

# REDROCK

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

The Newsletter of the Southern Utah Wilderness Alliance  
Volume 33, Number 1 • Spring 2016

The Plundered Lands Initiative



**Cover Photo:** The spectacular White Canyon proposed wilderness, part of the Bears Ears National Monument proposal, would be largely unprotected by Rep. Bishop's controversial Public Lands Initiative for Utah (see page 6). Photo copyright Ray Bloxham/SUWA.



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.

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## wilderness notes



### Fanning the Flames of Radicalism

The Utah congressional delegation, led by Reps. Rob Bishop and Jason Chaffetz, has released draft legislation embodying what it calls the “Public Lands Initiative” (PLI). The PLI is the most savagely anti-wilderness bill SUWA has faced in its 30-year history. At its black heart, the PLI is really about enabling the state’s attempt to seize 30 million acres of public lands all Americans own.

To our concerns over the PLI, the congressmen have responded with name-calling and attacks on our integrity. They’ve insulted the tribes advocating for protection of the Bears Ears, and have misrepresented Native American views.

Verbal nastiness from Utah politicians is scarcely a surprise. They have denounced public ownership of public lands for generations; Bishop and Chaffetz are current practitioners. But the pitch has neared frenzy since Barack Obama won the White House.

Marty Gleave is the sheriff of Paiute County. Blasting Forest Service grazing management in the county, he recently said “We’re not taking no more [sic] cuts on the mountain. I’ll deputize every man, woman and child in the county to stop what’s going on.” State legislator Mike Noel, whose stock-in-trade is denouncing federal land ownership, recently declared that “there will be bloodshed.” Rep. Bishop said to a Moab audience last year, “If anyone here likes the Antiquities Act the way it is written, die, I mean stupidity out of the gene pool.”

Fed bashing and paeans to local control have created a climate in which protests have escalated. Utah politicians have organized illegal ATV rides into Recapture, Paria and White River canyons. Some have urged Utah’s livestock operators to refuse to pay the pittance charged for grazing public land. Federal employees in southern Utah have been threatened. And, perhaps inevitably, the fever led to the armed seizure of public property in Oregon and, tragically, a death.

Utah politicians claim that the state would do a better job of managing public land. That’s nonsense: the state’s record on environmental issues is abysmal. Look no further than the state’s failure to address the horrendous pollution that at times makes Salt Lake City’s air unhealthy to breathe. Look deeper and you will see that Utah politicians have opposed conservation at nearly every turn.

They have long been rooted in an economy of digging and burning dirty fuels. They sanctify motorized recreation at the expense of every other value. It’s frightening to imagine the consequences if they got their hands on Utah’s public lands.

One thing we know they would do is sell off the land despite their defensive claims to the contrary. The U.S. spends roughly \$350 million annually to manage public land in Utah. By seizing the lands, the state would forfeit that considerable sum. To compensate, the state would either have to raise taxes or start selling the assets. History offers guidance here: the United States gave the State of Utah seven million acres at statehood. The state has since sold over half of it.

Bishop has known for some time that if he trotted out a lopsided, anti-conservation proposal it would force President Obama to act. He did it anyway. President Obama should now designate the Bears Ears National Monument, as requested by the Navajo, Hopi, Zuni, Northern Ute, and Ute Mountain Ute nations (see sidebar, p. 10). We urge him to do so.

## wilderness notes



File photo

*In 2014, anti-federal protesters joined San Juan County Commissioner Phil Lyman on an illegal ride through Recapture Canyon, endangering cultural artifacts the BLM’s vehicle restrictions were meant to protect.*

That presidential action will present Utah politicians with a choice. They can rage and fan the flames of radicalism, their default setting. Or they can celebrate with the two-thirds of Utahns who support the designation, the tribes for whom this is homeland, and large numbers of San Juan County residents who also support the idea.

If the latter, perhaps there is hope for future wilderness discussions in Utah. If not, then there will be more lawbreaking, conflict and violence.

It’s their choice. Whatever they decide, we’ll still be here.

For the Redrock,

Scott Groene  
Executive Director



features

Bishop’s Plundered Lands Initiative: the Gory Details

After three years the wait is over. In January, Rep. Rob Bishop (R-UT) finally unveiled a draft of his Public Lands Initiative (PLI). Even before its release, the tenor of discussions with congressional offices had prepared us for bad news. Sadly, the draft dwarfed our worst fears.

The Bishop bill may be the worst piece of proposed Utah public lands legislation SUWA has ever encountered. It is a fossil fuel development bill that would further the Utah Legislature’s land grab while rolling back wilderness management—all shabbily masquerading as some sort of milestone conservation measure. Conjure your worst nightmares for Utah’s canyon country and chances are Bishop has done what he can to make them reality.

Before we get to details—and they are all gory—here’s a quick recap about how we got where we are today. (For more details, see feature story in our Autumn/Winter 2015 issue.) Three years ago, Bishop announced that he would try to put together legislation for the public lands of eastern Utah. We

jumped into the process in the good-faith hope that this effort would be different from its predecessors.

It certainly began that way. Staffers for Bishop and his partner in the effort, Rep. Jason Chaffetz (R-UT), met with us and listened. We soon reached a landmark agreement in Daggett County that Bishop promised would be in the PLI legislation as the first of what we hoped would be many like it. The Daggett compromise would have protected significant amounts of public land in exchange for some development opportunities for the county. The deal was widely praised—except by one disgruntled, newly-elected Daggett County commissioner. So Bishop reneged and pulled the Daggett agreement out of the PLI. It was all downhill after that.

Bishop and Chaffetz became palpably less interested in the public’s views than in the demands of rural county commissioners representing 5 percent of Utah’s population and 0.05 percent of the U.S. population. Many of these commissioners felt little need to listen. San Juan County commissioners



© Ray Bloxham/SUWA

The PLI would not protect any of the Hatch Canyon proposed wilderness (above) and, in fact, would prioritize much of the area for fossil fuel development.

features

specifically said they wouldn’t take comments from anyone living outside the county.

By the summer of 2015 the writing was on the wall: Bishop and Chaffetz planned to mostly just follow the county proposals. We knew what the counties wanted so we braced ourselves for a bad bill. When hurricane PLI hit in January, it was worse than anything we had anticipated.

A Disaster for Utah’s Public Lands

Bishop has said that he wanted to develop the PLI to provide certainty. He succeeded . . . disastrously. His bill guarantees that millions of acres will be dedicated to fossil fuels and that the Utah Legislature will receive a major boost in its land grab caper (see map in center spread).

Were it to pass, the PLI would be a boon for fossil fuel development; the corollary, of course, is that it would be bad for the planet, its climate, and for the long-term health of Utahns. Hidden in the details of the PLI is a provision to create expansive “energy planning areas” where oil, gas, tar sands, coal, and oil shale development—along with any other extractive activity you can think of—are prioritized above all else. Not one for half measures, Bishop then greases the skids so that this development happens as quickly as possible.

The PLI designates 2.5 million acres of public lands as permanent fossil fuel zones—more land than it designates as watered-down wilderness! Somehow, neither Bishop nor Chaffetz has ever disclosed this number to the public. Their PLI website omits any maps of the fossil fuel zones.

Bishop would legislate a corridor to allow the state to build its Book Cliffs highway, more aptly known as the tar sands highway—a route designed to bring intensive fossil fuel development to the southern Book Cliffs. He also provides for a disastrous land exchange, trading low-value state land for high-value federal land. The clear aim is to accelerate oil and gas development in the southern Book Cliffs and elsewhere.

