

Utah Wilderness News

Utah wilderness and related public land issues continue to evolve through new developments, both local and national. This web log chronicles recent news with brief summaries of the headlines. Acknowledgement is made to the [Salt Lake Tribune](#) in addition to other sources cited.

[2005 Archive](#)

[2004 Archive](#)

No hearings yet scheduled for Washington County bill [May 19, 2006]

Despite an outpouring of e-mails asking for hearings in Utah on the Washington County Growth and Conservation proposal, Senator Bob Bennett and Rep. Jim Matheson have so far not offered to hold hearings in Utah or consider changes to the draft legislation. In an e-mail alert, the Southern Utah Wilderness Alliance declared its position as follows: "We continue to urge [Senator Bennett] not to introduce the bill in its present form, and that if he does so we will plan to mobilize people to defeat it." The proposal would designate wilderness on BLM land and within Zion National Park, but also sell off 25,000 acres of public land to private developers.

Utah at-risk wildlife programs may be hit by federal funding cut [May 19, 2006]

The House Appropriations Committee this week cut funding to state wildlife grant programs, including nearly \$320,000 for Utah. The federal money contributes to habitat and species restoration programs aimed at keeping at-risk wildlife from becoming listed as threatened and endangered. "The irony is that Congress mandated us to do a comprehensive wildlife strategy and we were the first state to get it done," said Utah Department of Wildlife Resources Deputy Director Miles Moretti. "We needed it to get the money. Now we're ready to implement it and they want to cut the funding. It's frustrating."

BLM ordered to stop the slaughter of wild horses [May 19, 2006]

The U.S. House of Representatives has prohibited the use of Interior Department funds for any sales of wild horses for slaughter. In 2004, Congress opened a loophole that allowed such sales to take place even though the slaughter of wild horses and burros was banned by law in 1971. Last year there were an estimated 32,000 wild horses and burros on public lands.

Appeals court upholds constitutionality of Proposition 5 [May 18, 2006]

Utah's controversial Proposition 5 amended the state constitution seven years ago, requiring a two-thirds supermajority for citizen initiatives related to wildlife. The referendum passed with 56 percent of the vote after what some say was a misleading media campaign financed by the hunting lobby. After a series of legal maneuvers and long delays, the 10th Circuit Court of Appeals finally rejected the argument that Proposition 5 curtails the First Amendment rights of would-be supporters of wildlife policy reform. According to Judge Michael McConnell, the supermajority requirement is not unique, and the First Amendment "does not ensure that all points of view are equally likely to prevail."

FAA approves a new airport near St. George despite noise concerns [May 17, 2006]

A new environmental impact statement from the Federal Aviation Administration (FAA) says that increased aircraft noise over Zion National Park and nearby wildlands is not enough of a concern to stop a proposed new airport for St. George. The latest study resulted from a 2002 lawsuit by the Grand Canyon Trust. The new \$110 million airport might be built in the next decade, with the goal of facilitating large commercial jet service.

Controversial, record-setting BLM oil & gas lease sale faces possible legal challenge [May 17, 2006]

In a day-long auction on Tuesday, May 16, the BLM sold oil & gas leases on a record 262 parcels

statewide for a little over \$54 million. The leases add up to 392,000 acres, included a number of areas that had been protested previously by citizen groups concerned about impacts to the environment in areas such as Nine Mile Canyon and Desolation Canyon near Price. Other parcels are close to Canyonlands and Capitol Reef National Parks. "What the energy industry is doing is stockpiling leases while the getting is good," according to attorney Steve Bloch of the Southern Utah Wilderness Alliance (SUWA). Bloch says SUWA will likely mount a court challenge to any future decisions to allow exploration and drilling on the most sensitive leases.

SUWA threatens to defeat Washington County bill in Congress [May 13, 2006]

A two-year effort to produce a draft legislative proposal that includes wilderness designations for Washington County may end in failure. The proposed bill, backed by Senator Bob Bennett and Rep. Jim Matheson, has no support from conservationists. "I think it's been shown that Utah wilderness advocates have been successful at blocking legislation, and it's unlikely that such legislation will pass unless we're at the table," said Scott Groene, Executive Director of the Southern Utah Wilderness Alliance. The Washington County bill may also run into problems with the powerful House Resources Committee Chairman Rep. Richard Pombo. Pombo has said he will not allow any bills that contain BLM wilderness outside the boundaries of the wilderness study areas approved in 1991.

