



# REDROCK

## W I L D E R N E S S

The Newsletter of the Southern Utah Wilderness Alliance  
Volume 32, Number 1 • Spring 2015

Rep. Bishop's Public Lands Initiative



**Cover Photo:** The Green River winds its way through aptly named Labyrinth Canyon—a remarkable landscape that may or may not receive wilderness protection under Rep. Bishop's soon to be released public lands proposal for Utah. Photo copyright Tom Till ([www.tomtill.com](http://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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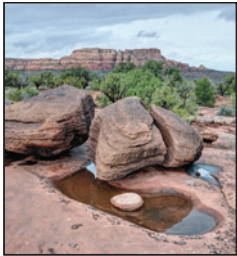
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## Redrock Wilderness • Volume 32, Number 1 • Spring 2015

This issue of *Redrock Wilderness* was written by the following staff and outside contributors: Steve Bloch, Ray Bloxham, Joe Bushyhead, Rachel Briggs, Neal Clark, Scott Groene, Mathew Gross, Darrell Knuffke, Dave Pacheco, Laura Peterson, and Jen Ujifusa. 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**

## Living in Interesting Times

In November, the nation's voters jumped from the frying pan and into the legislative fire. The last Congress was one of the least productive in history. The new Congress is hell bent on being one of the worst on the environment. Ever. Given what we have seen of its inclinations, we may be forgiven for praying that this Congress will be as wasteful and ineffectual a body as the one before it.

There's a brighter side . . . well, another side would just about have to be brighter, wouldn't it? Down a broad D.C. street, President Obama has been very clear about something the Congress chooses to ignore: there are three branches of government. Obama controls one of them and he fully intends to wield its authorities, particularly in moving to protect large landscapes under the Antiquities Act. That is welcome news, perhaps the only likely antidote to congressional fecklessness, at least on environmental matters.

The next two years won't be pretty, but they will be pretty interesting.

Although the new Congress has barely tied its shoelaces, Republican leaders are charging ahead to defend the indefensible: the profit margins of the oil and gas industry, impunity for corporate polluters, and the emasculation of the legal structure that protects America's environment.

Unfortunately, the Republicans won big in November. In their first months running things, Republicans have already tried to roll back existing protections for 17 million acres of western land, keep subsidized livestock on cow-burnt range, and throw the doors wide open to fracking.

And here in Utah, the state legislature is still full of politicians hallucinating that they can leverage their small-mindedness into control of 30 million acres of land that now belong to all Americans. And they appropriated \$12 million for lawyers, lobbyists and media to help them grab our lands.

Into this incendiary political mix, the Utah congressional delegation is poised to unveil legislation affecting nearly 6 million acres of proposed wilderness in the state. We provide a short update in this newsletter (see page 5). It's too soon to know whether this bill will be something we support, something we have to fix, or something we're forced to fight.

If we have to fight, we've been there before—in 1994 and 2006, when the Utah delegation introduced foul wilderness legislation into a U.S. House and Senate controlled by Republicans. It was unnerving at times, but we succeeded in stopping the Utah delegation's bad bills. Again in 2009, we succeeded in shaping wilderness legislation for Washington County lands into a good bill. It was enacted.

These are national lands. They belong to all Americans, not just those of us blessed to live in southern Utah. The redrock landscape should be protected, not chipped, chiseled, drilled and gnawed away for oil and gas development, mining, ORV playgrounds and livestock operations. And with your continued help we will make that happen!

For the Redrock,

A handwritten signature in black ink, appearing to read 'Scott Groene'.

Scott Groene  
Executive Director



## features

### Rep. Bishop's Public Lands Initiative: The Devil Will Be in the Details

It's been over two years since Rep. Rob Bishop (R-UT) approached various stakeholders, including us, with a big plan: to create comprehensive public lands legislation for several counties in eastern Utah—legislation that simultaneously would protect wilderness, facilitate land trades, and perhaps give counties some of goodies they've always wanted in exchange.

We admired that Bishop, as a member of Utah's often wilderness-hostile delegation, dared wade into the tangled political battle that has raged over the future of Utah's wild lands. At SUWA we've spent three decades holding the line for the land, protecting it from the greedy and the woefully unimaginative. We've done so in the hope that eventually we'd chip away a foothold to climb toward permanent protection. Rob Bishop offered such a foothold, and together we took a tentative step.

We're now edging closer to the end point of what has been a very tumultuous course. While we reached a formal agreement in two counties, Daggett

and Summit, similar discussions have not taken place in many of the others, and Daggett is even signaling it may renege. The original deadline for a complete draft, March 27th, came and went without one. Now we think a draft may be out by early summer, or perhaps before you read this newsletter.

We can't be sure whether the Public Lands Initiative (PLI), as it's called, will be something we support, something we have to fix, or something we're forced to fight. It all depends on the delegation—will they swallow county proposals whole and put them in the bill, or will they force the counties to compromise, as so many have refused?

The stakes are stupendously high. About 5.5 million acres of wilderness-quality land hang in the balance. The places we must protect in order to call the PLI a success are the most inspiring, rugged and worthy lands still eligible for wilderness protection in the U.S. And we're not going to support a bill that doesn't do justice to them, or is a step back for conservation.

*(Continued next page)*



© Ray Bloxham/SUWA

*At half a million acres, Desolation Canyon is the largest wilderness in the lower 48 states not yet designated as such.*



## features

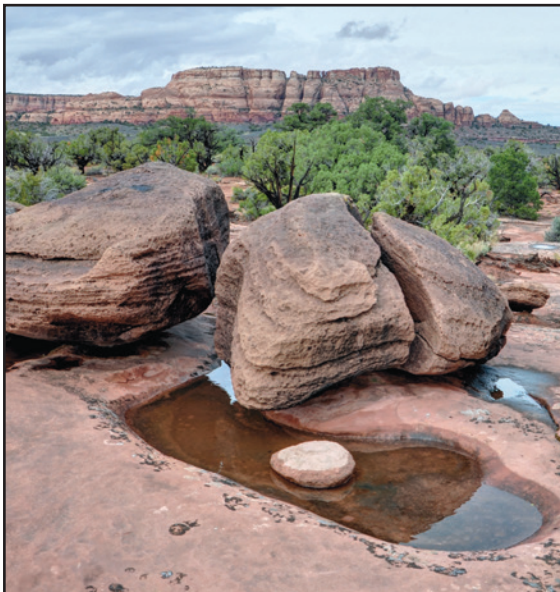
Here are just a few of the places we are still fighting for in the discussions. A lot of crucial work remains.

