

CANYONLANDS COMPLETION

Negotiating the Borders

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Think Tank on
Wallace Stegner and **Western Lands**,
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COVER Looking past Airport Butte below the Island in the Sky (within Canyonlands National Park) across the Colorado River to Lockhart Basin and the rim of Hatch Mesa (Bureau of Land Management land outside the national park).

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ABOVE: The Canyonlands Basin. Panoramic view from Grand View Point, Canyonlands National Park. PHOTO © TOM TILL.

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Monument Basin and the Abajo Mountains, from Grand View Point, Canyonlands National Park.
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EXECUTIVE SUMMARY

Canyonlands National Park surrounds the confluence of the Green and Colorado rivers in southeast Utah. Established in 1964, the park's original boundaries were drawn arbitrarily, the result of political compromises dictated by the concerns of the day. Ever since, conservationists have hoped to “complete” the park as originally conceived by incorporating the full ecological and erosional basin below the high rims of adjoining mesas. This completion proposal primarily involves the redesignation of federal lands already held by the National Park Service, the Bureau of Land Management, and the Forest Service; only one major parcel of private land lies within the proposed larger boundary, the Dugout Ranch that is owned by The Nature Conservancy. Utah state trustlands are scattered across the basin, as well.

In 2008-2009, the “Wallace Stegner and Western Lands” Think Tank class in the Honors College at the University of Utah evaluated the Canyonlands Completion proposal as an example of the challenges of contemporary Western land policy. The nine students interviewed residents and officials from San Juan and Grand counties as well as federal land managers and scientists. We heard from diverse experts and stakeholders in class and conducted extensive background research. Our work played out against the backdrop of the BLM oil and gas leasing controversy during the transition from the Bush to the Obama administrations, which raised the specter of industrial development on the periphery of several Utah national parks, including Canyonlands.

We conclude that a key problem lies in systemic conflicts inherent between competing federal land agencies that have opposing legal mandates and quite different land management objectives. We recommend a new interagency coordination policy designed to reduce the conflicts that arise whenever two such agencies share a border. Given the ongoing border conflicts in the Canyonlands region, we also propose new models for collaboration and the creation of a new Canyonlands National Preserve surrounding the existing park and managed by the Park Service. This approach to “completing” Canyonlands would help ensure the park's integrity while also allowing for dialogue and flexibility in making future management decisions.

“Ever since I was old enough to be cynical I have been visiting national parks, and they are a cure for cynicism, an exhilarating rest from the competitive avarice we call the American Way. Absolutely American, absolutely democratic, they reflect us at our best rather than our worst.”

Wallace Stegner

“The Best Idea We Ever Had,” *Wilderness Magazine*, 1983



Aerial of The Maze area, Canyonlands National Park. PHOTO © TOM TILL.

INTRODUCTION

CANYONLANDS NATIONAL PARK, LOCATED IN THE SOUTHEASTERN CORNER OF UTAH, PRESERVES A PIECE OF OUR NATION'S TANGIBLE AND PRICELESS NATURAL HERITAGE. The park covers 337,597 acres divided into three distinct regions—Island in the Sky, the Needles, and the Maze. It surrounds the confluence of the Green and Colorado rivers, and its canyons shelter some of the most impressive cultural artifacts of Ancestral Puebloans anywhere in the American Southwest. In other words, the park is largely a known quantity. From the perspective of the law, it is possible to speak of the park in emphatic, precise ways, as a circumscribed parcel of land.

The organic and cultural truth, however, is that Canyonlands National Park is larger than its geographic boundaries. It is more than land circumscribed on a map.

An extraordinarily complex entity, the park is as much home to the intersecting concerns of law, culture, and individuals as it is home to bighorn sheep. Our cultural values are endemic to the land, which defies the precise linear boundaries currently imposed on it.

In 2008–2009, nine students in the University of Utah Honors College's Think Tank on Wallace Stegner and Western Lands evaluated the intersection of Canyonlands as a place and as an idea. We did so because something as prosaic as the placement of a border or the wording of an agency's mandate transforms banal procedures of land management into larger conversations about land, communities, and conflicts over opposing values. In this way, Canyonlands National Park is a story about borders: borders between lands and borders between ideas. The park, existing both as land and idea, brings people

from all around the world into its orbit—more than 400,000 people each year¹—and as a result, the boundaries have a way of expanding into strange and unexpected territory. In the end, we found that borders have a way of changing—of being more than lines on a map.

We therefore hope to map the borders of Canyonlands National Park as a contemporary issue of Western land policy, as a community idea, as a measure of value, and as an ecological, even aesthetic, resource. Through multiple interviews with people of vastly different backgrounds and beliefs, we came to the conclusion that any one of these facets, if left out, leaves interested citizens and community leaders with an incomplete picture. In fact, our inquiries lead us to believe that our society perches now at a unique historical moment. The partisan swaggering and the ideological divisions that have been central to Western land management may now be moving toward a more unified and collaborative approach to land use policy-making. People are willing to speak about

a land management that reconciles the competing needs of development and preservation.

Explorations of the broader Canyonlands territory led our Think Tank to this project, where we seek to push the myriad insider issues of Western land policy into a wider and, ultimately, clearer community conversation. Our discussion begins with the primary agencies involved in the Canyonlands province, the National Park Service and the Bureau of Land Management (BLM), which leads us into the story of the creation of the park itself and its role in the communities that surround it. We then explore how these larger issues of land management and democratic involvement branch out into questions of oil and gas exploration, recreation policy, and off-highway vehicle (OHV) use. There are many competing interests that come together at the Canyonlands border, and we look at how these interests both collide and negotiate at that border. All of this, we hope, facilitates a more accessible discussion.



Think Tank students journaling, Needles Overlook. PHOTO © STEPHEN TRIMBLE

¹ National Parked LLC, Reported by NPS "Canyonlands Visitation Statistics," at http://www.nationalparked.com/US/Canyonlands/Visitation_History.php. (Accessed May 13, 2009).

The culmination of our work grows out of this community conversation. We address the systemic conflicts inherent between competing land agencies that have opposing land-management mandates and quite different objectives.

Given these differences, we recommend a new interagency-coordination policy to reduce the conflicts that arise when these two agencies share a border. And, given the ongoing border conflicts in the Canyonlands region, we also propose models for collaboration and the creation of a new Canyonlands National Preserve surrounding the existing park.



Think Tank class with Tom Heinlein, Monticello Field Office Manager, BLM.
PHOTO © STEPHEN TRIMBLE

In the past year, the Think Tank on Wallace Stegner and Western Lands conducted interviews, research, and an interdisciplinary review of land management issues, with generous funding from the Honors College at the University of Utah. We were fortunate enough to receive the patient and always kind cooperation of San Juan and Grand County residents who live just beyond the park boundaries. As the members of our Think Tank traveled between their homes in and around the Salt Lake valley to Canyonlands National Park, we were given many opportunities to talk with land managers, county commissioners, ecologists, and local professionals—photographers, writers, ranchers, activists. Many others were able to come speak with us on campus to share their expertise and perspectives. We were fortunate to have access to all of these points of view. It

was Robert Keiter and Stephen Trimble, however, who acted as our teachers, mentors, and indispensable guides.

As Keiter and Trimble helped us become more sophisticated in our research, the issues surrounding Canyonlands began to resonate with national events. For example, on Novem-

ber 4, 2008, as the nation focused on the high-profile presidential election, the Utah office of the BLM quietly announced a quarterly oil and gas lease sale scheduled for the following December 19. As eventually modified, the sale included 241 parcels of land totaling more than 110,000 acres. Promising to uphold strict stipulations on extraction practices, the BLM asserted that the lease process “ensures that the nation can produce its vital energy resources in an environmentally responsible way.”² Others saw the proposed parcels as having the potential to undermine healthy ecosystems and disrupt the visual integrity of Canyonlands National Park, as well as negatively affect nearby Arches National Park and dampen the economic success of communities like Moab that have become dependent on tourism.

In preparing its lease sale proposal, the BLM left out a key player in the process: the National Park Service. Ever since a 1993 memorandum set a precedent for better interagency collaboration, the Park Service has been an active player in the BLM lease sale process.³ The initial exclusion of the Park Service from this particular sale sparked public controversy over the management of these federal lands.⁴

² U.S. Dept. of the Interior, Bureau of Land Management, “BLM Utah Posts List of Proposed Parcels for Geothermal Lease Sale and Quarterly Oil and Gas Lease Sale.” News Release (November 4, 2008), at http://www.blm.gov/ut/st/en/info/newsroom/2008/november/blm_utah_posts_list.html (January 20, 2009).

³ U.S. Dept. of the Interior, Bureau of Land Management – National Park Service, “Regarding Parcels Proposed for the December 2008 Quarterly Oil and Gas Lease Sale” (Joint Press Statement, Nov. 24, 2008), at http://www.blm.gov/ut/st/en/info/newsroom/2008/november/blm_nps_joint_press.html (January 28, 2009).

⁴ Felicity Barringer, “B.L.M. Backpedals on Oil and Gas Leases in Utah,” *New York Times* (December 2, 2008), at <http://greeninc.blogs.nytimes.com/2008/12/02/blm-backpedals-on-oil-and-gas-leases-in-utah/> (Accessed January 18, 2009).



Think Tank professor Robert Keiter at rim of Canyonlands Basin. PHOTO © STEPHEN TRIMBLE

The public outrage culminated in an individual act of protest on December 19, 2008 at the BLM office in Salt Lake City. While hundreds of activists crowded the entrance to the auction, Tim DeChristopher, an undergraduate at the University of Utah, entered the auction posing as a bidder and purchased 13 parcels valued at \$1.7 million. Aside from winning parcels he had no means of purchasing, DeChristopher's other bids inflated prices, forcing corporate bidders to pay much more for their leases. By the time auction officials realized what was happening, the oil and gas lease sale had already been effectively disrupted, closing any subsequent bids and leaving several parcels unsold.⁵

Even before DeChristopher's actions, the BLM had removed several egregious leases near Arches and Moab, while conservation groups had joined forces and filed

a lawsuit seeking a temporary restraining order on the remaining leases. On January 17, 2009, a U.S. District Court judge ruled in favor of the request and temporarily halted the sale of 77 of the 116 parcels auctioned.⁶ Then on February 4, 2009, new U.S. Secretary of the Interior Ken Salazar withdrew the leases in question, citing his desire to conduct new environmental evaluations and to further consult with the Park Service and other agencies regarding the area.⁷

This example shows how land management issues near national parks proliferate outwards, encompassing oil and gas development proposals near the park borders, motivating the public to question and even disrupt the way such sensitive land is leased, and ultimately engaging the highest level of government officials. The question of Canyonlands, therefore, is rarely a simple question about

⁵ Paul Foy, "Tim De Christopher Throws Utah Oil and Gas Drilling Leases Auction Into Chaos," *Huffington Post* (December 19, 2008), at http://www.huffingtonpost.com/2008/12/21/tim-dechristopher-throws-n_152661.html (Accessed February 4, 2009).

⁶ Clayton Norten, "Judge Suspends BLM Lease Sale," *Deseret News* (January 19, 2009), at http://findarticles.com/p/articles/mi_qn4188/is_20090119/ai_n31211792/ (Accessed February 4, 2009).

⁷ Nicolas Riccardi, "Court Stops Utah Oil and Gas Leases," *Los Angeles Times* (January 19, 2009), at <http://articles.latimes.com/2009/jan/19/nation/na-utah-leases19> (Accessed January 28, 2009).

the land within its borders. Rather, land use policy can be seen—and traditionally has been viewed—as a conflict between development and preservation.

This divide, we believe, is embodied in the tensions that exist between the Park Service's and the BLM's legal mandates. Both of these agencies are branches of the Department of the Interior, and each agency was created to manage very different lands for very different purposes. With the Park Service guided by a philosophy of preservation and the BLM guided by a philosophy of multiple use and development,⁸ interactions between these two agencies have been particularly problematic on the lands surrounding Canyonlands. It is our claim that Canyonlands reveals even more about Park Service/BLM tensions: Canyonlands is a window into understanding the intricate mess that is contemporary public lands policy, and the guiding example used in this paper.

The problem that is often identified as a “Canyonlands” problem is actually a “border” problem. The issue is neither how Canyonlands National Park is managed, nor the BLM's management of the land surrounding Canyonlands. Rather, the issue explodes into a myriad of political flash points where these two land types—with their divergent land use mandates—come into contact with one another. The BLM and National Park Service meet at a line on the map, a border that precipitates an ideological collision over the basic questions of how we collectively use, view, and value our public lands.

Because arbitrary political boundaries define Canyonlands National Park as much smaller than the basin's ecosystem, informed observers feel the park was left incomplete. Effectively, Canyonlands National Park is an island surrounded by BLM-managed land, making the border a site of problematic intersections between agencies. The substantial additional lands managed by the National Park Service within Glen Canyon National Recreation Area on the western side of Canyonlands National Park push these boundary issues further west—but do not solve the problem of managing to sustain the integrity of the greater

Canyonlands ecosystem. The presence of state school trust lands and a historic ranch on the park's perimeter add layers to the problem.

“Canyonlands Completion”—the idea of expanding Canyonlands National Park to the ecological boundaries of the greater Canyonlands erosion basin—is one proposal for resolving these issues. Whether or not to do this highlights several public land policy issues we will examine in this report. Besides concluding with recommendations addressing Canyonlands park completion, we argue that the fierce political partisanship that has generated oppositional land use policies serves neither preservation nor development. We must instead define a Western land use policy that serves the needs of both.

The Park Service and the BLM: Understanding the Managerial Divide

To understand the tensions underlying the Bureau of Land Management's lease sale and the Canyonlands Completion proposal, it is important to identify the opposing land philosophies at play in America's history and the land management agencies that embody them. The genesis of the competing philosophies can largely be traced back to manifest destiny, the term coined in the mid 1800s to describe the prevailing belief that the United States had a divine right and duty to stretch across North America, which served as the driving impetus for westward expansion.⁹ Coupled with the California gold rush and the development of the transcontinental railroad, manifest destiny helped to create the myth of the West: an impossible ideal of inexhaustible resources, economic independence, and free land.

Scholar Robert Keiter has described this period in land management as the “disposal era.” The Homestead Act of 1862 and the General Mining Law of 1872. Keiter writes, “sought to attract prospective settlers and entrepreneurs to the Western frontier with the enticement of free land and minerals.”¹⁰ The prevailing public land philoso-

⁸ Interestingly, the FLPMA policy statement provides that BLM's public lands “be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values...” 43 U.S.C. § 1701 (a)(8).

⁹ U.S. Dept. of the Interior, Bureau of Land Management, *The BLM: Yesterday and Today* (2006), at http://www.blm.gov/ca/st/en/info/about_blm/history.html (Accessed February 4, 2009).

¹⁰ Robert B. Keiter, *Keeping Faith With Nature: Ecosystems, Democracy, and America's Public Lands*, at p. 17 (New Haven and London: Yale University Press, 2003).

phy during the disposal era held that the West needed to be developed and civilized, and that eager settlers would do this in exchange for private land.

Along with private land came bountiful water rights, mining rights, and grazing opportunities. The privatization of public lands and the settlement of the West were one and the same. In 1878, John Wesley Powell, a legendary explorer, scientist, and early conservation champion, cautioned the federal government that Western settlement was pushing its limit, and that uncontrolled expansion would be detrimental to both the settlers and the land.¹¹ Powell's *Report on the Lands of the Arid Region of the United States* introduced the natural resource assessment concept, and drew public attention to the concerns of unconstrained resource development in the West's arid lands. Although Powell's warnings were not heeded at the time, his message, along with growing public conservation sentiment, eventually prompted the government to confront the need for land protection in the face of frenzied development.

Indeed, this rapid growth in the West made it difficult for authorities to verify land ownership and other development claims. Recognizing the need to preserve and capitalize on aesthetically unique lands in the face of this expansion, Congress established Yellowstone National Park in 1872 and Yosemite National Park several years later. As Yellowstone and Yosemite attracted more public attention, an official report lamented the "barbarous pastime" of people abusing the parks, from axing off souvenir pieces of Yellowstone craters to removing bark from giant sequoias. In this context of widely reported misuses, writes scholar Joseph L. Sax, people developed "an urgent sense that means must be taken to protect these treasures from destruction."¹² With the parks' growing popularity, the need for government-controlled land management became more acute. In 1916, the passage of the National Parks Organic Act officially created the National Park Service and helped to answer this call for balance between

land preservation and use by creating guidelines for managing the most protected of these lands.

Though the government recognized the need to preserve these scenic lands from unregulated exploitation, it was still keenly interested in promoting tourism and recreation. These competing ideas are evident in the Organic Act itself, which states:

The service thus established shall promote and regulate the use of ... national parks, monuments and reservations ... which purpose is to conserve the scenery and natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.¹³

The Organic Act created a seemingly contradictory mandate. Congress directed the Park Service to conserve the aesthetic, ecological, and historical importance of a designated area so that these resources are available "unimpaired for ... future generations"—reflecting the preservationist land philosophy. Yet, while safeguarding these valuable aspects of a chosen landscape, Congress also expected the Park Service to "provide for the enjoyment" of the revered features. In other words, the Park Service must allow for human interaction with the land while ensuring that this exchange does not destroy or degrade the area for others. While the Park Service has emphasized "unimpairment" as its chief management priority, the difficulty of executing this mandate remains to this day.¹⁴

The bureaucratic structure of the Park Service ensures that it focuses on national concerns. The President nominates and the U.S. Senate confirms the appointment of a Park Service director. A National Park System Advisory Board, composed of private citizens appointed by the Secretary of the Interior, advises the director on long-term policy and management goals.¹⁵ The direc-

¹¹ Wallace Stegner, editor, *"The Arid Lands" by John Wesley Powell* (University of Nebraska Press, 1990).

¹² Joseph L. Sax, "America's National Parks: Their Principles, Purposes, and Prospects," *Natural History* (Oct. 1976), at <http://www.naturalhistorymag.com/picks-from-the-past/271452/america-s-national-parks-their-principles-purposes-and-prospects> (Pick from the Past).

¹³ National Parks Organic Act of 1916. Public Law 104-333 Div. I, Title VIII, § 814(e)(1), 110 Stat. 4197 (November 12, 1996), at http://planning.nps.gov/document/organic_act.pdf

¹⁴ National Park Service, Management Policies 1.4 (2006), at www.nps.gov/policy/mp2006.pdf.

¹⁵ Barry Mackintosh, "National Park System Advisory Board: A Short History" (April 1999), at http://www.nps.gov/nhl/board_history.htm (updated March 2004 by Janet McDonnell) (Accessed April 14, 2009).

tor supervises the management of all Park Service land through regional offices that oversee separate regions and individual park superintendents. This structure helps resist local influence and allows for greater continuity in how Park Service land is managed.



Prehistoric Barrier Canyon pictographs, Horseshoe Canyon, Canyonlands National Park.

PHOTO © STEPHEN TRIMBLE

The term ‘multiple use’ means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people ... a combination of balanced and diverse resources

From the beginning, the Park Service’s strong preservation mandate stood in contrast to the traditional utilitarian land use policies that were so apparent on the vast public lands beyond the designated parks. In fact, the areas with national park distinction are only a fraction of federal lands. Once the disposal era came to an end, the need for a separate bureau with a more function-driven objective for lands not designated as national parks or national forests—one that could address commercial interests—resulted in the creation of the Bureau of Land Management in 1946. From its early days, the BLM took responsibility for administering those public lands that were unreserved for another specific purpose.¹⁶ Inevitably, this opened the agency to lobbying by traditional extractive industries such as mining and grazing, which had a vested interest in this unclaimed land. It also subjected the agency to the influence of state politicians and local communities concerned about jobs and economic growth.

It was not until 1976, however, that the BLM’s specific land management responsibilities were spelled out. In the Federal Land Policy and Management Act (FLPMA), Congress placed a clear and overt emphasis on “multiple use”:

uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historical values.¹⁷

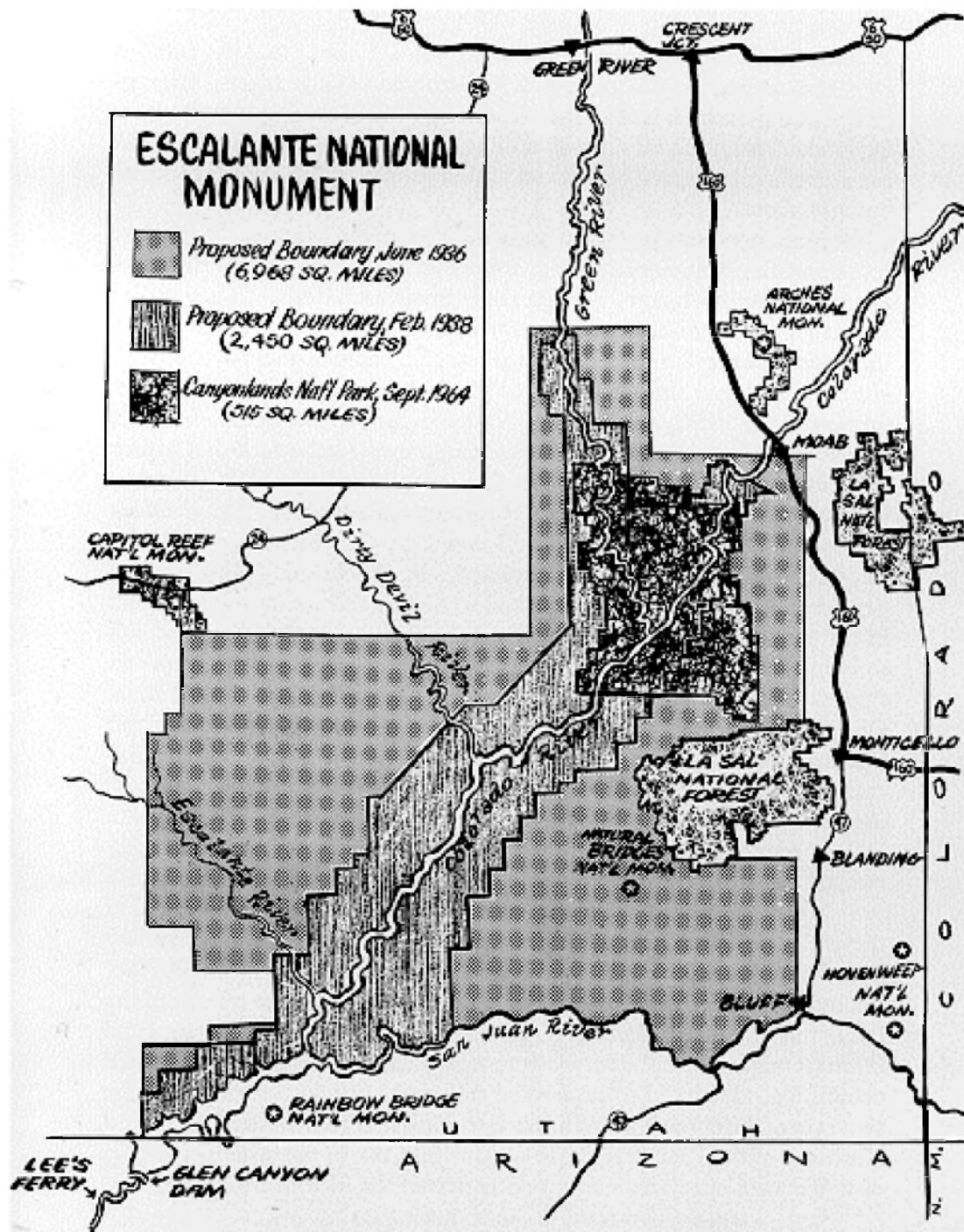
Though Congress also charged the BLM to protect the quality of the lands it manages, the emphasis on use reflects a far more utilitarian approach to land management than that of the Park Service. These fundamental differences—both in philosophy and law—ensure that the BLM fills a role the Park Service cannot.

There are also differences in the two agencies’ basic structures. While the Park Service has a national constituency and a regional oversight structure, the BLM has state directors and therefore can be heavily influenced by the governor, state legislators, and county commissioners, and by the state’s congressional delegation, all of whom frequently work in tandem to promote a local agenda on the BLM lands. Indeed, FLPMA requires the BLM to give real consideration to state and local government planning and input when revising resource management plans.¹⁸ Such local politicization is not as pervasive within

¹⁶ Robert B. Keiter, *Keeping Faith With Nature: Ecosystems, Democracy, and America’s Public Lands*, at p. 39 (New Haven and London: Yale University Press, 2003).

¹⁷ Federal Land Policy and Management Act of 1976, Public Law 94-579, Title I, § 102, 90 Stat. 2744 (1976).

¹⁸ U.S. Dept. of the Interior, Bureau of Land Management, *About the BLM* (updated March 11, 2009), at http://www.blm.gov/wo/st/en/info/About_BLM.html (Accessed April 12, 2009). See also 43 U.S.C. § 1712(c)(9) (requiring the BLM to coordinate its planning and management decisions with those of state and local governments, and to seek consistency with state and local plans).



Map from Elmo R. Richardson, "Federal Park Policy in Utah: The Escalante National Monument Controversy of 1935-1940," Utah Historical Quarterly (Spring, 1965). [does not show expanded Arches and Capitol Reef national parks and Grand Staircase-Escalante National Monument]

the Park Service with its regional structure. These differences between the two agencies create a dichotomy in the overall management of federally owned lands.