Endangered Species Day 2006 [May 11, 2006]

The U.S. Senate declared May 11, 2006 "Endangered Species Day" to "encourage the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide." The Endangered Species Act is one of America's most successful conservation laws, and is credited with saving hundreds of species of plants and animals from extinction.

National Park Service files protest against BLM oil & gas leasing near Capitol Reef NP [May 5, 2006]

Albert J. Hendricks, Superintendent of Capitol Reef National Park, filed a protest with the BLM concerning their plans to issue oil & gas leases adjacent to the park as part of the largest lease sale ever in Utah. Protests against leasing these and other sensitive parcels have been submitted by the Southern Utah Wilderness Alliance, the National Trust for Historic Preservation, the Natural Resources Defense Council, The Wilderness Society, and outfitters who run raft trips on the Green River.

Interior nominee Kempthorne won't support public land sale [May 5, 2006]

President Bush's plan to sell off tens of thousands of acres of federal lands in the West has drawn a great deal of criticism. Now Bush's own Interior Secretary nominee, Gov. Dirk Kempthorne of Idaho, has testified in his Senate confirmation hearing that he does not support the proposal. Kempthorne's nomination is opposed by conservation groups.

Judge rejects Bush administration forest planning rules [April 27, 2006]

A federal judge in Montana has tossed out 2003 Bush administration rules that restricted public comments and appeals of decisions by the U.S. Forest Service. U.S. District Court Chief Judge Donald Molloy issued a nationwide injunction against Forest Service rules on public involvement and categorical exclusions that exempt certain decisions from environmental review. The rulings came in response to a lawsuit filed by The Wilderness Society, American Wildlands and the Pacific Rivers Council. According to the new ruling, the Forest Service must follow the old appeal policy, codified by Congress in 1991 under the Appeals Reform Act.

Senators ask the BLM to reconsider its policy on road rights of way [April 26, 2006]

A letter from six Democratic senators representing mostly western states urges the BLM to drop new guidelines that make it easier for counties and states to claim ownership of roads across public lands. The changed policy follows a 10th U.S. Circuit Court of Appeals ruling last year in a lawsuit over disputed Utah rights of way. Where claimants previously had to demonstrate that a road had been

constructed, they are now required only to show continuous use. The letter was signed by Sens, Diane Feinstein of California; Ken Salazar of Colorado; Ron Wyden of Oregon; Dick Durbin of Illinois; and Jeff Bingaman of New Mexico, the ranking Democrat on the Senate Energy and Natural Resources Committee. "We strongly urge you to reconsider this ill-advised policy," they wrote.

About 30,000 ORV enthusiasts converged on Little Sahara for Easter weekend [April 17, 2006]

Easter weekend is probably the busiest time of the year at Little Sahara Recreation Area, as approximately 30,000 off-road vehicle riders come to camp out and ride over the dunes. This year, the BLM reported 11 serious and 14 minor injuries due to accidents, plus one fatality from a drug overdose.

Appeals court rules against UEC on Fishlake NF timber sale [April 17, 2006]

The 10th Circuit Court of Appeals has upheld a proposed timber sale and thinning project on the Fishlake National Forest. According to the Forest Service, the 123-acre project is intended to prevent a spruce beetle infestation from spreading. The Utah Environmental Congress filed suit in federal district court because the project was approved through a "categorical exclusion" without any environmental analysis. The district court ruled against UEC, and the case was appealed.

Senator Bennett meets with conservationists about Washington County wilderness [April 7, 2006]

A meeting in Senator Bob Bennett's Washington, DC office on Wednesday, April 5 with representatives of the Southern Utah Wilderness Alliance (SUWA) and other conservation groups did not produce any agreement, but may have widened the debate over Bennett's wilderness proposal for Washington County. The proposal was a result of discussions that marginalized conservationists. Bennett blames the decision to exclude wilderness advocates on the intransigence of SUWA and their unwillingness to budge from their original demands. But, he said, "we agreed we wouldn't waste any more time talking about the process, so we can move on."

