Bears Ears Hangs in the Balance
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.
In this issue:

Wilderness Notes:
  Resistance Endures; Endurance Works .......................................................... 4

Features:
  Zinke Vows to Eviscerate Bears Ears ................................................................. 5

DC News .................................................................................................................. 10

Canyon Country Updates ....................................................................................... 13

Inside SUWA .......................................................................................................... 22

America’s Red Rock Wilderness Act Reference Map ............................................ 27

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SUWA, 425 East 100 South, Salt Lake City, UT 84111
Resistance Endures; Endurance Works

Virgil gave us this: “Every calamity is to be overcome by endurance.” There is hope in that and now’s the time for it. Though the steady drumbeat of outrages leaves hope in pitifully short supply, if we scratch a bit we can unearth some and affirm Virgil’s guidance, too. Recall the environmental calamity known as “Dubya”? Remember when it was hard to see how we’d ever undo his damage to the Redrock? Well, we just did—one significant hunk of it, anyway.

Our collective memory of George W. Bush’s tenure is doubtlessly softened by the inevitable comparison to the current White House . . . though, to be sure, few environmentalists remember Bush with anything approaching fondness. His administration was abysmal for public lands—and especially bad for those in Utah where energy development was elevated over all other uses with motorized use a close second. As a final one-digit wave to us in 2008, Bush’s Utah BLM designated a spiderweb of around 20,000 miles of off-road vehicle routes.

SUWA’s litigation director, Steve Bloch, led a coalition of conservation groups in lawsuits challenging those decisions. After nine years, three administrations, a district court win, and endless bureaucratic foot-dragging, the Tenth Circuit Court of Appeals just cleared the way for a settlement to our litigation (see article on p. 13). As a result, the BLM is now required to complete 13 new off-highway travel plans covering 6 million acres across eastern and southern Utah. Persistence works.

Nut Case with a Meat Cleaver

Donald Trump is our new calamity. He is bent on tearing down every law that protects our air, water and land. In late April, Trump issued an order putting at risk all the large national monuments presidents have proclaimed over the past two decades. The two most threatened, not coincidentally, are in Utah: Grand Staircase-Escalante and Bears Ears.

Trump sent Ryan Zinke, his Interior Secretary, to Utah, ostensibly to review the areas and make a recommendation to his master. Zinke was less the unbiased investigator than Trump’s enabler. He refused to meet with monument supporters, choosing instead to spend his time with Utah’s anti-monument politicians. What emerged was a Tour de Fraud crafted to support a predetermined outcome: death or serious dismemberment of the monuments. And on his return to DC, Zinke recommended gutting the monument.

What else should we have expected from him? He grandly declares himself to be the reincarnation of Teddy Roosevelt but slavishly pushes the Trump agenda of mining, drilling, and duplicity. His actions are less like the Roughrider’s than those of another Interior Secretary, the lamented James Watt.

Trump could dismantle either monument or both. And he could do it any day. If so, we’ll challenge him in court and we’ll challenge him in the public square. And we will have legions of friends like you alongside us. Politicians come and go—but we remain. So do hope and faith in the value of what we do. We will fight Trump and the Utah politicians for as long as it takes. With your support, we will outlast this calamity as well. We will endure. So will the Redrock.

For that precious Redrock,

Scott Groene
Executive Director
On April 26th, President Donald J. Trump went to the Interior Department to do exactly what Sen. Orrin Hatch told him to do: declare war on our national monuments.

As Interior Secretary Ryan Zinke, Utah Gov. Gary Herbert, Sen. Hatch, and assorted other Utah officials looked on, Trump unveiled an executive order directing Zinke to “review” all monuments greater than 100,000 acres created since 1996.

That date was not coincidental. Trump made it abundantly clear that, although Zinke’s review would eventually encompass some 27 national monuments, it was Utah’s two most recent national monuments, Bears Ears and Grand Staircase-Escalante, that were in the crosshairs. Grand Staircase dates to 1996.

Utah was the target, of course, because Hatch has been feeding misinformation to Trump about national monuments since the beginning of Trump’s presidency. Every Utahn has heard Hatch claim, ad nauseum, that monuments are “federal land grabs” (though they are created from federal public land), and that locals hate them because they damage communities and their economies (though local economies prosper when there’s a monument in the neighborhood). Theology rests first on faith, not facts.

Once a Real Estate Salesman . . .

“[This] sounds like the largest real estate deal I could ever be involved in,” Trump reportedly told Hatch in private. In public, standing behind an Interior Department lectern, he praised Hatch. “He doesn’t stop,” said Trump. “He doesn’t give up. And he’s shocked I’m doing it, but I’m doing it because it’s the right thing.”

As Trump spoke, it was clear that he had bought Hatch’s ideological jeremiad about national monuments hook, line, and sinker. “Bears Ears—I hear
it’s beautiful,” he said. “[But] it’s time to end these abuses and return control to the people, the people of Utah.”

Trump’s last sentence is as ominous as it is cynical. Parse it and you get this: “Bears Ears is beautiful. But, so sad, we’re giving it back to Utah, anyway . . . just as soon as we create an illusion of a fair and balanced examination.” Trump’s executive order gave Zinke just 45 days to complete an “interim report” recommending the fate of Bears Ears National Monument and 120 days to report on the future of others, including Grand Staircase-Escalante, another clear indication of what the real targets of the order are. Trump then turned to Hatch and handed him the pen he’d used to sign this declaration of war on our monuments.

“It’s my honor,” Trump said. Beyond that reference, the day was devoid of honor.

Hatch, according to the Deseret News, “bent down to accept the pen from a seated Trump, holding it carefully in his hands in a motion that looked like a bow.” When devout fabulists find one another, affection blossoms.

45 Days of Action; Four Days of Showmanship and Sham

Trump’s announcement kicked off our “45 Days of Action” campaign, which saw thousands of SUWA supporters in Utah and across the nation take action to resist the attack on Bears Ears and Grand Staircase-Escalante National Monuments.

