

REDROCK

W I L D E R N E S S

The Newsletter of the Southern Utah Wilderness Alliance
Volume 31, Number 3 • Autumn/Winter 2014



The Utah "Roads" Fight: Rhetoric vs. Reality

Cover Photo: Sunlight illuminates the narrows of Robbers Roost Canyon in the Dirty Devil proposed wilderness, Greater Canyonlands. Photo copyright James W. Kay (www.jameskay.com).



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

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

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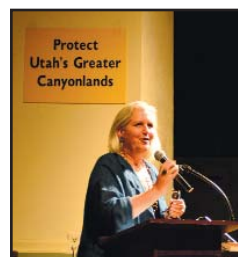
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This issue of **Redrock Wilderness** was written by the following staff and outside contributors: Steve Bloch, Joe Bushyhead, Rachel Briggs, Neal Clark, Scott Groene, Mathew Gross, Landon Newell, Laura Peterson, Liz Thomas, and Jen Ujifusa. It was edited by Darrell Knuffke and laid out by Diane Kelly.

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Contributions of photographs (especially of areas within the citizens' proposal for Utah wilderness) and original art (such as pen-and-ink sketches) are greatly appreciated! Please send with SASE to Editor, SUWA, 425 East 100 South, Salt Lake City, UT 84111.

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wilderness notes

The Good and the Ugly: Daggett County and the Election

In late October, SUWA and its conservation partners, Rep. Rob Bishop (R-UT), Utah Gov. Gary Herbert, and Daggett County commissioners, gathered to announce agreement on a small public lands bill (Jen Ujifusa provides details under Canyon Country Updates, p. 13). We must still pass legislation, of course. But if we do, it could be a significant gain for the wilderness in the county and a solid nudge forward for wilderness protection elsewhere in Utah.

That many were surprised at the announcement is itself no surprise: we were surely an unlikely cast of characters. On an ordinary day, if Rep. Bishop and SUWA found themselves in agreement, we'd both race in panic to re-examine our positions. But Mr. Bishop wants resolution on these issues, and that gives us the opportunity to protect wilderness.

At its heart, this agreement was possible only because of 30 years of support and activism from our members. That is what created the political desire for resolution.

The Daggett County agreement is a small part of a potentially much larger discussion for eastern Utah wilderness, Mr. Bishop's public lands initiative. The area under discussion covers over 5.5 million acres of proposed BLM wilderness, and another 1 million acres of proposed U.S. Forest Service wilderness. Places include Desolation Canyon, the San Rafael Swell, Labyrinth Canyon, the Dirty Devil, and Cedar Mesa. With our partners at the Sierra Club, Natural Resources Defense Council, The Wilderness Society, and Grand Canyon Trust, we're now ready to put the Daggett County model to work elsewhere. We are realistic enough to know that this will get tougher as we move to more controversial areas.

This bit of autumn sunshine didn't last long before the Nov. 4th election darkened the sky. The Republican Party gained a majority in the U.S. Senate to match its existing control of the House of Representatives.¹

For Utah wilderness, a shift in White House control generally means more than a reshuffled congressional deck, largely because of the Executive Branch's control of land management agencies. But even off-year elections matter, and so will this one.

For starters, the Republican majority may prevent the administration's filling of federal court vacancies—any vacancy, no matter how qualified the appointee. And the Senate will no longer act as the reliable counterweight to terrible anti-environment bills coming from the House, a role it has played since the 2010 election.

Digging through the ordure for the Shetland pony that must surely be here somewhere, we find some solace in the likelihood that an anti-environmental majority will likely last only two years, given the balance of Senate seats up in 2016. That overlaps the time remaining in President Barack Obama's second term. Partisan warfare will probably intensify. If you were disgusted with the last Congress, the next one may send you around the bend.

¹ Not all Republicans are bad on environmental issues, nor are all Democrats good. But when it comes to the Congress, the League of Conservation Voters paints a clear picture. In the first session of the 113th Congress, House Republicans' votes were good for the environment just 5 percent of the time, with House Democrats scoring 87 percent on average. Senate Republicans scored an average of 17 percent; Senate Democrats 92 percent.

wilderness notes

As we go to press with this issue, some Senate races remain undecided. But even if Republicans win them, they'll still be shy of the three-fifths majority needed to override Democratic filibusters and the two-thirds supermajority needed to override a presidential veto. Thus, the Republican leadership has indicated it will operate by attaching riders to major spending bills that the government needs to pass in order to operate—and spending bills are not subject to filibusters. Expect an anti-environmental majority to use this route to repeal Obama's efforts to address climate change and to hobble the Environmental Protection Agency's ability to reduce corporate pollution.

As the House and Senate spend the next two years attacking President Obama, he could respond as Bill Clinton did by creating a legacy of protected American landscapes under the Antiquities Act. Please!

Here in Utah, we'll hope the congressional delegation continues discussions with us to seek resolution of tough wilderness issues through Mr. Bishop's public lands initiative. We'll also hope the new power balance will not tempt the delegation to follow some of our kookiest state legislators in their fencepost-dumb drive to seize public lands instead.

We've experienced similar flips in congressional control before. In 1994, the Republicans gained control of both House and Senate for first time in 40 years. That set off a seismic wave against the Redrock. The Utah congressional delegation tried to ram through a terrible "wilderless" bill, but we stopped Rep. Hansen in the House. A filibuster by Bill Bradley, then a New Jersey senator, blocked Utah's two senators, Hatch and Bennett. President Bill Clinton's response was to proclaim the Grand Staircase-Escalante National Monument.

George W. Bush won the White House in 2002 while the Republicans already held the Senate and House, bringing the "drill baby drill" mentality to public lands management. We fought back with litigation against their mindless rush to drill. We won.

No matter what this election brings, because of you we will endure and prevail. We always have.

For the Redrock,



Scott Groene
Executive Director

features

Revised Statute 2477: Roads Less Traveled

Heading to the Dirty Devil

Last October our family took advantage of a long school break weekend and traveled to Utah's Dirty Devil region, a remote corner of southeastern Utah roughly a five hour drive from Salt Lake City. We eventually left the pavement on State Highway 24 and headed east on a graded dirt road that leads to the Maze District in Canyonlands National Park. As a result of grading, in some spots the route itself had dropped several feet below the surrounding country. At places the feeling was that of driving in a ditch.

