

# REDROCK

W I L D E R N E S S

The Newsletter of the Southern Utah Wilderness Alliance  
Volume 20, Number 1 • Spring 2003

Highway  
Robbery: the  
Growing Threat  
of R.S. 2477



**Cover Photo:** Cactus flowers bloom at the base of Castleton Tower and the "Priest and Nuns" formation in the Mary Jane Canyon proposed wilderness near Moab. Photo by Tom Till ([www.tomtill.com](http://www.tomtill.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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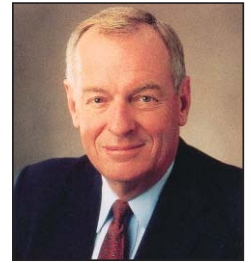
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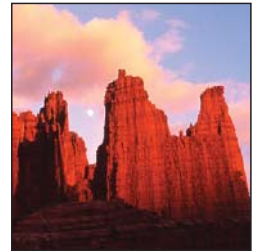
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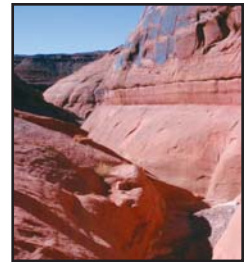
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This issue of *Redrock Wilderness* was written by the following staff and outside contributors: Steve Bloch, Christy Calvin, Bert Fingerhut, Scott Groene, Gail Hoskisson, Darrell Knuffke, Heidi McIntosh, Herb McHarg, Lindsey Oswald, Dave Pacheco, Sean Saville, Cindy Shogan, Nancy Hoole Taylor, Liz Thomas, Tim Wagner, Terry Tempest Williams, Ted Wilson, and Larry Young. It was laid out and edited by Diane Kelly and proofread by Lindsey Oswald.

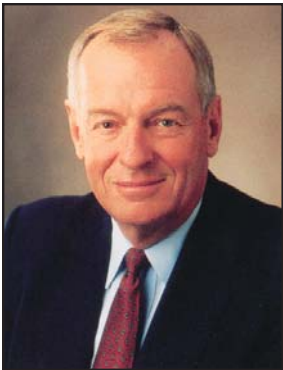
Newsletter design by Leslie Scopes Garcia.

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, 1471 South 1100 East, Salt Lake City, UT 84105.

*Redrock Wilderness* is published quarterly. Articles may be reprinted with credit given both to the author(s) and to the Southern Utah Wilderness Alliance.

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## wilderness notes



Wayne Owens, author  
of America's Redrock  
Wilderness Act.  
1937-2002

### Remembering Wayne Owens

There are a dozen different topics that are worthy of attention in this issue's *Wilderness Notes*: the re-emergence of R.S. 2477 as a threat to wilderness; the ever expanding exploration for oil and gas in pristine areas of eastern Utah; the recent release of the long-awaited San Rafael Swell Travel Plan; the ongoing revisions of BLM Resource Management Plans in many parts of the state; the kick-off drive in the 108th Congress for congressional cosponsors of America's Redrock Wilderness Act; SUWA's expanded efforts to educate and organize the public on behalf of our beloved redrock wilderness; and so on. But none of these issues take precedence over our need to celebrate and honor our friend and wilderness champion, Congressman Wayne Owens. Wayne left us too soon, suffering a heart attack while he walked on the beach in Tel Aviv, Israel on December 18, 2002.

Wayne Owens was the author and original sponsor of America's Redrock Wilderness Act, which he introduced in the U.S. House of Representatives in 1989. Upon its introduction, he said:

If we do not deliberately protect our remaining wilderness in Utah, I fear it will eventually disappear. It will not vanish through beneficial development, but will instead be lost through gradual attrition for no good reason at all. Having been born in southern Utah and having spent my youth in its unmatched canyons and forests, I want to ensure that the same opportunity will be available for future generations.

Wayne's words and actions demonstrated greater vision and courage when it comes to wilderness protection and sound conservation policy than any Utah member of Congress in his time or since. After eight years representing Utah's Second Congressional District, Wayne joined SUWA's board, serving as chair from 1994-96 and remaining on the board until his untimely death. In 1989, he co-founded the Center for Middle East Peace & Economic Cooperation in order to support and promote the peace process, and to help build economic interaction between Israel and its Arab and Palestinian neighbors. He became vice chairman of the Center in 1993, and president in 1995.

What follows are reflections and memories from several individuals who worked closely with Wayne during his years in Congress and on the Southern Utah Wilderness Alliance board.

#### Ted Wilson, SUWA Board Vice Chair

Born in Panguitch, Utah. Moved by the sun over the ridge, the soft breeze on sage, the gentle sounds of the sheep. Wayne Owens was a child of the Earth and of a simple town with honest, loving, and hard working people.

Who is to say what inspired this incredible man? Was it to break free of the bonds of the simple life? Was it an uncanny gift, even for a child, for the power of democracy? Was it a desire to husband the Earth in an undisturbed, natural way even though he saw the rashness of winds, the sting of blizzards, and the pain of hunger on the range? Or was it because he reveled in the golden stark sunrise, the soft hue of red rock, and the soundless peace that

bred such powerful thoughts and ambition?

He was a driven man. He never rested. A short nap on the airplane and then endless books, newspapers, thoughts, writings, and wearing out a computer between Salt Lake and Washington, D.C.; between Salt Lake and Jerusalem; between Salt Lake and anywhere.

He drove his staff like a slave master. Continuous town meetings long into the night. Constant editing of speeches, letters, reports. But just as his people were on the edge of nerves, even tempted to quit in the halo of his boundless energy, he would softly, deftly, and earnestly tell them of why they performed. They left his charismatic presence even more committed to the cause.



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**wilderness notes**

There were those causes, those endless crusades. For wilderness, for wolves, for equal justice, for an uncontaminated presidency, and, finally, his radical, naïve, but beautiful expression of a deep belief that we could have peace between Arab and Jew. “Ted,” he would say, “we can get a peace.” I left him thinking about the power of a single candle in the darkness. He lifted me; as always, he made me think beyond my boundaries.

Wayne Owens was the JFK of Utah. He inspired at least two generations of active political Utah youngsters. Many have gone on to be mayors, council members, legislators, and Congress people. And, yes, many fight now for wilderness.

We are saddened to our bones. But as I lay on my bed in tears a night after his death, Wayne came to me. He said, “Ted, it is great here. You’ll love the opportunity, the amazing presence of all we have worked for.” I heard clearly. I am glad it’s Wayne who touched the hand of God for us.

**Cindy Shogan, SUWA Board Member and former SUWA Washington Director**

A Capitol Hill staffer (who will remain anonymous) and I dubbed Representative Owens “Wayne

the Reluctant” after Wayne, for what seemed like the hundredth time, decided not to pursue an amendment we drafted that would have helped reform a bad grazing, or R.S. 2477, or (fill in the blank) initiative.

Reflecting back on what Wayne accomplished, and hearing stories from Wayne’s early days in Congress, I now realize that he was actually “Wayne the Persistent.” He methodically and effectively, in his quiet positive manner, made significant progress towards peace in the Utah Wilderness battle and peace in the Middle East. While I was at SUWA, and Wayne was in Congress, he chose his battles carefully and intuitively sensed the right time to advance his environmental agenda. He shocked everyone (including his staff) when he introduced legislation to reintroduce wolves in Yellowstone. Somehow he sensed that the West would have to accept wolves in the park and somehow he knew (in spite of all SUWA’s prodding) that the West would not accept any grazing reform.

One of my fondest memories from my SUWA days was Wayne’s congressional trip to the Green River. Seven members of Congress accepted



SUWA Photo

*From the halls of Congress to the canyons of the Green River. Wayne Owens pictured second from left; Congressman Doug Bereuter from Nebraska at far left; and the late Congressman (and wilderness champion) Bruce Vento of Minnesota at far right. Identity of woman and dog unknown.*

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**wilderness notes**

**W**hat kind of a human being would dedicate himself to being a democrat in Utah; the protection of wilderness; and peace in the Middle East? Wayne Owens was singular in his hope and optimism. He was a bridge-builder who taught us all the very practical power of belief. God. Family. Wilderness. Peace. These were his points of focus. These were his elements of love. With his jacket over one shoulder, the wind blowing his hair, his eyes always toward the future, he leaves us with a legacy of commitment toward social change. And the wolves call his name in Yellowstone.

—Terry Tempest Williams, SUWA Board Member

Wayne's offer to experience the land he loved. As usual, Wayne was late. After delaying our "push-off" for several hours with no sight of Wayne, we departed without him. Hours after we'd set up our campsite on the banks of the river, Wayne arrived by canoe with a wonderful story about the flash flood he had to ford and all the obstacles he had encountered.

My favorite all-time lobby visit was when Wayne and I lobbied Congressman Eni Faleomavaega. I should have guessed why the two were such good friends—little did I know that most of the residents of American Samoa belong to the Mormon Church. While waiting in the lobby for our appointment, Wayne observed that he recognized almost everyone in every photo on the wall. When the congressman joined us, he and Wayne reminisced about all their mutual friends.

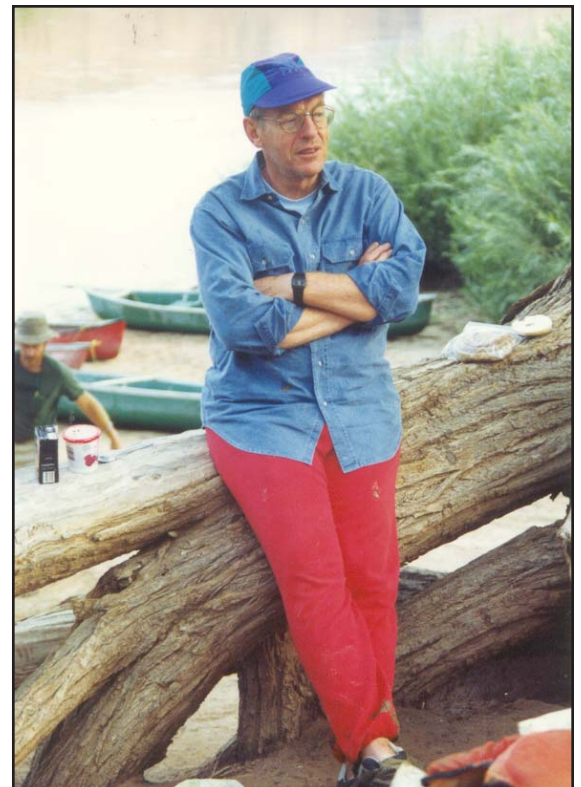
Once in his office, the congressman proceeded to complain to Wayne about how difficult it was to wear the special full-coverage Mormon underwear in the tropics. I thought we were visiting the congressman about the latest shenanigans regarding the San Rafael Swell, but I can guarantee you that Utah never came up in the conversation. Instead, Congressman Faleomavaega described the painful tattoo ritual he endured when he became Chief. Wayne sympathized, but apparently not enough, because Congressman Faleomavaega proceeded to pull up his pant leg and take off his shirt!

#### **Scott Groene, Frequent SUWA Employee**

In the early 1990s, I worked briefly for Wayne as his chief of staff in his D.C. congressional office. During that time, the Republican congressional leadership scheduled a vote on "protecting" the American flag from protest burnings. It was a deceitful election year maneuver, intended to force

Democrats to choose between an unpopular vote to uphold the constitution or going along with the Republican phony patriotism position.

Wayne voted with the constitution, fully understanding how poorly his vote would be perceived back in Utah, especially after it was twisted in inevitable campaign advertisements. The Democratic leadership then offered a second proposition that allowed representatives to claim they had voted against flag burning. It was meaningless as



SUWA Photo

*Wayne Owens contemplates wilderness on the banks of the Green River.*

wilderness notes

well, but at least this legislation did no violence to the constitution. Wayne asked me what I thought. I told him one suicide vote was enough for the day, and to take this cover for the upcoming election. He nodded and headed from our office in the Longworth Building over to the Capitol to vote. I later learned that he'd voted against the Democratic position as well: he'd voted honest. I'm embarrassed that I tried to steer him otherwise. Without a word, Wayne taught me something important that day.

**Bert Fingerhut, SUWA Board Member**

We will all miss Wayne: his sense of humor, his sense of history, his commitment to special places and special causes, and his ability to understand critical issues and what must be done to deal with them. I loved joking with Wayne, especially about Mormonism and his commitments.

I will never forget him standing at a black-board at Utah's Pack Creek Ranch, outlining what we had to do to deal with the attack on Utah wilderness contained in Rep. Jim Hansen's 1995 "wilderless" bill. This was the Gingrich Congress and it looked awful. We listened and learned and, ultimately, succeeded in stopping the legislation.

**Darrell Knuffke, SUWA Board Member**

Like a lot of SUWA folks, board and staff, I first met Wayne Owens as our congressional champion for canyon country wilderness in Utah. We celebrated his leadership and courage when, in 1989, he first introduced what would be known as H.R. 1500 for several Congresses.

I was privileged to know him in that role, then as colleague on the SUWA board and later as its chairman. I marveled then, marvel now, at the approachability of this fellow: congressional leader, prominent on a world stage, present at the White House signing of the Camp David peace accords.

There was nothing imperial in his presence, but there was presence aplenty. He was as easy on the world stage as on the SUWA stage, and that's something to contend with!