### Desolation Canyon

John Wesley Powell must have been acutely aware of the region's sublime loneliness when he named this 120-mile stretch of the Green River, which starts well above the Sand Wash boat ramp. At half a million acres, Desolation Canyon is the largest wilderness in the lower 48 not yet designated as such. Rafters who float its deep chasm know it holds amazing wildlife and challenging adventure in equal measure. But Desolation crosses five counties, imperiling its upper reaches due to political vagaries irrelevant on the land. A draft proposal by county commissioners would roll back existing protections for wilderness study areas and leave Desolation vulnerable to oil and gas development.

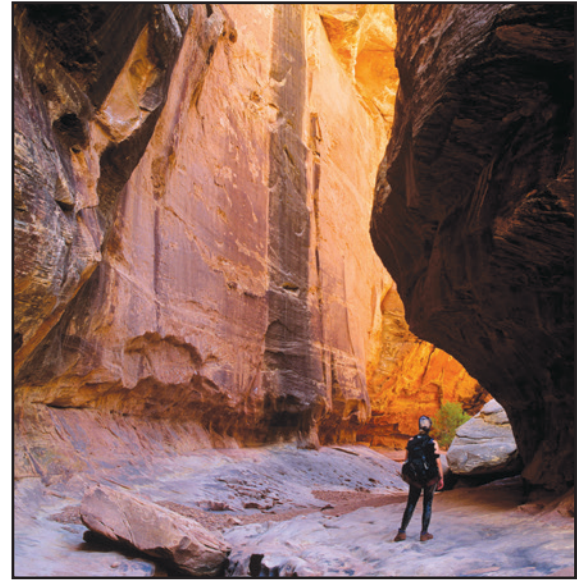
### Mussentuchit Badlands Complex

A kaleidoscope of colorful layers, the "Musn't Touch It" Badlands and surrounding landscape are a rugged and eerie series of highly erosive features, and as such have been named by the BLM as a critical soil and watershed area. These lands, which hug the west side of the San Rafael Swell, are essential to completing meaningful protections there. They bring a much-needed diversity to the



© Ray Bloxham/SUWA

*The Hatch and Harts Draw complex is scenic enough to be mistaken as part of the adjacent Canyonlands National Park, yet it remains unprotected.*



© James Kay

*The intricate maze of the White Canyon complex is a hikers paradise well deserving of wilderness protection.*

kinds of places preserved in designated wilderness and are a surreal wonderland for hikers and recreationists. Emery County's proposal ignores these values, favoring instead the ephemeral dreams of small-time oil and gas prospectors.

### Hatch and Harts Draw Complex

Hatch and Harts Points, two important features of this complex, stand sentinel high above visitors entering Canyonlands National Park. This plateau and canyon system would seem to most people to be a part of the park, but it is completely unprotected BLM land that is increasingly targeted by developers. Campers can bunk down for the night in the BLM's nearby Windwhistle Campground and from there embark on great day hikes into Bobby's Hole Canyon and the Hart's rim, making it a perfect venue for a whole-family wilderness outing. Sadly, San Juan County would sacrifice this vast landscape for energy and potash development.

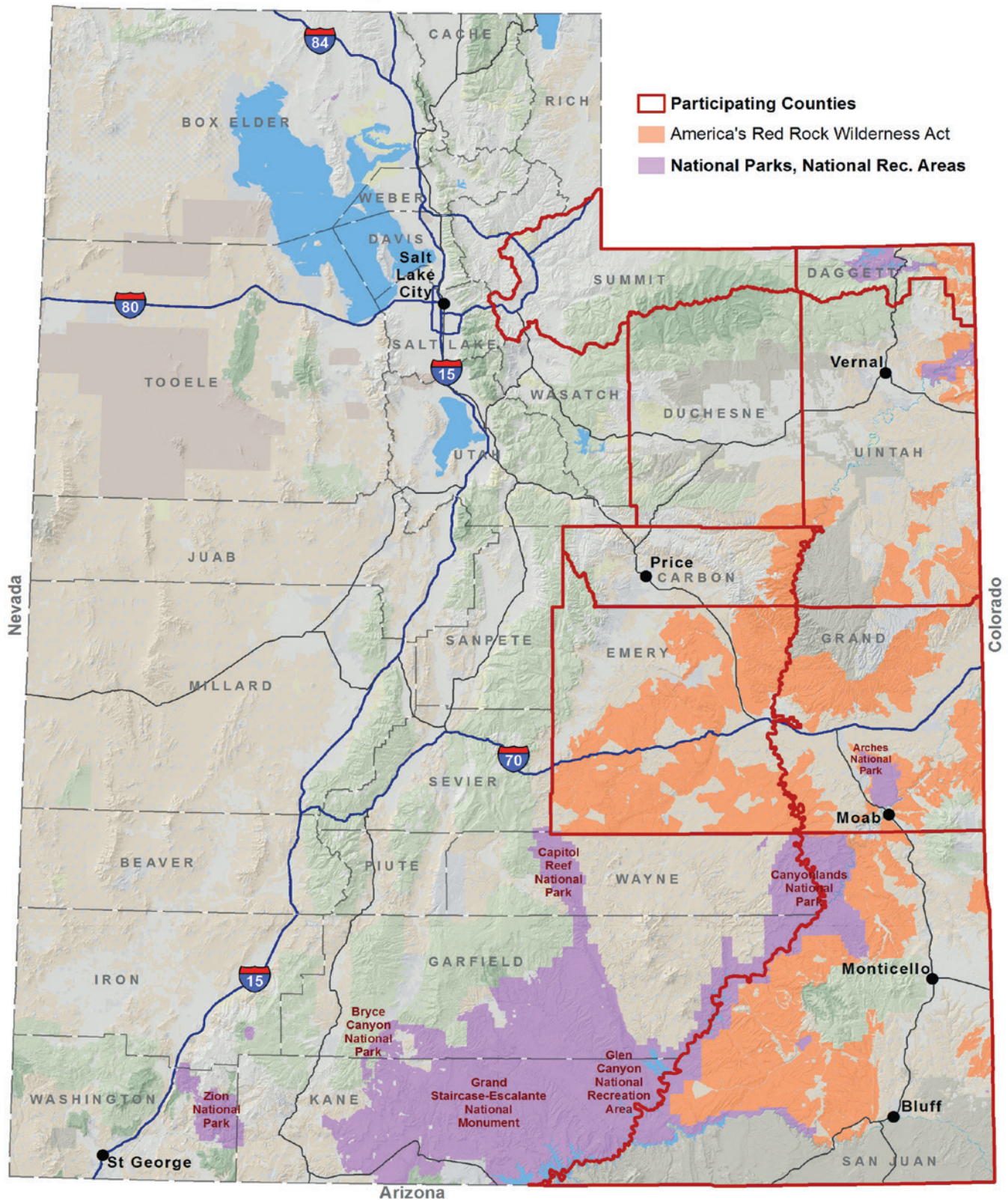
### Bitter Creek Complex

A veritable ark of creatures roam Uintah County's border with Colorado in the Bitter Creek complex of the upper Book Cliffs. This refuge for bear, cougar, elk, and deer has surely earned its nickname of "Utah's Serengeti." It's as important for these species as it is to the humans who visit to hunt, fish, camp and recreate there. But Uintah County is so far demanding regressive protections, even propos-



## features

# Rep. Bishop's Public Lands Initiative





## features



© Ray Bloxham/SUWA

*Labyrinth Canyon is one of the few places in the western United States where families can enjoy a week-long, flatwater wilderness-quality canoe trip.*

ing dropping Wilderness Study Areas for extractive development. We cannot support a bill that is only a step backward for Uintah, and protecting Bitter Creek will be essential to ensuring it's not.