Before we reached the park we turned south on another graded dirt road and eventually found a well-used campsite (or perhaps poorly-used, judging by the trash, spent rifle casings, and campfire rings). Jaw-dropping views into the heart of redrock country explained the site's popularity.

Along the way to our camp we had passed by dozens of spur routes. Some led to ranches, stock tanks, or old mining claims and some led nowhere at all but simply petered out in the desert. While some of these spurs were narrow but maintained routes, many were little more than user-created two-tracks leading into the desert. Closer review of

our maps showed that too many of those two-tracks led into proposed wilderness areas and the Glen Canyon National Recreation Area.

Our weekend trip was a window into the heart of one of the largest and most expensive legal battles taking place across the American West. According to the State of Utah, all of these dirt routes across public lands are really state "highways," and it claims the right to use and expand them pursuant to a provision in the 1866 Mining Law, known today as Revised Statute 2477 or "RS 2477." Congress repealed that law 110 years later with passage of the Federal Land Policy and Management Act in 1976, but pre-existing claims—if proven legitimate—are honored as valid existing rights.

The Litigation

Between 2008 and 2012, Utah and its counties filed 22 lawsuits in federal district court seeking to establish title to more than 14,000 of these "highways" across more than 36,000 miles of federally managed lands. By SUWA's count, the state is claiming more than 3,600 miles of RS 2477 "highways" in proposed BLM wilderness, more than 2,000 in the Grand Staircase-Escalante National Monument, and



An old mine route claimed as an RS 2477 "highway" in the Dirty Devil proposed wilderness.

© Ray Bloxham/SUWA

features

more than 450 miles in units of the National Park System (including Capitol Reef and Canyonlands National Parks, Dinosaur National Monument, and the Glen Canyon National Recreation Area).

For each of these routes the state and counties claim the right to widen and improve the route to 66 feet, as well as to upgrade the route and pave it. They also want to be free to “maintain” and “improve” these routes without having to check in with, and get approval from, federal land management agencies. The state and counties complain long and loudly about overbearing federal bureaucrats who are insufficiently respectful of local officials, but the locals are short on specifics about why consultation presents any real problems.

The Rhetoric and the Reality

Much of the rhetoric behind the state’s RS 2477 litigation is that these highways form a comprehensive transportation system that helps get kids to school, products to market, and people from A to B. That’s just not the case. As the state’s lead attorney working on these cases told the Utah legislature this summer, roughly 78 percent of the state’s RS 2477 claims are for user-created, two-tracks (so-called “Class D” highways), with only 22 percent of the claims for graded and regularly maintained roads (so-called “Class B” highways). On the ground, this means that the overwhelming majority of the state’s RS 2477 claims are the two-tracks and cow paths that our family saw heading into the desert.

The nature of the state’s RS 2477 claims is consistent with the genesis of its litigation. Beginning in the 1990s, during the second iteration of the Sagebrush Rebellion (we’re currently living through Sagebrush Rebellion v.3), the legislature and a cadre of Utah attorneys pressed the notion that RS 2477 could be a tool to defeat congressional wilderness designation.



© Ray Bloxham/SUWA

Some “Class D” RS 2477 claims are merely cow paths today, like this one in the Dark Canyon proposed wilderness.

Because wilderness areas are by definition roadless, the thinking went that if the state could riddle proposed wilderness areas with “roads” the areas would be ineligible for protection. To that end, the state invested tens of millions of taxpayer dollars to locate and then digitally map these routes—and millions more since then to try to establish its title to these claims.

A Tough Road

This brings us back to the state’s current suite of federal lawsuits. To put it bluntly, things haven’t been going all that well for the state. It spent more than a million dollars and 10 years pursuing a single RS 2477 claim in the streambed of Salt Creek Canyon in Canyonlands National Park . . . and lost. The state lost more than just the Salt Creek claim itself: the decision also significantly narrowed the universe of routes that may qualify as legitimate RS 2477 claims. The state spent millions pursuing 15

Highways across Our Public Lands

Revised Statute 2477 (repealed in 1976) provides, in its entirety: “the right of way for the construction of highways across public lands, not reserved for public uses, is hereby granted.” For every claimed RS 2477 route, the state and counties seek rights-of-way measuring 66 feet wide. Just how wide is that? A 2014 Subaru Outback station wagon is about 6 feet wide. So a 66 foot-wide right-of-way would fit 11 Subaru Outbacks door to door (or 10 Ford F-150 pickups). That’s 16 feet wider than a regulation basketball court, let alone a two-track path through the desert.

features

Greetings from EskDale, Utah . . .



© Joe Bushyhead

Mackay, the canine companion of SUWA attorney Joe Bushyhead, in the Bullgrass Knoll proposed wilderness just east of EskDale, Utah—one of the more remote locations where RS 2477 depositions have been held.

Over two years after the State of Utah filed its flood of road-claim lawsuits, only two of those cases—involving Garfield and Kane Counties—are being actively litigated now. The rest have been “stayed,” or put on hold temporarily, until May 2015.

While those cases have been sidelined, the court has allowed the state and counties to conduct “preservation depositions” of elderly or infirm witnesses. A deposition is questioning, conducted under oath, which results in testimony that can be used as evidence in court. Depositions are often used to “preview” a witness’s testimony before the witness is called at a trial; here, the state and counties are hoping to preserve testimony of witnesses who might not be available to testify at a trial. The state is heavily relying on this testimony—recollections of pre-1976 travel and road conditions—to establish RS 2477 rights-of-way.

These preservation depositions are keeping all sides busy. Since April of 2013, the state and counties have conducted 156 depositions, and 250 depositions are planned between now and 2017.

Attorneys from SUWA, as well as our co-counsel at the firms Jenner & Block, Cooley LLP, Kirkland & Ellis, Manning Curtis Bradshaw & Bednar, and Strindberg & Scholnick, have been traveling the state to defend them—sometimes in communities as far-flung as Partoun (Juab Co.) and EskDale (Millard Co.). SUWA attorneys lodge objections to inappropriate questions and cross-examine the witnesses, probing their reliability and the accuracy of their testimony. It’s tremendously important work. Uncontested preservation depositions allow the state and counties to build their cases using the distant memories of their own sympathetic witnesses.