Land Grabs Are Us

The PLI celebrates the Utah Legislature/Bundy/Ken Ivory land-seizure agenda. The draft legislation gives the state more than 10,000 miles of dirt roads, two-tracks, and cow trails as 66-foot-wide highway



© Kathlene Audette-Luebke

PLI by the Numbers

- Zero**  
Acres of proposed wilderness that adhere to the management standards of the 1964 Wilderness Act.
- Zero**  
Miles of river segments designated in the PLI that adhere to the National Wild and Scenic River System Act.
- 2.5 million**  
Acres of fossil fuel zones where carbon development and resource extraction is prioritized over all else.
- 10,000**  
Miles of dirt roads, two-tracks, and cow paths given to the State of Utah to be recognized as 66-foot-wide highways.
- 10.7 million**  
Acres of federal land subject to permanent Antiquities Act (national monument) exemptions.
- 334,000**  
Acres of national parks where airshed protections will be downgraded.
- 95**  
Percentage of Utahns left out of the PLI.
- 99.95**  
Percentage of American citizens left out of the PLI.
- Zero**  
Percent chance that Rep. Bishop’s PLI will become law.



## features

rights-of-way. It then allows the state to continue to pursue its litigation claiming the remaining 2,000 miles of routes that would be located inside wilderness and other conservation areas.

Bishop's draft surrenders to the state management of 110,000 acres of public land surrounding Goblin Valley. The director of Utah's state parks is particularly keen on this scheme, apparently just so he can open up to vehicular travel the long-closed Muddy Creek as it passes through the San Rafael Swell. Bishop also proposes to give tens of thousands of acres of other public lands to the state, counties, and private citizens. If the dreadful bill were passed, Utah would take over beloved places like the Six-shooter peaks just outside Canyonlands National Park.

The PLI effectively gives the state and counties management control of most of the conservation areas it proposes, thereby negating any conservation value in those designations. In these areas, federal land managers that do not adopt state or county management proposals would be required to submit a report to Congress. Here's betting that no BLM official would ever file such a report and would buckle under local pressure. There is no similar provision for this anywhere, not even on unprotected public lands. Imagine what will happen to our public lands when county commissioners like Phil Lyman—convicted leader of an illegal off-road vehicle ride—or state legislators like Mike Noel get to call the shots.

And in one last sinister move, the PLI includes a blank space in its final provision. There, Bishop and Chaffetz intend to insert language depriving the president of his Antiquities Act authority to designate national monuments in the PLI region.

### What about Conservation?

But surely, you say, there must be some grand offsetting conservation provisions to make up for such a tawdry list of giveaways. Unfortunately, no. The only unqualified, positive provision for conservation in this bill is a 19,000-acre expansion of Arches National Park. Everything else the PLI does is the cynical antithesis of the conservation it claims to be.

Take wilderness, for example: the PLI does not designate any real wilderness. Instead, Bishop and Chaffetz have substituted some cheap imitation loaded with loopholes and harmful management language. For example, they would give grazing more protection in designated wilderness than it has on lands not proposed for conservation management. They would allow Utah's Department of Agriculture to shoot coyotes from helicopters, currently impermissible in wilderness.

Bishop's wilderness management language is so foul that it would actually lower the standard by which Arches and Canyonlands national parks are managed, and this is where a sizable chunk of the

(Continued on page 10)

## State Agency Leans on Public Employees to Boost PLI

*Salt Lake Tribune* columnist Paul Rolly recently reported that the Utah Department of Agriculture and Food sent an email to state employees encouraging them to submit comments in support of Rep. Bishop's Public Lands Initiative (or what we like to call the "Plundered Lands Initiative").

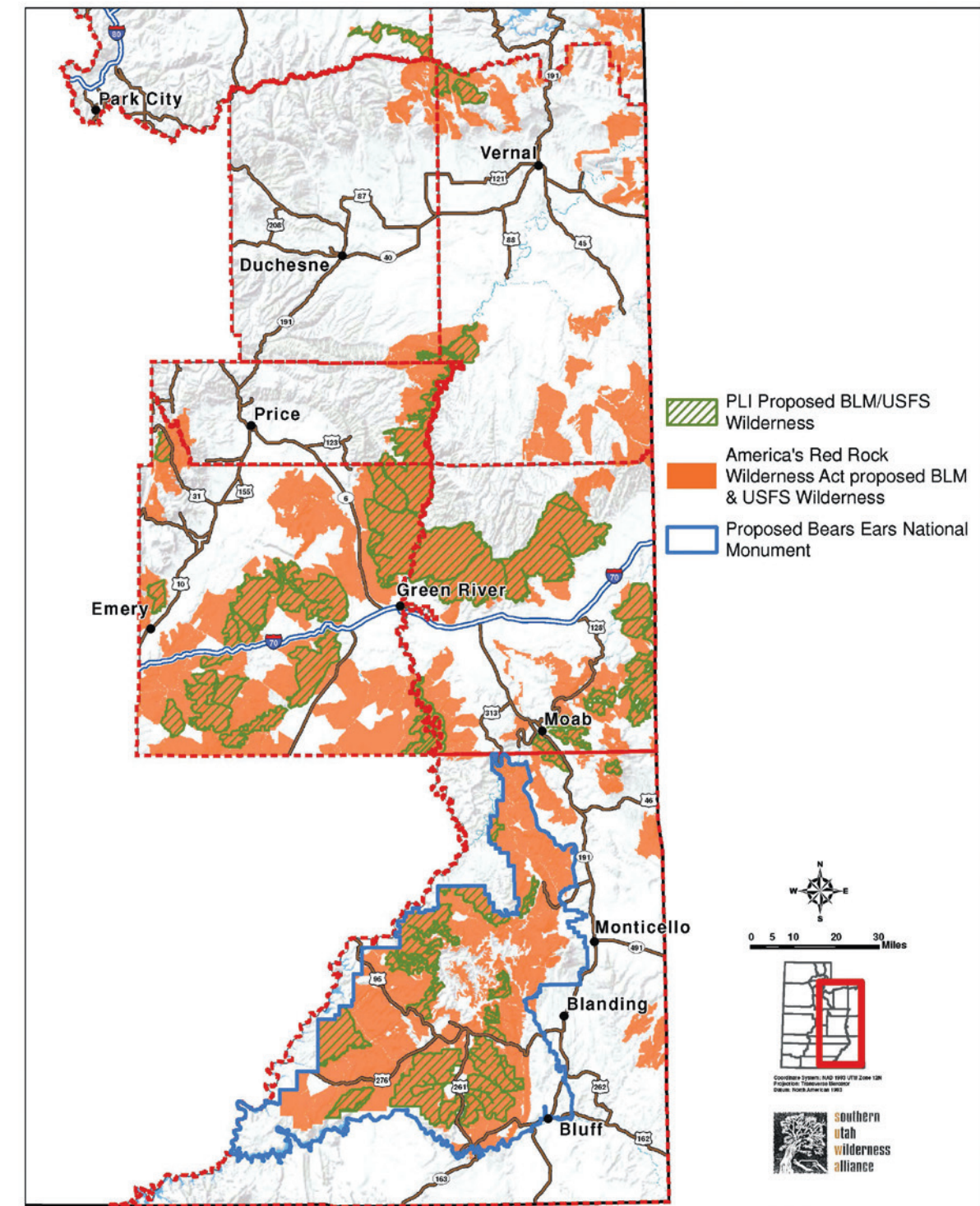
"We would like PLI to move forward by submitting positive comments," wrote the department's administrative assistant. "Please send any comments you may have to Casey Snider, legislative director for Congressman Bishop, and Fred Ferguson, chief of staff for Congressman Chaffetz." Employees were referred to the department's policy analyst, Andy Pierucci, if they had any questions.

The PLI has been roundly criticized by numerous conservation organizations (including SUWA, The Wilderness Society, Sierra Club, NRDC and the Grand Canyon Trust), the Bears Ears Inter-Tribal Coalition, climate activists, the Outdoor Alliance, and more than 600 Utahns who packed a Citizens' Hearing in Salt Lake City on March 2nd (see page 11). Could it be that Utah politicians are so desperate to round up backers of this awful bill that they have to pressure state employees to support it?

