

# REDROCK

## WILDERNESS

The Newsletter of the Southern Utah Wilderness Alliance  
VOLUME 36, NUMBER 2 • SUMMER 2019

**THE TRUMP ADMINISTRATION'S OIL AND GAS  
OVERREACH**

**INSIDE!**  
Special Report:  
Gambling with Our  
Public Lands





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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## OFFICES

**Main Office**  
425 East 100 South  
Salt Lake City, UT 84111  
801-486-3161

**Washington, DC**  
122 C Street NW  
Suite 240  
Washington, DC 20001  
202-546-2215

**Moab**  
P.O. Box 968  
Moab, UT 84532  
435-259-5440

info@suwa.org • www.suwa.org



Cover Photo: Death Hollow in Grand Staircase-Escalante National Monument. Copyright Jack Dykinga

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SUWA, 425 East 100 South, Salt Lake City, UT 84111

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## SUWA BUSINESS MEMBERS

This issue of *Redrock Wilderness* was written by the following staff and outside contributors: Steve Bloch, Adrienne Carter, Neal Clark, Scott Groene, Mathew Gross, Travis Hammill, Maddie Hayes, Olivia Juarez, Jeremy Lynch, Kya Marienfeld, Kaden McArthur, Landon Newell, Dave Pacheco, Laura Peterson, Jen Ujifusa, and Michelle White. It was edited by Darrell Knuffke and laid out by Diane Kelly. Newsletter design by Amy Westberg.

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 submissions to [photos@suwa.org](mailto:photos@suwa.org) or via regular mail c/o Editor, SUWA, 425 East 100 South, Salt Lake City, UT 84111.

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## THE TRUMP ADMINISTRATION —FULL ON

The protection this year of nearly 700,000 acres of wilderness in the San Rafael Swell and Labyrinth Canyon was a tonic for SUWA, its staff, and redrock lovers everywhere. We continue to savor the victory. It will sustain us as we confront the 18 long months remaining in what we earnestly pray is Trump's only term before he slopes off to private life and a bankruptcy court somewhere.

We have no illusions about the next year and a half. Trump and his team of former industry lobbyists will continue to sack our public estate and likely accelerate the pace if they sense time and opportunity are slipping away.

Thus, threats to the redrock are greater than ever.

Climate change is now stressing the Colorado Plateau with hotter, drier conditions, affecting everything and everyone that lives here. Exploding recreation threatens wildlife and cultural resources, driven in part by the Utah Office of Tourism and its irresponsible advertising.

### HELP IN THE HOUSE

We must add this, though: things could be worse. Fortunately, the 2018 election strengthened our hand legislatively, and for that we are thankful. The flip in control of the House limits the harm the Utah congressional delegation can do and generally allows us to focus more of our efforts on the most potent threats to the redrock: the state and the administration.

Utah Governor Gary Herbert's lawsuits claiming state ownership of road rights-of-way across national parks and wilderness, the most massive suits ever filed against the United States, will finally come to trial later this summer.

On the federal side, we are at war with the Trump administration every day. The president bears the personal stigma of having savagely cut over 1.1 million acres from Bears Ears National Monument and 900,000 acres from Grand Staircase-Escalante National Monument.

But the Bureau of Land Management (BLM) now does the day-to-day damage in the Redrock Country. The BLM may be the largest land management agency in the world, overseeing 250 million acres—23 million in Utah, including over 9 million acres of redrock wilderness.

The agency flutters to and fro like a battered shuttlecock between administrations. When Democrats gain power, it generally encourages the good staff who care about public lands. When a terrible administration gains control, the bad guys emerge in force.

### IMPOTENT BY DESIGN

This has much to do with agency structure. Unlike the Forest and National Park Services, the agency lacks a conservation ethic and history, and suffers for it. It is extraordinarily decentralized, with responsibilities delegated to isolated offices scattered across the American West, vulnerable to control by local commercial interests. The BLM is also organized on a state-by-state basis, which leaves it exposed to capture by state politicians. The agency is chronically and deliberately underfunded, starved



by western appropriators who prefer a skeleton crew with just enough funding to expedite oil, gas, and mining activities on public lands.

In short, the agency is bad by design. And under the Trump administration, the BLM is now at its worst.

In just the last two years the Utah BLM has:

- Approved destruction of tens of thousands of acres of native pinyon-juniper forests
- Opened 5,400 acres around Factory Butte to uncontrolled off-road vehicle (ORV) use
- Approved recreational helicopter use along the Green River in bighorn sheep habitat
- Leased hundreds of thousands of acres for energy development—even lands with the highest densities of cultural resources in America
- Approved a coal mine on the doorstep of Bryce Canyon National Park
- Approved paving on the Burr Trail in a midnight deal with Garfield County
- Turned a deliberate blind eye to ORV abuses across the state, including within Grand Staircase-Escalante National Monument where the counties freely and knowingly violate trail closures

Some of this we've stopped; some we're still fighting. And no doubt the BLM will make more despicable decisions before this administration is gone.

For our part, we will watch the redrock wilderness more jealously than ever. We will organize, educate, appeal, and litigate. It will not be easy and we'll lose some treasured places. But with your help, we will be here. For as long as it takes. And bit by bit we will win.

For the Redrock,



Scott Groene  
Executive Director

# TRUMP'S OIL AND GAS OVERREACH: PILLAGE ON A MONUMENTAL SCALE

## **BREAKING NEWS: Trump Administration's "Lease First, Think Later" Mentality Backfires on the BLM**

As this newsletter was going to press, we learned that the Bureau of Land Management (BLM) has admitted that its rushed "lease first, think later" approach to oil and gas leasing violated the law. The BLM informed SUWA that the agency will reconsider opening up over 200,000 acres in the San Rafael Desert and northern Dirty Devil region for oil and gas development. This decision follows on the heels of another one in which the BLM pulled back a separate decision to offer leases on the doorstep of Bears Ears National Monument and Canyonlands National Park. Because all of the BLM's leasing decisions in Utah over the past two years suffer from the same legal flaws, we expect that the agency will be forced to pull back hundreds of thousands of acres of oil and gas leases across Utah that were issued since the Trump administration came to power, and which SUWA has challenged.

Thanks to your support, the uninformed rush for "energy dominance" has come back to haunt the BLM. It may help to keep this good news in mind as you read the story that follows.

Cliché or no, there truly are people who know the price of everything and the value of nothing. Tragically, they now run our country.

The Trump administration took office in January 2017 and quickly declared that the nation's goal was no longer merely "energy independence" but rather "energy dominance." Since then there has been a more-than-sevenfold increase in the amount of land managed by the Bureau of Land Management (BLM) in Utah offered for oil and gas leasing and development. The torrent of new leasing has opened some of America's wildest lands to development, including tracts near Bears Ears National Monument, in the San Rafael Swell, and in the Uinta Basin's Book Cliffs region.

The BLM is doing its zealous best to remove every obstacle that might slow the Trump plan, showing more enthusiasm for plunder than it ever has for balance, much less for protection. The obvious first step is to slam the door on public participation; that agency has taken that step. Next is to scuttle rules that require the BLM to conduct meaningful environmental reviews; the agency has done that too. The public's response is justifiable outrage, widespread protests, and litigation. The agency is auctioning off our public lands heritage for unbridled energy development and auctioning it off for a pittance. The greed-driven development that Trump promised the industry will destroy some of our last wild places, harm wildlife, and exacerbate the climate crisis.

