

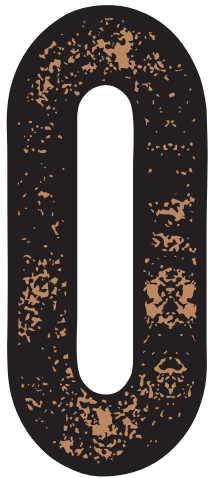
# THIS LAND WAS

In Utah and other Western states, the country's most pristine wilderness faces new threats from Big Energy and its powerful allies.

**BY CHRISTOPHER KETCHAM**

# YOUR LAND

*Conservationists consider the Book Cliffs-East Tavaputs Plateau the Serengeti of Utah. Energy companies and state lawmakers want to tap into its vast oil reserves, estimated at three times those of Saudi Arabia. Photo by Shelly Martin*



One spring morning a few years ago, while on horseback in the wilderness of southern Utah, I happened to meet a horse packer named AJ Rogers, who was filling a stock tank with water he had trucked from his house in a village 15 miles away. Rogers, who is 60, had been riding the remote canyons and mountains of the Book Cliffs-East Tavaputs Plateau in Utah for most of his life, and the roadless part of the plateau, forbidden to mechanized traffic, was beloved country. “Where else can you ride a horse daylight to dark and not cross a road?” he said.

When he was 16, Rogers had organized with two friends his first unparented horse pack into the Cliffs, a ten-day journey that was to culminate in “a big bear hunt.” Two of the horses escaped and fled home, others got mired in a bog, and Rogers ended up lost for days, turned about in the deep woods. There were gunshots in the dark, and bears roaring, and hungry times, and a 25-mile night hike, and a posse out looking for the errant teenagers. “It was my initiation into the back country and did a lot toward making me a grown-up man,” Rogers says. His son Orion also went solo into the Book Cliffs at the age of 16, riding for a week on a horse named Ranger, and Orion also got lost and into trouble and out of it. Rogers still kills an elk there for its meat whenever he can, considering it the finest hunting grounds of his life—“big old wide country,” he told me, “that needs to stay just like it is.”

I was living in southern Utah at the time, in the town of Moab, 50 miles south of the border of the Cliffs country, and I ended up spending two days in the wilds with the horse. A few months later, in high summer, when the temperatures soared in Moab, I went alone backpacking into the 10,000-foot plateau, where the air was cool and sweet. I got lost briefly and felt the hair on my neck stand up when I thought I couldn’t find my way out to the road where I’d left my car.

Last May, I went into the Cliffs again, this time in a rust-bucket Land Rover with a wilderness advocate named John Weisheit, a longtime white-water river guide who directs the Moab nonprofit Living Rivers. Weisheit had been warning that the Cliffs plateau, in an era of new drilling technologies and bipartisan calls for domestic energy independence, faces an unprecedented scheme for development of its oil shale and tar-sands deposits, which are estimated to contain three times the proven oil reserves of Saudi Arabia. “Utah wants to be the Saudi Arabia of America and strip-mine every last barrel,” Weisheit said. Our intention was to get up on the plateau and find our way on ragged jeep roads to a tar-sands test site called PR Springs. An experimental foray into tar-sands mining on 200 acres of state-controlled land, PR Springs was meant to be the model for developing nonconventional oil on all three million acres of federal public land in the Book Cliffs-East Tavaputs.

The old truck filled with dust, the heat was oppressive, the road snaked through canyons and up over cliffs, and Weisheit ground his clutch. At 8,000 feet, as a rainsquall spattered the windshield and the temperature plummeted, the view opened to the horizon across a rolling country of grasslands, sagebrush flats, Douglas fir, and aspens leafing out. A storm coiled in the west. The afternoon sun broke for a moment through the clouds, the slant light catching in the electric green of the trees. A golden eagle swooped near our truck, hunting a rabbit. We passed herds of elk and deer on the move, and we counted their numbers—17, 23, 30, more. Conservationists regard the Book Cliffs-East Tavaputs as the Serengeti of Utah. On the other hand, Weisheit told me as we drove, “the local county commissioners call this a wasteland.”

The vast majority of the acreage in the Book Cliffs-East Tavaputs, like most of Utah, is managed by the federal government, which controls roughly 60 percent of the state under the auspices of the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM). Recently, in a revival of a long-standing feud with federal regulators over control of natural resources in the public domain—a fight as old as the settlement of the American West—the Utah Legislature has demanded a handover of all federal public lands within state borders. The Transfer of Public Lands Act (TPLA), passed in 2012 and signed by Governor Gary Herbert, an enthusiastic backer, mandates that the Forest Service, with 15 percent of Utah land, and the Bureau of Land Management, with about 42 percent, relinquish their domain to the statehouse no later than 2015.

