitious timber cutting now will lull Elk City into a false sense of security, leading only to an inevitable decline when the timber supply plays out or when the public is no longer willing to subsidize private communities with public resources. Perhaps, in terms of evaluating revenue flows, the Forest Service should pay much greater heed to the estimated \$60 million that commercial outfitters generate annually for Idaho's economy on a statewide basis. Perhaps the Forest Service should adopt a lower, more moderate, harvesting level, one that can be sustained indefinitely. Perhaps the timber harvesting, whatever its level, can take place in a setting less fragile than the Jersey-Jack area.<sup>28</sup>

But the clear-cutting program in the Jersey-Jack region is not determined primarily by these kinds of considerations. Rather, timber harvesting in the national forests is driven by a national timber cut, which is set in Washington, DC. Congress decides on the level of the cut in the budget process, but it does so based on the expertise—and bias toward timber production—of the Forest Service and on heavy and persistent lobbying by the timber industry. In spite of recent laws mandating strict concern for noncommodity resources, the national allowable cut has, except for a recent and perhaps temporary dip, remained at 11 billion board feet annually for more than a generation. To meet the national goal, the Washington office of the Forest Service sends out harvesting targets to each Forest Service region, and each region then makes allocations among the national forests within it.

Thus, in the case of the Jersey-Jack project, the context for local decision

making is set by orders from Washington, DC, to the regional forester in Missoula, who in turn gives directions to the forest supervisor of the Nez Perce National Forest. This lord of yesterday—the dedication of the national forests to timber harvesting and the setting of inflexible harvesting targets—skews the process and negates the possibility of a fair and principled balancing of the economic needs of Elk City and Dixie; the habitat of the elk, wolves, and salmon; and the beauty and mystery of the central Idaho high country. Distortions of a similar magnitude arise when decisions are made regarding mines, ranching practices, electric power projects, and irrigation dams.

Indian land and resource development must be considered in this context. One of the main occurrences in the American West during the past quarter of a century has been the reemergence of Indian tribes, who own nearly 5 percent of all land in the region, as a significant force in natural resource policy. Indian tribes once again have become an integral part of the western social, economic, and government structure. At Pyramid Lake and in hundreds of other places, western policy has merged with Indian policy. This in turn leads to still other dimensions of history, economics, law, and morality.

I wish to explore, then, a set of questions that, when fairly presented, are clouded with ambiguities and subtleties, with gray areas and close calls. But these questions are not fairly presented due to the lords of yesterday and the forces that perpetuate them. The law of the American West has become a classic case of what can happen when the normally salutary tendency of the law toward stability becomes subverted, when societal change far outstrips entrenched legal rules: when that happens, as legal scholar Roscoe Pound has observed, law can become "in very truth a government of the living by the dead."<sup>19</sup>

To be sure, there has been some progress. The past decade has been a dynamic time in the West, and as of the early 1990s, it is apparent that we have moved into a time of transition. In the pages that follow, I will recount a number of changes that have come to each of the fields governed by the lords of yesterday.

This spirit of reform has touched the two episodes examined in this chapter, and the nature of the progress suggests the extent and limitations of the recent activity. Some of the changes are not much more than cosmetic. The Forest Service, chastened by a 1985 court decision requiring the agency to take a second look, has completed a much more thorough environmental impact statement and made alterations that will give timber sales at the Jersey-Jack project a somewhat lighter touch. The essence of the project, however, is unchanged: a sprawling network of roads will still be punched into this fragile, pristine backcountry, and the

sales will still turn out 76 million board feet of below-cost timber. Under the current decision-making regime, there was no real choice. The Nez Perce National Forest has been under able, environmentally conscious leadership since the mid-1980s, but the Nez Perce has been faced with relentless pressure to meet its share of the national cut. The timber must be produced, and the Jersey-Jack area is one of the few places in the Nez Perce National Forest where sufficient timber can be found.<sup>20</sup>

The current transition to a new framework is considerably more evident at Pyramid Lake. In 1990, Congress enacted promising legislation based on a settlement agreed to by almost all of the many parties. The Settlement Act is designed to protect Pyramid Lake and its fish, and to bring some justice to the Paiutes, by improving the flow regime in the Truckee River and establishing recovery programs for the Lahontan cutthroat trout and the cui-ui. Tribal, federal, and state wildlife biologists are hard at work to make the recovery programs on the Truckee succeed, and the same is true at Stillwater National Wildlife Refuge with biologists from the U.S. Fish and Wildlife Service. In the Newlands Project, conservation measures continue to be implemented so that less water will be drawn out of the Truckee; at the same time, The Nature Conservancy has headed up a water purchase plan so that farmers, if willing, can sell water rights and allow fresh Carson River water to flow into the refuge and prevent further toxic horrors. The city of Reno is expected to adopt a water-metering program to promote water conservation through market incentives.<sup>21</sup>

Yet there is still a very long way to go. The Settlement Act for the Truckee and Carson watersheds is contingent on further negotiations and actions involving the United States, Nevada and California, the city of Reno, the Sierra Pacific Power Company, and the tribe. The final returns will not be in until 1995 or 1996. Further, it is still unclear whether the conservation and water purchase programs will be fully implemented or whether the threatened Lahontan cutthroat trout and endangered cui-ui—even given a first-rate recovery effort—will have the staying power to eke out an existence from their depleted, battered habitat. The same is true with the birds and fish on the contaminant-laden flats of the Stillwater National Wildlife Refuge.

Even more to the point, the National Forest System is wracked with Jersey-Jacks, and the rivers of the American West are studded with Derby Dams. The same forces that created and sustained them fuel the other lords of yesterday as well. Transition time, yes; completed journey, no.

*In Beyond the Hundredth Meridian: John Wesley Powell and the Second Opening of the West*, which many would count as the greatest book ever written about the West, Wallace Stegner showed that the mountain men,

the hardrock miners, and other early explorers were just the first era in the settlement of the region by non-Indians. They conquered the barrier of distance and, in the nation's eye, made the western half of the continent accessible. Then their government obtained most of the land from Indian tribes and foreign nations. The second era, of which Stegner wrote, involved the populating of the lands beyond the barrier of the dry line.

Now, of course, in spite of the obstacles of distance and aridity, we have settled the West. The task of this third era is to move beyond settlement and to achieve resource sustainability, economic stability, and social justice in a great land. To do so, we must cross a new meridian, this time not a geographic marker but a line of intellectual, social, and government commitment. This crossing involves gaining an understanding of the origins and content of old laws and policies and then juxtaposing them with the needs of modern society. That will allow us to sort out those that work and those that do not. We can then move beyond the lords of yesterday toward fundamental but measured and equitable reform. It is that exploration to which the remainder of this book is dedicated.

*Chapter Seven*

# Crossing the Next Meridian

Writing this book has been a long journey, an adventure, and the lasting joy for me has been in the learning. Some has come from reading and thinking, much more of it from visiting places and meeting the people whom those places have ignited.

I remember vividly my summer's-day meeting in 1988 with Delbert Frank, the Warm Springs Indian who told me the story of the Columbia River gorge and his grandparents, Jim Yahtin and Yessessi, and great-grandfather, Wunn-o-ah-chi. Delbert and I have had many conversations over the years, but this subject required a full and all-consuming day that left me exhausted, wrung out. Delbert is a very precise person, and he was determined to tell the history of his people, family, and place with complete precision. Often, this required him to use his own Sahaptin language, and many of the terms were so rich and complex that it took him ten or fifteen minutes of speaking in English to flesh out the full meaning of just one Sahaptin phrase.

Delbert felt history in a way that I had never before encountered. The fishing day at Big Eddy in 1848 was utterly real and tangible to him. He was not born until nearly eighty years later, but the oral tradition was so refined—there had been so much telling and retelling—that he could recreate every last detail of that long-ago time. This also was true with the fishing and living days of 1803 when, unbeknownst to the Sahaptins, a man in a powdered wig signed a purchase document, launching the expedition that made the opening of the West—for Delbert, the closing of it—inevitable.

Over in the shaded flats of Tygh Valley, near the old family home, and on the banks of the Deschutes River near Sherars Bridge, Delbert furrowed his brow and clenched his fist over and over again and tried to take me with him back to those days. I only partly made it, but part way was good enough for the moment. I saw and felt Delbert's palpable sense of morality about time and about salmon and the rivers and about the people and communities who depend on them.

I learned other lessons—of the same kind, ultimately—through my work at Camp Creek, in central Oregon. On two bright days on this ordinary little watershed, Wayne Elmore in his genial but concerted way gave me instruction as precious as any formal education I have ever had. Grounded in the things he knows best—range science and the Camp Creek system—he showed me poor land health, the history that made it that way, and how we can—we *must*—both restore the land health and preserve the communities that depend on the land. Community. It has always stuck with me that Wayne served several years on the local school board. Wayne is not given to moralizing, and never articulated it this way, but his beliefs and conduct shouted it out: we have high duties—good lands and good waters, and good schools in good towns.

Wayne is a scientist, and one of the unexpected revelations from my work on this book has been the role of the scientific community in causing change. Modern American natural resource policy began about 1970, the year when Earth Day was first celebrated and when the National Environmental Policy Act became law. Lawyers dominated the field in the 1970s, through their lawsuits and the comprehensive statutes marked by detailed hearings and appeal procedures and by reasonably extensive regulatory regimes. During the 1980s, economists came to the fore. Various proposals for deregulation, free market transfer systems, and incentives were made; many were adopted. In recent years, we have increasingly looked to the physical sciences, and my sense is that the work of the scientific community will continue to grow in importance in the making of public policy.

We have seen scientific contributions of sweeping significance and, in many cases, of extraordinarily principled, almost heroic, proportions. Wayne Elmore is one example. Another is Jack Ward Thomas, the Forest Service biologist who knows species diversity and who, despite the pressure to tell it otherwise, told it straight about the impacts of high-yield timber cutting on *Strix occidentalis caurina* and its ancient-forest habitat. Still another involves Pacific salmon and steelhead. By the late 1980s, there was a growing sense that the runs were down—way down—but the magnitude of the problem never hit home until drafts of the careful work of Willa Nehlsen and her colleagues began to be circulated, showing more than 200 separate stocks in severe distress. Nehlsen was an employee of the North-

west Power Planning Council, but she did all of the painstaking research on her own time.

The accumulated scientific evidence has aided us in trying to understand the current state of the land and waters of the West. Those species officially listed under the Endangered Species Act are only the tip of the iceberg, but the endangered and threatened species alone tell a chilling tale. Further, we now realize that these imperiled animal populations speak not only for their own existence but also for land and water health throughout their range.

Several of these species speak for vast geographic areas. The beleaguered spotted owl is the harbinger for the unique and irreplaceable ancient forests of northern California and western Oregon and Washington, 87 percent of which have been logged out. The reach of the salmon and steelhead extends all the way into the saw-toothed ridges of deep Idaho, and we have learned from these voyagers that the river and land systems have been battered too much. These fish have shown us that we can learn more from their health than from our maps. As we drive up into the Columbia River gorge above Bonneville Dam, we use road maps solemnly telling us of the "Columbia River." The maps are wrong; the name is just a euphemism. Above Bonneville, there is no longer a Columbia River. All the way to Canada, nearly 600 river miles, there is virtually no river, just a succession of reservoirs backed flush up against one another, leaving only 50 miles of open river in a few chopped-up segments. How could we have killed off nearly the whole River of the West within our borders in the finger-snap-short time of just twenty-five years?

John Muir—born just a few years before Delbert Frank's grandfather, Jim Yahtin—stepped off the boat onto the wharf at San Francisco in March 1868 and immediately asked which was the quickest way out of town. When the perplexed passer-by understandably inquired where the young man intended to go, Muir responded, "To any place that is wild." With directions in hand, he lit out for the mountains. Muir soon came to Pacheco Pass and looked across at the great sierra that he called the Range of Light. He was equally absorbed by what lay between him and the mountains that would hold his destiny: "At my feet lay the Great Central Valley of California, level and flowery, like a lake of pure sunshine, forty or fifty miles wide, five hundred miles long, one rich furred garden of yellow compositae."<sup>2</sup>

Today? The sprawling San Joaquin wetlands that Muir looked down on, even extending as far south as Tulare Lake, are gone. Their life sources, the spring overflows from the mountains, have been funneled into diversion ditches for the big farms and cities. The Central Valley has been transformed. In Muir's time, the Sacramento River Delta, the meeting

place of all of the waters of the valley, was a green land of twisting, labyrinthine water passages, teeming with wildlife. Yet now the delta is in steep decline. As we have seen, so little good water reaches the delta, where the delta smelt lives, that the hardy little fish is being considered for listing as a threatened species. Although any of us can sense it by a visit to the Central Valley, the tenuous existence of the delta smelt, unlikely messenger though it might be, has told us in plain terms that the health of this land and water system, nearly as large as West Virginia, is poor.

The same message has been called out in the Rockies. The San Juan-Chama Project and its many siblings have drawn down the Colorado River system, which drains about one-fourth of the entire West, to the breaking point. One of the pending projects is the Animas-La Plata Project, which would take 150,000 acre-feet out of the Animas River just below Durango, Colorado. This is enough water to fill a football field with containing walls to a height of 30 miles each year. The Colorado River squawfish is on the edge of extinction, and some of the fish inhabit the San Juan River, into which the Animas flows. U.S. Fish and Wildlife Service biologists believe that the Animas-La Plata Project might tip the precarious balance for the squawfish: the scientists think that the project (compounded by the San Juan-Chama Project and scores of other diversions) would render the San Juan unable to do its work as a river, leaving the water so low and the channels so braided that the fish could not make it up to their spawning grounds to reproduce.

The Colorado River squawfish, like the delta smelt, is not an animal to which Americans have traditionally given much deference—indeed, as recently as the 1960s, the same U.S. Fish and Wildlife Service viewed them as trash fish and tried to poison them out of existence. Still, today the squawfish, like the others, has a message. It is the same message as Philip Fradkin's, who gave his book on the Colorado River such a straightforward title: *A River No More*. The Columbia and the Colorado, rivers no more.<sup>2</sup>

In the big open country of the northern Rockies, where soils are sturdier and population pressure is less, overall land and water health is probably better. Still, hard questions go unanswered. Where is the call of the wolf, extinct in most of the country and hanging on as an endangered species in a few scattered pockets? Can the great bear make it back from the edge? And what is the future of the Greater Yellowstone Ecosystem, magical site for citizens the world over but burdened with too many loving visitors, shot through with logging and mining roads, and raked by too high a timber cut, especially in the Targhee National Forest, where the waves of irresponsible clear-cuts butt right up against the park itself?

The state of the West is far worse than I thought when I first began to

imagine this book in 1984. A person trying to write a principled account wants to avoid overstatement, to skirt being shrill. But I am satisfied that the far greater danger is in the other direction. I remember driving back to Boulder from one of my first interviews for this book with Ed Marston in Paonia on Colorado's Western Slope. It was September; the skies were clear, the slopes flecked with gold. I barely resisted my urge to shake my son Philip, who was just five then, from his nap of exhaustion so that he could take it all in with me. It seemed that we had the whole Western Slope to ourselves and that the land was so vigorous, indomitable.

The problem, of course, is that you cannot judge land health from a car window. The bad timber cuts are assiduously tucked away from view. Destruction from grazing takes a practiced eye to comprehend. Low, even dry, streams have become expected parts of the landscape. Acid mine drainage and the other poisons usually work in secret. There are no road signs to advise that a forest or stream is missing vital cogs. Far better truths than we can observe from car windows have come from the scientists and from the endangered species and the land and water systems they represent. We cannot cross the next meridian until we understand and heed those truths.

Another part of the crossing involves eliminating the lords of yesterday and replacing them with approaches that are sensible in light of the needs of today and the foreseeable future. Each of these areas has its own traditions and policies, and different policies need to be tailored for each. I have made suggestions in that spirit over the course of this book.

More is required, however, than dealing with the specifics of these policies. We also need to redefine the overarching ideas that create the context for our whole treatment of the land and waters of the American West. The lords of yesterday arose in an age when the controlling ideas were that the West should be thrown open to unfettered development and, extraordinarily, that the force of this extreme *laissez-faire* approach should be multiplied several times over by an unparalleled program of subsidies. Those ideas, compelling though they may have been in their time, are surely no longer valid. A number of replacement ideas have already emerged; I have listed some of them in chapter 1. In particular, during my work on this book I have come to realize that one unifying principle, which embodies the values of Delbert Frank, Wayne Elmore, and many of the other people who have enlightened me, underlies all wise resource use by human beings.

Good science, good laws, good economics, and good communities come together in the idea of sustainability. At its core are the responsibilities lodged in intergenerational equity, which Edith Brown Weiss describes as the principle that "[e]very generation receives a natural and cultural legacy

in trust from its ancestors and holds it in trust for its descendants." Development cannot wear the lands and waters down but rather must maintain their vigor. A working policy of sustainability encompasses a practical and phased-in, but still rigorous and comprehensive, program of conservation so that consumption can be reduced. But the obligation to provide for the next generations also includes the duty to maintain a vital economy. Sustainability, then, affirmatively recognizes the need for development. Indeed, a program of sustainability ought to include the knowledge, technology, and planning needed to increase the productivity of the land.<sup>3</sup>

Sustainability is still largely untried in the United States. It thus brings with it the frustrations—a dearth of specifics, an abundance of abstract and sometimes unrealistic proposals—that usually accompany young ideas that exist mainly on paper. Installing it would bring changes to many parts of our lives, for it requires not just a simple adjustment in focus but rather a fundamental change in concept and approach. Still, the future lies with sustainability: the cumulative effects of the lords of yesterday have become so evident and so unacceptable that reform and the search for new approaches are already well under way. My guess is that in not so many years hence, western states and communities will be deeply into the process of wrestling with, and gradually implementing, the ideas embodied in sustainable development.

The first step in approaching sustainability is to identify exactly what must be sustained—the "natural and cultural legacy" that we have received and must pass on. Traditional extractive development in the West has focused only on the specific resources being extracted. Water projects, for example, were designed to meet only the demand for water, by which was meant water as a commodity—for mining, farming and ranching, energy development, and industrial, municipal, and domestic use. Any other benefits, such as the blue-ribbon trout stream below Navajo Dam on the San Juan River, were purely secondary and often accidental. Avoidance of negative effects, such as loss of the salmon runs, was largely a matter of luck, as when the Army Corps of Engineers' fish ladder at Bonneville Dam on the Columbia actually turned out to be workable. The overriding goal was to create commodity benefits, which were viewed as being nearly infinitely sustainable in those simpler times.

I saw this at work in a recent conversation with an engineer. He was frustrated because extravagant proposals, taken seriously a generation ago, were no longer much discussed. They included the construction of a water pipeline from the Yukon River to the lower 48 states and the towing of icebergs from the Arctic to southern California for melting. Another proposal involved transferring Montana water to San Diego. "It was so easy," he said, shrugging his shoulders. "All you had to do was

build a pipeline under Yellowstone National Park, divert some of the Yellowstone River—not all of it—and shoot the water into the Green River.”

His unspoken premises about this long-distance, trans-Continental Divide project are revealing. To him, this *was* sustainable development because his training taught him that this project could go on forever: the snowpack would renew the supply each year, and there was not even a dam to silt up.

What he did not see, but what modern conditions force us to take into account, is that the Yellowstone River must sustain much more than just the extraction of water for commodity purposes. Fish and wildlife. The falls in the world's first national park. The magic of Paradise Valley, which Dan Bailey, Len Sargent, and others worked so hard to protect from the Allenspur Dam in the 1970s. The ranching, farming, mining, and recreation economy from Gardiner to Livingston and even farther down the Yellowstone River. Depending on the amount of water diverted, the Yellowstone-San Diego Project might not have sustained these other benefits.

National forest management is another example. The high-yield timber harvest that has held sway since the mid-1960s is entirely sustainable in the traditional sense in which the term “sustained yield” has been used in American forestry since Pinchot's days. The Forest Service will cut the mature trees and stock the slopes with seedlings, and the stand will regenerate.

But our thinking has evolved; in many national forests, a broader view of sustainability is not being achieved. Only the specific resource being extracted—commercial timber—is being renewed. Other parts of the forests, which must be taken into account to achieve true sustainability, are in jeopardy. The health of certain fish and wildlife populations. Soil on steep slopes. The recreation economy. Species diversity. The ancient forests. Views. Beauty. Glory. Awe. Sustainability is measured not by board feet but by the whole forest.

Sustainability involves cultural as well as natural and economic factors. In chapter 6, I recounted the effects of Garrison Dam on the Fort Berthold Indian Reservation, where rich tribal bottomlands along the Missouri River were flooded and bridges connecting tribal communities were inundated. Fort Berthold, like Pyramid Lake, Celilo Falls, and the Hispanic settlements near Elephant Butte and Navajo Dam, is just one of a great many examples of our neglect of cultural sustainability. A friend, at once a traditional and modern Standing Rock Sioux tribal member, took me to a place similar to Fort Berthold, downstream on the Missouri at the Standing Rock Indian Reservation. We stood on a bluff looking at spartan replacement houses on a windswept ridge. Below, the reservoir had been drawn

down, and we could see mud flats that had caked over bottomlands that once knew farms and sheltered homes. We could see, too, the white skeletons of trees that had been drowned by the reservoir. The Indian people had not even been allowed to cut the trees for firewood before the flooding.

Sustainable use, though rigorous, is not impractical. Companies can cut timber, lots of it. Developers can divert water, build dams, and flood land. At first blush, mineral development might not seem to fit with a literal application of sustainability, since the minerals cannot be replaced within a time period imaginable to humans. But mining is necessary, and the idea of sustainability can easily be adapted to mineral development through attention to the duration of the mining activity. Carefully paced mineral development lasting, say, as long as forty or fifty years, depending on the circumstances, can be considered sustainable. Clearly, mining can satisfy other elements of sustainability, such as community and economic fulfillment, and it need not be inconsistent with environmental and societal goals.

How, then, might sustainable use work in the West? After identifying all economic, environmental, cultural, and abstract—call them spiritual—elements that need to be sustained, it seems to me inevitable that westerners increasingly will turn to various forms of planning. When I say planning, I mean it in the broadest sense: the process of a community coming together; identifying problems; setting goals—a vision—for a time period such as twenty or forty years; adopting a program to fulfill those goals; and modifying the program as conditions change. Some developers, imbued with the traditional *carte blanche* attitude so evident in the lords of yesterday, try to paint any form of planning as a straitjacket. But sensible yet visionary planning is the opposite: it can open our minds to the possibilities for our communities—our neighborhoods, schools, businesses, environment, and culture—so that we can build flexible arrangements for trying to achieve and sustain those possibilities. All across the West, stresses have built to the point where it is hard to imagine a sustainable future without some form of planning.

Some of this has already come to pass, and it is interesting to see how “communities” have been defined for particular purposes. The California Coastal Commission has worked to preserve substantial stretches of open space, so vital to coastal residents and visitors alike. The cleanup of Oregon’s Willamette River was a gargantuan accomplishment that could have been achieved only by a concerted, forward-looking effort. Also in Oregon, an acclaimed land use planning system has been put in place by innovative legislation premised on broad state-mandated goals, with specific plans being drawn by county and local governments. Nevada and California created the Tahoe Regional Planning Agency, which has adopted stringent

restrictions on development of private land in order to preserve Lake Tahoe's fabled blue clarity, to protect wetlands, to improve air quality in the Tahoe basin, and to limit automobile congestion. At the local level, cities and towns are making increased use of zoning and other land use planning devices. All of these efforts have been imperfect; all have received their share of criticism from many, if not most, directions; but all represent substantial advances in the face of severe challenges.<sup>4</sup>

We have seen two planning efforts that have been even more expensive. Forest Service planning has brought some improvement to most national forests. The effort, however, has been deeply flawed in two ways. As implemented, it has been too expensive and bureaucratic. Even more fundamentally, planning at the national forest level has been largely emasculated because the key determinant—the timber cut—has been set from above. There is every likelihood, if and when the cut comes down, that the hard work expended in forest planning will pay large dividends.

In the Pacific Northwest, the Northwest Power Planning Council struck off on the most difficult course of all. The effort to rescue the salmon and steelhead, whose habitat reaches from Idaho to Alaska, is probably the most ambitious attempt at sustainability ever undertaken in the United States, perhaps anywhere. The results seemed truly impressive—until the runs collapsed in 1989. The effort has been intensified since then, but everyone has their fingers crossed. One thing seems certain. If we are to sustain salmon and steelhead, we will have to have a strong and effective Northwest Power Planning Council, or some comprehensive intergovernmental planning effort very much like it.

I well understand that it is a long way from the printed page to an actual working sustainability. The West has never been characterized by community decision making. The people have been footloose and on the move due to a regional economy, dependent on fast-paced extraction, that has traditionally been erratic. Although there is well-grounded optimism about a new western economy based on recreation, light industry, and more stable natural resource development, the returns are not yet in. Since the 1960s, sharp hostilities between industry and environmentalists have created separate armed camps. Everyone cares deeply about the land—most westerners, when pressed, are comfortable with a word like "sacred"—but the distrust and instability run so deep that people are leery about committing to consensus solutions. We are working on it, and making some progress, but we have not yet overcome the fact that it is hard for western communities to act like communities.

There is also a sense of helplessness bred of the perception that decisions in the West are made from the outside and that western communities have never been able to control their own destinies. The poor health of the

West's lands and waters, and of its economy, has often been attributed to forces outside of the West. Bernard DeVoto called the West a "plundered province." In *The Angry West*, Richard Lamm and Michael McCarthy argue that the West has been a "colony" and has been exploited accordingly. The fine historian K. Ross Toole has made a similar point about his native Montana. Carey McWilliams refined the colony idea by identifying the mountain West as a colony of both the East and California.<sup>5</sup>

I ascribed to those views when I began work on this book, but I see it somewhat differently now. In the case of fossil fuel energy production, which is the focus of much of the work of Toole and Lamm and McCarthy, the colony idea plays out quite well: although western urban centers (notably Phoenix, Tucson, Albuquerque, El Paso, Denver, and Salt Lake City) outside of California have taken an increasing share in recent years, it is true that much western oil, gas, and coal has been transported out of the region. With many other areas of development, however, the colony metaphor is much less compelling.

From the beginning, westerners have exerted rock-solid control over water development, hardrock mining, and grazing on public lands. Federal activity has been mainly in the form of subsidies. A "federal" law like the Hardrock Mining Law was in fact just a pass-through, a congressional imprimatur on the practices that the western mining industry was already following. Until the past few years, there were no significant federal water laws. Even the state laws were pass-throughs, ratifying the no-holds-barred approach favored by western water users. Gifford Pinchot and the Taylor Grazing Act notwithstanding, the public rangeland remains the province of western ranchers. DeVoto said it of water, as we saw in chapter 6, but his sharp-tongued adage about the attitudes of westerners toward the federal government applies fairly in all of these areas: "Get out and give us more money."

Nor is federal timber or Northwest energy much different. To be sure, Pinchot was the eastern born-and-bred *enfant terrible* in his day, but his building of the National Forest System, staffed by foresters, played perfectly into the hands of the western timber industry by the 1950s. The hydroelectric system of the Pacific Northwest was funded mainly through federal initiatives, but its "cheap" electricity is used, coveted, and promoted by numerous interests in the region.

The question of who has developed the West, and who has benefited, is a complicated matter, and I am not trying to settle it here. I understand that untold billions of dollars in profits have left the region and that there are a great many major outside players, including the federal landlord, multinational corporations located on both coasts, the military, and foreign investors. The global market has come on strong in the West as elsewhere, and that trend seems likely to continue. Still, untold billions of dollars in profits

have also stayed in the region. All of the key congressional committees and federal agencies have long been controlled by westerners, beholden to the region. It is hard to avoid the conclusion that westerners themselves have made or controlled a great many, probably most, of the key societal decisions west of the 100th meridian. At a minimum, westerners should feel confident in their ability to chart the main directions of the region's course for the future.

They had better feel such confidence, and exercise it wisely, for there is a great deal at stake in the late twentieth and early twenty-first centuries. As just one illustration of this, let me return to Phoenix, where I began this book and my love affair with the West. In 1945, at the end of World War II, Phoenix was a town of about 80,000. By 1965, when I first went there, it had boomed to a city of 500,000. In 1985, Phoenix had become a metropolis, with a population of 875,000 within its city limits and nearly 2 million within the metropolitan area. Within just two generations: from a town to a city to a metropolis. And can there be any doubt that by the year 2000 Phoenix will be a megalopolis?

We can make roughly the same observations about Denver, Tucson, Salt Lake City, and Seattle. In California, Los Angeles and San Francisco were already cities by the end of World War II, but they too have transformed themselves in a short time, and so have their metropolitan areas. San Jose and San Diego have followed Phoenix's pattern, and all manner of other, somewhat smaller, municipalities in California have taken off.

The cities of the West are not somehow the enemy. Yet we cannot ignore the effects of the cities on the intermountain West. The urban centers—Los Angeles, San Diego, Las Vegas, Phoenix, Tucson, Albuquerque, Salt Lake City, and Denver—take a large and growing share of Colorado River water. Phoenix, joined by a consortium of municipalities stretching from San Diego to El Paso, has installed the power plants and mines that have stripped out the coal, water, and fabulously clean air of the red rock Colorado Plateau—the Four Corners country. Again, these are just examples: all of the cities have reached deep into the mountain West. This is true even of the Pacific Northwest. There is no need for those urban centers to import water from rural areas, traditionally the impetus for urban conquest of the mountain West, because the Northwest gets rain and because the big cities are on the same side of the mountains as the rivers. But is it not the energy demands of Seattle and Portland that have killed off the salmon and steelhead runs in the River of No Return country in the deep Rockies?

So, too, is the mountain West itself building up. Aspen, Telluride, and Summit County, just over the Divide from Denver, have all made themselves over in twenty years or less. So have Taos, Sun Valley, and Coeur d'Alene. Others are on the way.

So short. The time has been so short. We can realize now that the post—

World War II boom has been a rush of the same dimension as the great migration triggered in 1848. Spread out over more years, yes; lacking the electric clarity of Marshall's find, yes; but just as historic, just as transforming.

The unpleasant fact, as unpleasant for this writer as for any reader, is that we must come to grips with population growth. Our real choice comes down to this: Western communities can either take charge of the future by adopting some form of conscious management and direction, based on full and brightly etched visions of the future, and sustain the West's lands, waters, and way of life; or western communities can continue to abdicate—by allowing developers to charge ahead with few restraints—and surrender the distinctive qualities of the West within a very few decades. This is not something I fully understood when I began this journey, but when one takes the time to work through the current state of the West, it becomes self-evident.

Take the Truckee River watershed in Nevada and its terminus, Pyramid Lake. As discussed in chapter 1, in 1990 Congress approved a bipartisan settlement, agreed to by most interest groups in the Reno area, to save the cui-ui and Lahontan cutthroat trout of Pyramid Lake and the white pelicans, grebes, and other waterfowl of Stillwater National Wildlife Refuge. The settlement may still founder—many details still must be negotiated and implemented—but it is a superb arrangement: it shouts out sustainability. Reno will conserve water, and so will the irrigators. The Sierra Pacific Power Company will adjust its flow regime. The Pyramid Lake Paiute Tribe, also seeking out a middle ground, has put several lawsuits on hold. Wildlife biologists have struggled to define with precision the varying habitat needs of the many species of fish and birds.

But how long can this carefully drawn, principled accommodation last? The Reno-Sparks area, which has a growth curve like Phoenix's, now houses a population of nearly 300,000 people. What will happen to Pyramid Lake, the tribe, the river, Stillwater, the fish, and the birds in twenty-five years, when the population reaches 500,000? Were not Powell and Stegner right, after all, about their central point—that the aridity and terrain dictate a finiteness beyond the 100th meridian? Is not the finite in view?

This is an area in which it is even harder to move from words on paper to hard results. Growth control is difficult to achieve in an equitable way. Some property owners may bear a disproportionate burden from zoning that slows new development. Poor people and racial minorities may be forced out when rental prices accelerate in a tight housing market. It takes determination, sensitivity, innovation, and a cautious pace of change to prevent these kinds of injuries. Further, political opposition runs deep.

"You can't stop growth" is not just a truism in the West; it is a dictate not even worthy of serious discussion.

Still, not so long ago, "first in time, first in right" also seemed set in stone, yet today we have begun the process of putting aside that maxim. It may be that western communities are now ready to address growth based on an ethic emanating from the seriousness of the threat, a final commitment to protecting the values of the lands and waters and places, and an understanding that population growth in no way equates with economic growth or prosperity and may impede them.

There are many different ways to approach growth control. In combination, they breed flexibility and may make it unnecessary to approach the matter by adopting fixed, and perhaps arbitrary, limits on growth. Some population control comes voluntarily, when an area simply becomes so congested that people choose to settle elsewhere. Another part of the growth issue involves channeling development, as by setting urban growth boundaries and requiring the building of low- and middle-income housing. Economic policy plays a role by discouraging growth through programs ensuring that developers and their customers—all of us—must absorb the true costs of development. A key part can be resolved by hewing to the standards that will flow from a working policy of sustainability, as when an aquifer can take no more pumps because it already is producing its maximum safe yield. If we decide to listen, our lands and waters will tell us what our population can be.<sup>6</sup>

But no matter how difficult the process may be, we can no longer escape the fact that we are close up against our inevitable confrontation with the matter of stabilizing the population. There is a long list of people who have already made that point. This journey has taught me that I must add myself to that list.

Crossing the next meridian, then, requires more than abolishing the lords of yesterday—the various policies and laws governing hardrock mining, the public range, the national forests, the salmon and steelhead runs, and the region's rivers. It will require abolishing the philosophical ideas that fueled them and replacing those ideas with new ones. They include sustainability, which in turn directly implicates the level of population. The crossing also will require westerners to accept personal responsibility for the impacts on the lands, waters, and communities in a way that has not occurred before. Although I hope that this book will be of use in suggesting the magnitude of the problem and some of the paths toward resolution, I will not attempt here to catalogue all of the specific ways in which those ideas might be instilled. That will require another journey.

But I do believe that we must act now, at this meridian, or we will be too late. Not too late, perhaps, to preserve a West that mostly passes a car-window test but too late to preserve as living places the vast and sacred habitats that the dying-off animals speak for. It would be painful—even, Delbert Frank and Wayne Elmore might suggest, immoral—to pass by the opportunity to act now, because it should not be so hard to mesh the needs of the lands and the waters and the people. They ought to be the same. In the last analysis, they are the same.

Mr. MILLER. Professor Emmons.

**STATEMENT OF DAVID M. EMMONS**

Mr. EMMONS. Thank you.

I want to begin by thanking the Coalition, the members of the committee, you, Congressman Miller, Congresswoman Shepherd, for the invitation this morning.

I want to call particular attention to the work of Jamie Grodsky, of Congressman Miller's staff, who, to my certain knowledge, has worked months in organizing this hearing, perhaps even more than that.

The issue before us has been defined as the changing needs of the West. This is an issue that has an obvious historical aspect, and I also want to express my appreciation to the committee for the acknowledgment of that historical aspect and for the opportunity it has given me to speak to some parts of it.

In my written testimony, I concentrated my attention, not exclusively but predominantly, on the effect of myth, historically derived, on the formation of western land and natural resource law. By myth, I did not mean falsehood. Initially, of course, myths were part of elaborate belief systems and to denigrate them as lies or fabrications is to discredit their significance and their importance. I do not wish to do that.

I offer then this early disclaimer: When I use the word myth, I am not necessarily referring to distortion, particularly purposeful distortion.

I must also say, however, that the myth, whatever its origins and from whatever sources derived, did not accurately reflect western realities. The myth was an eastern invention and it reflected eastern realities. It was a part of an eastern belief system.

Now, there were times when the dissonance, the incongruity between myth and reality, was of minimal significance. When the West looked like the East, when the West was, let's say, Indiana and the east was Pennsylvania, the distance between myth and reality was marginal and easily finessed.

The problem arose when the West began to resemble the nether side of the moon; when it began to be different in form and character not only from Pennsylvania, but from previous Wests.

I refer again to Indiana. It was at that time that the myth began to exercise what I have called a mischievous function; when it began to distort western land law rather than to inform it.

There was one other consideration that I wish to point out, one other change in the nature of myth and western law, particularly western land and natural resource law. As the eastern part of the United States became more and more industrialized, it began to confront a number of social realities that were most unwelcome.

The most obvious of those was the emergence of an industrial working class in the East.

Now, without suggesting for a moment that that working class had revolutionary instincts or revolutionary intentions, I would point out that it did on occasion behave with a sense of itself, of the social realities that governed its world. That was a concern to eastern industrialists, and a concern as well to the United States Congress.

It was at this point that the myth of the West began to assume a different form. The agenda began to change. The myth was no longer a part of folk culture. It no longer arose indigenously. I repeat, it was always largely eastern derived, but it now began to carry a heavy political and social load.

To use the language favored by historians, the West was now being viewed as a safety valve, as a place where eastern people could almost literally dump their unwanted population. The land laws began to reflect that new myth, or the underpinnings of the new myth: the West as a safety valve.

The myth of the safety valve was an invention, a contrivance. It was not a part of a folk culture, but part of a mass culture. It was a part, as a matter of fact, of the market, and it was driven by the market. But it put a renewed emphasis on what Professor Wilkinson has just called the most rapid possible settlement of the West.

The West as safety valve had a clear counter-revolutionary purpose. In order to fulfill that purpose, it had to promise that social mobility accompanied geographical mobility. That moving West meant moving up. If ever that equation began to fail, if ever the calculus began to encounter obstacles, then the counter-revolutionary purpose of the western movement would be lost and the East would be left to confront its own social pressures without the assistance of a western safety valve.

There was one other change that occurred about this same time. By this same time I am speaking of the period from the mid-1850s until well into this century, the change previously referred to. The West was no longer Indiana-like; it was now overwhelmingly semi-arid. It did not look like the East any more, and a semi-arid West was not a proper place for the settlement of surplus eastern workers. It was not, as a matter of fact, a proper place for the unexamined settlement of anybody. The laws, however, did not take into account this new environmental reality.

I will just list a few of these laws, and Professor Wilkinson has already done some of it for me. The Homestead Act of 1862: 160-acres, surveyed by grid cartography, and imposed upon a semi-arid environment in which it made absolutely no sense. Actually, 160-acres is too many to irrigate, too few to use for pasturage, way too few to use for pasturage, and too few to use even for commercially viable agricultural enterprise.

Yet, to have changed the 160-acre grid would have been to give away the game. It would be to announce in advance there was something different about this West, and this West as a safety valve would have to be reexamined.

But the Homestead law of 1862 was quickly followed by the Mining Law of 1872, the Timber Culture Act of 1873, the Timber and Stone Act of 1878, a variety of laws affecting mining, grazing, fencing, irrigation and forest reserves, but all of them were a reflection of the underpinning myth that the West must be a safety valve; that the West must provide an opportunity for the depeopling of the East.

I think the depeopling of the East was as important as the peopling of the West in driving these laws.

The problem, however, again, was semi-aridity. This West was west of the 98th Meridian, which means west of the area with 20 inches of predictable annual precipitation. The government had then to confront this harsh environmental reality, and so did the agents of that government, the railroad interests, for example, and the employing classes of the East. Another myth, an instrumental myth, was derived to deal with it.

From at least the mid-1860s until well into this century, for 60 or 70 years—and I speak here not of a homey-folk wisdom, but of purposeful policy, of explicit policy—the belief held that the rainfall of the semi-arid western region was constantly increasing. The laws reflected that myth: that rain followed the construction of railroad tracks or telegraph wires; that rain followed the planting of trees; that rain followed firing cannons into clouds. The Congress once financed that, as a matter of fact, by loaning spare parts from the United States Army for an experiment in cloud shooting.

But the most popular of the agents of increased rainfall was the notion of the rain following the plow. Plow the soil of the West, so it will rain more; when it rains more, more trees will grow; as more trees grow, it rains more; as it rains more, more people come to the West bringing their rain inducing plows.

It was a magical theory, but it was based on environmental arrogance. It was based on wishful thinking, naivete, and I think, on occasion, outright fraud.

The effect was disastrous; anger and disillusionment. The West was oversold. Congressional land and resource laws oversold it. It promised something that it could deliver on, but only if properly understood. It promised social mobility as well as geographical—social mobility, indeed, as a function of geographical.

To summarize very quickly. The nineteenth century wave of land laws had as their purpose rapid, extensive settlement and the promise of mobility. A premium was placed then on moving on. The twentieth century has I think a more important agenda. Here the emphasis must be, as Professor Wilkinson has already said, on sustainability.

But let me add something that echoes Congressman Hansen's and Senator Hatch's earlier remarks.

It is not just the sustainability of resources that is at issue; it is the sustainability of the people and the societies and the communities who depend on those resources to make a living. We must understand them as well.

For them, the West is the primary value. We must then devise laws, I think—and historians are not very good at predicting—but, anyway, I believe we must devise laws that put a premium not on social mobility but on social cohesion. Not on moving on, but on staying put.

Staying put has an environmental as well as a political and social function, and that function, I think, must be acknowledged and must be addressed.

Again, thank you for this chance to deliver a short history lesson, and thanks to the committee for its invitation.

Mr. MILLER. Thank you.

[Prepared statement of Mr. Emmons follows:]

## MYTH, REALITY, AND WESTERN LAND LAW

David M. Emmons, the University of Montana

There is a simple but fundamental assumption behind all historical inquiry. It is that every issue, every problem from handicapping horse races to brain surgery, has an historical dimension. I have learned from my students that the closer the issue to their own immediate interests, the more attention they will pay to the historical dimension. In the case before us, the issue is Western Land and resource law. This time, however, I am the student and my interest in the topic is not only keen but derived legitimately. I was born in Denver, Colorado, attended and graduated from the University of Colorado in Boulder. I have spent the last 27 years in the history department at the University of Montana in Missoula. My perspective on the West is from the West; my involvement with the West is immediate and direct; my interest in the region's future is personal. The question of Western land and resource law is not for me an abstraction and the historical dimensions of that question engaged me not just as an historian but as a native son.

An investigation of that historical dimension must begin with an acknowledgement of the dialectical role of myth in the formation of Western land law. By myth, I mean a set of ideas that are either untrue or unprovable. Under ordinary circumstances, however, that does not make them falsehoods. On the contrary, they are part of belief systems—many of them quite elaborate—that allow a people to fix themselves in time and place and to make sense of their world. By dialectical I mean the dynamic interconnections between things—in this instance, land law—and concepts—in this case, mythical notions. In other words, the myths influenced the laws that in turn influenced the myths.

So far the historical dimension seems pretty straightforward. In the case of Western land laws, however, both the laws and the myths that formed them were products of Eastern imaginations. They were part of an Eastern belief system and though they were not falsehoods according to the social and cultural imperatives of that region, they became false and mischievous when they had to be acted out in the West. Add, then, to the dialectic the idea of dissonance. The myth and the law were products of external forces and were not necessarily congruent with Western reality. The result was that the image of the West and the reality of the West were often two very different things; the West was at war with itself and the land laws codified this self-destructive conflict.

In an ideal world, this would not have been the case. Laws governing the settlement of a region's lands and the use of a region's resources would be based on a sound understanding of the regional environment. That was not the case with the American West and for three very important reasons: First, the law makers had a very incomplete and oftentimes wildly fanciful knowledge of what kind of a place the West was. They had not seen it and explorers' reports were fragmentary, often contradictory, and themselves formed by preconceived notions of what the West ought to be. Second, what it ought to be was a function, almost an end product, of myth. And third, the whole question of the nature of Western lands and resources was less a matter of scientific speculation and study and more one of felt political, social, and economic pressures. In other words, there were certain things the West simply could not be if the non-West was to fulfill its own dreams and transact its own destiny.

Among the things the West could not be was inhospitable to the kind of sow and reap agriculture that Americans of less favored but better watered regions took as their birthright. This obviously required that certain harsh realities had to be wished—at times literally willed—away. Since most of these harsh realities involved climate so did most of the wishful thinking and willful arrogance. Much of the West, particularly that part of interest to this committee, is semi-arid. But this semi-aridity was as unacceptable to the dominant national lawmakers as the expansion of Southern slavery into the West would have been—and for many of the same reasons. Slavery in the West would have closed out settlement by conventional American agriculturists; so would semi-aridity. Slavery would have permitted the emergence of land aristocrats; so, in the form of cattle barons and those who controlled the limited supplies of water, did the semi-arid West. The South would be reconstructed to more nearly fit the national "norm"; so, with slightly less violence would the West. We have just cause to celebrate the end of slavery and the as yet unfinished reconstruction of American racial attitudes. The story in the West does not lend itself to the same self-congratulatory praise.

The weapons brought to bear in the "conquest" of the West were not Grant's legions—though the "pacification" of the Plains Indians was also a part of this history and Sherman's and Custer's involvement in both conflicts gives them a kind of his-

torical symmetry. Rather the conquering East resorted to land and resource policies that involved nothing so much as the imposition of a set of related myths on a land and a people unsuited to them.

Examples are legion; I will discuss a few of them. The seminal piece of land law in American history was the 1862 Homestead Act. First introduced in the 1840s, its passage blocked by hostile Southern Congressmen, the Homestead Act codified a distinctly Jeffersonian vision of the pattern of Western settlement. This meant 160-acre homesteads in neatly surveyed grids offered without charge to "actual settlers," the yeomanry of the Jeffersonian imagination. As a spur to settlement, the Homestead Act was a qualified success. As a reasonable response to Western conditions, it was an unqualified failure. One hundred sixty acres is too many to irrigate, too few to farm conventionally, way too few to use for pasturage. Westerners understood all this and engaged in wholesale circumvention of the land laws, behavior which earned for them an undeserved reputation for lawlessness. It was not Western violations of the law that was at issue; it was the inappropriateness of the laws. Adding irony to unfairness, Western "lawlessness" was then added to the developing Western myth.

The grid system fared no better than the 160-acre basic unit. Grid cartography which had functioned perfectly in well watered regions, imposed upon the semi-arid West a system in which hydrological realities were ignored or could not be addressed either in determining homesteads or in drawing state and county borders. The consequences were unhappy for both regional and state administration.

It is possible, however, that the Congress never intended the land system as a rational response to environmental realities. Rational use may have been secondary to rapid settlement with little consideration given to the ability of the land to sustain the settlers. And here is where myth and the political and economic pressures that gave rise to it were a factor. The West had to be settled—or, more accurately, capable of being settled—if Eastern industrialists and their Congressional allies were to continue to disarm working-class protest by making vague references to moving West and growing up with the country. This, of course, is a reference to the West as safety-valve, perhaps the best known of the various myths that surround the region. I would like to call particular attention to the strikingly counter-revolutionary aspects of this myth and of its usefulness to those for whom combating revolutionary tendencies possessed a certain urgency. Even Karl Marx joined in the discussion, arguing in *Das Kapital* that the United States had what he called an "anomalous" advantage over other industrializing nations by virtue of its control of millions of unsettled acres. Marx would have celebrated the reports of Western semi-aridity; Eastern capitalists were not likely to.

Fortunately, the capitalists had more influence than Marx, but, unfortunately, they also had more than those who warned of inadequate rainfall without celebrating all that that inadequacy implied. Joined by the Congress, by those who had land to sell, even by the leaders of America's labor unions, Eastern market capitalist began to construct a garden in the Western grasslands. They could combat semi-aridity not with scientific agriculture but with wishful thinking and misleading land laws. The myth began to take on some aspects of meteorological sleight-of-hand.

Central to this refined myth was the notion that the rainfall of the West was constantly increasing. The agents of this remarkable change in the climate of the West varied. Some argued that railroad tracks and telegraph wires were responsible; others, including the Smithsonian Institution and the American Association for the Advancement of Science, said it was the planting of trees—the Congress responded by passing the Timber Culture Act in 1873 with the explicit purpose of increasing rainfall by encouraging reforestation. But by far the favorite agent of increased rainfall was the humble plow. Scientists, some of them with decent credentials, argued that the buffalo had so packed the Western earth that what rain did fall ran off in rivulets rather than soaking in deeply. By destroying the buffalo and breaking up the impervious sod, the rain would produce plants rather than gullies. Those plants, trees included, would increase the evaporative potential of the area and more rain would fall. "Rain follows the plow" quickly became the most effective and best known of the theories of increased rainfall. There was something truly wondrous about the theory: the nation required an arable and productive West lest the domestic tranquility be imperiled. Nature, however, had provided an inferior product. The nation would not adjust its laws to fit the environment; it would, through sheer force of will, adjust the environment to fit its laws.

But more was involved than keeping safety valves open. Asian markets required transcontinental railroads; those railroads, being developmental rather than exploitative enterprises, required land grants. Those land grants could be justified only if the railroads carried the people and products of domestic as well as foreign markets. The people brought the plows which brought the rain which attracted more people

who grew more grain that filled the railroad cars that carried the surplus products of America's factories and farms to distant markets. This was the house that myth built.

It was a divided house—the West of the imagination versus the living and lived reality. The mythical West was not a useful cultural tool, a way for a people to fix themselves in time and place. That happens only when the myths arise from the people whose lives they reflect and who will use them to make sense of those lives. The Western myth was not an indigenous invention; it arose from the needs of Easterners. Whether leftover Jeffersonians, nervous capitalists, or interested land agents, the myth was in place before there was anyone living on the lands it purported to describe.

But the myth not only antedated settlement, it caused it. It was part of an elaborate promotional campaign mounted by railroads and other land companies that brought "news" of the West to every Eastern city and most of the so-called sending nations of Europe. It took predictable and by now well-known form: the West was a region where the individual was dominant and subject to few restraints, where all of the ingredients for a healthy and sustainable prosperity—adequate and constantly increasing rainfall among them—were in place, where America's "manifest destiny" would be acted out, where beleaguered eastern workers would find a new beginning as independent agents rather than "wage slaves," in sum, where seldom was heard a discouraging word.

This myth was, then, largely imposed upon the West. There were Westerners who contributed to it, but in general, it did not arise out of what anthropologists call a folk culture; rather it was an aspect of popular, even mass culture, a product, in other words, of external markets rather than native societies. The railroads were probably most responsible for this act of cultural imperialism, but the Congress must accept some responsibility as well through land acts that had as their sole function the settlement of places that could not sustain the settlers either because those places were too little understood or because they were quite purposefully misrepresented. As noted, the result has been a West often at odds with itself and at war with its better nature.

Westerners were seldom allowed to have their own history. Had they been, their myths would have celebrated community not individualism, cooperation not competition, rational accommodation not conquest. Where those elements of the Western experience appear in mythical form, you can know that Westerners were allowed to speak for themselves and to form their own belief systems and give mythical expression to them. More often, however, it is the Eastern version of the myth that we associate with Western settlement and resource use. It was Easterners who wrote books with revealing titles like *How the West Was Won*, *The Winning of the West*, or most revealing of all, *The Conquest of Arid America*.

To a very great extent, the original myth has outlived whatever usefulness it may have had for the East. It is sustained now by the Westerners who benefitted from it. These Western beneficiaries of the myth—many of them new to the West—will not be easily persuaded to substitute a truly indigenous myth for the imposed—or borrowed—model that has served them so well. I understand their reluctance to revise both myths and land laws. But I also offer an alternative course. Rain, after all, does not follow the plow—or anything else of human contrivance. And Westerners have certain rights, among them the right to devise their own centering myths that correspond to Western realities, not Eastern anxieties and ambitions. This means they have a right to insist that the laws that govern the use of Western lands and resources reflect the needs and belief systems of all of the Western people not just those few whose interests were served by Eastern invented myths. The myth has proven resistant to change. Laws, however, even those which reflect it, are more mutable and if the old dialectic is still at work, then new law can make new myths. The dissonance may not become harmony, but at least for once the whole West will be able to join in the singing.

Mr. MILLER. Mr. Stewart.

#### STATEMENT OF TED STEWART

Mr. STEWART. Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you today on the subject of the changing needs of the West. I am also honored to be able to sit here with these two esteemed academicians who have provided the testimony they have.

I am having trouble trying to figure out how I am going to explain to my great, great, great grandparents who came here in 1847, how they were part of a conscious effort to depeople the East and part of a fraudulent scheme. Hopefully, someday I will have the opportunity to do so.

As executive director of the Utah Department of Natural Resources, the Utah State governmental agency responsible for stewardship over water, wildlife, parks, State lands and forests, as well as the regulation of the oil and gas and mining industry and the Utah geological survey in this State, this is a subject which I am confronted with daily.

Governor Leavitt is unable to attend today's hearings, but does extend his warm greetings to you all.

I would first of all like to welcome you, your staff, and the witnesses appearing here today to the great State of Utah. This is a State which is blessed with unparalleled natural resources as evidenced by its five national parks, six national monuments, two national recreation areas, forty-five State parks, unequaled recreational opportunities, and tremendous variety in our wildlife.

In addition, our natural resources are the foundation of a mining and oil and gas industry that still brings several billion dollars to our economy, an agricultural industry that remains the backbone of our rural economy. The availability of our West desert as a training site is the reason that we have a significant military presence in the State, a presence that remains our State's largest single employer.

No one can contest the fact that the West is changing. Western States such as Utah are among the fastest growing in the United States. Utah is among the most urban States in the country. Such growth puts an incredible strain upon our natural resources and those of us with stewardship responsibility over those resources.

Let me give you an example of just a few of the issues I deal with on a daily basis: planning for adequate supplies of water with a growing population; management of wildlife as habitat is lost to development; providing for recreational opportunities for a growing and more diverse population; attempting to minimize the impacts of extraction industries, such as mining, oil and gas, while simultaneously attempting to help them remain economically viable; and struggling to assist small rural communities survive the changing West. These are a few of the specific challenges which we face in Utah State government.

As difficult as those issues are, they pale in significance to the difficulties we face in attempting to meet the demands placed upon us by the Federal Government.

Let me just give you a few examples of the issues this small State faces today which are imposed upon us in a way by the Federal Government, apart from the merits of the respective legislation that we deal with: the question of Federal reserved water rights; wild and scenic river designation; Endangered Species Act; designation of critical habitat pursuant to the Endangered Species Act; threats to our right to develop water because of the Endangered Species Act; designation of BLM wilderness; range reform; mining law reform; wetlands protection; RS 2466 right-of-way reforms.

Please keep in mind roughly 77 percent of the State's 55 million acres are owned or controlled by the Federal Government.

How will we attempt to deal with these new challenges? Under the leadership of Governor Leavitt, we in Utah have determined that we are going to work as cooperatively as possible with our Federal counterparts. These efforts include something as simple as a monthly breakfast with those in State and Federal Government as we meet to try to develop an informal relationship which will allow us to work better together.

The State has remained an active participant in the Project 2000 effort to formulate a wilderness bill acceptable to the Congress and the wide-ranging groups interested in wilderness. Wilderness is an emotional issue in this State. We believe that the specific effort to have an outside organization work to bring the groups representing opposing views together is critical to the success of solving this decisive issue.

I will note, and forgive me for saying so, this Project 2000 effort has been shepherded by Congresswoman Karen Shepherd.

We have recently created a steering committee of those Federal and State agencies most interested in the Endangered Species Act in an effort to coordinate our activities within the area of endangered species. Perhaps of greatest significance, in just the last few months, we have organized Federal, State and local governmental entities involved in planning efforts in the Virgin River basin in the southwest part of our State into an umbrella organization called the Southwest Utah Planning Authorities Council, acronym SUPAC. Now, with a PAC attached to it, it is something I hope all of you will remember.

This organization meets regularly in an effort to coordinate our planning efforts in this relatively small part of the State. We have an incredible number of people who are constantly planning, at the Federal level, State level and local level. We are trying to coordinate those planning efforts so that we are able to integrate planning where possible and to participate as fully as possible in one another's planning efforts.

It is a test case, and if it works, we hope to expand it throughout the rest of the State of Utah.

There are a number of other efforts under way in this State of Utah of a similar nature, but time does not allow me to mention them all.

These are the things we are trying to do to work as cooperatively as possible with our Federal counterparts, but on the other hand, these efforts of cooperation and coordination are at risk. There are limits to our ability to work together amicably.

This is my opportunity to complain, and I want to take a minute to complain.

As a State, we are frustrated when we see issues such as that of reserved water rights on lands designated as wilderness, an issue I think all of us in the West thought was settled, suddenly reopened by a new Administration.

We feel threatened when claims are made upon our long established right to water in the name of range reform, or when rights of access over public lands of long duration are suddenly questioned.

We are concerned when we see decisions reached by Federal officials, often in concert with State and local governments, overturned by the actions of interest groups, and in particular, we are upset when efforts at cooperation, such as the four-year effort between local, State and Federal officials to negotiate a habitat conservation plan for the desert tortoise in southwestern Utah—an effort that has cost hundreds of thousands of dollars and thousands upon thousands of hours of time—are suddenly stymied because those of you in Washington cannot manage to carry out your part of the bargain.

As noted, Utah is largely owned and controlled by the Federal Government. It is in a very real sense an absentee landlord. Those of us who must have access to the Federal lands to graze, to mine, to gain access to our water supplies, to gain access to our private or State property to recreate or whatever are in a real sense tenants.

The nature of that landlord-tenant relationship is tenuous. As with any landlord-tenant relationship, there are strains, but it is our hope as a State that we can work together to accomplish our respective stewardship responsibilities with a minimum amount of conflict and a maximum amount of cooperation.

Thank you, Mr. Chairman.

Mr. MILLER. Thank you.

[Prepared statement of Mr. Stewart follows:]

TESTIMONY OF TED STEWART, EXECUTIVE DIRECTOR, UTAH DEPARTMENT OF  
NATURAL RESOURCES

Chairman Miller, members of the Natural Resources Committee, I appreciate this opportunity to present testimony on the subject of the changing needs of the West. As executive director of the department in Utah State Government responsible for stewardship over water, wildlife, parks, State trust and sovereign lands, and forests, as well as the regulation of the oil and gas and mining industry, and the Utah geological survey, this is a subject with which I am confronted daily.

Governor Leavitt is unable to attend today's hearing but extends his warm greetings to you all.

I would first of all like to welcome you, your staff, and the witnesses appearing here today, to the great State of Utah. This is a State which is blessed with unparalleled natural resources as evidenced by its 5 national parks, 6 national monuments, 2 national recreation areas, 45 State parks, unequalled recreational opportunities, and tremendous variety of wildlife.

In addition, our natural resources are the foundation of a mining and oil and gas industry that contributes several billion dollars to our economy, an agricultural industry that remains the backbone of our rural economy, and the availability of our west desert as a training site is the reason that we have a significant military presence in the State, a presence that remains our State's largest single employer.

No one can contest the fact that the West is changing. Western States such as Utah are among the fastest growing in the United States. Utah is among the most urban States in the country. Such growth puts an incredible strain upon our natural resources and those of us with stewardship responsibility over such resources.

Planning for adequate supplies of water, management of wildlife as habitat is lost to development, providing for recreational opportunities for a growing and more diverse population, minimizing the impacts of extractive industries such as mining and oil and gas while simultaneously attempting to help them remain economically viable, struggling to assist small rural communities survive this changing of the West, are among the specific challenges faced by us in Utah State Government.

I would add that attempting to meet the demands placed upon us by the Federal Government is one of the most difficult challenges which we face in this State. Totally apart from the issue of the merits of myriad Federal laws and regulations with which we must contend, the fact is that we in State Government, as well as at the local level, are daily confronted with the necessity to comply with those laws and regulations.

I name just a few that are currently major issues in this small State: Federal reserved water rights; wild and scenic river designation; Endangered Species Act; designation of critical habitat pursuant to that Act; threats to our right to develop water because of that Act; designation of BLM wilderness; range reform; mining law reform, wetlands protection; and RS 2477 right-of-way reforms.

Please keep in mind that roughly 67% of the State's 55 million acres are owned or controlled by the Federal Government.

Under the leadership of Governor Leavitt, we in Utah have determined that we are going to work with our Federal counterparts and those groups most interested in the issues at hand, in a cooperative fashion. Those efforts include:

1. Monthly breakfasts with the heads of the various State and Federal agencies wherein we discuss issues of common concern and attempt to develop informal relationships.

2. Active participation in the Project 2000 effort to formulate a wilderness bill acceptable to the Congress and the wide-ranging groups interested in wilderness. Wilderness is an emotional issue in this State. We believe that this specific effort to have an outside organization work to bring the groups representing opposing views together is critical to the success of solving this decisive issue.

3. Recent creation of a steering committee on those Federal and State agencies most interested in the Endangered Species Act in an effort to coordinate our activities in the area of endangered species.

4. Perhaps of greatest significance, the recent organization of Federal, State and local governmental entities involved in planning efforts in the Virgin River Basin into an umbrella organization called the "Southwest Utah Planning Authorities Council" (SUPAC) which meets regularly to coordinate our various planning activities in an effort to avoid duplication of efforts and to allow one another to participate most effectively in one another's planning processes.

There are a number of other efforts under way in the State of a similar nature, but time does not allow me to mention them all.

Despite these efforts at cooperation and coordination with our Federal counterparts, I must state that there are limits to our ability to solve these problems amicably.

As a State we are frustrated when we see issues such as reserved water rights on lands designated as wilderness, an issue that we in the West assumed was settled, be reopened by a new Administration. We feel threatened when claims are made upon our long-established right to water in the name of range reform, or when rights of access over public lands of long duration, are suddenly questioned. We are concerned when we see decisions reached by Federal officials, often in concert with State and local governments, overturned by the actions of interest groups. And in particular, we are upset when efforts at cooperation such as the four-year effort between local, State and Federal officials to negotiate a habitat conservation plan for the desert tortoise in southwestern Utah, an effort that has cost hundreds of thousands of dollars, become stymied because those in Washington cannot manage to carry out their part of the bargain.

As noted, Utah is largely owned and controlled by the Federal Government. It is in a very real sense an "absentee landlord." Those who must have access to the Federal lands to graze, mine, gain access to water supplies, gain access to their private or State property, recreate, etc., are in a very real sense "tenants."

The nature of that landlord/tenant relationship is tenuous. As with any landlord/tenant relationship, there are strains. It is our hope as a State that we can work together to accomplish our respective stewardship responsibilities with a minimum amount of conflict and a maximum amount of cooperation.

I would like to close with one thought. I congratulate you for conducting this hearing on the changing needs of the West. I thank those who are here today to share information with us all on this subject. I would ask, however, that we not forget those whose lives are most intertwined with the "Old West," those who live and work and die here. The future of the West will ultimately be determined by them.

Thank you.

Mr. MILLER. Well, the issue has been drawn here. What the heck.

Let me ask a couple of questions. Before we were talking about sustainability. There has been discussion over the last couple of decades, certainly within the environmental movement, on the issue of a carrying capacity. This looks to me to be like sustain-

ability, although sustainability may be on a larger scale than maybe we were thinking about.

It seems to me there is an inherent rub there for western States because whether you design that at the local level or you design it in the halls of Congress, it suggests that there are limitations. Local communities decide that there have to be limitations because of water resources, or their desire to preserve open space, or whatever other reasons they make those determinations. The notion of sustainability suggests there are limits. We are finding this out in the Northwest forests; there will be limits certainly on what you can do on the public lands and in those areas.

Is there a marked difference between the notion of sustainability and carrying capacity?

Mr. WILKINSON. Well, I would throw this out, Mr. Chairman. A person can describe carrying capacity and sustainability in roughly the same terms. Carrying capacity though has a usage about it that is tilted toward intensive extractive development. And so carrying capacity has tended to focus on individual resources such as timber. How many board feet can we get out of the forest this year? What is the carrying capacity with respect to timber?