Lake Powell reservoir will continue to refill this summer [April 2, 2006]

The water level in the Lake Powell reservoir dropped to a low of 3,555 feet above sea level just over a year ago, but it is forecast to reach a peak of 3,622 feet this July, thanks to a second consecutive year of close-to-normal snowmelt in the upper Colorado River Basin. The Bureau of Reclamation anticipates maintaining a median elevation no higher than 3,630 or 3,640 feet for the next decade, which is 60 to 70 feet below full pool. According to Richard Ingebretsen of the Glen Canyon Institute, many side canyons, much of the Escalante River and almost all of Cataract Canyon on the Colorado River can be expected to remain above the lake levels.

Conservationists reject Senator Bennett's Washington County proposal [March 29, 2006]

The Sierra Club, Wilderness Society and the Southern Utah Wilderness Alliance (SUWA) have announced their opposition to Senator Bennett's proposed land use bill for Washington County. Rep. Jim Matheson has endorsed the proposal. The proposed legislation would designate 221,000 acres of wilderness, including 123,743 acres inside Zion National Park. The conservation groups are seeking 300,000 acres of BLM wilderness in the region. The groups also oppose a provision that would turn over 25,000 acres of federal land to private development. According to SUWA, this proposal "is a developer's dream that will harm wilderness and wildlife and fuel faster growth and sprawl in the St. George area."

Kane and Garfield Counties appeal Grand Staircase grazing ruling [March 29, 2006]

Kane and Garfield Counties have decided to hasten the legal process by filing a lawsuit in addition to their appeal of an Interior Board of Land Appeals (IBLA) ruling on grazing permits for the Grand Staircase-Escalante National Monument. The counties have challenged the BLM's decision to allow the Grand Canyon Trust to purchase and hold about 350,000 acres of grazing permits in environmentally sensitive areas. The IBLA ruled in favor of the BLM.

Senator Bennett and Rep. Matheson unveil legislative proposal for Washington County [March 23, 2006]

On Wednesday, March 22, Republican Senator Bob Bennett and Democratic Rep. Jim Matheson released a long-awaited proposal for wilderness and land use in southwestern Utah's Washington County. The plan is the result of an initiative by former Utah Governor Olene Walker, which led to two and a half years of behind-the-scenes negotiations. Conservation groups were not consulted during most of the process. "It's not a finished product," Bennett says, but plans to introduce legislation in the U.S. Senate after a series of public hearings. The proposal calls for 221,000 acres of designated wilderness, including 97,000 acres of BLM wilderness areas including Cougar Canyon, Red Mountain, Cottonwood Canyon and Canaan Mountain. Another 123,743 acres of wilderness would be designated within Zion National Park. Parcels of BLM land would be added to the park, and 170 miles of the Vigin River and its tributaries would receive wild and scenic river designation (a first for Utah). Also included are more controversial provisions to turn over federal land to developers and expand ORV trail systems.

New BLM road right-of-way policy to be based on Utah law [March 22, 2006]

Outgoing Interior Secretary Gale Norton is expected to sign a memorandum revising the standard for granting rights of way across federal land. Since 1997, BLM rules have required states and counties to prove that a road was mechanically constructed-- in accordance with the wording of Revised Statute 2477 (RS 2477), a one-sentence 1866 law that provided a right of way "for the construction of highways across public lands not otherwise reserved for public purposes." Last September, in a decision stemming from a decade-old Souther Utah Wilderness Alliance lawsuit, the 10th Circuit Court of Appeals substituted a Utah state guideline that roads can qualify if they have seen "continuous use" for at least ten years. According to Norton, that ruling will now apply to BLM RS 2477 right-of-way cases nationwide.

Kane and Garfield Counties appeal Grand Staircase grazing ruling [March 20, 2006]

Officials of Kane and Garfield Counties will appeal a January Interior Board of Land Appeals (IBLA) ruling on grazing permits for the Grand Staircase-Escalante National Monument. The counties have challenged the BLM's decision to allow the Grand Canyon Trust to purchase about 350,000 acres of grazing permits in environmentally sensitive areas, and graze only a required minimum of cattle. The IBLA decided the BLM had acted properly in allowing the Grand Canyon Trust to acquire the permits.

