

REDROCK

W I L D E R N E S S

The Newsletter of the Southern Utah Wilderness Alliance
Volume 32, Number 3 • Autumn/Winter 2015

Bishop's Public Lands Initiative and the Prospect of
a Bears Ears National Monument

Cover Photo: The Bears Ears formation lies at the heart of a 1.9 million-acre Bears Ears National Monument proposal that would protect some of Utah's most spectacular wilderness landscapes while preserving Native American heritage and history. Photo copyright Tim Peterson/Grand Canyon Trust.



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

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

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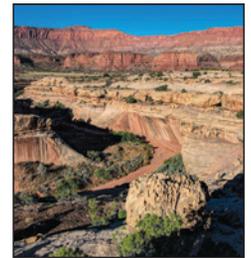
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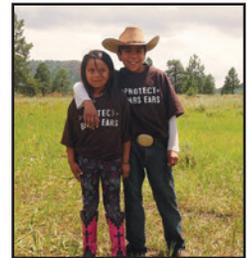
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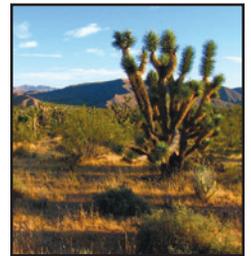
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This issue of *Redrock Wilderness* was written by the following staff and outside contributors: Steve Bloch, Neal Clark, Clayton Daughenbaugh, Jordan Giaconia, David Garbett, Scott Groene, Mathew Gross, Terri Martin, Landon Newell, and Jen Ujifusa. It was edited by Darrell Knuffke and laid out by Diane Kelly.

Newsletter design by Leslie Scopes Garcia.

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wilderness notes



If One Door Closes, Another May Open

Despite some “end of days” hysteria here in Utah, we survived the September blood moon eclipse and can now start to relish the prospect of peaceful winter months ahead. As tourist crowds leave, it will become gradually safer to jay-walk across Moab’s Main Street. The skiff of early snow that frosts the La Sal Mountains, visible from my office, lends hope to my fervent prayers that the El Niño brings us decent skiing this winter.

But hope hasn’t been all that kind to us this year. We entered 2015 nourishing the notion that we might reach an agreement with the Utah congressional delegation over the fate of 5 million acres of proposed wilderness. Disappointment and a bit of anger have displaced that hope. The delegation seems intent on shunting aside three years of hard work and falling back on bad old habits. It will likely introduce yet another bill that does little but massage the anti-wilderness egos of a handful of southern Utah politicians.

We’re still ready to see an agreement, if there are any takers. If not, with your help we’ll fight.

But where one door closes, another opens. If we’re forced to block an anti-wilderness bill, then the congressional fight will serve as an invitation for President Barack Obama to step in and protect the Bears Ears, an area named for twin geological features rising above the Cedar Mesa.

A Show of Unity

Diné Bikéyah, a group of Utah Native Americans, first conceived the idea. Then, in a remarkable development, a coalition of tribes (Navajo, Hopi, Zuni, Ute Indian Tribe, Ute Mountain Ute) embraced the idea and took up the effort. Their goal is to protect nearly 2 million acres, stretching from the remote corner framed by the San Juan and Colorado Rivers north almost to Moab. The area lies wholly within San Juan County in the extreme southeastern corner of Utah.

I worked on the Navajo Nation in San Juan County 30 years ago as a lawyer representing impoverished people. The county’s population was split between Anglos and Native Americans; political power was not. County commission districts were drawn to exclude Navajo representation. Litigation changed that. Navajo women had reason to fear the Anglo police and there was a history of Indian children being taken from their homes and placed with white families. Congress finally blocked that abhorrent practice. Navajo students rode busses for hours each day to attend classes. Litigation forced Utah to build schools where Navajos lived. Native American gravesites were looted for profit. That hasn’t changed.

At a hearing Reps. Rob Bishop and Jason Chaffetz hosted in Monticello last year, I watched Native American speakers shown such disrespect and hostility that I came away believing that not much else has changed, either, apart from grudging compliance with a few laws.

SUWA supports the tribes’ efforts to protect the Bears Ears at the threshold because their proposal would protect the same lands we’ve worked to conserve for decades. But beyond that, we recognize there is something else, enormous and good, at issue.

Acknowledging Grievous Wrongs

Native Americans lived in and used the Bears Ears from time immemorial. In history less ancient, the Navajo People lived there until the U.S. military forced them out 150 years ago. Today, Indian people visit the lands of the Bears Ears to gather medicines, herbs, and other natural materials essential to Native practices. The

wilderness notes

region holds the remains of ancient and more recent occupants. The Bears Ears proposal would protect both. It would be a step toward acknowledging some of our nation's greatest wrongs and trying, however belatedly, to atone for them.

We began our discussions with Rep. Bishop three years ago in good faith and a willingness to make difficult compromises, with a single criterion: is it best for the Redrock? We remain willing. But Bishop's vaunted process is unraveling, and we fear its threads will be rewoven into yet another wildly anti-environmental vehicle masquerading as a wilderness bill.

We will do all we can to defeat such a bill and we'll need you and our congressional champions to succeed. We are saddened that it may come to that. But there is solace in knowing that yet another demonstration of Utah's towering intransigence may free the President to deliver for the tribes. We are grateful that doorway exists.

For the Redrock,



Scott Groene
Executive Director



© Tim Peterson/Grand Canyon Trust

Members of the Hopi, Ute, Navajo, Zuni and other Pueblo tribes attended a Summer Gathering at the Bears Ears in July. Together they are calling for the area's protection as a national monument.

features

Bishop's Public Lands Initiative: Menace Replaces Promise

Three years ago Rep. Rob Bishop (R-UT) announced that he would boldly go where few had dared before: to broker legislation for the public lands of eastern Utah. Early on dubbed the “Grand Bargain,” Bishop intended this to resolve longstanding public lands disagreements.

Much of that early promise has faded as it becomes increasingly apparent that Utah’s rural county commissioners—a numerical flyspeck in a nation of 325 million people—are being handed the keys to the fate of our national public lands. No longer worthy of the name “bargain,” either grand or petite, this effort has become known as the “Public Lands Initiative” (PLI).

While the PLI legislation has not been released, it is clear where it is headed. Rep. Bishop’s partner in this effort, Rep. Jason Chaffetz (R-UT), recently said it was no secret that the PLI legislation would largely be what the county commissioners proposed. If so, the prospects for real conservation are grim.

A Monument Looms

It is worth recounting how we got to this point. What drove Bishop to seek a Grand Bargain? In short, the possibility of a new national monument in Utah.

