

REDROCK

W I L D E R N E S S

The Newsletter of the Southern Utah Wilderness Alliance
Volume 29, Number 3 • Autumn/Winter 2012

Fighting Crazy Ideas in Utah

Cover Photo: Snow blankets the Behind the Rocks proposed wilderness near Moab. Photo copyright Tom Till (www.tomtill.com).



The mission of the Southern Utah Wilderness Alliance (SUWA) is the preservation of the outstanding wilderness at the heart of the Colorado Plateau, and the management of these lands in their natural state for the benefit of all Americans.

SUWA promotes local and national recognition of the region's unique character through research and public education; supports both administrative and legislative initiatives to permanently protect Colorado Plateau wild places within the National Park and National Wilderness Preservation Systems or by other protective designations where appropriate; builds support for such initiatives on both the local and national level; and provides leadership within the conservation movement through uncompromising advocacy for wilderness preservation.

SUWA is qualified as a non-profit organization under section 501(c)(3) of the federal tax code. Therefore, all contributions to SUWA are tax-deductible to the extent allowed by law.

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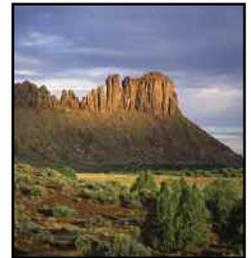
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Correction: In our summer 2012 newsletter we stated that Uintah County Commissioner Mike McKee did not know the unemployment level of his county in response to a question at a congressional hearing (“Uintah County’s Phantom Pain,” p. 10). It has since come to our attention that we were wrong, and that he answered the question correctly.

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This issue of *Redrock Wilderness* was written by the following staff and outside contributors: Kathlene Audette, Jen Beasley Ujifusa, Steve Bloch, Neal Clark, Clayton Daughenbaugh, David Garbett, Scott Groene, Mathew Gross, Diane Kelly, Darrell Knuffke, Terri Martin, Heidi McIntosh, Richard Peterson-Cremer, Deeda Seed, and Liz Thomas. It was edited by Darrell Knuffke and laid out by Diane Kelly.

Newsletter design by Leslie Scopes Garcia.

Contributions of photographs (especially of areas within the citizens’ proposal for Utah wilderness) and original art (such as pen-and-ink sketches) are greatly appreciated! Please send with SASE to Editor, SUWA, 425 East 100 South, Salt Lake City, UT 84111.

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wilderness notes



What the Election Means for the Redrock

Elections matter for our public lands. This one, which broke both ways for the Redrock wilderness, was no exception.

At the top of the ticket, President Obama's re-election was critical. The White House controls the Interior Department, which manages the redrock wilderness (and more public land than any other bureaucracy in the world). The administration appoints the federal judges who are called upon to decide lawsuits involving federal land management issues. The administration can unilaterally designate national monuments under the Antiquities Act. And it can veto bad legislation.

It is a very good thing for the Redrock that Mitt Romney lost. This is the fellow who wondered aloud why we need all this public land. He'd have been a disaster for western public lands, particularly those in Utah. At the same time, we can't pretend that Mr. Obama's first term was not bitterly disappointing to wilderness advocates. In our euphoria at the end of the Bush era, who could have imagined that the Obama administration would go to court to defend the Bush-era resource management plans—plans that opened up millions of acres of proposed wilderness in Utah to drilling and ATVs? Or that four years later the Utah BLM would remain so devoid of stewardship? The Obama administration has taken no serious steps to reform the agency or to support those BLM staff trying their best to do what is right for the land (and they are there, courageous, mostly quiet and probably sadder than we are at what their agency has become).

But we can't allow ourselves to be tethered by the political limits of the moment. It's our job to craft a vision beyond those limits, a vision that excites the American public. All the while, we persist in the day-to-day struggles of defending the redrock in the Congress, in courtrooms and along dusty roads. With your support, we have a chance to help the second Obama administration shed the timidity of the first to do such meaningful things as protecting the Greater Canyonlands region.

That is where our hope must lie in the short term: with the administration. Nothing happened on Nov. 6 to mend a wildly dysfunctional Congress. Democrats retain the Senate and Republicans control the House. That probably portends a lengthening of what is already the longest drought in wilderness designations since the Wilderness Act became law in 1964. We can expect ridiculous anti-environmental legislation to continue to spew from the House Natural Resources Committee and we'll continue to rely on the Senate to serve as resident adult and to quell teabagger tantrums.

There have been key player changes in both houses. We lost New Mexico Sen. Jeff Bingaman to retirement. As chair of the Senate Energy Committee, he long prevented the worst of public lands legislation by insisting on several basic public lands principles. It is unclear whether Oregon Sen. Ron Wyden, who will likely inherit the gavel, will embrace those principles.

On the good news side of the ledger, we are excited that Rep. Martin Heinrich won the Senate seat that Mr. Bingaman is vacating. Senator-elect Heinrich knows southern Utah and has defended America's redrock wilderness as a member of the House Resources Committee.

Rep. Doc Hastings of Washington has chaired that committee but it appears he will give that position up. His likely replacement is Utah Rep. Rob Bishop who won re-election easily. We appreciated a good relationship with Bishop while working on the Cedar Mountains Wilderness legislation, but his positions, including advocacy of federal land disposal, generally clash with ours.

wilderness notes

The silver lining to a busted Congress is that it should be easier to kill bad legislation, such as a bill that Emery County has prepared for the San Rafael Swell and Desolation Canyon (see article on p. 23).

In Utah, things tilted further towards crazy. Lone Democrat Jim Matheson barely survived the Utah legislature's attempt to gerrymander him out of his seat. Jim is a Blue Dog Democrat, and never a redrock supporter. But he has been helpful in stopping bad bills that failed to follow a fair process.

Winning an open congressional seat, Chris Stewart will represent a district that includes Utah's West Desert and the Grand Staircase-Escalante National Monument. He believes Utah should seize control of federal lands, scarcely a novel idea around here. Rep. Jason Chaffetz was re-elected to a new district that covers southeastern Utah.

Sen. Orrin Hatch won another term by pandering to the tea party as a born-again sagebrush rebel. The state's junior U.S. senator, Mike Lee, believes federal lands are unconstitutional. Utah's new top lawyer, Attorney General John Swallow wants to "take back" Utah's lands. Gov. Gary Herbert cruised to re-election. The new attorney general and most of the state's congressional delegation will abet Herbert in his weird war on Utah's public lands.

This political environment is more toxic than usual but this is mainly a matter of degree. We've always faced tough political challenges as we worked to protect the 9 million acres of Utah's redrock landscape. And we'll continue to incrementally increase the amount of land protection despite our opponents' upper hand politically here in Utah.

Beyond that, election results are not necessarily flawless predictors of what's to come. I recall the absolute hopelessness we felt in 1994, when political upheaval opened the door for the Utah delegation to try to ram through the worst wilderness bill ever (leading one SUWA board member to recommend "equal amounts of despair and alcohol"). But with a national grassroots uprising, we slammed that door shut. And, thanks to the overreaching of Hatch and then-senator Bob Bennett, we won the Grand Staircase-Escalante National Monument. Then there was the surge of hope when Obama was elected, followed by disappointment when nothing much came of it.

Now we may get a second bite at that apple. Politicians come and go. The land endures. So does our collective passion to defend and protect the redrock as a national treasure. Our citizen action is unstoppable. YOU are unstoppable. The election is over; now it's back to work.

For the wild,



Scott Groene
Executive Director

features

Home, Home on Derange: Fighting Crazy Ideas in Utah

Here's the thing about crazy ideas: they look even crazier when exposed to public scrutiny.

That's what Gov. Gary Herbert is learning from his radical assault on Utah's public lands. The governor has pretty much declared war on the United States, public lands and, most especially, redrock wilderness. It all sounds like a lunatic echo of "The Mouse that Roared." But it is real.

You'll recall that there are two fronts in Gov. Herbert's little war. The first is the Transfer of Public Lands Act (HB 148), a nifty little travesty the governor signed into law in March. It modestly demands that the U.S. hand over to the state 30 million acres of public lands the federal government manages in Utah.

The second front is in the courtroom. In May, the governor's lawyers filed 22 lawsuits against the United States, seeking control of more than 10,000 "roads" crossing designated wilderness, national parks and national monuments, and public lands generally (see details in "The Road to Hell is Paved," p. 12).

If successful on either front, the governor's land grab would radically reshape a century of public land management and protection. It would radically reshape Utah, too, opening up millions of acres of public land in the state (including wilderness study areas and the Grand Staircase-Escalante National Monument) to oil and gas drilling, coal and potash mining, tar sands strip mining, off-road vehicle abuse, and even private ownership and development.

It's a vision of Utah's future that looks nothing like the present and nothing like the past. And people are beginning to notice.

Publicly, Herbert on the Defensive

In July, SUWA launched a statewide media campaign designed to raise awareness among Utah citizens about the drastic effect that Herbert's plans would have upon taxes and our quality of life in Utah.

The campaign uses billboards along the Wasatch Front and in selected towns elsewhere in Utah, and radio and targeted online ads. It emphasizes the



© Ray Bloxham/SUWA

SUWA's statewide media campaign educates Utah citizens about Gov. Herbert's attack on our federal public lands.

features

unavoidable fact that Herbert's land grab would cost Utah taxpayers money—lots of money—and urges Utah citizens to contact the governor directly to tell him to drop his bad idea. We augmented this media work by knocking on the doors of 25,000 Utahns to tell them what their governor is up to and what it means for the state's taxpayers and for the state itself.

The immediate result of the campaign was overwhelming. Hundreds of concerned Utahns called Herbert's office in opposition; thousands signed postcards and a petition. When outdoor enthusiasts, business owners and educators gathered at the Capitol to voice their opposition to Herbert's land grab, we delivered those signatures to the Governor's office (see sidebar at right).

If the public pressure weren't enough, Herbert has also felt heat privately from industry leaders. Frank Hugelmeyer, head of the Outdoor Industry Association (OIA), used an August meeting with Herbert to voice his frustration over Utah's public land policies. He said the policies threaten to destabilize the public lands infrastructure upon which so much of Utah's outdoor and tourism industries rely (see sidebar on p. 9).

In an editorial, the *Salt Lake Tribune* agreed with the OIA's position. The *Tribune* pointed out that "Republican lawmakers consistently bend over for the extraction industries, despite the economic roller-coaster they bring to areas of the state long plagued by boom-bust cycles; the negative effect on land, water, wildlife habitat and air; and the fact that outdoor recreation, which brings clean jobs and sustainable dollars from tourism, is more important to the state's future."

Offensive Ideas Produce Defensive Squirming

This pressure has so far produced mainly lip service, but enough of it to suggest the governor is smarting a bit from the heat. He remains obsessed with his grandiose plan but is not oblivious to public perception.

In September, Alan Matheson, the governor's senior environmental advisor, took to the pages of *The Deseret News* to argue that the governor's federal land grab was an attempt to seek "a balanced public lands policy."



© Kathlene Audette/SUWA

Middle school teacher Laurel Legate challenges Gov. Herbert's implication that public lands must be sacrificed to fund education.

Utahns Speak Out Against Land Grab

Utahns opposed to Governor Herbert's land grab are fighting back. In September, outdoor enthusiasts, business owners and educators held a press conference at Utah's State Capitol to spell out the reasons they oppose Herbert's assault on public lands. They then delivered a petition and postcards signed by more than 5,400 Utahns.

