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July 14, 2016

The Honorable Rob Bishop
123 Cannon House Office Building
United States House of Representatives
Washington, D.C. 20515

The Honorable Jason Chaffetz
2236 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Congressmen Bishop and Chaffetz,

The Pew Charitable Trusts has supported the fundamental premise of the Utah Public Lands Initiative (PLI) from its beginning: the pairing of new wilderness and other conservation designations with broadly supported land exchanges between the federal government and Utah. The virtues of such an exchange include permanent protection for some of Utah's most spectacular places for future generations, a significant funding stream for Utah's schoolchildren, and diverse new economic opportunities for rural Utah communities provided by wilderness designations. The introduction of the *Utah Public Lands Initiative Act* (H.R. 5780) is an important step towards realizing such an exchange.

Utah's redrock country is virtually unmatched world-wide in its sublime combination of scenic vistas, recreational opportunities, biological values, and archeological treasures. H.R. 5780 would protect some of its most spectacular places. While we are generally supportive of the conservation gains envisioned by the bill, we continue to have concerns with some of the provisions in the bill that must be addressed in order to achieve a durable legislative outcome for southeastern Utah's public lands.

Pew is opposed to the Recapture Canyon right-of-way provisions in Section 817. While we appreciate the elimination of the Seep Ridge Road corridor from Grand County in Title VI, we remain concerned that future developments of the road might endanger the Book Cliffs region. We also feel that the management language in the NCA and Wild and Scenic sections could be improved so that the areas are adequately protected in a manner that is consistent with the goals and values of the National Landscape Conservation and National Wild and Scenic Rivers Systems and will enjoy management – particularly with regards to grazing – that is more protective than existing management, not less. We have concerns with the mechanics of the land exchange process in Title I of Division B; in particular the NEPA and FLPMA compliance provisions found in Section 105. By preemptively determining that these conveyances are in the public interest, the bill undermines regular order and limits critical checks and balances that ensure that the American taxpayer receives the best possible return for the conveyance of public property. Likewise, the RS 2477 provisions in title XII of Division B are beyond the scope of this bill, and improperly pre-empt court proceedings currently underway to resolve these claims. In addition, section 204(m) of Division A is so broadly written as to potentially limit agencies' authority to make a wilderness recommendation or other administrative designations in the

management planning process. In fact, language throughout the bill significantly and unnecessarily constrains the ability of the Secretaries of the Interior and of Agriculture to manage these lands for the value for which they've been designated. We also support adjusting the boundaries of the Bears Ears NCA to include the recreationally and archaeologically valuable lands within the White Canyon drainages and the Allen, Chippean, and Dry Wash Canyons. Finally, we have concerns about the energy language in Title XI of Division B.

Because Pew believes the legislative process can achieve a solution that honors recommendations from numerous public land users, we are committed to working with you on the legislation in a manner that would enable the Senate to act favorably on this legislation and the President to sign H.R. 5780 into law. However, time remaining in the 114th Congress is very short. Pew's continued support for the PLI process depends on a clear demonstration that a measure is moving forward and can be enacted by this Congress before the House recesses at the end of September.

If such progress cannot be shown, Pew believes that President Obama should use his authority, granted by Congress under the Antiquities Act, to protect the Bears Ears area as a national monument. These places are under imminent threat, there is strong support among Native American tribes for their preservation, and protecting them would confer economic benefits to the communities of Bluff, Blanding, Monticello, and beyond. While we would prefer to see a good bill passed into law, we know from experience with the Grand Staircase-Escalante National Monument that a designation under the Antiquities Act can also successfully replicate the premise underlying this bill: the conservation of land coupled with subsequent consolidation of SITLA parcels for lands outside the conservation units to eliminate checkerboard ownership and provide a revenue stream to Utah's permanent State School Fund.

We are sincerely grateful for the effort you and your staff have put into this bill, which is vastly improved from the draft we saw in January. We look forward to working with you on this legislation.

Sincerely,



Mike Matz, Director
U.S. Public Lands
The Pew Charitable Trusts