

January 31st, 2019

Dear Off-Highway Vehicle Riders:

Well the Emery County Public Land Management Act got a little better and a lot worse.

On top of that, we may have only a week left to fix or pull this bill from the new session of Congress. On Tuesday, February 5th, please attend the 5pm and 6pm meetings in Castle Dale!

Last month Ride with Respect thanked the bill's sponsors (Rep. Curtis and Sen. Hatch) for ensuring that, within the San Rafael Swell Western Heritage and Historic Mining Recreation Area, the BLM would still be allowed to reroute OHV trails as needed (although other forms of OHV trail construction would become prohibited by the bill). We expressed frustration that the bill's sponsors wouldn't show us a map of where an additional hundred-thousand acres of wilderness would be located. Apparently we were in good company, because they hadn't given details of the additional wilderness to Sen. Lee either, right up to the day that he was asked to vote for it. In fact, Sen. Lee justified blocking the bill in part because of this mystery wilderness. For a summary of the bill's development last year, see an excerpt of RWR's year in review (first attachment).

This month the bill's sponsors said the BLM was struggling to produce a map due to the federal shutdown. However on January 8th Emery County posted a map (second attachment) that is dated December 11th by the BLM. Why wasn't the map released for nearly a month? Perhaps it's because the map shows brand-new wilderness that would:

1. extend north along the Green River even further upstream than Labyrinth Canyon
2. extend west along the Wayne County line from Highway 24 all the way to the north tip of Cathedral Valley
3. extend north from Hidden Splendor Mine to the Temple Mountain Road, thereby shrinking the Swell Recreation Area

Further, although the boundaries are drawn around some OHV routes to allow a corridor of mechanized access through the wilderness (which are commonly called "cherry stems"), the boundaries go straight across about fifty miles of county Class D primitive roads and would therefore close them immediately and permanently.

Before detailing any further, please consider a preface or three:

1. The current bill would NOT close Fix-It Pass / Devil's Racetrack / Eva Conover roads. Unfortunately it also wouldn't provide any assurance that they remain open in future, and the wilderness boundaries would be only 30' away from both sides of the centerline of these three roads (and any other boundary roads that are Class D, in other words not paved or graded like Class B roads). Nevertheless the bill would NOT close any of these three roads.
2. We are not suggesting that Emery County or the bill's sponsors have gone out of their way to restrict OHV use. Granted, we do feel like they've been too quick to compromise our interests for the benefit of

other stakeholders. Nevertheless the job of passing a comprehensive public-lands bill is difficult, and important, so we don't expect perfection.

3. The purpose of this Tuesday's meetings is for improving everyone's understanding of the bill and one another's perspectives. Attendees can be assertive, but please remain civil, otherwise it'll just give county officials an excuse to end the meeting and go home early. Like us they might prefer to spend the evening on the couch, yet they're offering to host and engage the public, which deserves a degree of respect.

To show which county Class D primitive roads would be closed by the additional wilderness, RWR simply utilized a map from the original version of the 2018 bill (orange highlights on third attachment). At that time, the bill proposed to "cherry stem" all of these routes out of the proposed National Conservation Area to protect access. So, for these fifty miles of routes, the bill has devolved from protecting access, to eliminating it (other than by foot or hoof). They include (in clockwise fashion):

1. the last quarter-mile of Bull Bottom Road (to an overlook of Dead Cow Loop across The Green) as well as the route leading north toward Chaffin Ranch
2. the last quarter-mile of Three Canyon Road (to an overlook of Trin-Alcove Bend across The Green)
3. the last mile of Junes Bottom Road (where it drops down slickrock to the river)
4. the east alternate of Junes Bottom Road (which contours a slickrock butte)
5. primitive roads south of Bull Hollow
6. viewpoints north of Keg Spring Canyon (which overlook the mouth of Tenmile Canyon across The Green)
7. the spur from Antelope Valley to the head of Keg Spring Canyon
8. all the primitive roads that head N, S, E, and W from the Colonnade Arch trailhead of Keg Knoll Road
9. all the primitive roads on Middle Wild Horse Mesa
10. primitive road that parallels Muddy Creek downstream from the Reef (near Wayne County line)
11. all the primitive roads in Segers Hole
12. primitive road that heads south of Segers Hole from Horse Heaven Reservoir to an overlook of the Moroni Slopes
13. Oil Well Bench Road (which is northeast of the Little Black Mountains and Cathedral Valley)
14. the old McKay Flat road alignment near Cistern Canyon
15. the western alternate of Horse Valley Road
16. the spur from McKay Flat Road to Cistern Tanks
17. the spurs from McKay Flat to cattle ponds near Baptist Draw

(There are another couple spurs toward Baptist Draw that combine to ten miles, but they appear to be mislocated, so we did not count them toward the total of fifty miles.)