Initially, the Interior Department provided just 15 days for the public to comment on the fate of Bears Ears (most comment periods last 60 days). Despite this outrageously short window, Americans submitted more than 685,000 comments by the May 26th deadline. Analysis of one sample of comments indicated that they were running 99 to 1 in favor of leaving Bears Ears intact. (The comment period has now been extended through July 10th. You can submit comments via the Interior Department’s comment page at www.regulations.gov.)

Zinke finally made good on his promise to come out to Utah. He and his handlers did everything they could do to give his visit a gloss of fairness and objectivity where none existed and to ensure that the visit was wildly lopsided (he spent 90 per-
cent of his time with monument opponents). But everywhere he went, monument supporters were ready for him and waiting. Some started early.

On May 5th, the day before the secretary arrived in Utah, more than 2,500 people—tribal leaders and monument supporters alike—rallied on the steps of the state capitol in Salt Lake City to demonstrate strong in-state support for our monuments. The next day more than 500 people showed up outside the Bureau of Land Management offices in Salt Lake City, where Zinke was holding a perfunctory one-hour meeting with leaders from the Bears Ears Inter-Tribal Coalition. (To our knowledge, this was one of only two pro-monument groups he met with during his entire visit.)

Blackhawks Up!

SUWA activists were on hand in San Juan County the next day when Zinke flew to Blanding, along with Gov. Herbert, Rep. Rob Bishop, and a phalanx of other Republican state leaders. They immediately boarded three Blackhawk helicopters along with the entire San Juan County Commission for an aerial tour of the monument.
Later in the day, Zinke and his entourage seemed shocked to find more than 70 SUWA activists and tribal members waiting for him at the Butler Wash Ruins in Bears Ears. For a moment, Zinke abandoned any pretense of courtesy, wagging a finger in the face of a young Navajo woman who asked why he wasn’t meeting with more tribal leaders. “Be nice,” the former Navy Seal bellowed at her.

At Indian Creek the next day, dozens of monument supporters again met the secretary. He rolled down his window as his motorcade passed, said hello, and then took off for a private horseback ride in Bears Ears, accompanied by more San Juan County officials.

In Grand Staircase-Escalante the following day, Zinke took a road tour out to Smoky Hollow to see a coal seam. Yes, a coal seam! He listened intently as Rep. Mike Noel, Utah’s Old King Coal, intoned the need to shrink the monument to allow mining. Later in the day, more than 300 people attended a rally in Kanab led by local business owners who support the monument.

Zinke’s trip was not a truth tour—he didn’t need truth and didn’t seek it. The fix was in. But by the time Zinke ended his visit, he must surely have understood that most of what Hatch and others in the Utah delegation had fed him was bilge. Helping to drive home just that point, another 150 people lined the Kanab Municipal Airport gates as Zinke
held a final press conference on the tarmac. In news reports that evening, monument supporters’ chants of “We are locals! Talk to us!” were clearly audible in the background as Zinke made his fantastical claim to have “heard from all sides.”

As his plane took off into the late afternoon sunlight, there was no doubt that SUWA members and other monument supporters had left everything on the field. The question was, would it make any difference?

A Pre-Ordained Outcome?

On June 12—just as this issue was going to press—Secretary Zinke released his interim report on the fate of Bears Ears. As expected, he recommended that the monument be shrunk substantially, although he didn’t say by how much; he kicked the specifics down the road, pledging to include them in his final report on the fate of all 27 monuments, including Grand Staircase-Escalante, which is due August 24th.

The good news is there was no immediate executive action to gut Bears Ears. The bad news is that the report wasn’t worth the paper it was printed on. It asserted, wrongly, that the president had the authority to adjust the boundaries of the monument. It then proceeded to call on Congress to make parts of Bears Ears a National Conservation Area and to give Tribes co-management of whatever crumbs remain of the monument after Trump dices it up.

Such calls for congressional action are a red herring, as the Utah delegation already showed an unwillingness to protect Bears Ears adequately in its abysmal Public Lands Initiative (PLI) last year—and the administration is doing the same by showing its intent to shrink the boundaries of the monument. Since the failure of the PLI, Sen. Orrin Hatch, Rep. Rob Bishop and Rep. Jason Chaffetz have done nothing but lobby the Trump administration to undo the monument. They have no serious intention of protecting Bears Ears and have already failed to do so.

Zinke’s interim report may not have caused immediate damage to Bears Ears National Monument, but the end game is an unprecedented and ongoing attack on Utah’s redrock wilderness.

—Mathew Gross

In a time when our natural treasures are under greater threat than ever, freshman Rep. Donald McEachin has emerged in the 115th Congress as a staunch champion for public lands.

Representing Virginia’s 4th congressional district, McEachin serves on the House Natural Resources Committee and two of its important subcommittees: Oversight and Investigations, on which he is the Ranking Member, and Federal Lands. The congressman has gone above and beyond to give a voice to some of our nation’s most imperiled landscapes.

At a joint press conference in early May, McEachin and other minority members from the committee expressed their staunch opposition to President Trump’s recent executive order to review 27 national monuments, an action that paved the way to shrinking or eliminating them. McEachin aptly deemed the order “mentally irregular” on the part of Trump.

“President Donald Trump’s executive order is an unprecedented attack on our public lands and national heritage. Instead of exposing our lands to private exploitation, we should be protecting them for future generations. This executive order is a dangerous step in the wrong direction” said McEachin. “As the Ranking Member on Subcommittee on Oversight and Investigations . . . I will stand up for our national monuments and oppose any attempts to remove protections for places Americans hold dear.”

Defending Red Cliffs NCA

He wasn’t finished. In a recent legislative hearing before the House Subcommittee on Federal Lands, McEachin responded forcefully when majority members once again pushed for egregious legislation to establish a transportation corridor in the Red Cliffs National Conservation Area (NCA) in Washington County, Utah—posing a significant danger to the threatened Mojave desert tortoise and its habitat.