Nowhere are the differences between the Park Service and the BLM more problematic than when these two agencies share a border. In these instances, the distinct mandates that guide each agency can put incompatible uses right up against each other. The BLM's commitment to resource development opportunities can come into direct conflict with the Park Service's mandate to protect the land in an unimpaired condition for the future. When these two agencies share the same border, it often signifies a historic clash of opposites—preservation or utilization, preservation or use, Tim DeChristopher or the leasing sale—a testament to the ongoing tensions surrounding Western public land policy. Such is the case with Canyonlands.

Canyonlands National Park: Lines on the Ground

The concept of a national park along the Colorado River within the inner Canyonlands, a province of the Colorado Plateau, can be traced to the Utah State Planning Board of the 1930s, which conceived of a park as a way to generate tourist revenue. The Utah State Planning Board's original 570-square-mile (364,800-acre) park was soon outdone by then Secretary of the Interior Harold Ickes' ambitious proposal for a grand 7,000-square-mile (4.48 million-acre) Escalante National Monument. (By comparison, Grand Canyon National Park is 1.2 million acres.) Regardless of its size, many area residents feared that any park would “lock up the land,” hindering their economy. As World War II overwhelmed all other issues, the idea of a national park in the Canyonlands province expired in the face of these fears.

In the 1960s, Interior Secretary Stewart Udall resurrected the national park idea after he was flown over a proposed dam site at the center of the Canyonlands. As

the airplane soared over the confluence of the Green and the Colorado rivers, Udall saw an area of land that needed to be preserved, not developed: “I had no idea anything like that existed there... ‘God almighty, that’s a national park.’”¹⁹ He envisioned the park borders as encompassing the basin rim to rim, describing the area as “in many ways ... more diverse and grand than the Grand Canyon.”²⁰ Udall found support for the idea from his special advisor, the writer and conservationist Wallace Stegner, and from Senator Frank Moss (D-UT). With their support, the Park Service proceeded to study 1 million acres for possible inclusion.

Udall's proposal touched off a powder keg. R. Lavaun Cox, director of the Utah Petroleum Council, Utah Governor George D. Clyde, and Sen. Wallace F. Bennett (R-UT) led the opposition. Fearing an expansive park designation, the trio held that multiple use was “essential to the welfare of the people of Utah and the West.”²¹ Bennett called Udall's proposal a “colossal empire” that would “forever ban” all commercial and business activity, leaving “nearly all of Southern Utah's growth ... forever stunted.”²² Officials from San Juan County, where the majority of the proposed park land was located, also opposed the idea.

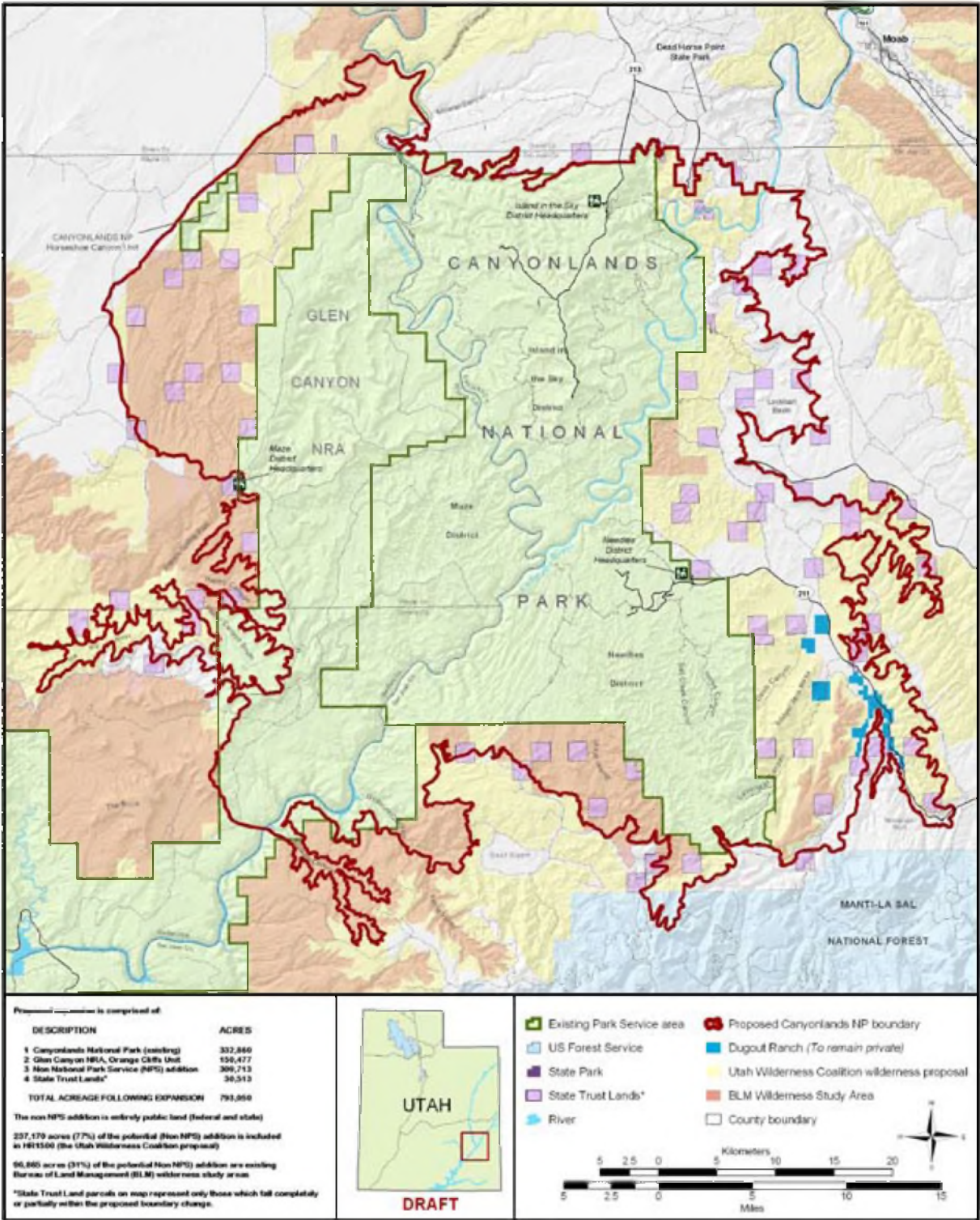
In the course of the debate, politicians disputed everything from the proposed park's size to its boundaries, as well as what visitors would be allowed to do in the park. They also lobbied for continued mining and grazing inside the park, as well as a host of other uses not normally allowed by national park standards. But opposition softened—just as it had in the original Utah State Planning Board—whenever the discussion shifted to the tourist revenues that a new national park might generate. Senator Bennett eventually called for a 75,000-acre park—a token of the area proposed by Udall—that would also allow for nearly all pre-existing uses to continue operating uninterrupted. After much give and take, Congress included 257,000 acres in the park legislation that President Lyndon B. Johnson signed into law in 1964.

¹⁹ Stewart Udall, “Stewart Udall and the Creation of Canyonlands”; speaking at Grand View Point, July 26, 2006 (audio file found at U.S. Dept. of the Interior, National Park Service, “Stewart Udall and the Creation of Canyonlands” (July 26, 2006), at <http://www.nps.gov/cany/historyculture/stewartudall.htm>.

²⁰ Ibid.

²¹ Thomas G. Smith, “The Canyonlands National Park Controversy,” *Utah Historical Quarterly*, at p. 59 (Summer, 1991), at http://historytogo.utah.gov/utah_chapters/utah_today/thecanyonlandsnationalparkcontroversy.html.

²² Ibid.



Canyonlands National Park (and proposed National Preserve) boundary map.

Today's Canyonlands National Park, after an expansion in 1971, totals 337,597 acres, with boundaries that are drawn in unerringly straight lines. As large as that seems, only the scale of the one-million-acre Udall proposal bears any relation to the topography of the region. Topography often determines ecosystem boundaries, and so topography should be a significant factor in decision-making. From within the Canyonlands basin, there is no visual or topographical means of distinguishing the park itself from adjacent lands managed by the BLM, or from the strip of land along the western side of Canyonlands managed by the park but within Glen Canyon National Recreation Area. Visitors don't see the invisible straight lines that mark off the park boundaries, and often falsely assume that their expansive views include completely protected parkland. For these reasons, advocates such as former park superintendent Walt Dabney and his staff championed the Canyonlands Completion proposal. The National Parks Conservation Association proposed a similar idea in 1988.²³

Dabney and others believe that the park created in 1964 represents an arbitrary fragment of the original Udall Canyonlands proposal, and that the resulting compromise was based on now-outmoded political and economic concerns. The right angles of the existing Canyonlands boundaries look like stacked squares of geometric tension, as if the political chess game over the park did not end in a clear decision but in a stalemate. Because support for a larger park existed even before Lyndon B. Johnson signed the legislation establishing Canyonlands, many see expanding the borders of the current park as simply completing the park that Udall envisioned in the first place. But the idea also has prompted opposition, creating a slight but significant tension in competing terminology. Those who see today's park as an incomplete version of the original proposal call for "Canyonlands Completion;" others see the original Canyonlands compromise as the final plan for the park, thus they view any proposal for a larger park as a call for "Canyonlands Expansion."

The Canyonlands Completion idea also rests upon the argument that there is a discrete Canyonlands ecosystem,

which is contained within the erosion basin surrounding the confluence of the Green and Colorado rivers at the heart of the park. Successful management of the existing park in an unimpaired condition, it is argued, rests upon successful management of the park ecosystem, allowing the grand and imposing cliff wall formed by the Wingate Sandstone rims that define the erosional basin to define the park, as well. The only way to ensure such management is to include the greater Canyonlands watershed within the park, which would happen under the Canyonlands Completion proposal. As it now stands, the park's boundaries lie within the erosion basin (that is, within the larger Canyonlands ecosystem), and are surrounded by a doughnut of primarily BLM-managed lands. Large portions of these perimeter BLM lands may be leased for oil and gas exploration, and they are open to extensive off-highway vehicle (OHV) recreational activities. If oil and gas development proceeds on these adjacent lands, it would be within the viewshed of the park—the drilling rigs, pipelines, and other infrastructure would be readily seen from the outlooks located within and outside the park. Already phantom roads from unregulated OHV traffic are quite visible just beyond the park border. The presence of Utah state school trust land parcels and the privately owned Dugout Ranch within the erosion basin pose potential management problems as well as opportunities.

Future management of the Canyonlands area is being fought over in our courtrooms, editorialized in our newspapers, and studied in our universities. Development proposals are under consideration as we write, with the same tensions and oppositions lining up on either side of the same old questions: Should this land be used for development or conservation, profit or preservation? Are we locking up land so that few can use it—blocking progress and access and rejecting traditional "custom and culture"—or are we protecting land so that all may enjoy it? Will state or federal officials have the final say? Whose voices will be heard above the rest, the local county residents, the state representatives, or the national constituency? And most importantly, how much land should be included within the park—how much land should be protected? Would

²³ Robert B. Keiter, "Completing Canyonlands," *National Parks*, Vol. 74, No. 3/4 (March/April 2000), at <http://web.ebscohost.com/ehost/detail?vid=1&hid=5&sid=1471de97-0c5e-442e-9454-db0938dc528f%40SRCMS1&data=JnNpdGU9ZWVhc3QtbGl2ZO%3d%3d#db=aph&AN=2903024>



Whose voices shall be heard above the rest? Main Street, Moab. PHOTO © STEPHEN TRIMBLE

including more land “complete” the park or “expand” it? Every interested group answers these old yet fundamental questions differently.

Crossing the Managerial Divide: Planning and Coordination

Interested parties, from bureaucratic decision-makers to local residents, encounter the contradiction between the Bureau of Land Management and National Park Service missions at the ground level on a daily basis. Oil and gas development does not fit well with national park preservation values. Some processes, however, do exist to resolve the border conflicts between the two agencies. Specifically, the creation of the BLM’s resource management plans (RMPs) and the Park Service’s general management plans (GMPs) provide opportunities for interagency coordination and allow the public the chance to engage in decisions about how its public lands will be used and how those uses could ultimately impact the environment, economy, and local community.

Our finding, however, is that these processes have consistently failed in Canyonlands. The recent revision of the RMPs affecting the Canyonlands basin demonstrates the difficulty of interagency coordination. Different

agency cultures create dissonances in what facts and concerns are considered relevant. Meanwhile, the confusing and overwhelming wealth of information can stymie the public’s ability to participate in the decision-making process.

The goal of promoting interagency coordination became law with the Federal Land Policy and Management Act of 1976. Under its terms, the BLM must produce and periodically revise RMPs for its lands:

Public lands and their resources will be periodically and systematically inventoried and their present and future use projected through a land use plan-

ning process *coordinated with other federal and state planning efforts.*²⁴

Similarly, the Park Service prepares GMPs to guide future resource and visitor management decisions.²⁵ Other laws also provide for some commonalities between the two agencies. For instance, the National Environmental Policy Act (NEPA) of 1969 requires both agencies to produce documentation of potential environmental impacts from any proposed action on their lands.²⁶ Taken together, these agency planning processes and the accompanying NEPA environmental-analysis process should help to promote better interagency coordination and more consistent resource management decisions in the border area

Because the BLM revised its RMPs for the Canyonlands area in 2008, these plans are particularly relevant to our case study. The process is therefore worth explaining in some detail. Within its RMPs, the BLM is expected to identify the scope of its agency obligations as well as the issues, concerns, and opportunities that lie within that scope. After considering legislative constraints and guidance, the BLM conducts an inventory of the specific planning area. This inventory process includes the collec-

²⁴ George Coggins and Charles Wilkinson, *Federal Public Land and Resources Law*, at p. 438 (New York: The Foundation Press Inc. 1990) (emphasis added).

²⁵ 16 U.S.C. § 1a-7(b); National Park Service, Management Policies 2.1 et seq., 4.1 et seq. (2006).

²⁶ 42 U.S.C. § 4332(2)(C).

tion of data to address the “physical, biological, economic and social considerations of public land management.”²⁷ Once the data has been analyzed, agency staffers identify alternatives in an Environmental Impact Statement (EIS), evaluating the potential environmental effects of each of those alternatives. After selecting the preferred alternative, the BLM releases a draft plan and draft EIS to the public for a 90-day review period. Once public comments have been received, the BLM may revise the draft plan and EIS, which are then released in final form along with a record of decision. After the BLM finalizes an RMP, the agency is required to manage its lands in accordance with the plan.

Much of the BLM land surrounding Canyonlands National Park—one fourth of the eastern Canyonlands basin—lies within the jurisdiction of the Monticello Planning Area, where the RMP had not been revised since 1991, as was the case for all BLM lands across Utah. Prompted by regulatory changes and “changes in resource use such as increased visitation, different types of recreation activities, and the growing demand for energy development,” the BLM revised the Monticello Planning Area over a period of five years.²⁸ To collect data and prepare its EIS for the Canyonlands region, the BLM contracted with SWCA Environmental Consultants, a firm specializing in environmental science for public and private clients.

By depending on a private consulting firm, the BLM exhibited another difference between its culture and that of the Park Service. As the BLM and Park Service differ in their approach to land management, they also differ in their scientific data collection and utilization methods. The Park Service not only employs full-time biologists, it also maintains a close relationship with United States Geologic Survey (USGS) scientists, and it relies heavily on studies produced by university researchers. In an interview, Canyonlands National Park Superintendent Kate Cannon stated:

The majority of the Park Service’s scientific studies are contracted to universities, because employing scien-

tists in national parks exclusively would take them out of the academic world; this would make it hard for them to stay at the cutting edge of their discipline.²⁹

This approach to science stands in contrast to the BLM’s utilization of private consulting firms. Some argue that consulting firms weight their assessments towards legal requirements rather than the more unbiased authority of cutting-edge science. And since university-based researchers do not depend entirely on contract work for their income, some consider their scientific work to be more securely independent from political influence.

All of this begs the question whether the Park Service or the BLM are employing the best scientific information available to make their planning and management decisions, and whether they are coordinating their research efforts and data collection on the border lands. But even when evaluating the same scientific data, the BLM and Park Service could reach quite different conclusions, given their divergent laws, policies, agency cultures, and values. These differences underscore the difficulty of dialogue on borderland issues. The only certainty, at least as shown in the Monticello RMP case, is that data collection is voluminous.

When the BLM released its 2008 Monticello RMP, it landed with a literal thud. The 2008 Monticello RMP contains 1462 pages, at least half of which challenge the reader with oppressively small print.³⁰ For an average citizen, finding time to review scientific data mingled with unfamiliar laws and sources of information—all describing a landscape of 1.8 million acres—is daunting if not impossible. Arguably, this is a major flaw within the RMP process because only a fraction of interested residents will have the time or know-how to navigate through this specialized information and submit detailed and informed opinions during the public comment period. Furthermore, while the BLM must review and respond to comments, it has no explicit instructions on how much weight to give public concerns.

²⁷ U.S Dept. of the Interior Bureau of Land Management, Land Use Planning (updated July 11, 2007), at <http://www.blm.gov/wo/st/en/prog/planning.html> (Accessed Feb. 7, 2009).

²⁸ Bureau of Land Management, Monticello Field Office Proposed Resource Management Plan and Final Impact Statement (Salt Lake City, 2008), at pp.1-2.

²⁹ Kate Cannon, Canyonlands National Park Superintendent, personal communication, February 22, 2009.

³⁰ U.S Dept. of the Interior Bureau of Land Management, Monticello Field Office, “Record of Decision and Approved Resource Management Plan” (November 2008), at http://www.blm.gov/pgdata/etc/medialib/blm/ut/monticello_fo/ planning/rod_approved_rmp.Par56782.File.dat/Monticello%20Final%20Plan.pdf.



Six-Shooter Peak and Lockhart Basin Road: under the rim but outside the park. PHOTO © STEPHEN TRIMBLE

Among the significant decisions in the final Monticello RMP: the BLM authorizes oil and gas leasing on the perimeter of Canyonlands National Park, and it sanctions OHV use on lands bordering the park. As we shall see, each of these decisions could adversely affect nearby national park lands, diminishing the region's ecological integrity and viewshed. Rather than promote managerial coordination, this plan highlights the differences between the two agencies' resource management priorities.

Faced with the BLM's final plan decision, concerned parties can legally challenge the plan. The Southern Utah Wilderness Alliance (SUWA) has already filed a lawsuit against the 2008 Moab RMP, which applies to BLM lands located north and east of Canyonlands National Park. SUWA claims that the BLM's resource management plan is unbalanced, favoring OHV recreation and other intensive uses over resource protection. The SUWA legal team is contemplating a similar challenge to the 2008 Monticello RMP.³¹

Plainly, the 2008 Monticello RMP has not reduced the potential for conflict in the Canyonlands border region. While lawsuits can be effective tools for promoting

change, they can also exacerbate tensions between preservation proponents and those local residents who focus on resources as commodities. This is illustrated in a conversation with San Juan County resident Bill Boyle, the editor and publisher of *The San Juan Record*, who observed: "People get fed up with extreme environmentalists dictating to them. If all the moderates are kicked out then only the extremes will remain."³² These strong sentiments—on both sides—suggest the need for more effective dialogue and collaboration over resource planning priorities, not only between the federal land management agencies, but also with their various constituencies.

The lack of interagency coordination was also evident when the BLM first scheduled the earlier-noted December 19, 2008 oil and gas lease sale on several land parcels bordering Utah national parks and monuments, provoking immediate criticism from its Park Service neighbor. In 1993, a similar scene unfolded when the BLM announced an oil and gas lease sale on its southern Utah lands. Several

³¹ Stephen Bloch, SUWA Conservation Director, telephone interview by Robert Keiter, May 4, 2009.

³² Bill Boyle, Editor and Publisher of *San Juan Record*, interview by class, October 13, 2008.

BLM parcels that bordered national parks and monuments were placed on the auction block, prompting the Park Service and others to question the wisdom of the proposal. Once their concerns were aired, Park Service and BLM officials agreed to revisit an earlier 1987 Memorandum of Understanding (MOU) designed to promote collaboration between the two agencies on their shared borders.

The result was a Supplemental Agreement that called for even greater interagency coordination to better address their shared border problems and sometimes contradictory management goals. Noting the need “to work together as much as possible [particularly] ... in areas where parklands and the public lands are nearby or share a common boundary,” agency officials agreed to “investigate possibilities for shared land use planning ... [and to] consult formally at all stages of any major planning activity.” They also agreed to meet formally at one year intervals and to further address the subject of “advance oil and gas lease notification.” Both agencies expressly retained full authority and responsibility over their respective lands. By its terms, the Supplemental Agreement expired after five years, and it evidently has not been renewed or revised.

At the same time, Park Service and BLM officials reached another agreement addressing oil and gas development on public lands near the Utah national parks. Reflecting the need for better interagency coordination, this Instruction Memorandum stated:

[The BLM] State Office and [the NPS] Rocky Mountain Regional Office will now receive the preliminary list of proposed lease sales. The NPS State Coordinator will separate the list by county and forward to individual park units. This will give park managers 4 to 5 weeks to 1) review the proposed sales 2) meet with respective BLM Area District Managers to discuss/resolve concerns and 3) forward consolidated (BLM/NPS) comments on unresolved issues to the NPS/BLM State Office, where the BLM Deputy State

Director(s) and the NPS Utah State Coordinator will attempt resolution.³³

The memorandum also called for the BLM to provide Park Service employees with a recurring orientation session on oil and gas leasing, permitting, and field development. And it supported an annual meeting between agency managers to facilitate even greater collaboration between the two agencies.³⁴ This oil and gas instruction memorandum expired in late 1994, but the two agencies honored the collaboration system in spirit through early fall of 2008, when the BLM added parcels to the December lease sale without allowing Park Service review and comment.

The acrimonious controversy that erupted once the BLM announced those unilateral additions to the December 2008 oil and gas lease sale highlighted the need for more formalized coordination between the two agencies, both in the Canyonlands region and elsewhere. When the BLM released its sale announcement, the Park Service responded by publicly chastising its sister agency for not consulting with it in advance, since several of the parcels were situated in ecologically sensitive areas adjacent to national parks or within critical viewsheds.

As we have described, the sale itself was disrupted when a University of Utah undergraduate, Tim DeChristopher, purchased several lease parcels at the auction without any intention of paying for them in what he characterized as an act of civil disobedience. Whether right or wrong, DeChristopher’s actions helped crystallize public sentiment against the BLM’s leasing plans. Six weeks later, environmental groups won an injunction in federal court blocking much of the lease sale, in part because the BLM had not adequately addressed environmental issues on these sensitive lands.³⁵ Soon thereafter, the Obama administration took office, and newly appointed Secretary of the Interior Ken Salazar withdrew the lease sale pending further environmental review, citing the lack of interagency coordination as one of his primary concerns.³⁶

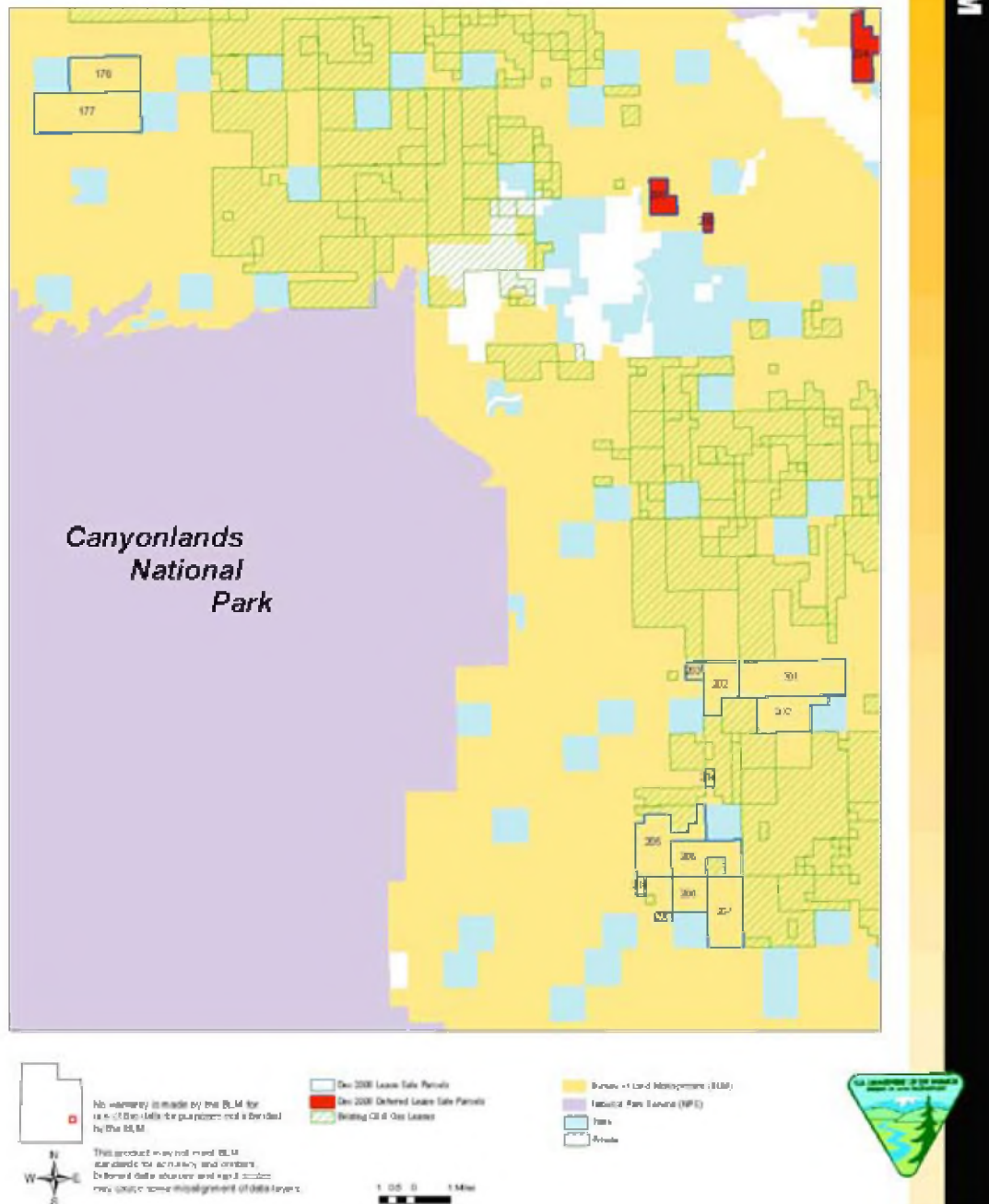
³³ U.S. Dept. of the Interior, Supplemental Agreement, (signed by Utah State BLM Director and National Park Service Utah Coordinator, 1993), at p. 2.