The bill’s backers say they want to use federal public lands to generate revenue for the state. So far, the U.S. government has not ceded an acre. “If Utah is successful in its quest, the real losers will be the public,” says David Garbett, a staff lawyer with the nonprofit Southern Utah Wilderness Alliance. “The only way the Utah Legislature can generate money from the public lands is to ramp up development and hold a fire sale to clear inventory. That means that the places the public has come to know and love will be sold to the highest bidder and barricaded with ‘No Trespassing’ signs.” Similar bills are proliferating in other Western states where most of the land is managed



by a federal agency. During 2012–2013, Idaho, Wyoming, Montana, Nevada, and New Mexico passed either bills or resolutions inspired by Utah’s TPLA. Proponents of public-lands transfer in the West believe they have a case based on arcane stipulations in the enabling acts that brought their states into the union. Under the acts, however, state governments agreed to “forever disclaim all right and title to the unappropriated public lands” within their borders, ceding those lands to federal control. The legality of this disclaimer has never been successfully challenged.

When Weisheit and I arrived at the PR Springs tar-sands site, it was late afternoon, and the workers had quit for the day. Sifters and chemical-treatment vats and storage dumpsters the size of houses lay in varying states of disarray. Bulldozers sat waiting to finish the widening of the dirt access road, soon to be paved to allow for bigger trucks and more efficient movement. At the center of the operation was a lifeless zone where the soil to the depth of 35 feet had been scoured off. The machines had lifted away the trees, the grasses, the forbs, and explosives had opened the last layers of earth to get beneath the limestone and reach the blackened tar-stinking ore band. “Denude the landscape, scrape off the topsoil—the rest gets blown

away by the weather,” Weisheit said. “It destroys watershed, wildlife, recreation.” We stood over the pit in the wind, and the word “wasteland” did come to mind.

**THE FEDERAL PUBLIC LAND** that Utah is claiming for itself is owned by you and me and some 300 million other Americans. It is a peculiar property right we each have to this commons, as we acquire it simply by dint of citizenship, and what we own is spectacular. The BLM and Forest Service lands, which include almost 300 million acres in 11 Western states and Alaska, make up some of the nation’s wildest deserts, forests, rivers, mountains, and canyons: places not touted for tourism; places where big mammals and ferocious carnivores roam unhindered; where a citizen with an interest in such things can hike, bike, camp, fish, hunt, raft, ride horseback, carry a pistol, fire a Kalashnikov, sling an arrow, get as lost as a pioneer.

The marvel of the federal public-lands system is that it exists at all. When the 13 colonies as part of their founding compact gave up the rights to the unsettled soil that stretched from the Appalachian Mountains to the Mississippi River, when the young United States completed the Louisiana Purchase, when it lay claim to the Southwest and California after

*On once-pristine land near Vernal, Utah, employees of the Bill Barrett Corp. install a controversial oil pipeline approved by the Bureau of Land Management.*

the Mexican-American War, when it drew into the Union the vast territories of the intermountain West, the intention of the federal government had always been the disposal of this estate into the private sector. During the 19th century and into the early 20th, much of the land was leased and sold off in a frenzy of corrupt dealings. Railroads, corporations, land speculators, mining interests, and livestock barons gorged on the public domain, helped along by the spectacularly pliable General Land Office, which from 1812 until its closure in 1946 privatized more than one billion acres, roughly half the landmass of the nation. The corruption was such that by 1885, *The New York Times*' editorial page had denounced the "land pirates" whose "fraud and force" had excluded the citizen settler—the farmer, the homesteader, the cowboy—from "enormous areas of public domain" and "robb[ed] him of the heritage to which he was entitled."