The 45,000-acre area was created as part of the 2009 Omnibus Public Land Management Act (OPLMA) which designated some wilderness as well. Proponents of the corridor falsely claim that a transportation corridor running directly through the NCA was promised to them during the negotiations on the measure. The actual law reveals otherwise. It simply directs the BLM to consider one or more alternatives for the corridor.

During the hearing, Utah Rep. Rob Bishop claimed the language was “airdropped” in without due process when the NCA was created. “The delegation did not agree to the language,” insisted Bishop. “There was never a hearing on that bill, either in the House or the Senate. There was never a markup on that bill.”

McEachin was quick to counter Bishop’s bogus claims in the best possible way: with the truth. He quoted former Utah Sen. Robert Bennett, who stated in a 2008 Senate hearing that he and former Utah Rep. Jim Matheson—the bill’s sponsors—had removed the Northern Corridor from the original bill.

“That sounds to me like there was a hearing” said McEachin.
It’s always encouraging to see freshman members of Congress taking a hard line on issues as critically important as protecting our public lands. Congressman McEachin stands out as one of the most outspoken, and we thank him for it.

—Jordan Giaconia

Wilderness Foe Jason Chaffetz Resigns Seat in Congress

In the crisis-a-minute world of the Trump administration, we Washington, DC denizens have been tempted to unsubscribe from breaking news alerts just to get a little peace. But on April 18th we were glad we hadn’t. That day, the bombshell flashing across our screens was of the good news variety: Utah’s Rep. Jason Chaffetz had, seemingly out of the blue, decided to leave Congress.

That same day news broke that Fox News’s Bill O’Reilly had left the cable network, leading to idle jokes at SUWA that maybe we would soon be subjected to the “Chaffetz Factor.” Little did we know that a run at Fox would become one of the leading rumors about what Chaffetz actually intends to do—a prospect whispered by many insiders on the Hill. Absurd as it seemed to us in the moment, a Chaffetz TV gig also holds a kernel of plausibility: we know he has nurtured a longstanding love affair with cameras.

In his five congressional terms, Chaffetz introduced several bills that were harmful to public lands. One would have sold off millions of acres; another would have suspended all federal law enforcement authority on federal lands, effectively stripping their status as federal public lands. With Rep. Rob Bishop, he worked to push the Public Lands Initiative, which would have been a net loss for land protection in Utah, and he has been one of the Utah delegation’s leading critics of Bears Ears National Monument.

A Chaffetz Low: Tasteless Photos of Headless Bodies

We’ve witnessed a lot of questionable antics from the congressman over the years. During one con-
gressional hearing, he displayed graphic pictures of headless bodies, claiming they were people killed on the border because of lawlessness that supposedly results from public land protection. He later admitted the photos had been taken in Mexico and had nothing to do with the public lands in question, but it was too late for the traumatized audience.

His aggressive tactics as Chairman of the House Oversight Committee will be remembered largely for the Benghazi hearings. But our favorite highlight was his demand that the Interior Department turn over documents pertaining to the designation of Bears Ears National Monument. When those documents showed that there had been extensive communication—even friendly praise—between the Obama administration and the Utah delegation and governor’s office prior to the monument designation, Chaffetz sat on them because they didn’t fit with his narrative of executive fiat. Fortunately, his counterpart, Rep. Elijah Cummings, (D-MD), released them so the true story of Bears Ears could be told.

Chaffetz announced that he will formally step down June 30th. Once again, we’ve outlived another public lands enemy here at SUWA, at least for now. But we won’t rest much. Chaffetz has not ruled out another run for public office, and rumors abound that he may have his eye on the Governorship of Utah, or even higher office.

—Jen Ujifusa

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**DC News**

**House and Senate Champs Reintroduce America’s Red Rock Wilderness Act!**

In April, against the backdrop of President Trump’s savage attack on our national monuments and environmental protection generally, our congressional champions, Sen. Dick Durbin (D-IL) and Rep. Alan Lowenthal (D-CA), reintroduced America’s Red Rock Wilderness Act in both houses of Congress.

This year marks the 28th anniversary of the visionary legislation that would safeguard some of the nation’s most spectacular landscapes with wilderness designation of 9.2 million acres of BLM land in Utah. The Senate bill, S. 948, boasted 18 original cosponsors at introduction and the House companion measure, HR. 2044, had 30. In total, cosponsorships included members from 22 states, a breadth of support that underscores the affection Americans have for the canyon country.

“These national treasures are our birthright as Americans, and are a bedrock part of who we are as a people,” said Lowenthal. “My bill will safeguard these wild and precious lands, as well as the waters, flora, and fauna within them. This is in keeping with the powerful American ethos of conservation as embodied by John Muir, Theodore Roosevelt, Olaus and Mardy Murie, Aldo Leopold and so many other champions of our great wild places.”

SUWA’s efforts to save our beloved redrock wouldn’t be possible without the enduring dedication, courage, and leadership of champions like Sen. Durbin and Rep. Lowenthal. We cannot thank them enough. If you are a constituent of either of these conservation giants, we urge you to take the time to thank them, too. Call (202) 224-3121 (ask to be connected to the appropriate office) or send them a message via our website at **suwa.org/ThankYou.**

To see if your members of Congress have cosponsored America’s Red Rock Wilderness Act, go to **suwa.org/cosponsors.** To ask your legislators to cosponsor America’s Red Rock Wilderness Act, call (202) 224-3121 or go to **suwa.org/SponsorARRWA.**
On the last day of May, the Tenth Circuit Court of Appeals issued a fairly routine order granting an unopposed joint motion by several parties to dismiss three separate appeals. The court issues dozens of such orders on any given day. The overwhelming majority escape any notice.

In this instance, though, the modest ending dramatically underplays the event’s significance: it marks an end to nearly eight-and-a-half years of SUWA-led litigation to undo the worst aspects of the 2008 Bush-era resource management and off-road vehicle (ORV) travel plans.