³⁴ *Ibid.*, at p. 3.

³⁵ *Southern Utah Wilderness Alliance v. Allred*, Memorandum Order Granting the Plaintiffs’ Motion for a Temporary Restraining Order and Deferring Ruling on the Plaintiffs’ Motion for a Preliminary Injunction, Civ. Action No. 01-2187 (RMU) (D.D.C., Jan. 17, 2009).

³⁶ Memorandum from Secretary of the Interior Ken Salazar to Utah BLM State Director Selma Sierra, Withdrawal of 77 Parcels from December 19, 2008, Utah Oil and Gas Lease Sale, Feb. 6, 2009.

Canyonlands National Park Area Proposed & Deferred Lease Parcels as of Nov. 25, 2008.



"Canyonlands National Park Area." Lease Sale Information for December 19, 2008. Bureau of Land Management. http://www.blm.gov/pgdata/etc/medialib/blm/ut/lands_and_minerals/oil_and_gas/december_2008.Par.47383.File.dat/11-25%20Canyonlands%20Map.pdf (Accessed February 3, 2009).

All of this illustrates the need for a more coherent and consistent policy for managing the Canyonlands border region. Not only is there a need for greater interagency coordination and collaboration between the National Park Service and the BLM, but communication needs to improve with the local communities, interest groups, and others who also have a stake in these lands.

Local Voices: Living With Boundaries

Rural westerners confront these public lands issues daily. Vast acreages of federal and state lands and large Indian reservations leave little land available for private ownership. This leaves residents of the towns closest to Canyonlands feeling defensive about federal agencies tightening the management restraints on the ground that they depend on for their livelihood and recreation. Canyonlands Completion might well be an economic boon for local communities, but widespread suspicion of additional federal designations accounts for a range of reactions to a proposal that will triple the size of the park.

Canyonlands Completion mainly affects two counties in southeastern Utah: San Juan County and Grand County. San Juan, Utah's largest county (at more than 5 million acres), reaches to the Four Corners in the heart of the Colorado Plateau and borders Colorado on the east, the Green and Colorado rivers on the west, and Arizona on the south.³⁷ The county seat is Monticello. To the north along Utah's eastern border, Grand County (at nearly 2.4 million acres, just less than half the size of San Juan County) lies between Colorado on the east and the Green River on the west. Its county seat is Moab.

Most of the Canyonlands Completion area lies within San Juan County on the east side of the Colorado and Green rivers. Only a tiny fraction of the completion area is located within Grand County, as is also true of the current park. Even so, Moab has become the gateway for both Canyonlands and Arches national parks.³⁸ As the beneficiary of much of the tourist trade, Grand County generates more tourism dollars from Canyonlands than

San Juan County, to the dismay of Monticello and San Juan County residents. On the west side of the park, Canyonlands Completion areas are situated within Garfield, Wayne, and Emery counties in remote backcountry far from any existing towns.

San Juan and Grand counties are home to national parks, national monuments, state parks, national forests, wild rivers, and Indian reservations—important travel destinations for everyone from sightseers to outdoor recreationists. Tourism and outdoor recreation have become the catalysts for economic development in the counties, reversing and mitigating regional mining busts in the late 1960s. Visitors come from all over the world, drawn to the unique beauty and environment of the Colorado Plateau—the geological region that reaches beyond these counties to include two-thirds of Utah. The plateau is a landscape of colorful rock formations characterized by



The riparian ribbon of the Colorado River, Canyonlands National Park.
PHOTO © STEPHEN TRIMBLE

³⁷ Pioneer Utah's Online Library, "San Juan County, Utah" (2008), at http://pioneer.utah.gov/research/utah_counties/san_juan.html (Accessed April 20, 2009).

³⁸ San Juan County, Utah's Canyon Country (San Juan County Economic Development, 2009), at <http://www.southeastutah.com> (Accessed April 20, 2009).

sandstone and limestone, deeply carved canyons, and unique erosional forms. This is Utah's "canyon country," its "redrock wilderness."

The Colorado Plateau covers 130,000 square miles of the Four Corners states. John Wesley Powell named it for both the Colorado River and its landscape; it is described as "a huge basin ringed by highlands and filled with plateaus."³⁹ This geologic structure is at least 500 million years old, the result of sediment, "gradually sinking under its own weight until heat and pressure hardened the deposits into a mantle of sedimentary rock several miles thick."⁴⁰

The "very heart" of this region, as it is often described, Canyonlands National Park is "a fantastic tableau of bizarre rock formations and colorful slickrock mesas. The park encompasses a rugged landscape dominated by barren rock, with sparse desert plant communities growing on less hostile sites."⁴¹ Canyonlands is arid (7-9 inches of annual precipitation) and ranges from 3,700 feet to more than 7,000 feet, a diverse home to 536 plant species and various animal species. Also important to the landscape are the biological soil crusts that cover approximately 70 percent of the surfaces on the Colorado Plateau—crucial for maintaining "soil fertility, moisture, and stability."⁴²

The Colorado and Green rivers thread the desert with ribbons of riparian life, where threatened populations of songbirds nest in cottonwood-willow groves. The pervasiveness and importance of biological soil crust and the sensitivity of riparian areas are key ecological indicators that could be threatened by resource extraction in the region. If development disrupts these delicate ecosys-

tems, not only will we lose priceless biological diversity, but an integral part of the local economies. Tourism here depends on preserving both rock formations and ecology.

Initially serving as a crossroads and Colorado River crossing, the town of Moab based its early economy on agriculture. In the early part of the 20th century, the discovery of uranium and vanadium shifted the local economy toward mining. By 1950, Moab had become a mining boomtown but, due to declining demand, went bust by the mid 1960s. With the influx of visitors to nearby national parks and the mountain-bike craze of the 1980s, Moab restructured its economic approach and by the mid 1990s was thriving with a seasonal recreation-based tourist economy.⁴³

The town of Monticello also had an early economy based in agriculture, which then shifted to mining and extraction following the discovery of uranium and vanadium. After the decline in demand in the mid 1960s, Monticello also went bust, forcing the town to restructure its economy.⁴⁴ Monticello returned to its roots, embracing cattle and sheep ranching to bolster its sagging fortunes, but with little success, according to our interview with San Juan County commissioners.⁴⁵ And while Monticello benefits from tourism and off-highway vehicle recreation, its economy has not expanded on the same scale as Moab. Per capita income is particularly low in San Juan County.⁴⁶ Residents in both counties have adapted to living within the public domain. Nearly three-fourths (72 percent) of Grand County is federal land, 16 percent is state land, and 8 percent lies within a remote extension of the Uinta and Ouray Ute Indian Reservation. Just 4 percent of Grand County is private land.⁴⁷

³⁹ Susan Schwinning, "Sensitivity of the Colorado Plateau to Change: Climate, Ecosystems, and Society," *Ecology and Society*, Vol.13, No. 2 (2008), at <http://www.ecologysociety.org/vol13/iss2/art28/> (Accessed May 4, 2009).

⁴⁰ Ibid.

⁴¹ John D. Grahame and Sisk D. Thomas, eds., "Canyons, Cultures and Environmental Change: An Introduction to the Land-use History of the Colorado Plateau" (2002), at <http://www.cpluhna.nau.edu> (Accessed April 2, 2009).

⁴² Ray Wheeler, "Land Use History of North America: The Colorado Plateau Region," adapted from *The Colorado Plateau Region*, in *Utah Wilderness Coalition, Wilderness at the Edge: A Citizen Proposal to Protect Utah's Canyons and Deserts* (Salt Lake City, 1990), pp. 97-104, at <http://www.cpluhna.nau.edu/Places/places.htm> (Accessed April 23, 2009).

⁴³ "History," *The City of Moab, Utah*. (n.d.), at <http://www.moabcity.org/visitors/history.cfm> (Accessed February 21, 2009).

⁴⁴ Robert S. McPherson, Monticello (n.d.), *Utah History Encyclopedia*, at <http://www.media.utah.edu/UHE/m/MONTICELLO.html> (Accessed February 21, 2009).

⁴⁵ Lynn Stevens, San Juan County Commissioner, interview by class, October 13, 2008.

⁴⁶ Michele Archie, Howard Terry, and Ray Rasker. *Landscapes of Opportunity: The Economic Influence of National Parks in San Juan and Grand Counties* (National Parks Conservation Association, 2009), at p. 13. <http://www.npca.org/southwest/landscapes.html> (Accessed August 12, 2009)

⁴⁷ See <http://extension.usu.edu/files/publications/Grand%20county%20profile.pdf> (Accessed May 14, 2009).

Land tenure in San Juan County is even more diverse. Twenty-five percent of the county lies within the Navajo and White Mesa Ute reservations. The Navajo Reservation is the nation's largest Indian reservation, reaching far beyond San Juan County into Arizona and New Mexico. Of the remaining land in San Juan County, 60 percent is federal land, 5 percent is state land, water covers 2 percent, and 8 percent is privately owned.⁴⁸

Population statistics track the same similarities and differences—and reveal the underlying cultural divides that make San Juan and Grand counties distinct. Grand County is home to 9,023 people, while San Juan County, twice as large in area, has a population of 14,484. Population in Grand County has increased 7.7 percent just since 2007, while San Juan County has only seen .5 percent growth since 2000. According to a recent study, “The two counties’ populations are growing for different reasons. Newcomers are fueling much of Grand County’s growth. In San Juan County, growth is driven by a high birth rate. More people move out of the county than move into it.”⁴⁹

Education opens economic opportunities, and the two Canyonlands counties again show distinct differences. In a state that averages 87.7 percent high school graduates and 26.1 percent college graduates, Grand County lags a bit: 82.5 percent high school graduates and 22.9 percent

college graduates. San Juan County falls behind the norm even further, with 69.6 percent high school graduates and 13.9 percent college graduates.

Other social and economic differences between the two counties are also striking. Grand County has 14.8 percent of its population living below the poverty line, which is not far off the national average of 13 percent. San Juan County offers a sharp contrast, with nearly a third (31.6 percent) of its residents—largely on the reservations—living below the poverty line.⁵⁰ Just over half of San Juan County’s population are members of the Navajo Nation, and the gap between rich and poor is especially pronounced in predominantly Navajo areas. Reservation poverty reflects the challenges of high unemployment and underemployment, low wages, and reliance on welfare and other government transfer payments.⁵¹ Although the tourism industry would likely provide all San Juan County citizens with more economic stability, any such development effort must account for the importance and sensitivity of cultural and sacred sites.

A local perspective is crucial in understanding how these demographics and aspirations intersect with the Canyonlands Completion proposal. The socioeconomic complexity within the communities outside the Canyonlands basin mirrors the ecological complexity of the park.



Main Street, Monticello, Utah. Murals include Angel Arch (right). PHOTO © STEPHEN TRIMBLE

⁴⁸ See <http://extension.usu.edu/files/publications/San%20Juan%20Fact%20Sheet.pdf> (Retrieved, May 14, 2009)

⁴⁹ Archie, Terry, and Rasker, *NPCA Report*, op. cit., at p. 5.

⁵⁰ Utah Governor's Office of Planning and Budget. *San Juan County Profile* (December 2003), at <http://planning.utah.gov/usfs/4B%20County%20Profiles/4BSanJuanOverview.pdf> (Accessed May 1, 2009).

⁵¹ Archie, Terry, and Rasker, *NPCA Report*, op. cit., at p. 13.



Aerial, Green River side canyons, The Maze district, Canyonlands Basin. PHOTO © TOM TILL

Talking to individual residents can result in praise or criticism of Canyonlands National Park, and often these conflicting views are expressed in the same breath. To try to comprehend this local perspective, we talked with county officials, Park Service and BLM managers, local entrepreneurs,



Main Street, Moab. PHOTO © STEPHEN TRIMBLE

and other community members. Though these interviews offer some degree of insight into what it is like to live outside the national park boundary, it is difficult to truly understand their nuanced feelings toward the park.

Grand County residents, who have derived significant economic benefits from tourism at Canyonlands and nearby Arches National Park, have had a quite different experience living outside the national park boundary than have San Juan County residents. A visit to a [Moab Chamber of Commerce](#) local election forum revealed a commitment to promoting year-round tourism and diversification of the economy. One municipal official asserted the county's vested interest in land preservation, explaining that energy extraction within the basin "would be devastating to our tourist economy." Local landscape photographer [Tom Till](#) expressed the view of many Grand County residents when he quipped, "Scenic beauty is in shorter supply than oil."⁵²

San Juan County officials, however, are not as receptive to a tourism-based economy and the national park idea. When asked for his thoughts on the Canyonlands Completion proposal, San Juan County Commissioner Lynn Stevens responded with the questions that many of his constituents ask: "Why are we protecting [Canyonlands]? For who? For what?"⁵³ Bill Boyle, the editor and publisher of *The San Juan Record*, also gives voice to

this local discontent: "We've been colonized. Monticello has been left high and dry. Local people feel disenfranchised and have abandoned the park. They go to *their* Canyonlands—the land under the rim and outside the park."⁵⁴ His comments mirror the rural westerners'

insistence on their freedom to use public lands as they please within a tradition of open access.

This San Juan County resentment toward the park, though not necessarily universal, is felt and acknowledged by Park Service officials. Indeed, Superintendent Kate Cannon recognizes the weight of local opinion and cautions: "In San Juan County, they are affronted by the taking of land by Canyonlands in the first place. They are affronted by the Salt Creek debacle [in which, after contentious litigation, the Park Service blocked motorized access to Angel Arch, a favorite local destination, in order to prevent further damage to riparian communities]. They believe at a gut level that promises have been broken. Don't belittle their view." But she also responds to the local criticism by declaring: "National parks belong to everyone. We manage with that clearly in mind."⁵⁵

This concept that "public lands" belong to all Americans does not appeal to all those living near the park; given their proximity, many local residents feel entitled to some priority in the park's land-management decisions. Before Canyonlands Completion can find widespread support at the local level, San Juan County residents need to be assured that the importance of their traditional recreational and economic activities will be acknowledged.

The inequities in economic benefits that favor Moab over Monticello add fuel to the local argument against

⁵² Tom Till, interview by class, October 15, 2008.

⁵³ Lynn Stevens, San Juan County Commissioner, interview by class, October 13, 2008.

⁵⁴ Bill Boyle, Editor and Publisher of *San Juan Record*, interview by class, October 13, 2008.

⁵⁵ Kate Cannon, Superintendent of Canyonlands, interview by class, October 14, 2008.

completing Canyonlands National Park. Stevens notes that, “65-70 percent of economic gain goes to Moab because the entrance [to the park] is in Moab, even though most of Canyonlands is in San Juan County.”⁵⁶ Boyle adds that “promises of economic development were not kept,” but he also finds that “tourism is a condescending business to be in.”⁵⁷

When talking to San Juan County residents, a tension emerges between their desire for economic growth and their fear of a tourist-based economy, which is seen as an unhealthy dependence on outside money. The problems experienced by county residents in maintaining a stable economy prompt Charlie DeLorme, the Director of Economic Development for San Juan County, to ask, “Can my grandkids live here? Have jobs? And can we protect the lands adequately?”⁵⁸

San Juan County remains home to families whose roots go deep. They call the canyon country home and have a profound sense of ownership of these public lands. Many have intimate knowledge of special places where their families have run cattle or hunted for generations—expert knowledge of their own backyards that can inform decision-making by land managers.

This strong emphasis on family values fuels a desire to create jobs for future generations, yet many San Juan County residents do not embrace the idea of national parks as economic engines. It’s hard to admit that agriculture contributes negligibly to the county economy today—where the growth factors are non-labor income from investments or retirement and salaried jobs in government, professions, and services.⁵⁹ A study by the National Parks Conservation Association (NPCA) indicates that park visitation and Park Service payroll have been major contributors to the local economies, accounting for more than 10 percent of the \$409 million total personal income of San Juan and Grand counties in 2006.⁶⁰ The national parks, on average, add \$4.00 of

quantifiable value to the public for every tax dollar spent on them.⁶¹ Across the West, from 1970 to 2000, isolated rural counties with protected public lands saw 60 percent greater growth in real per-capita income than similar counties without protected public lands.⁶²

The NPCA study found that the national parks have benefited both county economies. One fifth of all jobs in Grand County and one eighth of all jobs in San Juan County are directly related to the tourist industry. Between 1998 and 2006, local travel related jobs increased by 27 percent while other industries rose only 5 percent. In 2007, tourist spending reached \$31 million in San Juan County; it came in at three times that amount (\$107 million) in Grand County. Such tourist revenue supports approximately 2,315 jobs in the two counties, while the income from tourist-related jobs also allows other industries and businesses to flourish.⁶³

The national park designation “brands” the unique local landscape with global advertising potential, not only drawing tourists but also benefiting permanent residents, according to the NPCA study. Newcomers help stimulate economic growth. Tourism increases local tax revenues through the transient room tax and provides permanent residents with new business opportunities that should further improve the local economy. Indeed, local economic diversification traditionally serves as a safeguard against boom and bust cycles and increases the chances that communities and residents can survive down cycles.

This is one plus for San Juan County: with the unequal distribution of tourist dollars, Grand County depends heavily on its specialized seasonal tourist industry, while San Juan has remained more diverse economically. In San Juan, the federal government employs more people than any other sector—1,671 jobs, including park employees. Mining comes in at just 215 jobs.⁶⁴ As Monticello ponders its economic future, the Four Corners School of Outdoor Education plans to build a \$5 million

⁵⁶ Lynn Stevens, San Juan County Commissioner, interview by class, October 13, 2008.

⁵⁷ Bill Boyle, Editor and Publisher of *San Juan Record*, interview by class, October 13, 2008.

⁵⁸ Charlie DeLorme, San Juan County Director of Economic Development, interview by class, October 13, 2008.

⁵⁹ Archie, Terry, and Rasker, *NPCA Report*, op. cit., at p. 9.

⁶⁰ Ibid., at p. 8.

⁶¹ Ibid., at p. 2.

⁶² Ibid., at p. 11.

⁶³ Ibid., at pp. 2-8.

⁶⁴ Economic Development Corporation of Utah, San Juan County Profile (2009), at http://www.edcutah.org/files/SanJuan_County_Profile (Accessed May 6, 2009).

Canyon Country Discovery Center in town, which has the potential to increase tourism in San Juan County.⁶⁵

Canyonlands is the largest national park in Utah. Increased protection for the proposed Completion lands would limit intensive development activities on them and help preserve the vital air quality, water quality and quantity, soils, and the natural geological beauty. If San Juan and Grand county residents could be convinced to support incorporating into the park these sensitive perimeter lands, the economy of the local communities should benefit.

Of course, the nation entered a global economic downturn in 2008 that is affecting all economies throughout the world. The Barack Obama administration is trying to evaluate and carry out proper responses in cooperation with other world leaders. One of the President's solutions is an economic stimulus package that allots \$750 million to the Park Service for national parks and monuments. Some \$24 million of park stimulus money will fund projects in Utah, which reinforces the importance of national parks to local economies.⁶⁶ Even if tourism drops off in southeastern Utah, these funds should produce local jobs and other benefits, helping to bridge the gap until the recovery gets underway. The Utah BLM also is receiving stimulus funds, most of which are earmarked for recreation, restoration, and clean energy projects, not traditional extractive activities.⁶⁷

Tourism has grown continuously over the last three decades, and we expect that growth to return after the global recession. Put simply, with southeastern Utah's strong economic interest in the area's national parks and with such small acreages of private land, Canyonlands Completion can only enhance the park's attractiveness and thus further stabilize these remote rural county economies.

Contested Terrain: Competing Interests in Greater Canyonlands

Given the diverse agencies and communities involved in the Canyonlands region, it is no wonder that the land management issues around Canyonlands National Park are difficult and often controversial. The park currently is locked in a political stalemate of sorts, creating tensions while debate persists over the contested borderlands. Although the park is a preserve for stunningly beautiful landscapes and priceless ecosystems, the lands surrounding the park host a number of intensely competing interests. This section will elaborate on the existing and potential challenges involving energy extraction, recreation, local economic concerns, state school trust lands, and the Dugout Ranch. In each instance, failure to confront and resolve the matter could threaten the integrity of the Canyonlands basin as issues collide at the border between the Bureau of Land Management and the National Park Service lands.

Energy Extraction

Domestic oil and gas production concerns around Canyonlands illuminate, perhaps better than any other issue, the political football nature of our opposing land philosophies. For energy security advocates, including those who generally value public lands for development, Utah's promise of oil and gas reserves is an alluring prospect. According to the Utah Department of Natural Resources's Division of Oil, Gas and Mining, the state ranked tenth in the nation for proven oil reserves and eighth for gas in 2006.⁶⁸ For most conservationists, however, any benefit derived from exploiting the state's sensitive lands cannot outweigh the consequences to the native ecology and wilderness values.

⁶⁵ Four Corners School of Outdoor Education, "Canyon Country Discovery Center Progress Report," at <http://www.fourcornersschool.org/canyon-country-discovery-center> (Accessed April 27, 2009).

⁶⁶ Lee Davidson, "Utah's National Parks to Get Stimulus Money," *Deseret News*, April 22, 2009, at <http://www.deseretnews.com/article/705298985/Utah-national-parks-to-get-stimulus-money.html> (Accessed April 4, 2009).

⁶⁷ Kathleen Hennessey, "Utah BLM Projects Net \$30 Million," *Salt Lake Tribune*, May 2, 2009, at http://www.sltrib.com/ci_12282700 (Accessed May 15, 2009).

⁶⁸ Utah Dept. of Natural Resources, Division of Oil, Gas, and Mining, "Oil and Gas Facts" (2008), at <http://oilgas.ogm.utah.gov/Facts/Facts.htm>. (Accessed January 26, 2009).

Energy development in southern Utah began long ago. Some of the earliest oil and gas finds in Utah occurred in San Juan and Grand counties, both of which sit over the Paradox Basin oil and gas province. The Cisco Dome field north of Arches National Park dates back to 1925. Full development of the Aneth and Lisbon fields in San Juan County dates to 1958–1959. Paired with the mid-century uranium boom, a gold-rush mentality prevailed in this southeastern Utah region during the first half of the 20th century.

Into this political atmosphere favoring resource development, arch-activists Edward Abbey, David Brower, and others rode into the Canyonlands country, raising high the flag of wilderness protection. In 1968, Abbey penned one of the most significant anti-development preservationist manifestos ever written—*Desert Solitaire*—utilizing as his backdrop Arches and Canyonlands national parks. Predictably, such upbraiding activities produced a backlash from the area's development-oriented leaders and conservative community members.

In this polarizing milieu, the question of whether and where to drill for oil and gas has bounced back and forth in a chaotic series of actions and reactions. The 1970's saw the adoption of new environmental regulations as well as the first in a continuing series of oil supply crises that have informed the rhetoric of America's energy security—or lack thereof—to this day. The federal Energy Information Administration (EIA), which provides official energy statistics, highlights key historical events in its "Petroleum Chronology of Events 1970-2000."⁶⁹ According to the EIA, as early as 1973, industry response to changing regulations slowed growth in domestic exploration and curtailed production. The nation's oil supply came to be dominated by foreign sources, and remained so even after oil supplies dropped during the

Iranian revolution. Exploration and production gradually shifted to primarily non-OPEC but still foreign fields, with sufficient diversification of supply to minimize any single region's impact on world petroleum stability.

The recent return of domestic energy production fever in the continental United States ironically began during a Democratic administration, which normally would be more inclined to preservation. Passed at the end of the Clinton era, the Environmental Policy and Conservation Act of 2000 (EPCA) called for a scientific inventory of the nation's recoverable oil and gas reserves in the interior West to be prepared jointly by the departments of Energy, Agriculture, and Interior.⁷⁰ Nicknamed the "Federal Onshore Report," the inventory also addressed impediments to development, thus providing a roadmap of sorts for opening up BLM and national forest lands for oil and gas development.