Jack Nelson, a retired professor of journalism and an avid hunter and fisherman, stressed that citizens could encounter "No Trespassing" signs and scarred landscapes where they now go to recreate.

Dwight Butler, co-owner of a popular outdoor equipment store in Utah for 40 years, highlighted the harm that Herbert's policies could do to the state's outdoor recreation economy. "Our customers bike, ski, hike and camp on Utah's federal lands," he said. "They are a powerful calling card. Rather than filing quixotic lawsuits, the governor should work to protect Utah as one of the last refuges of wild lands in the lower 48 states."

Middle school teacher Laurel Legate challenged the governor's claim that the land grab could help fund education. "Our children deserve leaders who will protect our public lands and make education funding a priority—not pretend we have to choose between the two." Then speaking as a new mother, she closed her comment with a personal plea to the governor: "Like many of the people who signed the petition and postcards we are delivering today, I grew up in a middle class family that spent our vacations camping in our federally managed forests and redrock canyons. Your land grab robs me of the chance to share these precious places with my daughter. It robs all Americans of that opportunity."

A crowd of supporters displayed signs reading "Keep Public Lands in Public Hands" and then joined the speakers to deliver the petition and postcards directly to the governor's office.

features

“The federal land management system, like the land itself, is in disrepair,” Matheson complained in his op-ed. He also lamented that federal land management is driven by “endless, expensive lawsuits . . .” (The governor’s man, remember, offered this disingenuous critique just months after Herbert filed his monster road claim litigation against the United States.) Matheson didn’t even try to explain how a demand for federal surrender of over 30 million acres of public lands fits with the noble notion of a “balanced approach.”

The governor sent Matheson to his word processor not to repudiate the crazy road claim/land grab schemes but to soften the public’s perception of them. View it as ramped-up public relations, not revised public policy. The governor and other Utah politicians are as committed as ever to their dangerous ideas, including gaining control of Utah’s federal public lands by the deadline set in the noxious HB 148—January 1, 2015. In November, the Utah state legislature is expected to start work on a bill to establish a state commission charged with working through the logistics of transferring title of public lands from the federal government to the state.

Arizona Voters Prove Smarter than Utah Politicians

Governor Herbert has failed to find support in other western states for his land grab ideas. His one shot to build a coalition appeared to be with a proposition placed on the Arizona ballot. There, voters were given the chance to amend the Arizona state constitution which, the same as Utah’s, promises that the state will not make claims on federal public lands. The intended effect of the proposition was for Arizona to seize control over federal lands, including the Grand Canyon.

Residents voted down the proposition two to one. Governor Herbert remains a sagebrush rebel without a posse.

But Wait, There’s More . . . and Worse

Meanwhile, in Washington, DC, Sen. Orrin Hatch (R-UT) has scrambled onto the public lands teacart with an amendment to Sen. Jon Tester’s (D-MT) “Sportsmen’s Heritage Act.” Hatch’s amendment directs the federal government to surrender all public lands in Utah to state control by December 2014—including national parks and wilderness areas. In that, Hatch’s approach is even more radical than the legislation the governor signed. With the exception of the Grand Staircase-Escalante National Monument and the Glen Canyon National Recreation Area, HB 148 would leave the national parks in Utah under federal management.

There is no sign, either, that Herbert has come to his senses regarding the 22 right-of-way lawsuits; the court cases are moving along. SUWA and its partners are moving to intervene in all the cases to make sure our conservation interests are protected. The federal government is holding closed-door meetings with the state to prioritize which cases and which claims get litigated. It is critical for us to be part of those discussions (stay tuned for further updates).

Author/journalist Timothy Egan wrote recently in the *New York Times* about Gov. Herbert’s fantasies of empire. “Handing over millions of acres of public land has long been a dream borne on the vapors of single-malt Scotch sipped inside trophy homes in the 1 percent ZIP codes of the West,” Egan said.

But the dream of a few is a nightmare for those of us who love Utah and the wildness of its public lands. And that brings us to another thing about crazy ideas, at least in the current political climate: what was too crazy to be real a few years ago seems frighteningly possible today. We are taking all this with deadly seriousness and working on all fronts to fight these dangerous attempts to steal the federal public lands in Utah that rightfully belong to all Americans.

Thanks to you, we’ve struck a blow. There is much more to do.

—*Mathew Gross*

Outdoor Trade Group Demands that Gov. Herbert Change Course on Public Lands

Gov. Gary Herbert took some serious flak about his assault on public lands from an important voice in the business community this summer—the Outdoor Industry Association (OIA).

The trade association threatened to move its twice-a-year “Outdoor Retailer Market” from Utah if the governor doesn’t change course on his public land policies. The association specifically targeted Herbert’s land grab and his RS 2477 lawsuits.

“Beyond setting bad national precedent, these policies threaten the recreation infrastructure that is fundamental to the outdoor industry,” said OIA president and CEO Frank Hugelmeyer. “We have not and will not sit silently on threats” to that infrastructure.

The OIA represents some of the biggest companies in the trade, with 4,000 members nationwide. The outdoor recreation industry, which stayed strong even during the recent economic slump, generates \$5.8 billion in economic activity in Utah each year, supports 65,000 jobs and generates almost \$300 million in state tax revenues.

In an editorial supporting the OIA’s demand, the *Salt Lake Tribune* encouraged Utah leaders to pay attention to the trade association’s message. “The OIA has an interest in state protection for Utah’s deserts, redrock canyons, rivers, mountains and forests,” read the editorial. “That should be a priority for Utah leaders, who would benefit from input from recreationists just as they cater to developers. Recreation is economic development at its best, and the governor and legislators would be remiss not to encourage it.”



DC news

“Mo” Wilderness Protected Because of Hinchey

It is with sadness and sincere gratitude that we wish farewell to the redrock’s longest serving champion in Congress: Rep. Maurice “Mo” Hinchey (D-NY), who retires at the end of this year.

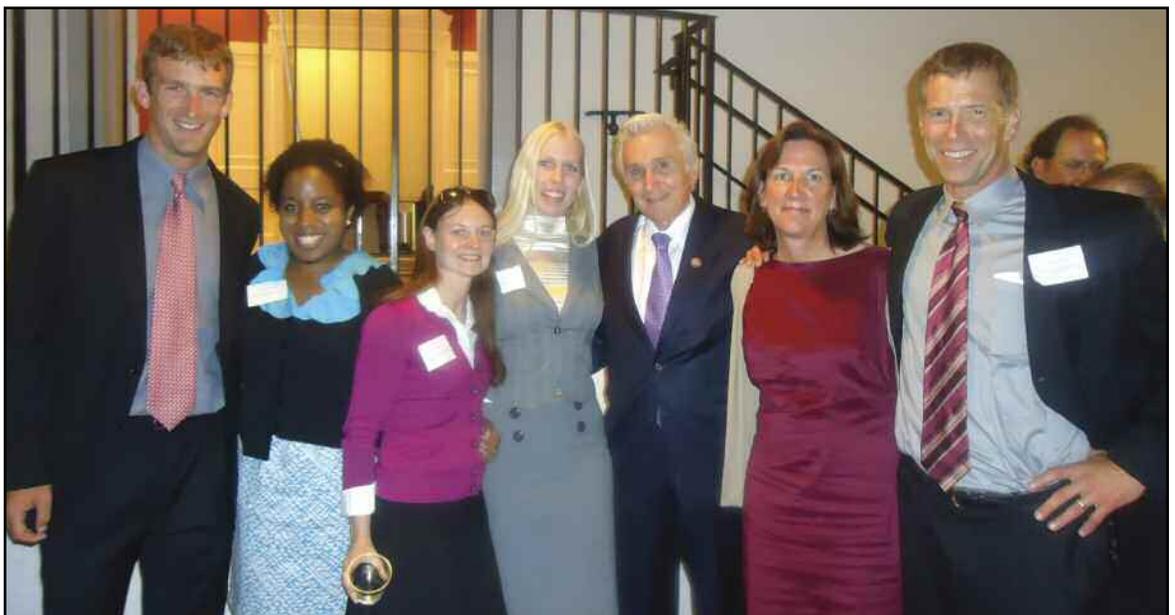
Rep. Hinchey began building his environmental record in the New York State Assembly, where he fought to clean up the Hudson River and took on organized crime’s waste-disposal racket. Soon after Hinchey won his seat in Congress, retiring Utah Rep. Wayne Owens approached him and asked a favor: come visit Utah, then introduce a bill “to designate certain Federal lands in the State of Utah as wilderness, and for other purposes. . .” That bill is America’s Red Rock Wilderness Act (ARRWA).

Hinchey did so and promptly mastered the issues surrounding Utah wilderness. Soon he was corraling cosponsors, work he never let lag as ARRWA’s chief sponsor. The bill has almost always boasted more than 100 cosponsors for the past two decades. Rep. Hinchey led efforts in the House Natural Resources Committee to kill bills that threatened Utah wilderness, including dangerous proposals for the San Rafael Swell and the West

Desert. In the process, he stood up to some of the biggest western public lands bullies we’ve ever seen.

Our favorite Hinchey story points to the sort of leader he is: courageous, committed, self-effacing. In 1994, a united Utah congressional delegation was pushing what it disingenuously called a “wilderness” bill. Yes, it included a pitiful few scraps of wilderness, but its real purpose was to release 24 million acres of Utah public land from wilderness consideration—forever. The House committee scheduled a hearing in Cedar City, chosen precisely for its hostility to wilderness. Rep. Hinchey planned to be there.

As he left his plane in Salt Lake City at around midnight, he encountered a throng of cheering Utahns. He looked over his shoulder, trying to figure out who they were cheering for. He was plainly surprised to discover they were adoring redrock wilderness fans there to greet and cheer him, their hero, Rep. Hinchey. The same thing happened the next day at the Cedar City hearing. The crowd politely listened to Utah politicians complain about federal lands; then the New Yorker brought down the house. We had our champion.



Honoring Rep. Hinchey. Left to right: Richard Peterson-Cremer (SUWA legislative director), Brittany Wynn (SUWA intern), Jackie Feinberg (SUWA national grassroots organizer), Jen Beasley Ujifusa (SUWA legislative advocate), Rep. Maurice Hinchey, Cindy Shogan (Alaska Wilderness League executive director), Scott Groene (SUWA executive director).

DC news

He was soon joined in the Senate by Sen. Dick Durbin (D-IL), who had consistently cosponsored ARROWA while they served together in the House. Hinchey never missed a chance to move the bill forward. And he never shrank from the work of opposing every effort to undermine the integrity of Utah wilderness—whether legislative or administrative. He spent as much time helping us fend off attacks by the Bush administration as he did opposing damaging legislation sponsored by his anti-wilderness colleagues.

As we move on, we know that our work will be easier than it might have been without Rep.

Hinchey. Today, over half of the lands in the Red Rock bill enjoy some form of protection. Without his work, this would simply not be the case. The Red Rock bill has hundreds of champions in Congress (one of those champions will introduce the bill in the House next year). Without Rep. Hinchey, that would not be the case.

On behalf of Utahns, Americans, and future generations, we thank you, Rep. Maurice Hinchey, for all you've done. Now, go enjoy yourself. You've earned it.

