

**Wild Utah Podcast, Episode 32:  
Devil in the Details: Planning for a Wild San Rafael Swell**

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**Dave Pacheco:**

Welcome to episode 32 of Wild Utah, the podcast of the Southern Utah Wilderness Alliance. I'm Dave Pacheco as reported in episode five in February, 2019 as part of the John D dangle Jr conservation management and recreation act. Congress passed the Emery county public land management act, which designated among other things. 17 new wilderness areas, totaling 663,000 acres. The San Rafael swell recreation area, and three wild scenic segments on the green river. The measure represented a major step forward in protection of Utah's public lands. And it wouldn't have happened without the support of red rock advocates like you as a result of these new designations, the BLS price field office update its management plan for each of the affected areas, a process that will take well over a year to complete the bureau just wrapped up the initial scoping or issue identification phase of its public process on January 7th. In that phase, we asked you to tell the agency you want these new plans to prioritize the protection of natural cultural scenic and wildlife values in an upcoming and more detailed comment phase. The public will be asked to comment on a range of alternative management strategies and SUA will let you know which alternative we support throughout this process. We'll ask you to expect and demand that the agency under new leadership in the Biden administration, prioritizes protection of natural cultural scenic, and wildlife values from the impacts of motorized recreation and irresponsible development. What we can't do is sit back and expect the administration to make the right decision on their own. They need you, the people who love these lands to make them do the right thing. Joining us today to enlighten us

about the bureau of land management's process in regards to adopting management plans for the Sanil swell and surrounding public lands is Sue Wildlands attorney Judy Brower. Judy, thanks for joining us. Thanks for

**Judi Brower:**

Thank you for having me; great to be here.

**Dave Pacheco:**

Here. So Congress designated several wilderness areas in Emery county in 2019, along with a new San Rafa swell recreation area and some wild and scenic sections of the green river. Explain to us how, and to what extent the legislation serves as a guidepost for the bureau to adopt more detailed, specific on the ground management practices, or maybe put another way. This is the implementation phase of what Congress ordered, what didn't the legislation specify that the agency seeks to accomplish in this management planning phase?

**Judi Brower:**

Sure. For management of wilderness areas, it's relatively clear what can and can't happen on the ground in terms of the wilderness act, prohibits, motorized use mining oil and gas development in wilderness areas. So some of the things that the agency needs to out in its management planning for the wilderness areas is say hiking trails, where will they put in new hiking trails? What are they gonna do with existing hiking trails? Where can there be rock climbing or canyoneering or other non motorized and mechanized activities, also commercial recreations, so guided recreation. So that's in the wilderness areas and the Sanel swell recreation area and the wild and scenic river section. They're not wilderness, but they are protected to a certain extent. So that's a little bit more unclear as to what can and can't happen than in those areas. There are certain resources that need to be protected in those areas,

such as wildlife and scenic values and cultural values that need to be protected in those areas. And the BLM is creating this management plan to identify what activities such as re maybe some vegetation management motorized use can happen in those areas and where, so that those resources are still protected.

**Dave Pacheco:**

So for those unfamiliar, with this area, this San Rafael Swell Recreation Area is really, it's a, a first of its kind designated area it's kinda shaped like a donut hole. That's surrounded by wilderness, right? So there needs to be a specific management plan written for the San Rafael Recreation Area itself as separate from the wilderness plan, right?

**Judi Brawer:**

That's what we believe. So the legislation, the Dingell enacting legislation that designated this area says that the BLM shall develop a comprehensive management plan for the long term protection and management of the recreation area. And we interpret that as a requirement to create a separate plan. Now that separate plan would be incorporated into the existing management plan or of the whole San Rafael Swell and the Price field office of the BLM, but it really needs to be a separate management plan because there are so many different things and resources that need to be protected and factors that need to be considered that it can't be done by just a few amendments in the current plan. It really needs to be a whole separate plan that look that this area comprehensively.

**Dave Pacheco:**

Yeah. So this conversation really harkens back to a conversation we had with Sue as Neil Clark, just this past October about SUWA's vision for the agency to manage recreation in a more zonal fashion like front country versus back

country. So how do you see this planning process for the San Rafael Swell Recreation Area relating to making that effort a reality?

**Judi Brawer:**

Yeah, and this is really an excellent opportunity for the BLM to do that. We issued a, a literature review that professor Chris Monz authored, looking at 60 years of what they call recreation, ecology, which before the report was issued, I didn't even know it was a thing, but it's actually a very big thing. And recreation ecology is very important because any of you've been recreating, especially in the past few years, know that recreation can have big impacts on natural resources, cultural resources, but also on your use and enjoyment of an area. And so what we've seen the BLM do recently in particular is when places get too crowded, they say, oh, let's just move recreation off into this back country area. We'll push people over there. Well, that's really bad because cause it's the initial impact of creating a new hiking trail or biking trail.

