



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *116th* CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, WEDNESDAY, SEPTEMBER 18, 2019

No. 150

Senate

EMERY COUNTY PUBLIC LAND MANAGEMENT ACT

Mr. ROMNEY. Mr. President, I rise today regarding the Emery County Public Land Management Act, that was included in S. 47, the John D. Dingell, Jr. Conservation, Management, and Recreation Act. This became Public Law 116-9 on March 12th, 2019.

Throughout 2018 and early 2019, Senator Hatch, Congressman Curtis, and I engaged with the Emery County Commissioners and Emery County Public Lands Council on this important piece of legislation. After Senator Hatch's retirement, I was honored to help carry the ball across the finish line.

This law is the result of over 25 years of deliberation, and I find it important to highlight some areas of congressional intent to maintain the integrity of the process. While congressional intent should be evident in the legislative text and corresponding map, the historical context of how we arrived at some of these decisions may be of benefit to the Department of the Interior, future members of the Utah delegation, and those in Utah. The residents of Emery County, the Utah delegation, and I look forward to the implementation of this new law.

Fundamental to this process was the effort to avoid any action that would end a current ongoing use. For example, it was important to not close a road, trail, airstrip, or prohibit other existing use in the legislative text or corresponding map with a wilderness designation. Further, to avoid applying more restrictive designations, such as wilderness, to areas it would limit ongoing activity, such as grazing or recreation. Designation boundaries were drawn along geographic and physical features or just outside cherry-stemmed roads to ensure management made sense for the area.

Any designation boundary that does not follow this approach, particularly any designation that puts at risk an existing use due to a poorly drawn boundary, was a clerical error and should be resolved under the authority clearly provided in Sec. 1221. Given the scale of this bill and legislative map, this authority is a vital tool to resolve such errors.

I would also highlight the clear intent within Sec. 1232, section (e), which clearly states that non-wilderness activities or uses that can be seen or heard from areas within wilderness are to be left

uninterrupted by this legislation. The clear intention of the bill was to avoid any type of a buffer zone management plan.

On the topic of roads, stakeholders worked closely with BLM to ensure all roads in the 2008 Resource Management Plan were "cherry-stemmed," meaning they were not included in a wilderness designation. Our intent was to maintain these roads and for those designated as "open" to stay open. These cherry-stems are of various sizes and were intended to ensure an adequate corridor exists to facilitate necessary maintenance. In the Recreation Area, Sec. 1222 includes language to ensure the necessary maintenance to existing routes may continue and allow rerouting of roads or trails to protect the resources of the Recreation Area.

The driving force for this compromise bill was the desire for countywide land use certainty and thus preventing the designation of a national monument under the authority granted to the President under the Antiquities Act. As so many know, in my home State of Utah national monument designations under the Antiquities Act have been the source of extreme controversy and deep division in our communities. In my own view, land management is most effective when it is driven by local voices and well-reasoned planning. Sweeping designations via Presidential proclamation are often politically motivated, lead to poor management of the lands they intend to protect, and erode trust between the Federal Government and local residents. With the passage of the Emery County legislation, the need for a national monument is obsolete because a clear plan has been laid out for the long-term management of the San Rafael Swell. To be clear, this is a view that was shared by the many parties, including locally elected officials, conservationists, recreationists, and others that were intimately involved in the forging of this compromise legislation. Any advocacy of a future national monument designation under the Antiquities Act or other large-scale land use designation in Emery County would be a violation of the good-faith agreement that was shared among those that negotiated during this bill's process.

I believe this bill is a victory for all stakeholders, and I look forward to watching this quarter-century journey for Emery County finally come to fruition.