The 1906 Antiquities Act gives the President authority to protect public lands as national monuments. Arches, Capitol Reef, Bryce Canyon, and Zion national parks were first protected that way. That same authority created the Grand Staircase-Escalante National Monument.

When the Grand Bargain process began, several Utah national monument proposals were circulating. The delegation openly worried that unless it acted, the President would use his authority to protect public lands. Utah political leaders have long insisted they could develop a workable formula for the management and protection of Utah’s remarkable public lands. The threat of new monuments focused their



© Jeff Clay

San Juan County specifically said it would not take input from anyone outside the county in developing its public lands proposal. As a result, magnificent landscapes like White Canyon (above) were left out.

features

minds on precisely that task, one they knew would demand meaningful conservation.

A New Beginning

The conservation community lauded Bishop's willingness to undertake the difficult task, and Bishop announced that his effort would be different from previous ones. Early on, it certainly seemed so. There was a palpable change of tone in meetings between traditional antagonists. Most approached this effort with open minds and listening ears. To demonstrate our goodwill and good faith, conservationists offered early concessions.

Daggett County: A Case Study

Soon, in Daggett County, it seemed we had struck gold.

At the Utah Capitol in October 2014, we joined Bishop, Daggett County commissioners, Gov. Gary Herbert, our conservation partners, and staff members from Chaffetz's and Sen. Mike Lee's (R-UT) offices. We announced an agreement regarding the public lands of this small northeastern Utah county, the first under the Grand Bargain.

The details were exciting. The proposal would protect the lion's share of lands in Daggett County proposed for protection in America's Red Rock Wilderness Act. It also included a novel exchange of BLM lands and Utah school trust lands that we hoped would create a powerful precedent. Rep. Bishop said he would include the agreement in his Grand Bargain legislation. He hailed this arrangement as a model for the rest of the counties to follow, a view many shared. The *Deseret News* called it a "home run."

Unfortunately, Daggett County soon became the exemplar of what is wrong with this effort today: one single Utah county commissioner has final say on lands belonging to 325 million Americans.

When the Daggett agreement was struck, two of the three county commissioners were leaving office at the end of the year. One of the incoming commissioners, who ran unopposed, soon declared his opposition to the agreement. He rabble-roused, complained, and attacked it—in essence, because it included any conservation at all. Bishop capitulated and said he would no longer honor the Daggett agreement.

In Daggett County leadership, compromise and reason fell to the animus of one county commissioner representing just over 400 voters. And the Grand Bargain faded away, to be replaced by the PLI.

In the PLI, Bishop and Chaffetz no longer aspired to a comprehensive resolution of the public land wars of eastern Utah. They handed over the process to rural counties, none of which would be called upon to make serious compromises.

Counties Run Wild

In some counties—Grand, Uintah, and Duchesne—commissioners were willing to talk to groups like SUWA. Other counties refused even cursory discussions. San Juan County specifically said it would not take input from anyone outside the county in developing its public lands proposal. It would not even listen to Indian tribes, such as the Hopi or non-Utah Navajos, despite their direct cultural and ancestral ties to these lands.

It would be one thing if San Juan County's proposal were meant to be a starting point for discussion. It isn't. Chaffetz recently said publicly that he considered the PLI process for San Juan County to be over. He explained that anyone was welcome to travel to Monticello for county meetings (never mind the fact that the county said it would not listen). But there would be no input sought from anyone else.

Common sense shows that this is a sure recipe for failure; history concurs. This is the same approach Utah's congressional delegation embraced in 1995 for its ill-fated statewide wilderness proposal: put county commissioners in charge and ignore the views of everyone else.

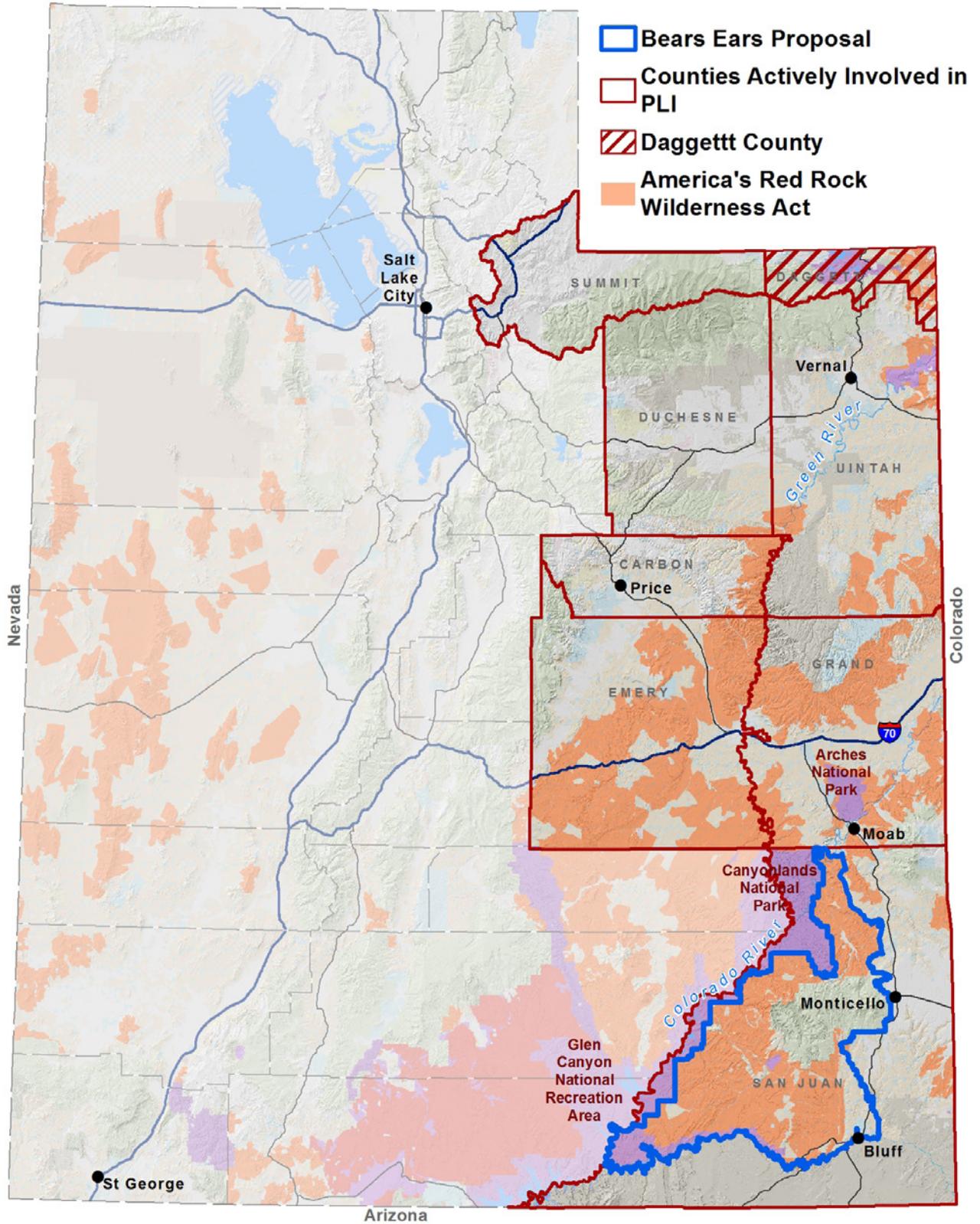
County commissioners have little incentive for compromise and are easy prey to parochial interests. The icons we celebrate are diagnostic of an ethos. For example, The Utah Association of Counties just named Phil Lyman its 2015 county commissioner of the year. Commissioner Lyman (of San Juan County) was convicted earlier this year for leading an illegal off-road vehicle ride into Recapture Canyon—an area closed to vehicles to protect its wealth of cultural artifacts.