For someone who believes in multiple use and the connotations it has, carrying capacity would fit within that framework. Sustainability, could be described in the same terms, but I think most people discussing sustainability are not using the term carrying capacity because of its connotations. Not what it might be, but how it might be defined. Sustainability looks at different aspirations toward a land base. Sustainability would not attempt basically to measure the optimum output from different specific resources but rather would look at all the demands on the land.

I think the first question in sustainability is, What do we intend to sustain? And it would include things such as beauty or even recreation opportunity, which have not traditionally been included within carrying capacity although they could be.

Mr. MILLER. Professor Emmons?

Mr. EMMONS. I would just add that I think the people are socially connected, vertically and horizontally integrated. In other words, they feel a certain responsibility to their community, and they feel an even greater responsibility to their great grandparents' generation that built whatever it is that they are using. They feel a responsibility to their children and grandchildren. They are going to take care of the land and ensure it sustains itself.

The problem arises when moving on becomes more important than staying put. And the laws I think were written to encourage moving on. The social consequences of that are well documented, but the environmental consequences I think need to be addressed. Sustainability cannot be determined on the basis of next week. Can we sustain this cut over the next week. I think it has to be determined over the basis of the next millennia. Can we sustain it over the next hundred years and more.

In 1967, when I got to Missoula there were probably 15 small lumber mills, and they sustained their forests for a lot of different reasons. There are now essentially two mills. One possible reason is that the small lumber mills could not afford the air pollution devices that were mandated by State and Federal law. It could also

have something to do with Federal forest policy and the availability of timber. The consequence of this was that a lot of reasons for sustainability were lost. The smaller firms, I think, took care of the forests because they had no choice. They had inherited them from previous generations; they felt a responsibility. They wanted to pass them on to the next generations. They felt an even more powerful responsibility.

I am not sure that the corporations that now control those 15 mills have similar feelings. Sustainability is now determined in weeks not in centuries.

Mr. MILLER. Mr. Stewart.

Mr. STEWART. Mr. Chairman, I am just a lawyer I don't know if I can answer questions like that. But I would like to say I agree with Professor Wilkinson. We have to list those things we feel strongly about sustaining. We should include the things he mentioned, but I would add to it that we ought to be able to list sustaining small-town rural America, here in the West and elsewhere, as a unique natural resource that we cannot ignore and the loss of which I think we would all suffer from.

Mr. MILLER. But essentially, and you can all correct me immediately if I am wrong, but there is a history of small town America that goes back in time that maybe better reflects Professor Emmons' discussion, and that is many of these towns throughout the West were there temporarily while things were going well—whether it was timber or mining or farming or ranching—and then when it was played out it was played out.

It was gone and people moved, and remnants in some cases are still left. People still live in some of those towns, but they are not the same towns. You could see this in our tour last week of some of the mining communities. Those mines are going to be there for, in one case, another two or three years. Then, essentially, the mining activity is gone. Some of the crushing and refining will continue. In other cases, in ten years they expect to be gone. Yet they have brought thousands of people to those towns.

When the West was relatively empty, you could go out and build a town and you could extract a resource and you could move on and do it essentially without a lot of consequences to your actions. If you drive West or drive East from Sacramento, you see miles and miles of tailings from where they dredged the river for gold and when they used placer mining and washed down mountains. A horrible event. But in the time frame in which it happened, the consequences were not terribly great. The river cured itself, and there were not many people. Today you could not do that. So when you list these things that are sustainable, it is a much different list than you might have drawn 25 years ago—not 50 years ago, but 25 years ago in terms of the communities. And many of those things that would now be on that list as needing to be sustained are inconsistent with other activities, I think.

Mr. WILKINSON. Mr. Chairman, let me give one quick reaction to that. First, I agree with Mr. Stewart's comments about sustainability, and of course, I was giving just a couple of examples of what we might want to sustain. He is absolutely right to bring community issues into it, and the idea, as I think of it, of sustainability is economic, environmental, and cultural sustainability. At

the same time, the point you are making is right and it shows why we need to be so site-specific in the way we approach these issues.

Now, hearing you talk, I just made this quick list of the stability of traditional resource communities and I would say that the least stable, over time, have been the mining communities. Next would be timber which, with the fall down and the cut, we have seen some timber communities lost over time. Then the most stable, I would say, have been the fishing communities in the Pacific Northwest until very recently, but for 100 years they were very stable. And then the farm/ranch communities that have been extraordinarily stable. They have not been communities that have packed up and moved on. And the ones that have been lost, really—and they are not large in number—have been ones where water rights have been bought out by the cities. One place that has happened is on the Arkansas river in Colorado. But, basically, those farm/ranch communities have been very stable.

So it seems to me we need to parse out in particular areas what has been the history of those communities. And so to put it a slightly different way, in terms of imagining what should be sustained with a community and other interested people attempting to define that, I would think of a mining community, for the reasons you suggest, as having relatively few equities, when you try to balance this all out, but the farm/ranch communities, in my view, have quite large equities.

Mr. MILLER. One last question and then I will go to my colleagues.

How far can you go to maintain your sustainability? Los Angeles is probably going to go to Arizona to look for water and has built power plants in New Mexico to sustain itself. Las Vegas is looking, we heard, at Elko because the mining industry found all this ground water. Maybe Las Vegas is interested in that 88,000 acre-foot of ground water that they think is going to be generated in that aquifer.

How far can a community go to sustain itself by using the resources of other communities or other ecosystems in the West?

I am sure that if Senator Jackson had not made it a felony sometime in the 1960s to think about the Columbia River, that California would be dipping into the Columbia River. But it is a felony to think about diverting water from the Columbia River to California. So stop thinking about it. But how far do you get to go?

Southern California once had plans to go to the Peace River in the Yukon to get both power and water to sustain it. What are the limits here?

Mr. EMMONS. I think there should be sort of set-asides. Mining and water should be set aside and distinguished from pasturage, agriculture and forest. Mining, by definition, is self-consuming. It destroys itself. And most of the ghost towns in the West are mining towns. I think this is a definitional part of doing it.

What you are talking about is the mining of aquifers at some distance from the place where the water is going to be used, but it is still mining. And I think it carries that same self-destructive tendencies inherent in it.

So in terms of the use of water, the problem is acute, immediate and requires congressional attention. Sustainability of forests, of

pasture lands, of agricultural lands is at least possible. Sustainability of mining, and I mean the mining of water as well, is not. So I think they are two very separate issues and should be approached as such.

Mr. MILLER. Mr. Stewart.

Mr. STEWART. Mr. Chairman, I appreciate that with your last two comments you have provided me with ammunition on a major point I want to make. That is that so many of these issues ought to be dealt with at the State level when possible because there is no single circle around the West to say this is the West.

Those communities that you visited, I would have to say, are largely not in Utah. Utah was settled by a very different group of people than those who settled the mining towns in Nevada and California. Utah was basically settled by Mormon pioneers and others who came to settle and live a fairly agrarian lifestyle. In fact, the early Mormon pioneer leaders worked hard to keep the mining industry out of the State of Utah because they did not want that influence here. That is true not only for Utah but also southern Idaho and parts of California.

So we have a very different basis for our economy, perhaps, in this State, and the way and means in which we are settled. So I say let us in Utah, wherever possible, deal with those issues.

The second point I want to make is that, on the question of sustainability of a community—small community in particular, whether it be a mining community, a community based on the lumber industry or farming and ranching—the thing I would want us to avoid is an openly hostile attitude and openly hostile actions that lead to the undermining of those economies in contrast to a more balanced approach which recognizes their sustainability as an important part of the ecosystem and that perhaps we ought to pursue more moderate policies to allow that ecosystem to be maintained.

Mr. MILLER. The point that I am interested in is that your view of sustainability says a lot about what it is. It is like the people down in the biosphere. I don't know what it will take to sustain that, but even in Utah, like in California, once you thought you had cheap Federal money, you thought you could move water great distances for a whole series of purposes. Once the money got expensive, the purposes started to change by will of the people in the State. They said we will not finance that system for that purpose. We will finance it for a metropolitan water system in Salt Lake, but the water is coming from the other side of the range.

So to sustain this city, you have had to reach out. To sustain Los Angeles, people had to reach out. Again I am not convinced that sustainability is as inexpensive as it is presented, because it does suggest that there are going to be limits, whether they are imposed by the State or a community or the Federal Government on the use of Federal lands. Just the notion of sustainability says that you cannot have it all.

Mr. STEWART. Mr. Chairman, I know your history in government. I know you have shown a willingness to expend Federal dollars to protect the environment and to bring about a sustainable ecosystem in many places. I would again have to contend that spending some dollars to sustain small-town rural America is worthwhile also because it is part of the environment.

Mr. MILLER. You are not getting an argument from me. The history of the West is that the big and powerful got the most. And it is sort of like two skin divers. If all of a sudden you start sucking on my oxygen, I want to know who we are sustaining here.

When people look at Los Angeles, and they have their eyes on Arizona water, Arizona cotton farmers and communities are asking, who is sustaining who? It is just a conflict I think that is inherent in the West.

When you get into forestry issues, you have people on the East Coast asking, what are we sustaining here? Those are Federal lands; those are Federal reserves; those are ancient forests; those are things we may want to save for our grandchildren. So sustainability has its limits in terms of what you can borrow from others to keep it going, I think.

Mr. HANSEN. George, we worked so hard on that last water thing. It took us years to figure out how to do it and who got the benefit of it. And right now I think of the folks you mentioned in Las Vegas who are looking at the Central Arizona Project water because they cannot afford that expensive water on that somewhat sub-agricultural ground, and they want to figure out a way to do it. So I guess those are some of the things we do have to figure out.

I appreciate the testimony of the three witnesses. They are very interesting. I appreciate the education we got on the history and some of the other areas we got into about various laws. If I may say so, very respectfully, I think, in a way, we got a philosophical argument from two of our witnesses and a hands-on from the other witness. Mr. Stewart has to take care of applying these laws that we give him. He has to work these things out, and it is a little tough sometimes to see a philosophy or a policy come out of Washington and then we give it to the State and say do the very best to make this work. It is sometimes easier to take the other side of it.

Mr. Wilkinson, I appreciate your interesting comments. In a way, I respectfully disagree with you on a couple of minor areas. For example, I think you just rewrote the 1964 Wilderness Act when you said the BLM had come up with a flawed approach to the proposed wilderness in the State of Utah. Ten years ago we finally signed the first Wilderness Act in the State of Utah, which I and Senator Garn sponsored.

I still remember how diligently we tried to stay with the criteria established in the 1964 Wilderness Act: no roads, no power lines, untraveled by man, as if man was never there. I respectfully point out that the people who did the BLM wilderness study in the State of Utah spent about \$8 million to \$10 million of taxpayers' money, and we watched them carefully. I have been in Congress 14 years now and I was with them, worked with each director that came along and tried to follow the criteria the State have been given.

If you accept the premise the 1964 wilderness bill is flawed, then I am sure you can accept the premise that the work they have done thus far is flawed. However, I think they have done a relatively good job on it.

You did bring up some tantalizing things on population growth. Boy, talk about the most unanswerable thing I have heard for a long time. I say that respectfully. I wish there was an answer to

your question. But I don't know what the response would be from this committee or Congress. Maybe we have to petition someone higher than all of us to answer that one. I just do not know how you are going to answer that regarding population growth. That is an issue I try to stay away from myself, if I may say so. Maybe these more daring Members on the majority side can handle that one. I do not like to get into that one.

Mr. Stewart, I want to, if I may, ask you to expand on what you said about the Federal Government not living up to their end of the bargain on the Endangered Species Act, especially the desert tortoise. If you would expand on that a little bit, I would appreciate it.

Mr. STEWART. Congressman, the State of Utah has been a follower in a sense. The effort to designate roughly 60,000 acres of land in the Washington County area as a habitat for the desert tortoise was taken by the county in a very significant effort. U.S. Fish and Wildlife, Bureau of Land Management, and the U.S. Forest Service have been participants, and for roughly four years we have been trying to negotiate a deal that would set aside these 60,000 acres.

Within those 60,000 acres are roughly 11,000 acres of State trust lands with an economic value estimated between \$100 million and \$250 million. There are also some thousand acres of private lands with an estimated value of upwards of \$50 million to \$100 million. And the key element of the habitat conservation plan is the idea we must trade out those State trust lands and those private lands for lands of equal value elsewhere in the State.

The State of Utah was quick enough to gobble up all the potential lands in Washington County. The private land owners came late to the game and have been trying to find some lands in Clark County, Nevada, that would be of equal value.

The plan has been finally approved by the county. It has been submitted to the U.S. Fish and Wildlife Service. We have indications that it will be approved. But without the exchange of these private and State lands, the deal will not happen. And the concern is that suddenly we are meeting opposition from Washington to the exchange which would allow the private landowners to get equal value.

We are doing everything we can to convince those parties who have become a roadblock to change their minds, but we have not been successful. And it would be unfortunate. This would be the most significant habitat conservation plan in the country by far and would do a great deal to protect the desert tortoise long term, but also allow the continued growth in that fast-growing part of the State.

Mr. HANSEN. Regarding what you are talking about, Representative Shepherd, we worked diligently to try to get that thing through, and Chairman Miller and Chairman Vento helped us out. Now we have a block on this thing. That is the whole idea behind it.

Mr. STEWART. The block is primarily in the delegation from Nevada opposing it, and I would have to say we have been disappointed at the unwillingness of U.S. Fish and Wildlife Service to do more to try to convince them that this exchange is necessary.

Mr. HANSEN. With regard to the BLM grounds of the State, I remember way back in the days when I was Speaker of the Utah House, we did a study to determine how much money it cost the State of Utah to administer the public lands owned by the State. Then there was always an imaginary line somewhere and the Federal Government was always contiguous to it. It cost a lot more money.

Why is that so? I kept asking BLM and never got a straight answer why it cost so much more money to administer the public land than it did in the States of Utah or Nevada, Wyoming or Montana?

Mr. STEWART. Congressman, that is an excellent question and I really don't have an answer to it. I have personally never seen their figures. I have a philosophical view that government closest to the people is usually more efficient. The people have an ability to affect our decisions, and if they do not think we are doing things in a cost-effective manner, they let us know. Our legislature is very, very cognizant of budgets. We are not allowed to deficit-spend.

We recently, within one of my divisions of Wildlife Resources, estimated a budget deficit, and I had no choice but to start laying off people. It is just the difference in the philosophy of government and deficit spending and the closeness and oversight by the elected officials.

Mr. HANSEN. One of our courts once said, following the civil war, that all the public land within the boundaries of the State should be administered by the State. I think it is a wonderful idea. Could you administer the State public lands in your position?

Mr. STEWART. I think we could, and I think we would do a good job of it.

Mr. HANSEN. Thank you, Mr. Chairman. Mr. Chairman accused me once of coming up with this outrageous idea on the floor, and I always like to drop one on him.

I always like to leave one with him before I yield back my time.

Mr. MILLER. You just did.

Mr. HANSEN. Thought you would like that.

Mr. MILLER. Ms. Shepherd.

Ms. SHEPHERD. Thank you very much and thank you for your testimony.

Mr. Wilkinson, I am ready to follow up on the point that Chairman Miller was making. I am trying to understand this idea of sustainability and I think it is connected very much to what Mr. Emmons is saying about staying put and encouraging people to become stewards and trustees of the land instead of user-uppers of the land.

I just wondered. You said it is vague now but we are already starting to see the outlines. What would you describe as the outlines you are starting to see? I am afraid I cannot see any yet.

Mr. WILKINSON. I will make one preface, and you will appreciate this, that these are very complicated matters and it takes a long time to work them through. We cannot do it all today but it is a great way to begin a dialogue.

Let us take two examples, water and timber, and take the year 1960 and the year 1994. In the Pacific Northwest, our idea of sustaining timber or sustaining—well, of carrying capacity really—was

to clearcut the old growth and then begin intensive harvesting of the second growth on the public lands in the Northwest. In 1960, our idea of water was to allow really unlimited extraction from the rivers.

Now, in just 30-plus years, here are what our ideas are, sketching them very roughly. In the northwest, we intend to sustain more than a high-level timber cut. We are, as a Nation—to varying degrees among varying people, but at the State and national level—committed to sustaining something new, which is biodiversity.

Now biodiversity is not an absolute. It gets balanced against different things, but if you look at Option Nine that the administration is proposing in the Pacific Northwest, it is a fundamentally different idea about the forests of the Pacific Northwest than existed in 1960. It shows we intend to sustain animal species. We intend to sustain the regenerative capacity of the ground so that it will receive water, hold it for downstream developments, for salmon. We have a much broader view of forests, and we are trying to sustain different things.

In 1992, this committee was the chief force, and the chairman was the chief force within the committee, behind a bill that we still do not fully understand the ramifications of because there are so many and because it represents such a fundamentally different shift in the way we look at our rivers. What this committee did, I think, was very much in the spirit that people will be discussing today because it was not really a Federal law mandated from Washington; rather, it was 40-plus settlements, really at the local level, that Congress was involved in and Federal agencies were involved in but that had broad local participation. So it was not that Congress mandated what to do with the dams on the Elwha or that Congress mandated what was going to be done in the Central Valley. You had strong local participation.

And other examples include the Navajo Generating Station on the air pollution issue, but which involves water and the regulation of Glen Canyon Dam. All of those titles reflected a fundamental different view of what rivers were and what we are trying to get, that is sustain, out of those rivers.

Instead of looking at them as places that hold extractive resources that we are going to take out and use at whatever cost, we now are determined to look at costs very hard to sustain other things in the rivers, to be concerned about social equities because the rights of Hispanic people in the Central Valley and of Indian tribes during consideration of that bill were of great importance. There were several Indian settlements in there and Hispanic issues played throughout.

So we have reformulated how we look at forests and how we look at rivers in terms of policy. And we are moving down the road. It is an evolving process. We are going to learn more. But if we think of sustainability, think of how we looked at the forests then and the rivers and how we look at them now. And think of the point that Congressman Miller brought up earlier, which I think is very important, about the cities—and the word, limits. It is a buzz word. And whenever anybody says there are limits, then people begin to tune out, and it is a word that I frankly rarely use. But you were asking, are we going to put limits on the cities? Well, I honestly

believe we now understand that the land and the waters are placing limits on the cities and that the cities cannot continue at the pace they have been continuing.

And I think that was an unspoken premise of your 1992 bill—that greater conservation has to be used in the cities and that Congress will be reluctant to build projects for long-distance conveyance. Although we are not going to have a sustainability statute that tells people what to do, you are now beginning to send out signals through your legislation that it is not going to be as easy for cities to move long distances into rural areas, the way we built up the Colorado Plateau after the war. That was really to benefit cities from El Paso to San Diego, from the Rio Grande to the Pacific—we did that for energy and for water. But this Congress is going to be much less willing to hold open the plateau.

And one reason is there are a lot of people on the plateau who do not want further intensive development of that kind for outside interests. So we have begun going down the road of signaling to the cities that the interior West is not going to be at their beck and call; that we are not going to throw the West, the interior West, open. And that is a significant fundamental change, although it is not often put in exactly those terms.

Ms. SHEPHERD. Mr. Emmons, would you fit sustainability into the history of all of this mythology that you were describing?

Mr. EMMONS. I think the key word is limits. The nineteenth century did not acknowledge any. It could not. If it acknowledged limits, then the entire theory broke down. So it was easier in the nineteenth century to say there are no limits; the trees and the water will last forever. But it seems to me it is a very simple question to be posed: Can Los Angeles sustain a population of 70 million people? Not without raiding someone else's water. Should they be allowed to do that? My answer, I guess, would be no.

So you do not manage for settlement, as was once the case—you manage for sustainability. There will be a lot of quarreling among various groups as to how many people Los Angeles can hold. What is the maximum number? But we have a tendency, and it served us reasonably well over the last couple hundred years, where we look for technological quick fixes. Desalinization. That comes to mind right now. But if it does not work, then clearly, we have confronted here a very finite resource: Underground water in the West and the ability to move it from place to place.

Once the limit is acknowledged, I don't know how you tell people, I am sorry, you cannot move to Pasadena. But you can certainly draft laws; that is what laws are for that encourage people to move somewhere else. If it comes to that—I mean, sooner or later you will run out of water.

It has to happen. It will happen in Tucson; it will happen in Phoenix; it will happen in El Paso; and it will happen in Los Angeles.

Ms. SHEPHERD. It is going to happen in Salt Lake City.

Mr. EMMONS. I did not want to say that because I did not know that. But it is like mining. You are mining water. The resource is finite. Once that is acknowledged, I think laws can be drafted with a longer view.

We have also taken a very short view of sustainability. Can we survive until next week? Can we survive until next month? But I think we have greater responsibilities than that. I think earlier generations of American lawmakers thought in terms of centuries not decades. I think this generation should do so as well.

Ms. SHEPHERD. Mr. Stewart, I am glad to have you here, particularly in this discussion, because I think that the key question here is a political question. It is one people like you and me have to answer. I think the fear of many people in our community and of many people in the Federal Government and the agencies, is that States will be more reluctant than the Federal Government to place limits, if limits are necessary, because States come under more direct pressure, more immediate pressure, and they have more reason not to place limits than the Federal Government. This is the whole issue of "who is in charge here."

As you know, I believe communities should be squarely in the middle of this discussion. I think States ought to have a powerful and profound influence in this, and yet I would love to hear you address the issue of whether or not you think it is politically possible for States to draw a line before we have lost too much, wherever that line is.

Mr. STEWART. Thank you.

May I note that, perhaps historically, the States have been slower to respond to the issues of sustainability and other currently politically correct terms. But I think we can use the State of Utah as an example in several areas. Number one, the State of Utah passed its first law regulating the oil and gas and mining industry in terms of requirements on bonding and rehabilitation in 1975, before the Federal Government did.

In fact, our greatest concern in the proposed mining law reform of this year does not deal with the questions of royalty or patenting rights or anything, it is a fear that you will supersede existing State laws and mess up what we think is a good system. The State of Utah, again, was doing that before the Federal Government did.

Another example would be in the area of ground water. We have a potential great concern about our ground water problems in the State of Utah. My State engineer has become aggressive in dealing with these issues on a local basis and has reached a point where, in one specific county where he is getting ready to start shutting down wells, I think we can do it much more effectively than can any Federal agency.

A third example would be in the area of in-stream flows. We are currently in the process of trying to establish some in-stream flows in a small river in central Utah, the San Rafael River. The Division of Wildlife Resources has the ability to have water rights for the sole purpose of in-stream flow. We are opposing the local county and local water people on this issue. They do not like the fact we are trying to do this, but we are showing our willingness to do it not only for the reason of in-stream flow protection, but also for other reasons that I will not go into detail.

My point, Congresswoman, is this, that we are aggressive, and I think other States have similar records to show that we are more sensitive: We are dealing with these issues in a way that will allow

local input, local concerns to be met, but also dealing with the global issues at the same time.

Ms. SHEPHERD. Thank you.

Mr. MILLER. Mr. LaRocco.

Mr. LAROCOCO. Thank you, Mr. Chairman.

This has been an interesting discussion. I will not take much time, otherwise I will have to make a reservation and spend the night here. But as we move along we will have more local input, which I think is proper.

One of the most important things we hear as policymakers in Washington, DC, is to look at site-specific examples and to try to legislate appropriately. I think this example of the desert tortoise is a good one that we should pursue, but I would even extend your attention to the Bruneau Hot Springs snail in Idaho, where that was a groundwater issue and not really an ESA listing problem. Although it was threatened, we found they were just sticking all these straws in the ground and what the Bruneau Hot Springs snail was was an indicator that the aquifer was being depleted. We had to turn to the State, and hopefully, they can resolve the issue.

I think what we need to do in the West, too, is have some continuity of policy and thought. Idaho's governor, who served as a former Secretary of the Interior, might disagree with some of your thoughts and policies, Mr. Stewart. I don't know if it would be violent disagreement, but in some ways I think he wants to work with the Administration. He does not believe there is a war in the West, but he is a believer in States rights and he wants to move us along. And I think that we have to get this debate moving and resolve these issues as fast as we can.

Mr. Wilkinson said earlier that sustainability was aspirational. In some ways it is aspirational, but the Northwest Power Act, passed in 1980, elevated fish to the same level as power generation and recreation with respect to the dams on the whole Columbia system, yet the fish runs declined during that time. That was not merely aspirational; that was in law. And somebody was asleep at the switch and now we have to pay the price.

You mentioned the fishing industry that will be in decline. NMFS or the Department or Congress are having to deal with this. It is not just a dam problem, D-A-M problem; it is an upstream habitat issue that is affecting us and we have to come to grips with this.

The Endangered Species Act is putting a tremendous amount of pressure on my district, all the way from the woodland caribou to the Bruneau Springs snail and grizzly bear and salmon in between. We just have to come to grips with this.

I would say, as a westerner, that there is a little sagebrush rebellion in all of us, but now we have to decide how much sagebrush rebellion there is. Do we want to return to the days of James Watt? I hope not. I think not. But where do we go from here? Are we the cleanup crew for policies of the Reagan-Bush years? Yes, somewhat. Still, we have to move forward.

I find this to be a fascinating discussion, but we do have to come together, it seems, Mr. Chairman, in the West and quit fighting among ourselves and come to grips with this. And I think the point Mr. Stewart made is really important about the reform of the 1872

mining law with the reclamation standards. I share those concerns, and I think the State governments will play a major role as we go to conference on this issue, and I hope that we can really resolve it.

I think we should look for examples out West where we can make these laws work, where we can show that governing is possible, and then amend the laws where needed. If we can make this desert tortoise issue work, I think we will have set a very important model for the ESA, NFMA or for other public policy initiatives. I wish you success in your efforts. I think that is incredibly important to us to have these examples.

I am working on the Kootenai white sturgeon issue, for example, to get the Federal agencies to speak to one another. That is a big chore in itself. They have not done that in a number of years. So we get site-specific out here in the West, Mr. Chairman, and somehow we have to legislate, but we have to get on with it.

This committee dealt with the ancient forest issue legislatively, and then we abandoned it and stepped back to deal with it administratively. We thought this Administration could save the environment and jobs too. Now we are stuck almost with neither, and we are paying the price of no timber in the pipeline affecting housing starts, in my opinion. I have a timber sale program in my district that is crashing. We have forest health problems to be addressed, and we have distrust and mistrust of government on the rise.

That is more of a statement, and I apologize for that, but how much sagebrush rebellion is there now, Mr. Stewart? I am wondering. You have a little tinge of it in your statement.

Mr. STEWART. My philosophical basis is not sagebrush rebellion, it is States' rights. It is a philosophical view that we at the local level can do a better job than at the national level—and that is across the board, not just land management.

I recognize the ownership of 67 percent of the State by the Federal Government, and I am not here today to argue that we ought to take it over, but I do believe that at the local level we can do as good if not a better job than is being done nationally.

Mr. LAROCCO. Thank you, Mr. Chairman.

Mr. MILLER. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I appreciate very much your invitation, and certainly for the members of your committee to come here as far West as we can get to conduct this hearing. I certainly want to commend you for making this effort. I think it is about time those of us in Washington should go out and see for ourselves the root and the real issues affecting the lives of the people living in the several States.

I am perhaps probably the oddball among the members of the committee here. I am not from the West; I am from the South, and about as south as you could ever imagine it to be. I appreciate very much the testimonies that have been presented this morning; certainly a very unique perspective as far as the West is concerned.

I suppose you might say a more memorable occasion for me to be here, since part of my schooling was here in the State of Utah. As much as I wanted to taste the cold and the snow and the skiing and all of this, I feel maybe the coconut trees are still more to my

liking, even though I am sure the skiing is one of the best sports that could be invented by the hand of man.

I do appreciate this very much to the effect that, as Professor Emmons stated earlier, I do not know if the State of Utah runs into his description of excessive numbers of easterners who are looking for employment. In fact, Utah stands quite differently in the fact that the early settlers that came to this valley simply wanted to escape religious persecution, supposedly protected under the provisions of the Federal Constitution. The Mormon pioneers came here to settle in this valley and became prosperous, and very much so, as we have witnessed the settlement of the Great Salt Lake valley.

The question I have—and maybe Professor Wilkinson could help me with this—is, where do the land and water rights of Native Americans fit into the picture? Or is there a picture or perspective as far as the needs of the Native Americans in the western States?

Mr. WILKINSON. I suppose I would say that so far maybe we have not mentioned Native American rights as much as would be appropriate. They own 5 percent of the West and have become very important participants in the making of public policy.

I would just say briefly that the resurgence of tribal sovereignty over the last 30 years has been an inspiring social movement and one that has made a real on-the-ground difference. Whether you take the reservations in this State or across the West, tribes are probably, without exception, doing better than they were then and they have done it by themselves, by their own bootstraps.

And Gail Small will testify later on the last panel, but I think maybe one of the first points the tribes would make is that, when we are talking about local government, the tribal governments are the local governments within their reservations. State authority is very limited, and it is tribal authority that is in place. That is why most of the laws that this Congress has passed in recent years, when it has defined State, have included Indian tribes within the definition of "State." So they have regulatory authority under the pollution acts, participate in revenue programs.

They are governments; they are sovereigns; and they are the relevant local government within Indian country.

Mr. FALCOMA. I know most of the western States substantially, as far as the lands are concerned, are owned by the Federal Government—as Mr. Stewart stated earlier, 67 percent of the land in Utah is owned by the Federal Government—and I wanted to ask the members of the panel, Why should the Federal Government own these lands? Should they not be transferred to the respective States for proper management; or is this an issue that you would rather not discuss?

Mr. EMMONS. Happy to discuss it.

No, they should not be transferred. Historically, the Federal Government has done a much better job of managing affairs of the sort here under discussion than the States. They have taken a longer view. I submit they should take a longer one yet.

But State management of natural resources and land has been—historically, their record is not even mixed. It is not a particularly good one. As a native westerner and a resident of a western State,

I would be horrified to see the transfer of Montana's Federal lands to Helena. I am not sure I trust you guys either, but—

Mr. FALCOMAVAEGA. When the Federal Government decided to conduct a nuclear underground test in the State of Nevada, did you think the State of Nevada had a say in the process?

Mr. EMMONS. Should have.

Mr. FALCOMAVAEGA. But probably did not?

Mr. EMMONS. I would be the last in the world to argue that the Federal Government's record is of unmixed philanthropy and benevolence. It is just these are not Utah lands. These are not Montana lands. They belong to the people of the United States. They have a stake in those lands. Decisions regarding land use in Montana affect the people in Massachusetts, and they deserve to be represented.

Mr. FALCOMAVAEGA. Professor Stewart.

Mr. STEWART. I think I have had the chance to express my view on that.

Mr. WILKINSON. I would just say briefly that the fact that the public lands are still in Federal ownership is a historical accident. The fact is that we citizens of the United States did not have the capability of taking over all those lands. They were offered up, they were there, but it was not possible economically and physically to transfer them all to private hands, and so it was a historical accident.

But I think that the fact of the public lands—let us leave aside who manages them—but the fact of the public lands being held open for all of us to be able to go to is really one of the most precious possessions of westerners and, to some extent, easterners also. There is no serious movement to transfer the public lands, and I would be very surprised to see one develop.

Mr. FALCOMAVAEGA. Thank you, Mr. Chairman.

Mr. MILLER. Thank you.

Maybe it is a distinction you choose to make, given your point of view, but I think to say these lands are owned by the Federal Government is to miss the point. The fact is that they are owned by the people of the country and the Federal Government holds them in trust for the people of the country. And those of us who come and go in positions of policymaking, be it Presidents of the United States or Members of Congress or the executive branch, in terms of the agencies, we are there administering those lands in trust.

And decisions about the Northwest forest, people east of the Mississippi are shareholders in those decisions. That does not forgive you the responsibility of being a good neighbor, but certainly I think we have to recognize that that is a basic fundamental philosophy of this country. It may have been a historical accident, but it is deeply engrained, and you find that in the Congress.

As we know, and as you said, 30 million people came to the plateau and 4 million people came to Yosemite. Those 4 million moved on to other parts, and that is where we get the 30 million. The fact is that that is a great American adventure still today, to visit the public lands of the United States.

I find it rather interesting, in the time that I have been the Chair of this committee and maybe even a little bit before, most

of the big changes that we made—whether it was the operation of Glen Canyon Dam or the Garrison Project, the oldest and great, great water project in the Dakotas, or the Central Valley Project—those were not at the behest of the Federal Government. There were those of us who were pushing for that, but the fact is those changes were responding to constituencies within those States, within those regions, that wanted things to be different.

I find it rather interesting. When I started the fight for Central Valley water reform, I was all by myself. I ended with the chairman of the board of Chevron, of TransAmerica, Bank of America, Wells Fargo, calling the President of the United States and saying, we must reformulate the way water is delivered and extracted in this State, or this State cannot grow. Now, I don't know if I am comfortable in that company, but the fact is that is where we ended up.

Because in the State of California, every business organization in the State, except for Central Valley agriculture, made a decision that the long-term interest of this State was to start putting water back into the streams, take care of the fishing industry, and to think about urban development and economic growth beyond agriculture, which is large but stagnant in our State.

The same was true in the Dakotas. When one of the plans was to dam parts of the Platte River, people said no, no, no, we like this ribbon. We like the fact that the geese come here. We think it is important to our economy.

In Central Utah, the original design was to irrigate alfalfa in the desert. People finally said, I believe on a referendum, we do not want to do that; we are not going to foot the bill. Think of something else to do with that water. These were local initiatives.

Glen Canyon came from the people in Arizona that said there are multiple uses to this river, it is not just hydroelectric power. And the final one, of course, is the Northwest. There were numerous opportunities where members of the Northwest delegation could have interrupted what was taking place in the Northwest over the last eight or nine years. They knew there would be hell to pay if they ever thought they were going to say that we are going to do business the way we have done it in the past. And they had to let that process grind on because of a huge political constituency.

And I think that is the difference between the "lords of yesterday" you talk about, Professor Wilkinson. When that was happening, the externalities were not completely understood and they were spread across a landscape that was sparsely populated. But today, you screw around with the dams on the Columbia River, and you are putting the fishermen in northern California out of work and you are threatening the tourist industry and the guiding industry in Idaho.

So we have become much more knowledgeable about what happens and the interweaving of all of these actions. So that somewhere 400 miles south of my district there is a sign that says Los Angeles city limits. The real city limits of Los Angeles are in my district because that is where the pumps are to send the water south. That is where the sign should be. Those are the Los Angeles city limits.

Or if you go hiking in the Sierras just south of Yosemite you will stumble across a very large man-made lake. The city limits should be there because that is Los Angeles Water and Power, 350 miles north of the city. And when we talk about these changes in the West, I think we are talking about a recognition that a lot of these actions are no longer conducted in a vacuum of knowledge or consequences.

You could go off and dig a hole in the ground somewhere in Nevada 50 years ago and you would be lucky if anybody knew you were doing it. Today, because people are moving back and forth across the West so dramatically, everybody knows what everybody else is doing, and there is interest in how that is going to affect them.

I was amazed in the mining industry, the kinds of requirements that the State was interested in from the interruption and the re-supply of groundwater when that industry was going to leave in 10 or 15 years, to the flows that they were expected to achieve and how they were expected to achieve those after the industry left. Twenty years ago, nobody would have thought about it. Never would have thought about it. But now the States say to themselves, water? Eighty thousand acre-feet of water in the middle of the desert? Must be something valuable here to retain.

So that is the interplay and the rubs that I think we are seeing. And it is not just Federal lands in the State of Utah or in the State of Nevada or even the State of California. We have Federal lands and then we have the railroads, and that is our land base. But it is the recognition that it really is a multiple-use policy, which does not mean every use on every acre of land. There are, however, competing interests, and now the competing interests are the people and the communities of the West for some of this.

I am concerned that when we suggest in a pejorative sense that it is the Government of the United States that owns these lands, it really is not. It really is not. It is the people of this country. Just as the government does not have any of its own money, it has people's money, and we who operate those in whatever fashion we do with or without criticism.

Any other questions from the panel? Any other statements you would like to make or—

Mr. EMMONS. I would make a quick disclaimer.

I wanted it understood that the safety valve that I talked about was described as a myth—it did not work—to both of you. I am not suggesting for a second that the West was filled up with unemployed and rebellious eastern working men.

My point was that the Homestead Act probably ended more strikes than the use of the National Guard or the calling out of State militia. The West, in other words, was answering to eastern needs. But I certainly did not mean to suggest the West was filled up with the—

Mr. MILLER. The NAFTA of yesteryear?

Mr. EMMONS. Exactly right. It was the myth. The safety valve did not work.

Mr. MILLER. I notice in some cases—and I say this to other witnesses—that some people's statements are in draft form. The record will be held open for two weeks for those who want to sub-

mit statements to the committee or comment on what they have heard today and for people who want to finalize their statements.

Thank you very much for your time and your efforts and your insights, which I think are very, very helpful to us. Thank you.

Our next panel will be made up of Ed Whitelaw, who is a Professor of Economics at the University of Oregon and President of Economic Consultants Northwest, both in Eugene, Oregon; John Cromartie, Population Geographer with the Economic Research Service, U.S. Department of Agriculture; Louise Liston, County Commissioner of Garfield County, Utah; and Bill Hedden, Vice Chairman of the Grand County Council and Chairman, Canyon Country Partnership, Moab, Utah.

Welcome to the committee and, again, your statement and whatever accompanying material you have will be placed in the record in its entirety; and you should proceed in the manner in which you are most comfortable.

And, Mr. Whitelaw, we will begin with you.

**PANEL CONSISTING OF ED WHITELAW, PROFESSOR OF ECONOMICS, UNIVERSITY OF OREGON, AND PRESIDENT, ECONOMIC CONSULTANTS NORTHWEST, EUGENE, OR; JOHN CROMARTIE, POPULATION GEOGRAPHER, ECONOMIC RESEARCH SERVICE, U.S. DEPARTMENT OF AGRICULTURE; LOUISE LISTON, COUNTY COMMISSIONER, GARFIELD COUNTY, UT; AND BILL HEDDEN, VICE CHAIRMAN, GRAND COUNTY COUNCIL, AND CHAIRMAN, CANYON COUNTRY PARTNERSHIP, MOAB, UT**

#### **STATEMENT OF ED WHITELAW**

Mr. WHITELAW. Thank you, Mr. Chairman. Thanks for the invitation to speak, and I will be brief. I have three points to make. They are somewhat distinct points, but then I will try to weave them together. I will begin by building on Professor Wilkinson's and Professor Emmons' historical perspective.

The first point is really a terribly brief course in regional economic history of the United States. I will do it first in one sentence. First in the Northeast, then in the Midwest, the South and the Coastal West, and most recently, in the Rocky Mountain West, industrialization and urbanization began rather slowly and then accelerated. That is it.

Now I will give it to you visually. Imagine me as a hockey stick. I will use my cane. Here is the hockey stick. Here is the handle or the shaft, and here is a blade sticking up in the air. Along the horizontal axis we will measure time. Vertical axis will measure industrialization and urbanization, or jobs, or however you want to define some kind of economic activity.

During this long, slow period of our history, whether it is extracting codfish off the Grand Banks of Newfoundland, or fir out of Hudson Bay, or logs and so on as you march across the country, the slow growth in jobs and population stemmed from extractive activities. That is where the growth came from.

There came a point when population was large enough that entrepreneurs could produce locally for local consumption what previously the local population had imported. That is called import

substitution. And once begun, it tends to build on itself. That is what gets us off this long handle and onto the blade.

In the Rocky Mountain West there are a few cities that may have made it up on, and clearly have made it up on, the blade. I mean there is Phoenix, there is Denver, Salt Lake City, arguably Boise, Billings, and clearly, there are a number of timber-dependent or mine-dependent communities, rural communities, that are still down getting the shaft out here on the handle. But that is the framework for what is happening and the economic forces determining the transformation, the structural changes and so on. It has occurred all the way across the country and is occurring in the Rocky Mountain West.

I will move to the second point and I will introduce it by using an anecdote. In Oregon, over the years, I have served on various economic development commissions and local Chamber of Commerce strategic teams, and so on. This is an anecdote from a conversation with a businessperson in Eugene. His name is Tony Reynecke. He is the head of a firm called Dynamics, and they produce and sell video games around the country.

In 1984, the company was started by two escapees from the University of Oregon's Computer Science Department. Today they number, oh, 150, 160 people, and several years ago I interviewed him. I said, so, Tony, where do you recruit these new programmers? Well, from around the country. I said, What share comes from out of State? Ninety-eight, 99 percent. What do you pay them? In the low 40s. What are their ages? Usually in the 20s. Do you pay under national rates? He said, Yes, we pay between 5, 10, 15 percent under the national rates that our competitors pay elsewhere. Why is that? Well, he says, it is an hour up to the Cascades for skiing, it is an hour over to the coast; some of them like to fish and so on.

That interview has been repeated by any number of folks throughout the Northwest, I presume throughout the West. The economics lesson from that is, each worker and, as it turns out each retiree in the West, gets in effect two paychecks—one denominated in dollars and the other denominated in forested mountains, clean streams, a low probability of getting mugged, scenic vistas and so on. That is, the second paycheck is quality of life.

If you push down on the second paycheck, you had better make sure you are pushing up on the first paycheck, or you will lose the population. But even if you push up on the first paycheck, if you push down on the second, a number of the industries on which we are betting our economic future are jeopardized.

Now, let me move to the third point. Again, I will go back with personal anecdotes. I did my undergraduate work at the University of Montana in Missoula and did my graduate work at MIT and Harvard. The courses I took in regional economics—this is a long time ago; early 1960s—the courses I took in regional economics, there came a point where we would study the analytical techniques for estimating economic effects of different changes or actions, whether it is a new firm moving in or it is a reduction in the supply of some resource, whatever. Various, they fall under the general category of input-output analysis.

We learned then, and I have taught year after year since then, there are serious flaws with these techniques. They are techniques that are applicable only under very special conditions. And one of their major constraints, one of their major flaws, is an inability to address the benefit side of many nonmarket, for example, environmental activities, or quality-of-life activities. They are very limited in measuring those.

Now, I will move to the office of some mid-level staffer in a State agency of natural resources, or any of our Federal agencies, whether it is Interior, EPA, even at NSF, for that matter, Agriculture and so on.

You walk in. We are sitting there in the office and here is this mid-level staffer that has just been handed an assignment to estimate the economic effects of some environmental action, say, the preservation of a desert tortoise or the conservation or recovery of the spotted owl in the Northwest. And the staffer is given a deadline of three months to come up with the economic effects. And the staffer turns around and pulls down from the shelf a manual, and the manual has the techniques that were in my textbook in 1959 when I took regional economics.

The techniques that are used today—and that goes for the principles and guidelines manual for water projects, it goes for the standard manual for estimating economic impact statements, it pervades all our major techniques—what these techniques fail to do is estimate that second paycheck. They fail to anticipate that in structural change, what is coming down the road economically in the West is now a lot more important for the economic sustainability of the West than what we did 10, 20, 30 or 100 years ago.

And with that single flaw, even with all these other plans, as you watch what we do with our programs, there comes a point when the policy goes through this lemon-sucking analysis, this evaluation in some middle staffer's office, and the technique that is brought down fails to measure what is in fact the essence of the economic present and future of the West, whether the Coastal West or the Rocky Mountain West.

Thank you.

Mr. MILLER. Thank you.

[Prepared statement of Mr. Whitelaw follows.]

**Testimony of Ed Whitelaw**  
**ECO Northwest (Eugene, Portland, Oregon; Seattle, Washington)**  
**Department of Economics, University of Oregon, Eugene, Oregon**

**Testimony Before the U.S. House of Representatives**  
**Committee on Natural Resources**  
**Salt Lake City, Utah**  
**7 April 1994**

**Overview**

The central economic issues before us is, How can we generate sustained growth in the number of jobs that pay high wages? There is no magic answer, but the evidence of the past several decades provides some important insights:

1. The extractive industries (mining, timber, agriculture) that supported much of the region's economic growth in the past *cannot and will not* provide new, high-paying jobs in the future. Indeed, these industries *cannot and will not* hold their own; they will continue to eliminate jobs and reduce wages.
2. The primary determinants of the region's ability to generate new high-wage jobs will be:
  - a. The region's ability to produce, attract, and retain high-productivity workers.
  - b. The region's ability to provide private firms with efficient economic infrastructure: public works, such as roads and sewers, as well as community services, such as law enforcement and day care.
  - c. The region's ability to control the spillover costs of industrial activity and urban development. These costs distort pricing signals, create inefficiencies, and restrict diversification in the geographic areas and industrial sectors that incur the spillover costs.
3. Every public-policy option regarding extractive industries has multiple economic impacts. Options that protect extractive industries have negative impacts on others—the tradeoffs cannot be avoided. The spillover costs of extractive industries generally weaken the region's ability to generate new high-wage jobs in the future.
4. The region's economic strength will increasingly depend on the strength of its metropolitan economies. Rural jobs and incomes are not independent of metropolitan jobs and incomes. Public policies can assist the economic vitality of rural areas only if they strengthen the region's metropolitan economies and the linkages between metropolitan and rural communities.

### Keeping the West's extractive industries in perspective

First in the Northeast, then in the Midwest, the South and the Coastal West, and most recently in the Rocky Mountain West, industrialization and urbanization progressed quite slowly for most of their history, and then accelerated. The explanation for this common pattern is straightforward. In resource-based, export-oriented economies, when logging, mining and other primary or extractive activities dominate, employment and population grow slowly. Eventually, the population grows large enough to persuade entrepreneurs to exploit the efficiencies that larger firms and larger cities can yield. They produce locally for local consumption what previously the population imported. Economists call this import substitution, a process that, once begun, tends to build on itself. The ups and downs of markets for raw resources have relatively little effect, and the economy prospers. (References: Mills & Hamilton, *Urban Economics*, 5th edition, 1994; O'Sullivan, *Urban Economics*, 2nd edition, 1993)

### The decline of the West's resource-dependent economies despite the rise of the West's economies

Broad, powerful forces have caused the decline of the West's resources industries, and these forces began before environmentalism and even today are unrelated to it. The descriptions and explanations of this transformation have been widely reported in the professional and popular media, from economics textbooks to banking newsletters, from the *Portland Oregonian* to *The New York Times*. In his recent book, *The Metropolitan Frontier: Cities in the Modern American West* (University of Arizona Press, 1993), Carl Abbott (Portland State University) addresses what he describes as "the precipitous decline of the Western resource economy."

"... large corporations have substituted sophisticated machinery for labor, extracting more coal or processing more timber with fewer workers." [*Sunday Oregonian*, Portland, December 19, 1993]

Oregon and Washington provide an instructive case study. In 1979, a cyclical peak, 14.7 billion board feet were harvested in Oregon and Washington and 133,800 workers were employed in lumber and wood products. By 1989, the next cyclical peak and prior to spotted-owl constraints, employment in the lumber-and-wood-products industry had fallen by 24,500, or 18 percent, to 109,300, even though the harvest level increased slightly, to 15.2 billion board feet. During the 1979-89 period the industry also cut the wages of the remaining workers, so that in real, i.e., inflation-adjusted, dollars, industry payrolls fell by 31 percent. Those were permanent reductions in jobs and payrolls, and they mean that, for each truckload of logs rolling out of the forest, there are 31 percent fewer bags of groceries, tuition payments, and other expenditures and savings by timber-related workers and families. And yet even in Oregon, which relies more heavily on the timber industry than does Washington, as its timber industry was shrinking, total employment in all the state's sectors increased by 23 percent (257,000 jobs) during the 1979-89 period. (Sources: Oregon Employment Division, *Covered Employment & Payrolls*, various issues; U.S. Forest Service, *Production, Prices, Employment & Trade in Northwest Forest Industries*, various issues)

The aggregate statistics for the eight Rocky Mountain states (ID, MT, CO, WY, UT, NV, AZ, NM) tell the same story whether measured in gross state product, earned income or employment. Mining's share of gross state product in the eight states declined from over 11% in 1977 to about 7% in 1989. Surprisingly, the extractive industries have been declining even in the non-metropolitan areas of these states. For example, the extractive industries' share of total employment or total payroll in the non-metropolitan areas of the eight Rocky Mountain states declined steadily throughout the 1980s. (Source: U.S. Bureau of Economic Analysis)

### **Environmentalism as an economic-development strategy**

The long-run economic health of the West depends increasingly not on sacrificing the environment but on protecting it. Throughout most of its history, the West has attracted industries that consumed environmental resources. As long as we had more forests to log, more ore to mine, more rivers to dam, more land to clear for farms and ranches, this abundance was our comparative advantage over other, less fortunate, regions, and we knew our economy would grow as long as we continued to spend this abundance and to accept the other costs that came with development.

The old school of economic strategists still holds that this spending of the environment is the only choice that a region can make if it wants to provide stable and attractive jobs for its people. In their eyes a region can grow only when private firms or public agencies are given free access to all that the environmentalists would lock up. This access creates jobs in mining, logging, and manufacturing industries that produce goods for sale in other countries and in other regions of the U.S. These jobs, in turn, attract people, generate additional jobs in secondary industries, and create overall prosperity.

In the last five decades, however, new technologies and new household conditions have changed the structure of the economy so dramatically that the West's comparative advantage has changed as well. New manufacturing and service industries have appeared that do not consume large quantities of natural resources. As incomes have risen, American households have become more mobile and now tend to migrate to areas where they wish to live, work, and raise a family. They go where they want the jobs to be, not necessarily where the jobs are, and in a surprising number of instances they bring their jobs with them. This is especially true of the educated, skilled, and productive individuals who are most likely to initiate and sustain new economic enterprises.

As a consequence, economic strategists have been forced to recognize an economic-development mechanism in which jobs don't attract people, as they once held, but people attract jobs. It is here that the West's environmental resources give it a powerful, new advantage over other regions. In competition with our neighbors, a superior environment is our principal advantage, subsidizing any employer who chooses to locate here because every worker in the West receives, in effect, two paychecks, one dominated in dollars and the other in clean air, clear streams, scenic vistas and forested mountains. Take away or damage this environment and many workers will leave, while those who remain will experience a sudden downward shift in their standards of living and will demand additional monetary wages to compensate them for this loss. In either event, the West's economic competitiveness will diminish.

Two recent studies in Oregon offer additional evidence for these views. A 1993 survey of recent immigrants to Oregon by the Oregon Employment Department found that one-third of those who moved to the state in 1992 did so primarily to take advantage of its quality of life. Another 1993 survey of current residents of Oregon by the Oregon Business Council reinforced the notion that quality-of-life concerns play an important role in the state's economy. For example:

- When asked, "What do you personally value about living in Oregon?" only 2.6% of Oregonians identified the state's economy, whereas one-half identified the natural-resource components of the area's quality-of-life:

36.0% "Natural beauty and recreation."  
14.0% "Environmental quality."

- When asked, "Which is more important to economic growth in Oregon? Relax environmental regulations to make it easier for companies to do business or maintain a quality environment to attract people and companies to Oregon?" Oregonians overwhelmingly recognized the economic importance of environmental quality:

75% "Maintain a quality environment."  
16% "Relax environmental regulations."

Under contract with the U.S. Fish & Wildlife Service, some colleagues of mine and I recently developed a method for addressing rigorously the complementary role played by natural resources as environmental amenities in economic development. See the accompanying chart illustrating the four stages of economic effects from an action society might take to protect or restore an ecosystem. (Source: ECO Northwest, *A Method for Estimating the Economic Effects of Habitat Protection*, U.S. Fish & Wildlife Service, January 1994)

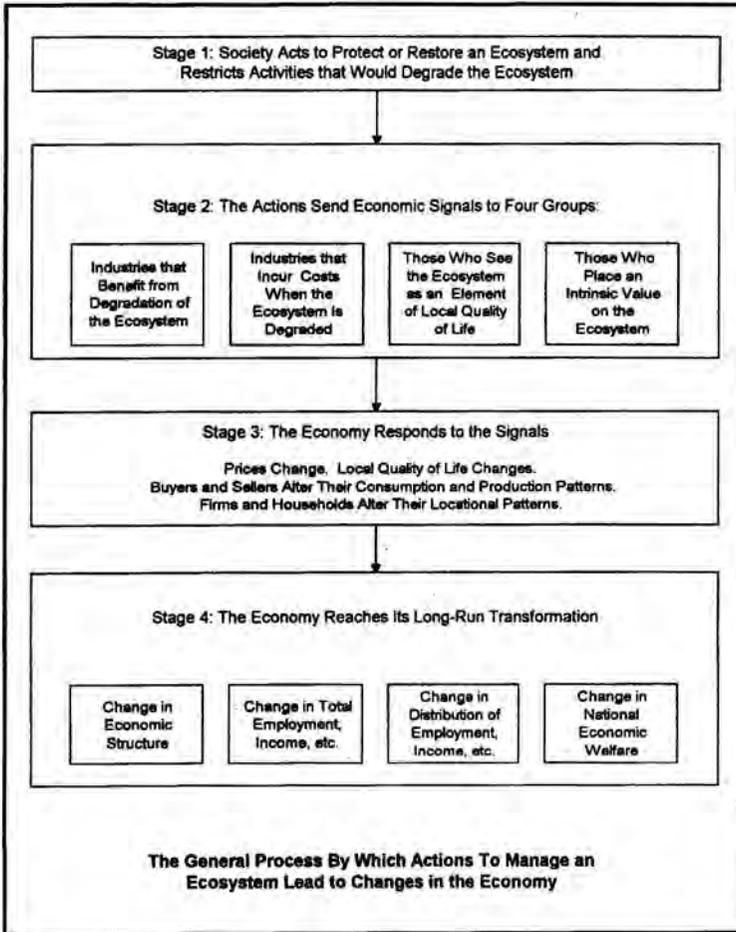
### **Myths and facts about the revolution in telecommunications, computers and information management**

Few of us have not heard an anecdote about how the modem, fax and laptop have transformed some hinterland community into a telecommuting nexus. In fact, though, researchers have had a difficult time estimating even the direction of the effect the revolution in telecommunications has had on the split between metropolitan and non-metropolitan shares of population and employment, let alone the magnitude. The reasons are straightforward: there are countervailing effects, the relative weights of which change over time and geography. The same technological changes that prompted Seafirst Bank to transfer backroom administrative operations from Seattle to Spokane also enabled it to service both its remote and nearby branches from a central office, thereby reducing the number of employees it needed in many small towns. And in manufacturing, technological changes have caused, on average, metropolitan consolidation of employment rather than the reverse.

One fact persists throughout discussions of this issue. For a community to attract the kinds of workers and firms for which modems, faxes and laptops make a difference in location, it had better protect the local quality of life, which includes both livable communities and environmental amenities. The loss of community services or of local ecosystems will not cut it.

### Multipliers and economic development

In economic-development discussions in the West, the terms "multiplier," "economic base," and "basic-nonbasic activities" receive much attention. In such discussions, the term, "multiplier," for example, refers to the coefficient, typically greater than one but less than two, by which an initial increase in employment resulting from an increase in exports of, say, logs or ore, should be multiplied to show the increase in total employment. In economics, these terms reflect short-run conditions or impacts, where "short-run" means a period of time when all other conditions are remaining constant, stable, or static. Throughout the West, however, whether the Rockies or the Coast, conditions are *not* static. Their salient feature is change. And this change is variously and, at times, simultaneously, the cause and effect of migration, skilled-labor-biased technical change, shifts in the composition of national and world demand, education, changes in both the level and distribution of income, and other forces. In the context of today's West, therefore, the short-run is 6-36 months. Thus, when we recognize that the impacts of most of our public policies (e.g., investments in education and public works) typically manifest themselves over 10, 20 or more years, estimating multipliers, conducting economic-base studies, and trying to distinguish between basic and nonbasic activities have very limited, if any, use to sound economic-development strategies.



Adapted from: ECO Northwest. *A Method for Estimating the Economic Effects of Habitat Protection*. Prepared for U.S. Fish & Wildlife Service, January, 1994. p. 3.

Mr. MILLER. Mr. Cromartie.

**STATEMENT OF JOHN CROMARTIE**

Mr. CROMARTIE. Thank you, Mr. Chairman and members of the committee, for inviting me to participate in this hearing. I have been asked to summarize population and economic changes in the West.

Despite my southern roots, as a population analyst, I am naturally attracted to an area which is experiencing such rapid change. Most of us know that the West continues to experience rapid population growth, high levels of in-migration, fluctuations in resource-based industries, and steady growth in the service sector. What I would like to emphasize are the many contrasts that exist in the West.

Conditions and trends vary significantly between the Mountain Division and the Pacific Division, between metropolitan areas and nonmetropolitan areas, and within nonmetropolitan territories.

The Census Bureau divides the West into the Mountain Division, consisting of eight States: Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona and New Mexico. The States of California, Oregon and Washington are part of the Pacific Division. OMB divides counties into metropolitan territories, consisting of cities of 50,000 or more and adjoining counties that are integrated with those cities, on the one hand, and the rest of the territory, which is labeled nonmetropolitan.

Within nonmetropolitan areas, large differences exist depending on the type of economic sector that dominates the relative accessibility of an area, and whether it is prized for its high amenities by retirees and others. In addition, the nonmetropolitan West is distinguished by its vast territory of what is frontier territory, defined as counties with less than two people per square mile. The problems this committee addresses need to be faced with a sensitivity towards both changing population patterns and the geographical differences that exist in the West.

The first contrast I would like to point out, the Mountain Division contained roughly 14.5 million people in 1992, making it the smallest division in the country. In contrast, the Pacific Division is one of the largest, containing 39 million people. This is 15 percent of the country's population. In effect, we have a situation in the West now that is similar to the situation that occurred in the mid-nineteenth century when you had large populations in the Midwest, often during economically troubled times, and a basically empty Rocky Mountain West. It is just that the directions are reversed.

As anyone in the region can attest, rapid population growth is changing the character of much of the West. During the 1980s, 2.3 million people were added to the Mountain region, a rate of population growth of 20 percent, which is twice the national rate. An additional 700,000 people were added during the early 1990s, between 1990 and 1992; again, more than double the U.S. rate and a significant increase in the rate during the 1980s if the trends continue throughout the decade.

More significantly, for the first time since the 1970s, the Mountain Division is growing more rapidly than the Pacific Division. It

is revealing to point out that during the 1980s, metropolitan California alone added significantly more people to its population base than the entire rest of the West combined. This pattern is no longer occurring, thanks in part to increasing out-migration from those metropolitan areas to the Mountain West.

Most of the growth within the Mountain Division is occurring in the region's metropolitan areas. These cities, as you all well know, have been outpacing eastern cities for a long time and grew at 2.5 times the national rate during the 1980s. They also grew faster than the nonmetropolitan West.

Even by national standards, however, the nonmetropolitan West has been growing quite rapidly. In fact, the West was the only region of the country to have nonmetropolitan territory growing at a rate faster than the U.S. average during the 1980s. If current trends from the early 1990s continue, the nonmetropolitan Mountain Division will add more than 1.5 times as many people as it added during the 1980s.

An area can grow in two ways: It can grow through natural increase, an excess of births over deaths; it can also grow through net migration, an excess of in-migrants over out-migrants. What distinguishes the Mountain Division in the early 1990s is that net migration accounts for over half of total population growth. This is in contrast with the Pacific Division, where net migration only accounts for about a quarter of its growth. This is because it is a younger population, more people of childbearing age, and also because there is a greater out-migration from California in recent years.

In terms of nonmetropolitan Mountain Division, there has been a turnaround between the 1980s and the early 1990s. During the 1980s, the nonmetropolitan part of the Mountain Division did not grow at all through net migration. The contribution was basically zero. But during the 1990s, net migration has contributed to its increased population growth.

What is so interesting—as the maps that are part of my report show—is there are definite changes in the geographical pattern of net in-migration to the West. In the 1980s, net in-migration was very highly concentrated in Arizona and in Nevada, and in other pockets of the West, for instance, the Rio Grande Valley. In contrast, net in-migration spread to almost all sections of the Mountain Division during the period 1990 to 1992, including much of the Great Plains, although Northeastern Montana and Eastern Colorado continue to lose population through migration.

The Northwest in particular, including the Rocky Mountain sections of Idaho, Montana and Wyoming, appear to have added greatly to territory that was already attracting in-migrants. Northwestern Colorado is another example. Grand County, Utah, is an example of a county that declined because of net out-migration in the 1980s, but is now growing through net in-migration.

Many of these trends I am talking about, of course, are intimately related to the economic changes that are going on. The Mountain Division is characterized by a rapidly growing private service sector, up from 20–30 percent of metro earnings during the period 1979 to 1981, a steady manufacturing base and severe fluctuations in agriculture and mining.

The service sector includes a vast array of services, everything from laundromats and hotels to advertising, engineering and legal services. Much evidence is building to indicate that nonmetropolitan areas in the West are beginning to benefit from the location of high-end producer services, such as the large engineering firm that designs power plants located, because the CEO is an avid skier, in Hailey, Idaho. High-end producer services, such as engineering, accounting, and legal services, that once were the exclusive property of metropolitan areas, have become footloose and have joined the deconcentration of back-office jobs out of the big city.

Of course, what distinguishes the West economically is its long-standing dependence on extractive industries. Agriculture has suffered a severe downturn during 1975 to 1982, but has since maintained and even slightly increased its earnings. The Mountain Division contains this country's greatest concentration of mining activity, but has had to weather a major boom-and-bust cycle during the last two decades. Between 1969 and 1981 jobs doubled and those jobs were pretty much lost during the following ten years. The nonmetropolitan parts, in particular, of the States of Colorado, Wyoming and New Mexico were hardest hit, with Utah and Arizona not very far behind.

For the Mountain Division as a whole, mining plays a minor role, measured by share of jobs, of about 4 percent for nonmetropolitan areas. However, two factors make adjustments to fluctuations very difficult. First is that, like manufacturing, mining produces more earnings per job, and thus, cutbacks and plant closings affect income levels to a greater extent.

Second, mining is more concentrated than other sectors, for obvious reasons. In the heyday of the mining boom in the early 1980s, over 52 counties in the Mountain Division were identified as mining-dependent, compared to 17 counties that were identified as manufacturing-dependent.

Places such as Cibola County, New Mexico, and Grand County, Utah, where uranium was extracted; or Lake County, Colorado, where molybdenum operations shut down; or Moffat County, where shale oil dominated for a short period; or many areas in Wyoming, many of these same counties are now looking to tourism as an alternative. And the question is, Will they or do they want to become the next high-amenity, high-tourist area?

In conclusion, I would say the Mountain region is a land of contrast. You have rapidly growing cities and high-amenity areas separated by vast tracks of lightly inhabited territory. Rapid changes are taking place, more so than in other parts of the Nation. Rapid in-migration is fueling a strong shift to private, service-based industries.

Environmental issues have long been a concern in and around the large cities. We now may be entering a period of continued population growth in areas that are environmentally sensitive, lack the carrying capacity of areas settled in the past and are valued for their pristine conditions. Current trends point to an increased

concern for the effect of rapid population growth in nonmetro areas throughout the West.

Thank you.

Mr. MILLER. Thank you.

[Prepared statement of Mr. Cromartie follows.]

