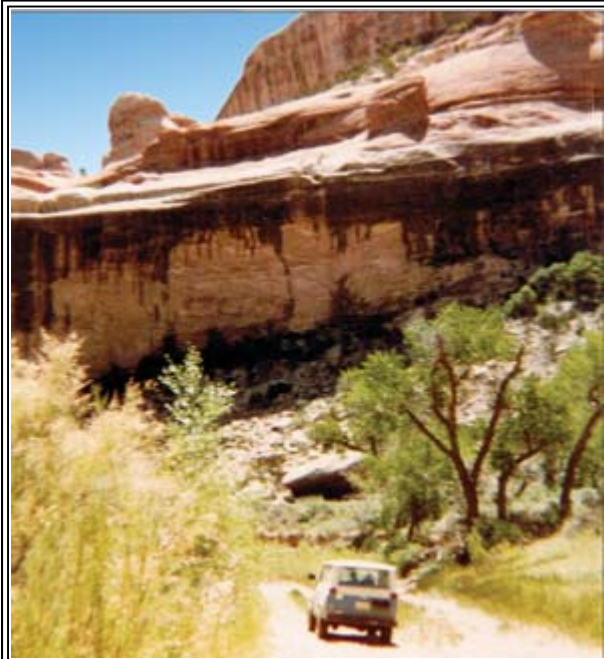


## A BRIEF HISTORY OF THE SALT CREEK ROAD

In 1964, Congress established Canyonlands National Park "to preserve an area . . . for the inspiration, benefit and use of the public . . .". The Salt Creek Road was open for the public to use, to come and go as they pleased and was used in a regular and continuous manner for more than 10 years prior to the creation of the Park. As such, it qualified as a valid existing right. In addition to preserving such existing rights, Congress also noted that because of the rugged terrain, access to remote areas of Canyonlands is difficult. Thus, Congress authorized the use of the pre-existing four-wheel drive roads, including Salt Creek Road, for access to these areas.



Because of the rugged terrain, access to remote areas of Canyonlands is difficult. Thus, Congress authorized the use of the pre-existing four-wheel drive roads, including the Salt Creek Road, for access to these areas.

The first documented use of the Salt Creek Road dates to the early 1920s when the Scorup & Somerville Cattle Company ran cattle through the Needles area of San Juan County, including Salt Creek Canyon. In the early 1940s, the Cattle Company improved the road and established a cowboy camp in the West Fork of the Salt Creek Canyon. Not long after, the Cattle Company purchased 80 acres at the location referred to as Kirk's Cabin.

By the mid to late 1950s, there was substantial uranium prospecting in the Salt Creek Canyon. Kent Frost, a longtime San Juan County outfitter and guide, recalls two or three uranium companies working in the Salt Creek Canyon and using the Salt Creek Road to haul equipment and supplies to their claims.

Recreational use of the road can be documented back to the early 1950s. Local residents used the road to access the area for hunting, camping, sightseeing, photography and rock hounding. W. Robert Moore documented the recreational use of the road in the May 1962 issue of the *National Geographic* magazine in an article titled "Cities of Stone in Utah's Canyonlands." The trips described in the article occurred in 1957 and 1962.

The Salt Creek Road was open to all licensed vehicles until 1995 when the National Park Service (NPS) formulated Canyonlands Backcountry Management Plan. The new management plan put access to the road under a permit system, whereby 12 motorized vehicles could use Salt

Creek Road each day. The NPS also gave managers direction to close the road in times of flood or other conditions. The OHV community acknowledged that Salt Creek Canyon is a special place and accepted the limits.

Sadly, Wilderness activist groups do not accept reasonable limits on OHV use. They seem to prefer an outright and total ban. One of the more litigious, the Southern Utah Wilderness Alliance (SUWA) immediately challenged the Management Plan in court. In accordance with their true goals, SUWA demanded closure of all the dirt roads in Canyonlands National Park to all types of vehicle use, including mountain bikes.

The BlueRibbon Coalition, the Utah Shared Access Alliance (USA-ALL), the United Four Wheel Drive Associations and other public lands advocacy groups intervened in that lawsuit and were successful in thwarting the Wilderness activists' plans.

