

## **Impacts to Emery County Lands**

*Following is the text of a statement from the Emery County Public Lands Department that was printed in various media in December 2006. The Council wishes to clarify some misconceptions concerning this statement. It is not the intent to single out any user group, but to publicize the fact that lands within and adjacent to Emery County are experiencing more impact from more people and more activity each year. Additionally, articles and editorials created by news media is beyond our control, and may or may not accurately represent our intentions.*

Emery County is experiencing unprecedented use of motor vehicles on federal, state and private lands within and adjacent to the county. Both legal and illegal activity is impacting resources and other users, and the ever increasing numbers of both legal and illegal users is escalating those impacts.

Recent heavy rain and snow this fall when hunters typically are in the field at high elevations made otherwise normal and acceptable activity devastating to the saturated roads and camping areas. Commissioner Gary Kofford, also a Public Lands Council member, told the group that “in some areas, where the existing road was intended to be fifteen feet wide, the drivers were avoiding mud holes and ruts and creating roads fifty feet wide or more.” As the hunters access their favorite dispersed camping sites on short roads adjacent to the main roads, much more extensive rutting takes place. Loss of vegetation and increased siltation in reservoirs will result.

Increased numbers of vehicles has required changes in maintenance activity on existing roads. Native surfaced or minimally graveled roads that were adequate in the past will no longer hold up to the volume of traffic. Grading the road surface periodically simply doesn't do the job. Emery County annually treats nearly one hundred miles of road with products which enhance compaction and inhibits dust. An agreement with the Forest Service allows the County Road Department to perform this same maintenance on approximately 20 miles of Forest Service roads.

Although technological advancement in maintenance makes for improved travel, it also allows for more vehicles to gain access to more off-the-beaten path localities. Thirty years ago the typical vehicle which was used to drive to the Swinging Bridge or to Skyline Drive was probably the pickup truck. Today one may encounter several low clearance sedans on the same roads. State highway 31 which is paved and open year round, and the recently reconstructed Ephraim Canyon road provide quick and easy access to the Manti LaSal Forest and are highly promoted along the Wasatch Front. More and more visitors are discovering the San Rafael Swell and its magnificent attractions. Big game hunting seasons begin in August and extend to mid-winter. The use of off-highway vehicles (OHVs) in Utah grew approximately 195 percent between 1998 and 2005 (Utah Motor Vehicle Division 2006). Clearly, motorized use will continue to increase.

Several elements compound the issue of impacts to our lands, one of which is the relatively recent activity of gas and oil exploration and development. At present, activity

has been confined somewhat to the pinion and juniper benches, mostly on SITLA lands. Recent lease sales indicate that other areas may soon be affected both on the high elevation of the Forest and also on BLM lands of our desert areas. Emery County requires an encroachment permit for any activity which affects county roads above the normal activity level, so heavy truck traffic by industry can be monitored and regulated. On non-county roads the impacts are not so easily addressed.

An incident involving a local cattleman serves as an indicator of how co-users affect one another. Historically, the cattleman was permitted to graze livestock on SITLA property and except for occasional rabbit hunter was the sole user of the area. In the last ten or so years things have changed. OHV activity has exploded, and a coal bed methane developer has punched several wells on the property with more planned. OHV advocates came to the Public Lands Council seeking support for a trail through the area. When the cattleman was asked what he thought of the trail he asked that the users commit to close the gates behind them, a common courtesy widely adhered to in the rural west. Following the grazing season the Public Lands Director contacted the rancher and enquired about any conflicts. He was told by the rancher that he'd "just had to give it up and brought the cattle home early because he was unable to keep them in the pasture". Asked if he had seen the OHV riders who'd left the gates down he stated it wasn't the four wheeler people causing the problem, it was the gas company truck drivers running over the gate posts. The gates were immediately replaced by the developer with wide cattle guards and sturdy posts. New activity by new users brings new conflict with historic users.