### White Canyon Complex

The web of canyons whittled into the sandstone of White Canyon created a canyoneer's fantasy, where whimsical slots and wide gulfs alternately stretch between the east edge of Glen Canyon National Recreation Area and the northwest border of Natural Bridges National Monument. Like so many places in Utah, the expanse connecting those two federally acknowledged sites was left unprotected, leaving its critical Bighorn sheep rutting and lambing habitat, the cornucopia of archeological sites, and the thrill that comes with getting lost on purpose all vulnerable to development.

### Labyrinth Canyon

The Green River loops and twists like a drunken bumblebee through Labyrinth Canyon on its way to Canyonlands National Park. This is one of the few places in the western United States where families can enjoy a week-long, flatwater wilderness-quality canoe trip. In the bosom of Laby, the river reveals hikes to incredible side canyons, and to cultural sites so intact we might wonder if paddling faster could catch us up to their ancient architects. It's a world-class river trip, and an irreplaceable one now that our thirst for progress has altered most of

our nation's precious waterways. Failing to protect Labyrinth as wilderness is failing. Period.

These places are just a few of the many for which we are advocating in the PLI. But even as we momentarily lay down our swords for the olive branches we've extended to the Utah delegation, know this: the PLI is only the next chapter. If we can protect significant wilderness permanently, even with the help of former foes, we are certainly not too proud to do so.

We have invested thousands of hours trying to do just that. SUWA staff have traveled to far-flung corners, meeting with county commissioners, stakeholders, and congressional staff seeking acceptable compromise. Our members have written letters, attended meetings, and proselytized for wilderness. We sincerely hope this bill results in meaningful protection for Utah's spectacular wild lands.

But if we're presented with a cluster of proposals dreamed up by the counties without meaningful conservation gains? We've killed bills like that 15 times. We haven't forgotten our mission, and we haven't forgotten where we keep our swords. We also haven't forgotten that you make it all possible, and no matter what the outcome, we'll need your help.

—Jen Ujifusa



**DC news**

## Anti-Environmentalism on the March in the New Congress

This year marks the 114th time a new Congress has convened to make the laws that govern our nation—or not—and it didn't take long for the shenanigans to start.

Emboldened by their new majority, Senate Republicans made their anti-conservation agenda brutally clear right out of the gate, immediately introducing legislation to force approval of the Keystone XL pipeline, then peppering it with ugly amendments.

Sen. Lisa Murkowski's (R-AK) was typical of its kind. Her amendment would have effectively opened nearly 21 million acres of the most pristine wilderness lands in the country to oil and gas drilling, logging, and other development. Though many of the proposed amendments ultimately failed, the portent was clear.

GOP members in both chambers have continued their tired attacks on the Antiquities Act and have (so far) introduced six bills that would undermine the President's ability to designate new national monuments, such as Utah's splendid Grand Staircase-Escalante. Presidents Democrat and Republican have used the act to give first protections to what are now treasured places, among them the Grand Canyon, the Grand Tetons, and four of Utah's five national parks.

### The Beehive is Back in Congress, and It's Not a Good Look

The news for U.S. environmentalists everywhere is bad. The Utah delegation, all Republican now that retired Rep. Jim Matheson was replaced by Rep. Mia Love, is especially looking to take advantage. Everything is certainly coming up Utah (a.k.a the Beehive State).

Rep. Rob Bishop has picked up the gavel on the House Committee on Natural Resources. That means he sets the agenda for what bills get hearings, what bills don't, and generally runs the proceedings in the full committee. We expect redrock country—from Bishop's so-called "Public Lands Initiative" to hurried leasing and expanded lands sales—to be front and center on the dais.

In assuming the chairmanship, Bishop touted his pragmatism and ability to work across the aisle. His budget recommendations, though, are frightening. He proposes, for example, to eliminate the BLM's National Landscape Conservation System office which oversees more than 30 million acres of America's most prized lands (the Grand Staircase-Escalante National Monument is part of it). He also proposes conveying federal lands to state and local governments without strings—not exactly a pragmatic approach to land management.

### The Inquisition

Meanwhile, Rep. Jason Chaffetz took over the House Committee on Oversight and Government Reform, meaning he can call onto the carpet any administration official he likes in order to question the execution of any policy he disagrees with. His first weighty order of business as committee chair? Removing all portraits of past committee leaders from the hearing room. No need for their, shall we say, "oversight" of his proceedings.

But our friends at the Bureau of Land Management, the National Park Service, and other federal agencies don't just have to worry about budgeting their precious time for theatrical spankings at Chaffetz's hands. As part of his reign on Natural Resources, Rep. Bishop created a special oversight subcommittee on that panel, too. Let us be grateful that none of our wilderness units is called "Benghazi Mesa."

### Grazing Uber Alles

Though outnumbered by their House counterparts, Utah's U.S. Senators are doing everything they can to scramble into the spotlight. Sen. Mike Lee offered an amendment to the Keystone XL bill to speed oil and gas permitting on public lands and to limit public engagement in the permitting process. Sen. Orrin Hatch and Rep. Chris Stewart introduced a bill that would give grazing priority over all other uses in the Grand Staircase-Escalante National Monument. The legislation would prevent the use of alternative approaches—such as retirement of grazing permits—to deal with management conflicts.

Hatch is now president pro tempore of the Senate, the most senior member of the majority party in that



**DC news**

body. This means several things. For one, it means he emcees Senate proceedings when Vice President Joe Biden is not around. For another, it means that after the Veep and House Speaker John Boehner, Hatch is now third in line for the presidency.

Sleep well, my friends . . .