It seems to me that there's just one explanation for this: there was only the one version of Wayne Owens and one was plenty. He knew altogether what he stood for: no need, then, and no room either, for airs.

Those not blessed to have served with this man might wonder how SUWA was so blessed as to have him lend his name, his intellect, and his leadership to our cause? Wayne himself told us in his letter to SUWA members in the fall 1997 newsletter issue:

"SUWA early came to my view through the memorable personages of Brant Calkin and Susan Tixier and their irreverent and motley group of amiable monkey wrenchers and I immediately embraced them as my own. We were a good match, and after a proper gestation period, H.R. 1500 came into the world."

He had this to say, too:

"Wilderness protectors in our host state of Utah are, like Brigham Young often characterized early Mormon pioneers, 'a peculiar people.' That's why I love SUWA and get so much satisfaction in being part of it. A motley group of the peculiar and unafraid with a clear purpose: still my kind of people."

Wayne ended that letter with this: "...I confidently predict that our cause too will survive and prosper so long as we adapt to meet the real threats, keep the wilderness faith and continue to learn from our pioneer forbears how to fight."

Amen, Wayne, and Godspeed. Your passing has left a great hole in our lives.

**Critical Action Items in this Issue:**

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## wilderness 101

### The 1866 Mining Act

### What Is It and What Does It Have to Do with Utah Wilderness?

To fully understand the 1866 Mining Act and why it was enacted, you have to harken back to 1866, the year Congress passed the statute. It was the dawn of the Gilded Age: a period of Civil War-era hoop skirts, horse-drawn carriages, gas lamps, and brass spittoons. There was a fierce determination to develop our natural resources in order to reap riches while expanding the nation in the wake of the war. Establishing rights-of-way that could be depended upon for travel and commerce was critical to gaining, and building upon, footholds carved out by early pioneers. And so the West was settled, and territories and eventually states established: Arizona, Utah, Nevada, Oregon, California, and others. These states contain the vast, breathtaking western landscapes appreciated today by people from around the world.

In the decades after the 1866 Mining Act became law, Americans changed their view of how the public domain should be valued. Instead of giving the land away for development, new ideas emerged and new laws were passed to protect these magnificent public lands. Congress created the Forest Service in 1897 to protect timber resources

and water supplies; passed the Antiquities Act of 1906 to permit the President to set aside unique public lands for future generations; and created the National Park Service in 1916. An explosion of environmental laws in the 1960s and 1970s were all aimed at protecting public lands and their biologic and scenic values. These laws include the Wilderness Act, the Endangered Species Act, and the National Environmental Policy Act (NEPA). Finally, Congress passed the Federal Land Policy and Management Act in 1976, which laid to rest an outdated right-of-way provision in the 1866 Mining Act known as Revised Statute (R.S.) 2477. Though the law itself was repealed, valid existing rights continued to be protected under a grandfather clause.

For most of the twentieth century, this right-of-way provision of the 1866 Mining Act lay dormant. Now, however, county officials and development interests have resurrected R.S. 2477 in defiance of growing public support for environmental protection of our unique and scenic public lands. These pro-development interests have raised the antiquated law from its grave, hoping it will give them unrestricted, uncontrolled access to our national parks, national forests, and other public lands.

In Utah alone, county officials have sought to torpedo wilderness designation and public lands protection by asserting as many as 20,000 unverified—and entirely unnecessary—road claims under R.S. 2477. These claims, the vast majority of which are dubious at best, include trails, two-tracks, cow paths, sandy wash bottoms, and even rivers. They are largely impassable by car (and certainly not by your standard issue Hertz rental vehicle, the most popular mode of transportation in southern Utah during much of the year). They traverse some of our most treasured scenic lands, including Capitol Reef National Park, the Grand Staircase-Escalante National Monument, and Canyonlands National Park, in addition to areas proposed for wilderness under America's Redrock Wilderness Act. For more on the R.S. 2477 threat and how you can help stop it, see our feature story beginning on the following page.



*Can you find the “highway” in this picture? Kane County asserts an R.S. 2477 right-of-way claim somewhere along the rocky slope to the left.*



## features

# R.S. 2477: Highway Robbers Plot Unprecedented Heist of Wilderness Jewels

R.S. 2477 became law in 1866—nearly 140 years ago. It provides simply: "the right-of-way for the construction of highways across public lands, not reserved for public uses, is hereby granted." Little did Congress know the heartburn this seemingly innocuous law would cause their great-grandchildren.

**B**elieve it or not, a full two years have already elapsed since the Bush administration took office. Along with a legacy of environmental degradation that would make former Interior Secretary James Watt proud, a deep-seated penchant for secrecy has emerged as the hallmark of this presidency. It's the kind of secrecy that allows special friends of the administration to cut a deal with White House leaders while keeping everyone else—especially the public—in the dark.

Most famously, and right from the get-go, Vice-President Cheney wasted no time huddling behind closed doors with wealthy contributors from the energy industry. Their aim? To develop a policy which gave oil companies virtually free rein to comb the public lands for every potential drop of oil—even in wilderness study areas, proposed wilderness areas, and on public lands at the doorstep of national parks (such as Arches in Utah). A quick four months into the presidency we had the Bush/Cheney National Energy Policy. Despite a lawsuit by the Government Accounting Office—and apparently unconcerned about damage to the administration's reputation for open government—Vice-President Cheney steadfastly refuses to open records of his secret meetings.

This cloak-and-dagger approach to policy making extends well beyond the oil and gas giveaways. Now the Bush administration is applying its peculiar brand of stealth governance to a long-standing controversy in Utah—one which has become a growing threat to many of the West's most spectacular landscapes. The administration, through Department of Interior (DOI) Secretary Gale Norton and her deputy, Stephen Griles, has worked for well over a year laying the groundwork for what could be one of the biggest government giveaways since the land rush of the 19th Century.

As a New Year's gift to sagebrush rebels in the West, the Bush administration published a new regulation on January 6, 2003 that would make it far easier for the DOI to give away R.S. 2477 claims by issuing what are known as "recordable disclaimers of interest." As described below, the new rule will allow each state BLM director to sign away the national interest in R.S. 2477 claims upon the request of a state or county. It also abolishes a previous 12-year statute of limitations on the ability to make such claims (for full text of rule, see [www.ut.blm.gov/newsreleases/nrdec24disclaimer-rule.pdf](http://www.ut.blm.gov/newsreleases/nrdec24disclaimer-rule.pdf)).

Yes, it's the R.S. 2477 game all over again, and this time millions of wilderness fans from around the country who care passionately about the preservation of Utah's wildlands and national parks are fighting with one hand tied behind their backs, unable to participate in a process that could wreak havoc on their favorite places.

The new rule is tailor-made for states like Utah that have jumped on the R.S. 2477 bandwagon as a way to seize control of federal public lands and stand in the way of sound management plans developed by the BLM in the interest of citizens nationwide. In fact, the genesis of this rule can be traced to closed-door meetings between the Bush administration and Utah officials in an attempt to reach a secret settlement on the state's nearly 20,000 R.S. 2477 claims. As an obscure, difficult-to-explain provision of a mundane federal regulation, R.S. 2477 is the perfect stealth weapon for an administration that thrives on making major policy decisions under the cover of darkness.

Most alarmingly, there would be no environmental analysis under the Bush administration's plan, and no meaningful opportunity for the public to participate in the process leading up to the state

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**f e a t u r e s**

## R.S. 2477 Timeline

**1866:** Congress enacted Revised Statute (R.S.) 2477 in 1866 with one purpose in mind: to encourage westward expansion in the years after the Civil War. It granted rights-of-way across public property in exchange for the “construction” of “highways.”

**1866-1976:** After its passage in 1866, R.S. 2477 received little attention. Then, in 1976, Congress passed the Federal Land Policy and Management Act, which repealed R.S. 2477 but upheld valid existing rights. This new law instituted a procedure for the issuance of rights-of-way across public lands in which environmental impacts and public input would both be weighed.

**1989:** R.S. 2477 became a topic of intense interest when America’s Redrock Wilderness Act was first introduced in the U.S. House by Utah Congressman Wayne Owens. Because lands marred by roads do not qualify for wilderness designation, county officials in rural Utah (where opposition to land preservation can reach a fever pitch) began to view this ancient statute as their “get out of wilderness free” card.

**1994:** Interior Secretary Bruce Babbitt was aware of the threat that R.S. 2477 posed to wilderness areas, national parks, and other treasured American landscapes, and undertook an energetic effort to put the issue to rest. In 1994, the Department of Interior submitted a study to Congress on the issue and concluded that comprehensive regulations were the most effective way to address the problem of ever-expanding R.S. 2477 claims on federal lands. The report specifically focused on the need to define the terms “construction” and “highway” as used in R.S. 2477.

**1994:** The Congressional Research Service (CRS) issued a report concluding that R.S. 2477 could disrupt management of the federal lands and disqualify areas from protection under the Wilderness Act. The CRS report concluded that “while the issue is not free from doubt, R.S. 2477 seems to have been intended to grant rights of way for ‘highways’ in the sense of principal or significant roads.”

**1994:** The Department of Interior issued proposed regulations based upon its own study and the report from the CRS. Laudably, the regulations called for evidence of some sort of physical effort intended to create a real road that served a legitimate purpose. The proposed regulations were not popular with the counties, which had always argued that R.S. 2477 claims did not require construction, but could be established by the passage of vehicles alone.

*(continued on opposite page)*

BLM director’s decision. What about standards by which the state director would assess requests to hand off federal property to local interests? They don’t exist . . . yet.

We’ve learned that the DOI is currently in the process of developing standards by which the R.S. 2477 disclaimer request would be evaluated. Not surprisingly, the DOI has no plans to involve the public in the development of this important policy, but there is reason to believe that it will hew to the determinations of the 1988 Hodel Policy. Rescinded by Interior Secretary Babbitt in 1997, the Hodel Policy awarded R.S. 2477 rights-of-way to claimants even if they did little more than mow weeds or roll rocks out of the path, or had simply traveled the route with a donkey cart.

No lands would be safe from the potential devastation of this ill-conceived rule; our national parks, national wildlife refuges, national forests, designated wilderness, and wilderness study areas—in addition to tribal lands, military training grounds, and even privately owned land—could be carved up by R.S. 2477 claims (see sidebar on page 13). **In 1993, the National Park Service (NPS) concluded that sixty-eight parks nationwide and a total of over seventeen million acres (probably underestimated) could be affected by R.S. 2477 claims.** According to the NPS: “The impact of R.S. 2477 rights-of-way in National Park units could be devastating. . . **Possible R.S. 2477 rights-of-ways in NPS areas could cross many miles of undisturbed fish and wildlife habitat, historical and archeological resources, and sensitive wetlands. Wilderness or potential wilderness could also be crossed by potential R.S. 2477 rights-of-ways.**”

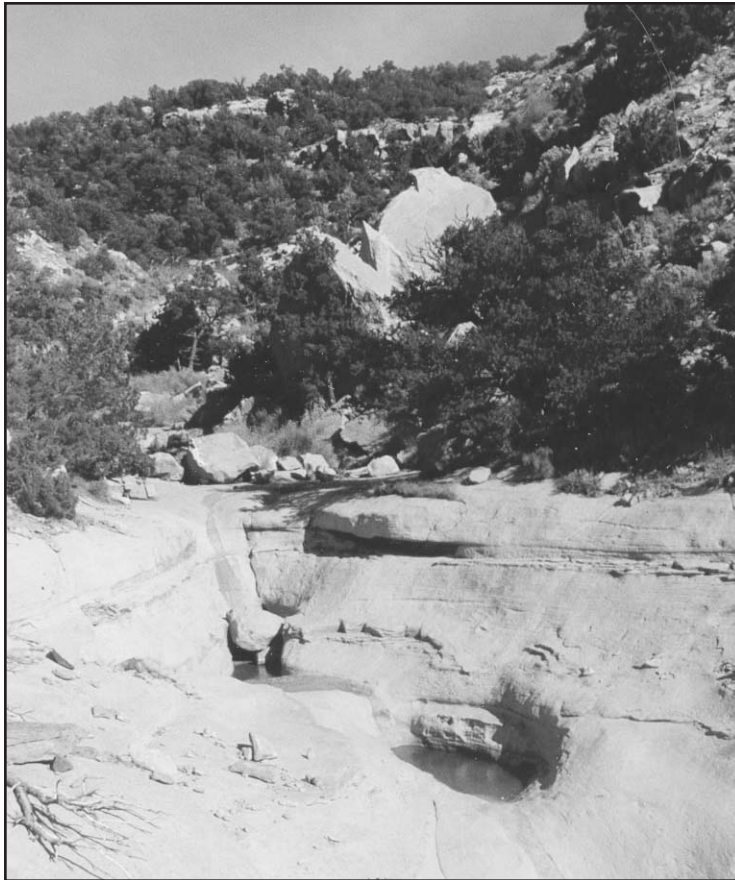
Fortunately, citizen activists have been diligently documenting Utah R.S. 2477 claims for years. Within the boundaries of the citizens’ wilderness proposal, a dedicated band of volunteers spent years in the field, taking notes and snapping photos. As a result, “highway” claims within the citizens’ wilderness proposal have been documented as nothing more than abandoned jeep trails, overgrown two-tracks, cow paths, hiking trails and wash bottoms (critical wildlife habitat for most desert dwellers). Some routes are virtually invisible on the ground or eventually peter out in the sagebrush flats. Many are downright dangerous to drive, traversing steep slopes and leading to sandstone pour-offs. R.S. 2477 claims lie across America’s Redrock Wilderness like a giant spiderweb. In some places on the state map, there are more red lines marking “highways” than there is open country (see map on page 12).