But there is a faint light at the end of this dark tunnel. Predictably, Trump's BLM rushed forward to open up as

much public land for development as possible. But its slapdash haste produced several serious mistakes. Those mistakes have paved the way for a deluge of successful litigation challenging all aspects of the agency's implementation of the energy dominance agenda.

## **LOOK BEFORE YOU LEASE: HOW THE PROCESS IS MEANT TO WORK**

It is important to understand at the outset that the BLM has no legal obligation to offer any tract of public land for oil and gas leasing and development regardless of whether that land is identified as available for leasing under the relevant BLM land management plan. If the BLM receives an industry "expression of interest" to lease a particular tract of land, it first confirms whether the land is available for leasing. It is then supposed to consider whether the lease should be offered at an upcoming sale and, if so, under what terms and conditions. If offered, the lease can be sold competitively for as little as \$2 per acre—even less, \$1.50 an acre, if the lease is sold noncompetitively. A lease is issued for a ten-year period but can be—and too often is—extended by the BLM for years or decades beyond its primary term.

Energy leases open the door to development. Once a lease is issued, the BLM does not have the legal authority to outright prohibit surface-disturbing activities associated with its development. In other words, by issuing a lease the BLM commits itself to oil and gas development even if it later determines that development will exacerbate climate



change or cause irreparable harm to resource values such as wilderness characteristics or wildlife. This fact makes it critical that the agency consider its lease offerings carefully and take public input seriously and to do so first.



Since 2017 there has been a more-than-sevenfold increase in the amount of BLM-managed public land in Utah offered for oil and gas leasing and development."

## MAKING THE SAME MISTAKE TWICE: ENERGY DOMINANCE PART II

The Trump administration, despite all its internal chaos, late-night Twitter rants, and incoherent messaging, has clung tenaciously to at least one promise: undo every policy, regulation and goal of Barack Obama's administration regardless of effectiveness or need. Nowhere is this more evident than with the BLM's massive push over the past two years to sacrifice public lands for energy development.

If the BLM's expansive sell-off of public lands for energy development seems vaguely familiar, it is because we have seen this loathsome movie before. Throughout the early 2000s, the Bush administration aggressively moved to prioritize leasing and development as the most important use of public lands. This "lease everything, lease everywhere" approach to development resulted in several high-profile SUWA lawsuits and highly publicized federal court rulings overturning the agency's leasing decisions.

Thankfully, in 2010, the Interior Department recognized that the BLM's leasing program was broken and took several steps to better balance energy development with environmental protections. Under President Obama, the agency first established a comprehensive lease parcel vetting process to determine which public lands should be offered for development at a particular lease sale. This structured approach to leasing allowed the BLM sufficient time to consider nominated lease parcels, to determine which parcels should be offered and which not, to prepare comprehensive environmental reviews, and to consider public input.

The BLM then established the "master leasing plan" (MLP) process. These plans encouraged the agency to do exactly what it should have been doing all along: think first, lease later. Specifically, the process was an opportunity for the agency, as it put it, to "analyze in greater detail the impacts of leasing and development in areas where there are likely resource conflicts" and to provide "a road map to guide the orderly development of oil and gas resources, while also protecting other important resources." The Utah BLM's Moab Master Leasing Plan is an example of this good idea at work. That plan, finalized in 2016, offered the prospect of long-term protections for hundreds of thousands of acres of public lands near Canyonlands and Arches national parks, including the wilderness-caliber lands of Porcupine Rim, Fisher Towers, Six-Shooter Peaks, and Goldbar Canyon.

## A TEMPORARY REPRIEVE

Notably, the BLM acknowledged that MLPs were "required" for more than 3 million acres throughout eastern and southern Utah, including lands near Bears Ears National Monument and in the San Rafael Desert and Book Cliffs regions. The agency said plans would be required before

## UTAHNS CALL FOR CLIMATE JUSTICE AT GOVERNOR'S ENERGY SUMMIT

At the Governor's Energy Summit on May 30<sup>th</sup>, Utahns called for a just transition away from fossil fuel extraction in rural communities to more sustainable forms of energy production. They protested Governor Herbert's "all-of-the-above" energy strategy, arguing that a plan and commitment to 100 percent renewable energy by 2030 is the only just option for a livable future.

Nearly one quarter of all US carbon emissions come from fossil fuels extracted from public lands.



© CARLY FERRO

## INDUSTRY DOESN'T NEED ENERGY LEASES BUT WILL SNAP THEM UP IF THE PRICE IS RIGHT

There is no current need and precious little demand to open more public lands in Utah to oil and gas development. According to the BLM's most recent data, only 42 percent of the public lands currently leased for oil and gas in Utah have been developed. Stated differently, there are nearly 1.5 million acres of public land in Utah already under lease but not being developed.

Similarly, due to low natural gas and crude oil prices and the high cost of drilling in Utah, the number of drilling permits submitted has plummeted from a high of 2,105 in 2012 to 290 last year—an 87 percent decline in less than seven years. In fact, at the end of May this year, there were only six active drill rigs in the entire state of Utah. That, too, is a decline of 87 percent from just a few years back.



There are nearly 1.5 million acres of public land in Utah already under lease but not being developed.”

If nothing is being developed then what is the problem? First, the BLM is fueling speculative oil and gas leasing and development—at fire sale prices—and at the same time allowing private interests to lock up enormous tracts of public land for years, if not decades. Second, leasing commits the BLM to proceed down the path toward development. Once a lease is issued, the BLM cannot prohibit surface development (except in very rare situations).

Finally, economics and technology—such as hydraulic fracturing and horizontal and directional drilling—can change over time, bringing areas that were once viewed with little interest into the spotlight. Keeping wild landscapes off the BLM's auction block now will help protect them from development for years or decades down the line.

new leases were offered for development to allow the agency time to analyze potential impacts on climate, wilderness characteristics, and wildlife. In the short term, this protected millions of acres of public lands in Utah.

Unfortunately, those leasing reforms were short-lived. In March 2017, Trump issued an executive order requiring all federal administrative agencies, including the BLM, to “review all existing . . . orders, guidance documents, policies, and any other similar agency actions . . . that potentially burden the development or use of domestically produced energy resources, with particular attention to oil [and] natural gas.”

Soon thereafter, then-Interior-Secretary Ryan Zinke directed the BLM to “identify additional steps to enhance exploration and development of Federal onshore oil and gas resources.” His order further required the agency to “identify any provisions in [its] existing policy and guidance documents that would impede BLM's plans to carry out quarterly oil and gas lease sales or its efforts to enhance exploration and development of Federal onshore oil and gas resources.”

Without analysis or public review the agency quietly abandoned its earlier leasing reforms and fell into lockstep with the Trump administration's energy dominance lunacy. The agency hatched a plan of attack for leasing that eerily resembles its broken leasing program from the early 2000s. Among other things, this new framework (1) eliminated MLPs, (2) eliminated or significantly restricted opportunities for public involvement in leasing decisions, and (3) encouraged the BLM to rely on existing environmental analyses (rather than preparing new site-specific analyses) in order to “streamline” energy leasing and development.