RS 2477 claims in Kane County and eventually prevailed on 12 of those claims in the district court. With a few notable exceptions, it generally prevailed on the Class B routes (graded and maintained) and lost on the Class D routes (two tracks). The United States has appealed portions of that ruling. That leaves roughly 13,985 claims to go.

Where Do We Go from Here?

Remarkably, the contours of the law governing the validity and scope of the state’s claims are still not settled. While an important 2005 federal court decision made clear that the state and counties bear the burden of proving their claim to each and every route by clear and convincing evidence, all sides agree that more rulings are needed.

The state is currently pursuing claims in Garfield and Kane Counties in the district court, including claims in wilderness study areas and the Grand Staircase-Escalante National Monument. Appellate review and rulings on those forthcoming decisions likely won’t happen until 2016 at the soonest. In the meantime, the state continues to work (and spend money) to preserve the testimony of aged witnesses, hoping the testimony will help the state prove its cases (see sidebar, left).

Bottom line, the state has its work cut out for it and knows it. And that is why that same state attorney general candidly told the legislature that the state hopes to settle its claims to the overwhelming majority of these routes (rather than trying to win through litigation). Could something like that actually happen? Possibly. Although the U.S. should have established itself firmly in the driver’s seat and pressed the state at every turn, it hasn’t done so.

Slow to Act

Instead, U.S. attorneys have proceeded with extreme caution. The Interior Department has been slow to rise to the challenge and has also been schizophrenic about its willingness to fight to defend its title to these claims—including claims in wilderness study areas and national monuments. Against that somewhat troubling backdrop, we are listening carefully for any hint of serious settlement talks.

It is important to note that SUWA hasn’t been sitting idly by and hoping that the United States will do our job for us. Rather, we’ve marshaled a team of more than 20 attorneys from national and local

features

firms to work to defeat the state's claims and protect the United States' control over wilderness-caliber landscapes. It's taken much time and effort but we have secured a seat at the table to cross-examine state witnesses, file briefs opposing the state's claims, and support the United States' efforts when we can. We have also worked to open new fronts where SUWA is a plaintiff challenging the state's tardy decision to bring this litigation in the first place (see sidebar, right).

Back to the Dirty Devil

As we left Dirty Devil country for the long drive back to Salt Lake City I thought about the state and counties' RS 2477 litigation. While not every graded Class B route is an RS 2477 right-of-way, many of those routes, like the ones we were driving on, fulfill a legitimate purpose and some resolution about their future seems probable.

At the same time, and for a variety of reasons, many of the state's Class D routes—the two-tracks and aimless routes leading into proposed wilderness areas—do not serve a legitimate purpose and likely do not qualify as valid RS 2477 rights-of-way. The state needs to prepare itself to drop those illegitimate claims. This will not necessarily mean that all those routes are closed on the ground, but it will be up to the federal land managers and not the state to decide their future.

We should be careful what we wish for, though. These are the same sage federal land managers that brought us the disastrous Bush-era land use plans that largely allowed motorized use on the routes the state and counties have claimed under RS 2477. We've been fighting those plans and the Obama administration for nearly six years in federal court.

If the state follows a sensible path, the result will be a much smaller number of Class B and D routes to work their way through the federal courts, saving Utah taxpayers millions of dollars and protecting wild places from the damage caused by motorized vehicles. For now, the fight continues and no side is openly showing signs of backing down. Thanks to your support, we are well positioned to continue working to defend America's redrock wilderness.

—Steve Bloch

A New Front in the RS 2477 War

The Federal Land Policy and Management Act repealed RS 2477 in 1976. Thirty-five years later, the State of Utah and 22 of its counties filed lawsuits claiming over 14,000 RS 2477 rights-of-way. To say that these claims are “stale” is a gross understatement.

The state and counties are trying to establish the claims' validity using faded memories from aged witnesses and any other evidence that hasn't disappeared in the intervening decades. As noted in our lead story, these suits are hugely expensive propositions.

In late summer, SUWA joined Tooele, Utah resident Mike Abdo—a pilot, Boy Scout troop leader, and Wilderness Week veteran—in a lawsuit of our own, this one against Utah Attorney General Sean Reyes and Tooele County. The goal of our suit is simple: to stop these anti-wilderness claims. The basis for our lawsuit is straightforward, too: Utah law (that's right—Utah law, passed by the Utah legislature) prohibits the state from bringing these roads cases more than seven years after its rights to the land accrued. If the State had any right or title to an RS 2477 right-of-way, that right or title must have accrued within seven years of the old law's repeal in 1976. The state and county road claim lawsuits were filed too late—almost 30 years too late.

The road claims threaten both designated and proposed wilderness in Tooele County. Alleged rights-of-way intrude into the Cedar Mountains Wilderness, the Stansbury Mountain Wilderness, and wilderness-eligible lands in the Deep Creek Mountains, North Stansbury Mountains, and Indian Peaks, among other areas.

Representing SUWA and Mike Abdo are SUWA attorneys Steve Bloch and Joe Bushyhead, and attorneys at the Salt Lake City law firm Manning Curtis Bradshaw & Bednar.



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Hikers on a “road” claim in the North Stansbury Mountains WSA.

DC news

Utahns Advocate for Greater Canyonlands in Washington

In September, six citizen activists from Utah flew to Washington, DC to share with policymakers the reasons they value Greater Canyonlands and hope to see it protected. The group met with key offices within the Obama Administration, including the Council on Environmental Quality (which, among other things, advises the president on monument decisions) and advisors to Interior Secretary Sally Jewell.

The activists' perspectives were diverse: those of a Moab local grounded in the land; an archaeologist intent on protecting the rich human history of Greater Canyonlands; college students who recreate in the area and learn more about themselves in the process; and finally a health professional and a veteran, both aware of the capacity of protected lands to heal and keep us healthy.