Bush to nominate Dirk Kempthorne as Secretary of the Interior [March 16, 2006]

Idaho Governor Dirk Kempthorne has been chosen as Gale Norton's replacement as Secretary of the Interior. Kempthorne has been governor since 2001, after serving a term in the U.S. Senate. He has opposed wolf re-introduction in Idaho, and sued the federal government to stop implementation of roadless area conservation on the national forests.

Iron County proposes Cedar Breaks National Park [March 15, 2006]

Iron County commissioners recently discussed national park status for Cedar Breaks National Monument. The proposal includes expansion of the 6,000-acre monument to include the Ashdown Gorge Wilderness, a 320-acre private land inholding, and nearby Flanigan Arch. According to monument manager Paul Roelandt, the change would raise the profile of Cedar Breaks and possibly increase area tourism. National parks are established by act of Congress.

Utah official defends secretive roadless petition process [March 13, 2006]

Lynn Stevens, director of the Public Lands Policy Coordination Office for the State of Utah, defends the state's decision not to hold public hearings on national forest roadless policy. Under the terms of the Bush administration's regulations that repealed the Clinton-era roadless rule, protection of roadless areas can be granted via state government petition, subject to federal approval. Utah has solicited input from county government officials, but not from the public at large. In lieu of hearings, Stevens says,

concerned citizens may contact his office. "They will be heard. They won't be ignored."

Interior Secretary Norton leaving office [March 10, 2006]

Secretary of the Interior Gale Norton has announced plans to leave the Bush administration and return to the private sector. A successor has not yet been named. Norton was instrumental in two key agreements with the State of Utah, both signed in April 2003: one streamlined the process of handing over road rights of way, and the other stopped the BLM from establishing new wilderness study areas. Both were negotiated in secret, without any opportunities for the public to get involved or make comments. Norton also made oil and gas leasing a top public lands priority, and advocated stepped-up logging as part of the administration's Healthy Forests Initiative.

Wilderness advocates oppose BLM Arizona Strip plan [March 9, 2006]

The BLM resource management plan for the Arizona Strip just south of Utah does not do enough to protect wilderness values in two national monuments, according to conservationists. Management of the area, which includes the Grand Canyon -Parashant National Monument and the Vermilion Cliffs National Monument, would prioritize off-road vehicle recreation and oil & gas exploration, critics say.

Bear River Refuge opens new visitor center [March 8, 2006]

The Bear River Migratory Bird Refuge west of Brigham City lost its visitor center in 1983 to rising waters of the Great Salt Lake. Although hunters and bird watchers came back after the floods receded, there was nothing to attract casual visitors. A \$10 million wildlife education center is now complete and open to the public, with a formal dedication planned for April 21-22. The center is named in honor of former Rep. James V. Hansen.

BLM withdraws 55,000 acres of Utah oil & gas leases [February 16, 2006]

The BLM state office will at least temporarily withdraw 30 oil and gas leases on 55,000 acres, including some along the Green River in Labyrinth Canyon. The leasing was opposed by river outfitters and conservation groups. BLM spokesman Don Banks said that the leases might be offered again after further study in conjunction with the Price Resource Management plan, scheduled for completion at the end of this year.

Bush administration proposes selling national forest and BLM land [February 16, 2006]

The Bush administration budget proposal seeks to raise approximately \$800 million through the sale of 300,000 acres of national forest and BLM land. In Utah, the Forest Service has listed 46 parcels of national forest land totaling 5,400 acres, mostly detached parcels on the Wasatch-Cache National Forest. The BLM has not yet published a list. Conservationists warn that the land proposed for sale is more valuable as open space, and much of it is critical winter habitat for wildlife. It is up to Congress to decide whether or not to authorize the land sale program.

Skull Valley waste site receives license from Nuclear Regulatory Commission [February 14, 2006]

The Nuclear Regulatory Commission issued the first-ever license for commercial, off-site storage of high-level nuclear waste to Private Fuel Storage (PFS), a consortium of nuclear utility companies with plans to deposit 44,000 tons of spent reactor fuel on the Skull Valley Goshute Reservation. PFS still faces a lawsuit filed by the State of Utah before moving ahead with construction.