STATEMENT OF JOHN CROMARTIE  
ECONOMIC RESEARCH SERVICE  
U.S. DEPARTMENT OF AGRICULTURE  
BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES HEARING ON  
"THE CHANGING NEEDS OF THE WEST"  
SALT LAKE CITY, UTAH  
APRIL 7, 1994

**Recent Demographic and Economic Changes in the West**

**Summary**

The following report summarizes recent population and economic changes in the U.S. West, excluding Alaska and Hawaii, with particular focus on the Mountain Division.<sup>1</sup> The West continues to experience rapid population growth, high levels of in-migration, fluctuations in resource-based industries, and steady growth in the service sector. The Mountain Division increased its already high population growth rate during 1990-92. Conditions and trends vary significantly between metro areas (cities of 50,000 people or more and surrounding territory that is economically integrated with those cities) and the remaining territory within the region, labelled nonmetro (Figure 1). Population trends differ considerably from one nonmetro area to another, depending on what economic sector dominates, whether an area is highly accessible, and how much an area is valued for its natural amenities by retirees and others. In addition, the nonmetro West distinguishes itself from the rest of the country in having extensive "frontier" territory, areas where the population density is less than two people per square mile (Figure 2). Problems associated with the rapid pace of change in the West must be addressed with a sensitivity to changing population patterns, changing economic base, and the geographical differences among areas that make up the West.

**Population**

The Mountain Division had an estimated population of 14.4 million in 1992, the smallest of the nine census divisions with 6 percent of the nation's population (Table 1). The Pacific Division, outside Alaska and Hawaii, contained 39 million people, over 15 percent of the U.S. total. With 36 million metro residents (93 percent of the total), the Pacific is the country's most urbanized division. Despite several large and rapidly growing metro regions, the Mountain Division still has a lower-than-average metro share (71 percent vs. 79 percent nationally). However, during the 1980's, a good deal of nonmetro territory became metro. Three cities (Cheyenne, Wyoming; Santa Fe, New

---

<sup>1</sup>The Mountain Division consists of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. California, Oregon, and Washington are part of the Pacific Division.

Mexico; and Yuma, Arizona grew into metro status, and four existing metro areas added territory (Albuquerque, New Mexico; Boise, Idaho; Las Vegas, Nevada; Phoenix, Arizona). The share of population living in metro cities and surrounding suburbs is growing along with the area's population.

### Population change

As anyone who lives in the region can attest, rapid population growth is changing the character of much of the West. Beginning soon after World War II, cities lead a population boom that expanded in the 1970's to include much nonmetro territory, greatly diminishing the number of counties losing population. During the 1980's, 2.3 million people were added to the Mountain population at a rate of 20.1 percent, making it the second fastest-growing division, second only to the Pacific (Table 2). The rate of growth was more than double the national rate.

An additional 0.7 million people were added during the 1990-92 period, still more than double the U.S. rate and an increase in the 1980-90 rate (if projected through the end of the decade). Significantly, for the first time since the 1970's, and only the second time this century, the Mountain population grew faster than the Pacific. During the 1980's, absolute population growth in California's metro regions alone greatly out-paced the rest of the West (5.8 vs. 3.6 million), but not during the early 1990's (1.1 vs. 1.2 million). Much of this change is tied to new migration choices of people moving to the West from states in the eastern half of the country, and increasing out-migration from Pacific to Mountain states.

Over three-quarters of Mountain population growth during both these periods occurred in metro areas. Cities such as Phoenix, Denver, Salt Lake City, and Las Vegas have been out-pacing eastern cities for several decades; taken together, metro areas in the Mountain Division grew at over twice the national rate during the 1980's and early 1990's (Table 2). Despite continuing environmental concerns, especially related to air quality and water supply, these metro regions do not appear to be losing their long-standing attractiveness as destinations for migrants, both young and old, from all parts of the country.

The 1980's were a period of relatively slow nonmetro population growth nationally, coming on the heels of a remarkable period in the 1970's when several factors--the energy crisis, growth in rural manufacturing, entry into the labor force of a large "baby boom" cohort, a large retirement cohort, and renewed preferences for rural living--combined to cause a "rural renaissance", as much in the West as elsewhere. During the 1960's, nonmetro areas grew at less than half the metro rate in all Mountain states (Figure 3).<sup>2</sup> In contrast, nonmetro and metro growth rates converged in all Mountain states during the 1970's, with nonmetro areas growing faster than metro areas in Colorado, Montana, and Utah; the Pacific states of California,

---

<sup>2</sup>Wyoming contained no city designated as metro until the 1980's.

Oregon, and Washington all experienced faster nonmetro-than-metro growth during the 1970's as well (Figure 4).

By national standards, population growth in the nonmetro West was still quite high in the 1980's, over twice the national nonmetro rate in the Mountain and three times the rate in the Pacific (Table 2). In fact, the West was the only region of the country where nonmetro territory continued to grow at a rate faster than the nation as a whole during the 1980's. Metro areas in most states once again out-paced nonmetro areas, but the gap in growth rates was not as great as during the 1960's (Figure 5).

Estimates from the early 1990's indicate that nonmetro areas are once again increasing their rate of population growth nationally, and nowhere is this more evident than in the West. If current trends continue throughout the decade, nonmetro Mountain areas will add more than one and one-half times as many people as were added in the 1980's (an estimated 0.8 million vs. 0.5 million). With the gap between metro and nonmetro areas narrowing in the early 1990's as it did in the early 1970's, the recent geographical distribution of population growth in the West is becoming more widespread. The Pacific Division also shows more widespread growth, with nonmetro areas growing faster than metro areas for the first time since the 1970's.

#### Net migration

Since the 1950's, the West has been attracting large numbers of people from the other regions, primarily young adults but also a significant number of retirees; both the Mountain and Pacific Divisions have grown rapidly as a result. In addition, changes in migration patterns within the region have fueled increased growth within the Mountain Division.

Net migration, the difference in the number of in-migrants to and out-migrants from an area, is a major source of population growth for the West. In Mountain states, net migration accounted for a larger share of population growth than natural increase (the difference between births and deaths) during 1990-92; this was in contrast to the nation as a whole and in particular to the Pacific, where, owing to increased out-migration and a young metro population (disproportionately in childbearing ages), net migration accounted for just over a quarter of all growth. Net migration contributed to a 7 percent rate of increase in the Mountain population during the 1980's, three times the national average, and that an additional 2.9 percent was added during the early 1990's (Table 3). This translates to over a 10 percent increase during the 1990's from net migration alone, if early trends continue.

In terms of net migration, the nonmetro U.S. experienced a change from net out-migration during the 1980's to net in-migration during the early 90's, as did the Mountain Division (Table 3). Unlike the early 90's when in-migration contributed so much to overall growth in the Mountain, the region experienced close to equal amounts of in- and out-migration during the 1980's, thus total population growth was wholly attributable to natural increase.

The geographical pattern of net migration changed between the 1980's and 1990's, causing growth in the region to be more widespread (Figures 6 and 7). Growth was concentrated in the region's three southwestern states (Arizona, California, and Nevada) during the 1980's, with additional concentrations around the Puget Sound and in the Rio Grande Valley (Figure 6). High amenity areas show up as major migration destinations, for instance the area surrounding Yellowstone National Park, Washington County (a booming retirement area in southwestern Utah), and Idaho's Panhandle. However, almost all the northern Great Plains sections of the Mountain Division, along with vast stretches within the Rocky Mountains themselves, experienced higher out- than in-migration during this period.

In contrast, net in-migration spread to almost all sections of the Mountain Division during 1990-92, including much of the Great Plains (although northeast Montana and eastern Colorado continued to lose population through migration). The Northwest in particular, including the Rocky Mountain sections of Idaho, Montana, and Wyoming, appear to have added greatly to territory that was already attracting in-migrants (Figure 7). Northwestern Colorado, which experienced a major downturn in its mining industry during the 1980's, had renewed in-migration during the early 1990's. A large number of nonmetro counties throughout the Mountain switched from net loss to net gain as a result of changing migration patterns.

#### Net migration by type of county

Despite an economically significant elderly component among migrants to the West and their major effect on specific communities, young people make up the bulk of migrants. Younger migrants coming into the region are motivated by economic concerns, although surveys have shown that dissatisfaction with a previous (usually metro) residence and the attraction of natural amenities are significant factors as well. Whether any specific area of the West attracts in-migrants depends in large degree on its economic base and level of natural amenities. Areas dominated by agriculture, mining, or manufacturing lost a much larger percentage of their population during the 1980's than other areas with a more balanced economic mix, as high as 12 percent for mining-dependent counties (Table 4). All three types of counties returned to net in-migration during the early 1990's, although at levels below the rest of the division. Counties that contain a higher-than-average number of government service jobs (often with large proportions of Federally owned land) do not exhibit the strong cyclical patterns of the other groups, but rather have been gaining population through net in-migration steadily throughout the last two decades.

Two other types of nonmetro counties exhibit vastly different patterns of net in-migration. On the one hand, the Mountain Division is the home of a booming retirement population attracted by the climate, the recreation opportunities, and the variety of natural and cultural amenities. The high total in-migration rates for nonmetro retirement counties is not

surprising since the category itself is based on the amount of in-migration among those aged 60 or older. Where retirees move, younger migrants follow, taking advantage of the usually fast-growing retirement-related, service economy, including high paying jobs in health-related industries.

On the other hand, vast expanses of virtually uninhabited, "frontier" territory lend to the Mountain Division one of its most distinctive qualities (Figure 2). These areas sustain a very small number of people, typically engaged in ranching, mining, retail trade, or other services; their numbers declined through net migration during the 1980's but stabilized more or less during the 1990's. Some of these areas have been recently "discovered" by outsiders and have begun to experience a boom in construction of second homes or retirement communities. Other frontier counties remain at the "bare minimum" as described by author Dayton Duncan<sup>1</sup>, with slim chances for either continued population decline or future growth.

#### Economic changes

In recent years the Mountain Division has been characterized by a rapidly growing private service sector (up from 20 to 30 percent of metro earnings, 1979 to 1991), a steady manufacturing base (15 percent of metro earnings, 10 percent of nonmetro earnings since 1969), and severe fluctuations in agriculture and mining, which disproportionately affect nonmetro economies (Figures 8-10). The service sector includes a vast range of consumer and producer services, everything from laundromats and hotels to advertising, engineering, and legal services. Much evidence indicates that nonmetro areas in the West are beginning to benefit from the location of high-paying, producer services, such as the large engineering firm that designs power plants, located (because the CEO is an avid skier) in Hailey, Idaho. High-end producer services such as engineering, accounting, and legal services, that were once the exclusive property of metropolitan areas are now increasingly "footloose", free to join the already strong deconcentration of lower-end "back-office" jobs out of the big city.

What distinguishes the West economically is its long-standing dependence on extractive industries. Agriculture is relatively more important as a base source of income and employment in the Pacific, though important agricultural areas are found throughout the Mountain, notably in Idaho and Arizona. Mountain agriculture experienced a severe downturn from 1975-82, but since has maintained and even slightly increased its share of earnings.

Along with Appalachia, the Mountain Division has the country's greatest concentration of mining activity, providing relatively high-paying jobs directly and contributing indirectly

---

<sup>1</sup>Duncan, Dayton. *Miles From Nowhere: Tales From America's Contemporary Frontier*. New York: Viking, 1993.

to job growth through the income those jobs generate. However, the West has had to adjust to a major downturn cycle in mining industries during the 1980's. Between 1969 and 1981 jobs in mining more than doubled throughout the region, but almost all of these gains were lost between 1981 and 1991 (Figure 11). Especially hard hit were the states of Colorado, Wyoming, and New Mexico, with Arizona and Utah not far behind.

An array of market factors--industrial recession, falling international prices, cutbacks in the nuclear power industry, the end of the Cold War--combined to cause mining cutbacks in oil, uranium, copper, lead, zinc, and others. In addition, remarkable productivity gains during the 1980's, as measured by a \$38,000 to \$107,000 jump in gross state product per job (Figure 12), meant that more job loss occurred than that due to declines in output alone. Only Nevada showed any significant increase in mining employment during the late 1980's, thanks to the opening of several gold mines in response to favorable prices and new technology (Figure 11).

Two factors make the adjustment to fluctuations in mining more difficult. First, mining like manufacturing produces more earnings per job, thus cutbacks and plant closings effect income levels and ripple through the rest of the economy more so than the same job losses in other sectors would (Figures 13-15). Mining produced almost twice the share of earnings than employment in nonmetro Mountain counties in 1991 (Figure 15).

Second, mining jobs are more concentrated geographically than jobs in other industrial sectors. Over 52 counties in Mountain states were classified as mining-dependent in 1979; in contrast, only 17 counties had a strong reliance on manufacturing (Table 4). There is a greater tendency for areas dominated by mining to be less suitable for alternative economic activity. Places such as Cibola Co., New Mexico and Grand Co., Utah, where uranium was extracted; or Lake Co., Colorado, where molybdenum operations have shut down; or Moffat Co., Colorado, where shale oil work dominated for a short period; or many areas in Wyoming, where oil and gas drilling has come and gone, now look to tourism as an alternative to greatly reduced mining economies.

For the Division as a whole, mining now plays a smaller role as measured by share of jobs, around 1 percent in metro areas and 4 percent in nonmetro areas (Figures 14-15). In addition, fewer places than in the recent past can be said to be dependent on the industry; even after lowering the threshold for determining "dependence", the number of mining-dependent counties in Mountain states dropped from 52 in 1979 to 42 in 1989.<sup>4</sup>

### Conclusions

The Mountain region is a land of contrast. Rapidly expanding metro regions, among the fastest growing in the country since World War II, are separated by vast nonmetro counties, many

<sup>4</sup>The threshold percentage of total labor and proprietor income in mining, based on BEA data, was lowered from 20 percent in 1979 to 15 percent in 1989.

of which make up lightly inhabited, frontier territory. Amenity areas, attracting large numbers of retirees and young alike, contrast with counties adjusting to population decline brought on by job losses in mining and other resource-based industries. Many communities in the Mountain West have had to deal with economic and social changes unique to this part of the Nation.

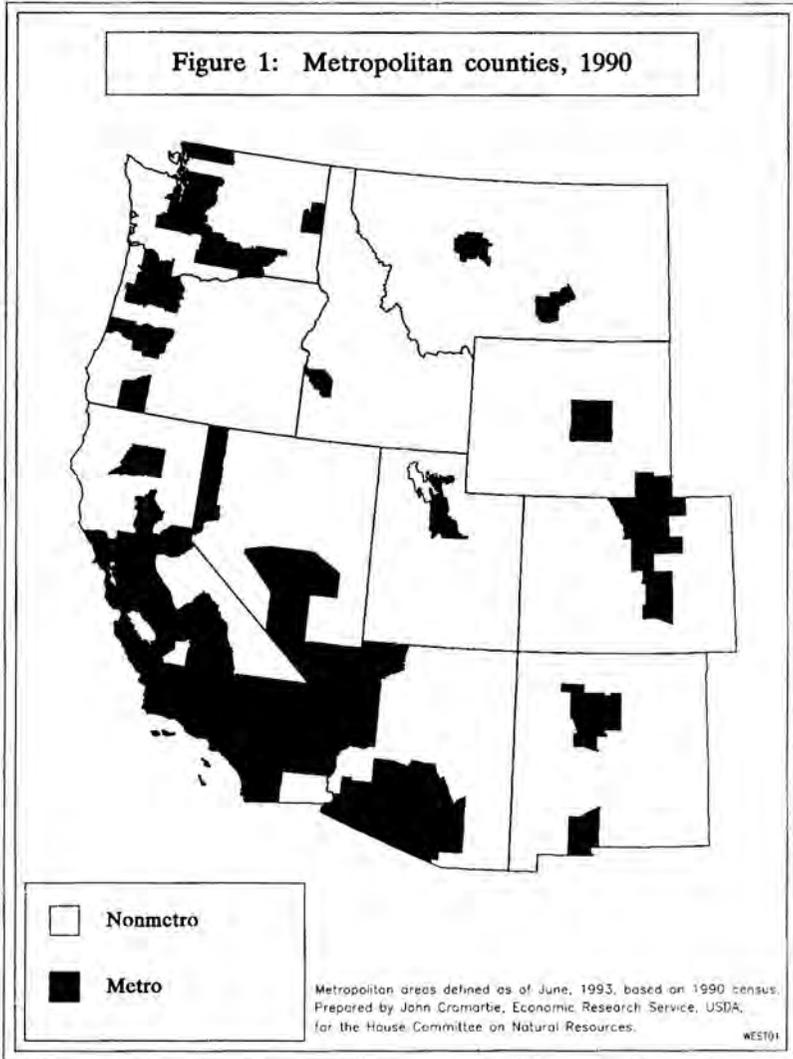
Beginning in the 1970's, high nonmetro in-migration has fueled a strong shift to private, service-based industries, both consumer and producer. Despite a slowdown in the 1980's, nonmetro areas in the West continued to grow faster than the national average; estimates for the period 1990-92 indicate increasing nonmetro growth rates and a more widespread pattern of population growth throughout the West.

Agriculture and mining are still important components of the economy in several sub-regions, but mining has not begun to gain back its peak levels of employment seen in the early 1980's. Even if market factors reversed and output increased as during the 1970's, it is likely that mining would play a relatively smaller role in the overall economy, given productivity gains in mining itself and the larger role played by jobs in the service sector. In the near future, the service economy will provide by far the highest levels of employment growth, in the West as well as the rest of the country, within metro and nonmetro areas alike.

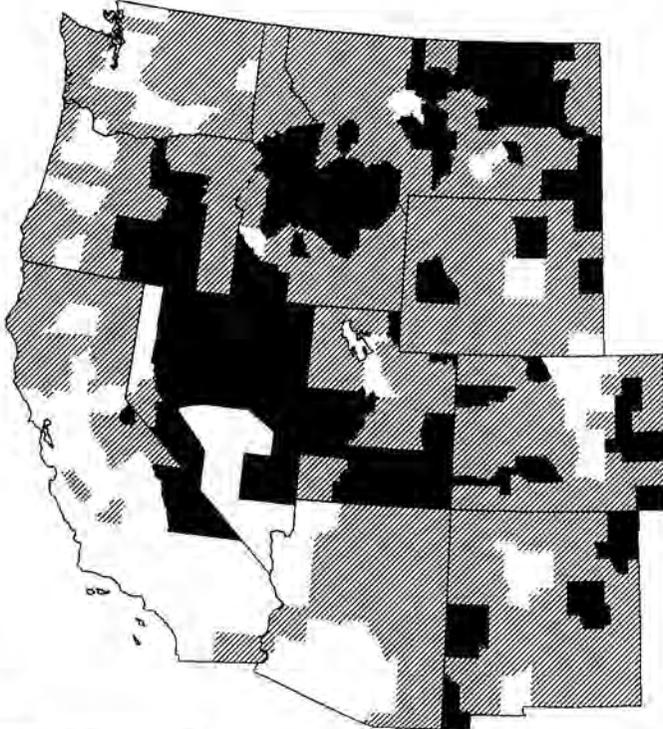
Environmental issues (especially water supply, air quality, and wilderness preservation) have long been of concern in and around the region's large cities. We now may be entering a period of rapid population growth in less accessible areas that have not experienced such growth in the past, areas that are environmentally sensitive, lack the carrying capacity of areas settled in the past, and are currently valued for their pristine condition. Recent trends should heighten concern for the effect of rapid population growth in nonmetro areas throughout the West.

Mr. Chairman, that completes my statement. I would be pleased to address any questions you or the other members might have.

Figure 1: Metropolitan counties, 1990



**Figure 2: Nonmetropolitan "frontier" counties, 1990  
(less than 2 persons per square mile)**



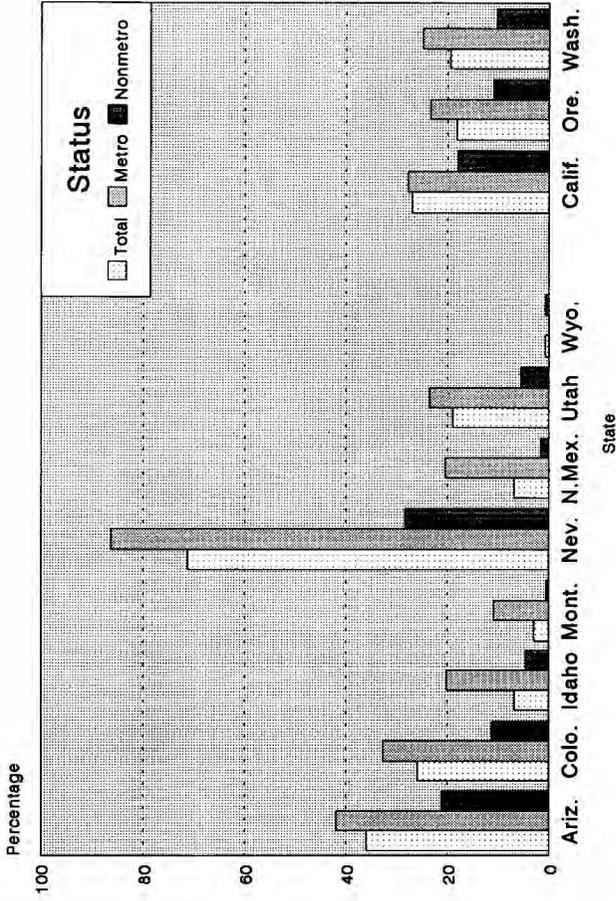
Type of county:

- Frontier
- Other nonmetro
- Metro

Source: Dayton Duncan, *Miles From Nowhere*, New York: Bantam, 1995.  
Prepared by John Cromartie, Economic Research Service, USDA,  
for the House Committee on Natural Resources.

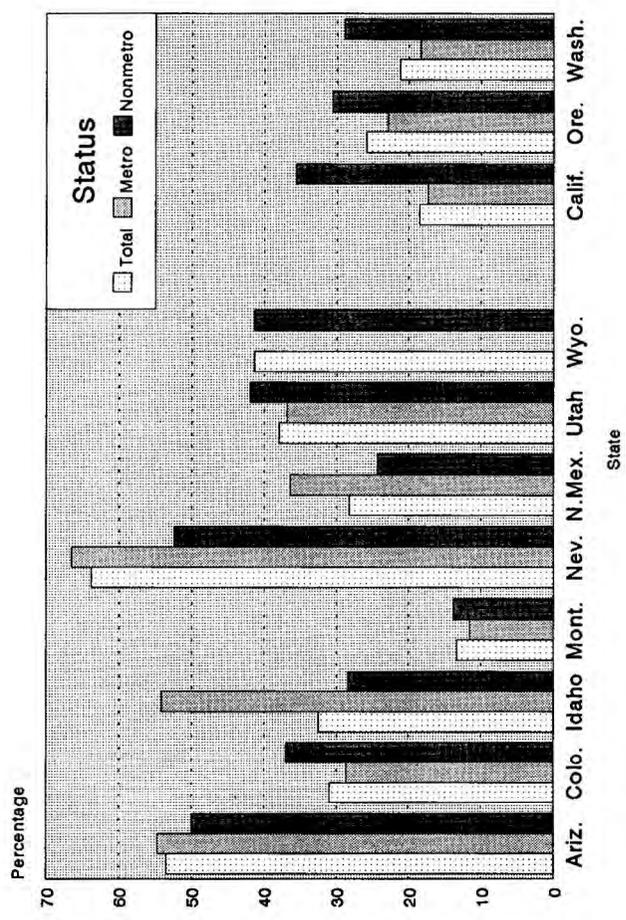
WEST02

Figure 3. Percentage Population Change in the West (excl. Alaska and Hawaii), 1960-70, By State and 1967 Metro Status



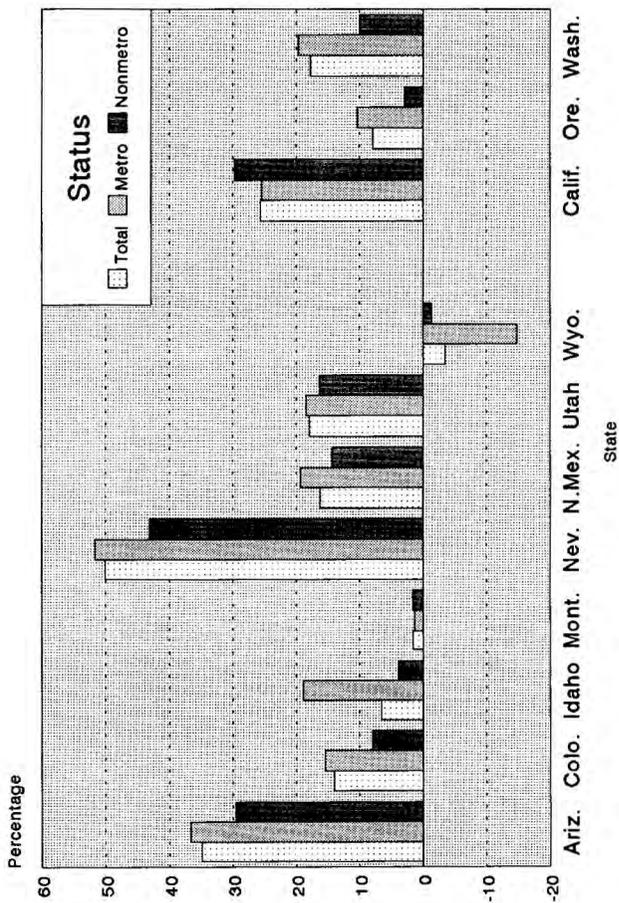
Produced by John Cromartie, Economic Research Service, USDA, (202) 219-0534, for the House Committee on Natural Resources. Source: U.S. Bureau of the Census.

Figure 4. Percentage Population Change in the West (excl. Alaska and Hawaii), 1970-80, By State and 1975 Metro Status



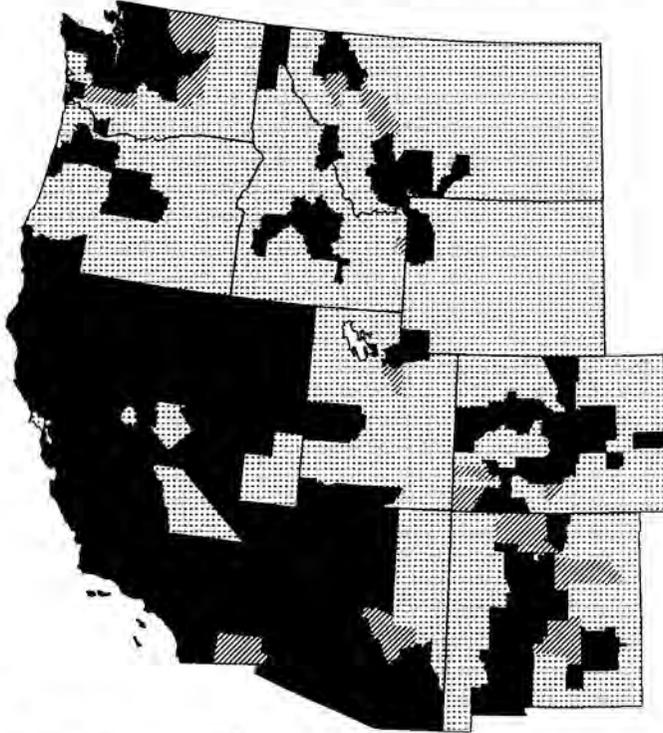
Produced by John Cronan, Economic Research Service, USDA (202) 219-0834, for the House Committee on Natural Resources. Source: U.S. Bureau of the Census.

Figure 5. Percentage Population Change in the West (excl. Alaska and Hawaii), 1980-90, By State and 1983 Metro Status



Produced by John Cromadis, Economic Research Service, USDA (202) 219-0034, for the House Committee on Natural Resources. Source: U.S. Bureau of the Census.

**Figure 6**  
**Population change due to net migration, 1980-90**



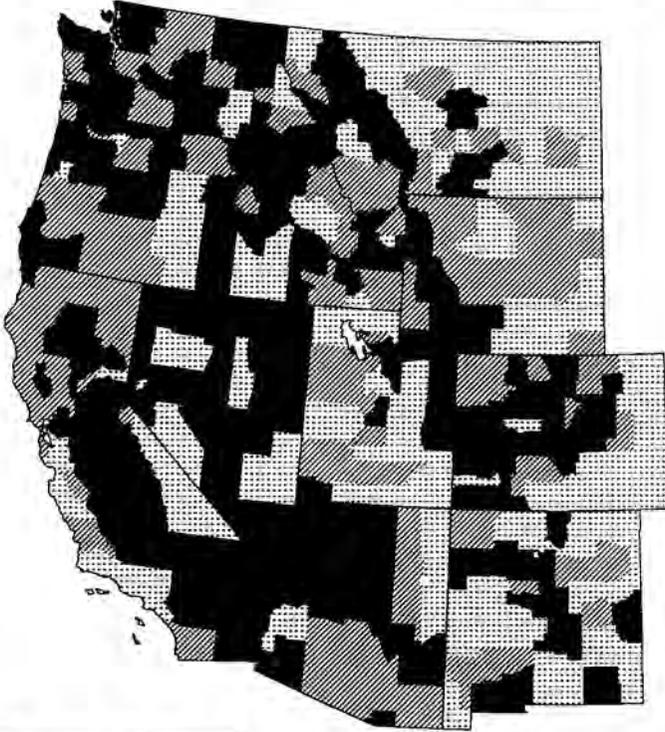
**Percentage change:**

-  Decline
-  Growth below regional average
-  Growth above regional average

Source: 1980-90 components-of-change file, Bureau of the Census  
 Prepared by John Cromartie, Economic Research Service, USDA,  
 for the House Committee on Natural Resources.

WEST03

**Figure 7**  
**Population change due to net migration, 1990-92**



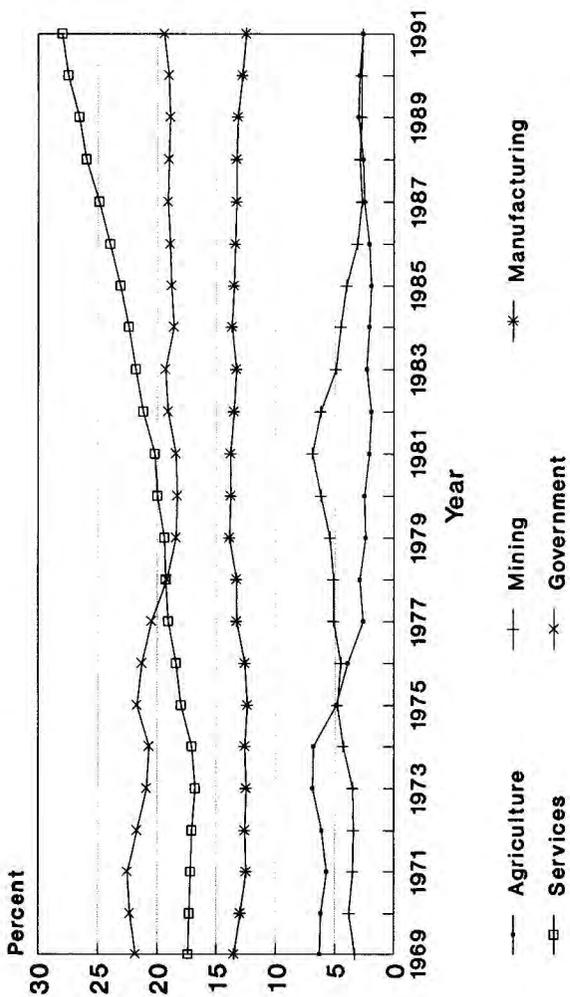
**Percentage change:**

-  Decline
-  Growth below regional average
-  Growth above regional average

Source: 1990-92 components-of-change file, Bureau of the Census  
 Prepared by John Cromartie, Economic Research Service, USDA,  
 for the House Committee on Natural Resources.

WEST04

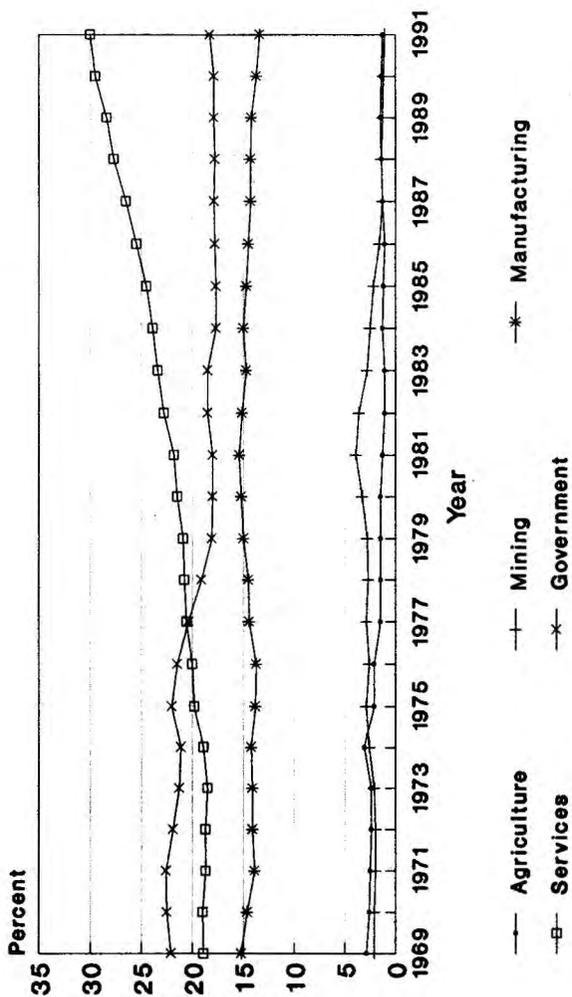
**Figure 8**  
 Annual share of total earnings in  
 selected sectors, Mountain States\*



Produced by M. Frederick and A. Bernat, ERS, USDA,  
 for the House Committee on Natural Resources.  
 Source: Bureau of Economic Analysis data.

\*Arizona, Colorado, Idaho, Montana,  
 Nevada, New Mexico, Utah, and Wyoming

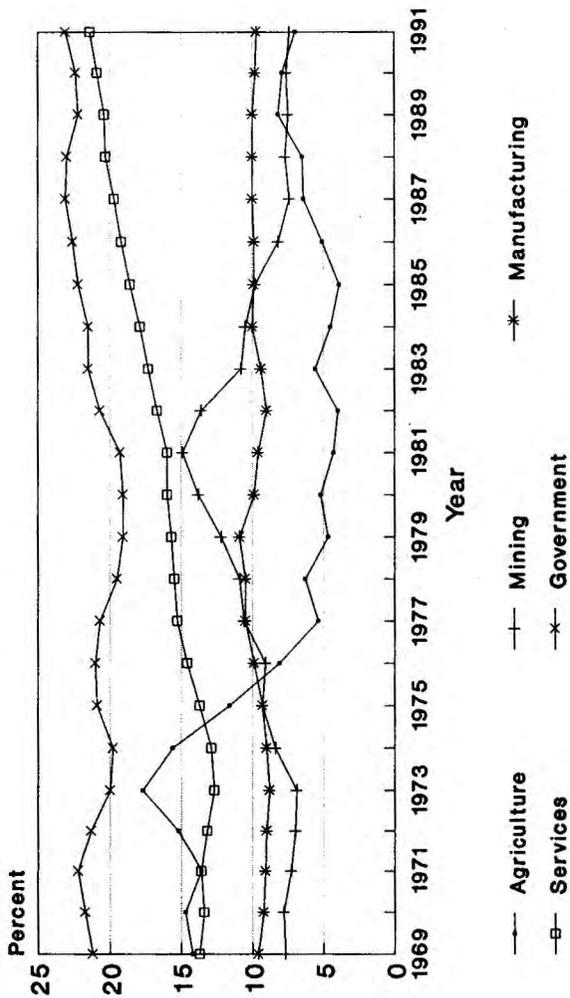
**Figure 9**  
**Annual share of metro earnings in**  
**selected sectors, Mountain States\***



Produced by M. Frederick and A. Bernat, ERS, USDA,  
 for the House Committee on Natural Resources.  
 Source: Bureau of Economic Analysis data.

\*Arizona, Colorado, Idaho, Montana,  
 Nevada, New Mexico, Utah, and Wyoming

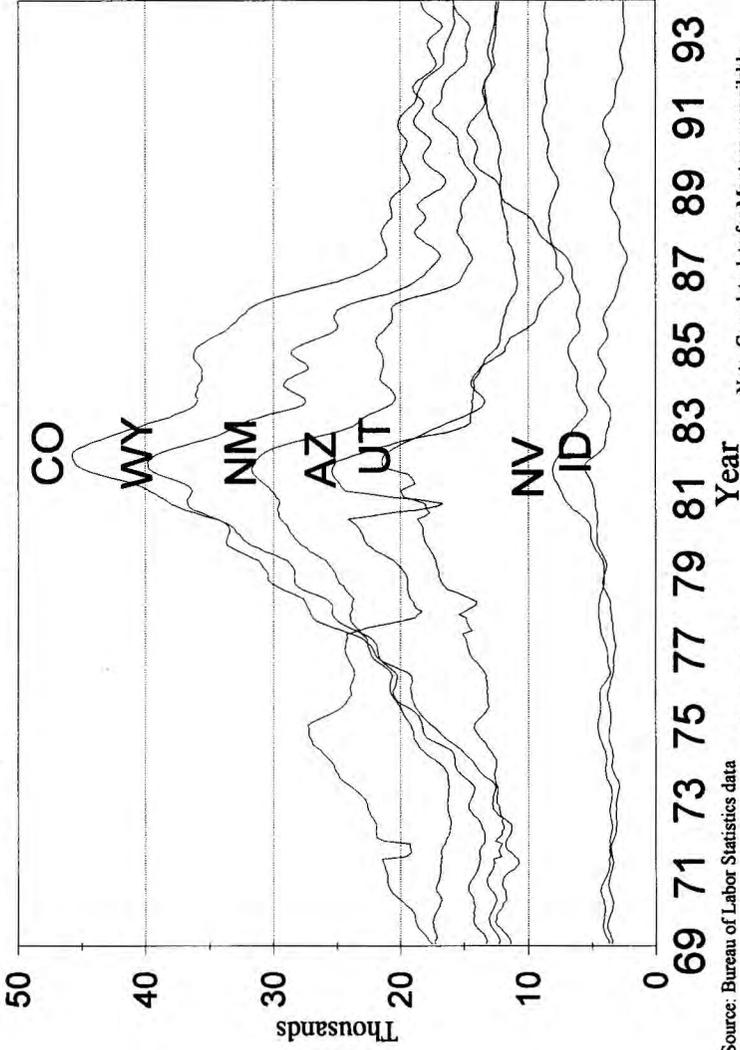
**Figure 10**  
Annual share of nonmetro earnings in  
selected sectors, Mountain States\*



\*Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming

Produced by M. Frederick and A. Bernat, ERS, USDA, for the House Committee on Natural Resources. Source: Bureau of Economic Analysis data.

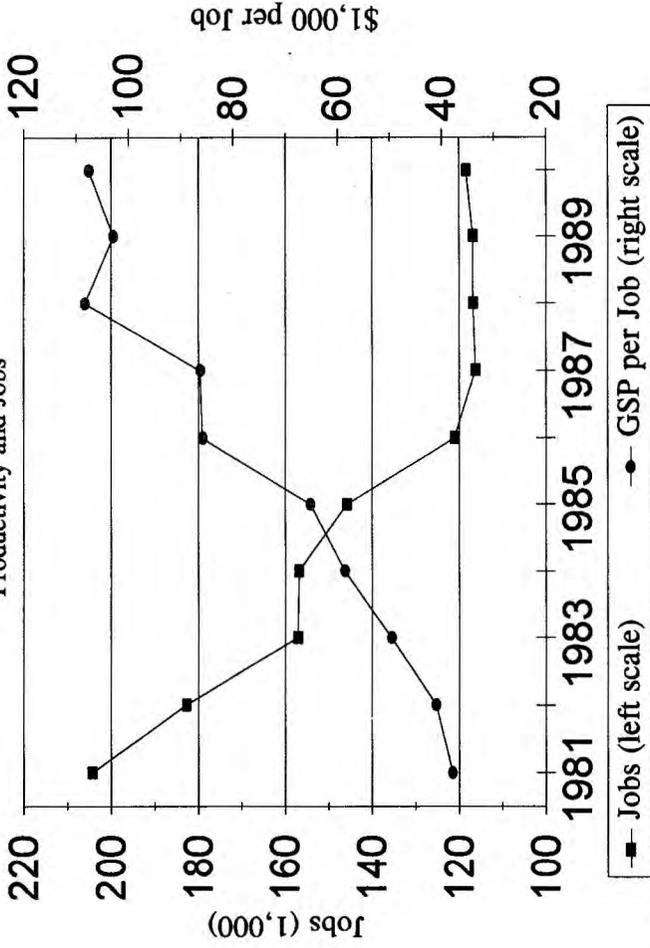
**Figure 11. Mining Jobs: 1969-93**



Source: Bureau of Labor Statistics data  
Prepared by A. Bernat, Economic Research Service, USDA,  
for the House Committee on Natural Resources

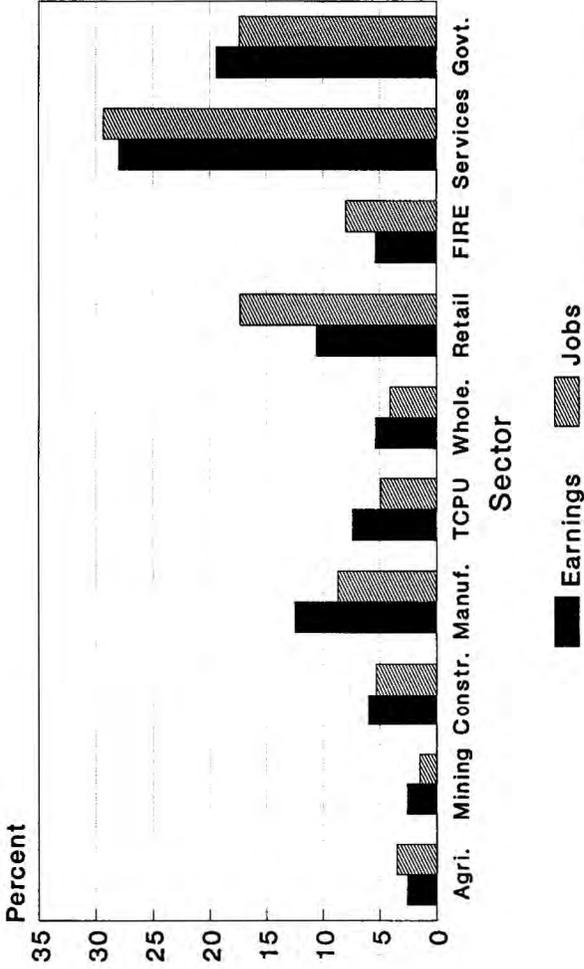
Note: Complete data for Montana unavailable.

**Figure 12. Mining**  
Productivity and Jobs



Source: BEA data  
 Prepared by A. Bernat, Economic Research Service, USDA,  
 for the House Committee on Natural Resources

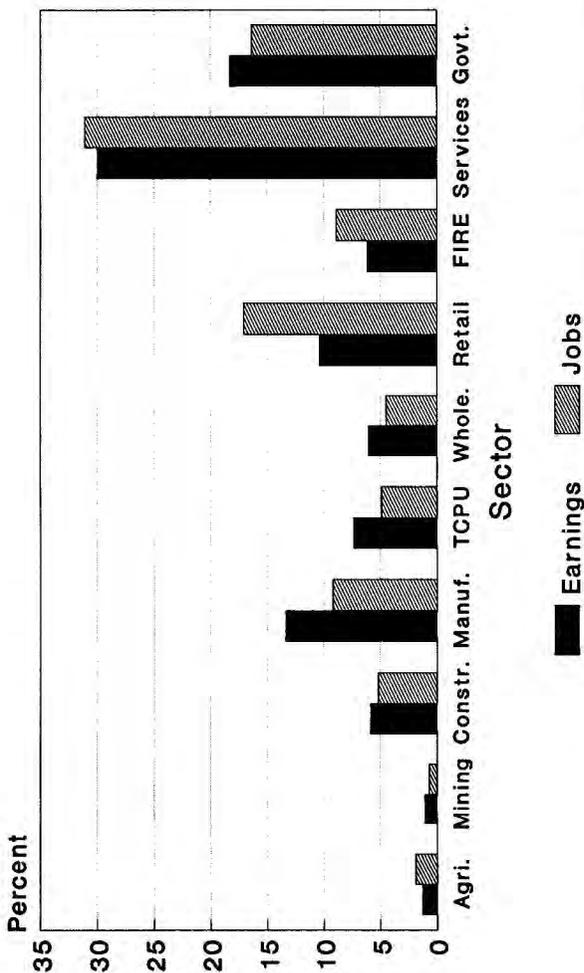
**Figure 13**  
 Share of total earnings and jobs in  
 1-digit sectors, Mountain States,\* 1991



\*Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming

Produced by M. Frederick and A. Bernat, ERS, USDA, for the House Committee on Natural Resources. Source: Bureau of Economic Analysis data.

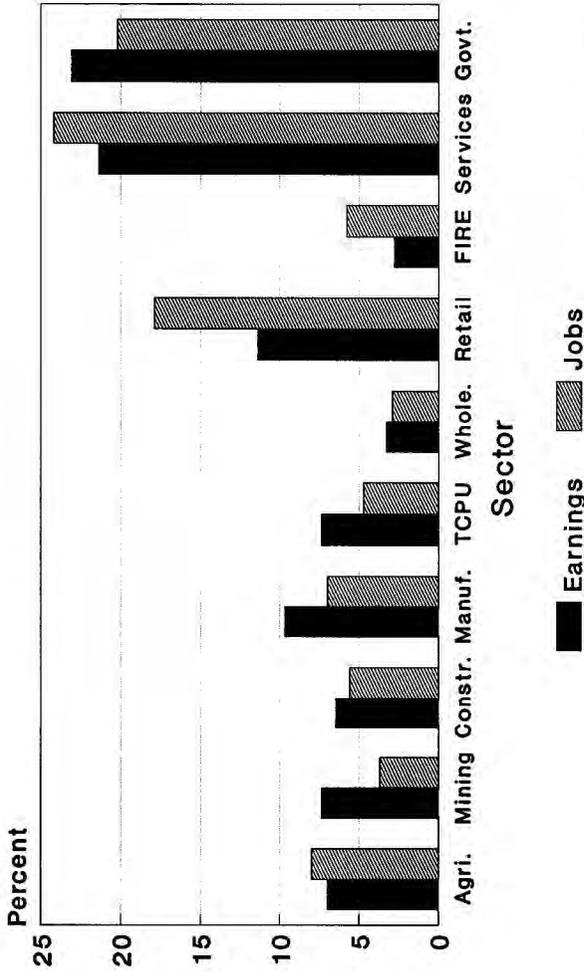
**Figure 14**  
 Share of metro earnings and jobs in  
 1-digit sectors, Mountain States,\* 1991



Produced by M. Frederick and A. Bernat. ERS, USDA,  
 for the House Committee on Natural Resources.  
 Source: Bureau of Economic Analysis data.

\*Arizona, Colorado, Idaho, Montana,  
 Nevada, New Mexico, Utah, and Wyoming

**Figure 15**  
 Share of nonmetro earnings and jobs in  
 1-digit sectors, Mountain States,\* 1991



\*Arizona, Colorado, Idaho, Montana,  
 Nevada, New Mexico, Utah, and Wyoming

Produced by M. Frederick and A. Bernat, ERS, USDA,  
 for the House Committee on Natural Resources.  
 Source: Bureau of Economic Analysis data.

Table 1. Population (in thousands) by Residence, U.S. and West<sup>1</sup> Region by Division, 1992

Area	Total	Residence	
		Metro <sup>2</sup>	Nonmetro
U.S.			
Number	255,078	203,262	51,815
Percent	100	79	21
Mountain			
Number	14,379	10,155	4,225
Percent	100	71	29
Pacific			
Number	39,010	36,226	2,784
Percent	100	93	7

Produced by John Cromartie, Economic Research Service, USDA, (202) 219-0534, for the House Committee on Natural Resources, Hearing on "The Changing Needs of the West." Source: Components-of-Change files, 1980-90 and 1990-92, Bureau of the Census.

<sup>1</sup>Excluding Alaska and Hawaii.  
<sup>2</sup>Metro areas defined as of June, 1992.

Table 2. Population Change by Residence, U.S. and West<sup>1</sup> Region by Division, 1980-90 and 1990-92.

Area	Total		Residence			
			Metro <sup>2</sup>		Nonmetro	
	Number (1,000s)	Percent	Number (1,000s)	Percent	Number (1,000s)	Percent
U.S.						
1980-90	22,168	9.8	19,906	11.6	2,261	4.2
1990-92	6,368	2.6	5,450	2.8	917	1.8
Mountain						
1980-90	2,287	20.1	1,779	25.0	508	11.9
1990-92	721	5.3	550	5.7	171	4.2
Pacific						
1980-90	7,036	23.1	6,598	23.9	437	15.7
1990-92	1,541	4.1	1,406	4.0	135	5.1

Produced by John Cromartie, Economic Research Service, USDA. (202) 219-9536.  
 For the House Committee on Natural Resources, Hearing on "The Changing Needs of the West."  
 Source: Components-of-Change files, 1980-90 and 1990-92. Bureau of the Census.

<sup>1</sup>Excluding Alaska and Hawaii.  
<sup>2</sup>Metro areas defined as of June, 1993.

Table 3. Population Change due to Net Migration by Residence, U.S. and West<sup>1</sup> Region by Division, 1980-90 and 1990-92.

Area	Residence					
	Total		Metro <sup>2</sup>		Nonmetro	
	Number (1,000s)	Percent	Number (1,000s)	Percent	Number (1,000s)	Percent
U.S.						
1980-90	5,206	2.3	5,991	3.5	-785	-1.4
1990-92	1,925	0.8	1,529	0.8	396	0.8
Mountain						
1980-90	831	7.3	835	11.8	-4	-0.1
1990-92	395	2.9	305	3.2	90	2.2
Pacific						
1980-90	3,759	12.4	3,532	12.8	227	8.1
1990-92	511	1.4	412	1.2	100	3.8

Produced by John Crossartie, Economic Research Service, USDA, (202) 213-0534, for the House Committee on Natural Resources. Based on "The Changing Needs of the West." Source: Components-of-Change files, 1980-90 and 1990-92, Bureau of the Census.

<sup>1</sup>Including Alaska and Hawaii.  
<sup>2</sup>Metro areas defined as of June, 1993.

**Table 4. Nonmetropolitan population change due to net migration by type of county, Mountain Division, 1980-90 and 1990-92.**

Type of county	Number of counties	Percentage Change from net migration	
		1980-90	1990-92
All nonmetro counties	257	-0.1	2.2
Farming-dependent	69	-8.7	0.3
Mining-dependent	52	-12.0	1.3
Manufacturing-dependent	17	-10.6	1.6
Government-dependent	66	2.5	2.1
Retirement	50	11.8	3.0
Frontier	79	-7.9	-0.6

Produced by John Cromartie, Economic Research Service, USDA, (202) 219-0534, for the House Committee on Natural Resources, Hearing on "The Changing Needs of the West." Source: Components-of-change files, 1980-90 and 1990-92, Bureau of the Census.

Note: A single county may be in more than one type. The sum of county types is greater than the total number of nonmetro counties because of overlaps.  
 Farming-dependent: 20 percent or more of total labor and proprietor income in farming, 1975-79.  
 Mining-dependent: 20 percent or more of total labor and proprietor income in mining, 1979.  
 Manufacturing-dependent: 30 percent or more of total labor and proprietor income in manufacturing, 1979.  
 Government-dependent: 25 percent or more of total labor and proprietor income in government services, 1978.  
 Retirement: Net immigration rates for persons aged 60 and over 15 percent or higher, 1970-80.  
 Frontier: Less than 2 person per square mile, 1990.

Appendix 1. Population Change and Net Migration in the West, 1980-90.<sup>1</sup>

Area	Population (1,000s)			Net Migration (1,000s)	Percent Change	
	1990	1980	Change, 1980-90		Total	From Net Migration
United States	248,709.9	226,542.2	22,167.7	5,205.9	9.8	2.3
Metro <sup>2</sup>	192,023.2	172,117.2	19,906.0	5,391.3	11.6	3.5
Nonmetro	56,686.7	54,425.0	2,261.7	-785.4	4.2	-1.4
The West <sup>3</sup>	51,127.8	41,804.8	9,323.0	4,589.3	22.3	11.0
Metro	43,119.9	34,742.6	8,377.3	4,366.9	24.1	12.6
Nonmetro	8,007.9	7,062.2	945.8	222.4	13.4	3.1
Mountain Division	13,658.8	11,371.5	2,287.3	830.7	20.1	7.3
Metro	8,881.5	7,102.4	1,779.0	835.2	25.0	11.8
Nonmetro	4,777.3	4,269.1	508.3	-4.5	11.9	-0.1
Arizona	3,665.2	2,716.5	948.7	610.3	34.9	22.5
Metro	2,789.0	2,040.6	748.4	502.6	36.7	24.6
Nonmetro	876.2	675.9	200.3	107.7	29.6	15.9
Colorado	3,294.4	2,889.7	404.7	71.0	14.0	2.5
Metro	2,686.3	2,326.5	359.9	77.4	15.5	3.3
Nonmetro	608.1	563.3	44.8	-6.4	8.0	-1.1
Idaho	1,006.7	944.1	62.6	-41.8	6.6	-4.4
Metro	205.8	173.1	32.7	13.2	18.9	7.6
Nonmetro	801.0	771.0	30.0	-55.0	3.9	-7.1
Montana	799.1	786.7	12.4	-53.1	1.6	-6.7
Metro	191.1	188.7	2.4	-16.2	1.3	-8.6
Nonmetro	608.0	598.0	10.0	-36.9	1.7	-6.2
Nevada	1,201.8	800.5	401.3	314.6	50.1	39.3
Metro	996.1	656.7	339.4	266.7	51.7	40.6
Nonmetro	205.7	143.8	61.9	47.9	43.1	33.3
New Mexico	1,515.1	1,303.3	211.8	36.4	16.2	2.8
Metro	616.1	516.6	99.5	33.4	19.3	6.5
Nonmetro	899.0	786.7	112.3	3.1	14.3	0.4
Utah	1,722.9	1,461.0	261.8	-31.7	17.9	-2.2
Metro	1,335.8	1,128.3	207.5	-22.3	18.4	-2.0
Nonmetro	387.0	332.7	54.3	-9.4	15.3	-2.8
Wyoming	453.6	469.6	-16.0	-75.1	-3.4	-16.0
Metro	61.2	71.9	-10.6	-19.6	-14.8	-27.3
Nonmetro	392.4	397.7	-5.3	-55.5	-1.3	-14.0
Pacific Division	37,469.0	30,433.3	7,035.8	3,758.6	23.1	12.4
Metro	34,238.4	27,640.1	6,598.3	3,531.7	23.9	12.8
Nonmetro	3,230.6	2,793.1	437.5	226.9	15.7	8.1
California	29,760.0	23,667.8	6,092.3	3,352.0	25.7	14.2
Metro	28,315.1	22,554.4	5,760.7	3,127.7	25.5	13.9
Nonmetro	1,445.0	1,113.4	331.6	224.4	29.8	20.2
Oregon	2,842.3	2,633.2	209.2	37.0	7.9	1.4
Metro	1,947.2	1,763.3	183.8	61.6	10.4	3.5
Nonmetro	895.2	869.8	25.3	-24.6	2.9	-2.8
Washington	4,866.7	4,132.4	734.3	369.6	17.8	8.9
Metro	3,976.2	3,322.4	653.7	342.4	19.7	10.3
Nonmetro	890.5	809.9	80.6	27.2	10.0	3.4

<sup>1</sup>Produced by John Cromartie, Economic Research Service, USDA, (202) 219-0534, for the House Committee on Natural Resources, Hearing on "The Changing Needs of the West." Source: 1980-90 Components-of-Change File, U.S. Bureau of the Census.

<sup>2</sup>Metropolitan status as of June, 1983.

<sup>3</sup>Excluding Alaska and Hawaii.

Appendix 2. Population Change and Net Migration in the West, 1990-92.<sup>1</sup>

Area	Population (1,000s)			Net Migration (1,000s)	Percent Change	
	1992 (Estimate)	1990	Change, 1990-92		Total	From Net Migration
United States	255,078	248,710	6,368	1,925	2.6	0.8
Metro <sup>2</sup>	203,262	197,812	5,450	1,529	2.8	0.8
Nonmetro	51,815	50,898	917	396	1.8	0.8
The West <sup>3</sup>	53,389	51,128	2,261	906	4.4	1.8
Metro	46,381	44,425	1,956	716	4.4	1.6
Nonmetro	7,009	6,703	305	190	4.6	2.8
Mountain	14,379	13,659	721	395	5.3	2.9
Metro	10,155	9,605	550	305	5.7	3.2
Nonmetro	4,225	4,054	171	90	4.2	2.2
Arizona	3,832	3,665	167	80	4.6	2.2
Metro	3,244	3,106	138	65	4.5	2.1
Nonmetro	588	559	29	15	5.1	2.6
Colorado	3,465	3,294	170	98	5.2	3.0
Metro	2,832	2,686	146	82	5.4	3.1
Nonmetro	632	608	24	16	4.0	2.7
Idaho	1,066	1,007	59	38	5.9	3.8
Metro	320	296	24	17	8.0	5.7
Nonmetro	746	711	35	21	5.0	3.0
Montana	822	799	23	13	2.9	1.6
Metro	197	191	6	3	3.3	1.6
Nonmetro	625	608	17	10	2.8	1.6
Nevada	1,336	1,202	135	107	11.2	8.9
Metro	1,134	1,014	120	95	11.8	9.4
Nonmetro	203	188	15	11	7.9	6.1
New Mexico	1,582	1,515	67	29	4.4	1.9
Metro	886	842	45	24	5.3	2.8
Nonmetro	696	673	22	5	3.3	0.8
Utah	1,811	1,723	88	27	5.1	1.6
Metro	1,403	1,336	67	18	5.0	1.3
Nonmetro	408	387	21	9	5.4	2.4
Wyoming	465	454	11	3	2.5	0.6
Metro	138	134	4	1	2.7	0.7
Nonmetro	327	319	7	2	2.3	0.6
Pacific	39,010	37,469	1,541	511	4.1	1.4
Metro	36,226	34,820	1,406	412	4.0	1.2
Nonmetro	2,784	2,649	135	100	5.1	3.8
California	30,895	29,760	1,135	242	3.8	0.8
Metro	29,875	28,799	1,076	199	3.7	0.7
Nonmetro	1,021	961	59	43	6.2	4.5
Oregon	2,972	2,842	129	90	4.5	3.2
Metro	2,081	1,985	97	65	4.9	3.3
Nonmetro	890	858	32	24	3.8	2.8
Washington	5,143	4,967	276	179	5.7	3.7
Metro	4,270	4,036	234	140	5.8	3.7
Nonmetro	873	830	42	32	5.1	3.8

<sup>1</sup>Produced by John Cronartin, Economic Research Service, USDA, (202) 219-0534, for the House Committee on Natural Resources, Hearing on "The Changing Needs of the West." Source: 1990-92 Population Estimates File, U.S. Bureau of the Census.

<sup>2</sup>Metropolitan status as of June, 1993.

<sup>3</sup>Excluding Alaska and Hawaii.

Mr. MILLER. Ms. Liston.

### STATEMENT OF LOUISE LISTON

Ms. LISTON. Thank you. Mr. Chairman and other members of the committee. I sincerely appreciate this opportunity to express some of my concerns about what is really happening to rural communities in the West that rely heavily on natural resources found on the Nation's public lands to sustain their local economies.

Because of location, present lack of funds to improve infrastructures, limited opportunities to diversify, and inability to attract stable, well-paying jobs, most rural counties are struggling to survive. Local custom and culture are systematically being destroyed by land-management decisions and environmental scare tactics. Community morales are low, with the people living in fear of their schools closing, with the increase in spouse and child abuse resulting from loss of jobs, with the escalating occurrences of alcohol and drug abuse. Our young people in rural areas feel their constitutional rights to life, liberty and the pursuit of happiness are being violated more and more by Federal restrictions, regulations and designations that are perceived as destroying their ability to find jobs, build homes, and plan for a successful marriage and future.

Mr. Chairman, I think you will agree with me that the economic, environmental, and social well-being of many rural communities depend on the many benefits derived from multiple uses of the Nation's public lands. Take away those uses and we are in trouble. And that is exactly what we are faced with. The Endangered Species Act, the Mining Law reform, the Wilderness Act, RS 2477 road rights-of-way issues, wetlands legislation, water rights, timber regulations, and the list goes on and on, are all means being used to take away those uses. There are over 5,000 square miles in my county. Ninety-eight percent of that land is owned by the State and Federal Government. We have more than our share of public lands. There are three national parks, three State parks, a national recreation area, and all or portions of eighteen WSAs within its boundaries. With a population of less than 4,000, we are expected to take care of well over two million visitors who chose to recreate on those lands. We handle their waste. We provide their law enforcement services, emergency services, search and rescue. We try their criminal cases in our courts. We maintain safe roads for them to travel on. All this is on a very limited budget that is being eroded further by loss of taxes due to sawmill closures and increased regulations and appeals which discourage any resource-based industry from even considering development in our area.

Two-and-a-half years ago, our sawmill in Escalante was sold, shut down and dismantled. With a population of less than 800, the town lost 120 jobs. Last July, the sawmill in Panguitch, our county seat, was shut down with a loss of over 50 jobs. Revenues from timber sales will no longer help fund our schools and maintain over 7,000 miles of roads. Not only was our tax base noticeably reduced, but we lost many volunteers in our fire department, EMT services, search and rescue, and so on. Now the only major industries left, other than ranching which is probably on its way out if the grazing fees go up substantially, are the presence of Federal agencies and

tourism, both requiring and, more often, demanding services that counties are expected to provide.

Mr. Chairman, the economic, social and environmental concerns facing public-land counties today are overwhelming. Unfunded mandates demand that we provide more and more services with less and less ability to do so. Those services have increased substantially in cost over the past 20 years, but the Federal Government has refused to do their part in helping to relieve that burden. PILT payments are a major concern of the National Association of Counties. For three years, we have been trying to pass a bill that will bring PILT payments current with inflation, but have been unsuccessful. It seems Congress can approve millions of dollars to buy up more private property for parks and other purposes, but counties impacted by Federal lands within their borders continue to be ignored.

The most critical question facing western public-land States and counties is, How do we survive on a very limited tax base because of massive Federal ownership of the land? Massive Federal ownership limits our ability to provide the necessary services that today's society demands. Massive Federal ownership is threatening our economic vitality and causing extreme hardships due to loss of jobs and changes in our local customs and culture. May I submit that massive centralization of power and dominion over our public lands does not create a healthy democratic society. The greatest visions do not always come from above, or from Washington, DC, but are best crafted by those who will be living the vision—in other words, let's put the management and control of our public lands back where it will do both the people and the land the most good.

I often quote Congressman Jim Hansen's statement taken from a press release in support of Senator Steve Symms' Private Property Rights Act, "The people who live near public lands are those who are most affected by decisions regarding those lands. They have a right to expect that the public lands near them will be managed as much or more for their benefit as for those who never have been west of the Mississippi River."

The noted author of *Playing God in Yellowstone* put it this way:

It is very destructive when the fate of a region is determined by the people who don't live there and have no stake in the outcome of the decision-making process.

He goes on to say:

If there is any lesson to be learned from recent events that have unfolded in Eastern Europe and the Soviet Union, it is that the strength and resilience of local cultures will outlast any centralized government. Ultimately what happens to land depends on the people who live on it, regardless of what people in Washington, D.C., may think or do.