## features

## Proposed "Wilderness" in the Public Lands Initiative

This map shows (in green hatching) all proposed BLM and Forest Service wilderness in the Public Lands Initiative—that is, **wilderness weakened by unprecedented loopholes** which lock in livestock grazing, allow pinyon-juniper deforestation, authorize the use of chainsaws, and permit predator control via helicopter. See map in center spread for all the public land giveaways, fossil fuel zones, designated routes, etc.





## features

## PLI Fails Bears Ears: Obama Administration Should Act

The Bears Ears Inter-Tribal Coalition—an alliance of the Navajo, Hopi, Ute Indian Tribe, Ute Mountain Ute, and Zuni tribes—has called upon President Barack Obama to protect and establish a 1.9 million-acre Bears Ears National Monument in southern Utah.

SUWA fully supports the Bears Ears Inter-Tribal Coalition's proposal. It would protect lands that we've long fought to protect. It would also elevate the voices of tribal governments and tribal members, which for too long have been excluded or under-represented in land management discussions.

The monument boundaries proposed by the Bears Ears Inter-Tribal Coalition reflect more than five years of cultural mapping work by the non-profit organization Utah Diné Bikéyah, which interviewed tribal elders to identify areas of ancestral and contemporary importance to tribes. The resulting boundaries cover the lands between the San Juan and Colorado Rivers, including Cedar Mesa, Beef Basin, White Canyon and the Abajo Mountains.

We urge President Obama to move quickly to protect this remarkable place.

*(Continued from page 8)*

PLI's designated wilderness would be located. In these parks the PLI would actually decrease airshed protections intended to keep the air clean.

Rather than seeking to protect deserving landscapes in Utah, Rep. Bishop is trying to use this bill to dilute the very idea of wilderness in the United States. He has been clear that his goal as Chair of the U.S. House Committee on Natural Resources is to do just that.

Even if the PLI included standard, authentic wilderness management language, it would result in wilderness management for less public land in Utah than is the case today. The Bureau of Land Management has more de facto wilderness in the form of wilderness study areas and natural areas than the PLI would designate. So under the PLI not only do we get millions of acres dedicated to fossil fuels and to advancing the Utah land grab, we end up with less land managed as wilderness. Some deal.

The PLI also includes euphemistically-termed "conservation areas" and "special management areas." These designations do little to promote preservation. For example, one special management area is to be run so that it "promotes an economically sustainable commercial forest products industry."

Huh? Since when did designating an area for logging count as conservation?

The so-called conservation areas are littered with roads and all sorts of anti-preservation provisions. The PLI permits large-scale pinyon and juniper removal through mastication machines in conservation areas. It also enshrines grazing here as it does in its quasi-wilderness areas. Remember, these conservation areas would be managed for the most part by the demands of the state and its counties. Pity the poor land manager forced to explain to Congress why he departed from locals' wishes.

### But There Is Hope

The PLI is not a good-faith proposal. It feels a little bit like Bishop went to a Tesla showroom and made an opening offer of \$10. That is no starting point for a negotiation; it is an invitation to be laughed out of the room. The PLI does a great disservice to the amazing public lands of eastern Utah and should be scrapped altogether. It is a sad waste of goodwill and three years worth of extensive talks.

So we have begun an aggressive campaign to fight this Trojan horse and SUWA's members have risen to the occasion. We ran commercials on network and cable TV as well as electronic ads. SUWA members have been barraging Bishop's office with letters protesting the PLI. We joined our conser-

## features

vation partners to host a public hearing in Salt Lake City where hundreds came to register their disappointment with the PLI (see following article). With your help, we will continue to fight this bill and stop it from passing Congress.

Bishop's PLI has imploded. This, however, clears the way for President Barack Obama to use his Antiquities Act authority to designate the Bears Ears National Monument (see sidebar, p. 10). Both Bishop and Chaffetz have known for some time that an illegitimate proposal like their draft PLI would be an invitation for just such an outcome. Rather than turn these lands into fossil fuel zones or 66-foot-wide highways, as the PLI would do, let us ask that President Obama protect them for present and future generations. That is real conservation.

—David Garbett

## Over 600 Utahns Pack Citizens' Hearing on PLI

On March 2nd, Over 600 Utahns poured into a "Citizens' Hearing" on Rep. Rob Bishop's Public Lands Initiative (PLI), packing a huge auditorium, lining the walls, and standing shoulder to shoulder a dozen deep in the back of the room. More people spilled out into the auditorium's entryway.

The Utah Wilderness Coalition organized the hearing and held it in Salt Lake City because Utah Reps. Bishop and Chaffetz have ignored residents living along Utah's Wasatch Front, affording them no meaningful opportunity to help shape the PLI. (The Utah delegation was invited but did not attend.)

With palpable passion, speaker after speaker decried the PLI as a disaster for Utah's public lands and called on President Obama to proclaim a Bears Ears National Monument as proposed by a historic coalition of Native American tribes. Mark Maryboy, speaking for the Navajo organization Utah Diné Bikéyah, described how the Utah delegation refused to seriously engage with Native Americans seeking protection for the Bears Ears. "We must not allow the PLI to pass," he said. "We must stand together to defeat it."

Again and again, the spirited crowd—which spanned millennials to elders—burst into applause and waved "Protect Wild Utah" signs in support of Utah's wild public lands.

SUWA deeply thanks everyone who showed up to stand against the PLI and support the Bears Ears national monument. Your voices *will* be heard! Read more about the hearing and watch video highlights at [suwa.org/PLIhearing](http://suwa.org/PLIhearing).

—Terri Martin



© Ray Bloxham/SUWA

The Orson Spencer Auditorium was packed to overflowing with more than 600 Utahns outraged by Rep. Bishop's PLI.



## DC news

## UTTR Legislation: A Travesty in Search of an Excuse

We previously reported that Sen. Orrin Hatch and Rep. Chris Stewart have introduced legislation to create a “withdrawal zone” across Bureau of Land Management lands, effectively expanding by 625,000 acres the operational footprint of the Utah Test and Training Range in the West Desert.

But the bills (S. 2383 in the Senate, H.R. 4579 in the House) do a whole lot more than that, none of it good. They facilitate a bad land exchange, skirt the National Environmental Policy Act and, worst of all, give away 6,000 miles of bogus RS 2477 routes (rights-of-way claimed under a Civil War era legal loophole) to Juab, Tooele and Box Elder counties.

The blatant road giveaway is a move to give the counties legislatively what they are unlikely to obtain fairly in court. More than half of the claimed routes are faded, unused two-tracks left by prospectors and cowboys, or sometimes just dry washes and cow paths. One route Box Elder County has sued for goes right through the designated Cedar Mountain Wilderness, which passed with support from the entire Utah delegation just 10 years ago.

Fortunately, the *Salt Lake Tribune* and others in Utah are seeing through the nonsense. “There is no military reason whatsoever to include the easements. Their presence is simply an attempt to slip in a reward for the counties, perhaps as compensation for the fact that the bill will result in more federal land in the counties,” opined a *Tribune* editorial denouncing the RS 2477 provision. “The test-range bill should be about the test range, not flying a public-lands agenda under the radar.”

More than 25 national environmental organizations, including the Sierra Club, the Natural Resources Defense Council, The Wilderness Society, the Defenders of Wildlife and Earthjustice joined SUWA in writing a letter to the House and Senate resources committees in opposition.