With the election of President George W. Bush, interest in domestic production surged. Vice President Dick Cheney, following closed door meetings exclusively with energy industry leaders, released the National Energy Policy Report of 2001, from which the Bush administration made significant pro-industry changes to public lands energy policy.⁷¹ One of the report's recommendations was to make the Federal Onshore Report a priority. Following the September 11, 2001 terrorist attack on U.S. soil, Congress directed those agencies conducting the inventory to give the EPCA-mandated report highest priority.⁷² With concern growing over national energy security in 2003 at the start of the Iraq invasion, the first Federal Onshore Report (Phase I) came out, identifying five principal domestic energy basins in the interior West, one of which underlays Utah's scenic canyon country.⁷³ In 2005, Congress passed the National Energy Policy Act (EPAct), which streamlined the environmental review

⁶⁹ U.S. Dept. of Energy, Energy Information Administration, "Petroleum Chronology of Events 1970-2000" (May 2002), at http://www.eia.doe.gov/pub/oil_gas/petroleum/analysis_publications/chronology/petroleumchronology2000.htm (Accessed January 26, 2009).

⁷⁰ Richard L. Watson, U.S. Dept. of the Interior, Bureau of Land Management, "Energy Policy and Conservation Act (EPCA) Inventory Results—A Geographic Information System (GIS) Analysis" (a presentation to the ESRI International User Conference, San Diego, CA., July 3, 2003), p.3, at <http://proceedings.esri.com/library/userconf/proc03/p1094.pdf>.

⁷¹ Don Van Natta, Jr., and Neela Banerjee, "Review Shows Energy Industry's Recommendations to Bush Ended Up Being National Policy," *New York Times Late Edition* (March 28, 2002), at p. A18 (retrieved from the ProQuest database), at <http://proquest.umi.com/pqdweb?did=111940401&Fmt=3&clientId=9456&RQT=309&VName=PQD>

⁷² Richard L. Watson, op. cit. n. 70.

⁷³ Ibid.

process for oil and gas exploration on federal public lands, among other things.⁷⁴ The EPCA mandated a further inventory of onshore energy reserves, which resulted in a report suggesting that less than half of the oil and gas reserves beneath federal lands were accessible under standard lease stipulations.⁷⁵ The message was clear: too many potentially productive acres were covered by restrictive lease terms.

Due to Bush administration mandates that drew upon these reports, the Department of Interior fast-tracked oil and gas leasing and put environmental concerns on the back burner. Executive Order 13212, which couched pro-development policy in environmentally concerned terms, laid out steps to expedite energy related projects on the public lands through, among other things, an interagency task force created “to monitor and assist agencies in their efforts to expedite their review of permits ... to accelerate the completion of energy related projects.”⁷⁶ The BLM’s National Energy Office manifested this mandate with its sole purpose: to expedite drilling and mining on the public lands.⁷⁷ As a result, by 2002 thumper trucks were traversing the Dome Plateau of Grand County north of Arches National Park for seismic exploration, geometrically crisscrossing the fragile desert landscape in the process.⁷⁸ According to U.S. Geological Survey soil expert Jayne Belnap, these enormous off-highway vehicles negatively impact the desert’s vital biological soil crusts. She observes that many desert shrubs and compacted soils require multiple decades to recover, disputing the BLM’s view that vegetation and soil can be rehabilitated in five years or less.

Oil and gas development in the wake of Interior Department fast-tracking has produced a variety of

consequences with lessons for the Canyonlands region. The towns of Rifle, Colorado, and Pinedale, Wyoming, serve as two prime examples where the results are mixed, at best. In both locations, gas development has evolved much like subdivision sprawl in suburban areas, often encompassing hundreds or even thousands of acres. Connector roads generally wind around the landscape and branch out to cul-de-sacs sporting wellheads and support equipment. These sprawling industrial developments create good cause for environmental concern, fragmenting habitat corridors and displacing wildlife, threatening contamination of the environment with air, noise, and chemical pollution, and radically altering the natural landscape. Moreover, the BLM has regularly waived wildlife and other lease stipulations designed to protect environmental values in order to expedite drilling at the request of oil company lease holders.

At the same time, economic benefits have accrued rapidly in boomtown fashion, with quick influxes of new workers to support the industry, increased spending in local businesses, and royalty payments to help support community services. But these economic benefits come with a backlash as well. The wealth of additional residents and the benevolent spending on local infrastructure has been offset by exploding real estate prices and fewer employees for less lucrative local jobs.⁷⁹ Thriving local businesses and services have been offset, in some cases, by a 500 percent rise in crime, especially assaults, DUIs, and drug-related violations, all of which High Country News reporter Francisco Tharp has called “a common phenomenon in energy country.”⁸⁰

Today, with energy development such a priority national concern, Canyonlands is at a new crossroads. The

⁷⁴ U.S. Depts. of the Interior, Agriculture and Energy, “Scientific Inventory of Onshore Federal Lands’ Oil and Gas Resources and the Extent and Nature of Restrictions or Impediments to Their Development,” p. xxi, at <http://www.blm.gov/epca/phase2/EPCA06full72.pdf>.

⁷⁵ Ibid, p. 80.

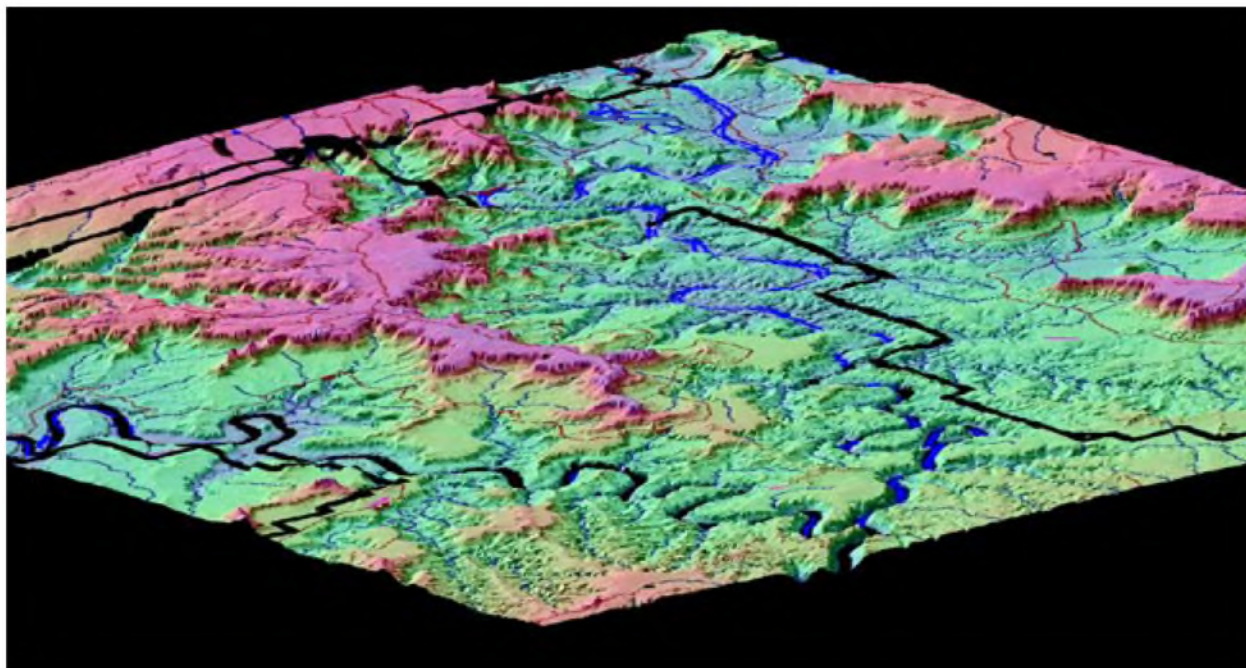
⁷⁶ Executive Order 13212, “Actions to Expedite Energy Related Projects, May 18, 2001,” 66 Fed. Reg. 28357 (May 22, 2001), retrieved from <http://ceq.hss.doe.gov/nepa/regs/eos/eo13212.html>.

⁷⁷ Charles Levandosky, “Bush Turns BLM into Energy Machine,” High Country News, March 18, 2002; retrieved from <http://www.hcn.org/issues/222/11094> (Accessed Jan. 24, 2009).

⁷⁸ Adam Burke, “Energy Boom’s Forward Guard Out in Utah for Now,” High Country News, May 13, 2002, at <http://www.hcn.org/issues/226/11212> (Accessed Jan. 24, 2009).

⁷⁹ Francisco Tharp, “Boom! Boom!,” High Country News, May 12, 2008, at <http://www.hcn.org/issues/370/17687> (Accessed January 24, 2009).

⁸⁰ Ibid.



This graphic shows high mesas in pink (Island in the Sky to the left, Hatch Mesa to the right), with the Colorado River (blue) and Canyonlands National Park boundary (black) in the basin between them. The Grand County/San Juan County line (black) runs across the top of the map. The confluence of the Green and Colorado Rivers appears at the bottom. COURTESY OF TOM MESSENGER

BLM's 2008 RMPs position the park in the same vortex of development policies that have played out in Wyoming and Colorado. BLM's Monticello area RMP identifies Lockhart Basin, situated within the greater Canyonlands erosion basin on the park's southeastern flank and well within sight of Grand View Point overlook, as an area of high oil-drilling potential. The RMP allots the Lockhart Basin an oil and gas leasing stipulation that includes time limits (TL) and controlled surface use (CSU):

Areas identified as TL are open to oil and gas leasing but would be closed to surface-disturbing activities during identified time frames. This stipulation would not apply to operation and maintenance activities, including associated vehicle travel, unless otherwise specified.

Areas identified as CSU are open to oil and gas leasing but would require that proposals for surface-

disturbing activities be authorized according to the controls and constraints specified.⁸¹

While there would be some constraints on exploratory oil drilling activities, energy leasing is still allowed within the Canyonlands basin. These leases establish property rights for the lessee, making it difficult for the BLM to reverse leasing decisions or control subsequent development activities. In short, energy extraction—including the drilling rigs, necessary roads, and the accompanying sights and sounds of industrial activity—could well occur on land that most visitors assume is part of the national park.

Statistics suggest that oil and gas leasing around Canyonlands is not likely to be highly productive. San Juan County, where most of Canyonlands is located, had only 7 gas wells producing in 2008.⁸² In 2007, the county also yielded a mere 3 percent of the state's 385 billion cubic foot gas production. San Juan County's

⁸¹ U.S. Dept. of the Interior, Bureau of Land Management, Monticello Field Office, Record of Decision and Approved Resource Management Plan (Salt Lake City, 2008), at Appendix B, p. B-2.

⁸² Utah Dept. of Natural Resources, Division of Oil, Gas, and Mining, 2009 "Drilling Results by County 2008," at http://oilgas.ogm.utah.gov/Statistics/WCR_county2.cfm. (Accessed January 26, 2009).

production of 3.9 million barrels (20.2 percent of the state's 19.5 million barrels of oil⁸³) a year does not make much of a dent in the of 20.68 million barrels a day that Americans use.⁸⁴ Besides, most of this oil is produced in the Aneth Field, located in the southeastern corner of the county and far removed from Canyonlands. Put simply, oil and gas development around Canyonlands would produce only nominal gains in energy security.

The stakes for Canyonlands are high. Nine-Mile Canyon, located 90 miles north of Canyonlands, illustrates the ecological and other problems that oil exploration can visit on desert environments. Here, the impact of magnesium chloride on ancient rock art and cultural resources is a primary concern. Used as a dust suppressant, these salts are ground into powder by the frequent traffic on access roads and settle on the canyon's extensive rock art panels, irreversibly degrading them through chemical reactions.⁸⁵ Additional concerns include light pollution and brightening of the night skies, displacement of species, destruction of habitat, and air, water and noise pollution.

That similar oil and gas development impacts could occur on the Canyonlands borderlands is troubling. The BLM, with its development mandate and tradition, has shown no sign that it is prepared to forego leasing. Yet the potential impacts to the national park viewshed and the ecosystem could be devastating. Without a permanent solution, the threat of industrial activity within the Canyonlands basin will persist, just waiting for the next energy "crisis."

Recreation

The BLM borderlands surrounding Canyonlands National Park have fostered recreation-related problems that pose a potential threat to the ecological integrity of the landscape. The Park Service's and the BLM's different mandates, combined with significant differences in enforcement resources, manifest two dissimilar ways of addressing recreational land use.



Surface disturbances increase the frequency of dust storms like this one outside of Moab. COURTESY OF JAYNE BELNAP, US GEOLOGICAL SURVEY

One of southeastern Utah's greatest attractions is the variety of outdoor activities that are readily available. Moab, just a few miles north of Canyonlands, has become one of the top tourist destinations for rock climbers, river runners, off-highway vehicle (OHV) riders, and mountain bikers. The variety of landscapes within the Canyonlands basin provide the opportunity for intermediate to difficult OHV rides on BLM land, short walks and long backpacking trips, and some of the best whitewater rafting in the nation past the confluence of the Green and Colorado Rivers in Cataract Canyon.⁸⁶ However, the yearly influx of tourists and recreationists has brought ecological damage and cultural conflicts.

One vital component for a desert's ecological health is biological soil crust cover. These interacting communities of cyanobacteria, mosses, and lichens are the single most important stabilizer against soil erosion in arid lands.⁸⁷ This crust is invisible to the naked eye until it reaches maturity and looks like crushed Oreo cookies. In Utah's deserts, it can take 5,000 years to mature.⁸⁸ Soil erosion is one of the most pressing environmental concerns in arid landscapes because it degrades ecosystem function, decreases agricultural productivity and sustainability, and displaces animal populations.⁸⁹

⁸³ Ibid., at http://oilgas.ogm.utah.gov/Statistics/PROD_Oil_county.cfm.

⁸⁴ U.S. Dept. of Energy, Energy Information Administration, "Petroleum Basic Statistics 2007," at <http://www.eia.doe.gov/basics/quickoil.html> (Accessed January 25, 2009).

⁸⁵ Keith Kloor, "Dust on the Rocks," *High Country News*, August 25, 2008, at <http://www.hcn.org>. (Accessed January 28, 2009).

⁸⁶ National Park Service, "Things To Do," at <http://www.hcn.org/issues/40.16/dust-on-the-rocks>.

⁸⁷ Matthew A. Bowker, Mark E. Miller, Jayne Belnap, Thomas D. Sisk, Nancy C. Johnson, "Prioritizing Conservation Effort Through the Use of Biological Soil Crusts as Ecosystem Function Indicators in an Arid Region," *Conservation Biology*, Vol. 22, No. 6, at pp. 1533-1543 (2008).

⁸⁸ Molly McCluskey, "Case Dismissed: Land Pays the Price," *Earth Island Journal*, Vol. 19, Issue 3, at p 47 (Autumn 2004).

⁸⁹ Bowker, Miller, Belnap, Sisk and Johnson, "Prioritizing Conservation," op. cit., at p. 2309.



Road sign, Arches National Park. PHOTO © STEPHEN TRIMBLE

A 2005 study conducted within Canyonlands National Park describes the damage to an ecosystem when biological soil crust is destroyed.

Runoff and sediment loss increase with the disturbance [caused by OHV use] ... which suggests that downslope plant communities may receive a high flux of nutrients in water and sediment transport from plant interspaces and may also result in high nutrient losses from the watershed.⁹⁰

Since the national park and the BLM lands are a part of the same watershed, even if the soil crust destruction happens outside the park, the resulting runoff can cause a loss of nutrients to plants inside the park, unavoidably connecting land management policies inside and outside the park.

Unregulated recreation on the arid Utah desert poses one of the largest threats to biological soil crust. The tread of tires and the impact of footprints tear up the soil. Recent estimates from the Canyonlands region suggest that 70 percent of the soil crusts, which cover 40 percent of the region, are early-development crust.⁹¹ This lighter crust cover has much less strength in preventing erosion. As such, once the mature soil crust is broken, the soil will wash away and erosion will increase in the area until the soil crusts can be reestablished, which can take centuries.⁹² This means that recreational vehicles, such as OHVs and mountain bikes, can have an enormously negative impact on the ecological world around them.

This harm can be comparatively minimal when riders stay on designated trails, because the soil around the trails will be subject to erosion but the remaining soil beyond the trails will remain relatively unscathed. But people will not behave on BLM lands, according to USGS ecologist Jayne Belnap, an authority on Colorado Plateau ecosystems—but even those who defy the BLM rules will stay on the trails in the national parks.⁹³ With the BLM's lack of enforcement capabilities, much more soil damage will be caused by OHVs on BLM land—even though the 2008 RMPs close BLM land around Canyonlands to cross-country use, limiting OHVs to designated roads.

In addition, recreation threatens several endemic species inside Canyonlands National Park and on the surrounding BLM lands. Probably the most iconic is the desert bighorn sheep, an animal whose population is in decline due to “habitat loss, overgrazing by livestock, diseases contracted from domestic livestock, over-hunting

⁹⁰ Nicole N. Bargar, Jeffrey E Herrick, Justin Van Zee, & Jayne Belnap, “Impacts of biological soil crust disturbance and composition on C and N loss from water erosion,” *Biogeochemistry*, Vol. 77, p. 260 (2006).

⁹¹ Nicole N. Bargar, Jayne Belnap, Dennis S. Ojima, Arvin Mosier, “NO gas loss from biologically crusted soils in Canyonlands National Park, Utah,” *Biogeochemistry*, Vol. 75, p. 388 (2005).

⁹² Ibid.

⁹³ Jayne Belnap. U.S. Geological Survey Ecologist, interview with class, October 13, 2008.

during the mining era, and loss of water sources.”⁹⁴ A 2001 study of the reaction of bighorn sheep to different recreation activities yielded the surprising result that hikers were more disruptive to bighorn sheep than OHV riders or mountain bikers. The study further states, “These differences were likely due to the greater predictability of vehicle and mountain biker locations because when bighorn sheep did respond to human activity, they noticed vehicles and mountain bikers, on average, from twice the distance they noticed hikers.”⁹⁵ This aversion to hikers can be especially problematic during lambing season with potential negative effects on reproductive success.⁹⁶

Endemic plant species are locally threatened by rock climbers who scale cliffs along Indian Creek to the south of Canyonlands National Park within the Canyonlands basin. One study revealed that in California’s Joshua Tree National Park, use by rock climbers affected the type and number of plants growing on cliff walls. Species more tolerant of disturbances often survived and moved into areas that less tolerant plants had once inhabited. Furthermore, climbers often remove whole plants while establishing a climbing route. The study explained, “Once plants are removed from cracks and ledges, rain and wind action and continued climbing use may wash away the sparse soil that has accumulated, reducing the amount of suitable growing sites for plants.”⁹⁷ The impact varied, however, between routes that were climbed moderately when compared with frequently climbed routes. The lesson is evident: if more knowledge is made available about the effects of rock climbing and stricter policies are established, the damage from rock climbing can be decreased.

However, the impacts from recreation and recreational management policies have implications that extend beyond the ecological. A 2006 study urged that the economic benefits attached to recreation be taken into account when making public lands policy decisions: “Off-highway vehicle recreation may be an economically



Rock climber, Indian Creek. PHOTO © STEPHEN TRIMBLE

competitive use for public recreation lands when the consumer surplus or economic value is evaluated against the environmental and social costs.”⁹⁸

As described earlier, the communities of Monticello and especially Moab have an important revenue source in tourism. Driving through downtown Moab clearly illustrates this. Hotels, fast food, and recreation equipment-rental facilities pack every city block. Many local businesses rely on the ability to use motorized vehicles within the Canyonlands basin as a means of income.

⁹⁴ Christopher M. Papouchis, Francis J. Singer, and William B. Sloan, “Responses of Desert Bighorn Sheep to Increased Human Recreation,” *The Journal of Wildlife Management*, Vol. 65, No. 3, pp. 573-58 (July 2001).

⁹⁵ *Ibid.*, at pp 577.

⁹⁶ *Ibid.*, at pp 579.

⁹⁷ Richard J. Camp and Richard L. Knight, “Effects of Rock Climbing on Cliff Plant Communities at Joshua Tree National Park, California,” *Conservation Biology*, Vol. 12, No. 6, p. 1303 (December 1998).

⁹⁸ J. Silberman and K.L. Andereck, “The Economic Value of Off-Highway Vehicle Recreation,” *Journal of Leisure Research*, Vol. 38(2), pp. 208-223 (2006) (Retrieved from Academic Search Premier database, p. 221).

Recreational use of public lands also creates an identity for the individuals who use the land and for the community that supports those uses. A 2000 study explained this emotional attachment to the land as “an identity with a symbolic meaning or idea. For example, an individual may identify with the idea of heritage, symbolized by the National Park System, or the idea of wilderness.”⁹⁹ The study further found that the greater emotional attachment visitors felt towards Canyonlands National Park was statistically significant over the emotional attachment of visitors to Mount Rushmore National Memorial. The study speculates that visitors feel more attachment to the wildness of Canyonlands and the solitude that it can provide over the more developed feel of Mount Rushmore.¹⁰⁰

The study concludes: “A sound understanding of visitor preferences and attitudes is critical in the development of a successful management plan [for public lands].”¹⁰¹ Certainly one of the main reasons that people travel to Canyonlands is that it is rugged and relatively isolated. Several sections of the park can take hours of hiking to reach. As such, one fundamental peculiarity about this backcountry tourist industry is that a lot of individuals want to go there to get away from people. But growing levels of recreation in southeastern Utah, particularly the growth in OHV use, is making this an increasingly difficult feat.

While conducting interviews in San Juan County, where Monticello is the county seat, we repeatedly heard from county officials that Monticello did not want to become another Moab. For some in Moab, the recreation-friendly scene is not viewed with much more enthusiasm. Jim Stiles, long-time publisher of Moab’s *The Canyon Country Zephyr*, who served as a ranger in Arches National Park, reflects one view of the tourism economy:

The residents of tourist towns, “locals” we like to call ourselves, feel as if our towns are *occupied* by people

who don’t live here. As the occupied, our resentment doesn’t come from any seriously imposed oppression by our brightly dressed invaders. No, instead, our resentment comes from a long-held attitude by locals, a bias if you will, that most tourists are genetically and environmentally inferior. It’s shameful and unfair, it’s bigotry at its worst.¹⁰²

Though intended to be comical, the passage also expresses the true difficulties that come with the type of tourist boom that southeastern Utah is experiencing. It serves as both a blessing and a bane.

With so many different issues and stakeholders involved, recreation around Canyonlands National Park is a challenge to manage. Canyonlands allows hiking and camping overnight, rafting down the Colorado and Green Rivers, and mountain biking and jeeping on specific designated routes, like the White Rim Trail and Elephant Hill Road.¹⁰³ Motorbikes are allowed on designated roads in the parks, but ATVs (all-terrain vehicles) are prohibited.

With its 2008 Monticello Area RMP, the BLM is taking a step toward recognizing the damage that uncontrolled OHVs can cause. The BLM will now restrict motorized vehicles to designated trails and roads, reversing its previous free-rein policy that allowed OHVs and motorbikes to travel anywhere over the delicate ground of the Monticello area’s redrock deserts. And the BLM still allows at-large camping on its lands; knowledgeable local observers counted 32 ATV camps in a two mile stretch of BLM lands along Indian Creek during a midweek visit in 2008.¹⁰⁴ Nonetheless, as the RMP suggests, “A critical step in achieving and maintaining public land health and enjoyment of the public land is that users of the public land practice responsible stewardship ethics.”¹⁰⁵

⁹⁹ Cynthia A. Warzecha, David W. Lime, and Jerrilyn L. Thompson, “Visitors’ Relationship to the Resource: Comparing Place Attachment in Wildland and Developed Settings.” *USDA Forest Service Proceedings*. RMRS-P-15-VOL-4 (2000), p. 184, at <http://www.treesearch.fs.fed.us/pubs/22022> (Accessed June 10, 2009).

¹⁰⁰ Ibid.

¹⁰¹ Ibid, at p. 484.

¹⁰² Jim Stiles, *Brave New West: Morphing Moab at the Speed of Greed*, at p. 145 (Tucson: The University of Arizona Press, 2007).

¹⁰³ See <http://www.nps.gov/cany/parkmgmt/index.htm> (Accessed May 14, 2009).

¹⁰⁴ Canyonlands National Park personnel, interview by class, October 14, 2008.

¹⁰⁵ BLM, Monticello RMP, op cit., at Appdx. K, p. 1.4.



OHV camp, Lockhart Basin road. PHOTO © STEPHEN TRIMBLE

Neither agency is completely equipped to ensure that no one ever strays from the designated trails, but the Park Service has funneled substantially more resources into OHV enforcement than the BLM. In fact, the BLM's Monticello office currently has only one law enforcement officer to patrol the entire 1.8 million-acre resource area.¹⁰⁶ Consequently, the BLM's land is far more likely to suffer the battle scars left by motorized vehicles that have strayed off the trails.

