The Past, Present, and Future of Our Public Lands: Celebrating the 40th Anniversary of the Public Land Law Review Commission’s Report, One Third of the Nation’s Land (Martz Summer Conference, June 2-4)

6-3-2010

SLIDES: America’s Redrock Wilderness

Scott Groene

Follow this and additional works at: https://scholar.law.colorado.edu/celebrating-40th-anniversary-of-public-land-law-review-commission-report

Part of the Administrative Law Commons, Energy Policy Commons, Environmental Policy Commons, Forest Management Commons, Land Use Law Commons, Natural Resource Economics Commons, Natural Resources and Conservation Commons, Natural Resources Law Commons, Natural Resources Management and Policy Commons, Oil, Gas, and Mineral Law Commons, Public Policy Commons, Recreation, Parks and Tourism Administration Commons, and the Water Resource Management Commons

Citation Information


Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.
America’s Redrock Wilderness

southern
Utah
Wilderness
Alliance
Experience
Most controversial issue- MR
Problem widely recognized for three decades

- Former Chief of USFS, and Acting Director BLM said that many of the leaders he supervised found off-road vehicle management the most challenging, land damaging, resource issue they faced.

- 1979 report by the United States Council on Environmental Quality (CEQ) entitled "Off-Road Vehicles on Public Land," CEQ Chairman Charles Warren wrote: "The Council on Environmental Quality sees the off-road vehicle problem as one of the most serious public land use problems that we face." At that time, there were roughly 9,000 registered ORVs in Utah. By 2000, the number had skyrocketed 900% to more than 83,000. By 2006 it was over 170,000.
Underlying disagreement:

- Decisions on ORV use have erroneously focused on recreational rather than environmental conflicts, largely because these decisions are made on a local basis under pressure from motorized users.
Inadequate plans

- Agency plans are often inadequate for the growing number of users, the increased capabilities of the machines, and lack of enforcement capabilities.
1. Is the existing law adequate?

- Decision making. Eos/ Regs/ ESA
- Enforcement
- Penalties
- Subsidies
2. Are the federal land management agencies effectively addressing recreation-related problems, including the impacts of motorized recreation activities?

- No- Utah as an example
  - recent decisions in Utah made through RMPs for 11 million acres:
    - designated routes w/o knowing consequences
    - w/o cultural inventories
    - water/riparian
    - air quality/climate change
    - Conflicts w/wildlife and other users
    - Plan for trespass
    - Family use
Lack of field work- status quo

- BLM TPs essentially the road inventory maps provided by rural counties -- and the county inventory maps were effectively drawn up by ORV advocates that GPS'd every track they could find on the ground or on old topo maps.

- the BLM designated over 20,000 miles of ORV route in eastern and southern UT.

- BLM designated routes in areas the agency found to have wilderness character. Illustrates the disconnect between the "travel planning process" and BLM's resource staff.

- Ultimately, the TP routes were superimposed on WC areas -- and no assessment of the impacts of these routes on wilderness character was performed. The resulting TPs are not travel "plans" but a compilation of old mining tracks, washes, ORV-created trails, etc.
Cultural resources

- "...motor vehicle use, including off-road vehicle use, may constitute the greatest threat to the long-term preservation of cultural resources across the Monticello, Richfield, and Kanab field office areas."

- Colorado Plateau Archeological Alliance

- BLM designated routes w/out conducting cultural resource inventories of the routes, and have subsequently discovered cultural resources in designated routes and have had to re-route, close routes, etc.

- in addition, SUWA contracted w/ CPAA to inventory several routes in Mont, KFO and RFO and ALL of the surveyed routes had significant arch. resources elig. for listing in the Fed. Reg. of Historic Places.
that vehicular routes facilitate greater pedestrian access to archaeological sites that are then subjected to direct and indirect impacts (citation omitted) and that archaeological sites within 200 meters of a vehicle route are far more likely to be vandalized (cites omitted). “