—Richard Peterson-Cremer

44 House Members Sagely Reject Sagebrushers, Tell Salazar to Cowboy Up

The Sagebrush Rebellion's ideal of pilfering America's wealth of public lands and redistributing it to the states and the rich has arisen and been rejected repeatedly in the past century. But hey, what's Utah if not stuck in the past? Indeed, the powers that be in the Beehive State continue to see the incredible bounty of public land here as a honey of a potential windfall—if only they could get their mitts on it.

Don't let the pretty redrock photos on Utah politicians' websites fool you: a full-fledged assault on public lands is underway. Other stories in this issue look at the state's demands for 30 million acres of America's public land and the 22 lawsuits the state and Utah counties have filed laying claim to thousands of ghost highways across our federal public lands (see articles on p. 6 and p. 12).

Fortunately, 44 members of the U.S. House of Representatives are fighting back. In July, led by Reps. Maurice Hinchey (D-NY), Rush Holt (D-NJ) and Raul Grijalva (D-AZ), the members penned a letter to Interior Secretary Ken Salazar praising his criticism of the land grab and urging a sharper rebuke of Utah's lawsuits.

"We commend you for condemning this ploy, which you previously noted 'defies common sense,' and '... is political rhetoric you see in an election year,'" the members wrote. "Your diligence needs to be extended to an even greater threat concerning [Utah's] claim to own highways through these very same public lands."

These House members obviously care deeply about Utah's special places. And the geographic diversity of the signing members testifies to the value Americans place on the idea of keeping public lands in public hands.

Joining Hinchey, Grijalva, and Holt in sending the letter to Salazar were: Reps. Alcee Hastings (D-FL); Betty McCollum (D-MN); Bill Pascrell (D-NJ); Carolyn Maloney (D-NY); Charlie Rangel (D-NY); Chellie Pingree (D-ME); Chris Van Hollen (D-MD); Dale Kildee (D-MI); David Cicilline (D-RI); David Price (D-NC); Dennis J. Kucinich (D-OH); Diana DeGette (D-CO); Earl Blumenauer (D-OR); Emanuel Cleaver (D-MO); Gary Ackerman (D-NY); George Miller (D-CA); Grace Napolitano (D-CA); Hansen Clarke (D-MI); Henry Waxman (D-CA); James A. Himes (D-CT); Jan Schakowsky (D-IL); Jerrold Nadler (D-NY); Jim Moran (D-VA); John Conyers (D-MI); John Garamendi (D-CA); Judy Chu (D-CA); Keith Ellison (D-MN); Lois Capps (D-CA); Martin Heinrich (D-NM); Mike Honda (D-CA); Mike Quigley (D-IL); Paul Tonko (D-NY); Pete Stark (D-CA); Peter Welch (D-VT); Rosa DeLauro (D-CT); Sam Farr (D-CA); Sander Levin (D-MI); Steve Israel (D-NY); Steven Rothman (D-NJ); Tim Walz (D-MN); and Timothy V. Johnson (R-IL).

If your representative is on this list, please thank her or him for standing up for the redrock!

—Jen Beasley Ujifusa

canyon country updates

The Road to Hell Is Paved . . .

It's also 66 feet wide, with attendant "accoutrements" such as drainage ditches and culverts, facilities, cuts, slopes, water bars, drainage runouts, and fill areas.

At least that's how the State of Utah and 22 of its counties envision the 14,445 RS 2477 claims—over 36,000 miles in length—they are trying to wrest from the federal government in litigation filed last May. The reality is, the vast majority of the RS 2477 "highways" are actually primitive and remote dirt trails, created (if you could call it that) by use alone. One example would be a trail left by a lone and now-forgotten prospector who might have dragged some heavy equipment across the desert decades ago in search of the next big mother lode.

We reported earlier that the state and its county partners filed 22 suits in May 2012 that kicked off the most massive litigation attack on public lands in the history of the state (see summer 2012 issue, p. 12). Attorneys representing the state spent much of the summer refining their claims and in September filed another round of amended complaints—this time officially serving the federal government—which brought the cases to life.

Our review of the amended lawsuits shows some change, but not a lot. The lawsuits still include thousands of RS 2477 claims in national parks, wilderness study areas, areas proposed for wilderness in America's Red Rock Wilderness Act, and even on the relatively few BLM lands actually designated as wilderness—protections that county officials signed off on (making us wonder: can we trust these guys to stand by their wilderness deals?). The Grand Staircase-Escalante National Monument is

RS 2477 provides, in its entirety: "the right of way for the construction of highways across public lands, not reserved for public uses, is hereby granted." Congress repealed the law in 1976, subject to any valid rights existing at the time of repeal. Thus, claimants have to show that they qualified before 1976, or earlier if the land was set aside or "reserved" before then.

riddled with faint, unused routes now alleged to be "highways" under RS 2477.

What does the future hold? Litigating this many claims is clearly not humanly possible. Attorneys for the state, counties and federal government are now in the process of negotiating an agreement to pare the litigation into bite-sized pieces, the only sensible approach. The problem is that these are critical decisions—which cases will get priority hearings, and which cases might be settled, for example—and our interests are not represented at the table.

We have begun filing a series of motions to intervene in all these cases and, while our arguments are strong, the court has yet to rule.

The bottom line is that, like the freakish zombies who refuse to die, RS 2477 will be with us for some time to come. But we and our partners in the conservation community are undeterred. The zombie is always vanquished in the end, although not before a long (and costly) fight.

—Heidi McIntosh

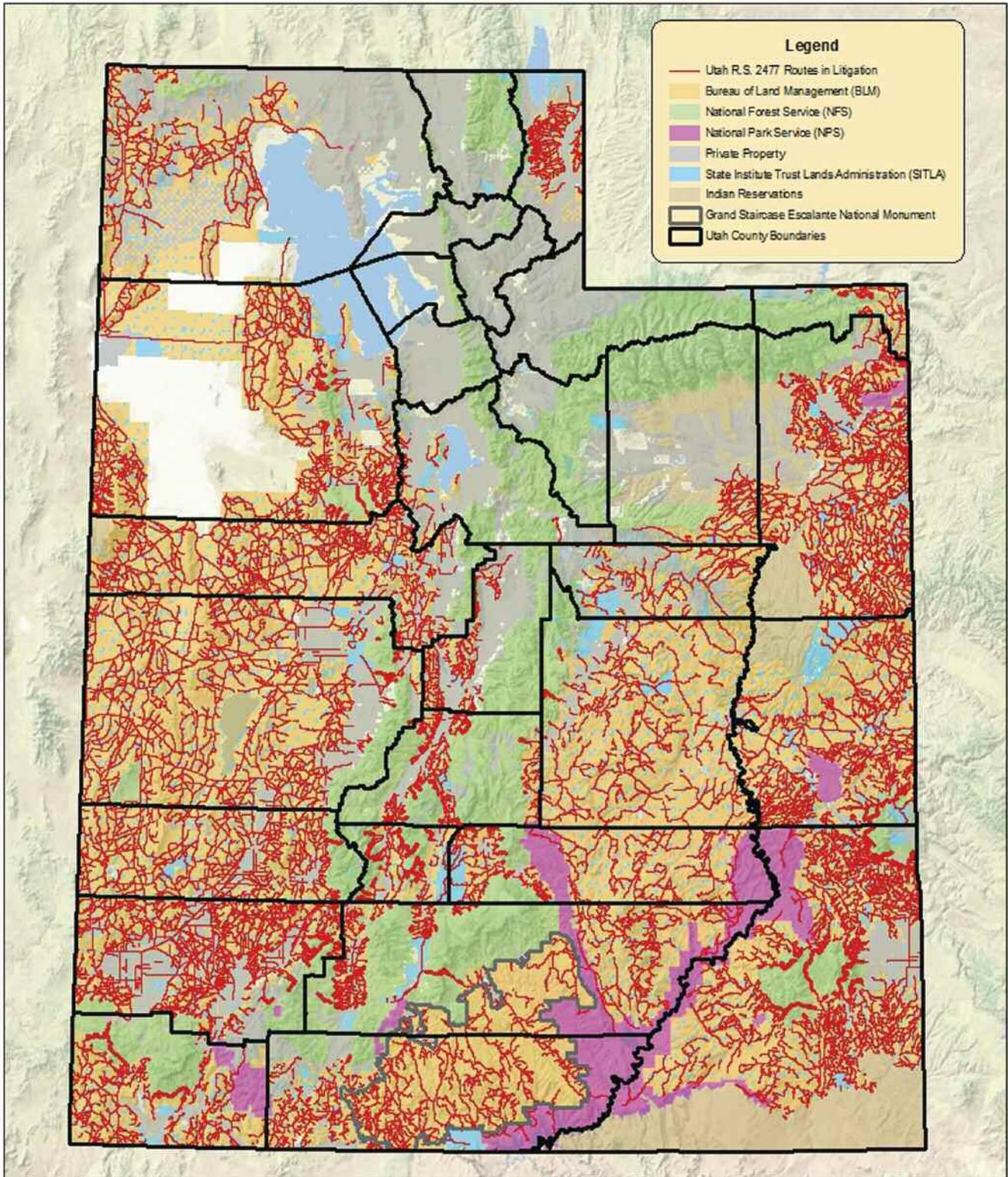
Millions of (Taxpayer) Dollars for What?

The State of Utah and San Juan County just spent eight years and well over a \$1 million to litigate a single claim in a stream known as Salt Creek in Canyonlands National Park (see sidebar on p. 14). And it's still on appeal. Multiply that by 14,445 and you just might break your calculator.

canyon country updates

Updated State of Utah RS 2477 Litigation

14,500 Segments and 36,000 Miles



canyon country updates

Appellate Court Hears Arguments in Pivotal Salt Creek Case

In September, the Tenth Circuit Court of Appeals heard oral argument on the epic battle over Salt Creek in Canyonlands National Park.

The trial court ruled against the county in 2011, finding that sporadic use by cowboys, an abandoned cabin further up the canyon, the remnants of a bore hole in the canyon wall (which the county refers to as the “mine”), and a few Boy Scout excursions were not the kind of use that gave the county a perpetual right to an RS 2477 “highway” in the streambed.

We expect the appellate court to issue a decision in the next 6 to 12 months. If it rules against the state and county, we’ll be curious to see if they seek further review.

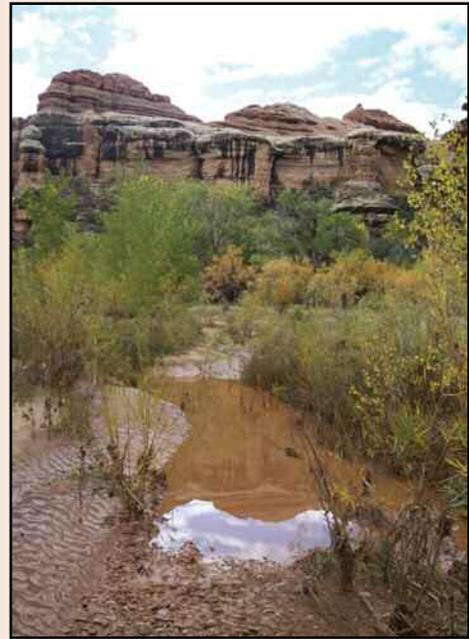


Photo by Ted Zukoski

A segment of the county RS 2477 claim in Salt Creek, Canyonlands National Park.