The Bureau of Land Management (BLM) and several ORV groups asked the court to dismiss their appeals. They, along with SUWA, are parties to the court-approved settlement agreement which brought this litigation to a close. The third party which sought dismissal—the Utah School and Institutional Trust Lands Administration—expressly indicated that it did not oppose the settlement.

The Tenth Circuit’s order clears the way for the Utah BLM to begin immediately implementing a comprehensive settlement agreement that will result in the completion of 13 new ORV travel management plans over the next 8 years. They will cover more than 6 million acres of BLM-managed lands in eastern and southern Utah.

The Bush-era travel plans riddled wilderness landscapes like Labyrinth Canyon, the San Rafael Swell, Upper Kanab Creek, and the Book Cliffs with ORV trails. The agency will revisit those plans in a more transparent process that expressly considers “lands with wilderness character” as well as cultural resources, and which seeks to minimize impacts to those unique resources.

The Utah BLM will also consider the designation of three areas of critical environmental concern (ACECs) and update and prepare air quality-related reports and studies that will inform future BLM decisions regarding oil and gas development.

(Continued next page)

© Ray Bloxham/SUWA

The Ragged Mountain proposed wilderness in the Henry Mountains and Fremont Gorge travel management area.
Good news! The BLM has pulled back an outrageous proposal to lease federal public lands for oil and gas development on the doorstep of Zion National Park. The lease parcels are less than two miles from Zion, clearly within the park’s viewshed, adjacent to the town of Virgin, and along the Kolob Terrace Road, a popular access route to the park’s backcountry.

This ill-conceived proposal put at risk one of Utah’s most popular landscapes and drew sharp criticism from a wide range of interested parties. The Washington County Commission, City of Toquerville, Town of Springdale, and numerous local businesses all expressed their concerns that oil and gas development on these parcels would have unacceptable impacts to air and water quality and local recreation and tourism economies.

In addition, the BLM received more than 40,000 comments from citizens across the country in opposition to this proposal. Even Utah Gov. Gary Herbert asked that the parcels be deferred from leasing. The area is “not ideal for extraction,” he said in a masterpiece of understatement, adding that leasing and development in the area would threaten the economies of local communities that are based on recreation and tourism.

Another Danger Lurks

Unfortunately, as one disastrous Utah development scheme dies, another springs to life. The BLM Vernal field office is considering a proposal to offer several parcels on the doorstep of Dinosaur National Monument. If sold, the parcels would open for development land located less than one mile from the monument. Some lie along Highway 149, the main Utah access point to the monument.

If you’re a longtime SUWA member, plans to ring Dinosaur National Monument with oil wells will sound painfully familiar. The BLM pushed this idea tirelessly throughout the George W. Bush administration. We fought it off then and plan to do the same this time around. SUWA will engage at every step of this process to protect this important landscape.

With the Trump administration’s attack on public lands building dangerous momentum, your voice and support are more important than ever! We will keep you aware of opportunities to participate in the lease sale process—such as attending public meetings or submitting comments on this terrible proposal. Please stay tuned!

—Landon Newell

An Axe Instead of a Scalpel: Pinyon-Juniper Removal in America’s Redrock Wilderness

In the last several issues of Redrock Wilderness, we’ve included updates on the large-scale removal of pinyon-juniper trees and other dense vegetation from Utah’s public lands.

In the last ten years, every single BLM field office in Utah (including, most recently, Grand Staircase-Escalante National Monument) has removed or proposed to remove pinyon-juniper forests from lands proposed for wilderness protection in America’s Red Rock Wilderness Act. In the past year alone, we’ve seen a drastic uptick in both the agency’s eagerness to conduct these activities and in the funding available for them. Projects continue to grow in size and scope, and whenever they have threatened the spectacular and irreplaceable values we seek to protect across wilderness-quality lands in Utah, SUWA has responded.

As the BLM continues its attempt to sell the public on the mechanical removal of hundreds of thousands of acres of vegetation as “habitat improvement” or “restoration” projects, we choose to take a harder look at the projects, the science behind them, and
their real impacts beyond the agency’s rhetoric. As a result of SUWA’s ongoing push to stop or relocate mechanical vegetation treatments in proposed wilderness, we field many questions from members about why these “landscape gardening” projects are so egregious and why they’re worth our time and energy to fight.

Shredding Wilderness
At the most basic level, these vegetation removal treatments are not compatible with wilderness. When heavy machinery such as bulldozers, chains, and industrial mulching equipment are used to rip and shred all the trees in a wilderness-quality area, the screening, solitude, and naturalness of that area goes from outstanding to nonexistent. Although the BLM claims that these vegetation removal projects will not ruin wilderness characteristics, the evidence of a past chaining or mechanical tree removal in a specific area is used frequently by BLM to justify their determination that the same area does not qualify as wilderness.

Not only have these projects destroyed cultural sites, interrupted the visual aesthetic of an area, and ruined wilderness values, they also disrupt the fragile desert ecosystem. It is no secret that invasive species such as cheatgrass thrive in disturbed soils. Vegetation treatments using mechanical treatment create significant disturbance to soils and fragile biological soil crusts, providing the perfect opportunity for invasive species to take root. This issue is compounded when the treated area is not seeded with native vegetation, is only rested from livestock grazing for a year or two, or experiences severe drought—which is unfortunately the new normal for the desert southwest.

Where’s the Science?
When it comes to the rationale for conducting these treatments, the BLM usually fails in both its obligation to use the best available science and in its duty to the public to conduct extensive monitoring when undertaking large-scale habitat manipulation.

Most proposed pinyon-juniper removal treatments take the blanket approach that ridding the area of existing vegetation is the only way to accomplish a variety of stated project goals: from restoration of habitat for mule deer and elk, to fire prevention, to rejuvenation of sage-grouse populations, to name a few.