In a hearing on Stewart’s bill before the House Committee on Natural Resources in February, Redrock champion Rep. Alan Lowenthal (D-CA) and committee ranking member Rep. Niki Tsongas (D-MA) actively questioned why the bill contained the language. Stewart claimed not to remember whether the military had requested the provision,



© Ray Bloxham/SUWA

The Utah Test and Training Range bill would give away 6,000 miles of bogus RS 2477 routes—like this overgrown two-track in the Cedar Mountain Wilderness—to Juab, Tooele and Box Elder counties.

## DC news

## Good News!

## Support for America’s Red Rock Wilderness Act Builds in Congress!

Momentum is steadily building for America’s Red Rock Wilderness Act! As we go to press, there are 103 cosponsors in the House of Representatives and 20 cosponsors in the Senate.

Cosponsorships matter, and the more difficult the political climate, the more important they become. These members of Congress have committed to helping us protect Utah’s wild places and to fend off attempts to diminish their wildness or remove them from public hands.

But there are still members of Congress who have not cosponsored the bill. This is where YOU come in. Visit [suwa.org/arrwa](http://suwa.org/arrwa) and click on the link at the bottom left of the page to ask your senators and representative to cosponsor the bill. The more cosponsors there are for this legislation, the better equipped we will be to push back against bills that are destructive of Utah wilderness and public lands—bills such as Rep. Bishop’s Public Lands Initiative (see page 6).

so foggy was his memory from all the stakeholder meetings that were supposedly held! But the answer is no—the routes have nothing to do with the military and the Defense Dept. didn’t ask for them.

More recently, in a markup on the bill in the same committee (this is when members start tinkering with legislation by adding amendments, and then eventually advance it, or not), Lowenthal and Tsongas, with Rep. Raul Grijalva (D-AZ) again raised strong objections. Lowenthal offered amendments to strike the RS 2477 language and allow the Secretary of Interior a say in what would be traded in the bill’s proposed land exchange.

A petulant Rep. Rob Bishop (R-UT), committee chair, said that there are no RS 2477 claims in designated wilderness (untrue) or in wilderness study areas (untrue). He responded to a reading of the *Tribune’s* editorial with the pugnacious assertion that its criticisms made evident why “I don’t subscribe to the *Salt Lake Tribune*.”

The committee’s makeup is terribly lopsided, so the amendments failed and the bill was voted out of committee, but not before it had taken a beating. Next, Stewart and Hatch are likely to try to slip their legislation into the National Defense Authorization Act, a behemoth package of defense bills, which may come to the floor in May. Senators tend to dislike controversial add-ons in this package

and, as the strong showing of redrock champions at the House markup showed us, many members of Congress see this bill for what it is and are willing to fight back.

—Jen Ujifusa

## Rep. Alan Lowenthal Speaks for the Redrock at St. George Subcommittee Hearing

On January 22nd, the House Subcommittee on Federal Lands held a hearing at the Dixie Center in St. George, Utah to discuss the BLM’s draft resource management plan (RMP) and environmental impact statements (EIS) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs).

Notable attendees included Utah Representatives Rob Bishop, Jason Chaffetz and Chris Stewart, and to our great excitement, ardent conservationist and redrock champion, Rep. Alan Lowenthal of California. Rep. Lowenthal, the lone democrat, was backed by a massive crowd of wilderness advocates who flooded the room with yellow hats, pins, and signs reading “Protect Wild Utah” and “Protect Red Cliffs NCA.”

(Continued on page 16)





1 The Molen Reef proposed wilderness is slated for fossil fuel development in the PLI. © Ray Bloxham/SUWA



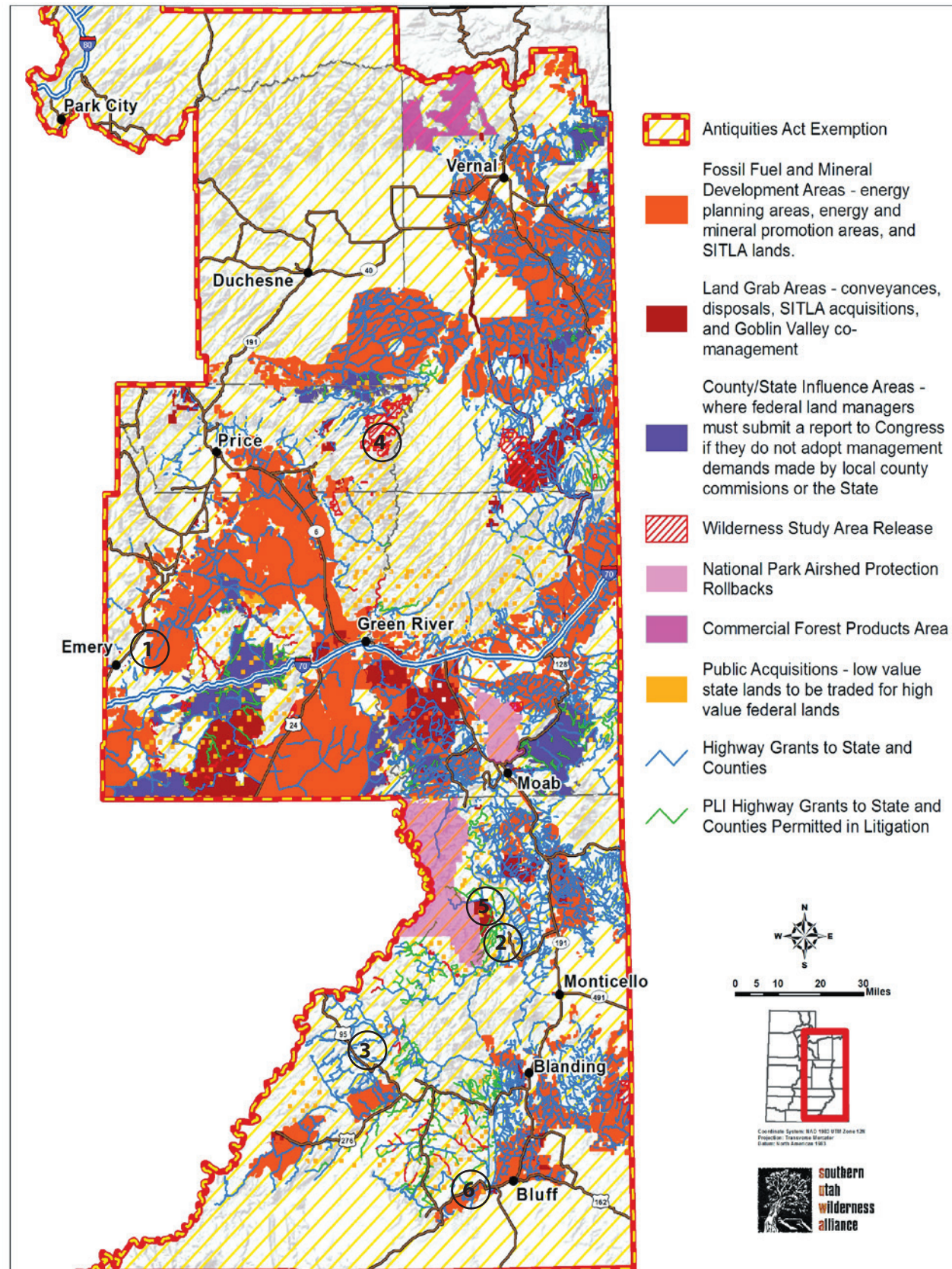
2 Claimed rights-of-way like this (barely visible) one in the Bridger Jack Mesa proposed wilderness will be given to the counties. © Ray Bloxham/SUWA



3 Most of White Canyon, a central part of the Bears Ears National Monument proposal, is left out of the PLI altogether. © Ray Bloxham/SUWA

## Anti-Conservation Provisions of the Public Lands Initiative

This map displays many of the anti-conservation measures included in Rep. Bishop's Public Lands Initiative (PLI). See page 6 for more details on the PLI and a second map showing Bishop's proposal for watered-down wilderness.