The Utah BLM has embraced Trump's energy dominance agenda by removing every obstacle to selling off as much federal public land as possible, as quickly as possible, and with as little analysis or public involvement as possible.

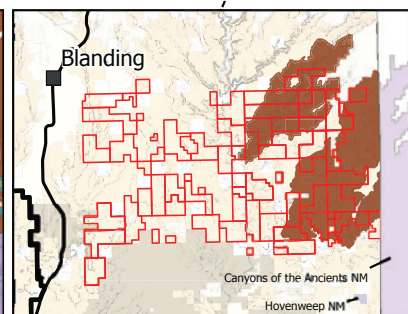
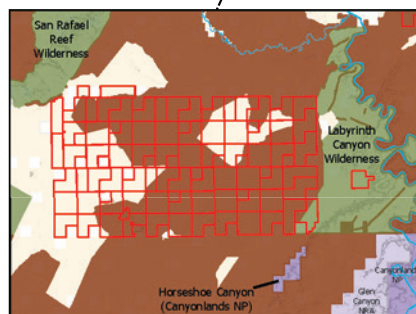
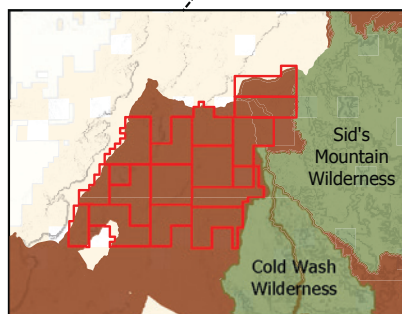
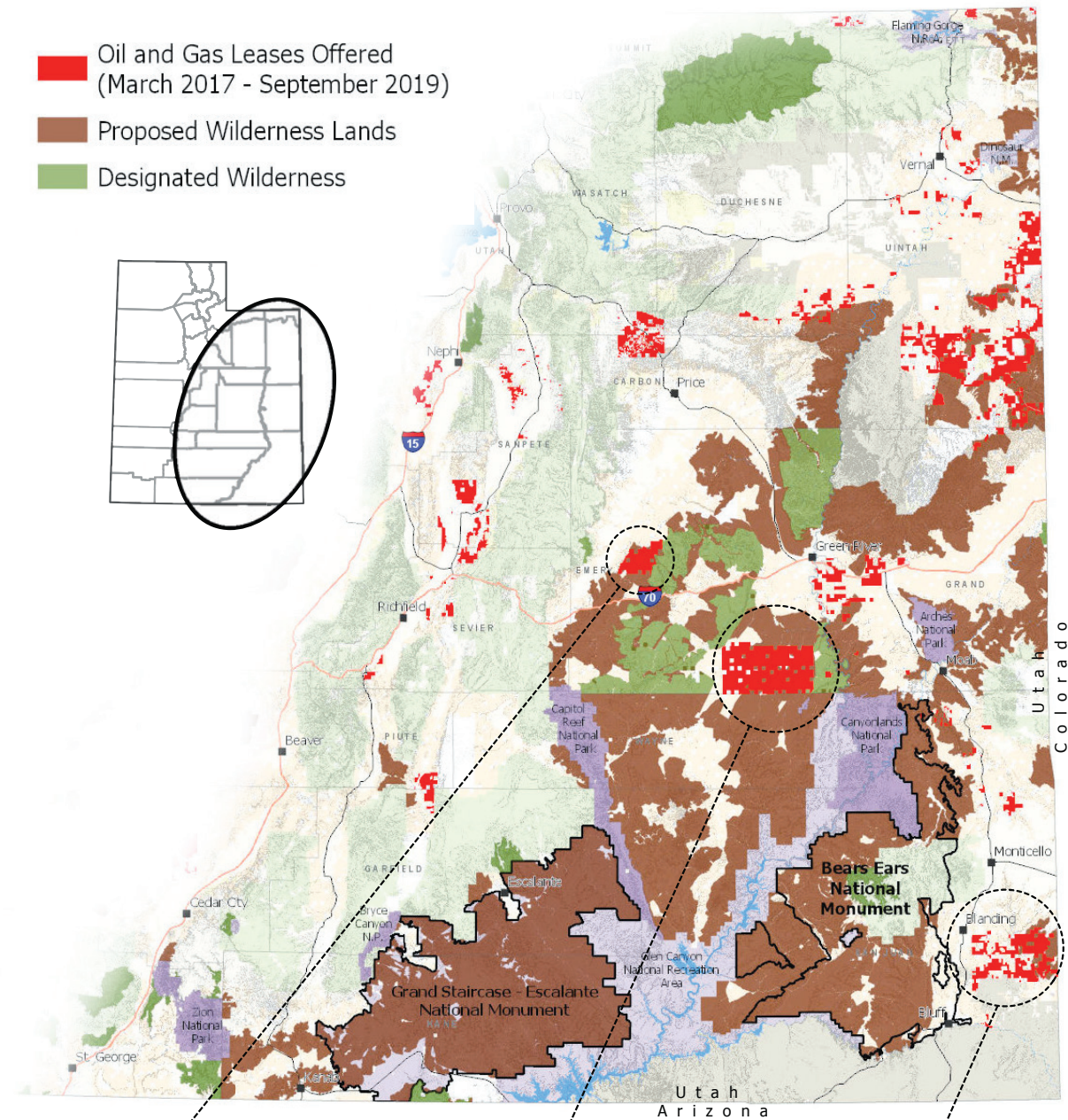
## WHAT THIS ALL MEANS FOR UTAH'S WILD PLACES

With the recently announced September 2019 proposed lease offerings added to the mix, over the past two years the BLM's Utah offices have offered a staggering 644 leases, covering 904,463 acres of public lands, for energy development. In the crosshairs of development are:

- Public lands on the doorsteps of Bears Ears, Canyons of the Ancients, and Hovenweep national monuments in southeastern Utah. These lands contain a remarkably high



# Oil and Gas Leases Under the Trump Administration







LEFT: PUBLIC LANDS THREATENED BY LEASING IN THE SAN RAFAEL DESERT. RIGHT: POTENTIAL LEASING SITE NEAR HOVENWEEP NATIONAL MONUMENT. © RAY BLOXHAM/SUWA

density of irreplaceable cultural and archaeological sites. The Advisory Council on Historic Preservation has termed those sites “world-class resources.” They include highly sensitive pre-Columbian settlements, rock art panels, kivas, and other remains. The National Trust for Historic Preservation recently included the area on its list of “America’s 11 Most Endangered Historic Places for 2019,” citing the BLM’s “dramatically escalated leasing activity” as the primary threat.

- The San Rafael Desert—a rugged expanse between Goblin Valley State Park and the San Rafael Reef on the west and Canyonlands National Park and the Dirty Devil on the east. Among its many unique values, this area is home to an astonishingly diverse array of native and endemic bees.
- The Molen Reef region of the San Rafael Swell—another area of impressive cultural and archaeological diversity and density. Molen Reef is home to hundreds of significant documented cultural sites, including Ferron Box, Funk’s Cave, Clyde’s Cavern, and Horn Silver Gulch.