The BLM further undermines its own stated goals for these projects by refusing to remove livestock from treated areas for more than a year or two—a peculiar approach given livestock grazing’s causal link in the degraded conditions in most of these project areas. Regardless of the particular stated goals—and in order to provide a necessary level

Left: BLM land in the area managed by the Kanab field office. Here, pinyon-juniper and other wooded plants were removed in the early 2010s. Right: An untreated area within Grand Staircase-Escalante National Monument directly across the road from the photo at left, which is currently proposed for vegetation removal. © Kya Marienfeld/SUWA
of certainty to the public regarding the likelihood of success of these treatments—the BLM should be able to demonstrate through research, scientific study, and monitoring data from past treatment projects a scientifically-supportable link between the proposed treatment and the desired outcome.

This is the “axe instead of a scalpel” method that most concerns us: there is a huge lack of scientific research to support the long-term viability of pinyon-juniper removal on the ecosystem, particularly across the Colorado Plateau, and the BLM has been unwilling or unable to bolster their vegetation treatment projects in proposed wilderness with hard science.

Rarely does the BLM make clear exactly how and why the mechanical removal of thousands of acres of trees will specifically accomplish any project goals, despite the public’s persistent calls for the agency to include this information (if it exists) in its environmental review process.

Before any treatment method is attempted—especially within wilderness quality lands, wilderness study areas, or a national monument—small-scale field tests and rigorous scientific validation must occur to ensure that the proposed treatment method actually does lead to the proposed ecological outcome.

As we see it, cash strapped federal agencies are currently seeing dollar signs for projects labeled “habitat restoration,” which, in turn, has led to a “bigger projects equal bigger funding” mentality. Until the BLM decides to take a careful, scientific approach to vegetation treatments, SUWA will continue to hold public land managers to account as they push forward with plans for massive vegetation removal treatments with the potential for irreversible harm to Utah’s wilderness values, visitor experience, and the integrity and uniqueness of the desert ecosystem.

Our job in protecting Utah wilderness must include having the ability to see the “big picture” in interfacing with the Utah BLM which, as it stands, means challenging short-lived, scientifically-unsupported human intervention when it has such great potential to harm the long-term integrity of Utah’s wildlands.

—Kya Marienfeld

SUWA Returns to the Utah Supreme Court in RS 2477 Right-of-Way Case

Attorneys for SUWA recently finished round two of a high-stakes legal battle before the Utah Supreme Court over the operation of a Utah law that could have a major impact on our continuing fight against the state’s bizarre RS 2477 road claims.

For the past five years, SUWA has been in federal court defending over 20 cases in which the State of Utah claims approximately 12,500 road rights-of-way under RS 2477, a federal statute from the Civil War era which Congress repealed in 1976. These claims—many to faded two-tracks, wash bottoms, and cattle trails—serve no legitimate transportation purpose and are largely an effort to disqualify wilderness-quality lands from formal protection under the Wilderness Act. The state is pursuing its claims in several national parks, monuments, and recreation areas; in designated wilderness areas and wilderness study areas; and in countless other wilderness-caliber landscapes recognized as such by the BLM.

At issue in the Utah Supreme Court case is whether the law bars the state from “bringing an action against any person for or with respect to any real property” more than seven years after the right or title to the property accrued. Translation: according to a state law that has been on the books largely unchanged since 1872, Utah was required to file any claims over its alleged RS 2477 rights-of-way no later than 1983.

Late by 35 Years?

But it seems the State of Utah and its counties neglected to read the code book when they filed suit in 2011 and 2012—35 years after Congress repealed RS 2477. SUWA and the United States raised this point in several of the state’s cases. In response, three federal judges overseeing the suite of RS 2477 cases asked the Utah Supreme Court to explain how the state statute operates.

After an initial round of briefing and argument in 2015-2016, in March 2017 the Utah Supreme Court ordered the parties to brief and argue a related question: whether the United States was a “person” for
purposes of this state law. On May 10th, attorney Jess Krannich with the Salt Lake City firm Manning Curtis Bradshaw & Bednar argued this second question before the Utah Supreme Court on our behalf.

We hope to see a decision from the Utah Supreme Court in the coming months, at which point the federal court will resume its proceedings with an answer in hand. (Foreshadowing: if the court agrees with us it could be the end of the line for the state’s claims!)

—Joe Bushyhead

Horse Bench Drilling Delayed but It’s Not Over Yet

In 2015, SUWA challenged the BLM’s authorization of a seven-well oil and gas project on Horse Bench, a spectacular prow of rimrock overlooking the Green River’s famed Desolation Canyon. We cited the agency’s failure to consider the environmental impacts of the project and quickly prevailed. After we filed our opening brief in federal court, the BLM rescinded its authorization and committed to conduct the necessary analysis. That’s the good news.

In the same lawsuit, we challenged the BLM’s failure to conduct adequate environmental analysis on four leases the agency issued in 2011. Specifically, we challenged the BLM’s refusal to consider more environmentally-friendly leasing alternatives—as the National Environmental Policy Act requires. Such alternatives could protect one of the largest contiguous blocks of roadless, wilderness-quality lands in the lower 48 states. If we prevail on the lease sale challenge, development of the seven-well project (which is planned on one of the four leases) would be further delayed or never happen at all.

Earlier this spring, a federal district judge ruled against our challenge to the lease sale, finding that the BLM conducted sufficient analysis, notwithstanding the agency’s refusal to consider environmentally protective development. We are preparing to appeal the decision to the Tenth Circuit and will report to you as the appeal unfolds.

—Joe Bushyhead

SUWA continues to challenge the BLM’s shortsighted leasing decisions on Horse Bench.

© Ray Blocham/SUWA
Developer Seeks Road through Red Cliffs NCA

Diamond Ridge Holdings, LLC, a southern Utah land developer, is seeking permission to drive an access road through the Red Cliffs National Conservation Area. The road would serve the company’s sprawling 900-unit residential development east of SR-18 in Washington County, Utah.