### **NEW RULE OPENS THE DOOR TO PERMANENT RECOGNITION OF DIRT TRACKS AS “COUNTY HIGHWAYS”**

Referring to the disclaimer regulations as simply “technical changes,” the DOI wants to downplay the broad impact this new policy poses for federal lands in national parks, wildlife refuges, and other cherished landscapes. But this is clearly the jumping off point in a long-term strategy that will ultimately result in the transfer of hundreds or thousands of R.S. 2477 claims to anti-conservation interests.



## features



A Utah “highway” according to Kane County. For more photos of R.S. 2477 claims, see SUWA’s website at [www.suwa.org](http://www.suwa.org).

There are countless ways the new rule—and the government’s stealth approach to this land giveaway—could wreak havoc on some of the most scenic landscapes in the West. For example:

- The BLM manages public lands according to Resource Management Plans that are in effect for 15 years or more and are developed through lengthy study, balancing of uses, and public participation. The overlay of thousands of R.S. 2477 claims, heretofore unacknowledged, would undermine the management goals and common assumptions that form the basis for these plans.
- Once right-of-way claims are validated, they are a permanent fixture on the public lands. They cannot be changed or modified to meet countervailing public demands for resources that are adversely harmed by the new “highways.”
- Approved rights-of-way across public lands are an open invitation to off-road vehicle (ORV) enthusiasts, many of whom have bridled under the BLM’s recent attempts to reasonably regulate their use. ORVs scar sensitive landscapes, leaving behind water pollution, degraded and fragmented wildlife habitat, soil erosion, and other impacts. Excessive R.S. 2477 claims would institutionalize these abusive uses just as the BLM is starting to assert its man-

**1996:** SUWA and the Sierra Club filed a lawsuit to stop three southern Utah counties—Kane, Garfield and San Juan—from grading roads in wilderness study areas, proposed wilderness areas, and in the Grand Staircase-Escalante National Monument. We obtained a “stand-still” order halting all road grading pending court review during the lawsuit (*Southern Utah Wilderness Alliance vs. Bureau of Land Management*).

**1997:** The counties marshaled the support of the Alaska and Utah congressional delegations, which attached a rider to a spending bill that halted implementation of the Babbitt regulations. That was the end of the proposed regulations until the Bush administration finalized rules this year that veered in the opposite direction.

**2000:** The State of Utah sent the Department of Interior a notice of intent to sue under the Quiet Title Act to establish its alleged rights to thousands of R.S. 2477 rights-of-way.

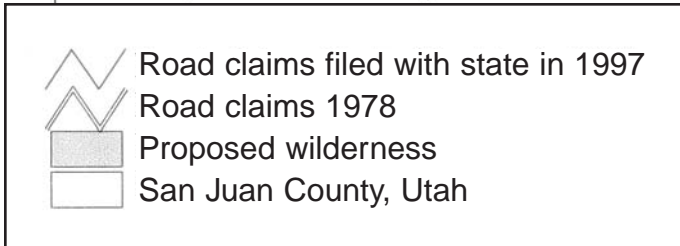
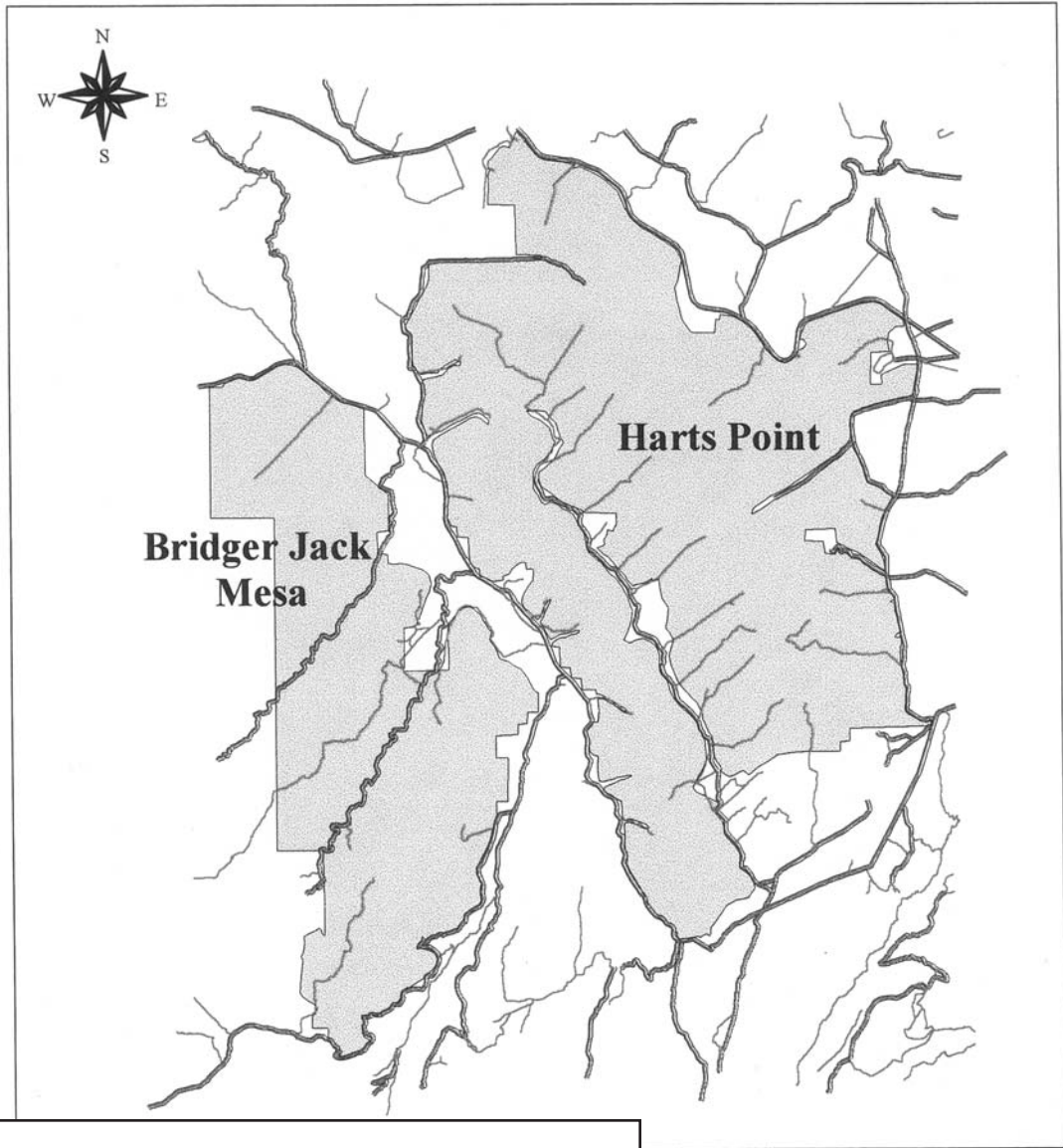
**2001:** The U.S. District Court in Utah handed down a decision that clarified the contested terminology of R.S. 2477 in the context of sixteen disputed right-of-way claims on Utah’s public lands. The court determined that (1) routes created by passage of vehicles alone do not qualify under R.S. 2477; (2) routes that vanish in the desert with no apparent destination do not amount to “highways;” and (3) a coal withdrawal is a “reservation” within the meaning of R.S. 2477. This ruling would undermine most of the R.S. 2477 claims identified in the State of Utah’s notice of intent to sue the DOI.

**2001:** Shortly after the new Bush administration’s Department of Interior assumed its responsibilities, it began secret negotiations with the State of Utah and the counties on their R.S. 2477 claims. As a result, the state and counties would not necessarily be bound by the U.S. District Court decision, and could aggressively pursue thousands of claims for hiking trails, jeep tracks, and other faint routes that had never seen the blade of a road grader.

**2003:** The DOI issued new regulations that would make it easier for the BLM to transfer R.S. 2477 rights-of-way to states and counties. It did so by amending an obscure regulation implementing an equally obscure provision of FLPMA relating to the “disclaimer of interest in lands.” Earlier regulations promulgated in 1984 provided that only a “present owner of record” could apply for such a disclaimer of interest, and that the claimant was bound by a twelve-year statute of limitations. The revisions eliminate both of these requirements, effectively greasing the skids for states and counties to assert thousands of R.S. 2477 claims across the West.

**features**

# San Juan County, Utah R.S. 2477 Claims in Harts Point and Bridger Jack Mesa Proposed Wilderness Areas





## features


agement responsibilities in this area. Indeed, ORV groups and the State of Utah intervened in our lawsuit challenging the BLM's failure to protect lands from unrestricted ORV use. They argued that the court could do nothing to stop the ORV use since the contested routes were all R.S. 2477 "highways."

- Counties can, and have, used R.S. 2477 to challenge restrictions on ORV and jeep use in national parks.

- R.S. 2477 claims are frequently asserted to disqualify lands from protection as designated wilderness areas.

- As the Department of Interior puts it, "a disclaimer would merely provide evidence of an existing title. Because the state already owns such lands, there would be no need for environmental studies." In other words, the environmental, social, recreational, and other impacts of recognizing thousands of R.S. 2477 claims would never be analyzed, and there would be no opportunity for public input (as required under the National Environmental Policy Act).

There are potential legal barriers to the DOI's application of the rule. For example, it appears to run afoul of a moratorium Congress imposed on the implementation of any "final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932). . . unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act." Moreover, there are serious questions about whether Congress intended the Federal Land Policy and Management Act (the law which the new rule supposedly interprets) to be used in a way that eviscerates land management plans promulgated by federal agencies. Congress clearly meant for the plans—not a repealed 19th Century law—to govern land use.

Despite the potentially fatal flaws inherent in the new disclaimer rule, it is difficult to predict whether a court will ultimately hold the rule unlawful and prevent its implementation. In the meantime, the disclaimer rule and the philosophy of the Bush administration signal continued tough sledding ahead for those who care about the future preservation of wilderness landscapes in Utah and throughout the West. 

## How You Can Help:

There are three things you can do today to stop the Bush administration from using R.S. 2477 to slice up Utah's wilderness lands with thousands of unnecessary roads.

**1) Write a letter to your member of Congress.** Briefly explain the R.S. 2477 threat and ask your representative to sign Rep. Mark Udall's letter to Interior Secretary Gale Norton urging her not to process R.S. 2477 claims. To take immediate action online go to <http://capwiz.com/awc/issues/alert/?alertid=1772141>

**2) Participate in a National R.S. 2477 Call-In Day on April 8th.** Call (202) 224-3121, request your representative's office, and ask him/her to sign onto the Udall letter. Above all, urge your representative to oppose the new "disclaimer rule."

**3) Write a letter to the editor of your local newspaper** explaining how R.S. 2477 threatens some of the nation's most spectacular public lands. To send your letter online, go to <http://capwiz.com/awc/issues/alert/?alertid=1383756>.

Visit [www.highway-robbery.org](http://www.highway-robbery.org) to learn more about the national coalition of groups working to stop this travesty. Or go to [www.suwa.org](http://www.suwa.org) and click on **R.S. 2477**.

## Nothing Sacred

Here's a small sample of Utah lands at risk from bogus R.S. 2477 claims:

### WILDERNESS

Dark Canyon • Lone Peak • Mt. Olympus • Mt. Nebo • Wellsville Mountains • Twin Peaks • Mt. Naomi • Deseret Peak • Ashdown Gorge • High Uintas • Pine Valley Mountains • Box Death Hollow

### WILDERNESS STUDY AREAS

Notch Peak • Howell Peak • Swasey Peak • Deep Creek Mountains • North Stansbury Mountains • Floy Canyon • Desolation Canyon • Spruce Canyon • Red Mountain • Canaan Mountain • Dirty Devil • Fiddler Butte • Spring Creek

### PROPOSED WILDERNESS

Grand Gulch • Fish and Owl Creek Canyons • Limestone Cliffs • Phonolite Hills • Kingston Ridge • Sears Canyon • Pilot Peak • Crater Island • Silver Island Mountains • Diamond Mountain • White River • Bitter Creek • Lower Bitter Creek • Dragon Canyon • Labyrinth Canyon

### NATIONAL PARKS & MONUMENTS

Natural Bridges National Monument • Capitol Reef National Park • Dinosaur National Monument • Arches National Park • Zion National Park • Capitol Reef National Park • Canyonlands National Park

### OTHER

The Navajo Nation • Glen Canyon National Recreation Area • Antelope Island State Park

**DC news**

## Kicking Off a New Congress

The 108th Congress convened its first session on the cold and wintry day of January 6, 2003, amid the snow drifts and snarled traffic of our nation's capital city. Given the makeup of the new Congress, this snowy day kick-off may be a portent of what to expect during the next two years: lots of slipping and sliding, a few fender-benders, and not much movement forward.

Before members of Congress take their oath of office, they are busy organizing the party structure and electing members to leadership positions. This Congress, the majority Republicans will be led by Representative Tom DeLay, whose nickname is "the Hammer" because of his "take-no-prisoners" approach to politics. Representative Nancy Pelosi, a progressive legislator from San Francisco and the first woman elected to head her party in Congress, is now the Democratic Minority Leader. On the other side of Capitol Hill, Senator Bill Frist has replaced Trent Lott as Majority Leader for the Republicans, and Senator Tom Daschle assumes his new role as Minority Leader for the Democrats.