All of these recreation access tensions reached a high point of conflict in the 2005 case of *Southern Utah Wilderness Alliance v. National Park Service*. The lawsuit originated when the Park Service decided to limit use to ten vehicles a day on the dirt road running through Salt Creek Canyon to Angel Arch, a well-known landmark and destination in Canyonlands. This particular path crossed the Salt Creek more than 70 times in its 10-mile trek up the canyon, using the creek bed for the trail. In addition to erosion concerns, vehicles regularly lost transmission or engine fluids into the creek. After several court

decisions, the Park Service eventually restricted travel up Salt Creek to hikers and equestrians, observing that the National Parks Organic Act required a balancing between the mandates of preservation and visitor enjoyment. The vehicle closure saves the creek from irreparable damage but also strains relationships between the Park Service, local residents, and conservationists.¹⁰⁷ San Juan County residents remain resentful of this loss of motorized access to a favorite destination and initiated further legal action that is still pending in the courts.

Canyonlands National Park and its neighboring BLM lands face a plethora of competing interests in any recreation policy decision. The two agencies' different recreation management policies create problems at the border, because the ecological impacts on either side affect them both in this shared ecological system. While these problems may have been eased somewhat with the BLM adopting a stricter policy towards motorized recreation, the BLM's lack of resources creates a huge enforcement problem.¹⁰⁸ One answer is for the agencies to "develop a

¹⁰⁶ Thomas Heinlein, BLM Monticello Field Office Manager, interview by class, October 15, 2008.

¹⁰⁷ *Southern Utah Wilderness Alliance v. National Park Service et al.*, 387 F. Supp.2d 1178 (D. Utah 2005).

¹⁰⁸ Mark Clayton, "Off-road Vehicles Rev Up Controversy on Public Lands," *Christian Science Monitor*, July 3, 2007, p. 2, at <http://www.csmonitor.com/2007/0703/p02s01-ussc.html>.

conservation prioritization approach that addresses ecosystem functional properties as a complement to traditional species-centered approaches.”¹⁰⁹ In other words, land managers need to focus on ecosystems as a whole, with policies designed to comprehensively address recreational conflicts and ecological threats, and not to just repair or cover up individual environmental problems when they arise.

State School Trust Lands

In considering the economic role of the land in the Canyonlands basin, it is important to recognize that several state school trust land parcels lie within the sandstone rim. School trust lands are areas that the federal government “has granted to individual states to be managed in order to provide financial support for public education and 11 other public institutions.”¹¹⁰ Since 1994, the School and Institutional Trust Lands Administration (SITLA) has been charged with the administration of these areas. Though more than half of the original lands given to Utah have been sold into private ownership, SITLA land still is esteemed as a source of potential revenue in a state where almost 70 percent of the land is held by the federal government.¹¹¹ The savvy leasing, sales, exchange, and development SITLA pursues for its lands mirrors the hope for development that San Juan County residents place on their own limited private-land supply.

SITLA’s management objectives are spelled out in the Utah Administrative Code, which requires that school trust land decisions be made with the goal of maximizing commercial gain without threatening the long-term support of public education and other beneficiaries.¹¹² Though the language of the rule includes a warning that over-development of SITLA lands could detract from future profits, the emphasis on commercial development is clear. Given the checkerboard nature of SITLA lands, which often appear as isolated parcels that dot the map,

the potential for conflict between SITLA management and both Park Service and BLM management objectives is high. Local conservationists even go so far as to identify the disconnect between preservationist goals and school trust lands as “the most important emerging conservation issue on the Colorado Plateau.”¹¹³

The SITLA parcels in the Canyonlands basin would undoubtedly be impacted by potential completion of the national park. The Park Service mandate does not allow for the type of commercial development activities SITLA generally seeks, but SITLA is free to develop their parcels as they see fit, creating the potential for conflict. Some type of land transaction would need to be arranged to ensure that SITLA retains the same overall profit-potential from other lands traded for SITLA parcels within national park lands. Precedents for this type of land exchange exist in Utah, the most famous of which followed the creation of the Grand Staircase-Escalante National Monument in 1996. In this instance, Representative Jim Hansen (R-Utah) and Senator Orrin Hatch (R-Utah) introduced legislation that traded the SITLA lands inside the new monument boundary to the Federal government in exchange for “other federal land, mineral rights, and \$50 million.”¹¹⁴ Similar land exchanges have also been completed for Canyonlands National Park and Glen Canyon National Recreation Area, eliminating all SITLA lands from these existing units of the national park system. If the park were to be expanded or completed, a similar comprehensive trade could transfer SITLA lands within the Canyonlands basin to the Park Service, providing SITLA with federal lands or mineral rights of comparable value elsewhere.

The Dugout Ranch

Located in San Juan County, 20 miles northwest of Monticello, near the entrance to the Needles District of

¹⁰⁹ Bowker, Miller, Belnap, Sisk and Johnson, “Prioritizing Conservation,” op. cit., at p. 1534.

¹¹⁰ State of Utah School & Institutional Trust Lands Administration, Fiscal Year 2008, 14th Annual Report, at <http://www.utahtrustlands.com/news/docs/AnnualRp08.pdf>, p. 31.

¹¹¹ Utah State and Institutional Trust Lands Administration, About Us, at <http://www.utahtrustlands.com/about/>.

¹¹² “Rule R850-2: Trust Land Management Objectives”; Utah Administrative Code; State of Utah, Dept. of Administrative Services, Division of Administrative Rules, at <http://www.rules.utah.gov/publicat/code/r850/r850-002.htm>.

¹¹³ Bill Hedden and Craig Bigler, School Trust Lands in Utah (Grand Canyon Trust, n.d.), at <http://www.grandcanyontrust.org/media/PDF/forests/schtrust.pdf>, p. 1.

¹¹⁴ American Geological Institute, Government Affairs Program, “Update on the Grand Staircase-Escalante National Monument,” December 10, 1998, at <http://www.agiweb.org/legis105/conoco.html>.



Dugout Ranch. PHOTO © STEPHEN TRIMBLE

Canyonlands National Park, the Dugout Ranch is another important element in park completion.¹¹⁵ Dugout Ranch, owned by The Nature Conservancy and leased to Heidi Redd until October 2009, constitutes the largest privately owned parcel of land within the Canyonlands basin—at 5200 acres with an additional approximately 350,000 acres of grazing allotments.¹¹⁶ This collaboration between Redd and The Nature Conservancy was created in 1996, when Redd sought alternatives to selling the ranch to developers. As she explained in a 2008 interview, “I don’t believe I could live with myself had the ranch ever been

sold for development.”¹¹⁷

The Nature Conservancy’s interest in the ranch came largely from its key location on the Colorado Plateau, its size, and its unique biological diversity.¹¹⁸ These qualities make the ranch a vitally important place for scientific study, especially with regard to the interactive effects of land use and climate change. Consequently, The Nature Conservancy, in partnership with Redd and others,¹¹⁹ is developing the the Canyonlands Research Center (CRC), an innovative research site and science collaborative to provide decision-makers with information about climate and land use interactions on the Colorado Plateau. Redd, who currently oversees the ranching operation that keeps the project economically viable, is in full support of these efforts:

One reason the ranch was chosen for a science research area is its wide variety of landscapes from alpine to desert, adjacent to a national park that has not seen grazing for 35 years. It’s an exciting thought that this beautiful place bordering the Colorado River might be able to answer global warming questions, like: how will the grasses change, how will that affect me as a rancher and the rest of mankind?¹²⁰

The commitment to conservation is apparent in this Dugout Ranch and Canyonlands Research Center partnership, yet Redd is hesitant about the idea of Canyonlands National Park expansion. She fears that expanding the park boundaries would encourage more tourism, which often translates to a “superficial interest in the land and over-use.”¹²¹ As someone who feels “Indian Creek... in [her] soul,” Redd’s life is irrevocably connected to this land, and her concerns are understandable.¹²² Certainly, any Canyonlands Completion discussion would need to take care to address the economic and ecological value of the Dugout Ranch as a full-fledged research center with the aim of not only preserving the partnership between

¹¹⁵ The Nature Conservancy in Utah, Dugout Ranch: The Icon of the American West, at <http://www.nature.org/wherewework/northamerica/states/utah/preserves/art5825.html> (Accessed April 15, 2009).

¹¹⁶ Ibid.

¹¹⁷ Heidi Redd, interview with Stephen Trimble, December 4, 2008.

¹¹⁸ The Nature Conservancy in Utah, “Dugout Ranch,” op. cit., n. 115.

¹¹⁹ The other partners are Utah State University, the BLM, the National Park Service, and the U.S. Geological Survey.

¹²⁰ Heidi Redd, interview by Stephen Trimble, December 4, 2008.

¹²¹ Heidi Redd, interview by class, October 16, 2008.

¹²² Heidi Redd, interview by Stephen Trimble, December 4, 2008.

Redd and The Nature Conservancy, but also expanding upon this model as an example of meaningful and lasting collaboration in the pursuit of land conservation. The Park Service fully supports the Nature Conservancy's plans for Dugout Ranch, and would continue to do so even with boundary extensions under park completion. The ranch would simply become an inholding within the park, and Park Service officials envision no conflict.¹²³

A thorough understanding of these myriad land management issues—and others not mentioned in this paper—is a vital step toward reaching any kind of consensus solution. The political, social, and economic dynamics of the Canyonlands Completion idea are as nuanced as the delicate desert ecosystems that expanded boundaries would seek to protect, and must be treated accordingly. Because the real and potential conflicts involving energy extraction, recreation, local economic concerns, the SITLA lands, and the Dugout Ranch all relate to the existing park boundary, the best chance for improvement lies with collaboratively addressing the ideological border between the BLM and the Park Service.

Bridging the Boundary: Toward A Collaborative Solution

As it currently stands, Canyonlands is an island of National Park Service land surrounded by a sea of BLM-managed lands, all of which together make up the larger ecosystem. The laws and mandates that govern the Park Service and the BLM present an obvious dichotomy—preservation versus multiple use—that has generated notable management differences on the border lands where the current boundaries lie. It is here—at the intersection of two quite different management philosophies—where some consistency and coordination in management is most obviously needed and most obviously lacking. This lack of consistent coordination is problematic not only for the two agencies, but also for the surrounding communities and nearby property owners who are directly

affected by their decisions and are uncertain about the future. That uncertainty is plainly reflected in the ongoing tensions over energy development, recreation and tourism, and nearby state trust lands.

Clearly, some form of meaningful and more formal collaboration between the BLM and Park Service is needed, perhaps in the form of new policies or mandates designed to better institutionalize more interagency coordination and multi-party collaboration. The model provided at the Dugout Ranch by Heidi Redd, The Nature Conservancy, and the CRC suggests that a willingness to look beyond conventional borders can foster unique collaborative partnerships that serve a more holistic and unified purpose than any one entity can accomplish on its own. While the Park Service and the BLM have made several attempts to promote greater interagency collaboration, none have resulted in a permanent structure or arrangement that ensures effective and ongoing coordinated management. And more often than not the public has felt ignored by both agencies in their planning and management decisions.

Might alternative, more collaborative approaches work better? In fact, community-based innovative approaches to land management are emerging in many locations and offering creative and pragmatic approaches that could help balance federal agency plans with public interests and private concerns. One of these initiatives has just achieved remarkable success in southwestern Utah and could provide a model for addressing the Canyonlands Completion proposal, along with related public land issues and community concerns. Such a process might help change long-term patterns of communication, allowing all voices to be heard and facilitating better coordination among the agencies.

In southern Utah, with congressional passage of the Washington County lands bill, we recently have witnessed the fruits of a broad-based collaborative effort that involved several federal agencies as well as local officials, environmental groups, and others. With a vision of interdependence, collaboration, and sustainable communities, disparate groups came together to design and support the Washington County lands bill, which was enacted into

¹²³ Kate Cannon, Canyonlands National Park Superintendent, personal communication, May 27, 2009.



Across The Maze district to the Abajo Mountains, Canyonlands Basin. PHOTO © TOM TILL

law in early 2009. This experience might serve as a model for how meaningful collaboration may be initiated, sustained, and then converted into durable agreements enforceable on a national and state level between the BLM, Park Service, and the various public land constituencies.

The Washington County lands bill addresses local conservation and development concerns that have been the subject of intense controversy for several decades. The bill designates 256,338 acres of wilderness on BLM, national forest, and national park lands, and it contains Utah's first wild and scenic river designations. Recognizing the need for community expansion, the bill also autho-

rizes the sale of between 5,000-9,000 acres of local BLM land for future development. Ninety-five percent of the proceeds from these land sales will be used to purchase lands that are deemed biologically sensitive. In addition, the bill seeks to improve OHV recreational opportunities by providing for comprehensive BLM trail management plans.¹²⁴ How did all of this come to pass?

In 2006, 400 Washington County, Utah residents decided to pursue a more holistic approach to land management. With the support and sponsorship of the Washington County Commission, the non-profit Vision Dixie group was formed. Envision Utah, a state-wide,

¹²⁴ "Bennett Attends White House to Witness Signing of Washington County Land Bill"; Press Release, March 30, 2009, at http://bennett.senate.gov/public/index.cfm?mp=PressReleases&ContentRecord_id=138cea00-d0b1-46d5-95e6-557d05cb2eff&ContentType_id=1faead15-454a-4bbc-b5a7-4-cb518dd4b7c&0519105c-e65b-4667-a499-f637deae7acc.

non-partisan public/private partnership specializing in creating plans for quality growth, assisted the group. During the course of the first year, more than 1,200 residents attended 13 workshops that addressed public land use and city planning. Working from a visual baseline scenario, participants collaborated to construct alternative futures for the area based on collective input.

In addition, Vision Dixie gathered citizen input on land development and use through dialogue meetings, on-line surveys, and independent polling to establish guiding principles that would move the county into a development model that promoted an optimal, future standard-of-living. Through a process developed by Envision Utah over many years, Washington County residents essentially took resource management planning into their own hands and produced their own well-researched analyses of the county's lands, resources, and future prospects.¹²⁵

What began in 2006 as an effort to facilitate compromise, culminated with the passage of the Washington County Growth and Conservation Act, which was signed into law by President Barack Obama on March 30, 2009, as part of the Omnibus Public Lands Management Act of 2009. The Washington County lands bill was originally introduced by Utah Republican Senator Bob Bennett, who attended the White House signing ceremony, where he remarked:

Today is evidence that groups with opposing interests can come together after years of debate to solve the wilderness problems in Southern Utah. It is my hope that this bill will be a blueprint for future public lands bills in the west.¹²⁶

Elsewhere in Utah, Beaver and Piute Counties have already expressed interest in the process. In a *Salt Lake Tribune* article, Beaver County Commissioner Chad

Johnson noted his enthusiasm, asserting that the Washington County bill has placed land use negotiations "miles ahead of where we have been in the past."¹²⁷ If this progressive approach to collaboration is as catching as it appears to be, we might expect to see more dialogue in the Canyonlands region, involving the Park Service, BLM, the two counties, and the various groups and citizens interested in the Completion proposal. In fact, such a dialogue might—and perhaps should—be expanded to address related public land and local economic development concerns.

The Washington County model seems even more pertinent to Canyonlands because it addresses longstanding national park issues. The bill designates 123,743 acres of wilderness within Zion National Park and adds 165.5 miles of the Virgin River and its tributaries (mainly inside the park) to the Wild and Scenic River system—the first in the state. Utah's historic resistance to designating wilderness or Wild and Scenic Rivers makes these accomplishments notable.

From this grassroots achievement, however, new questions arise. Is this collaborative model applicable to federal agencies and their planning processes? If hundreds of Washington County residents can successfully forge a workable plan for their community, might the Park Service and the BLM follow suit in the Canyonlands region? Though these questions remain unanswered, community-based, year-round land planning efforts like Vision Dixie offer citizens a chance to bridge divides and to take an active role in promoting accountability and collaboration during the federal land use planning process.

While the Washington County collaborative process offers a broad-scale model for civic engagement in public land issues, it does not address the separate question of improving interagency coordination

¹²⁵ The Vision Dixie Public-Private Partnership, *Vision Dixie: Making a Better Washington County* (Washington County, Utah, 2007), at <http://www.visiondixie.org/pdf/VisionDixie-Book-SM.pdf>, at p. 6-8).

¹²⁶ "Bennett Attends White House to Witness Signing of Washington County Land Bill"; Press Release, March 30, 2009; http://bennett.senate.gov/public/index.cfm?p=PressReleases&ContentRecord_id=138cea00-d0b1-46d5-95e6-557d05cb2eff&ContentType_id=1faead15-454a-4bbc-b5a7-4cb518dd4b7c&0519105c-c65b-4667-a499-f637deac7ace.

¹²⁷ Matt Canham, "Washington County Lands Bill May Be the Wilderness Model," *Salt Lake Tribune*, March 30, 2009 (retrieved from ProQuest Newspapers database, at <http://www.proquest.umi.com/login>)

where BLM and Park Service lands border each other. As we have seen, the Canyonlands National Park border controversies illustrate the management conflicts that often prevail between these two disparate federal agencies. Considering the environmental problems of the future, and the integral role both the Park Service and BLM will play in addressing them, it is essential to improve and institutionalize coordination between the two agencies, particularly in areas where their borders meet. Indeed, because both agencies manage common ecosystems and because both agencies must sustain the ecological integrity of their respective lands, the need for a workable collaborative framework and agreement is evident.

Therefore, we recommend a new interagency coordination policy that relates specifically to shared BLM and Park Service borders. The land along the boundary line would fall under this policy and be managed to protect the integrity of the land. As is evident from the conflict over both the BLM's Monticello Area RMP and its December, 2008 oil and gas leasing decision, the new policy should cover both planning and project-level decisions. Such an approach should not be controversial since both agencies currently operate under general coordination requirements.¹²⁸ Neither agency will have final say, but instead they will need to create joint conservation guidelines regarding the management of border areas.

Such a policy will need to incorporate key elements concerning both the BLM and Park Service missions and must be explicit in its language regarding collaboration. Consistency in action regarding border management is integral for a successful long-term relationship between the Park Service and BLM. Moreover, because the BLM's multiple use mandate is more flexible than the Park Service's preservation mandate, the BLM should be responsible for considering alternatives when management priorities collide at the boundary line. For the BLM, flexibility will require accommodation, though subject to overriding national concerns.

As shared borders directly affect both the BLM and Park Service, we hope to see an explicit national interagency coordination policy that models the local collaboration efforts begun in 1993 and that can transcend the ever-present politicization of public lands issues. The policy adopted must provide for a consistent management scheme that is pragmatic and can be applied to the millions of acres of shared BLM/Park Service border land throughout the United States.

Significantly, in the aftermath of the December, 2008, oil and gas leasing controversy, the Utah State BLM Office and the National Park Service Regional Office signed a new, expanded Memorandum of Understanding on May 14, 2009, that applies across the state. Effective for a five year period, this new MOU provides for annual local interagency meetings, advance notification of agency action proposals, and regular communication on natural resource activities, including oil and gas leasing. The two agencies have established an elaborate notification process for oil and leasing and exploration proposals and for land use plan modification proposals.¹²⁹ Whether this promising Utah-based MOU model will prove effective or can serve as a framework for a more comprehensive national interagency coordination policy remains to be seen.

While not without potential problems, such a new collaboration policy should improve resource management on sensitive border lands and perhaps even help reduce political pressures on the agencies. Because any new management policy creates additional work, the chronically understaffed BLM may have trouble initially dealing with the demands of this new policy. But to ignore the interagency coordination problem will just ensure more conflict that will prove more costly in the long run. Past efforts to institutionalize collaboration have led to minimal change, so our hope is that the recommended consultation and collaboration policy mandate will be enforceable. The goal is to reach beyond short-term mutual understandings between the agencies and to establish

¹²⁸ Legal Information Institute. U.S. Dept. of the Interior, Bureau of Land Management's Land Use Planning Mandate, 43 USC § 1712 (2007), at http://www.law.cornell.edu/uscode/search/display.html?terms=1712&url=/uscode/html/uscode43/uscode_43_00001712----000-.html; U.S. Dept. of the Interior, National Park Service's Coordination Obligations, Management Policies 1.6, 1.7 (August 31, 2006), at <http://www.nps.gov/policy/mp/policies.html>.

¹²⁹ Memorandum of Understanding Between Utah State Office, Bureau of Land Management, U.S. Dept. of the Interior, and Intermountain Regional Office, National Park Service, U.S. Dept. of the Interior (signed May 14, 2009).



Airport Tower and Colorado River, Canyonlands Basin.
PHOTO © TOM TILL

durable coordination protocols that are not susceptible to political manipulation.

Canyonlands Completed: A New National Preserve

The high cliffs and deep canyons of an expansive erosion basin in southeastern Utah define the natural boundaries of Canyonlands National Park. As we have noted, despite these natural borderlines, the actual land managed by the National Park Service as Canyonlands National Park includes only one third of the one-million-acre basin. The Bureau of Land Management manages much of the remaining land, supported by a mandate that provides for more flexible, diverse, and intensive land uses than the National Park Service.

Since the creation of Canyonlands in 1964, the differing management objectives of the Park Service and BLM have put at risk the integrity of the land, both within the national park boundaries and the greater erosion basin. If the full array of multiple-use activities allowed by the BLM continue within key areas of the Canyonlands basin, the potential outlook is grim, ranging from soil erosion and plant loss to the development

of full-scale energy extraction sites. As illustrated by the BLM's recent attempt to issue oil and gas leases within the viewsheds of both Arches and Canyonlands national parks, there exists an imminent need to finally address the Canyonlands border dilemma that has been avoided for almost fifty years. The growing presence of OHVs and the difficulties involved in regulating them further magnifies the problem.

We endorse, therefore, the basic Canyonlands Completion idea: the lands within the Canyonlands erosion basin should be managed as an entity by a single agency. The reasons are apparent and compelling. First, Completion would help sustain Canyonlands National Park's conservation and aesthetic values—that is, the park's boundaries should reflect ecological realities and acknowledge the interconnectedness of the landscape. Second, Completion would promote managerial efficiency. Not only does the Park Service staff already manage the Glen Canyon NRA lands on the park's west side, but it has the resources to effectively manage recreational use and impacts in Lockhart Basin and Indian Creek and to oversee the remote lands that border the park elsewhere. Third, Completion would help to reduce conflict on the current fragmented landscape, including the prospect of future litigation over energy leasing, OHV management, and other issues on the BLM land located within the erosion basin. Finally, given the unique history of Canyonlands National Park, Completion would fulfill the original vision of the park's early proponents.

We considered other alternatives. The creation of a national monument by presidential proclamation under the Antiquities Act could happen swiftly. President Bill Clinton's creation of Grand Staircase-Escalante National Monument in 1996 establishes the precedent for such a bold move. But this unilateral decision, without public engagement, left behind considerable resentment and feelings of disenfranchisement among local residents. We want to avoid this unnecessary turmoil. Legislation passed by Congress would not only ensure more input from citizens but also would provide more permanent protection than a presidential proclamation.

We feel strongly that multiple stakeholders need to

be involved in the decision-making process to plan for the future of Canyonlands. These groups, committed to jointly shaping Canyonlands policy, reach beyond the Park Service and BLM and include the local residents of San Juan and Grand counties, local and national politicians, environmentalists, recreationists, scientists, national park visitors, and others. Hearing from such a community of voices ensures that individuals will have the opportunity to collaborate on policies that will both directly and indirectly impact them. Grassroots dialogue can create a long-term coalition that can positively affect policy throughout the process and devise more durable resource management solutions.

Nevertheless, we believe that Congress must allow the land to be managed within the entire boundary of the erosion basin from rim to rim by one agency. In this case, this is the best solution to ensure effective and efficient management of the land. The BLM manages all 1.7 million acres of the Grand Staircase-Escalante National Monument. Since Canyonlands already exists as a national park, additional completion lands naturally fall to the National Park Service as custodians and stewards.

In short, we agree with the proponents of the Canyonlands Completion proposal, but with a crucial difference: we recommend that the National Park Service manage all land within the natural erosional basin as a Canyonlands National Park and Preserve. National preserve designations have been employed occasionally by Congress to fit the specific needs of an area; they have been used in Alaska and elsewhere on public lands adjacent to national parks, with the management standards adjusted to accommodate hunting traditions and some motorized recreation activities.¹³⁰ Under this new joint designation, the original boundaries and management of Canyonlands National Park would remain unchanged. But the additional lands below the rims, which are mostly BLM public lands, would become Canyonlands National Preserve. The intermixed SITLA parcels can be exchanged out of the basin for federal lands elsewhere that the state can manage more efficiently than it could isolated parcels within the park or preserve.

A new Canyonlands National Park and Preserve des-

ignation addresses the fundamental core of the problem—an artificial and unenforceable boundary—while creating a management scheme to resolve concerns regarding future changes on the affected BLM lands. With the basin under a single bureau's jurisdiction, the divergent mandates of the BLM and National Park Service will no longer come into conflict within the “natural boundaries” of Canyonlands, thus increasing the chances for conserving the biodiversity and resilience of the entire ecosystem.

In our view, management policies for the new preserve lands should be established by utilizing a process similar to the successful negotiations that led to the 2009 Washington County lands bill. Under this approach, a collaborative policy team should find sufficient flexibility to resolve conflicting uses in the new preserve, including hunting, rock climbing, OHV use, and potential energy and grazing leasing. In short, our proposed solution endorses a democratic process that recognizes multiple viewpoints and that keeps all stakeholders actively involved in an ongoing dialogue over resource management policy in the new preserve.

