

**Agua Fria Open Space Alliance * American Society of Landscape Architects
Arizona Conservation Partners * Californians for Western Wilderness * Center for Biological Diversity
Conservatives for Responsible Stewardship * Defenders of Wildlife * Earthjustice
EPIC-Environmental Protection Information Center * Friends of the Kalmiopsis
Friends of the Missouri Breaks Monument * Friends of Organ Mountains-Desert Peaks
Friends of the Sonoran Desert * Grand Canyon Trust * Great Old Broads for Wilderness
Klamath Forest Alliance * Klamath-Siskiyou Wildlands Center * Natural Resources Defense Council
National Parks Conservation Association * San Juan Citizens Alliance * Scenic America * Sierra Club
Soda Mountain Wilderness Council * Southern Utah Wilderness Alliance *
The Wilderness Society * Wildlands Network**

April 19, 2016

The Honorable Mac Thornberry
Chairman, House Committee on Armed Services
United States House of Representatives
Washington, DC 20515

The Honorable Adam Smith
Ranking Member, House Committee on Armed Services
United States House of Representatives
Washington, DC 20515

The Honorable John McCain
Chairman, U.S. Senate Armed Services Committee
United States Senate
Washington, DC 20510

The Honorable Jack Reed
Ranking Member, U.S. Senate Armed Services Committee
United States Senate
Washington, DC 20510

Re: S.2383/H.R. 4579 Utah Test and Training Range Encroachment Prevention and Temporary Closure Act

Dear Chairman Thornberry, Ranking Member Smith, Chairman McCain, and Ranking Member Reed,

We write to express our opposition to S.2383/H.R. 4579, the Utah Test and Training Range Encroachment Prevention and Temporary Closure Act, and to urge that your committees oppose any effort to add these bills to the National Defense Authorization Act of 2016.

S.2383/H.R. 4579 would withdraw approximately 625,000 acres of Bureau of Land Management land from all forms of public appropriation to expand the Utah Test and Training Range, a 1.7 million acre

training range located in Utah's West Desert. But the legislation goes well beyond expanding the training range with the addition of unacceptable provisions that would give thousands of miles of unrelated rights-of-way to three Utah counties, facilitate a damaging land exchange, fail to designate deserving proposed wilderness areas, and circumvent the National Environmental Policy Act (NEPA). This is bad public lands policy that would set a precedent threatening treasured public lands across the west.

In addition, the proposed expansion has not been demonstrated as necessary to maintain readiness and training capabilities for the military, and is being proposed absent any formal request from the Department of Defense.

Unprecedented giveaways of RS 2477 routes

Most concerning of these provisions is Title III, which would transfer hundreds of RS 2477 rights-of-way to Juab, Box Elder, and Tooele counties, totaling nearly 6,000 miles across federal public lands. The counties have each sued the United States to quiet title to these so-called rights-of-way. This is part of the State of Utah's broader effort to wrest control of tens of thousands of miles RS 2477 rights-of-way and stymie protection of federal lands by creating "unwilderness" littered with roads.

More than half of the claims that would be granted to these counties are not roads at all, but rather so-called "Class D" routes—unmaintained tracks that frequently turn out to be cow paths, two tracks and dry washes in reality. The majority of "Class D" routes in Utah are not part of an essential transportation network, see little use, and serve no real function. Many would not meet the standard of evidence necessary for them to be won in the litigation the counties have filed over them. To cede title to these claims in this legislation has nothing whatsoever to do with military readiness and only furthers Utah's ongoing efforts to seize federal lands that rightly belong to the American public. Notably, several of the claims fragment important habitats, proposed wilderness, Wilderness Study Areas, and even the designated Cedar Mountains Wilderness. In addition, this legislation allows the counties to determine the width of these grants, creating a scenario ripe for abuse that could result in the development of more than 42,000 acres of public lands.

In response to questions submitted following a hearing earlier this year on H.R. 4579 before the House Committee on Natural Resources, James Sample, the Director of Range Planning at the office of the Deputy Assistant Secretary of the Air Force, testified that the "Air Force has no equity in Title III of the draft legislation."

For these reasons, Title III should be stricken in its entirety from this legislation.

A land exchange that does harm to wilderness

The legislation also includes a harmful land exchange that would give sensitive, wilderness-caliber public lands to the State of Utah for development. While land exchanges that consolidate school trust lands are typically beneficial, the exchange proposed in this legislation is unacceptable. It violates the principal tenant of such exchanges: to move state trust lands out of sensitive locations in exchange for public lands more appropriate for development. This bill takes the contrary tack—it gives away sensitive public lands to the State of Utah for development, including the Cricket Mountains, Little Sage, Red Canyon, Drum Mountains and Little Drum Mountains proposed wilderness areas.

