

## DON'T WRECK THE SWELL—FACT SHEET



**Mussentuchit Badlands** – photo by Ray Bloxham

On May 9, Sen. Orrin Hatch and Rep. John Curtis introduced the Emery County Public Land Management Act of 2018 (S.2809 in the Senate and HR 5727 in the House) which targets the world-renowned **San Rafael Swell**. Now, with no real opportunity for public input, they are pressing hard to pass the bill by the end of the year.

For many Americans, especially Utahns, the Swell is their “go to” wilderness landscape for camping, hiking, biking, rafting and restoration. The bill could determine the fate of over a million and a half acres of wild public lands in the San Rafael Swell and nearby Labyrinth and Desolation Canyons.

Conservationists have long advocated designating more than 1.5 million acres of BLM and Forest Service wilderness in this vast county. The Hatch/Curtis bill fails to do justice to these spectacular landscapes. It also cuts up protected areas with off-road vehicle routes and effectively ensures that they will remain open in perpetuity. The bill is a huge step backward for conservation. Here are some of the major problems:

### **A big step backwards for wilderness**

The bill does not protect enough land as Wilderness. It designates only 1/3 of the 1.5 million acres of wilderness-quality lands in Emery County, leaving 900,000 acres of BLM land without protection as Wilderness. And the lands it does designate *are already protected as Wilderness Study Areas or Natural Areas*. Thus the bill really amounts only to a name change.

### **Neglects extraordinary landscapes that deserve protection.**

Specific landscapes unacceptably neglected by the bill include:

- The San Rafael Badlands – this area comprises the western reach of the San Rafael Swell. It includes an extraordinary abundance of ancient rock art panels, habitation sites, stone working sites, burials, and more. The bill leaves the area vulnerable to oil and gas development and off-road vehicle abuse.

- Muddy Creek – Constituting the southern portion of the San Rafael Swell and reaching to the northeast corner of Capitol Reef National Park, this remote landscape provides extraordinary kayaking, canyoneering, backpacking, day hiking and car camping opportunities.
- Labyrinth Canyon –Labyrinth Canyon offers spectacular opportunities to families, beginners and experts alike who are seeking a wide range of quiet recreation, from technical canyoneering to canoeing to daylong hikes in search of swimming holes. The bill only protects a portion of wilderness-quality lands on the western side of Labyrinth Canyon, and utilizes an arbitrary county boundary in omitting the eastern side in its entirety.

#### **Makes off-road vehicle abuse worse:**

The bill makes off-road vehicle abuse worse by riddling the lands it does protect with motorized routes. The bill:

- Effectively enshrines over 800 miles of off-road vehicle routes that crisscross the proposed National Conservation Areas and Wilderness. Under a court settlement reached by conservationists, the Trump administration and off-road vehicle advocates, the Bureau of Land Management is currently preparing a new travel plan for the Swell which will assess the impact of these routes on cultural and natural values and decide which will be open and closed. The bill makes an end run around this process, effectively perpetuating the old, illegal travel plan.
- Permits the State of Utah to continue its RS2477 roads litigation in protected areas, thereby undermining their long-term protection.

#### **Hands over lands to the state of Utah**

- Hands control and development of public lands owned by all Americans in the San Rafael Reef – including popular locations such as Crack and Chute Canyons – to the state of Utah for the expansion of Goblin Valley State Park, authorizing entrance fees and encouraging more over-crowding.

#### **Harms Tribal interests**

- Would result in the first Indian land grab in more than 100 years by allowing the State to take lands and resources within the Ute Indian Tribe's Uintah and Ouray Reservation. Would also impact the Tribe's water rights.

#### **Excluded citizen input**

From the get go, the Utah delegation allowed local county commissioners to control the process and the proposal, without any real regard for Utahns outside of Emery County, Native American tribes with cultural ties to the area, conservation organizations, archeologists, paleontologists, or the millions of Americans who have an interest in these lands.

The bill has received a hearing before the House Natural Resources Committee where the pattern of exclusion continued. There was no opposition witness and Rep. Curtis claimed several organizations supported the bill who did not. There was a hearing before the Senate Public Lands, Forests and Mining Subcommittee in late August with no opposition witness.

Despite being excluded from the drafting of the legislation, opponents of the bill's current language have persistently sought to initiate a dialogue with Rep. Curtis and Sen. Hatch to gain needed improvements regarding wilderness, motorized recreation, and other significant issues with the bill. So far the Congressman and Senator have declined to make any changes, deferring completely to the Emery County Commissioners.