## STRAINING COMMON SENSE: THE COURTS CONFRONT TRUMP’S OIL AND GAS FANTASIES

Thankfully, the Trump administration’s energy dominance agenda has suffered several significant legal setbacks. In September 2018, a federal judge in the district of Idaho held that the BLM’s elimination of public participation from its leasing decisions violated federal laws. The judge noted that it “strain[ed] common sense” to see how the BLM’s elimination of public participation met the applicable legal standard, which required such participation “to the fullest extent possible.” This court decision will have sweeping ramifications. In Utah, for example, over the past two years

the agency has taken similar steps to eliminate public participation. All the resulting leasing decisions almost certainly violated the law and are thus susceptible to legal attack.

There was another decision with national implications in March 2019. A federal judge in Washington, DC held that the BLM had failed to properly analyze the impacts of its oil and gas leasing program on greenhouse gas emissions and climate change. This landmark decision requires the BLM—for the first time—to provide a detailed accounting of these impacts in each leasing decision. This ruling spells trouble for all the Utah BLM’s leasing decisions over the past two years: the agency made the same unlawful mistake in each. SUWA has already filed the first of several court challenges to start to overturn all these decisions.

SUWA has been engaged in every leasing and development decision affecting wilderness-caliber lands in Utah. We recently filed a lawsuit challenging the BLM’s March 2018 and December 2018 leasing decisions for public lands near Bears Ears and Hovenweep national monuments. Other lawsuits are in the works. And we have successfully challenged several drilling projects that would have impacted public lands proposed for wilderness designation.

Where does all this leave us? Despite the reckless rush to lease everything in sight, not a single oil and gas well has been drilled on lands proposed for wilderness in America’s Red Rock Wilderness Act since the Trump administration took office. Nevertheless, we expect the BLM to aggressively push Trump’s megalomaniacal energy dominance agenda over the next eighteen months. SUWA is ready for the challenge. The lease first, think later mentality will surely backfire; most stupid ideas do.

—Landon Newell



## SEN. LEE SEEKS BIKE EXCEPTION IN WILDERNESS AREAS

Utah Senator Mike Lee has again introduced a bill that would amend the Wilderness Act to allow bicycles within designated wilderness areas.

The use of “mechanical transport” is prohibited in wilderness, and for good reason. Wilderness is set aside to preserve “solitude or a primitive and unconfined type of recreation.” Its goal is to reduce human impact, not to enshrine man’s machines across every landscape.

Lee’s bill could impact much of the wilderness protected since passage of the Wilderness Act of 1964, including lands protected in the Emery County, Utah, legislation this year. Unrivaled wilderness areas now accessible only by foot would suddenly be open to mountain biking and come under increased threat from associated trails.

This is a bad-faith bill. It has little to do with promoting recreation, and everything to do with weakening the

Wilderness Act’s strong protections. Given Lee’s lengthy history of promoting anti-public-lands legislation, few so far are taken in by the ruse.

He has introduced the bill in each Congress since 2016. It has never been granted a hearing and last year had no cosponsors at all. This time, Lee is looking for cosponsors and hopes to make it bipartisan legislation.

We are encouraged that groups such as the International Mountain Bicycling Association do not support bicycles within designated wilderness areas. We hope that other outdoor recreation and environmental organizations recognize this legislation for what it is, an attack on the integrity of wilderness, and oppose it.

With your help and the help of our allies in Congress, we are confident the Lee bill will again languish.

—Kaden McArthur

## LEE ALSO HAS THE SOLUTION TO CLIMATE CHANGE!

During a floor debate on the “Green New Deal” in March, Utah’s now-senior senator presented a novel idea for how to solve climate change: more babies. Wielding a poster of several small diapered humans, Sen. Lee explained, “The solution to climate change is not this unserious resolution, but the serious business of human flourishing. The solution to so many of our problems, at all times and in all places: fall in love, get married and have some kids.”



## REDROCK ACTIVISTS TAKE TO THE HILL



HUGE THANKS TO THE WILDERNESS WEEK CLASS OF 2019, PICTURED HERE IN FRONT OF THE US CAPITOL.  
© ADRIENNE CARTER/SUWA

Every year, the Utah Wilderness Coalition (SUWA, NRDC, and Sierra Club) hosts activists in Washington, DC for “Wilderness Week,” a five-day training and lobbying extravaganza. This spring, 48 activists from 29 states held over 250 meetings on Capitol Hill, making it our largest event yet!

The goal of Wilderness Week is to meet with senators and representatives (or their staff) and ask them to cosponsor America’s Red Rock Wilderness Act, which would designate 8.7 million acres of federal public lands in Utah as wilderness. Teams take part in a full day of training and then put their skills to use in meetings over the next three days. This year was especially exciting as Wilderness Week occurred just after passage of the Emery County Public Land Management Act, which designated 663,000 acres of public land as wilderness.

If you want to be a part of the grassroots movement to protect Utah’s wild public lands, let us know at [info@suwa.org](mailto:info@suwa.org)!

—Travis Hammill



SPRING BLOOM AT FACTORY BUTTE, © TOM TILL

## BLM OPENS ICONIC FACTORY BUTTE TO OFF-ROAD VEHICLE MAYHEM

Shortly before we went to press, and in a surprise move, the Bureau of Land Management's (BLM's) Richfield field office opened 5,400 acres of public land surrounding Utah's remarkable Factory Butte to unfettered cross-country off-road vehicle (ORV) use. The BLM announced its decision just before the busy Memorial Day weekend and without any advance notice or opportunity for public comment.

The agency's decision reversed its 2006 closure of the area to unchecked ORV use. That closure responded to SUWA's 2005 petition to protect Factory Butte from this exact kind of threat. When the BLM implemented the 2006 closure it explained that "Factory Butte itself is an iconic formation, highly visible from Highway 24 and is often photographed."

Longtime SUWA members will recall that protecting Factory Butte was a major fight in the late '90s and early 2000s. The closure of the area to ORV abuse in 2006 gave the land a much-needed chance to recover. The BLM's decision to lift the closure will allow one of Utah's most recognizable landscapes to be defaced and damaged for years to come.

Contrary to popular myth and the agency's repeated misrepresentations, these tracks don't simply disappear after the next rain. Photographs taken after historic flooding still show extensive ruts across the landscape.

Look for updates on this unfolding issue online at [suwa.org](http://suwa.org) or in the next issue of *Redrock Wilderness*.

—Steve Bloch



© RAY BLOXHAM/SUWA



The BLM announced its decision just before the busy Memorial Day weekend and without any advance notice or opportunity for public comment."



## ILLEGAL BLM DECISION ALLOWS COUNTY TO CHIP SEAL BURR TRAIL

On May 1<sup>st</sup>, SUWA and several of our partners filed a lawsuit in federal district court challenging the Bureau of Land Management's (BLM's) unlawful decision to approve a request by Garfield County to chip seal a section of the remote Burr Trail immediately east of Capitol Reef National Park in southern Utah. We have asked the court for an order directing the BLM to remove the chip seal.

