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County resists OHV limits

Joe Baird The Salt Lake Tribune

Another confrontation is brewing in southern Utah between local county officials and the federal Bureau of Land Management.

Apparently angered by the BLM's recent emergency order restricting off-highway vehicle travel in the popular Factory Butte area, Wayne County commissioners have proposed an amendment to the county's general plan that would essentially flout the BLM's new rules by once again allowing cross-country OHV use in the region, located just east of Capitol Reef National Park.

"Open, cross-country OHV recreation is a firmly established recreational activity and an important cultural value for a large segment of the citizens of Wayne County," said a draft of the "Factory Butte Cross Country OHV Special Recreation Management Area" proposal, a copy of which was obtained by The Salt Lake Tribune.

The county's intent, the draft continued, "is to preserve the open and unrestricted nature of cross-country travel that existed historically in the Factory Butte area."

Wayne County officials were mum on their proposal Tuesday. Commissioner Thomas Jeffery declined comment, while Commissioner Stanley Wood, who oversees public lands policy for the county, did not return calls. But the proposal will get its first public airing tonight at 7 during a planning and zoning meeting at the county courthouse in Loa.

Citing threats to two endangered cactus species from continued unrestricted OHV use, the BLM last fall instituted new off-road rules for the area, limiting OHVs to 220 miles of designated trails and a 2,600-acre "play area" known as Swing Arm City, located northeast of Caineville. The entire Factory Butte area comprises nearly 200,000 acres.

BLM officials call the emergency restrictions at Factory Butte a temporary fix until a new land use plan being developed by the agency's Richfield Field Office is completed, likely by spring. Wayne County would be able to give input to the new land use plan. But Cornell Christensen, who manages the agency's Richfield Field Office, cautions that the BLM's Factory Butte OHV rules now have the force of federal law behind them.

"Our feeling is, they can do what they need to do. But the federal register notice is in effect until the new resource management plan is in place," Christensen said. Heidi McIntosh, conservation director of the Southern Utah Wilderness Alliance, calls Wayne County's Factory Butte proposal "a slap in the face" to both the rule of law and people who want to recreate there without OHVs.

"There is absolutely no legal authority for this," she said. "What this does is invite people, some of whom don't know any better, to violate federal regulations. People are going to get into trouble because of the county's meddling on this issue."

But OHV groups, which have bitterly opposed the new Factory Butte rules, support the county.

"There's no question that the decision at Factory Butte has spurred the commission to action, and there's nothing wrong with that," said Mike Swenson, executive director of the **Utah Shared Access Alliance**, the state's largest OHV advocacy group. "The county has a duty and even a fiduciary responsibility to protect the interests of their citizens."

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