In the PLI, this is who runs the show.

(Continued on page 9)

features

Public Lands Initiative and Bears Ears Proposal



f e a t u r e s

An Un-Wilderness Bill

What does a rural-Utah-county-produced PLI look like? It is a grab bag of gifts for counties. County-conceived legislation is likely to designate thousands of miles of RS 2477 rights-of-way while still allowing counties to litigate claims inside designated wilderness. RS 2477 is a Civil War-era statute that encouraged settlement by granting rights-of-way across public lands; in Utah it has served as a tool to block wilderness by insisting that footpaths and wash bottoms are actually highways.

One county official enthusiastically described how the PLI will use alleged RS 2477 rights-of-way to create “un-wilderness” areas. A threshold feature of wilderness is roadlessness. If the PLI creates a spiderweb of legitimized routes across our public lands, those areas will be roaded, not roadless, and thus forever disqualified from wilderness protection.

The parade of horrors continues. If the counties prevail there will be land giveaways and a land exchange tilted heavily in the state’s favor. In areas designated for conservation, it’s possible the legislation will create more safeguards for grazing than exist on unprotected public lands. Vast areas will be designated energy zones with energy development given top priority. In fact, the counties propose more acreage for energy zones than for conservation.

The cherry on top of the bill is a permanent restriction on the President’s use of the Antiquities Act authority in the PLI counties.

“Benefits . . . ?”

As for the “benefits,” Chaffetz said that the PLI will include roughly 3.9 million acres of protection. In other words, if we’re lucky, the PLI may end up “protecting” almost as much land as is already managed for protection. For example, about 10 percent of this acreage comes from wilderness designated inside of already-protected national parks.

Nearly half the total comes in the form of ambiguous National Conservation Areas or other novel designations. Every county has proposed different management guidelines for these areas; many would actually weaken land management compared to current BLM practices.

Another 40 percent of the 3.9 million acres would be designated wilderness outside parks—more



© Ray Bloxham/SUWA

This scenic stretch of the San Juan River remains unprotected in the PLI.

sleight of hand. This acreage total is less than what the BLM today manages as wilderness study areas and natural areas (two different forms of administrative de facto wilderness) in the PLI counties.

In summary, we have a one-sided deal: under the PLI, areas that are already managed for protection will be permanently designated—subject to continuing litigation from the counties. In exchange, we’re asked to swallow major weakening of management guidelines for those protected areas, giveaways to counties, carbon-generating energy zones, and no more Antiquities Act authority.

We Continue to Hope

At press time, the Utah delegation is drafting its legislation. We hope it will be more than just a county-produced PLI. We hope the delegation will seek conservation, compromise, and public involvement as it proceeds. We are ready to be part of further discussions and negotiations to craft a wilderness bill that will serve posterity and this spectacular landscape. The PLI’s current trajectory, however, makes daring to hope seem like wishful thinking.

History shows what the likely fate of a county-driven wilderness process in Utah will be: failure. If that is the case, we should not be surprised that the very thing that started this process—a national monument—is also the thing that ends it.

—David Garbett

features

Tribes Formally Present Bears Ears Proposal to Obama Administration

A partnership of Native American governments has formally called upon President Barack Obama to use his authority under the Antiquities Act to establish a 1.9-million-acre Bears Ears National Monument in southern Utah.

The Bears Ears Inter-Tribal Coalition—an alliance of the Navajo, Hopi, Ute Indian Tribe, Ute Mountain Ute, and Zuni tribes—announced the action at an Oct. 15 press conference in Washington, D.C. The proposed national monument encompasses lands held sacred by the members of the coalition as well as a number of other tribes. It takes its name from distinctive twin buttes that rise above Cedar Mesa and stand as a regional landmark (see cover photo).

This is the first time tribes have linked arms to petition for a monument proclamation.

100,000 Cultural Sites within Area

The Antiquities Act was originally passed in 1906 to give the President the power to protect Native American antiquities as well as other objects of scientific and historic value on public lands. The Bears Ears initiative represents the first time tribes themselves—the living descendants of the people who created the artwork, pottery, villages, and cities that comprise the more than 100,000 archaeological and sacred sites within the proposed monument—have sought such protection.

This issue of *Redrock Wilderness* was heading to the printer the day after the tribes' announcement, but we have no doubt that the response to the coalition's proposal from Utah politicians will be swift and vehement. There has been no shortage of signals to that effect. A week before the press conference,



© Ray Bloxham/SUWA

A monument designation for the Bears Ears region would protect more than 100,000 archaeological and sacred sites, including this Ancestral Puebloan cliff dwelling.

features

Utah Lt. Gov. Spencer Cox was complaining to KXRR talk radio in Salt Lake City that, while “there are many parts within the greater Bears Ears that are sacred” [to tribes], there are “hundreds of thousands of acres that are not sacred . . . included in [the coalition’s proposal].”

We’re not sure where Lt. Gov. Cox gained his expertise on what Native American people do and do not revere. It may be the same place Rep. Rob Bishop learned what constitutes an antiquity (see “Bishop Says 13,000-year-old Clovis Point ‘Not Antiquity,’” p. 14). Bishop also said using the Antiquities Act is “seizing more land like bandits in the night.” Can an American politician really be so profoundly tone-deaf as to suggest that a national monument that Native Americans strongly support is like stealing someone’s land?