However, SUWA convinced the US District Court in Utah to close the last 11 miles of the Salt Creek Road. From the moment the judge's gavel hit his desk, one of Utah's more spectacular geologic features, Angel Arch, could be viewed only after a 22-mile backpacking trip.

The very old, the very young and anyone else who was not fit enough for a grueling two-day backpacking trip just had one of America's National Treasures stolen from them. Locked away, forever reserved for the exclusive use of those the extreme environmentalists deem 'worthy' to view and enjoy America's backcountry.

**As if to add salt to the wound, the District Court awarded SUWA \$10,000.00 for their trouble.**

BRC and USA-ALL brought an appeal of this decision to the 10th Circuit Court of Appeals in Denver, Colorado. Thanks to excellent legal representation from the Mountain States Legal Foundation, the 10th Circuit ruled that the Utah court exceeded its authority, and the case should be reconsidered.

The appeals court based its opinion on the NPS environmental analysis, which showed that although vehicle use has some impacts to the natural resources in the canyon, those impacts were temporary and minor, and the 12 vehicle per-day limit adequately minimized impacts.

That was in August 2000. During the Clinton/Gore administration the Wilderness activists and their lobbyists enjoyed unprecedented access to top administration and agency officials. After BRC and USA-ALL prevailed in court, the only way to keep the Salt Creek Road closed was to totally change the Park Service Management Policy.

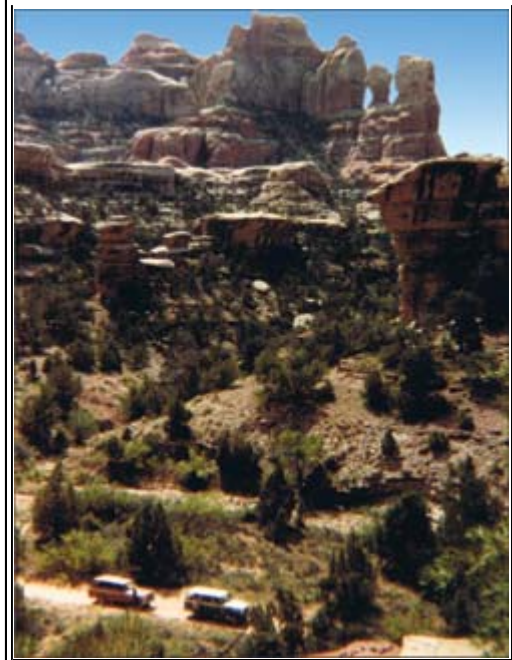
And in record time, new NPS Management Policies were written that raised the standard of 'irreversibly impairing' park resources, to an impossible "no impairment" standard. By establishing this new "no-impairment" standard and by defining "park resources and values" to include everything imaginable, the NPS has now conferred upon itself *carte blanche* authority to prohibit any and all uses of the national parks that the NPS may find objectionable. As we now know, the NPS seems to find vehicles objectionable!

Faced with this brick wall, our legal effort to keep Salt Creek Road open came to an end. BRC and USA-ALL had exhausted all legal avenues.

Upon the failure of the administrative legal effort to reopen the road, San Juan County and the State of Utah were forced to, once and for all, adjudicate the right of way. You won't be surprised to learn that SUWA attempted to intervene in the case, and incredibility, the 10th Circuit Court of Appeals allowed this. This is highly unusual, as a right of way title dispute is essentially a dispute over an easement between two adjacent landowners.

It's obvious that the appeals court thinks SUWA ought to have a say in who owns the road. As far as BRC, USA-ALL and United are concerned, if SUWA gets a say, then the people who actually use the road, and the people who have been denied the view of Angel Arch, should also have a say.

--For questions or comments on this article or related issues, contact: The BlueRibbon Coalition, 4555 Burley Drive, Suite A, Pocatello, ID 83202 1921. Phone: 208-237-1008, Fax: 208-237 9424. Email: [brbrian@sharetrails.org](mailto:brbrian@sharetrails.org).



Attorneys for the radical anti-access crowd originally demanded the closure of all backcountry roads in Canyonlands National Park. Thanks in large part to the BlueRibbon Coalition, United Four Wheel Drive Associations and the Utah Shared Access Alliance, all roads remain open except for the last 11 miles up Salt Creek Canyon.

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