– CPAA
In summary, motor vehicle use on the above described seven designated routes in the Monticello, Richfield and Kanab RMPs is presently causing irreparable damage to archaeological resources. In all instances, any damage to or destruction of archaeological sites is irreparable, and information contained at the sites, many of which are eligible for listing on the National Register of Historic Places, is being lost. In addition, the use of these and other designated routes will certainly endanger, and in all likelihood will damage a substantial number of prehistoric archaeological resources in and near the designated motor vehicle routes, resulting in irreparable harm to these cultural resources.
Riparian areas are "the most important, productive, and diverse ecosystems, yet they comprise less than one percent of the approximately 22 million acres of public ands administered by the Bureau of Land Management (BLM) in Utah." Utah riparian Management Policy, IM UT-2005-091 (Riparian Policy) at 1 (September 8, 2005) (emphasis added).

The Utah Division of Wildlife Resources estimates that riparian areas support 75-80% of all wildlife.

Arch Canyon's riparian area has been recently assessed as "Functioning at risk" with a downward trend. See Schelz, at 10, 31, 47-48. The primary cause for this alarming assessment is the existing ORV route that traverses the floodplain, according to Charles Schelz, biologist, botanist, and ecologist with 19 years of experience in designing protocols and monitoring ecosystems in southeastern Utah and around the western United States. See id. at 31, 47-48.
Air quality and climate change

- Dust on snow has a much greater effect on early snowmelt than increased temperatures do.
- Snow stained by dust melts faster because it absorbs more solar energy than a pristine white snow pack.
- For example, in 2005 and 2006, disturbed desert dust melted snow cover 18 to 35 days earlier in the San Juan Mountains of western Colorado.
- In 2009, disturbed desert dust melted snow cover 48 days earlier in that same mountain range.
The Colorado Plateau, which includes all of southeastern Utah, is one of the primary sources of airborne dust emissions in the United States.

Exacerbating the Problem
The BLM recently approved 20,000 miles of off-road vehicles routes in Utah’s Colorado Plateau, including over 1,000 miles in inventoried roadless lands. These routes will expose large areas to wind erosion as disturbance from off-road vehicles can drastically increase windborne erosion rates on desert soils.

Balancing motorized recreation: Inexpensive first step towards solving problem (grazing/energy and other locations)
Conflict w/other users and wildlife
threats to families without machines - churned up campsites
Lack of balance

• according to the Moab BLM's user survey, about 6% of users say their main activity is ORVing.

• However, 81% of MFO is available for ORVing -- (calculated by subtracting closed areas from total acreage and dividing).
Fail to recognize users ignore closures and lack of enforcement abilities.

- West wide: each BLM ranger patrols an average of 1.7 million acres

- In Utah: 49% of ATVer and 38% of dirtbikers preferred to ride off trail

- On their last visit to public lands
  - 39% of ATVers and 50% of dirt bikers did, indeed, ride off trail.

- 2002 Utah division of natural resources study
Family values- injuries to children

• Between 1982 and 2006, over 2,300 children were killed in ATV crashes. This is the equivalent of five 747 jets full of children, or 35 fully loaded school buses.

• Serious injuries among children have ranged from over 32,000 to over 44,000 every year since 2000.

• almost twice the risk of injury serious enough to require hospitalization than any other activity studied. This is true even for activities generally considered to be high risk, including football and snowboarding.

• In 2000, AMERICAN ACADEMY OF PEDIATRICS reaffirmed its long-standing recommendation that no child under the age of 16 should operate or ride an ATV (Utah 8)
Silver lining?

Trends- more ownership, but less use.

People buy these toys, but many become garage detritus after a year or two.

2009 Utah state extension service report
3. should Congress be considering new recreation-related protective designations, additional fees, or new funding?

- No- wilderness and NCA more than enough. (Congress broken so good luck ORV/Mtn. bikers).

More approps- but make agency responsible for how it allocate funding- don’t open areas you can’t manage.
Recommendations:

- treat as environmental issue in planning
- Keep use away from sensitive areas- recognize inability to regulate
- Good plans in place
- Oversight beyond local offices
- Adequate fines: like hunting, impound vehicles and take away riding privileges
- End Hidden Costs to Taxpayers: determine full environmental costs
- Stop subsidies- RTP/state programs
America’s Redrock Wilderness