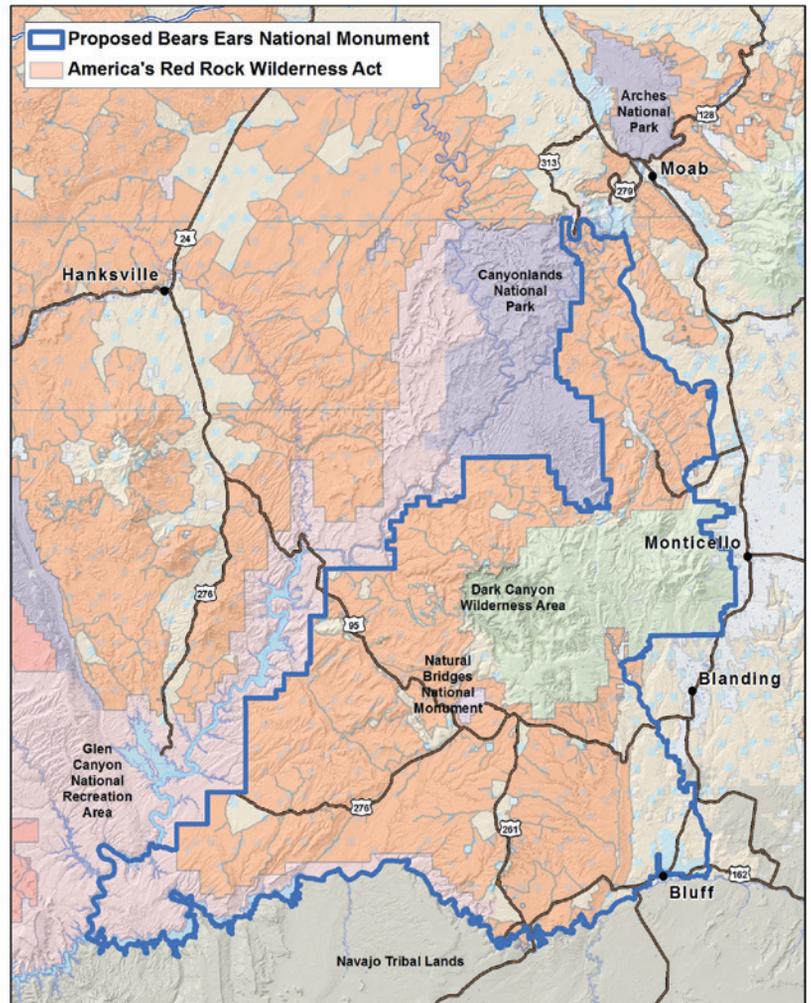
Five Years of Research, Mapping

The monument boundaries proposed by the Bears Ears Inter-Tribal Coalition reflect more than five years of cultural mapping work by the non-profit organization Utah Diné Bikéyah, which interviewed tribal elders to identify areas of ancestral and contemporary importance to tribes.

The proposal also recommends an unprecedented level of collaborative management between tribes and the federal government for the new national monument. The Bears Ears’ lands would remain in public hands and open to all Americans. But for the first time, those lands would be managed in a way that also honors the worldview of today’s Native people and their ancestors. A Bears Ears National Monument has the potential to create a world-class institute of learning and land management, bringing traditional knowledge into partnership with scientific, ecological, and conservation values.

Bears Ears Prominent in SUWA’s History

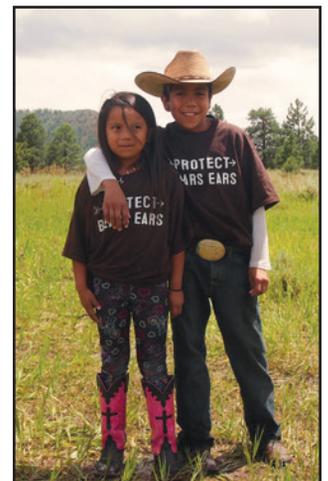
SUWA fully supports the Bears Ears Inter-Tribal Coalition’s proposal. It would protect lands that SUWA has long fought to protect: one of our first campaigns, more than 30 years ago, was to prevent the BLM from chaining (ripping out the pinyon-juniper forest) just below the Bears Ears themselves. It would also elevate the voices of tribal governments and tribal members, which for too long have been excluded or under-represented in land management discussions.



Indeed, that exclusion continues to this day. At the Washington press conference, Coalition Co-Chair Eric Descheenie criticized Rep. Bishop’s Public Lands Initiative (see previous article, p. 6) for ignoring tribal input and proposals since its inception. If Bishop simply incorporated the tribes’ Bears Ears proposal into his initiative, he would obviate the need for President Obama to use the Antiquities Act (which Bishop commonly calls “the most evil act in history”).

We’re not holding our breath for such inclusion and neither should you. Together, let’s hope that President Obama will use his Antiquities Act authority to honor the tribes’ request and protect the cultural heritage of this magnificent landscape.

—Mathew Gross



© Anna Brady/Utah Diné Bikéyah

The Bears Ears proposal seeks to protect lands for future generations while preserving Native American heritage.

DC news

Hatch Rides into Washington County on a Steed Named “Revisionist History”

When the Washington County lands bill passed in 2009, we hailed the designation of thousands of acres of new wilderness and National Conservation Areas, as well as the removal of several anti-environmental provisions that had tanked earlier versions of the same bill. Against pretty long odds, we and our partners managed to avert a major setback and achieve a conservation gain.

Lo, but the Washington County commissioners, dismayed that the bill wasn’t completely lopsided against us, have gnawed those sour grapes ever since!

Enter the hero of the downtrodden: Sen. Orrin Hatch of Utah. Just six years after voting for the passage of the legislation, Hatch wants to “clarify” things that the county commissioners are still sulking about. Namely, Hatch introduced a bill, S. 1783, that would mandate the designation—and preclude any environmental review—of a right-of-way corridor for a highway slicing through the Red Cliffs National Conservation Area. The NCA is one of the hard-won protected areas. It contains critical habitat for the threatened Mojave desert tortoise.

The BLM Does its Job

This is all happening now because the BLM’s just-released draft management plan for the Red Cliffs NCA does not include a highway corridor in the “preferred” alternative. Refreshingly, the agency’s decision to not permit the highway corridor is based on its concerns about natural resource impacts, namely to the desert tortoise. But not only did the BLM do its job, it also complied with the law, which required only that a potential highway corridor be considered as the agency underwent its planning process. Earlier versions of former Sen. Robert Bennett’s bill—the ones that didn’t actually pass—had specified that the BLM had to designate the corridor. The final product, the one Hatch voted for, contained no such mandate.

