Utah Governor Wages War on Wilderness
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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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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Moving? Please send your change of address to:
SUWA, 425 East 100 South, Salt Lake City, UT 84111
A Redrock Hero Retires from Congress

Nearly 20 years ago, Rep. Wayne Owens (D-UT) asked a colleague, Rep. Maurice Hinchey (D-NY), to become the lead sponsor for America’s Red Rock Wilderness Act. Maurice agreed. Thus began a wonderful partnership between Utah wilderness activists and this exceptional legislator.

Maurice has announced that he will retire after this term. We find ourselves juggling two emotions: happiness that he will have a chance to enjoy some richly deserved private time away from the hectic congressional pace, and a good measure of self-pity because the redrock is losing a fierce, and fiercely dedicated, congressional champion.

Maurice has been a tireless and ardent advocate for Utah wilderness. He’s won important legislative battles against bills whose sole purpose was to diminish Utah wilderness and any prospect of permanent protection. From his perch on the House Appropriations Committee, he has repeatedly prodded the Bureau of Land Management toward careful stewardship of these lands. And he has steadily helped us move the Red Rock bill forward by gathering cosponsors and holding timely hearings on the measure.

Among the things that made Maurice such an effective champion for Utah wilderness is the fact that he and his staff were no strangers to the redrock country he sought to protect. They visited numerous times. When they spoke in defense of Utah wilderness, they spoke with first-hand knowledge.

One memorable visit occurred in 1995 when citizens held their own hearings in Salt Lake City to shine a bright light on the Utah congressional delegation’s legislative attack on wilderness. When Maurice stepped off the plane in Salt Lake City at midnight, a waiting crowd of Utahns roared a welcome. He looked over his shoulder to see who the fuss was all about . . . only to realize we were waiting for him.

We were thankful that someone in Congress would listen to us, someone who understood the importance of wilderness to Utahns and the rest of the nation.

These lands belong to all Americans and that is something Maurice believes deeply. Allies like him are vital antidotes to Utah politicians—the governor, senators and representatives, and state legislators—all frantically goading and pandering to a handful of anti-federal constituents who won’t rest until there is no such thing as public land. We will always need a strong national movement to defend against Utah’s anti-wilderness politicians.

And we’ve got one. There are 120 cosponsors of America’s Red Rock Wilderness Act in the House of Representatives and we are blessed with Senate champions like Sen. Dick Durbin of Illinois. We’ll continue to make progress toward protecting Utah’s redrock wilderness, of that there is no doubt.

This much is certain, too: it will be a good deal more difficult without Maurice Hinchey’s leadership. Thank you, Maurice!

For the wild,

Scott Groene
Executive Director
The right of way for the construction of highways across public lands, not reserved for public uses, is hereby granted.

That is the plain language of Revised Statute 2477. Little did Congress know when it enacted this seemingly innocuous law in 1866 that it would wreak havoc on the nation’s public lands 145 years later, threatening the future of the very same lands that Congress in time would act to protect.

R.S. 2477 claims strike at the heart of places that have been protected for years, like Capitol Reef National Park, Grand Staircase-Escalante National Monument, and dozens of wilderness study areas. Their web of tendrils spreads across the entire redrock wilderness (see map on page 7). National forests, wildlife refuges and other important public lands are equally at risk.

There are even R.S. 2477 claims in the Cedar Mountains Wilderness, which President George W. Bush signed into law in 2006, and others in the wilderness areas designated in the 2009 Washington County lands bill. Clearly, Utah politicians who crowed about the passage of these bills, only to try to slice them apart later with dozens of “highways,” cannot be trusted to negotiate true wilderness bills in the future. We can see that now, and so can everyone else.

Deadliest Threat in Decades

Today, R.S. 2477 claims have become the most serious threat in decades to the future of Utah’s remaining wild lands. We’ve been warning about the R.S. 2477 threat for a long time. So far, it has taken the shape of sporadic, individual lawsuits involving anywhere from one to, most recently, dozens of claims. The State of Utah and the counties that have joined it in court have yet to win a favorable decision on the merits of those claims.

But a sea change was in the wind. In 2000, the State of Utah formally notified the Interior Department that it would sue to obtain rights-of-way over thousands of claimed R.S. 2477 routes across Utah. That notice, which complained of the Bureau of Land Management’s (BLM) alleged interference with the counties’ ability to maintain and use routes, almost certainly triggered the 12-year statute of limitations which operates in such cases.

Now we’re staring down the barrel of massive litigation, to be filed no later than June 14 of this year. The suits will allege nearly 19,000 R.S. 2477 highways—not 19,000 miles, mind you, but almost 19,000 routes—across Utah.

More than 16,000 of those claimed highways are the so-called Class D routes which were not constructed and have never been maintained. They are not the result of an intelligent assessment of the state’s legitimate transportation needs. (Any Utahn will tell you that the state is having trouble enough filling the potholes on its real highways.)

The 16,000-plus Class D routes are on the state’s map now because some long-forgotten prospector, oil and gas operator with a seismic truck, off-roader,
or anonymous wanderer once followed a whim and took off cross-country, destination unknown.

Many of the Remaining Routes are Uncontroversial

The other side of this litigation boondoggle is the fact that many of the routes beyond the 16,000 Class Ds are completely uncontroversial routes the BLM has never contested, tried to close, or barred the counties from maintaining. There’s just no dispute about these routes, other than their width and surfacing. (Occasionally, an overly enthusiastic road worker has graded beyond the scope of a right-of-way, as Kane County did when its maintenance on the Skutumpah Road led to damage in the adjacent Paria-Hackberry Wilderness Study Area. That is controversial.)