In their noble quest on behalf of the environment, a coalition of powerful preservation groups and a patronizing Congress have forgotten that the protection and management of our public lands are best accomplished on a local level by the people and agencies with the knowledge and expertise to achieve the desired results.

Just recently, Secretary of the Interior Bruce Babbitt acknowledged this very fact in his remarks on rangeland reform, "Those closest to the land \* \* \* those who live on the land \* \* \* are in the best position to care for it." I think he was right on target.

An example of the extremism experienced when someone from New York thinks he knows what is best for Utah is Representative Maurice Hinchey's bill proposing 5.7 million acres of wilderness for the State. He totally ignores a 15-year study, costing the Federal Government millions of dollars, performed by the BLM. That study designated a little over 1.9 million acres with 1.3 million acres recommended for release from wilderness study and returned to other uses.

Now, I ask you, Mr. Chairman and members of the committee, which wilderness proposal has more credibility, which one considering the effects on local communities located near the wilderness designations? Which one includes the preservation of families, local economies, schools and livelihoods?

We in the West are tired of having our destiny decided by greedy preservationists and a Congress sympathetic to their cries of wof. We take offense when accused of abusing the land and destroying its beauty. Our pioneer ancestors were builders, not destroyers, experienced colonizers and benefactors to our Nation and to humanity. We take pride in that ancestry, and are willing to struggle and sacrifice to carry on that precious heritage handed down to us. There is a building consensus that we will not be regulated, litigated, and designated right out of existence. The Western States Summit recently held in Denver proved to be a strong, united movement in protecting our rights. A follow-up is planned in Phoenix in May, hosted by the Arizona State Legislature.

The concerns facing communities and local governments throughout the West are real. A list of ten endangered communities was once again released by the National Association of Counties early last November. Those ten communities represent hundreds of other resource-dependent communities that are suffering from the same imbalance of decisions by the Federal Government on how public lands are used. My own community of Escalante is one of those endangered communities. Two communities on a previous list have become extinct.

I am keenly aware of the unmatched beauty of the deserts, high plateaus, the pine-scented mountains in my county, of the limitless opportunities for solitude and rejuvenation of the soul. But I am also keenly aware of the communities, schools, families, and friends who struggle to live in the shadow of those beauties and maintain a quality of life not found in urban societies. The present debate over the wonders of nature and what our Nation's public lands should look like has pitted those communities and families against a formidable adversary called the "environmental movement." The debate may never be settled, but there will be casualties—namely, communities and families, and, yes, perhaps even nature—before we all come to realize that we must always consider the people and environment together, as though they are one, because the human need to use natural resources is fundamental to our very presence on Earth.

I personally feel that when we pit economic values such as a person's job or a way of life against environmental values, we achieve very little. The vast majority of Americans are concerned about their environment; however, they are also concerned about making a living and providing for their families. Only by achieving a bal-

ance can we hope to preserve both the land and the people. What most Americans at this point do not realize is that the most valuable natural resource that we have is the human resource.

I am attaching to my testimony, Mr. Chairman, some of my major concerns facing natural resource communities, if you will allow me to do that.

Mr. MILLER. Thank you. Without objection, that can be part of the record.

[Prepared statement of Ms. Liston follows.]

COMMITTEE ON NATURAL RESOURCES HEARING  
SALT LAKE CITY, UTAH  
APRIL 7, 1994

TESTIMONY GIVEN BY  
LOUISE LISTON  
GARFIELD COUNTY COMMISSIONER

MR. CHAIRMAN, AND OTHER MEMBERS OF THE COMMITTEE, I APPRECIATE THIS OPPORTUNITY TO EXPRESS SOME OF MY CONCERNS ABOUT WHAT IS HAPPENING TO RURAL COMMUNITIES IN THE WEST WHO RELY HEAVILY ON NATURAL RESOURCES FOUND ON THE NATION'S PUBLIC LANDS TO SUSTAIN THEIR LOCAL ECONOMIES. BECAUSE OF LOCATION, PRESENT LACK OF FUNDS TO IMPROVE INFRASTRUCTURE, LIMITED OPPORTUNITIES TO DIVERSIFY, AND INABILITY TO ATTRACT STABLE, WELL PAYING JOBS, MOST RURAL COMMUNITIES ARE STRUGGLING TO SURVIVE. LOCAL CUSTOM AND CULTURE ARE SYSTEMATICALLY BEING DESTROYED BY LAND MANAGEMENT DECISIONS AND ENVIRONMENTAL SCARE TACTICS. COMMUNITY MORALS ARE LOW WITH THE PEOPLE LIVING IN FEAR OF THEIR SCHOOLS CLOSING, WITH THE INCREASE IN SPOUSE AND CHILD ABUSE RESULTING FROM LOSS OF JOBS, WITH THE ESCALATING OCCURRENCES OF ALCOHOL AND DRUG ABUSE. OUR YOUNG PEOPLE IN RURAL AREAS FEEL THEIR CONSTITUTIONAL RIGHTS TO LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS ARE BEING VIOLATED MORE AND MORE BY FEDERAL RESTRICTIONS, REGULATIONS AND DESIGNATIONS THAT ARE PERCEIVED AS DESTROYING THEIR ABILITY TO FIND JOBS, BUILD HOMES, AND PLAN FOR A SUCCESSFUL MARRIAGE AND FUTURE.

MR. CHAIRMAN, I THINK YOU WILL AGREE WITH ME THAT THE ECONOMIC, ENVIRONMENTAL, AND SOCIAL WELL BEING OF MANY RURAL COMMUNITIES DEPEND ON THE MANY BENEFITS DERIVED FROM MULTIPLE USES OF THE NATION'S PUBLIC LANDS. TAKE AWAY THOSE USES AND WE ARE IN TROUBLE. AND THAT'S EXACTLY WHAT WE ARE FACED WITH. THE ENDANGERED SPECIES ACT, THE MINING LAW REFORM, THE WILDERNESS ACT, RS2477 ROAD RIGHTS OF WAY ISSUES, WETLANDS LEGISLATION, WATER RIGHTS, TIMBER REGULATIONS, AND THE LIST GOES ON AND ON,

ARE ALL MEANS BEING USED TO TAKE AWAY THOSE USES. THERE ARE OVER 5,000 SQUARE MILES IN MY COUNTY. NINETY-EIGHT PER CENT OF THAT LAND IS STATE AND FEDERALLY OWNED. WE HAVE MORE THAN OUR SHARE OF PUBLIC LANDS. THERE ARE THREE NATIONAL PARKS, THREE STATE PARKS, A NATIONAL RECREATION AREA, AND ALL OR PORTIONS OF EIGHTEEN WSAs WITHIN ITS BOUNDARIES. WITH A POPULATION OF LESS THAN 4,000 WE ARE EXPECTED TO TAKE CARE OF WELL OVER TWO MILLION VISITORS WHO CHOSE TO RECREATE ON THOSE LANDS. WE HANDLE THEIR WASTE, PROVIDE LAW ENFORCEMENT SERVICES, EMERGENCY SERVICES, SEARCH AND RESCUE, WE TRY THEIR CRIMINAL CASES IN OUR COURTS, MAINTAIN SAFE ROADS FOR THEM TO TRAVEL ON, ALL ON A VERY LIMITED BUDGETS THAT ARE BEING ERODED FURTHER BY LOSS OF TAXES DUE TO SAWMILL CLOSURES AND INCREASED REGULATIONS AND APPEALS WHICH DISCOURAGE ANY RESOURCE BASED INDUSTRY FROM EVEN CONSIDERING DEVELOPMENT IN OUR AREA. (EXAMPLE: BHP PETROLEUM, CO<sub>2</sub> KGS, RAPAIROWITS COAL DEPOSITS, ETC.)

TWO AND A HALF YEARS AGO OUR SAWMILL IN ESCALANTE WAS SOLD, SHUT DOWN AND DISMANTLED. WITH A POPULATION OF LESS THAN 800 THE TOWN LOST 120 JOBS. LAST JULY THE SAWMILL IN PANGUITCH, OUR COUNTY SEAT, WAS SHUT DOWN WITH A LOSS OF OVER 50 JOBS. REVENUES FROM TIMBER SALES WILL NO LONGER HELP FUND OUR SCHOOLS AND MAINTAIN OVER 7,000 MILES OF ROADS. NOT ONLY WAS OUR TAX BASE NOTICEABLY REDUCED, BUT WE LOST MANY VOLUNTEERS IN OUR FIRE DEPARTMENTS, EMT SERVICES, AND SEARCH AND RESCUE. NOW THE ONLY MAJOR INDUSTRIES LEFT OTHER THAN RANCHING( WHICH IS PROBABLY ON ITS WAY OUT IF THE GRAZING FEES GO UP SUBSTANTIALLY) IS THE PRESENCE OF FEDERAL AGENCIES AND TOURISM, BOTH REQUIRING, AND MORE OFTEN DEMANDING SERVICES THAT COUNTIES ARE EXPECTED TO PROVIDE.

MR. CHAIRMAN, THE ECONOMIC, SOCIAL AND ENVIRONMENTAL CONCERNS FACING PUBLIC LAND COUNTIES TODAY ARE OVERWHELMING. UNFUNDED MANDATES DEMAND THAT WE PROVIDE MORE AND MORE SERVICES WITH LESS AND LESS ABILITY TO DO SO. THOSE SERVICES HAVE INCREASED SUBSTANTIALLY IN COST OVER THE PAST 20 YEARS, BUT THE FEDERAL GOVERNMENT HAS REFUSED TO DO THEIR PART IN HELPING RELIEVE THAT BURDEN. PILT PAYMENTS ARE A MAJOR CONCERN OF THE NATIONAL ASSOCIATION OF COUNTIES. FOR THREE YEARS WE HAVE BEEN TRYING TO PASS A BILL THAT WILL BRING PILT PAYMENTS CURRENT WITH INFLATION, BUT

HAVE BEEN UNSUCCESSFUL. IT SEEMS CONGRESS CAN APPROVE MILLIONS OF DOLLARS TO BUY UP MORE PRIVATE PROPERTY FOR PARKS AND OTHER PURPOSES, BUT COUNTIES IMPACTED BY FEDERAL LANDS IN THEIR BORDERS CONTINUE TO BE IGNORED.

THE MOST CRITICAL QUESTION FACING WESTERN PUBLIC LAND STATES AND COUNTIES IS "HOW DO WE SURVIVE ON A VERY LIMITED TAX BASE BECAUSE OF MASSIVE FEDERAL OWNERSHIP OF THE LAND? MASSIVE FEDERAL OWNERSHIP THAT LIMITS OUR ABILITY TO PROVIDE THE NECESSARY SERVICES THAT TODAY'S SOCIETY DEMANDS; MASSIVE FEDERAL OWNERSHIP THAT IS THREATENING OUR ECONOMIC VITALITY AND CAUSING EXTREME HARDSHIPS DUE TO LOSS OF JOBS, AND CHANGES IN OUR LOCAL CUSTOMS AND CULTURE. MAY I SUBMIT THAT MASSIVE CENTRALIZATION OF POWER AND DOMINION OVER OUR PUBLIC LANDS DOES NOT CREATE A HEALTHY DEMOCRATIC SOCIETY. THE GREATEST VISIONS DO NOT ALWAYS COME FROM ABOVE, BUT ARE BEST CRAFTED BY THOSE WHO WILL BE LIVING THE VISION. IN OTHER WORDS, LET'S PUT THE MANAGEMENT AND CONTROL OF OUR PUBLIC LANDS BACK WHERE IT WILL DO BOTH THE PEOPLE AND THE LAND THE MOST GOOD.

I HAVE OFTEN QUOTED CONGRESSMAN JIM HANSEN'S STATEMENT TAKEN FROM A PRESS RELEASE IN SUPPORT OF SEN. STEVE SYMMS' PRIVATE PROPERTY RIGHTS ACT. "THE PEOPLE WHO LIVE NEAR PUBLIC LANDS ARE THOSE WHO ARE MOST AFFECTED BY DECISIONS REGARDING THOSE LANDS. THEY HAVE A RIGHT TO EXPECT THAT THE PUBLIC LANDS NEAR THEM WILL BE MANAGED AS MUCH OR MORE FOR THEIR BENEFIT AS FOR THOSE WHO NEVER HAVE BEEN WEST OF THE MISSISSIPPI RIVER."

THE NOTED AUTHOR OF PLAYING GOD IN YELLOWSTONE, PUTS IT THIS WAY, "IT IS VERY DESTRUCTIVE WHEN THE FATE OF A REGION IS DETERMINED BY THE PEOPLE WHO DON'T LIVE THERE AND HAVE NO STAKE IN THE OUTCOME OF THE DECISION MAKING PROCESS." HE GOES ON TO SAY, "IF THERE IS ANY LESSON TO BE LEARNED FROM RECENT EVENTS THAT HAVE UNFOLDED IN EASTERN EUROPE AND THE SOVIET UNION, IT IS THAT THE STRENGTH AND RESILIENCE OF LOCAL CULTURES WILL OUTLAST ANY CENTRALIZED GOVERNMENT. ULTIMATELY, WHAT HAPPENS TO LAND DEPENDS ON THE PEOPLE WHO LIVE ON IT, REGARDLESS OF WHAT PEOPLE IN WASHINGTON, D.C. MAY THINK OR DO." IN THEIR NOBLE QUEST ON BEHALF OF THE ENVIRONMENT A COALITION OF POWERFUL PRESERVATION GROUPS AND A PATRONIZING CONGRESS HAVE FORGOTTEN THAT THE PROTECTION AND MANAGEMENT OF

-4-

\* "Those closest to the land..those who live on the land..are in the best OF OUR PUBLIC LANDS ARE BEST ACCOMPLISHED ON A LOCAL LEVEL BY THE PEOPLE AND AGENCIES WITH THE KNOWLEDGE AND EXPERTISE TO ACHIEVE THE DESIRED RESULTS. JUST RECENTLY SECRETARY OF INTERIOR, BRUCE BABBITT ACKNOWLEDGED THIS VERY FACT IN HIS REMARKS ON THE RANGELAND REFORM ACT. I THINK HE WAS RIGHT ON TARGET. AN EXAMPLE OF THE EXTREMISM EXPERIENCED WHEN SOMEONE FROM NEW YORK THINKS HE KNOWS WHAT IS BEST FOR UTAH IS REP. MAURICE HINCHEY'S BILL PROPOSING 5.7 MILLION ACRES OF WILDERNESS FOR THE STATE. HE TOTALLY IGNORES A 15 YEAR STUDY, COSTING THE FEDERAL GOVERNMENT MILLIONS OF DOLLARS, PERFORMED BY THE BLM. THAT STUDY DESIGNATED A LITTLE OVER 1.9 MILLION ACRES WITH 1.3 MILLION ACRES RECOMMENDED FOR RELEASE FROM WILDERNESS STUDY AND RETURNED TO OTHER USES. NOW, I ASK YOU, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, WHICH WILDERNESS PROPOSAL HAS MORE CREDIBILITY, WHICH ONE IS CONSIDERING THE EFFECTS ON LOCAL COMMUNITIES LOCATED NEAR THE WILDERNESS DESIGNATIONS? WHICH ONE INCLUDES THE PRESERVATION OF FAMILIES, LOCAL ECONOMIES, SCHOOLS, AND LIVELIHOODS? WE IN THE WEST ARE TIRED OF HAVING OUR DESTINY DECIDED BY GREEDY PRESERVATIONISTS AND A CONGRESS SYMPATHETIC TO THEIR CRIES OF WOLF. WE TAKE OFFENSE WHEN ACCUSED OF ABUSING THE LAND AND DESTROYING ITS BEAUTY. OUR PIONEER ANCESTORS WERE BUILDERS, NOT DESTROYERS, EXPERIENCED COLONIZERS AND BENEFACTORS TO OUR NATION AND TO HUMANITY. WE TAKE PRIDE IN THAT ANCESTRY, AND ARE WILLING TO STRUGGLE AND SACRIFICE TO CARRY ON THAT PRECIOUS HERITAGE HANDED DOWN TO US. THERE IS A BUILDING CONSENSUS THAT WE WILL NOT BE REGULATED, LITIGATED, AND DESIGNATED RIGHT OUT OF EXISTENCE. THE WESTERN STATES SUMMIT RECENTLY HELD IN DENVER PROVED TO BE A STRONG UNITED MOVEMENT IN PROTECTING OUR RIGHTS. A FOLLOW UP IS PLANNED IN PHOENIX IN MAY HOSTED BY THE ARIZONA LEGISLATURE.

THE CONCERNS FACING COMMUNITIES AND LOCAL GOVERNMENTS THROUGHOUT THE WEST ARE REAL. A LIST OF TEN ENDANGERED COMMUNITIES WAS ONCE AGAIN RELEASED BY THE NATIONAL ASSOCIATION OF COUNTIES EARLY LAST NOVEMBER. THOSE TEN COMMUNITIES REPRESENT HUNDREDS OF OTHER RESOURCE DEPENDENT COMMUNITIES THAT ARE SUFFERING FROM THE SAME IMBALANCE OF DECISIONS BY THE FEDERAL GOVERNMENT ON HOW PUBLIC LANDS ARE USED. MY OWN COMMUNITY OF ESCALANTE IS ONE OF THOSE ENDANGERED COMMUNITIES. TWO COMMUNITIES ON A PREVIOUS LIST HAVE BECOME EXTINCT.

I AM KEENLY AWARE OF THE UNMATCHED BEAUTY OF THE DESERTS, HIGH

PLATEAUS, AND PINE SCENTED MOUNTAINS IN MY COUNTY, OF THE LIMIT-  
LESS OPPORTUNITIES FOR SOLITUDE AND REJUVENATION OF THE SOUL.  
BUT I AM ALSO KEENLY AWARE OF THE COMMUNITIES, SCHOOLS, FAMILIES,  
AND FRIENDS WHO STRUGGLE TO LIVE IN THE SHADOW OF THOSE BEAUTIES  
AND MAINTAIN A QUALITY OF LIFE NOT FOUND IN URBAN SOCIETIES.  
THE PRESENT DEBATE OVER THE WONDERS OF NATURE AND WHAT OUR NATION'S  
PUBLIC LANDS SHOULD LOOK LIKE HAS PITTED THOSE COMMUNITIES AND  
FAMILIES AGAINST A FORMIDABLE ADVERSARY CALLED THE ENVIRONMENTAL  
MOVEMENT. THE DEBATE MAY NEVER BE SETTLED, BUT THERE WILL BE  
CASUALTIES, NAMELY, COMMUNITIES AND FAMILIES, AND YES, PERHAPS  
EVEN NATURE, BEFORE WE ALL COME TO REALIZE THAT WE MUST ALWAYS  
CONSIDER THE PEOPLE AND ENVIRONMENT TOGETHER, AS THOUGH THEY ARE  
ONE, BECAUSE THE HUMAN NEED TO USE NATURAL RESOURCES IS FUNDAMENTAL  
TO OUR VERY PRESENCE ON THIS EARTH.

I PERSONALLY FEEL THAT WHEN WE PIT ECONOMIC VALUES SUCH AS A  
PERSON'S JOB OR WAY OF LIFE, AGAINST ENVIRONMENTAL VALUES, WE  
ACHIEVE VERY LITTLE. THE VAST MAJORITY OF AMERICANS ARE CONCERNED  
ABOUT THEIR ENVIRONMENT: HOWEVER THEY ARE ALSO CONCERNED ABOUT  
MAKING A LIVING AND PROVIDING FOR THEIR FAMILIES. ONLY BY ACHIEVING  
A BALANCE CAN WE HOPE TO PRESERVE BOTH THE LAND AND THE PEOPLE.  
WHAT MOST AMERICANS AT THIS POINT DO NOT REALIZE IS, THAT THE  
MOST VALUABLE NATURAL RESOURCE WE HAVE IS THE HUMAN RESOURCE.

THANK YOU

...I AM ATTACHING TO MY TESTIMONY SOME OF MY MAJOR CONCERNS FACING  
NATURAL RESOURCE COUNTIES:

1. EFFORTS BY THE FEDERAL GOVERNMENT TO PRESERVE WETLANDS, BOTH  
ON PUBLIC AND PRIVATE LANDS, AND TIGHTENING OF REGULATIONS EVOL-  
VING AROUND THE PROTECTION OF RIPARIAN AREAS.
2. MANAGEMENT DECISIONS EMPHASIZING RECREATION OVER OTHER MULTIPLE  
USE PROGRAMS.
3. MOVES IN CONGRESS TO PROTECT MORE AND MORE PUBLIC LAND FROM  
DEVELOPMENT.
4. THE CONTINUING EFFORT BOTH IN CONGRESS AND IN THIS ADMINISTRA-  
TION TO INCREASE GRAZING FEES ON PUBLIC RANGE LANDS.  
I think the public need to know that grazing is not the only  
public land activity that costs more to administer than is  
generated by user fees. For example, in 1988 the US Forest

Service operated its wildlife and fish habitat management program at a net loss of \$47.4 million and its recreation program at a net loss of \$89.4 million (USDA-Forest Service Study 1989). These deficits constitute an astounding subsidy of \$136.8 million to campers, hikers, photographers, birdwatchers, hunters, fishermen, white water rafters, and others. Why are they not being targeted instead of the cattlemen whose use of the rangeland grasses create a renewable resource year after year that cannot be used for anything else? I guarantee you that those other users are causing far more damage to the public lands than the poor old cow is accused of doing. I feel the time has come to crusade for equitable fees for all users of the public lands. (See attached information on grazing.)

5. **THE PRESENT ATTEMPT TO REVISE THE 1872 MINING LAW.**  
Mining has been dealt a serious setback in recent years with increased restrictions and land closures. The very basis of the mining industry is under attack by those seeking changes in the 1872 Mining Act. Recognized in that law is a very important concept called self-initiation. Without that privilege or freedom a prospector would be forced to wait for a government planner to tell him where to dig. The reward of discovery would be gone. Proposed royalty hikes would hurt the small prospector. Only .5% of the nation's land is used for mining, yet mining directly contributes about \$10 billion per year to the gross national product and contributes indirectly several times more. Mineral lease monies returned to the counties provide vital help to impacted budgets. As technology advances and the world of super-conductors approaches the possible realm, minerals will expand their uses in a variety of fields from transportation to communication to areas yet unknown. Legislation that threatens to limit the opportunities to explore and produce minerals threaten not only our national security, but more important our ability to compete on a global scale in a highly technical world.
6. **THE IMPACT OF THE ENDANGERED SPECIES ACT ON RURAL COMMUNITIES THROUGHOUT THE WEST AND ALL THE NATION.**  
An Act created for the noble purpose of protecting the bald eagle and the grizzly bear has since turned into a monster without a stop button.
7. **CONGRESSIONAL FUNDING TO PURCHASE YET MORE AND MORE PRIVATE LANDS TO ADD TO THE ALREADY EXISTING FEDERAL LAND MASS.**
8. **CONGRESSIONAL WILDERNESS DESIGNATION.**  
Originally promoted by many supporters as a limited acreage bill, the Wilderness act now includes 93.5 million acres with new proposals amounting to an unbelievable 180 million acres more. Together with Wildlife and National Park lands, there are about 213 million acres set aside. This does not include 25 million acres of BLM wilderness study lands nor the 92 million acres identified as Endangered Species habitat. With its threats of buffer zones, capture of state trust lands, water rights issues, wildlife management problems, fire suppression limitations, etc., it has become a nightmare that won't go away.

9. RANGELAND REFORM ACT  
There are many concerns and questions unanswered over Sec. Babbitt's commitment to sweeping reform of public rangeland management.
10. RS2477 ROAD RIGHTS OF WAYS.  
Any evaluation of policies taken by the BLM with regards to this critical issue must take into account two critical factors: first, the legal principle that the rights cannot be abrogated and second, the fact that the roads are being used and will continue to be used by the public. Counties cannot be forced to abandon their RS2477 rights-of-way under FLPMA or through any other act of Congress. (See attached news article)
11. PAYMENT-IN-LIEU-OF-TAXES (PILT).  
See attached information sheet from NACo.
12. UNFUNDED MANDATES.  
See attached news article.
13. LAND EXCHANGES OF STATE INHOLDINGS.

## GRAZING:

THE IDEAL CONCEPT OF PUBLIC GRAZING ON FEDERAL LANDS IS A RANGE MANAGEMENT PROGRAM THAT IS ECOLOGICALLY SOUND AND CONSIDERS THE TRADITIONAL USES AS WELL AS SUCH NEWER ISSUES AS ECOSYSTEMS AND ECONOMIC STABILITY. PROPER MANAGEMENT OF THIS VALUABLE, RENEWABLE RESOURCE WOULD HAVE AS ITS GOAL THE BALANCE OF THE PRESENT LOCAL NEEDS WITH THOSE OF FUTURE GENERATIONS. THIS BALANCE WOULD BE ACCOMPLISHED BY REALISTIC, COMMON SENSE POLICIES, AND NOT BY EMOTIONAL, UNINFORMED ENVIRONMENTAL RHETORIC. THE HARSH ECONOMIC IMPACTS CAUSED BY ERRONEOUS ENVIRONMENTAL CLAIMS AND ABSURD POSITIONS HAVE GROWN TO THE POINT THAT ALL AMERICANS ARE FEELING THE NEGATIVE IMPACTS AND THE NATION'S INTEGRITY IS BEING QUESTIONED.

FOR MANY RURAL COUNTIES ACROSS THE WEST, RANGE LIVESTOCK WITH ITS RELATED CROPS IS VIRTUALLY THE SOLE AGRICULTURAL ENTERPRISE. IN MY COUNTY WHERE 98% OF THE LAND IS STATE AND FEDERALLY OWNED, AGRICULTURE CONSTITUTES A CRITICAL PART OF THE LOCAL ECONOMIC STABILITY. MOST RANCHERS ARE SMALL FAMILY OWNED OPERATIONS. THEY RUN CATTLE AND SHEEP ON BOTH PUBLIC AND PRIVATE LANDS. BY FAR THE MAJORITY OF WESTERN RANCHERS ARE LIVING ON THE EDGE. FIXED COSTS ARE HIGH. DEBT BURDENS ARE, TOO. IT BECOMES MORE SERIOUS WHEN YOU CONSIDER THAT MOST OF THOSE DEBTS ARE WITH THE FARMERS HOME ADMINISTRATION, A GOVERNMENT AGENCY THAT WOULD STAND TO LOSE MILLIONS OF DOLLARS IF THE RANCHERS WERE ROBBED OF THEIR MEANS OF PAYING OFF THEIR DEBT.

WHAT PRESERVATIONISTS FAIL TO RECOGNIZE IS THAT GRASS ON OUR FEDERAL RANGE LANDS IS A RENEWABLE RESOURCE THAT CANNOT BE USED IN A MORE REASONABLE MANNER. THE GOVERNMENT CANNOT HARVEST AND SELL IT TO GENERATE REVENUES. AND IT CAN BE UTILIZED YEAR AFTER YEAR WITHOUT DAMAGE TO THE LAND IF MANAGED PROPERLY. VARIOUS STUDIES HAVE PROVEN THAT THE PLANTS AND SOILS ON THESE LANDS ARE HEALTHIER AND MORE VIGOROUS WHEN GRAZING IS PART OF THE MANAGEMENT PROGRAM. ANOTHER POINT TO CONSIDER IS THE FACT THAT BASIC LEGISLATIVE REQUIREMENTS SUCH AS MONITORING AND MANAGEMENT WILL STILL BE NECESSARY WITH OR WITHOUT GRAZING. WHERE WILL THE MONEY FOR THESE SERVICES COME FROM IF GRAZING IS ELIMINATED? GRAZING FEES PRESENTLY SUPPORT WATERSHED AND WILDLIFE MANAGEMENT, AS WELL AS THE LIVESTOCK GRAZING PROGRAM.

IN FACT, IF THE PRACTICE OF GRAZING PUBLIC LANDS ENDED TOMORROW THE BLM ESTIMATES THAT ITS RANGE PROGRAM BUDGET WOULD INCREASE AS PERHAPS AS MUCH AS 50%. CONSIDER, FOR INSTANCE, THE COST OF THE FENCES THAT WOULD BE REQUIRED TO CLOSE OFF FEDERAL LANDS. THAT COST WOULD COME FROM THE TAZPAYER'S POCKET. AND YET, DESPITE ALL THE LOGIC IN THE GRAZING CONCEPT, PRESERVATION GROUPS ARE CONSTANTLY ON THE MOVE TO MANIPULATE PUBLIC OPINION AGAINST IT.

---

**NATIONAL  
ASSOCIATION  
of  
COUNTIES**

---

440 First St. NW, Washington, DC 20001  
202/393-6226

---

**PILT FACT SHEET**  
**S. 455**

---

- PROGRAM:** Payments-In-Lieu-of-Taxes (PILT) Program was enacted in 1976 by P.L. 94-565 and is administered by the Bureau of Land Management (BLM) of the Department of Interior.
- PURPOSE:** To compensate units of local government for the presence of federal tax-exempt property to which local governments provide human and physical services.
- STATUS:** The program was authorized in 1976 and is subject to the appropriations process in Congress. Full funding is considered to be approximately \$105 million. FY 1992 payments to counties were \$100 million to over 1,700 counties in 49 states.
- ISSUE:** The program's authorization has not increased since 1976 whereas the consumer price index has increased by 120 percent, eroding the value of PILT to less than half of when originally enacted.
- S. 455:** Senator Hatfield's bill would phase in over five years the authorization level to full value by increasing the formula from \$.75 cents "for each acre of entitlement land" to \$1.65 per acre. For the alternative method of determining PILT payments, the increase would be from \$.10 cents per acre to \$.22 cents per acre. In addition, the population cap is amended proportionally. Under the Senate version of the PILT bill, lands exchanged between the state and federal agencies would be eligible for PILT payments. Finally, the program would be indexed for inflation starting after the first year and would still be subject to the appropriations process.
-

# Garfield County Commissioners Support NACo's Opposition To Unfunded Federal Mandates

**PANGUITCH** — Garfield county commissioners joined the fight against unfunded federal mandates, celebrated nationwide on Wednesday as local officials across the nation set Oct. 27 as "National Unfunded Mandates Day. (NUMDay."

Tired of bearing the burden of the federal government's costly programs that mandate actions by local governments without federal funding to back them up, local officials nationwide are joining the fight to make the public aware of the serious problem that is threatening to bankrupt local government.

"We will accomplish this," local officials say, "by raising public awareness and understanding of Washington's practice of imposing, but not funding, a program or requirement that local governments are directed to carry out.

"We all agree that clean air, safe drinking water, fair wages, assisting the disabled and protecting endangered species are commendable national priorities that should be car-

ried out. However we believe that the federal government must be willing to pay to support these programs.

"Enough is enough," they are saying all over the country.

The movement is being sponsored by the National Association of Counties (NACo), the U.S. Conference of Mayors (USCM), the National League of Cities and the International City/County Management Association.

A national survey of 400 counties released on NUMDay in Washington, D.C. detailed the impact of such mandates on counties. USCM also released a similar survey of cities on the same day.

"If a decision at the national level is made by Congress and signed by the President, then they should respond and send us the dollars to implement the programs," stated a NACo press release supported by Garfield County's commissioners. "It is time the American public understands the pressures that are occurring at the local level

and understands what the federal government is doing to every taxpayer in this country. In short, the federal government is using our property taxes as its credit card. We get stuck with the bill."

Garfield County commissioners believe that federal mandates are a problem for three reasons: (1) they are imposed without consideration of local circumstances or capacity to implement the federal requirements; (2) they strain already tight budgets (forcing increases in local tax rates and fees to pay for mandates); continue to provide local services, and keep local budgets in balance; and (3) they set priorities for local governments without local input.

County officials believe that if the same people who make the legislation have to pay it from their own revenue sources, they will be more careful in drafting the legislation that spends those revenues.

They maintain that since the See NACo Mandates Page 3A

## NACo: Mandates Are Not Fair!

From Page 1

main source of revenue in counties is through property taxes and many counties have a cap on how much they can generate and are limited in the other types of revenue they can generate, the federal government, with its broader base of taxation, should involve local government in its decision making process.

Local officials are complaining that between 1991 and 1992, the federal government enacted 15 new unfunded mandates. They say that in the first six months of 1993, several new mandates have been approved and many more are still pending.

During the last decade, local taxpayers have witnessed a significant increase in the number of unfunded mandates to their local government while federal funds have dwindled from 27 percent of state and local expenditures in 1978 to 16 percent in the current fiscal year, a NACo report said.

# America's Endangered Communities

Happy Camp, California ⊕ Walden, Colorado ⊕ Elk City, Idaho  
Troy, Montana ⊕ Reserve, New Mexico ⊕ Encampment, Wyoming  
Mill City, Oregon ⊕ Portola, California ⊕ Ukiah, Oregon ⊕ Escalante, Utah

*November 3, 1993*



**NATIONAL  
ASSOCIATION  
OF COUNTIES**

*"Counties Care for America"*

AMERICA'S ENDANGERED COMMUNITIES
----------------------------------

### Two communities die, six others added to endangered list

The National Association of Counties has updated its list of 10 communities that are in danger of becoming extinct because of restrictions on uses of public lands.

These communities, which are all located in the Western United States, are currently experiencing severe economic hardship. Jobs have been eliminated due to changes in federal policy and court decisions that have subsequently drastically reduced the availability of federal natural resources vital for local community industries.

Endangered communities are those communities in which the federal government owns large tracts of land and whose economic livelihoods are threatened by restrictive public land management policies by the federal government. The 10 endangered communities selected are representative of many communities that could also be on the list. Limitations on logging, recreation, mining and cattle grazing have caused these communities' economies to falter and have placed a severe strain on counties that provide needed services.

Most of the revenue raised from the sale of natural resources and recreation fees from federal land goes to the federal treasury, with a portion going back to the counties via the 25 percent fund. The counties typically depend on the 25 percent fund to substantially finance their community schools and roads.

In October 1990, the communities named to NACO's endangered

communities list were Walden, Colorado; Horseshoe Bend, Idaho; Columbia Falls, Montana; Jarbridge, Nevada; Reserve, New Mexico; Williston, North Dakota; Mill City, Oregon; Escalante, Utah; and Cima and Weed, California.

In October 1993, the 10 endangered communities list was updated. NACO's Public Lands Steering Committee examined the 1990 list, determined the current status of communities on the 1990 list, updated the list and nominated replacement communities to maintain a list of 10 communities.

The communities of Horseshoe Bend, Idaho; Columbia Falls, Montana; Williston, North Dakota and Weed, California, were removed from the list and upgraded from endangered to threatened. Economic conditions have improved in these communities largely through enlightened federal land use policies. Local industries dependent on natural resources and recreation fees from public lands are still in economic trouble or have gone out of business.

The communities of Cima, California and Jarbridge, Nevada, are essentially extinct.

The 1990 communities of Walden, Colorado; Reserve, New Mexico; Mill City, Oregon and Escalante, Utah remain on the 1993 list. The communities of Happy Camp and Portola, California; Elk City, Idaho; Ukiah, Oregon and Encampment, Wyoming were selected to complete the 1993 list.

# America's Endangered Communities



## AN AMERICAN ENDANGERED COMMUNITY

## ESCALANTE, UTAH



*County:* Garfield

*Population:* Escalante 800; Garfield  
County 4,050

*Major Industry:* Forest Products

#### MAJOR ECONOMIC IMPACTS:

Escalante will remain listed as an endangered community. Escalante is especially challenged because it has a large dependency on forest resources and relies on federal timber supply. Many industries are currently restricted due to litigation.

#### BACKGROUND:

Escalante covers roughly 650 acres. The population of 800 includes 120 children with a large percentage of retired couples from other states. Escalante has two grocery stores, two churches and three gasoline stations.

Like many other Endangered Communities dependent on resources from federal land, Escalante's economy is currently suffering. It is very clear that Escalante's economy is threatened by appeals, litigation, uncertain land use decision and government regulations.

Approximately 2/3's of Escalante's employment is historically linked to public lands. The town sawmill recently shut down, was dismantled and is now gone. The mill employed 120 people. No other

major employment has developed to replace the loss. Many young adults are leaving the area due to lack of employment. Possible changes in the 1872 Mining Law and potential increases in grazing fees are causing uncertainty in these resource areas. Federal agencies and tourism are the remaining major employers.

Legislation tied to pollution prevention has halted coal exploration. A major carbon dioxide deposit exists north of Escalante but leases have been appealed due to suggested impacts on adjacent federal lands. The local sawmill closed due to appeals on federal timber sales severely reducing the mill's log supply. Local ranchers with grazing permits on Federal land fear they will be out of business if federal grazing rates are raised.

Escalante citizens are working on starting up a new "stud mill" that will manufacture smaller stock lumber and employ 25-30 people. The mill will be operational in summer 1994. The local environmental groups support the mill's concept.

Tourism is a growing industry, although it will not solve Escalante's economic problem. Escalante is located between Bryce Canyon National Park and Capital Reef National Park. Currently Escalante is not a destination point but a place to drive through. Local citizens are working hard to develop the town as a destination point.

For these reasons, although Escalante is working hard to improve employment conditions, it is listed as one of America's Endangered Communities by the National Association of Counties.

#### ESCALANTE CONTACTS:

Mayor Clem Griffin, (801-826-4303); City Office, (801-826-4644); Garfield County Commissioner Louise Listen, (801-826-4363).

Mr. MILLER. Mr. Hedden.

**STATEMENT OF BILL HEDDEN**

Mr. HEDDEN. Mr. Chairman, I want to express my extreme gratitude for the committee's interest in addressing the kinds of problems we have here and having said that and meaning no disrespect, I will put my testimony away and try to give you, if not as colorful, perhaps a more emotionally coherent testimony. Because I once read a statement from an 85-year-old woman in the Kentucky hill country who said, if I had my life to live over, the next time I would rather have fewer imaginary problems and more real problems.

I used to think that was a great idea until I was elected to the Grand County Council and inherited some real problems.

The simplest way to talk about what happened to us is to say that the Colorado Plateau is perhaps as magnificent a place as any on the planet. And having said that, I want to slam the lid on it right away. Because we looked into that Pandora's Box in trying to revive our busted natural resource economy, and on other side of the lid we saw tens of millions of visitors who wanted to come and play in our community and eventually wanted to move here.

We are now experiencing a growth in our community that alludes statistics. You cannot even begin to talk about it. We had seven new motels that opened up in the last year and a half. They were filled the instant they were created. Our building inspector has informed us that in the month of February this year he has issued three times as many building permits as he did in all of last year combined.

We are in the vertical part of a curve of growth right now. Part of the result of that on the local community has been a tripling of assessed property values we have seen, coupled with the further collapse of our industrial tax base, so that the burden of paying for the infrastructure for this new community is falling on the homeowners. And the people who have traditionally lived well in these communities, without much money, are leaving.

No one but us may mourn for that, because I think there is a notion that somehow now in the West we can have newer economies, economies based on the amenities that are present in these beautiful parts of the West and that attract footloose entrepreneurs and clean, light industries. They will come and suddenly there will be a great interest in preserving the natural resources as well as having a diversified economy. I would love to believe in that more than anyone else, but I know right now that there is no such thing as a free lunch.

We do not have the tools for dealing with the kind of growth that occurs in many of these communities, and until we have a real debate about that and find out how to help these communities get ahead of the kinds of changes that occur, then the whole debate that goes on about wilderness and RS 2477 and State versus Federal rights is irrelevant to the communities, like Moab, which are growing this way. And there are communities like that all over the West.

You could go to Dubois, Wyoming, or to the Paradise Valley in Montana or over to the Tetons into Victor, Idaho. There are places

in Escalante, Utah—and you might hear incredibly different testimony from Louise Liston a few years from now—where this is a bomb that is waiting to go off, and it is not easy to predict how it will happen, because it is like chaos everywhere.

There are tiny differences and initial conditions that can completely change the outcome, but I think in Grand County it was our diversity and our slightly greater willingness to accept newcomers and differences that let us become, along with Saint George, the first community in rural Utah that has been blown right off the map. People look at us now and they say, we are the cautionary tale. You would not like to become like Moab; you would not want to have that happen to you.

Because there are huge costs to these irreplaceable Federal treasures that are on these lands. We have now tripled and quadrupled the visitation to all these things, and I tried to describe in my testimony some of what that feels like when you have people ripping apart a thousand-year-old Anasazi wilderness to get wood for roasting their hot dogs, and where we have riots in the most prized BLM recreational areas, and where people will stand and drive golf balls into the national parks.

I have a daughter who looks at me and acknowledges my love of the country and says, yeah, Dad, you see this place as a wonderful, mystical resource to love. She said, when I look at it, I see rocks and dirt, and I am going to live on the upper east side of Manhattan. Well, now that I have seen what happens when hundreds of thousands of tourists go through a canyon, I know exactly what she means about rocks and dirt.

And in the fragile high deserts of the West, there is nothing less at stake than the total health of the land, the transformation of it from one of the most beautiful, spiritually uplifting things imaginable to rocks and dirt. And this is an unnostalgic transformation. This is an economy that knows exactly what to do with ranchers. Ranchers belong in fancy duds cooking chuckwagon suppers for French tourists and playing Ghostriders in the Sky. And that is not an exaggeration. That is what becomes of them. They disappear and no one even knows where they went.

So the community and the land need to be protected. And it is not anyone's fault when this begins to happen. It happens in thousands of small ways, all of them individually acceptable and even desirable, and the cumulative effect is a disaster. What needs to happen is, we need better ways every day of making decisions.

These small rural communities hate planning. None of them has ever planned; none of them has the least idea how much change would be acceptable to them. And if they had ever thought about that, then their prized possession of personal freedoms would prevent them from ever saying no to anyone anywhere when they reached the limits.

We need to, first of all, make people aware of what is happening, what can happen to their community, with no real conscious decision on anyone's part, and then begin to give them the tools to get some control over their destiny. Because really in the end what determines whether a community can accept the change or not is that they feel they have some say in their own destiny.

We have actually begun to work on some of these things, and I would like to tell you about one of the efforts we are involved in.

Last year, at Easter, we had tens of thousands of people in Moab. They had a riot. They destroyed enormous amounts of the country. And everyone, all the Federal resource managers and the county governments, the sheriff and the police, came together and asked, What can we possibly do? We were thrown into one another's arms, and we realized that we had this ecoregion there. No one had jurisdiction over the whole thing, but we all had an interest in trying to save it. And we suddenly said, look at this, this is the land managers agreeing that they have a huge problem and that they need to work together to solve it.

It is the exact opposite of what happened in Yellowstone, where the interest groups looked at the public lands and said, this is a mess, and they sort of besieged the Federal agencies. This is the other way around. The Federal agencies are acknowledging the problem, and local governments, and we are working together now. We have been cautiously playing footsie with one another for over a year now, and we have agreed on the structure of an organization we are calling the Canyon Country Partnership. And what it is is a regular meeting of all of the heads of the various State and Federal and county land managers and governments to try to plan together and to try to make decisions together.

We want to be sure that if we are working at cross-purposes that we know why we are doing it and that, hopefully, we are all making decisions that are in the best long-term interests of the resource, and that includes the human communities, of course, because that is where the county governments come in.

We are working on simple things like sharing GIS mapping data and things like that. Other issues involve power line corridors that go from one county to the other. In the past, we would have determined that sort of piecemeal. Now we can sit together with the different counties, with the BLM, with wildlife resource agencies and plan the most sensible route, and we do it together.

We are also dealing with really complicated issues like developing a flight management plan for the whole area over Arches and Canyonlands National Parks and the Moab area. That is involving a lot more facilitative work; and I think that anything that you can do to help us to support that organization—its needs are very minimal—and to help the local communities have the resources—I have talked in my testimony about ways the Federal lands do specifically cost us money and ways to address that—if we can have the kind of help that will let the community not be completely behind the curve on every issue; if we can have the resources to plan, to acknowledge what the problems are and to work in concert with the Federal and State agencies, then we can make the day-to-day decisions that will give us hope and let us come out of this as well as we conceivably can.

Thank you.

[Prepared statement of Mr. Hedden follows:]

Bill Hedden  
Vice-Chairman  
Grand County Council  
125 E. Center St.  
Moab, Utah 84532

Testimony Before the U.S. House Committee on Natural Resources  
Salt Lake City, Utah  
April 7, 1994

Dear Chairman Miller and Members of the Committee,

I am honored and daunted by the task of describing the ways local communities are affected by the changes sweeping the West today. Honored, obviously, by your interest in helping us deal with these problems; and daunted because my experience in one of the West's most visibly changing towns leads me to a radical suggestion: namely, that most of the issues at stake in the national public lands debate quickly become irrelevant to a town that 'succeeds' in transforming itself into a lifestyle and tourism mecca. These places have different problems, and they need a different agenda.

By way of explanation, let me turn to my own corner of the world, the Colorado Plateau. Tens of millions of visitors come here each year, and a town that creates a certain critical mass of amenities and renown can experience an explosion of growth that sweeps away everything about what the town had been, and that damages the land biologically and spiritually in new and shocking ways. Believe me, I know. Traditional extractive economies and cultures simply disappear, and nobody is even sure where they went. Federal policies aren't to blame in any obvious way. In fact, the whole dysfunctional relationship of the Western town as the needy, surly colony chafing under the rule of imperialist Washington begins to seem like a distraction from much more pressing problems.

That is why we had a revolution in local government in Grand County. My constituents remind me every day that my job is not to argue ideology about grazing reform or RS 2477 rights-of-way or wilderness, but to try to restore solvency, sanity, and some sense of control in a place that has been completely transformed overnight. I wish I could ask you to solve our problems. I wish our problems were that simple. There are a few obvious ways you can help, and I'll be describing them, but our community and the lands around it are dying of a thousand cuts. What we really need is a far better way of planning and making all the myriad decisions that determine the future. That way, we can restore hope. In this area, I have some very specific suggestions and requests.

### Setting the Stage: The Bust in the Extractive Industries

Grand County, in southeastern Utah, is the very model of a public lands county. Twice as large as some Eastern states, we have fewer than two hard-headed, independent residents per square mile. We are used to treating this lonely land like private property, by grazing and mining it, or just enjoying the way of life available in friendly small towns located in some of the most magnificent country on earth. These have been hard places to get rich, but very good places in which to be poor.

In actual fact, though, ninety five percent of the county is in federal, state, or tribal ownership, including Arches National Park and the entrance to Canyonlands National Park, Dead Horse Point State Park, a major unit of the Manti-La Sal National Forest, part of the Uintah Ouray Indian Reservation, the scenic canyons of the Green and Colorado Rivers, untold billions of gallons of oil in the shales of the Green River formation, and the world's most famous mountain biking area. The local people are really stewards of a vast empire of public resources.

Given that fact, it isn't surprising that our economy has often been at the mercy of national forces. During the 1950's, the Cold War demand for uranium quintupled the population, built roads and schools and churches, and started a boom and bust cycle that continued through the energy crisis of the 70's and ended when discoveries of foreign deposits teamed-up with the free trade policies of the 80's to make domestic uranium uneconomic. We were left with eleven million tons of radioactive waste sitting on the bank of the Colorado River, an abandoned mill, and a ruined economy. And it didn't stop there: falling commodity prices also crippled the local potash industry and caused cattlemen to sell their ranches. We lost 35% of our tax base, and, in the face of 20% unemployment, a quarter of the population left town. With variations, it was a story enacted in many places in the West during the last fifteen years, and a lot of the people who went through it want to blame somebody in order to alleviate the feeling of helplessness. In our case, the bust merely served to clear the stage for more tumultuous changes to follow.

### A Tourism and Quality of Life Economy

The simplest way to describe what happened in Grand County is to say that, in 1986, our resilient community leaders got in their rowboat and went fishing for a little tourism to revive and diversify our economy; and they hooked a great white shark. This monster has swamped the boat and eaten the crew, and those of us who have been thrust into the breach are struggling desperately to save some remnants of the valuable cargo. At stake is not merely the community we used to be (which might not be greatly mourned by anybody else), but also some of the best and most

fragile country anywhere.

Once again, we were not capable of getting in this much trouble all on our own. Our timing was exquisite, and our attractions grand, but national forces were at work in a perverse synergy that overnight, all unprepared and without the slightest forethought, turned a remote agricultural and mining town into a world famous tourist destination. We began promoting just as the relatively frugal World War II generation began passing on its vast wealth to its spendthrift offspring in the largest transfer of disposable income in history. Newly rich young people, eager to escape the increasingly unlivable cities, found Moab an ideal place to play, and, ultimately, to move to.

The numbers give some sense of the magnitude of the changes, especially if one keeps in mind how remote and sparsely populated this place has always been (about 7,000 souls live here).

-Since 1985, annual visitation at Arches National Park has tripled to nearly a million.

-Canyonlands Park, which affords more scope for mountain biking, has seen a fourfold increase in that time, and the remote areas of the park are hosting up to 45% more people each year.

-Visitation to the spectacular rivers, hiking and climbing areas, and mountain biking trails administered by the BLM has risen by about 300% since 1986, and it will double again in four years at current rates of growth.

-During the eight month tourist season, the average effective population of the county on any given day is about 16,000, and on big weekends we have more than three tourists for every resident.

Numbers alone, though, cannot give a real sense of the way the country is being taken away from the local people, or of the way the health and magic are being sucked out of these irreplaceable international treasures. If I say that 22,000 archaeological sites on the Colorado Plateau have been destroyed, does it convey the reality of the boating party on Lake Powell that tore the roof beams out of a thousand year old dwelling to build a fire for roasting their hot dogs? How can numbers describe the agonizing choice faced by BLM personnel, who had to decide whether to pave over precious riparian areas along the Colorado River and litter them with portable toilets, or leave them as health hazards covered with human waste? What does one say about the virtual riot at the world famous Slickrock Bike Trail, when thousands of drunk revelers tore up trees and threw them in bonfires, and sent outgunned local law enforcement officers scurrying? How about the father, with his family gathered around him, casually driving buckets of fluorescent golf balls across the Colorado River and into Arches National Park?

This is the brave new world of wilderness National Parks where one can't find a parking place. The most remote areas are crowded, the skies full of airplanes and helicopters, the animals

chased off, the fragile soil crusts that hold the ecosystem together are crushed, the cattlemen's gates left open, and the locals reduced to sneaking off to overlooked little crannies to hide when they can afford to take some time off from flipping burgers or making beds. The world's largest industry sent thirty million visitors to the National Parks of the Colorado Plateau last year, and the more beautiful and beloved an area is, the more it's threatened.

This is a tragedy. There is no other country like this on earth, and we should be extremely cautious and protective of this land until we have a better understanding of how it works, and of how we are going to control our own well-meaning desire to love it to death. I appreciate the efforts of all those on the Committee who are working to preserve our options for the future.

#### Costs to the Local Community

Much has been written lately about how communities with failing traditional economies can make a transition to a new economy based on quality of life. This is supposed to result in the best of all worlds, where healthy, sustainable natural systems and cultural traditions are the amenities powering vibrant towns that attract footloose entrepreneurs and clean industries that prize the local lifestyle.

In the rural West, a little bit of this is true, and a whole lot of it is wrong, and it is terribly difficult to skim off the good parts without getting a mouthful of the dregs. Once a town embarks on such a course, its ultimate destiny is far more dependent on national and global events than on the desires of the local people. International currency exchange rates, or energy crises become determining factors, and a town that does try to seize control of its destiny will quickly learn that even governors are pawns in the hands of the travel and tourism industry. Unique cultures are being homogenized into the un-nostalgic American mainstream.

We are especially vulnerable because Westerners tend to hate planning and prize personal freedoms. The first part of that means that very few towns have ever thought about how much change would be acceptable, and the second part means that even fewer would be willing to say 'enough' if growth threatened to overwhelm them. But, even a willing community has an almost impossible job trying to get ahead of the changes that occur when 'Outside' Magazine and the Travel section of the 'New York Times' designate it as the hot new spot to recreate and live.

Moab has been the subject of many such features, and I'll try to be fair by saying that lots of charming new people have come to town, and they have greatly enhanced cultural affairs and brought local planning and government into the 20th century. I can now

buy cappuccino and authentic biscotti at a dozen places, or shop for \$10,000 kachinas and rugs at a wide selection of galleries. Expensive T-shirts and fast food are everywhere. I can no longer buy shoes, of course, and every time I buy groceries I pay resort prices. One way of life, slightly ill-suited for the modern world like some hapless endangered species, is being replaced by another that is more robust.

The influx of new residents and the conversion of housing to tourist rental units has made housing scarce and expensive. The new workers in the service industry cannot find or afford anything. Tent camps have sprung up on the public lands. Even our new hospital administrator, a wonderful magician who is helping to save our hospital, has been living in the waiting room at the hospital for two months because we can't find a place for him to live. As a consequence, house prices and rents have tripled and quadrupled in the last several years. Appraised values have risen in parallel, and this, coupled with the steady erosion of our industrial tax base, and the relentless demand for new infrastructures to deal with the visitors, has sent taxes through the roof for homeowners. Lifetime residents, who lived well here with almost no money, are rapidly being forced to leave.

Population has grown by about 8% annually for the last several years, but there has been a great deal of additional activity that is more like churning in the real estate market. All of this has real consequences for the community. For example, the irrigated meadow across the lane from my house has been sold several times in the last eight months, each time to a person who knows less about irrigated meadows than the one before. The most recent owner, never having set foot on the land, had the entire thing bulldozed. All the topsoil and windbreak and wildlife habitat pushed into an unsightly fire hazard along the front fence. Nevertheless, as each successive owner took his profit, the price doubled, causing the county assessor to raise the taxable valuation of all the surrounding parcels of land.

#### The Federal Role

A great deal of all this is a state and local affair, and I shouldn't be boring you with it, but there are several areas where our problems are directly tied to the visitors who come for the attractions on the Federal Lands, and this is where I begin bleating for help. My objective in each case is to help the local community feel that it still has some control over its own destiny, because that is the difference between acceptable and unacceptable change.

First of all, the canyon country isn't a tame place to play, and the tourists regularly hurt and kill themselves way out in the boondocks. Last year, Grand County sheriff's deputies and

volunteers performed over half the search and rescue operations in the state of Utah, virtually all on public lands. Not one of the people needing assistance was a local. The bravery and dedication of the volunteers cannot be overstated, and we frequently push them beyond reasonable limits. Nevertheless, the full cost to county government for 67 rescues was about \$92,000. This is in a county where the general fund revenues are slightly more than \$600,000 a year, yet we are not allowed to collect costs from the folks we save. We propose a form of search and rescue insurance which would entitle the purchaser to the service for free, but would make those who had chosen to do without the insurance pay the full costs of any rescue.

When the tourists are brought in by rescue teams, or otherwise need emergency medical care, we have to provide a hospital for them. This hospital needs to be prepared to provide the full range of trauma services for a population two to three times as large as the permanent one, and then carry those facilities idle throughout the winter months. Like most rural hospitals, ours is struggling to survive, yet it had to borrow money to build a new emergency room. And this borrowed money, which originated in rents and royalties on oil and gas production here, came to us through the byzantine channels and the attrition of the mineral lease fund and the State Community Impact Board, to a Special Service Health District which had to receive the money so that County PILT payments would not be decreased. Taken as a whole, people, we seem to show very little aptitude for making the most of scarce resources. I suggest that counties should be able to receive Federal mineral lease monies through the state allocation process without incurring a PILT penalty, and furthermore urge that PILT be readjusted for inflation as soon as possible.

Another area where visitors have a substantial impact is in waste disposal. We used to call them dumps, and dumps were cheap, but now we have landfills and new EPA regulations, and landfills are expensive. Big communities must build high-tech Class I landfills with cell liners and leachate collection systems leading to treatment ponds. Small communities producing less than 20 tons of waste per day can build much less costly Class II landfills. Grand County was expected by state solid waste planners to produce 9-15 tons of waste per day, but, when we weighed the waste stream, we found, to our horror, that we average 35-40 tons. This is despite a vigorous recycling program, and the tourists must share a solid part of the blame. Instead of using our existing site for another 25 years, we have to construct a Class I landfill within the next year at a cost in excess of a million dollars. Once built, the new landfill will cost about \$120,000 more to run each year than a class II operation. This, alone, will consume an amount equal to 40% of our mineral lease payments.

Taken together, the impacts of industrial strength tourism are

similar to an enormous mining boom, without the tax revenues. We need help planning and providing necessary services and infrastructures for the large transient population. The Federal Government should change the formula by which PILT is calculated to account for average effective population during the year. Failing that, perhaps National Parks could add a modest surcharge to entrance fees which would go to support local government in its struggle to cope with the impacts of visitation.

#### The Canyon Country Partnership

One hopeful development in all this change is that every land management agency and unit of local government has been swamped and forced to acknowledge its inadequacy for dealing with the tide of visitors. The chaos and destruction that took place at Easter a year ago sent us all into each other's arms seeking support. We discussed the way almost every issue crosses jurisdictional boundaries, and came to understand how a decision made by one of us affects all the rest. Slowly and cautiously, we shaped the idea of a partnership of federal and state land and resource managers, county governments, and tribes, all of which share a common eco-region. The partners would share information and planning resources, and would work together to assure that our individual decisions make collective sense for the long term health of the ecosystem and the human communities that are a part of it. The idea has borne fruit as The Canyon Country Partnership. It is a very fragile and hopeful thing, but we are already hard at work on a variety of issues.

Issues are brought to the Partnership by members or by the public. If we are convinced that a given issue is appropriate, we create a committee to work on it, and anybody can serve on these committees. The idea is for committees to make consensus recommendations for action by the Partnership members. Our one standing committee is the Science Committee. It is a resource for all the others, providing the known data, and researching subjects as requested. It is actively working on an ecosystem characterization that will help us understand this place in a far more comprehensive way.

Other issues range from ones that simply make good sense, like sharing GIS mapping data among all the partners, to far more complex and controversial subjects like developing an aircraft flight management plan for the area around Moab and Arches and Canyonlands National Parks. We are very hopeful that the aircraft overflight Task Force convened by the Departments of Transportation and Interior will support the eventual recommendations of this committee.

Our plate is full of additional issues, and the extremely pragmatic people involved think that this forum can be of great service to the future of this part of the world. We hope that

the federal agencies can budget to help carry their share of the Partnership's modest expenses, and that federal appointees in this area be people who share a belief in the possibilities for collaborative action.

Thank you for your consideration.

Mr. MILLER. Thank you.

I think you make a very important point. I think there is a little nursery rhyme about this—but each and every day you have to look for a better way to do some of this. I think one of the hallmarks of this Administration, certainly in the time I have been in Washington I have never seen it, is the kind of demands from the top down about agencies working together. Stopping some of the old traditional turf battles between the Department of Agriculture and the Department of the Interior and the EPA and back and forth, hopefully will be of some real benefit to those of us who have to live with those agencies on a local level.

I think also it clearly requires that those agencies work with local constituencies. Maybe it is because Bill Clinton was a governor. I would argue in some cases, from my perspective, he is giving too much emphasis to governors and to others, but that is the determination that he has made. We saw it played out where I had differences of opinion over how the Secretary handled grazing, but the President and Secretary felt they should come out and spend time on the land developing the new regulations with grazers, with governors, with county supervisors, with local people and others.

I also want to dispel this notion that only good decisions are made at local levels and only bad decisions are made in Washington because there is simply nothing in the record that suggests that is true or suggests that Washington only makes decisions in a vacuum.

I have the votes tomorrow for a Utah Wilderness bill if I wanted to introduce one and push it through the committee and get it off the Floor. I certainly do not think I could not get it through the Senate. We could do that if that was what it was about. I could have the votes tomorrow for an Idaho Wilderness bill and a Montana Wilderness bill, on a bill I can write, but the hallmark of this committee is we have deferred these matters to State delegations. Some act like the environmental movement is somehow alien. But environmentalists reside in the State of Utah, and the reason you do not have a wilderness bill is because you cannot yet come up with a consensus within this State about what the size and the shape of that wilderness bill should be.

The same struggles are going on in Idaho, as Mr. LaRocco can testify to. In Montana we have come close to a consensus, and I think we will probably be moving that bill out. But that Montana bill was not written in Washington, just as the Colorado Wilderness bill was not written in Washington. It was written by people in Colorado. And there was great dispute over reserved water rights and over Federal lands and what would be included and what would not, and what would be in a study area and what would be wilderness, and what other designations would be established.

That has been the hallmark of this committee and that is why we have had success. That is why those bills go to the President's desk. Because the fact is almost each and every Senator could stop any wilderness bill at any given time, but they too recognize that these are products of consensus that have developed within the State which they represent.

So it is an interesting argument to continue to throw out, but the fact is that over the past eight or ten years, wilderness bills have reflected the desires of the States. That does not mean everybody got their way, but it means that there was finally a consensus arrived at and that this is about the best you could do from one perspective or the other.

I think one of the things Mr. Faleomavaega asked in his question, about whether or not we should own all these lands, and Mr. Hansen has asked this question, and I think your testimony, Mr. Hedden and Ms. Liston, raises questions about Federal classification of lands and whether we are living with classifications of lands that really do not make sense given the developments that Mr. Cromartie has told us have occurred in the West over the last 20 years.

Some of these classifications were arrived at, again, in another time, without understanding the impacts. Nobody believed when we set aside the national parks that five million to seven million people would show up at individual parks. And if you are at the confluence of those parks, that perhaps 30 million people would pass through on visitor days. Nobody realized what that entails.

As we look at rethinking the national parks and how we not only take care of the parks within the boundaries for the experience of the people that come there, we now have to think about the impact of those parks on surrounding communities. But there was no reason to think about that before because we thought it was all beneficial. But that is before everybody had access to relatively cheap airfare or the mobility or the income to participate in the West.

That is why western issues are national issues, because so many people have been here who do not reside here. But they do not want to change from what they believe they saw when they stood on the south rim of the Grand Canyon. You know, something like 40 percent of the people who visit the Grand Canyon walk away and have no idea that there is a river at the bottom. But they do not want anything changed. What if we told them we were going to put a river in the bottom? They would not want us to do that because it was not there when they saw the canyon.

So these are national issues and you cannot escape it. But I think we have a burden to ask what the impact of these Federal policies is today because it is such a dramatically-changed circumstance.

The crown jewel in my area is Yosemite, and those communities are struggling the same way. You cannot get across the street. You cannot breathe because of the bus fumes. You cannot see the rim of Half Dome because of the inversions. That is not the experience that Congress thought it was mandating when it set up that park. But when it set up that park, people had to dedicate a major portion of their summer to try to get there. Now you can be there in a matter of hours.

And I think that the points you raise are very valid. I don't think they can be resolved in a them-or-us situation. I think they have to be resolved because these are burdens that we share as stewards of the Federal lands, as stewards of the State lands, as representatives of communities and inhabitants of communities that are now impacted. And that is what we really mean by the New West. It

is not thinking about the New West as a euphemism for how do you create more wilderness, or ecosystem management as a euphemism for wilderness because wilderness has worn out its political cache. That is not the issue. The issue is how do you rethink these policies that affect the West in the 1990s, looking forward to the next ten years.

As Mr. Cromartie kept saying, if things continue as they have in the first part of the 1990s, we do not know whether people are going to keep leaving California or coming to the West or what economics will drive migration, but Congress has to start thinking about the impacts. You will never get out of your predicament if we just sort of observe them from this side of the dais. We have to get involved and ask fundamental questions like, Why do we hold on to these lands? Is there a valid national reason?