4 The PLI would remove wilderness protection from this portion of the Desolation Canyon Wilderness Study Area. © Ray Bloxham/SUWA



5 The PLI would give away the Six-shooter Peaks and surrounding public lands near Canyonlands National Park to the state. © Ray Bloxham/SUWA



6 This section of the San Juan River proposed wilderness in the Bears Ears National Monument proposal would become a fossil fuel zone. © Ray Bloxham/SUWA



## DC news

(Continued from page 13)

The 45,000-acre Red Cliffs NCA and the 63,000-acre Beaver Dam Wash NCA were created in the 2009 Omnibus Public Land Management Act (OPLMA) in an effort to preserve the county's scenery, recreation, cultural resources and wildlife, most notably the at-risk Mojave Desert tortoise

Utah officials berated the BLM, complaining that the EIS was too restrictive of motorized recreation and grazing, and its preferred alternative failed to include their proposed Northern Corridor, an 8-mile highway that would run directly through the Red Cliffs NCA, which they falsely claim was promised to them.

Congressman Lowenthal jumped to the BLM's defense, pointing out that the 2009 bill only directed the BLM to consider one or more alternatives for the highway. The agency did so. Nevertheless, Bishop said the BLM's actions violated the "intent" of the law. Lowenthal was quick to respond, citing a press release from Utah's own ex-Senator Bob Bennett, stating that he and former Rep. Jim Matheson—the bill's sponsors—had removed the Northern Corridor from the original bill.

After two hours of back and forth the tone of the hearing seemed bleak to some, but for us the fantastic turnout and Congressman Lowenthal's resounding voice sent a strong message to those who seek to undermine the preservation of Utah's redrock—a message of strength and indomitable perseverance.



© Terri Martin/SUWA

Rep. Lowenthal, second from right, seated next to a dour-faced Rep. Bishop at the subcommittee hearing.

A big thank you to Congressman Lowenthal and our dedicated activists for being there!

—Jordan Giaconia

## California Rep Wants to Make it Easier to Claim Roads Everywhere

A lesson to glean from our work on RS 2477 road issues (or in politics generally) is that the more boring the name for something, the more wary of it one should be.

The Civil War-era law with the lackluster name may have once glazed eyeballs, but it's come back in vogue in this Congress as various opponents of public lands realize it's a nifty, sneaky way to systematically chip away at the federal public lands system by littering it with bogus "route" claims. There's something for everyone: the state of Utah has sued more than 20 times over tens of thousands of miles of routes, and the Utah delegation is already trying to give away thousands of miles of ghost routes with its legislation on the Utah Test and Training Range (see page 12) and the Public Lands Initiative (see page 6). Apparently they're having enough fun that they've attracted their peers to the party.

Rep. Paul Cook (R-CA) has introduced a bill, "The Historic Routes Preservation Act," that would lessen the standard of evidence needed to win an RS 2477 claim in court. Cook's bill certainly must be attractive to those who know they couldn't win their nonsensical claims under the current system. After all, why not just change the rules when you don't like them? A faded old map, a faded old memory and a self-righteous beef with the federal government should be all freedom-loving Americans need to steal a piece of the West for themselves!

To make it even easier, the bill extends for 25 years the period in which parties must make their road claims; that's important because in many cases the statute of limitations has already passed. Fortunately, the bill hasn't even received a hearing. Hopefully, like its topic, it's on a road to nowhere, but we'll keep a sharp eye on it.

—Jen Ujifusa

## canyon country updates

Good News!

## Tenth Circuit Court Rejects BLM's Request to Delay Cultural Resource Surveys

Just as we were about to say goodbye to 2015, the U.S. Tenth Circuit Court of Appeals issued a welcome decision in our longstanding Utah resource management plan litigation.

On Dec. 30th, the court denied a request by the BLM to delay indefinitely surveys for cultural artifacts on lands managed by the agency's Richfield field office, a course of action the BLM admitted would have resulted in damage to—or outright destruction of—an untold number of irreplaceable cultural sites. The BLM is under a U.S. district court judge's order to complete these surveys over the next three years.

The Richfield office oversees 2.1 million acres of redrock country in south-central Utah, largely sandwiched between Canyonlands and Capitol Reef national parks. Several Native American groups, including the Paiute Indian Tribe of Utah, the Navajo Nation, and the Hopi Tribe, hold this land sacred.

Though less than 5 percent of this area has been surveyed for cultural resources, thousands of significant sites have been identified, including structures, ceramics, petroglyphs, and lithic scatters. In a land use plan adopted in the waning days of the George W. Bush administration, the BLM gave the green light to ORVs to drive on more than 4,000 miles of trails and tracks without first surveying them to ensure that vehicular use would not harm these irreplaceable cultural resources. It is these trails and tracks that the BLM must now survey.

The Tenth Circuit's order is just the latest in a string of rulings we have obtained which consistently reject how the BLM manages ORVs in the Richfield area. Briefing is ongoing before the circuit court over the BLM's (and several intervenors') challenges to prior federal district court rulings which held that the Richfield plan violated provisions of federal environmental and historic preservation laws.

(Continued next page)



© Steve Manning

The BLM's Richfield management area includes thousands of significant cultural sites like this rock art panel in the Dirty Devil region.



## canyon country updates

It is confounding that the Obama administration continues to defend and implement land use planning decisions that are so wildly unbalanced in favor of ORV use and energy development over conservation. But it's been that way for the past seven years.

SUWA and our partners have challenged in federal court all six land use plans issued at the end of the Bush administration. The Richfield plan is the first to be fully litigated.

—Steve Bloch

Good News!

## San Rafael Swell Gets Reprieve from Oil and Gas Leasing

Under pressure from a wide range of interests—Native American tribes, conservation groups, a sister federal agency and rock art enthusiasts—the Utah BLM decided last fall to defer the sale of oil and gas leases on 14 parcels covering roughly 36,000 acres in the western San Rafael Swell. This means some of Utah's wildest landscapes, including the Mussentuchit Badlands and Upper Muddy Creek proposed wilderness areas, with their signif-

icant and high density cultural and archeological resources, are safe for now from the threat of oil and gas development.

The BLM was moving ahead with the November lease sale at an inauspicious time. Oil and gas prices were at rock bottom and there was little if any serious industry interest in new well drilling anywhere in Utah. Still, the energy industry usually gets what it wants.

But in a remarkable showing of restraint and good judgment, the BLM decided to "look before it leased" and deferred the sale of the parcels in the Swell. While we're never truly out of the woods (industry is constantly pressing BLM to offer leases in special places across the state), we are grateful for this reprieve. SUWA closely watches federal and state lease sales and we will continue to fight to keep future leases out of the redrock wilderness.

In a side note, the scheduled November lease sale was postponed to February after local climate activists announced plans to protest it. By the time the BLM got around to holding the auction it had already decided not to offer the tracts in the San Rafael Swell.