We can thank the first generation of American conservationists—think John Muir and Teddy Roosevelt—for persuading Congress to set aside a portion of America's forests in federal reserves, which led to the creation of the Forest Service in 1905. The USFS, taking charge of some of the most productive arable land and timberland in the West, was met with hatred by rural Western business interests that wanted no regulation. Forest reserves were considered

and mining magnates. With this model of decentralized, business-friendly management imported to the BLM—the grazing boards even at one time paid the salaries of BLM employees—the agency's officers were recruited from the counties they were meant to regulate. Range enforcers tasked to restrict grazing were the sons of ranchers, and watchdogs of mining and drilling had brothers and uncles and cousins who ran oil and gas and hard-rock companies. The BLM came to be mocked as the Bureau of Livestock and Mining, and by 1961 President John F. Kennedy would note that "much of this public domain suffers from uncontrolled use and a lack of proper management." Kennedy that year, in a national address, directed his secretary of the interior to "develop a program of balanced usage designed to reconcile the conflicting uses—grazing, forestry, recreation, wildlife, urban development, and minerals."

Kennedy's notion of balanced use, which had a precedent in the management of the national forests, became law 15 years later, with the passage of the Federal Land Policy and Management Act (FLPMA) of 1976, one of the capstones in the conservationist legislation of the 1970s. The act signaled a "massive shift of public policy," says former BLM director Michael Dombeck, who headed the agency from 1994 to 1997. Until 1976, the BLM had continued to be charged

## THE FEUD OVER WHO CONTROLS NATURAL RESOURCES IN THE PUBLIC DOMAIN IS AS OLD AS THE SETTLEMENT OF THE AMERICAN WEST.

"crackpot schemes of politicians in Washington," "the dude design for an outdoor museum and menagerie," "obnoxious measures of Eastern visionaries." "On the forest reserve please bury me not," went the doggerel in a 1907 farmers' publication in Colorado. "For I never would then be free/A forest ranger would dig me up/In order to collect his fee."

More than 400 million acres of less desirable public land remained, much of it remote and forbidding, with arid soils and grasses fit only for meager grazing, and almost all of it in the states west of Kansas. By 1946, most of this unwanted patrimony—some 264 million acres—fell under control of the newly formed Bureau of Land Management, run out of the Department of the Interior. While the Forest Service, an adjunct of the Department of Agriculture, had been managed with scientific efficiency, its policy and operations directed from the office in Washington—one of the reasons it was so hated—the BLM was from the start a creature of local interests. It was formed out of the U.S. Grazing Service, which traditionally had been run at the local and state level by "grazing advisory boards," which largely consisted of ranchers, bankers, lawyers, real-estate dealers,

with privatizing the public lands. FLPMA officially ended what had been de facto policy for decades: The era of land disposal was over, and the federal government would hold the public lands in perpetuity, as a grand American commons. The law also put into place a suite of unprecedented environmental regulations, mandating the protection of "scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values." It brought the BLM domain into regulatory compliance with the National Environmental Policy Act, the Endangered Species Act, and the Clean Air and Clean Water acts. Its language borrowed from the 1964 Wilderness Act, which had warned of "expanding settlement and growing mechanization" that would leave "no lands designated for preservation [in] their natural condition."

The Wilderness Act had defined a wilderness area by requiring, among other factors, that it consist of at least 5,000 contiguous roadless acres. The 1976 law mandated an inventory of unroaded BLM lands, which was also unprecedented. Representatives of extractive industry feared the obvious: More roadless areas indeed would be

identified and wilderness protections inevitably expanded.

The law provoked an explosive reaction in conservative rural counties in the intermountain West, whose agitation took hold and spread in the form of the so-called Sagebrush Rebellion, a kind of Tea Party for ranchers, miners, loggers, and oilmen. The rebels correctly assessed the implications of the federal management act's "multiple use" mandate: Cows could eat the grass, off-road vehicles could explore the backcountry, corporations could find profits from publicly owned minerals, but these activities would be heavily regulated, subject to environmental analysis and public hearings and the strictures of what the federal management act called "sustainable use." Extraction would also have to be balanced against the interests of "outdoor recreation and human occupancy"—fishing, hunting, wood-gathering, hiking, camping. Even worse, in the rebels' view, the law formalized roadless assessments.

The Sagebrush Rebellion counted among its champions scores of county officials and state and congressional legislators. In Utah, Nevada, Colorado, Idaho, and Wyoming—wherever the BLM had vast holdings—lawmakers passed Sagebrush Rebellion Acts demanding a "return" of federal land to state control. Sagebrush spokesmen, denouncing the 1976 FLPMA legislation as another insidious scheme from the devious Easterners, claimed to be riding a wave of citizen ire, but the rebellion mostly issued from business interests—grazing, oil, gas, mining, the consumers of public lands—with political connections in county commissions and state legislatures.

