

217 East Center Street
Moab, Utah 84532-2534
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Mayor: Emily S. Niehaus
Council : Tawny Knuteson-Boyd
Rani Derasary
Mike Duncan
Karen Guzman-
Mendon

Memorandum

To: Councilmembers and Media
From: Mayor Emily S. Niehaus
Date: 10/12/2019
Re: Emergency Joint Moab City Council, Grand County Council, and Castle Valley Town Council Meeting

The City of Moab will hold an Emergency Meeting with the Grand County Council and Castle Valley Town Council on Tuesday, October 15, 2019 at 1:00 p.m. The purpose of this meeting will be:

- A. Briefing and possible action on a Joint Resolution Opposing NPS Directive Dated September 24, 2019 Allowing Off-Road Vehicles (ATV/UTV/OHVs) in National Parks in the Southeast Utah Group

DocuSigned by:

A blue ink signature of Mayor Emily S. Niehaus, enclosed in a blue rectangular box.

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Mayor Emily S. Niehaus

The meeting will be held in the Grand County Council Chambers at 125 East Center Street, Moab, Utah.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Recorder's Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5121 at least three (3) working days prior to the meeting.

**JOINT RESOLUTION OF
TOWN OF CASTLE VALLEY, UTAH
CITY OF MOAB
GRAND COUNTY, UTAH**

Resolution No. ____

**A JOINT RESOLUTION OPPOSING NPS DIRECTIVE DATED SEPTEMBER 24, 2019
ALLOWING OFF-ROAD VEHICLES (ATV/UTV/OHV)s IN NATIONAL PARKS IN
THE SOUTHEAST UTAH GROUP**

WHEREAS, the 1916 Park Service Organic Act (Act) requires the National Park Service (NPS) to “conserve the scenery, natural and historic objects, and wild life in the System units” and to provide for their “enjoyment in such manner and by such means as will leave them unimpaired for the enjoyment of future generations,” 54 U.S.C. §100101(a);

WHEREAS, the “fundamental purpose of the national park system” is a “mandate to conserve park resources and values,” Section 1.4.3, NPS Mgmt. Policies (2006);

WHEREAS, NPS Management Policies mandate special management of the National Parks to prioritize resource protection and acknowledge that “[n]ot all uses are appropriate or allowable in units of the national park system,” Section 1.5, NPS Mgmt. Policies (2006);

WHEREAS, Executive Order 11644 prohibits use of off-road vehicles in National Parks unless “the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values, which determination requires “adequate opportunity for public participation,” Section 3(a)(4), Executive Order 11644 (1972);

WHEREAS, NPS Management Policies require the Superintendents to prohibit new vehicle uses until a determination has been made to ensure there will be no adverse impacts to park resources and visitor experiences, and clearly outline applicable laws that define impairment to National Park resources and visitor experiences, including noise and soundscapes, air quality, soil erosion, visitor experience, and visitor safety; and the introduction of ATV/UTV/OHVs is considered a new use in National Parks; Section 8, NPS Mgmt. Policies (2006);

WHEREAS, NPS Management Policies mandate “cooperative conservation” and require Superintendents to “actively participate in the planning and regulatory processes of other federal agencies, tribal, state, and local governments having jurisdiction over property affecting, or affected by, the park,” Section 1.6, NPS Mgmt. Policies (2006);

WHEREAS, the National Environmental Policy Act (NEPA) requires federal agencies to study environmental impacts of any new action prior to official action, 42 U.S.C §4332(C);

WHEREAS, federal regulations require an environmental impact study (EIS) where adverse effects of federal action may be significant and are potentially subject to federal control and responsibility, 40 C.F.R. §1508.18;

WHEREAS, prior to all other new action, federal regulations require an environment assessment (EA), 40 C.F.R. §1501.4(b);

WHEREAS, on September 24, 2019, without study, consultation with local government, or public comment, the NPS Intermountain Regional Director directed Superintendents of Utah National Parks to adjust their Superintendent Compendium to allow off-road vehicles, including OHV/ATV/UTVs, in all Utah National Park Units, including National Parks and Monuments, by November 1, 2019;

WHEREAS, the Town of Castle Valley (Town), the City of Moab (City) and Grand County, Utah (County) have a vested interest in the National Parks and Monuments of the Southeast Utah Group, particularly Arches and Canyonlands National Parks;