Soon after Congress convenes, leadership makes committee assignments with members vying for plum positions (the majority of the real work in any Congress takes place within the committees). The Chairman of each committee and subcommittee exercises a vast amount of power in determining what legislation will move forward to be considered by the full House or Senate. Traditionally, these powerful positions go to the members with the most seniority on the committee. Utah Representative Jim Hansen served twenty years on the Resources Committee before becoming Chairman in the 107th Congress. Breaking with tradition, Richard Pombo was appointed the new Chairman of the House Resources Committee, passing over nine other members with more seniority and generating a certain measure of discord within the committee.

Rep. Pombo is serving his sixth term in the House, representing the 11th District of California. Most notable among his pieces of legislation are multiple attempts to weaken the Endangered Species Act. Last Congress, he also introduced Jim

Hansen's so-called Wilderness Protection Act from the 106th Congress. Rather than safeguarding our last remaining wild places (as the title misleadingly suggests), this bill would sunset Wilderness Study Areas after ten years if they are not designated by Congress as federal Wilderness. Pombo is also the author of *This Land is Our Land*, a book advocating private property rights.

Over on the Senate side of the Hill, Senator Pete Domenici of New Mexico now chairs the Energy Committee. Domenici is beginning his thirty-first year in the Senate. He is best known for his work on the Senate Budget Committee, where he has served for twenty-five years and is the ranking member. Domenici is considered to be a smart and effective legislator who generally hews to the conservative party line when it comes to environmental issues. With Republicans controlling both the House Resources Committee and Senate Energy Committee, we can anticipate a more challenging Congress than the last one when it comes to holding the line on sound environmental policy.

The good news for Utah wilderness is that powerful House Resources Committee Chairman Jim Hansen (R-UT) retired at the end of the 107th Congress. As a result, we will likely see fewer Utah-specific anti-wilderness provisions this year. Instead, the largest single threat to America's Redrock Wilderness may well come from the Department of Interior's plan to begin processing R.S. 2477 right-of-way claims.

### THE R.S. 2477 THREAT

On January 6, 2003, the Bush administration released a new rule that will make it far easier for the Department of Interior to give away R.S. 2477 claims by issuing what are known as "recordable disclaimers of interest." As written, the rule will facilitate approval of unlimited R.S. 2477 rights-of-way across our public lands, without environmental review, public process, or input from other affected federal agencies. This alarming directive was driven by secret negotiations between the State of Utah and the Department of Interior over Utah's roughly 20,000 R.S. 2477 claims. A virtual spiderweb of such claims has spread throughout the West, leav-



ing no national park, wildlife refuge, national monument or wilderness area safe from explosive road proliferation and uncontrolled motorized recreation. To learn more about R.S. 2477 and how to get involved, see our feature story on page 9.

## A Wilderness Week to Make Wayne Owens Proud

February of this year brought us yet another exciting and hugely productive Wilderness Week event in Washington, DC. Sponsored by SUWA and our Utah Wilderness Coalition partners, over 70 activists from 16 different states converged on Capitol Hill, educating legislators on the threats to Utah wilderness and urging cosponsorship of America's Redrock Wilderness Act. These dedicated and capable activists (lauded by congressional staff for their knowledge and professionalism) contacted all 540 House and Senate offices—accomplishing in three days what it would take a full-time lobbyist six months to do alone. Thanks to the tireless efforts of these fine citizens, **America's Redrock Wilderness Act has already garnered 102 cosponsors in the House and 13 in the Senate (as of March 24th).**

To wrap up the event DC-style, we held a congressional reception to celebrate Utah's majestic redrock wilderness and to honor the late Wayne Owens and his family. Wayne was the author and original sponsor of America's Redrock Wilderness Act, and the only member of Utah's congressional delegation (so far) to recognize the importance of protecting Utah's remaining wild heritage (see tribute on page 4). During the reception, Don Barry of The Wilderness Society presented Wayne's son, Doug Owens, with a resolution passed by The Wilderness Society in honor of Wayne's work to protect Utah wilderness (read text of resolution on SUWA's website at [www.suwa.org](http://www.suwa.org)).

Also in attendance at the reception were wilderness champions Rep. Hinchey of New York (our current House sponsor), Rep. Udall of Colorado, and Rep. Blumenauer of Oregon. All spoke eloquently about the lasting impact Mr. Owens has had on the hearts and minds of people both inside and outside the Beltway. Our condolences and best wishes go out to the Owens family. Mr. Owens was a true champion of Utah wilderness, and an inspiration to us all. We'd also like to



*Dave Pacheco*

*Activists gather in front of the U.S. Capitol during Wilderness Week 2003.*

thank the 70 dedicated activists who, by participating in the recent Wilderness Week, have helped carry on Wayne's important legacy.

## Cosponsor Drive Is Now Underway

Thanks to you, America's Redrock Wilderness Act reached a record level of support in the 107th Congress, with 17 cosponsors in the Senate and 164 in the House of Representatives (despite Rep. Jim Hansen's powerful influence as chairman of the House Resources Committee). We are now beginning our cosponsor drive in the 108th Congress, which means we must recruit old and new cosponsors again from scratch. Please take a few minutes to pen a letter to your Representative and two Senators, asking them to cosponsor America's Redrock Wilderness Act (bill S. 639 in the Senate, not reintroduced yet in the House). To find out who represents you in the 108th Congress, go to [www.house.gov](http://www.house.gov) or [www.senate.gov](http://www.senate.gov) and enter your ZIP code.

### Address your letters to:

**The Honorable [Senator's name]  
U.S. Senate  
Washington, DC 20510**

**The Honorable [Representative's name]  
U.S. House of Representatives  
Washington, DC 20515**

## canyon country updates

Good  
News!

### Court Reverses BLM Decision to Allow Oil and Gas Exploration Near Arches National Park

In a decision the *New York Times* heralded as one of the country's two most important environmental victories of 2002, a federal district court judge ruled in late December that the BLM had violated the National Environmental Policy Act (NEPA) when it authorized the Yellow Cat seismic project near Moab. The BLM now will have to complete a proper environmental review before authorizing any additional seismic operations in the project area (for more background on this case, see Autumn 2002 issue, page 26).

The ruling is a significant one considering that it is the first time a federal court has weighed in on a Bush administration sponsored oil exploration project. We are hopeful that this decision will begin to put the brakes on the administration's rush to open up sensitive public lands in Utah to energy development.

In this case, the BLM had approved a request by the world's largest seismic exploration company, WesternGeco, to explore for oil and gas in the

Dome Plateau region adjacent to Arches National Park. The project area encompasses more than 23,000 acres of spectacular wildlands—including proposed wilderness lands—and provides habitat for several threatened or endangered species, including the black-footed ferret, the bald eagle and the Mexican spotted owl.

Though we won a temporary stay of the Yellow Cat project in February of 2002, a divided panel of the Interior Board of Land Appeals later that year upheld the agency's decision to approve the project. Upon learning that WesternGeco was planning to return and finish the project in September, SUWA, along with the Natural Resources Defense Council, The Wilderness Society, and the Sierra Club, filed a lawsuit in the Washington, DC federal district court to stop any further damage.

In late October, the court issued a preliminary injunction temporarily blocking the WesternGeco project so that it could consider our claims. On December 20th, the court agreed with us that the BLM, by approving the exploration activity, had violated NEPA.

We successfully argued that the BLM relied on an inadequate Environmental Assessment which failed to sufficiently consider the project's environmental impacts. The court also ruled that the BLM violated NEPA when it failed to consider any alternatives to the proposed activity. WesternGeco's project involved the use of 60,000-pound "thumper trucks" to crisscross sensitive desert soils, vibrating the ground at regular intervals to record seismic information about oil deposits. Thumper trucks ravage delicate soil crusts, causing such ecological damage that it could take as many as 300 years for the desert to recover.

The Bush administration has been pushing federal land managers to fast-track development on public lands across the West, allegedly to bolster U.S. energy security. Last year, the BLM's Washington office released a blueprint memo outlining a strategy to open up public lands for oil and gas exploration and drilling. In another memo,



Liz Thomas

*A caravan of thumper trucks rumbles across Dome Plateau, just a few miles east of Arches National Park, in early 2002. Thanks to a recent court ruling in SUWA's favor, the project has been suspended indefinitely.*



## canyon country updates

released in January of 2002, the BLM told federal land managers in Utah that oil and gas lease applications received by the agency should be considered “priority number one.”

SUWA and its conservation partners were represented by SUWA staff attorney Stephen Bloch, NRDC senior staff attorney Sharon Buccino, and Katherine Meyer & Tanya Sanerib from the DC-based law firm of Meyer & Glitzenstein.

*NOTE: As this issue was going to press, the BLM filed a notice of appeal with the DC Circuit Court of Appeals. We'll keep you updated as the appeal progresses.*

## BLM Releases Final Travel Plan for San Rafael Swell

After eleven long years and many starts and stops, the BLM's Price field office released its final travel plan for the San Rafael Swell on February 3, 2003. The plan identifies which off-road vehicle (ORV) roads and trails will remain open and which ones will be closed on one million acres of BLM lands centered around the San Rafael Swell region of central Utah. The BLM was supposed to release this critical travel plan in 1992—within one year of completing its broader Resource Management Plan for the same region. Inexplicably, it took the agency *eleven additional years* to complete the travel plan and to take this first real step to protect Utah's spectacular San Rafael Swell from exploding off-road vehicle use and damage.

Unfortunately, many ORV riders did not sit idly by while the BLM delayed its completion of the San Rafael travel plan. Instead, they took advantage of the agency's delay by pushing ORV damage further into wilderness-quality lands and creating “de-facto” vehicle trails in places that had never before seen an ORV. There has also been a significant increase in the number and level of conflicts between ORV riders and non-motorized users.

Pursuant to our own investigation, and in response to your calls and letters about ORV damage, we included the BLM's failure to complete the San Rafael travel plan as part of our 1999 lawsuit against the BLM for negligence in ORV management (see Winter 1999-2000 issue, page 29).



Ray Bloxham

*The “Behind the Reef” trail (midway up the slope at left) was a barely visible mineral exploration route in 1992 when the BLM should have finished its travel plan. Now, under pressure from ORV groups, the BLM has officially designated the route as “open” to vehicles.*

Suddenly, completing the travel plan rose to the top of the Price office's priority list of things-to-do. The BLM claims they were heading this direction already. Coincidence? You decide.

After the filing of our lawsuit and an additional three years of planning and public comment, the BLM finalized the travel plan on February 3rd and claimed that the agency had struck a balance between preservation and motorized use. What the BLM doesn't mention is the fact that, as a direct result of lobbying efforts by ORV groups, some of the most controversial vehicle trails (including trails that were not in existence in 1992 when the BLM was supposed to have finished the travel plan) were left open to motorized use. Routes such as “Five Miles of Hell” and “Behind the Reef” are among the most popular and most damaging trails in the San Rafael Swell, and now they are officially “open” to continued vehicle use.

On the bright side, the travel plan takes many positive steps that we've been urging the Price field office to adopt for years. For example, the plan implements a “closed unless signed open” policy for over one million acres of public lands, giving motorized users a clear idea of where and when they can travel and providing BLM law enforcement officials with the authority to cite off-trail renegades. Additionally, the travel plan closes many ORV trails that were causing serious damage

## canyon country updates

to some of the Swell's most spectacular landscapes, including a vehicle trail in Muddy Creek Canyon, one of the Swell's most important riparian corridors.

Like so many BLM efforts, the devil is in the details. We'll be monitoring implementation of the plan in the coming months and are prepared to take additional steps as needed to protect the resources at risk. You can view the travel plan at [www.ut.blm.gov/sanrafaelohv/index.htm](http://www.ut.blm.gov/sanrafaelohv/index.htm).

## BLM Planning Process Needs Your Voice!

Suppose you've planned a trip to one of your favorite areas in southern Utah and are looking forward to a quiet getaway with your family. When you arrive, you are disheartened to discover multiple roads and heavy soil and vegetation damage attributable to five new oil and gas wells. To make matters worse, the new roads have brought with them a plethora of all-terrain vehicles (ATVs) and off-road motorcycles. So much for quiet and solitude.

Frustrated, you call the BLM office to inform them of your disappointment. To your dismay, BLM staff informs you that because this particular area is not afforded the protection of a wilderness study area designation or special management prescription, these activities are permitted under the current land use management plan.

What can you do? The answer lies in something known as a Resource Management Plan or RMP. These are land use plans that guide the BLM in its management decisions for up to 15 years (and sometimes longer). Required by federal law, these plans cover a wide spectrum of resource issues, including livestock grazing, wilderness, oil and gas development, mining, cultural and historic sites, off-road vehicles (ORVs), wildlife and critical habitat, wild and scenic river designation, Areas of Critical Environmental Concern (ACECs), water and air quality, visual quality, and rights-of-way. In Utah, many of these plans are quite out-of-date, some going back as far as the mid 1970s.