Adding insult to injury, Emery County is now claiming that all of these routes are already closed, which is false. It's possible that one or more of these routes were properly closed (through a thorough NEPA process that includes analysis, public comment, etc.) without our knowledge. However the majority of these routes are currently open to all forms of motorized travel. Emery County's rationale is that these routes aren't on BLM's current travel-plan map from 2008 (fourth attachment).

That rationale is flawed for many reasons, including:

1. Several of the routes ARE on the travel-plan map in green (which refers to "designated routes").
2. Several of the routes ARE on the travel-plan map in gray (which refers to "other routes"). Emery County claims that these "other" routes are not currently open. If that were the case, then the lower Wild Horse Creek Road (southwest of Goblin Valley) is not open, as it is shown in gray on the travel-plan map. Yet everyone who knows that area knows that the lower Wild Horse Creek Road is currently open, including the BLM.
3. Several of the routes are deliberately omitted from the BLM's travel-plan map because they are on state SITLA property. SITLA property is generally open to travel on established routes like the county Class D roads, unless posted otherwise. Yet, if the Emery County bill passes, the SITLA-BLM land trade would convert those routes to federal wilderness with no cherry-stem (i.e. no chance of mechanized access being permitted).
4. Several of the routes are omitted from the BLM's travel-plan map because the route data from the southern area (in green as opposed to blue) was taken from a 2003 decision when much of the area was left open to cross-country travel. In 2003 the BLM didn't inventory or analyze routes in the open area because travel there wouldn't be limited. It became limited to designated routes in 2008 and unfortunately the BLM has yet to complete travel planning in the formerly-open areas, but the agency is well-aware of this inadequacy of its map and is working on a reasonable solution.
5. Several of the routes are missing from the travel-plan map for unknown reasons, but absence on the map does not necessarily mean closure. For example, the north half of Horse Valley Road (south of McKay Flat) is not on the travel-plan map. Everyone who knows that area knows that the north half of Horse Valley Road is currently open, including the BLM. If Emery County is so sure that the travel-plan map is complete, then why is the north half of Horse Valley Road marked "open" on the ground, and why aren't they citing the public for driving on it (or for riding bicycles)?
6. Even if a route were properly closed, there's value in drawing the wilderness boundary around it, as Emery County has demonstrated with "cherry stems" in the Mexican Mountain part of this bill. Likewise, last year the bill "cherry stemmed" the spur road to reach within a quarter-mile of the Colonnade Arch. This year, along with adding over a hundred-thousand acres of more wilderness, the bill shortened this "cherry stem" by nearly a mile, thereby preventing BLM from even considering mechanized use of the road at any point in future.
7. Since the BLM has yet to complete thorough travel planning of some areas (mostly east and west of the Swell), additional routes exist beyond the Class D road network, some of which were created legally prior to travel being limited, and some of which may be worthy of designation for continued use. Of course none of that travel planning would happen if the areas are designated as wilderness by this bill.
8. Mechanized travel can be key to cost-effective management. Wilderness is subject to the "minimum tool rule" that requires managers to prove that a task can't otherwise be performed with primitive tools (like with a cross-cut saw by horseback instead of a chainsaw by motorcycle). Otherwise the agency is forced to either spend more tax dollars or simply get less accomplished. The loss of productivity is not limited to BLM, as it could affect the state trying to install irrigation sources for wildlife, among other conservation projects.

Please note: The fact that BLM's current travel-plan map is incomplete in no way justifies riding off-trail or on a trail that's posted closed. Such activity could and should be prosecuted to the full extent of the

law. The BLM is working in good faith to complete travel planning, and we need to participate effectively, which starts with riding responsibly.