The state and counties are willing to spend millions to litigate the ownership of these routes. To win, they bear the burden of proving the validity of the claims. In Utah, that means they must show at least 10 years of continuous use of the route prior to either 1976 or the date on which the land was reserved, whichever is earlier. As the Tenth Circuit Court of Appeals pointedly explained in its landmark decision in SUWA v. BLM, “desultory” or occasional use is simply not enough to establish a valid R.S. 2477. The state and counties also have to prove that the statute of limitations has not yet run, that the land was not already reserved at the time of a decade’s use, and that the route is a highway, serving the public need to reach some destination.

The Fight for Salt Creek

Although R.S. 2477 has been a significant threat for years, the case law is surprisingly undeveloped, mainly because few litigants were willing to spend the time and money to fight over dirt roads in the remote desert which led precisely nowhere. But there are exceptions that tell us something about what we can expect in the litigation. And they confirm the threat that exists even to places we thought were protected.

After a long fight in which SUWA pressured and then sued the National Park Service to protect Salt Creek Canyon in Canyonlands National Park from jeep-related water pollution and other damage, the Park Service finally closed the area. Unconcerned by damage in Salt Creek from motorized use, San Juan County sued the Park Service to reverse the closure. The county alleged that the closed route—defined by little more than a few jeep tracks in a sandy wash bottom—was actually a county “high-way” and that the Park Service was powerless to close it to vehicles, no matter how destructive they were to water quality, native plants and wildlife.

After a two-week trial, a federal judge sitting in Utah ruled that the route was not a valid R.S. 2477

(Sucessful on page 9)

Suffer the Little Children...

“Rep. Rob Bishop told the Legislature on Thursday that he likes the ‘message bills’ that some Utah legislators are trying to send to Washington about public lands. The five-term congressman says those measures are needed to help Easterners realize how federal control of most Utah lands makes funding education difficult.”

–Feb. 23, 2012 Salt Lake Tribune article

Utah is ginning up to squander millions upon millions of dollars to claim fantasy roads in the desert. Here’s a bit of context for that lunacy. Utah’s schools continue to lead the nation in several shameful categories. Utah spends less per pupil than any state. Utah ranks lowest in teacher pay. Utah has the largest class sizes in the U.S.

None of that’s because Utah is “burdened” with federal land. Nevada has a higher percentage of federal land than Utah and still manages to spend more per student. Perhaps more significantly, Utah has more non-federal land per capita than a lot of other states (over half of them, in fact). Bottom line: Utah’s legislature just can’t stop blaming the feds for whatever ails them.
State of Utah’s RS 2477 Claims
(about 45,000 miles and 19,000 claims)

Information provided by the State of Utah. Map does not include routes claimed by Kane County outside of the Grand Staircase-Escalante National Monument.
Vital Roads? Really?

In a November 14, 2011 press release, Utah Gov. Gary Herbert moped, “The BLM has completely ignored local and state requests for local control of vital roads within the public lands.” Vital roads? You decide. Obviously, the governor hasn’t seen some of these so-called roads, but he hasn’t let facts stand in the way of a good rant.
route: “A jeep trail on a creek bed with its shifting sands and intermittent floods is a by-way, but not a highway.” In the end, the state’s and county’s evidence of occasional cowboy use, a uranium prospector’s drill hole here or there, and sporadic recreational jeep use was not enough to meet the requirements of R.S. 2477.

Having spent a million dollars on the suit, San Juan County decided to double down and take the case to the Tenth Circuit Court of Appeals, where the parties are now briefing the issues. A decision could come in the next year or two.

Even while on appeal, the Salt Creek decision is an important one because it exemplifies so many of the rugged, remote and faint trails that the state now claims as R.S. 2477 routes. We’re in deep trouble if every route crossed by a prospector or oil speculator is deemed, long after the fact, a public highway, nearly immune to regulation by the BLM. To state the obvious, much rides on the Tenth Circuit’s decision. Should the state prevail to any significant extent, there will be little left of Utah’s wild public lands to fight over. That, of course, is the litigation’s goal.

A Long Road Ahead

It took two full weeks and a field trip to complete the Salt Creek trial involving a single route. Multiply that by 19,000 and it becomes clear that litigating all these claims would require lavish resources and provide full employment for perhaps generations of lawyers. Though it’s difficult to imagine that all the claims will be litigated, a fair number could be and the state is lawyering up to handle the workload.

We’re lawyering up, too, and will dive headfirst into these cases. We’ll request that the court allow us to intervene. We will continue to research the background facts of the cases, searching for useful historical information. We will, at a minimum, file “friend of the court” briefs, as we have in the Salt Creek case and in other R.S. 2477 cases where we were not allowed to intervene. And we’ll work diligently with the Interior Department and our friends in Congress to defeat this threat to Utah’s remaining wild lands.

We have terrific partners at Earthjustice, the National Parks Conservation Association, the Sierra Club and other groups, national and regional. They will add resources to this effort as well. And we never, ever underestimate the power and persuasiveness of tenacious SUWA members around the country.

This challenge is unprecedented. We’ll all need to pull together to defeat it.

—Heidi McIntosh

There’s a Better Way

The State of Utah’s plan to litigate nearly 19,000 R.S. 2477 claims may make for good political theatre, but if the state seriously wants to address legitimate transportation needs, there’s a far better way.

For over a year, SUWA has been at the table with Iron County officials and other stakeholders to hammer out a travel plan that gets people where they need to go without carving up large blocks of scenic, high-desert landscapes or fragmenting important wildlife habitat. We’re still working on the project, but it could prove to be a much better way to achieve a balance between access and excess.
Wilderness Logjams Are Back in Dysfunctional Congress

It has been three years since Congress added any new wilderness to the National Wilderness Preservation System, and not just in Utah—we’re talking any wilderness, anywhere.