—Jen Ujifusa & Laura Peterson

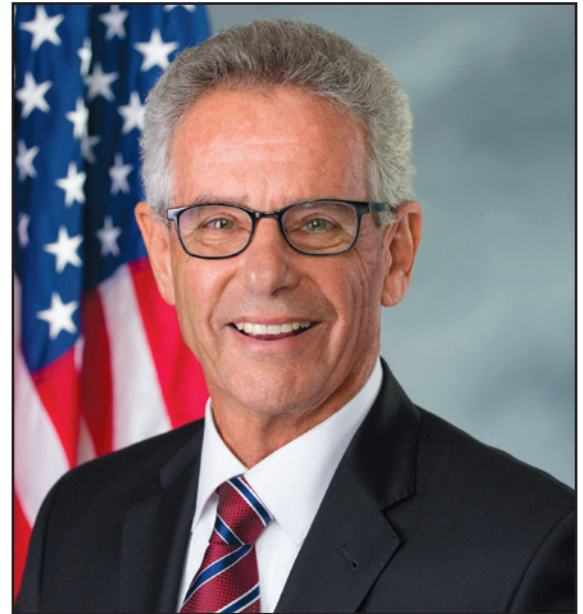
**Good  
News!**

## Lowenthal to Take Lead on Red Rock Bill

It's the beginning of a new chapter for America's Red Rock Wilderness Act, as Rep. Alan Lowenthal (D-CA) will be introducing the bill for the first time this Congress, replacing the environmental titan Rep. Rush Holt (D-NJ), who retired last year.

It is an auspicious transition, and we are thrilled and grateful to have Rep. Lowenthal's considerable leadership guiding the Red Rock bill's fortunes at such an important time. As a long-time member of the California Assembly and State Senate, Lowenthal cut his teeth on tough Golden State environmental issues, including successfully leading the charge to reduce air pollution at the ports of Los Angeles and Long Beach, the busiest container ports in the Western hemisphere.

He impressed us as a freshman congressman on the House Natural Resources Committee, where he pressed witnesses on hard questions and paid attention to broad national issues, especially public lands. Now he's advanced to become the rank-



*Rep. Alan Lowenthal (public domain photo).*

ing member on the subcommittee on Energy and Natural Resources, a panel where he'll be ideally situated to protect the redrock from myriad industrial threats. With a Ph.D in psychology, he's also likely to be well equipped for some of the madness he'll encounter there.

We look forward to working with Rep. Lowenthal on saving Utah's redrock wilderness! He will need our help to succeed. Please contact your congressional representatives today and ask them to cosponsor America's Red Rock Wilderness Act—sponsored by Rep. Lowenthal in the House and Sen. Dick Durbin (D-IL) in the Senate (see sidebar).

—Jen Ujifusa

## Help Us Build Support for America's Red Rock Wilderness Act in the 114th Congress!

**Write your legislators at:**

The Honorable [Representative's name]  
United States House of Representatives  
Washington, DC 20515

The Honorable [Senator's name]  
United States Senate  
Washington, DC 20510

**Or call your legislators at (202) 224-3121 (ask to be connected to the appropriate office)**

Learn more at [www.suwa.org/ARRWA](http://www.suwa.org/ARRWA)



## Wilderness Week Volunteers Brave Blizzard to Tell Redrock Story

At the beginning of each new Congress, SUWA co-hosts a Wilderness Week. It is a crucial event for generating enthusiasm for Utah wilderness among our elected officials before introduction of America's Red Rock Wilderness Act (ARRWA). And every Wilderness Week manages to be memorable in one way or another.

This year it was snow—lots and lots of snow. Washington, D.C. does many things poorly—governance comes to mind—but does nothing so poorly as it manages snow. The city will close on the rumor of snow. Many of the 38 dedicated activists from all over the country who came to town in February to tell the redrock story had to brave snow to get here and to deal with it during their stay. Nevertheless, they thrived.

After a full day of training in which they got all the details on ARRWA and a few other current issues, they hit the Hill, meeting with members of Congress and their staff to tell the redrock story.

Our teams were passionate and knowledgeable and bursting with energy. In just two days they met with roughly 41 percent of the 535 congressional offices.

Many offices responded to our activists with interest and enthusiasm, finding their perspectives on the value of Utah wilderness compelling. Volunteers reported that it was a valuable experience for them, too. Several mentioned that their experience in D.C. had restored their faith in democracy and the power of their voices. One activist had the opportunity to meet her longtime hero, Rep. John Lewis (D-GA). She also found some time to visit the pandas at the National Zoo—where she ran into a television news crew. She was interviewed and, like the pro she is, found a way to weave Utah wilderness into her comments.

Wilderness Week is also a reinvigorating event for SUWA staff. Working with our activists always reminds us what a passionate, talented bunch you all are—and your support and dedication is a huge part of the progress we've made in protecting the redrock. A big thank you to our Wilderness Week participants!

—Rachel Briggs



© Dave Pacheco/SUWA

*Redrock activists braved the cold and snow of Washington, D.C. to meet with elected officials on Capitol Hill.*

## canyon country updates

### Roads Fight Takes New Turns, Salt Creek Win Endures

Last November the door closed, for good, on the State of Utah's and San Juan County's claims that the very streambed of Salt Creek Canyon in Canyonlands National Park is, in fact, a state highway under the Civil War-era legal loophole known as Revised Statute (RS) 2477.

A year ago, a three-judge panel of the Tenth Circuit Court of Appeals unanimously held that the state and county had failed to meet their burden to show that Salt Creek was a state highway. The state and county asked that panel of judges or, in the alternative, all of the judges sitting on the Tenth Circuit, to rehear the appeal. That request was denied. The state and county then had 90 days to file a petition for a writ of certiorari to ask the United States Supreme Court to review the Tenth Circuit's decision. That petition was never filed and the case was closed.

The passing of that deadline marked the culmination of more than 16 years of litigation initially

brought by SUWA to protect this remarkable canyon in a corner of the park. Today, Salt Creek Canyon remains a world-class backpacking destination and the only canyon in Canyonlands National Park with perennial water (besides the Green and Colorado rivers) to support multi-day trips.

We couldn't have achieved this goal without the enthusiastic and reliable support of SUWA members! We thank you.

#### Tenth Circuit Issues Mixed RS 2477 Ruling, Reversing Many State and County Gains

Late last year, the Tenth Circuit reversed significant aspects of a 2013 ruling by a federal district court judge that granted title to 12 rights-of-way in Kane County in favor of the State of Utah and the county and determined the scope of those rights-of-way. The Tenth Circuit concluded that there was not a sufficient "dispute" over six of the routes to invoke the court's jurisdiction because public, motorized



© Tom Till

*After more than 16 years of litigation (initially brought by SUWA), Salt Creek Canyon in Canyonlands National Park is finally protected—once and for all—from motorized vehicles.*



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**canyon country updates**

use is currently permitted. This is significant because the majority of the state and counties' RS 2477 claims are currently "open" to motorized use and the ruling may eventually result in the dismissal of these claims for lack of jurisdiction.

Unfortunately, the decision may also give the BLM an incentive to leave contested routes open to motorized use to avoid an RS 2477 fight. The Circuit Court also held that the lower court relied on improper factors when it determined the scope of three of the routes it did have jurisdiction over and remanded the matter for further consideration. In addition, relying on the Salt Creek decision, the Circuit Court rejected our argument that the statute of limitations (that is, the time for the state and county to file suit) had run out on one claimed RS 2477 right-of-way in the Paria-Hackberry wilderness study area.