I think there is a valid reason for many of the lands. Other lands, I do not know. If some people want them, they can have them as far as I am concerned. Some are pretty poor deals, I think. But that is what we are trying to run through with this hearing. As Mr. Whitelaw said, there are these tradeoffs.

Moab—most people think it is a shoe put out by Nike—but the fact is, where do you start to reach the point where those tradeoffs make the West no longer attractive? It will not be the timber yield; it will be that people will say they do not want to live there. So industries, as they have done in California, have said, well, let's go somewhere else and we will get people who want to live in Boise who did not want to live in the San Fernando Valley, and we can create our industry there.

Those are the tradeoffs that I think should concern all of us in the West. Someone said from Indiana even to California we have these concerns.

Mr. HANSEN. I think you brought up some very provocative things to discuss, and this idea of the changing needs and the way we view the West is like the term New World Order around here. I don't know how it sells in California, but we do not like to say it much. It depends on who you are talking to around here.

It is interesting to hear this discussion. It has been philosophically extremely interesting so far. I have enjoyed it.

I look at our two representatives from Utah here and the differences you have in Grand County and Garfield County, and the differences you have in Moab, which I guess is the bicycle capital of the world now; is it not? I have never seen as many mountain bikes in my life, and I represented that in 1981 and 1982. I can hardly believe it is the same place that it was in those days.

Then I look at Escalante, Utah, and what Louise Liston has, and I was even shocked. I thought I knew that area because I represented it for ten years. I didn't realize 98 percent is owned by something other than private owners. That is Federal, State?

Ms. LISTON. Yes.

Mr. HANSEN. I don't know where you get a tax base at all in that county.

Ms. LISTON. We do not have very much, I will tell you that.

Mr. HANSEN. How many miles of road do you have?

Ms. LISTON. Seven thousand miles of road to keep up.

Mr. HANSEN. I would assume that some of that is Federal road, some State road, and some county road; is that right?

Ms. LISTON. Actually, we do not include any Forest Service roads in that; those are roads we have to maintain.

Mr. HANSEN. That is to maintain the roads, remove snow from them, the whole bit?

Ms. LISTON. We do not get around to them all when it comes to snow.

Mr. HANSEN. Just put it in four-wheel drive and hang on?

Ms. LISTON. Right.

Mr. HANSEN. I see. You mentioned as you went through how far down your economy had gone that one thing you were looking at was tourism, but you threw some caveats in there that were a little disturbing; that you have to, in effect, take care of search and rescue, help people out.

What about that? Do you put a lot of money in that area? Is that part of your budget?

Ms. LISTON. We certainly do. Just some court cases, where those that are being tried want a trial by jury, we have to be the ones that hire the jury and pay for their fees and bring them there and go through all of the costs of the court. And we had one case that happened in Bryce Canyon National Park that we had to do just that, and we have several of those cases.

And I think search and rescue is probably one of our most expensive services, and we have to call in helicopters and so on, and a lot of the people who recreate on those lands get lost and so we are always out trying to find them. A lot of them get sick, and so we have emergency services that are needed. And I see a real need for more of those services, and we do not have the budget to provide more. The volunteers that are usually providing those services are now leaving the county to find jobs elsewhere.

So it is a Catch-22. We really do not know how to solve it.

Mr. HANSEN. The Chair alluded to the idea of "them-and-us," as we used the term. How much local control—and I think this hearing has somewhat boiled down to that—how much local control do we have? How much comes from the Federal basis?

You have that problem in Moab of infrastructure. I do not see how you keep up the infrastructure in that town. I know that is where I started. My political thing was fixing water systems and sewer systems and things such as that. I do not know how you can keep up with it in those areas.

Would you like to comment on the infrastructure? And with that kind of problem, what do you think the Federal Government should do about that?

Mr. HEDDEN. There was a revolution in county government in Grand County, and probably more than any other single reason, it was because the county is insolvent. The needs for infrastructure have wiped us out, and basically what we spend our whole lives doing now is striving somehow to keep the county going.

One area where we have really gotten a brand-new kick in that regard is in running a landfill. We used to have a dump, and that was cheap. Now we have a landfill and that will be very expensive. And we have to have a Class I landfill instead of a Class II landfill because the tourist visitation has pushed us over the 20-ton-per-

day limit, and that is going to cost us a million dollars in the next year, and \$120,000 a year in extra operational expenses thereafter. And that \$120,000 a year is 40 percent of the county's mineral-lease money.

I don't know the answer to your question.

Mr. HANSEN. Forty percent of your county's budget is mineral-lease money?

Mr. HEDDEN. No, 40 percent of our mineral-lease money will go to pay the additional expenses of running a Class I landfill as opposed to a Class II landfill.

Mr. HANSEN. Is mineral lease the biggest part of your budget; is that what you are saying?

Mr. HEDDEN. No, it is not. The property tax is the biggest part of our budget.

Mr. HANSEN. What part of your budget would be money generated from tourism?

Mr. HEDDEN. County?

Mr. HANSEN. Yes.

Mr. HEDDEN. If you look at the debate that went on in the Senate, where they were anticipating the oil shale development in the West and they were talking about all the impacts that the local communities could expect from the huge influx of workers, you could go to that debate and replace the word "mining" with "tourism and recreation," and in every case the debate reads perfectly fine. And all those needs that are identified are there except there is absolutely no tax base that comes to the county through having the tourism.

We could really use some help, either in having the PILT formula readjusted to take account of transient population, or in allowing us to have some form of search-and-rescue insurance. We performed over half the search and rescue in the State of Utah last year. The direct costs to the sheriff were \$92,000 out of a \$600,000 general fund budget.

Mr. HANSEN. From what we have heard so far in this thing, I think the chairman has been talking about something that makes a lot of sense. Maybe there should be an in-depth designation change in who controls what land, and who does what, because apparently we are getting some real dissatisfaction from people who have to be on the ground and what they have to control.

Mr. Whitelaw, if I have time for one more question, I noticed as I walked in the room and heard you speaking, you mentioned the idea that the extraction industry was declining and pretty well going out. I would assume you are talking minerals, timber, things like that.

How do we take care of that? Who fills the gap? Who fills the vacuum, if that is what you are saying? How do we take care of the resources necessary to run this country, which is an insatiable group of people who want these resources?

Mr. WHITELAW. Two points: First, I did say it was declining. I mean logging, mining, and so on will be with us as long as we have economic activities in the West, but they are definitely declining.

My second point is more a question. Is your question a concern about what the Nation does for satisfying its demands for natural resources? Or is your question a concern for how our western coun-

ties will cope with replacing what used to be a larger share of their activity from extractive industries with something else?

Mr. HANSEN. When you become a Member of Congress, you will learn this: You ask your questions; I will give my answers. So you give your answer any way you want to.

Mr. WHITELAW. Well, I will ignore then at least part of your question about how we will satisfy our demand for natural resources, since it seems to be the concern is focused on the second issue.

Incidentally, I do not plan to become a Member of Congress, and that is one of the reasons.

It is almost impossible for me to respond to the question about how are we going to replace these industries since we have been replacing declining industries in this country for centuries, as has the world. And most of the time—and by “most,” I mean 95, 98 percent of the time—we do it without anyone ever asking, “How are we going to replace that industry?” That is, our economy replaces those industries. It is doing that right now.

In each of the western States where there are declining extractive industries, both in share and in numbers, total employment and population are growing. So, clearly, we are doing something to replace them. In fact, we are not only replacing them, we are more than replacing them with other activities. And we are doing it not with any single industry.

And this I regard as a strength, as the good news about this whole process. We are not replacing, say, mining with some other single sector. What seems to be really strong about the western economies is that the sources of growth are coming from a variety of sectors, a variety of industries, so that we are not committing inadvertently—not that we would have much control over it—the error of putting all our economic eggs in one sectorial or industrial basket.

So how do we do it? I mean, we are doing it. And I can describe how we are doing it across any number of States.

Necessarily, you get stories about local counties where the transition is so rapid that we simply cannot cope; that is, the institutions we have for servicing those transitions are not up to it. And again, I am not saying these are because of the Federal institution; it is all our institutions. Local, State, Federal institutions, not surprisingly, are not up to the kinds of very rapid changes that we are undergoing in the West. And we cannot stop it.

There is this sense of nostalgia I see at least in Oregon and the Northwest, and I see it surfacing in Idaho and Montana when I work in those States. This is a nostalgia to let us either slow change down or let us try to revert. Neither of those options seems to be available.

What we have done with our policies, though, frequently—again, inadvertently—is subsidize a lot of that stuff; that is, we do not pay the full costs of these transitions, the growth, the dislocations, and so on. If we were to do that, the economist in me tells me perhaps fewer would come to those counties, and then we would get to the mechanical details of how do we impose the prices that would reflect those kinds of costs? That is a whole 'nother subject.

Mr. HANSEN. Thank you. Thank you, Mr. Chairman.

Mr. MILLER. Ms. Shepherd.

Ms. SHEPHERD. Thank you. This discussion is, I think, very important as we tie it to the one that came before it, the panel that was talking about how we got here, and what we have always believed about the West and how that differs from what we now believe about the West.

It strikes me that if we, as a country and as a government, speaking for the people—and certainly I can tell you there are literally probably millions of people across this land that want your two counties to be preserved somehow, one way or another—if we are going to act in that way as a country, it strikes me that maybe we have a responsibility to help you out because we have prevented your communities from using the Federal land in order to enrich your tax base. You cannot use it. It is not one of your options, and it is not likely to ever be one of your options.

When we go back to Washington after this spring break, the chairman of the Parks and Public Lands Subcommittee, Bruce Vento, will hold a hearing on increasing the payment in lieu of taxes to counties like yours, and it is not a popular theme in Congress right now to think up a new way to spend money, to say the very least. But it seems to me that if the Federal Government wants to require you to become the on-the-ground trustees of these national treasures, we have to give you some resources to do that with. And this is one of the logical ways that the Federal Government could do that, and it is irresponsible of the Federal Government not to entertain that idea very, very, very seriously and to put it on its list of priorities.

I guess what I would like to ask the economist first is, from a theoretical point of view, will this help us do what Mr. Emmons was talking about? Will this help us help communities to stay put? If we were to increase the PILT to give communities some economic base that they could count on that was higher than the base they can count on right now, is this going to function in the market to help them stay put, to help them be more creative about having a broader range of choices as they deal with the land?

Mr. WHITELAW. If by "stay put," you mean they will still be there, the answer is yes. But in doing so, you will make them that much larger. Let me go back to that first paycheck-second paycheck metaphor I used earlier.

One of the reasons they are coming to these counties, one of the patterns that has come out of the demographic work—and Mr. Cromartie can correct me—but if I recall from the data, while there is growth throughout the West, there are differentials in these growth rates; and among the patterns emerging is that the high-amenity areas seem to be growing more rapidly than the low-amenity. You know, big surprise, but that appears to be pervasive.

So if people are coming in for the second paycheck—quality of life, environmental amenities and whatever—if, as they come in, they start encountering problems of congestion, development, lower municipal services and so on, some of them at the margin may be discouraged from coming in.

Now, picture us stepping in collectively and saying, well, we will help pick up that tab. The individuals coming in will not see directly the costs that their coming in imposed on the communities

and on the others already there. That will, in my mind, exacerbate the problem you are raising.

Yes, they will stay put, and now there will be two of them and now there will be four of them and so on. So the problems of congestion and pollution and degradation of the environmental amenities, and whatever other qualities of life, as well as probabilities of getting mugged, all of those things will make us more homogeneous.

So, yes, they will stay put and they will be more like us. If that is what you mean, then, yes.

Ms. SHEPHERD. Would you two respond to that because this is a very interesting point of view.

Ms. LISTON. First of all, may I say, Congresswoman Shepherd, that I appreciate your remarks on PILT more than you know. I feel like that is one way that could help us out. However, that will not help our communities. That will help the county stay put because it will make the county more whole in providing services, but the communities do not receive PILT payments. So you still have the problem in the community of where do they get the methods to survive.

Ms. SHEPHERD. Do you mean the city, when you say the community?

Ms. LISTON. Yes. And the county, of course, has no say-so in municipal districts. So it helps solve our problem on a county level, but the communities will still suffer because of that. And if I could give you an example of that, the PILT would probably help us handle the solid waste of all of those visitors.

We now have a county landfill for which we, by the way, travel 100 miles one way to collect waste in Boulder, Utah, and bring it back to the landfill. And the unfortunate part of a situation like that is people are not going to come to the landfill on their own, so where are they going to go to dump their waste?

It just makes us feel so bad because some of the regulations being handed down to us, which supposedly are solving the problems for some counties, are creating problems on our Federal lands, on preserving the beauty of those Federal lands, because they are going out on the Federal lands and dumping.

So we can handle that on a county basis, but we cannot handle it down on the community level. And tourism, we love our national parks, do not get me wrong; we love our State parks. I don't know whether we love the wilderness areas as much. We see the resources of our wilderness areas being destroyed. You go in some of the canyons in the wilderness study areas, and it is wall-to-wall toilet paper and human waste. In areas bordering Escalante they have had to actually carry in portable restrooms and put them there because it was becoming such a problem. And that is not solving it either.

We have had four times as many visitors thus far this year than we had last year in our interagency office that have signed up to use those lands. So we are going to be in a position like Moab very soon.

I had one backpacker that hiked the canyons come back and say, give me back the good old cow, because it is becoming a place

where I cannot go anymore and really enjoy going there. So we have some major problems with wilderness study areas as well.

Ms. SHEPHERD. Mr. Hedden.

Mr. HEDDEN. I want to give you two answers.

The first is that you have to understand how completely broke we are and how desperate we are to try to do some planning to get ahead of this. It is just like health care—if you do not spend the money ahead of time, you will have to spend an awful lot more money later to try to catch up, and you will get poorer results. So we could really use some help trying to get ahead of a few of our problems.

Having said that, then, I also want to say money is clearly not the answer to all of our problems; it has to come with a complete change in attitude for these communities, where people are understanding that the resources that they have are precious and are international treasures as well as the basis of the local economy, and that people are going to come and they cannot stop them from coming and they need to begin to value different things. This sounds bizarre because I am suddenly telling you about our community instead of the average community—but there are things more important than shoving money into your cash register with both hands, and I don't think that having more money is going to be the answer.

It is, as I said before, having the wherewithal to make better decisions, day in and day out, hundreds of them, about all the small issues that manage the public lands and that help a community choose its future rather than have it chosen for it.

Ms. SHEPHERD. I want to make an observation and have each of you respond to it and tell me if you think it is accurate.

It strikes me that when you have a community in a fragile environment, and you have a mining component move in or an oil rig move in, and they drill or mine or do whatever they do, and it is extractive, it takes it away, or they log—you could apply this to any of those—and let's say that that process of taking that mineral or those logs or whatever lasts quite a long time. It lasts for 30 years, but then it is gone, and then it is done. In the meantime, the community had to build the curbs and gutters for the people and the schools and the whole, entire infrastructure. And then they are gone and there is nothing to replace it. And what do you do because you ran out of trees or you ran out of ore or ran out of whatever it was?

That is almost the same, only it happens in a much shorter period of time, as what happens with a tourist, isn't it? A tourist comes, they have all this camping gear, they go in and leave toilet paper, they leave human waste, they leave little plastic bags everywhere that end up on the trees and around birds' necks. And they really do drop a few dollars into the till when they go to the grocery store or to fill their cars or their backpacks or whatever, or however they are getting in there. But they come, they use the infrastructure, and then they are gone. And in both cases the community gets left holding the bag.

Are those the only two choices for the West? Can that actually be that those are the only two choices we have?

Yes, Mr. Whitelaw.

Mr. WHITELAW. Briefly, actually, I did not mean to imply by my remarks that in the short run you should not transfer monies, that you should not help pick up the tab. But if that is all you do, then you may have relieved the pressures on these two during their elective tenure, but you just postponed it a few years into the future.

But those are not the only two choices, and thank God that that is true, because it turns out that tourism and the extractive industries together are a very small part of the economies of the West. One of the interesting things about tourism, or rather about these attractive places to live, is that the major impact economically has been not through tourism, but through being attractive enough for those tourists or whatever to come back and bring their jobs, bring their capital with them.

Ms. SHEPHERD. To come back and live.

Mr. WHITELAW. Exactly, and build the economy. That is where you break away from that dichotomy, that terrible choice. Which is not to say, though, that there are not communities, and many of them in the West, for which those were the only two choices. They took those choices and now they are gone, for whatever reasons. The ghost towns that Professor Emmons was talking about.

But what clearly is happening in a number of communities is that they were attractive after their extractive past, and they were attractive for various reasons, for tourism or the like, but they also then happen to have another set of characteristics. Some of them that attracted tourists were sound enough economically to allow the longer-run development. And we have them. We have them throughout the West.

Ms. SHEPHERD. Would you two comment, please? I would like to hear Mr. Cromartie.

Mr. CROMARTIE. Yes, I would like to say that the population and even economic patterns I described are not really new. There is a continuity in the West that unites these recent changes with the past. We have had many periods of rapid population growth in parts of the West. You just have to look at the front range or even the Wasatch Front.

And I will reiterate what Mr. Whitelaw is saying, that tourism is not the only thing going on; there are second homes being built, there are people moving to these areas. There are retirement communities. You only have to look at Saint George or Park City. And in writing this up, I have been trying to figure out what exactly is different in recent times from the past; and I guess I have two points to make.

One is that areas that grew rapidly in the past, like Saint George and Park City, had two factors going: one was the high amenities and one was the accessibility. Both those cities are near large metropolitan areas, and surveys show clearly that people love rural areas. People love to live in rural areas, but they want those rural areas to be within driving distance of a major city.

So those two factors have combined in the past to produce high-growth areas. In addition, there were the crown jewels, of course; areas such as Yellowstone and around Yosemite. But what seems to be going on today is that you no longer need both those factors. You can be an extremely high-amenity area out in the middle of

nowhere now, as Mr. Hedden's testimony shows us. The same thing is going on, I think, in parts of Rocky Mountain Idaho.

The second point is that the economy that is producing the population growth is much different. In the past, you had to mine where the minerals were and other locational factors placed manufacturing where they were, and certainly farming was the same way. Now you have, as we have said, a footloose industry. You can take your jobs with you and go wherever you want to go. So that is something that has to be kept in mind.

Ms. SHEPHERD. Louise?

Ms. LISTON. Well, I guess my feeling on that is mixed because in my county it is hard for me to answer a question of how we can change the population, or whatever is happening there, when we do not have the private property to sell to people to come in and replace what is there now.

We are a community, or a county, I should say, that is highly dependent on the natural resources extraction industry in order to survive. And when you have that much Federal land, there is just not much way to survive in any other way. I really believe that is why all we have left is Federal agencies and tourism in our county at the present time.

We do have one place in our county, Boulder, Utah, that is experiencing a very fast growth of people coming in to relocate, but that private property is going to be bought up soon and there will not be room for more.

So I guess that is the dilemma we are in, and not all counties face that because obviously not all of them have that much Federal land within their borders. And I do not know what the solution is for our county.

Ms. SHEPHERD. Right.

Mr. HEDDEN. I can fantasize about a different community. When I wonder what I wish would be in place 20 years from now, my aims are very modest. I would like to be able to go out into the public lands of Moab and not have it break my heart to be there. I want to feel that the community at some point said, wait, we have had a very important agricultural past here; this can be a wonderful place for growing fruit, for providing high-quality vegetables for the spate of new restaurants that are there, where we have a mix of the footloose entrepreneurs who have come into the town, but that we have not completely sold ourselves out for gas stations and fast-food restaurants.

We run into a very tough problem right away, and that is that communities like Moab become sales tax engines for State government. And that is an almost insurmountable problem for us because we get very unsympathetic treatment when we want to request help from State government. Our cities want to tap that growth. They can take some of the sales tax and they can deal with their municipal issues, but they do not have the same broad concerns that county government has, and none of that sales tax is available to the county.

So when we try to plan or provide for the services that would allow us to find out how much water we have in our community and what our actual physical limits of growth are, and then to talk to the people and find out what their hopes and dreams for the

place would allow it to grow to, we cannot do it. We do not have the money to deal with it. We are simply trying to keep issuing building permits fast enough that the developers do not murder us in court.

There are ways that the communities could handle it and could become something that is not as awful as they might, and I would like Moab to be a place where we try a lot of ideas that are out there. I think the information will be relevant to other communities that will be going through this in a few years' time. The big difference between Moab and Escalante right now is that people have chosen to move to Moab, and they have not really chosen to do that in Escalante. You can see what an incredible difference that makes.

And when it begins, a community has to know what it wants to be, and it has to have the tools to make that growth go its way and has to know when it wants to try to control it. So there is a possibility, but it is not easy to strike that balance.

Ms. SHEPHERD. Do you want to add something?

Ms. LISTON. I would.

I do not want it to look like it is all gloom and doom in Escalante and Garfield County. We are struggling, but we are fighting back. We are doing some positive things because we are not willing to lay down and die.

We formed a local action team in Escalante a couple of years ago, and we are doing some very fine things. We have probably over \$120,000 in grant money to do a county diversification study, which we completed, and the county opted on its limited budget to keep that company hired on for another year because we can see some positive things happening.

There are some companies that are interested in relocating in Escalante. These are good, clean, viable companies that do not rely on natural resources for extraction. With the present state-of-the-art electronic highway future ahead of us, why, I think we have some real possibilities all along that line for people who like to live where they like to play. So we are trying to play that up.

We have some wonderful things happening that have never happened before in our county. We do not have jobs yet, but we have the Southwest arts field that is bringing visiting artists to communities in our county that have never had that kind of culture before. And we have an education foundation that has formed a non-profit corporation in order to help our schools.

We are trying to survive by doing some things on our own initiative. And so I do not want you to think that we are just out there being buried. We are going to do something and take that back.

Ms. SHEPHERD. Thank you. I am glad that that got in the record because that is a prodigious effort.

Was there something that you wanted to add?

Mr. WHITELAW. Briefly, on this earlier point I made about exploiting the short run to invest in the long run, anticipating the kind of future these counties will face. If what Bill Hedden describes as the treatment of the sales tax continues, that is inexcusable economically for that kind of allocation to occur.

Ms. SHEPHERD. Thank you, Mr. Chairman.

Mr. MILLER. Mr. LaRocco.

Mr. LAROCOCO. Thank you, Mr. Chairman.

I am very pleased, Commissioner, as Congresswoman Shepherd said, that we got that on the record, because I think that is an important part of what is going on in the West—that we play offense rather than defense.

Let me make a couple of points though and support what Mr. Whitelaw has said.

Mr. Chairman, the people that are moving to our region—and I will just speak to Idaho—I like to refer to them as life-style refugees. For whatever reason, they have simply left. I don't know if it is drive-by shootings, guns in school, cranky neighbors, or whatever.

Mr. MILLER. Snow on the mountains is drawing all those people out.

Mr. LAROCO. Thank you. Some of those people are very productive.

Let me give you a perfect example of what is going on in Idaho, though.

Yesterday, I put on a brown UPS uniform and I went out with Lester McNeely to deliver packages on his route in Nampa, Idaho. Lester actually was recruited from Sacramento by Boise State University about 16 years ago, and he moved to Idaho. And I asked Lester, because of UPS' policy of upward mobility and moving people into management from the drivers, if he had had the opportunity. And he said, oh, yeah, they had asked him many times; but he said, if I got into management, I would have to leave Idaho. Forget income—he would have to leave Idaho.

So, then, I talked to a human resources guy for the region. He said, we cannot get people to leave Idaho. This is a real problem. They cannot recruit the drivers to move them up because they do not want to leave so when they come they are locked in.

But we have problems of rural poor.

We have many "lone eagles," as US West calls them, who move in, set up modems, satellite dishes, do anything they want. And as the Commissioner mentioned about the infrastructure that is developing, we are very fortunate to have a very sophisticated fiber-optics system in Idaho, and it is gangbusters for education, for commerce, health care. These are developments in the West that are taking place.

Let me say that Congresswoman Shepherd is exactly right, and I am cosponsoring Congressman Williams' bill on PILT. Your counterpart in Idaho County, county commissioner Enneking, is the squeakiest wheel I know for the commissioners, and we are going to have that hearing.

Let me get back to playing offense rather than defense. You mentioned Congressman Hinchey's bill, and that kind of ticks me off, too. Congresswoman Maloney has a bill to lock up every roadless acre in my State. It is called the Northern Rockies Ecosystem Protection Act. I drafted a bill the other day to make her district, the 14th District of Manhattan and Central Park, a wilderness. A little tongue in cheek.

I went to the Floor and gave a speech and did more radio interviews in New York than I ever thought I would do as a guy from Idaho. And one of the guys asked me what we would do to Bloomingdale's, and I said, send it to Jersey.

But, anyway, the point is, we are capable of determining our own destinies. Since Frank Chuch, Idaho has their tradition. Every bill that has come forward—to classify a river, make a park, (which we just have a teeny bit), establish recreation area, a wilderness—has all been homegrown. We have to keep that, and that tradition is why I want to play offense rather than defense.

But let me tell you the problem I have, too, Commissioner, is that the Idaho Association of Commissioners, Mr. Chairman, has passed a resolution saying they want 1 million acres of wilderness in the State of Idaho, but Carolyn Maloney says she wants 9 million acres. But even Senator McClure, back in 1988, who was not known as being the biggest fan of Federal domination of anything, one of the biggest States-righters I have ever known, introduced a bill to create 1.2 million. So we get these mixed signals.

Let me tell you another mixed signal that we get. I have a question for the Commissioner. Has Garfield County passed the Catron County ordinance in your county?

Ms. LISTON. No, we have not. We had the opportunity, but we did not feel like that was the answer to our problem.

Mr. LAROCO. Let me tell you why I think you might be right. There was a county in Idaho that passed it. It was found to be unconstitutional.

Ms. LISTON. Boundary County.

Mr. LAROCO. Boundary County. You know my State well. That is the northern part of my district. The legal fees for that are \$50,000, that they are now going to wrestle about, and they have to now make a decision whether to go forward. The Farm Bureau gave them 5,000 bucks to fight the issue. And I am not a lawyer, but I think it is going to be upheld.

So we have to keep moving forward, but my question is, What is the obligation of local communities or the States to diversify their economy? Is there an obligation to do that, to play offense? And anybody can answer that, just from the standpoint of, if we just sit still, things are going to be cascading over us.

And part of what I think Mr. Whitelaw and Mr. Cromartie have said about the dwindling timber base here, and, Jim, I think Georgia Pacific moved down South, for example, during the 1980s, out of Portland, and out of the Northwest, so we have had a little movement around. Even in Charles Wilkinson's 1990 article, he mentioned the pressure on private lands, it was almost prophetic because of what is happening on our private lands and how the private landowners, or the Potlatches or Boise Cascades and the Weyerhaeusers are going to be able to survive.

But getting back to my question, What is the responsibility of us to diversify our economy, move forward aggressively or sit back and wait?

Mr. CROMARTIE. I don't have an answer to that question. I do have an anecdote, though.

I think Shoshone County in Idaho is a county that looks, from the numbers, on the verge possibly of taking off, of becoming another Moab or becoming another Saint George. I do not know the county intimately.

Mr. LAROCO. May I interrupt you for a second? I want to tell the chairman about this county.

Mr. CROMARTIE. You are going to take my story away.

Mr. LAROCO. No, no, no, I don't think so.

In the decade of the 1980s to the 1990s, it was the second largest out-migration of any county in the United States; 26 percent of the folks in Shoshone County left. We had 8,000 mining jobs in 1982; we had 400 mining jobs in 1992. And it has one of the largest Superfund sites in the United States, 21 square miles.

Did I do it?

Mr. CROMARTIE. Yes, you did take my story. It lost first, I guess, its lead and zinc mines and then the silver mines closed down. It did leave a Superfund site.

But I heard the town of Kellogg has just built itself a ski lift that actually goes over the Superfund site directly. And I thought that was a nice example of the transitions here that we are talking about.

Mr. LAROCO. One night, Senator McClure—

Mr. MILLER. The town of Kellogg built it? I will tell you who built it.

Mr. LAROCO. Senator McClure's grand memorial gondola. During one late night debate on the appropriations bill in the Senate, Senator McClure had a technical amendment.

Mr. CROMARTIE. I had heard they had a grant to do it.

Mr. LAROCO. It is the largest gondola in the world. It is great.

Mr. CROMARTIE. But to get back to your question, I think individual places have to wrestle with that question. I was just in El Dorado County in California and that is where it all started as far as the West goes. And Placerville, I am talking about the Gold Rush, that was the center of the Gold Rush. You can find Sutter's Mill there. Placerville is very pro-growth, and I think I just learned a little bit about that because it is quite a tourist site and probably generates lots of sales tax. The mayor of the town is very pro-growth.

The county of El Dorado, I understand secondhand, is quite anti-growth. They have slapped very large fees on anyone who wants to build in that county, and so it is a question that all counties have to wrestle with. How did Saint George get to be Saint George? Did they have to go through a period of difficulty?

Park City is another example. Their mines closed down and the people left. They had to leave, there was nothing else to do. And what you see today really was built on the remnants. It was not a natural progression. And this kind of scenario plays itself out throughout the West.

So I cannot answer your question but it is a question that individual areas have to wrestle with and decide themselves.

Mr. LAROCO. Let me make a comment, just as a further anecdote about Shoshone County. They have 21 percent unemployment; 82 percent medicaid-funded births in that county. Very, very high. And they are diversifying it.

I had a breakfast with 80 people the other day, and they are using abandoned rail lines and trestles for one of the most outstanding mountain bike trails in the United States that we hope to develop through economic development monies, and \$6 silver will help a little bit.

But Mr. Hedden really hit on something, and I don't know if you picked up on it, Mr. Chairman, when he gave a definition for ecosystem management that we have heard both when we have been to Yellowstone and around the West here. You may not have known it, but when you said after the Moab riot, and you all got together and decided you all had a stake no matter what entity you represented—private, State, local, city, Federal—you all had that interest and that you had to come together. Sometimes I think things have to get worse before they get better.

But I think as we complete the preserve system in America, as we try to wrestle with what will be wilderness and move beyond parks and recreation and so forth, determination is what will build the West if we can get just together and have a buy-in by all the stakeholders and move forward. I am scared of the polarization of the West right now. I think it is being exploited for political gain and it just puts us further behind the curve here.

But that was an excellent example of what I think has to happen. Thank you, Mr. Chairman.

Mr. MILLER. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

It is ironic that just about every person I talk to from Maine and Vermont, they always seem to say something to the effect it is the best kept secret in America, and that is they do not want any visitors coming to their States and they like it just the way it is. I sense this is probably also the attitude many of the western States have had in years past.

It is interesting that about a year or two years ago I think Salt Lake City was featured in one of the national magazines as the number one city in America; had all the tremendous opportunities and jobs and a reasonable cost of living. There was a highly skilled work force. Utah had among the highest level of education among its highly skilled professional work force here. Corporate America had tremendous interest in wanting to invest in the State of Utah.

If that does not raise the interest of the American public as far as coming to Utah, I certainly thought it was something that was really interesting. And the tremendous interest now that you have in advertising about skiing, having now among the best resorts in the world, not just America but in the world; finding now that our friends here in the different counties, here in the State of Utah, have some very interesting problems. With Ms. Liston saying 98 percent of the land in her county is owned by the State and Federal Government, with her county hosting some 2 million visitors and you are about to go broke.

I am at a loss. How is it you are having this difficulty? The State of Hawaii hosts some 4 million visitors and they do very well as far as the tourism industry is concerned. Could you elaborate on why you are having this problem? Do you think perhaps we should transfer some of this land to the county for administration or ownership and that will alleviate the problems you are faced with as far as your economy is concerned?

Ms. LISTON. Two answers probably. If we did have more private property, we probably would be able to do more development and help the county out in that way.

But as far as handling the 2 million visitors, you know, the reason probably Hawaii can do that more effectively is because we have seasons here and our tourism business is seasonal and there are low-paying jobs. We probably would have gone down the drain a long time ago if it had not been for tourism. So do not get me wrong, tourism is a major industry in my county but it is not the answer to a stable economy.

If we had some well-paying jobs for the fathers of families, then the mothers and the sisters and the brothers could work in the gasoline stations and the motels and the restaurants and we would do just fine. But when the fathers move out, then whole families go, and we are now having to import in some of the help that we have at Ruby Inlet in Bryce Canyon in order to be able to handle the services that are required by all the visitors. So we have some major problems. I guess what we need is a balance and then we would be able to handle it.

But I admire Hawaii for being able to do that. Maybe you could share some of your secrets with me and it would help us as well.

Mr. FALEOMAVAEGA. Maybe we should change the weather here; have a two-season—no, I am just kidding.

Also, Mr. Hedden's statement is very curious. How is it that you allow visitors, just practically open the floodgates, have all these millions of visitors and somehow you are just not able to control this? Is this a problem with State planning that they just let every Tom, Dick and Harry come in without adequate facilities to prepare for their coming?

Are there not some restrictive measures to be taken to control the flow of visitors that come in? It sounded from your statement that they keep coming, and we do not know how to resolve this? Am I wrong on this? At least that is my impression of your statement.

Mr. HEDDEN. We have over 95 percent State and Federal and tribal lands in our county, and we do not call the shots on those lands. So it makes it difficult for us to tell someone they are not allowed to go to a national park.

I go to Hawaii frequently, and I am not sure that Hawaii is the role model that I want to use. I don't think that the people who live in my county would want to pay a million dollars for a one-bedroom condo at the Iron Woods or to try to stay at the Grand Hyatt. That is exactly what has happened to a place with 40 years of rampant unrestricted tourism and boosterism. And the Hawaiian people, the Hawaiian culture, what do they do? They are dancing at luaus at the resorts.

Mr. FALEOMAVAEGA. No, not anymore.

Mr. HEDDEN. They are too angry to do that. That is what is happening to the traditional cultures in these places. And we are behind you and someday we may well have \$800-a-night resorts in our community. We already have the highest motel rates in the State, and we are working in your direction, but that does not mean we have to be happy about it.

Mr. FALEOMAVAEGA. I suppose one of the most important aspects of the visitors' industry, and this is happening in Hawaii, by the way, is that they are getting to be very much a part of more genuine cultural presentations. It is not going to be just a bunch of peo-

ple doing the hula and singing and dancing songs and trivial stuff, but certainly more of a cultural presentation. Maybe this is something the State of Utah can be an active participant in, as well as just the pioneer spirit, as I hear quite often here from the State of Utah.

But I was just curious, it seems the State does not give you sufficient resources to improve some of the serious conditions that you are faced with in your district.

Mr. HEDDEN. That is correct.

Mr. FALCOMVAEGA. Thank you, Mr. Chairman.

Mr. MILLER. Next, we have Lill Erickson, Northern Rockies Representative, Successful Communities Program, Sonoran Institute, Tucson, Arizona; Gail Small, a member of the Northern Cheyenne Tribe and Executive Director of Native Action, Lame Deer, Montana; Donald Snow is the Executive Director of the Northern Lights Institute in Missoula, Montana; Randy Simmons is a Professor of Political Science from Utah State University in Logan; and David Getches is a Professor of Law at the University of Colorado Law School at Boulder.

Welcome to the committee. And, again, your full statements and whatever supporting documents you have will be made a part of the record of this hearing. Please proceed in a manner in which you are most comfortable. Lill, we will begin with you.

**PANEL CONSISTING OF LILL ERICKSON, NORTHERN ROCKIES REPRESENTATIVE, SUCCESSFUL COMMUNITIES PROGRAM, SONORAN INSTITUTE, TUCSON, AZ; GAIL SMALL, NORTHERN CHEYENNE TRIBE, EXECUTIVE DIRECTOR, NATIVE ACTION, AND BOARD MEMBER, A TERRITORY RESOURCE FOUNDATION, LAME DEER, MT; DONALD SNOW, EXECUTIVE DIRECTOR, NORTHERN LIGHTS RESEARCH AND EDUCATION INSTITUTE, MISSOULA, MT; RANDY T. SIMMONS, PROFESSOR OF POLITICAL SCIENCE, UTAH STATE UNIVERSITY, LOGAN, UT; AND DAVID H. GETCHES, PROFESSOR OF LAW, UNIVERSITY OF COLORADO LAW SCHOOL, BOULDER, CO**

#### **STATEMENT OF LILL ERICKSON**

Ms. ERICKSON. Mr. Chairman and members of the committee, thank you for this opportunity to discuss sustainability issues in the West.

The pursuit of sustainability reminds me of the quest for the Holy Grail. Not because I think it is impossible to achieve but rather because, through the quest for it, we may be able to unlock the best of our human character. To achieve sustainability, we will need to look beyond our own immediate desires. We need to understand and truly accommodate the needs of others, both human and nonhuman. Perhaps most importantly, we need to work cooperatively with others that are different from ourselves, and we do not have much experience in that. I know I do not. I have trouble with it and so I have to answer my own preaching.

So I use the Holy Grail metaphor as an example of something noble and as yet beyond our reach, but definitely worth the quest because of what it will teach us.

My views on sustainability come from living my entire life in the rural West and from being a community organizer for the last 15-plus years. I come from a mining family. My father mined for precious metals in the mountains of southwest Colorado and for uranium in the desert canyons of Utah. My mother is of Hispanic and Indian descent. Her family mined, ranched and farmed and did whatever was necessary to make ends meet. They taught me environmentalism and respect for the land and its creatures, so I know what it is like to depend on the land for a living.

Because of my father's hard work and the Federal policy of providing scholarships and grants and low-interest loans for higher education, I was the first in my family to graduate from college with a degree, and I also graduated with a burning desire to save the world.

My first attempt at saving the world was to save the mountains in which I was raised. I was born in Telluride, Colorado, which at that time was a mining town nestled in a truly exquisite mountain valley ringed by 14,000-foot peaks. I fell in love with that place.

I became active in the effort to protect the magnificent San Juan range with wilderness designation. The issue of wilderness was extremely polarized. One was either for wilderness or for jobs. There was no perceived common ground. I hated my neighbors, and my neighbors hated me. So I understand what it is like to live with polarization. It leaves lasting wounds that are slow to heal. It also does nothing to foster the best sides of our character.

I went on to become a community organizer focusing first on involving conservationists in the forest-planning process, then mining and fisheries issues. In our efforts to ensure a new molybdenum mine would be operated in a way that protected the environment, I met some remarkable people and remembered something I had learned from my dad but kind of forgotten; I remembered that a miner and an environmentalist can be one in the same. I think the miners learned from us that environmentalists are not anti-people.

Through the relationship we discovered some important common ground. With the help of the mining company—Cyprus Molybdenum—we were able to bring the Idaho Mining Association to the table to negotiate State and mining law reform. In the beginning there was very little trust but under the leadership of a fair-minded legislator, now one of your colleagues, Mike Crapo, we arrived at consensus on legislation which amended the existing mining law to include strong preventive measures and stiffer penalties.

I share this experience because it was a turning point for me in my activism. It taught me when people come together new insights are gained and workable solutions are found. This is an important lesson in the quest for sustainability.

After the Idaho experience, my husband and I moved to a cattle ranch over the northern border of Yellowstone Park. While still on the ranch, I became the community coordinator for the Greater Yellowstone Coalition's Tomorrow Project. We began the project by profiling the resources and the communities within the region to get a much better understanding of how an ecosystem functions and how humans in our communities affect the system. We were really the first entity to do that. The Federal Government had looked at it but only at the Federal lands so we looked at the sys-

tem as a whole and we just began the process. We did not learn everything, but at least we started.

I traveled with my colleagues throughout the region, talking with residents, sharing what we had learned and identifying areas of common ground. The values articulated by regional residents and their hopes for the future became the underpinnings of the coalition's *Blueprint For The Future* which outlines the many steps necessary to ensure a healthy ecosystem and thriving communities in the years to come.

By sincerely reaching out and listening to our neighbors, we learned most residents love Greater Yellowstone and are willing to sacrifice economically for the quality of life that it provides, and I think that is true of most westerners. We also discovered a host of innovative activities that local people were quietly undertaking.

We also found that people were hungry for better ways of doing things. For that reason, the coalition is working with Montana State University and the Soil Conservation Service to develop a landowners' guide to living lightly on the land, and to help newcomers understand where they live and to modify their consuming in ways that are a little more light. All of these are recommendations—there are no mandates—but they help people integrate.

GYC is also working with the international conservation community to evaluate the effectiveness of sustainability projects associated with three South American national parks. The lessons learned from these projects can help guide our efforts in this country. And I hope we can learn a lot more from the developing countries because they have had a longer experience in trying to balance human needs with resource protection, and I think we can learn a lot from them if we communicate.

I am now the Northern Rockies representative of the Sonoran Institute. The Sonoran Institute works nationwide to preserve the integrity of national parks, wilderness areas and national wildlife refuges by helping communities adjacent to these areas resolve conflicts between conservation and development. We believe that creative, cooperative approaches can produce better, more enduring results and can reduce the confrontation and polarization that divide communities and often prevent the lasting solutions.

During the last several years, the Sonoran Institute has facilitated successful communities dialogue workshops in six communities—soon to be seven—within Greater Yellowstone. The successful communities workshops bring together a broad spectrum of community residents. We get together with ranchers, miners, environmentalists, loggers, retail business people, recreation businesses, local officials, State legislators, newcomers, and old-timers to discuss the future of their area.

The workshops generally address three basic questions: What is it that you value about your community and what are the threats to those values? What would you like to see protected for the future and what are the obstacles to that protection? What ideas do you have to guide your community toward the type of future that you desire?

During the workshops, an amazing recognition often takes place. People begin to see that they share a great deal. In an atmosphere devoid of polarization so prevalent in the public hearings process,

people have the opportunity to develop a common vision for the future and to generate tangible projects and activities to make the vision a reality.

While the successful communities workshops are an important first step, they are just that, a first step. For many communities, long-term support is needed to help them achieve their goals. They simply do not have the resources or the expertise to maintain the momentum begun at the workshops. For that reason, the Sonoran Institute is helping residents create such a community support organization. The new organization is called the Corporation for Northern Rockies Sustainable Communities and it has just formed.

The mission of the corporation is to "serve and empower communities who are seeking to maintain and develop sustainable economies and sound land use policies" and the emphasis is on the "serve" and "empower." It is our hope that the corporation will fill a critical need in the region by acting as an impartial broker and adviser to local governments, community groups, business owners and others who are working to improve local conditions.

Underlying the corporation's mission is the premise that community-driven initiatives can achieve economic and conservation objectives more effectively than the top-down approach so common in government-instituted programs.

The organization's mission is based upon two realizations: One, protecting the region's natural assets, its environment, is an essential element in developing sustainable economies; and, two, ensuring greater economic diversity and vitality are essential for minimizing human impacts on the environment.

The corporation will provide eight major services:

One, we will create an information network to help people get the newest information on land-use planning policies and sustainable economic activities and to be able to communicate with each other.

Two, we will provide technical assistance on economic development strategies that are sustainable.

Three, we will promote dialogue between the various groups.

Four, we will conduct research and data analysis on issues that are identified by local people.

Five, we will sponsor skills-building workshops to help people understand how to do fundraising or any other skill that they wish to gain.

Six, we will help communities implement model projects that could serve as examples of sustainable activities.

Seven, we are going to create a small grants program to help finance these model projects. There are a lot of great ideas out there, but no money to make them real.

And the last thing we want to do is create a revolving loan fund to provide start-up and expansion capital for projects and also create an investor pool of entrepreneurs who are willing to review project prospectuses on an open-door basis, again, to bring money into these efforts.

People throughout the West have a real desire to balance their economic aspirations with protecting the values of clean air and water, abundant wildlife, small-town character, friendliness, a safe and secure place to raise their children, but they need help. They

need help in bringing people together to identify their values; help in creating plans to protect those values; and help in carrying out locally driven initiatives. The corporation reflects our best effort to provide that kind of help.

Congress and the Federal Government can play an important role, too. We need your help. And I am sure this will not come as a surprise: We need money. And we think you might be able to get that money by refocusing existing agency budgets to support local projects.

You can also provide leadership. And I really stress this because you have so much notoriety that you could help bring people together rather than divide people, which is what is happening now. You could help Americans understand that the issues are very complex and that the choice really is not between the environment and jobs.

You can reform Federal laws and policies to ensure they provide incentives for responsible actions. You can stop subsidizing efforts that are destructive and support new technologies that hold hope for more sustainable ways of providing the materials necessary to a modern society.

You can develop laws and policies based on the best available science. You can encourage industry to depart from the very old comfortable ways of doing business and to explore new approaches. You can help people recognize what is truly important in their lives and you can help people accept the fact that unbridled consumption cannot continue if we truly desire sustainability.

And, hopefully, you can instill hope. You can help the public develop an optimistic vision of what America can be if we remember that we are all in this together and that between us we have the skills, experience, and knowledge to find real solutions to our pressing problems.

Thank you very much for your interest in this issue and for coming out West to hear our concerns. I would be happy to answer any questions you might have.

Mr. MILLER. Thank you.

[Prepared statement of Ms. Erickson follows:]

STATEMENT OF  
LILL ERICKSON  
NORTHERN ROCKIES REPRESENTATIVE  
SONORAN INSTITUTE

Before the  
Committee on Natural Resources  
U.S. House of Representatives

April 7, 1994

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to address the issue of "sustainability" in the West. Before I begin, I want to thank the Committee for holding this hearing in Utah and for asking Westerners our opinions before any legislation is developed. Most of us appreciate being in at the beginning of a process. So once again, thank you.

The pursuit of "sustainability" reminds me of the quest for the Holy Grail. Not because I think it is impossible to achieve but rather because, through the quest for it, we will tap the best of human nature. We need to look beyond our own immediate desires. We need to understand and truly accommodate the needs of others -- both human and non human. Perhaps most importantly, we need to work cooperatively with others different from ourselves; not a practice in which we have much experience. So, I use the Holy Grail metaphor as an example of something noble and as yet beyond our reach, but definitely worth the quest because of what it will teach us.

My views on sustainability come from living my entire life in the rural West and being a community organizer for the last fifteen years. I'd like to share with you what I've learned and how those lessons may point to a path of sustainability.

I come from a mining family. My father mined for precious metals in the mountains of southwest Colorado and for uranium in the desert canyons of Utah. My mother is of Hispanic and Indian descent. Her family mined, ranched, farmed and did whatever was necessary to make ends meet. So, I know what it is like to depend on the land for a living. Although my folks did not come from a background normally associated with environmentalism, they were the first to teach me respect for the land and its creatures. My dad taught me that animals had rights and deserved respect. My mom taught me to love them. They both taught my sister and me to stand up for what we believe because no one could or would or should do it for us.

Because of my father's hard work and the federal policy of providing scholarships for higher education, I was the first in my family to graduate from college with a degree. I studied journalism and environmental science and graduated with a burning desire to save the world.

My first attempt at saving the world was to save the mountains in which I was raised. I was born in Telluride, Colorado, at that time a mining town nestled in an exquisite mountain valley ringed by fourteen thousand foot peaks. I became active in

the effort to protect the magnificent San Juan range with wilderness designation. At an early age I got my first taste of how Westerners deal with contentious issues.

The issue of "wilderness" was extremely polarized. One was either for "wilderness" or for "jobs." There was no perceived common ground. I hated my neighbors and they hated me. Only after a rancorous battle where my side overwhelmed the other were portions of the San Juans included in the 1980 Colorado Wilderness Act. So, I understand what it's like to live with polarization. It leaves lasting wounds that are slow to heal. It also does nothing to foster the best sides of our character.

I went on to become a community organizer focusing at first on involving conservationists in the forest planning process, then mining and fisheries issues. I was stationed in Salmon, Idaho but organized in the five communities that ring the Salmon River watershed. In Idaho, as in Colorado, the issues were polarized. The communities were divided. The debate focused on differences.

Fortunately, in our efforts to ensure that a new molybdenum mine was operated in a way that protected water quality, anadromous fisheries and wilderness values, I met some remarkable people and remembered that a miner and an environmentalist can be one and the same. The miners learned from us that environmentalists are not anti-people. Our Citizens Mining Network and mine officials developed a relationship. We learned from each other. Through the dialogue we discovered important common ground.

With the help of the company – Cyprus Molybdenum – we were able to bring the Idaho Mining Association to the table to negotiate state mining law reform. In the beginning the meetings were tense with posturing by both sides. Eventually we developed trust, and under the leadership of a fair-minded legislator – now one of your colleagues, Representative Mike Crapo – we arrived at consensus on legislation which amended the existing mining law to include strong preventative measures and stiff penalties. With the endorsement of both the environmental community and the mining association the bill sailed through the Idaho Legislature.

I share this experience because it was a turning point for me. It taught me that people with different perspectives can share common concerns. And, more importantly, when people come together collaboratively new insights are gained and workable solutions are found. I believe that this is an important lesson in the quest for sustainability.

After the Idaho experience, my husband and I moved to Montana to caretake a cattle ranch on the northern border of Yellowstone Park. The job introduced me to the ranching community which I learned is as diverse as the landscape. Some ranchers hate predators, others love wolves. But almost all love their community and many do the hard and thankless work that keeps communities functioning.

While still on the ranch I became the community coordinator for the Greater Yellowstone Coalition's Tomorrow Project. We began the project by profiling the resources and the communities within the region to get a better understanding of how an ecosystem functions and how humans and our communities affect and are affected by the system. Together with the project's director, Dennis Glick, I traveled throughout the region talking with residents, sharing what we had learned and identifying areas of common ground. The values articulated by regional residents and their hopes for the future became the underpinnings of the Coalition's *Blueprint for the Future* which outlines the many steps necessary to ensure a healthy ecosystem

and thriving communities in the years to come. By sincerely reaching out and listening to our neighbors we learned that most residents love Greater Yellowstone and are willing to sacrifice economically for the quality of life it provides. We also discovered a host of innovative activities that local people were quietly undertaking in pursuit of sustainability.

We also found that people were hungry for better ways of doing things. For that reason the Coalition is working with Montana State University and the Soil Conservation Service to develop a landowners guide to living lightly in Greater Yellowstone. GYC is also working with the international conservation community to evaluate the effectiveness of sustainability projects associated with three South American national parks. The lessons learned from those projects can help guide our efforts in this country.

I am now the Northern Rockies Representative of the Sonoran Institute. The Sonoran Institute works nationwide to preserve the integrity of national parks, wilderness areas and national wildlife refuges by helping communities adjacent to these areas resolve conflicts between conservation and development. We believe that creative, cooperative approaches can produce better, more enduring results and can reduce the confrontation and polarization that divide communities and prevent lasting solutions.

During the last several years the Sonoran Institute has facilitated Successful Communities Dialogue Workshops in six communities -- soon to be seven -- within the Greater Yellowstone region; Jackson and Dubois, Wyoming; Teton Valley, Idaho; Gardiner, Livingston and Red Lodge, Montana. On April 21st Lander, Wyoming will join the list. The Successful Communities Workshops bring together a broad spectrum of community residents (ranchers, miners, environmentalists, loggers, retail business people, recreation businesses, local officials, state legislators, newcomers, old-timers) to discuss the future of their area.

The process begins when the Institute is invited into a community. We help residents identify the various stakeholders in their community and form a Steering Committee of those interests. The Steering Committee works together to organize a meeting where all community members are invited and encouraged to participate. Often it is the first time people of such varied perspectives have worked toward a common goal.

The workshops are generally one and one half to two days long and begin with a brief history of the area and an analysis of current community conditions. On the second day participants break into small groups and discuss three basic questions:

- (1) What is it that you value about your community and what are the threats to those values?
- (2) What would you like to see protected for the future and what are the obstacles to that protection?
- (3) What ideas do you have to guide your community toward the type of future you desire?

During the workshops an amazing recognition often takes place. People begin to see that they share a great deal. They care about many of the same things and have the same hopes and fears for the future. They remember they are neighbors. In an atmosphere devoid of the polarization so common in public hearings, people have the opportunity to develop a common vision for the future and to generate tangible projects and activities to make the vision a reality.

While the Successful Communities Workshops (and processes like it) are an important first step, they are just that, a first step. For many communities long-term support is needed to help them achieve their goals. They simply do not have the resources or expertise to maintain the momentum begun at the workshops.

Communities have consistently identified the need for a community support organization to provide long-term technical assistance, foster communication, promote continued dialogue, conduct research and data analysis, provide training in a variety of skills and help implement innovative projects that serve as models in the quest for sustainability. As a result the Sonoran Institute is helping residents create such an organization.

The new organization – the Corporation for Northern Rockies Sustainable Communities – has just formed. A steering committee represented by diverse interests is in the process of recruiting its first board of directors.

The mission of the Corporation is to "serve and empower communities who are seeking to maintain and develop sustainable economies and sound land use policies." It is our hope that the organization will fill a critical need in the region by acting as an impartial broker and advisor to local governments, community groups, business owners, and others who are working to improve local conditions. Above all, the Corporation will support sustainable economic activities and sound land use policies. Underlying the Corporation's mission is the premise that community-driven initiatives can achieve economic and conservation objectives more effectively than "top down" approaches so common in government initiated programs.

The organization's mission is based upon the realization that protecting the region's natural assets is an essential element in developing sustainable economies. Ensuring greater economic diversity and vitality are essential for minimizing human impacts on the region's natural resources.

The major goals of the Corporation are to:

- \* Foster community-based initiatives for realizing greater economic diversity and vitality
- \* Assist communities in protecting natural areas
- \* Assist communities in preserving distinctive community values.

To achieve the goals the Corporation will provide eight major services. First, the Corporation will establish an information clearinghouse, a communication network and publish a newsletter to help communities more effectively locate sources of information and communicate with one another.

Second, we will provide technical assistance on economic development strategies that are sustainable and compatible with community quality of life and environmental protection goals.

Third, we will help communities promote dialogue on local issues by bringing residents together to identify local priorities and help them develop techniques and processes that build consensus on ways to achieve those priorities.

Fourth, we will develop information on economic conditions and trends, successful conservation and sustainable development techniques, conditions of natural and cultural resources and the implications of changing state and federal legislation.

Five, we will sponsor conferences, workshops and seminars on fundraising methods, leadership development and innovative economic and land use approaches.

Six, we will help communities implement model projects that demonstrate successful methods for creating sustainable communities.

Seven, we will establish a small grants program to provide financial assistance to communities with model projects.

Eight, we will establish a revolving loan fund to provide start-up and expansion capital for model projects and create an investor pool of entrepreneurs willing to review project prospectuses on an open-door basis.

People throughout the West care deeply about the place where they live. They also have a real desire to balance their economic aspirations with protecting the values of clean air and water, abundant wildlife, small town character, friendliness, a safe and secure place to raise their children. But they need help. Help in bringing people together to identify their values. Help in creating plans to protect those values. And help in carrying out these locally-driven initiatives. The Corporation reflects our best effort to provide that help and to support people in their desire to create sustainable communities. The idea for the Corporation came from the grassroots, and the organization will be governed by the grassroots. We intend to be flexible enough for creativity to flow and to give new ideas a chance to prove their worth. We intend to provide neutral but fertile ground for people from all backgrounds to work together.

Congress and the federal government can play an important role. We need your help. You can supply money for initiatives that represent sustainable activities by re-focusing existing agency budgets to support local projects. You can provide the leadership to bring people together. You can help Americans understand that the issues are complex and that the choice really isn't between the environment or jobs. You can reform federal laws and policies to ensure that they provide incentives for responsible action. You can stop subsidizing efforts that are destructive and support new technologies which hold hope for more sustainable ways of providing the materials necessary to modern society. You can develop laws and policies based on the best available science. You can encourage industry to depart from the old ways of doing business and explore new approaches. You can help people recognize what is truly important in their lives. You can help people accept the fact that unbridled consumption cannot continue if we truly desire sustainability.

You can instill hope. You can help the public develop an optimistic vision of what America can be if we remember that we are all in this together, and that between us we have the skills, experience and knowledge to find real solutions to our pressing problems.

Thank you again for your interest in this issue. I hope that you too believe that the quest for sustainability is worth undertaking. I would be happy to answer any questions.

Mr. MILLER. Ms. Small.

### STATEMENT OF GAIL SMALL

Ms. SMALL. Good morning. It is a real pleasure to be here before you today testifying. My name is Gail Small. My Cheyenne name is Ve-Hon-neau, meaning Head Chief woman.

I was born and raised in southeastern Montana on the Northern Cheyenne Indian Reservation. I left the reservation for school, and I graduated from the University of Montana and later on graduated from the University of Oregon School of Law. In fact, Charles Wilkinson was one of my professors. I currently serve as a founding director of Native Action. It is a nonprofit organization located in Lame Deer, Montana.

Perhaps even more so than most westerners, Indian people have a very strong sense of place. History, geography, and culture connect us to the land in a way that is often difficult to describe, so bear with me a moment as I describe my sense of place in this beautiful region.

Along with my extended family, I live along Lame Deer Creek, adjacent to the battlefield where Chief Lame Deer was killed in a battle with General Miles and the U.S. Cavalry on May 7, 1877. From my living room window, one can see the majestic sandstone cliff where Chief Lame Deer crawled into and died after he took 16 bullets. It is a powerful place and it epitomizes a powerful moment in the not-so-glorious era of the early West.

My reservation consists of 500,000 acres of very beautiful ponderosa pine hills, plains and river valleys. I grew up in this area listening to the oral traditions of the tribe which tell of our people being remarkably strong warriors. Along with our traditional allies, the Cheyenne, the Sioux and the Arapahoe tribes defeated Custer at Little Bighorn in 1876.

I heard this story often as I grew up, and the story always ended with a moral that war does not bring peace. For shortly after the Battle of the Little Bighorn, the Cheyenne people were taken as prisoners and they were marched to Oklahoma Indian Territory. There they died quickly from malaria and other diseases.

On September 9, 1878, the Cheyenne people told the agent at the fort that they were leaving, they were returning to their north country. So on February 1879 only a few hundred people reached the country where I live now. Thus, our reservation represents the blood and the tears of our grandparents who willingly gave their lives so that we might live here.

I tell you the history of my tribe because often, in envisioning the future of the West, we ignore or refuse to assess our past. Americans, in particular, rarely reflect on their history. Prior to strategically assessing contemporary issues confronting this region, we must acknowledge the history of the West as one of conflict, violence and opposing world views. Not only must we acknowledge this reality, we should learn from it.

I do not believe we are learning from our past mistakes. Too often the Federal and the State Government appear to be flip-flopping like a fish out of water. For example, Federal Indian policy in the West continues to reflect the erratic nature of a government lacking any clear understanding of its relatively recent history. It

is difficult for me to find any degree of consistency or reason within Federal Indian policy.

Early Federal Indian policy was annihilation of the Indian and our major food source, the buffalo. This did not work out very well so the Federal Government decided to enter into treaties with the tribes. Then the treaties were broken, and they decided to protect the Indian tribes by declaring themselves as the tribes' legal guardians. As the Federal trustee, the Federal Government then launched the 1950s policy which was primarily of terminating the status of Indian tribes and their reservations, focusing particularly upon those reservations which held valuable natural resources. Assimilation and relocation of the Indians from their reservations to the cities then became the Federal policy in the 1960s.

Since the early 1970s, the Federal Government's Indian policy has been self-determination. Indian tribes are encouraged to diversify their reservation economies. To help implement this Federal policy, recently Federal funds became available to study the establishment of nuclear waste dumps on Indian reservations. Many tribes decided to diversify their reservation economies not by nuclear waste dumps, although money might have been more lucrative, but instead by establishing gaming enterprises. Now, Indian tribes are being told by their Federal trustee they have to slow down their economic diversification through gaming and, further, that they are required to get State approval to operate tribal gaming enterprises.

How can sustainable economies be established on Indian reservations given the schizophrenic nature of our trustee's actions and policies? This question begs a larger question of defining what are sustainable economies in the West. Our region is a vast, geographically and culturally diverse area. What may be defined as sustainable in the mountains may not work in the Great Plains region of the West.

Solutions which encourage local community-based initiatives must be encouraged by the Federal Government. The communities themselves have the ability to determine their quality of life and the pace at which they can accommodate change. Rapid economic and societal changes, such as those associated with the boom towns, is often not what communities want. Given this set of assumptions, it should not be surprising that some communities prefer to forego rapid economic growth.

An example is my tribe's decision to forego the coal stripmining of our reservation despite promises of overnight wealth from the coal companies. The sacrifices inherent to such economic development are too great for the tribe to risk. A sense of place, a sense of history, guides tribal decisionmaking. We know of our history. We know that our grandparents gave their lives for this homeland. We are taught to look far into the future as children. You must look into the seventh generation of your children's children before making decisions that affect your tribe.

We understand that Indians are not in control of Federal Indian policy. Although no longer in the war departments, the Bureau of Indian Affairs continues to dictate our future. Only a dime of every dollar appropriated by Congress for Indians ever reaches the reservations. Most of the monies are eaten by the massive bureauc-

racy of the Bureau of Indian Affairs, which flip-flops like the fish out of water.

It is no secret the Northern Cheyenne Indian Reservation is being surrounded by this country's largest coal stripmining operations. Many people, especially the Federal Government, are perplexed as to why the Cheyenne people have refused to stripmine their reservation. A banker once asked me why the Cheyenne choose to live in poverty. We do not want to live in poverty, and we cannot return to the days of hunting the buffalo.

This same banker was shocked that 164 people on my reservation wanted to go into small businesses ranging from ranching to tire repair. I told him we did not want to stripmine the reservation, and instead we were seriously trying to establish and expand small business development.

Like most Indian reservations, there is no bank or credit union on my reservation. The money generated on my reservation from timber and agriculture goes off the reservation to the border towns surrounding our reservation. Indian people are not able to get loans at the off-reservation banks for business development. On the reservation, indeed, we are lucky if we can get a simple consumer loan.

A group of community members met with the bank board to discuss this problem, and we were told the BIA was supposed to take care of our banking needs. Yet the bank was quite willing to accept tribal deposits. Utilizing the Federal Community Reinvestment Act, the CRA, we filed a challenge in 1990 to an interstate bank merger involving this particular bank.

After an arduous two-year administrative challenge, the Federal Reserve Board of Governors set the banking industry on its heels by denying this bank merger and it was based solely on the Community Reinvestment Act. We could not get any statewide newspapers to cover this story at first, but we had the national newspapers, including the *American Banker*, begging for the story. This tells you something about the press coverage we have in Montana also.

To make a long story short, the bank was forced to settle up with us, and much to their surprise, it has proven to be quite profitable for them. We recently evaluated the joint CRA agreement and the bank was astonished; over \$2.3 million had been loaned to reservation residents in just a little over one year. Most surprising for the bank was that the tribal court was competent in handling any necessary collections.

We have turned what started out as an adversarial confrontation into a working relationship with the off-reservation border town. Getting a bank located on the reservation remains our goal, but we are getting there.

My work in this area is primarily centered upon empowering our communities to assert some measure of control over our future. We have had to either confront or work around the Federal and State governments, and in this process we have made some unlikely alliances. Coal miners, railroad unions, white ranchers, city governments, and Indians are now forming alliances to protect their vested interest in the West. It is an amazing alliance that takes a great

deal of nurturing, but the time has finally arrived when we were beginning to work together.

The central organizing issue is the permitting of the Tongue River Railroad currently pending before the Interstate Commerce Commission. My tribe has opposed this railroad for years because of its threat to ancestral burial grounds, sacred sites, and to our environment. The railroad unions opposed it because it was going to be a nonunion railroad. The local city government opposed it because it was going to result in the existing railroad through their town being shut down, resulting in the loss of jobs and income. The coal miners opposed it because they would either lose their jobs or have to transfer. While some overlapping may occur, everyone has their own vested interests in stopping the Tongue River Railroad.