Hatch’s claim that the BLM has “not complied” with its “mandate” to designate the route just doesn’t make sense. If it did, his little “clarification” wouldn’t be necessary at all—we’d see this in court, not in Congress. But in Washington, D.C., as in Washington County, UT, wishful thinking thrives!

—Jen Ujifusa



No place for a highway: Utah's Red Cliffs National Conservation Area.

© Bob Wick/BLM

Good
News!

Congress Okays Military Package without Bad UTTR Expansion Provision

Great news! Earlier this year we wrote about an expansion of the Utah Test and Training Range (UTTR) that Sen. Orrin Hatch (R-UT) has proposed. Versions of the draft legislation we have seen would enlarge the military facility in Utah's West Desert right over proposed wilderness areas and would give away bogus RS 2477 rights-of-way to counties in the process. In 2014, Hatch tried and failed to stick this on the National Defense Authorization Act, and we were worried we'd see the same in 2015.

The UTTR expansion language did not make it into the final package. Not only that: other bad add-ons from the Utah delegation having nothing to do with national defense were stripped from the funding bill. One was Sen. Mike Lee's (R-UT) provision to prevent an Endangered Species Act listing of the American burying beetle, the other Rep. Rob Bishop's (R-UT) provision to hamper sage grouse listings.

Senator Debbie Stabenow: a Stalwart for the Redrock

Sen. Dick Durbin of Illinois and California Rep. Alan Lowenthal stand at the top of the list of our congressional redrock champions, but it's a long list and it's good to recognize some others who comprise it.

Sen. Debbie Stabenow of Michigan is among the best of them. She has served in the Senate since 2001 and as a member of the House of Representatives for two terms before that. For all those years, she has been a cosponsor of America's Red Rock Wilderness Act—seven of ten times an original cosponsor. But she hasn't stopped there.

When 14 senators wrote the President seeking protection for the Greater Canyonlands region, she was among the very first to add her name. When some congressional help to open up communication with a recalcitrant agency might come in handy, her office has been ready to lend a hand.

"Sen. Stabenow has been gracious and clear about her support every time I've asked her to cosponsor," says Bev Wolf of Michigan Friends of Red Rock Wilderness. All the Michigan Friends we spoke to about Sen. Stabenow echo that view, including Pat Dengate, a founder of the group.



Sen. Debbie Stabenow (public domain photo).

"We are confident that when we need her, Sen. Stabenow will be there," Pat said.

We thank Sen. Stabenow for her leadership and the Michigan Friends of Red Rock Wilderness for all their hard work on behalf of the canyon country!

—Clayton Daughenbaugh

DC news



Bishop Says 13,000-year-old Clovis Point 'Not Antiquity'

President Barack Obama's recent round of national monument designations has turned GOP crosshairs to the near century-old Antiquities Act, and Utah's Representative Rob Bishop is urging his colleagues to pull the trigger.

Enacted in 1906, the Antiquities Act gives the President the authority to swiftly protect deserving natural treasures. Over time, it has preserved some of Utah's most beloved landscapes, including Arches, Bryce and Zion national parks, all of which began as monuments.

Since 2009, President Obama has made 19 designations under the Act, preserving a total of roughly 260 million acres of public lands and waters, more than any other president in history, and garnering the gratitude of conservationists nationwide.

Meanwhile, Bishop and other GOP members have been spearheading efforts in the House to beef up rhetoric against the Antiquities Act.

When asked about the recent designation of the 704,000-acre Basin and Range National Monument in Nevada he was curt, to say the least. "There is nothing that Obama did today that had anything to do with an antiquity," Bishop said. And what about the Native American ancient cave paintings, potsherds, and 13,000-year-old Clovis points found at the site? "Ah, bull crap. That's not an antiquity."

Later, in an official press release, Bishop condemned the designation as a "shameful power move which makes states and citizens fearful that the federal government can invade at any time to seize more lands like bandits in the night."

On the local front, Bishop eloquently expressed his disdain while speaking at a Western States Land Commissioners Association meeting on July 19th in Moab. "If anyone likes the Antiquities Act, the way it is written, die," he said. "I need stupidity out of the gene pool. And it is the most evil act ever invented."

Sagebrush diplomacy at its finest.

—Jordan Giaconia

canyon country updates

Energy Company Now Targets Labyrinth Canyon, Hatch Point

The threat to wild landscapes surrounding Canyonlands and Arches national parks continues unabated. Fidelity Exploration and Production Co., a Denver based oil and gas operator, has already sunk wells near the entrance to Island in the Sky and Dead Horse Point State Park. The company now seeks approval to push its web of development to the west and south.

The expansion would bring highly visible pumpjacks, pipelines, and miles of new roads into the Labyrinth Canyon and Hatch Point proposed wilderness areas, essentially rimming the northeastern boundary of Canyonlands National Park with oil and gas development.

Fidelity's Hatch Point project proposal falls within the proposed Bears Ears National Monument. The area features dramatic redrock formations and some of the nation's most brilliant night skies. Adding insult to injury, the company proposes to flare natural gas from each well in Hatch Point rather than collect and transport the gas to produce energy. The flared gas will be visible from within Canyonlands National Park and will further degrade air quality in the region.

Compound Impacts

Each of the two Fidelity projects alone will have a significant adverse impact on, among other values, air quality, cultural resources, and wilderness-caliber landscapes. Combined, the impacts will be enormous: construction and drilling of up to 69 wells, "upgrading" more than 31 miles of existing two-track routes into "resource roads," construction of several new roads, and installation of more than 23 miles of new pipelines.

These two terrible proposals are the result of unbalanced and outdated land use plans that favor energy development over every other use of our public lands. Despite that, for decades SUWA has successfully fought to protect the Labyrinth and Hatch Point regions, so there is still hope for the future.

The fight is far from over. SUWA has submitted comments on both proposals, and with your support and help (and a little luck: think Bears Ears National Monument!) these remarkable landscapes will remain unspoiled for decades to come.

—Landon Newell



© Neal Clark/SUWA

With its recent proposals to develop Labyrinth Canyon and Hatch Point (above), Fidelity Exploration and Production Co. seems bent on rimming the northeastern boundary of Canyonlands National Park with oil and gas development.

canyon country updates

Moab Master Leasing Plan: A Chance to Get It Right

The Utah BLM has released its long-awaited draft Moab master leasing plan (or Moab MLP) for a 90-day public review and comment period. The plan, made available in late August, seeks to give the agency the tools it needs to protect roughly 750,000 acres of remarkable public lands around Moab—lands that embody what Americans think about when they imagine Utah’s redrock country.