We do not believe, however, that this course of action represents an appropriate solution for all future boundary management problems between the BLM and Park Service. Rather, the larger problems surrounding the relationship between the BLM and Park Service in land use policy, particularly in the West, should be addressed more comprehensively. We have set forth in the previous section an interagency coordination policy proposal designed to address these recurrent borderland issues.

We recognize that this proposal is a compromise that allows for continuing some types of recreation that are demonstrably problematic to the integrity of the landscape. Some would argue that the entire basin should become Canyonlands National Park. With the concept of a Canyonlands National Preserve, however, all voices may be heard, and unique and unpredictable visions may result. At the same time, this leaves the door open for park completion in the future, if that becomes the public consensus. We believe that the most pragmatic and effective initial solution for Canyonlands is to create a protective management designation that allows for collaboration and flexibility as we move into the future.

¹³⁰ Examples of existing national parks and preserves can be found at 16 U.S.C. § 410hh-1(3) (Denali National Park and Preserve) and 16 U.S.C. § 410hhh (Great Sand Dunes National Park and Preserve).



Green River Overlook, looking toward Orange Cliffs, Canyonlands Basin. PHOTO © TOM TILL

AFTERWORD: PERSONAL REFLECTIONS

Tori Ballif: Land is Not a Luxury

Last summer, when gas prices were skyrocketing and the nation was looking for ways to alleviate our fuel crisis, a friend asked me my thoughts about domestic drilling.

My response was, “Well, it would be nice if we could avoid drilling, especially on geographically significant lands, but I think we have just reached a point where we don’t have the luxury of refusing oil production in specific areas. We need the fuel, right? I mean, what else can we do?”

After a year of intense study of western land policy from legal, social, political, and environmental standpoints, I am ashamed of the answer I gave.

I was wrong.

Land preservation is not a luxury.

It is a necessity.

We can no longer afford to see land as a disposable resource, ready to sacrifice its long-term value for every short-term crisis we face. Land is as finite a resource as any other.

I have given up the illusion that we have any ownership over the earth. Stewardship is a better word for the reverence and responsibility I have come to feel over the last nine months.

I will not change what little land we have left. I relinquish any claim I may have had on the earth.

Instead, I will change myself and my habits.

Land is not a luxury. I recognize that we have cultivated relationships with the land as a human family, but I am willing to make sacrifices now for a higher cause.

I believe the natural beauty of an untamed landscape is a human right, and one that I will not take away from future generations.



Tori Ballif is from Kaysville, Utah. She graduated from the University of Utah in May 2009 with an Honors History degree. She will be joining the Stanford Law School class of 2012 this fall, and looks forward to her time in Palo Alto. Tori has a strong interest in the economic development of the West, and spent much of her undergraduate career studying the effects of the nuclear testing in the Nevada desert during the 1950s and 60s.

Megan Bitner: Beauty in the Details

I can hardly believe that a year has passed since I petitioned to be a member of this university think tank. I joined with very little knowledge of Wallace Stegner or the southeastern corner of Utah. The main draw was that it was a think tank, part of that grouping of academic activities that would look impressive on my resume and probably help me further my academic career.

I entered the class fresh off a political internship at the state capitol. That experience impressed upon me the value of cooperation and compromise. I learned there that you can't afford to die on every battlefield, that sometimes if you can achieve a third of your intent you can chalk it up to a victory, and once in a while simply bringing up a topic with the hopes that someone will think it over further is a true success.

I quickly came to discover that the idea of "Canyonlands Completion" has many battle lines and several marring scars, the closing of the Salt Creek Road being one of the most prominent. Due to the order of interviews, many in our class found sympathy with the locals who had their beloved arch and favored family activity removed from them. Later, speaking first with Jayne Belnap and then Kate Cannon about the issue, we began to understand why even having ten cars driving up that road a day could have devastating effects on that pristine area. So the conservationists emerged victorious on this issue. But I don't find it to be a victory. It made the citizens of San Juan County feel disenfranchised, like naughty children being told to stay out of the flowerbed.

Grand Staircase-Escalante National Monument is another example. A victory for the conservationists, but at the cost of the citizens of southern Utah burning effigies of President Clinton, forcing the announcement to take place at the Grand Canyon in Arizona. The goal may have been achieved, but at what cost? While brazen and forceful acts may cause things to happen, they hurt along the way, just as the brazen and forceful oil lease sale in southeastern Utah by President Bush hurt conservationists enough to take illegal action.

So where does that leave us with Canyonlands National Park? With a lot of disenfranchised and hurt individuals, all of whom feel they are not having their voices heard. People don't understand each other; maybe they don't want to. Often our class, with less emotional investment in the land, could view things "objectively" and then assert that the solution was very obvious: Of course they would close Salt Creek Canyon, the road crossed the creek over 70 times and the damage would be extensive. However people did not drive up Salt Creek Canyon to destroy the natural resource; they did it to show the people that they really care about this beautiful territory they cherish. I observed while gazing

over the incredible viewshed of Canyonlands National Park that you can love a land and still exploit it and that you may exploit it all the more for loving it. I believe that even more now than I did then.

To me, the beauty of Canyonlands comes from the details. The sweeping view is not as intriguing as the individual curvatures carved from the rock by natural forces. The greatest magic is in the color of the rock; stark, deep, and red. This landscape lacks the indulgence that characterizes many other national parks. It is the lack and feeling of resistance that truly create the area into the being that it is. I think that the plans for Canyonlands, the necessary compromise, can work best by following these similar, majestic decisions. The beauty rests in the details and in the sacrificing of what one values to try to protect other things that are also valuable. Maybe it is necessary to allow a few cars up Salt Creek Canyon everyday, even if that will cause damage to the environment, in order to prevent greater atrocities, like oil extraction in the basin. The beauty of Canyonlands cannot be saved by playing to individual egos and aggrandizements of self-importance. Many people value this land for many different reasons, so solutions will never be reached if one set of values is allowed to preclude or silence all others.



Megan Bitner is from Logan, Utah, and graduated from the University of Utah with honors in English and History in 2009. She worked as an intern at the Utah State Legislature in 2008 and currently lives in New York City. She plans to attend law school.



Needles Overlook, Canyonlands Basin. PHOTO © STEPHEN TRIMBLE

Heidi A. Chamorro:
The Necessity of the Middle

Walking up nature's staircase stepping over rocks and dirt as I pass I begin to notice the subtle characteristics that make nature what it is. The soft wind caressing your face, like a mother directing you to follow her and the sound of insects and wildlife playing the melody of the wild. The heat is no longer a worry and the burn that begins to ensue on my face goes unnoticed, for the only thing that my mind can focus on is the wonder and breath-stopping beauty that is nature.

This scene was one that became too familiar when visiting Canyonlands National Park during fall break. Until this point I had never really cared whether or not people trampled on the land or if companies used it to extract energy; it didn't affect me, so I thought. Could my feelings possibly have been because I had never actually taken the time to visit a national park or because the only hike I had ever been on was in the third grade? After memories of bug bites and dirty shoes came to mind, I never really wanted to return to that place of an uncontrolled environment. After I began reading more about nature and became more curious to venture into the outdoors, I decided to apply for the think tank. I was curious to learn more about the West and to understand what people found so intriguing about the open land. I found my answer to that question on our class visit to Canyonlands National Park.

The pestering bugs and dirty shoes were still as I remembered from my childhood, but the beauty and seclusion I saw as I looked out over Grand View point was almost overwhelming. I had never realized how caught up I was in the world of material until I saw nature at its core. It was almost like looking at a portrait that you can't believe someone painted because its beauty was subjective and can't be explained, only experienced. It brought me back to our class discussions on Wallace Stegner and his thoughts on preserving that aesthetic beauty of the West. It also had changed my own feelings on the Canyonlands controversy and made me realize if this is not worth preserving for future generations, I'll never see anything that is. I want my children and my children's children to be able to look out into the basin and see what I saw, not destruction or potential oil rigs on the outer edges of the park. They should be able to enjoy the view of the entire park, as a whole not just the middle of it to understand what makes the West so wondrous.

While on our trip we interviewed many people who were involved with Canyonlands National Park and interview after interview the complexities of the controversy began to grow. I didn't know about the ecological effects that recreation had on the land, both long term and short term, and I had never known anything about the potential extraction of energy that could occur in the basin. The only thing I did know was that all these different people with opposing views had to meet in the middle before any solution could even be talked about.

This think tank has taught me a very important lesson, which is that collaboration is key to making change and to starting the process of bringing about change. I look at our own class and how we began with a group of individuals who all came from different backgrounds, had different opinions and brought different talents to the table. Although we spent countless, countless hours debating over opinions, we eventually all had to meet at the table halfway to get things done. That is how I view the idea of preserving the area surrounding Canyonlands, as a middle ground. I don't believe that the land should be completely blocked off from recreation, but I think that under one agency the park will be looked at how it should be, as one ecosystem. All the different stakeholders should be able to voice their opinions; it shouldn't be left to the government to decide the fate of the land, but it should be

left in the hands of all those who enjoy it, who walk in it, who care about it.

This think tank has been a great experience with some of the most wonderful people I've ever had the chance to meet and work with. My only hope is that the work that has been produced by the class will bring to light the concerns and discussions that have been kept in the shade for far too long.



Heidi A. Chamorro is from West Valley City, Utah. She is an electronic journalism major and literacy studies minor in the Honors College at the University of Utah. She plans to attend law school upon graduation in 2011.

David M. Hoza:

My Year with Think Tank: Wallace Stegner and Western Lands

When I look back to the spring and summer of 2008 and ask myself where I was and why I was attracted to Think Tank: Stegner and Western Lands, several recollections come to mind. Stephen Trimble, author of *The Sagebrush Ocean*—a key book in developing a closer relationship to my land and to Utah and desert southwest regions that I've come to call my homeland—stands out as a trigger for taking the offering. Stegner himself, through “The Wilderness Letter,” was near to my heart and values. His novels brought me years before into correspondence with the man and his life, though I have learned and appreciated a great deal more since entering the think tank process.

In applying for the think tank, I was called upon to write a brief essay describing what I thought the experience might be. I titled my essay “On the Importance of Collaboration and the Role of the Individual in a Community”. Looking back I crack a smile, laugh, and am enormously gratified by the actual consequences. At the time I thought: “In the circle of being, the individual grows strengths.” Expectation understates experience with the community of think tank individuals, an inner circle among a greater community of experts, partisans, writers, thinkers, bureaucrats, lawyers, activists and stakeholders with whom the honor and pleasure of growth and personal development for me unfolded.

My first experiences were what any of us experience with people we don't know, from whom we don't know what to expect. I skipped my homework, experiencing first the man known as Robert Keiter, and was not disappointed. Deeper into the collective process I learned not only of his many hats but of his enormous experiences with ecosystem management issues, environmental law, and with the people that go into making the legal and on-the-ground histories of public lands management in the West. His experience with the conceptual terrain was, I realize now, greatly held in check as he and Stephen Trimble took us experientially into the depths of discovery with the collaborative stakeholder process. The both of them took us through much background reading, following Charles Wilkinson's admonition that to work with lands issues requires a broad understanding of the people, places and issues apparently unrelated to problems and solutions. Stephen and Robert put us face to face from early on with the people and stories from the Colorado Plateau, as well as those making up the issues pro and con that public lands face today.

The Colorado Plateau and River and the Colorado's sister river the Green, were early landscapes shaping my conceptual understanding of what it means in the West to have a resource worth developing—as well as worth protecting. Stegner's *Beyond the Hundredth Meridian* shared Powell's discovery of

the wonders of nature as well as the realization that very different solutions would have to occur in order for the West to remain sustainable. These are the very polarities we struggle with today. Wilkinson's *Fire on the Plateau* embodied the story of how a man is changed by a land even as the land is undergoing fierce changes by man, and human is pitted pitifully against human. Stephen Trimble's *Bargaining for Eden* offered as an alternative to fighting the powers that be, bearing witness to the wielding of those powers, getting to know on a personal level the people who wield them. His book seemed to say that we should let history serve to inform the future that we may know the ways power has been used plainly. These works only begin to address the process of humanizing those who do not believe as we do, the process of telling the naked truth in the face of rancorous politicizing, and of dismantling 'rain follows the plow' boosterism that has historically kept communities of diverse people in the West from rolling up their sleeves, getting their hands dirty and joining to collaboratively conserve in a way that creates sustainable lands as well as sustainable economies.

My first real taste of fellow think tankers—and renewed connection to the land itself, Canyonlands—happened over fall break when the think tank camped week-long in the cold fall of Arches National Park beneath a full and waning moon. We spent nearly every spare moment in interviews and informal discussions; journaling, traveling, and witnessing the people, the communities and the vistas that make up the greater ecosystem above Canyonlands, and determines much of its fate. As significant as looking about, we directed much of our attention within, talking amongst one another, getting a real feel for our thoughts, our reactions to the environment, the commentary, belief systems, presence and lack of science in managing sustainably the heavily used lands surrounding especially the east side of the Canyonlands boundary.

I had the pleasure of travelling down to Canyonlands with Jeff Van Hulten, Heidi Chamorro, and Thomas Rollins. The conversation was a mix and expression of the people themselves: lighthearted chit-chat, personal reflections, and a pondering of the issues of the moment—the upcoming national election and final debates, the recent emergence of the international financial crisis, what we might find in Moab and Monticello in light of having just read excerpts from Jim Stiles' *Brave New West*. I had run into Tom at a showing of Jim Thiebault's film *The American Southwest: Are We Running Dry?* which stated in unequivocal terms the West's unsustainable predicament with water, not long before the trip. Tom and I had a running dialogue on sustainable agriculture and energy that surfaced with gusto when Tom injected unsustainable water issues into think tank discussions before the trip to Canyonlands.

The reading from Courtney White's *Revolution on the Range* undoubtedly influenced our collective optimism over collaborative processes in meting out an amicable protection of wilderness quality lands while affording sustainable economic prosperity. As time went on, we experienced the massive uplift of grandeur overlooking Canyonlands from Grand View Point and the Needles Overlook near Hatch Point, switched car partners continuously while traversing the area taking interviews and asking myriad questions, shaping responses to the region's people, evoking the spirit of place.

Nights around the campfire or along the moonlit hike to Delicate Arch were as good as mornings gearing up with breakfast, as good as dinners with key players like renowned USGS soil scientist Jayne Belnap, lunch with San Juan County Commissioners Lynn Stevens and Kenneth Maryboy, as good as lunches and dinners amongst ourselves. We took turns fielding one another's speculations and concerns while walking down Monticello's main street, snacking in the local café, and waiting for showers at the motel in Moab. The girls off by themselves did a lot of giggling, and the guys hung around and

did what we do best—tell stories. Impossible to recollect in its entirety, I got my first opportunity to really admire everyone's approach to the issues, and to taste the passion and strife that planning, decision-making and execution would have in our own microcosm of collaboration, the think tank.

Collaboration between diverse individuals is rarely an easy or straightforward process. If differing interests and needs were not enough, a project, event, or for that matter how we manage and use our public lands becomes a representation of our values and identity. Collaboration brings us face to face with traditional power structures and processes operationally modeled for our use. Winning our way becomes synonymous with what makes us feel most safe and secure. We pursue fields of higher education for the purposes of developing forms of persuasion, alliance building, and of course, success.

During the time of the Hinckley Journal writing project, I really got to know some of the most dynamic forces in the think tank as well: Tori Ballif and her capacity for creating and holding court with complexity; Megan Bitner's well honed argumentative debate and crafting skills; Cynthia Pettigrew's deep consideration of the shortcomings of the land management bureaucracies, the laws enforcing their management, and the lack of good science as a priority concern for managing the nation's collective natural wealth. Ingrid Price weighed in with politically shaped perspectives, creating a superheated dynamic that all the think tankers tapped into in creating the essay "A Civilization to Match Its Scenery": Western Land Management Policy and Canyonlands National Park," which was published in Volume 10, the 2009 issue of the Hinckley Journal of Politics.

As we moved rapidly from the Hinckley Journal project to our presentation at the 14th annual Stegner Center Symposium presented by the Wallace Stegner Center for Land, Resources and the Environment at the University of Utah, we shifted to writing a script and representing a collaborative process as well as the stakeholders of note found in the months leading up to March 6, 2009. We rendered, I think, a fair depiction of the stakeholders and their various interests necessary for initiating a collaborative approach to sustainable public land use management policy and practice.

The final project has been difficult to settle into. There is the sense of let-down after such an intense and productive learning experience. I'm not done learning of the background and the issues, and refuse to give up wrestling with the details. Though the majority maintained the need primarily to rehabilitate the relationship between the National Park Service and the Bureau of Land Management, I have stuck to my guns and called additionally for adherence to the collaborative stakeholder process in providing guidance for public lands management, if for no other reason than to say we are all in this together. Those things within which we have a vital stake have a better chance of protection and vital attention than those without. The recent success of the Washington County lands bill has provided newfound optimism for the collaborative process, and just a smidgeon of regret that we did not have the time to explore its process more deeply.

I have learned a lot—experientially—from working with this group. On a unique and individual level, I have felt a living, satisfying, organic bond with each of the members of the think tank. I thank each and all for the opportunity to experience a taste of community over fierce devotion to perspectives and principles that, underneath, reveal a unity of values, devotion to people and places and to the health of all unified by a common bond with the land in which we live.



David M. Hoza has lived east of Park City, Utah on a remote piece of land for over 12 years. With a BA in English and a minor in History from the University of Houston, he pursued a life goal of off-

grid living before returning to an academic pathway in 2006. An AS in Psychology and work in Environmental Studies has prepared him for entry into the University of Utah's Environmental Humanities masters program Fall 2009. Dave's passion for wilderness and a healthy environment is paired with the desire to see diverse communities negotiate differences for the sake of a sustainable world.

Ingrid Price: A Canyonlands Op-Ed

As a Utah native and student of western land policy, I feel compelled to write regarding the recent disclosure of land lease sales in Southeastern Utah for the purposes of oil exploration and drilling. Simply put, these lease sales, particularly within the viewshed of our revered Arches and Canyonlands National Parks, are short-term solutions with lasting negative consequences. Thus, I ask each resident of Utah to step back and look at the greater picture of wilderness – its role, purpose and meaning – in our home state of Utah.

Today we live in a highly developed West, offering all the same living and working opportunities as the East. The spirit of industry remains strong in Utah, a direct legacy from the Pioneers before us. Surrounded by all of these modern business, development and economic opportunities, it is essential to remember the sense of freedom sought in the discovery of this region, and the continuing necessity to have an outlet in our busy lives.

Like so many others, I spend the majority of my time bustling around the city whether for work, school or play. Everything “needed” is right outside the front door – restaurants, coffee shops, the library and movie theaters. Yet none of these places truly provide a place to breathe, to recharge and put life back in perspective. Wilderness gives each of us space to realize how big this world is and how small we are in relation to it.

Right now, we are playing with our balance with the environment, and we have gone far enough down the road of pushing the wilderness away. If we continue at this rate, we will diminish what Wallace Stegner called the “wilderness idea” – the knowledge that, even if we do not go out and look at the never ending boundaries of Canyonlands, or the world-renowned Delicate Arch, it is there for us; there is a place to seek refuge from an increasingly stressful urban environment, and a place to just breathe and appreciate all that this land, and wildness, has given to us.

Delicate Arch has been the symbol of our state for years, even displayed on our license plates. Canyonlands is our Grand Canyon. Imagine hiking to the arch, or standing at Grand View Point, and not only seeing the vast wild stretching from every corner of the panoramic view, but also an oil extraction site. A site with multiple roads, flares, night lights. Not only has the vision and beauty of these destinations been destroyed, but also the sense of feeling removed, at least for a moment, from the stress of daily life, has disappeared.

Like any relationship, there must be a balance between humans and nature. For, as any relationship, if we continuously push it away one day it will be gone, and only then will we realize what we have lost. That will be it. We will never be able to take it back. It is essential that each individual discover how the wilderness impacts life and our greater community, and acts upon that in appealing for environmental consciousness by our government.



Ingrid Price is from Salt Lake City, Utah. She graduated in May 2009 from the Honors College at the University of Utah with a degree in Political Science. As a Truman Scholar, Ingrid will begin studying international relations at the University of Cambridge this coming fall. In her free time she enjoys skiing and hiking in the Utah mountains.

Cynthia Pettigrew: Resonant Voices

Throughout the year our individual and class perspectives have shifted continuously. At first, the Think Tank process arouses the same sort of frustration that you might have had as an infant; trying to shove a square block through a round hole; except, in this case, there are nine blocks trying to fit into that one, round hole. The good news is that none of us are as rigid as we first appeared. And, although we are simply students, unhampered by official positions, it gave me hope that communities and/or agencies could come together and go through this same arduous and rewarding process.

What has impressed me most is the flexibility of thought that we all embraced. I have learned that there are no easy answers and more than likely, no absolutely right ones. I think that the willingness to listen carefully and thoughtfully to one another saved us from the road of bitter conflict that seems to be present in many instances of land use planning.

Personally, the most valuable experience throughout the past year was collecting interviews from locals and officials in San Juan and Grand counties. There are three voices in particular that dramatically shaped my thinking about western land policy. The first is Bill Boyle, a resident of San Juan County who responded to the suggestion of promoting a tourist industry in San Juan County to encourage economic growth: "tourism is a condescending business to be in." Agreed. I wholeheartedly believe that a town that has been built on a relationship with the land whether cattle, mining, or farming etc. should not be expected to shift abruptly to theme restaurants and Kokopelli art shops. I am also reminded of Wendell Berry who spoke recently in Salt Lake City about the need to rebuild struggling economies on better values rather than useless products; having said that, I don't think that unsustainable farming, ranching, mining etc. should be tolerated either. From my outsider perspective, wind and solar energy seem to offer the most promising future for San Juan County; not for the sake of growth but for sustainability. I do not think that growth is inherently good; particularly in the desert.

Another voice that resonates is Kate Cannon, the superintendent of the National Park Service's southeast Utah group, which includes Canyonlands. Kate remarked that "The national parks are merely postage stamps on maps whereas the BLM is the landscape of the West...they are the most important player in the preservation of the West; their repertoire should be expanded." I believe that allowing the BLM to manage more lands under a model of preservation may assist in expanding the BLM's repertoire. Other problems within the BLM's agency, particularly law enforcement, could be addressed with an increased budget. Currently the BLM's budget is drastically lower than the National Park Service's, yet the BLM manages 256 million acres of land as opposed to 84 million acres managed by the Park Service. However, I realize that budget does not address the problem of politicization that we draw attention to in the paper.

The third voice that struck a chord was Heidi Redd. Heidi repeatedly asserted that "people should be able to experience wilderness naturally." She also lamented the fact that national parks often

become “must- see” destinations. Aside from increased foot and car traffic, this can take away from the experience of being outside altogether; relatively alone, exploring your surroundings. Who can *really* say which is worse: relatively few people going where they please and learning about the land intimately, or millions of people annually, driving to mass parking lots and walking on designated trails with “superficial interest”? Of course many people fall in between these characterizations, but I identify strongly with the sentiment. Heidi also drew attention to the difficulty of compromise: “Everyone has to give a little...too often nobody is willing to budge.”

The voices of San Juan and Grand Counties echo many of the voices I have known over the years. For seven of those years, I have lived seasonally in two small western towns. Both towns are minutes away from the mountains and my weekends and summers were spent exploring those surroundings. I did not grow up in either area, but time and familiarity in a particular place create a sense of home. Gaining that sense of home makes it hard to remember that I am a renter, not an owner; and I am sharing that rent with millions of other people. This is precisely why community conversations and workshops are essential; they serve as a reminder that every interest has a rightful stake in public lands and they give people the opportunity to build relationships based on interactions rather than speculation about opposing interests. In short, while that pull of exclusive ownership may remain strong, we all have to learn how to give a little.



Originally from Florida, Cynthia Pettigrew has worked with AmeriCorps and lived in Pinedale, Wyoming, where she witnessed the impact of oil and gas development on the rural West. At the University of Utah, she is a double major in History and in Social Behavioral Science and Health in the Honors College class of 2011.

Thomas J. Rollins: Curators of Nature

Caspar David Friedrich’s painting, *Der Wanderer über dem Nebelmeer*, depicts a nineteenth century bourgeoisie man overlooking the splendor of his environment. This German Romantic painting, in the tradition of Romanticism, had inspirations deriving from the newly found conflict between industrialization/*Rationalisierung* and nature. My own experience of nature and the natural environment has been pivotal in my personal development. My life, a product of modern industrial society, has been marked by our country’s abundant national parks and open spaces. My exposure to our natural splendor, mostly through backpacking and mountain biking, has taught me the importance of nature’s effect on the human body (including mind).

My participation in the Wallace Stegner Think Tank, through the University of Utah’s Honors College, has allowed me to better understand our country’s relationship with its open spaces and national parks. Utah is a state with lands largely owned by the federal government. These federal lands fall under two main authorities: the National Park Service, and the Bureau of Land Management. The two organizations, within the Department of the Interior, have two separate mandates and purposes.

The BLM’s role in federal lands is to ensure that their lands will be used for “multiple use;” the federal lands under their control are subject to recreation and resource extraction. The National Park Service’s role in federal lands is to ensure that their lands will be preserved in their natural state for

enjoyment by society. The oil and gas lease controversy of December 2008 opened my eyes to the fragility of, and encroachment into, the purity of Utah's national parks—due to the borders shared by the BLM and Park Service.

