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## Salt Lake Tribune, The (UT)

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**Section:** Local

### Disabled activists fight feds

*Mark Havnes The Salt Lake Tribune*

SAN RAFAEL SWELL - If Richard Beardall, as he said Monday, expects to be cited for riding his ATV past a barrier blocking access to a road in the San Rafael Swell, he won't be disappointed. The ticket is in the mail.

Roger Bankert, manager of the Bureau of Land Management's field office in Price, said Beardall and possibly other disabled-rights activists will receive citations for defying a BLM barricade and driving about a quarter mile to the banks of the Muddy River.

BLM officers did not attend Saturday's protest in scenic southeastern Utah.

"We thought that would be wise [not to show up]," Bankert said. "A ranger went down there [Monday] to check if there was any damage."

Officials closed the road, he added, to prevent damage to riparian areas along the stream bank.

"I sympathize with their plight," Bankert said. "But the [Americans with Disabilities Act] doesn't apply to access everywhere."

Beardall and his buddies beg to differ.

"The misguided agents of government have stopped the weak and old, sick and even the crippled from access to public lands," said Beardall, president of the Americans with Disabilities Access Alliance. "We want our land back."

To make his point, Beardall, who has used a wheelchair since a hunting accident in 1987, straddled an all-terrain vehicle and led several others on ATVs and in an SUV past the BLM barrier, erected in 2003.

"I'm not a crazy off-roader taking on the BLM," he said. "Maybe in the BLM's eyes it's illegal, but this has been a county road since the late 1940s."

Invoking the names of Martin Luther King Jr., Rosa Parks and Thomas Jefferson, Beardall said his group of about 300 Utahns is worried about access - and the lack of it - for the disabled to all public places.

"We're not asking that the [BLM] bulldoze a new route," he said. "We just want access to roads we've enjoyed in the past. These are the crown jewels of public lands, locked away from the elderly and disabled."

In a show of solidarity Saturday, about 40 people from several OHV clubs, including the Book Cliffs Rattlers from Colorado, applauded as Beardall and the others rolled down to the river with U.S. flags fluttering in a steady rain.

"That was better than I remember 20 years ago," beamed Beardall.

The disabled-rights advocate said he came to this remote area of the San Rafael Swell, near the old Hidden Splendor uranium mine in Emery County, to force the issue.

"To preserve civil rights, sometimes action has to be taken," Beardall said. "[Rosa] Parks wouldn't go to the back of the bus, and we want the right to use the road."

Rainier Huck, president of the off-road advocacy group **Utah Shared Access Alliance**, welcomed the riders.

"This has been a long time coming," he said. "We've been sitting back too long not doing anything. I applaud him. It took a lot of courage to do this."

Beardall's fight may shift to the courtroom now - with the BLM's Bankert noting the citation headed his way.

"I certainly don't plan on pleading guilty," Beardall said. "I don't see any other way to resolve the issue other than to let the courts decide."

For his part, Bankert said the Resource Management Plan for the area is about ready for public review and that the closure could be revised in the final version.

Saturday's riders hope so.

One of them, Monte Swasey, followed Beardall to the river with a disabled placard and an oxygen bottle strapped to the front of his ATV.

"It was an emotional experience," said Swasey, whose relatives once mined uranium for French researcher Marie Curie. "I don't know how successful we'll be but, if

nothing else, it was fun in the rain."

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**Caption:**

[Photo: Americans with Disabilities Access Alliance President Richard Beardall guides his ATV past a BLM barrier to the banks of the Muddy River, as his girlfriend, Andrea Clayson, waves an American flag. Beardall is willing to accept a citation for his actions.](#)

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