As required by federal law, the BLM implemented an RMP revision process throughout some of Utah's most critical lands in 2001—a multi-year endeavor that's still ongoing. In the interim, the

present out-of-date plans and their management prescriptions remain in place. This is bad news for many areas that 15 years ago were designated for multiple use with few, if any, restrictions. A lot has happened since then, including an explosion in ORV use and a remarkable rise in oil and gas development (a direct product of the Bush/Cheney administration). Hence the critical need for new RMPs.

The BLM is approximately midway through the RMP revision process for its Vernal, Price, and Richfield offices—three management areas encompassing over 6.5 million acres throughout central and eastern Utah. Public scoping, a pre-planning information gathering and issue identification process, was completed in 2002, garnering thousands of comments from concerned citizens like you. Included in these comments were numerous recommendations for wilderness study areas (WSAs) and ACECs. Thanks go out to all of our dedicated SUWA members and activists for providing comments and attending scoping meetings. As a result of your efforts, all three of these BLM field offices are very aware of the deep understanding and concern we have for Utah's public lands and how we would like to see them managed in the future.

The real fight lies ahead, however. This year, all three field offices will be releasing Draft RMPs and accompanying Environmental Impact Statements (EISs) detailing a range of management alternatives. The Vernal draft is scheduled for release later this spring, with Price and Richfield is expected in early fall. Because the RMP process is a federal action mandated by the National Environmental Policy Act (NEPA), public involvement is required. Once the Draft RMP is issued, public meetings and comment periods will be announced by the BLM. This is where you come in.

Whether you've only visited Utah's spectacular redrock country once or are intimately familiar with specific areas, your written comments and attendance at local public meetings will be critical to protecting these precious and vulnerable lands. When the time arrives, we'll ask you to speak out on the following points:

- All proposed WSA nominations will have to be discussed in the EIS document and should be given proper analysis based on their own merits and specific values. Dismissing an area with wilderness qualities for the sake of future oil and gas develop-



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**canyon country updates**

ment or ORV usage is unacceptable.

- All lands in the citizens' wilderness proposal should be designated as "No Surface Occupancy" for oil and gas development (this allows the BLM to protect an area from such threats, with discretion to make site-specific exceptions at the leasing and permit stage after appropriate environmental review).

- The BLM should clearly designate motorized and non-motorized trails consistent with federal regulations in order to minimize damage to natural resources and wildlife and prevent impairment to wilderness suitability; to minimize conflict with other users; to promote the safety of all users of public lands; and to provide consistent law enforcement in order to protect areas closed to motorized vehicles.

- The BLM should preclude domestic livestock grazing in riparian and other sensitive areas.

- The BLM should prohibit artificial water developments (a.k.a. "guzzlers") for non-native wildlife.

Please watch for postcard alerts and stay tuned to SUWA's email listserve for up-to-date information on the release date of draft RMPs, deadlines for public comments, and the dates, times and locations of all public meetings. With your help, we *can* make a difference in how America's redrock wilderness is managed and protected.

## Horse Point Seismic Project Completed in Book Cliffs

As if the extreme drought weren't enough to test their survival skills, black bears and other wild animals living in the Book Cliffs had to endure a battle zone of seismic exploration this fall and early winter. Despite efforts by SUWA, the Natural Resources Defense Council, The Wilderness Society, and the Sierra Club, the Interior Board of Land Appeals denied our request to stay (temporarily halt) the project, and WesternGeco was able to complete drilling and detonation of nearly 2,000 "shot holes" over a 20,000-acre area in the Book Cliffs region. Despite serious concerns about the timing of the project, which jeopardized animals struggling to prepare for winter, it was deemed more important to rush the project so that the world's largest seismic company could wrap up its

North American operations by its target date. At least we can say "farewell and good riddance" as WesternGeco closes up shop in the lower 48 states and moves on to other parts of the globe.

## SITLA Undermines Wilderness Protection

An often overlooked state agency, the School and Institutional Trust Lands Administration (SITLA) manages approximately 11 percent of all the land in the State of Utah. These lands were deeded to Utah by the federal government upon statehood for the purpose of generating funds for Utah's common schools and other state institutions. As trustee of these lands, SITLA is required to balance interests "so that long-term benefits are not lost in an effort to maximize short-term gains."

In the past, SITLA has honored this directive by agreeing to transfer back to federal ownership all state lands within the Grand Staircase-Escalante National Monument and a large area of Utah's West Desert. SITLA, in return, acquired consolidated blocks of non-wilderness land with greater revenue-generating potential. When all was said and done, the two swaps were generally regarded as win-win deals for wilderness and the school-children of Utah.

Despite these success stories, other SITLA lands within proposed wilderness face a much different fate. Recently, SITLA has aggressively pursued various types of development on its wilderness-quality land inholdings—development that would irrevocably degrade the wilderness character of these special places. For example:

- SITLA filed numerous "Applications to Appropriate Water" with the State Engineer for a SITLA parcel located in the Upper Horseshoe Canyon proposed wilderness area near Hans Flat, Horseshoe Canyon, and the Maze District of Canyonlands National Park. SITLA intends to subdivide the parcel into twelve ranchettes if the water rights applications are approved. In addition, SITLA's director has indicated that if the remotely located ranchettes proved appealing to potential buyers, SITLA would pursue the same type of development in other beautiful, pristine areas. Aside from being wholly inconsistent with the wilderness character of upper Horseshoe Canyon, the proposed ranchette development could threaten

## canyon country updates



James W. Kay

*If SITLA has its way, a portion of the world-famous Fisher Towers near Moab could soon be in private hands.*

the existence of several natural springs which provide essential water and habitat for native wildlife, including several state-listed sensitive species.

SUWA filed a protest with the State Engineer arguing that Utah law prohibits any appropriation that would “unreasonably affect public recreation or the natural stream [spring] environment, or will prove detrimental to the public welfare.” The BLM also filed a protest, as did nearby livestock permittees, arguing that any development of groundwater in the area would likely impact the natural springs in the area, all of which are found on BLM and National Park Service (NPS) lands. The Park Service filed a letter of concern. All protests are pending.

- A private individual has approached SITLA to purchase a 640-acre section in the Bunting Point proposed wilderness area. This section lies at the mouth of Cottonwood Canyon, southwest of Kanab. The BLM recognizes the wilderness character of this area and has asked SITLA to consider a land exchange so the land can remain public. Private ownership could result in precluding public access to the canyon, and could lead to a proliferation of developments on lands that would otherwise qualify for wilderness designation.

- SITLA recently advertised that it intends to sell three parcels in Professor Valley, north of Moab—all of them within proposed wilderness areas. One of these SITLA parcels contains a portion of the world-famous sandstone formation

known as Fisher Towers, prized by rock climbers worldwide. The other two sections form bookends on either side of Mary Jane Canyon—one of Moab’s most beloved hiking areas and home of the federally threatened Jones’ cycladenia (plus several state-listed sensitive species).

- SITLA has applied for a right-of-way through lands in the Grand Staircase-Escalante National Monument and Dixie National Forest in order to access the mesa top of a SITLA parcel west of Boulder, Utah. This is the same right-of-way proposal that the federal agencies failed to approve three years ago.

According to legal documents, SITLA plans to develop a wilderness lodge and approximately ten homesites on the mesa top. While the courts have previously determined that there is a right of “reasonable access” to SITLA property surrounded by federal lands, two sides of this particular parcel are bounded by private lands with adequate access. Thus, there is no legal requirement that the BLM or U.S. Forest Service grant the requested access across federal lands. The application is now pending.

- SITLA recently sold oil and gas leases on approximately 20,000 acres that are included in America’s Redrock Wilderness Act. The lease parcels are located primarily in proposed wilderness areas in the Book Cliffs and the San Rafael Swell. SUWA has filed a protest with the SITLA Board of Directors arguing that the agency should have considered an appropriate sale or exchange of the lease parcels that are proposed for wilderness, rather than exploiting these magnificent lands for short-term gain. The matter is scheduled for a hearing in May.

Although the primary objective of SITLA’s school land trust is to maximize the economic value of its real estate holdings, this does not mean these lands should be administered to maximize economic return in the short run. In fact, the Utah Supreme Court has held that in some instances, it would be unconscionable not to preserve and protect noneconomic (scenic and scientific) values on trust lands, and that SITLA should consider a land exchange that would allow these resources to be preserved for future generations. SUWA has urged SITLA to follow its statutory mandate and the Utah Supreme Court’s instruction and explore ways to preserve these national treasures for posterity rather than simply sell them to the highest bidder.



## Forest Service Considers Suspicious Land Exchange Proposal

Officials with the Dixie National Forest are trying to justify a dubious land exchange proposed nearly three years ago by Garkane Energy, a small rural electrical cooperative. The proposal has persisted despite an initial U.S. Forest Service statement noting that the exchange is not in the public interest. Indeed, the exchange appears to be driven primarily by an inappropriate agreement between Garkane Energy and the ex-supervisor of the Dixie National Forest, along with pressure from Rep. Chris Cannon (R-UT) and former Rep. Jim Hansen (R-UT).

Garkane seeks title to 40 acres of Forest Service land north of Boulder, UT in exchange for 40 acres of private land located in the Dixie National Forest, on the Paunsaugunt Plateau west of Bryce Canyon National Park. Garkane's small power plant and associated developments are situated on approximately 20 acres of Forest Service lands near Boulder. This parcel has year-round access to Highway 12 and is located in a prime real estate development area. The Paunsaugunt Plateau lands offered in exchange are located at 8,200 feet, are surrounded by Dixie National Forest lands (predominantly wetlands), and do not have year-round access due to snow and muddy conditions on the access route. The commercial value of this parcel is low due to the inherent problems associated with building in a wetland area. Although gaining title to a wetland inholding is a worthy objective, the Dixie National Forest should pursue other methods of acquisition, such as a direct purchase of the 40 acres, rather than giving up valuable forest lands.

Federal law states that land exchanges are discretionary and should not be undertaken unless the public interest is well served. One of the "public interest" factors that must be considered by the Forest Service is whether the land exchange provides an opportunity to achieve better management of federal lands and resources. Far from achieving this objective, the Garkane exchange could make resource management more difficult for the Dixie National Forest if the company subsequently decides to further develop and/or sell some of the federal land it would receive in the proposed

exchange. Any new development could affect the nearby resources of the Dixie National Forest by increasing soil erosion, stream sedimentation, air pollution, and noise, in addition to the loss of outstanding scenic values.

In a December 2000 letter to Rep. Chris Cannon (R-UT) regarding this proposed exchange, the Forest Service stated, "National Forest System lands contain numerous investments made by the private sector; it is not our policy to convey land simply due to encumbrances authorized under special use permits." In other words, the fact that Garkane's plant occupies a portion of the lands it wishes to acquire is no reason to grant the exchange.

Although there has been no official Forest Service policy change since that time, the agency is now inexplicably eager to convey these public lands to Garkane for private commercial development. Garkane holds numerous additional development leases on Dixie National Forest lands. Should we expect the Forest Service to offer Garkane title to the federal lands on which all its other private developments are located?

Something is fishy with this exchange. There is no guarantee that Garkane will continue operating its small power plant in the future, and there is absolutely no requirement that Garkane own the land upon which its small plant is located. In short, there is no compelling public interest reason that the U.S. Forest Service should agree to this exchange.

## White Wash Sand Dunes under Seige

The Utah Trail Machine Association (UTMA) has applied for a permit to allow 300 riders to descend upon the White Wash Sand Dune area, south of Green River, Utah. The event will feature rides to Hey Joe Canyon and Spring Canyon, both in the Labyrinth Canyon proposed wilderness; various locations in the Duma Point proposed wilderness; and other sensitive areas such as Monitor and Merrimac Buttes. These places are rich in archeological sites, natural springs, and riparian vegetation, with landscapes ranging from steep-walled canyons and stark buttes, to beautiful coral-colored sand dunes sprinkled with cottonwoods. A small and isolated bighorn sheep herd lives in the Duma

## canyon country updates



*Duma Point proposed wilderness.*

*Liz Thomas*

Point area, its continued existence at risk from exploding off-trail motorized use.

This entire region is rapidly being ripped to shreds as it becomes a hot spot for increasing numbers of motorcycle and ATV riders who drive cross-country through microbiotic soils, washes growing tender tree sprouts, sensitive archeological sites, and steep slopes that quickly erode under the new tracks. Unfortunately, the BLM is allowing this area to become a sacrifice zone through inaction and lack of enforcement. It is critical that the BLM start addressing the impacts of motorized use in these sensitive areas—closing routes if necessary to protect the resources—rather than bowing to pressure and allowing uses that have long-term impacts on these outstanding places.

## New ATV Event Planned for San Juan County

The *San Juan Record*, a San Juan County newspaper, recently reported that certain individuals and entities are promoting something known as the “San Juan ATV Safari,” a new ATV event on BLM and Forest Service lands scheduled to take

place this fall. According to organizers, the event would be modeled after the Moab Jeep Safari and the Rocky Mountain ATV Jamboree in Richfield, Utah. Unfortunately, both of those events have proven extremely damaging to the land. Popular family campsites have been trashed, new scars have been gouged into the landscape, and even centuries-old live trees have been ripped out and burned to make way for motorized battalions.

SUWA was particularly surprised to read in the *Record* that the “safari is being organized by a committee which includes . . . federal land agencies.” We would hope that the BLM and Forest Service know better. Before an event of such magnitude may even be considered, these agencies must give notice to the national public, engage in extensive environmental studies, prepare the appropriate environmental documentation, solicit meaningful public input through an adequate comment and consultation period, and otherwise fully comply with federal environmental laws.