In a region forever dominated by big ranching, big mining, and big oil, the Sagebrush bills of the 1970s represented nothing new. The revolt accomplished little more than to communicate an old hatred of federal control. In 1913, 1914, and 1919, Western governors, fearing the encroachments of the National Forest reserves, demanded the return to the states of what remained of the public lands. In 1930, a commission appointed by President Herbert Hoover, who had been urged on by ranchers furious at Forest Service grazing fees, called for the same. In 1946, Senator Edward Robertson of Wyoming floated a bill for the sale of public lands to ranchers. When the Sagebrush revolt reached its height at the end of the 1970s, Bruce Babbitt, the governor of Arizona who would later become Bill Clinton's secretary of the interior, concluded that "behind the mask the Sagebrush crowd is really nothing but a special-interest group whose real goal is to get public lands into private ownership." Land-grabbing, Babbitt said, was "the oldest con game in the West."

**THE LEGISLATION THAT WOULD** become Utah's Transfer of Public Lands Act—the inaugural move in what *The Salt Lake Tribune* dubbed a "new Sagebrush Rebellion"—first

made an appearance in a 2011 meeting of the conservative American Legislative Exchange Council, which works with state lawmakers to draft "model legislation." With more than 2,000 members, including legislators from every state and hundreds of corporate and private-sector lobbyists and funders, ALEC, though registered as a 501(c)(3) nonprofit, churns out more than a thousand pieces of model legislation annually, 20 percent of which on average gets passed in state legislatures. ALEC's model laws have circumscribed voting rights, established "stand your ground" laws, defunded public schools, reduced taxes on corporate wealth, and protected manufacturers from litigation if their product kills a child.

Lisa Graves, the executive director of the Center for



Media and Democracy, which runs an ALEC watchdog unit, describes the group as a "corporate and partisan lobby masquerading as a charity, allowing some of the most powerful corporations and richest CEOs to get their legislative wish lists in the hands of politicians eager to please special interests." ALEC's agenda, befitting the concerns of its chief funders, the archconservative energy magnates Charles and David Koch, is to bolster corporations' interests without publicly disclosing those corporations' influence on the bills ALEC task forces produce. Graves describes this as "legislation laundering."

According to the records of its 2011 meeting, which took place in Scottsdale, Arizona, Ken Ivory, a Republican state representative from Utah, sponsored the public-lands transfer bill—then titled the Disposal and Taxation of Public Lands Act—for a review and vote in ALEC's Energy,

*In 1996, President Bill Clinton signed a law designated 1.7 million acres of Southern Utah's red-rock cliffs as the Grand Staircase-Escalante National Monument. This land contains one of the nation's richest coal beds.*

Environment, and Agriculture Task Force, whose voting members at the time included representatives from Peabody Energy, the American Gas Association, and the American Chemistry Council. Ivory says he envisioned state control of public lands as a means for funding local schools, health care, and infrastructure. “We have to educate our kids, we have to take care of sick people, we have to take care of our roads,” Ivory told me. “More than 40 percent of our budget depends on the fiscal charade every year in D.C. The federal government has a \$17 trillion debt. Let’s responsibly unleash the energy resources in Utah.”

“Ken Ivory got the ALEC stamp of approval before introducing the bill in his own state, which is really a stamp

The Utah Legislature proposed or passed a dozen bills during its 2012–2013 session that accord with ALEC’s vision for the expansion of state and local jurisdiction over federal lands. Utah has declared that Forest Service claims on streams and riparian zones violate state sovereignty, an issue that was considered settled with the creation of the service in 1905. It has sought to expand grazing in the restricted 1.7 million-acre Grand Staircase-Escalante National Monument. It has demanded state jurisdiction over “mismanaged” national forest—mismanaged because it’s not opened freely to ranching and logging. It has called for state oversight of the federally listed Utah prairie dog, which became endangered only after local control resulted in the near extirpation of the species. Herbert’s office has filed tens of thousands of miles of road claims in areas that local BLM and Forest Service officers have found to be unroaded. Utah’s alleged “roads,” some 14,000 routes in total, mostly amount to hiking trails, cow paths, or old defunct mining tracks, some of which have been abandoned for more than a hundred years. Conservation groups opposing the road claims in state court, among them the Southern Utah Wilderness Alliance, say the purpose is nothing less than a preemption of future wilderness designations: A countryside bisected by officially designated “highways” kills the chances for protection under the Wilderness Act. Expecting to be challenged on the legality of these bills, along with the governor’s road claims, the legislature has budgeted several million dollars for their defense.