The state and county separately petitioned the three-judge panel to rehear this matter or, in the alternative, for the Circuit Court hear the matter en banc—that is, with all the judges of the court participating. Those petitions were summarily denied. The state and county have 90 days to file a petition for writ of certiorari with the United States Supreme Court.

—Steve Bloch

## SUWA's New RS 2477 Road Claim Suit Prompts Curious Ruling

Last fall, we told you about a new front in the battle over title to "highways" under RS 2477—a Civil War-era legal loophole which provides simply "the right of way for the construction of highways across public lands, not reserved for public uses, is hereby granted" (see autumn/winter 2014 issue, p. 9).

SUWA and one of its members, Michael Abdo, a resident of Tooele, Utah, filed suit in state court alleging that Utah and Tooele County waited too long—almost 30 years too long—to bring their costly federal RS 2477 lawsuit over claimed rights-of-way in that county. Our argument is straightforward: Utah law limits the ability of the attorney general to bring such "quiet title" actions more

than seven years after the state's right or title to the property accrued. Accordingly, the latest the state and county could have brought their RS 2477 claims was Oct. 21, 1983, seven years after the President signed into law the Federal Land Policy and Management Act, which repealed the outdated statute.

Soon after we filed our state court lawsuit last July, the State of Utah and Tooele County "removed" our case to federal court. Removal is a complicated legal tactic that sometimes allows one party to a lawsuit to shift the case to a different venue for a variety of reasons—favorability perhaps chief among them ("arcane" doesn't begin to describe its convolutions; we won't even try).

In federal court, the case landed in front of Judge Clark Waddoups, the same judge who presides over the consolidated, statewide RS 2477 cases.

### No Jurisdiction

Federal courts, however, are courts of "limited jurisdiction." Unlike state courts, which may hear all manner of legal claims, federal courts may hear only claims that either resolve questions of federal law, or resolve a dispute between parties from different states.

At a hearing in February, we successfully argued that the federal court lacked jurisdiction over our purely state law claims. Judge Waddoups remanded our case to state court, but in a stunning turn (that bewildered even the state's attorney) he blocked SUWA and Abdo from pursuing our claims in state court. It's hard to overstate just how unusual a move this was: a federal judge halted a state case over which he lacks jurisdiction.

Judge Waddoups rescinded his injunction just two days later, but on April 6th, just as this newsletter headed to press, he granted a "temporary restraining order" against SUWA and Abdo. A temporary restraining order has the same effect as an injunction and is equally bewildering. That order stops us from filing anything in state court until the judge decides whether to issue a larger injunction stopping us altogether. We press ahead nonetheless, and plan to appeal his remarkable decision to the 10th Circuit Court of Appeals.

—Joe Bushyhead

## canyon country updates

## Hundreds Protest Land Grab at Utah State Capitol

Despite a spring snowstorm, nearly 300 people rallied at the Utah State Capitol in March to protest the state's campaign to seize Utah's public lands.

The enthusiastic crowd chanted its opposition to the scheme to steal public lands from their rightful owners—the American people—and sell them off for private profit and near-certain industrial development. At one point, the crowd swung into a rousing rendition of Woody Guthrie's classic, "This Land is Your Land," featuring rally-specific lyrics penned by Utah's own Slickrock Stranger.

Conservation groups, sportsmen, educators, elected officials and outdoor business representatives all blasted the land grab.

Emcee Dan McCool, a University of Utah political science professor, urged the crowd to send a clear message to Gov. Herbert asking him to distance himself from state legislators who "cooked up this mess" and reminding him that collaboration is the

best way to solve our problems. Peter Metcalf, head of leading outdoor recreation company Black Diamond Equipment, reminded the crowd that "Non-consumptive industries like ours would be adversely impacted and marginalized in favor of heavy development, should the state assume management." And Heather Bennett, founder of For Kids and Lands said, "Our schools are not the place to roll the economic dice."

Thanks to all who made the rally a huge success.

—Dave Pacheco

## \$450,000 Legislative Study Confirms SUWA's Estimate of Land Grab Cost

A couple of years ago, when Utah first launched its crazy idea to take over your public lands, we penciled out on the back of an envelope what the federal government spends to manage public lands in the state. We came up with around \$300 million per year.

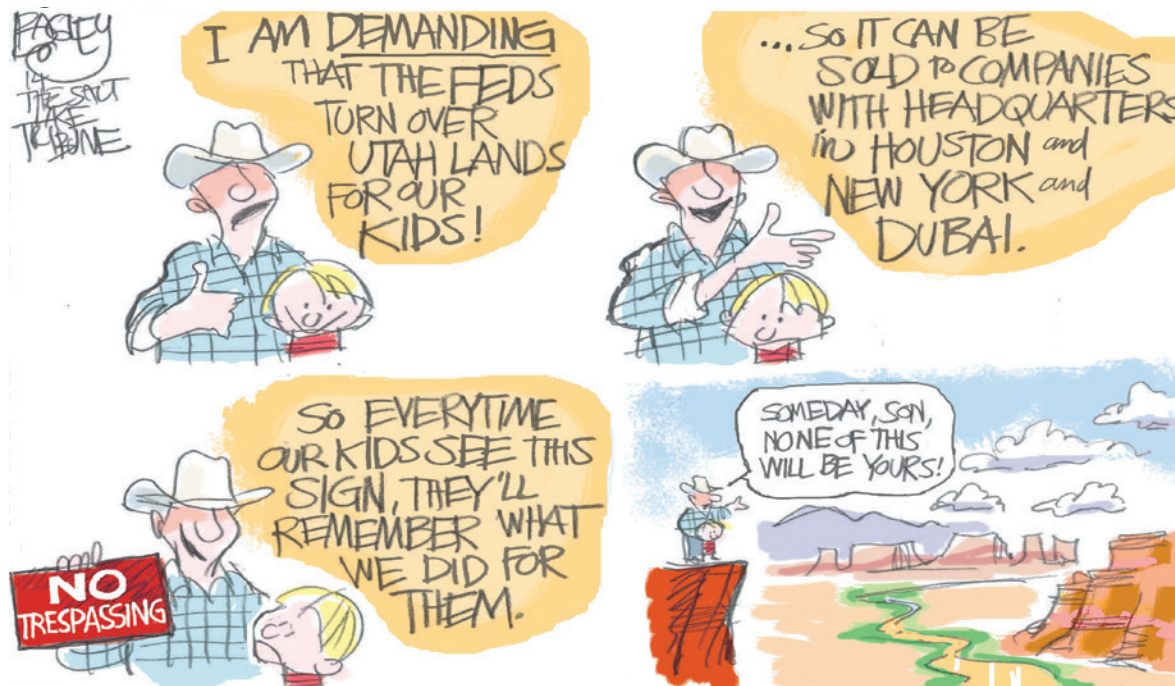


© Kyle Strayer

*Hundreds of protesters assembled at the Utah State Capitol in March to protest the state's ongoing campaign to seize federal public lands.*



## canyon country updates



"No way!" the land grab proponents protested. Well, the Utah legislature then authorized its own two-year study (\$450,000 worth) to discover what it deemed "the true facts" on how much it would cost Utah to manage public lands. The study was released in December. The cost? You guessed it: \$300 million per year (probably not counting the \$450K the study itself cost).