The *Record* also reported that two individual promoters of the “San Juan Safari” have submitted applications to the respective federal agencies for “Golden Circle Adventure Touring,” an ATV and jeep touring venture on BLM and Forest Service lands, and within Canyonlands and Arches National Parks. Stay tuned for updates and prepare for action!

## More Bad Decisions on the Dixie National Forest

The Forest Service is proposing yet another questionable logging project, this time on Barney Top in the Dixie National Forest. The proposed project involves logging spruce, fir, and aspen at an elevation of 10,000 feet—not the type of environment that is known for fast regeneration. Sticking to its usual script, the agency justifies the project as a means of halting the spruce bark beetle infestation (never mind the fact that there is no scientific data to support this approach). The proposal also involves logging mature aspen to encourage the growth of young trees and “manicuring” high mountain meadows (i.e., logging trees that have sprouted in clearings) to maintain the open pasture aspect of the meadows.

What the Forest Service won’t admit is that spruce bark beetle outbreaks are a natural component and cyclical event in spruce forests and the

## canyon country updates

scarcity of young aspens is a direct result of the agency's own fire suppression and livestock grazing policies. Instead of cutting down the forest in an attempt to thwart the beetle and "improve" the landscape, the Forest Service should recognize natural processes for what they are and address past management errors head-on. The agency's adamant refusal to acknowledge its own mistakes is a major factor in the decline of our national forests.

The public's perception of how our national forests should be managed has shifted dramatically over the past few decades. The Forest Service is slowly catching up to public sentiment, and to the fact that our national forests provide more than 2x4's and plywood. Unfortunately, decades of poor management practices such as fire suppression, improper livestock grazing, and inappropriate logging projects have led to a multitude of problems. The proposed logging project on Barney Top merely perpetuates these harmful management practices.

It's your national forest that is being sold and squandered! Please send a letter to the Dixie National Forest and request that the Barney Top project be reconsidered to include:

- The removal of livestock from aspen areas, the re-introduction of fire to aspen groves, and a plan to allow natural fires to burn in aspen groves so that aspen groves will have a fighting chance at natural regeneration;
- Objective and scientific support for the Forest Service's position that thinning spruce stops the spread of the spruce bark beetle (this practice has not proved effective in other areas of the Dixie National Forest);
- Scientific data demonstrating that logging at 10,000 feet is sustainable and beneficial to forest health;
- No logging of old growth—this age class provides myriad benefits to wildlife species and is nearing eradication on the Dixie National Forest;
- No road construction or reconstruction, and the closure of unnecessary motorized routes that fragment wildlife habitat (such as the Powell Point route which was initially a non-motorized hiking trail);
- A transportation policy of "closed unless posted open." This means no cross-country travel

and no motorized travel on routes not officially designated as open;

- No heavy equipment in the meadows;
- An acknowledgement that this area is one of the highest elevation and most scenic places in the Dixie NF, and that there are many other factors for which it must be managed besides timber production;
- A public education component to provide facts and information regarding: spruce bark beetles, their natural cycles and associated benefits to the forest; the role natural fire plays in a healthy forest; the effects of livestock grazing on aspen, other high-altitude vegetation, soils, watershed and wildlife habitat.

### Please send your letters of concern to:

Kevin Schulkoski  
Escalante District Forest Ranger  
Dixie National Forest  
PO Box 246  
Escalante, UT 84726

## Statewide ORV Lawsuit Stays on Track

This past February, SUWA successfully navigated one more hurdle to bring our statewide ORV lawsuit back to life in federal district court here in Utah. Following our victory in the 10th Circuit Court of Appeals last August (see Winter 2002-2003 issue, page 20), the Bureau of Land Management (BLM) and ORV groups petitioned the 10th Circuit to re-hear the decision *en banc* (before all 11 judges sitting at the same time). Just three weeks after receiving our response to these *en banc* petitions, the Appeals Court rejected the government and ORV groups' requests and ruled that its earlier opinion would stand.

What does this mean in non-legalese? It means that we won another round against the BLM and ORV groups and, more importantly, it means the merits of our argument (that some of Utah's most spectacular public lands are being overrun by off-road vehicles) are back on track to being decided by a federal judge. We'll keep you posted as our case moves forward.



## grassroots network

### New Faces in SUWA's Grassroots Team

In the last edition of *Redrock Wilderness*, we highlighted the nuts and bolts of our outreach program and the day-to-day work of our small grassroots team. In this issue, we're proud to announce that our team has grown bigger, allowing us to expand our outreach capacity like never before.

Exciting additions and changes to SUWA's grassroots team punctuated the first few months of 2003. Specifically, we've added two full-time field organizers—one based in the Southeast and the other in the Northeast—to build and activate grassroots constituencies in key states over a 12-month period. We've also hired a new full-time permanent DC Outreach Coordinator, and brought our canvassing operation in-house. Together, these changes will make us a more flexible organization, enabling us to educate and organize more concerned citizens in Utah and across the country (see *Inside SUWA*, opposite page, for introductions to new staff members).

#### Dave Pacheco Shifts Over to Canvass

After many years of contracting with the Fund for Public Interest Research, we've decided to

move our neighborhood outreach canvass operation back under our own roof. And who better to lead this effort than the man who started our canvassing program back in 1994—SUWA's own Dave Pacheco. Having just completed a two-year stint in SUWA's Washington, DC office, Dave will continue his duties as National Outreach Director while assuming his new role of Canvass Director in our Salt Lake City office. Once it's up and running, we intend to operate the canvass year-round, building support in communities throughout the Intermountain West and continuing to educate our core constituency along the Wasatch Front (see sidebar below for information about full-time job opportunities with SUWA's new canvass team).

### Spring Slideshow Tour

As SUWA's Bob Brister tours the Northwest this spring with our travelling slideshow, *Wild Utah: America's Redrock Wilderness*, our new field organizers, Bill and Tom, are scheduling shows of their own in the Northeast and Southeast. To view the complete slideshow tour schedule, visit the SUWA web page at [www.suwa.org](http://www.suwa.org), click on **Events**, then on **Slideshow Schedule** (left side of screen). If you don't have internet access, just call SUWA at (801) 486-3161.

## Now Hiring SUWA Canvassers!

Are you a college student looking for a summer job? Would you rather work for a cause you care about instead of flipping burgers? Why not join SUWA's community outreach program and help protect the lands you love? Canvassers strengthen SUWA's efforts by raising funds, building membership, and giving wilderness supporters a chance to make their voices heard. Our goal is to educate citizens in their communities and empower them to increase their activism and influence on key wilderness issues.

Canvassing hours are typically from 2pm-10pm, Monday through Friday. Some travel beyond the Wasatch Front may be required. Though we focus primarily on Utah, our outreach team will occasionally make forays to supportive communities in surrounding states.

SUWA canvassers are contract employees. Training is provided, though previous experience as a canvasser is a plus. Full-time schedule is preferred. If interested, prepare a one page cover letter and brief resume, and contact Dave Pacheco at (801) 924-0555 or [dave@suwa.org](mailto:dave@suwa.org) to schedule an interview.

## inside SUWA

### Field Organizers Broaden SUWA's Reach

SUWA's two new field organizers, Bill Raleigh and Tom Wheatley, are off to a running start in their efforts to build grassroots support for Utah wilderness in the Northeast and Southeast United States. During their 12-month contract, these two wilderness envoys will strengthen SUWA's outreach campaign immensely by educating and activating citizens from New England to the heart of Dixie. Please join us in welcoming both of them.



*Bill Raleigh of New Yorkers for Utah Wilderness joins the SUWA grassroots staff.*

**Bill Raleigh** has worked as a public policy advocate for environmental, educational and civil liberties organizations since the early eighties. He holds a law degree (gingerly!) from Syracuse University and a B.A. in Politics from Princeton University.

As Regional Coordinator for the New York Public Interest Research Group (NYPIRG), he organized college students and community activists to help pass returnable bottle legislation and to promote a non-nuclear energy policy. He later worked for Laubach Literacy Action, the nation's largest adult literacy provider, where he organized literacy programs throughout the country, managed a national network of field coordinators and trainers, and directed its government affairs and public policy efforts. As Director of Government Affairs for Laubach, he helped build a national coalition that successfully lobbied Congress to double appropriations for adult literacy programs. He has also served as executive director of the Central New York Civil Liberties Union.

Bill's passion for exploring the outdoors naturally led him to Utah, where he discovered both the wonders of the redrock country and the need to protect it. He became a SUWA member in the early 90s, and participated in the citizen's reinventory in 1997, documenting specious road claims in the Kaiparowits Plateau. He was also a volunteer during several Wilderness Week events in Washington, building support for America's Redrock Wilderness Act among northeastern legislators. He is one of four co-founders of New Yorkers for Utah Wilderness, which last year persuaded Senator Hillary Rodham Clinton to join the list of ARWA cosponsors.

Bill will be working with environmental and citizen groups throughout the northeast to gain support for protecting Utah's wilderness. His territory includes New York, New Jersey, Vermont, New Hampshire, Maine, Rhode Island, Connecticut, and Massachusetts. Bill can be reached at (315) 559-7280 or [bill@suwa.org](mailto:bill@suwa.org).

Hailing originally from New York, **Tom Wheatley** earned a B.S. in Geography from Pennsylvania State University. In the spring of 1999, Tom studied with the Wild Rockies Field Institute in southern Utah, completing the "Canyonlands of the Colorado Plateau" course. Like so many others, Tom says "It was in the redrock country that I became a staunch wilderness advocate and defender of our public lands."

That fall he started a full-time career as an activist by canvassing for Citizens Campaign for the Environment in New York. While living in the Empire state, Tom was active in campaigns to remove PCBs from the



*Bowling for Wilderness: Tom Wheatley, left, with Sean Saville of SUWA's DC office (see article on following page).*

## inside SUWA

Hudson River and ban the gasoline additive MTBE in New York State. Before accepting the SUWA position, he had just completed an outreach campaign in Florida for the Alaska Coalition.

From his base in Tampa, Florida, Tom will spearhead grassroots efforts in Florida, South Carolina, Georgia, Alabama, Mississippi and Louisiana. If you live in the South and would like to get more involved in the Utah wilderness cause, contact Tom at (813) 874-0711 or [tomw@suwa.org](mailto:tomw@suwa.org).

## Sean Saville Joins DC Staff

With SUWA veteran Dave Pacheco returning home to run our canvass operation in Salt Lake City, we're happy to introduce Sean Saville as our new DC Outreach Coordinator. Sean will replace Dave at the Wayburn Wilderness House in Washington, DC, working alongside our Washington Representative, Gail Hoskisson. Among his many responsibilities, Sean will organize grassroots support in Ohio, Pennsylvania, Virginia, West Virginia, Maryland, Delaware, and North Carolina.

Sean comes to us from New Mexico, where he was the Northern Grassroots Organizer for the New Mexico Wilderness Alliance. An avid hiker, backpacker and general wilderness enthusiast, he has scuffed his boot soles in the vast, wild landscapes of New Mexico, Colorado and Utah. Fortunately for us, he now brings his passion for western wilderness and grassroots organizing to his work on behalf of Utah's redrock country.

Before working for the New Mexico Wilderness Alliance, Sean was an Assistant Canvass Director for the Fund for Public Interest Research in Albuquerque, New Mexico, where he trained an all-star team of canvassers on issues including roadless forests and transportation. Sean also worked as a campus organizer with COPIRG (Colorado Public Interest Research Group) on the University of Northern Colorado campus in Greeley.

Sean is originally from Reston, Virginia, so he is returning home, in a sense, although his passion remains in the Wild West. Please join us in welcoming Sean to the SUWA staff and family. He can be reached at our Washington, DC office at (202) 546-2215 or [sean@suwa.org](mailto:sean@suwa.org).

## SUWA Hires Resource Planning Coordinator

SUWA welcomes the arrival of Tim Wagner, our latest addition to the conservation team. Tim will focus his time primarily on the many Resource Management Plans that the BLM is currently—or will soon be—working on (see article on page 18). He'll also be involved in the planning process for the Dixie, Fish Lake and Manti La Sal National Forests located in central and southern Utah.

Tim comes to us with a wealth of experience, having worked on planning issues for federal agencies at Bio-West—an environmental consulting firm based in Logan, Utah. He also co-founded two different conservation groups in northern Utah: the Bear River Watershed Council and the Logan Canyon Coalition. Along with this experience, Tim brings with him a passion for Utah wilderness and a deep commitment to its preservation.

When Tim isn't fighting for the land, he moonlights as a freelance writer. He also enjoys cross-country and telemark skiing, snowshoeing, hiking, road biking, and spending time with his cute-as-a-button daughter, Alexa, who brightens up the office whenever she visits.



*Tim Wagner will keep close track of BLM and Forest Service planning efforts that affect proposed wilderness in Utah.*



## SUWA Welcomes DC Intern, Denise Hill

SUWA is happy to introduce Denise Hill, our new intern at the Washington, DC office. Denise comes to us from Pittsburgh, PA where, among other jobs, she worked as a researcher for linguistic software. A graduate of the University of Pittsburgh, Denise has led nature hikes for kids with the Audubon Society and is certified as a Wilderness First Responder. Her interests include trail running, hiking, caving, and other activities unfortunately not available in the DC Metro area. When she's not playing outside, Denise will be working for Utah wilderness or planning her next international escape. We are glad to have her energy and enthusiasm as we prepare to meet new challenges in the 108th Congress.