The proposed oil and gas leases were a wake up call. The leases would allow the sale of lands in the vicinity and viewshed of our national parks. The decision by the BLM to make these sales, while within their mandate, would have repercussions for Park Service lands—repercussions that violate the NPS mandate. Our national parks in southern Utah are renowned for their air quality, star gazing potential, vast viewshed, and ecological diversity heavily reliant on a few integral rivers. The BLM and National Park Service, both under the Department of the Interior, need to be able to cooperate in their decisions that allow respect for and maintenance of their individual mandates. The actions made by either authority inevitably affect the other—especially in the case of Canyonlands, where their lands share borders and lay within one ecosystem.

Beyond their extrinsic value to me—their healthy, biologically diverse, ecosystems—the national parks have a quantifiable economic impact on local economies. Lands managed by both the NPS and BLM are responsible for bringing millions of dollars to southern Utah. Tourists flock to the region from around the world to enjoy the unique natural splendor of the Colorado Plateau and to participate in the recreation it allows. The cities in the region have the ability to build their economies on a resource exhaustible only by poor planning and extensive resource extraction. The cities are able to become the curators of their own backyards—becoming experts of their native terrains. The residents of those cities should feel only pride in their work as emissaries of the land.

My exposure to the canyons, plateaus, streams, and wildlife of Canyonlands National Park has been extremely rewarding. Backpacking is one of my favorite activities—a physically demanding experience requiring planning, cooperation, solitude, and temporary freedom from modern society. Backpacking is also an experience with a diversity of rewards ranging from family/friend bonding to pleasure derived from exposure to unique and natural aesthetics. The maintenance of the natural beauty of our country is very important to me, and I feel that it can only be realized through cooperation of our National Park Service and Bureau of Land Management in tandem with universal respect for the sanctity and fragility of our natural landscapes.



Thomas J. Rollins moved from California to Utah, where he lives in Salt Lake City. He is a History major and German minor and a member of the Honors College class of 2010. An avid backpacker and outdoorsman, he has spent considerable time in the Canyonlands area.

Tyler Telford: Setting Up Shop at the Crossroads of Collaboration

To work in a think tank, no matter the mission or purpose, is to reflect on the vast potential and restrictive limits of the collaborative process. For the collaborative process is the crossroads through which every idea is made to pass eventually, and to join a think tank is to set up shop right at the edge of that difficult corner. Ideas are needed quickly, and they go into circulation unpolished and sometimes premature. And when they come back, they are often unrecognizable. This is the inherent strangeness of the collaborative process where, initially, the very conventions of community dialogue can enforce a feeling of isolation.

But as the final product of this think tank attests, any initial roadblock to community dialogue eventually gives way. Not only is our project a recommendation for collaborative efforts between the many interested parties concerned with land management, it is also proof that that collaboration is possible. In fact, the process we as students successfully navigated may suggest a similar pattern of growth for western communities in general. The meridian so visibly dividing people with like interests into ideological camps of difference will also give way to new growth. The modestness of this think tank's success in finding common ground may yet replicate in scale as it finds its audience.



Tyler Telford is from Salt Lake City and graduated from the University of Utah with honors in English in 2009. He worked as a wildland firefighter before college. In the fall of 2009, he began work with Teach For America.



Think Tank class at Grand View Point, Canyonlands National Park. PHOTO © STEPHEN TRIMBLE

Jeffrey Van Hulten: Sanctuary

The great American West, vast in its expanses, rich in its beauty. From the time of its rediscovery, this area of the world has provided a unique window into the collective self and has offered us all an “angle for repose.” But how is it that such a place, such a resource, has been the center of so many disputes and so much unrest?

The romanticism with the West that has pervaded American culture has led many to yearn for its resources, its offerings, and its place. This battle, however, for contradictory ends has left the West exploited and its inhabitants, with their history, community, and lives invested here, with little if any input as to what will become of it. It leads one, such as myself, to wonder what steps we as a people will take before we realize what it is we may be losing?

I recall sitting at the edge of the world looking in. The red stone was virtually glowing in the light as it jetted up from the shadows of deepening craters and canyons. Boundaries did not exist, as the breathtaking view seemed to stretch on forever. I gazed from this point that many had come to know as “Grand View” and the words of Terry Tempest Williams seemed to sink in:

For Westerners, it begins with the view. We must scan the vista before us. Our eyes find the farthest vantage point and remain as if awaiting the promise of love. It’s in our genes, our history. We left the security of civilized worlds for this—the view—a wilderness beyond that translated to hope.

I take a step back from the edge, my eyes still transfixed by the scene that is unfolding. Breathing in the sweet sense of freedom that these lands possess, I pause and wait and then it comes, hope.

It had only been five months since the tragic day that would change the course of my life. In late May 2008 my father passed away in a work-related accident. Mom would hold to the fact that he died doing what he loved, working on cars. Coincidentally, just weeks before, my dad and I had journeyed out to the wide-open spaces of Southeastern Utah. It would be the last moment we would spend together as father and son.

His death was a shock. I felt myself quickly slip away from any sense of being, finding the darkest, quietest place to hide myself while I waited for the storm to pass. I vaguely remember the funeral. It still is a blinding blur of long lines of people I hardly knew, but who knew dad. “Take care of your mom, ya hear!” seemed to be attached to every condolence I received. The weight of my newly inherited responsibilities had yet to be realized; but would soon become an engulfing concern that would crack the walls of my conscience.

Regaining my composure over time would seem impossible, as the routine of the mundane would not wait for my recovery. Where to turn and how to cope was anyone’s guess. We all do it in our own way, in our own time. For me it’s difficult to say when I did, but I can certainly tell you where it happened. Somewhere between the cascading walls of Canyonlands and the buttresses that stretch through Arches, I found my cathedral, the home to my solace.

Ironically this natural place of worship and wonder does not always draw such tranquil inspiration. In a land so intense and scenery so vivid, so is the increasing rivalry that surrounds its management and use, an ever-clashing mission between conservation and consumption.

This dichotomy was something I never expected to encounter as I weaved through the sandstone walls and iconic views. But it became increasingly clear that while this land was a resource of peace and reflection for some, it was a means of stability, sustaining a way of life for others.

Drawing the fine line that separates these opposing views has never been done with complete

grace or accuracy. It's like attempting some method of collaboration where the outcome benefits the individual rather than the collective whole. Someone will always end up winning, while someone else will end up losing. It is a paradox as complex as the land that inspires it.

In his "Wilderness Letter" Wallace Stegner does, however, remind us that these sweeping canyon walls and skyscraping wonders show that "we have the chance to see ourselves single, separate, vertical and individual." That this land's resource—as place itself—is something worth preserving, as it provides a way to preserve ourselves.

Such thoughts moved through me as I passed through the sun-scorched terrain under the watchful spectacle of a moonlit sky. I found myself edging toward this Delicate Arch that stood stoically at the edge of a sand-rimmed bowl. This land, this place, for a moment was not the subject of political debate or civil unrest. It was not the symbol of a state or the image that graced the latest postcard. For a moment it was merely the subject of my reassurance, to my sanity.

As I come back to this place in mind and in person it continually reminds me of who I am and provides a sanctuary for that which I hold most sacred. Knowing that in the West, wilderness is at the threshold of my doorway, minutes away from any metropolis that may consume me. It is my farthest vantage point upon which my eyes remain, awaiting for that promise, that hope.



Jeffrey Van Hulten is from West Bountiful, Utah. He is a double major in Psychology and Journalism in the Honors College at the University of Utah. Upon graduating in December 2009 he plans to attend law school. In his spare time, Jeff continues to expand his passion for music and literature.

ACKNOWLEDGEMENTS

The students who have participated in The Wallace Stegner and Western Lands Think Tank are grateful for the help, guidance, and support that they have received from so many. We would like to express our deepest gratitude to the residents of San Juan and Grand counties who generously shared their time, voice, and expertise with us. These residents include: Sarah Bauman, Sue Bellagamba, Jayne Belnap, Bill and Linda Boyle, Kate Cannon, Charlie DeLorme, Bill Hedden, Tom Heinelein, Kenneth Maryboy, Jerry McNealey, Phil Mueller, Heidi Redd, Lynn Stevens, and Tom Till. Additionally, we would like to express our appreciation for the guest speakers who graciously provided us with history, insight and constructive criticism: Robert Adler, Brad Barber, Phil Brueck, Hal Crimmel, Rich Ingebretson, Teresa Jordan, David Nimkin, Nancy Rushforth, Robert

Steensma, Russ Van Koch, Mark Ward, Alan Weisman, and Charles Wilkinson. A great deal of thanks is also due to Dorothee Kocks for her tireless editing efforts and indispensable feedback and to Liz Brown for her elegant design. We owe a special thanks to the University of Utah Honors College, whose generous financial support made it possible for nine undergraduates to enrich their lives and their academic careers. Lastly, we would like to thank our professors Robert Keiter and Stephen Trimble. Their patient facilitation of the Think Tank process gave us opportunities to explore a variety of resources and fostered intellectual growth and respect that we will continue to build on in years to come.

For a complete list of contributors and titles please see pg. 78.

APPENDIX: SUPPLEMENTAL DOCUMENTS

I: Laws & Definitions

Antiquities Act of 1906, 16 U.S.C. §§ 431-33.

Key Points:

- The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments.
- The limits will be confined to the smallest area of land that is compatible with the proper care and management of the objects to be protected.
- No further establishment of national monuments can occur in Wyoming unless authorized by Congress.
- Permits for the excavation of ruins, excavation of archaeological sites and the gathering of objects of antiquity may be granted by the Secretary of the Interior, Secretary of Agriculture, and Secretary of Army to institutions which they may deem properly qualified to conduct the activities mentioned above.

- *Provided* that the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, for the purpose of increasing the knowledge of such objects and establishing permanent preservation in public museums.
- Any person who appropriates, excavates, injures, or destroys any historic or prehistoric ruin, monument, or any object of antiquity without permission from the secretary of the department having jurisdiction over the particular site, will be fined no more than \$500 or be imprisoned for up to 90 days or both.

National Park Service Organic Act of 1916, 16 U.S.C. § 1 et seq.

Key Points:

- The National Park service is a federal agency in the Department of the Interior which is under the charge of a director.
- The Secretary of the Interior shall appoint the director.
- The service shall promote and regulate the use of federal areas known as national parks, monuments, and reservations.
- The purpose of the National Park Service is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.
- The national park system, since the establishment of Yellowstone National Park in 1872, has grown to include superlative natural, historic, and recreation areas in every region of the United States.
- These areas, though distinct in character, are united through their interrelated purposes and resources into one national park system as cumulative expressions of a single national heritage.
- The national park system is preserved and managed for the benefit of all people
- The protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established except as specifically directed by Congress.
- The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System.
- At the beginning of each fiscal year the Secretary of the Interior will transmit a report on each of those areas upon which studies have been completed to the Speaker of the House of Representatives and to the President of the Senate.
- The Secretary of the Interior will also transmit an annual list of all areas included on the National Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic Places which exhibit known or anticipated damage or threats to the integrity of their resources.
- General management plans for the preservation and use of each unit of the National Park System will be prepared and revised in a timely manner by the Director of the National Park Service.
- General management plans for each unit will include
 - measures for the preservation of the area's resources
 - indications of types and general intensities of development (including visitor circulation and transportation patterns, systems and modes) associated with public enjoyment and use of the area.

- identification of implementation commitments for visitor carrying capacities for all areas of the unit; and
- indications of potential modifications to the external boundaries of the unit and reasons therefore.

National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-61.

Key Points:

Congressional Declaration of Purpose

To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment or biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the nation; and to establish a Council on Environmental Quality.

It is the continuing responsibility of the federal government to improve and coordinate federal plans, functions, programs, and resources to the end that the nation may:

- Fulfill the responsibilities of each generation as trustees of the environment for the succeeding generations
- Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings
- Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences
- Preserve important historic, cultural, and natural aspects of our natural heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice
- Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities

- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts

All agencies of the Federal Government shall:

- Utilize a systematic, interdisciplinary approach that insures the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking
- Identify and develop methods and procedures, in consultation with the Council on Environmental Quality that insure that environmental amenities and values will be given appropriate economic consideration in decisionmaking along with economic and technical considerations
- Include in every recommendation or report on proposals for legislation and other federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on:
 - The environmental impact of the proposed action
 - Any adverse environmental effects which cannot be avoided should the proposal be implemented
 - Alternatives to the proposed action
 - The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity
 - Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
- Prior to making any detailed statement, the responsible federal agency will consult with and obtain comments

from, any federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statements will be made available to the President, the Council on Environmental Quality and to the public and will accompany the proposal through the existing agency review processes.

- The responsible federal agency shall provide early notification to, and shall solicit views from, any other state or federal land management entity of any action or alternative that may have significant impacts upon such state or affected federal land management entity.
- Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.
- Recognize the worldwide and long-range character of environmental problems and, where consistent with foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing the decline in the quality of mankind's world environment.
- Make available to states, counties, municipalities, institutions and individuals, advice and information useful to restoring, maintaining, and enhancing the quality of the environment.
- Initiate and utilize ecological information in the planning and development of resource oriented projects.
- Assist the Council on Environmental Quality.

Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. §§ 1701-84.

Key Points:

- Public Lands will be retained in federal ownership un-

less, as a result of the land use planning procedure provided for in this Act, it is determined that the disposal of a particular parcel will serve the national interest.

- Public lands and their resources will be periodically and systematically inventoried and their present and future use projected through a land use planning process coordinated with other federal and state planning efforts.
- Congress has the authority to withdraw, designate or dedicate federal lands for specified purposes.
- Congress has also outlined the extent to which the Executive may withdraw lands without legislative action.
- In administering public land statutes, the Secretary of the Interior is required to establish comprehensive rules and regulations after the views of the general public have been considered.
- The Secretary of the Interior will assure third party participation, objective administrative review of initial decisions, and quick and efficient decision making.
- Management must be on the basis of multiple use and sustained yield unless otherwise specified by law.
- The public lands will be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values.
- Where appropriate public lands will be preserved and certain public lands will be protected in their natural condition; they will provide food and habitat for fish and wildlife and domestic animals; and they will provide for outdoor recreation and human occupancy and use.
- Regulations and plans for the protection of public land areas of critical environmental concern will be promptly developed.
- The public lands will be managed in a manner which recognizes the nation's need for domestic sources of minerals, food, timber, and fiber from public lands

including implementation of the Mining and Minerals Policy Act of 1970.

- The federal government should, on a basis equitable to both the federal and local taxpayer, provide for payments to compensate states and local governments for burdens created as a result of the immunity of federal lands from state and local taxation. [Payment in Lieu of Taxes (PILT).]

FLPMA Savings Provisions, Sec. 1701.

- Nothing in this Act (FLPMA) shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use authorization existing on the date of approval of this Act (Oct. 21, 1976).
- All actions by the Secretary concerned under this Act shall be subject to valid existing rights.

School and Institutional Trust Lands Administration (SITLA)

Key Points:

SITLA lands are land parcels that the federal government has granted to individual states to be managed in order to provide financial support for public education and other public institutions. The institutions that benefit from these lands are called beneficiaries.

Utah's trust lands are scattered throughout the state. From time to time land is sold: in fact, more than one half of the original land grant has been sold, much of it during the first 35 years following statehood in 1896. About 30 percent of all private lands in Utah were originally trust lands.

The trust of each beneficiary consists of two portfolios: 1) the real estate portfolio which consists of the state's remaining trust lands, managed by SITLA; and 2) the financial portfolio, which consists of the money from the management and sales of that land. This portfolio is

managed by the state treasurer.

Money from the management of trust lands is derived from a variety of sources. The largest source of revenues from trust land is from the leasing of mineral properties and the royalties from the production of minerals. Mineral production comes from many sources including gas, oil, coal, gold, sand, and gravel.

Property owned by the Trust Lands Administration is leased by a wide variety of users. Leased trust lands are currently used as telecommunications sites, industrial sites, recreational cabin sites, farming, timber harvesting and forestry sites, and grazing lands for livestock. Trust lands are also used for rights of way and leased to other government entities.

Trust lands are usually sold in one of three ways:

1) Public auction (public auction sales are held twice a year); 2) Development projects; and 3) Negotiated sales. Development projects and sales occur when it has been determined that profits for the beneficiaries could be optimized by adding value to parcels of trust land before selling them.

In addition to public schools, 11 other public institutions benefit from state trust lands. These include: 1) Reservoirs; 2) Utah State University; 3) University of Utah; 4) School of Mines at the University of Utah; 5) Miners Hospital; 6) Utah School for the Deaf; 7) Utah Public Buildings; 8) Utah State Hospital; 9) Utah School for the Blind; 10) Normal School (beneficiaries of this trust are the teachers' colleges at state colleges that offer teaching degrees); 11) Utah Youth Development Center.

The Trust Lands Administration recognizes that certain trust lands have unique scenic, recreational, or environmental characteristics. In these situations, SITLA works to sell the land for conservation purposes or exchange it for other real estate that is more suitable for development. (The general land management objective for school and institutional trust lands is to optimize and maximize trust land uses for support of the beneficiaries over time. The agency shall:

- Maximize the commercial gain from trust land uses for school and institutional trust lands consistent with long-term support of beneficiaries.

- Manage school and institutional trust lands for their highest and best trust land use.
- Ensure that no less than fair-market value is received for the use, sale or exchange of school and institutional trust lands.
- Reduce risk of loss by reasonable trust land use diversification of school and institutional trust lands.
- Upgrade school and institutional trust land assets where prudent by exchange.
- Permit other land uses or activities not prohibited by law which do not constitute a loss of trust assets or loss of economic opportunity.

Council on Environmental Quality

The Council on Environmental Quality (CEQ) was established by the National Environmental Policy Act of 1969 (NEPA). The Council on Environmental Quality has the task of ensuring that federal agencies meet the obligations that NEPA sets forth, coordinating federal environmental efforts, and working closely with agencies and other White House offices in the development of environmental policies and initiatives. The CEQ reports annually to the

President on the state of the environment; oversees federal agency implementation of the environmental impact assessment process; and acts as a referee when agencies disagree over the adequacy of such assessments.

Payments in Lieu of Taxes (PILT):

PILT payments began in 1977 as federal payments to local governments that help offset losses in property taxes due to nontaxable Federal lands located within their boundaries. The payments are made annually for tax-exempt federal lands administered by the BLM, the National Park Service, the U.S. Fish and Wildlife Service (all agencies of the Interior Department), the U.S. Forest Service (part of the U.S. Department of Agriculture), and for federal water projects and some military installations. Congress appropriates PILT payments each year. The formula used to compute the payments is contained in the PILT Act and is based on population, receipt sharing payments, and the amount of federal land within an affected county. PILT payments are in addition to other federal revenues (such as oil and gas leasing, livestock grazing, and timber harvesting) that the federal government transfers to the states.

II: GLOSSARY

Areas of Critical Environmental Concern (ACECs): Under BLM designation, these are sensitive areas nominated and protected for their special historic, scenic, wildlife or other natural values. If retained as an ACEC in the resource management plan and record of decision, these areas are managed with greater care. However, ACECs are not managed with the highest of protection, and the BLM may allow energy drilling without surface occupancy or permit navigable roads within their bounds.

The Big Buildup: Professor Charles Wilkinson coined this term in his book *Fire on the Plateau*. Generally, it refers to the era of big dam building, large commercial mineral development, especially coal and hydroelectric development on the Colorado Plateau, from the early decades of the Twentieth Century to the early 1980's.

Biological Soil Crust (BSC): A collection of cyanobacteria, lichens, and mosses that hold the loose, sandy soil of the Colorado Plateau in place and also aid in the fixation of carbon and nitrogen. When fully mature, BSC resembles crushed Oreos. It can take from 5,000 to 10,000 years to reach maturity. Soil scientists have also called these crusts cryptogamic or cryptobiotic soil.

Disposal Era: During the mid to late 1800s, the federal government lured prospective settlers westward by the promise of endless resources and free land. The prevailing federal land policy was one of disposal, which promoted the transfer of public land into private ownership in order to facilitate western settlement and development.

Dugout Ranch: Owned by The Nature Conservancy in partnership with lessee Heidi Redd, this ranch constitutes the largest privately owned parcel of land within the Canyonlands basin at 5200 acres, with an additional 250,000 acres of grazing allotments.

Economy Act of 1932: A federal law that allows federal government agencies to buy services or goods from other federal

agencies or from organizations within the same agency.

Energy Information Administration (EIA): The U.S. Government's official energy statistic and information organization. The EIA not only provides statistics on energy production, consumption, and wellhead prices, but also produces a number of related in-depth reports and projections.

Energy Policy and Conservation Act of 2000 (EPCA): The most important mandate to come from this federal law was the call for a scientific inventory of the significant oil and gas provinces across the interior West. The report that was produced by the Departments of Energy, Agriculture and the Department of Interior's BLM and NFS is officially titled *Scientific Inventory of Onshore Federal Lands' Oil and Gas Resources and the Extent and Nature of Restrictions or Impediments to their Development*. Nicknamed the Federal Onshore Report, the Clinton Administration called for this report at the end of its tenure. The report gathered enormous momentum from the Bush Administration's 2001 National Energy Policy Report, which specifically called for making this report a priority, and from Congress, which identified the report as a central priority after the terrorist attacks of September 11, 2001. While the report specifies that it is not a decision document (but only intended to inform), it was likely a significant factor prompting the BLM to prioritize oil and gas leasing and development. The Federal Onshore Report Phase I was released in 2003 and featured five interior West oil and gas provinces, where it reported that the majority of oil and gas reserves were available through standard leasing stipulations. Phase II was released in 2006 and included six other provinces, including the province under the Alaska National Wildlife Refuge; it concluded that only a minority of energy reserves were available under standard stipulations. Phase III was recently released, but was not considered in this report.

Federal Land Policy and Management Act of 1976

(FLPMA): A federal law enacted in 1976 that establishes standards and procedures for the Bureau of Land Management (BLM) to manage the unreserved public lands. The law, which serves as the BLM's organic act, provides for "multiple use" management of the BLM's land, which includes energy development, mining, livestock grazing, outdoor recreation, fish and wildlife conservation, and wilderness. FLPMA contains two particularly noteworthy provisions. The first is that the BLM is responsible for periodically preparing land use management plans, which are known as Resource Management Plans (RMPs). The second is that the BLM conduct a wilderness inventory of its public lands.

General Authorities Act of 1970: This law incorporates all of the areas overseen by the National Park Service into one National Park System. It also clarifies the authorities that apply to the system.

Grand County: Located in southeastern Utah, Grand County covers 3,689 square miles and has a population estimated at 9,023. Its largest city is Moab, which boasts a thriving tourist economy. The Colorado River flows through the county, and Arches National Park is one of its most notable landmarks.

High Country News (HCN): The *High Country News* is an important regional newspaper that offers in-depth reporting on cultural, political, and environmental issues in the West. In operation since 1970, the paper is published bi-weekly, and covers the 11 western states.

Manifest Destiny: A term dating from the mid 1800s used to describe a popular belief that the United States had the right to expand its borders across North America.

Memorandum of Understanding (MOU): A document describing a bilateral or multilateral agreement between parties or agencies. MOUs often reflect an agreement between two agencies concerning responsibilities and authorities on matters of common interest, such as energy development, land use planning, or wildlife management.

Multiple Use: The Bureau of Land Management (BLM) and the U.S. Forest Service both have multiple use mandates, which means that their mission is to balance diverse uses in their respective land use plans, policies, regulations, and resource management decisions. The multiple use mandate allows for coal mining, timber cutting, and other resource extraction activities, as well as recreational uses like horseback riding or backpacking on the public lands. The Bush Administration, from 2000 - 2008, prioritized energy development on the multiple use public lands, especially mandating oil and gas exploration and development. While the protection of cultural values and wilderness quality lands also falls into the multiple use definition, agency policies and priorities often shift and swing like a pendulum, according to the sympathies of the incumbent administration.

National Energy Office, Bureau of Land Management: According to the *High Country News*, the National Energy Office was set up in the BLM in 2002 specifically to expedite drilling and mining on the public lands, pursuant to Executive Order 13212.

National Energy Policy Act of 2005: This expansive energy legislation was enacted to promote domestic energy exploration and development. The Act prioritizes energy development on the public lands, including the development of alternative energy. It also called for completion of Phase II of the Federal Onshore Report, as originally provided for in the Energy Policy and Conservation Act of 2000 (EPCA).

National Energy Policy Report of 2001: Prepared under the leadership of Vice President Dick Cheney, this report shaped U.S. energy policy during the Bush Administration from 2001-2008. *The New York Times* reported that the policy was developed behind closed doors primarily by energy industry executives and lobbyists as well as key government players, while environmental interests did not participate in the process. Regardless, the report features language prioritizing energy security but also providing for the protection of wilderness values.

National Environmental Policy Act of 1969 (NEPA): This landmark environmental legislation injects environmental concerns into the decision making process of all federal agencies. Perhaps NEPA's two most important provisions are the mandate requiring federal agencies to prepare an environmental impact analysis (EIS) before taking any major action that might significantly effect the human environment, and the mandate creating the President's Council on Environmental Quality (CEQ), which has developed regulations interpreting NEPA requirements for federal agencies. The NEPA EIS requirement has figured prominently in litigation challenging federal agency actions.