The team came laden with materials to illustrate their points, including a new publication on the archaeology of the region (see sidebar, page 15) and a letter

signed by 750 health professionals from across the nation urging designation of Greater Canyonlands as a national monument. They even brought along some youth videos created by local college and high school students (see sidebar, page 15).

The materials opened the door for productive conversations both on the merits of protecting Greater Canyonlands as a monument and on what further information might be useful as the administration weighs its decision.

Eloquent and engaging, our activists were an inspiration, helping to remind us all of the incomparable value of the region we work so hard to protect.

To learn more about our efforts to protect Greater Canyonlands, see page 14 or visit our website at suwa.org/GreaterCanyonlands.

—Rachel Briggs



© Terri Martin/SUWA

Six Utahns flew to the nation's capital in September to advocate for a Greater Canyonlands national monument. From left: Edgar Fuentes, Brooke Larsen, Tom Laabs-Johnson, Sarah Karlinsey, Michael Cumming and Jerry Spangler.

Good
News!

List of ARROW Cosponsors Continues to Grow!

Although Congress has not spent much time in session over the past couple of months, members are still joining the fight to protect Utah wilderness by signing on to cosponsor America's Red Rock Wilderness Act (ARRWA). Newest cosponsors of the legislation, which Rep. Rush Holt (D-NJ) and Sen. Dick Durbin (D-IL) introduced in this Congress, include Reps. Rick Nolan (D-MN), Tammy Duckworth (D-IL) and Emmanuel Cleaver (D-MO).

We now have 99 cosponsors in the House and 23 in the Senate (a number that ties our Senate record). We are well on our way to a banner Congress for ARROW. To learn more about the bill, go to suwa.org/arrow. To see a complete list of cosponsors, visit suwa.org/cosponsors.

If your members of Congress haven't cosponsored yet, please urge them to sign on!

Write Your Legislators at:

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

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

Or call (202) 224-3121 and ask to be connected to the appropriate office.

Wilderness "Lite" Bills Leave a Bad Aftertaste in Congress

When supporters of a bill to designate the Hermosa Creek wilderness in Colorado's San Juan Mountains got a September markup in the House, they believed the six years of elbow grease they'd put into forging a compromise might stimulate a streamlined legislative process. Conservationists had brokered a good deal that appeased mountain bikers, miners, and snowmobile interests. Colorado Sen. Michael Bennet, a Democrat, and Rep. Scott Tipton, a Republican, had introduced the bill in their respective chambers. Everyone was there, ready to high-five about clearing the first hurdle, when they were double-crossed.

Tipton introduced an amended, corrupted version of the Hermosa Creek Watershed Protection Act that undermined the community consensus. Suddenly the bill was "wilderness lite"—containing several exceptions to the Wilderness Act, such as allowing roads, power lines, and enhanced snowmobile access, and removing important language that made

clear the bill was intended to protect the natural resources of the area. The Wilderness Society, Conservation Colorado, and Trout Unlimited were forced to withdraw support from a bill they helped build, and watch in horror as it sailed through the Republican-controlled House committee.

It was a repeat of events earlier this year, when the Northern Nevada Land Conservation and Economic Development Act, which would designate two wilderness areas, was saddled with nasty last-minute changes. That bill, which passed the full House, suddenly included giveaways of federal land to city governments, as well as major exceptions to the Wilderness Act on tree cutting and motorized use.

Time will tell if these sullied bills pass the full Congress, but the shenanigans of the House Natural Resources Committee do not inspire confidence as we work with Rep. Rob Bishop (R-UT) to craft a similar compromise. When it comes to wilderness, we'll take the real deal, or it's not a deal.

—Jen Ujifusa

DC news

Honoring redrock champ Rep. Rush Holt. From left: SUWA intern Steve Hardeman, SUWA staffers Rachel Briggs and Jen Ujifusa, Rep. Rush Holt, Sen. Dick Durbin (another redrock champ), and SUWA Executive Director Scott Groene.

Goodbye to Redrock Champion Congressman Rush Holt!

It is never easy to say farewell to friends; some make it nearly impossible. Our primary redrock champion, Rep. Rush Holt (D-NJ), is such a one. He is leaving Congress at the end of this year.

Rep. Holt took over as redrock champion in 2013 after Rep. Maurice Hinchey (D-NY) retired. Although he has only been the primary champion for two years, Holt has been fighting for Utah wilderness for much longer. He helped organize a letter from 44 members of Congress to then-Interior Secretary Ken Salazar in 2012, demanding that the administration fight back against Utah's land grab; he urged former BLM director Bob Abbey in a committee hearing to defend public lands from RS 2477 lawsuits; and he fought oil and gas leasing in the San Rafael Swell. The fact that we have as many cosponsors of America's Red Rock Wilderness Act (ARRWA) as we do owes much to Mr. Holt's relentless prodding of his colleagues.

Rush Holt is the person you want on your side when things get tough. He's the smartest guy on the block—regardless of the block. He has a great sense of humor and is always willing to take on a challenge. He has been a refreshing voice of reason on the House Natural Resources Committee, a fetid swamp of nihilism and anti-public lands posturing. At hearing after hearing, Mr. Holt has calmly rebutted mindless anti-everything tirades with scientific reason and facts. We will miss him enormously.

We had the opportunity to celebrate Rep. Holt's many accomplishments on behalf of America's public lands at the end of September with our partners in the environmental community. He spoke with enthusiastic Utah activists who were in town to advocate for a Greater Canyonlands national monument; he encouraged them to continue to fight on the ground in Utah; and he assured us that while he may be leaving Congress, he is not going away. We take comfort in that.

Still, we'll miss him, his amazing staff . . . and his tasty office treats. Thank you, Congressman Holt, and good luck!

—Laura Peterson

canyon country updates

Good
News!

Daggett County Is First Breakthrough in Utah Public Lands Negotiations

When Rep. Rob Bishop (R-UT) approached us to try to work out an agreement for public lands in Eastern Utah, we knew the odds were long but worth taking. Now, nearly two years later, we've gotten our first returns in the form of an agreement in Daggett County.

Daggett, in Utah's northeast corner, is the state's least populous county. It was not originally part of the region being considered in the compromise and isn't the heart of redrock country, but it does contain some amazing wilderness. When the county commissioners showed a willingness to work with us, Daggett emerged as the dark horse lapping the rest of the counties involved.