With the 2013 passage of HB155, the Federal Law Enforcement Amendments Act, Utah even attempted to prevent BLM officers from enforcing state criminal laws on public lands, including everything from speeding to murder. “HB155,” says Patrick Shea, who served as a director of the BLM under Clinton and is now an attorney in private practice in Salt Lake City, “was designed to sow chaos on public lands.” The Department of Justice sued in U.S. court to strike it down last May, and a federal judge within days found the bill unconstitutional. “ALEC, which had a hand in drafting that law, is particularly useful in making life difficult for local BLM managers,” Shea says. “ALEC is all about the free market, and the very notion of public lands is antithetical to the free market.”

The legislature’s own legal counsel has warned that the Transfer of Public Lands Act is probably unconstitutional and will not survive a lawsuit. Representative Ivory says the legislative counsel “got it wrong. For 200 years, from 1780 until FLPMA, Congress recognized that its duty was to dispose of public lands. Litigation”—suing the federal government to implement the land-transfer law—“is one avenue we’re considering.”

Sagebrush Rebel initiatives have routinely failed in the courts. In the case of *Kleppe v. New Mexico*, a Sagebrush



*Oil pipelines have become a more frequent sight on federal land in Utah’s wilderness, thanks in part to federal regulators described by former employees as “totally compromised” by industry.*

of approval from industry,” says Nick Surgey, director of research at the Center for Media and Democracy. Ivory’s version is different: “The bill originated with me and my colleagues in Utah. An ALEC meeting is an opportunity to brainstorm and modify legislation. We were refining it.” Either way, this is not uncommon practice in the state, which Media Matters for America has called “the closest thing to a poster child for ALEC’s economic policies.” A 2012 report by the Center for Media and Democracy on ALEC’s influence in Utah found that the state’s legislators “have acted as a pass-through for ALEC,” making “substantial direct use of ALEC model legislation and policy ideas,” with model language introduced word for word in at least 17 bills since 2001. When ALEC held its 2012 annual conference in Salt Lake City, Governor Herbert showed up to welcome the membership.

cause célèbre, Secretary of the Interior Thomas Kleppe sued the New Mexico Livestock Board in 1974 over its illegal roundup of wild burros on BLM land, which had been protected under the Wild and Free-Roaming Horses and Burros Act. In 1976, the Supreme Court held in *Kleppe* that Congress has broader power than states when it comes to management of public lands. This has been the governing precedent for close to 40 years. ALEC's response is a bill called the Eminent Domain Authority for Federal Lands Act, whose purpose is to reverse *Kleppe v. New Mexico*. At least two Utah state legislators have introduced versions of the eminent domain bill, the latest of which "authorizes a political subdivision to exercise eminent domain authority on property possessed by the federal government." The bill died in the 2012 session after the legislature's general counsel concluded that political subdivisions in Utah—meaning, in practice, counties and municipalities—have "no standing to exercise eminent domain or assert any other state law" contrary to federal law on federal land.

**EVEN WITHOUT UTAH ATTEMPTING** to claim federal land, administration by the Bureau of Land Management is not going the way that Kennedy and the 1976 law imagined. "Forest Service employees typically get rotated on a regu-

lar basis, so there's not much chance of going native," says former bureau director Shea. "BLM people tend to stay put for decades. They are more greatly responsive to local and state pressures than they are to directives from the national office." I talked with a half-dozen former bureau employees in Utah who told me their working environment was one of constant harassment and pressure from the legislature, county governments, and industry. One described BLM district managers—the BLM's in-state bosses—as "totally compromised" by industry.

billion Texas-based energy company with operations on five continents. His long beard and hair whipping about in the desert wind, Willis brandished a Bic lighter and joked that I should spark the flint to see if the site was leaking natural gas. The explosion, he said, would send us and the wellhead to hell and back.

The Utah BLM, according to Willis, has a habit of not monitoring leaks from wells. On some oil and gas fields, he told me, there was no monitoring for groundwater and surface-water contamination. The BLM, he said, had in many instances failed to probe for subsoil leakage from oil and gas drill sites; had failed to provide enough "sniffer trucks" to look for contamination of the air; and, in his view, hadn't conducted the proper environmental assessments of roads that had fragmented the habitat for wildlife. Where we stood amid the labyrinth of drill sites and earth pounded flat by Caterpillar trucks, the wind threw up dust from soil that had been disturbed. Few of the plants around the extraction sites on Wood Hill were native. Mostly we saw invasive cheatgrass and Russian thistle. Oil and gas drill pads were supposed to be managed by the agency in accordance with the environmental protection mandates of FLPMA, so that native vegetation could reclaim the soil, prevent erosion, and preserve the ecosystem against

invasives that profit from disturbed ground. "My big issue with oil and gas on public lands is that industry is like Vikings approaching a coastal village," Willis said. "It's rape and pillage."