Ashley National Forest timber sale approved by judge despite error [February 14, 2006]

U.S. District Court Judge Tena Campbell has issued a decision on a legal challenge to the proposed Trout Slope timber sale on the Ashley National Forest. The sale was challenged by the Utah Environmental Congress and the High Uintas Preservation Council because the Forest Service erred in its environmental analysis, reducing the list of "management indicator species" down to two, the northern goshawk and the Colorado River cutthroat trout. The judge upheld the conservationists' contention that the Forest Service did not abide by statutory and regulatory requirements, but ruled that their approval of the 2,000-acre timber sale was "legally sufficient" nonetheless.

Arch re-named at Golden Spike National Historic Site [February 14, 2006]

The U.S. Geographic Place Names Committee has voted to approve a name change for Chinaman Arch, a 20-foot wide natural rock formation at Golden Spike National Historic Site (NHS). The new name, Chinese Arch, was proposed by the Utah Organization of Chinese Americans because some considered the old name derogatory. A plaque at the arch describes it as a natural memorial to commemorate the thousands of Chinese who helped build the Central Pacific Railroad. Golden Spike NHS preserves the place where the first transcontinental railroad was completed in May 1869.

BLM and Forest Service announce 2006 federal grazing fee [February 2, 2006]

The federal grazing fee for western public lands managed by the BLM and the Forest Service will be \$1.56 per animal unit month (AUM) in 2006, down from \$1.79 in 2005. The fee is determined by a formula established by Congress in the 1978 Public Rangelands Improvement Act. It applies to nearly 18,000 BLM grazing permits and more than 8,000 permits on the national forests.

Teens sentenced to 30 days in jail for vandalizing petroglyphs [February 1, 2006]

Five teenagers have been sentenced by 5th District Juvenile Court Judge Thomas Higbee to spend 30 days in jail, perform community service and pay restitution after admitting they vandalized a petroglyph panel at Land Hill northwest of St. George. The Land Hill area is part of the 6,500 Santa Clara Reserve that is collaboratively managed by the BLM and the cities of Santa Clara and Ivins. BLM investigators were led to the teenagers after receiving tips from the public. They were charged with third-degree felony vandalism under Utah's Cultural Sites Protection Act. The damage to the petroglyph site cannot be repaired permanently, however restorers plan to use paint to cover it up at a cost of at least \$7,500. According to Julie Howard, a BLM archaeologist, disguising the vandalism is important because some people may be tempted to add scratches to the panel if they see others have already done so.

Grand Canyon Trust wins right to keep grazing permits [January 31, 2006]

Rejecting claims by Kane and Garfield Counties and ranching groups, an administrative law judge has ruled that the conservation group Grand Canyon Trust can hold 350,000 acres of grazing permits that it purchased for \$1.5 million with the intent of improving ecologically sensitive areas on the Grand Staircase-Escalante National Monument. Opponents had argued that although the Grand Canyon Trust maintained a small number of cattle on its grazing allotments, the group had no "intent to graze" because it sought to relinquish the permits if the BLM ordered the allotments closed as part of its final land use plan. Judge James Heffernan ruled that there is no law which imposes an "intent to graze test" on permittees.

Helicopter rescue in the Mount Olympus Wilderness [January 22, 2006]

Rescuers from the Salt Lake County Sheriff's Office Search and Rescue Team landed by helicopter inside the Mount Olympus Wilderness on a Saturday night to come to the aid of a group of seven mountaineers, three of whom had been injured in a 100-foot fall. Three of the group were able to walk down overnight, and four others were airlifted out the next morning. The hikers were all experienced members of the Korean Alpine Club of Utah. The accident happened in Tolcats Canyon as they were descending from the summit of Mount Olympus, and involved some serious fractures and broken ribs. A cell phone was used to call for help.