The BLM made its decision on April 26<sup>th</sup>, a Friday afternoon. The agency's Richfield field office manager, Joelle McCarthy, apparently notified Garfield County that same afternoon, and the county began work almost immediately.

In what appears to be no coincidence (some might call this collusion), Garfield County had staged equipment and gravel near the area in advance of the BLM's decision to get started on the project as quickly as it could. The BLM did not publicly announce its decision until three days later, on Monday afternoon, April 29<sup>th</sup>, and by the next morning most of the 7.5-mile project had been completed. The agency's deliberate effort to hide its decision from public scrutiny while giving the county the green light to begin paving was outrageous.

### FROM THE TOP

Reports indicate that the BLM's decision to approve the rushed environmental assessment (EA), which had a mere 15-day comment period, was made at the highest levels in Washington, DC. The final decision consists of a 10-page document nearly identical to the initial EA, indicating that the agency did not consider SUWA's detailed comments. The BLM found that Garfield County's request to chip seal the road was "necessary," even though the county has no adjudicated legal right-of-way on the Burr Trail road. The BLM also wrongly concluded that chip sealing the road would have "no adverse impact" on surrounding wild lands or Capitol Reef National Park. The National Park Service argued emphatically and precisely the opposite in 2010 about earlier proposals to chip seal the very same section of road.

All told, the county's request was approved in less than 30 days, despite repeated denials of the same request from previous Democratic and Republican administrations.



CHIP SEALING UNDERWAY ON THE BURR TRAIL, © RAY BLOXHAM/SUWA

Today's legal battle over the Burr Trail is freighted with history. Garfield County has sought to pave this dirt road in the middle of spectacular redrock wilderness (and Capitol Reef National Park) for nearly 35 years. SUWA has been one of the principal thorns in the county's side all these years fighting this ill-conceived proposal. Your support has been essential to our keeping up the fight!

—Steve Bloch

### LINES IN THE SAND: BIG BURRITO TRAIL APPEAL UPDATE

Earlier this year the Interior Board of Land Appeals ruled against a SUWA appeal and upheld the BLM's approval of the Big Burrito mountain bike trail located in the Sand Flats Recreation Area outside of Moab.

The new 9.3-mile trail will result in the permanent loss of 136 acres that qualify for wilderness designation. That is impossible to justify given the finite wilderness resource on lands under the control of the BLM's Moab field office, and given the fact that the office has authorized more than 150 miles of singletrack mountain bike trails in the past decade.

We strongly believe that no new recreational development should occur to the detriment of lands that qualify for wilderness designation. We will continue to fight proposals that result in those impacts.

## BEARS EARS ADVISORY COMMITTEE STACKED WITH MONUMENT OPPONENTS

It won't surprise you to know that the Trump administration's Bureau of Land Management (BLM) isn't keen on listening to supporters of the original Bears Ears National Monument. But the BLM's April announcement of who would actually serve on the Bears Ears Monument Advisory Committee (MAC) was a middle finger to even the pretense of creating "a fair and balanced representation of interested stakeholders," as the original monument proclamation called for. Of the 11 individuals appointed to the committee, not one was a supporter of the original monument—and none of the appointees were recommended by tribes.

Davis Filfred, board chairman for Utah Diné Bikéyah and a former Navajo Nation Councilman, summed it up well. "This advisory committee lacks Native wisdom, lacks support from sovereign tribes, and fails to reflect the local community that most depends on protection of these lands," he said.

Nonetheless, Trump's little clique of monument-haters held its first meeting in Monticello in early June to extend its black blessing to the agency's Final Environmental Impact Statement and Record of Decision for management of the Trump-reduced monument.

The Committee began by endorsing different parts of the multiple-use "Alternative D." Then, as can happen when you try to cram too much destructive advice into too short a meeting, the group ran out of time to finish reviewing the proposals. It simply recommended that the pro-conservation "Alternatives B & C" not be adopted.

Behold: a rubber stamp for mismanagement of what remains of Bears Ears.

—Mathew Gross







GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT, © TIM PETERSON

## BLM DEFIES CONGRESS, PLANS OIL AND GAS LEASING IN GRAND STAIRCASE-ESCALANTE

Hey, if you're gonna ignore one law, you might as well order your minions to flout the rest of them . . .

Soon after President Trump illegally butchered Grand Staircase-Escalante National Monument in December 2017, the Bureau of Land Management (BLM) in Utah began working on new management plans for the shrunk monument, eagerly identifying for oil and gas leasing nearly 660,000 of the monument's original 1.9 million acres.

The problem? It's illegal. Every Interior Department budget that Congress has approved since 2002 restricts the BLM from using any taxpayer money to conduct pre-leasing studies "on lands contained in monuments as they existed on Jan. 20, 2001," according to the *Salt Lake Tribune*. By identifying lands within the original monument for leasing, the BLM is ignoring restraints imposed upon it by Congress.

Senator Tom Udall (D-NM) and Representative Betty McCollum

(D-MN) dug into the matter. In a letter to the Government Accounting Office in late May, the legislators asked the office to "specifically investigate whether Interior's actions violated its budget act and, if so, whether the department also violated the Anti-Deficiency Act, which prohibits a government agency from spending money without the approval of Congress" (*Salt Lake Tribune*, "Did Interior break the law in eyeing oil, gas leases in the former Grand Staircase-Escalante National Monument? Dems want new probe," May 22, 2019).

"How is this pre-leasing work not a violation of appropriations law?" demanded Udall of Interior Secretary David Bernhardt in a Senate Appropriations Committee hearing. Bernhardt offered a typically tepid promise to "look into it."

It's probably best not to hold your breath.

—*Mathew Gross*

### WHAT'S NEW WITH THE MONUMENTS LITIGATION?

Our challenge to President Trump's unlawful attack on Grand Staircase-Escalante and Bears Ears national monuments continues to grind along in federal district court in Washington, DC. The parties finished last spring briefing the Justice Department's motions to dismiss our cases. The judge may still hold a hearing or she could decide the motions based on the briefs, though there is no schedule set for either of those things to happen.

Fortunately, it was a wet winter and spring and little has happened on the ground within the original monument boundaries over the past several months. We are continuing to keep a close eye out for new mining claims, road improvements, and other mischief.

At the same time, we're also on the lookout for the BLM to release six proposed "final" management plans for the lands excluded from Grand Staircase-Escalante and the three smaller monuments established in its place, and for Shash Jáa and Indian Creek, the two smaller monuments Trump established after dismantling Bears Ears. We expect those plans to be rolled out by late summer with final decisions in the fall. We'll keep you posted.

## First Fruit of SUWA's Legal Challenge

# BLM TO RELEASE DRAFT TRAVEL MANAGEMENT PLANS THIS SUMMER

This summer, the Bureau of Land Management (BLM) will release its draft travel plan for the San Rafael Desert. This is the first of 13 such plans that the BLM must complete pursuant to the settlement agreement SUWA and our conservation partners entered into with the agency and three off-road vehicle (ORV) groups in January 2017.