Though the draft plan takes strong steps toward better management, there’s room for improvement. Places like Porcupine Rim, Fisher Towers, Six-Shooter Peaks, and Goldbar Canyon will be protected from the sight and sound of pumpjacks and other oil field equipment. As things stand today, these places and many others in the region are vulnerable to the devastating impacts of oil and gas leasing and development, as well as potash mining.

At the same time, the master leasing plan will provide for better management of oil and gas development and potash mining to avoid conflict with other

resources. The MLP will also give industry certainty about where leasing and eventual development could occur, and companies will better understand the terms and conditions governing those activities.

Labyrinth Canyon Left Vulnerable

Unfortunately, the Moab MLP leaves some critical landscapes unprotected. For example, under the draft plan’s “preferred alternative,” the Labyrinth Canyon stretch of the Green River and its stunning side canyons remain open to leasing and development. There are also too many loopholes in the MLP’s proposed lease stipulations. These would undermine the certainty the planning process aims to deliver. Tightening up these so-called “waivers, modifications, and exceptions” will ensure that the public gets the benefit of the bargain from the MLP.

The BLM kicked off the master leasing plan process in May 2010 in direct response to litigation that SUWA and our partners brought in the last days of the George W. Bush administration to stop oil and gas leasing on the doorstep of Arches and Canyonlands national parks and other remarkable wilderness landscapes. After we successfully blocked the sale of the infamous “77 leases” and



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Under the draft MLP’s “preferred alternative,” the Labyrinth Canyon stretch of the Green River and its stunning side canyons remain open to leasing and development.

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Interior Secretary Ken Salazar withdrew them from sale, there was consensus that the Obama administration needed to do better.

Master leasing plans are one example of that promise to better balance protection of wild places with energy development and local economic growth.

The BLM held three open houses this fall (in Moab, Monticello, and Salt Lake City) and will also be accepting comments via email and letter. Visit suwa.org for more information about the Moab MLP, including links to the plan and ways to submit comments. With your help, we will work to ensure that wild landscapes are protected.

—Steve Bloch

SUWA Appeals BLM Plan to Denude Range Creek Area

The BLM's Price field office is pushing ahead with planned vegetation treatments in Range Creek Canyon, world-renowned for its high density of prehistoric cultural sites. The project authorizes extensive removal of pinyon, juniper, and sagebrush throughout the canyon.

The Range Creek project encompasses 62,250 acres of public land, including 49,730 acres proposed for permanent protection in America's Red Rock Wilderness Act. If this weren't ridiculous enough, approximately 85 percent of the project area (42,431 acres) falls within the Desolation Canyon and Turtle Canyon Wilderness Study Areas (WSAs).

By law, WSAs are to be managed solely for protection of wilderness values. Shortly after the BLM approved the landscape manipulation project, SUWA (along with Western Watersheds Project and Yellowstone to Uintas Connection) appealed the decision. Our claims zero in on the BLM's failure to adequately analyze the project's potential environmental impacts and the agency's illegal approval of activities not permitted in WSAs.

We've submitted our legal arguments and expect a decision from the Interior Department's administrative law board soon. We'll keep you posted.

—Neal Clark

Good
News!

Indian Creek Gets Reprieve from New ATV Trail

In an August decision, the Interior Board of Land Appeals (IBLA) invalidated the BLM's approval of a new all-terrain vehicle trail in the Indian Creek area near Canyonlands National Park and sent the matter back to the agency for further environmental analysis.

The IBLA acted on a motion the BLM itself filed. Though the agency has stoutly defended the validity of the project since its inception four years ago, it now has conceded that its environmental analysis was illegal and asked the board to vacate its decision. At this point, the BLM can either conduct significant additional analysis of potential adverse impacts from the trail or simply send a bad idea to its final rest.

Hope for the latter but don't bet the rent money on it. Certainly there has been extensive public opposition to the project in the form of thousands of comments from quiet recreationists and from the National Park Service. Even with such support, the Monticello BLM has had difficulty standing up to pressure from San Juan County and rejecting the ATV trail. To avoid saying "no," the agency's Monticello office has revised the project proposal not once or twice but four times in as many years. That is a level of effort those of us who monitor the BLM rarely see.

The Monticello BLM has wasted significant public resources trying to find a way to push motorized recreation into areas bordering Canyonlands National Park that now receive little such use. Instead of wasting even more time and money cooking up a bulletproof capitulation to San Juan County's insatiable appetite for ATV trails, the agency should dismiss the Indian Creek trail for the terrible idea it has always been.

Public employees in San Juan County have an insanely difficult job when they try to protect public lands there. Assuming the Indian Creek decision is more than merely tactical, we applaud the agency's courage. We hope it endures and spreads.

—Neal Clark

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BLM Releases Draft Plan for Red Cliffs, Beaver Dam Wash NCAs

The St. George office of the BLM has released for public comment its draft management plan for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs)—both located in a unique corner of Utah where the Colorado Plateau, Great Basin, and Mojave Desert ecosystems meet. The agency did its job—which is to say it followed the law. When this happens in Utah, there is usually a firestorm of protest from local and state governments. This case is no exception. (You can get those details in a related story on page 12.)

As you may recall, the 2009 Washington County public lands bill designated some wilderness and established the two NCAs near St. George, Utah. The NCAs were created to “conserve, protect, and enhance . . . the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources” of the designated lands.

The BLM’s next step is writing a comprehensive plan to guide management of the NCAs. SUWA is advocating for the strongest possible protection of lands and wildlife, including:

- Managing lands for protection of wilderness characteristics.



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Beaver Dam Wash National Conservation Area.

- Ensuring long-term conservation of the threatened Mojave desert tortoise, which means, among other things, preventing a highway corridor through the Red Cliffs NCA in critical tortoise habitat (the “preferred alternative” in the draft plan includes no such corridor and we want it to stay that way).
- Designating Areas of Critical Environmental Concern for threatened, endangered, and at-risk species.
- Confining motorized vehicle travel to designated roads and trails, allowing no open, cross-country travel.
- Limiting new motorized and non-motorized recreational development.
- Eliminating livestock grazing from the Beaver Dam Wash NCA.

SUWA has reviewed the draft management plan and submitted comments to the St. George office of the BLM. To submit your own comments, visit suwa.org/NCAComments. The agency has just extended its comment deadline to November 16th.

—Neal Clark

Road Claims, Land Use Plans & Energy Development Dominate Legal Docket

SUWA’s litigation docket is always busy. Here’s a roundup of recent comings and goings in the legal arena. For current updates, visit suwa.org.