It's the initial creation of those trails and initial part of that use that does the most damage, if an area is already in use, adding more use to that area. So maybe adding some, some that are parking some toilet, um, and, and making the area more accessible that does minimal damage compared to when you are creating a whole new trail system in somewhere in the back country that has maybe only had one trail and, and very little youth. So we really want to keep those backcountry areas protected as backcountry areas. Not only for people who want that back country experience, but also for the plant, the wildlife and the soils that are there and the, you know, the vegetation and the, and the wildlife species that are there and have not yet been impacted by high levels of recreation. And so this management planning process that the BLM is undertaking for the recreation area is a really unique opportunity to do this. You know, where there's already a high level of recreation and near communities, that's kind of the front country and, and areas that are farther

away from communities that haven't seen as much use. That's really the back country. And we really wanna protect those back country areas and provide better opportunities for access in those front country areas. That's really where most people wanna go.

**Dave Pacheco:**

Yeah, well that sounds like a reasonable way to manage these areas. It only makes sense. And I know that we highlighted that issue, that recreation kind of zonal management thing. And that episode, I believe is episode 29. Folks wanna take a listen on that. It really goes into detail on why the science supports designating those types of zones. But I also know Judy, before we leave this subject, I want to make sure that we understand that despite its name, the Sanel swell recreation area was designated for far more than just recreation use. Um, I've heard you say that the legislation that created this area does not elevate other uses. Can you elaborate on that for us?

**Judi Brawer:**

Correct. And, and I guess I would say calling it a recreation area to me is a little unfortunate, cause it's not just for recreation. The Dingell Act, the enacting legislation says that the purposes of the recreation area are to provide for the protection and conservation of the recreational cultural, natural Phoenix, wildlife, ecological, historical, and educational resources of their recreation area. So it's not just for recreation it's for all of those uses. And the BLM cannot use this as an excuse to elevate recreation over those other resources and other uses. And so they really have to manage recreation very carefully so that it doesn't impair these other uses, for example, cultural resources and natural resources and wildlife. So they can't just add more and more trails and more and more trailheads that are gonna impair these other uses. They all have to be considered on an even playing field.

**Dave Pacheco:**

And it sounds like the challenge there through this planning process is to make sure they get it right on the front end so that the plan reflects, you know, those other values and doesn't just emphasized recreation. So, you know, I, I do think that that points to the importance of people getting involved in this process. I, I wanna go back to talking about the management of the designated wilderness areas. Uh, you know, one would think that Congress passing legislation designating an area as official wilderness gives it permanent protection against any development. Uh, but of course, it's not that simple in practice, you know, even in the newly designated wilderness, what still needs to be adopted through the management planning process to ensure protection of those areas.

**Judi Brawer:**

Sure. Well, they'll have to close the back country airstrips, which is, is required under the wilderness act, but also one of the big ones is the management of recreation, a particularly commercial recreation. So guided tours, a lot of people want a wilderness experience, but they don't know how to get it right. They're not maybe comfortable or able to get out into a wilderness area on their own. And so there are tours, you know, those commercial business that provide guided tours, which is wonderful. It really enables a lot of different people to be able to get out into wilderness areas. However, the BLM has to manage it very carefully because commercial use can bring in a lot more people into an area which could very much impair the wilderness values of those backcountry wilderness areas. So if you're hiking in an area and you see a group of 20 people that really impairs the quiet and solitude of your wilderness experience, so the BLM has to be very careful in terms of authorizing the number of people that can go back in one group where they can go the times they also have to consider, for example, sensitive wildlife species like Bighorn sheep, or Mexican spotted owl or nesting Raptors.

You know, when big horn sheep are lambing, during lambing season in the spring, that's a very sensitive time. And so we really wanna keep recreation out of those areas to allow those Bighorn sheep to reproduce successfully same with Mexican spotted owl and Raptors with climate. And candying, those types of uses can really impact those species. And so the BL to be very careful about where to not only allow commercial uses, but also just regular recreation, you know, where the trails are gonna go, um, when they can be used, how they can be used, things like that.

**Dave Pacheco:**

Yeah. Think in light of the increased numbers of visitors to public lands, getting these decisions right on the front end is even more important.

**Judi Brawer:**

It's very important. You know, I, I recently commented on a BLM proposals authorizing special recreation permits. So businesses that offer guided tours of, of say wilderness areas, they have to get a special recreation permit. And the BLM recently proposed increasing the numbers of permits and the number of people allowed per group. So up to 20 people in a very small slot canyon area can not only really disrupt the wilderness values, but it can also be very dangerous. So they really have to be careful about how many people are allowing at any one time to go into these areas, not only for preserving the wilderness values, but also protecting the safety of the people in that group. And also any of the other hikers and people using those areas.