In March 2009, President Barack Obama signed a law designating 2 million acres of wilderness in several states, including some in Washington County, Utah. It seemed possible that after years of committee logjams, worthy bills might break through again.

Then came the midterm elections. Members of the Utah delegation and the House Natural Resources Committee, who dwell in the far exurbs of rationality on their lucid days, saddled up for a real rodeo of anti-conservation rhetoric, with nitwit ideas to match: Rep. Rob Bishop (R-UT) schemed to sell off five percent of all federal lands in Western states and proposed canceling environmental protections within 100 miles of the U.S. border, though the Border Patrol said it didn’t need the help, thank you very much. And Rep. Jason Chaffetz (R-UT) proposed selling 3 million acres of federal land in the West and applying the proceeds to the federal debt.

Natural Resources Committee Chair Rep. Doc Hastings (R-WA) provides a friendly forum for these nutball bills, the most egregious of which is the “Great Outdoors Giveaway,” an eruption of anti-federal bile emanating from Rep. Kevin McCarthy (R-CA) that would eliminate existing protections on 60 million acres of public lands in 38 states.

Hastings warns he’ll squash any bill a member proposes for wilderness in another member’s state. In his omnipotence, though, he reserves to himself the right to eliminate land protection in everyone else’s states.

Things are no saner in the Senate. Utah Sen. Mike Lee (R-UT) announced he’ll support no new wilderness bills “unless they are first considered and approved by the Utah state legislature,” that bastion of enlightenment and wisdom.

(Apparently, Lee even includes bills sponsored by members of the Utah delegation.) Scurrying to stake out his own claim on the sliver of ground between Lee’s right and the edge of the world, Sen. Orrin Hatch (R-UT) introduced McCarthy’s “Great Outdoors Giveaway” in the Senate and blasted a tepid report from the Interior Department recommending wilderness designation for the Desolation, Millcreek and Westwater Canyons Wilderness Study Areas.

It’s unlikely that the Utah delegation or Hastings’s committee, having fulminated and frothed at the mouth for these many months, will see reason any time soon. That means we’ll see no wilderness bills in this Congress. And that translates to the longest drought in wilderness legislation since 1964-1968 when the Wilderness Act was new and the process just gearing up. Utahns—all Americans—deserve better.

—Jen Beasley


For those of us who yearn for the days of deep bipartisan support for wilderness, Sen. Mark Kirk (R-IL) has provided a ray of hope. Just before Christmas, he became the 14th Senate cosponsor of America’s Red Rock Wilderness Act (ARRWA).

Sen. Kirk has a long track record of support for America’s wilderness in Utah. He was a regular ARRWA cosponsor throughout his career in the House of Representatives and didn’t stop at cosponsorship. He stepped up to co-lead a 2007 congressional sign-on letter to then Interior Secretary Dirk Kempthorne urging the Interior Department to protect roadless areas on BLM lands. The letter recognized the threat to natural and archaeological resources from unmanaged off-road vehicle activity. Kirk’s leadership helped to secure the signatures of 92 of his House colleagues. The value of such congressional support for our public lands is clearer than ever today as we struggle to undo the damage the BLM’s resource management plans will encourage on millions of acres in Utah.
**After All, You Can’t Eat Principles**

We came across a surprising bit of email recently in which Mark Ward of the Utah Association of Counties is trying to peddle former Utah Sen. Bob Bennett’s services.

Only a couple of years ago, Bennett was talking about marching across Utah, county by county, proselytizing for bills like the Washington County lands bill he’s so proud of. Today, not so much. Apparently, as Utah’s political environment has grown more bizarre and more toxic, the market for wilderness brokers has evaporated. But there’s a less savory market that’s always thriving, and according to Ward’s email, the adaptable Sen. Bob could be very helpful there. Said Ward:

The following were identified as challenge areas for counties where Senator Bennett believes his lobbying services would be beneficial:

1. **Increasing energy production on Utah public lands.**

2. **Reversing multiple road closures in the Dixie and Fishlake National Forests.**

The flaws in this pitch are obvious. Drilling in Utah is at an all time high. And the Forest Service’s relatively new travel management plans for the Dixie and the Fishlake National Forests are products of years of consensus-driven work, not something the agency cooked up in a dark room.
Congressional Oil Shale Debate Defies Reason, Math

Oil shale is the energy source of the future. Always has been—and always will be.

Congressional Republicans took their unabashed love of harmful and speculative extractive industries to a new level early this year as House Speaker John Boehner decided to bundle energy and transportation legislation into one whopping anti-environmental boondoggle. Tucked inside this mess was a provision to block the Obama administration’s new oil shale plan (see article on page 14). That plan is a rare ray of sunshine for environmental sanity; blocking it would effectively return oil shale leasing to the Wild West days of former Interior Secretary Gale Norton.

Remarkably, the putative purpose of the oil shale provision was to pay for highway construction. The nonpartisan Congressional Budget Office demolished that little fiction by noting that oil would generate not one thin dime in revenue over the next 10 years.

Fortunately, Rep. Jared Polis (D-CO), a sponsor of America’s Red Rock Wilderness Act, offered an amendment to remove the oil shale giveaway provision. Against arguments that Estonia is successfully rendering oil from shale (it’s actually burning it for electricity) and claims that Utah, Wyoming and Colorado are (what else?) the Saudi Arabia of oil shale, Rep. Polis calmly laid out the facts surrounding this mother of all pies in the sky.