RS 2477 Litigation

Briefing will wrap up this November before the Utah Supreme Court which is considering a “certified question” sent to it by three federal district court judges overseeing the state’s RS 2477 “roads” litigation. The particular issue before the Supreme Court is Byzantine even by legal standards, but at its heart is the question of whether the state filed its RS 2477 cases too late. We expect oral argument next spring and a decision by next summer.

While the certified question is pending, a “bellwether process” is being established in federal district

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court to tackle a handful of RS 2477 claims in Kane and Garfield counties and reach resolution on key, but as yet unresolved, legal issues. The goal of this process is a quicker resolution of the state's massive RS 2477 litigation while still holding the state to its heavy burden of proof to establish these claimed "roads." The bellwether process will play itself out over the next two years, unless it is short-circuited by a ruling from the Utah Supreme Court.

Finally, the state continues to take depositions of its older witnesses in an effort to "preserve" their testimony for later proceedings. Attorneys representing SUWA attend these depositions and have an opportunity to cross-examine the witnesses about their testimony over alleged use of these routes from 50 to 70 years ago. Depositions will be held this fall and early winter in Emery, Uintah, Grand, San Juan, Carbon and Daggett counties.

Resource Management and Travel Plans

The BLM, the state of Utah, and several counties have appealed a federal judge's decision that the BLM's Richfield resource management and travel plans violated federal environmental and historic preservation laws. That spells more delay in ensuring that the BLM follows the law and revises its off-road vehicle travel plans. In a truly disappointing turn of events, we are approaching the seventh year of this lawsuit and the Obama administration's defense of the wildly unbalanced Bush-era plans. Let's hope that a convincing win at the Tenth Circuit changes the administration's mind and we can put this litigation to bed.

Oil and Gas Development

SUWA and its conservation partners are pressing ahead in two cases challenging oil and gas development that threatens proposed wilderness in Desolation Canyon. First, our longstanding battle against Gasco Energy's proposal to drill more than 200 wells in the proposed wilderness continues and we hope to have a hearing before a federal judge on our claims this winter. Second, we have challenged a decision by the BLM to sell several oil and gas leases and to approve XTO Energy's proposal to drill seven news wells on Horse Bench, which overlooks Nine Mile Canyon and the Desolation Canyon stretch of the Green River. That lawsuit is just getting underway.

—Steve Bloch

"Operation Climb On" Brings Veterans to the Heart of Bears Ears



© Jeff Clay

Veterans with Operation Climb On (OCO), a non-profit therapeutic climbing program for people who have served in the military, headed to the heart of the Bears Ears area this fall. Once again, they relied on the wild outdoors, rock climbing, and time around the campfire to work their healing alchemy.

After his own struggle with PTSD after several combat deployments in Iraq, Utah resident Michael Cumming founded OCO, which uses climbing and nature as therapeutic tools to build camaraderie, trust, and healthy lifestyles within the veteran community.

On this trip, the veterans canyoneered a slot canyon, explored ancient cliff dwellings and rock art sites with a local guide, and shared stories around the campfire.

Twenty-five Native American Tribes and Pueblos are calling for the protection of 1.9 million acres of public land surrounding the twin buttes called the Bears Ears as a national monument (see article, p. 10) to preserve their ancestral homelands and current use of the area for subsistence, spirituality, healing and contemplation.

"Places like the Bears Ears are essential to the healing services we provide our veterans," said Michael Cumming after the trip. "It's true what the Utah Diné Bikéyah, a Navajo group promoting protection of the Bears Ears, has written: 'If we protect the land, we heal the people.'"

inside SUWA

Some New Faces in DC, and It's Not Even an Election Year

We've had a number of big staff changes this year in SUWA's D.C. office. First, our eastern grassroots organizer, Rachel Briggs, heeded the siren song enticing so many capital denizens and headed off to law school at Lewis and Clark in Oregon. We'll miss her, but we're confident she'll use her law degree for the good fight, and thus have stifled most of our pet lawyer jokes. Best of luck to you, Rachel!

Joining us as the new organizer is Travis Hammill and he's already made his mark at slideshows up and down the East Coast. Travis, a George Mason University graduate who previously organized for a children's advocacy group, hopes to energize our activists in his native South. He has made inroads in presenting at novel venues such as climbing gyms, REI retailers, and even a D.C. outdoor beer garden.

Summer also marked the departure of Legislative Advocate Laura Peterson from the East Coast, but fortunately not from SUWA. Laura, a lawyer by training (seriously, what is in the water?), is joining the ranks of our legal team in Salt Lake City, adding needed capacity to our energy, RS 2477, and other program work.



We thank Rachel Briggs for her excellent organizing work and wish her the best of luck in law school!



SUWA welcomes Legislative Advocate Jordan Giaconia (left) and Eastern Grassroots Organizer Travis Hammill to our D.C. team.

That meant we also hired a new legislative advocate, Jordan Giaconia, to do the shoe-leather work of gathering cosponsors for America's Red Rock Wilderness Act and tracking bills on the Hill. A "Nutmegger" from Lyme, Connecticut, Jordan stood out as a rising star in his previous work for the Land Trust Alliance and the Adirondack Council, and has already garnered a number of new cosponsors with the help of our grassroots network.

Thanks to Summer Legal Intern John Smitten

SUWA is grateful to John Smitten, our summer 2015 legal intern, for his great work assisting our legal team in Salt Lake City. John tackled a broad range of issues including RS 2477 rights-of-way, travel management litigation, and oil and gas leasing on Utah's public lands.

Over the past several months, John helped prepare administrative appeals, comments on energy development projects, and memoranda on RS 2477. He also helped SUWA's legal team prepare for hearings before federal judges.

John is currently a law student at Vanderbilt Law School in Nashville. A Utah native, he intends to continue studying environmental law and also focus on copyright and patent law. Good luck in your second year of law school, John! And thank you for your hard work!