Another incident which took place this season involved cattle and vehicles and their simultaneous use of a road. The Link Canyon Road, also know as Wildcat, is the only route which accommodates the trailing of cattle on and off the Forest Service grazing pastures on that part of the Forest. This fall, as the herders were bringing the cattle off the mountain, an impatient motorist ignored pleas from the herders to go slow and subsequently pressed the animals to the extent that two calves were actually pushed off the road and over a ledge, breaking some legs and requiring them to be destroyed.

The final element that compounds impact to the land is illegal motorized activity. Illegal activity is not specific to four-wheelers and can be perpetrated by any of the other public land users, although big week ends and hunting season tends to focus attention on these OHV users. Mesia Nyman, Ranger on the Price/Ferron Ranger District of the Manti LaSal National Forest has asked the Public Lands Council for advice about how to address illegal use. Following the Memorial Day weekend in May and also the Fourth of July weekend, she expressed frustration with the both the numbers of Off Highway Vehicles (OHVs) and the areas the users were accessing. "We have four-wheelers everywhere" on the popular, long weekends she said. Cross country travel is prohibited both on Forest and BLM administrated lands and motorized travel is acceptable only on established trails and roads. "I don't know what the answer is, what can the Council recommend?" Direction given by the Council has been to educate and enforce.

Council member Tory Killian, an advocate for motorized recreation stresses the importance of educating OHV users. "OHV training sponsored by Utah State Parks and Recreation is required for riders without a valid Utah Drivers License under the age of 16. Our local OHV club provides that training (Mark H. Williams, instructor) and encourages parents to attend with their children. Responsible use is promoted and consequences (citations and fines) for misuse are a major part of the training." Riders that are members of local clubs are probably the most effective means of getting the word out that compliance to land use plans and staying on designated trails is in everyone's best interest. Clubs are also the biggest contributors of time and effort in maintaining trails and signage on public land.

Emery County adopted an OHV ordinance in 2005 which designates certain County Roads 'open' to OHV use. Part of the implementation phase of the ordinance included presentation of the ordinance and accompanying map to each community, and informing the public of those roads available for OHV use. The Forest Service and BLM have maps available to the public which detail the open routes on federal lands. All maps are available in many locations.

Enforcement of the ordinance and land use plans is a major challenge. The scope of the affected area is overwhelming to those tasked with enforcement. Millions of acres of land are involved and thousands of miles of roads and trails. The Ferron/Price Ranger District of the Manti LaSal Forest has one enforcement officer, which is shared with another district. The BLM Price Field Office (PFO) has one enforcement officer. The PFO co-funds an officer in cooperation with the Emery County Sheriff's Office. Those public land users who are out-on-the-ground are encouraged to assist these officers by providing information concerning non-compliance.

Emery County Public Lands Council believes that to be effective, consequences for illegal use of motor vehicles need to be substantial. Visitors to our area who are spending several hundreds, or thousands of dollars for a weekend or weeklong vacation will consider a fifty dollar fine of no real consequence. Low-dollar fines are not effective deterrents. A trespassing violation on BLM land recently compelled one local judge to impose fines of over \$500 dollars each to the violators. (Other OHV users witnessed the violation and provided the information leading to the arrest of these folks). A similar violation on Forest Service land came before a federal magistrate in early November. The magistrate required restitution of \$4400 dollars from three violators. The Council believes significant consequences such as these are necessary to deter unacceptable, unlawful behavior. The Council also encourages adequate funding by state and federal land management agencies to get more enforcement personnel in the field.

Some things are certain as we consider the future: motorized use will increase on all rural lands including those in and around Emery County. Increased use will impact resources. There will continue to be conflicts between users. Because these things are certain, education and enforcement concerning proper use of the land must be emphasized. The public needs to be informed about acceptable and permitted use. There must be significant consequences for non-compliance. Those who are prone to non-

compliance need to know that federal agencies, local government and other users won't accept their behavior.