Stan Olmstead, who worked as an environmental scientist and natural resource specialist with the National Park Service and the U.S. Forest Service before joining the BLM, told me that the standard procedure in the state was to fast-track energy development. "I never once saw an oil and gas well denied in Utah BLM," Olmstead says. "BLM was always more interested in permitting the drilling than cleaning up afterward. The managers had no renewable resource background. The natural world, the bird life, the mammal life, the habitat, the air quality—they just didn't have the understanding of these things as they did of oil from a well."

When I called up retired BLM archaeologist Blaine Miller, who worked in the Price office as a specialist in Native American rock art, he told me that he had been punished for opposing energy development in the Price area. He had warned as early as 2002 about the probability of dust and vibration from oil and gas traffic ruining

"There is pressure to not regulate, to not do your job," Dennis Willis, a retired BLM range conservationist and recreation manager who worked for the agency for 34 years, told me when I met him at his home in Price, a hundred miles west of the Book Cliffs-East Tavaputs. He wanted to show me the result of the lack of regulation on bureau land around Price. We drove in his truck out of town and up a winding road onto a sun-crushed expanse of pygmy pines and sagebrush scrub known as Wood Hill. We stopped at a well, one of dozens in a complex on BLM land leased to the Anadarko Petroleum Corporation, a \$52

## DURING THE 19TH CENTURY RAILROADS, LAND SPECULATORS, MINING INTERESTS, AND LIVESTOCK BARONS GORGED ON PUBLIC LAND.



thousand-year-old petroglyphs in Nine Mile Canyon, a gorge near Price sometimes called the world's longest art gallery. Miller told me that he had drafted "letters of consultation" to be added to the environmental assessments his bosses in Price required for the approval of energy leases in and around Nine Mile Canyon. "Those letters never left the office," Miller says. "They were thrown away. My boss called me in and said he was told that the state office is going to lease these parcels no matter what, and you're going to rewrite your analysis so they can do that. The environmental assessment had to reflect that decision. I told him I can't do that and I won't do that." Miller claims his Utah BLM managers engaged in "criminal fraud" when they falsely signed his name to a report showing no effects from energy development on the archaeological finds in Nine Mile Canyon. He says he was subsequently removed from commenting on any development project in the area.

Willis, Miller, and Olmstead told me they repeatedly heard Utah BLM bosses in agency meetings say that their sole task, in Willis's words, was "to produce hydrocarbons." According to Willis, Kent Hoffman, the assistant state director for minerals, explained to the Price office staff, in a meeting Willis attended, that it is "not BLM's job to protect resources—it is our job to lease these lands for oil and gas."

of wilderness potential. I never saw this in print. In the team meetings while writing the management plan, we were told by the state office that certain areas were going to be leased. There was no other alternative."

A 2006 memo from Utah energy industry lobbyist Robert Weidner made public by then-Congressman Maurice Hinchey of New York backs these allegations. Weidner wrote in his memo that then-BLM Utah director Henry Bisson, along with national BLM deputy director Jim Hughes, promised to "promote economic growth and reduce restrictions on access to the public lands" and that industry interests, represented by the local county governments, "owe it to each other to strike while the iron is hot in finalizing these RMPs. ... Working with the new State BLM Director and the State to 'fix' these RMPs is an opportunity which may never come again!" In a letter to the inspector general's office of the Interior Department, Hinchey charged that the arrangement had "compromised the integrity of the BLM's resource management planning process and ... eroded the protection of federal lands in the State of Utah."

*The New York Times* last year looked into the compromised relationships between federal land managers and industry in Utah, focusing on a BLM district manager named Bill Stringer, who headed the bureau's Vernal office, in north-

## IN 1976, FEDERAL LAW OFFICIALLY ENDED THE ERA OF LAND DISPOSAL AND CREATED A GRAND AMERICAN COMMONS IN ELEVEN WESTERN STATES.

Miller, who was also present at the meeting, confirmed this account. Hoffman calls it a "fabricated misquote."