The proposed Tongue River Railroad is simply a shortcut for the railroad. The question being asked is, Why another railroad when the rural economy of southeastern Montana has already become dependent upon an existing railroad? The joke is the Tongue River Railroad is simply a shortcut to putting more money into the pockets of a few private speculators.

Money and politics from extractive industries in the West have traditionally won the battles. Local communities must begin prevailing, and they might have that opportunity given the establishment of alliances such as I have just described. The potential to reconcile diverse interests in our region is much greater if the politicians would allow the dialogue to take place rather than dictating policy.

My concern as we enter the twenty-first century is that we have not learned from our past mistakes. The Federal and State agencies are continuing their same misguided policies in the West. Over-reliance on extractive industries prevents dialogue and development of sustainable economic alternatives to resource development and results in environmental degradation.

Our lives are clearly in transition and change is inevitable, but on whose terms will this change occur? The West is truly a unique cultural and geographic place and it is home to many diverse, creative individuals. Much is at stake at this point in our region's history. Perhaps the role of the Federal Government should be guided by the ancient tribal philosophy that allows that people can decide what is best for the next seven generations. Thank you.

Mr. MILLER. Thank you.

[Prepared statement of Ms. Small follows:]

April 7, 1994

Mr. George Miller, Chairman  
U.S. House of Representatives  
Committee on Natural Resources  
Washington, D.C. 20515-6201

Good morning Honorable Chairman Miller and Committee members,

It is a pleasure to testify before you today on critical issues facing the contemporary west. My name is Gail Small and my Cheyenne name is Ve-Hon-neau, translated as Head Chief woman. I was born and raised in southeastern Montana, on the Northern Cheyenne Indian Reservation. I left the Reservation for school and graduated from the University of Montana and the University of Oregon School of Law. I currently serve as the founding director of Native Action, a non-profit organization located in Lame Deer, Montana.

Perhaps even more so than most westerners, Indian people have a strong sense of place. History, geography, and culture connect us to the land in ways that are often difficult to describe. So bear with me a moment as I describe my sense of place in this beautiful region. Along with my extended family, I live along Lame Deer Creek, directly adjacent to the Battlefield where Chief Lame Deer was killed in a battle with General Miles and the U.S. Cavalry on May 7, 1877. From my living room window, one can see the majestic sand rock cliffs where Chief Lame Deer crawled into and died after being shot nineteen times. It is a powerful place that epitomizes a powerful moment in the not so glorious era of the early west.

My reservation consists of 500,000 acres of beautiful ponderosa pine hills, plains and river valleys. I grew up listening to the oral traditions of the Tribe, which tell of our people being remarkably proud and courageous warriors. Along with our traditional allies, the Sioux and Arapahoe Tribes, the Cheyenne defeated Custer at the Little Bighorn in 1876. I heard this story often as I grew up and the story always ended with the moral that war does not bring peace. For shortly after the Battle of the Little Bighorn, the Cheyenne people were taken as prisoners and marched to Indian Territory in what is now Oklahoma. Like most Indian Tribes who were removed to Oklahoma, the Cheyenne quickly began dying of malaria and other diseases. On September 9, 1878, the Cheyenne decided to return to their beloved northcountry. They told the government agent to let them get a short distance from the fort before they made the ground bloody. Only a few hundred Cheyenne survived this long walk north and reached our homeland in February, 1879. Our reservation thus represents the blood and tears of our grandparents, who willingly gave their lives so that we might live.

I tell you this history of my Tribe because often in visioning the future of the west, we ignore or refuse to assess our past. Americans, in particular, rarely reflect on their history. Prior to strategically assessing contemporary issues confronting this region, we must acknowledge that the history of the west is one of conflict, violence, and opposing world views. Not only must we acknowledge the reality of our history, we should learn from it.

I don't believe we are learning from past mistakes. Too often, the federal government appears to be flip-flopping like a fish out of water. For example, federal Indian policy in the west continues to reflect the erratic nature of a government lacking any clear understanding of its relatively recent history. It is difficult to find any degree of consistency or reason in federal Indian policy.

Early federal policy was annihilation of the Indian people and their major food source, the buffalo. This didn't work out very well so the federal government decided to enter into treaties with the Tribes. Then they broke the treaties and decided to "protect" the Indian Tribes by declaring themselves as the Tribes' legal guardian. As the federal trustee, the federal government then launched the 1950's policy of terminating the status of Indian Tribes and their reservations, particularly those reservations with valuable natural resources. Assimilation and relocation of the Indians from the Reservations to the cities of America became the federal policy throughout the 1960's.

Since the early 1970's, the federal government's Indian policy has been self-determination. Indian Tribes were encouraged to diversify their reservation economies and to help implement this federal policy, federal funds became available to study the establishment of nuclear waste dumps on Reservations. Many Tribes decided to diversify their reservation economies not by nuclear waste dumps (although the money might have been more lucrative) but by establishing gaming enterprises. Now, Indian Tribes are being told by their federal trustee that they have to slow down their economic diversification through gaming and further, that they are required to get state approval to operate tribal gaming enterprises.

My tribe and others in the relatively isolated northern great plains region are being encouraged to diversify our economies by mining our homelands for coal, gold, and other natural resources. Rather than stripmine our homelands, we've decided to start raising buffalo. We all have buffalo herds again. We've even formed an inter-tribal bison cooperative. I wonder if my neighbors in Montana, Ted Turner and Jane Fonda, have anything to do with this? Perhaps we should name this decade of federal Indian policy the Ted Turner and Jane Fonda era.

How can sustainable economies be established on Indian Reservations given the schizophrenic nature of our trustee's actions and policies? This question begs the larger question of defining what are sustainable economies in the west. Our region is

a vast, geographically and culturally diverse area. What may be defined as sustainable in the mountains may not work in the great plains region of the west. The critical factor appears to be that sustainable economies must be defined in terms of the local communities themselves, rather than being dictated by a federal bureaucracy gone awry.

Solutions which encourage local community-based initiatives must be encouraged by the federal government. The communities themselves have the ability to determine their quality of life and the pace at which they can accommodate change. Rapid economic and societal changes, such as those associated with the coal boom towns of the west, threaten a community's sense of place and future aspirations. Given this set of assumptions, it should not be surprising that some communities prefer to forego rapid economic growth, often associated with the extractive industries.

An example is my Tribe's decision to forego the coal stripmining of our Reservation despite promises of overnight wealth from the coal companies. The sacrifice inherent in such economic development is too great for the Tribe to risk. A sense of place, a sense of history guides tribal decision-making. We know that our grandparents gave their lives for our homeland. We know our history. We are taught to look far into the future, into the seventh generation of our children, before making decisions affecting the Tribe. We understand that Indian Tribes are not in control of federal Indian policy. The Bureau of Indian Affairs (BIA) continues to dictate our future. Only a dime of every dollar appropriated by Congress for Indians ever reaches the reservations. Most of the monies are eaten by the massive bureaucracy of the BIA, which flip-flops like the fish out of water.

It is no secret that the Northern Cheyenne Indian Reservation is being surrounded by this country's largest coal stripmining operations. Many people, especially our trustee, the federal government, are perplexed as to why the Cheyenne people have refused to stripmine their Reservation. A banker once asked me why the Cheyenne people choose to live in poverty. We do not want to live in poverty. And we cannot return to the days of hunting buffalo.

This same banker was shocked that 164 people on my Reservation wanted to go into small business, ranging from ranching to tire repair. I told him that we did not want to stripmine the Reservation and that instead, we were seriously trying to establish and expand small business development. Like most Indian Reservations, there is no bank or credit union on my Reservation. The money generated on my Reservation from timber and agriculture goes directly off the Reservation to the border towns surrounding the Reservations. Indian people were not able to get loans at the off-reservation banks for business development on the Reservation and indeed, were lucky if they could get a consumer loan.

A group of community members met with the bank board to discuss this problem and we were told that the BIA was supposed to take care of our banking needs. Yet the bank was quite willing to accept tribal deposits. Utilizing the Federal Community Reinvestment Act (CRA), we filed a challenge in 1990 to an interstate merger involving this particular bank. After an arduous two year administrative challenge, the Federal Reserve Board of Governor's set the banking industry on its heels by denying the bank merger based solely on the Community Reinvestment Act. We couldn't get any statewide newspapers to cover this story at first, but we had the the national newspapers, including the American Banker, begging for the story. This tells you something about the press coverage we have in Montana. To make a long story short, the bank was forced to settle up with us and much to their surprise, it has proven to be quite profitable for them. We recently evaluated the joint CRA agreement and the bank was astonished that over \$2.3 million had been loaned to reservation residents in just a little over one year. Good loans, profitable loans for the bank, and with few problems. Most surprising for the bank was that the tribal court was competent in handling any necessary collection actions. We've turned what started out as an adversial confrontation into a working relationship. Getting a bank located on the Reservation remains the goal, but we're getting there.

Like most westerners, Indian people are not in control of the forces dictating our future. It is that simple. How can we build sustainable economies when we are not in charge of our future?

My work is centered upon empowering our communities to assert some measure of control over their future. We have had to either confront or work around the federal government. In the process, we have made some unlikely alliances. Coal miners, railroad unions, white ranchers, city governments and Indians are forming alliances to protect their vested interests in the west. It's an amazing alliance that takes a great deal of nurturing, but the time has finally arrived when we are beginning to work together. The central organizing issue is the permitting of the Tongue River Railroad, currently pending before the Interstate Commerce Commission. My Tribe has opposed this railroad for years because of its threat to ancestral burial grounds, sacred sites and our environment. The railroad unions opposed it because it was going to be a non-union railroad. The local city government opposed it because it was going to result in the existing railroad through their town would being shut down, resulting in loss of jobs and income. The coal miners opposed it because they would either lose their existing jobs or have to transfer to the coal fields being developed in the neighboring state. While some overlap may occur, everyone has their own vested interests in stopping the Tongue River Railroad. The proposed Tongue River Railroad is simply a shortcut for the railroad. The question being asked is why build another railroad when the rural economy of this region has already become dependent upon an existing railroad. The joke is that the Tongue River Railroad is simply a shortcut to putting more money

into the pockets of a few private speculators. Money and politics from the extractive industries in the west have traditionally won the battles. Local communities might begin prevailing however, give the establishment of alliances such as I just described. The potential to reconcile diverse interests in our region is much greater if the politicians would allow dialogue to take place by facilitating such discussion, rather than dictating policy.

I believe that communities in the west know where they want to be in the 21st century. The federal government's role should be one of listening, evaluating your past mistakes and successes, and empowering your communities. You're taking some good first steps by offering early retirement options for the federal civil service employees. Perhaps go a little further and consider re-structuring the federal agencies. My experience has been that the Area Regional Offices of the federal agencies, such as the BLM and the Bureau of Indian Affairs basically duplicate what their local offices do. Evaluate whether we really need so much oversight. Most importantly, determine whether the federal layers of bureaucracy serve to stifle community initiatives. Re-direct federal funding to ensure that congressional funding reaches the problems and constituency intended. Something is clearly wrong when only a dime of every dollar appropriated by Congress for Indians actually gets to the Reservations.

Federal funding should go directly to the Indian Tribes. Tribal government infrastructure is desperately needed on Reservations. No significant federal assistance has ever been provided to develop the tribal government infrastructure necessary for environmental protection. And yet Indian Tribes possess tremendous amounts of natural resources and their reservations are being targeted for nuclear waste dumps. Tribes and their environments are ripe for exploitation.

Federal environmental statutes are now being amended to acknowledge tribal governments for "substantially the same treatment as a state". Without adequate funding however, these laws will remain law on paper only. Because of our small populations on some reservations, Indian Tribes may not be able to access Superfund monies. Where are we going to get the funding to enforce tribal environmental laws? My tribe was eventually forced to go to the coal companies, who we were suing, to settle our case in order to get air monitoring stations on the Reservation. The Environmental Protection Agency granted the Cheyenne Tribe's petition to redesignate our Air Quality to Class 1 status in 1978 but could not help us enforce it because they weren't sure we fit the definition of a government. So much for environmental protection from our trustee.

My concern as we prepare to enter the 21st century is that we have not learned from our past mistakes. The federal agencies are continuing their same misguided policies in the west. Over-reliance on extractive industries prevents dialogue and development of sustainable economic alternatives to resource depletion and environmental degradation. Local communities aspirations for the future of the west are not being heard.

Our lives are in transition and change is inevitable, but on whose terms will this change occur? The west is truly a unique cultural and geographic place and it is home to many diverse, creative individuals. Much is at stake at this point in our region's history. Perhaps the role of the federal government should be guided by the ancient tribal philosophy that allows the people to decide what is best for the next seven generations.

*Gail Small*



## **NATIVE ACTION**

**Gail Small**  
Exec. Director

P.O. BOX 316 • LAME DEER, MONTANA 59045  
PH. (406) 477-6390 • (406) 477-6337 • FAX (406) 477-6421  
NORTHERN CHEYENNE INDIAN RESERVATION



Mr. MILLER. Mr. SNOW.

#### STATEMENT OF DONALD SNOW

Mr. SNOW. Mr. Chairman and members of the committee, it is a pleasure and an honor to visit with you today, especially in the State where I was born, and in the city where Wallace Stegner spent some part of his life. Salt Lake City and the State of Utah had a profound effect on Wallace Stegner, whom I think we can fairly describe as the mentor of the modern American West.

I want to spend my moments with you today reflecting a little on one of the central themes in Stegner's writing. I want to suggest how we in the West, arguably the most politically polarized region of the country, might begin to create, in Stegner's words, "a society to match the scenery."

To a very large degree, the West of the twentieth century, of my parents' lifetime, has been an experiment in centralization. We have become so accustomed to the juggernaut of centralized land and resource management, we can scarcely imagine a West without it. Environmentalists, old-guard conservationists of the Gifford Pinchot school and proponents of so-called Wise Use—all have bought into the centralization of planning and decisionmaking in the West.

This tendency toward centralization and Federal control, under the aegis of "scientific management," has had some very unfortunate consequences, even in the midst of all the good it has done—the jobs and food production and economic opportunity it has helped to create. One unfortunate offshoot of the West's reliance on Federal control and Federal dollars is that these have insulated us from facing the hard realities of the burgeoning global marketplace.

Moreover, expert-driven management, in my view, has made us lax in our attitudes toward resource stewardship. We have learned over nearly a hundred years of the nationalization of the West's resources that conservation is the realm of government expertise. Yet no less a figure than Aldo Leopold warned us about the risks and limitations of what he called "governmental conservation," by which he meant precisely the expert-driven resource management which we have fully delegated to agents of Federal and State Governments.

But perhaps the most unfortunate effect of centralized resource management is that it has kept the West politically immature; the Federal presence has insulated us from many of the key responsibilities of governance. As a result, we have a lot of trouble with the notion of political responsibility; we have never been asked to take control of our own destinies, but instead we have substituted a form of political collusion in place of real decisionmaking. We complain a lot about "the Feds" in the West, but let's face it, when your county is, say, 90 percent Federal land, or on the other hand, you have to worry yourself to death over the increasing impacts of tourism in an atmosphere of diminishing revenue base, it is really pretty easy to avoid the toughest decisions. It may turn out that under those circumstances, your real work is to reach as deeply as you can into the pork barrel to keep the benefits flowing and the real costs of resource development hidden from public view.

After 20 years of laboring in the natural resource policy fields of the American West, I have come to the conclusion that this ap-

proach to the public resources of the West no longer serves. Single-interest centralized bureaus and agencies of government might be the proper structures to build great public works projects, or to manage over the short-term for steady-stream effects like sustained yield, which is not the same as sustainability in my view, but they are the wrong governance structures to make good long-term investments in and decisions about ecosystems and the human communities that are increasingly a part of them in the West.

The scientific management implied by human-centered conservation, what I want to call the first wave of resource development, was a great innovation in its day. We could still use the best of what it gave us, the scientific disciplines of environmental management. The great contribution of environmentalism, the second wave, is the taking into account of values other than human-centered ones. Environmentalists taught us that ecosystems have their own intrinsic value, regardless of what they provide to us.

The innovation demanded of us now in the West is to find what we have now never had: governance structures appropriate to the management of living ecosystems, including the human communities that now are such prevalent (and mostly predatory) components of ecosystems. We now must fundamentally shift the locus of power and the nature of our discussions about community, economy and the management of our still-bounteous natural resources. This shift I call the third wave.

I will describe it to you as a vision. This seems somehow appropriate in Salt Lake.

An act of Congress has created an innovative, experimental effort in natural resource management. One of its on-the-ground projects is a new nonprofit organization called the Bitterroot National Forest Stewardship Council. Its name, which would make a difficult acronym, has been converted through local custom into the "Bolle Council" in honor of the great forester Arnold Bolle who once released an earthshaking report on timber practices in this very national forest.

The Bolle Council is a strange creature, indeed. It is essentially a board of trustees empowered to make key management decisions about the Bitterroot National Forest. It is comprised of an odd, seemingly combustible mixture of people, all of whom love things we can find in coniferous western forests, but who seem for the most part to be representatives of the very groups that have been haggling for years over every timber sale, mining permit, grazing lease, and roading contract let out by the district Forest Service office. This group of trustees, however, is not just a local group. In recognition of the fact that it is a national forest in their care, national representatives also serve on the council.

The staff who works for this council is comprised of scientific experts who used to work for the Forest Service. A few members of the staff were whistleblowers who were transferred or demoted within the Forest Service for telling the truth. It is this very penchant for truth-telling that makes these men and women such valued members of the council staff.

The executive director of the Bolle Council does not hold a voting seat on the board, but rather is hired by the trustees to oversee the work of the staff. She is the only person on the staff who reports

directly to the council; the rest of the staff report to her. This staff is unusual in that, in addition to foresters, ecologists, range specialists, and biologists, it also includes some business types—people skilled at marketing and finance; environmental economists who are monkeying with ways to create true valuations of all that the forest offers, including nonmonetary valuations.

For example, these staffers are coming up with innovative ways to charge fees for recreational uses of the forest such that money to manage for wilderness and recreation doesn't have to be tied to commodity uses. The fees are progressive, based on users' abilities to pay. The council understands the perils of tying preservation to extraction. They don't want the tail to wag the dog.

One long-term goal of the council is to reduce substantially the forest's dependency on Federal appropriations. The council understands the mischief that occurs when the full forest budget is tied to the political appropriations process. Instead, the council, as the governing body of a nonprofit corporation, has been empowered to raise and invest its own money on behalf of improved forest management; instead of an annual appropriation, it has received a one-time lump payment covering about six years' worth of appropriations, and it has invested this payment in a permanent endowment fund, much like a community foundation, a quasi-public entity, invests its money and spends the interest on substantive projects.

The council's mission is to create demonstrably superior management of the Bitterroot National Forest according to a set of ecological and economic indicators agreed to in advance. Since the Bitterroot Forest experiment is but one of several, Congress has seen fit to establish an Experimental Public Lands Management Oversight Subcommittee of, of course, the Committee on Natural Resources. This new subcommittee is staffed with scientific experts to judge the progress of the several management councils operating in different locations of the West. There are, for example, a Glacier National Park Management Council; a Pyramid Lake Management Council; a Pawnee National Grasslands Management Council; an Escalante Backcountry and Community Development Council; and an Idaho Council for the High Desert, nicknamed the Bruneau Canyon Group.

As these begin to show demonstrable success, new councils will come on line. One truly innovative idea is to allow a council of locals plus nationals from the Kootenai National Forest near Libby, Montana, to devise their own grizzly bear/grey wolf recovery program in and around the Cabinet Mountains Wilderness Area while simultaneously establishing economically and environmentally compatible timber sales. They will be empowered to expand the boundaries of the wilderness area as needed, even to incorporate areas of the forest that would not currently qualify as wilderness additions.

Since this is, of course, just an experiment and since most of the councils are beginning to show demonstrable improvement in both forest ecology and local economies, no one seems too fussed up about the Kootenai plan for the grizzly/wolf recovery.

End of vision. You get the idea.

I don't believe that centralized planning from afar and the sound management of ecosystems are compatible. Ecosystems, like mar-

kets, are naturally decentralized; neither responds well to centralized planning and control. Each one of the national parks is wholly unique; each national forest presents its own matrix of problems and opportunities. Look at the incredible range of rangelands under the jurisdiction of the BLM. We have tried to create policy mechanisms that lead to responsive management of these diverse areas with their diverse ecological imperatives; we have tried to factor in something we insultingly refer to as "public input." Mostly what we have gotten in return is management for mediocrity. We can do better.

I want to offer a prescription that gives people who love national forests, national parks, wilderness areas, public rangelands and waterways and the communities around them real responsibilities for the management and care of those places. Is this woefully idealistic? Of course. So was the designation of Yellowstone National Park. So was the Wilderness Act. So was the belief that with the right amount of effort, you could turn semi-arid river valleys into productive land that in two or three generations could feed hundreds of thousands of people. These were all pipe dreams.

The new frontier for the fast-evolving West, in my view, will be a series of experiments that involve major alterations in governance structures, relationships among former adversaries, and innovative changes in the management of public resources. This is already beginning to happen, much in the way that the grey wolf has apparently gotten tired of tapping its paw at the border and has just gone ahead and reintroduced itself.

Thank you for the opportunity to comment.

Mr. MILLER. Thank you.

[Prepared statement of Mr. Snow follows.]

## TESTIMONY OF

DONALD SNOW  
Executive Director  
Northern Lights Research & Education Institute, Inc.  
Missoula, Montana

Before the

U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON NATURAL RESOURCES

The Honorable George Miller, Chairman

Salt Lake City, Utah  
April 7, 1994

Mr. Chairman and members of the Committee, it is a great pleasure and an honor to visit with you today, especially here in the state where I was born, and in the city where Wallace Stegner spent some of his childhood. Salt Lake City and the State of Utah had a profound effect on Wallace Stegner, whom I think we can fairly describe as the mentor of the modern American West. I want to spend my moments with you today reflecting a little on one of the central themes in Stegner's writing. I want to suggest how we in the West, arguably the most politically polarized region of the country, might begin to create, in Stegner's words, "a society to match [the] scenery."

To a very large degree, the West of the 20th century, of my parents' lifetime, has been an experiment in federal centralization. We have become so accustomed to the juggernaut of centralized land and resource management, we can scarcely imagine a West without it. Environmentalists, old-guard conservationists of the Gifford Pinchot school, proponents of the so-called Wise Use Movement — all are equally bought into the centralization of planning and decision-making in the West.

In my view, this tendency toward centralization and federal control, under the aegis of "scientific management," has had some very unfortunate consequences, even in the midst of all the good it has done — the jobs and food production and economic opportunity it has helped to create. One unfortunate offshoot of the West's reliance on federal control and federal dollars is that these have insulated us from facing the hard realities of the burgeoning global marketplace.

Moreover, expert-driven management, in my view, has made us lax in our attitudes toward resource stewardship. We have learned over nearly a hundred years of the nationalization of the West's resources that conservation is the realm of government experts. Yet no less a figure than Aldo Leopold warned us about the risks and limitations of what he called "governmental conservation," by which he meant precisely the expert-driven resource management which we have fully delegated to agents of federal and

state government.

But perhaps the most unfortunate effect of centralized resource management is that it has kept the West politically immature; the federal presence has insulated us from many of the key responsibilities of governance. As a result, we have a lot of trouble with the notion of political responsibility; we have never been asked to take control of our own destinies, but instead have substituted a form of political collusion in place of real decision-making. We complain a lot about "The Feds" in the West, but let's face it: when your county is, say, 90 percent federal land, it's really pretty easy to avoid the toughest decisions. It may turn out that under those circumstances, your real work is to reach as deeply as you can into the pork barrel, to keep the benefits flowing and the real costs of resource development hidden from public view.

We have passed through two major waves of natural resource management in the West; now it's time to try a Third Wave. The First Wave was Conservation, which emphasized the human-centered need for resources, and the wise use of them under principles of scientific management. This Wave brought us the Bureau of Reclamation, the Forest Service, the BLM and other agencies charged with enormous management responsibilities. The Second Wave, Environmentalism, relies at least as heavily on expert-driven management and the centralization of authority and decision-making. Allied to the early Preservationist movement, this wave brought us the National Park Service, EPA, Superfund, the Wilderness Act, and a host of state and regional agencies charged with pollution control, habitat management, and the regulation of major industrial facilities such as coal-fired powerplants.

Environmentalism rose to challenge early notions of human-centered Conservation, but it does not represent a major shift in the locus of power. Most environmentalists are as wedded to federal centralization as their conservationist counterparts. They represent the continuation of a firm, unwavering belief that the best way to achieve important natural resource goals is from the top down. Hence, the demand to turn EPA into a cabinet-level post. Hence, the belief on the part of most environmentalists that the way to "fix" federal management agencies like the Forest Service and BLM, to make them finally and forever environmentally sensitive, is to re-populate them with "the right people." The bottom line of most environmentalists and most conservationists (including the Nouveau Conservationists known as the Wise-Use Movement) is command-and-control. The method is a given: it is top-down, scientific, expert-driven management in which the public's role is only advisory.

After twenty years of laboring in the natural resource policy fields of the American West, I have come to the conclusion that this approach to the public resources of the West no longer serves. Single-interest centralized bureaus and agencies of government might be the proper structures to build great public works projects, or to manage over the short-term for steady-stream effects like "sustained yield," but they are the wrong governance structures to make good long-term investments in and decisions about ecosystems and the human communities that are increasingly a part of them in the West. The scientific management implied by Conservation was a great innovation in its day; we can still use the best of what it gave us, the scientific disciplines of environmental management.

The great contribution of Environmentalism is the taking into account of values other than human-centered ones; environmentalists taught us that ecosystems have their own intrinsic value, regardless of what they provide to us.

The innovation demanded of us now in the West is to find what we have never had: governance structures appropriate to the management of living ecosystems, including the human communities that now are such prevalent (and mostly predatory) components of ecosystems. We now must fundamentally shift the locus of power and the nature of our discussions about community, economy and the management of our still-bounteous natural resources. This shift is the Third Wave.

I'll describe it to you as a vision. This seems somehow appropriate in Salt Lake.

An act of Congress has created an innovative, experimental effort in natural resource management. One of its on-the-ground projects is a new non-profit organization called the Bitterroot National Forest Stewardship Council. Its name, which would make a difficult acronym, has been converted through local custom into "The Bolle Council" in honor of the great forester who once released an earth-shattering report on timber practices in this very national forest. The Bolle Council is a strange creature, indeed. It is essentially a board of trustees empowered to make key management decisions about the Bitterroot National Forest. It is comprised of an odd, seemingly combustible mixture of people, all of whom love things we can find in coniferous Western forests, but who seem for the most part to be representatives of the very groups that have been haggling for years over every timber sale, mining permit, grazing lease, and roading contract let out by the district Forest Service office. This group of trustees, however, is not just a local group. In recognition of the fact that it is a national forest in their care, national representatives also serve on the Council.

The staff who works for this Council is comprised of scientific experts, who used to work for the Forest Service. A few members of the staff were "whistleblowers" who were transferred or demoted within the Forest Service for telling the truth. It is this very penchant for truth-telling that makes these men and women such valued members of the Council staff. The Executive Director of the Bolle Council does not hold a voting seat on the board, but rather is hired by the trustees to oversee the work of the staff. She is the only person on staff who reports directly to the Council; the rest of the staff report to her. This staff is unusual in that in addition to foresters, ecologists, range specialists, and biologists, it also includes some business types -- people skilled at marketing and finance; environmental economists who are monkeying with ways to create true valuations of all that the forest offers, including non-monetary valuations. For example, these staffers are coming up with innovative ways to charge fees for recreational uses of the forest such that money to manage for wilderness and recreation doesn't have to be tied to commodity uses. The fees are progressive, based on the users' abilities to pay. The Council understands the perils of tying preservation to extraction. They don't want the tail to wag the dog.

One long-term goal of the Council is to reduce substantially the forest's dependency on federal appropriations. The Council understands the mischief that occurs when the full forest budget is tied to a political appropriations process. Instead, the Council, as the governing body of a non-profit corporation, has been empowered to raise and invest its own money on behalf of improved forest management; instead of an annual appropriation, it has received a one-time lump payment covering about six years's worth of appropriations, and it has invested this payment in a permanent endowment fund, much like a community foundation, a quasi-public entity, invests its money and spends the interest on substantive projects.

The Council's mission is to create demonstrably superior management of the Bitterroot National Forest according to a set of ecological and economic indicators agreed to in advance. Since the Bitterroot Forest experiment is but one of several, Congress has seen fit to establish an Experimental Public Lands Management Oversight Subcommittee of, of course, the House Committee on Natural Resources. This new subcommittee is staffed with scientific experts, to judge the progress of the several management councils operating in different locations in the West. There are, for example, a Glacier National Park Management Council; a Pyramid Lake Management Council; a Pawnee National Grasslands Management Council; an Escalante Backcountry and Community Development Council; and an Idaho Council for the High Desert, nicknamed the Bruneau Canyon Group. As these begin to show demonstrable success, new councils will come on line. One truly innovative idea is to allow a council of locals-plus-nationals from the Kootenai National Forest near Libby, Montana, to devise their own grizzly bear—grey wolf recovery program in and around the Cabinet Mountains Wilderness Area while simultaneously establishing economically and environmentally compatible timber sales. They will be empowered to expand the boundaries of the wilderness area as needed, even to incorporate areas of the forest that would not currently qualify as wilderness additions. Since this is, of course, just an experiment, and since most of the Councils are beginning to show demonstrable improvement in both forest ecology and local economies, no one seems too fussed up about the Kootenai plan for grizzly-wolf recovery.

End of vision. You get the idea.

I don't believe that centralized planning from afar and the sound management of ecosystems are compatible. Ecosystems, like markets, are naturally decentralized; neither responds well to centralized planning and control. Each one of the national parks is wholly unique; each national forest presents its own matrix of problems and opportunities; look at the incredible range of rangelands under the jurisdiction of the BLM. We've tried to create policy mechanisms that lead to responsive management of these diverse areas with their diverse ecological imperatives; we've tried to factor in something we insultingly refer to as "public input." Mostly what we've gotten in return is management for mediocrity. We can do better.

I want to offer a prescription that gives people who love national forests, national parks, wilderness areas, public rangelands and waterways real responsibilities for the management and care of those places. Is this woefully idealistic? Of course. So was the designation of Yellowstone National Park. So was the Wilderness Act. So was the belief that with the

right amount of effort, you could turn semi-arid river valleys into productive land that in two or three generations could feed hundreds of thousands of people. These were all pipedreams.

The new frontier for the fast-evolving West, in my view, will be a series of experiments that involve major alterations in governance structures, relationships among former adversaries, and innovative changes in the management of public resources. This is already beginning to happen, much in the way that the grey wolf has apparently gotten tired of tapping its paw at the border and has just gone ahead and reintroduced itself.

If our children are to have any future at all in this native home of diminishing hope, it will only be because we seized our opportunities for commitment — especially commitment to each other as citizens (not as special interest group representatives) and to the communities we claim as our home. These are all communities within ecosystems, for they cannot be otherwise. Our challenge now is to figure out how to make them into functioning parts of healthy ecosystems instead of predatory economies that sap the life from ecosystems. I think sustainability and a good future lie in the effective merger of economy, ecology and political responsibility — and I don't think we've seen anything like it yet in the American West.

Thank you.

Mr. MILLER. Mr. Simmons.

### STATEMENT OF RANDY T. SIMMONS

Mr. SIMMONS. Mr. Chairman, and members of the committee, I am a political economist. I learned my politics and economics at the University of Oregon. My former econ class professor was Ed Whitelaw. He had a graduate assistant who had very long hair and kind of a long-haired hippy economist whose name was Randall O'Toole. Randall also had a fair amount of effect on my vision of how the world works.

I believe in markets and private property; that sometimes markets fail. I believe in limited decentralized government; that government often fails. And I believe in individual responsibility. In many ways, the West, especially the Rocky Mountain West, has been a colony of the rest of the country. And like almost all colonies, we learned how to exploit our supposed masters.

In our case, we developed the resources that made economic sense and then got the rest of the country to pay for the rest. Almost all water development, for example, since 1930, makes no economic sense. Most of the recreation that is done in the West is subsidized. The most recent numbers I saw showed that about 10 percent of the cost of providing recreation is paid by the recreationists themselves.

You are all familiar with below-cost timber sales. Over half the timber sales in the West are below cost. We could go on with lots of other examples. If you would like to accompany me on a trip to Yellowstone this summer, I could show you how the National Park Service is turning part of the northern range into a biological desert.

I am not happy about all those things, but all of it is part of the old political economy of the Old West. Mr. Snow mentioned that the Federal Government has kept us politically immature. I think that we have been kept economically immature because of the subsidies that we have been getting, the direction we have been getting from the Federal Government, and also from our State Governments at times.

Having said all that, I would like to suggest four policy principles for developing a new political economy. I am surprised they follow so closely with those of Mr. Snow.

The first is privatization; the second is economic efficiency; the third is simplification; and the fourth is devolution. I will explain each briefly and give some examples to illustrate them.

There are cases where there are public lands that have few public amenities, that have no national purpose, or very little national purpose. We ought to privatize them. I am not arguing we privatize all the national forests or all the grazing lands, but those that we would sell, I would hope we would stop subsidizing. Western lands could be sold to ranchers, to timber companies, to others that are already using the lands under Federal regulation and have established, in fact, *de facto* title.

At the very least, Federal leases and permits should be sold to the holders of them so that they could be traded on the market. So that if, for example, when I go to the Wind River Wilderness in Wyoming and I object to those sheep that I find up there at 12,000

feet, I could try to organize a bunch of my friends to buy those permits so that we would not run into sheep behind Mount Victor. But there is not a lot of privatization I expect to happen.

We could really go a long way with economic efficiency. Where public policy determines that resources should not be privatized, a far more extensive set of user charges, fees and permits would make for better land management. It would make users of the lands responsible for their express desires by backing them with actual cash payments. Money would be available to manage and land managers would have a better measure of the real demand for a resource instead of just the vocally expressed demand. It would take off on the "polluter-pays" principle and establish the "user-pays" principle.

Mill Creek Canyon, east of Salt Lake City, just right there in those mountains directly east of us, is a beautiful canyon. It is also heavily used: 400,000 visitor-days last year, I believe. The Forest Service estimated it would cost \$2 million to repair that canyon, and the annual budget for recreation was \$3,000.

The Salt Lake County Commission developed a cooperative agreement with the Forest Service and the county built a toll booth just outside of the canyon on the county property and started charging a \$2 toll. In the first year, \$175,000 was generated which went into the canyon. It is now safe to take a family to Mill Creek Canyon. You dare let your daughter go for a run in Mill Creek Canyon. It is patrolled.

There has been a lot of riparian work done. It is still going on. It is going to take a few years to generate the money truly necessary to restore the canyon, but the users are paying for it and they are not objecting. We are talking \$2 a car. People who walk or bike are not charged anything.

A possible list of new and increased fees set at levels that would at least recover cost, I am not even talking about fair market value here, would be a long one. It would at least include increased park entrance fees; special recreation use permits; backcountry permits; fees for search-and-rescue operations; special user charges assessed to protect particularly important natural features, such as grizzly bears, desert tortoises, a small fragile desert canyon—you get the idea. I would even propose full-cost pricing of Federal water and electricity.

I think the problem in Grand and Garfield Counties, in large part, is because we keep giving away that recreation instead of charging the recreationists for the costs they are causing in those counties.

We could even establish some share of these recreation fees into a biodiversity trust fund that would be used to protect biodiversity in the areas that are impacted greatly by recreation.

The Federal Government should get out of the business of subsidizing development on environmentally sensitive or important lands such as prime farmlands, flood plains, estuaries, wetlands, and national park ecospheres. The principle behind the Coastal Barriers Act of 1982 should be applied in such areas. That principle is that all Federal subsidies for development on 700 miles of undeveloped eastern coastal barrier structures were to be ended.

Under this principle, property owners would still be free to continue to use their land for productive purposes, but they would not be able to obtain crop support payments, subsidized construction loans, Federal sewage grants, and other Federal aids that harm what I think are environmentally important and personally important parts of the West.

Now, to argue against Federal sewage grants, for example, is often considered to be heresy, but that was one of the major things that was causing development on the coastal barrier islands. Hurricane insurance was also one that really helped there. I do want to go back and study to see how that is working or if they have figured out a way to get around the Act of 1982.

Finally, in keeping with the user-pays principle, the Federal Government needs to pay as well. It must pay for property values lost or reduced by its regulations. If the Nation wants to protect desert tortoises, landowners in Washington County, Utah, should not be required to pay the whole cost. The nation of users must pay by reimbursing for regulatory "takings."

If private property cannot be taken without just compensation, many of the arguments against preserving endangered species, viewsheds, watersheds, et cetera, will simply disappear because you are not having your property stolen in order to protect them. You are not having all of the costs put simply on you.

The third principle was simplification. The Federal Government needs to stop pretending that policies made in Washington, even though they may arise in the West, can be applied everywhere in the West. Nowhere has that assumption proved more silly than the recent debates about the appropriate level for grazing fees. To say there is a price at which grazing fees should be set is like saying there is a price at which all one-third-acre building lots should be sold, whether in Falls Church, Virginia, or Mendon, Utah. Building lot prices are set by market forces and vary widely depending on a wide variety of circumstances.

If grazing rights are not to be privatized directly so that their prices can be set by market forces, they should at least be set by the managers on the ground instead of by officials in the Interior building.

The comprehensive land-use planning operations of the Bureau of Land Management, the Forest Service, the National Park Service, the Fish and Wildlife Service are expensive and awkward and frequently have little to do with how the land is actually managed. We can do better than that. They should be reduced in scope and designed merely to set forth the variety of alternatives that can be adopted by local land managers and should encourage local experimentation of the sort we just heard about.

The final principle I would suggest is to devolve management authority, wherever possible, to States and to nongovernmental organizations, councils, whatever you wish to call them. For example, the Park Service throughout its history has been torn between its preservation and recreational development responsibilities. And for a while Congress was engaged in the park of the month club "park barrel" and so forth instead of pork barrel.

And the Park Service itself is stuck with a lot of properties that really do not have any national significance, and it has responsibil-

ity for them. Certain of these parks and other sites can be turned over to local agencies or to private conservation or historical organizations. The great national parks could even be established as independent foundations with public advisory boards to guide their activities. The experimentation that we just heard about, I think, suggests a lot of possibilities for wilderness areas, for parks, and for the forests.

In 1984, I was in the Department of the Interior and raised a proposal of this sort, but the problem was Jim Watt was Secretary of the Interior at the time and you could not send an idea from Interior to Congress, but it is nice to see that ideas of this sort are coming back to the fore.

Each of the principles I have suggested, I think, is in harmony with the American political heritage of limited decentralized government and individual responsibility. I think if we would have a New West, a sustainable West, if we implemented policies based on principles like these, then we would have a region where our economic and political lives would be sustainable and less controversial.

Thank you, Mr. Chairman.

Mr. MILLER. Thank you.

[Prepared statement of Mr. Simmons follows:]

Allowing the West to Sustain its own Future  
 Randy T. Simmons  
 Department of Political Science  
 Utah State University

I care deeply about the West's environments--human and "natural"--but I find the direction, scope, and content of much current policy and of most policy proposals regarding the West's environments to be disturbing. We have moved far from our roots in limited government, individual freedom, and personal responsibility. Instead, we rely far too much on increasing coercion, expanding government, and shifting responsibility from individuals to society. The actual content of policy is more animated by emotions than analysis as Congress makes moral statements rather than establish functional policies and processes. As a result, major policies continue to be implemented without regard to costs or results. And when independent researchers consider the results, many of the findings are negative--much of what the government does in the name of preserving the West is actually destruction.

The last decade has revealed enough examples of perverse policies to cause the questioning of the basic assumptions underlying current policy and attitudes. Yellowstone National Park, for instance, is a powerful example of bureaucratic failure, obfuscation, and maneuvering. The National Park Service has exterminated the wolf, caused the beaver to disappear, and reduced grizzly bear populations to "threatened" status. When President Theodore Roosevelt visited the park in 1903 he reported seeing several hundred antelope, bands of "absurdly tame" mountain sheep. Cougars, bears, and coyotes were plentiful. He saw blacktail (mule) deer by the score and three thousand head of elk.

When I visited Yellowstone in 1993 I saw hundreds of elk, many bison, and two coyotes but no bears, mule deer, antelope or sheep although there are still a few in the park. The park contained no wolves, beaver, or white tail deer, and probably no cougars, wolverine, lynx, bobcat, or fisher. Fir trees, a species especially unpalatable to elk, were highlined as high as the elk could reach. Aspen were barked and there were no young aspen in the northern range--except in the fenced enclosures that keep out the elk. According to research by scholars outside the National Park Service, Yellowstone is becoming a biological desert but the Park Service and its supporters claim all is well in the park.

The Forest Service is as flawed as the National Park Service. It manages a resource worth billions of dollars yet costs the taxpayers around \$500 million each year just in money-losing timber sales. Many of these sales are on ecologically fragile or recreationally rich sites. They pollute streams and fish habitat and reduce critical wildlife habitat.

Besides timber, the National Forests provide grazing for millions of cattle and sheep, millions of visitor days of recreational opportunities, and watershed for many western cities. Although the Forest Service claims to produce over \$3 billion in benefits each year, actual receipts fall short of expenses by more than \$1 billion each year. This from an agency that

were it a private company would place in *Fortune* magazines list of the top five U.S. companies in terms of assets.

If taxpayers charged the government just five percent on the value of the forest assets, that is, if taxpayers insisted their assets were managed according to standard capital accounting procedures, the Forest Service loses \$1 to \$2 billion per year. And this loss is determined even after making generous estimates of the value of the water and recreation the Forest Service provides for no charge.

Recreation subsidies are another example of perverse policies. A study of the Forest Service and BLM lands done while I worked in the Department of the Interior found the recreation value exceeded the entire value of forage and timber produced on the land. Just last year the federal government took in user fees that amounted to less than 10% of the federal recreation budget. In Utah's Forest Service managed wilderness areas, only \$38.7 million were received in fees while \$597 million were spent in FY 1993. The numbers would be even worse if we applied a fair market value test to recreation and not just the federal costs.

None of these examples is an anomaly. They are normal, expected outcomes from the old political economy of the West that relied far too much on federal handouts and direction and far too little on individual responsibility and initiative. To promote a new political economy that produces fiscal and environmental responsibility I suggest the following four policy principles: privatization, economic efficiency, simplification, and devolution. Let me explain each principle briefly and provide some examples to illustrate how to implement them.

#### Privatization

Where the public lands are most useful for the economic development of their natural resources and where there are few important public amenities attached to these lands, they should be privatized. Through most of our history privatization was the dominant public land policy of the country and it was a program remarkably successful in promoting personal liberty and prosperity and in providing the political and economic foundation for decentralized, limited government. Obviously, property owners are not endowed with supernatural abilities for predicting the future or for reducing uncertainty, but since they capture both the benefits and the costs of their actions, they have great incentive to seek the best available information, to do so efficiently, and to weigh carefully competing information before acting. When we look at the eastern states where most of the land is in private hands, we find that many of the fears of those who oppose privatization are groundless. In a state like Ohio, for example, where only one percent of the land is in federal hands, the land is not owned by foreigners, speculators, or multinational corporations; but, for the most part, by productive, private citizens. There is an extensive system of public and private recreation lands and a handful of natural areas in national forests and wildlife refuges or in state and private hands.

Western public lands would be sold mostly to the ranchers, timber companies, and others who already are using the land under federal regulation and have often acquired a de facto title to it without assuming the responsibility of management. At the very least holders of federal permits and leases should be able to gain title to their permits and leases in exchange for being responsible for management decisions.

Privatization would mean that below cost timber sales would end and market forces would determine the value of grazing. The new private rights would be added to state tax rolls and private owners would have strong incentives to manage their lands for efficient resource conservation and development.

### Economic Efficiency

Where public policy determines that the resources of the public lands cannot or should not be privatized, a far more extensive set of user charges, fees, and permits would make for better public land management. Users of the land would then be responsible for their expressed desires by backing them with actual cash payments. Money would be available to manage and land managers would have a better measure of the real demand for a resource. This policy would apply the polluter pays principle to users and thereby establish a user pays principle.

Mill Creek Canyon, one of the canyons east of Salt Lake City provides an excellent example. It is a beautiful canyon adjacent to the largest metropolitan area in Utah and receives a tremendous amount of use and abuse. Business people go there for lunches and breaks. Families spend weekday evenings and weekends there. As might be expected, the canyon attracts lots of teenagers. It is a great place to run or to sit and contemplate. It was also being badly degraded by its 400,000 annual visitors and although the Forest Service estimated the costs of repairing the canyon at \$2 million, the Forest Service budget only allowed \$3,000. A few years ago, Salt Lake County Commissioners and the Forest Service worked out a partnership under which the county erected a toll booth on the county owned road that enters the canyon, began charging a \$2.00 per vehicle toll, and turned the money over to the local Forest Supervisor to be spent in Mill Creek Canyon. The canyon now receives about \$175,000 per year in user fees that is spent on riparian restoration, patrolling, picnic area upkeep, signs, and other forms of recreation management. The canyon is far more healthy and is a much safer place for families, children, and other visitors.

A possible list of new or increased fees set at levels that would at least recover costs let alone fair market value would be a long one but would at least include: park entrance fees; special recreation use fees; backcountry permits; fees for search and rescue operations; special user charges assessed to protect particularly important natural features such as grizzly bears, desert tortoises, a small fragile desert canyon or area of historic significance; predator control programs financed by taxes on ranchers or their products; toll roads; and full cost pricing of federal water and electricity.

To further promote economic efficiency, the federal government should get out of the business of subsidizing development on environmentally sensitive or important lands such as prime farmlands, flood plains, estuaries, wetlands, and national park ecoshperes. The principle behind the Coastal Barriers Act of 1982 should be applied to such areas. That principle is that all federal subsidies for development on 700 miles of undeveloped eastern coastal barrier structures were to be ended. Under this principle property owners would be free to continue to use their land for productive purposes, but they would not be able to obtain crop support payments, subsidized construction loans, federal sewer grants, and other federal aids.

Finally, in keeping with the user pays principle, the federal government must pay for property values lost or reduced by its regulations. If the nation wants to protect desert tortoises, landowners in Washington County, Utah should not be required to pay the whole cost. The nation of users must pay by reimbursing for regulatory "takings." If private property cannot be taken without just compensation, many of the arguments against preserving endangered species, viewsheds, and watersheds will disappear.

#### Simplification

The federal government needs to stop pretending that policies made in Washington, DC can be applied everywhere in the West. Nowhere is that assumption proved more silly than the recent debate over the appropriate level for grazing fees. To say there is a price at which grazing fees should be set is like saying there is a price at which all 1/3 acre building lot should be sold--whether they are in Falls Church, Virginia or Mendon, Utah. Building lot prices are set by market forces and vary widely depending on a wide variety of circumstances including the whims of buyers and sellers. If grazing rights are not to be privatized directly so their prices can be set by market forces, they should at least be set by the managers on the ground instead of by officials in the Interior building.

The comprehensive land-use planning operations of the Bureau of Land Management, the Forest Service, the National Park Service, and the Fish and Wildlife Service are expensive and awkward, and frequently have little to do with how the land is actually managed. In addition, they are more valuable as tools for litigation than as documents for managing the resource. They should be reduced in scope and designed merely to set forth the variety of alternatives that can be adopted by local land managers.

#### Devolve management authority to states and NGO's

Throughout its history the Park Service has been torn between its preservation and its recreational development responsibilities. IN addition, Congress enjoys meddling in the guidance and direction of the Park Service. "Park" barrel politics became a well-known Washington game supplementing to some extent the old fashioned pork barrel consisting of water projects. In the process the Park Service acquired lands and responsibilities that are not of national significance. Certain of these parks and other sites should be turned over to local

agencies or private conservation or historical organizations. The great national parks should be established as independent foundations with public advisory boards to guide their activities. After an initial endowment from Congress, parks should be put on a self-sustaining basis through a variety of user and membership fees.

This quasi-private nature of the parks would make park managers much more responsible for their management and administrative decisions. It would reduce the attempts of interest groups to influence park policies through political maneuvering. It would also allow for diversified management of national parks.

A useful experiment would be carry this idea further and turn over to preservation groups a sampling of national wilderness areas. Since the leaders of nonprofit organizations are responsible to a bottom line and their group's constituency, I expect them to do an excellent job of preserving the natural features of the land while also permitting efficient multiple-use economic development of the major resources of the land.

For those federal lands not set aside as particular preserves or amenity sheds, long term rolling leases should be issued to current users. This is yet another possible solution to the grazing controversy. Long-term leases would give individual ranchers the necessary incentives to invest in rangeland improvements and soil conservation and to protect the land through appropriate levels of grazing. It would also allow the public to establish special restrictions to continue to protect any important amenities associated with the land, such as hunting and fishing access, wildlife protection, or scenic vistas.

Each of these principles is wholly in keeping with the American political heritage of limited, decentralized government and individual responsibility. If policies based on these principles were implemented broadly, the West would gain in economic prosperity and in political and personal liberty. It will become a region whose economic and political lives will be sustainable and less controversial.

Mr. MILLER. Mr. Getches.

**STATEMENT OF DAVID H. GETCHES**

Mr. GETCHES. Thank you, Mr. Chairman, members of the committee.

I thought it would be good to use my position at the tail of the very impressive witness list we have here today to make a few comments about what must be your ultimate question. That is, What should the Federal role be with respect to natural resources and environmental policy in the West? As I approach that, it might be interesting to think about past Federal decisions and past Federal programs and classify them into "regrets" and no "regrets."

If you think about the regrets, there is plenty that everybody here could add to the list. Some that come to mind we are paying for now. We are paying hundreds of millions of dollars for uranium mill tailings cleanup; we are paying billions of dollars to clean up Superfund sites that are there because we have damaged aquifers and lands as a result of our life-style—our mining demands, our industrial production, our consumer demands.

Think about the decision that our government allowed the timber companies to make to clear all the yew trees out of old growth forests because they are considered a "weed species." Now we find out they are needed for treatment for cancer, and there are none left.

We have had Federal programs to poison the squawfish and other "trash fish" below Flaming Gorge Reservoir. Now we are spending millions of dollars because they are an endangered species.

We overbuilt the irrigation systems. Central Valley is a good example where we forgot to do much about drainage and we ended up with Kesterson Wildlife Refuge, which we later discovered was really a poisonous, bird-killing sump.

Though we know of lots of regrets, who would have regrets about the good decisions that have been made? The decision 120 years ago to set aside Yellowstone National Park as a pleasure ground for future generations; and when we decided not to flood Grand Canyon with Marble Canyon and Bridge Canyon Dam, or Dinosaur National Monument with Echo Park.

We started a national system to control grazing with the Taylor Grazing Act in the 1930s because the rangelands were being despoiled. I don't think anyone regrets taking that action at that time nor do they regret enacting in the 1920s the Mineral Leasing Act to protect the public lands from runaway exploitation of oil and gas resources.

The Federal Government took control of air pollution and water pollution in the 1970s, and it controls the salinity in the Colorado River; decisions that we do not regret. And more recently we threw up boundaries that would protect the last redwoods.

Now, most of the "no regrets" decisions are consistent with certain themes that ought to be flagged for future decisionmaking:

They are consistent with taking a long view.

They are consistent with a commitment to a set of special values.

And they are consistent with a consciousness of the very special national interests in these Federal public lands and in the environment.

The "regrets" were decisions that lacked an appreciation for all the people involved; lacked that kind of distant perspective; and lacked the value-oriented compass. Thus these decisions either overstepped or underprotected the national interests.

From this I draw three special Federal roles that the committee might think about as it sets policy in the future. One is adding perspective to every decision. The second is articulating and standing for fundamental values that are broad-based in the country. And the third is expressing and standing up for what are truly national interests.

On adding perspective, it is the Federal Government's role to transcend State lines, to transcend communities of interest—the communities of interest that are involved in every decision, whether they are local government or business, environmental, scientific, rural counties or whatever—and to transcend generations.

The second role of the Federal Government, articulating and standing up for fundamental values that are broadly based, is important because those values are easy to ignore. It is a failing of human nature; we need someone to remind us of what we are all about.

I would offer as one possible ideal to think about in making these decisions, the ideal or philosophy of permanence. This is an ideal that could be a litmus for every public land decision. It is borrowed from Native American cultures who knew that their lives were short as individuals, but that they had a long past and a long future as part of the place in which they lived in. The ideas that were expressed by Gail Small I think are emblematic of that: you live in a place and you are part of a place through your ancestors and through your offspring and through your communities. Native Americans also knew that they depended on animals and fish and plants and they conformed their activity to the ideal that all of these beings had a permanent place among them. This argues for laws I think, as Mr. Emmons expressed, that encourage staying put and not moving on.

Third, what are the peculiar national interests the Federal Government has in natural resources? Well, there are treaties that promise safe passage for migratory birds and delivery of quantities of water to other countries, and then there are treaties with tribes that promise land and water and secure hunting and fishing rights.

National health standards for clean air and clean water have served to level the commercial playing field so that States and localities do not use lax standards as an inducement to bring in new business. We have a unique heritage in this country of open public lands, that considers wild places and animals and spectacular national features, unparalleled in any other nation, to be part of a legacy that we are going to pass on to our children. It is the role of the National Government to hold these things in trust.

There is also a broad, emerging interest in our long-term survival, and there is a consciousness of that in a lot of Federal laws. We know that our lifestyle, our own lifestyle, threatens survivability because of our demand for toxics, our demand for more consumption of nonrenewable natural resources, and our demands that encroach on habitat that erodes the diversity of life, which we

now realize is vital to the health and survival of all species, including humans.

A final important national interest is keeping faith with old promises, express and implied, that induced economic activity, and indeed, as the preceding witnesses pointed out, a dependence on resource exploitation. Times change, so do policies, economics and social values. But we have to keep in mind that there are equities involved for those who relied on past policies, and we have to support their best efforts, the best efforts of public-land communities, to make a transition from what was to what will be.

I am impressed by the questions that Lill Erickson said were raised at the workshop she described. Don Snow's vision of councils also is a way to integrate this interest.

Now, we know the Federal Government is clumsily large and notorious for its blunt-instrument approaches to problem solving. Can we really expect it to implement the kind of new institutions and processes that follow broad ideals; that are sensitive to the uniqueness of each place and each case; and at the same time are clear and resolute about national goals? I think so. But it is going to require even greater tolerance for the complexity of the decisions under such a new regime. And it requires the Federal Government to yield some of its traditional control of the situation.

Is the solution to include local communities in public land decisions? Well, yes, at a minimum. But communities of interest are broader than the local community that happens to be near some public lands. The challenge is really to make public lands decisions accountable to all the affected interests and that means there have to be new and flexible institutions and laws. So when a public land decision that has profound effects on a local community is made, at least that community must be there.

Our own Gunnison basin is a model for how consensus between arch-enemies can be achieved if they are given latitude to find new ways, and also to share some of the Federal Government's traditional decisionmaking power. The revolutionary Gunnison basin approach may not be a template that can be used every place, but it did include local interests—ranchers, environmentalists, Federal representatives and some national and environmental representatives. This idea, on a local or watershed scale, could be adopted for lots of other decisionmaking in public land management. Again, Don Snow was articulate on this.

Now, is this too revolutionary? I don't think so. In fact, the Federal Government in its management of public lands and resources has been innovative in instances that are as small as watersheds and are as large as regions or States. A couple of examples:

The Northwest Power Planning Act brought together multiple interests, multiple States, and in every way, it is superior to prior efforts. Of course, it needs a broader mission and it needs to be retooled, but it is an example of how you can do things on a macro watershed basis to improve what existing institutions failed at.

The Pyramid Lake/Truckee River example dealt with Native American interests, urban growth, a wildlife refuge problem, two endangered fish species, and Reclamation projects. A solution was crafted at the hands of people who had not been around the same table before. Anybody who was willing to come and had an interest

was welcome at the table. It was done with Federal facilitation and a willingness to put aside old ways of looking at things institutionally.

On probably the most revolutionary scale, look at the Alaskan National Interest Lands Conservation Act (ANILCA), where the national interest was so great that it refused to bow to shortsighted and transient political resistance. Congress had the resolve to set aside over 100 million acres in a variety of Federal programs. But the process was sensitive enough to local concerns to hear the native voice and build in some protection for the subsistence lifestyle that is the keystone of the native culture and communities.

It also heard out the old sourdoughs who cautioned that an absolute ban on mining and resource development would be inappropriate economically and culturally. Congress modified the Organic Act formulas for parks and wildlife refuges and national forests and other management systems to fit the local resource situation and the local social situation, and all for the benefit of Americans in future generations.

The future role of the Federal Government, to sum up, is to articulate and insist on some national standards and national goals. It must be firm in that, but also to enable and assist frameworks and processes that bring new actors into the decisionmaking process. It must forget about the traditional barriers of Federal agency lines, State agency lines, tribal decisionmakers, and so on. All ought to be included, along with community activists. The process has to be sensitive to and inclusive of a variety of regional, national, economic, tribal and other interests.

The process has to be one that can be tailored to the approaches, and to the land, and all the people who have a stake and are affected. These people, after all, can make or break Federal policy. They need to be included at the front end.

This kind of Federal role and responsibility is consistent not with a New West or an Old West but with a Permanent West. Surely, it would increase vastly the chances of making future resource decisions that we and our grandchildren will view as decisions we make and keep with no regrets.

Thank you.

Mr. MILLER. Thank you. Thank you very much.

[Information provided by Mr. Getches follows:]

Searching  
Out  
the  
**HEADWATERS**

*Change and Rediscovery in Western Water Policy*

Sarah F. Bates

David H. Getches

Lawrence J. MacDonnell

Charles F. Wilkinson

*Natural Resources Law Center*

*University of Colorado School of Law*

ISLAND PRESS

Washington, D.C. □ Covelo, California

Copyright © 1993 by Natural Resources Law Center, University of Colorado School of Law

All rights reserved. No part of this book may be reproduced in any form or by any means without permission in writing from the publisher: Island Press, Suite 300, 1718 Connecticut Avenue, NW, Washington, D.C. 20009.

Maps and illustrations by Ann-Marie Kuczun

Permissions to quote from copyrighted material appear on pages 231–232.

Library of Congress Cataloging-in-Publication Data  
 Searching out the headwaters : change and rediscovery in western water policy / Sarah F. Bates . . . [et al].

p. cm.

Includes bibliographical references and index.

ISBN 1-55963-217-8 — ISBN 1-55963-218-6 (pbk.).

1. Water-supply—Government policy—West (U.S.)—Congresses.
2. Environmental policy—West (U.S.)—Congresses. I. Bates, Sarah F.

HD1695.A17S4 1993

333.91'00973—dc20

93-4637

CIP

Printed on recycled, acid-free paper



Manufactured in the United States of America

10 9 8 7 6 5 4 3 2 1

*Chapter Four***The West Today**

The westerner is less a person than a continuing adaptation. The West is less a place than a process. And the western landscape that has taken us a century and three quarters to learn about, and partially adapt our farming, our social institutions, our laws, and our aesthetic perceptions to, has now become our most valuable natural resource, as subject to raid and ruin as the more concrete resources that have suffered from our rapacity.

WALLACE STEGNER : *Where the Bluebird Sings to the Lemonade Springs*

**W**ESTERN LANDSCAPES and western settlements bear little resemblance to the places known by those who arrived just over a century ago; they bear even less resemblance to the homes of the Indian inhabitants who arrived thousands of years earlier. Where bison and elk once roamed across vast grasslands, interstate highways now snake through expansive green fields of crops irrigated with water from sometimes distant rivers and deep wells. The old trading posts and dusty towns have been transformed into bustling cities and sprawling suburbs, hardly distinguishable from those in the humid East.

Today, most westerners live in metropolitan areas rather than on farms. Many of the growing western cities' residents have moved there from eastern states, drawn by the proximity of open space and the sense of opportunity that remains strong. Other urban immigrants have come from rural areas, seeking more reliable sources of income as agriculture becomes a corporate enterprise and family farms become scarce. The very economic base upon which the region operates is in continual flux, but follows a trend of expansion.

Westerners' priorities for, and views toward, natural resources have evolved. While westerners have always hunted and fished and cherished their great land, traditionally they necessarily looked first and foremost to the lands and waters as a way of making a living. Today, fewer individuals depend upon farming, mining, and running livestock for their livelihoods, and urban westerners have become far more interested in fishing, hiking, and visiting natural areas. The western public lands now host over one billion recreational visitors every year. Most westerners describe themselves as favoring strong environmental controls and have questioned proposed dams and energy developments. In western communities such as Bend, Oregon, and Dubois, Wyoming, urbanites are purchasing vacation or retirement homes and are becoming involved in local land-use, forestry, and grazing issues. In short, the new westerners are exerting strong pressures for change in how water and other resources are managed. For their part, westerners who have lived in the region for many years (or even generations) are changing, too. Ranches in Colorado, Wyoming, and Montana are opening their operations to urban guests who want to experience a week or two of ranch living; others have developed profitable backcountry guiding and outfitting businesses. The "new westerner" thus includes both newcomers and those who have changed in response to new conditions.

In addition to the growing cities, vibrant communities have blossomed on Indian lands—reservation and other trust lands that cover 56.6 million acres in the lower 48, approximately 70 percent of which are in the West. Tribes have initiated their own approaches to managing natural resources by joining traditional values with new economic realities, with impressive results. For example, the Confederated Tribes of the Warm Springs Reservation in north-central Oregon own a dam on the Deschutes River, operate a fish hatchery, administer a progressive system of range management, and have, like many tribes, formed their own water management agency. And the Zuni Indian Reservation in west-central New Mexico has embarked on an ambitious sustainable development plan that incorporates cultural values and community input with scientific land management principles. The people helping to articulate and im-

plement these cultural and community values are themselves main contributors to the "new West."

### THE NEW WESTERNER

The shaping of a people by the land they inhabit takes time, and in America it has taken longer, simply because we have never been quite sure that we were here to stay.

DANIEL KEMMIS: "The Last Best Place: How Hardship and Limits Build Community," in *A Society to Match the Scenery*

The popular image of the West is of wide open space and few people. In fact, the West is full of open space, but it also contains some of the fastest growing urban areas in the country. The 1990 Census reported that ten of the western states experienced above-average growth in their urban-area populations between 1980 and 1990. In Nevada, for example, urban populations grew by 52 percent during the 1980s. Arizona followed with a 37 percent urban population increase. The national average was 12 percent. Figure 1 shows overall population growth rates in the West compared with the rest of the nation.

Not all "urban" westerners live in the cities: most settle into nearby suburbs. The 1990 Census reported that more than half the nation's population now lives in suburbs, up from a quarter in 1950 and a third in 1960. Nineteen of the nation's twenty-five fastest-growing areas were suburbs, including Los Angeles-area suburbs Moreno Valley, Rancho Cucamonga, and Irvine; Phoenix suburbs Mesa, Scottsdale, and Glendale; and Dallas suburbs Arlington, Mesquite, and Plano. People are attracted to the natural amenities of suburban homes—like green lawns and swimming pools—which represent the new and changing demands on western water.

