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THE CANYON COUNTRY PARTNERSHIP

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WHO GOVERNS THE PUBLIC LANDS:
WASHINGTON? THE WEST? THE COMMUNITY?

Natural Resources Law Center
University of Colorado
School of Law
Boulder, Colorado

September 28-30, 1994

The Canyon Country Partnership

I. The Natural Setting

A. The bioregion is based on river drainages.

1. The Canyon Country Partnership is concerned with a 15,000,000 acre area in southeastern Utah that is primarily defined by the inner basin of the Colorado River including connecting parts of the Green, Dolores, and San Juan River basins. The land is mostly high desert cut by spectacular canyons and dotted with island mountain ranges. In some areas, erosional forces have sculpted the sandstone into some of the most bizarre and lovely landscapes on earth.

B. Scientific evidence indicates that this arid landscape hosts an unusually fragile ecosystem.

1. The ecosystem evolved without large grazing animals, and, as a result, the primary nutrient source at the base of the food chain exists as a fragile crust of bacteria and other microorganisms spread on the surface of the soil. These cryptobiotic crusts help conserve moisture in an area with less than 7 inches of annual precipitation, they stabilize the soil, and they are the only nitrogen-fixers in the ecosystem. Disruption by grazing, plowing, fat tires, or vibram soles kills the crust and dramatically

reduces the health and productivity of the biological community for the long term.

C. Human habitation has been sparse because this is not a bountiful environment.

1. At the peak of the prehistoric Anasazi and Fremont cultures, population density was greater than today. Many archaeologists believe these people left the area or were greatly reduced in number because they overused the natural resources.
2. The Mormons considered the area a rugged outpost, and were unable to prevent gentile ranchers, miners, and outlaws from moving into the area around Moab, eventually turning it into the most diverse town in rural Utah. (In the Bible, we learn that God considered the town of Moab to be His 'wash-pot'.) Today, the population density of the ecoregion stands at about 1.5 people per square mile.

II. Patterns of Land Ownership and Management

A. The ecoregion extends across most of four very different counties.

1. In the north, Carbon and Emery Counties are rich with coal and power plant revenues, and the population is a relatively homogenous group of miners, engineers, and traditional land users.
2. In the south is San Juan County with population

about evenly split between the Navajo reservation and the small Anglo ranching and oil patch towns.

3. In the middle sits Grand County, where traditional ranching and uranium mining have been all but eclipsed by a tourism and lifestyle economy. The Ute Indians, whose reservation fills the northwestern section of the county, have no real southern access through the rugged bookcliffs, and thus do not interact with Grand County at all.
4. Overall, about 5% of the land is in private ownership.

B. State Lands and state management of wildlife and recreation are more important here than in many other places.

1. At statehood, every ninth section in Utah was made part of the State Land Trust to generate revenue for schools.
2. In the canyon country ecoregion, state sections were traded out of Arches and Canyonlands National Parks and blocked up in the oil-shale rich Bookcliffs, the La Sal Mountains, adjacent to the parks, and in the greater Moab Valley. As a result, contiguous state sections often cover many thousands of acres, and such tracts require individual planning processes of their own.
3. Major State Parks at Dead Horse Point and Goblin Valley attract hundreds of thousands of visitors annually.

4. The State of Utah manages important aspects of recreational use of nationally famous sections of the Colorado and Green Rivers.
- D. There are five major units of the national park system within the ecoregion.
1. Arches National Park in Grand County hosts nearly a million visitors annually.
 2. Canyonlands National Park in San Juan and Grand Counties is a vast wilderness visited by half a million people each year.
 3. Natural Bridges National Monument and Hovenweep National Monument contain scenic and archaeological riches in San Juan County.
 4. Glen Canyon National Recreation Area manages Lake Powell and its three million annual visitors.
- E. More than half of the ecoregion is managed by the Bureau of Land Management.
1. The Moab District is one of the nation's premier recreation areas, generating about \$1,000,000 in recreation fees each year.
 2. BLM lands outside the National Parks are often of equal scenic and recreational value to protected areas in the Parks, leading to fears of creating a 'bath-tub ring' of intensive use if Park and BLM regulations are very different.
- F. There are three major units of the Manti-LaSal National

Forest centered on island mountain ranges rising from the desert in Grand and San Juan Counties and on the southeast flank of the Wasatch Mountains in Emery County.