Agency’s Bait and Switch Imperils Prehistoric Artifacts

When SUWA appealed the Bureau of Land Management’s (BLM) decision to authorize an all-terrain-vehicle (ATV) event on public lands in San Juan County last fall, the BLM eventually agreed with us that it had failed to follow the law. In fact, the agency pledged to the Interior Board of Land Appeals (IBLA) that it would comply with the National Historic Preservation Act and conduct appropriate archaeological inventories and reviews before issuing permits for similar ATV events in the future.

We reported that to you in our last newsletter (see summer 2012 issue, p. 14). But that was then, and the BLM’s penitence was predictably phony. The BLM issued a nearly identical permit for the same three-day event in September 2012, allowing nearly 300 ATVs to travel on approximately 500 miles of routes across public land in southeastern Utah. The agency, basing its decision on superficial archaeological surveys along a few short segments of a few

routes, determined that the ATV safari would not damage cultural artifacts on and near the routes.

Archaeologists agree there is an extraordinary density of ancient archaeological sites in southeastern Utah eligible for inclusion on the National Register of Historic Places, making this region among the most significant anywhere. And based on a professional archaeologist’s review of the existing surveys that have been conducted over the years for energy and other developments, there are hundreds of known cultural sites in and near the safari routes, and an untold number of sites that are not documented because the routes have never been fully surveyed.

In addition to the cultural and religious values various present-day Native American tribes place on the prehistoric artifacts in southeastern Utah, these resources are irreplaceable. When they are damaged or removed, scientific information is forever lost. We have appealed the BLM’s recent decision, even though the event has already occurred (in fact, the agency didn’t issue the permit until the day of the event). But we continue to build the case about

(Continued on page 19)

With Your Help . . . Protecting the Redrock in 2012

2012 Highlights

Stopping Herbert's Federal Land Grab

In March 2012, Gov. Herbert signed legislation demanding that the federal government relinquish control of millions of acres of federal land in Utah, including the Grand Staircase-Escalante National Monument and superb landscapes in the Greater Canyonlands region. Citizens across the nation are outraged by this attempt to seize our national treasures so they can be leased or sold to developers. And they are speaking out. In April, Utahns protested in front of the governor's mansion, as Herbert tried to convince governors from other western states to follow his wretched example.

Throughout the spring SUWA canvassers knocked on the doors of Utahns—25,000 in all. We collected 3,000 signed postcards to the governor asking him to stop the land grab. In September, a coalition of Utahns representing the outdoor industry, hunters and anglers, the faith community, and educators, held a press event at the governor's office before delivering the postcards, along with 2,000 petition signatures. The good news is that this action is having an impact: Herbert's rhetoric on the land grab has been decidedly less strident in recent months.



© Kathlene Audette/SUWA

Citizens protest Gov. Herbert's land grab in front of the governor's mansion in Salt Lake City.



© Ray Bloxham/SUWA

Does this look like a road to you? The State of Utah claims it is.

Defending Utah's Public Lands against Claims for So-Called "Roads"

With the legal time clock ticking, the state of Utah and a number of counties filed 22 lawsuits this spring against the federal government to gain control of thousands of largely nonexistent roads. This is the culmination of a multi-year effort to prevent wilderness protection: the first definition of wilderness is roadlessness.

With your help, we've formed a team of citizens, policy experts, and attorneys who are mounting a robust defense against Herbert's assault on Utah wilderness. A strong underpinning of this effort is the years of work by citizen volunteers and SUWA's field staff to document locations of supposed "roads" (demonstrating that the overwhelming majority of them simply aren't there.) As a result, we have the best records of anyone, better in many instances than the Bureau of Land Management (BLM) has, regarding the condition of Utah's redrock wilderness.

Also contributing to our ability to fight the "road" claims is the work we've undertaken with our partners over the last 15 years to prevent Salt Creek, in Canyonlands National Park, from being declared a "road." This battle, which has cost San Juan County over \$1 million in legal fees, resulted in legal decisions which will help us fight other phony road claims. And, in an experimental effort, we are working with Iron County to resolve road claim issues without going to court. We are optimistic that when policy makers and the public begin to understand the absurdity and cost of pursuing thousands of false road claims, we will be able to resolve the issue in a way that protects Utah's wilderness.

Protecting Wild Lands from Energy Development

Securing White River Corridor Protection

The White River got more protection in 2012 as we completed an agreement with Anadarko Petroleum Corp. establishing protection of the White River corridor. As a result of our negotiations, Anadarko has acquired private land within the White River proposed wilderness and is in the process of turning it over to a third party land trust for conservation. Anadarko also agreed to a significantly reduced footprint on the company's existing leases in the White River proposed wilderness and to mitigate visual impacts from existing facilities.

More Protection for the Bitter Creek and White River Proposed Wilderness Areas

We filed an administrative appeal to stop a consortium of oil and gas companies from developing more than 450 new oil and gas wells in the Lower Bitter Creek and White River proposed wilderness areas. As a result, the BLM pulled its approval for this project.



© Ray Bloxham/SUWA

Gasco's natural gas wells would be seen and heard from Utah's scenic Desolation Canyon proposed wilderness.

Working to Protect Desolation Canyon

Over the last 18 months we've been working to stop a massive new natural gas development proposed by Gasco Energy that would allow more than 150 new drill sites in and near the Desolation Canyon proposed wilderness. Working with our partners in the environmental community and citizens around the nation, we generated approximately 115,000 comment letters to the department opposing the project.

Several newspapers editorialized against the project, including the *New York Times*, *Salt Lake Tribune*, and *Akron Beacon Journal*. Notably, these editorials lauded our work with other energy companies to reach compromise solutions that allow for drilling but protect sensitive landscapes.

In a bewildering move, the Interior Department finalized its approval for the plan in June 2012. Litigation seems to be the next step to prevent the senseless destruction of this iconic landscape.

Planning to Protect Wild Lands from Energy Development

The Obama administration is advancing a more measured approach to energy development than its predecessor. That is partly in response to the concerns that we helped raise regarding the Bush administration's plan to open the overwhelming majority of Utah's BLM-managed lands to energy leasing. The Obama administration is working to develop a master leasing plan (MLP) process, designed to determine what should be offered for lease within regions, and what should be protected. The first MLP is being developed for the Moab region.

We've been working with partners including local elected officials, outdoor recreation industry representatives, and citizen activists, who have been writing letters, attending meetings and speaking to the news media. SUWA contacted over 4,000 local activists in Utah and western Colorado asking them to offer helpful comments on the Moab MLP and to attend the scoping meetings. Our partners at the Sierra Club and The Wilderness Society made similar appeals. The draft MLP is expected to be released next summer.

Fighting Oil Shale and Tar Sands Development

In February 2012, the BLM released a new Programmatic Environmental Impact Statement (PEIS) for oil shale and tar sands development on BLM lands in Utah. In this document the BLM promoted a preferred alternative (supported by SUWA and the conservation community) which protects sensitive wild landscapes in Utah, Colorado and Wyoming from this kind of development.

Working to Confine Solar Energy Development to Non-Wilderness-Quality Lands

We worked with our partners to help insure that none of the 19,000 acres the BLM has newly designated as solar energy zones in Utah are on wilderness-quality lands. SUWA, The Wilderness Society and Wild Utah Project also submitted comments on the BLM's solar programmatic environmental impact statement that supported the agency's plans to "think first, lease later."



Photo by Fran Bagenal

Colorado residents hold “Protect Greater Canyonlands” signs at an event in Boulder featuring climbers Lynn Hill and Crusher Bartlett.

Protecting Greater Canyonlands

Throughout 2012, and with the help of citizen activists throughout the country, we worked to educate the Obama administration and others about the need to protect Greater Canyonlands, the 1.4 million acre landscape surrounding Canyonlands National Park. One fairly straightforward way President Obama could protect the area is by declaring it a national monument.

With our partners in this effort we developed materials describing the threats the region faces and, with help from climber and activist Aron Ralston (of “127 Hours” fame), launched a “Protect Greater Canyonlands” social media campaign. Through the campaign over 800 people have posted pictures of themselves (many of them in redrock country) holding the now-ubiquitous yellow “Protect Greater Canyonlands” sign. (Go to greatercanyonlands.org if you would like to participate.)

A March event Aron hosted in Boulder attracted 800 people. In May, climbers Lynn Hill and Crusher Bartlett held another event attended by 150 people. Both were calls to action for protection of Greater Canyonlands. Also, almost every time President Obama visited Colorado, he was greeted by Coloradans waving “Protect Greater Canyonlands” signs. This year we collected over 4,000 postcards to President Obama asking him to protect the area. That brings the total to over 15,000.

Action in Washington to Protect Utah Wilderness

Congressional Opposition to Utah’s Land Grab

Working with our allies in Congress and with support from activists across the country, we helped to stop every piece of anti-wilderness legislation introduced this year. We had over 200 meetings with members of Congress and their staffs.



© Ray Bloxham/SUWA

The Richfield resource management plan affects the Dirty Devil proposed wilderness (above) and other scenic gems.

We were able to organize support from 44 members of Congress who signed a letter that Rep. Maurice Hinchey (D-NY) drafted, urging Interior Secretary Ken Salazar to protect some of our nation’s last remaining wild public lands from attempts by the State of Utah to claim ownership of those lands for development by oil, gas, and mining companies or to sell them into private hands. In the letter, Hinchey and his colleagues warned Salazar that a failure to stand firm in defense of federal management would set a disastrous precedent for retention of public lands in public hands throughout the West and Alaska.

Working to Fix the Bush Administration’s Destructive Land Management Plans

The Bush administration’s six awful land management plans adopted in 2008 opened up millions of acres of wild land managed by the BLM to energy leasing and destructive ORV use. A coalition of local, regional, and national conservation groups led by SUWA challenged those plans in federal court. That legal battle is starting to move through the court system. First up is likely to be the plan developed by the BLM’s Richfield field office, which manages such remarkable places as the Henry Mountains, the Dirty Devil and the Little Rockies.

Protecting Wild Lands from ORV Abuse

Our work monitoring ORV abuse on public lands continues, using advances in GIS mapping and photo documentation technology to document problem routes. We are alerting the BLM to designated routes that do not exist on the ground, have naturally reclaimed, or are redundant and unnecessary—many of which conflict with proposed wilderness. As a result, BLM field offices are starting to re-examine and close some problematic routes.

We challenged the BLM's decision approving the 2011 San Juan ATV Safari—an event which includes numerous routes in proposed wilderness that are in or near over 400 known archaeological sites; no one knows how many unknown sites are at risk of being damaged because the BLM has never bothered to inventory them. In response to our challenge, the agency acknowledged that it hadn't complied with the National Historic Preservation Act, and that it would do so in the future. Sadly, the agency reneged and recently permitted the same ATV event for fall 2012, without inventorying the routes. SUWA has appealed this decision.



© Liz Thomas/SUWA

The San Juan ATV Safari includes numerous routes in or near known archaeological sites.

Protecting Wild Lands from Harmful BLM Administrative Actions

Our staff closely monitors the BLM's project-specific land use processes and intervenes when wild lands are threatened by any of a wide array of activities including vegetation removal, paving, mining of all sorts, and rights-of-way approvals, to name a few. In 2012 we were able to stop a pipeline for domestic livestock being proposed across wild lands and to halt and/or modify two large scale "vegetation projects" in order to protect wild lands. These vegetation manipulation projects denude the landscape and rip up native trees and shrubs in a destructive and questionable practice which the agency says is meant to "rehabilitate" the land.