Industry already has control over 3 million acres of oil shale land. Nobody quite knows how much water would be available to this thirsty industry and whence it would come. And previous shale development efforts left scarred landscapes in both Utah and Colorado and battered communities and economies, especially in western Colorado.

The Polis amendment made environmental and economic sense. So of course it failed. However, instead of the harmful shale provision sneaking through under the radar, it received a significant amount of scrutiny, both in Congress and the media. It is apparent that nothing is really cooking when it comes to oil shale.

Prospects for this shale giveaway are dim in the Senate. And we appreciate Rep. Polis’s long-shot effort in the House.

—Richard Peterson-Cremer

If you’re a constituent of Rep. Polis in Colorado, please thank him for taking a stand against the oil shale giveaway.

Write to:
The Honorable Jared Polis
United States House of Representatives
Washington, DC 20515

Or call: 202-225-2161
Greater Canyonlands, Monument Tar Sands Leasing Fight Continues

In January, SUWA argued before the United States Court of Appeals for the Tenth Circuit in a case we and our partners brought challenging a series of illegal BLM leasing decisions in the Greater Canyonlands region and the Grand Staircase-Escalante National Monument.

This lawsuit is critically important to protect some of the most breathtaking places in Utah from a very real parade of horrors that would come from tar sands or conventional oil and gas development. These leases are the deadly first step toward intensive industrialization of these wild places. Proposed tar sands development could bring on-site refining, new roads and power lines, strip mining or underground “fire-floods.” (This profoundly messy process is to tar sands what in situ mining is to oil shale: it involves lighting the deposit on fire underground, collecting the substance that leaks out, then refining it on-site or elsewhere into a useable product.)

The suit stems from BLM decisions to revive 39 oil and gas leases that terminated decades ago. The leases spanned tens of thousands of acres in the monument; the Glen Canyon National Recreation Area; the Fiddler Butte, French Springs-Happy Canyon and North Escalante Wilderness Study Areas; and many more places the BLM and SUWA agree have wilderness character. Today, almost all of these places are closed to new oil and gas leasing. If conservationists prevail in this case, these special places will achieve real protection because companies cannot nominate them and the BLM cannot sell them as new leases.

In an all too common turn of events, we found ourselves arguing against the Obama administration, which was defending both the district court’s decision to throw us out of court on procedural grounds and the underlying leasing decisions made in the Bush administration.

(Continued next page)
Attorneys from SUWA and the Natural Resources Defense Council represent over a million members in this case—their own, plus members of The Wilderness Society, the National Parks Conservation Association and the Grand Canyon Trust. We expect a decision in the first half of 2012. Stay tuned for updates.

—Steve Bloch

BLM May Revise Bush-Era Oil Shale and Tar Sands Leasing Plan

The BLM recently announced a proposal to revise a Bush-era plan that opened hundreds of thousands of acres of public lands in Utah, Colorado and Wyoming to oil shale and tar sands leasing—670,558 acres for oil shale leasing and 430,686 acres for tar sands leasing. A large chunk of this acreage was located in proposed wilderness.

The agency has just released a draft oil shale and tar sands programmatic environmental impact statement (EIS) that proposes to scale those numbers back. In the document’s preferred alternative (Alternative 2b), the BLM proposes to make 252,181 acres available for shale leasing in Utah and 91,045 acres available for tar sands leasing. Most of this acreage is outside of proposed redrock wilderness, though some wild places in the Book Cliffs are still on the chopping block.

Of the lands that would remain available for leasing, the BLM is proposing to offer them with additional protective measures to protect important resources such as clean air, water, and wildlife. The agency is also planning to raise the bar for companies that want to lease and develop oil shale, requiring that they demonstrate how (and if) a project works before blocking up large tracts of public land. To date, this has proven to be a serious roadblock to oil shale development, which largely remains unproven in the United States.

We support a different alternative (Alternative 3) that would go even further. It prohibits new oil shale leasing and most tar sands development. Under this alternative, existing oil shale research, development and design lessees could pursue commercial leases. One commercial tar sands project just outside of Vernal could continue to undergo environmental reviews and permitting. That’s it. America would stop chasing the will-o-the-wisp of oil shale and tar sands and use this money to focus on alternative means of meeting our energy needs through, among others, renewable energy and energy efficiency.

The BLM’s decision to consider revising the Bush plan came about in a settlement with several regional and national conservation groups including SUWA. That settlement has withstood a challenge by the oil and gas (and oil shale) industry. Thanks to Ted Zukoski at Earthjustice for his excellent work on our behalf.

The public comment period on the draft EIS will run through May 4 and will include public meetings in Vernal on March 13 and in Salt Lake City on March 14. Visit our website at www.suwa.org for the latest information on meeting dates and times and to learn more about how you can get involved.

—Steve Bloch

BLM’s Sister Agencies Denounce Proposed Coal Leasing Outside of Bryce

The U.S. Fish and Wildlife Service and the National Park Service have urged the Bureau of Land Management (BLM) to reject out of hand a proposed coal lease for lands near Bryce Canyon National Park.

Commenting on a draft environmental impact statement (DEIS) on the proposal, The National Park Service (NPS) cited impacts to the park’s air quality, dark night sky resources and natural soundscape in urging the BLM to deny the lease. “The NPS considers large scale coal extraction...an activity that could and will likely result in negative impacts to park resources and visitors...,” said the agency. “Given these concerns and the fact that several key resource impact analyses are incomplete, missing, or not in accord with national standards, the NPS recommends to BLM that Alternative A (No Action) is our preferred alternative at this juncture.”
The U.S. Fish and Wildlife Service was clearer: “We recommend that you reject the lease application and withdraw the tract.”