Our coalition partners in the effort are the Sierra Club, Natural Resources Defense Council, Grand Canyon Trust and The Wilderness Society. Working together, we were able to get wilderness protection

or national conservation area (NCA) status with wilderness-like management for the majority of Daggett County lands we have proposed for protection in America's Red Rock Wilderness Act. These include the redrock of Diamond Breaks and the Green River's lovely Red Canyon. There are also significant additions to the Forest Service-managed High Uintas Wilderness Area.

All told, more than 64,000-acres of BLM land will gain wilderness or NCA protections, and 50,000 acres of Forest Service lands will be wilderness—a significant conservation achievement. The agreement also facilitates a land exchange that will get scattered state trust lands out of those protected areas, in exchange for lands in places where development is more appropriate.

It's an encouraging first step, and signals to the remaining counties in the process that we're serious



© Ray Bloxham/SUWA

Portions of Red Canyon will soon become part of the Lower Flaming Gorge Wilderness under the Daggett County conservation agreement, and this stretch of the Green River will receive a new Wild and Scenic River designation.

canyon country updates

about moving ahead if they are. Carbon and Wayne counties have already shown they are too unwilling to compromise to be involved. But Emery, Grand, Uintah, and San Juan counties are still in play. These counties and their complexities will be more difficult to untangle than was Daggett, with significantly more wilderness at stake. But after this first breakthrough, we believe it's worth trying.

—Jen Ujifusa

Greater Canyonlands: Campaign or Juggernaut?

There's no other way to put it: through late summer and into this fall, the Greater Canyonlands campaign has been on a roll.

In July, more than 200 health and well-being professionals from Utah sent a letter asking President Obama to protect Greater Canyonlands as a national monument, citing the health benefits to all Americans when landscapes are protected. The list of signers included doctors, nurses, mental health professionals, physical and occupational therapists, medical aides and technicians, and other well-being practitioners. More than 500 more health professionals later signed the letter online (to add your name, visit GreaterCanyonlands.org/health/).

Senators Speak Up

If that didn't get the President's attention, we guarantee you a letter he received just a week later did. (It also drove the Utah delegation nuts—the very definition of a really short trip, you might fairly argue—but fun to watch just the same.) Fourteen senators, led by Sens. Dick Durbin of Illinois and Bernie Sanders of Vermont, wrote President Obama urging him to use the Antiquities Act to designate a Greater Canyonlands national monument.

Other senators signing the letter included Brian Schatz (HI), Debbie Stabenow (MI), Richard Blumenthal (CT), Sherrod Brown (OH), Patty Murray (WA), Barbara Boxer (CA), Elizabeth Warren (MA), Sheldon Whitehouse (RI), Ed Markey (MA), Tom Harkin (IA), Tammy Baldwin (WI) and Robert Menendez (NJ). These senators represent 13 states and more than 100 million Americans.



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Terri Martin of SUWA and Jane Butter of the Grand Canyon Trust educate Moab residents on the Greater Canyonlands campaign during a gallery reception hosted by photographer Tom Till.

50 Years, 50 States

September 12th marked the 50th anniversary of the establishment of Canyonlands National Park. That's 50 years of gorgeous sunsets, tranquil hikes, and family exploration in one of the wildest, most beautiful parts of the United States—all thanks to a handful of Americans who had the foresight to recognize Canyonlands as one of Earth's treasures and also had the will to protect it.

That work is not yet done; it falls to us to finish it. To emphasize that point, SUWA and our partners in the Greater Canyonlands Coalition held a series of events in Moab focusing on "Greater Canyonlands: the Next 50 Years." More than 150 residents of Moab turned out for an evening that began with a reading by author Terry Tempest Williams, followed by a special preview of the film "Our Canyonlands," the work of filmmaker Justin Clifton in partnership with the Grand Canyon Trust. A panel discussion on the future of Greater Canyonlands rounded out the evening. Former Canyonlands National Park

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Superintendent Walt Dabney was among the panelists. The celebration continued the next day with an art showing and a free concert.

As we celebrated the park's birthday, we also celebrated the tremendous support that has poured into the campaign from across the country. We created a new "50 States for Greater Canyonlands" document that we presented to the Obama Administration during our Greater Canyonlands DC Fly-In in late September (see article, page 10). The publication highlights the work of citizens in Colorado, Illinois, Maine, Massachusetts, and Minnesota. Here and elsewhere across the country, activists have written letters-to-the-editor, hosted events and slideshows, garnered the support of local organizations and politicians, put on art shows, and much more. In addition, more than 21,000 people from all 50 states have taken photos and signed postcards urging President Obama to protect Greater Canyonlands.

—Mathew Gross

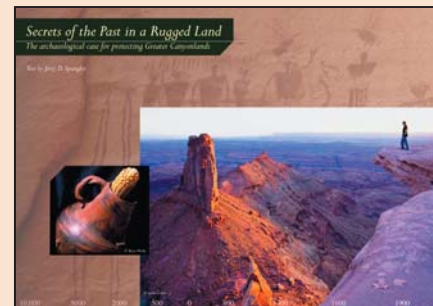


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Author Terry Tempest Williams reads at our "Greater Canyonlands: The Next 50 Years" event in Moab.

Learn More about Greater Canyonlands Online

At the very heart of the effort to protect the Greater Canyonlands is the urgent need to protect its cultural resources. A new publication released in September builds that argument. Written by noted archaeologist Jerry Spangler, "Secrets of the Past in a Rugged Land: the archaeological case for protecting Greater Canyonlands" takes the reader through the 12,000 years of human history embedded in the region, offering highlights of the artifacts left behind by ancient inhabitants. On our website, you can read the publication or watch a slideshow featuring highlights from the publication at suwa.org/secrets.



This summer, young people and students from Utah and Colorado traveled to Greater Canyonlands to create short films exploring their reasons for wanting to see the landscape protected. In August, those films (5 in total) were released on TreeHugger.com. The films present a compelling visual testimony of Millennial support for Greater Canyonlands, including from Brigham Young University students and high school seniors at Salt Lake City's Rowland Hall. To see the videos, visit suwa.org/youthvideos.

