

Emery County Public Land Management Act of 2018

While most of Ride with Respect's resources go toward trail work in Grand and San Juan counties, we have participated in Emery County travel planning for over a decade, as the San Rafael Swell offers world-class riding (see lower-middle photo in 2018 collage). This year we spent several-hundred hours assisting OHV groups in Emery and Carbon counties to engage with their representatives. In the 1990s and again in the 2000s, Emery County wisely invited its citizens to develop a bill that would partially resolve debates on the management of federal land that dominates their county. By 2012, they developed a balanced bill that didn't pass Congress for a few reasons. For example, in 2016 the executive branch insisted on proclaiming a million-acre Bears Ears National Monument in San Juan County unless legislation were passed to cover an area that's equally large and equally restrictive. Addressing most of eastern Utah, the Public Lands Initiative apparently fell short of that mark, although it probably had less to do with a lack of preservation benefits and more to do with the PLI attempting to address too many counties at once.

Since then, the executive branch has changed its stance on monuments like Bears Ears, and the Emery County bill was back to being a single-county bill. The time seemed ripe for Emery County to pass its bill without many more concessions, otherwise with more public involvement. Unfortunately they did neither, instead introducing a bill this past May that conceded many OHV interests, all of this without having consulted a single OHV group. RwR quickly worked with the Castle Country OHV Association and Sage Riders Motorcycle Club to identify ten major OHV benefits that were in previous Emery County bills but went missing in the 2018 bill. With guidance from Michael Swenson of Swenson Strategies, by August we reduced our request to four feasible amendments, which were then endorsed by a dozen national OHV groups (including ARRA, MIC, SEMA, ORBA, AMA, and BRC). Although the bill's sponsors did switch proposing to designate the San Rafael Swell from a National Conservation Area to a Recreation Area, which is a significant gain, they didn't adopt any of our actual requests (despite Representative Bishop's courageous attempt to do so).

By November the Sage Riders, Castle Country, and RwR were compelled to oppose the bill with a total of thirty Utah-based OHV groups, which was again echoed by a dozen national groups. In contrast to the grassroots effort of OHV groups, the bill itself appeared to be top-down, as the Emery County Public Lands Council passed the buck to the county consultant and staff, then to the county commission, then to Representative Curtis, then to Senator Hatch, then to the Senate, itself. In fact, each of these entities granted veto power to the ones below it, so each entity is actually responsible for the

final product. In December, the Senate did partially-adopt one of our requests, which was to continue allowing for the relocation of motorized trails (including e-bike trails). Previously the bill would have prevented any rerouting even though this management tool (a) has been done dozens of times by RWR alone for the benefit of safety and conservation, (b) has not been prohibited in other recreation areas, conservation areas, or even monuments, and (c) was requested by the BLM as a continued option for the agency in its comments on the Emery County bill this past summer.

With this single issue resolved, we are now being asked to adopt a neutral position on the bill without being shown a map. Compared to the previous month's version, the bill's text that is now in an "omnibus" package of other bills indicates an additional hundred-and-fifty-thousand acres of wilderness (including several new wilderness areas and the doubling of other wilderness areas like Muddy Creek and Labyrinth Canyon). We are told that this wilderness expansion doesn't concern us because boundaries are being drawn around any routes that are currently-designated for OHV use. However, the current travel plan around Labyrinth Canyon is incomplete, missing many routes that are well-established. The BLM tried to fix this problem after approving its current plan in 2008, but this fix got held up by SUWA's lawsuit, although the settlement does agree to reevaluate the San Rafael Desert travel plan by the end of 2019. Further, if the doubled Labyrinth Canyon wilderness proposal extends north or east beyond the Recreation Area boundary, then we're talking about permanently prohibiting mechanized use in places where the Emery County bill had never proposed to automatically ban the planning of new trail. This is the kind of complexity and compromise that we remain willing to navigate, if only the county and federal officials would recognize that we have an equal stake in the matter.

The way that things transpired in this session of Congress, we can hardly blame Senator Lee for single-handedly blocking the public-lands package of bills. He's trying to put in check the executive powers to proclaim monuments that have increasingly drifted away from what Congress intended when passing the Antiquities Act of 1906. However the next session of Congress will be even tougher in some regards. Hopefully they'll realize that, if not reforming the Antiquities Act directly, their alternatives to mega-monument proclamations need to have clear and lasting benefits for OHV riding. We called them on it this year, and we'll be even more prepared to do so again if necessary. By the same token, we recognize the inherent difficulty of passing a comprehensive public-lands bill, and sincerely appreciate efforts to find win-win solutions. Most of all we thank the dozens of OHV groups for coordinating their efforts. We survived another round, but for the long game ahead, it's critical for all OHV riders to support their local, state, and national groups.