

## **Book Cliffs Conservation Project Under Attack**

*JIM WOLF THE SALT LAKE TRIBUNE.* [The Salt Lake Tribune](#). Salt Lake City, Utah: [Aug 4, 1996](#). pg. B.2

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Efforts to convert a 500,000-acre parcel in the Book Cliffs of eastern Utah into a "multiple-use showcase" for wildlife, ranching and energy development are facing attacks on two fronts.

First is a federal lawsuit filed by Texas oilman and rancher Oscar S. Wyatt that claims numerous federal laws were violated as the partners in the so-called Book Cliffs Conservation Initiative began to implement their plan. Those partners are the U.S. Bureau of Land Management, Utah Division of Wildlife Resources, Rocky Mountain Elk Foundation and The Nature Conservancy.

Wyatt's concern is the way the partners worked together to reduce cattle grazing to provide more grass for wildlife and ease pressure on overgrazed stream sides. He contends that removal of the cattle violated the 1934 Taylor Grazing Act.

A win on these issues could be "absolutely staggering" for similar projects around the West where conservation groups have been trying to shift use of the public lands from grazing to wildlife, said Wyatt's attorney, Phillip W. Lear.

Wildlife advocates are furious about the lawsuit. "It's an attempt to steal \$3 million from the sportsmen of Utah," said Don Peay, executive director of Sportsmen for Fish and Wildlife. That much money has been invested in the Book Cliffs project.

"We purchased the land, the grazing rights, and the water rights, and now someone wants to take it away from us," said Peay. "If someone did that to the ranchers, these rural county commissioners would be calling for a lynching."

The other attack is coming from Uintah County officials and some representatives of the energy industry who fear the project will restrict access to land rich with oil, natural gas and tar sands.

"It looks to us like a wilderness area, national park and initiative area all combined in one," said Uintah County Commissioner Lewis Vincent at a meeting last week.

While backers of the initiative claim energy development will be allowed, Vincent said the strong emphasis on protecting wildlife could make it difficult for companies to work in the area.

"You've got the calving season for some animals, the kidding season for others, and then the nesting season for birds," said the commissioner. "I don't know when you'll have time to sneak in for mineral development."

But Ted Stewart, director of the Utah Department of Natural Resources, said the Leavitt administration believes the initiative can be structured in a way that everyone wins.

“You can have ranching, wildlife, energy development and recreation in the same area if you do it right,” said Stewart. He conceded that the growing chorus of complaints about the initiative may be a sign that the plans need to be refined.

The area's immense size provides one of the best guarantees for multiple use, said Paul Andrews, assistant field manager for renewable resources in BLM's Vernal field office. With a half-million acres, there is enough room to drill oil wells without causing a significant disruption to the elk herd.

The Book Cliffs initiative covers a rarely visited area of mountains, hills, plains and rivers about 50 miles south of Vernal, 50 miles north of Moab, and west of Utah-Colorado border. It provides year-round habitat for elk and other big game. BLM owns most of the area, but there also are large tracts of state land and some private property.

Only four ranchers controlled the grazing permits on this land when the initiative was conceived in 1989, and all were losing money and talking about selling out.

Although most of the land was in public ownership, access was difficult because ranchers controlled the canyon bottoms where the water and roads are. Many of those roads had locked gates.

The initiative plan was for the Rocky Mountain Elk Foundation and The Nature Conservancy to purchase as many of the ranches as they could, and then transfer the private land to the Utah Division of Wildlife Resources. The conservation groups would retain control of the grazing permits, and the federal Bureau of Land Management agreed to put up to half the permits in an inactive status to make room for more wildlife.

The goal was to open this vast tract to public access and provide better habitat for elk, deer, bear, and possibly bighorn sheep. Most stream-side areas would be off limits to cattle grazing until they return to health.

Only two of the four ranches were acquired, but this provided the opportunity to prove the initiative concept works, said Steve Cranney, northeast regional wildlife manager for the Utah Division of Wildlife Resources. Range conditions are improving, wildlife numbers are increasing, and grass and shrubs are beginning to grow on formerly denuded stream banks.

Utah ranchers voiced no opposition to the initiative because they received full compensation for their land and grazing privileges. And Utah Gov. Mike Leavitt embraced the initiative as an innovative way to protect Utah's dwindling supply of open space.

But problems arose when Wyatt, the chairman of the board of Coastal Corp. and owner of several large ranches, outbid conservation groups for the 164,050-acre S&H Ranches in September 1994. It now is run under the name of his Sweetwater Land & Livestock Co.

This newcomer to the process and didn't like what he found in the Book Cliffs.

“He feels moral indignation with the heavy-handed, strong-arming tactics of the federal government,” said Lear, Wyatt’s attorney. And he believes the initiative is based on a long list of illegal activities.

In a 70-page complaint filed recently in U.S. District Court for Utah, Wyatt alleges that BLM illegally allowed the Rocky Mountain Elk Foundation and The Nature Conservancy to retain grazing permits on the ranches they purchased. Since these conservation groups are not active ranchers in the area, federal law does not allow them to have federal grazing permits, he argued.

Wyatt also claims that BLM illegally allowed some of the grazing permits purchased by the conservation groups to be placed in a long-term “non-use” status. This left more grass for elk and other big-game species -- a critical component of the plan to boost wildlife populations in the area.

He contends that federal grazing permits are supposed to be issued to allow grazing, not restrict it.

Bill Christensen, Utah field director of the elk foundation, said Wyatt is wrong. “We own base property there and consider ourselves in the ranching business,” he said. The group intends to begin limited grazing when the land recovers enough.

“There is no merit in the lawsuit, and we’ll fight it aggressively,” said Chris Montague, director conservation projects for the Utah office of The Nature Conservancy.

Wyatt’s lawsuit relies heavily on a decision issued last month in U.S. District Court for Wyoming. The judge took a position that only active ranchers should be granted grazing permits, and that non-use should be granted for only such things as financial hardship or poor range conditions. The judge’s interpretation, which almost certainly will be appealed, would make it difficult for either of the conservation groups to maintain grazing permits in the Book Cliffs.

However, the Wyoming decision reaffirmed the right of BLM to eliminate grazing permits if the agency goes through a public process to change its management plan for an area. BLM is just beginning the process of revising the Book Cliffs management plan.