For more information about Greater Canyonlands and what you can do to help protect this extraordinary landscape, go to suwa.org/GreaterCanyonlands.

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Cedar City BLM Ignores West Desert Wild Lands

As reported earlier, the BLM's Cedar City field office is revising its Resource Management Plan (RMP), a document that will provide a framework for management decisions on lands under the office's jurisdiction. As part of the RMP revision, the field office is required to inventory all the lands it manages to determine which possess wilderness characteristics (i.e., do they meet the criteria for wilderness set out in the 1964 Wilderness Act).

We've also reported that all the early signs were troubling, suggesting that the Cedar City inventory would go down the same historically flawed track that has characterized BLM wilderness inventories in Utah. We'd like to be able to report that the agency has seen wisdom. No such luck.

The Cedar City office recently revisited its wilderness inventory but still has not fully accounted for

the extent of the wilderness-quality lands it manages in Utah's West Desert. This remarkable landscape—a rolling and rugged expanse of the Basin and Range Province—provides a level of solitude and remoteness rare even in the western United States.

Unfortunately, the Cedar City field office seems firmly lodged in its habit of deliberately ignoring the wilderness-quality lands it manages.

SUWA is working with the BLM to resolve some of these glaring deficiencies. We are confident that a fair and accurate inventory will identify tens of thousands of additional acres of wilderness-quality land.

Although the inventory is but a first step in establishing additional safeguards for these lands, it is the essential first step. Simply put, the inventory forms the baseline for all future management decisions. Unless these lands are identified, they stand no chance of being protected by the agency.

—Neal Clark



© Ray Bloxham/SUWA

The Cedar City BLM office oversees about 2.1 million acres of public lands, including the South Wah Wah Mountains proposed wilderness, above.

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Charges Filed in Illegal Recapture Ride

In late September, the U.S. Attorney's Office charged San Juan County Commissioner Phil Lyman and four others with conspiracy to operate off-road vehicles (ORVs) on public lands closed to ORV use, as well as knowingly and wilfully operating an ORV through the restricted area of Recapture Canyon. The charges stem from a May 10th "protest" ride awash in pseudo-militia posturing and anti-government chest-thumping. Each count carries a potential penalty of up to a year in jail and a fine of \$100,000.

The archaeological record left behind in Recapture reveals that the canyon was occupied for at least 2,000 years. In 2007, the BLM closed the canyon to ORV use after determining that an illegally constructed ORV trail led through several prehistoric archaeological sites, and that construction of the trail and subsequent ORV use were damaging significant and irreplaceable cultural sites. Although Recapture Canyon was closed to motorized use in 2007, it remains open to the public use for walking, hiking and horseback riding.

Criminal Charges

The U.S. Attorney's Office is continuing its investigation, and we are hopeful that charges will be filed against others that participated in Commissioner Lyman's illegal ORV event in the closed area. In addition, we expect that, if warranted, criminal charges will be pursued under the Archaeological Resources Protection Act.

However, as a Sept. 18th *Salt Lake Tribune* editorial put it, "... here's betting that Lyman and the four others charged ... won't spend a single day in an orange jumpsuit. ... [D]oes anyone really believe that the politically connected defendants face any real possibility of incarceration?" The editorial compared Lyman's behavior with that of Tim DeChristopher who filed fake bids on energy leases to protest their sale. He served 21 months in prison for his protest. DeChristopher knew what he was doing, he did it to make his statement and he accepted the consequences.

Lyman, in unflattering contrast, is trotting around southern Utah complaining about having been charged with conspiracy at all. There's no condon-

ing an illegality. But if it aims to make a principled statement, that purpose is more admirably served by quiet courage than by public whining. It will also be interesting to see whether our justice system puts a higher value on energy company convenience and profit than on the nation's heritage.

If the *Tribune's* editors are right and no one involved in the Recapture outrage pays a price for their behavior, it will merely embolden other vigilantes to acts of vandalism and outright defiance of the BLM's authority to enforce laws enacted to protect our public lands and cultural heritage. We remain hopeful, but we're not betting on the outcome.

—Liz Thomas

Deforestation as Mitigation? BLM Redefines Grotesque

Another week, another terrible vegetation manipulation project from the Utah Bureau of Land Management (BLM). The BLM's Price field office, the very one that brought you the Range Creek, Cedar Mountain, and East Emery vegetation projects (as reported in past issues of *Redrock Wilderness*) has a brand new scheme.

This time around, the Price field office is proposing vegetation "treatments" for over 2,070 acres of public land, including lands within the Jack Canyon Wilderness Study Area (WSA) and America's Red Rock Wilderness Act (ARRWA). Like most projects before it, the Cottonwood Ridge project will remove up to 100 percent of pinyon and juniper trees in the treatment area through hand-logging and mechanical mastication.

What's most egregious, though, is that the project is being promoted as wildlife mitigation for nearby natural gas development on the West Tavaputs Plateau. Is that Orwellian enough for you? Let's say it another way. The BLM allowed natural gas development. That development destroyed habitat. How to mitigate that loss? Uh ... destroy some more habitat. Is that slick or what?

We simply do not agree that clear-cutting native trees should be permitted as a general matter and certainly not as off-site mitigation for the destruction of sage grouse, mule deer, and elk habitat

canyon country updates

resulting from industrial development. At the very least, these projects should not be allowed in wilderness-quality lands (such as WSAs) and land proposed for wilderness in ARROW.

We will continue to be engaged in this project and will do everything we can to ensure that wilderness-quality lands are protected from this harebrained idea. We'll keep you posted.

—Neal Clark

News on the Energy Front: Some Good, Some Bad

First the good news. The Interior Board of Land Appeals (IBLA) recently rejected an industry group's challenge to the BLM's deferral of 57 lease parcels originally scheduled to be auctioned in a November 2013 oil and gas lease sale.

We'll refresh your memory: many of these parcels are in areas the BLM identified as having "wilderness character." Among them are special places in the San Rafael Swell region, including the Eagle Mountain, Molen Reef, and Price River areas. The BLM's proposed action sparked significant public opposition, notably a rally by hundreds of SUWA supporters in front of the BLM's Utah State Office

in Salt Lake City. The agency responded by removing the parcels in order to conduct additional environmental analysis.