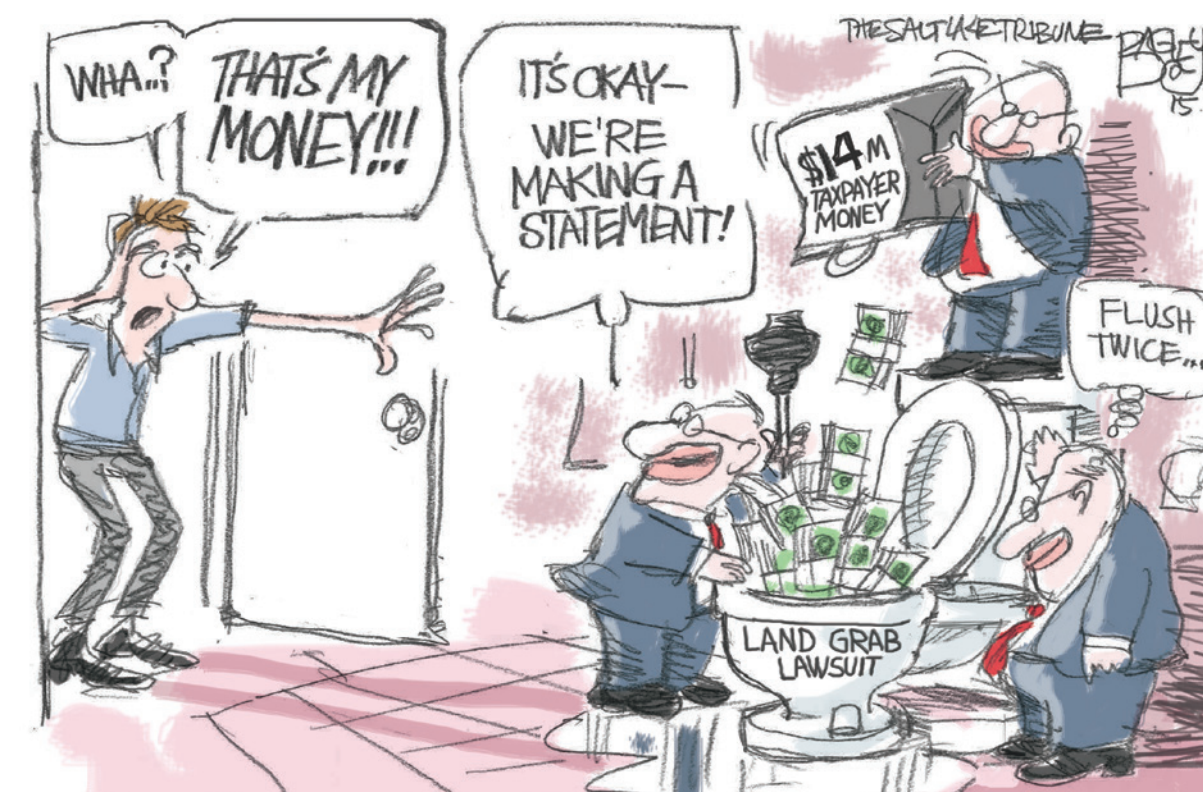
—Landon Newell



© Ray Bloxham/SUWA

The colorful formations of the Mussentuchit Badlands are safe (for now) from oil and gas development.

## canyon country updates



## Utah Moves One Step Closer to Filing Land Grab Lawsuit . . . Or Does It?

Whenever the Utah Legislature is in session we find ourselves repeating the refrain "only in Utah" fairly often. This past session—which wrapped up in mid-March—was no different.

After previously deciding that it was a good idea to pass legislation demanding that the governor sue the United States to "take back" the overwhelming majority of federal public lands in Utah, and after spending hundreds of thousands of taxpayer dollars to fund self-serving reports and studies, the legislature doubled down this session by laying the groundwork to fund that lawsuit. To be precise, the legislature appropriated \$4.5 million dollars to a litigation fund. Only \$9.5 million more to go.

This outrageous decision earned Utah an even headier place in the heights of ignominy among the fifty states. Not only is Utah the only state to pass widely discredited land grab legislation into law, it now

has solidified its runaway lead in the scorn derby by being the only state to allocate taxpayer dollars to such a fool's errand.

But that's not all. During the same session, the Utah Legislature:

- decided (again) not to fully fund Medicaid, leaving Utah's poorest citizens in an ongoing state of healthcare crisis;
- chose not to pay to repair and upgrade air quality monitors throughout the state that are in disrepair; and,
- has begun squirreling away taxpayer dollars to fund even more outrageous dam and pipeline projects to feed Utah's boundless population growth.

And then, when the final bell had sounded and the \$4.5 million been appropriated, word came from some of the most vocal proponents of the land grab lawsuit that with the death of Supreme Court Justice Antonin Scalia, perhaps the time was not right to bring such a case. In fact, Rep. Mike Noel (R-Kanab) and Sen. David Hinkins (R-Orangeville)



## canyon country updates

told local media that the time might not be right for years to file suit.

Why set this money aside now, particularly when there is no intention to file suit? Only in Utah . . .

—Steve Bloch

## RS 2477 Update: Oral Argument Set Before Utah Supreme Court

Two years ago SUWA opened a new front against the State of Utah’s massive RS 2477 litigation—actually a suite of litigation that attempts to disqualify wilderness lands from designation by claiming title to tens of thousands of “highways” using a legal loophole known as Revised Statue (RS) 2477. In many cases these so-called highways are nothing more than wash bottoms, cattle paths, and unused and impassable jeep trails.

SUWA, together with Michael Abdo, a Tooele County taxpayer, Boy Scout troop leader, and SUWA member, filed suit in state court against the claims. We argued that a Utah statute prohibits the state’s litigation because its claims, brought more than 35 years after Congress repealed the antiquated RS 2477 statute, were filed too late. SUWA pursued a similar argument in one of Utah’s pending federal RS 2477 cases.

Our state court lawsuit spurred the federal court overseeing the state’s thousands of claims to “certify,” or ask the Utah Supreme Court to answer, a narrow question of how that state statute operates. In so doing, the federal court recognized that if SUWA’s interpretation of the statute is correct, it may stop Utah’s RS 2477 litigation in its tracks.

The future of that litigation—one of the largest (and costliest) lawsuits in state history—rests with the Utah Supreme Court. We could see resolution before the end of 2016. The Utah Supreme Court has set oral argument on the certified question for April 4th. Be sure to check the SUWA blog in early April ([suwa.org/blog](http://suwa.org/blog)). We’ll post a recap and a link to audio of the argument.

—Joe Bushyhead

## In Midst of Plan Revision, BLM Considers New OHV Network

The BLM’s Cedar City field office has released for comment four separate proposals for new off-highway vehicle (OHV) trail systems in Utah’s West Desert. Taken together—and they absolutely should be taken together for environmental review—the Beaver to Minersville, Frisco Kilns, Markagunt, and Parowan Gap projects would result in over 600 miles of designated, interconnected OHV trails on public lands throughout the area.

These monstrosities are the brainchildren of the Iron County commissioners—few are more bitterly anti-federal government or mindlessly pro-motorized recreation than this lot. Their proposal aims to construct new trail segments, maintain or upgrade others, and use existing faint two-track routes in what can only be described as a spiderweb of OHV loops and trailheads.

The West Desert is truly a wilderness-lover’s landscape. The remote Basin and Range region—with its vastness, remarkable solitude, and undiluted night skies—should not be sacrificed to the short-sighted overreach of county commissioners and OHV enthusiasts.

SUWA has submitted comments on one of the projects and is reviewing the remaining three trail proposals for additional comment. Though the BLM is in the middle of revising its outdated resource management and travel plans, it is simultaneously and inexplicably moving forward with the designation of new OHV trail systems. This alone is likely a violation of federal law.

Beyond that, the BLM is attempting to segment what is actually one large OHV system into four smaller projects to dodge the more robust environmental analysis the interconnected routes demand.

This dimwitted OHV trail system proposal is a disaster for natural and cultural resources in the West Desert; be assured that we will fight it every step of the way.

—Neal Clark

## canyon country updates



*A well site on public land near Moab.*

© Liz Thomas/SUWA

## A Confluence of Ideas: “Keeping It in the Ground” and Protecting the Redrock

Thanks largely to fossil fuel development and consumption and the changes they are bringing to the planet’s climate, Utah—and particularly Utah’s canyon country—are predicted to be hotter and drier than ever. In fact, according to the Intergovernmental Panel on Climate Change, the American Southwest, including Utah, will be ground zero for some of climate change’s most significant impacts in North America.