## Canyoneering Chronicles Slideshow Awes Arizona!

Well-known author and canyoneering legend Steve Allen has once again taken his Canyoneering Chronicles slideshow on the road—this time to Arizona—in an effort to spread the word about Utah's unprotected wild lands. The slideshow highlights many of the spectacular places that Steve has visited during his 35 years of exploring Utah's canyon country—from gorgeous, sinuous slot canyons to endless expanses of slickrock.

By the end of Steve's week-long tour, which took him to Flagstaff, Prescott, Phoenix, and Tucson, he had reached well over 500 people with his message. "For 20 years, SUWA has been leading the battle in Utah, around the nation, and in the halls of Congress to try to preserve for all time the desert that I call home," says Steve. "They have literally saved my home, and your home. I'm thrilled that, through this slide show, I was able to educate hundreds more people about the beauty and wonder of these lands, which currently have little or no protection, and about SUWA's work to preserve them as Wilderness."

SUWA would like to express our gratitude to Steve for his unwavering efforts in support of SUWA and Utah wilderness. We would also like to thank the following individuals and businesses for generously sponsoring and/or hosting the slide

shows: Susan and Victor Jacobson; Petzl America; Phoenix Rock Gym (Tempe, AZ); Prescott College (Prescott, AZ); REI (Paradise Valley, AZ); Summit Hut, (Tucson, AZ); and Vertical Relief Climbing Center (Flagstaff, AZ). Thank you for your support!

## Mark Your Calendar for the 2003 SUWA Roundup

Autumn may seem very far away, but it's not too early to mark your calendar for this year's annual membership gathering at Hidden Splendor, scheduled for **September 12-14**. Set in the heart of the San Rafael Swell, the SUWA Roundup offers our members the opportunity to meet SUWA staff and enjoy the beautiful Indian summer of redrock country with fellow desert rats from Utah and other states. Activities include an interactive discussion of Utah wilderness issues with SUWA staff and board members, a potluck dinner, evening music around the campfire, and—best of all—guided day-hikes in our Muddy Creek proposed wilderness unit. Sunday morning you'll awake to the aroma of freshly brewed coffee followed by a hearty breakfast prepared by SUWA staff in thanks for all your support and dedication.

This year's Roundup will be extra special as SUWA celebrates 20 years of defending America's redrock wilderness. Watch for more details in our summer newsletter issue!

## wilderness spotlight

### River Light

It is said that after spending years hiking through the high desert's river canyons, slight changes occur, almost as if one were becoming part of the land; that every breath taken in desert air slows until it matches the rhythm of life there; that exposed skin, cracked in the heat, turns red; the rivers, seeping through, begin to flow in the veins. After years following the line of the Escalante River as it traces a path through coyote willow and scattered cottonwoods beneath towering red walls, the same began to take place in me. The change began as simple as the river itself begins.

Melting snow trickles down the flanks of the Aquarius Plateau, the waterbearer of the desert. North and Birch Creek gather, forming the headwaters of the Escalante. The river carved a deep canyon, bringing life to plants and birds and shape to stone, following a pattern set millions of years ago. Seeping through rock and funneling through soil, symmetry is lost. The unbridled Escalante River passes fluidly over ancient ground, carving

out a steep-walled canyon not far from the town that bears its name. Within four miles the wide canyon narrows, Navajo stone turns from salmon to deeper reds and walls lift higher. Soon, the river quickens as tributaries enter the Escalante. Beneath these precipitous walls and windswept monolithic cliffs, the river winds through polished stone, appearing to go on and on. Eventually, this green river runs into the flooded blue waters of Glen Canyon, finding stillness. The Escalante once merged into the Colorado there. Shortly after the completion of the Glen Canyon Dam in 1963, the waters began covering narrow slot canyons and desert cathedrals. Not long before I was born, the two rivers met for the last time.

Near the end of my junior year in high school, I became restless—I suppose from becoming aware for the first time of how easily the wild places that gave me shelter can perish. Access into canyons became a problem as new homes started covering the foothills of the Wasatch. Mining and oil companies were infringing upon wild lands and, as a result, relationships were ending. Amid thoughts of what would last, I picked up a book that had



*Escalante Canyon, artwork by Chris Schiller*

## wilderness spotlight

long sat on the coffee table in front of the fireplace. It told about the Colorado Plateau's geological history—describing the region as an evolving landscape, a working relationship between wind, water and stone. Turning pages I saw pictures of a place I had never been before: a place of skyline arches, slickrock gorges and steep walled canyons where a river ran—the Escalante. That day, images of the desert river and its serpentine canyons wove deep in my mind.

One of the first to be built in the valley, my high school had survived not only the years, but also a destructive fire in 1972. The fire destroyed the auditorium in the school's center and blackened the marble covering the front halls. Despite efforts to restore it, the structure weakened. Carpet wore thin and white paint peeled from worn window frames. Amid the decay, I looked past the glass for something more lasting.

On paper reserved for lecture notes, classmates sketched pictures or wrote secret lover's names along with facts about the American Revolution. In the margins of my school notebook, I scribbled the name "Escalante." Without ever having been there, I could hear words rising from the river, falling upon stone.

High school ended, one year slipped into the next, and studies at the University replaced thoughts of the river-carved canyon. I attended to school papers and term finals; all the while knowing that slickrock corridors and weathered stone windows of the river canyon had not left my mind.

So, I went to canyon country to visit the desert river. I went to familiarize myself with the flora, rocks and birds. I found ravens continually hovering overhead, while swallows swept across cliff faces. Gliding in elliptical fashion, their flights ended with a dipping and rising climb toward ledges. Red-tail hawks were more rare, but no less anticipated. I hiked the Escalante as it flowed far into the canyon, scripting stone. I saw colors that could only be found in the desert. Along the fringe of the river, paintbrush were strewn amid rocks that absorbed the color of the land from which they grew; penstemon held desert sky in their petals. The sun, cast down upon the water, curled with the current. The salmon-colored Navajo sandstone, the dusty red layers of Kayenta, and Wingate's russet rock intensified in the light. Three hundred feet

above the river cliffs burned like fire in the remaining moments of the day. As day ended, the river was the last to give up light.

I have come back with each season. In the colder months I have waited for the sun, its arc never quite reaching over the precipices. Days were short and temperatures barely eased into the 50s in the canyon's shadow. My ears strained in the silence of the curved walls. Slickrock's rich maroons and reds settled deep under overcast skies. Spring came with melting snow from the Aquarius and the release of cottonwood seeds. Overnight the river would rise, turning the water brown and murky. At its edge, silt-laden surge vibrated under my feet. Fremont Cottonwoods along canyon walls brushed against smooth rock surfaces. Walking through salt cedar and willows, I eased into frigid waters carried from the high country, the ever-present ravens crisscrossing the sky.



*Robert Savannah,  
U.S. Fish and  
Wildlife Service*

Today, the tips of aspen leaves are etched with yellow as I sit beside the river. Willows bow in the cool evening winds. A lone egret preens its feathers upon a sand bar surrounded by rushing water. Lower on the river, the down-slurred scream of a hawk resounds off canyon walls long before I see its wings shimmer against stone. At riverside, with cupped hands I drink the springs dripping from ferns and seeps in the cracked rock. Trembling fingers run over the striated lines and patterns on canyon walls, reacquainting me with wonder. After several hours hiking down the Escalante, I step onto dry ground. River water streams down my legs spilling onto the warm sand. The wet sand quickly dries. I bed down near an arch as a darkening sky turns the color of raven. The river runs clear and shallow, carrying the last light of summer.

I know that permanence does not exist here; at least not in the way I once understood it. Once a shallow, inland sea rapidly dried here, leaving the land in place to be thrust up, to be cut by a new river made from high plateaus left by ancient lava flows. Now in the absence of water, desert varnish streaks walls, giving a sense of continuance until the rains in early spring spill again from rim rock. Flowering plants grow loosely from sandy soil where wind has thinned the surface. I rub a piece of sandstone in my hand. Grains sift easily through



## wilderness spotlight

my fingers, settling near my sandaled feet. It is only a matter of time until these grains of sand are sculpted again further down the canyon. The river changes, shifting its course during high waters. An afternoon summer storm can take the quiet waters and send them suddenly into a fury. Flash floods move boulders, breaking trees, pushing water beyond its banks; bends become straight for a time, sandstone scrapes away and is carried downstream. Waters recede. The land, once again, changes.

Each time I leave, the river canyon stays longer with me, for the wind has carried the taste of river to my lips, and the sun has turned my skin the color of stone. Now, my spilt blood has begun to dry.

Miles away, the high school, where daydreams of the Escalante replaced algebra equations, has been torn down and a new building has been built in its place. After all these years, I stare back at the sun cresting the high ridges of the Escalante.

Just as I had wished at the age of 17, the need to find things that last is the same. So I will come back again to the Escalante. River light suggests: that which lies deepest in us will be what lasts.

Among broken petals and the scribblings of experience on paper, I see the Escalante. I seal my life upon pages with words that others might not understand. I simply close my eyes and see a river winding deep in the dusty red earth, where buttes and domes lift high above cliff walls. I see glimpses of wings against vertical walls, a flash of a red tail, fluted light washing across the river. In all of this there are words I hear, and these become lasting.

**Nancy Hoole Taylor** is a native Utahn who has loved southern Utah since her childhood. She lives in Salt Lake City with her husband and two daughters, and is a volunteer educator for Hawkwatch International and a writer.

## Explore America's Redrock Wilderness with SUWA!

Join SUWA staff, expert guides, and an acclaimed camp chef for a week-long car camping trip exploring some of the most spectacular, remote, and threatened areas in America's Redrock Wilderness while helping SUWA document wilderness suitability and protect resources at risk. This "working holiday" will take place from **September 28th through October 3rd, 2003.**

All meals and any necessary transportation from Salt Lake City will be provided. The ability to put in some serious mileage (on foot!), take good field notes, and a promise to get along with the camp cook are bedrock requirements. Cost is \$1,000. Group size is limited to ten.

For more information, or to register, please contact Christy Calvin at (801) 486-7639 ext. 17, or [christy@suwa.org](mailto:christy@suwa.org).



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*Self-portrait block print of  
Everett Ruess with his mules.*

## Leave a Lasting Legacy for Utah Wilderness

*Do you have an IRA, 401(k), or other retirement plan?  
Do you have, or are you planning to write, a will or bequest?  
Do you own any appreciated property or stock?  
Do you have a life insurance policy?*

If you answered “yes” to any of these questions, you may be able to make a special gift to the Southern Utah Wilderness Alliance that will have a lasting benefit for Utah wilderness. Many of the giving options available through our Everett Ruess Society can earn you benefits such as guaranteed income for life or savings on income and capital gains taxes (or estate taxes for your heirs), while allowing you to help SUWA protect in perpetuity Utah’s incomparable desert wildlands.

To learn more about the Everett Ruess Society, named after the infamous wanderer, artist, and free spirit who roamed the wild places of the Colorado Plateau, please contact Lindsey Oswald, Development Director, at (801) 486-7639, ext. 11 or [lindsey@suwa.org](mailto:lindsey@suwa.org).

## Join the Southern Utah Wilderness Alliance!

SUWA’s overarching goal is to protect Utah’s remaining nine million acres of wild desert lands—lands owned by the American public and administered on our behalf by the Bureau of Land Management. To this end, activists from Utah and across the country have compiled their own exhaustive fieldwork into a citizens’ proposal now pending in Congress. The proposal will preserve one of the world’s most unique landscapes—where towering buttes, sweeping plateaus, and intimate canyons are enveloped by a rare and breathtaking silence. This is the land of the Old West outlaws and the ancient Anasazi. It is wilderness at its best, and we need your help to keep it that way.

For your \$30 annual membership, you will receive our quarterly newsletter and periodic action alerts to inform you about the most critical issues and how you can make your voice heard. Please join SUWA today and participate in one of the nation’s most effective forces for wilderness protection.

### Yes! I want to join SUWA

Check one: New member: \_\_\_\_\_ Renewal: \_\_\_\_\_

I have enclosed: \$30 Annual dues \_\_\_\_\_ Other \$ \_\_\_\_\_

Additional Donation \$ \_\_\_\_\_

Contributions to SUWA are tax-deductible. Please make your check payable to SUWA or include credit card information (VISA, MC, AMEX):

Credit Card # \_\_\_\_\_

Exp.date: \_\_\_\_\_

*Mail form with payment to:*

SUWA  
1471 South 1100 East  
Salt Lake City, Utah 84105-2423

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## Wilderness Volunteers: Utah Service Trips for 2003

Wilderness Volunteers, a non-profit organization that promotes volunteer service in backcountry settings, offers the following Utah service trips in 2003. For more information, contact Wilderness Volunteers toll free at (888) 737-2888 or visit their website at [www.wildernessvolunteers.org](http://www.wildernessvolunteers.org).

### May 4-10: Grand Staircase Escalante National Monument

Various wilderness restoration projects, including cleanup and rehabilitation.

Grade: Strenuous

Accommodations: Tent camping near cars

Leaders: John Sherman & Dave Pacheco

Trip Fee: \$198

### May 18-24: Arches National Park

Invasive plant removal, revegetation.