In order to afford the \$300 million, the state of Utah would need oil prices to stay above \$90 per barrel. Permanently. It would need to increase oil production on public lands by 15 percent. Permanently. And it would also need the United States government to simply hand over its share of royalties from oil and gas production on public lands. Good luck there, boys.

Nonetheless, the state did its best to spin the economic report as "proof" that it could afford to manage public lands. SUWA was having none of that. We went on the air with television ads the day the report came out, Dec. 1st. And we stayed on the air throughout the month. (You can see the ads at [suwa.org/issues/land-grab/](http://suwa.org/issues/land-grab/).)

Our ads were persuasive. Newspapers across the state lambasted the economic report. The *Salt Lake Tribune* said the "land transfer would tie Utah's future to oil." The *Ogden Standard Examiner*

called it "a roll of the dice." And even the reliably conservative *Deseret News* said "the state law that demands ownership of federal land is . . . little more than a symbolic gesture."

The upshot of all this? A poll by UtahPolicy.com found that statewide support for Utah's land grab dropped by 5 percent between October and February. We are hoping the legislature will do some more studies very soon . . .

—Mathew Gross

## More ATVs in Indian Creek? Really, BLM?

Few things are so mind-numbingly inevitable as the BLM's eagerness to surrender to San Juan County's outrageous demands. As if to prove that yet again, the Monticello BLM office has authorized this Utah county to build a new all-terrain vehicle (ATV) trail and three associated parking areas in the heart of Indian Creek.

This ATV trail will bisect an area that the BLM describes as possessing wilderness characteristics. It is also part of America's Red Rock Wilderness Act. Why would the BLM make such a destructive

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© Scott Braden/SUWA

*The cliffs and canyons of Indian Creek contain an abundance of cultural resources and offer exceptional rock climbing and backcountry hiking opportunities. This is not the place for parking lots and ATV trails.*

decision, you ask? In order to provide voracious off-roaders with easy access into Lavender Canyon, Davis Canyon, and the Bridger Jack Mesa—all magnificent features in a world-renowned landscape that now sees little motorized use but is valued by people everywhere for its abundance of cultural resources and quiet recreation opportunities. The decision will also create a loop system that will allow ATVs to circle back towards Harts Draw before returning to Indian Creek Falls, an area that has already been sacrificed in the name of motorized “recreation.”

It’s hard to express how irresponsible, shortsighted, and, frankly, craven a decision this is. Indian Creek is the entryway into the Needles District of Canyonlands National Park and includes magnificent sandstone walls, jagged mesas, and other-worldly buttes—among them Bridger Jack Mesa and the Sixshooter Peaks. The area’s cliff walls and canyons also contain an abundance of cultural resources and offer exceptional rock climbing and backcountry hiking opportunities.

Designating an ATV trail in this area is the epitome of single-use management that the government hates damn at full cry when it comes to wilderness. The area’s highest and best uses are dealt away: its quiet lost to the roar of motors, its scenery obscured by billowing of dust, its solitude forfeited to throngs of four-wheelers charging across the countryside. Instead of standing up for the protection

of our natural environment as it is meant to do, the BLM once again collapsed under the mere threat of pressure from San Juan County’s typical and tiresome bully tactics.

SUWA has filed an administrative appeal of this unfortunate project. We’ll be sure to keep you posted.

—Neal Clark

## “Just Say No” to Increased Motorized Use in the San Rafael Desert

The BLM’s Price field office is in the early stages of motorized travel planning for the San Rafael Desert—a landscape that includes the San Rafael River, Sweetwater Reef, Flat Tops, and Labyrinth Canyon proposed wilderness areas in America’s Red Rock Wilderness Act. Located east of the San Rafael Reef and extending to Labyrinth Canyon, the San Rafael Desert is rich in archaeological sites and provides habitat for pronghorn, kit fox, the burrowing owl, and other species.

SUWA is generally supportive of the BLM taking a hard look at motorized travel designations on public lands, but nearly half of the current planning area was already analyzed by the agency as part of its



## canyon country updates

2003 San Rafael Route Designation Plan. Although by no means perfect, this plan involved a lengthy public process and survived both administrative appeal and litigation (SUWA supported the plan and intervened on behalf of the BLM in those proceedings).

It remains unclear why the BLM would use limited agency resources on motorized travel planning in areas that only relatively recently underwent the same analysis. What is clear, unfortunately, is that the motorized community sees this as yet another opening to expand off-road vehicle use through the creation of new trails and by re-opening trails that were closed to motorized use.

Any rollback of the current travel plan's protection in the San Rafael Desert is unacceptable since increased motorized use inevitably results in increased adverse impacts to wildlife habitat, cultural resources, and wilderness-quality lands. SUWA submitted extensive scoping comments to the agency in mid-February and will continue to be involved at every step of the process. We'll keep you informed as the travel plan starts to take shape.

—Neal Clark

Good  
News!

## Brighter News on the Oil & Gas Front

Here are some “good news” stories that you may have missed over the past few months. Any one of these things alone would be reason to cheer. Taken together, it would seem that fortune is shining on us.

**Appeals Board upholds BLM decision not to lease San Rafael Swell for oil and gas.** In February, an Interior Department appeals board upheld Utah BLM State Director Juan Palma's decision not to offer certain parcels at the November 2013 oil and gas lease sale. Oil and gas companies had hoped to bid on and develop thousands of acres in the San Rafael Swell, but Director Palma made the right decision to withdraw those lands from sale. We're grateful to everyone who helped us protect these wild lands in the San Rafael Swell, including the more than 150 wilderness supporters who gathered outside the BLM headquarters in September 2013 chanting “No wells in the Swell.”

(Continued next page)

## No Legal Freebies for Recapture Trespasser Lyman

There's an old story about the fellow who murdered his parents, then asked the court for mercy because he was an orphan. For sheer audacity, the parricide has nothing on San Juan County Commissioner Phil Lyman.