SUWA has long championed protecting America’s redrock wilderness, more than 9 million acres of BLM-managed public lands in Utah, from fossil fuel leasing and development ranging from oil, gas and coal to oil shale and tar sands. In fact, SUWA was working to “Keep It in the Ground” long before this concept had a hashtag, a Facebook page, or even a World Wide Web to promote it.

Our work to limit fossil fuel leasing and development is consistent with SUWA’s mission to protect Utah’s wildest places for current and future generations to enjoy. It has the added benefit of helping maintain the many ecological and climate-buffering

functions provided by wild public lands. This work has never been more relevant than it is in today’s rapidly changing world.

### No Time to Lose

The dramatic changes we are seeing in the Earth’s climate appear to be happening in a “nonlinear” fashion, meaning that the changes are happening faster and with more disastrous effects than previously predicted.

Fortunately, the Obama administration is taking a series of wide ranging, if overdue, steps to tackle these issues. Most recently, the Interior Dept. issued a moratorium on new coal leasing for BLM and Forest Service lands and released proposed regulations to reduce methane emissions from existing oil and gas wells. These are significant steps towards reducing America’s greenhouse gas emissions and its dependence on the dirtiest fossil fuels. But more work needs to be done.

### Oil and Gas Leasing Moratorium

We believe one of the next logical steps is to extend the administration’s coal leasing moratorium to new oil and gas leasing on BLM and Forest Service managed lands. Such a moratorium would allow the administration to make the same clear-eyed assessment about whether its oil and gas leasing



## canyon country updates

program is consistent with the steps our country must take to address climate change.

Utah, like all western states, has millions of federal lands already under lease but not in production. Such a moratorium would not limit production from and development of existing leases and thus would not solve all of our problems; SUWA will continue to keep a watchful eye on those potential projects. And because the impacts of leasing, developing and burning fossil fuels affect Utah's redrock wilderness, even if they take place outside of the wilderness proposal, you can expect to see us taking a more active role in working to defeat these proposals no matter where they occur.

Follow us online at [suwa.org/blog](http://suwa.org/blog) as we continue to explore the confluence of "Keeping It in the Ground" and protecting America's redrock wilderness.

—Steve Bloch

## SUWA Opposes Massive Recreation Scheme on Cedar Mesa

SUWA recently appealed a BLM decision to allow large groups of historical re-enactors to operate youth hiking and handcart treks on sensitive public lands in San Juan County.

The BLM's Monticello field office approved the multi-year permit for the Hole-in-the-Rock Foundation to use three routes in the heart of Cedar Mesa and the proposed Bears Ears National Monument. The activity would increase the number of users in this sensitive area by over 300 percent during a June-August high-use period. At its maximum, the permit allows up to 17,000 additional "user days" per year—defined as one person on public lands for one day. These numbers are an unprecedented and inappropriate incursion that Cedar Mesa's fragile resources simply cannot survive.

Thanks to comments from SUWA and concerned local groups, the BLM improved its initial proposal (see Summer 2015 issue, p. 16). However, the permit's final environmental statement still invites serious damage to wilderness-quality lands and the

remote character of the Cedar Mesa region. The agency's approved alternative would allow up to 250 people per day on several routes and calls for the development of 10 new trailheads and parking areas. The influx of new users would also require the addition of numerous portable toilets along the routes.

These impacts are unacceptable in an area like Cedar Mesa. We will keep you posted as we continue to fight this massive special recreation permit and protect the unparalleled solitude and unique character of the area.

—Kya Marienfeld

## Bike Route Threatens Wilderness-Quality Lands Near Moab

The BLM's Moab field office recently approved a new 9.3-mile mountain bike trail in the Sand Flats area east of Moab. The agency says the trail, known as the Big Burrito, "would offer mountain bikers an enjoyable non-motorized single-track experience in a visually attractive area."

Unfortunately, this "visually attractive area" is also proposed for wilderness protection in America's Red Rock Wilderness Act, and the BLM itself acknowledges its wilderness characteristics.

Nevertheless, 1.7 miles of the mountain bike trail will bisect the proposed wilderness area, resulting in a permanent loss of wilderness characteristics on 136 acres of land.

In an effort to resolve conflict over the proposed trail alignment, SUWA presented multiple alternatives that would have accommodated the trail and avoided adverse impacts to wilderness-quality lands. Unsurprisingly, the BLM ultimately determined that only the proposed alignment—never mind attendant impacts to proposed wilderness—would provide a suitable mountain biking experience.

With the amount of public land the Moab BLM has already dedicated to new mountain biking trails, and the amount of public land managed by the agency that no longer possesses wilderness characteristics,

## canyon country updates

it is simply unacceptable to build new mountain biking trails in wilderness-quality areas.

SUWA filed an appeal of the project with the Interior Board of Land Appeals, and recently obtained a stay of trail construction pending a decision on the larger appeal. We will keep you in the loop.

—Neal Clark

## BLM's Deforestation Plans Get Bigger, Not Better

As we've reported in past issues of this newsletter, the Utah Bureau of Land Management continues to ramp up its plans to remove native pinyon and juniper forests across the state. Spurred by an influx of money meant to improve the habitat of species like sage grouse, mule deer, pronghorn, and elk, these projects continue to grow in size and scope each year. Unfortunately, 2016 looks to be no different.

This time around, the BLM's Cedar City field office is undertaking a large-scale planning process to assess future vegetation treatments across a 1.8 million-acre area of public land in Utah's West Desert known as Mountain Home. This area, which includes 27,000 acres of land proposed for wilderness designation in America's Red Rock Wilderness

Act, is extremely wild and includes some of the best scenic resources in the state. Any vegetation manipulation in this area, particularly projects that use large machinery and cross-country vehicles, has the potential to disturb soils, litter the untrammeled environment with new routes, and irreversibly impair the wilderness quality of this remote landscape in western Utah.

With this planning project, the BLM is attempting to analyze an unreasonably large area through a single environmental analysis. The goal is to fast-track future vegetation removal projects and to avoid doing the site-specific environmental assessments that projects of this magnitude certainly warrant.

These vegetation projects are a huge waste of money; the BLM's own calculations show they must be repeated every 10-15 years. Worse, they are also scientifically unsound and are typically conducted in lieu of other actions—for example, resting the same landscapes from cattle grazing—that have a much better likelihood of improving wildlife habitat and decreasing catastrophic wildfires.

We have submitted preliminary comments on the project and will keep you updated as the project moves forward.

—Kya Marienfeld



© Ray Bloxham/SUWA

In its large-scale "vegetation treatment" planning process, the BLM is now targeting the wild Mountain Home Range.



## inside SUWA



Kya Marienfeld is SUWA's new field attorney in Moab.



Intern Maddie Hayes (left) with SUWA staffers Jen Ujifusa and Jordan Giaconia.

## Kya Marienfeld Joins Legal Team in Moab

SUWA is happy to announce that Kya Marienfeld has joined the staff as a field attorney in our Moab office. Originally from Minnesota, Kya graduated from Lewis & Clark Law School in Portland in 2014. She was a judicial clerk in the Alaska Superior Court in Fairbanks before moving to the Utah desert.

Since arriving in August, Kya has been busy getting up to speed on BLM land management in Utah, including drafting comments on site-specific projects, conducting fieldwork in the West Desert, and attending meetings with BLM staff across southern Utah. When she's not working to defend wilderness-quality lands, she's likely to be out paddling the Colorado, hiking with her dog Fly, or skating with the Moab roller derby team.

Welcome to the SUWA crew, Kya!

## Goodbye and Thank You to DC Intern Maddie Hayes

Our year-end holiday excitement was diminished a bit as we said goodbye to our fall 2015 DC intern, Maddie Hayes.