Protecting the Redrock Wilderness from Inclusion in a West-Wide Energy Corridor

With our partners, we succeeded in preventing establishment of a major energy corridor (which would have allowed for enormous transmission lines) on wild lands.

Building Friends and Supporters of Utah Wilderness

Since our founding in 1983, the movement to protect America's redrock wilderness has continued to gain strength as more people experience the amazing landscapes of southern Utah and learn more about the threats to those special places. In the last year SUWA staff organized 85 events involving over 4,000 people in 14 states, including Utah, Colorado, Washington, Oregon, Iowa, Illinois, Montana, New Hampshire, Maine, Virginia, Michigan, Minnesota, Wisconsin and New York, as well as the District of Columbia.

Helping the Utah Wilderness Movement Grow

This year our email list has grown by 10,000 new names to 33,000 people. In the course of the year they sent 25,000 messages to decision-makers asking them to protect redrock wilderness. This year we added 1,216 new dues-paying members to SUWA, and have been busy working our social media networks with 6,334 "likes" for our SUWA Facebook page and 36,538 for our Utah Wilderness page.



There's no doubt that we're facing some very significant challenges as we work together to protect America's redrock wilderness. But over the last 30 years, with support from people like you, we've faced equally tough challenges and have prevailed. With your help, we'll do it this time too!

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the agency's scofflaw approach to management decisions. The IBLA can remand the decision to the agency and order the BLM to do its job.

The BLM's game seems pretty clear: it will ignore threats to archaeological resources until we force it to do otherwise. Then it will feign contrition. It is a cynical game of liar's poker with priceless artifacts as the stakes. And that is outrageous.

—Liz Thomas

BLM Afraid to Say “No” to San Juan County?

Residents of southern Utah love to recite the sad narrative that paints them as victims of a bullying, insensitive Bureau of Land Management (BLM), an agency whose only goal is to keep locals locked in penury and generally make their lives a misery. That is little more than a self-serving political creation story, of course, and the truth lies in precisely the opposite direction: the agency lacks the courage to stand up to county governments and defers to them again and again—even ignoring the law to do so.

The Monticello BLM office offers a case in point. It appears ready to cave in to San Juan County's demand for a right-of-way for a new all-terrain vehicle (ATV) route in the Indian Creek area.

Keep in mind that this is the same BLM office that has already designated nearly 3,000 miles of routes where ATV and other off-road vehicle recreationists can drive to their hearts' content. Keep in mind, too, that an ATV right-of-way is not just a new route; that would be bad enough. But granting a right-of-way to the county means that the BLM would essentially give up management and control of the public lands it traverses for a period of time, often 30 years or in perpetuity.

Indian Creek is the entryway into the Needles District of Canyonlands National Park and is proposed for wilderness in America's Red Rock Wilderness Act. Indian Creek is famous for its sheer Wingate sandstone walls, steep and jagged mesas and buttes such as the Sixshooter Peaks and

Bridger Jack Mesa, and its rich collection of ancient cultural resources. It offers world-class rock climbing, remote backcountry canyon hikes, an abundance of ATV routes, and stunning roadside scenery.

All of this goes on quite nicely with few, if any, conflicts between user groups. However, the proposed ATV right-of-way will certainly change all that by encouraging ATV use in areas that, although currently accessible to ATVs, have seen little such use.

Federal law states that rights-of-way can be issued for “necessary transportation . . . in the public interest . . .” This proposed right-of-way would be limited to ATVs, a small category of off-road vehicles. That's a far cry from being “necessary transportation” or in the “public interest.” The law's public interest limitation is intended to ensure that publicly owned, publicly accessible land is not effectively taken out of the public domain to benefit only a small minority interest. But that is exactly what San Juan County is proposing in this instance, and the BLM appears unable to find the backbone to say no.

If the BLM follows its usual practice of giving in to the county and grants the right-of-way, we will use all the available legal tools to challenge the decision.

—Liz Thomas

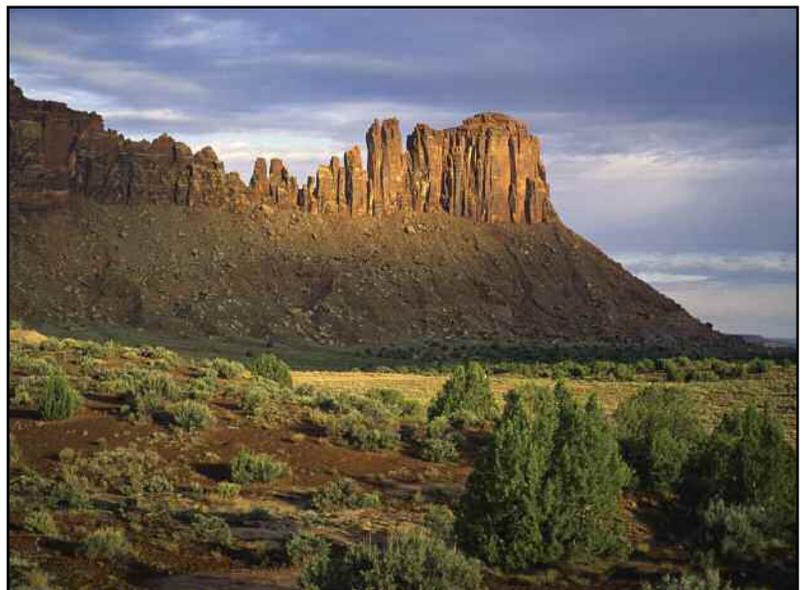


Photo by Crusher Bartlett

Bridger Jack Mesa is a dominant feature in the Indian Creek area.

canyon country updates

Legal Battle over BLM Management Plans Heats Up

Remember four years ago when the Bush administration—just as it was slinking out of office—released six disastrous resource management plans (RMPs) and off-road vehicle travel plans for more than 11 million acres of Utah's BLM-managed lands? Remember how millions of acres of redrock wilderness were left on the cutting room floor, shredded to ribbons by thousands of miles of new ORV trails and identified as prime lands for new oil and gas leases?

Painful, isn't it? We'd like to forget those days, too. But there is far too much at stake in those plans to let them stand. SUWA has led a coalition of local, regional, and national conservation groups to challenge the plans in federal court. That legal fight is finally starting to come to a head.

First up is the RMP and ORV travel plans for lands overseen by the Richfield BLM office. This area is home to some of the nation's wildest, most spectacular and remote public lands. Among them are the Henry Mountains (Mount Pennell and Mount Ellen), the Dirty Devil, and the Little Rockies proposed wilderness areas. The RMP is particularly notable for just how terribly it treated proposed wilderness. The BLM identified a few potential areas of critical environmental concern (ACECs),

and eligible wild and scenic rivers: a pittance in both cases. The numbers speak for themselves.

Of the 682,600 acres under the Richfield office's jurisdiction that the BLM agreed have wilderness character, the RMP proposes to manage fewer than 79,000 acres to protect that character. For those of you keeping track at home, that's 12 percent. Then there are 886,810 acres of potential ACECs. Congress has directed the BLM to prioritize the designation and protection of ACECs. The Richfield RMP designated 2,530 acres. That's 0.3 percent of the potential ACEC acreage, and 12,250 acres fewer than were protected under the agency's prior plan.

Rivers did not fare much better. The agency found 12 river segments totaling 135 miles eligible for Wild and Scenic River designation (including over 50 miles of the Dirty Devil River). But the Richfield RMP recommended a single five-mile stretch of the Fremont River as suitable for that protective status.

Parsimonious with protection, the plan was lavish in giveaways to the off-road vehicle crowd. The plan designated more than 4,300 miles of ORV trails, including 454 miles of trail on BLM-recognized wilderness caliber lands. Many of these trails never existed until the BLM approved the Richfield plan



© Ray Bloxham/SUWA

The abysmal Richfield RMP severely shortchanges wilderness in places like the Mount Pennell (above) and Dirty Devil proposed wilderness areas.

canyon country updates

“The U.S. government has all the abilities to perform state-of-the-arts environmental management and yet we continue to fail. The land management agencies have hard-working people and they put in sincere time to perform their work. However if the Vernal Field Office is representative, there is concern in the implementation of the BLM mission. The Vernal Office has placed priority on the exploitation of public land for commodities. This effort is because of a focus on development of energy; due to a fossil fuel fixation, politics, Energy Policy Act (2005), Vernal Field Office RMP (2008), and office managers that do not understand their purpose.

. . . Without serious fulfillment of the mission we continue to harm public land as it has been harmed so frequently in our historic past. Be honest about what is happening. It is easier to break something than to fix it, so let us stop breaking the land.”

—Stan Olmstead, 20-year BLM veteran and natural resource specialist, from a three-page memo sent to colleagues upon his retirement last month.

and scurried about after the fact to plant signs identifying the routes on the ground.

Bottom line, the Richfield RMP and ORV travel plans fairly represent all that was wrong from the Bush-era. They are squarely in our crosshairs. We will be briefing this case over the next several months and expect to have oral argument in early summer of 2013.

—Steve Bloch

Rare Insect Narrowly Survives Brush with Inept Agency Management

We at SUWA are nothing if not persistent—and always grateful for the work of our partners in the conservation community.

Nearly 20 years ago, SUWA filed a petition with the U.S. Fish and Wildlife Service to protect the Coral Pink Sand Dunes Tiger Beetle under the Endangered Species Act. This colorful and voracious insect predator is a denizen of some of the most scenic dunes in the world.

That’s not an exaggeration. The Coral Pink Sand Dunes live up to their colorful name, with undulating pink dunes whose fine sand was blasted off the face of nearby cliffs eons ago and wind-borne to its location northwest of Kanab. Amazingly, stands of

towering ponderosa pine, a variety of native understory species and colorful wildflowers populate the dunes, too. Imagine the glorious contrast between the salmon hues of the dunes, the blue desert sky, and the native green vegetation. The Welsh’s milkweed, with its gray-green leaves, is here, too, and already enjoys protection under the Endangered Species Act.

The dunes cover a total of about 3,500 acres, 1,500 of which are located on Bureau of Land Management (BLM) lands within the Moquith Mountain Wilderness Study Area, a special category of land where cross-country off-road vehicle use is off limits. You’d think that the combination of WSA status and the presence of two rare species found nowhere else on the planet would convince the BLM to bar ORV use here, of all places, right?



© Ted MacRae (beetlesinthebush.wordpress.com)

The Coral Pink Sand Dunes Tiger Beetle (Cicindela albissima) may yet be listed as a threatened species.

canyon country updates

Think again. The BLM has been stubborn in its allegiance to ORV users here, despite the fact that the neighboring state park, which contains half of the dunes, allows plenty of ORV use. ORVs roar through the dunes in the WSA, decimating the beetles' refuge in the native vegetation and killing or maiming the rare beetles themselves. But fortunately, the tiger beetles' fate is not left to the BLM and its incompetent management of the WSA.

That's because in May 2011, WildEarth Guardians reached a settlement agreement with the U.S. Fish and Wildlife Service in a lawsuit it filed to prod the service into listing species where such action was long overdue. As a result, the tiger beetle will finally get its chance for protection.

If you act quickly, you can comment on the Fish and Wildlife Service's proposal to list the tiger beetle and protect it from off-road vehicles. The deadline is December 3, 2012, and you can submit comments on www.regulations.gov (search on "coral pink sand dunes").