This proposed land exchange violates more than twenty years of precedent and collaboration regarding

school trust/public land exchanges. During that time period, conservationists, the State of Utah, and land managers have developed and passed legislation trading hundreds of thousands of acres of land without giving the State of Utah sensitive public lands for development-focused school trust parcels. This legislation, however, needlessly seeks to depart from this well-established and successful track record. There are plenty of appropriate lands for exchange. Until these sensitive wilderness-quality lands are removed from the exchange this legislation should not be advanced.

A lack of protection for deserving wilderness

Many of the areas included in the withdrawal zone are popular with hunters, hikers, campers and historic preservationists for their natural beauty, abundant wildlife, and cultural and recreational value. The expansion either directly crosses or is adjacent to 16 units of BLM land that have been proposed for wilderness protection in America's Red Rock Wilderness Act, totaling about 625,000 acres. Several of these units have also been recognized by the BLM as wilderness caliber. Unfortunately, this legislation would not protect the wilderness values of these places, and would allow the Air Force to close public lands to some uses while exempting others, like grazing. This is particularly troubling because previous bipartisan legislation advanced by the Utah delegation in 2006 that designated the Cedar Mountains Wilderness, adjacent to the test range, affirmed that "[c]ontinued access to the special use airspace and lands that comprise the [UTTR] . . . is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources," and in fact has been *beneficial to the training range*.

That thinking was confirmed in testimony submitted for the record following a hearing on H.R. 4579 before the House Committee on Natural Resources, in which the Air Force said "in many cases the designation of Wilderness outside the boundary of a range can serve to benefit Air Force operations."

S.2383/H.R. 4579 likewise should affirm that it does not hamper any future attempt to designate wilderness in the withdrawal area, and the model of the Cedar Mountains legislation should be followed here by protecting following proposed wilderness areas:

- Newfoundland Mountains Wilderness
- Crater Island Wilderness
- Silver Island Wilderness
- Pilot Peak Wilderness
- Pilot Mountains Central Wilderness
- Bald Eagle Mountain Wilderness
- Deep Creek Mountains Wilderness
- Disappointment Hills Wilderness
- Granite Mountain Wilderness
- Middle Mountains Wilderness
- Fish Spring Wilderness
- Dugway Mountains Wilderness
- Thomas Range Wilderness
- Indian Peaks Wilderness
- Lion Peak Wilderness
- Grassy Mountains Wilderness

Circumventing the National Environmental Policy Act

In addition to lacking protections for wilderness, the legislation also leaves out any mention of environmental analysis pursuant to the National Environmental Policy Act that would accompany the proposed land exchange, withdrawal of lands, or effects from military use of the BLM land and airspace subject to the proposed withdrawal. Such language is necessary to ensure environmental considerations remain paramount on these public lands. This legislation also circumvents the long established process that has been utilized to determine when such expansions are necessary and justified. Foremost in that process is a formal request by the Department of Defense requesting modifications to the training area, a request that has not been made public in this instance.

In fact, in response to questions submitted following a hearing on H.R. 4579 before the House Committee on Natural Resources, the Air Force also testified that its preferred solution over the legislation would simply be to enter into a Memorandum of Understanding with the Bureau of Land Management.

Because of these concerns, our organizations and our millions of members and supporters urge you to oppose the Utah Test and Training Range Encroachment Prevention and Temporary Closure Act, and any efforts to include it on the National Defense Authorization Act of 2016.

Thank you,

Agua Fria Open Space Alliance

American Society of Landscape Architects

Arizona Conservation Partners

Californians for Western Wilderness

Center for Biological Diversity

Conservatives for Responsible Stewardship

Defenders of Wildlife

Earthjustice

**EPIC-Environmental Protection Information
Center**

Friends of the Kalmiopsis

Friends of the Missouri Breaks Monument

Friends of Organ Mountains-Desert Peaks

Friends of the Sonoran Desert

Grand Canyon Trust

Great Old Broads for Wilderness

Klamath Forest Alliance

Klamath-Siskiyou Wildlands Center

Natural Resources Defense Council

National Parks Conservation Association

San Juan Citizens Alliance

Scenic America

Sierra Club

Soda Mountain Wilderness Council

Southern Utah Wilderness Alliance

The Wilderness Society

Wildlands Network