The rural westerner is changing, too. Small towns in Wyoming, Idaho, and Montana are attracting retirees, urban escapees, and "footloose industries" such as catalog order centers. For example, in 1988 the outdoor-clothing company Patagonia relocated about half of its mail-order operation from Ventura, California, to Bozeman, Montana. The company was drawn to the area for a number of rea-



Figure 1. Percent Change in State Population, 1980–90

Source: U.S. Bureau of Census

sons: commercial rents were substantially lower (buildings in Ventura rented for \$19–\$45 per square foot, compared with \$7.75 per square foot in Bozeman), and the terrain and climate of this western town offered excellent opportunities for testing Patagonia’s sports equipment and clothing. For their part, the workers were attracted to lower housing prices. The average home in Ventura was selling for \$250,000, compared with \$63,000 in Bozeman. Even though Patagonia reduced hourly pay rates for workers who chose to relocate, nine individuals (of a total of thirty-five in the division) opted to make the move.

The lower cost of living and higher quality of life attract new residents, who are changing the nature of the rural West. In a recent study, University of Idaho researchers Gundars Rudzitis and Harley E. Johansen looked into the reasons that people move to small towns in the West. They found that newcomers seek towns accessible to undeveloped natural areas. These migrants to “wilderness communities” told the researchers that they favor protection of nearby natural resources over their own economic development; they came to these areas in order to enjoy a better quality of life made possible through the availability of amenities such as wilderness. In fact, in

the survey of people living in eleven counties with federally designated wilderness, 81 percent of the respondents agreed that wilderness was important for their county, both for the solitude and open space it offers and for the tourists it attracts.

The Wilderness Society reported similar results in a study focused on the area around Yellowstone National Park: the newcomers in that region were drawn to the proximity of national forests and parks, and most were not dependent on resource development activities for their livelihoods. In fact, the study found that income from retirement and benefits and investment earnings made up almost 35 percent of personal income in the Yellowstone region, surpassing the combined income from agriculture, mining, and timber harvesting. The researchers concluded that federal land management policies that still treat traditional extractive industries and agriculture as the region's economic mainstays are shortsighted, a "view through the rear-view mirror." More realistic policies, they asserted, would recognize the value of the natural environment and the growing importance of service industries and "non-labor income," including retirement and investment earnings. "It's a whole new way of looking at our resources," Colorado Senator Tim Wirth told the *Washington Post* in 1987. "People see that you can make more money by leaving the forest alone and letting people hike through it than you can by cutting down the trees and shipping out timber."

Ed Marston, publisher of the regional newspaper *High Country News* (and himself a former *New Yorker* living in Paonia, Colorado), expressed mixed feelings about these demographic and economic changes. In a 1991 speech to the Grand Canyon Trust, Marston noted that much of the rural inland West has experienced a "turned over" population: "There has been a tremendous population outflow of rural people and an inflow of people from urban areas, people with urban values. You don't see it because the populations have stayed more or less the same. But the ways people make a living and the values have changed." He compared the way newcomers treat rural lands with the way a person might deal with a car that doesn't run anymore: "You put it in your front or back yard or out on the street, depending, you put it up on blocks and you run an ad saying 'Parting out 1957 Plymouth Fury.' Then your neighbors, or

whoever, come by and if they need a fender or if they need an air cleaner or a whatever, they just strip your car for you. It doesn't run anymore. It isn't worth anything. You've parted out the car." Marston expressed a fear that the newcomers in rural western communities threaten the region with a similar "parting out" if they fail to learn to live off the land in some way. "We have got to figure out," he concluded, "how to . . . turn the land back to being productive and resourceful rather than just something that is cut off and then sold for its space." In other words, westerners should recognize their own dependence on the land and resources that drew them to the region. Communities grow out of such a sense of shared needs. Ironically, water, the West's most important resource, has been eagerly "parted out."

Who lives in the region that includes these growing suburbs and metamorphosing rural towns? While there is no "typical" westerner, the 1990 Census provides some insight to western demographics. The census found that the region is more highly populated by younger people than the national average. All states but Oregon, Arizona, and Montana (which have drawn increasing numbers of retirees) reported lower than average percentages of people over the age of sixty-five. The census also reported that most westerners are of Anglo-European descent: the states reported above-average white populations and below-average African-American populations. Asian-American populations are above average only in Washington, California, and Nevada. There are relatively high percentages of Native Americans in every western state, and four western states (New Mexico, Arizona, California, and Colorado) reported relatively large Hispanic populations.

Census data also reveal a changing pattern of employment in the West. Figure 2 shows that more than one-third of the region's personal income is earned in service sector employment, while income from farming has declined steadily for most of this century. Today tourism is the fastest-growing industry in the West. Indeed, according to the Travel Industry Association, the travel and recreation industry is the largest private employer in Arizona, Colorado, Idaho, Nevada, New Mexico, Utah, and Wyoming. In a symbolic way, Idaho marked this transition in 1992 when it rejected the long-time

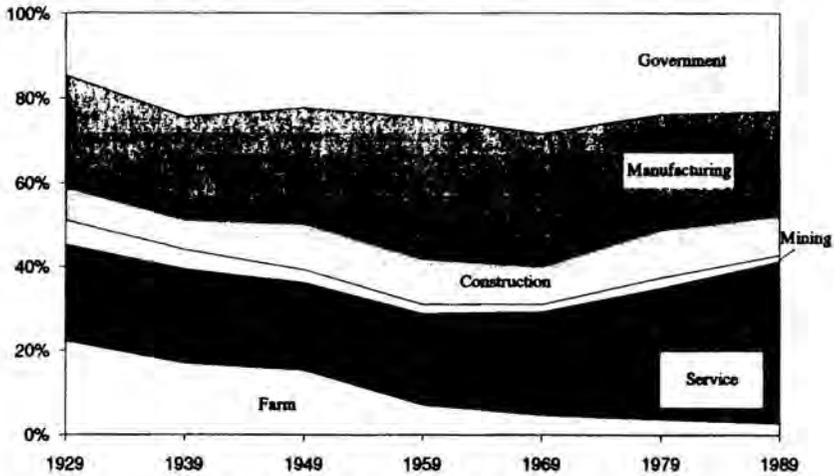


Figure 2. Percentage of Personal Income Generated from Selected Sources in the Western States, 1929–89

Source: U.S. Department of Commerce

automobile license plate slogan “Famous Potatoes” in favor of a colorful mountain and forest scene.

Other studies have made clear that westerners—even those most worried about future water supplies—are concerned about the quality of their environment. In 1990 the Field Institute polled Californians on the importance of eleven public policy issues facing that state in the next five to ten years. The survey indicated that the top two issues are controlling drugs and ensuring an adequate supply of water, both mentioned as “critical” by over 70 percent of the respondents. The same study found that Californians ranked environmental protection as the most important *use* of water; three out of four said that, in times of shortage, it is “essential” that enough water is allocated to this purpose. These opinions were expressed at the beginning of a fifth year of drought in the state, with no end in sight and water-use limits as strict as fifty gallons per person per day in some cities; these people were, in a sense, already making some of the choices that would be necessary to place environmental protection ahead of other water uses.

National polls have confirmed that environmental protection is a

high priority. The *New York Times* and CBS asked a random sample of Americans whether they agreed that "protecting the environment is so important that requirements and standards cannot be too high, and continuing environmental improvements must be made regardless of cost." In 1981, only 45 percent of the respondents agreed with the statement; in 1990, 74 percent did. The same (1990) poll found that 71 percent of Americans said that they would be willing to pay higher taxes to clean up the environment, and 56 percent favored protecting the environment even if it meant lost jobs in their communities.

The new westerners, then, are more than statistical abstractions: they are the third-generation Wyoming ranchers who now raise llamas to carry the gear of wilderness outfitters; they are the retired executives who moved to Steamboat Springs to enjoy the fly-fishing and small-town lifestyle; they are the professional couples in eastern cities who spend vacations in southeastern Utah and have become concerned about federal land-management decisions affecting those lands. The new westerners have become a major agent of change in the region.

## WATER IN TODAY'S WEST

The United States west of the 100th meridian, which runs through the middle of the Plains states, really amounts to a distinct civilization, an empire grafted onto a landscape profoundly hostile to human habitation. If many Americans still do not fathom how arid the West is, that is because the graft has taken so successfully.

MARC REISNER: "The Big Thirst," in *The New York Times Magazine*

Humans settled and put water to use first along natural waterways. Now, the West's water is pumped and piped throughout the land, making it possible for people to settle in areas far from reliable water sources. Consider the extent to which natural patterns of streamflow have been altered to fit human needs. In 1991 the Federal Emergency Management Administration reported that the seventeen western states have over thirty thousand dams, with the capacity to hold over 475 million acre-feet of water. That's nearly enough water to cover all the land west of the Continental Divide to a depth of one

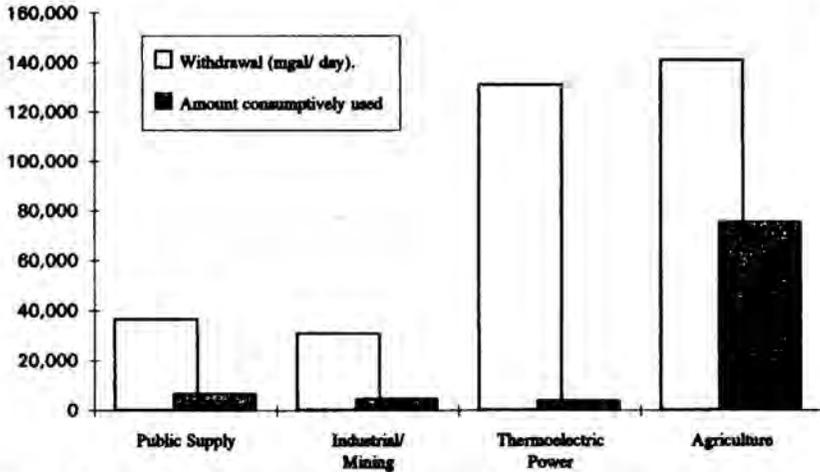


Figure 3. Water Withdrawals and Consumption for Selected Uses in the United States, 1985

Source: U.S. Geological Survey

foot. The water stored in dams is made available for use during dry seasons; many rivers that once flooded, then dried up, now flow more or less evenly throughout the year.

The water itself works unbelievably hard—diverted, used, and returned to a stream many times on its journey from the headwaters toward the sea. Much of the water never reaches the sea, though, but is lost in evaporation from reservoirs, transpired from field crops or lawns, or otherwise consumed. Water is said to be “withdrawn” or “diverted” when it is removed from its natural course or location through a ditch, canal, or other structure. The portion of withdrawn water that is evaporated, lost to evapotranspiration, or otherwise no longer in its original form is said to be “consumed.” The rest of the withdrawn water—the water that flows back to a watercourse—is called “return flow.” Figure 3 illustrates that consumption rates vary from small fractions to about half of water withdrawn, depending on the use of that water. The largest quantity of the water withdrawn in the West is for agriculture, almost entirely for irrigation of crops, with a small portion used for purposes such as livestock watering. The U.S. Geological Survey estimated in 1985 that agriculture constituted 88 percent of all water withdrawals in the West; that is a rate

Water sources and total withdrawals for eleven western states, 1985.

State	Total freshwater withdrawals (acre-feet/year)	Water Source	
		Surface	Groundwater
California	41,888,000	60%	40%
Idaho	24,976,000	78%	22%
Colorado	15,120,000	83%	17%
Montana	9,688,000	98%	2%
Washington	7,840,000	83%	17%
Oregon	7,324,800	90%	10%
Arizona	7,190,400	52%	48%
Wyoming	6,944,000	92%	8%
Utah	4,681,600	81%	19%
Nevada	4,188,800	76%	24%
New Mexico	3,684,800	54%	46%
West	133,526,000 (total)	77% (avg.)	23% (avg.)

Source: U.S. Geological Survey, 1985.

of about 102,300 million gallons per day—more water than Los Angeles uses in six months. The table above sets forth total water withdrawals and sources of waters in eleven western states.

As the western population and economy change, so too do the region's demands for water. Although agriculture played a critical role in the West's settlement and claims the largest portion of the region's water, today it competes with recreation, urban landscaping, and other, newer water uses. The changing, expanding demands for water are forming new ties—often by circumstance rather than by intent—that bind westerners in all corners of the West. For example, the consequences of water decisions in Los Angeles reach as far as the headwaters of the river systems that feed it and beyond, to the other communities that depend on or compete for the same waters in half the states of the lower forty-eight. The network of people

who share an interest in Los Angeles' water use includes a farmer growing crops in California's Central Valley, a casino buying electricity in Las Vegas, a family floating the Grand Canyon, skiers in the Rocky Mountains, and an Indian tribe seeking drinking water for its reservation in southern Colorado. It also includes native trout and endangered squawfish; salmon and brine shrimp; eagles, whooping cranes, and ducks. L.A.'s "problem-shed" (to use a term coined by Harvard professor Peter Rogers) extends from the melting snows on mountaintops to ancient lakes, to deltas and estuaries far away from the sprawling city.

Despite these links of interdependence, the relationships among western water users historically have ranged from uneasy to hostile. The experience of Colorado's urbanized settlements east of the Rockies (the Front Range) illustrates the complicated nature of the ties that bind the region's water interests. Transmountain diversions—tunnels and pipes bored through the Continental Divide—have long been used to import water from the wetter, less developed Western Slope to the people of Denver and Colorado Springs. This water has been developed under pressure from these cities' expanding populations. The Denver metropolitan area, for example, has grown from 178,129 people in 1900 to nearly two million today. (These figures include the suburbs that have grown around the city at faster rates than the urban area.)

Public opposition to new transmountain diversions has forced city officials to look elsewhere for new sources of water supply. In addition to the well-publicized defeat of Two Forks Dam (which would have provided water for the Denver metropolitan area at the expense of a gold-medal trout stream), other recent water development proposals have been derailed. For example, Arapahoe County, near Denver, hoped to construct a network of diversions, reservoirs, and pipelines to import water from the Gunnison River watershed on the Western Slope. Local water users, Gunnison Basin citizens, environmentalists, and federal agencies all joined in opposition to the project. One new community-based organization, People Opposed to Water Export Raids (POWER), was formed specifically around opposition to the project. In a month-long trial in Gunnison in 1991, the judge refused to hear evidence offered on

“public interest” issues like environmental and community impacts, but did consider issues ranging from the feasibility of the project to the adequacy of water. At the trial’s conclusion, the water court judge ruled that the project proponents could establish legal rights to only a fraction of the water they had claimed. This has stalled the project for now. If the county presses an appeal, the opponents will appeal the exclusion of their public interest evidence.

Facing such opposition in any proposal to develop new water from Colorado’s rivers, urban water suppliers are turning to other sources of water, particularly irrigated agriculture, with an eye to buying them out. Seeking nearby, reliable sources of water, cities have purchased Front Range farms for their water rights. The effects are obvious in places like Park County, a mountain valley 50 miles southwest of Denver. There the waters of Clear Creek historically were diverted to irrigate fields of alfalfa and wild hay, supporting large numbers of cattle, horses, and sheep. In recent years, Park County’s irrigated acreage dropped sharply, as cities purchased ranches and transferred their water rights to municipal use. In 1969 there were over 35,000 acres of irrigated pasture and hay in the county. By 1982, that figure had dropped to 20,000. A 1990 study found fewer than 4,000 acres of irrigated land remaining.

Other rural areas in Colorado are feeling the pressure from thirsty cities. Some farmers find it nearly impossible to turn down the cities’ offers. Reporters Mark Obmascik and Patrick O’Driscoll wrote in a 1992 *Denver Post* article on transfers of water from agriculture to urban use: “Though many farmers tend to be cash-poor, they tend to be water-rich.” They told stories of several farmers who chose to sell their water to cities for many times more than other farmers would pay for it. “From a financial standpoint,” remarked one farmer who made that decision, “it’s very difficult to understand how I could not have sold.” Others quoted in the *Denver Post* expressed concern that the movement of water out of farming communities will threaten their economies and futures. “When they move water out of an agricultural area, they absolutely destroy an economy,” said long-time Colorado farmer Frank Milenski, who continued: “And for what? To grow green lawns and golf courses around Denver. I think a lot of these deals are plum stupid.”

This sentiment was reflected in a 1992 initiative drive spearheaded by state Senator Bob Pastore, whose district in south-central Colorado includes several farming communities whose water is sought by growing cities. The initiative (which did not receive enough signatures to appear on the ballot) proposed an amendment to the state constitution that would require the vote of local residents before water could be moved from one river basin to another. Other measures to alleviate the impacts of agricultural-to-urban water transfers include requirements that the municipalities replant native grasses on the lands they dry up. This has occurred on a voluntary basis—with mixed success so far—on farms purchased in the lower Arkansas Valley.

Colorado's experience with water transfers illustrates the tremendous potential for reallocating existing supplies. Front Range cities have recognized that obtaining water from farms is less expensive and generally less contentious than building new dams and trans-mountain pipelines. But, as illustrated in Park County and other rural areas in the state, Colorado also offers lessons in the price of moving a resource away from a community without adequate safeguards for local interests.

Just as distant water users share interests in how water is distributed and managed, so, too, do water users competing within a single river basin for control over the resource. In Wyoming's Wind River basin, a battle between the state engineer and the Shoshone and Northern Arapaho tribes illustrates the emerging strength of Native Americans (and the persistently strong resistance of competing interests) in the complex tug-of-war among western water users.

The Wind River conflict traces back to July 3, 1868, when the United States and the tribes signed the Treaty of Fort Bridger, establishing a reservation where the Indians were expected to support themselves by farming. The treaty did not spell out how this would happen, but the 1908 U.S. Supreme Court decision *Winters v. United States* confirmed that such treaties implied a promise of adequate water supplies to fulfill the purpose of the reservation. Thus, the tribes had a right to water as early as 1868, putting them far ahead of farmers who came to settle the area in the early 1900s with the encouragement of the Bureau of Reclamation. The Bureau helped

non-Indian settlers form the Midvale Irrigation District in 1906 and constructed the Wyoming Canal to deliver water to their fields.

In the 1980s the tribes went to court to confirm their legal rights to Wind River water. A 1988 Wyoming Supreme Court decision (later upheld by the United States Supreme Court) recognized the tribes' rights to 500,717 acre-feet of water, more than half the flow of the Wind River and its tributaries. The tribes immediately adopted a tribal water code and created an administrative body to implement it, the Wind River Water Resources Control Board. One of the Board's first decisions was to grant the tribes a water right to support a fishery in the river. In times of shortage, this permit would require upstream diverters (the Midvale farmers) to leave at least 252 cubic feet per second in the river in order to maintain the minimum streamflow for the tribes' fishery. However, when the tribes requested that the state engineer enforce this permit, he refused because he interpreted the tribes' water rights as requiring the water to be taken out of the stream for agricultural use. The tribes, however, expected far greater economic benefits from a thriving recreational fishery than from expanded agriculture.

The case went back to court in 1990. First, the district court upheld the tribes' use of water as within the scope of their reserved water rights. In that decision, the court ordered the state engineer to defer to the tribes on all matters of water rights administration within the reservation and declared that the tribes were entitled to use their water on the reservation for whatever purposes they saw fit, including restoring a fishery. The state appealed, and in the summer of 1992 the Wyoming Supreme Court sided with the state engineer. In a splintered opinion, the majority held that the tribes could develop water only for agricultural purposes (consistent, it said, with the intent of the treaty) and that the state engineer must continue to administer all water rights. In one of the dissenting opinions, Justice Brown argued that the tribes would lose control over their sovereignty if the state controlled their water rights. He concluded: "I cannot be a party to deliberate and transparent efforts to eliminate the political and economic base of Indian peoples under the distorted guise of state water law superiority."

The Wind River battle demonstrates the complexity of sharing western water. The Midvale farmers have invested many years' ef-

forts in developing their lands, and only recently were forced to acknowledge the superior rights of their Indian neighbors. The tribes, on the other hand, for many years watched the non-Indian farmers enjoy the benefits of federal government irrigation projects, despite the fact that the same government had a legal duty to protect the tribes' interests. As one Indian irrigator commented in 1990: "There's as much pain on this side of the river as on the other." Water users throughout the West today are struggling with the sometimes painful realization that Indian water rights are here to stay.

Often fights over western water arise when there is a shortage, when people realize that they are competing for a scarce resource and seek to hold on to what they see as theirs. Tensions grow even higher when a shortage persists over a number of years, as was the case in California in the late 1980s and early 1990s. The fastest-growing state in the nation suddenly had to face the fact that its water supplies were not adequate for its needs. Its dilemma—and some of the promising responses—holds lessons for other parts of the West.

California depends on a complex system of water delivery facilities to move water from the relatively wet parts of the state (the northern coast and Sierra Nevada mountains) and the distant Colorado River to the agriculturally rich Central Valley and the arid, highly urbanized southern part of the state. The state leads the nation in water withdrawals, at 37,400 million gallons per day, of which about 80 percent is for agriculture. Yet the most pressing demand for new water supplies is for the thirty million people living in the cities and suburbs. The Association of California Water Agencies (ACWA) reported in 1991 that California is expected to gain another ten million people by the year 2005.

The state's precipitation varies widely. As the ACWA remarked in its report: "In California, a 'normal' water year is more of a statistical abstraction between uncomfortable extremes of drought and flood than something actually experienced." Analyses of tree rings show that the state experienced a sixty-year drought from 1760 to 1820, during which rainfall never exceeded the "normal" level assumed today. Moreover, a drought between 1865 and 1880 destroyed a thriving cattle-grazing industry in Southern California. The drought that began in 1987, then, was hardly unprecedented, but by

that time the state had developed a far greater dependence on its unpredictable water.

By 1991, the fifth consecutive year of drought, the State Water Project halted all deliveries to its agricultural customers, but it cut deliveries to urban customers by only one-third. The federally operated Central Valley Project reduced deliveries by 75 percent to agricultural contractors and by 25 percent to others. Estimates of fallowed farmland ranged from 500,000 to 800,000 acres, and the annual economic losses suffered by farmers were estimated at \$500 million to \$1 billion—a large sum, but less than 5 percent of agricultural income. When cut off from surface water supplies, many farmers turned to groundwater. This huge reserve enabled most farmers to continue producing, but underground water tables in agricultural areas showed the impacts of depletion: from 1987 to 1991 groundwater storage in the San Joaquin Valley was depleted by 11 million acre-feet.

Fish and trees were among the most serious casualties of the California drought. State fisheries suffered from reduced streamflows. The Sacramento River's striped bass and winter-run salmon populations dropped to their lowest recorded levels. Forests throughout California felt severe impacts, too. The ACWA reported that ten million trees died as a direct result of the drought, including one-third of the trees in the northern Sierra Nevada and a higher percentage in the southern part of the state. Desiccated vegetation provided ready tinder for wildfires; the devastating Oakland–Berkeley Hills fire of October 1991 was attributed partly to the parched trees and shrubs in neighboring forests. The reduced freshwater flows in the Sacramento River exacerbated the water quality problems in the San Francisco Bay Delta, where depletions already had caused damaging saltwater intrusion and degraded water quality.

The drought opened many people's eyes to the tenuous nature of water supplies. When urban water users were asked to use less water, they complied with a burst of civic responsibility. For example, when the East Bay Municipal Utility District set a conservation goal of 15 percent, its customers responded by reducing water use by 30 percent. Marin County residents reduced their water use by 50 percent, Contra Costa by 47 percent, Santa Clara by 40 percent, and Los Angeles by 26 percent. For their part, agricultural water users were in-

vited to participate in a state water bank (a voluntary pooling of water for temporary exchanges) and were offered \$125 per acre-foot of water. In 1991 the state obtained over 800,000 acre-feet of water through this voluntary bank, about half of which came from following. The remainder came from groundwater and stored water. The three largest water purchasers were the Metropolitan Water District (the major water supplier for Southern California), the Kern County Water Agency, and the City of San Francisco.

The drought—and fears it has spawned about future water supplies—prompted some water suppliers to seek unlikely new sources of water from farther sources. The City of Goleta (in Santa Barbara County) proposed to import water from Canada using ocean-going tankers, at an estimated cost of \$2,000 per acre-foot. Not far away, the City of Santa Barbara built the largest desalination plant in the nation, capable of converting 6.7 million gallons per day of sea water to fresh water. According to the International Desalination Association, the average cost of desalted water in the United States is \$1,300 to \$5,000 per acre-foot. As other coastal communities are exploring this approach, one manufacturer of desalination equipment concluded that the drought is not the only impetus. "Population growth is the main thing," Randy Truby told the California-based Water Education Foundation, which published an issue of *Western Water* focused on desalination. "The drought has done nothing more than offer us a peek into the future, and what we see is that by 2010 our water transfer and import facilities won't be adequate to meet the growing demand."

#### A NEW WESTERN COMMUNITY?

At the very heart of [the concept of public rights in water] is the idea of a community of people endowed with a limited source of sustenance upon which they are mutually dependent. Because the survival of all of them depends upon the continuing ability of their resources to sustain them, their relationship is invariably one of mutual dependence, common enterprise and joint responsibility.

JOSEPH L. SAX: *The Constitution, Property Rights  
and the Future of Water Law*

From fights over water transfers and water management to crises of supply, westerners are more aware than ever about the water in their

regions. Organizations including the League of Women Voters, the Center of the American West, and the Denver Museum of Natural History have developed public education programs focused on water and have found eager audiences. Articles on water resources in the regional newspaper *High Country News* reach readers throughout the nation. Popular books such as Marc Reisner's *Cadillac Desert* have drawn into the debate people who otherwise would not be interested in water policy. Water has become a political and social issue throughout the West.

We have described the tremendous diversity of people living in the western United States. In the past, evolving uses of water brought people together in communities of interest—irrigators, miners, and others. Each community worked toward its goal of securing adequate water supplies, whether through building storage and diversion works or by establishing legal rules determining the rights to use the resource. Today's uses of water, and the laws and policies that guide them, reflect the influence of each of these communities.

Those living in the West today are linked firmly to those who were there before and made choices about how water and other natural resources should be put to use. It has become increasingly clear that many of those decisions now conflict with contemporary interests, that new choices will become necessary as the limits of resources and the complexity of public values are better understood.

Just as historical uses of water and other resources formed communities of interest, so, too, does the region's shared interest in a sustainable future. Today's community of interest could emerge out of a better understanding of the shared nature of western water. Communities of interest in the past accomplished joint development through cooperation. Similarly, a western community could enable the region to control its own destiny, to avoid the "parting out" of land and resources that Ed Marston decried. This will require cooperation and coordination on a scale that has never been achieved in the region.

## ESSAY

# This process is out of control

by David H. Geddes

"If the Spanish explorers could have foreseen the many later conflicts over the Colorado," speculated historian Norris Handberg, they might have named it "River of Controversy."

Competition for the waters of the Colorado River has sent neighboring states to the Supreme Court half a dozen times. It resulted off an international incident with Mexico when the article that reached the border became too salty to use. And in the 1930s, an Arizona governor deployed the National Guard to stop Los Angeles from building a dam.

Today there are new computers and new laws. But there is still no regular means to work out differences, let alone to cooperate in the management of a resource so vital that it has been called the "linchpin" of the West.

The existing arrangement dates back to 1922, when representatives of the seven states in the basin came together at Bishop Lodge near Santa Fe, N.M., to hammer out a compact. They agreed that future claims for agricultural and municipal water would occur earlier in lower basin states, especially California. Without some agreement about water rights, they feared uncertainty. So they worked out an allocation scheme that simply divided the river between the upper basin (Colorado, New Mexico, Utah and Wyoming) and the lower basin (Arizona, California and Nevada).

Having divided the river, California was able to press for federal aid to build Hoover Dam. And Colorado was relieved to secure a share of water that would be legally protected so major new law in the lower basin states of California and Arizona grew. But despite the agreement, the problems of allocating the river had just begun.

Though the United States' lead negotiator, Herbert Hoover, urged the states to create a permanent Colorado River Commission to deal with ongoing problems, the states failed to see the need. They

could not foresee that the West would become the most water-stressed region in the nation, that billions of gallons would evaporate every day, that water would become agriculture's economic lifeline to almost every Western state, and that there would be political support for laws promoting quality of life and even endangered fish so strong that they would limit development.

Seventy years of legal wrangling have failed to bring peace. Besides layers of new legal provisions, such crying out for intervention, a host of lawsuits never considered in 1922 have become involved.

Today, one must look to human concerns, international treaties and special federal programs, collectively known as the "Law of the River," to see how the river's benefits are to be shared. Billions of federal dollars have been spent to increase those benefits—water for farms and cities, hydroelectric power, flood control, recreation. An enormous planning system is in place but its operations are hardly balanced. Every issue becomes the basis of a new application or lawsuit or risk forum or advisory committee or study or environmental impact assessment.

Struggles over the river resemble a free-for-all, lacking predictable outcomes and producing considerable waste. When states are pitted against one another, Colorado and its upper basin neighbors are dwarfed by California's great political clout. Moreover, the influence of all states is diluted by having many more players in the game. Environmentalists and Indian tribes now vie with some towns in court or Congress, though they depend on the vicissitudes of particular facts and current political alliances.

The dominant force in Colorado River basin affairs remains the federal government. Under the Law of the River, the Bureau of Reclamation has one-of-a-kind authority to operate dams and make far-reaching decisions.

But increasingly, the federal establishment has internal conflict. The Environmental Protection Agency may demand that operation of a Bureau of Reclamation dam violates the Clean Water Act. The U.S. Fish and Wildlife Service may be pitted against a federal project that would threaten with an endangered species.

Remarkably, there is no organization or institution with overall responsibility for finding solutions. Instead, there are occasional legal squabbles, political power plays, and federal pre-emption.

A reasonable approach would create a permanent regional body. This "authority" or "commission" or "forum" would try to resolve disputes, operate dams now run by the Bureau of Reclamation, seek better basin resources management and develop reliable data for everyone to use.

Control of the organization could be broad-based. Titled governments and interests like commercial recreational users, sportsmen and environmentalists all could take a piece at the table. The influence of the states might be balanced rather than reflect the weights of their congressional delegations. The Bureau of Reclamation's responsibilities would be largely assumed by the new entity, shifting power to the states and the newly reorganized parties.

The mission of a Colorado River basin organization should be as broad as possible, leave the power generation, storage, release and delivery of water from dams, Indian water rights, endangered species, sedimentation, water sales across state lines, and better management of ecosystems to be within the organization's purview. Responsibilities now handled exclusively by the federal government should be assigned to the organization up to the point that a loss of federal concern, like international relations, becomes implicated.

A day's surcharge on the wholesale hydropower price, not only a fraction of market rate, would run the organization handsomely. Just one-tenth of a cent per kilowatt-hour would produce over \$20 million a year.

This isn't a new idea. Even before Hoover suggested it in 1922, John Wesley Powell set out his plan for governing the West according to river basin basins. A leading geographer, Gilbert White of the University of Colorado, proposed a Colorado River basin forum in 1983. Former governors Richard Lamm of Colorado and Bruce Babbitt of Arizona both suggested a commission in the 1950s.

A basin organization would be a forum for discussion, debate, and action on issues over the Colorado. It could embody a spirit of problem-solving. The organization would develop and distribute credible, reliable information. And, most of all, it would create a permanent setting for hammering out more predictable, more satisfying and sounder decisions.

Clearly, it is time for Colorado River neighbors to take control of the river and explore together how it can give the most benefits to the most people. But it will not be easy to accomplish. Last November, Colorado Governor Ray Koenig invited his fellow governors in the basin to a meeting to discuss common problems. None came. ■

David H. Geddes is Professor of Law, University of Colorado, and a former executive director of the Colorado Department of Natural Resources.



## A Philosophy of Permanence: The Indians' Legacy for the West

David H. Getches

This we do know: the earth does not belong to man; man belongs to the earth. All things are connected like the blood that unites us all. Man did not weave the web of life, he is merely a strand in it. Whatever he does to the web, he does to himself.

Chief Sealth, 1855

**I**NDIANS survived on the American continents for thousands of years based on a pervasive set of cultural values integrating human life with other forms of life. Today these same values guide tribes in the United States as they move into an era of unprecedented sophistication in managing reservation environments. Most important for the non-Indian West, Indian values are crucial for the future of a region where resource issues are intertwined with economic and social survival.

Tribal peoples have made a wealth of cultural contributions, many of which have gone unnoticed. The Indian legacy most valuable for the future of the American West is a philosophy of permanence. Just as tribes have maintained cohesive societies against incredible odds by living their philosophy, so can the West. Author Vine Deloria argues dramatically that "American society could save itself by listening to tribal people" who have a unique "understanding of the world."<sup>1</sup>

Acceptance of the Indian philosophy means understanding how all human activity relates to the natural world. It requires us to recognize that survival, cultural and physical, demands that we modify and limit human activity when it is not in harmony with the natural world. Never before has this message been more important to a West wincing from its past excesses in resource use. It now is clear that the region's economic success depends on conserving its natural resources. And if there is a unifying chord in a society wracked by its own independent spirit it is a growing allegiance to the resources that are the West. Western resource exploitation is being seriously questioned as a respectable activity for the first time. Thus, people of the region may at last be ready to accept the Indian legacy.

### A Philosophy of Permanence

The values that enabled American tribes to survive and which have kept them intact reflect a philosophy deeply

embedded in aboriginal societies of the Americas. It is a philosophy that commits the people to a permanent existence in harmony with everything around them that explains the success of these people in surviving in America for thousands of years.

The historian Wilbur Jacobs writes:

After having studied a mass of evidence in the biological, physical, and social sciences, I am convinced that Indians were indeed conservators. They were America's first ecologists. Through their burning practices, their patterns of subsistence (by growing, for instance, beans and corn together to preserve the richness of the soil), by creating various hunting preserves for beaver and other animals, and by developing special religious attitudes, Indians preserved a wilderness ecological balance wheel.<sup>2</sup>

He concludes that in the millennia during which Indians occupied the continent before the arrival of Europeans they were "able to live with the land and to preserve its vitality. . . . In fact, their touch was almost unbelievably light."<sup>3</sup> This he attributes to the fact that the Indians developed "a land ethic tuned to the carrying capacity of each ecozone."<sup>4</sup>

The Indians' close affinity to nature took on spiritual characteristics. But the origins of the special relationship are not in the supernatural; they come from practical life and death concerns. According to Wilcomb Washburn:

Virtually all Indians lived in close and intimate relationship with nature. . . . The Indian relied directly upon nature for his life, and, perhaps more important, was fully conscious of that dependence. . . . [T]he Indian's mind was turned constantly toward the natural environment which was the source of life and death and of reward and punishment.<sup>5</sup>

The impressive history of the Native Americans' adaptation to the varied and sometimes hostile environment of this continent inspired the early conservation movement. In the United States "conservation" as a principle to guide human activity is traceable to a book written by George Perkins Marsh in 1864.<sup>6</sup> He contrasted the Indians' ability to use natural resources without destroying them as a



Indians lived in close and intimate relation with nature. (Courtesy of the National Anthropological Archives, Smithsonian Institution)

model for "civilized" people. And in *A Sand County Almanac*, where Aldo Leopold taught that "conservation is a state of harmony between men and land,"<sup>14</sup> he used American Indians as an example. For instance, he explained how grazing has reshaped the face of the West and ultimately spent the land where it never should have taken place. Then he contrasted this experience to that of the Pueblo Indians who occupied and subsisted on the same lands in pre-Columbian times and whose "civilization expired, but not because their land expired."

The Indians' message goes further than informing the conservation movement or merely helping to solve current resource management problems. Besides explaining the Indians' ability to survive, their philosophy packs a message for all of us in today's West. Much has been written and said about the importance of the Native American worldview for modern civilization:

We need . . . an ecologically informed world view which will provide the self-evident assumptions for our future planning. It is this mode of understanding

the world and not any specific application based on some past cultural pattern which for all of us on this continent is . . . the "nearly forgotten land wisdom," the "ecological sense," which is "indispensable to our survival."<sup>15</sup>

Rennard Strickland, a lawyer-historian, adds:

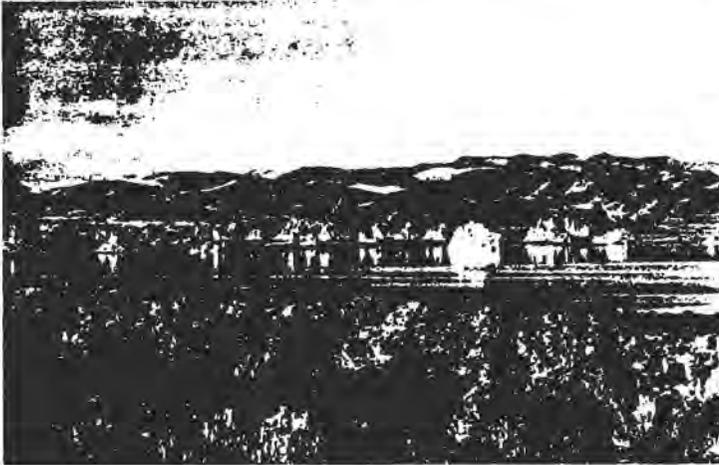
[T]he Indian has learned the lesson of building and rebuilding a civilization, of adapting, of changing, and yet of remaining true to certain basic values regardless of the nature of that change. . . . We can learn from the Indian the necessity of a "world view" which comports with reality and which is rooted in the deepest values, traditions, and ideals of the civilization. . . . [W]e can learn that we must have a vision for our life, a well-ordered and reasoned understanding of our goals [and] that we must live in partnership with nature. . . . [I]t is this which will help us preserve our own culture against even the most determined.<sup>16</sup>

#### The Hidden Record of Indian Contributions

There is a risk that the Indians' wisdom in living with the land, their secret of permanent survival and social cohesiveness, will not be given the close consideration or acceptance that it deserves. Indian cultural contributions have typically been ignored. Most Americans would be hard-pressed to attribute to Native Americans more than a handful of contributions to modern civilization: corn, tobacco, art. Place-names from the Dakotas to Utah and from Muskegee to Cheyenne make a firm imprint on the West, and brochures abound promoting Western tourism with colorful images of Indians. Yet, it is difficult for most people to perceive more substantial contributions.

When Saul Bellows, one of America's greatest authors, was enlisted to glorify Illinois for a travel magazine, the most he could say for the Indians (in a state named for Indians) was that: "They have left bones, their flints and pots, their place names and little else besides a stain, seldom vivid, on the consciousness of their white successors."<sup>17</sup>

A stunning account of Indian contributions to shaping the world has been produced by Jack Weatherford. In his book, *Indian Givers*, he traces a wealth of ideas, agricultural practices and crops, industrial processes, and foods to American Indians.<sup>18</sup> For instance, it is well known that the potato was a wonder food that changed the diet of Europe and enabled a population explosion there. That potatoes originated with the North American Indians, is largely unknown. Similarly, the introduction of beans, cultured into a number of varieties by Indians, vastly expanded the protein supply of the Old World. Though Europe was industrially advanced, it lagged behind American Indians in agriculture. When agricultural research began as a science, it could build on a base of centuries of Indian trial-and-error experimentation,



Pyramid  
Lake,  
California.

The "discovery" of the Indians' long-strand cotton revolutionized style and production of clothing. Production of animal fiber (wool) was slow and costly. Their textile dyes were better and brighter than the world had ever seen and became a major American export.

In pharmacology the Indians of Northern California and Oregon showed the Spanish their cure for constipation, a bark that is still the source of the world's most widely used laxative. The Incas showed the white man the cure for malaria, quinine (from *quina* in the Inca's Quechua language). In 1535 when Jacques Cartier and his men were trapped by a frozen St. Lawrence River and were dying of scurvy Indians showed them various sources of vitamin C which held the cure to their disease.

Indian gifts include the cornerstones of our political system. The concept of federalism was actually inspired by an Indian model. The League of the Iroquois was a confederation of several sovereign Indian governments that controlled the territory from New England to the Mississippi River for hundreds of years before the Constitution was drafted at Philadelphia. The idea of expanding the nation not by colonization but by acceptance of new states of equal stature reflected an Iroquois tradition. Separation of military and civil decisionmaking and impeachment were also Indian traditions, not European.

The most potent Native American contribution, however, has yet to be appreciated and accepted. By the time of the relatively recent arrival of Europeans hundreds of tribal groups had a deeply ingrained understanding of these ecologically unique continents, and they lived an ethic that made man and nature one. This is the secret of

their survival and the animus for all their other achievements. It holds tremendous importance for us if we are willing to understand and embrace the Indians' philosophy of permanence.

#### Pyramid of Sacrifice: One Tribe's Struggle

One tribe's valiant struggle to preserve its resources and culture illustrates the power of the Indian message for a wider community in today's West. Pyramid Lake, about 30 miles northeast of Reno, Nevada, is the aboriginal homeland of the Pyramid Lake Paiute Tribe. When Capt. John C. Frémont happened on this aquamarine desert lake in 1844 it was, next to the Great Salt Lake, the largest inland body of water in the West. Frémont was taken by the spectacular beauty of the lake, the prosperity and hospitality of the Indians he encountered there and by the abundance of large, tasty fish that the Indians took from the lake.<sup>11</sup>

The United States recognized the importance of Pyramid Lake and its fishery to the tribe when it set aside the surrounding area as a reservation 15 years after Frémont's visit. Two species of fish are indigenous to the lake, the *cui-ui* and the Lahontan cutthroat trout. These fish were the basis of Indian subsistence and culture since aboriginal times. They were, for a time, exported to restaurants and stores. The lake drew fishermen and tourists, and the tribe's economy and lifestyle were secure. But ever since the reservation was established the tribe's way of life has been continually assaulted by a series of government actions and policies and by non-Indian competition for the water needed to keep the lake alive.

Today the species of Lahontan cutthroat trout native to Pyramid Lake is extinct. The *cui-ui* is on the endangered species list. The water level in the lake has plummeted almost 90 feet, exposing thousands of acres of unsightly mud flats around the lake and destroying the spawning habitat of the fish.

The tragic destruction of the lake began with the federal government's construction of the Newlands Reclamation Project shortly after the turn of the century. Senator Francis G. Newlands of Nevada was sponsor of the Reclamation Act of 1902 and he brought home one of the projects authorized in the original act. The Newlands Project dammed the Truckee River just above the lake to divert water to non-Indian farmers in the nearby Carson River watershed. The project became notorious as one of the most wasteful Reclamation projects in the country. But it helped fill the farmers' demands that could not be met out of the Carson.

A curious side benefit of the Newlands Project was that the water that seeped, leaked, and overflowed from its primitive facilities replenished a large marshy area important for waterfowl habitat. The marsh, which became the Stillwater Wildlife Management Area, began suffering from a lack of water when the Carson watershed was dominated by ranches and farms, and the project's overuse of imported Truckee River water helped make up for some of the loss of wetlands.

Every drop of water that was taken out of the Truckee for farmers in the Carson River Valley, and incidentally to keep the Stillwater Wildlife Area alive, is water that did not go to Pyramid Lake. (The Truckee, the only source of water for the lake, flows down to Pyramid out of Lake Tahoe, its sister lake of about the same size which straddles the California-Nevada border.) The government set the rules for how much water the Newlands Project took out of the river and when, with virtually no concern for the tribe or the fishery.

To make matters worse, the cities of Reno and Sparks farther upstream on the Truckee began rapid growth after World War II. They tapped even more of the river's water. The demands of the Newlands Project continued and so less and less water was available to flow down to the lake to meet the Indians' needs and to sustain this fishery.

Pyramid Lake became the cushion for shortages as many users vied for water from the Truckee. The lake and the tribe basically got what was left over after everyone else was satisfied. No one doubted that water was in short supply. But no one did much about it either. So long as the government was willing to sacrifice Pyramid Lake the pressure of shortages was relieved. The Pyramid Lake Tribe, however, was aware, painfully aware, of the shortage of water in the Truckee. Every year and every day they were less able to survive on their own reservation. Some tried their hands at farming small plots. But the tribe collectively resisted the government's urgings that they give up fishing and turn entirely to farming the barren desert lands, an enterprise they knew was doomed to

failure.

The tribe made constant pleas to the federal government to protect the lake and its water supply. When it came time for the courts to allocate water rights on the Truckee, the government represented the Indians. But in its exuberance to see farming flourish in the area, the United States claimed only enough water for the tribe to irrigate a small portion of its land and sought no water for the lake. The tribe persisted in its fishing but the lake wasted away as others depleted its water. Tribal members became poorer and poorer but pulled together to save the lake. They repeatedly demanded that the government assert water rights for the lake on behalf of the tribe and stop operating the Newlands Project to deprive them of water. The tribe's pleas to its legal "trustee" fell on deaf ears.

Finally, the tribe took up its own legal battle in the white man's courts. It launched a bevy of lawsuits. In one it showed the Supreme Court that the government had not competently represented it and that the federal stake in the Newlands Project gave the United States a conflict of interest. The Court said, however, that it was too late to change the ruling because the tribe's neighbors had relied so long on using the same water the tribe needed to keep the lake alive.<sup>12</sup> In another suit the tribe insisted that the United States stop operating the Newlands Project in a way that was destroying the lake by depriving it of water. In this case, the court agreed with the tribe that the project was not being properly operated and ordered new operating criteria for the project, curbing extreme water waste within the project.<sup>13</sup> But it took another decade of litigation before the government enforced the new criteria.<sup>14</sup> Still another suit enforced the Endangered Species Act to get more water for the lake's fish.<sup>15</sup>

The Pyramid Lake Paiute Tribe deserves credit for triggering improved resources conservation throughout the two watersheds in parts of Nevada and California. The tribe's forceful, imaginative legal initiatives heightened pressure on all users in the over-committed water system. Thus, the tribe made it known that the lake would no longer bear the brunt of increasingly frequent shortages. At the same time, the tribe took leadership in pressing government agencies to try to reestablish a strain of Lahontan cutthroat trout in the lake and to save the lake as a fishery.

As the tribe began to recover some of the water the lake needed to survive others had to cut back. The Newlands Project was ordered to be more efficient and so farmers within it were squeezed and the Stillwater Wildlife Area got less wastewater. The growing upstream cities were desperate for new supplies and protection from the specter of drought. Nevada sought more water for its users from California because the Truckee begins there in the mountains above Lake Tahoe. Thus, water users throughout the Truckee and Carson watersheds had to come to grips with a serious water shortage that had been masked in the past by simply depriving Pyramid Lake of water.

But the tribe was not insensitive to the multiple needs of

others in the area. Its contribution went beyond creating the conjuncture of events requiring a solution. The tribe has exercised leadership in finding a solution that works for all parties.

This year [1989] the tribe entered an agreement that begins to resolve problems of most of the interests in the basin. The agreement will secure more and better timed flows for the Pyramid Lake Tribe and its struggling fishery. It will allow municipal water supplies to store more water in Truckee River reservoirs, but it also requires them to install water meters to conserve the supply. It calls for federal purchase of water rights from farmers in the Newlands Project to help replenish the Stillwater Wildlife Area and funds for habitat restoration on the Truckee. Another component would allocate Truckee River water between the states of California and Nevada.

The Pyramid Lake Paiute Tribe's efforts show how Indians can provide modern leadership in resource management if their interests are directly involved and if they have power as the result of legal rights. There is hope now that the lake and the tribe's homeland will be saved. And the thorny problems of the tribe's neighbors are being addressed in the process. The tribe's perseverance may be hard to understand. Why did they refuse to become farmers like their neighbors? Why not move to a new place? What was so special about this beleaguered piece of desert and a dying lake? What kept the tribe together as a people through such adversity?

By understanding better how the Nation's tribes have been served by their strong value systems, the West can learn how it can manage its resource problems and, in the process, move toward sustaining itself as an enduring society.

#### The Path to Civilization

The strength of the Indian philosophy is dramatically shown by the survival of tribal societies in the prehistoric period. But the Indians' record of tenacity since the arrival of Europeans is especially impressive. The incredible pressures on the Pyramid Lake Indians were light compared to those suffered by most other tribes. Typically, tribes were forced to give up their historical homelands and to change their traditional ways.

Consider the experience of the Cherokee Nation. In the early nineteenth century the Cherokees had a sophisticated, constitutional government, a written language, and educated leaders. Georgia was threatened by the tribe's power and tempted by the discovery of gold on tribal lands. The fledgling state — illegally, according to a Supreme Court decision<sup>16</sup> — attempted to outlaw the Cherokee government. The federal government responded to the mounting White-Indian tensions with its "removal" policy.

In 1838, some 15,000 Cherokees were driven on foot 1,000 miles to what they were promised would be the Indian Territory.<sup>17</sup> They and other tribes moved there from throughout the nation expecting to govern this new place

and finally be left alone by settlers. Thousands of Indians never lived to see the land that lay at the end of the "Trail of Tears." Those who made it set about fulfilling the dreams of their elders by building their society anew.

But within a generation the promise of an Indian Territory was withdrawn and title to many of the new Indian lands was lost. With the discovery of oil, non-Indians swarmed into the Indian Territory, and it became the Oklahoma Territory. Yet the many tribes that were removed are still cohesive, culturally distinct peoples who make the most of their resources and hold fast to their traditions. The United States succeeded in parting them from much of their land but was unable to extinguish their tribal governments or cultures.

Indian removal was a policy that swept the country. The Navajos had their "Long Walk" in 1865. Tribes of southwest Oregon were taken on a forced march along the Oregon coast to be "confederated" on a single reservation. The government was not always attentive to cultural reality when it decided to "merge" tribal groups on a single reservation. Thus, the Arapahoe and Shoshone Tribes, historically wary of one another and sometimes hostile, were put together on the Wind River Reservation in Wyoming. To this day the reservation is governed by two tribal councils.

In the nineteenth century successive treaties whittled away at Indian reservations to make way for white settlement and to confine tribes to areas where conflict with the settlers could be minimized. Almost systematically the Indians lost their most fertile lands and lands with precious metals.

The Sioux Tribes' reservations include some five million acres in South Dakota, spilling into North Dakota at some points. It is surprising that this land cannot support the fewer than 50,000 people who live there until one knows the story of the rich gold mines of the Black Hills that were expropriated from the Sioux and how the best farm lands were opened up to settlement by non-Indians.

Even on the Sioux reservations the best farms belong to non-Indians. This anomaly is explained by the fragmented ownership of reservation land tracing to the allotment policy of the 1880s. Around the turn of the century tribal lands were subdivided into plots and given to individuals as family farms. This was part of a plan to "civilize" the Indians. But the only practical way to farm or graze this barren land was in large parcels, much larger than a single allotment. To make matters worse, after several generations of inheritance the ownership of a single 160-acre parcel may be shared by dozens, in some cases more than 100 Indians. The government assists the multiple Indian owners by leasing out the lands to non-Indian farmers and ranchers. The Indians impotently stand by, barely surviving on lease payments and a few government programs.

Count Alexis de Tocqueville, writing many years earlier, described the pattern:

The Indians . . . have unquestionably displayed as

much natural genius as the peoples of Europe in their greatest undertakings. . . . [But] the Europeans continued to surround them on every side, and to confine them within narrower limits. . . . With their resources and acquired knowledge, the Europeans soon appropriated to themselves most of the advantages which the natives might have derived from the possession of the soil. . . .<sup>18</sup>

A succession of government policies, many ostensibly for the benefit of Indians, has aimed to put an end to tribalism. The allotment policy was enthusiastically characterized by President Theodore Roosevelt as a "mighty pulverizing engine to break up the tribal mass."<sup>19</sup> The policy succeeded in moving 90 million acres of so-called "surplus" Indian lands into non-Indian hands, but tribes were only bent, not broken.

The ominously named "termination" policy of the 1950s also attempted to undermine tribalism by divesting some of the most prosperous tribes of their lands and ending their special relationship with the United States. To be sure, the termination acts took a grave toll on some tribes, but tribal ties were so strong in many cases that an act of Congress could not sever them. Indeed, tribal status has been legally restored to most of the Indians affected by termination.

#### The Struggle to Survive

Tribes have struggled to satisfy their basic needs while remaining true to their resource preservation values. Left with vestiges of their ancient homelands, many tribes have had to choose between sacrificing their limited resources for short-term exploitation or conceding some of their economic well-being. They have almost invariably chosen to hold fast to their land base. Expanses of undeveloped land, sometimes rugged stuff out of old cowboy movies, might have been mined, logged, test-bombed, or subdivided if an Indian tribe had not found such ideas repugnant.

Of course many reservations have had their share of resource development and despoliation, often authorized by the Bureau of Indian Affairs with little or no tribal consultation or consent. Most reservations are identifiable from an airplane at 40,000 feet. They are the places where development stops; roads are narrower and houses fewer. The patchwork of irrigated crops and tilled fields end at the edge of reservations lacking irrigation systems.

The fruits of the West's economic success have largely avoided Indian reservations, even where the tribes chose to lease their coal or cut their timber. In years past, contracts were often negotiated without Indian participation. In the 1960s, Navajos got a flat 15 cents a ton for coal mined at Black Mesa while the United Mine Workers got a contract for the same mine paying 60 cents per ton with a cost of living increase. The Navajo contract, negotiated on their behalf by the government, said nothing about air or water pollution or depletion of water supplies. This kind of

contract, once typical, is becoming a thing of the past as tribes take charge of their own negotiations and even renegotiate old contracts. Now tribes are getting fairer prices and including innovative environmental controls in development contracts.

Depicting Indians at the edge of water development also evidences a tragic inequity in an arid region where hundreds of non-Indian communities have been subsidized by federal water projects. It is cruelly ironic that it is the tribes' water (under now well-established legal principles<sup>20</sup>) that the non-Indians are using. Many tribes could and would gain from some water development, though the issue has been largely mooted. Now the federal reclamation projects have fallen into disrepute because of their inefficiency, cost, and environmental damage, it is unlikely that any more federal projects will be built, even well-planned ones on Indian reservations. Perhaps the naturalness of some reservations has been "saved" from the West's folly with oversized or unnecessary projects. Still, it heaps irony on irony to see that some Indian resources have been "protected" by preventing any Indian use of them.

It should be added that there is no necessary contradiction in Indians' developing coal, cutting timber, fishing with gill nets, and tilling fields and still being touted as stewards of the earth. Indian tribal cultures have survived because they *do* use the earth's resources, but with a sensitive touch. Reservation resources have not always been dealt with sensitively but almost without exception misuse of Indian resources has been counseled by the federal government and undertaken by others.

#### A New Era in Tribal Resource Management

A long line of Supreme Court cases upholds the legal authority of Indian tribes to govern their members and their territory and to call on the federal government to protect their resources. Yet the experience of tribes like the Pyramid Lake Paiutes shows the difficulty of using those rights. President Andrew Jackson reputedly said of Chief Justice John Marshall's landmark 1832 opinion upholding the right of the Cherokee nation to govern itself without interference from Georgia: "John Marshall has made his decision; now let him enforce it."

But tribal powers have been vindicated by changed government policies and a series of favorable court decisions. Indian tribes are now building on legal advances that enable them to guide development and protect their land, water, minerals, and timber. They are engaged in planning resource use, negotiating contracts, passing environmental and land-use laws, and regulating use of reservation resources by both tribal members and non-Indians. They bring to the effort the best of the dominant society's technology and a unique sense of responsibility for those resources.

Beginning in the 1960s, tribes pressed their legal rights in court. Case after case recognized "the right of reservation Indians to make their own laws and be ruled by



Much land on Indian Reservations retain the rugged, open feel of the Old West.

them.<sup>21</sup> Most of the cases were contests between states and tribes over which jurisdiction could apply its laws. Often the cases had to do with the power to tax. A major breakthrough came in cases that recognized that the tribes could impose their own taxes, even on non-Indians.<sup>22</sup>

Tribes have used the force of the last two decades of courtroom victories acknowledging their sovereignty to create laws and programs governing reservation resources. Several tribes, including the Shoshone and Arapahoe Tribes of Wyoming, have zoning codes that apply to all (Indian and non-Indian) lands on their reservations.<sup>23</sup> Tribes throughout the West have enacted water codes controlling the use of water resources. The courts have struggled with whether those codes apply to non-Indians where there are significant state interests and only minor Indian interests, but it is clear that tribes have control of most reservation waters.<sup>24</sup> In upholding tribal resource management over state programs, the courts have emphasized the need for having comprehensive management of natural resources.

Some tribes have sophisticated programs to enhance and manage fish and wildlife populations. The Mescalero Apache Tribe, for instance, released elk on its reservation and expanded the herd from 13 to 1,200 in a little over ten years. Stocking efforts also resulted in a viable fishery on the reservation. The Mescaleros then passed conservation regulations including hunting and fishing seasons, bag limits, and licensing requirements and extended them to

non-Indians. The United States Supreme Court held that the tribe's control of non-Indian hunting and fishing on the reservation must be exclusive in order to be effective, and therefore state law could no longer apply to non-Indians hunting and fishing on the reservation.<sup>25</sup>

Tribes are accelerating their resource management activities also because of recent federal legislation letting them take over administration and enforcement of federal pollution laws on their reservations. They can now set their own standards for how clean water is to be, for waste disposal, and for the use of pesticides.

Even before Congress responded to Indian urgings to amend the federal laws to strengthen the tribal role in environmental protection, some tribes were using every mechanism at their disposal to guard resources important to them. In the late 1970s the Northern Cheyenne Tribe in Montana (like neighboring non-Indian ranchers) was alarmed about the potential environmental effects of huge coal-burning power plants and the associated strip mines that were to be built near their reservations. It used a provision in the Clean Air Act that allowed tribes to classify reservation areas for air quality protection, effectively "zoning" reservation air so that it could not be degraded. Without the ability to degrade air quality the power plants and mines could not proceed as planned.<sup>26</sup>

Tribes, armed with newly affirmed water rights, are making major efforts to protect the natural character of streams on their reservations. As Indian tribes are affirm-

ing their water rights through court decisions, negotiated settlements, and acts of Congress they have a right to demand more water for consumptive uses — farming and ranching, domestic uses, and some industrial purposes. But many tribes, like the Arapahoe and Shoshone on the Wind River Indian Reservation, want to dedicate some of their water to keeping the streams of their reservations alive.

The Wind River tribes won a Wyoming Supreme Court decision that was upheld by the United States Supreme Court this year, acknowledging its rights to about half a million acre-feet of water a year.<sup>27</sup> This is bad news for non-Indian irrigators yet they can understand why the tribes, armed with a Supreme Court ruling, would use more water for irrigation. They have a much more difficult time foregoing their own irrigation or seeing precious water released from reservoir storage in a dry season just so the tribes can let the river flow through the reservation to maintain instream flows.

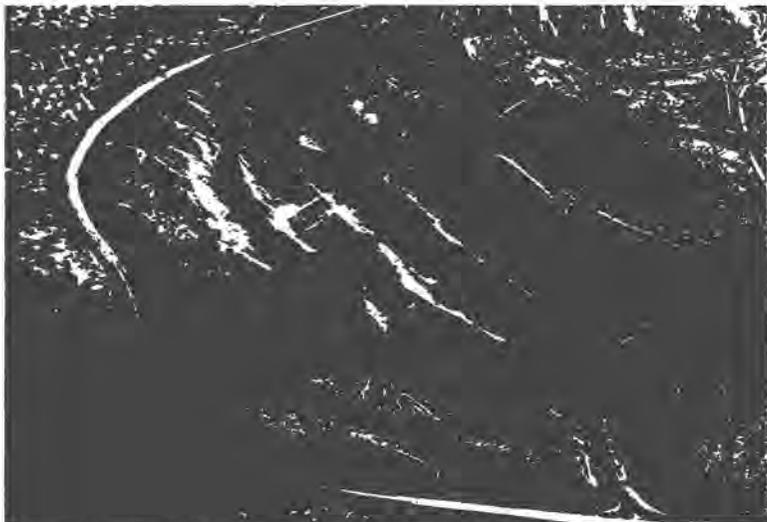
The Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana have also used their legal right to protect instream flows needed to keep the fish alive in reservation streams. During recent droughts this has meant that non-Indian irrigators must take less water. The Flathead project, like many other Indian irrigation projects, was built (with appropriations of money intended to benefit Indians) and is operated by the Bureau of Indian Affairs (BIA) predominantly to serve non-Indians. The

BIA resisted the Indians' request to protect instream flows until the tribes won their point in court. Since then the courts have upheld BIA plans responding to tribal requests to protect the fishery with sufficient instream flows over the complaints of the non-Indian irrigators.<sup>28</sup>

#### Indian Leadership in Western Resource Protection

Throughout the West there are examples of tribes protecting wider interests than their own. The Pyramid Lake Paiute Tribe's recent agreement with the diverse interests exemplifies the role that a tribe can play in calling attention to a resource crisis and in pioneering a solution to the crisis. The Northern Cheyenne's use of federal laws slowed development that threatened not only its homeland but the ranches and communities of its neighbors. The streamflows protected by tribes in Wyoming and Montana provide benefits for fish and wildlife and tourism that go beyond reservation boundaries.

Some of the best examples of modern tribal resource management are in controlling *off-reservation* fishing and hunting. Nineteenth-century Indian treaties were designed to pare down the Indian land base and make way for non-Indian settlement. Pacific Northwest and Great Lakes tribes were left only with tiny enclaves not suited for making a living from their traditional occupation of harvesting fish and wildlife. The tribes urged, and the federal treaty negotiators accepted, the idea that Indians should keep the right to fish and hunt in the territory they gave up.



Many areas on reservations, such as Black Mesa on the Navajo Indian Reservation, have been ravaged by non-Indian developers.



At left and opposite. Contemporary Indian fishery combines traditional methods and modern technology (Courtesy of Dan Budnik)

This would satisfy the white man's hunger for land and the Indian's hunger for sustenance. Treaties thus guaranteed that as non-Indians settled former Indian lands the tribes would continue to be able to fish in the rivers and lakes and to hunt on the open lands.

The courts have supported Indian treaty rights in case after case. Where state laws were inhospitable to Indian rights the courts allowed Indians to fish free of state control and tribes to control their members' off-reservation treaty fishing and hunting.<sup>29</sup> Yet these rulings have not been at the expense of the resource thanks in part to Indian resource management and conservation. The fishing tribes have developed their own conservation codes and have hired professional resource managers and enforcement officers.

Where several tribes share the same stream systems they have joined with one another to improve and coordinate resource management. In the Pacific Northwest more than 20 small tribes who share management of fisheries in hundreds of streams flowing into Puget Sound formed the Northwest Indian Fisheries Commission. The commission pools technical data and technical expertise and designs joint regulatory programs. The commission has over 50 employees, including the best biological experts in the region, and they are equipped with modern computer technology.

In many ways the Northwest Indian Fish Commission has surpassed the state regulatory agencies in their sophistication and quality of data. The states and the federal government now look to the Indian commission for expertise. Similar multitribal efforts include the Columbia River Intertribal Fish Commission and the Great Lakes Indian Fish and Wildlife Commission. Typically, the tribes have established these vehicles for better fishery management after winning lawsuits upholding their rights to manage off-reservation fish and wildlife.

Unquestionably, it is the tribes who are leading the way to better management of distressed fisheries in the Northwest. This benefits everyone who shares the resource, Indian and non-Indian. The waterways of the Northwest, such as the Columbia River, Fraser River, and Puget Sound, are shared with Canada. Several international bodies have been established to provide international coordination of the fish resource. It is a tribute to the quality of Indian fishery management efforts that when the states and the federal government have been called upon to select jointly a single United States representative to these international bodies in recent years, they have usually chosen a person from the Indian commissions to represent them.