- G. The State Division of Wildlife Resources manages habitat and related issues throughout the region.
 - 1. The Colorado River is critical habitat for four species of endangered fish.
 - 2. The Bookcliff Initiative (in cooperation with The Nature Conservancy and Rocky Mountain Elk Foundation) is aimed at enhancing big game habitat over large roadless tracts in northern Grand County.
 - 3. Key areas near Dead Horse Point State Park and The Island in the Sky district of Canyonlands are carefully managed for desert bighorn sheep.
 - 4. Residential encroachment on winter range is a problem in several areas.

III. Uniting to Form a Partnership

- A. A boom in recreation has placed tremendous new stresses on local communities and the natural environment.
 - 1. Since 1985, annual visitation to Arches has tripled, and Canyonlands has seen a fourfold increase. Remote areas of the Parks and National Monuments are hosting up to 30% more people each year.

2. Visitation to attractions on BLM lands has risen by about 300% since 1986, and it will double again in four years at current rates.
 3. During the tourist season, the average effective population of Grand County is three times the resident population, then, in the winter, the towns suffer an annual bust that makes it hard to pay for the infrastructures needed by the tourists.
 4. Nobody has much data to tell us what impacts the ecosystem can sustain, or where it can be pushed beyond its ability to recover.
- B. Most of the eventual members of the Partnership are coincidentally involved in long range planning efforts.
1. Emery, Grand, and San Juan Counties are all writing comprehensive general plans.
 2. State Lands is being reincarnated generally, and planning specifically for a 6,000 acre block that straddles Grand and San Juan Counties.
 3. Canyonlands National Park is rewriting its backcountry management plan and Arches is experimenting with visitor-expectation based planning.
 4. Six BLM Districts in eastern Utah are cooperatively drafting new resource management plans in an ecoregion-wide effort called the Eastern Utah RMP.

5. The Forest Service is rethinking everything about their objectives and the way they accomplish them.
- C. A meeting called by BLM to explore opportunities for cooperative planning was changed from a bureaucratic exercise into a watershed event when it coincided with a destructive riot on public lands.
1. At Easter 1993, crowds of teenagers and college students on spring break converged with the annual Jeep Safari crowd and mountain bikers and families out for the holiday. The town of Moab was stretched beyond its limits, with sewage overflowing the treatment plant, people camping and driving everywhere, and general chaos that ended in a riot at the Slickrock Bike Trail. Thousands of drunken people threw ancient trees in bonfires, waved guns, fought, and chased off the sheriff's posse. The land at this world famous destination will be hundreds of years recovering from the damage done that weekend.
 2. At the meeting, which followed on the heels of the riot, land managers and officials all could agree on the need to work together to deal with issues that nearly always span jurisdictional boundaries.
 3. This genesis, and the personalities involved, put a very pragmatic spin on the Partnership. People wanted to deal with concrete problems rather than arguing ideology, and they didn't care overmuch

about precisely defining 'ecosystem management', or about the details of procedure, before beginning work. Sometimes for better and sometimes for worse, we have made things up as we have gone along.

IV. The Structure of The Partnership

A. In prose that reflects its six month gestation in the belly of a committee, the Charter of the Partnership reads, "The overriding objective of this partnership is to develop an understanding of the natural patterns and processes of the ecosystems represented that sustains the systems for the benefit of future generations, while helping to provide for local, regional, national, and global well-being".