Grade: Strenuous (because of the work)

Accommodations: Tent camping near cars

Leaders: Curt Mobley & Eric Anderson

Trip Fee: \$198

### September 7-13: Glen Canyon National Recreation Area

Invasive plant removal.

Grade: Strenuous (canyon backpacking, no pack support)

Accommodations: Backpack camping

Leaders: Deborah Northcutt & Misha Kokotovic

Trip Fee: \$198

### October 11-18: Grand Gulch

Various wilderness restoration projects.

Grade: Strenuous (6 miles, 1,000' el.)

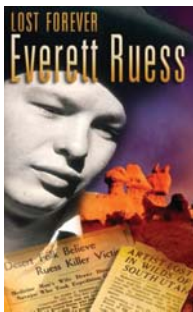
Accommodations: Backpack camping

Leaders: John Sherman & Cheryl Walczak

Trip Fee: \$198

Now Available on Video or DVD!

### Lost Forever: Everett Ruess



For SUWA members, the image of Everett Ruess and his burros has long symbolized the spirit and intrigue of Utah's canyon country. The young artist, poet, and adventurer left his Los Angeles home in the late 1920's to explore the wild and remote lands of the Colorado Plateau.

For several years he wandered through the redrock of southern Utah, using the country's magnificent vistas as inspiration for his own artistic creations. But at the age of twenty, young Ruess vanished in the Escalante canyons, creating an enduring mystery that has yet to be solved.

In *Lost Forever: Everett Ruess*, filmmaker Diane Orr explores the spirit and passion of Ruess' legacy. Combining documentary and fiction, Orr's stirring film will offer new evidence and insights to even the most fervent Ruess enthusiasts. Thanks to the generosity of Diane

Orr, proceeds from SUWA's video sales will benefit our work to protect Utah wilderness. Order your video today and help preserve the lands that captured the soul and imagination of Everett Ruess.

Please send \_\_\_\_\_ copies of *Lost Forever: Everett Ruess* at \$25 each.

Check One:  Video  DVD

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Please enclose check, payable to SUWA, or include credit card information (VISA, MC, or AMEX) here:

CC# \_\_\_\_\_

Exp. date: \_\_\_\_\_

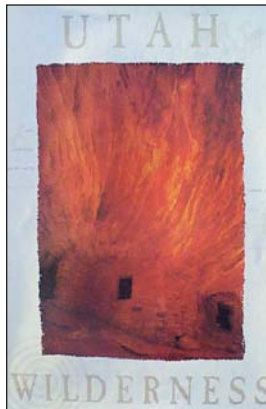
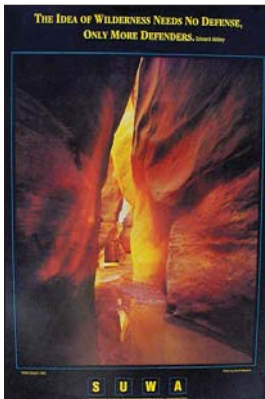
Prices include shipping and handling.

Mail form with payment to:

SUWA, 1471 S. 1100 E.,  
Salt Lake City, UT 84105-2423



White Canyon



Cedar Mesa

These 24" x 36" posters feature full-color images of southern Utah by world-renowned wilderness photographer David Muench. The White Canyon poster (on black) features Edward Abbey's words, "The idea of wilderness needs no defense, only more defenders." The Cedar Mesa poster (on natural fiber ivory) includes a quote by late SUWA board member Wallace Stegner: "...the spiritual can be saved ..."

### Fine Art Posters by David Muench

Please send \_\_\_ White Canyon or \_\_\_ Cedar Mesa fine art posters at \$20 each. (\$100 each for posters autographed by David Muench.)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please enclose check, payable to SUWA, or write credit card information (VISA, MC or AMEX) here:

CC# \_\_\_\_\_ Exp. date: \_\_\_\_\_

Prices include shipping and handling.  
Mail form with payment to:

SUWA, 1471 S. 1100 E.,  
Salt Lake City, UT 84105-2423

## Order a Copy of *America's Redrock Wilderness*

The first major publication by the Utah conservation community since *Wilderness at the Edge*, SUWA's latest book features the most extensive color photography ever published of Utah's threatened BLM wilderness lands. The recently updated black-and-white insert presents the key issues of Utah BLM wilderness protection, and is an indispensable resource for activists. An afterword by noted Utah author Terry Tempest Williams affirms the deep meaning this landscape has in our hearts. This book is available only from SUWA and a few selected bookstores.

Please send me \_\_\_ copies of *America's Redrock Wilderness*. Enclosed is \$18 per copy, which includes postage and handling.

Name: \_\_\_\_\_

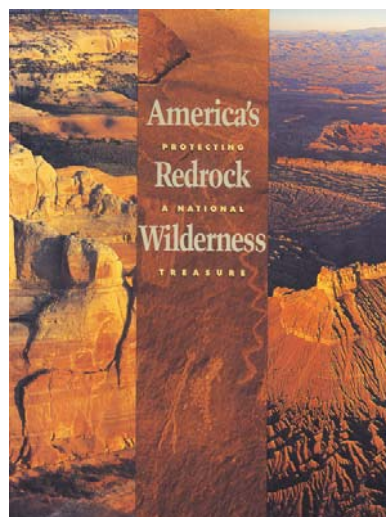
Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please enclose check, payable to SUWA, or include credit card information (VISA or MC or AMEX) here:

CC# \_\_\_\_\_ Exp. date: \_\_\_\_\_

Prices include shipping and handling.  
Mail form with payment to:  
SUWA, 1471 S. 1100 E.,  
Salt Lake City, UT 84105-2423



*America's Redrock Wilderness*: 104 pages (56 pages color, 48 pages B/W); 9"x12," soft cover.

## Wild Utah On Video

### Get Your Own Copy of SUWA's Famous Travelling Slideshow!

If you've been hankering for a hit of redrock but can't visit southern Utah this year, SUWA can offer you the next best thing. Our travelling slideshow, *Wild Utah: America's Redrock Wilderness*, is available in videotape format. Produced by Moab photographer Bruce Hucko and narrated by former Salt Lake City Mayor, Ted Wilson, *Wild Utah* features stunning images by noted wilderness photographers, including Tom Till, Jack Dykinga, Jeff Garton, and James Kay. Whether you use it as a grass-roots organizing tool or simply enjoy it in your own living room—it's the next best thing to being there. Makes a great gift too!

Please send \_\_\_\_\_ *Wild Utah* videotapes at \$10 each.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

Credit Card # \_\_\_\_\_

(VISA, MC or AMEX) Exp. date \_\_\_\_\_

*Prices include shipping and handling.*

*Mail form with payment to:*

SUWA, 1471 S. 1100 E.,  
Salt Lake City, UT 84105-2423

## New SUWA T-Shirts Are Here (and hats are on the way)!



southern utah wilderness alliance  
Artwork on back of short sleeve (both black & white) and long sleeve T-shirts. "SUWA" is printed in small lettering on front.



Front of women's cut T-shirt, with smaller graphic. No artwork on back.

**T-shirts** are 100% organic cotton "Beneficial Ts" from Patagonia. Choose from several colors and styles, including a new women's cut! **Hats** include a baseball cap with SUWA logo (in two colors), plus a floppy hat and sun visor printed with the slogan "Protect Wild Utah." Check out [www.suwa.org](http://www.suwa.org) for more details.

**NOTE:** Short Sleeve Ts run very large. Women's cut is shorter and boxier, with scoop neck.

### T-Shirts

Circle Choice(s)

Short Sleeve White (\$15) S M L XL Qty \_\_\_\_\_

Short Sleeve Black (\$15) S M L XL Qty \_\_\_\_\_

Women's Cut White (\$15) S M L Qty \_\_\_\_\_

Long Sleeve White (\$20) S M L XL Qty \_\_\_\_\_

### Hats

Circle Choice(s)

Baseball Cap (\$25) Sage / Sandstone Qty \_\_\_\_\_

Floppy Hat (\$20) Bright Yellow Qty \_\_\_\_\_

Sun Visor (\$15) Bright Yellow Qty \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please enclose check, payable to SUWA, or write credit card information (VISA, MC, AMEX) below. Prices include shipping & handling

Credit Card # \_\_\_\_\_

Exp. date \_\_\_\_\_ Amount \$ \_\_\_\_\_

Mail form with payment to: Southern Utah Wilderness Alliance, 1471 S. 1100 E., Salt Lake City, UT 84105

# Southern Utah Wilderness Alliance Honors Del Langbauer, Donald K. Ross, and Ted and Jennifer Stanley

**This year, the Southern Utah Wilderness Alliance (SUWA)** celebrates its 20th anniversary. On March 28, we will hold the first of several events to commemorate SUWA's two decades of defending Utah's canyon country. We will use this occasion to honor three of our early funders, without whom we would not have become what we are today.

SUWA has had many, many dedicated supporters and important funders, and we thank each and every one of them for their abiding faith in us. However, the three pioneers we honor here—relying mostly on their instincts—recognized the potential of SUWA and provided crucial support and direction in our earliest days.

**Harder Foundation and Del Langbauer.** In 1986, the Harder Foundation provided a three-year grant restricted to membership development. The grant agreement included a series of incrementally increasing challenge grants aimed at forcing SUWA to aggressively develop a national constituency. Del Langbauer recognized that in order for SUWA to be successful, we needed support not only in Utah, but throughout the country. These grants enabled SUWA to develop a national membership recruitment program in its critical early days. At its peak, SUWA's membership reached over 22,000, spread across 50 states and a handful of foreign countries.

**Rockefeller Family Fund and Donald K. Ross.** Donald Ross recognized that defending on-the-ground wilderness in Utah was vitally important to SUWA's mission. However, since the federal government manages nearly two-thirds of the state, he also understood the importance of establishing a permanent presence in Washington, DC. A three-year grant enabled SUWA to open and staff an office in the nation's capitol. The work of SUWA's DC staff has proven invaluable to our success in protecting Utah wilderness.

**Town Creek Foundation and Ted and Jennifer Stanley.** Ted and Jennifer Stanley recognized a fledgling organization's need for general support funds, and they generously provided them. Throughout SUWA's history, they have continued that support, allowing us to grow and expand our advocacy. SUWA currently has twenty full-time staff members dedicated to defending Utah's redrock canyon country.

The foundation community has blessed SUWA with strong support over the years. We are pleased to be able to take this moment to thank, and to honor, some of its leaders in return.

**Please join us on Friday, March 28  
at the Masonic Temple in Salt Lake City for an evening celebrating SUWA's  
20-year history and our work on behalf of America's Redrock Wilderness.**



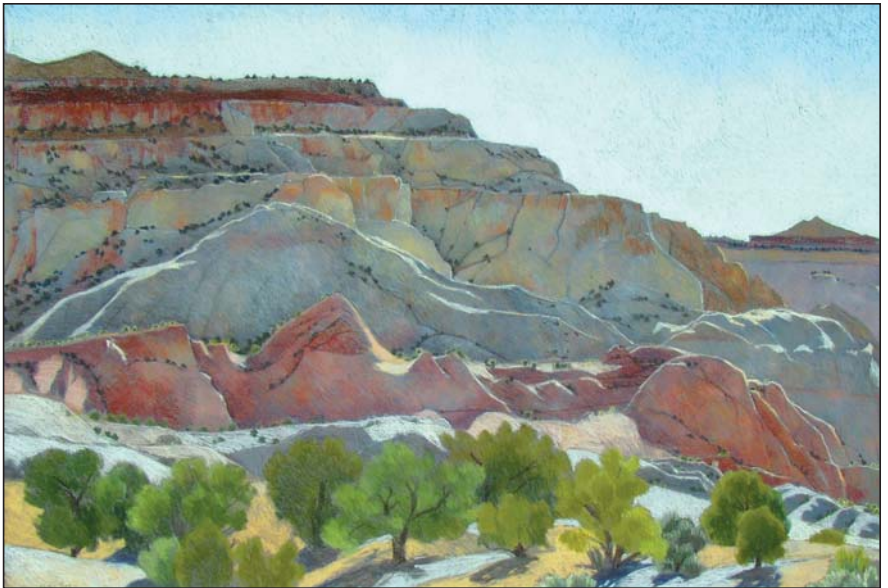
For more information please call SUWA at (801) 486-3161 or go to [www.suwa.org](http://www.suwa.org).



## Celebrate Spring with a San Juan River Float Trip!

Join SUWA and Arizona Raft Adventures for a four-day raft trip on the San Juan River, from Bluff to Mexican Hat, **April 28 through May 2, 2003**. Highlights of the trip will include abundant prehistoric rock art, ancient Anasazi ruins, and numerous side canyons to explore.

Author Ellen Meloy will join us for dinner and a special reading in honor of Utah's wild places on April 28. The \$800 trip cost (a portion of which will be donated to SUWA) includes dinner and lodging in Bluff on April 28. For more information, or to reserve a spot, please contact Christy at SUWA, (801) 486-7639 ext. 17 or [christy@suwa.org](mailto:christy@suwa.org), by **April 15**.



*Slickrock Country, pastel by Scotty Mitchell (www.scottymitchell.com).*

**“Wilderness is not a luxury but a necessity  
of the human spirit.”**

**—Edward Abbey**

 Printed on recycled paper using soy-based ink.



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