**Dave Pacheco:**

Right. And that number has always been 12 as a backcountry limit that the agency has managed for another proposing to go to 20?

**Judi Brawer:**

In some places yeah. In some places.

**Dave Pacheco:**

Okay.

Let's go back to the introduction. I mentioned that the Dingell legislation also designated several Wild and Scenic sections of the green river. You know, our river running friends are gonna want to hear more about that. So, um, let's talk a little bit about more specifically how those lands are gonna be managed while you know, of, of course it was great that they were included. Explain what specific protection these designations do and don't provide and what the agency needs to adopt in these management plans to protect our unique and fragile river riparian corridors.

**Judi Brawer:**

Sure. And this is another area where we disagreed with the BLM. The BLM said it was just gonna amend its current management plan to meet the requirements of the Wild and Scenic Rivers Act. And we think that they need to do a comprehensive river management plan, which is required by the wild and scenic rivers. And so again, they need to do a whole separate plan for these segments of the river, not just a few amendments to their current management plan, they really need to go back and do a comprehensive plan. And there are very specific requirements in the wilderness act as to what that plan must have. And that includes the number of users. You know, there were three different segments, designated one's a wild segment. One is a scenic segment and one is a recreation segment. And so each of those under the Wilder effect have different levels of protection.



But what is the same throughout is that the BLM has to protect what called the ORVs– Outstandingly Remarkable Values. And those are different for each segment of the river. There can be even in a wild segment, there can be recreational values or scenic values. There are ecological values, river vegetation, water, quality, and wildlife and fish and wildlife habitat. So there's a lot of things that have to go into the BLM considerations as to what can and cannot be approved in these Wild and Scenic and recreational segments. So the BLM really has to go back to the drawing board and start developing these comprehensive river management plan for these three segments that looked at all of the outstandingly remarkable values and what uses can be allowed. For example, motorized use along the river corridor, um, mechanized use hiking trails, developing recreational facilities, camping, designated campsite, the number of commercial permits that are authorized. So there's a lot that goes into how to protect these rivers to protect those values that they, you know, that they were designated to protect

**Dave Pacheco:**

Well. That's very disappointing that they won't protect the river corridors from mechanized transport, and that that actually needs to be addressed in the management plan, but it looks like a challenge and it looks like one we're up to.

**Judi Brawer:**

It is a challenge. It's one we're up to, I will say that, you know, on some of the rivers, they are already protected because along the rivers, you know, on one side, it's designated as wilderness on the other side, it's designated as the wilderness study area. So in many instances, those river banks, um, and river corridors are protected, but in some cases they're not. And so for the areas where they're not protected, we really need the BLM to step up to the plate and protect those areas from motorized recreation, in particular oil and gas

development, mining, and mechanized travel, things like that. You know, I'm a mountain biker, but I'm happy to close off some areas to mechanize travel along these river corridors that need to be protected.

**Dave Pacheco:**

Judy, I want to take a step back and look at all the wild BLM lands in Emery county. One of the focus areas that the conservation community are collectively working towards. And what we've highlighted on this podcast several times before is the goal to protect 30% of America's land and waters by 2030 or 30 by 30. And that's only nine years away now in that negotiating process for the Emery county public land management act that passed in 2019 created all these areas, SOA and the conservation community were able to obtain protections for roughly half of the lands in Emery county that are proposed for will wilderness designation in America's red rock wilderness act. So we only got about half. My question is, does the management planning process that's currently underway cover those undesignated lands? And if not, how does SUWA want the agency to manage them?

**Judi Brawer:**

Sure. The current planning process does not address the other land outside of what was protected in the ding act. So the BLM will continue to manage those lands pursuant to its existing management plan. What we hope that the BLM will do, and these lands are very, very important for 30 by 30. Yes, the Dingell Act the over 600,000 acres of protected wilderness, the recreation area, all those are a great step in the right direction, but there's so much more that needs to be done. And so much land that needs to be protected. There's so much land that is open to motorized use and oil and gas development and mining that we need to protect the land that are, they may not be designated as wilderness. You know, they're outside of the lands covered by this the Dingell Act, but they're still just as important. And so again, hoping that the

BLM will look at recreation management of all of those lands and take that zoned management per so that we're really protecting the back country. We're getting motorized use outta that back country. We're getting rid of roads and we're getting rid of opening up all of these lands to oil and gas development and mining and protecting those lands for the future. There's plenty of, of public land that is available for, you know, motorized use. And there's a fraction that is protected and we really need to protect those lands that are currently in the American red rock wilderness act that are currently, maybe don't have a lot of roads and are more of a back country experience where they provide essential wildlife habitat, essential wildlife corridor, and act as carbon sinks and act as a buffer to this climate change that we're experiencing. So it's really important that those lands are still protected and Sue is gonna keep working to protect those lands.