The Environmental Protection Agency told the BLM that it could not comment on the deficient DEIS and called on the BLM to prepare a supplemental DEIS for another round of public review and comment.

In addition to these agency comments, the BLM received detailed comments from SUWA and our conservation partners, and tens of thousands of comments from concerned citizens around the country opposing the proposal to lease the tract.

In 2009, a private company, Alton Coal Development, received permit approval from the State of Utah to operate a nearby mine on private land over the objections of the National Park Service, dozens of local residents, business owners and conservation organizations. An administrative board upheld the state’s approval. SUWA, Sierra Club, Natural Resources Defense Council and National Parks Conservation Association have appealed that decision to the Utah Supreme Court. The BLM’s proposal would allow the company to expand onto public land.

Meanwhile, dozens of trucks pass daily through the gateway community of Panguitch on their 100-plus mile journey to a rail spur in Cedar City. From there, the coal is taken to the Intermountain Power Plant, which in turn sends 75 percent of its electricity to the Los Angeles area.

There seems little question that the Obama administration has heard loud and clear that this proposal should be shelved under “terrible ideas never again to see the light of day.” You can follow the fate of this project and SUWA’s appeal to the Utah Supreme Court over the mine on private lands at www.suwa.org.

—Steve Bloch

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Energy Development in Utah: Rhetoric vs. Reality

The Rhetoric:

“One of the major challenges for energy development is that many of Utah's natural resources must be extracted from federally-managed public lands. While we have made progress in persuading the federal government to site and permit oil and gas wells, there remain great challenges ahead. We cannot—and we will not—let the federal government halt responsible energy development in Utah.”

—Governor Herbert’s January 2012 State of the State address

The Reality:

“The facts speak for themselves. According to The Salt Lake Tribune, at the end of 2011 the state of Utah had a record high number of 10,300 producing oil and gas wells, the majority of which are found on public lands. What’s more, the Utah Division of Oil Gas and Mining reports that the number of drill permit approvals in 2010 and 2011 were two of the highest years for such approvals over the past 25 years. In 2011, about half of those permit approvals were on public lands.”

—February 9, 2012 Salt Lake Tribune Op-Ed by Steve Bloch

“Since the recession, both oil and natural gas production are up in Utah; natural gas production is at pre-recession highs and oil production is at its highest point in twenty years. The only other states with increasing production in both oil and natural gas are North Dakota and Colorado.”

—The Status of Utah’s Oil and Gas Industry, a report by Headwaters Economics (February 2012)
**canyon country updates**

**You’re Going the Wrong Way, BLM!**

Meandering, cottonwood-flanked Indian Creek in the eastern portion of the Greater Canyonlands region invites climbers, bikers, hikers and campers. The area, also an entry point into the Needles District of Canyonlands National Park, offers stunning views of sheer sandstone walls and of geological marvels such as North and South Sixshooter Peaks. With its rich collection of ancient cultural resources, the Indian Creek area is a rare gem, even in a region that abounds with such treasures.

It’s also the case that the Indian Creek area is already overloaded with hundreds of miles of designated off-road vehicle (ORV) trails. The last thing it needs is another, but that’s precisely what the Monticello Bureau of Land Management (BLM) office is proposing.

The office recently released an environmental assessment for the mind-bendingly illogical project. The trail, which would accommodate ATVs, dirt bikes and other ORVs smaller than full-sized vehicles, would cut right through the middle of the Creek Pasture campground on the banks of Indian Creek. The trail would guarantee an increase in noise and dust levels in the campground that would diminish the experience of campers and could very well displace them entirely.

The BLM suggests that the new ORV route is needed to connect the existing routes in the vicinity of Hamburger Rock and Lockhart Basin with motorized routes located in and around Lavender Canyon, Davis Canyon and Bridger Jack Mesa. But existing designated routes already connect these areas. The new route is nothing more than a redundant and unnecessary shortcut through a roadless area (the Harts Point proposed wilderness). It would increase ORV damage to sensitive riparian systems, create conflict between ORV users and quiet recreational users, and promote motorized use in areas that now see little of it.

The BLM’s plan is bad recreation policy, pure and simple. SUWA is closely following the public process. We’ll keep you posted about opportunities to help.

—Liz Thomas and Neal Clark

**Paving a Road to Nowhere**

Garfield County will spare no effort to pasteurize and Disneyfy southern Utah. Apparently, a dirt road is an affront to some deity or other—maybe the God of Money-Grubbing. In aid of this campaign, the county sought permission from the BLM to pave a portion of the Notom Road that runs along the east side of Capitol Reef National Park.

By now, SUWA members know the operating rule. There is only one way for a county to get permission from the Utah BLM to pursue a stupid idea but it never fails: just ask. The BLM recently said sure enough, pave to your heart’s content.

The Notom Road borders wild public lands included in America’s Red Rock Wilderness Act (ARRWA) for several miles before it enters the park and eventually intersects the historic Burr Trail below the switchbacks. The county proposes to pave just under six miles of the road, ending the pavement in the middle of nowhere—a nice little surprise for the hapless motorist zipping along at speeds appropriate to a paved road.
Years ago, Garfield County paved the northern section of the Burr Trail south from the town of Boulder through Long Canyon. This pointless project whetted the county’s appetite to pave it all—the southern end of the Burr Trail, including the switchbacks, the Notom Road, and the Hole in the Rock road in the Grand Staircase-Escalante National Monument. These three world-class scenic routes provide some of the last—and surely the loveliest—opportunities for what SUWA staffer Terri Martin calls a “dust-on-the-windshield” experience.