In Washington, the same treaty-fishing tribes, who won the right to fish in Puget Sound waters free of state regulation, sued the state to force it to protect Indian fisheries from destruction by others. The sensitive habitats of salmon have been nearly ruined by pollution and obstructions of streams from logging operations, urban runoff, hydropower development, irrigation water returns, and also by reduced streamflows from water consumption. The Indians insisted that the state should not allow activities that destroyed fish habitat because the result — fewer fish for the tribes — was no different than allowing others to harvest fish to which Indians were entitled. The tribes wanted the state to regulate those who were effectively nullifying treaty-fishing rights. A federal court agreed with the tribes but the court of appeals retreated and asked for more evidence of the need for specific remedies.<sup>30</sup> The court was reluctant to make the standard for state environmental regulation a treaty-fishing litmus test administered by the federal courts.

#### Survival of Indian Land and Culture

The remarkable part of the history of American tribes is

(Courtesy of John Youngblut)



not that they were victims of unrelenting attempts to change them. But it is truly astounding that they did manage to hold onto some land and that the core of their culture remains intact. This qualifies them to serve as mentors in resource management and in how to maintain viable communities. Their success is due to the philosophical base of their culture.

Of course tribes lost most of the continent to European nations, to an eagerly expanding United States, and to hordes of settlers encouraged to carve a new life on the Western frontier. But today there are still over 200 Indian tribes, and collectively they own the largest block of privately held land in the nation. Tribes hold title to over 52 million acres, more than 2 percent of all the land in the United States. These landholdings are also impressive on a per capita basis. If census figures are correct for Indians (and many think they are low) they constitute only one-half of one percent of the national population.

Indians do drive pickup trucks, watch TV, wear Levi's and cowboy boots, eat pizza, and believe in pro-football. They are Americans, but first they are Indians. Each summer thousands of Indians from all tribes gather on reservations around the West for pow-wows where they dance, feast, tell stories, and kindle a flame of Indianness. Though tribal loyalties are the strongest, there is a camaraderie felt at these pan-Indian gatherings that fraternal organizations can only emulate.

Evidence abounds that Indian cultures are alive and well. Family ties are strong and "family" means something wider and more devoted than most non-Indians understand. Indians think nothing about driving hundreds of miles to visit a sick aunt and are ready to help out a ne'er-do-well distant cousin. Indians are eager to tell about "what my tribe does when someone dies" or "what my

grandfather told me our people believe." On most reservations there is a solid core of people young and old who know traditional dances and chants. Indian religions are not always visible on reservations, but they do run deep and strong. And there is almost a magical attachment to the place, what it is, was, and will be.

Reservation life is notoriously grim when measured on the scales of non-Indian culture, which give special weight to economic indicia. Yet the reservation holds and draws people back to things they understand and to people who understand them. There are intangible benefits and obligations in reservation life that are not explained by the white man's norms. There is something more than altruism that draws bright young Indians who have alluring career possibilities elsewhere back to their reservations. Lawyers return to a reservation practice, teachers come home to Indian schools, MBA's or engineers decide to work for their people. Typically, these jobs pay less, are harder, and conditions are worse than the off-reservation alternatives. There is something there that the non-Indian cannot see. As Justice Hugo Black put it:

It may be hard for us to understand why these Indians cling so tenaciously to their lands and traditional tribal way of life. The record does not leave the impression that the lands of their reservation are the most fertile, the landscape the most beautiful, or their homes the most splendid specimens of architecture. But this is their home — their ancestral home. There, they, their children, and their forebears were born. They, too, have their memories and their loves. Some things are worth more than money. . . .<sup>31</sup>

Indian survival for millennia before Europeans arrived



Indians today live in harmony with the land. (Courtesy of Tom Casey, Ogjala Lakota College)

and for the few hundred especially difficult years since then can only be explained by a philosophy of life that pervades the otherwise diverse cultures of aboriginal America. The Indians' philosophy of permanence based on an ethical relationship with land was fully developed at the time of white contact. They survived to that point compatibly with the resources around them by living as if they were there to stay. They have since resisted attempts to change them and to part them from their land and culture against apparently insuperable odds by holding fast to the same philosophical anchor. And they are now sophisticated managers in their own right serving as models for their governments. Non-Indian society has not done quite as well.

#### Taming the West

The non-Indian record in settling the West enshrines the heroism of independent-minded folk who risked their lives and fortunes realizing the nation's Manifest Destiny. The saga of the Westward movement is, indeed, full of romance and drama, heartbreak, and some heroism. And today complex economies exist in places early explorers said were uninhabitable. The full story, however, tempers pride in the West's accomplishments with embarrassment over excesses in dealing with Indians and in resource exploitation.

A forward-looking vision for the West should dwell neither on the triumphs nor on the misadventures of the past. But history forms a backdrop for understanding today's problems. The two most vexing challenges for the West are how to keep its resource base intact and how to hold its communities together. It is useful in searching for

a future approach to contrast the record of non-Indian societies to that of their Indian predecessors.

When Europeans took custody of them, the Americas were in excellent condition, almost without evidence of their aboriginal occupants. As Stewart Udall writes, "During the long Indian tenure the land remained undefiled save for scars no deeper than the scratches of cornfield clearings or the farming canals of the Hohokams on the Arizona desert." This was because "[t]he Indian wanted to live not just in the world, but with it; the white man, who thought in terms of estates and baronies, wanted land he alone could cultivate and use."<sup>32</sup> But, according to Wilbur Jacobs, this changed: "When traditional systems of Indian land occupation were altered by invading white societies, so began a history of reverberating environmental impacts that wrought vast ecological changes to America."<sup>33</sup>

Settlers were drawn to the West by opportunity. They came to mine and clear and harvest. Although they were attracted to the Western wilderness by its symbolic purity, liberation, and beauty, they knew that it must be tamed. As the noted Western author and sage Wallace Stegner says: "Anyone who has lived on a frontier knows the inescapable ambivalence of the old-fashioned American conscience, for he has first renewed himself in Eden and then set about converting it into the lamentable modern world."<sup>34</sup>

Man's heavy hand has changed the landscape in countless ways. The Rockies are pocked by the diggings of thousands of miners. The great rivers of the Northwest are saddled with dams for water or power development to the extent that spawning salmon is now trucked around some obstructions to deliver them from the brink of extinction. Most of the ancient sequoias and redwoods, some dating

back to the age of the Roman Empire, are now siding and backyard fences. Spectacular canyons are hidden beneath the waters of Bureau of Reclamation dams. The grasslands are no longer grassy, having been grazed to the point that only tumbleweed grows. The dramatic impact of man is nowhere more apparent than in the effects on fish and animal life. Hundreds of species have become extinct in the West during the last 200 years. Many more, such as the California condor and the squawfish, are imperiled because of man's effects on their habitats. One study despairs that 98 percent of the original North American ecosystems have been altered or destroyed since the arrival of Europeans.<sup>35</sup>

Technology has taken its toll on the West. The region suffers from urban sprawl, highways ensnarl cities and insinuate canyons and mountain passes, dams clog waterways, high-powered pumps ply deeper into nonrenewable aquifers, and air pollution alerts are a staple of Western city life. Gerald Nash, a prominent historian and observer of the American West, writes that "nowhere else were environmental problems brought about by a technological society so starkly revealed as in the West. . . . By the middle of the twentieth century the West had already become an almost classical example of environmental imbalance brought about by wanton and unplanned applications of science and technology."<sup>36</sup>

Not all of the West has been destroyed, of course. Although most lands, public and private, were legally open to exploitation, the ruggedness and climate of much of the region kept many resources out of the developers' reach. Resources were so extensive and the land so vast that it was impossible, even in more than a century of determined effort, to exhaust them. Furthermore, as Aldo Leopold noted, to the tourist even the "wrecked landscape [is] colorful and charming."<sup>37</sup> Some lands were spared because they were behind Indian reservation boundaries. Other resources have been effectively "locked up" by rather recent preservation laws like the National Wilderness Preservation Act, the Wild and Scenic Rivers Act, and the Endangered Species Act.

The West has resisted federal efforts to protect Western resources, however. Some Western states have fought federal policies aimed at preserving the integrity of federal lands. Legislatures have been antagonistic to highly popular and important programs like the federal Clean Water Act. The "Sagebrush Rebellion" was an attempt to give states more control of federal lands in their borders. It had some outspoken champions in state governments and in the federal government itself in the early Reagan years. It fizzled out as a movement because while Westerners shared resentment at a federal establishment that often misunderstood the region, most people favored continuing protection of the lands and resources in federal management systems.

Today, the West delivers a mixed message. It is both a treasure trove of natural wonders and a spectacle of environmental despoliation. It carries a bittersweet legacy

of its past, part of what historian Patricia Limerick has called a "Legacy of Conquest."<sup>38</sup> To make the West livable and to pay back investors — railroads, land companies, banks, and suppliers who grubstaked the miners, and the federal government itself — it was necessary to tap into the rich resources of the West.

It's impossible to say just when it went too far, but almost all Westerners are now dissatisfied with how far some aspects of development have gone. Still venerated for its beauty, the West would like to forget its spent topsoils, helter-skelter land-use patterns, depleted wildlife, and the extent to which its landscape has been altered by mining, logging, grazing, and water projects.

One of the West's chronic problems and a cause of many of its past indiscretions with natural resources is a lack of well-set cultural roots. Many people came West to seek opportunity, usually based on exploiting the rich, then apparently limitless resource base. But "permanence" meant as long as the lode held out, or the timber stand lasted, or until the topsoil was used up or blew away.

The lack of cultural roots took its toll on the fabric of Western society as well as on the land. The sprinkling of ghost towns throughout the West symbolizes the impermanence of the Western endeavor. Without a shared history or a commitment to mutual goals or institutions, there is little to cement communities together. Large numbers of people stay awhile and then follow the next opportunity. To be sure, there are some Western families who measure their ties to a community and to one another in generations. They are enormously important to the West, but they are rare. And there are some Western communities with a genuine spirit and sense of shared values to define themselves. These are even rarer. Often those who stay on keep to themselves, taking pride not in a culture but in their own independence.

The tacit acceptance that the community or state or region is just a convenient stopping-off place may be losing its attraction. A few years ago bumper stickers appeared in Colorado bragging that the owner was a "Native." Two points emerged: Only a select group in the state's mobile population could qualify for a sticker; and people seemed to care. Debates were sparked over whether a person with ten or more years of residency qualified. That they cared showed some discomfort with their own rootlessness.

#### **The Indian Philosophy in a Changing West**

For cultures with clearly defined value systems and a set of developed practices based on them it would be unrealistic to suggest internalizing a new value system. Short of a crisis like famine, revolution, or natural disaster societies make imperceptibly slow changes. King James had no easy time starting his own church in old England. The Shah of Iran made reforms so fast that his people are still reaffirming their old ways in paroxysms of reaction-formation. Even in the United States, a nation proud of being open to change, the idea of racial equality still snags

against the grain of parts of our society after a civil war and a century of legal mandate.

But the West may be more receptive to change. First, it may be able to accept Indian values because contrary values are not firmly seated. Second, the West may already be moving toward an attitude that prefers resource protection over resource development.

Change has been a constant in the West. Besides an inherent insensitivity to resource stewardship, early Western attitudes bred a lack of commitment to communities. In most towns in the West the notion that people would come and go as opportunities closed and opened was well accepted. Rootless people, ready to follow the next opportunity did not risk a social and emotional stake in a place they expected to leave.

In one form or another these attitudes have influenced much of the West. Yet they are only attitudes and not a real philosophy. Precisely because the West has shown a penchant for change it should be able to incorporate new values and adapt to new habits if they make sense. The "opportunity" this time is to keep the West. By setting down roots in the manner of our Indian forebears, the West can at once define the values that will guide its future and announce that this is no longer the region of resource exploitation.

This generation could give the still-changing West the cultural definition it needs, a definition based on a permanent commitment to the region. It may be possible because resource exploitation is becoming less important to the West than at any time since Europeans arrived.

This is not to say that resource development could or should come to an end. Coal will still be mined; gold will continue to be removed from deposits here and there; cattle will be grazed; and timber cut. However, the pattern is bound to be very different. Most of the richest mineral deposits are gone. Timber growth is slow and unprofitable in the largely arid region. Grazing is far more successful in the Southeast than on the West's dry and overtaxed range.

The economy of the West has shifted to a reliance on tourism and light industry. Thus, resources are at least as important for their enjoyment by visitors from afar and workers living in Western cities as for their extraction and exploitation. Newcomers to the West are moving to cities, not settling farms and small towns, and they are neither drawn there nor held by resource development.

Though most of the region's population today is in urban areas, the residents have a special attachment to the West's natural heritage. The populations of Western cities come mostly from two groups: 1) a small number of descendants of the old West — the children and grandchildren of those who settled the region and who did not leave — who feel deep and proud ties but who moved to the city to earn a living as farming and small towns lose viability; and 2) pilgrims in search of a new life in the West — people who fled the Eastern seaboard, the South, and the Midwest, larger cities and small towns, where the natural world lived only in history books and in their mental concep-

tions.

For pilgrims of the West, postcard images of mountains, rivers, and ethereal desert scenes live in their imagination. Memories of a Western family vacation or business retreat, a fishing trip, a week at camp, or a ski vacation of years past may have stirred an urge to go West for good. Jobs for the new pilgrims are not next to the ski slopes, or on the fishing stream, or near the old Scout camp. However, they may be only an hour or two away by car. And there may be a great mountain view from the office window.

Neither the descendants of the old West nor its pilgrims may consciously be environmentalists or naturalists, but when the view from the office window is obscured by smog, the fishing stream is about to be flooded by a reservoir, or the Scout camp becomes a mountain subdivision, these urban Westerners rise up. We see this phenomenon throughout the West as citizens speak out against environmental insults even when the urban center that is their home would benefit from the development.

A prime example of resource protection sentiment in the West is the loud and broad-based opposition that the Denver Water Department encountered recently when it sought to build Two Forks Dam. It planned to flood about 25 miles of the beautiful Cheesman Canyon of the South Platte River. The project would destroy one of the best trout fisheries in the nation and change forever the primitive character of a popular, largely blue collar, recreation area less than an hour from the city. The dam's opponents were unimpressed by the water department's insistence that more water was needed for growth.

Elsewhere Western city dwellers are taking a stand for better resource protection. Portlanders have sent up a howl against cutting more old growth forests, understanding that it would doom the spotted owl which is a kind of a barometer of ecological health for the region (a region whose economic health has long depended on timber-cutting). In Seattle voters turned out last year to curtail high-rise development in a city where views of Mount Rainier and Puget Sound are apparently more important than expanding the tax base. A few years ago Arizona's conservative legislature passed the toughest groundwater conservation law in the country. There are many explanations for the law's passage, but the fact is that a program strongly controlling private activities was imposed to check development that was upsetting the natural balance in a delicate desert environment.

\*\*\*

The message to the West from its Indian predecessors is both simple and complex. To urge that humans should behave as if they are just a part of the environment is compelling. At one level, it is obvious that all things are connected and that man is merely a strand in the web of life. Vine Deloria said, with a tinge of understandable impatience: "The land-use philosophy of Indians is so

utterly simple that it seems stupid to repeat it: man must live with other forms of life on the land and not destroy it."<sup>34</sup>

But when it comes to specific decisions to dam the river, to fill in diminishing wetlands, to cut an ancient grove of trees, or put up a shopping center, our current resource development policies require the public to prove that this is the decision that goes too far. The presumption is in favor of exploiting the resource. The Indian's ethic would demand looking on each of these decisions with suspicion, suspicion that presumes that a resource ought not to be damaged unless there are some very good reasons to sacrifice it. And when development goes forward the Indian philosophy would insist that it be with the minimum disruption of the natural world.

The West seems to be moving inexorably, albeit slowly, toward a more suspicious view of resource development. There is some evidence that Westerners are increasingly resistant to resource decisions that insult or diminish their notion of the West. They can sense that as each little bit of the West dies, a little bit of them dies. There is also abundant evidence that the Western public wants to expand the parts of the still-unspoiled West — wilderness, wild and scenic rivers, parks — that are off-limits to development. A recent survey in Colorado showed that 64 percent of Coloradans support additional wilderness designations.<sup>40</sup>

Stewart Udall's 1963 book, *The Quiet Crisis*, synthesized the environmental currents that were beginning to sweep through the national consciousness. The first chapter described the Native American's relationship to the land and saw a return to that ideal in the conservation movement:

In recent decades we have slowly come back to some of the truths that the Indians knew from the beginning: that unborn generations have a claim on the land equal to our own; that men need to learn from nature, to keep an ear to the earth, and to replenish their spirits in frequent contacts with animals and wild land. And most important of all, we are recovering a sense of reverence for the land.<sup>41</sup>

That reverence for the land has continued to well up in the communities of the West. It appears that there would be a following if politicians, educators, and religious leaders would embrace and articulate the notions of stability and permanence that enabled their Indian predecessors to succeed. Then the West finally could throw off the unrealistic and destructive dream of eternal expansion and stop tolerating those engaged in a rootless quest for the next conquest. Surely this would be an evolutionary step, a step that could be guided by the lodestar of the Indians' ethical ideal of permanence.

## NOTES

1. Vase DeLoria, *We Talk, You Listen* (New York: Macmillan, 1970), 189.

2. Wilbur Jacobs, "Indians as Ecologists and Other Environmental Themes in American Frontier History," in *American Indian Environmentalism*, C. Vacey and R. Waabli, eds. (Syracuse, NY: Syracuse University Press, 1980), 49.

3. *Ibid.*, 61.

4. Wilcomb Washburn, *The Indian in America* (New York: Harper and Row, 1975), 11.

5. George Perkins Marsh, *Man and Nature* (New York: Charles Scribner, 1864).

6. Aldo Leopold, *A Sand County Almanac* (New York: Oxford University Press, 1949), 222.

7. Thomas W. Overholt, "American Indians as 'Natural Ecologists,'" *American Indian Journal* (Sept. 1979), 9, 16. Some observers do not believe Indians deserve credit for having learned to live compatibly with nature. They typically offer historical or prehistorical anecdotes to show that Indians made mistakes or were guilty of waste in specific instances. This misses the point that Indians do, indeed, have an impressive record of survival and that therefore the philosophy that guided them may be worthy of emulation. Representative of the contrary opinion is Bernard W. Powell, "Were These America's First Ecologists?" *Journal of the West* (July 1967), 17. Powell cites a few examples drawn from a period spanning 12,000 years. Calling early Native Americans "Superpredators" he blames "rapacious hunting practices" for the extinction of large Pleistocene mammals. He cites a study which surmises that the arrival of early man in the Americas and the demise of these beasts during the same millennium is "more than a coincidence." Next, he says an early hunting practice, the "buffalo jump," which involved chasing a herd of bison off a cliff to their death, proved Indians guilty of a "comparable wantonness": to the Whites who killed bison just for their tongues millennia later. The article describes one extreme case discovered by researchers in which more bison were killed than the hunters needed. The study estimated that nevertheless they used 75 percent of the meat. Powell takes this figure to generalize that "the ancient hunters wasted one animal in every four taken."

A second example offered to prove Indians to be unenlightened land stewards is the ancient Mayans' unsuccessful use of certain agricultural practices. One study argues that the use of swidden (slash-and-burn) agriculture — clearing a small *milpa* in the jungle to let the sun reach the ground, cultivating it for a few years, then letting it reforest — hastened the Mayan decline because as population expanded there simply were not enough *milpas*. Another study says the Mayans erred not because of swidden agriculture but because they eventually developed intensive, raised-field agriculture, using terracing for irrigation and drainage and crop specialization. Whichever theory is correct, Powell argues, these early peoples went "to their ultimate ruin" because they "lacked a variety of 'natural' and ecological insights into their problem."

It is odd that these two agricultural techniques would be cited to prove that their originators failed to understand the natural world. The Mayans' raised-field planting and irrigation techniques are heralded today as among the earliest examples of modern agricultural technology. Swidden agriculture, which continued to dominate Mayan practices because it was better suited to most of their lands, is still practiced by their descendants on the Yucatan peninsula and by others in tropical and subtropical areas. Many ecologists now urge *milpa* techniques as a partial solution to highly destructive deforestation in Latin America caused by an influx of settlers.

Next, Powell concludes that the ancient Hohokam of the Southwest "may have less to tell us about modern water management" than some have contended. The Hohokam culture had elaborately engineered irrigation systems that helped them cultivate and survive in one of the world's most hostile deserts for over 16 centuries. The society declined around 1100 A.D. because of a combination of lower natural runoff and the unforeseen consequences of artificial irrigation of the desert.

A conclusion opposite to Powell's is more compelling. The results of a millennium-long agricultural experiment can be a great gift to those charged with planning for the West's water future. The ancients showed the possibilities and the limits of artificial irrigation of the desert. The fields eventually became alkaline and unproductive. Learning from America's native peoples about ecology includes accepting the lessons that they learned the hard way.

Powell accuses indigenous races of being ecologically insensitive, by pointing to the fur trade. It is a matter of record that the fur trade, induced by a few powerful and avaricious foreign companies like the

legendary Hudson's Bay Company, brought the beaver to the brink of extinction. These companies enlisted Indian trappers by luring them away from tribal life and cultural traditions with imported goods—food, implements, and liquor—which they could pay for with beaver pelts. Like the fabled, free-spirited mountain men, Indians became effectively indentured to the companies.

The "potlatch," a complex custom of the Pacific Northwest Indians, involved competitive gifting and even destruction of property. Status was gained in the society by giving up, not amassing wealth. These strange (from the standpoint of European) cultural practices shocked early missionaries who launched initiatives to stop them. Powell uses them to show that "Red Man evolved a culture of conscious waste, with no help from Whites or others."

In fact, conservation was deeply rooted in Northwest Indian culture. For instance, the tribes knew that their survival depended on salmon returning annually to the headwaters streams. This understanding was reflected in their celebration of the annual migratory return of the salmon in the "first salmon ceremony." They had practices that assured the passage of some fish to spawn and strict prohibitions against water pollution.

The symbolic acts, attitudes of respect, and concern for the well-being of the salmon reflected a wider conception of the interdependence and relatedness of all living things which was a dominant feature of native world view. Such attitudes and rites insured that salmon were never wantonly washed and that water contamination was not permitted.

Barbara Lane, *Political and Economic Aspects of Indian-White Culture Contact in Western Washington in the Mid-19th Century* (unpublished, 1973), 9.

8. Rernard Strickland, "Genocide-at-Law: An Historic and Contemporary View of the Native American Experience," *Kansas Law Review* (1986) 34, 713, 718, 752-753.
9. Saul Bellow, "Illinois Journey," *Hudson* (May-Sept. 1957) quoted in Virgil Vogel, "The Blackout of Native American Cultural Achievements," *American Indian Quarterly* (Winter 1987), 11.
10. J. Melver Weatherford, *Indian Givers* (New York: Crown Publishers, 1988).
11. John C. Frémont, *The Expeditions of John Charles Frémont*, D Jackson and M. Spence, eds. (Urbana, IL: University of Illinois Press, 1970), 609.
12. *Miyado v. United States*, 463 U.S. 110 (1983).
13. *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252 (D.D.C. 1972).
14. E.g., *Truckee-Carson Irrigation District v. Secretary of Department of the Interior*, 742 F.2d 527 (9th Cir. 1984).
15. *Carson-Truckee Water Conservancy District v. Clark*, 741 F.2d 257 (1984), cert. denied, 470 U.S. 1083 (1985).
16. *Worcester v. Georgia*, 31 U.S. 16 Pet. (515, 8 L. Ed. 483 (1832).
17. See Grant Foreman, *Indian Removal* (Norman: University of Oklahoma Press, 1932).
18. Alexis de Tocqueville, *Democracy in America*, Henry Reeve, translator (Cambridge, MA: Sever and Francis, 1863), 448.
19. Quoted in Samuel Tyler, *A History of Indian Policy* (Washington: Bureau of Indian Affairs, 1973), 104.
20. See *Winters v. United States*, 207 U.S. 564 (1908); *Arizona v. California*, 373 U.S. 546 (1963).
21. E.g., *Williams v. Lee*, 358 U.S. 217 (1959). For a superbly clear and accessible book reviewing and interpreting developments in Indian law during the modern era, see Charles Wilkinson, *American Indians, Time and the Law* (New Haven: Yale University Press, 1987).
22. *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130, 137 (1982).
23. *Knight v. Shoshone and Arapahoe Indian Tribes*, 670 F.2d 900 (10th Cir. 1982). In *Brendale v. Confederated Tribes and Bands of the Yakima Indian Nation*, 109 S. Ct. 2994 (1989), the U.S. Supreme Court imposed limits on the applicability of tribal zoning codes in a case arising on the Yakima Reservation in Washington. A divided Court said that tribal zoning authority may not extend to non-Indian land in areas of the reservation opened by Congress to non-Indian settlement. This decision was specific to the Yakima Reservation but left the law unclear for others.
24. *United States v. Anderson*, 736 F.2d 1558 (9th Cir. 1984) (The Spokane Tribe cannot regulate use of water surplus to tribal needs by non-Indians on non-Indian land where a stream is largely off the reservation, flowing only briefly along one reservation boundary).
25. *Colville Confederated Tribes v. Walton*, 647 F.2d 42 (1981) (The Colville Tribes can regulate non-Indian water use where a stream is entirely on the reservation).
26. *New Mexico v. Mesquero Apache Tribe*, 462 U.S. 324 (1983).
27. *Stump v. EPA*, 645 F.2d 701 (9th Cir. 1981).
28. *In Re General Adjudication of All Rights to Use Water in Big Horn River System*, 750 P.2d 681 (Wyo. 1988), aff'd sub nom *Womont v. United States*, 109 S. Ct. 2994 (1989) (per curiam).
29. *Joint Board of Control of Flathead, Mission and Jocko Irrigation Dist. v. United States*, 832 F.2d 1127 (9th Cir. 1987).
30. E.g., *United States v. Washington*, 520 F.2d 676 (9th Cir. 1975), affirmed in *Washington v. Washington State Commercial Passenger Fishing Vessel Association*, 443 U.S. 658 (1979); *United States v. Michigan*, 653 F.2d 277 (6th Cir. 1981); *Law Course Grillees Band of Lake Superior Chippewa Indians v. State*, 737 F. Supp. 1034 (W.D. Wisc. 1990).
31. *United States v. Washington*, 506 F. Supp. 187 (W.D. Wash. 1980), vacated in part, 759 F.2d 1253 (9th Cir. 1985) (en banc).
32. *Federal Power Commission v. Tuscatunga Indian Nation*, 362 U.S. 99, 142 (1960) (dissenting opinion).
33. Stewart Udall, *The Quiet Crisis* (New York: Holt, Rinehart and Winston, 1963), 4, 7. Udall's book has been updated and supplemented: *The Quiet Crisis and the Next Generation* (Salt Lake City: Peregrine Smith Books, 1990).
34. Jacobs, "Indians as Ecologists," 64.
35. Wallace Stegner, *Wolf Willow* (New York: Viking Press, 1962), 282.
36. Victor Shelford, *The Ecology of North America* (Urbana, IL: University of Illinois Press, 1963), 1-3, 17-18, 23-24 ff.
37. Gerald Nash, *The American West in the Twentieth Century* (Englewood Cliffs, NJ: Prentice-Hall, 1973), 304, 305.
38. Leopold, *A Sand County Almanac* (1949), 222.
39. Patricia Limerick, *The Legacy of Conquest* (New York: Norton, 1988).
40. Deloria, *We Talk, You Listen*, 189.
41. Talmege & Associates, Survey (Feb. 1989).
42. Udall, *The Quiet Crisis*, 12.



Professor David H. Getches is a professor at the University of Colorado School of Law, teaching courses in water law, environmental law, and American Indian law. In 1983-1987, he was the Executive Director of the Colorado Department of Natural Resources. He was also a Founding Director of the Native American Rights Fund, and also a Directing Attorney of California Indian Legal Services. He has written numerous law review articles on natural resources topics, and is a co-author of *Water Resources Management*, a book relating to water resources issues. Professor Getches received his undergraduate degree from Occidental College in 1964, and his law degree from the University of Southern California in 1967. He currently resides in Boulder, CO.

Mr. MILLER. Well, this is a good panel to end the day with, because I think it draws into focus a number of issues. Much of what has been suggested by this panel, and much of what we heard earlier today is, in fact, being done.

Because as I think the transitional nature of the American economy impacts the West and the movement of our people back and forth across this country, so is the transitional nature of the Federal Government's relationship to the West and local jurisdictions changing. And, in fact, you now see effort after effort of the Federal Government to try to buy into local councils, planning groups, and organizations, recognizing that it is unacceptable to most of the representatives of the West if they do not participate in those forums and if they do not participate on a unified basis.

As opposed to sitting back on their turf and waiting for somebody to come to them and tell them "no," it is important that they get involved at the front end.

And, clearly, again, a hallmark of the Secretary is to try to encourage those efforts. The rewriting of the Central Valley Water Project in California is, to some extent, going to be managed by the Fish and Wildlife Foundation. This group is made up of private citizens working with environmental groups and agricultural groups to determine new we manage the timing and flow of that water and that huge, diverse system. So I think that is happening.

But also, as I listen to this panel, I am struck to some extent by the role that the Federal Government needs to play in maintaining some creative tensions—there is a reason it is not all under one roof. It is almost like we could get along with a unicameral legislature, but there is a creative genius in figuring out how you make a nation think about these decisions.

And there is a seductiveness, and Ms. Small touched upon it, to let the railroad go ahead or let the development take place because it is in the interest of some people at the local level, or the community believes that growth is the answer. There is a certain tension that is necessary in terms of those gives and takes that I think is important with the Federal reservation. By the same token, and I am a big supporter of almost everything you said, Mr. Simmons, but if you do end up with market rates in the West, it certainly will be a different West. I think in many instances, in almost all instances, it will be a better West.

But if you are going to buy into the notion that any regulation and so forth is a taking, then you have to understand that that also demands, from my point of view, that there be no diminishment of the Federal reservation. Because if private folks will be able to do whatever they will, because your takings argument also falls on State regulations (like the California act on forest practices on private lands), then that Federal reservation is going to be needed for the preservation of species, of watersheds, of forest supplies, or just of wooded areas for people to wander in.

So there are some internal inconsistencies in these arguments at various turns in the road, and part of this hearing is to see how we sort those out. But I am not yet willing to give up on the Federal reservation in terms of the role that it plays in creating some of these policies. It is not all just a negative factor that the Federal

Government is a large landowner, because it is the maintainer of the parks and the wilderness areas in the country.

But a lot to think about here. Some panels just give you more work than you like to know about.

Ms. Shepherd.

Ms. SHEPHERD. Thank you, and thank you for an incredible closing.

Chairman Miller is right, there is a lot to think about and we have a lot of time to think about it. I just said to the press that Congress usually does not think, and I meant that sincerely. So this is an unusual kind of hearing for us to experience, and I hope that all of our colleagues will read the testimony.

Don, I would like to ask you, and in fact I would like to ask all of you who are interested, to respond to what is no doubt a gross over-simplification of what the role of government has been so far, which is make a law—that is our job, to make the law—and then it is the role of the court, which is an extension of government, to enforce the law. Then it is the role of advocates on either side to bring a suit. And that is how we have made decisions. That is how we have made almost all environmental decisions.

And I would like you to tell me what is wrong with that and what is right with that.

Mr. SNOW. What is wrong with it right now is it largely does not work. I have been in the business of helping to make laws for about 20 years myself—as a lobbyist, never as an elected official. I have been a strong, strong believer and proponent of laws, in my case environmental legislation: saying no, saying when, saying enough is enough, and trying to create visionary outcomes through legislation. Altering long-settled expectations such as water rights through instream flow reservations would be a good example.

Unfortunately, the legal judicial approach to so many of our problems just does not work any more. Too many things are left out of those equations. Those end up being equations that foster plutocracy. The people who can afford to influence legislation are the people who do; the people who cannot afford it are the folks back home growing ever more cynical of the political process. I think it is time to hand power down and really hand power down.

I don't want to be invited into the Forest Service's new planning process. I want to invite the Forest Service to our new planning process to act as our public servants. And by "our" I am talking about a pretty broad "our." I have learned a lot from people I ardently disagree with, I reflexively disagree with. Those same people always talking about I hate you and you hate me. I have discovered there is some gold in the wisdom of those people who I hate or who have hated me, and I want to find out a little bit more about that gold. I think there is some great opportunity to cooperate.

What is right with it? It is our sort of Damocles. It is our backstop. We do not do the dispute resolution work I do at Northern Lights Institute ever without the sword of Damocles hanging over our heads. Why? Because when we try it, all we end up having is an interesting conversation. We feel better about one another. We begin to relate more in these human terms, and bring out some of these qualities that are being lost that Lill is trying to reclaim, but we do not have a product. We do not have a goal. A goal and goal

is legislation and judicial process that everyone knows exists. So that if our innovative consensus process fails, we have a backstop.

That is why I am very interested in experiments. I am very interested in locally evolved, regionally evolved, or nationally evolved experiments, provided that we have those backstops. And I continue to believe that as long as we have ardent proponents for environmental quality, who represent good organizations and good processes of decisionmaking in their own right, we will have backstops. Let those stand.

Ms. SHEPHERD. Anybody else?

Mr. SIMMONS. One problem with relying on legislation as the way to solve problems is that it often causes us to ignore the private solutions that could exist if we just tweaked the system a little bit.

For example, in Montana a few years ago during the drought, the Ruby River, which is a great trout stream, was dewatered. Isn't that a great term? Dewatered. And driving down the road by the Ruby River you would see this irrigation water coming off the alfalfa fields and filling the furrow pits alongside the road because there was just so much water being taken from the river and poured out on the farmland.

Well, the fishermen up there got pretty upset. So they went to some farmers and said, Look, can we buy your water rights and leave them in the stream? And the farmers were going to actually donate some portion of their rights until they were told that that would be considered not exercising their rights and the people they donated them to would lose them within three years.

It is just the simple thing of allowing people to own in-stream rights. In Utah, private people cannot own instream rights; it is just the government that can. But a little tweak like that, instead of a big push, can often solve a lot of the kinds of problems we are looking at.

Montana Land Reliance, to use another example, or in Logan, just a couple of weeks ago, there was a meeting on private options for preserving farmland. That is what the Montana Land Reliance does, is it a private means of getting easements, scenic easements or just conservation easements to preserve open space. There are lots of things that we can do if we will find ways to promote them without simply doing a one-size-fits-all approach.

Ms. SHEPHERD. Thank you.

Mr. GETCHES. Just to add one thought here. Your scenario of making a law in the legislature, having it applied by the executive, and then having the judicial branch decide whether or not it is being carried out properly after somebody brings a lawsuit has been modified to some extent by Congress. Congress recognized some time ago that there was no attention to details, and so they plugged in processes for planning and public participation. That seemed like a good idea, but I would like to suggest to you that it has fallen short.

The planning and public participation process is just a third step before you go to court. It does allow for the public to come forward, but the public participation is little more than a safety valve. Public representatives can be heard, they can file comments, and those

comments are stapled to the back of the plan or the EIS or whatever. They usually make little difference in the outcome.

What about the planning process? Hundreds of millions of dollars are spent by BLM and the Forest Service on these plans. They were certainly a good idea initially. But we are now in the second and third generations of plans that are more an exercise in computer technology by large, competent, and dedicated staffs, who are less and less in touch with the reality of what they are planning for. Consequently, they are producing less and less relevant results for people on the ground and for the resources themselves.

I think as you are looking at existing institutions, go back in and look at the component you last added to the scenario and see whether it is working as well as it should be. And maybe some of the ideas that have been expressed throughout this hearing could be substituted. There is certainly a lot of money dedicated to those processes now, and maybe even with a reduction in expenditures, certainly no major increases, you could build in some of the ideas that have been expressed here.

Ms. ERICKSON. I just have a couple of additions. One is the situation you described is like two very heavy-handed tools, like an axe and a sledgehammer. And there really is a need for a big tool box with lots of different kinds of tools, fine tools: screw drivers and wrenches that allow us to manipulate things and create things without banging them to death or chopping them to death.

So I think they are good and we need them. They have a place, but there are a lot of other needs and we can create tools for those needs.

The second thing is that right now we need some heavy-handed tools because people are not used to collaborating so you need something to compel people in a process and to have people sit with people they do not like and that they are afraid of. And as we do that more, as we communicate better, trust will build. As trust builds, understanding will increase. As understanding increases, the more able we will be to create solutions, and that will get easier and easier. And I think then compelling people will not be so necessary with heavy-handed tactics, and we can start compelling ourselves with economic incentives and other kinds of things.

One example is a process that is going on in Montana. We have a very interesting coalition of environmentalists and sheep producers and manufacturers. The environmental community is trying to open up markets for these sheep producers that are using nonlethal predator control measures to control their flocks, and we are trying to market that wool as predator-friendly wool.

There are no heavy-handed things keeping us together; it is more a market incentive. We want to help these guys doing something good and taking risks in their industry so I think there are some other things you can do.

Mr. MILLER. If you will yield for a second.

Ms. SHEPHERD. Yes.

Mr. MILLER. The fact is all of that is happening in spite of the Federal law. Federal law does not prohibit it. But this country, certainly with respect to Federal lands and with respect to air and water, had to make some national decisions, and those national decisions drive these efforts, whether they are collaborative or wheth-

er they are adversarial. But the fact is we had to make a decision because the mayor of Cleveland would not make those decisions and the mayor of Reno would not make those decisions, nor would the Wassuk County government or anybody else because they thought clean water meant the end of the coal mill up the stream. The government of Arkansas thought it meant the end of Tyson's chicken.

But we had to make those fundamental decisions about clean water. Now, how you implement those—and you have to separate those two processes here. You know, a thousand flowers can bloom here, but in terms of the fundamental characterization of the values, it unfortunately has been required at the national level because the local political systems were simply not able to carry out those decisions. It is what we have now.

Mr. Simmons says we will let the marketplace rein. You ought to charge fees. This committee would have raised fees a couple of months ago, rather substantially, and what we heard from everybody in the West was, well, now you are charging my neighbors to use their backyard. Well, I guess that is one slant on it, but we just heard that their neighbors were not paying their freight for cleaning up the canyon or controlling their search and rescue or what have you. So we made the decision we would raise the fees at the national level, with the help of people from Massachusetts, Connecticut and New York and elsewhere, because some of these decisions as backdrops to those negotiations and to those implementations must be made at the national level.

And to suggest that, well, if we just sort of withdraw the Federal Government it will all work out all right, well, you can go to Houston and figure that one out, or LA, where there was no Federal Government involved until many, many years later. And those are the cities people are leaving for the Rocky Mountain range.

So let us not get mixed up between the implementation, where we have been too rigid, too severe, not recognizing local efforts, and on the other hand, fundamental statements of principles and guidelines and values as to a Nation, as to what we hold dear in terms of clean water, clean air, open spaces, large wooded areas and mountain preserves and the coast of this country. Those are fundamental statements, and I think you have to separate the two here.

To say we will stop making laws and it will all work out in the private sector, the private sector left us a long legacy of why we had to make the laws. They were not cleaning up the air before we asked them to. They did not devise the market to clean up the air, they only devised the subsidies to clean it up afterwards.

Mr. MILLER. Ms. Shepherd.

Ms. SHEPHERD. Thank you, I am finished, Mr. Chairman.

Mr. MILLER. Mr. LaRocco.

Mr. LAROCO. The chairman obviously does not see the beauty in the blazing Cuyahoga River. I am shocked and amazed. This has been a great panel to conclude with. I agree with the chairman.

One of the things that we are trying to decide in this committee is what do we do. Do we do anything to move this agenda along for the collaboration and to bring together the community of interest and so forth. This is a real dilemma. Here we are, a bunch of

legislators, as Congresswoman Shepherd said, and what do we do about it.

Obviously, this Administration is trying various ways to use the law and say we are going to govern here. And your visionary statement, Mr. Snow—I started thinking about, of all things, grazing reform and the councils that were put together in the last draft for comment. We may not be on the right track yet but the Secretary seems to be moving towards it.

Now, we have not amended any laws, but what I do know is that if you go full tilt towards a Bolle Council, we may have a propensity to suspend some laws, and that is anathema to a lot of people. But a couple things come to mind. One is public input. I really like that. This happens so much in my district. And the commissioner mentioned Boundary County. Up there we have critical habitat considerations for grizzly and woodland caribou and Kootenai white sturgeon, where the U.S. Fish and Wildlife Service go up from Coeur d'Alene and they listen and then they leave to go back to Coeur d'Alene. But before they leave they pull the pin on the grenade and then they leave and I have to go and jump on it and clean it up and say, hi, I am from the Federal Government, I am here to help.

And because the Fish and Wildlife Service did not bring together this community of interest and everybody into the program, the citizens of the county believe they did not have input, and there we are. That is the existing law, but we do not have an example of how it is working properly. Although, we have been to the Everglades and there is some activity going on there. We are trying with the Henry Ford Foundation in Idaho, which has a model. Some things are going on, and I hope we can get there.

I was a board member of NRAG, the Northern Rockies Action Group. I am voting for the support of the Northern Lights Institute. Back then, in those days, I was running for office and failing and serving on boards and doing stuff like that, but I am pleased to see you here, Don, and for your vision. It gives us a great deal to think about.

I think the chairman has already remarked about the fees, but I think that example you brought up, Mr. Simmons, is really interesting where the county sort of gets together. That is ecosystem management, to me, just trying to address these issues on a local level. And I think that we may need more examples. We may need more successes on the front lines either to keep us from legislating our way through this or showing how the laws can work under this Administration and that is my dilemma.

My role on this committee is to introduce bills that have to do with timber receipts, forest health, wild and scenic rivers, the Lower Salmon, the North Fork of the Payette, the wilderness bills, and to keep working to bring the chairman out West as often as we can so that we can hear from local people and hear this vision. This is very helpful.

I am getting kind of impatient because we seem to have this polarization and we cannot get together with the collaboration of the community of interest. And if we all broke up into groups, maybe we could come back at another day and have some on-the-ground examples of how this might work.

This was a great panel and I hope our colleagues read this testimony. It has given me a lot of food for thought. We have come away from some of these trips out West and said, do not do anything. I think we came out one time thinking we would create the Ecosystem Protection Act of 1994, and we said, whoa, do not do that. Everybody wanted to be the author of that one, boy, I tell you, and have their name in lights for a long time. But we need to get this system working.

Thank you, Mr. Chairman.

Mr. MILLER. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I certainly want to thank also the members of the panel for their testimony. I don't know whether to be more pessimistic about the future, where the West is concerned, after listening to all the panels here this morning. I do have a couple of observations and perhaps some questions if members of the panel could help me.

I certainly want to thank Ms. Small for her testimony. I suppose, Mr. Chairman, that is probably one reason why I am a member of this committee. They have Native Hawaiians, Native Americans, and it all makes this pie very interesting as far as how non-homogeneous our society can be.

I think this was skipped over very lightly, but I want to share the sentiments that have been expressed by Ms. Small this morning about the first national policy we have had was to kill the Indians, and then afterwards the trail of many tears, the transfer of the Indian tribes away from their homelands, then the policy of assimilation, then termination, and now we are supposed to be looking into restoring the identity of these tribes throughout our country, which I think is quite commendable under the circumstances.

As you mentioned earlier, Mr. Chairman, about trying to get to the very heart of the fundamental issues of how should we establish a national policy towards the social, economic developments taking place among the western States, and by and large the Native American communities are just as much a part of that issue. And we were talking about, at least what seems to bring to my mind, the concept of private ownership of property. Perhaps this is something that needs full reexamination.

It goes back to the very basic values of American society, about ownership equals wealth, and that perhaps, to the extreme, greed and more greed. In contrast, it may be we could learn a lot more from Native Americans about their perception or concept of what property ownership should be as far as lands are concerned. Not only having ownership temporally but as well as a spiritual aspect. And maybe this is something that westerners need to examine a little more fully and see if there is really a real value to look at land not just as a piece of property but in a spiritual context. We are stewards of Mother Nature—I don't mean to be sounding like a preacher or anything—but the earth itself is truly Mother Earth and we should give it just as much the same treatment.

The problem here, Mr. Chairman, is the Native Americans truly believe that this earth is truly our mother and we ought to treat it with every care and love and affection. And, of course, history has not borne that. I am reminded of, and I am sure, Mr. Chairman, you know in answer to the questions and the issues raised

by our friends here, and maybe Phil Burton could not have said it better, let's be operational. Let us not get into the idealogue and be stuck with it but be practical and find out what should be the fundamental issues that our country as a whole should resolve.

My own observation is the travesty in our experiment with democracy is we end up with only 33 percent of American society participating in the election process. That is scary. That scares me. And it is no wonder there is so much cynicism towards the elected officials. But who elected these officials to begin with? So I think we need to go to those fundamental issues because, like you said, Mr. Chairman, we can pass the laws but I don't think that will be the answer to the questions. And after taking a red-eye from Honolulu last night, I thought perhaps I had a chance to sleep, but when the stewardess announced that the movie "The Pelican Brief" was going to be shown, it caught my attention, Mr. Chairman, and it scared me. Perhaps in going to the very root of our whole governmental system and the different interest groups, whether it be from the Federal level, the State level, the local level, there has to be a reexamination of that whole spectrum seeing if we can find some medium of understanding to meet the needs of the Mrs. Liston's and the Mr. Hedden's, as well as what Ms. Small has shared with us this morning, not only to meet the needs of Native Americans but all Americans.

I want to thank you, and certainly our colleagues, Ms. Shepherd and Mr. LaRocco, for being here. I certainly appreciate very much your invitation to be here in Utah, and I hope we will continue to have these types of hearings among our western States. And I always keep forgetting that California is just as much a western State as our friends from Utah, Colorado, and New Mexico. I guess Colorado has an entirely different twist or swing to things as far as our country is concerned.

But, Mr. Chairman, with that closing, again, I want to thank you and thank the members of the panel for their testimonies.

Mr. MILLER. Thank you for the acknowledgment. We supply all this population. Just think, if they had stopped here first instead of flying over.

Ms. Small, let me say something. We go back to the issue of Federal laws and legislating a solution. You know, the Community Reinvestment Act was something the Congress did, and I dare say I think the vast majority of Members of Congress never thought it would amount to anything because they did not think anybody would take it seriously. As you obviously showed, somebody did take it seriously in your lawsuit.

I think it also showed that there is wealth on the reservations, but that wealth is misapplied, and practices like these result in the failure to leverage that wealth into other opportunities. And I think we should remember that when we look at economic development.

Regarding your comments on the BIA, you have a lot of very receptive people on this committee. We are working as fast as we can to see whether or not we have the ability to dismantle the BIA and put Native Americans on a government-to-government basis with the departments and the agencies that supply those services to the States. We are also doing this in terms of the Pacific territories—we no longer need this amplifier between the Department of the In-

terior and Native Americans and the Department of Transportation and Native Americans—we now have local governmental infrastructures that are fully capable of dealing with Washington on that basis.

Obviously, we are trying to expand that in the independence tribal movement. A number of tribes are doing very well and receiving more resources and are able to put them to better use than when they were siphoned and screened through the BIA. So we are very, very encouraged by that process. If we can do it in time, perhaps the Vice President can really claim that government was, in fact, reinvented the moment the BIA went out of existence.

Ms. SMALL. That would be a true achievement.

Mr. MILLER. Yes. And I am not yet saying it is going to be done but it would be a true achievement.

Let me thank all of you for your participation. And for those of you who participated earlier and those of you that have stuck with us through the day, this was a different kind of a hearing. This was not a highly regimented hearing where witnesses were given only five minutes to summarize their statements. This hearing has been an attempt to try to develop a broader discussion in the West about these issues—with a strong sense of urgency, I believe, by the members of this committee and many of the Members certainly from the western United States, that there are decisions that need to be made that we simply cannot continue to postpone because the cost of postponing those decisions and not planning into the future is growing on a daily basis.

After discussions with Congresswoman Shepherd, we decided that perhaps Utah was the best site for these first hearings because these issues are still at the discussion level here, as opposed to the raging polarization that we have seen in some of the other areas of the West. And, again, the agenda of this topic within this committee is really to see whether there are better ways to solve these problems that confront the people who live here, our communities in the West, and all of the tensions that are created as the West goes through a change.

It is a change that we did not create. It is a change that is happening, and it will happen with or without the involvement of this committee. We only hope that we can provide some forum for continued discussion and, hopefully, for modification of Federal policies where they are simply not helpful to resolving these issues. And in some cases it is as benign as that: They simply are not helpful. Not that they are destructive, but that they are simply not pushing the resolution of these issues on down the road the way people in the affected areas would like to see them done.

This committee has always provided, certainly under my leadership, a great deal of deference to local communities and to States to work out their problems. I appreciate that very often these issues rise to be the occasion of national political efforts and lobbying efforts and fund-raising efforts and battle cries on both sides. We have tried to resist that, to give the first cut at some of these solutions to these people that will have to live with the results, whether the creation of a large wilderness area or very small actions and their impacts that this committee takes with respect to Federal lands.

So I would hope that others would join this discussion, and we hope to be able to continue it and to get on with solving the problems that confront us and the entire West from the Pacific coast of California to . . . wherever we decide we are going to cut this off. Indiana? Did we decide Indiana? They can fend for themselves.

Thank you very much, and I want to thank the staffers of the committee very much for all their assistance in putting on this hearing, and the committee will stand adjourned. Thank you.

[Whereupon, at 2:10 p.m., the committee was adjourned.]



# APPENDIX

APRIL 7, 1994

## ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

JAMES V. HANSEN  
131 DISTRICT, UT 841

COMMITTEES:  
ARMED SERVICES  
NATURAL RESOURCES  
SELECT COMMITTEE ON  
INTELLIGENCE  
WASHINGTON OFFICE:  
ROOM 2488  
RATSKIN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4401  
(202) 228-0453

Congress of the United States  
House of Representatives  
Washington, DC 20515-4401

DISTRICT OFFICES:  
1017 FEDERAL BUILDING  
224 25TH STREET  
OGDEN, UT 84401  
(801) 250-8382  
(801) 425-2877  
(801) 461-8822  
438 EAST TABERNACLE  
SUITE 201  
ST. GEORGE, UT 84770  
(801) 828-1071

April 22, 1994

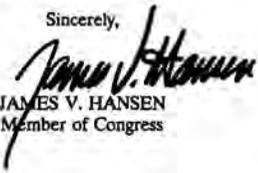
George Miller  
Chairman  
Committee on Natural Resources  
1324 Longworth HOB  
Washington, D.C. 20515

Dear Chairman Miller:

Please insert into the record of the Salt Lake City field hearing of April 7, 1994 the enclosed statement of Don Leal. This is in response to the allegation of Mr. Emmons that the federal government is a better land manager than the States.

Thank you for your attention to this matter.

Sincerely,



JAMES V. HANSEN  
Member of Congress

(245)

Testimony for the  
Subcommittee on National Parks, Forests, and Public Lands

February 1, 1994

Getting to the Bottom of Below-Cost Timber Sales

by

Don Leal  
Senior Research Associate  
Political Economy Research Center

My name is Don Leal and I'm a senior research associate at the Political Economy Research Center (PERC) located in Bozeman, Montana. PERC is frequently described as a free market think tank focusing on market solutions to environmental problems.

Today, I would like to discuss a very critical public lands issue: below-cost timber sales. For over a decade, this issue has served as a lightning rod for reforming management of the Forest Service's timber program. It is an issue in which I agree with environmentalists in concluding that there is something definitely wrong with how the Forest Service manages the sale of timber.

I part company, however, with those who say the solution to below-cost timber sales is either to stop selling timber altogether or, alternatively, to raise the price of timber to match the costs of the Forest Service's timber program.

In comparing timber sales on state and national forests in Montana, I found evidence that the Forest Service loses money on timber sales because its costs are too high. For three different growing regions in western Montana, the state made money selling timber on its forests, while the Forest Service routinely lost money selling timber.

In northwest Montana, the state grossed \$2.39 for every dollar spent selling and growing timber, while nearby Flathead National forest failed to break even, grossing only \$0.75 for every dollar spent. Similarly, in southwest Montana, the state grossed \$1.98 for every dollar spent, while nearby Bitterroot National Forest grossed only \$0.44 for every dollar spent. Even in the dryer, less productive region of central Montana, the state grossed \$1.07 for every dollar spent, while Gallatin National Forest grossed a paltry \$0.23.

Overall, from 1988 to 1992, the state's timber sales generated nearly \$14 million in income, while the ten national forests in Montana showed a cumulative loss of \$42 million. This is a startling result, especially when we consider the fact that the state harvested one-twelfth the volume of timber harvested by the Forest Service during this period.

Different lands, different duties? State forest lands are often located right next to national forests in western Montana. In addition, recent surveys by the Forest Service indicate that state and national forests have similar timber growing potentials. State foresters and the Forest Service also carry out similar duties. Both prepare timber sale plans and environmental assessments, conduct competitive sales, administer harvests, conduct roadbuilding, prepare sites for reforestation, and conduct stand improvements. Importantly, both must integrate timber harvests with other uses such as public recreation, livestock grazing, and wildlife habitat.

But the state carries out its duties at a substantially lower cost. For example, in the northwest region the state spent an average of \$66 per thousand board feet of harvest to manage its timber program from 1988 to 1992, while Flathead National Forest, located right next to some of those forests, spent 60% more—\$106 per thousand board feet. Elsewhere, the

cost picture is similar: In Montana's central region, the state's costs averaged \$80 per thousand board feet of harvest versus \$133 on nearby Gallatin National Forest.

It appears that the state uses a fraction of the labor used by the Forest Service to carry out its duties. For example, to harvest a given volume of timber, the state used 4.5 hours of labor in central Montana, while the Forest Service used 11.6 hours on Gallatin National Forest.

Given the Forest Service's higher costs, one would expect that environmental quality would be higher. After all, one may attribute the higher cost to greater environmental protection on national forests. But a 1992 statewide audit of recent harvests ranked the state highest in protecting watersheds among all landowners, including the Forest Service. The audit, requested by the Montana legislature, was conducted by an interdisciplinary team of experts in hydrology, forestry, soil, and biology and several representatives of environmental groups.

And the state does a substantially better job of sustaining quality timber, that is, trees that are alive and free of disease. Timber surveys by the Forest Service indicate that Montana's state timber lands are closer to their timber-growing potential than nearby national forests. In the national forests, more trees have aged and succumbed to disease.

Similar lands, similar duties, same environment, same markets for timber: How could the two agencies achieve such drastically different results?

I believe the answer lies in the fact that Montana's State Forestry Division has a constitutional mandate to make money for public schools. The Forest Service has no such mandate. There is no real incentive to control costs because if the Forest Service loses money

selling timber, the difference is merely offset with congressional appropriations.

In sum, the solution to below-cost timber sales isn't weaker environmental standards. Nor is it, as some have recommended, to stop selling timber in money-losing forests like those in Montana. The solution is to identify and eliminate wastes in timber sales programs. As a first step, I recommend that the Forest Service:

1. Explore options with state and private foresters in reducing the costs of its timber programs.
2. Award bonuses to government personnel who carry out innovative and cost effective approaches to timber management and environmental protection.
3. Contract out for program functions whose costs have risen dramatically in recent years.

While these steps are preliminary, I believe they provide a basis for reducing the costs of Forest Service's timber programs. I thank the subcommittee for their time on this crucial issue.

Testimony of  
Representative Bill Orton  
before the Committee on Natural Resources  
April 7, 1994  
Salt Lake City, UT

Mr. Chairman, members of the Committee, thank you for holding this meeting in Utah. The issue before the Committee is very broad but obviously one of great interest to those of us who live in the West.

In this brief statement, I would like to focus the Committee's attention on several aspects of what I prefer to call the "Evolving West" rather than the "New West." I believe that a "New West" which eliminates natural resource development and "multiple use" of public lands, relying only on a recreation-base economy, can no more survive than a "New America" which eliminates industry, manufacturing, and resource development, relying only on a service-based economy could survive.

We in the West are changing just as all other parts of the country are changing. We face new challenges and problems, but we still have "old" challenges and problems to deal with as well. More and More often, however, I am finding a new rationalization from many non-Western policy makers that radical changes in federal land use policies will not have a significant impact on the West since most of the populations are now much more urbanized. Furthermore, when the issues of grazing fees, water rights, access to public roads or mining and timber regulations are being debated an argument is often advanced that since only a relatively few of

the West's current population have their livelihoods relying directly upon natural resource-based industries, we do not have to be quite as concerned with the impact of these policy changes as we might have been a generation ago. It is my goal today to refute these growing perceptions and to illustrate the binding economic and cultural relationships between our rural communities in the West and the rapidly growing urban areas in the region.

Understanding that the West is evolving rather than having been remade anew is essential if we are to develop responsible and responsive public policy.

Surveys consistently show that one of the major reasons why people are migrating to the West is because of the quality of life we enjoy here. A major element of that quality of life is the extensive recreational opportunities available. Paradoxically, even though outdoor recreation is one of the major draws to the West, most of the population growth is occurring in our cities. Thus, the State of Utah, which is equal in size to most of New England, is the sixth most urbanized state in the nation. This high percentage of urban Westerners is frequently cited as one of the characteristics of a "New West" which some feel allow them to ignore some of the needs of those of our citizens who still reside in rural areas.

Recreation and tourism is a growing, and much needed, segment of the evolving West. Public land use policy potentially has both a positive and negative impact on the Western economy. Most recreation and tourism

occurs not in the urban cities, but rather in the wide-open, scenic public lands in the rural West. Visitors enjoy the good roads, especially many of the county-maintained back roads, which allow them in just a few hours to escape from the cities into a totally different world. Visitors benefit from police protection, well-trained and professional search and rescue operations, and medical facilities if they need them, all of which are paid for by local residents and state and local government. Tourists enjoy the amenities of shops, restaurants, lodging accommodations and other infrastructure facilities without which most visitors would not come or would quickly pass through.

Providing local infrastructure enjoyed by recreating urban Americans is an increasing financial burden for rural Westerners. Even such a mundane matter as garbage disposal is a major financial and logistical burden. It is not very difficult to see the financial problems facing Grand County in my district, with a population of only 6620 people, in disposing of not only their own waste but also that of over a million visitors to federal lands within the county.

Some twenty years ago, recognizing the additional burdens resulting from public lands in rural western counties, the federal government established payments in lieu of taxes or PILT. Over the years, PILT money has been a vitally important source of revenue for many rural western counties. But, because PILT payments are capped and are not indexed for inflation, each year since the implementation of the program, the proportion of county budgets provided by PILT payments has radically decreased. The rural West, therefore, faces a situation where the

demand for services associated with federal lands is increasing at the same time the major source of federal funding to assist rural communities in dealing with these impacts is decreasing. Since many of these services, such as law enforcement or maintenance of roads, are required by law, counties are caught in a real bind. They cannot simply stop providing services, but they still must find a way to pay for them.

Without additional sources of revenue or federal assistance, most counties have only one option. That is to rely on the growth of the local economy to expand the tax base to provide the revenue. However, in a county where over 90% of the land is federal, as is the case with a number of the rural counties I represent, the ability to expand the economy is dictated by federal land use policies. With all of these growing problems, it is certainly time the federal government begins to develop new and innovative ways of contributing to the local communities that are the most heavily impacted by visitors to federal lands. I would suggest to the Committee that it begin to investigate the merits and feasibility of possibly adding a small surcharge onto National Park Service entrance fees and other recreational user fees, or to impose a small federal excise tax on recreational equipment such as sleeping bags, tents, and hiking and climbing equipment to provide new revenue to rural Western counties. As you know, this last approach has been used for years by the federal government to help pay for the costs of wildlife and habitat protection by placing a small tax on hunting and fishing equipment.

Another serious problem facing the rural West is the potential

increase in grazing fees. This is an emotional issue in Utah, but I would like to commend Secretary Babbitt for making, in my opinion, a good faith effort to moderate some of his earlier positions on the Interior Department's rangeland reform initiatives and to begin to seriously listen to a broader spectrum of the Western population who will have to live with the results of this new policy.

I do not believe that any justification exists for a substantial increase in grazing fees based on either the economics or the condition of rangeland. The comparison often made between the federal grazing fee and the costs of grazing private land are virtually meaningless since there are so many differences in the services being paid for. I fear that these arguments are made by proponents of radical reform whose underlying purpose is to make it economically impossible to graze livestock on public lands. I would urge the Committee to work with moderate land users to develop reasonable and workable reforms which will allow livestock producers to continue grazing public lands under wise stewardship and sound rangeland management practices. If Congress chooses the more radical approach, it will become economically infeasible to graze public lands, only those ranchers who have access to private lands might survive. However, with over 90% of the land in many rural counties controlled by the federal government, there IS no private land available. Without access to public lands, the economic viability of many livestock operations will vanish.

As a member of the Banking Committee, I am very concerned with the impact on financial institutions if land use policy results in the

devaluation of asset values or economic bankruptcy of Western ranchers. Grazing permits are bought and sold and are commonly accepted as an asset by rural banks in processing the loans which are so necessary to agricultural operations. These permits represent a significant asset of many livestock producers.

In Utah, just threat of a substantial increase in grazing fees is estimated to have already devalued grazing permits by at least \$20 million. A recent study estimated that implementation of the Babbitt grazing proposal would cause the value of permits to drop essentially to nothing in six western states including Utah by 1997, representing a loss of over \$1.15 billion dollars in the asset value of rural Western livestock producers. For many ranchers, this would force them out of business. And if they go bankrupt, the local economies and tax base will be decimated resulting in additional financial strain on county governments.

The resultant impact would mean economic disaster for the local banks which hold as collateral for loans these grazing permits which have become suddenly worthless. An unknown number of these small rural banks could fail and ultimately have to be disposed of at significant cost to the Federal Treasury.

Mining reform presents equally significant concerns for rural communities. While most agree that reform of the 1872 mining law is necessary, I fear that radical reform is designed to eliminate mineral development on federal land. I am the primary sponsor in the House of

the mining bill which passed the Senate. This is a moderate bill which does address the problems of the 1872 mining law but does so in a manner to allow the American mining industry to survive.

A related issue is access across the public lands over R.S. 2477 rights-of-way which have been granted to state and local governments by Congress. These roads are major components of rural transportation systems and in rural Utah provide more than 90 percent of the access to public lands administered by state and federal agencies. Several attempts have been made in Congress over the last few years to pass legislation that would rewrite existing definitions of these roads and overturn a century of legal precedent and decades of administrative policy. Those attempts were unsuccessful. Consequently, the Department of Interior is currently in the process of promulgating regulations which will seek to accomplish what the legislation could not -- primarily to designate federal law as controlling rather than state law. Over the last century, each western state has developed its own state-based definition of the perfection and scope of the R.S. 2477 grant. A new federal standard will cause the remeasurement and redemarcation of thousands of R.S. 2477 rights-of-way across the country, which will make an "administrative dust storm" and adversely affect long-standing property relationships between all parties. I would urge the Committee not to attempt to federalize the laws relating to these public rights-of-way.

Finally, I urge the Committee to take a moderate approach to wilderness on BLM lands in Utah. I and my staff have literally spent

thousands of hours on this issue. I have held public hearings in every county in Utah where wilderness is proposed and I have worked on a bipartisan basis with Jim Hansen, R-Utah, to develop legislation which will be filed within a few weeks. I ask the Committee to give this legislation honest and fair consideration.

In conclusion, I thank the Committee for holding this hearing and the Chairman for his willingness to listen to alternate viewpoints. It is my hope that we can work together in the future to adopt moderate solutions to the many problems we face in public land use policy.







ISBN 0-16-044535-3



90000