Last May, Lyman led a motorized column of cultic anti-government lawbreakers into Recapture Canyon in southeastern Utah (see summer 2014 issue, p. 14). He was protesting the BLM's closure of an illegally built route into the canyon, a route that left rich archaeological resources vulnerable. Lyman and three others were charged and a federal magistrate appointed a defender for all four. But at prosecutors' urging, the magistrate took another look at Lyman's eligibility for a place at the public trough. A Dec. 3, 2014, *Salt Lake Tribune* story detailed some of his assets:

- “Three streams of revenue” including his \$50,000 per year commissioner's salary
- “Real property assessed at \$650,000”
- Ownership “of an investment firm that manages \$2.3 million in assets”

Lyman will not only have to pay his own legal freight from here on out but must reimburse taxpayers for work his federal defender had already done. Whatever else happens in this case, Lyman will pay for his own defense, not the rest of us. There's justice in that.

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canyon country updates

## BLM to Scofflaws: If You Want It, Just Steal It

Here's a syllogism for you to complete. If you manage to do so, please share with a BLM official you may know. Good luck!

Rewarding illegal activity is really stupid.

The Bureau of Land Management invariably rewards illegal activity.

The Bureau of Land management is \_\_\_\_\_.

Now the agency's Price field office is ginning itself up to reward illegal mountain bike trail construction in proposed wilderness in the San Rafael Swell by making it official and therefore probably permanent.

Several years ago, an Emery County resident began constructing a new dirt trail through fragile cryptobiotic soils and pinyon-juniper forest near the San Rafael Swell's Wedge Overlook. Although this activity is explicitly illegal, and although the agency's field office was well aware of it and its illegality, the BLM failed either to cite the culprit or to eliminate the trail. Instead—and this would be perverse were it anyone but the BLM—the agency began marking the trail, effectively condoning the illegal use. It is now poised to authorize the trail via an after-the-fact analysis. (The BLM is punctilious about the rules, you know, when it comes to such things as an environmental study the outcome of which is wholly pre-determined.)

In addition to diminishing identified wilderness-quality lands, this trail is located in a landscape that has been a focus of the BLM's efforts to protect the San Rafael cactus (*pediocactus despainii*) an endangered species which is susceptible to damage from continuing mechanized abuse. In aid of that effort, the BLM has already imposed restrictions in the area for camping and travel. And that includes mountain biking.

Instead of condoning illegal mountain bike trail building—and thereby virtually guaranteeing more of it—BLM managers should shop around for a good price on a backbone. And they should cite builders of illegal trails, whether they're for four-wheelers or mountain bikers.

We will continue to pressure the BLM into taking appropriate action to curtail illegal trail construction and to develop a comprehensive plan that addresses mountain bike trail development.

**Federal court rejects industry challenge of Salazar decision to withdraw 77 leases from December 2008 lease sale.** In mid-February, a federal district court judge dismissed a lawsuit brought in 2009 by some of the high bidders who challenged Interior Secretary Ken Salazar's decision to withdraw 77 controversial leases from the infamous December 2008 oil and gas lease sale. This should be the end of the line for the industry-led litigation challenging this lease sale.

**Wild and culturally significant lands taken off the chopping block.** In February, Utah BLM State Director Juan Palma announced his decision not to offer more than 20 oil and gas leases in proposed wilderness and other culturally significant lands. Palma also deferred leasing a dozen or so parcels in the so-called "state roadless area" (located in the Book Cliffs and a popular area for backcountry hunting) at the request of the Utah School and Institutional Trust Lands Administration.

Predictably, oil and gas trade groups complained about this decision. But the fact of the matter is that nearly 4 million acres of BLM-managed lands in Utah are under lease while just around 1 million acres are in development. There simply is no shortage of leased lands.

**Only 8 oil and gas rigs operating in Utah.** The number of operating oil and gas rigs in Utah has dropped by more than half from this time last year (27 rigs in March 2014, eight rigs in March 2015). The rigs that remain in operation are largely concentrated in well-developed areas in the Uintah Basin (Utah's "oil patch"), which means fewer threats to proposed wilderness . . . for now.

—Steve Bloch

## BLM's Utah State Director Retires

After serving nearly five years as the Bureau of Land Management's Utah State Director, Juan Palma retired from office in March. We are sorry to see him go.

Palma offered a refreshing break from his predecessor, Selma Sierra, who worked for Interior Secretary Gale Norton (first in Washington and then in Utah)



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*Former Utah BLM Director Juan Palma (right) with SUWA's Ray Bloxham at a field meeting in Iron County.*

to implement much of the Bush administration's "drill first-think later" policies. In contrast, Palma will be remembered for his inclusive decision making, his listening skills, and his ability to bring all parties to the table. He made final three landmark agreements in 2010-2011 between SUWA (and our conservation partners) and the Bill Barrett Corporation, Anadarko Petroleum Corporation, and another company named Enduring Resources. Palma also oversaw a settlement between the BLM, the State of Utah and Juab County, and the conservation community over disputed RS 2477 right-of-way claims in the Deep Creek Mountains along the Utah-Nevada border.

### Hell to Pay for Doing It Right

In addition, Palma made several key decisions to defer the sale of oil and gas leases after concluding that critical resources were at risk. Chief among these decisions was the deferral of 55 leases in the San Rafael Swell from the November 2013 oil and gas lease sale. Palma "caught hell" for these decisions from Utah's congressional delegation, the state of Utah, and the oil and gas industry. But he stood his ground. As a result, Utah's remarkable redrock wilderness and irreplaceable cultural sites are better off.

Palma also made significant strides in implementing this administration's oil and gas leasing reforms,

including so-called "master leasing plans." The Moab master leasing plan is on track to be finished in 2016. Both Interior Secretary Jewell and BLM Director Neil Kornze are showcasing the Moab plan as an example of what balanced land management can look like: protecting the nation's special places while allowing for development of less sensitive lands. Stay tuned on this issue; the BLM will release the draft Environmental Impact Statement (EIS) this spring and we will need your help to make sure the plan does right by this landscape.

Palma's tenure wasn't all roses. He was not able to turn around an entrenched BLM and Interior Dept. bureaucracy and settle SUWA's longstanding litigation over the BLM's destructive resource management plans. Palma also approved the decidedly disastrous Gasco natural gas EIS, which is now the subject of a SUWA-led lawsuit.

On balance, we were lucky to have Juan Palma in Utah serving as our state director and owe a debt of gratitude to former BLM Director Bob Abbey for sending Palma our way.

Associate State Director Jenna Whitlock will serve as acting state director for the next several months while the BLM searches for Palma's replacement.

—Steve Bloch

## inside SUWA

### Liz Thomas Returns to SUWA as Member of the Board



*The indomitable Liz Thomas brings 17 years of on-the-ground experience to SUWA's board.*

In our last issue of *Redrock Wilderness*, we reported with considerable sadness the retirement of Liz Thomas, SUWA stalwart, advocate, and staff attorney for 17 years. Executive Director Scott Groene concluded his tribute to Liz's long service to SUWA saying, "We will miss her terribly."