Asked to respond to the former staffers' allegations, BLM's director of communications, Celia Boddington, emailed the following: "The BLM is committed to providing comprehensive environmental review, including analysis of alternatives and public involvement opportunities required by NEPA for all land-use planning actions. The BLM adheres strictly to all legal, regulatory, and policy requirements when considering actions such as energy leasing on Federal lands."

Both Willis and Miller participated in the drafting of the resource management plan (RMP) for the Price region, completed in 2008 as part of a wider effort to produce a master plan for the federal public lands in Utah. They say that the plan for the Price region stated unofficially—a tacit agreement—that any area with a potential for oil and gas revenue would be off-limits to wilderness protection. "This was a rule created and used internally," Willis says, though the rule was not in the administrative record. According to Miller, "there wasn't allowed any option for high potential oil and gas areas to be closed off because

eastern Utah. According to the paper, Stringer had worked so closely with the energy industry that in 2007 he helped kill a proposed BLM study of the effect of the oil and gas boom on regional air quality. The study was instead conducted by an industry lobby group, the Western Energy Alliance, which found in its 2009 report no "unacceptable effects on human health." In 2010, the EPA came to a different conclusion: Its own study showed that ozone levels around Vernal were regularly exceeding federal safety standards. Industry memos and meeting minutes dug up by the *Times* revealed a gloating assessment of the relationship between the bureau and the energy companies. "Achieved our goal of diverting the BLM," said an internal memorandum, which reported lobbying efforts to "keep Stringer going to bat for industry." During Stringer's tenure at Vernal, where he was appointed district manager in 2004, his BLM office became the busiest in the U.S., with the number of producing oil and gas wells more than doubling and the average number of wells approved each year roughly tripling over the previous decade.

Stan Olmstead, who served 38 years in public service, spent seven years working under Stringer before he retired.



“Our elected, appointed, and agency administrators ask us to focus on commodities and economics as opposed to environmental health,” he wrote in a bureau-wide memo he issued when he left the BLM in 2012. “Protection of healthy soils, vegetation, clean air & water and a natural fauna are the true products.” The BLM, wrote Olmstead, was “breaking the land,” with “little thought for the future.”

Olmstead gave up on Utah and went back East to an old family farm in Tennessee. He told me the public lands around Vernal had been “sacrificed fully to industry. It’s a horrible mess.” He described constant industrial-scale truck traffic, dust, and noise. Native vegetation had been decimated, birds and mammals chased away or killed off, streams and rivers polluted. Fish were dying, the air was full of poisons, and the once-clear skies of the region had been dimmed with smog. He claimed that mismanagement at the Vernal district over the past decade had resulted in the loss of a candidate species for the endangered list called the mountain plover, which nests in the short-grass prairie and high desert. “That was the state’s only population,” he told me. “Whose task is it to say that a species is not important? Which ones do you want to throw away? All species that are endemic are important. That’s part of

the agency’s mission. The approach to the natural world in the Utah BLM—and this, I think, is a Mormon approach—is that humans are superior to other species, God’s chosen, here to be overseers, not participants. Why preserve the mountain plover if it doesn’t do anything for you?”

**THE WRITER EDWARD ABBEY**, a radical conservationist and probably the wittiest defender of Utah wilderness, went out of his way in his novels and essays to have fun characterizing the Sagebrush Rebels of the 1970s. He described them as “operatives for the C. of C.”—the Chamber of Commerce—their “hearts in a safe deposit box, and their eyes hypnotized by desk calculators,” who “look into red canyons and see only green, stand among flowers snorting at the smell of money, and hear, while thunderstorms rumble over mountains, the fall of a dollar bill on motel carpeting.”

I thought of Abbey’s words when one day not long ago I visited the home of an 81-year-old Moab resident named Ray Tibbetts, who described himself as a “big part of the original Sagebrush Rebellion” and who had recently formed the Sagebrush Coalition, made up of a dozen or so Moabites, to support the efforts of the legislature in Salt

*Negro Bill Canyon, a hikers’ paradise near Moab, was shut off to motorized traffic in the 1970s. Now a paved highway has been proposed nearby to expedite drilling.*



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Because we're all in this together.

Lake. Tibbetts, who is tall and fit and wore blue jeans and a trucker cap and a knife in a sheath on his belt, had been a deputy sheriff, a uranium speculator, a clothing retailer with a storefront on Main Street, and a real-estate broker. In 1979 and 1980, at the height of the first rebellion, he had helped organize illegal “roading” forays—complete with American flags, a bulldozer, and a county commissioner—into a series of BLM-managed areas around Negro Bill Canyon, which he still refers to by its unreformed name.