The proposed development would spread out over approximately 400 acres surrounded by the national conservation area on three sides. A first access road comes from Diamond Valley to the north of the project. But because the development would contain more than 30 homes, zoning regulations require a second access road. The developer applied for a right-of-way permit for such a road through the conservation area last summer.

Because the BLM had nearly completed a years-long management planning process for the conservation area, it chose to defer consideration of the road permit request until the new planning document was in place. The agency determined the road to be incompatible with the new plan (which excludes roads from that part of the conservation area) and denied the developer’s right-of-way application.

The company has appealed the denial to the Interior Board of Land Appeals. SUWA has moved to intervene on the side of the BLM in this appeal and will keep you updated as the case progresses.

—Luke Henry

Push for Highway Leaves Desert Tortoise at Risk

Washington County, the City of St. George, and the Washington County Water Conservancy District are once again pushing for development at the expense of the troubled desert tortoise. This time, the county and its partners are whining about the recently-finished Resource Management Plans for the Beaver Dam Wash and Red Cliffs National Conservation Areas.

After the plans’ completion in late December, Washington County and its partners appealed to the Interior Board of Land Appeals (IBLA), primarily
Bad News for Bryce:  
Trump Ends Coal Leasing Moratorium

We knew this was coming, but that didn’t lessen the blow.  On March 28th, as part of an Executive Order entitled “Promoting Energy Independence and Economic Growth,” President Trump ordered Interior Secretary Ryan Zinke to “take all steps necessary and appropriate” to do away with the Obama administration’s coal leasing moratorium and programmatic environmental impact statement to modernize the federal coal program.

The very next day Zinke revoked former Interior Secretary Sally Jewell’s order which established the leasing moratorium and programmatic review.  Zinke said he found “that the public interest is not served by halting the Federal coal program for an extended time, nor is a [programmatic EIS] required to consider potential improvements to the program.”  Zinke directed the BLM to “process coal lease applications and modifications expeditiously.”

The highest profile proposed coal lease deferred under the moratorium was the so-called “Alton coal tract” in Kane County, just southwest of Bryce Canyon National Park.  The Alton coal tract is planned as an expansion to the Coal Hollow mine, an existing private land mine.  Development of this lease poses a direct threat to Bryce Canyon National Park’s dark night skies and clean air, to water quality, to the southernmost greater sage grouse populations in North America, and to our overheating planet.

A coalition of conservation groups, including SUWA, unsuccessfully challenged the Utah Division of Oil, Gas and Mining’s approval of the initial Coal Hollow mine.  All of those same groups, plus several more, have opposed the BLM’s plans to lease the Alton coal tract.  Initially, several federal agencies opposed this lease as well but later buckled under pressure and dropped their objections.  Now that the moratorium has lifted, the BLM expects to conclude the National Environmental Policy Act review process later this year and proceed with the lease sale.  We will review the agency’s final documents and assess our options, including litigation.

Former Secretary Jewell’s decision to hit the pause button on the BLM’s coal leasing program was designed to bring that program into the modern era and determine, among other things, whether it accurately reflects the reality of human-fueled climate change.  It didn’t come as any surprise that a president who thinks that climate change is a “hoax” promoted by the Chinese would do away with the moratorium (though it was appalling the way Trump outright lied to a group of miners assembled around him, telling them this order would “put them back to work,” as if the decline of the coal industry was disconnected from larger global market forces).

It was equally unsurprising — though perhaps disappointing — that Zinke, a self-styled independent westerner, would blindly follow Trump’s short-sighted decision.  Several conservation groups have challenged Zinke’s order lifting the moratorium in federal court.

—Steve Bloch

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challenging the BLM’s decision to designate portions of the conservation areas as “exclusion areas” for rights-of-way — a designation that prohibits new rights-of-way such as roads, power lines, or pipelines.  The challenge specifically focused on the Northern Corridor, a proposed east-west transportation corridor that would bisect critical desert tortoise habitat in the Red Cliffs conservation area.  The local governments also raised arguments about the BLM’s authority to regulate the location of new water facilities and infrastructure within the conservation areas.

SUWA successfully intervened in the case, siding with the BLM, but before SUWA, the BLM, or the other intervenors could argue their cases, the IBLA dismissed the appeal.  The board found that it did not have jurisdiction to hear appeals of land use plans such as these.  (The board generally considers appeals of “implementation decisions.”)

Without even pausing to consider this loss, Washington County proceeded to take the fight to their ever-compliant pals in the Utah congressional delegation.  For some highlights from the early stages of this battle, see article on Rep. McEachin, p. 10).

—Luke Henry

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**Fight over Recapture Canyon Rages On**

The BLM’s Monticello field office recently issued its decision on the future of Recapture Canyon, a rare riparian canyon ecosystem that borders the eastern boundary of Blanding, Utah. The BLM’s decision permanently closes Recapture Canyon to motorized vehicles. But it simultaneously lifts the long-standing motorized closure on the canyon’s western rim and designates a system of all-terrain vehicle (ATV) routes there.

The decision is a mixed bag but we ultimately support it as it will ensure the long-term protection of sensitive cultural resources along the canyon bottom. Unfortunately, the BLM’s attempt to appease San Juan County’s rabid anti-public lands commissioners with the designation of new routes on the rim won’t work; it never does. The county and the State of Utah have already appealed the agency’s decision to the Interior Board of Land Appeals.

The conflict between ATV use and cultural resource protection in Recapture Canyon has been raging for well over a decade, starting with the illegal con-

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**Wilderness Advocates Join People’s Climate March**

SUWA activists intuitively grasp the importance of wilderness and other undisturbed landscapes in the challenge of protecting our planet from the ravages of climate change. Wilderness is an integral part of the larger discussion about climate change and its global impact on diverse populations—human, animal and plant—worldwide (see suwa.org/climate).