The settlement agreement resolved litigation that we brought challenging six deeply flawed land use plans completed in late 2008 (under the George W. Bush administration) that allowed for widespread, damaging ORV use across federal public lands in eastern and southern Utah. The settlement agreement set out a court-enforceable schedule and process for updating

travel planning decisions in 13 specified "travel management areas."

The San Rafael Desert travel management area encompasses remote wild lands, including the newly designated Labyrinth Canyon Wilderness, as well as the Sweetwater Reef and San Rafael River wilderness character areas. It features stunning redrock canyons, important cultural sites, and some of Utah's richest bee habitat. This is one of the most sublime and least traveled areas of federal public land in Utah.

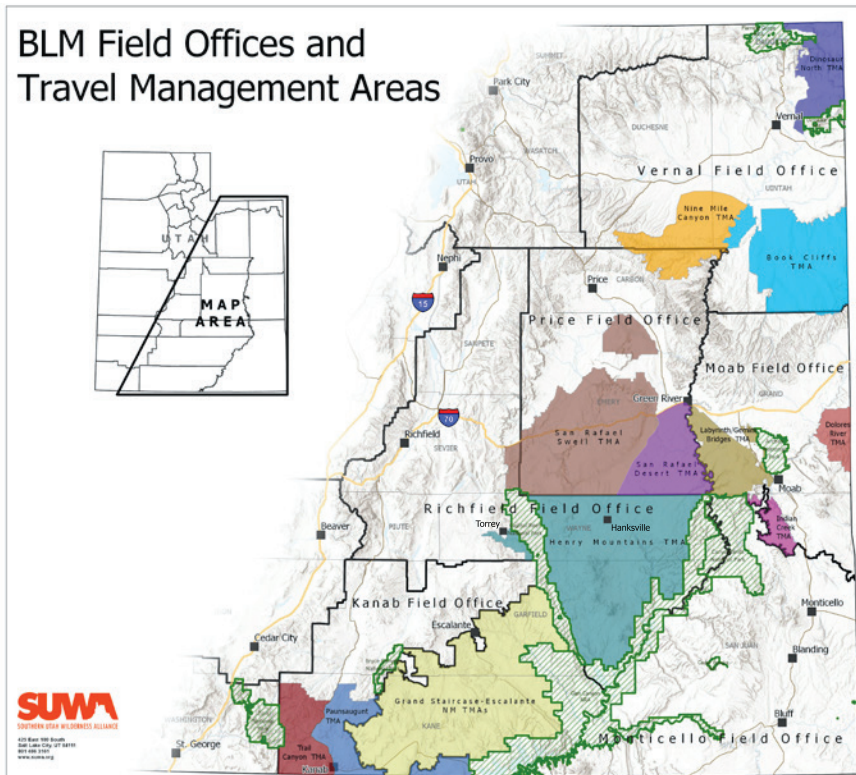
Under the legal settlement and federal law, the BLM must locate trails in a manner that minimizes damage to natural and cultural resources, minimizes harassment of wildlife and damage to wildlife habitat, and minimizes

conflicts between different resource users. We expect that—regardless of the administration in office—the BLM will comply with its statutory and regulatory duties (and the hard-fought settlement agreement) in its travel planning decisions. We intend to carefully scrutinize the draft plans to make sure the BLM is doing just that—and to hold the agency to account if it is not.

## PLAN FOR THE HENRYS

In addition to the San Rafael Desert, the BLM is supposed to be releasing a draft travel plan for the Henry Mountains/Fremont Gorge travel management area this summer. That area was blanketed with particularly egregious ORV routes in the 2008 land use plan for the area. The BLM has recently informed us that the agency will likely miss the court-enforceable deadline for completing the new travel plan for this area but has yet to explain why. At the same time it's missing this deadline, the Richfield field office found time and resources to open 5,400 acres of public land ringing Factory Butte to cross-country ORV use and destruction (see article on page 12).

The next plans scheduled for completion are for BLM lands surrounding Dinosaur National Monument (managed by the Vernal field office), the Indian Creek and Canyon Rims area (managed by the Moab field office) and the Trail Canyon area (managed by the Kanab field office). We have also been told the agency hopes to launch a new travel planning process for the lands Trump unlawfully cut from Grand Staircase-Escalante





National Monument. That process will surely be focused on trying to open trails closed as a part of the 2000 monument management plan.

Stay tuned. We will need your help to hold the BLM's feet to the fire and ensure that the agency complies with its regulatory duties to minimize damage to Utah's remarkable wild lands.

—Laura Peterson

GOOD  
NEWS

## SUWA LAWSUIT STOPS TAVAPUTS DEVEGETATION PROJECT

In a rare but welcome turn of events, the Bureau of Land Management (BLM) has withdrawn part of a 2018 decision authorizing the destruction of more than 2,500 acres of pinyon pine and juniper trees on wild lands of the Tavaputs Plateau. The devegetation would have occurred within the Desolation Canyon and Jack Canyon Wilderness Study Areas (WSAs) in eastern Carbon County.

The BLM's decision was a direct result of our lawsuit in federal court earlier this year in which we challenged the agency's unlawful decision to allow surface-disturbing activity in the WSAs.

In our lawsuit, we alleged that the BLM's decision—to use heavy machinery, including bullhog masticators, to remove pinyon pine and juniper forests from WSAs—violated the Federal Land Policy and Management Act and the agency's legal obligation not to “impair” wilderness suitability of WSAs. Shortly after we filed our lawsuit, the BLM withdrew its approval of all portions of the vegetation removal project that would have occurred within the Jack Canyon and Desolation Canyon WSAs.

We regret that it takes legal action to make the agency truly consider whether or not it is following the law when approving site-specific projects on Utah wild lands. Nonetheless, we are pleased that the BLM ultimately made the right decision to protect these WSAs from all actions that impair their world class ecological and wilderness values.

As always, we couldn't have done it without your support!

—Kya Marienfeld



CEDAR RIDGE WITHIN THE DESOLATION CANYON WILDERNESS STUDY AREA, © RAY BLOXHAM/SUWA

## GROUPS APPEAL GRAND STAIRCASE VEGETATION REMOVAL

Grand Staircase-Escalante National Monument is one of Utah's ecological, scientific, and scenic gems. However, neither these values nor a recent report that questions both the fiscal and environmental efficacy of "vegetation treatments" (see special insert) are enough to keep it off limits to the Bureau of Land Management's (BLM's) rampant revegetation schemes, which now include plans to "treat" over 30,000 acres on the Skutumpah Terrace in the northwest corner of the monument.

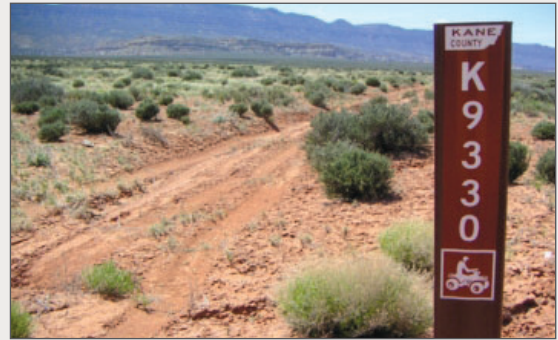
The Skutumpah Terrace stretches north over the spectacular White Cliffs, one "step" of the vast geologic stairway that rises more than 5,000 feet to the rim of Bryce Canyon National Park in an unbroken series of cliffs and plateaus. The terrace encompasses a diverse network of canyons, dense forests, washes, and distinctive geologic features. Because it is remote, the area contains a high concentration of old-growth trees, shrubs, and other vegetation, the value of which was specifically highlighted in the presidential proclamation establishing the monument over 22 years ago.

