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New rules for off-road area

Emergency restrictions to protect plants and soil will be imposed at Factory Butte

By Joe Baird

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The long and often contentious battle over motorized recreation in the Factory Butte area of southern Utah will culminate today when the Bureau of Land Management publishes new rules governing off-highway vehicle use there.

In an action that has been expected for months, the BLM will implement emergency restrictions on the popular OHV destination in order to protect areas containing endangered Wrights Fishhook cactus and threatened Winkler cactus.

Factory Butte, located in Wayne County near Capitol Reef National Park, has until now been designated as open for cross-country OHV use. Under the new rules, open motorized use will be limited to a 2,600-acre "play area" known as Swing Arm City and 220 miles of designated roads and trails.

"This is going to change some things," Cornell Christensen, manager of the BLM's Richfield Field Office, told *The Salt Lake Tribune's* editorial board Tuesday. "But it's important to understand that we're not closing anything. We're restricting travel to designated routes and leaving an area open that most people use in the first place."

Factory Butte has evolved into the state's hot-button locale in the debate over motorized versus nonmotorized recreation in recent years. Both sides prize the region for its wide open, badlands terrain and sweeping vistas. The BLM's pending action will affect about 140,000 acres altogether.

Environmentalists cheered the agency's action.

"BLM deserves a pat on the back for moving away from wide open off-road vehicle use in an area like Factory Butte, which is a Utah icon," said Heidi McIntosh, conservation director for the Southern Utah Wilderness Alliance (SUWA). "This is a good decision, and in the ballpark of what we would expect given the inherent limitations that come with protecting the cacti, the scenery and the fragile soil that so easily scars."

But the state's largest OHV organization, which has bitterly opposed the BLM's Factory Butte plan, has vowed to fight on.

Mike Swenson, executive director of the Utah Shared Access Alliance (USA-All), says his group questions the data the BLM used to determine the status of the cactus habitat at Factory Butte. And he says USA-All will almost certainly explore a legal challenge of the new rules - which were made public on the same day a federal appeals court rejected USA-All's suit against the BLM over emergency OHV restrictions and closures it ordered in Box Elder and Grand counties from 1999 to 2003.

"Obviously we knew this was coming and obviously we're disappointed," Swenson said of the Factory Butte decision. "What we've got here is a place that Mother Nature seems to have designed for open off-road recreation that the government has now basically taken away."

"I think this also shows that the Endangered Species Act is totally out of control," he added. "I support the philosophy behind the ESA, but too often it has decimated the quality of life in rural areas. This is just the latest example."

SUWA petitioned the BLM for restrictions on OHV activity at Factory Butte last year, citing concerns over the cactus, and soil and water impacts due to motorized recreation. The agency rejected most of the petition, but launched an analysis of cactus habitat and found significant OHV-related damage to the plants.

"We're in a corner here. We have to protect those species by law," said Christensen, the BLM's Richfield field office manager.

Christensen said the BLM would spend the initial year under the new rules educating OHV users about the changes at Factory Butte and upgrading facilities, adding restrooms and information kiosks. He hopes that through such an approach, the OHV community will become self-policing.

Swenson raised hackles earlier this summer when he told Christensen in a letter that USA-All found the BLM's plan for Factory Butte "unsupportable," and said frustrated OHV users might have a difficult time adhering to the new rules.

Christensen called Swenson's stance "disappointing," and predicted most OHV users would find the new rules easy to adjust to. But to ensure compliance, he says the BLM, and other agencies will keep a high law enforcement profile at Factory Butte during the initial transition period. The new rules were released to coincide with the fall riding season.

If it appears that the new OHV rules are not being followed, Christensen warned that the area could eventually be closed to all motorized use.

"That's not what we want," said BLM spokeswoman Adrienne Babbitt. "We're doing all this to keep Factory Butte open."

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