Thus, it is no great surprise that SUWA activists and DC staff joined hundreds of thousands of people from across the United States for the annual People’s Climate March in Washington on April 29th. Sporting big yellow signs saying “Protect Wild Utah” and homemade signs in support of Bears Ears and Grand Staircase-Escalante National Monuments, we marched from the Capitol down Pennsylvania Avenue to the White House.

In Salt Lake City, SUWA and a broad coalition of community partners—from Environmental Ministries to Utah Dine Bikeyah and the Sierra Club—simultaneously marched to Gov. Gary Herbert’s mansion. There we delivered the Student Resolution on Climate, proposed as legislation and written by Utah high school and college students. The event featured youth speakers almost exclusively and they came from widely diverse ethnic and cultural backgrounds, all united behind the message of “Climate Justice Now!”

Many more SUWA supporters across the country participated in local versions of the People’s Climate March. SUWA field organizers attended marches in Augusta, ME; Tallahassee and Greensboro, FL; Portland, OR; Berkeley and Los Angeles, CA; and Philadelphia, PA. We also took the opportunity to recruit people to sign postcards in support of Bears Ears National Monument. SUWA was a national partner of this year’s climate march and an organizing sponsor of the Utah march. We will be there next year, too. Will you march with us?
Working to Protect Imperiled Wildflowers

Oil shale and tar sands mining, as well as traditional oil and gas drilling, threaten 100 percent of the White River beardtongue population and more than 85 percent of the known Graham’s beardtongue population. Both live only on oil shale formations in Colorado and Utah.

In 2013, the U.S. Fish and Wildlife Service (FWS) proposed to list the wildflowers for protection under the Endangered Species Act (ESA) and to protect nearly 76,000 acres of their essential habitat. Just a year later, after lobbying by the energy industry, the Utah School and Institutional Trust Lands Administration and Uintah County, the agency reversed the decision.

SUWA, the Utah Native Plant Society, Rocky Mountain Wild, and other conservation groups challenged the FWS’s reversal of course. Last fall, a federal judge rejected the agency’s reliance on a “conservation agreement” negotiated behind closed doors with pro-industry stakeholders as a sufficient substitute for ESA protection. The judge noted that the FWS effectively admitted that the beardtongues would be in the same “precarious state” upon the expiration of the 15-year agreement as they are today, likely warranting ESA listing. The judge also found that the FWS did not base its decision solely on the best available science, as required by law.

The judge vacated the FWS’s decision not to list the species, concluding that the agency could not reasonably rely on the conservation agreement to deny ESA protections. As part of his ruling, the judge required attorneys and representatives of the parties to discuss whether the conservation agreement can be modified so as to adequately protect the two beardtongue species for the foreseeable future. The parties have met several times to discuss potential changes to the conservation agreement. As negotiations continue, we are hopeful they will result in an agreement that will truly protect these rare and beautiful wildflowers well into the future.

Robin Cooley and Chris Eaton from Earthjustice’s Rocky Mountain office represent SUWA in this case.

—Laura Peterson
Jordan Giaconia Returns to the Constitution State

We are sad to announce that our legislative advocate, Jordan Gianconia, is returning to his home state of Connecticut. But we’re pleased that it’s for a great job opportunity. Jordan will be the program coordinator with the Connecticut Land Conservation Council in Rockfall, working to support and expand land trusts in the state. We know he’ll do a great job.

In his two years at SUWA, Jordan weathered a serious desert rainstorm in a tent in the San Rafael Swell, grueling walks in a suit across the Capitol grounds in DC humidity and, of course, the perennial indignities of working with a Congress that is often hostile to public lands protection. The day after the 2016 election, when many of us were catatonic, he had to pull himself together and get on a plane to Utah to help show Rep. Alan Lowenthal and his staff why the fight for Utah was now more important than ever.

Through it all, Jordan has shown a willingness to take on tasks both menial and crucial, and his affability meant he took plenty of good-natured ribbing, serving as a sort of little brother figure in our Washington office. All of it came from a place of sincere affection, and though we’ll miss him, we’re proud of how much he’s grown up here.

Mark Maryboy Brings Wealth of Wisdom, Talent to SUWA Board

Mark Maryboy, SUWA’s newest board member, is an exceptionally talented fellow. He’s a rodeo bronc rider (with prize belt buckles to show for it), welterweight boxer, fly-angler, sheepherder and shearer, and Navajo rug weaver. He’s also a student of history and an avid prankster.

Plus, he’s a spot-on visionary: In 1986, as Education Director of the Utah Navajo Development Council, Mark was decades ahead of the curve, and of his time, in advocating for the protection of the Bears Ears area.

He’s also persistent. Nearly 30 years later, Mark was one of the founding members of Diné Bikéyah, the Navajo organization that initially proposed the Bears Ears National Monument. As the Bears Ears proposal took shape, Mark traveled hundreds of miles across dusty, bumpy, washed-out roads to visit with elderly Navajos in remote hogans. He mined their stories about the relevance of the lands, plants, animals and spirits of what eventually became the
Bears Ears National Monument. He wanted to get it right.

Mark grew up in a traditional Navajo family on the reservation across the San Juan River from Bluff. Steeped in Navajo cultural traditions, he continues to honor and live by them today. It was no surprise that after Mark finished college, he returned to southern Utah to serve the Navajo people. Mark was elected to the Navajo Nation Tribal Council to represent Navajos from the Aneth, Red Mesa, and Mexican Water chapters, and held the seat for 16 years.

He was also the first Navajo elected to the San Juan County Commission. He served on the board for 16 years, too, fighting the good fight against some of the panel’s more infamous anti-environmental members, including Calvin Black—satirized as Bishop Love in Edward Abbey’s *The Monkey Wrench Gang*.

Mark has fought long and hard for civil rights, voting rights, education, equality, health care, housing, clean drinking water, and much more for Navajos living in San Juan County. And he continues to fight for these rights today. He is a warrior in the word’s most honorable sense.

Ahéhee’ (thank you), Mark, for your lifelong work for the Utah Navajos and the Bears Ears. And thank you for agreeing to join us on the SUWA board. We are delighted to have you!