The IBLA's rejection of the industry group's legal challenge confirmed that the BLM acted within its legal authority when it removed the parcels. The decision will keep oil and gas exploration and development out of these areas for the foreseeable future.

Now, the nearly-inevitable bad news: the threat from energy development is not going away but continues to grow throughout Utah. In September, SUWA and several of our wilderness partners filed a formal protest of the inclusion of 28 lease parcels in the November 2014 oil and gas lease sale. Yet again, the agency has placed large swaths of wilderness-caliber lands on the chopping block, offering lands for energy development in the Bad Land Cliffs, Desolation Canyon, Lower Bitter Creek, White River, and Wolf Point.

SUWA's protest points out that the BLM failed to properly consider the impacts to these pristine landscapes from energy development, including the impacts to air and water quality, and cultural and historic properties and artifacts.

SUWA also recently submitted comments on the BLM's draft environmental assessment for the February 2015 energy lease sale on lands managed by the agency's Moab and Monticello field offices. This proposal is no better than others in a string of bad leasing decisions. As proposed, it would offer for lease wilderness-caliber lands in Bitter Creek, Diamond Canyon, Hideout Canyon, and Hells Hole (all located in northern Grand County) as well as Monument Canyon and Tin Cup Mesa (both located in San Juan County, east of Blanding).

With the BLM, you can always count on worse to come. In this case, the agency proposes to offer lands in the Alkali Ridge Area of Critical Environmental Concern—an area the BLM itself recognizes as regionally and nationally significant because it contains a large number of high density Basketmaker and Pueblo cultural sites.

Thanks to your support, SUWA is able to engage vigorously with these and other energy projects throughout Utah. We will continue to do so.

—Landon Newell



© Ray Bloxham/SUWA

Lands in the scenic Tin Cup Mesa proposed wilderness are included among the BLM's February 2015 oil and gas lease offerings.

inside SUWA

Liz Thomas: a Wilderness Advocate like Few Others

After 17 years as SUWA's front-line defense for the redrock in southern Utah, Liz Thomas is retiring.

Liz grew up running a tractor on an Oklahoma farm, then graduated from the University of Colorado School of Law in 1988. As a new attorney, she worked for DNA People's Legal Services in Crown Point, NM, and Halchita, UT, representing the impoverished residents of the Navajo Nation. Liz later directed the Great Old Broads for Wilderness before coming to SUWA in 1998. She first represented SUWA in southwestern Utah, living out in the pinyon-juniper forest west of Cedar City with her cat Pizza Face and a population of cougars.

Finally, she came to Moab. Moab was a different place back then, hostile to wilderness protection. And Liz was always our fiercest advocate, dealing with some of the most condescending men on the planet. It was no easy job for a woman to advocate for poor people or wilderness in southern Utah back then. Every single decision maker (really pretty much everyone but Liz) was male, and many of them horribly dismissive of women. There was a time when Liz was probably the only woman in the U.S. doing wilderness advocacy in a small, hostile



SUWA wishes a long and happy retirement to Liz Thomas (aka "Lizard")—a true desert rat and one of the best wilderness warriors Utah has ever known.

town. We never heard her complain of that, or knew her to back down from the patriarchs.

Off-Roaders' Nemesis

Liz created and ran our Southern Utah Group, or "SUGs"—the SUWA staff that know the ground better than everyone and whose job it is to stop anyone from messing with our wilderness. She was our expert on off-road vehicle issues and spent long hours working to protect places like Recapture and Arch Canyons.

She initiated and nurtured relationships with tribal entities that have historic and ancestral connections to the lands and resources of southern Utah. She built relationships with experts in archaeology, biology, ecology, wildlife, soils, water quality and riparian systems in order to develop arguments and strategies for increasing protection for wilderness. She even managed to survive time in Washington, DC, helping to kill an awful bill for the San Rafael Swell.

Southern Utah would be a far less wild place without everything Liz has done—and she has done much in her 27 years of wilderness advocacy. Few people will ever match it. She's now retiring and can devote more time to eradicating cheat grass around her Moab home, hiking the canyons, watching fence lizards on her front porch, and tracking the spring return of the turkey vultures. We will miss her terribly.



Among the many things we'll miss about Liz: her contagious laughter.

inside SUWA*DC intern Steve Hardeman.*

Thanks to Steve Hardeman, another Great DC Intern

Interning for SUWA in DC is rarely glamorous but always important because interns expand the reach of our small Washington staff.

Among other things, our interns sit through mind-numbing political theater (also known as House Natural Resources Committee hearings), pound the pavement doing information drops on the Hill, and repeatedly call congressional offices encouraging members to cosponsor America's Red Rock Wilderness Act. This summer's intern, Steve Hardeman, tackled all these tasks with good humor and just the right amount of cynicism. A native of the Southwest—he calls both Texas and New Mexico home—Steve was able to jump right in on Utah issues and quickly became a part of our DC team.

Steve is completing his Master's Degree in Natural Resources and Sustainable Development at American University. His particular program spends two semesters at the Institute for Peace in

*Legal intern Andrew Simek.*

Costa Rica where he is now (we are sure he misses DC terribly). Thank you, Steve, for all your hard work for the redrock.

Legal Intern Andrew Simek Wraps Up a Busy Year

Andrew Simek, our legal intern for the past year, has performed exceptional work for SUWA and we want to thank him.

Andrew is a native of North Dakota and a third-year law student at the University of Utah's S.J. Quinney College of Law. Andrew has helped our legal team on a broad range of issues, including RS 2477, travel management litigation, and SUWA's always-busy oil and gas docket.

He has participated in depositions, prepared and submitted comments on energy development projects, and prepared and filed administrative appeals. We've all come to appreciate his intelligence, hard work, and folksy high-plains charm. Thank you, Andrew, and good luck!

Join Our Monthly Giving Program

If you're looking for a convenient, hassle-free way to help SUWA, 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 for monthly giving, go to suwa.org/donate.

inside SUWA

SUWA Roundup: Good Friends, Great Country

A highlight of our year is the annual Roundup and this year's was another good one. We enjoyed sunshine, glowing redrock, and wonderful company in the San Rafael Swell's Hidden Splendor area over a late September weekend.