BLM accused of going too far with oil & gas development [January 13, 2006]

The Wilderness Society recently analyzed 11 BLM resource management plans for Utah, Colorado, New Mexico, Wyoming and Alaska and concluded that the agency is promoting oil and gas drilling at the expense of ecological, scenic and recreational values. In Utah, the Vernal and Price BLM field offices are planning to open new areas to exploration and expand the number of permitted wells by 25-50 percent.

State of Utah and BLM reach secret agreement on disputed roads [January 11, 2006]

Lynn Stevens, director of Utah's Public Lands Coordination Office, said that the state is close to finalizing an agreement that would allow counties to maintain and repair Class D roads across federal land without first obtaining permission from the BLM. Class D roads include many remote jeep trails and faint tracks that county governments have claimed as "highways" under the right-of-way provisions of RS 2477.

Canadian company to explore for uranium near Delta [January 10, 2006]

Vancouver-based Max Resources Corp. has received permission from the Utah Division of Oil, Gas and Mining to begin exploratory drilling on 3,900 acres 20 miles northwest of Delta. The area was previously explored in the 1980s, but there is renewed interest due to the revival of the uranium market. Uranium oxide currently sells for \$36.50 per pound, up from \$20 at the beginning of 2005.

Cedar Mountain Wilderness added to National Wilderness Preservation System [January 7, 2006]

On January 6, President Bush signed into law the Defense Authorization bill (P.L. 109-163), including a provision to designate the Cedar Mountain Wilderness in Utah's West Desert. A consortium of electric utilities known as Private Fuel Storage (PFS) has plans to store spent nuclear fuel on the Skull Valley Goshute Indian Reservation, and Rep. Rob Bishop and other members of Utah's congressional delegation wanted the new wilderness area to block a railroad route that PFS could use. Conservationists supported the wilderness designation and generally oppose nuclear waste storage in Utah.

Spring bear hunt reinstated after 14 years [January 6, 2006]

The Utah Wildlife Board has brought back the spring bear hunting season after a 14 year hiatus. Concerns that too many female bears were being killed, leading to the death of orphan cubs, caused the spring hunt to be stopped after the 1992 season. According to Kevin Bunnell, nongame coordinator for the Division of Wildlife Resources (DWR), new research by Brigham Young University indicates that 31 percent of bears killed by Utah hunters in the fall were females, while 21 percent killed in the spring were females. Supporters of the spring hunt argue that female bears often are seen with cubs at that time of year, making them easier to identify. It is against the law to shoot a bear with cubs. Opponents point out that there is no wildlife management rationale for allowing bear hunting at all, and a spring hunt increases the likelihood that cubs will be orphaned when female bears are killed.

Carbon County vows to fight BLM management plan [December 30, 2005]

The BLM's Price Field Office isn't expected to finalize a resource management plan (RMP) before the end of next year, but Carbon County officials have already written a letter threatening to "go to whatever lengths necessary" to stop it. The draft RMP includes an Area of Critical Environmental Concern (ACEC) designation for 26,000 acres along Nine Mile Canyon, known for its archaeological sites and world-famous rock art. The BLM also plans to recommend sections of the Green River for congressional designation under the Wild and Scenic Rivers Act. The county government is worried that these protective measures could stand in the way of future resource development.

Cedar Mountain Wilderness awaits President's signature [December 21, 2005]

The U.S. Senate passed the final version of the Defense Authorization Act, which included a provision designating the Cedar Mountain Wilderness in the West Desert.

House passes Cedar Mountain Wilderness [December 19, 2005]

The U.S. House of Representatives passed the Defense Authorization Act. The bill also provides for the Cedar Mountain Wilderness in the West Desert region.

Conference Committee agrees to Cedar Mountain Wilderness [December 15, 2005]

House and Senate conferees on the Defense Authorization Act agreed to include a provision designating the Cedar Mountain Wilderness in the West Desert region. The latest version of the Cedar

Mountain bill was introduced by Rep. Rob Bishop last spring, and had the support of the entire Utah congressional delegation and Governor Jon Huntsman. The wilderness designation is intended to block construction of a proposed rail spur needed to transport casks of spent nuclear fuel to a private storage facility proposed for the Goshute Indian Reservation. "It does not take all their potential routes away...but it has slowed down the process," said Rep. Bishop.

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