When the BLM first notified the public of the proposed Skutumpah Project in 2016, it called for various treatments on 19,000 acres to enhance wildlife habitat. Two years later, the agency released a draft environmental assessment that proposed vegetation treatments—a euphemism that includes mechanical mastication, chaining, spraying chemical herbicides, prescribed fires, chainsawing, and seeding—on more than 30,000 acres within a 55,000-acre project area.

After engaging with the BLM since the project was first proposed in 2016, it is disheartening to see the agency not only moving forward with this ill-advised project, but also nearly doubling it in size. In certain areas, 90 to 100 percent of pinyon pine and juniper trees would be destroyed. Despite our best efforts to work with the agency, including submitting a comprehensive alternative plan that would have accomplished the BLM's goals with minimal environmental destruction, the project was approved this spring.

Thus, we and our partners at the Grand Canyon Trust, The Wilderness Society, and the Western Watersheds Project challenged the decision at the Interior Board of Land Appeals shortly afterwards. Stay tuned for updates.

—Kya Marienfeld



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### RS 2477 "BELLWETHER" TRIAL TO BEGIN AUGUST 12

One of the least publicized but most potent threats to redrock wilderness in Utah is an obscure Civil War statute known as Revised Statute (RS) 2477. This one-sentence provision granted rights-of-way to early settlers to build highways across public lands. Congress repealed the statute in 1976, but the state and its counties have exploited it in an attempt to secure title to rights-of-way over roughly 14,000 dirt paths and stream bottoms (totaling more than 35,000 miles). Their chief goal? To disqualify millions of acres of proposed wilderness.

A first definition of wilderness is roadlessness. Punch roads into pristine country and there is no wilderness; this dispute is NOT about legitimate transportation needs. SUWA has skirmished with the State of Utah and several counties on this issue over the years but the stakes are much higher now.

This brings us to the long-awaited RS 2477 "bellwether" trial for 15 claimed rights-of-way in Kane County that is scheduled to begin August 12<sup>th</sup>. Because of the sheer number of lawsuits involved in the controversy, the parties agreed to use a single county and a subset of routes in that county to help set a course for those that follow.

The trial, set to last for two weeks, will address claims that affect outstanding public lands, including proposed wilderness, Grand Staircase-Escalante National Monument, and Glen Canyon National Recreation Area.

The court is not expected to rule until 2020.



## DEVELOPMENT DIRECTOR KARIN DUNCKER MOVES ON

Earlier this year, SUWA bid a fond farewell to Karin Duncker, who directed SUWA's fundraising and membership recruitment efforts since 2016.

Karin kept SUWA on schedule with membership communications (both print and digital) throughout the year and worked to attract new members to the cause. Among her many tasks as development director, she submitted grant proposals and reports, developed creative ideas for new membership events, produced SUWA's annual report, and forged strong connections with local businesses supportive of our mission. In short, she kept our supporters engaged and the organization funded so we could continue our important work to protect Utah's wild public lands.

Karin saw the value of elevating SUWA's name recognition and maintaining clear and consistent public messaging. To help draw in younger redrock activists, she expanded our exposure on Instagram and rolled out fun, fresh SUWA merchandise. She also played a key role in organizing and hosting various member events throughout the year, including the delightfully festive "year-end celebration" in Salt Lake City, which quickly became a favorite event among our supporters.

The SUWA staff, and especially Karin's cohorts on the development and administrative teams, will sorely miss her ebullient New York personality. Yet we take comfort that her new job at the Humane Society of Utah will benefit our local furry friends and brighten her days with an abundance of dog-tail wagging and the occasional friendly hedgehog. Her talents will surely be put to good use in this new position and we wish her the best of luck!

## MADISON DANIELS JOINS STAFF AS FAITH COMMUNITY ORGANIZER

SUWA is pleased to announce the creation of a new position—faith community organizer—and to welcome Provo native Madison Daniels to head the effort.

Madison is a graduate of Brigham Young University (BYU) with a degree in environmental humanities. His course work at BYU, along with his personal ethic and inclinations, make him an ideal fit in this important new SUWA post. Its goal is to build among communities of faith in Utah visible support for the protection of Utah wildlands. The initial focus of the work is along the Wasatch Front but it will eventually expand to parts of rural Utah and across the country as part of a growing faith-based environmental network.

*(Continued next page)*



At university, Madison developed a particular interest in how people relate to the environment and how they navigate that relationship. To him, protecting Utah's wild places is not just good sense but a moral responsibility.

Before coming to SUWA, Madison worked for the Utah Lake Commission, a governmental organization dedicated to reversing years of neglect and outright abuse of Utah Lake and to engage Utah County municipalities in that effort. His major challenge there, he said, was persuading a discouraged public that lake restoration is possible.

That will be great preparation for his next big challenge: sending the message that wild places are good—good for Utah's environment, culture, economy, and for our own spiritual health—and that, together, we can protect them.

Outside of work, Madison is an enthusiastic home cook and an eager theology student, often found with his nose in old texts on the subject. He also takes more than passing pride in being his nieces' and nephews' favorite uncle, his three sisters' favorite brother, and his parents' favorite son—their only son, as it turns out.

## BIG THANKS TO OUR SPRING INTERNS

### DC INTERN EVAN TUTEN

SUWA's DC work benefited considerably this year from the help of Evan Tuten, a recent graduate of Virginia Tech's environmental science program. Evan came to our Washington office in January for a spring internship. Over the course of the semester, he played an important role, attending meetings, performing information "drops" on Capitol Hill, and most importantly, helping ensure that Wilderness Week went off without a hitch.

Evan enjoyed being on the Hill and attending hearings and markups first hand, but his favorite part was being able to meet and work with activists from all over the country. He also loved the office dogs. He returns home to Virginia where he hopes to serve on the Hunter Mills District Land Use Committee and also find work in the environmental science field.

Thank you for all your hard work, Evan!



### GRASSROOTS INTERN BAYLEE BINGHAM

Our spring grassroots intern, Baylee Bingham, was the recipient of the Dr. Norman Weissman Internship for Preservation of Wild & Scenic Utah, a generous gift made possible by his family.

Baylee greatly enhanced our grassroots organizing efforts and, at the same time, had the chance to see public lands advocacy in action by attending town hall meetings, listening to politicians speak on Utah public lands issues, and participating in a sit-in at the Utah governor's office. The latter event helped postpone an oil and gas lease sale on Bureau of Land Management lands.

"I learned how to get involved as an individual and make a difference in ways that I hadn't really known about before," said Baylee, reflecting on her time with SUWA.

A University of Utah senior in environmental studies, Baylee calls Kamas, Utah home. We extend our warmest thanks for her great work and wish her all the best in what will surely be a bright future.