## Thanks to Michael Mason, SUWA GIS Intern

For the past semester, Michael Mason has served as a SUWA intern in Salt Lake City, bringing his geographic information system (GIS) expertise to bear on a range of our issues.

Michael is currently a student in a master’s GIS program at the University of Utah. A Salt Lake City native, he has been exploring Utah all his life and feels a strong emotional pull to the Colorado Plateau. Previously, Michael conducted research on fluvial geomorphology in the Dolores River watershed, and also spent a season with the Utah Conservation Corps removing invasive species in Grand Staircase-Escalante National Monument. He hopes to use his GIS skills to continue working on environmental issues in Utah.

Michael’s training has been a real asset to SUWA in our work. He worked closely with our GIS and legal teams on a number of projects, most notably RS 2477 litigation. Michael painstakingly collected hundreds of historic images throughout southern Utah and used them to create an interactive map that will help our legal team view the progression of roads over time.

We wish him all best and thank him sincerely for his help!

## A Fond Farewell to DC Intern Andrew Wainwright

We offer best wishes and sincere thanks to SUWA’s most recent DC intern, Andrew Wainwright.

Interns’ duties are many and varied. In any given day, they can be called upon to serve as advocates, organizers, event planners, writers, and sometimes even caterers. Andrew wore all those hats and wore them well.

Within the first few months of his internship in the 115th Congress, he nearly single-handedly managed
the logistics for food, flights, and accommodations for one of our largest Wilderness Week fly-ins to date and even found time to join some of our activists in lobbying members of Congress from his home state of New Jersey. Andrew reached out to potential grassroots targets, researched pending public lands legislation, sat in on legislative hearings and markups, and managed SUWA’s Utah Wilderness News listserv. He did all this while finishing his senior year at American University, where he majored in International Studies.

Now graduated and off to pursue a master’s degree in urban planning from Rutgers University, Andrew hopes to become a city planner. We wish him all the best. Thank you, Andrew, from all of us at SUWA!

Andrew, who studied abroad in Russia, may or may not have helped gather Kompromat on the Utah delegation.
Thank You SUWA Business Members!

SUWA’s Business Membership Program is a great way for your small business or company to support the protection of Utah’s redrock country. If you own a business and care deeply about protecting Utah’s magnificent wilderness lands for future generations, please consider joining today. For an annual donation of $150 or more, we’ll print your company’s name in our newsletter once a year and on our website at suwa.org/businessmembers. At higher levels of support we offer additional benefits, such as a featured spot in our monthly e-newsletter. For more information, please contact Michelle Farnsworth at (801) 236-3763 or michelle@suwa.org.

Listed below are businesses from Utah and across the country that currently support Utah wilderness through SUWA’s business member program.

**Entrada Members**  
($5,000+)
- Salt Lake Brewing Company, UT

**Kayenta Members**  
($1,000-$4,999)
- Gospel Flat Farm, CA
- Powderhound Marketing, CO
- Stone Forest Inc, NM
- Salt Lake Mailing and Printing, Inc, UT
- Shinemaker Foundation, CA
- Stephen L. Gilsdorf, CPA, AZ
- Treasure Mountain Inn, UT

**Wingate Members**  
($500-$999)
- Charles Cramer Photography, CA
- Community Builders Cooperative, MA
- Dabney & Dabney PC, UT
- Imlay Canyon Gear, UT
- Injoy Productions, CO
- Mosaic Real Estate LLC, CO
- Workspace Installations LLC, CT
- William Stone Photography, NM
- Zion Canyon Brewery, UT

**Moenkopi Members**  
($150-$499)
- Advanced Media Strategies, WA
- Adventure Safety International, UT
- Alta Lodge, UT
- Baked In Telluride, CO
- Bret Webster Images, UT
- Brown Bag Farms, CA
- Caffe Ibis Coffee Roasting Co, UT
- Clayhaus Photography, UT
- Consulting Psychologists, AZ
- Escape Goats, UT
- Four Crows Photography, MA
- Frisco Acupuncture, CO
- Glenn Randall Writing and Photography, CO
- Holdfast Outfitters, UT
- Holiday River Expeditions, UT
- Inkwater Press, OR
- James Kay Photography, UT
- Lazy Lizard International Hostel, UT
- Leslie Peterson, ND, Naturopathic Physician, Matheson Design, OR
- Maui Mountain Environmentally Friendly Coffee, Mesa Farm Market, UT
- Ody Brook Enterprises, MI
- Page Speiser LCSW, UT
- Peter Boehringer Photography, NM
- Pinnacle Peak Eye Care, AZ
- Red Rock Brewing Company, UT
- Rupestrian CyberServices, AZ
- Select Stone, Inc, MT
- Tom Till Gallery, UT
- Underwood Environmental, Inc, UT
- Wasatch Snake Removal, UT
- With Gaia Design, UT
- Words and Photographs by Stephen Trimble, ZAK Construction, OR
Get Involved: SUWA’s 2017 Field Volunteer Season Is Underway!

Looking for a way to make a difference? Join our field crew for monthly volunteer opportunities in the backcountry this summer and fall. Work with SUWA staff and regional agencies on wildlife and wild lands protection projects throughout the state. Get your hands dirty while learning about the issues that affect Utah’s citizens and Utah lands.

**Upcoming Service Trips:**
- Bears Ears National Monument, July 29-30
- La Sal Mountains, August 12-13

Fall service trips will be announced later this summer—visit suwa.org/events for an updated schedule. To join the Field Volunteers and receive monthly updates on opportunities in the backcountry, email us at volunteer@suwa.org

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**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.

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: $ 

Gift Membership #2

**From:**

(= your name)

**To:**

**Name:**

**Address:**

**City:** State: Zip:

Mail form with payment to:

SUWA, 425 E. 100 S.
Salt Lake City, UT 84111
“It is horrifying that we have to fight our own government to save the environment.”
—Ansel Adams