—Heidi McIntosh

Daneros Uranium Mine: Down and Out

We have written before about SUWA's challenges to the Daneros uranium mine near Natural Bridges National Monument and the Upper Red Canyon proposed wilderness area in southeastern Utah (see fall 2011 and summer 2009 issues of *Redrock Wilderness*). The latest installment in the saga is that Energy Fuels, the new owner of the Daneros mine, recently announced it would be closing the mine. Immediately.

The price of uranium has continued to fall since the Fukushima nuclear plant disaster nearly two years ago; the mining boom and bust cycle once again hit the bust phase in southern Utah as it seems always to do. But gone is not forgotten: there are gouges in the earth at the site with piles of uranium-laden soils heaped nearby. SUWA will work to make sure the Bureau of Land Management and Energy Fuels are complying with applicable laws to protect the environment and the public's health and safety.

—Liz Thomas

Interior Approves Targeted Solar Development in Utah, Other Western States

The Interior Department has just issued its final decision on a targeted, multi-year effort to promote solar development across the western states.

The "Programmatic Land Use Plan Amendments for Solar Development in the Southwestern States" (that's a mouthful) designated three solar energy zones in Utah (Escalante Desert, Milford Flats South and the Wah Wah Valley) totaling just under 19,000 acres. These are places where the federal government is promoting solar energy and encouraging the still nascent solar industry to focus its attention. None of the three zones is in proposed wilderness.

Speaking broadly, Utah is barely on the map for solar development (it's sunnier more often in Arizona, Nevada and California), though we may see some interest in one of these areas during Pres. Obama's second term. Milford Flats South seems the most likely because of existing transmission and infrastructure. In addition to designating solar energy zones, this new decision opens the door for the Bureau of Land Management (BLM) to lease for solar development roughly 1.8 million acres in Utah, including some areas proposed for wilderness in the West Desert, Henry Mountains, Dirty Devil and Little Rockies.

Overall, Interior's decision is a good thing, especially if it results in solar development in Utah and other western states being steered to less sensitive lands (the identified solar energy zones). It will become more problematic for us if the BLM offers leases in wilderness-caliber landscapes. Given the remote nature of so many of these places and the lower solar potential, that seems unlikely. But we will stay on top of things to be sure.

Thanks to Alex Daue at The Wilderness Society's BLM Action Center in Denver for taking the lead on state-specific public comments, including Utah's. SUWA worked with The Wilderness Society and Wild Utah Project to submit comments during the process.

—Steve Bloch

canyon country updates

Utah's Anti-Wilderness Frenzy: Has Herbert Found a Partner in Emery County?

Emery County has cooked up a truly awful wilderness proposal that may be introduced in Congress in 2013.

There's consistency here, wretched though it is. Earlier this year, Gov. Gary Herbert sued the United States 22 times, seeking control over 10,000 off-road vehicle routes crossing national parks, wilderness, and other public lands. Then he signed legislation going after the land itself with a demand that the United States give him 30 million acres of America's treasured public estate. The Emery County proposal fits seamlessly into Herbert's ludicrous portfolio of anti-wilderness measures.

The proposal would damage some of the best of the redrock wilderness: the San Rafael Swell, Desolation Canyon, and Labyrinth Canyon. It would roll back existing protections, open areas to off-road vehicle use that are currently closed, and open protected areas to coal mining. It would leave unprotected two-thirds of the lands that America's Red Rock Wilderness Act proposes to protect in the area. The county's proposed management language

creates exceptions to the Wilderness Act, carves up landscapes, and complicates management with arbitrary unit boundaries along county lines.

With our partners in the Utah Wilderness Coalition, we tried to work with Emery County. We were encouraged when the county initially agreed to share with us the cost of a facilitator to work through differences. That triggered a backlash from off-road vehicle interests and the commissioners quickly reneged. They chose instead to rely on a thoroughly local process that has produced a package designed to minimize, not maximize, the amount of wilderness protected.

We are concerned that Emery County will try to move its proposal through the Congress in 2013. If this happens, we will again need your help to either kill the bill or transform it into legislation that is a step forward for protecting the redrock. We've done that over a dozen times in the past 20 years and with your help, we can do it again.

—Scott Groene



© Ray Bloxham/SUWA

In its current form, Emery County's "wilderness" bill would sacrifice some of the best of Utah's redrock country, including the San Rafael Swell (above), Desolation Canyon, and Labyrinth Canyon.

canyon country updates

Book Cliffs Road Paving Project Moves Forward

The Federal District Court in Salt Lake City has denied SUWA's request for an emergency injunction to stop new road grading and paving activity along the Seep Ridge road in Utah's wild Book Cliffs. SUWA attorneys argued the motion early this fall.

The project SUWA sought to enjoin had been approved by the Bureau of Land Management's Vernal field office. It granted Uintah County permission to transform a graded dirt road into a paved highway complete with passing lanes, capable of handling vehicle speeds of 55 mph. This paving project is proposed to run from just south of Ouray, Utah, to the Uintah/Grand county boundary atop the Book Cliffs—today, an inauspicious terminus of no distinction to travelers on the ground.

Why would the county be interested in paving a road that ends in the middle of nowhere? Because this is likely an effort to complete the first half of the long-dreamed of "Book Cliffs Highway," a road connecting the Uinta Basin to Interstate 70. The BLM itself released a draft environmental impact statement (DEIS) in 1992 that evaluated this highway, including a proposed alternative making use of the exact route being widened and paved by Uintah

County. Naturally, this time around no one at the BLM could even see how these two things might be connected (let alone recall having ever prepared the earlier DEIS).

SUWA, hoping to prevent the improper authorization of the first half of the Book Cliffs Highway, filed a lawsuit on Sept. 27 and asked the court to temporarily block new road widening activities (since the county was expanding the right-of-way from 66 to 150 feet), grading, and paving in close proximity to the county boundary until the parties could argue about the merits of SUWA's case. The court set a hearing for Oct. 3, 2012.

In the meantime, Uintah County and the Uintah Transportation Special Service District alerted their contractors to SUWA's pending court date. These contractors, knowing that the project could be put on hold, then worked over 40 hours straight to rip out all the trees within the remaining 17 miles of right-of-way that SUWA was seeking to enjoin.

This is especially breathtaking in light of the fact that these contractors were not authorized to start on the final segments of work until Oct. 1. So, by the time we appeared in court, the damage was mostly done. The judge felt there was little work left to stop and denied our request.

—David Garbett

Deductive Reasoning ad Absurdum

Apparently, once you've convinced yourself that protecting federal public lands is somehow antithetical to the welfare of Utah's schoolchildren, well, it becomes necessary to conclude that conservationists are all about starving kids . . .

"I can tell you what the SUWA model is. The SUWA model is to starve our kids, lock up all our land and take away the rights to use our land. That's the SUWA model."

—Rep. Mike Noel (*R-Kanab*), Sept. 19, 2012 interim meeting of the House Natural Resources, Agriculture, and Environment Committee.

It's worth noting that Rep. Noel serves on Gov. Gary Herbert's "Balanced Resource Council," a group that purports to bring together "diverse leaders from the public and private sectors to resolve challenging environmental, natural resource and public lands issues." The governor has so far disregarded SUWA's request that he curb Rep. Noel's hateful and decidedly "unbalanced" rhetoric at the council's meetings.

canyon country updates

Panel Denies SUWA's Appeal of Upper Kanab Creek Pinyon/Juniper Removal

The Interior Board of Land Appeals has denied SUWA's administrative appeal of the Upper Kanab Creek vegetation manipulation project north of Kanab. SUWA argued, in part, that the BLM failed to comply with its obligations under the National Environmental Policy Act and the National Historic Preservation Act.

The denial gives the BLM a green light to remove all or most of the pinyon pine and juniper trees over the entire 51,600-acre treatment area, including 9,300 acres within America's Red Rock Wilderness Act (ARRWA). SUWA disagrees with the scientific rationales used by the BLM to justify this project as well as the agency's insistence on conducting major surface-disturbing manipulations on ARRWA lands.

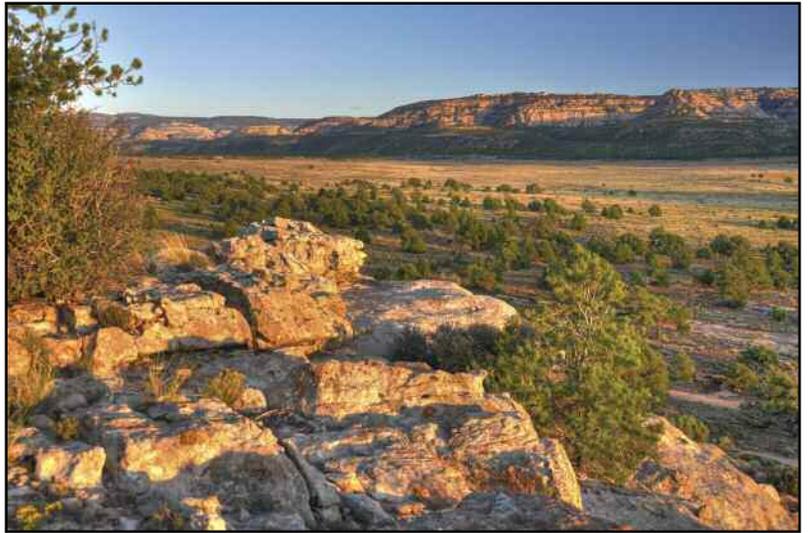
Oddly, while adamantly refusing to forego proposed vegetation treatments on proposed wilderness within the Upper Kanab Creek project area, the Kanab BLM recently decided to remove proposed wilderness lands from the 28,000-acre Yellowjacket vegetation project treatment area. SUWA will continue to oppose and, where necessary, legally challenge these shortsighted vegetation clear-cut projects.

—Neal Clark

BLM Pushes Enormous Vegetation Project in Greater Canyonlands

The Utah BLM's appetite for manipulating canyon country vegetation seems as voracious as ever. The agency's Monticello field office recently released a revised environmental assessment (EA) for the Beef Basin/Dark Canyon vegetation project.

The project area spans over 30,000 acres and targets vegetation on 9,200 acres for the BLM's ham-handed gardening—what it describes as “restoration” of the sagebrush ecosystem—over the next 5 years. The process includes a mix of prescribed fire, cut-



© Ray Bloxham/SUWA

Beef Basin in the Greater Canyonlands region is the target of BLM's latest vegetation devastation project.

ting pinyon and juniper, and ripping up sagebrush. A long-term maintenance plan follows, involving all these insults plus herbicides. (We're entitled to wonder how ripping out sagebrush can “restore” a sagebrush ecosystem.) Over half of the project falls on lands the BLM identifies as possessing wilderness characteristics and that are proposed for wilderness designation in America's Red Rock Wilderness Act (ARRWA). The entire project area also falls within the Greater Canyonlands region.

The BLM asserts that the project will benefit Beef Basin and the Dark Canyon Plateau over the long haul. But many of the scientific studies it cites in support of that claim were not done within the Colorado Plateau's unique ecosystem. So the agency's scientific claims are unsupported. What numerous applicable studies *do* show is that removing pinyon pine and juniper, tearing up sagebrush, and disturbing biological soil crusts actually results in increased erosion, increased spread of invasive species and an increase in carbon dioxide released into the atmosphere.