The Roundup gives us the opportunity to reconnect with old friends, make new ones, and appreciate together the spectacular landscapes we work to protect. We spent our time this year hiking, exploring Muddy Creek, relaxing back at camp and chatting late into the night by the campfire. During our potluck dinner, we heard updates from SUWA staff on important issues confronting the redrock. A dedicated group even undertook some service projects with the BLM on the Roundup's final morning.

Thanks to all who attended. It was great to see you!



© Michelle Farnsworth

Happy hikers at Roundup 2014.

Leave a Legacy of Support 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, whereas if it were left to an individual, a significant amount might go to federal estate taxes. 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.

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

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

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

Credit Card #: _____ CVC# _____

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Mail form with payment to:

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

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

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

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

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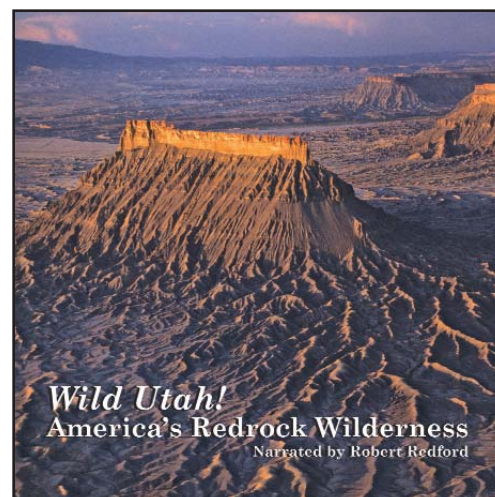
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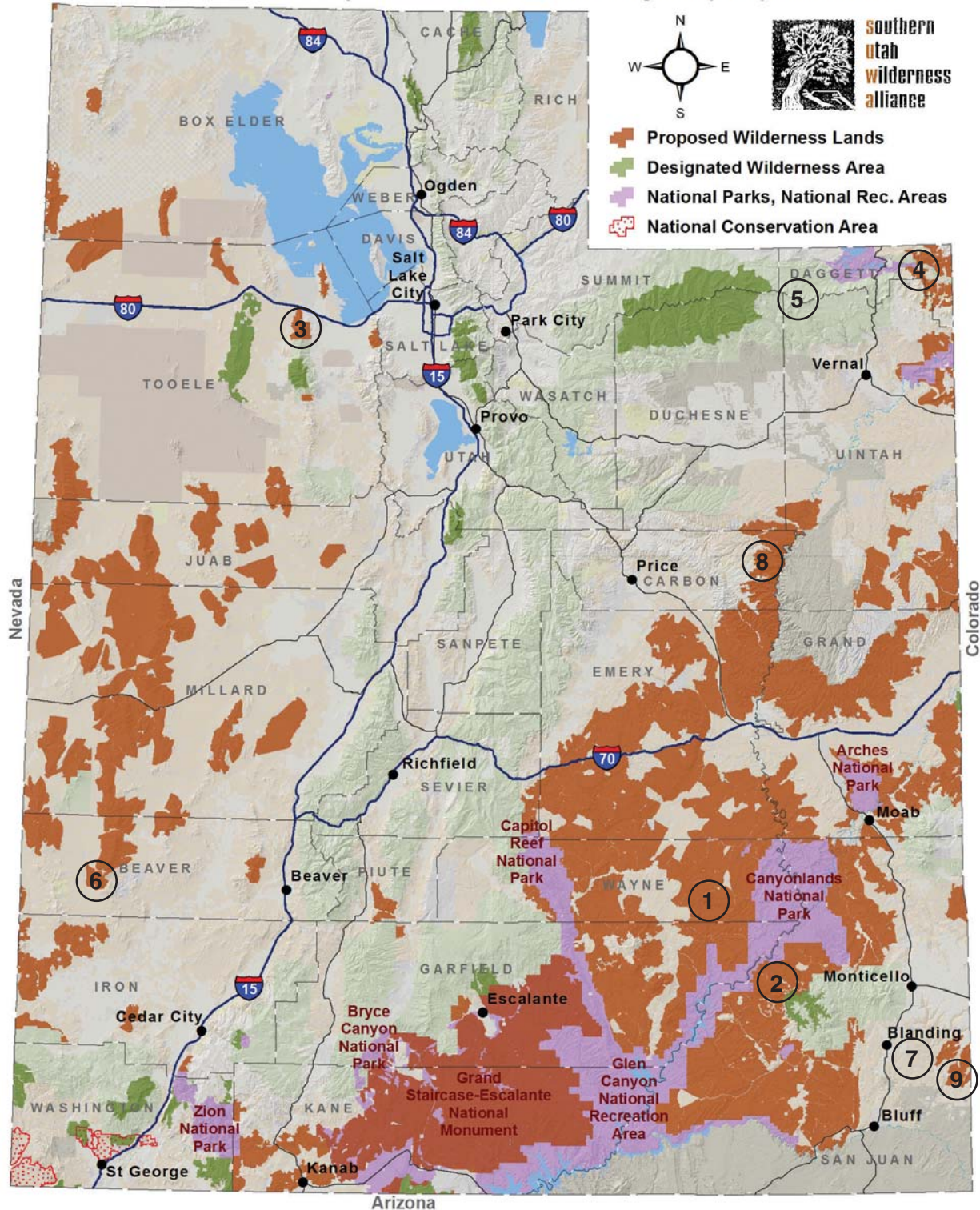
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Wild Utah DVDs can also be ordered online at **suwa.org/goodies**.

America's Red Rock Wilderness Act

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



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| ② Dark Canyon (p. 7) | ⑤ High Uintas, Daggett Co. (p. 13) | ⑧ Jack Canyon WSA (p. 17) |
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"Winter Above Calf Creek." Pastel by Scotty Mitchell (scottymitchell.com)

"The love of wilderness is more than a hunger for what is always beyond reach; it is also an expression of loyalty to the earth, the earth which bore us and sustains us, the only home we shall ever know, the only paradise we ever need—if only we had the eyes to see."

—Edward Abbey