Now let's consider the areas surrounding these fifty miles of Class D roads to be closed. Currently the Wilderness Study Areas occupy about 450,000 acres of Emery County. Through November of last year, the bill proposed to expanded that figure to 527,862 acres of wilderness. In December the bill jumped to 642,996 acres of wilderness, which is over a quarter of the total federal land (BLM and USFS) in Emery County. Perhaps it should come as no surprise that some of that new acreage is unsuitable for a variety of reasons, including:

1. Some of the additional hundred-thousand acres was determined not to possess "wilderness characteristics" (WC) by the BLM, which is particularly significant in the Price Field Office, as that's where the agency seemed to find WC almost everywhere it looked.
2. For most of the additional hundred-thousand acres, the BLM chose not to manage for WC, and for good reason. WC is a measurement manufactured by a previous administration, and it could be jettisoned by a future one. Congress did not direct the BLM to manage for WC, as it tends to dictate a single-use management of the given area, in contrast to the multiple-use mission that Congress gave BLM.
3. Even where BLM is currently managing for WC, that's a far cry from designating an area as wilderness in perpetuity. Those who support managing for WC claim that it's flexible, otherwise it would be essentially managing an area as wilderness de facto, which the administrative branch of government lacks authority to do. Well if managing for WC is so flexible, while designated wilderness is the most rigid form of land management, then expanding wilderness is a major change that should be done deliberately (i.e. not behind the back of OHV every advocate).
4. Some of the additional hundred-thousand acres is outside of the proposed Swell Recreation Area, where RWR considered supporting a prohibition on constructing new routes (other than reroutes). This acreage that was going to remain regular BLM land would have played the important role of accommodating uses displaced by the Swell Recreation Area designation.
5. The additional hundred-thousand acres would significantly impact other forms of mechanized recreation, notably mountain biking. For example, the bill would close both of the Itchy And Scratchy loops to bicycle use. It would prevent expanding the Goblin Valley bike trails eastward, southward, or westward.
6. The additional hundred-thousand acres would even impact non-mechanized recreation, as it would discourage any kind of "development," even a new hiking trail. If the bill designates wilderness on both sides of Behind The Reef Road, it will likely prevent BLM from constructing a foot trail between Bell and Little Wild Horse canyons, where separating uses would prevent conflicts.
7. The additional hundred-thousand acres would displace other uses like car camping, as the bill would close spurs along Behind The Reef and McKay Flat roads. The campers would wind up north of Temple Mountain Road, where they may take issue with the nearby motorcycle trails, thus the domino effect continues. Greatly expanding wilderness designations essentially shrinks the recreational corral, which can exacerbate impacts to social and even natural resources.
8. Although the additional hundred-thousand acres wouldn't affect the backyard of towns in Emery County, it would create a wall of wilderness along the Wayne and Grand county lines. For Wayne or

Grand counties to pursue public-lands legislation, they would be expected to designate wilderness on their sides of the county line. That may be music to the ears of some. For others, who may want to use something as simple as a handcart, wilderness shouldn't straddle a county line for over thirty miles.

This extent of wilderness expansion and road closures might make sense if it were coupled with lasting assurances or at least leverage for defending access in future. After all, for over a decade, Emery County's stated purpose for pursuing legislation has been to provide assurance to each stakeholder and actually resolve controversy. The current bill doesn't do so for OHV riders, other than putting the word "recreation" in the Swell Recreation Area, with both the word and the designation lacking clarification. After the bill was introduced last May, local clubs like the Sage Riders and the Castle Country OHV Association asked for the bill to:

1. Ensure that the remaining land in Emery County be managed for multiple uses. The bill couldn't prohibit future wilderness designations but, in the meantime, it could direct BLM to avoid managing non-wilderness areas like wilderness.
2. Ensure that the remaining routes actually remain open to motorized use, whether through establishing a policy of no net loss, or even merely a statement of intent for preserving the current level of OHV access.
3. Ensure that future presidents don't proclaim a national monument in Emery County. The Grand Canyon-Parashant National Monument was a buffer of Grand Canyon. Let's prevent a "Greater San Rafael Swell" national-monument campaign, or the resurfacing of a "Greater Canyonlands" campaign in Emery County.
4. Ensure that local communities retain some influence of the Swell Recreation Area by at least encouraging the BLM to appoint Resource Advisory Council members who reside near the Swell, and by excluding RAC positions that represent wilderness unless the RAC actually oversees the wilderness areas in addition to the Swell Recreation Area.

