

TESTIMONY BEFORE THE HOUSE INTERIOR
SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS
BY THE
HONORABLE LES AuCOIN
DECEMBER 6, 1982

Mr. Chairman, thank you for your friendship and your warm welcome, and thank you on behalf of each of us in the Oregon delegation for your willingness to schedule this hearing today.

Mr. Chairman, Members of the Committee, and my colleague, Mr. Weaver, from the Fourth District of Oregon, I am pleased indeed that we are considering what I consider a responsible bill for the resolution of the RARE II problem in Oregon. In Oregon's National Forests there are some 11.2 million acres of commercial forest lands. There are 3 million acres of roadless lands, some of which should be open to commercial and multiple use, others which should be, by popular demand and common sense, preserved as wilderness.

On October 22, 1982, every square inch of those 3 million acres of roadless area, by the effect of a Ninth Circuit Court decision were locked up. The Ninth Circuit sustained a lower court which had found that the Forest Service violated the National Environmental Policy Act in its roadless area review study (RARE II). The effect of this decision is to prevent any development in roadless areas within the territory of the Ninth Circuit. If left to stand, this lock-up will have a terrible effect on the men and women who earn their livings in the woods and in the mills, and on many other Oregonians whose jobs are indirectly affected by what happens economically in the forests. It will also, Mr. Chairman, perpetuate a poisonous debate and raise the level of that debate which, in my judgment, does injury to the environmental community as well.

This deadlock must be broken. The bill I have introduced with Congressmen Weaver and Wyden does this. Not by giving industry everything it wants; not by giving environmentalists all that they want. It breaks the deadlock by striking a responsible balance.

Contrary to letters and publicity that have recently broken in the state of Oregon, this bill does not lock up a single acre of Forest Service roadless lands. The Ninth Circuit decision accomplished that. Instead, this bill releases 2 million acres of roadless areas, if amended as the Oregon delegation recommends to this subcommittee, for commercial and multiple use. And then the bill says that there shall be 1 million acres which should be put to a higher purpose -- wilderness designation for public enjoyment, for tourist recreation, for genetic diversity of timber stands and for the protection of salmon spawning grounds and other wildlife habitat.

Mr. Chairman, it is the hope of the Oregon delegation that an amendment which we endorse be adopted in subcommittee or in full committee which provides the release and sufficiency language which we all know needs to be added to this bill. We omitted that in order to expedite the referral of this bill to a single committee --

your committee -- in order to have a chance of passing this bill in the lame duck session of Congress.

It may be, Mr. Chairman, that in the testimony that follows mine, criticism will be made about the question of public hearings on this proposal. Let me say for the record that over the 10 years of acrimony, dispute and debate on this issue that there have been many hearings here and in Oregon, both by Senator Hatfield and by our colleague, Jim Weaver, dealing with the roadless area review problem and potential wilderness designations.

In the last Congress, Senator Hatfield -- with great foresight -- led the efforts to resolve the issue. It is one of the great tragedies of the Oregon delegation that we were unable to move the Senator's bill at the end of the last Congress. Out of his efforts came the belief on the House side that a consensus must be reached.

I do not believe that there is a significant roadless area that hasn't been the subject of testimony, pro and con. Hearings have been held, points have been made, and each of the roadless areas designated for wilderness in this bill, with perhaps a minor exception or two, have been fully and freely discussed by the people of Oregon.

Beyond that, in poll after poll in Oregon, and in town meeting after town meeting, I have heard industry representatives tell me that they want a resolution to this problem -- a desire that's heightened by the Ninth Circuit decision. People have also told me that in doing so they want wilderness designation because they feel some additional improvements in the wilderness system are needed.

Now there are some options, it seems to me, in addressing this problem. I suppose one could say that the problems that have been presented by the Ninth Circuit could be obviated if the government should appeal that decision to the Supreme Court. But frankly, Mr. Chairman, every legal person I have consulted who has any impartiality whatsoever on the question, tells me that there is precious little chance that the decision would be overturned by the Supreme Court, should the court even decide to consider it.

The other option, would be for the Forest Service to revamp its plans and go through a lengthy process trying, this time, to get it right in terms of the strictures and rules laid down by the Environmental Policy Act. We thought the Forest Service was going to get it right on RARE I. A lot of us thought the Forest Service might get it right on RARE II. Neither of those two things happened, and it seems to me that the last possible option we should turn to at this critical juncture is to allow what would in effect be RARE III, which could as long as four years to accomplish.

What does that leave us? It seems to Mr. Weaver and to myself and to Congressman Wyden that it leaves only one thing -- legislation that designates a responsible number of acres for wilderness protection, and then declares the sufficiency of RARE II and releases those lands not designated wilderness by this bill.

Mr. Chairman, I believe that there may be some -- and I hope we don't hear this today in the hearing -- who would in a hotheaded way suggest that the answer to this problem is to simply pass legislation providing for sufficiency and then sometime next year, or perhaps the year after, or maybe the year after that get down to the question of designating wilderness.

Let's be candid about what kind of option that is. No one seriously believes that half of the problem can be solved without solving the other half. Logically it cannot happen, politically it cannot happen. The opposing camps in this controversy, the industry on the one side and the environmentalists on the other, need to understand, as we as elected representatives understand, that it takes a compromise striking a balance of both those interests in order to legislate an answer for the benefit of all Oregonians.

Now some may also say, Mr. Chairman, that the lame duck session is no time to legislate such a bill. I beg to disagree with those people without in any way calling into question their sincerity.

I want to make this point for this reason. Every delegation is different. The Oregon delegation has some particular problems in deferring until the next session of Congress a legislative answer.

One reason is the committee assignments of key members of the Oregon delegation. Senator Hatfield, Chairman of the Senate Appropriations Committee, will be a key player, obviously, in any wilderness bill. In my judgement, he is going to find it very difficult, institutionally, to find time to resolve this controversy when Congress will be trying to deal with a \$200 billion deficit, when it will be looking for the first time in the history of this country at the question of Social Security and the impact entitlements will have on the deficit, and when the next budget debate, which will be joined very early in the next session, will be looking at the Defense budget as it has not been looked at since the early 1960s.

This Member of Congress is the only voice for Oregon on the House Appropriations Committee. And if we look at the budget battles of the last two years, I believe they're going to be like a battle over loose change compared to what the battle over the budget will be this year and the backlog of Appropriation bills that will be the result of that budget battle.

For those reasons, though the lame duck session is an extremely difficult time to legislate an important piece of legislation, it is going to be infinitely better and easier than to attempt it in the next session of Congress.

Mr. Chairman, I make these points because I believe the time is now to legislate this answer. This bill represents 18 months of strenuous negotiations between myself and my colleague from the Fourth District. Anyone who knows the two of us and our peculiar and different personalities, knows that Jim and I get along very well, we have a fundamental liking for each other, but they also

know that we have been known to disagree from time to time. The fact that Jim Weaver and Les AuCoin have been able to negotiate for 18 months and strike a compromise of this kind, ought to be an indication to everyone that this is a time to act on such a proposal.

I think it's an enormous accomplishment, it's one that I want to publicly thank my colleague for joining in and working so effectively on. I also want to thank my colleague Ron Wyden for all his hard work.

I just hope Mr. Chairman, for all the reasons I've tried to outline today, that this committee will pass this legislation, add the release and sufficiency language that we request, and get this problem -- a problem for both industry and the environmental community -- behind us so we can go on to other tasks.