The BLM’s decision does not bother setting out a compelling purpose or need for approving the paving. It’s hard to imagine one for a route that bears an average of 27 cars a day.

SUWA is reviewing the BLM’s decision and considering legal options for challenging it.

—Liz Thomas

**Money Laundering or What?**

If you get a minute, see if you can reconcile these two things:

- We hear one relentless, pitiful whine from southern Utah officials about how broke they are, usually blaming their impoverishment on the existence of public lands.

- Garfield County has “swapped” $2 million of federal funding in exchange for $1.7 million from the Utah Department of Transportation (UDOT), a loss of around $300,000.

It is hard to square one with the other, but here we are. This is one of the more bizarre details of the Notom Road paving project. We could dismiss it via Bonaparte’s dictum: Never ascribe to malice that which can be adequately explained by incompetence.

Or we could sniff again to see if that rat-like odor persists. A Jan. 16 Salt Lake Tribune article, “Battle brews over roadwork near Capitol Reef,” points us in that direction. The paper said the information about the money swap for the Notom Road “came as an aside while a county official was assuring the (transportation) commissioners that some fund-swapping they approved last month to help the county do design work in preparation for the planned paving of the famous Burr Trail switchbacks—at 30 years of fighting—is not intended to evade any environmental requirements.”

So UDOT, the Federal Highway Administration, and Garfield County have agreed to stick to their story that the money swapping is just a paper exercise. What for? Environmental requirements accompany the use of federal highway dollars. Are there any with state money? Can it be worth $300,000 to the county to avoid compliance with environmental standards? Probably.
Gold Fever in the Henry Mountains?

The Gold Rush is alive and well in the Henry Mountains. Well, at least a company with the curious—if not flatly oxymoronic—name of Greentech Mining Utah LLC is doing its part. The company has submitted a proposal to the Hanksville BLM office to dig a gold placer mine on 8.2 acres of public land near the Bull Mountain and Ragged Mountain proposed wilderness areas.

Placer mining involves the removal of topsoil to expose gravel layers, which are then excavated and processed to extract the gold, if any.

The Hanksville BLM office is developing an environmental assessment for the project. SUWA submitted scoping comments urging the BLM to consider all environmental impacts from the project. Although the project as now proposed does not fall within the boundaries of America’s Red Rock Wilderness Act, SUWA will continue to follow the project to ensure that any possible future expansions do not affect proposed wilderness.

Bureau of Landscape Manipulation?

There is no sign that the Bureau of Land Management (BLM) has overcome its addiction to large-scale landscape manipulation, even though it can provide no scientific evidence to justify its use.

The agency’s Monticello field office recently proposed four new “vegetation treatment” projects in southeastern Utah (the euphemism means destroying pinyon pine and juniper trees and using a variety of methods to eliminate sagebrush). Altogether, the four projects—Beef Basin/Dark Canyon, Cedar Park, Alkali Point and Devil Canyon—encompass over 52,000 acres of public land. Over 10,800 of these acres are proposed for wilderness designation in America’s Red Rock Wilderness Act (ARRWA) and 8,700 of these fall within the remarkable Greater Canyonlands region which deserves all the protection we can give it (see article on page 20).

Though the agency has conducted “treatments” for the last 50 years, it has failed to monitor their effectiveness. It asks us to take it on faith that they will achieve the benefits the BLM claims for them—improved wildlife habitat, increased ecosystem resilience and a decreased risk of catastrophic fire. Studies show that removing pinyon/juniper, tearing up sagebrush and disturbing biological soil crusts actually results in increases in erosion, the spread of invasive species and atmospheric carbon dioxide.

At the least, the BLM should keep these destructive projects away from lands included in ARRWA, lands the agency itself has identified as possessing wilderness characteristics, and the Greater Canyonlands region. The BLM should spend its limited time and resources on projects proven to produce ecosystem benefits—removal of tamarisk and Russian olive trees comes quickly to mind—and give up its pipe dream of improving natural habitat by first destroying it.

We will keep you updated as these projects move forward.

—Neal Clark
The Circus Is Back in Town: Public Land Measures in the Utah Legislature

“The question before the House is: Are the elected leaders of the state of Utah really as ignorant of history, law and common sense as they seem? Or do they just assume that the voters are so clueless that the latest legislative tilt at federal windmills will actually win our favor?”

—Feb. 23, 2012 Salt Lake Tribune editorial

It’s the time of year again (though any time will do) when the Utah legislature’s freedom fighters do their utmost to purge the state of the evil of public lands. Yes, the war continues, despite a government report last year ranking the State of Utah as the number one U.S. beneficiary of jobs and services created by the public lands the Interior Dept. manages. You might think such information would take a little starch out of the crusade. Well, that would mark you as a rational human being. It would also mark you as dead wrong.

Here are a few of the brilliant proposals emerging from Utah’s 2012 legislative session:

**Hypocrisy in action.** Rep. Mike Noel (R-Kanab) has authored a bill reflecting his desire that counties get the legislature’s approval before any local land use bills (including wilderness proposals) are brought before Congress. Rep. Joel Briscoe (D-Salt Lake City) rightly noted, “This has the potential to add 104 new negotiators on these designations.” So much for the sanctity of local control over local lands. Apparently, as long as you’re a state bureaucrat (and not a federal one), you can meddle in land use decisions till the cows come home.

**Condemn it all.** A bill sponsored by Rep. Ken Sumsion (R-American Fork) would trigger state litigation to seize federal lands if the federal government fails to sell them off or hand them over to the state. Rep. Ken Ivory (R-West Jordan) complements this work by sponsoring a bill that sets a deadline of 2014 for the federal transfer of all contested lands (including national parks). After that, it’s nothing but oil rigs and ORVs as far as the eye can see.