## JACK HANLEY JOINS SUWA'S SERVICE PROGRAM TEAM

We're pleased to welcome Jack Hanley, SUWA's 2019 Service Project Coordinator. Jack came on board in March to facilitate our growing volunteer program of on-the-ground service work on public lands across Utah.

Jack is no stranger to the redrock. He has spent the past decade honing his outdoor leadership skills as a backpacking, rock climbing, and canyoneering guide; a team-building workshop facilitator; and an interpretive ranger-naturalist for the National Park Service.

The gutting of Bears Ears and Grand Staircase-Escalante national monuments motivated Jack to get involved with SUWA's service program, originally as a volunteer. "Working directly with the landscapes we aim to preserve, and with people who strive for the same, is essential in the greater movement to protect Utah's redrock wilderness," Jack explains.

When he's not gearing up for the next service project, Jack can be found sliding through remote slot canyons or drumming with the Moab Community Dance Band.

We hope you'll join Jack on one of the many volunteer service trips we offer across the state.

[Ed. Note: The wide range of service opportunities scheduled for this season are posted on our website at [suwa.org/projectcalendar](http://suwa.org/projectcalendar). Also see sidebar for information on our upcoming Wilderness Steward Training in Salt Lake City.]

### JOIN SUWA FOR A TWO-DAY TRAINING IN WILDERNESS STEWARDSHIP

TRAIN TO MONITOR  
**WILDERNESS**  
LEARN TO NAVIGATE,  
**ASSESS AND**  
COLLECT DATA TO  
IMPROVE PRACTICAL  
MANAGEMENT OF YOUR  
**PUBLIC LANDS**  
LEARN THE HISTORY &  
PRESENT REALITY  
**OF UTAH'S**  
**WILDERNESS**  
**STUDY AREAS**  
EXPLORE AMERICA'S  
**RED ROCK**  
**WILDERNESS ACT**  
BECOME A WILDERNESS  
**STEWARD!**

### WILDERNESS STEWARD TRAINING 2019

SAT/SUN AUG 17/18  
SALT LAKE CITY



[SUWA.ORG/PROJECTCALENDAR](http://SUWA.ORG/PROJECTCALENDAR)

#### QUESTIONS:

[VOLUNTEER@SUWA.ORG](mailto:VOLUNTEER@SUWA.ORG)

**SUWA**  
SOUTHERN UTAH WILDERNESS ALLIANCE

### 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. For more information, contact Michelle Martineau at (801) 236-3763 or visit [suwa.org/plannedgiving](http://suwa.org/plannedgiving).





OUR VOLUNTEER CREWS WERE OUT IN FORCE THIS SPRING, WORKING HARD TO PROTECT PUBLIC LANDS IN THE CEDAR MOUNTAIN WILDERNESS AND THE GRANDSTAFF CANYON, LOST SPRING, SPRING CREEK CANYON, SWASEY MOUNTAIN, HOWELL PEAK, KING TOP, NOTCH PEAK, SCORPION, AND WAH WAH MOUNTAINS WILDERNESS STUDY AREAS. BLM PHOTO

## SHOW OFF YOUR LOVE FOR THE REDROCK WITH NEW SWAG FROM OUR ONLINE STORE

Looking for another way to rep SUWA and show your support for wild Utah? Our online store has you covered. Check out our brand new t-shirts sporting the orange SUWA logo, available in multiple fits and sizes, for just \$25. Other SUWA swag options include our bandanas for your or your pets' adventures, limited-edition baby onesies for that future redrock warrior in your life, our ever-popular trucker hats, cozy "Protect Wild Utah" beanies, dry bags for all your river excursions, and "Protect Bears Ears" t-shirts and tank tops. Visit [suwa.org](https://suwa.org) and click 'SHOP' at the top of the page to get started.



OUR NEW T-SHIRTS ARE AVAILABLE IN BOTH MEN'S AND WOMEN'S STYLES

## BECOME A SUSTAINING MEMBER WITH SUWA'S MONTHLY GIVING PROGRAM

If you'd like a convenient, hassle-free way to help SUWA, our monthly giving program is for you. Monthly giving of any amount is easy and secure, includes all the benefits of membership, and provides SUWA with reliable, year-round funding to fight current and future threats to the redrock. Is protecting the redrock worth \$5 or \$10 a month to you? That's only \$60 or \$120 a year and goes a long way to keeping your public lands wild.

For more details on joining SUWA or becoming a sustaining member, please visit our website at [suwa.org/donate](https://suwa.org/donate).



# THANK YOU SUWA BUSINESS MEMBERS!

SUWA's Business Membership Program is a great way for your small business or company to support the protection of Utah's redrock country. For an annual donation of \$150 or more, we'll print your company's name in our newsletter once a year and on our website at [suwa.org/businessmembers](http://suwa.org/businessmembers). At higher levels of support we offer additional benefits, such as a featured spot in our monthly e-newsletter. For more information, please contact Maddie Hayes at (801) 428-3972 or [maddie@suwa.org](mailto:maddie@suwa.org). Listed below are businesses from Utah and across the country that currently support Utah wilderness through SUWA's business member program.

## ENTRADA MEMBERS

(\$5,000+)

Powderhound Marketing, CO

Stone Forest Inc, NM

Wagenschmitt VW Service, WA

## KAYENTA MEMBERS

(\$1,000-\$4,999)

Mosaic Real Estate LLC, CO

Tailwind Nutrition, CO

## WINGATE MEMBERS

(\$500-\$999)

Action Photo Tours, UT

Caffe Ibis Coffee Roasting Co, UT

Chris Brown Photography, CO

Fisher Brewing Company LLC, UT

Glenn Randall Writing & Photography, CO

Hugger Mugger, UT

Injoy Productions, CO

Mountain West Cider, UT

The Wildland Trekking Co, AZ

Workspace Installations LLC, CT

Tourmaline Capital Management LLC, CA

## MOENKOPI MEMBERS

(\$150-\$499)

Adventure Safety International, UT

Alta Lodge, UT

Baked in Telluride, CO

Brian Hollister, CA

Brown Bag Farms, CA

Carol Montgomery Drake CPA PLLC, NY

Cedar Mesa Music, NM

Charles Cramer Photography, CA

Clayhaus Photography, UT

Consulting Psychologists, AZ

Escape Goats, UT

Four Crows Photography, MA

Gospel Flat Farm, CA

Institute of Taoist Education and

Acupuncture Inc, CO

J Groene Construction Inc, KS

James Kay Photography, UT

Lazy Lizard International Hostel, UT

Leslie Peterson, ND, Naturopathic

Physician, UT

Matheson Design, OR

Ody Brook Enterprises, MI

Paul Fuller Massage Therapy, CO

Pinnacle Peak Eye Care, AZ

Robert D. Barewin, Attorney at Law, IL

Rupestrian CyberServices, AZ

Select Stone Inc, MT

Underwood Environmental Inc, UT

Waterwise Design & Landscapes LC, UT

William Stone Photography, NM

With Gaia Design, UT

Words and Photographs by Stephen

Trimble, UT



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“At some point in life, the world’s beauty becomes enough.  
You don’t need to photograph, paint or even remember it. It is enough.”

~Toni Morrison



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