WHEREAS, the Town, City and County are gateway communities to the National Parks and Monuments of the Southeast Utah Group that includes Arches and Canyonlands National Parks and Hovenweep and Natural Bridges National Monuments;

WHEREAS, annual visitation at Arches National Park (Arches) has increased by 80 percent since 2008 to over 1.6 million visits in 2018;

WHEREAS, annual visitation at Canyonlands National Park (Canyonlands) has increased by at least 58.9 percent since 2010 to over 730,000 visits in 2018;

WHEREAS, during the peak season the number of vehicles and visitors at Arches cause long wait times for park entry; congested roads, parking lots, and trails; and entrance closures for hours at a time, all of which diminish the very experience visitors come to National Parks to enjoy;

WHEREAS, the NPS has engaged in planning processes for Arches and Canyonlands that considered multiple strategies and analyzed visitor use and experience in detail, and has proposed management solutions which include a reservation system for entry, enhanced communications and outreach, and improved partnership and collaboration with stakeholders;

WHEREAS, long-term solutions to overcrowding may require resources or technology not yet available, or public/private partnerships that require years to develop, and further that these require funding neither presently available nor reasonably expected to be available in the next few years;

WHEREAS, the Town, City and County are working to convene stakeholders and experts to develop greater community agreement about phased solutions to Arches congestion, visitor experience, and capacity;

WHEREAS, the Moab Field Office of the Bureau of Land Management (BLM) encompasses 1.8 million acres of canyon country with nearly 4,000 linear miles of trails open to off-road vehicles, including ATV/UTV/OHVs;

WHEREAS, since 2011, annual visitation within the Moab Field Office increased 70.6 percent to over 3 million visits in 2019;

WHEREAS, hundreds of thousands of additional acres of public land owned and managed by the U.S. Forest Service and the Utah State Institutional Trust Lands Administration are open to ATV/UTV/OHV use in Southeast Utah and Grand County;

WHEREAS, various user groups have met over many years and have successfully implemented a user group management plan that works for all recreational uses, including OHV/ATV/UTVs, in specific areas to the benefit of all recreational users;

WHEREAS, there has been no demand for additional off-road vehicle uses in the National Parks and Monuments located in the Southeast Utah Group;

WHEREAS, NPS, in directing Superintendents to allow this new use in the Southeast Utah Group without the proper compliance and environmental review including public input, has violated its own policies, undermined this important and successful process, and created controversy where there is currently no controversy;

WHEREAS, the Town, City and County believe that the negative impacts and impairments of ATV/UTV/OHVs in the National Parks and Monuments of the Southeast Utah Group will also have negative impacts to the tourist economy that provides jobs and is the basis of the Town, City and County's tax base; and

WHEREAS, the Town, City and County support the Superintendent's determination to continue the current prohibition of any ATV/UTV/OHVs on roads in the National Parks and Monuments located in the Southeast Utah Group for the protection of the resource and scenic values, natural and cultural resources, and the continued enhancement of visitor experience and safety for current and future generations;

NOW THEREFORE, IT IS RESOLVED, that the Town of Castle Valley, City of Moab and Grand County, Utah oppose allowing ATV/UTV/OHVs to travel roads in the National Parks and Monuments located in the Southeast Utah Group without environmental study and public comment as required by the Act, NEPA, and NPS Management Policies;

IT IS FURTHER RESOLVED that the Town of Castle Valley, City of Moab and Grand County, Utah also oppose allowing ATV/UTV/OHVs to travel roads in the National Parks and Monuments located in the Southeast Utah Group until existing congestion and visitor experience degradations are addressed; and

IT IS FURTHER RESOLVED that the Town of Castle Valley, City of Moab and Grand County, Utah also oppose allowing ATV/UTV/OHVs to travel roads in the National Parks and Monuments located in the Southeast Utah Group because such use is incompatible with resource and wild life protection.

APPROVED by the Town of Castle Valley, the City of Moab, and Grand County, Utah in duly-noticed public meetings of each legislative body on October 15, 2019.

This Resolution shall take effect on October 15, 2019.

TOWN OF CASTLE VALLEY, UTAH

ATTEST:

Jazmine Duncan, Mayor

Jocelyn Buck, Town Clerk

CITY OF MOAB

ATTEST:

Emily S. Niehaus, Mayor

Sommar Johnson, City Recorder

GRAND COUNTY, UTAH

ATTEST:

Evan Clapper, Chair

Chris Baird, Clerk/Auditor