Then why is the agency so intent on pursuing the project? Well, mainly because it has landed the money to do so. And because it can't resist the impulse. The project lacks scientific support and seems aimed at peddling hunting licenses without regard to long-range environmental consequences.

—Neal Clark

canyon country updates

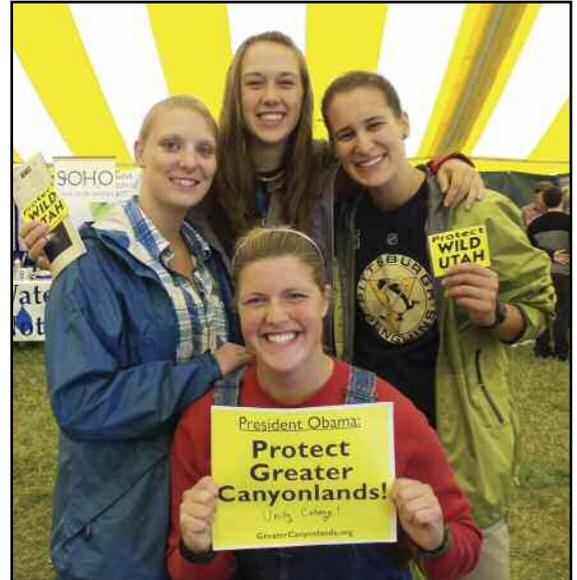
Greater Canyonlands Fans Sprouting Up All Over

Supporters of redrock wilderness are everywhere and they are active. This summer Obama administration officials were probably beginning to wonder if they needed to be prepared to address our concerns whenever they appeared in public.

All year long, almost every time President Obama touched down in Colorado, redrock activists were there to greet him. Eight times he was met by “banner brigades” with bright yellow banners and signs asking him to protect Greater Canyonlands.

When Interior Secretary Ken Salazar showed up in Minnesota, he found himself spending a third of his public discussion time talking about Utah matters. Two folks asked him whether President Obama would designate a Greater Canyonlands National Monument and a third wanted to know if the administration would vigorously defend against Utah Gov. Herbert’s legal effort to steal the federal public lands owned by all American citizens. A couple of days later he showed up in Nevada and was again confronted with the Greater Canyonlands question.

For the record: he demurred on Greater Canyonlands, talking about how beautiful Utah was and how well



© Jackie Feinberg/SUWA

Students at the Unity College Common Ground Fair in Maine. The event draws so many people that our national grassroots organizer Jackie Feinberg actually bumped into SUWA members from California there.

conservation and economic development can work together; on the land grab he was more forthright, saying Interior would fight back.

After that it was Vice-President Biden’s turn. He showed up in Michigan where Bev Wolf was able to hand him a business card, shout out a Greater Canyonlands question, and get an envelope of background information delivered to his staff.

It’s Iowa, however, that takes the cake. When President Obama came for a visit, John Morris was there to welcome him at the airport. John spent five minutes describing how wonderful and important the redrock wilderness is. He detailed the Utah governor’s shenanigans and explained how the President could help by establishing a national monument for Greater Canyonlands. It was the President’s turn to ask questions and make a request, asking John to speak with one of his staff about the matter. Contact information was exchanged with the staff person and further communication followed.

We suspect these guys are beginning to compare notes.

—Clayton Daughenbaugh



Photo by Gina Ianelli

Enthusiastic Utah wilderness supporters, including Aron Ralston (2nd from left) form a “banner brigade” during one of Pres. Obama’s visits to Boulder, CO.

canyon country updates

FERC Okays First Step for Long Canyon Dam Project

The Federal Energy Regulatory Commission has approved the preliminary permit application for California-based Utah Independent Power's scheme to dam Long Canyon, a magnificent redrock canyon outside of Moab, Utah. The preliminary permit from FERC grants the company a three-year window in which to study the feasibility of a proposed hydroelectric project and puts it first in line to file a license application.

It really shouldn't take three years. Five minutes is plenty: it's a harebrained scheme. As we reported in the last edition of *Redrock Wilderness* (summer 2012 issue, p. 18), the proposed Long Canyon Pumped Storage Project would include construction

of two reservoirs in the canyon. The pipedream goes as follows: pump water from the Colorado River up to the upper reservoir at night when electricity is cheaper, and then release it downhill through turbines to generate electricity during the day when both power demand and prices are higher.

Long Canyon opens just north of Dead Horse Point State Park and drops to the Colorado River. It is known for its excellent recreational opportunities, including hiking, rock climbing, mountain biking and photography. It also provides critical habitat for desert bighorn sheep and other species.

This project is no less ridiculous than a similar one in 2008. We worked hard to throttle that one and we'll do all we can to ensure that this one fares no better.

—Neal Clark

Cryptobiotic Soil: Small, But Oh, My!

When next you're out wandering in Utah's redrock country, take a moment to notice the soil that carpets the desert floor. Look at it closely. You'll see its bumpy, crusty, almost crystalline-looking structure. This is cryptobiotic soil, a living ground cover and a tiny ecosystem all its own.

It's made up of cyanobacteria, one of the oldest known life forms, as well as lichens, mosses, micro-fungi, bacteria and green algae. It may be small but this little crust is hugely important. It holds the key to a healthy desert ecosystem. It's also delicate, crumbling when touched, stepped on or driven over.

When it rains in the desert, healthy cryptobiotic soil absorbs up to 10 times its volume in water. That holds back runoff, slowly releasing precious moisture back into the surrounding soil. But when the soil is disturbed, the rain washes away this organic matter, leaving plants without the nutrients and water they need to survive. The wind whips up dust, which can be blown for hundreds of miles.

The desert is beautiful but fragile. So we should take care where we tread. It takes between 20 and 250 years, depending on rainfall, for cryptobiotic soil to completely recover once it has been disturbed by our footsteps or tire tracks. So when you're out enjoying the beauty of the desert, please use established roads and trails. Stay in designated campgrounds or choose a campsite where cryptobiotic soil doesn't grow—on slickrock, beaches, or in groves of trees.

If we all do our part, we can help leave these special places healthy and intact for future generations to enjoy. Careful where you walk!

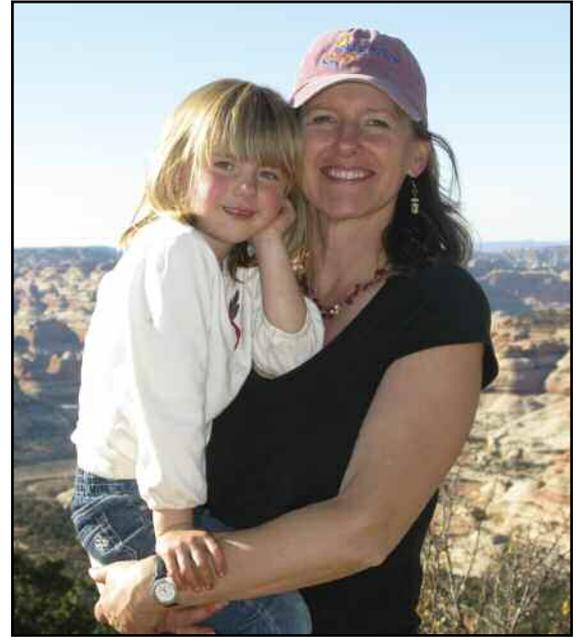


inside SUWA

SUWA Says Goodbye to Heidi McIntosh . . . and Thanks!

Heidi McIntosh is leaving after 20 years with SUWA—and what a record she leaves behind. Heidi is the leading legal expert on RS 2477 right-of-way claims. For nearly two decades, she blocked the State of Utah and rural counties from ripping apart our wilderness proposal with bogus road claims. Heidi built strong connections with reporters and editors in Utah and around the country, and often served as the face and voice of SUWA in Utah’s media.

An Arizona native, she received her law degree at Georgetown University Law Center and worked for a Los Angeles firm. Seeking more meaningful work, she moved to Utah to complete a Master of Law at the University of Utah where she received the Judge Rulon Clark Graduate Fellowship. While at the university, she began volunteering for SUWA. We never let her go. Heidi was named Utah’s “Energy and Natural Resources Attorney of the Year” and served as the chair of the Public Lands Section of the Utah State Bar. Among notable cases for which she was responsible is the suit that caused the National Park Service to close Canyonlands’ Salt Creek Canyon to off-road vehicles.



The SUWA staff wishes Heidi (with daughter Julia, above) the best of luck in her new job as managing attorney with Earthjustice, where she’ll continue her work protecting wilderness in Utah and beyond.



Heidi speaks at a press conference (with then-Lieutenant Gov. Gary Herbert and Rep. Rob Bishop looking on) after the Cedar Mountains Wilderness bill was signed into law in early 2006.

Heidi’s professional demeanor balanced some of the more volatile personalities within SUWA, and we counted on her calm counsel during difficult political situations. None of that is to say that Heidi lacks a finely honed sense of humor. Our annual holiday gift exchange will be a duller affair without her clever contributions. The office will also be quieter without the procession of dogs that accompanied her to work over the years. We will miss her dearly.

With husband John and daughter Julia, Heidi is moving to Colorado where she’ll be the managing attorney in the Denver office of Earthjustice. We congratulate our partners at Earthjustice. They are getting one of the best attorneys in the environmental movement. Heidi has been a wonderful champion, friend and co-worker. If there is sadness in her leaving, there is solace in knowing that we will still have access to Heidi’s wisdom and talent in defending the redrock.

We wish her and her family the best in this transition.

Intern Kenneth Warnick Researches Energy Leasing

Kenneth Warnick of Highland, Utah, sought us out last winter with an offer we weren't about to refuse. He proposed that he intern with us, free of charge, as a University of Utah student majoring in environmental studies.

He helped us out into the spring, working with our energy team—specifically, wading through the Bureau of Land Management's oil and gas lease tracking system to give us a better idea of leases on lands within America's Red Rock Wilderness Act.

Kenny's work highlighted the unfortunate fact that many supposed leases have been around for much longer than the 10-year-time frame during which the rules say they must be developed, receive an extension from the agency, or be surrendered for sale to someone who is interested in developing them. Thanks for the invaluable help, Kenny!

Allison Parks and Haley Sousa Assist Legal Team

We offer a big thank you to **Allison Parks**, our summer 2012 law clerk, for her excellent work on behalf of Utah's redrock wilderness. A Salt Lake City native, Westminster College graduate, and Americorps VISTA volunteer, Allison came to SUWA after her first year of law school at Tulane University in New Orleans with fire in her belly and a dry wit to match.

Utah's counties and state government never knew what hit them! We wish her the best of luck in her next two years at law school.

SUWA would also like to thank **Haley Sousa** for interning with our Salt Lake lawyers this fall. Haley is a joint degree candidate at Vermont Law School. She completed her J.D. in May and anticipates receiving a Master of Environmental Law and Policy this December.