National Historic Preservation Act: This law was created with the intent to preserve historical and archeological sites within the United States. It requires federal agencies to examine the impact that any project may have on historical or archeological sites and to determine whether those impacts might be mitigated. It also establishes national and state historical preservation offices that must be consulted before damaging actions may be taken.

National Parks Organic Act of 1916: This federal law created the National Park Service (NPS) and outlined its mission. President Woodrow Wilson signed the bill on August 25, 1916. Most importantly, the act requires the Park Service to manage its lands "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

OHVs (Off-road vehicles): These include most motorized vehicles, such as jeeps, all-terrain vehicles (ATVs), motor bikes, and snowmobiles, that can be driven on rough, non-paved surfaces. In recent years, with the growing popularity of OHVs, all of the federal land management agencies have confronted questions about whether, when, and where OHVs should be permitted on their lands.

Outdoor Recreation Act of 1963: A law providing for the

coordination of all federal agencies in creating outdoor recreation resource programs. The law states that the Secretary of the Interior must develop a national recreation plan that promotes the conservation and use of recreation resources and that provides the means necessary for states, local governments and private interests groups to carry out that plan.

Paradox Basin oil and gas province: One of several underground regions in the United States that contains significant oil and gas reserves. The Paradox Basin oil and gas province is approximately 280 miles long and 200 miles wide; it encompasses 33,000 square miles and 21.1 million acres beneath the four corners region of Utah, Colorado, New Mexico, and Arizona. Canyonlands National Park is located just southwest of the center of the province. But the most dense local oil and gas development is southeast of Canyonlands in San Juan County's Aneth Field, and northeast in Grand County's Dome Plateau, just east of Arches National Park.

San Juan County: The largest county in Utah, San Juan County is located in the southeastern part of the state, covers 7,725 square miles, and has a population estimated at 14,484. The county seat is Monticello; other major towns are Blanding and Bluff. Key points of interest are Canyonlands National Park, the eastern side of Glen Canyon National Recreation Area, and a portion of the Navajo Indian reservation.

School and Institutional Trust Lands Administration (SITLA): Created in 1994, this state agency is charged with administering Utah's school trust lands. SITLA's primary duty is to generate income to support the state's public schools, which it does mostly by leasing or selling these lands to private businesses or individuals. Given its focus on raising funds for the public schools, SITLA has been criticized for not taking conservation values into account when making land disposal or leasing decisions.

Wilderness Debate: This term has been used to characterize the formal congressional debates that led to

passage of the Wilderness Act in 1964. More generally, the term refers to the open-ended argument over formal wilderness protection for public lands, especially those located in the West and managed by the Bureau of Land Management or the Forest Service. Formal congressional wilderness protection removes public land from multiple use management and requires the responsible agency to manage these lands in their natural or unaltered state without industrial activity. The wilderness debate has also taken place in the courts, with wins and losses handed out to both sides, but with the courts often willing to protect wilderness values until Congress has made a final determination whether the area in question deserves wilderness protection.

Wilderness Study Areas (WSAs): Under the Federal Land Policy and Management Act (FLPMA), BLM-designated wilderness study areas receive the highest protection from development and use. These areas, which are generally roadless and at least 5,000 acres in size, must be managed “so as not to impair the suitability of such areas for preservation as wilderness.” 43 U.S.C. § 1782(c). In 2003, the State of Utah reached a controversial settlement with the Department of the Interior whereby the BLM agreed that it had no authority to establish additional WSAs in Utah; the validity of the settlement agreement is now under litigation. (See *Southern Utah Wilderness Alliance et al., v. Gale Norton*, in her official capacity as Secretary of the Interior, et al., Case No. 2:04CV574 DAK, U.S. District Court for the District of Utah Central Division).



Biological soil crusts cover approximately 70 percent of the surfaces on the Colorado Plateau—crucial for maintaining soil fertility, moisture, and stability.
PHOTO © STEPHEN TRIMBLE

III: BLM/NPS Memos of Agreement

SUPPLEMENTAL AGREEMENT
BETWEEN
UTAH STATE OFFICE
BUREAU OF LAND MANAGEMENT
UNITED STATES DEPARTMENT OF THE INTERIOR
AND
ROCKY MOUNTAIN REGIONAL OFFICE
NATIONAL PARK SERVICE
UNITED STATES DEPARTMENT OF THE INTERIOR
SUPPLEMENTAL TO
THE MEMORANDUM OF UNDERSTANDING
DATED JANUARY 29, 1987
BETWEEN THE BUREAU OF LAND MANAGEMENT, WASHINGTON, D.C.
AND
THE NATIONAL PARK SERVICE, WASHINGTON D.C.
FOR
PLANNING AND PROGRAM COORDINATION

A. Background

Both the Utah State Office of the Bureau of Land Management (BLM) and the Rocky Mountain Regional Office of the National Park Service (NPS) have significant visitor management workloads for monitoring and supervising dispersed recreation use on public lands under their respective jurisdictions. Given the remote nature of those lands and the increasing shortages of funding for such visitor management, it appears to be in the best interests of both agencies to work together as much as possible. This is especially so in areas where parklands and the public lands are nearby or share a common boundary.

B. Purpose

The Supplementary Agreement provides for the mutual benefit of both agencies. It establishes a framework for accomplishing Articles I and IV of the Memorandum of Understanding dated January 29, 1987, and Section C below.

Special terms used in this Supplemental Agreement are defined as follows:

State Director:	means the State Director, BLM, Utah
Regional Director:	means the Regional Director, NPS, Rocky Mountain Region
Public Lands:	means any land or interest in land owned by the United States within Utah and administered by the Secretary of the Interior through the Bureau of Land Management, Utah.

Parklands: means any land or interest in land owned by the United States within Utah and administered by the Secretary of the Interior through the National Park Service.

C. Statement of Work

BLM and NPS field managers will work together to:

1. Meet formally at least once a year to discuss issues of common interest and concern. BLM will host on even numbered years and NPS on odd numbered years.
2. investigate possibilities for shared land use planning (e.g. holistic planning; ecosystem planning). Consult formally at all stages of any major planning activity.
3. Work cooperatively towards accomplishment of appropriate land exchanges, with particular emphasis on the program with the State of

Utah to exchange its lands within national parks and monuments for public lands located elsewhere.

4. Develop specific understandings and agreements between field management units that may address the following or other subjects as required:
 - cooperative management of national trail segments.
 - employee development opportunities such as special details, employee exchanges, etc..
 - joint interpretive programs
 - protection of cultural resources, including archaeological and paleontological resources
 - shared training opportunities
 - livestock grazing, range improvements, and minerals management
 - ✗ • advance oil and gas lease notification
 - cooperative road maintenance
 - law enforcement
 - joint research projects and opportunities
 - shared development and use of facilities
 - cooperation in visitor use management such as backcountry permits, visitor use studies, picnic areas, signs, amphitheaters, and joint visitor centers
 - shared resources during significant events on adjacent lands (motion picture filming; sporting events, demonstrations, etc.)
 - cooperation on boundary surveys, boundary fence maintenance, etc.
 - shared communications networks, technician expertise and dispatch coordination
 - management of access to respective lands
 - wild and scenic rivers eligibility and suitability determinations

D. Special Provisions

Nothing in this Supplemental Agreement will be construed as limiting or affecting in any way the authority or responsibility of the Regional Director or State Director, or as binding on either the NPS or the BLM to perform beyond their respective authority, or to require either party to assume or expend any sum in excess of appropriations available.

No member of, or delegate to Congress, or resident Commissioners, shall be admitted to any share or part of this Supplemental Agreement, or to any benefit that may arise therefrom.

E. Administration

1. Each Agency has designated the following individuals as its representative and official contact in regard to the Supplemental Agreement:

Deputy State Director	Utah State Coordinator
Renewable Resources	National Park Service
Bureau of Land Management	324 South State Street
Utah State Office	PO Box 45155
324 South State Street, Suite 301	Salt Lake City, UT 84145 0155
Salt Lake City, UT 84111	

Telephone: (801) 539-4052 Telephone: (801) 539-4227

2. This Supplemental Agreement will be effective on the date of the last signature. It will remain in effect for a period not to exceed five (5) years and will be reviewed annually. All parties reserve the right to terminate their participation in this Supplemental Agreement upon 60 days written notice to all participants.
3. Amendments to this Supplemental Agreement will require 60 days written notice and unanimous agreement by all participants.

F. Authority

This Supplemental Agreement is made under several authorities of the NPS and BLM including but not limited to the Federal Land Policy and Management Act (43 USC 1701-1782), Economy Act of 1932 (31 USU 1535), National Park Service Organic Act of 1916 (16 USC 1), General Authorities Act of 1970 (16 USC 1a 1), Outdoor Recreation Act of 1963 (16 USC 4601-4601-3) and the National Historic Preservation Act (16 USC 470-470t).

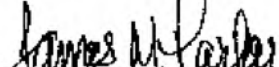
National Park Service
Rocky Mountain Regional Office

By: 
Signature

Regional Director
Rocky Mountain Region

Date: 7/27/93

Bureau of Land Management
Utah State Office

By: 
Signature

State Director
State of Utah

Date: 06/28/93



IN REPLY, PLEASE REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Rocky Mountain Region
Utah State Office
324 South State
P.O. Box 45345
Salt Lake City, Utah 84145-0155



June 22, 1993

Memorandum

To: Utah State Director, Bureau of Land Management

From: Utah State Coordinator, National Park Service

Subject: Supplemental Agreement

Enclosed for your review and signature is an updated Supplemental Agreement between the Bureau of Land Management, Utah State Office, and the National Park Service, Rocky Mountain Regional Office. It is supplemental to the Memorandum of Understanding dated January 29, 1987, between the Bureau of Land Management, Washington, D.C., and the National Park Service, Washington, D.C..

The agreement has been recently reviewed by National Park and Bureau of Land Management field managers within the State of Utah, and incorporates their collective response. Steve Howard, BLM State Office, has been instrumental in coordinating the preparation of the revised document.

Thank you in advance for your attention to this matter; I will be happy to forward the document to Bob Baker after you have completed your review. If you have questions or concerns regarding the agreement, please don't hesitate to contact me.

Martin C. Ott

Enclosure

Instruction Memorandum No.
Expires 9/30/94

To: Utah BLM District Managers, NPS Park Superintendents

From: Utah State Coordinator, NPS; Utah Deputy State Director
(Operations), BLM

Subject: Oil and Gas Lease Notification

At our meeting on March 10, 1993, we agreed that the following procedural changes would be made to oil and gas lease sale notifications:

- State Office and Rocky Mountain Regional Office will now receive the preliminary list of proposed lease sales. The NPS State Coordinator will separate the list by county and forward to individual park units. This will give park managers 4 to 5 weeks to: (1) review the proposed sales; (2) meet with respective BLM Area or District Managers to discuss/resolve concerns; and (3) forward consolidated (BLM/NPS) comments on unresolved issues to the NPS/BLM State Office, where BLM Deputy State Director and the NPS Utah State Coordinator will attempt resolution.
- State Office will prepare GIS maps of each NPS unit, which will show leased lands that are within at least one township of the unit boundary. The maps will differentiate, by color, leases expiring within 3 years.

The two different types of drilling permit application processes, Application for Permit to Drill (APD) and Notice of Staking (NOS), were also discussed. We agreed that NPS units will determine those specific areas adjacent to the parks where the NPS would want to be aware of proposed oil and gas operations and provide the appropriate DMs that information. When an APD or NOS is received in those areas, as a minimum, the DM will forward to the appropriate park a copy of the public notice of the application that BLM posts for 30 days. Individual Park Superintendents and DMs may agree that the NPS will be provided a copy of the actual application, minus any proprietary

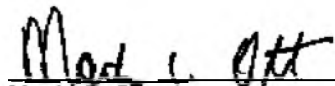
information. DMs and Park Superintendents will coordinate on participation in onsite pre-drill inspections as appropriate.

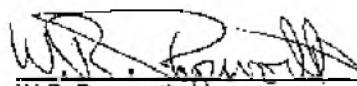
We agreed that the two agencies should develop and schedule orientation sessions for NPS staff on oil and gas leasing operations, permitting processes, and oil and gas operations. It was suggested that this would be valuable on a recurring basis.

We also agreed to meet, review, and discuss all parcels deleted from the March 1 sale on a schedule that allows for them to be reconsidered for the September 1, 1993, sale.

Finally, the group was advised that the expired supplemental MOU between Utah BLM and Utah NPS is currently under review. The draft will soon be forwarded for field review; and, hopefully, the document will be finalized by the first of May. There was a general agreement that the document should stipulate a yearly meeting between NPS and BLM managers.

We hope that the future will show that the March 10 meeting was a productive one. We appreciate your support and attendance.


Martin C. Ott
Utah State Coordinator
National Park Service


W.R. Papworth
DSD, Operations
Bureau of Land Management

Distribution
WO (610), LS, Room 510
SCD SC-214

2009 MEMORANDUM OF UNDERSTANDING

**BETWEEN
UTAH STATE OFFICE
BUREAU OF LAND MANAGEMENT
UNITED STATES DEPARTMENT OF THE INTERIOR
AND
INTERMOUNTAIN REGIONAL OFFICE
NATIONAL PARK SERVICE
UNITED STATES DEPARTMENT OF THE INTERIOR**

This Memorandum of Understanding (hereinafter “Agreement”) is entered into by and between the National Park Service, Intermountain Regional Office (hereinafter “NPS”), United States Department of Interior, and the Utah State Office, Bureau of Land Management (hereinafter “BLM”), United States Department of Interior.

ARTICLE I – Background and Objectives

The BLM and the NPS have a mutual interest in several aspects of resource and visitor management, especially where park lands and public lands share a boundary. There are opportunities to enhance efficiencies in each other’s management activities, to coordinate information and outreach efforts, and to foster communication on activities that have the potential to affect the other agency’s management responsibilities.

ARTICLE II - Authority

This Agreement is made under several authorities of the NPS and BLM including but not limited to the Federal Land Policy and Management Act (43 USC 17-1-1782), the Economy Act of 1932 (31 USC 1535), the National Park Service Organic Act of 1916 (16 USC 1), the General Authorities Act of 1970 (16 USC 1a-1), the Outdoor Recreation Act of 1963 (16 USC 4601-4601-3) and the National Historic Preservation Act (16 USC 470-470t).

ARTICLE III – Statement of Work - Agreements

The BLM Field Offices/Districts and NPS units will:

1. Meet at least once a year to discuss issues of common interest and concern. The BLM will host the meeting on even numbered years, and the NPS will host the meeting on odd numbered years.
2. Communicate and collaborate on areas of mutual interest, including but not limited to:
 - Data sharing, including geospatial data (GIS) and updates
 - Joint research projects and opportunities
 - Communications networks, technician expertise and dispatch coordination
 - Training and employee development opportunities
 - Development and use of facilities
 - Cultural resources, including archeological and paleontological resources
 - National trail segments, wild and scenic rivers (WSR) and the WSR process
 - Access to respective lands
 - Road maintenance and boundary fence maintenance
 - Livestock grazing, range improvements, and minerals

- Exotic species control
 - Fire and fuels management
 - Oil and gas lease sales, including advance notification
 - Law enforcement activities
 - Interpretation and information for visitors
 - Visitor use, such as backcountry permits, visitor use studies, picnic areas, signs, amphitheaters, and visitor centers
 - Resource sharing during significant events on adjacent lands (motion picture filming, sporting events, demonstrations, etc.)
3. In considering proposals which, if approved, could affect the other's management activities or goals on nearby or adjacent lands, NPS and BLM will provide early notification to each other. NPS and BLM will collaborate to seek mutual benefit from such proposals, and to mitigate undesirable effects to the other's management activities or goals.
4. Some types of activities may be most clearly addressed by developing procedures to assure that appropriate levels of coordination take place and so that expectations between BLM and NPS are explicit. Such procedures will be defined and included as Addenda to this agreement. Addendum 1, *Oil and Gas Leasing and Development Notifications*, and Addendum 2, *Consideration of Waivers, Modifications, or Exceptions to Land Use Plans*, are included as part of this Agreement. Future Addenda require the signatures of the BLM Utah State Director and the NPS Intermountain Regional Director to authorize adding them to this Agreement

ARTICLE IV – Term of Agreement

This Agreement will be effective for a period of five (5) years from the date of final signature, unless terminated earlier by one of the parties pursuant to Article VI. All parties reserve the right to terminate their participation in this Agreement upon 60 days written notice to all participants.

ARTICLE V – Key Officials

The Agencies have designated the following individuals as their representatives and official contacts in regard to this Agreement:

Deputy State Director
Renewable Resources
Bureau of Land Management
Utah State Office
440 West 200 South, Suite 500
Salt Lake City, UT 84145-0155
Telephone: (801) 539-4001

Utah State Coordinator
National Park Service
324 S. State Street #200
Salt Lake City, UT 84111
Telephone: (801) 741-1012 Ext. 101

ARTICLE VI – Modification and Termination

Amendments to this Agreement will require 60 days written notice and unanimous agreement by all participants. Individual BLM and NPS units may enter into agreements with each other providing that any such agreements are consistent with the terms of this Agreement.

ARTICLE VII – Standard Clauses

During the performance of this Agreement, the participants agree to abide by the terms of USDI-Civil Rights Assurance Certification, non-discrimination and will not discriminate against any person

because of race, color, religion, sex or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex or national origin.

No party will unilaterally publish a joint publication without consulting the other party. This restriction does not apply to popular publication of previously published technical matter. Publication pursuant to this Agreement may be produced independently or in collaboration with others; however, in all cases, proper credit will be given to the efforts of those parties contributing to the publication. In the event no Agreement is reached concerning the manner of publication or interpretation of results, either party may publish data after due notice and submission of the proposed manuscripts to the other. In such instances, the party publishing the data will give due credit to the cooperation but assume full responsibility for any statements on which there is a difference of opinion.

Nothing in this Agreement will be construed as limiting or affecting in any way the authority or responsibility of the Regional Director or State Director, or as binding on either the NPS or the BLM to perform beyond their respective authority, or to require either party to assume or expend any sum in excess of appropriations available. This Agreement is not an obligating document and any commitment of funds in furtherance of this Agreement must be authorized under separate agreement.

ARTICLE VIII - Signatures

In witness whereof, the parties hereto have executed this Agreement on the last date set forth below:

Michael Snyder, Regional Director
Intermountain Region, National Park Service

Date

Selma Sierra, State Director
Utah State Office, Bureau of Land Management

Date

Addendum 1
Oil and Gas Leasing and Development Notifications

- a. Oil and gas leasing notification: The BLM Utah State Office will provide the NPS Utah State Coordinator with preliminary lists of proposed oil and gas lease parcels at least 30 days prior to public notification of the proposed sale. At the same time, BLM will forward parcel location maps in a digital format compatible with ArcView GIS Software. BLM will also make GIS layers of stipulations (including updates) available to NPS. The NPS acknowledges that the preliminary lists, maps, and data are internal working documents, and the NPS agrees not to release them.

The coordinator will forward the information provided by BLM to the individual park units. Park Managers will review the proposed lease parcels and, if necessary, meet with respective BLM Field Office or District Managers to discuss and resolve concerns and will respond with written comments for consideration by the BLM Field Office staff at least 10 days before the public posting of the proposed sale list.

If the Park Manager reviews the proposed lease parcels and has no concerns, a memo to that effect will be provided to the BLM Field Office or District Manager, with a copy sent to the NPS Utah State Coordinator and the BLM Deputy State Director for Lands and Minerals, at least 10 days before the public posting of the sale list.

If Park Managers do have unresolved concerns, they will forward their individual park unit comments to the Utah State Coordinator, who will consolidate them and forward them to the DSD for Lands and Minerals. The Utah State Coordinator shall also contact the DSD when unresolved concerns have been identified in order to alert the BLM of a potential issue and the need to engage in timely discussions to address those concerns not resolved at the local level.

Thereafter, if concerns remain unresolved at the State Office and Utah State Coordinator level, then, it is understood that resolution may be sought systematically between the agencies through the normal channels (State Director/Regional Director, Agency Directors, DOI).

- a. Application for Permit to Drill/Notice of Staking coordination: park units may identify to their respective BLM offices specific areas where they would like to be aware of proposed oil and gas operations. In these identified areas, the BLM Field Office will provide the park unit with a copy of the public notice of the application which BLM would post for 30 days. Park superintendents and district managers may agree that the NPS will be provided a copy of the actual application (excluding proprietary information). District managers and park superintendents will coordinate site visits as appropriate. Park Managers may review the documents provided and, if necessary, meet with respective BLM Field Office or District Managers to discuss and resolve concerns. If concerns remain unresolved at the State Office and Utah State Coordinator level, then, it is understood that resolution may be sought systematically between the agencies through the normal channels (State Director/Regional Director, Agency Directors, DOI).

Addendum 2

Consideration of Waivers, Modifications or Exceptions to Land Use Plans

Under certain circumstances, it is appropriate for the BLM to coordinate with the local unit of the NPS when a waiver, modification, or exception (WME) to a provision of a land use authorization is under consideration. To ensure effective and timely cooperation, the BLM and NPS should work jointly to identify the specific type of WME and applicable geographic location(s) where advance coordination between agencies is appropriate. It is expected that local units of the BLM and NPS will initiate the process of identifying applicable WMEs and locations shortly after the signing of this agreement and will update this information periodically as warranted. When a WME of concern has been requested, the BLM will notify NPS. Park Managers will then review the information provided, including any documents provided and, if necessary, meet with respective BLM Field Office or District Managers to discuss and resolve concerns. Park Managers should reinitiate contact with the BLM within 10 days of receiving notification of a WME request. If concerns remain unresolved it is understood that resolution may be sought systematically between the agencies through the normal channels (Utah State Coordinator/DSD; State Director/Regional Director; Agency Directors; DOI).

IV: List of Interviewees and Class Presenters

Bob Adler	James I. Farr Chair / Professor of Law University of Utah	September 16, 2008
Brad Barber	Planning and Land Conservation Consultant, Salt Lake City	December 2, 2008
Sarah Bauman	Moab City Council and Chamber of Commerce	October 14, 2008
Jayne Belnap	Ecologist/Soil Scientist, United States Geological Survey	October 13, 2008
Steve Bloch	Conservation Director, Southern Utah Wilderness Alliance	May 4, 2009
Bill Boyle	Editor/Publisher <i>The San Juan County Record</i> , Monticello	October 13, 2008
Phil Brueck	Former Canyonlands National Park Deputy Superintendent	October 21, 2008
Kate Cannon	Superintendent of Canyonlands National Park, Arches National Park, Natural Bridges National Monument, and Hovenweep National Monument	October 14, 2008 February 22, 2009
Hal Crimmel	Author/ Associate Professor of English, Weber State University	September 2, 2008
Charlie DeLorme	San Juan County Economic Advisor	October 13, 2008
Bill Hedden	Executive Director, Grand Canyon Trust	October 12, 2008
Tom Heinlein	Manager, Monticello BLM Field Office	October 15, 2008
Rich Ingebretsen	Founder & President, Glen Canyon Institute	September 16, 2008
Teresa Jordan	Author, Salt Lake City	December 9, 2008
Kenneth Maryboy	San Juan County Commissioner Navajo Council Delegate	October 13, 2008

Jerry McNealey	Grand County Council	October 14, 2008
Phil Mueller	Grand County Chamber of Commerce	October 14, 2008
David Nimkin	Southwest Regional Director, National Parks Conservation Association	September 23, 2008
Heidi Redd	Rancher, Indian Creek Cattle Company	October 16, 2008 February 22, 2009
Nancy Rushforth	Assistant Professor, Humanities & Integrated Studies, Utah Valley University	November 18, 2008
Robert Steensma	Author / Emeritus Professor of English, University of Utah	August 26, 2008
Lynn Stevens	San Juan County Commissioner	October 13, 2008
Tom Till	Photographer / Moab Resident	October 15, 2008
Russ Van Koch	BLM Recreation Planner, Moab office	October 14, 2008
Mark Ward	Senior Policy Analyst, Utah Association of Counties	October 7, 2008
Alan Weisman	Author/ Laureate Professor in Journalism University of Arizona	September 30, 2008
Charles Wilkinson	Author/Moses Lasky Professor of Law/ Distinguished Professor University of Colorado	September 9, 2008

***Professors, Think Tank on Wallace Stegner
and Western Lands,
Honors College, University of Utah,
2008-2009***

Robert B. Keiter is the Wallace Stegner Distinguished Professor of Law and Director of the Wallace Stegner Center for Land, Resources, and the Environment at the University of Utah S.J. Quinney College of Law. He is the author of *Keeping Faith with Nature: Ecosystems, Democracy, and America's Public Lands* and several other books on natural resources law and policy. Bob spends his spare time hiking and snowshoeing with his Labrador retrievers.

Stephen Trimble was a Wallace Stegner Centennial Fellow at the University of Utah's Tanner Humanities Center in 2008-2009. As writer, photographer, and editor, he has published more than twenty books, most recently *Bargaining for Eden: The Fight for the Last Open Spaces in America*. He divides his time between Salt Lake City and the redrock country of Torrey, Utah.

His website is: www.stephentrimble.net.

www.canyonlandscompletion.com