—Diane Kelly
Support for Greater Canyonlands Protection Grows

The 1.4 million acres of the Greater Canyonlands area surrounding Canyonlands National Park encompass a landscape of magic and wonder, of plateaus and sandstone formations, 10,000 year-old archaeological sites and mind-numbing natural beauty.

While its splendor is eye-popping, so are the threats to its wildness: off-road-vehicle (ORV) use, oil and gas development, a boom in uranium and potash mining, and even proposed tar sands strip-mining (see article on page 13).

The work of SUWA’s Ray Bloxham and Neal Clark over the past year has highlighted the region’s vulnerability. And though the list is long, nothing so jeopardizes its wild character as the motorized travel designations built into the Bush administration’s 2008 resource management plans (which the Obama administration is now defending in court).

Many of these so-called routes conflict with proposed wilderness, though many are barely routes at all, but rather past seismic line features or old mineral exploration cuts that have succumbed dramatically to time and the elements. Some have remained unraveled for decades. Nonetheless, the Utah BLM has begun to place signs directing new vehicle use onto them.

Promoting more ORV use in Greater Canyonlands as well as more mining and drilling is extraordinarily short-sighted. That’s why SUWA and its partners, including the Grand Canyon Trust, Natural Resources Defense Council, Sierra Club, and Coloradans for Utah Wilderness, are calling on President Obama to protect the region through administrative action, up to and including proclamation as a national monument.

As part of this campaign to protect Greater Canyonlands, SUWA recently launched our Protect Greater Canyonlands Facebook photo campaign—which you can become a part of (see opposite page). SUWA has begun working with mountain bikers, rock climbers, river rafters and local businesses in the Moab area to build a coalition that will demonstrate local support for protecting Greater Canyonlands. President Obama is unlikely to act unless he sees such support.

Many Colorado residents live less than a day’s drive from Greater Canyonlands and it is a popular desti-
nation for them. Colorado will be a critical swing state in this election year and Coloradans are thus well positioned to raise the profile of Greater Canyonlands protection. To this end, SUWA organizers Terri Martin and Jackie Feinberg have been organizing college students and other Front Range residents. The results are impressive: President Obama has visited Colorado three times in three months. Each time, a “banner brigade” of local activists has greeted him with signs urging him to protect Greater Canyonlands.

To get involved in the campaign, see below or visit GreaterCanyonlands.org.

President Obama CAN Protect Greater Canyonlands, but He Needs to Hear from You!

President Obama has the power to protect the 1.4 million acres of public BLM land surrounding Canyonlands National Park with the stroke of a pen—if we can convince him to do so. But so far, the Obama administration has continued to defend President Bush’s plans that leave this area open to rampant off-road vehicle abuse, proposed uranium and tar sands mining, and oil and gas development.

Tell President Obama that YOU want to see Greater Canyonlands protected. It’s easy—just take one or more of the steps below.

1) Join our Facebook photo campaign asking President Obama to protect Greater Canyonlands! Snap a photo of yourself holding up the sign on reverse (write your city and state in the open space with a magic marker), then share it on Facebook. It’s super easy with our simple uploading tool. Start at GreaterCanyonlands.org.

If you provide your email, you’ll be entered into a random drawing for a Petzl headlamp or another awesome prize every month, and for the grand prize drawing of an Ultralight custom backpack in fall of 2012!

Other steps you can take to amplify your message:

2) Go to GreaterCanyonlands.org and tweet a message to President Obama. Tell him you want Greater Canyonlands protected. (#GreaterCanyonlands)

3) Send President Obama an email message at GreaterCanyonlands.org.

4) Call President Obama at the White House: 202-456-1111

5) Go to GreaterCanyonlands.org and request a stack of Protect Greater Canyonlands postcards that you and your friends can sign (send them back to us and we’ll forward them to President Obama).

6) Coloradans only: Sign up for our Colorado Banner Brigade at GreaterCanyonlands.org.
President Obama:

Protect
Greater Canyonlands!

GreaterCanyonlands.org
Scott Braden Moves to the High Country

Colorado gained a top wilderness advocate last year as Scott Braden pulled up stakes and headed east to take on the role of conservation director with the Colorado Mountain Club.

Scott’s tenure with SUWA was distinguished by his having occupied more offices than anyone on staff except for SUWA’s executive director. Scott served not only in the Moab and Salt Lake City offices, but also pulled a year-long stint in Washington, DC. His diverse experience in these roles, first as field advocate, then as legislative advocate, and finally as associate director, prepared Scott for a great future in advocacy.

His first assignment with SUWA was to coordinate comments we and other groups submitted for the six resource management plan (RMP) revisions that covered nearly 11 million acres of public lands in Utah. Scott met this Herculean task head-on. He miraculously kept the reams of documents organized and created maps and spreadsheets, still in use today, that condensed thousands of pages of bureaucratic-speak into concise comparisons illustrating the potential impacts on Utah’s wild lands.

Scott’s Washington stint came next and it couldn’t have come at a more exciting time. He arrived with a newly-minted Obama administration and on the heels of passage of the Washington County wilderness bill. He fought hard to bring cosponsorships of America’s Red Rock Wilderness Act to record levels in the 111th Congress and spent his share of long nights preparing testimony, maps, photos and briefing materials for the October 2009 hearing on the bill.

Utah’s rivers beckoned Scott home. In our Salt Lake City office, he revamped SUWA’s fundraising campaigns with innovative online tools. He also had a significant role in our paid media campaign.