It continues with more specifics, "The Partnership will provide a climate in which all participants can collectively work with common purpose, within their mandates, towards sustaining ecosystems with the goals of: 1) assuring the quality and quantity of scientific, scenic, cultural, ecological, environmental, and other pertinent resources for protection of the natural environment, production of natural resources, recreation and enjoyment of man; 2) identifying ecosystems and landscapes without regard to administrative boundaries for management purposes; 3) coordinating planning and management actions to resolve issues of common concern, involving all the

agencies and interests that may impact the management objectives of specific ecosystems; 4) establishing a common vision of and commitment to sustaining quality of life and aesthetic values of the ecoregion".

B. There are actually some fine sentiments hidden in those words, and they were endorsed by the members of the Partnership's Forum, which is the core group, and about as formal as we get.

1. The members of the Forum are the following: County Commissions or Councils from Carbon, Emery, Grand, and San Juan Counties; BLM Grand and San Juan District Managers; Manti-LaSal National Forest Supervisor; Arches and Canyonlands National Park Superintendents; Utah Division of Wildlife Resources Supervisor; Director of Utah Division of Oil, Gas, and Mining; Director of Utah Division of Lands and Forestry; and Southeast Region Manager Utah Division of Parks and Recreation.

2. All Forum meetings are public (all Partnership meetings are public), and Forum business is conducted in a consensual format.

C. There are two standing committees that assist the Forum on specific issues as well as working on large basic missions.

1. The Science Committee consists of specialists from the agencies, the National Biological Survey, and interests like The Nature Conservancy. They are

working on an ecoregion characterization that will allow us to understand what kind of biological diversity is out there, and the essential ecological processes necessary to sustain it. Their work should help us adapt management over time based on conscious experimentation.

2. The Data Standards Committee is working to get all databases in compatible formats, and to create networks that allow members to share information easily.

D. Issue committees are created whenever the Forum members decide that a management issue will benefit from the wide public input the Partnership can generate.

1. These are actively advertised to attract as many members from the interested public as possible.
2. All members of these ad hoc committees have equal standing, and committee recommendations are consensual.
3. Committees are dissolved once recommendations are made to the Forum.

E. The Partnership has essentially no money. BLM has donated office space, and expenses are covered by whomever is around when the bill comes up. Project 2000, Coalition for Utah's Future has donated money to hire a part-time Facilitator for one year. This person's job is really rather like the job of Executive

Director of a non-profit. He arranges and facilitates meetings, makes sure minutes are kept, writes staff reports, flogs the Chairman into doing what he must do, writes press releases, writes grant applications, and generally keeps things together.

F. Because the Partnership is personality driven and administratively accomplished (as it must be, absent comprehensive statutory reform), it is very fragile. We are learning much about what such an enterprise can and cannot do.

V. What The Partnership Has Been Doing That Works

A. Members have been sharing planning resources.

1. County master plans are being coordinated in areas along the boundaries.
2. Land exchanges between the State and BLM are being discussed in terms of the long-term objectives of all parties.
3. The Data Standards group has provided GIS information that assists counties in flood control planning.
4. Members of various planning staffs know each other and talk frequently about issues like the impact of airports on utility corridors, wildlife and the like, or about the location of county landfills.
5. Federal decisions about things like camping in National Parks are shared with county officials who have to decide whether to zone for commercial

campgrounds.

6. Potentially volatile issues like road rights-of-way are discussed early, and in the context of specific cases rather than as ideologies.

B. The Science Committee is developing a comprehensive environmental baseline survey.

1. The agencies have allowed their scientists to work at least 3 days a month on a collaborative assessment of the ecoregion and what sustains it.
2. EPA may offer a sizeable grant to enhance this work.
3. Minimum impact visitor rules have been developed specifically for this area, and they are being publicized by all agencies and by county travel councils.
4. Pilot studies are being completed which determine the impacts of intensive camping, and that will help identify areas that will be especially resilient and suitable for high concentrations of visitors.
5. A collection of potential ACEC's and RNA's containing rare and endangered plants or relict areas has been identified by The Nature Conservancy, and is now prioritized for protection by the various agencies.