Haley helped our legal staff to prepare comments on proposed oil and gas development projects, to



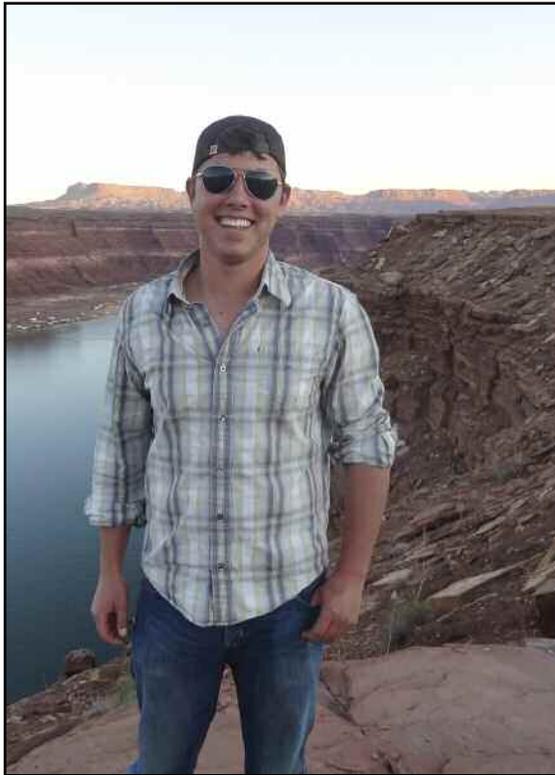
Summer law clerk Allison Parks.



Fall law clerk Haley Sousa.

submit various court filings, and to analyze the BLM's new wilderness study management policies, among other things. She even made it out into the field to see some of our issues on-the-ground. Haley is a graduate of Utah's own Spanish Fork High (mascot: the Dons) as well as the University of Utah. While interning at SUWA she learned that she passed the Utah bar.

We wish Haley the best in her future endeavors.

inside SUWA

Summer DC intern Matt Koschak.

Matt Koschak Pounds the Pavement in DC

In the Washington office, we depend on our interns to do the unglamorous work—shoeleather-punishing drops on Capitol Hill, hundreds of phone calls to offices when there’s an important vote, manning the front desk, etc. Few managed these tasks—and more—with the aplomb and enthusiasm of Matt Koschak. Matt is a Virginia native who fell in love with the redrock country on a road trip through the West. He was so smitten that he bagged his job selling dental software by phone to intern for SUWA this summer.

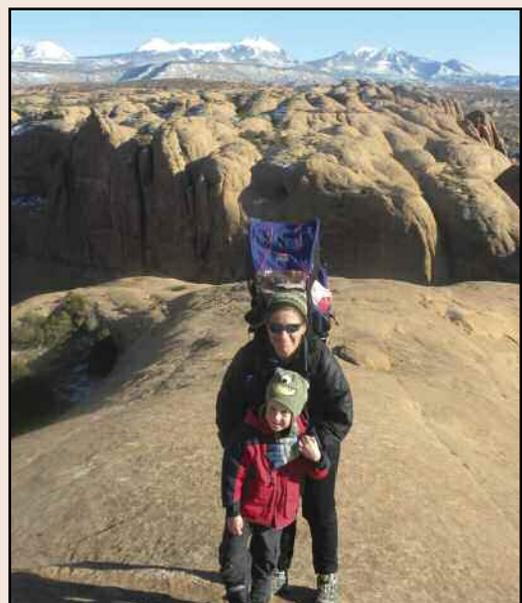
He’s on to new things now, working as the Deputy Canvass Director for Crossroads Campaign Solutions in Hartford, CT. “I’m thankful to SUWA for introducing me to politics on the Hill and giving me the hands-on learning experience that taught me how to work with staffers (who end up running their bosses’ campaigns),” Matt said in an email. “It was a great way to spend the summer!” It was great having him, too. Thanks, Matt!

Planned Giving: A Legacy of Support for the Redrock

A number of our supporters have made an enduring commitment to Utah wilderness by including SUWA in their estate plans. This type of commitment, known as “planned giving,” refers to the designation of assets given upon death to a charitable organization of one’s choice.

Planned gifts can be a great vehicle to gain tax advantages for your estate and heirs. We recommend that you meet with your estate attorney or financial advisor to decide which plan is best for you and your family.

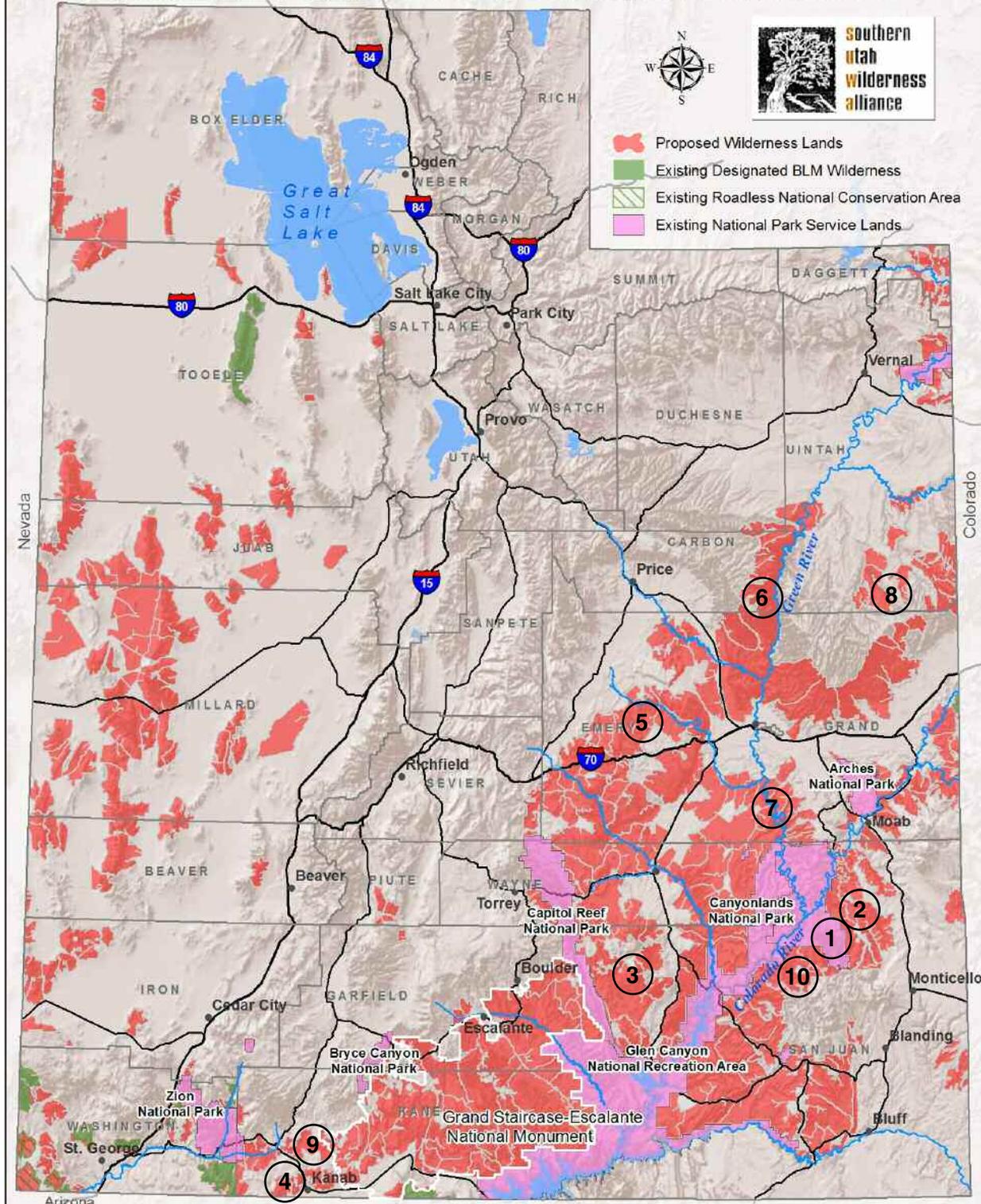
If you’d like to make a planned gift to SUWA or have already included SUWA in your will, trust, retirement plan, life insurance policy, or other estate gift, please contact Deeda Seed at deeda@suwa.org or (801) 428-3971. You can also visit us online at suwa.org/plannedgiving.



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America's Red Rock Wilderness Act

A Citizens' Wilderness Proposal for Bureau of Land Management (BLM) lands in Utah



Reference Map for Articles in this Issue

1 Salt Creek (p. 14)

4 Moquith Mountain (p.21)

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5 San Rafael Swell (p. 23)

8 Book Cliffs (p. 24)

3 Henry Mountains (p. 20)

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9 Upper Kanab Creek (p. 25)

10 Beef Basin (p. 25)



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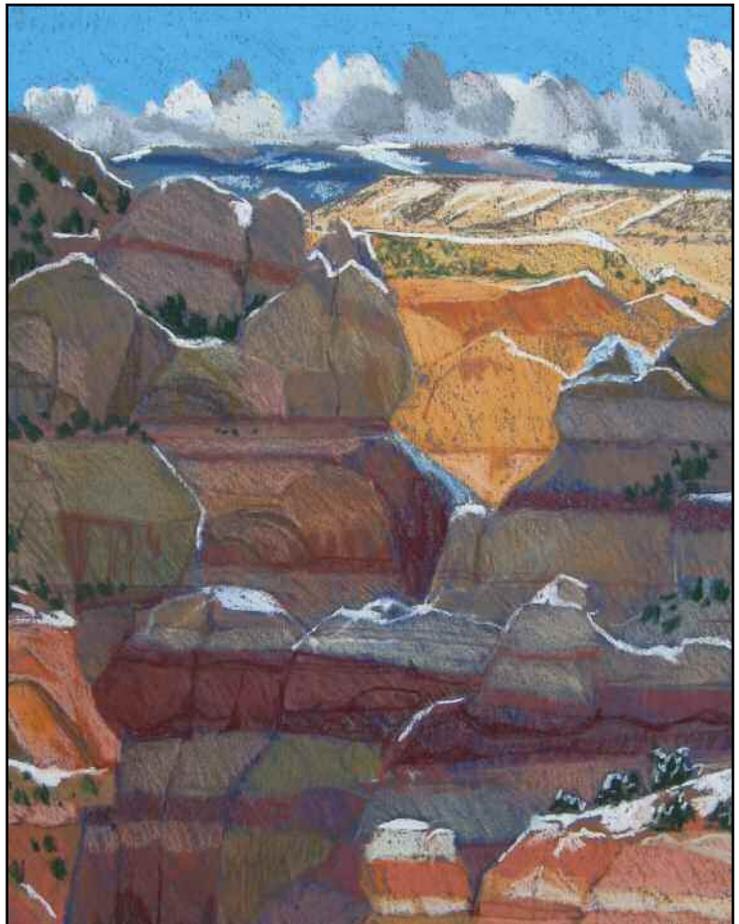
Searching for the perfect holiday gift for that wilderness lover on your list? Posters, hats, *Wild Utah* DVDs, and gift memberships are available for purchase on our website. To view our online product catalogue, go to suwa.org/goodies.

Join Our Monthly Giving Program

If you're looking for a convenient, hassle-free way to help SUWA, our monthly giving program is for you. Monthly giving is easy and secure, and provides us with reliable, year-round funding to fight current and future attacks on Utah wilderness. Simply select a contribution of \$5 or more per month, enter your credit card information, and we'll do the rest. To sign up for monthly giving, go to suwa.org/donate.

Follow SUWA Online

Want to get the inside scoop and all the latest news on Utah wilderness issues? Check out **Redrock Headlines**, a blog with commentary from SUWA staff and guests, videos from the field, the latest media on Utah wilderness, and ways to take action to help protect the redrock: suwa.org/blog.



"Cloudy Winter Day." Pastel by Scotty Mitchell (www.scottymitchell.com).