These basic measures would honor the balance point that the bill's sponsors intend to strike. Otherwise, scale back the eleventh-hour wilderness expansion, or at least "cherry stem" all of the county Class D primitive roads so we'll have a fighting chance of keeping them open in future. Without such improvements, passing this bill would be worse than proclaiming a national monument in the Swell. At least a monument wouldn't have the wilderness expansion, the route closures, the preemptive ban on new routes, or the bitterness of being complicit in self-imposing a hobble upon one's county just because it's under the duress of Antiquities Act overreach.

It's not just that the Emery County bill's process has consistently shortchanged OHV riders. It's that the end product is worse than the status quo, even if a national monument were inevitable, not that a monument would be justified. Riders may disagree on where to draw the line, but most seem to agree that this bill has crossed it.

Please respectfully urge the Emery County Commission, Rep. John Curtis, Sen. Mitt Romney, and the rest of the Utah delegation to:

- A. remove the hundred-thousand acres of wilderness that was added to the bill in December of 2018, or

- B. pull these wilderness boundaries back away from the fifty miles of county Class D primitive roads, or
- C. pull the Emery County bill from its public-lands package (S. 47) that was introduced on January 8th, 2019

You can write and/or call the county commission, the Utah delegation, and your own state's congressional representatives through the following links:

1. Emery County commissioners Lynn Sitterud, Kent Wilson, and Gil Conover

<http://www.emerycounty.com/commission/contact.htm>

435-381-3570

2. Representative John Curtis

<https://curtis.house.gov/email/>

202-225-7751

3. Senator Mitt Romney

<https://www.romney.senate.gov/contact-senator-romney>

202-224-5251

4. Representative Rob Bishop

<https://robbishop.house.gov/contact/email>

202-225-0453

5. Senator Mike Lee

<https://www.lee.senate.gov/public/index.cfm/contact>

202-224-5444

6. Representative Chris Stewart

<https://stewartforms.house.gov/contact/>

202-225-9730

7. Representative Ben McAdams

<https://mcadams.house.gov/zip-code-lookup?form=/contact/email-me>

202-225-3011

8. Your particular Senators and Representatives:

<https://www.govtrack.us/congress/members>

If at all possible, express your concerns in person this coming Tuesday, February 5th at the Emery County Administrative Building (75 East Main Street in Castle Dale)!

From 5pm until 6pm in the conference room (smaller meeting room on second floor), the commissioners will kindly let citizens present their concerns with the bill. This will be a great opportunity to hear OHV perspectives and ask questions. Special thanks to Tory Killian of Wards 4x4 (the Carquest in Huntington) for securing this space.

From 6pm until 8pm in the San Rafael Room (larger meeting room also on second floor), the county itself will host a public-information meeting. It may begin with an open-house format that spreads people out, but later, the commissioners have pledged a town-hall format in which all attendees can listen to questions from the public followed by responses from Emery County officials.

We remind everyone that it will be critical to act appropriately. Of course we should expect accuracy and transparency of our government but, beyond that, people are free to have different opinions. Officials are faced with the challenge of representing fractured communities although, with better education about land management and legislation, the communities would better align.

To that end, on January 29th Emery County posted the current bill and a more clear map that shows the routes that would be "cherry stemmed," though it doesn't show the routes that would be closed:

<http://www.emerycounty.com/publiclands/index.htm>

For the closures, refer RWR's attached map with orange highlights. Also you can see a county map (unrelated to the current bill) that shows the current Wilderness Study Areas, county Class B and Class D roads, and county motorized/non-motorized trails (caution, it's large file size):

<http://www.emerycounty.com/it/maps/other/county.pdf>

Resolving this issue will continue to be an uphill battle, and we'll need a team effort, so speak up within the next week.

Thanks,

Clif Koontz  
Executive Director