“I’ll admit we pulled a shitty there in Nigger Bill,” Tibbetts says with a note of regret. “But sometimes you got to make a statement. It was a symbolic place to put up a battlefront.” The BLM in 1979 and 1980, as a result of FLPMA, had shut down motorized traffic in Negro Bill and its tributaries. Tibbetts had refused to comply. A friend of Tibbetts from Moab—who happened to have undeveloped uranium mining claims in the canyon—powered up his bulldozer, lowered the blade, and mashed the canyon bottom into something drivable. The effort was indeed symbolic. The boulder-strewn jeep road to nowhere has since eroded almost to the point of erasure, and the canyon is still off-limits to vehicle traffic—one of the BLM’s long-standing conservation successes around Moab.

We talked in Tibbetts’s yard, under the gracious shade

areas from potential wilderness protections under the 1964 act. Bob Marshall, the founder of the Wilderness Society, who in his writings lamented “the tyrannical ambition of civilization to conquer every niche,” inventoried the land and ecosystems in the Book Cliffs-East Tavaputs in 1936. He concluded it was the fifth-largest desert wilderness in the United States, its roadless area estimated at 2.4 million acres. Seventy-seven years have passed since Marshall’s survey, and in that time more than 60 percent of the roadless domain disappeared as a result of minerals extraction and road building. “The BLM lands are some of the only remaining wild and vast and scenic stretches of hundreds of millions of acres that are left in the country,” says Michael Dombeck, the former BLM director. “Don’t we as a country care about keeping these places intact? Are we going to be happy only when *everything* is developed?”

I asked Tibbetts about wilderness. He talked about the Kaiparowits Plateau, one of the geologic uplifts in the vast remoteness of the Grand Staircase-Escalante National Monument. The Kaiparowits, he said, was full of coal. “One of the richest coal beds in America. This earth is to be used,” he said. “God put coal in the Kaiparowits for a reason. We need it! We need energy now, and our future needs more energy. And we need the roads to get to that energy.”

## UTAH DEMANDS JURISDICTION OVER “MISMANAGED” NATIONAL FOREST— MISMANAGED BECAUSE IT’S NOT OPENED FREELY TO RANCHING AND LOGGING.

of mulberry trees. I asked him about the future of the Book Cliffs-East Tavaputs. He said we needed to develop it. I asked him his thoughts about the other proposals for the industrialization of the Utah desert. He was for it, all of it. The nuclear-power industry, invited by the governor’s office and the legislature, has floated plans to build a nuclear reactor along the I-70 corridor south of the Book Cliffs, with local county water rights to the drought-prone Green River ready for sale to supply the facility. Last June, the Utah Department of Air Quality, in expectation of full development of Utah’s Saudi Arabia, approved construction of a \$230 million oil refinery near the Book Cliffs-East Tavaputs for the processing of oil shale and tar sands. The BLM has embraced preliminary plans for a new potash mine near Moab, and in September unveiled plans for oil and gas leasing on 144,000 acres in the remote canyon labyrinths of the San Rafael Swell west of Moab.

In the Book Cliffs, a paved county highway has been proposed to traverse the plateau, for the expediting of industrial traffic and, it is hoped, industrial tourism. It would also end up fragmenting fragile habitat and remove large

We drove in his pickup to the mouth of Negro Bill Canyon, a few miles outside of town. When I lived in Moab, I had gotten to know Negro Bill from its top to its bottom: hiked it by day and night, lolled in its pools and cascades, marveled at its lustrous amber walls, its natural bridges, its spangle-leaved cottonwoods, its whispering willows. I loved Negro Bill Canyon and was glad there was no road in it. Tibbetts and I parked at the lot near the mouth—today Negro Bill is a tourist draw—and marched under the high walls. I expected him to tell me about the joys of a D9 Caterpillar. Instead, he recalled how when he was 12 years old, as a Boy Scout, he camped on the sandstone ledges above the creek in Negro Bill; how he and his scout friends caught catfish with their hands and fought one another with barages of pebbles in the water; how there was no thought of a road into Negro Bill, no reason for a road; how he and his father, a cowboy and small-time rancher and onetime outlaw, climbed to the top of the canyon wall—a terrifying deed, the wall rising 150 feet—and together they reached the rim of the canyon and the mesa top, where they found a glorious view of the Utah desert. ■