Interns are hugely important in our work; good ones are invaluable. Maddie was a good one. Whenever something needed to be mailed or entered into the database, Maddie already had started before

## Of Wolves and Wilderness

The Wild Utah Project—an organization dedicated to using the best conservation science to protect wildlife and improve its habitat on public land—is celebrating its 20th anniversary this year. Please join us on May 3rd at 6:30 pm at the I.J. & Jeanne Wagner Jewish Community Center in Salt Lake City to learn more about the group's work, how to best conserve wildlife and its habitat in Utah, and how wilderness protection plays a role. Using the example of the Grey Wolf, Allison Jones, executive director of the Wild Utah Project, will describe what is needed to maintain and increase biodiversity and healthy ecosystems in Utah. For more details and to RSVP, visit [suwa.org/WUP](http://suwa.org/WUP).

## inside SUWA

we asked. November was a busy month as the DC office held an Activist Fly-In. Maddie single-handedly organized logistics for food, flights, and accommodations for activists, making the event the smoothest SUWA fly-in ever. She also took on the task of managing the new SUWA Instagram account (@protectwildutah) and helped us turn it into a successful social media outreach tool.

Maddie is now working at Alliance for a Better Utah in Salt Lake City. Her new job entails content production and working in digital media plus lots and lots of research for her new organization. Since she is in Salt Lake City, our DC staff looks forward to seeing her when they are in Utah for SUWA events. Thanks Maddie, see you soon, and best wishes in your new job!



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## Make a Longterm Investment in Utah Wilderness

### 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. To sign up, use the enclosed envelope or go to [suwa.org/donate](http://suwa.org/donate), select a monthly amount, and check the recurring donation box.

### 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).



inside SUWA

Give a SUWA Gift Membership!

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 one membership or \$50 for two**. You can also order online at [suwa.org/goodies](http://suwa.org/goodies).

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Order a Copy of Our 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).

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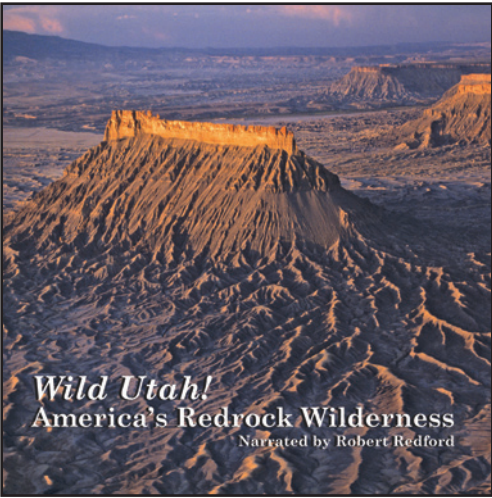
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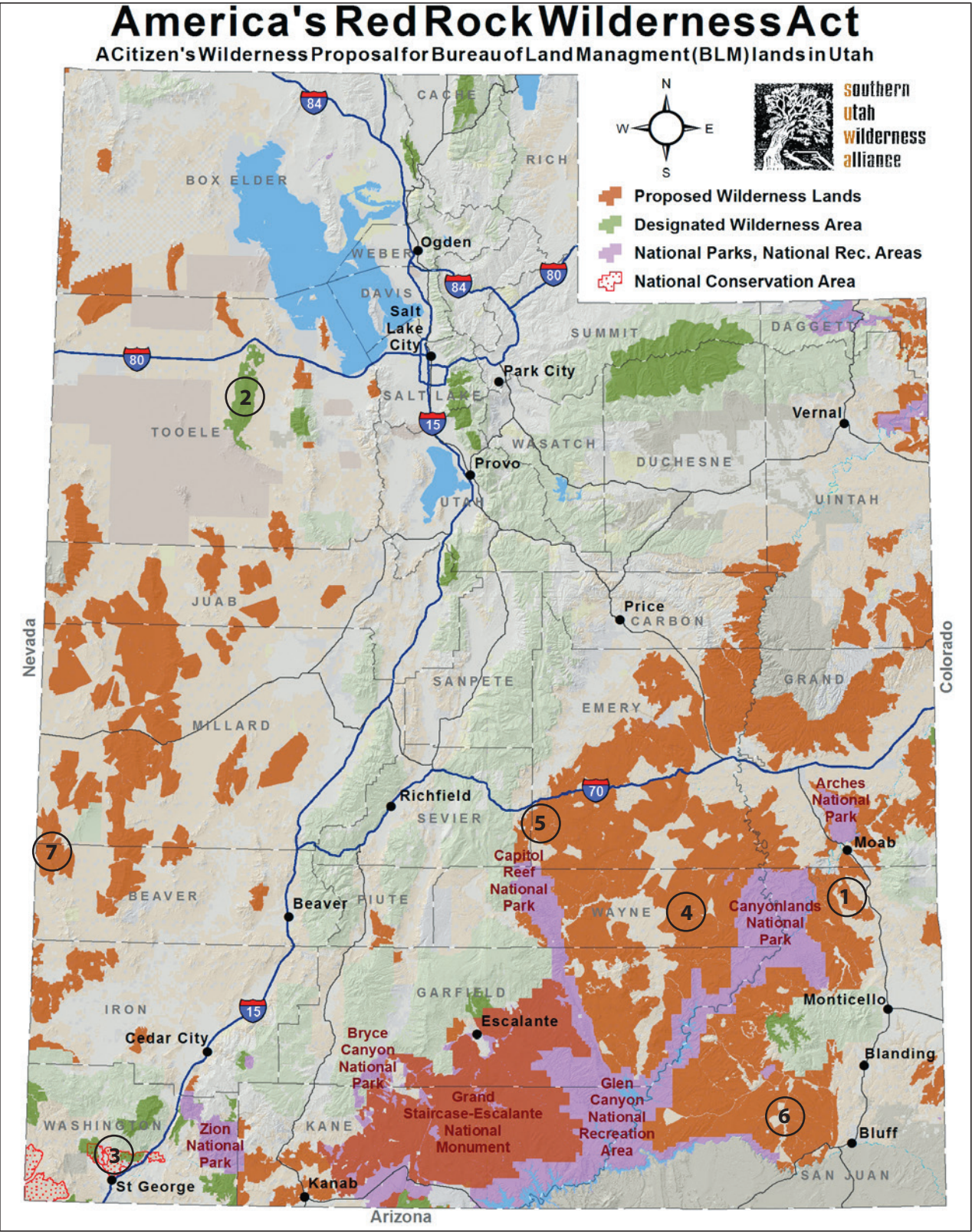
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Wild Utah DVDs can also be ordered online at [suwa.org/goodies](http://suwa.org/goodies).



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2 Cedar Mtn Wilderness (p. 12)

3 Red Cliffs NCA (p. 13)
- 4 Dirty Devil (p. 17)

5 Mussentuchit Badlands (p. 18)

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*Desert bighorn in the White Canyon proposed wilderness.*

## Join Us for the SUWA Roundup this September!

Mark your calendar for this year's SUWA Roundup, scheduled for the weekend of September 16-18.

This relaxed gathering offers SUWA members, activists and staff the opportunity to get to know each other while camping in the beautiful San Rafael Swell. Activities include a discussion of Utah wilderness issues, a potluck dinner, evening music around the campfire, and—best of all—guided day-hikes in the Muddy Creek proposed wilderness. Sunday morning you'll awake to freshly brewed coffee and breakfast prepared by the SUWA staff in thanks for all your support.

If you plan to attend this year's Roundup, here's what you should bring: a potluck dish serving five people for Saturday evening (if you plan to eat with the group); your own food for Friday evening and Saturday breakfast, lunch and snacks; camping gear; plenty of drinking water (1-2 gallons person/day); eating utensils; folding chairs; and musical instruments if you have them. For more details or to RSVP visit [suwa.org/roundup2016](http://suwa.org/roundup2016) or contact Dave Pacheco at [dave@suwa.org](mailto:dave@suwa.org), (801) 428-3961.



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