C. Standardizing and sharing data resources has increased efficiency, strengthened grant applications for

software, and increased the information available to decision makers.

D. Difficult planning or management decisions that Forum members must make can be improved by taking them to the Partnership.

1. A committee set up to develop recommendations for dealing with the riotous spring break crowd quickly agreed on a series of actions by a whole spectrum of private and public parties, all arising from the insight that both the land and the economy would benefit from a more tightly regulated, orderly event.
2. A collaboration between Grand County, BLM, and the State, will result in protection, restoration, facilities construction and maintenance, and better visitor contact in the intensively used Sandflats Area. This agreement will be implemented with help from Americorps national service workers recruited from the local area.
3. A scenic and very vulnerable piece of private property along the Colorado River was purchased by The Nature Conservancy in a unique arrangement in which Grand County used federal highway dollars earmarked for scenic enhancements to make the purchase affordable by buying, from The Conservancy, an easement prohibiting all development except traditional agricultural uses

of the land. This arrangement was funded after BLM and the Park Service, who are adjacent landowners, strongly endorsed the proposal.

4. All the partners are working with private enterprise to develop a regional recreation management strategy. They are answering difficult questions about things like displacement: if an area is regulated, or if fees are charged to deal with intensive use, how many people are chased off to spread the problems to other places? Do they go from one county into another? What experience are the visitors really seeking, and how can we provide that while sustaining the ecosystems? What are the direct costs to local government and how should they be paid for?

VI. Things That Do Not Work

- A. The Partnership has not been able to successfully address issues that extend beyond the authority of the participants.
 1. We have agreed not to talk about things like wilderness designation, or grazing because we want to make progress on more tractable issues.
 2. We tried, and failed, to develop a regional overflight management plan. The timing of the effort was good, all the interest groups were at the table, the land managers were willing, there was room for compromise and a lot was at stake for

everybody, Secretaries Babbitt and Pena had convened a national overflight task force that was very receptive to our process and to our recommendations, but airspace is controlled by the FAA and they are not willing to cede any of their authority to anybody. So, the process broke down, with only a very tepid partial plan as a result of a lot of hard work.

3. Things don't work unless people want to try them. Several of the County governments in the Partnership are mostly there to observe, still harboring a lot of mistrust of federal agencies. They have perhaps learned what they want to know, but they have not benefitted in any obvious way, and their continued participation is always in doubt. We push only as far as we can.

VII. The Future

- A. The Partnership must address several legal and financial obstacles in order to move forward.
 1. We have to find more secure funding for staff support so that this far-flung enterprise can live up to its potential.
 2. In our haste to begin dealing with pressing issues, we never considered the dictates of the Federal Advisory Committee Act (some of us had never heard of it). Our legal advisors from the University of Utah Law School are developing a

plan to get us in line, and that may change some things about the way we do business. We are also coordinating with Governor Leavitt's office on this, especially with regard to the structure of The Southwest Utah Planning Advisory Committee which also deals with public land issues on a large scale.

B. The participants have to decide whether they want to be part of this or not.

1. In addition to the ambivalence of some county governments noted above, environmental groups have expressed reluctance to participate in selected issues for an interesting reason: they think that our process is sincere and worthwhile, but fear that it might become a model which could be used as a front for business as usual in more traditional areas.

C. There are a number of good issues on our plate.

1. Continuation of the environmental baseline survey.

2. Development of the regional recreation strategy, including a stronger social science component, and addressing ways of funding responses to the impacts of tourism.

3. Coordinating planning for recreation management on the Green and Colorado Rivers. This will involve everything from the Canyonlands plan for permits and group sizes in Cataract Canyon, through

canoeing in Labyrinth and Stillwater Canyons,
jetboating and jet skiing conflicts with raft
trips near Moab, to management of Westwater,
Desolation, and Gray Canyons by the BLM.