We already miss Scott’s great humor, his diplomatic manner, and his love of fun. But he’ll never be too far away. Some of the rivers he most loves to run are in southern Utah, as are some of his favorite camping spots. It’s only four hours from Denver or Salt Lake City to the Westwater put-in . . . so we’ll see you soon, Scott. Thanks for everything!

With Dale Johnson’s Passing, SUWA Loses Friend, Ally

SUWA lost a dear friend and the redrock lost a dedicated advocate with the recent passing of Dale Johnson of Boulder, CO.

Dale was a great adventurer. He was a pioneering rock climber with many first ascents (including roller-skating up the Third Flatiron above Boulder). He was also a successful businessman, founding Frostline, a company that sold do-it-yourself kits for down garments and other outdoor gear before quality products were readily available in retail stores. Several SUWA staff members still own Frostline tents, sleeping bags or coats decades after they made them.

In addition to hiking, skiing, and climbing mountains, Dale loved to fly. He generously contributed his plane and pilot’s skills for many flights over
southern Utah’s canyons, mesas, ridges and buttes during the citizens’ wilderness inventory in the late 1980s to document Utah wildlands. Dale was active in several conservation organizations; he honored SUWA in choosing to serve on our advisory board for many years.

Those of us fortunate enough to have hiked, camped, or flown with him have a stockpile of favorite Dale stories: that he freeze-dried pork and beans for rehydration on backpack trips, that he was hands-down the best route-finder in a mess of serpentine canyons, or that he liked to make fieldwork overflights exciting for SUWA staff as well as productive.

What we will remember first and always, though, is that Dale was one of the most big-hearted, fun-loving and extraordinarily modest men we’ll ever know. He was a wonderful friend and an outstanding conservationist. Our hearts go out to his wife, Frandee. We share her loss.

A Ready Reminder of What’s at Stake

Did you receive a bright yellow “9.2 Wild Utah” sticker from us recently with your membership acknowledgement? Wondering what it means?

Back in the 1990s we had a very popular “5.7 Wild” sticker that referred to the 5.7 million acres that Utah Wilderness Coalition (UWC) staff and volunteers had painstakingly inventoried and proposed for wilderness designation (in contrast to the BLM’s original finding of 3.2 million acres—a flawed calculation that has since been amended). From 1996 to 1998, with more time, tools and resources at its disposal, the UWC (of which SUWA is a part) conducted a second inventory and found additional qualifying lands. The total now stands at 9.2 million acres.

An acreage figure can never capture the remarkable beauty and diversity of the lands we seek to protect, but it can serve as a yardstick against which to measure the inadequate (and even downright terrible) wilderness proposals that surface all too often. In other words, it is helpful in conveying not just what’s possible, but also how much is at stake. And on a sticker, it can be a great conversation starter, to boot.

For more about the history of the Utah wilderness inventory and America’s Red Rock Wilderness Act, see www.suwa.org/wildernessinventory.
Make a Difference: Join or Donate to SUWA Today!

SUWA’s critical work advocating for and protecting the wild lands of southern Utah is primarily funded by individual contributions. If you are not yet a member, please join us today. Annual dues are just $35. You can easily join or renew at www.suwa.org/donate or by using the envelope at the center of this newsletter. SUWA is a non-profit 501(c)(3) organization, so contributions are tax-deductible to the extent allowed by law.

Three Easy Ways to Make Your Contribution:

• **By Mail**: fill out and return the enclosed remittance envelope with your check or credit card information.

• **Online**: join or renew with your credit card through our secure website at www.suwa.org/donate.

• **By Phone**: call us at (801) 486-3161 with your credit card, or with any questions you may have.

Many employers will match your donation to SUWA, doubling the amount of support you give to Utah wilderness. If your company or firm has a matching gift program, simply enclose the form along with your donation.

**Monthly Giving**

If you’re looking for a convenient and painless way to support SUWA, then consider monthly giving. Monthly giving is easy and secure, and provides SUWA with reliable, year-round funding to fight for Utah wilderness. Best of all, you’re off the hook for annual membership renewals! To sign up, go to www.suwa.org/donate.

Thank you for your support of SUWA and Utah wilderness!

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**Planned Giving: A Legacy of Support for the Redrock**

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

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

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

Address: ________________________________________

City: ________ State: ___ Zip: ______

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

CC#: __________________________ CVC#_______

Exp. date: ____ Amount: $____________

Mail form with payment to:

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

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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 order form with **$25 for each membership** (a $10 savings) and get your pals involved in the wilderness cause!

Gift Membership #1

From: __________________________________________ (your name)

To: 

Name: __________________________________________

Address: ________________________________________

City: ____________ State: ___ Zip: ____________

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**

Wild Utah DVDs can also be ordered online at [suwa.org/goodies](http://suwa.org/goodies).
Reference Map for Articles in this Issue

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2. Dirty Devil (p. 8)
3. Dark Canyon (p. 8)
4. Fiddler Butte (p. 8)
5. Happy Canyon (p. 13)
6. Indian Creek (p. 16)
7. Bull Mountain (p. 18)
8. White Canyon (p. 20)
Join Us for the SUWA Roundup this September!

Mark your calendar for SUWA’s 2012 membership gathering at Hidden Splendor, September 21-23.

The Roundup offers SUWA members, activists and staff the opportunity to get to know each other while relaxing in the beautiful San Rafael Swell. Activities include a discussion of Utah wilderness issues with SUWA staff, 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 and dedication.

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 whatever else you like. To RSVP or for more information please visit www.suwa.org/roundup2012 or contact Kathlene Audette at kathlene@suwa.org, (801) 236-3763.