

One-on-one: Bob Haueter

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Congressman McKeon's Deputy Chief of Staff

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Deputy Chief of Staff for Congressman Howard P. "Buck" McKeon, Bob Haueter, has been working with the Congressman for several years regarding the issues surrounding the Hoover Wilderness and the Eastern Sierra and Northern San Gabriel Wild Heritage Act. Haueter talked with the Mammoth Times with the intention of squelching some of the rumors and put at ease some of the concerns people have regarding water rights, trails access and boundary lines.

MT: What do you see as the major concerns of the citizens of Inyo and Mono counties?

BH: Achieving a balance with respect to wilderness designation in the Sierra Nevada. This is the key discussion in these wilderness bills. There is a desire for some people to have more wilderness and desire from some not to have any additional wilderness.

MT: Why does the number of acres to be implemented into the Eastern Sierra and Northern San Gabriel Wild Heritage Act have to stay near 500,000 acres?

BH: No one has said it has to be close to 500,000 acres and it's really closer to 470,000 acres. Why did it come to that number is a better question. It's all about achieving a balance. Senator Boxer originally proposed over 800,000 to be designated as wilderness. Congressman McKeon proposed 50,000 acres. The 470,000 acres was agreed upon by both Senator Boxer and Congressman McKeon as a good balance between both proposals. Both sides will get a little of what they want and both have had to give up a little of what they wanted. Senator Boxer gave up almost half of what she originally proposed.

MT: Some of the areas designated within the boundaries cannot be accessed or used by anyone because of the design of the land. For example, it is my understanding that there is a portion of acreage in the bill located near Rock Creek that is completely vertical in nature and unavailable for use by anyone. Why would that piece of land be included in the proposed legislation?

BH: We are currently in negotiation and there are a number of changes occurring daily between our office and Senator Boxer's office. Some areas have recently been pulled back out of the legislation and that is one of the areas we are looking at addressing. But for areas that are completely inaccessible, there are benefits for them being in the designated wilderness. For one, their connectivity between areas can serve as a bridge between two areas. Also, why should the area be excluded just because it's not accessible? It's part of what we are trying to achieve by putting areas aside because there are benefits to having that type of land included in the legislation.

MT: Many ranchers lost their water rights when Feinstein's desert bill went through. What will you do in reference to the "Cherry Stem" issue to prevent that from happening

in Inyo and Mono counties?

BH: There's a lot of misunderstanding and mis-statements with respect to wilderness in general. We are working with Senator Boxer's office regarding water rights. If you have water rights, you are entitled to those rights and wilderness designations can't take that away from you. A wilderness designation in itself doesn't preempt water rights.

The second part of this is, if an area is designated wilderness, and there is a person who has water rights, they will still have the right to access and maintain those water rights in the same manner in which they are currently doing so. For example, if a farmer is driving a truck or a back hoe into an area, they can continue to do so. The onus is on us to ensure that access continues in a way that is respectful to the concerns on both sides. The real issue is Cherry Stems. How do we make sure a road that has been Cherry Stemmed stays with the same access? No roads are going to be closed with this legislation. There is "normal and customary" use language in most wilderness bills for trails. Trails are not maintained roads. They are on the maps but they are most likely for jeeps and dirt bikes. In some cases, those trails are how farmers are getting access to places where they have to deal with their water and maintenance.

In the usual and customary language, it is provided that there be 30 feet on either side of a Cherry Stemmed unmaintained road or trail. You have wilderness that surrounds that road, not roads that run through wilderness. It is normal and customary for a maintained dirt road to have 150 feet on either side of the road and for roads that are paved or are in some way decomposed granite, they have 300 feet on each side of the road. A lot of people are concerned that 30 feet from the center isn't enough to ensure proper maintenance if there happens to be a rock slide on the road or a tree falls and blocks the road or the road washes away. To address that we spoke with the U.S. Forest Service who assured us that with a boundary of 50 feet on either side of the trail, the trail could be maintained for normal purposes. That would be plenty of room to bring in a back hoe if necessary. We have tentatively got an agreement from Senator Boxer's office to extend it to 75 feet on either side for the unmaintained dirt trails. We've added 45 feet on either side of the roadway which is 25 feet more than the USFS said would be necessary.

MT: How are you making adjustments to accommodate what you heard during public comment at the hearing that took place in Lee Vining?

BH: We are working to extend the boundaries on Cherry Stems and are working with ranchers to ensure their water rights are respected. We are making this clear in the legislation so they know they will have access to their water rights. We know that line of sight for telecommunications is important as is the ability to monitor for earthquakes in the region. We are also taking into consideration all the folks who think there should be more wilderness incorporated into the legislation and the people that think there is too much being designated.

MT: What do you believe are the major differences between what the environmentalists want and what the 'access pushing' contingency wants?

BH: The wilderness proponents want a greater area protected and the access folks want to be able to continue to use the Sierra where they can and be able to travel around the off roads like they've always been able to do. Some want a guarantee that they will be able to continue with their access. We are listening to both sides. That's why there is also over

50,000 acres of wilderness designated for release.

MT: Why is it so important to get this bill on the fast track?

BH: This is sort of a misnomer. Senator Boxer has been working on this bill for over 15 years and our office for over six years. I don't see this as really on a fast track. Opponents of this legislation will characterize this in a bad light. This hasn't been done behind closed doors because there have been many public forums and meetings. Congress is set to adjourn September 30 and because we finally have some sort of compromise and have been trying to achieve this compromise for years, we want to spring forward. We believe this has satisfied both sides of the issues so it's our desire on both sides is to enact legislation before Congress adjourns. People still have an opportunity to comment because nothing is permanent. We want this to go through the process this year and see the President sign it before he leaves office. It's on a normal track and is coming to the close of a two year legislative turn.