

**TESTIMONY OF LARRY SIMMONS
MEMBER, BOARD OF DIRECTORS
COALITION FOR PUBLIC ACCESS**

**BEFORE THE NEVADA LEGISLATURE'S
SENATE NATURAL RESOURCES COMMITTEE
SENATOR DAVID R. PARKS, CHAIR**

**IN SUPPORT OF THE SENATE JOINT RESOLUTION NO. 2
MARCH 5, 2009**

Introduction

Mr. Chairman and members of the committee, thank you for the opportunity to testify today in support of S.J.R. 2. For the record, my name is Larry Simmons. I am a resident of Lyon County, Nevada and a member of the board of directors for the Coalition For Public Access (CPA), a Nevada Nonprofit Corporation. I am testifying today on behalf of CPA.

CPA respectfully urges this committee to pass S.J.R. 2. This resolution would send a clear message to Nevada's Congressional Delegation and the U.S. Congress that:

- Public lands should remain open to the public for multiple-use.
- Businesses and rural communities in Nevada are, in part, dependent upon the economic value of open access and multiple uses of public lands.
- Lands that do not meet the 1976 Wilderness Act criteria for wilderness and have been held under Wilderness Study Area (WSA) protection be returned to the people.
- Proposed changes in the management of public lands should not be enacted or implemented without the support of the affected counties.

Background

As reported by the BLM, Nevada currently has 2,552,457 acres of Wilderness Study Area (WSA) created pursuant to a federally mandated inventory conducted almost 30 years ago. This inventory and the resulting studies concluded that 1,831,979 acres of WSA in Nevada, or nearly 72%, are "not suitable for wilderness designation". Periodically, Congress releases some of these "not

suitable” areas, but always in exchange for something else – a quid pro quo. These lands should not continue to be held for political bartering. These lands belong to the people and should be released forthwith and unconditionally.

S.J.R. 2 has become necessary because of ever increasing threats relating to access and use of public lands. Nevada has tremendous natural resources on public lands. These resources have significant recreational and economic value and there needs to be an appropriate balance to the management of these lands. This balance can best be achieved with the support of the State Legislature, State Agencies, and Counties. S.J.R. 2 is a step in that direction.

I spoke of an ever increasing threat and I want to offer a couple examples. You may be aware of the Omnibus Public Land Management Act of 2009 or S.22 which recently passed in the U.S. Senate. This legislation, in addition to the approximate 160 individual bills creating more areas of restricted use on public land, codifies the National Landscape Conservation System (NLCS). The NLCS will extend the reach of use-restricting management of public lands by seeding it with more than 26 million acres of public land. The language in S.22 establishes the NLCS “In order to conserve, protect, and restore nationally significant landscapes”. S.22 requires the NLCS to be managed “in a manner that protects the values for which the components of the system were designated.” This bill puts all Wilderness Study Areas into the NLCS, including the WSAs that have been determined to be “not suitable as wilderness”. The NLCS is clearly created, in part, to circumvent the wilderness criteria of the 1964 Wilderness Act.

Another example of the ever increasing threat can be found on the website for the U.S. House Committee on Natural Resources. An agenda item for the current session of congress is “Redefining the Value of Wilderness”. The subtext of this item is “The Wilderness Act does not envision changing land into wilderness. Rather, the Act establishes the identification and preservation of existing wilderness areas as central goals of federal land management. [...] The Congress has the opportunity to make significant progress in achieving the goals of the Wilderness Act, once they are properly understood. Every American deserves the chance to view this land the way the first Americans did and to feel, even if just for a moment, as if they are the first people to behold the American wilderness.” This is clearly a progressive statement to redefine the intent of the 1964 Wilderness Act and convert public lands into wilderness. These are clear examples of how Congress sees their ever expanding role to restrict access to and the use of the people’s land. I have not given examples of how the judicial system is used by anti-access advocates, but we all know that this is done, and with increasing regularity and success.

Efforts to mitigate these threats have resulted in some Nevada counties passing resolutions to express their opposition to more wilderness areas and Federal Lands Bills. Rural Nevadans, through their local government, want a voice in the decisions affecting their lives and their backyards. The Nevada Association of

Counties (NACo) passed a resolution (08-06) urging Congress to engage with local governments and not enact any Lands Bill legislation that doesn't have the support of the affected counties. NACo recently passed another resolution (09-04) that "expresses its strong opposition to any congressional action that would unnecessarily lock up and reduce public access to federal lands." This resolution goes on to describe the NLCS as a "new management protocol for managing the lands based on the vague and nebulous concept of 'values' [...] injecting into management plans undefined terms such as 'viewsheds', 'soundscapes' and even 'smellscapes'."

Before concluding my testimony I would like to make a brief introduction to the Coalition For Public Access. Like many small grassroots, citizen-based organizations we organized out of necessity. About one year ago Senator Reid was constructing a Lands Bill that would affect Lyon, Mineral and Esmeralda counties. Over a period of a couple months the required wilderness component of the Lands Bill grew from around 85,000 acres to nearly 700,000 acres in the tri-county area. Wilderness is a protective designation that prohibits the use of any mechanical travel - whether by OHV, bicycle or even wheelchair - and there are many other restrictions. These lands have long been used by the earliest of settlers on this land. These lands have always been a part of the fabric upon which rural communities exist. This outrageous land grab was under discussion between the anti-access organizations and Senator Reid's staff when the affected grazing allotment owners were contacted to discuss the ramifications of the proposed wilderness boundaries. Having the light of day shine down on this proposal led to a public outcry. This resulted in two large public meetings with staff of the Congressional Delegation, State and local elected officials, and the anti-access advocates. The Lands Bill was not supported by the affected counties and, as a result of public and political pressure placed on the congressional delegation, work on the Lands Bill was stopped. It was recognized, however, that this was not an end to the attempts to make public lands off-limits to the typical visitor, thus CPA was formed. We are a completely volunteer organization representing over 1,500 people mostly in the tri-county area. Our mission is clear and simple - keeping public land open to the people for public interest purposes.

Conclusion

The threat of restricting the use of public lands is real. The federal government must listen and respond to the interests of the affected State and County governments before enacting restrictive legislation. CPA urges this committee to take affirmative action on S.J.R. 2.

CPA is very appreciative for the opportunity to testify before you today. I would be happy to respond to any questions or to provide additional information.