**Dave Pacheco:**

Judi, can we go so far as to say that if the agency does a good job at creating good, strong protective management plans in this phase, that just the, of getting them the precedent of getting them to do this may positively impact that other half of the Wildlands that are still out there unprotected.

**Judi Brawer:**

Yeah, that's a good question. Unfortunately, what I'm concerned about is with these lands being protected, the BLM is look at the unprotected lands as kinda a sacrifice zone as oh, we protected these lands. So we don't need to protect these anymore. And that's just not the case. The lands that were designated in wilderness have been wilderness study area for a very long time. And so it's not a huge change in management there. They were already somewhat protected. Now that protection is more permanent. So the BLM can't look at this as an opportunity to just open up all of the other lands outside of these wilderness areas, in the recreation area, to more roads, more

motor use, more development. And unfortunately, I don't know that the BLM is going to take this as an opportunity to protect those lands. Unfortunately, I think that BLM may take it as an opportunity to open them up.

**Dave Pacheco:**

Well, that's something that SUWA and yourself are gonna be keeping a real sharp eye out for. I'm sure. Judy, I really appreciate you explaining the planning process and its importance here. Uh, I know it gets a little weedy for listeners, but because so many of us go and enjoy the San Rafael Swell, there's a lot of interest in this issue and subsequently a lot of folks wanting to get involved. So as we noted at the top of the podcast, the scoping or issue identification stage, a public input just concluded. Tell us what's the next step in the process. And approximately when can the public expect an opportunity to voice support for one alternative or another?

**Judi Brawer:**

Sure. And I'll just say the public process here is so important. This is a story that I tell a lot of people who they don't really understand the uniqueness of the opportunity to participate in this public process. So when I was younger and just recently out of law school and working for a different organization and commenting on a lot of these types of things, Thanksgiving dinner, my dad worked in New York city and had a very international group of people he worked with. And there was a woman from China and a man from Spain who were at our house for Thanksgiving. And I was talking to them about what I do and that, you know, I Sue the government, you know, I get to comment on and participate and tell the federal government how we want the land to be managed. And then if they violate the environmental laws that we have, then we can actually take them to court.

And, you know, I just took it for granted and they were in shock. They couldn't understand that concept. Right. And so NEPA process, the National

Environmental Policy Act process of having people comment and sending comments on these management plans or onsite specific projects like a logging project or a road project is so important for public land users to tell the government what they want and the government listens and they have to follow certain laws. And so it's a really unique opportunity for us to participate in this process and to comment and to let the BLM, let the federal government know what we want, that we want protection. We want 30 by 30 that we want these areas protected for wildlife and for cultural resources and for scenic values, not just open to the oil and gas industry or, you know, motorized vehicles traveling all over the place.

We want these areas protected. So it's really important to, to make your voice hurt. And the stage of the process is the BLM is going to review all of the comments. And I will say, it's gonna take, 'em probably quite a long time cuz we filed very long and detailed comments. And I know a lot of our supporters also filed comments and we really appreciate that. And so the BLM is gonna review those comment and they're gonna develop what's called an environmental impact statement or an environmental assessment. An environmental assessment is smaller and less detailed than environmental impact statement they'll develop one or the other. And then they will send that out to the public for comment and in the EA or EIS they will have different alternatives for management. So one alternative may focus on opening areas for motorized use or opening areas for more trails and more development. Another alternative, which is what we propose is, you know, the zoned recreation management approach and limiting the number of new trails, limiting motorized use limiting development. So there's different alternatives that the BLM is going to look at and analyze. And you will have the opportunity to comment on those different alternatives and the ones you want. And if none of 'em are very good, you can, you know, let 'em know what you want. I hope that explains it. Well,

**Dave Pacheco:**

It certainly does. And I really appreciate you emphasizing the uniqueness of our opportunity to even get involved. So, uh, hopefully that will drive a few more folks to get involved in the process and voice their opinions. Because like I said, there's a lot of folks, uh, who listen to this podcast who also know the swell really well and can speak from personal experience. And I know that's what the agency is looking for. So we strongly encourage that.

Judi, really appreciate you joining us to explain all of this for us. Again, I know there was a lot of detail, so your time and expertise on this is greatly appreciated. So thanks for taking the time to explain it.

**Judi Brawer:**

Absolutely. My pleasure. Thank you.

**Dave Pacheco:**

Wild Utah is recorded at SUWA's main office in Salt Lake City on equipment purchased through the generosity of our members. SUWA is primarily member funded. Over 90% of our revenue comes directly from people who care about protecting southern Utah's redrock country. We're proud of that because it keeps our voice independent. If you'd like to help protect wild Utah today, please head to [suwa dot org](http://suwa.org) and click the Donate button. We appreciate your support.

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On behalf of SUWA, I'm Dave Pacheco. Thanks for taking the time to listen. We hope you can join us for the next episode of Wild Utah.