Indeed, but not for long: Liz (who can't say no when the canyon country is at stake) has agreed to share her retirement with us as a member of SUWA's board of directors. Inviting her to sit on our board was as close to a slam-dunk as we are used to seeing. There are strong opinions on the SUWA board and they provoke lively discussions. There was none of that surrounding Liz's candidacy. Support for her as a board member was unanimous and immediate.

Our farewell to her is only one newsletter issue old, so we will simply recap it here. Liz grew up on an Oklahoma farm and could handle a tractor with the best of them. But she also knew pretty early on that farming wasn't for her. She was equally sure that she didn't belong in the private sector or in government, the latter something she learned during a summer internship at the Environmental Protection Agency while attending the University of Colorado law school.

When she graduated, she was drawn to provide legal help to people with limited means. That brought her to the DNA People's Legal Services in the Four Corners region. While she worked there with the Navajo people, the Colorado Plateau really got its hooks into her. She became intrigued with public lands, a novelty for her. "There are almost no public lands in Oklahoma," she notes.

Once she discovered the land, it was a short step to deciding that its protection would be her career. She worked first for SUWA in Cedar City, and then moved to Moab where she now lives. In the short time since her retirement, Liz has immersed herself in public lands issues in Grand County. She is that fortunate person who was able to make a living doing what she'd gladly have done for free.

Seventeen years of on-the-ground experience with the issues that plague the redrock are far too valuable to lose. So is Liz. Fortunately for SUWA and the redrock, we don't have to. Welcome to the board, Liz!

### Thanks to another Wonderful DC Intern

Stoughton, Wisconsin native Chelsea Spangler joined us as an intern in our Washington, DC office last fall and distinguished herself as a good one right off the bat.



*We thank Chelsea for her hard work, creativity and humor.*



A full-time graduate student at American University, Chelsea was able to carve time out of her schedule to help us out with a variety of projects, all important, few glamorous. She attended congressional hearings and meetings, roamed the Hill delivering newsletters and thank-you notes, and connected quickly with our activists. She did battle with our failing printers to prepare materials, helped to organize and run our Greater Canyonlands Fly-In, and overhauled our map of Greater Canyonlands postcard signers.

What's more, she handled everything with the utmost efficiency, creativity, and good humor. Thank you, Chelsea, for all you did for the redrock!

## New Schedule for SUWA Roundup

The SUWA Roundup (usually held in September) is on hiatus for 2015 as we shift into an every-other-year schedule for our traditional membership gathering in the San Rafael Swell. We hope that coming together in alternating years will make the Roundup an especially anticipated occasion while creating space for other types of autumn events.

To stay informed of rallies, presentations, socials and other happenings in 2015 and beyond, please visit our website event page at [suwa.org/events](http://suwa.org/events).

## Make a Longterm Investment in Utah Wilderness

### Leave a Legacy for the Redrock

Please consider leaving a gift to SUWA in your will or trust. Bequests are a simple, effective way for those of us who love the redrock to ensure that when we're gone, the work to protect these amazing landscapes continues.

A gift to SUWA from your estate—whatever the amount—is entirely free from federal estate taxes. This means we are able to use the full amount of the bequest to protect the redrock. Also, bequests generally are not subject to state inheritance or estate taxes. You can also create a bequest so that the needs of your heirs are taken care of first.

A bequest for SUWA (or any other charitable organization) is very simple to establish. Just name the Southern Utah Wilderness Alliance in your will, trust, retirement plan, or life insurance policy, along with our contact information and tax I.D. number and the dollar amount or percent of your estate you wish to contribute.

If you'd like to make a gift to SUWA or have already included a gift to SUWA in your estate, please contact Deeda Seed at [deeda@suwa.org](mailto:deeda@suwa.org) or (801) 428-3971. You can also visit us online at [suwa.org/plannedgiving](http://suwa.org/plannedgiving).

### Join Our Monthly Giving Program

If you're looking for a convenient, hassle-free way to help SUWA over the longterm, 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, go to [suwa.org/donate](http://suwa.org/donate), select a monthly amount, and check the recurring donation box.



**inside SUWA****Give a Gift Membership and Save \$10!**

If you share a love of the outdoors with your friends, why not share your activism too? Gift memberships make wonderful gifts for birthdays and holidays. Simply mail in this form with **\$25 for each membership** (a \$10 savings) or order online at **suwa.org/goodies**.

**Gift Membership #1**

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**Gift Membership #2**

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Please make your check payable to SUWA or include credit card information below (VISA, MC, AMEX, DISC):

Credit Card #: \_\_\_\_\_ CVC# \_\_\_\_\_

Exp. date: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Mail form with payment to:

**SUWA, 425 E. 100 S.  
Salt Lake City, UT 84111**

**Order a Copy of SUWA's Wild Utah Video on DVD**

SUWA's popular multi-media slideshow, *Wild Utah! America's Redrock Wilderness* includes video interviews, stunning photos, and compelling narration by longtime wilderness activist Robert Redford. These DVDs make great gifts and educational tools!

Please send \_\_\_\_\_ copies of the *Wild Utah DVD* at \$10 each (includes shipping).

Name: \_\_\_\_\_

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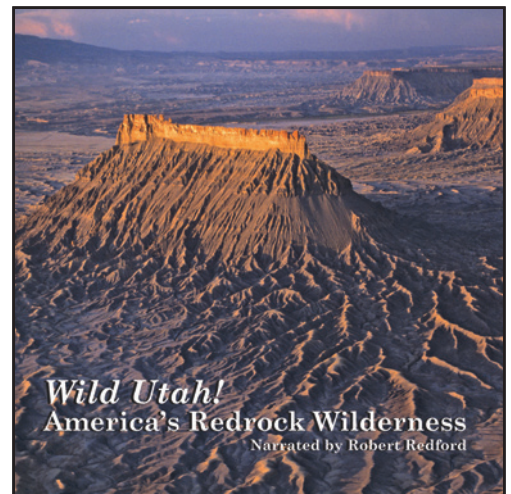
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Exp. date: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Mail form with payment to:

**SUWA, 425 E. 100 S. Salt Lake City, UT 84111**



*Wild Utah* DVDs can also be ordered online at **suwa.org/goodies**.



## A Citizen's Wilderness Proposal for Bureau of Land Management (BLM) lands in Utah



- |                                       |                                  |                                    |
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*"Breakfast View from Trin Alcove." Artwork by Terry Willis (willisworksstudio.com)*

## Seeking Volunteers in Utah

A few hours of volunteering goes a long way. SUWA is looking for volunteers in Utah to help us staff information tables at festivals and fairs and to do light data entry in our Salt Lake City office during business hours. If you can spare a few hours during the week or would like to spend a Saturday outside meeting and talking with like-minded people about wilderness, contact Dave Pacheco at [dave@suwa.org](mailto:dave@suwa.org) or (801) 428-3961.