Make a Longterm Investment in Utah Wilderness

Join Our Monthly Giving Program

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

Leave a Legacy for the Redrock

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

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

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

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



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inside SUWA

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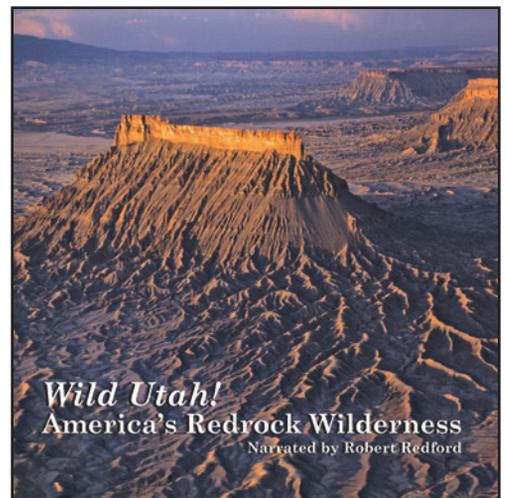
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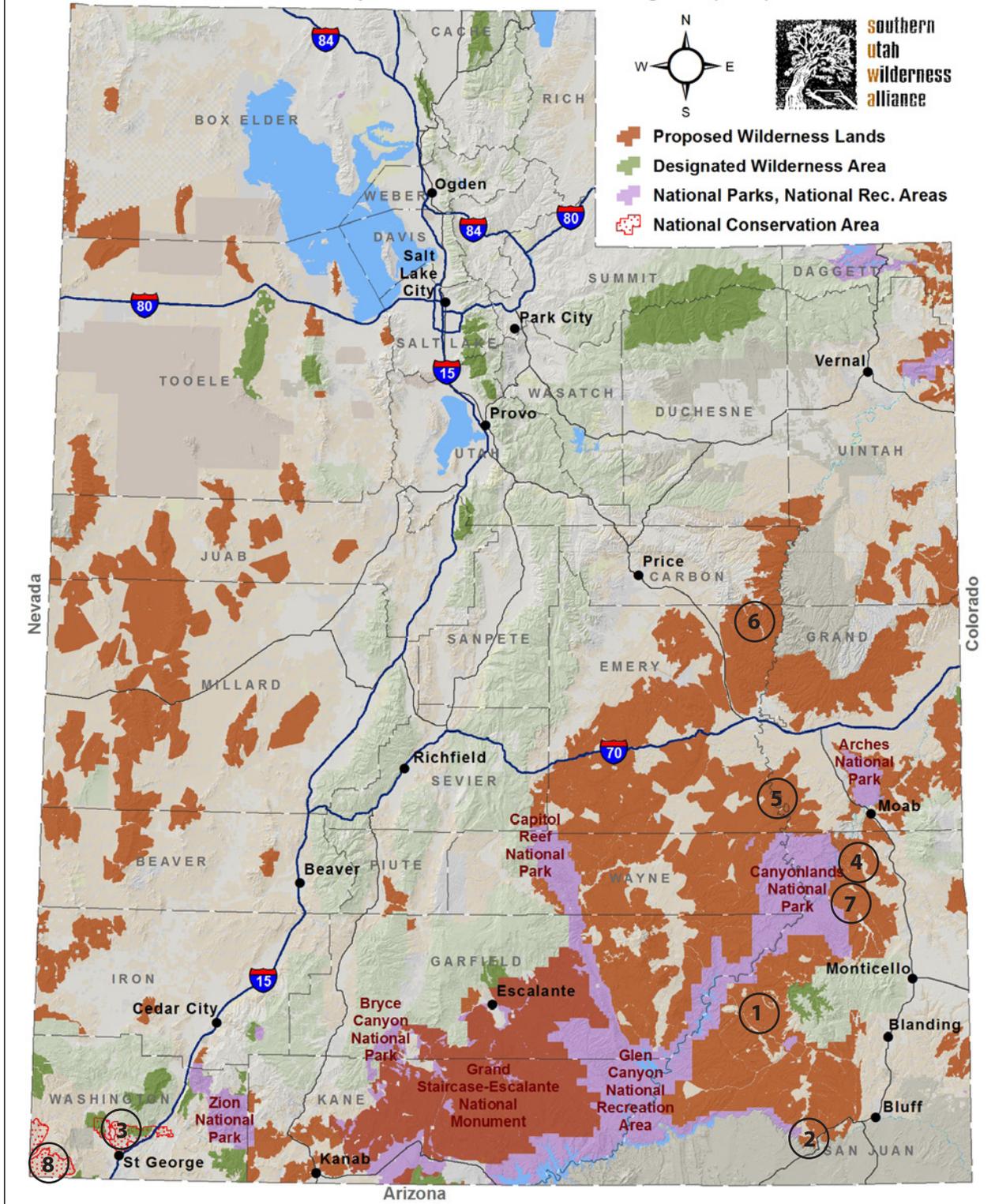
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America's Red Rock Wilderness Act

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



Reference Map for Articles in this Issue

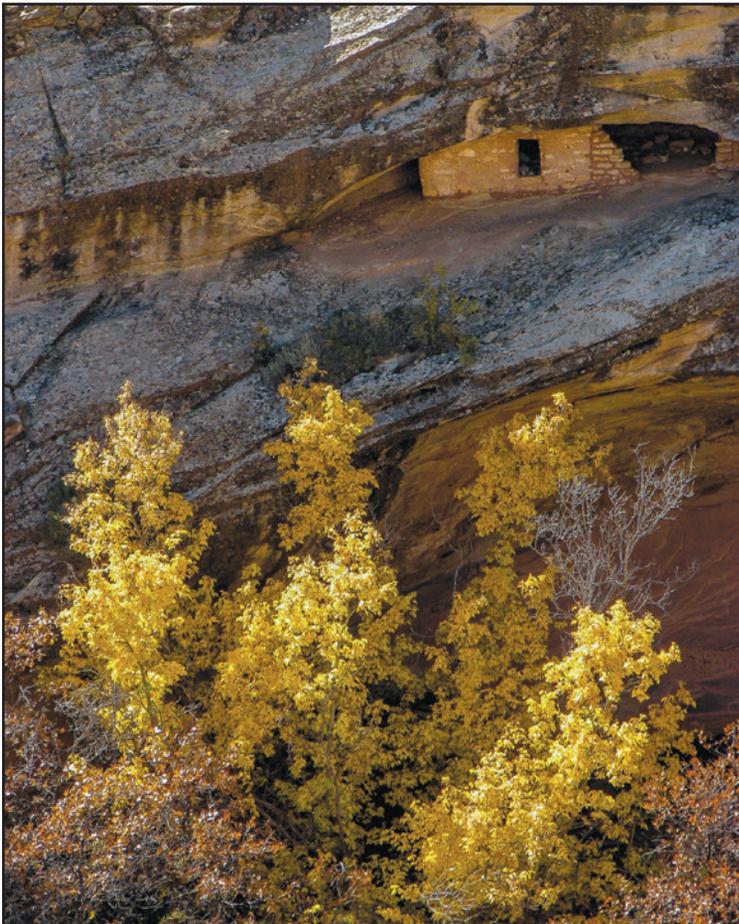
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