

Why a small town man is taking the access b

And how

Have Ticket, Will Fight.



Article By Kurt Williams, Photos by Geno Ramsay

Dan Jessop and his family and friends have been enjoying the Canaan Mountain Sawmill Road in their Jeeps and 4x4 trucks since the late 1960's. Others in the area have been using the road for motorized recreation since the early 1950's, and although the road was officially closed in the mid-70's thousands of people each year enjoy the scenic views along this historic road in Southern Utah. Washington County claims the road as a vital County right-of-way, but the Bureau of Land Management (BLM) claims the road never existed. The answer of who is right will have a monumental impact on motorized recreation in Utah and across the West.

The latest chapter in the Canaan Mountain Sawmill Road story begins on Memorial Day 2006. Dan and a group of around twenty friends and family members spent the day together on a trip to the top of Canaan Mountain. As they had done many times before, they followed the old road from western Kane County, through Elephant Cove, west to Broad Hollow, and up the Vermillion Cliffs to the top of Canaan Mountain. However, something out of the ordinary happened on the way down that has set in motion a showdown between RS 2477 rights and the BLM.

Canaan Mountain is an extraordinarily beautiful place. It's a tilted plateau that juts up above the surrounding landscape just south of Zion National Park. The 1,500 foot Vermillion Cliffs mark the southern boundary of Canaan Mountain, and Smithsonian Butte is at the mountains western edge.

In the early 1900's a sawmill was built at the top of Canaan Mountain to harvest the fine stands of Ponderosa Pine for the benefit of the surrounding communities. A steel cable and rigging was stretched from the cliffs to the desert below to facilitate the quick transport of the badly needed timber for homes and other structures. Today, some of the rigging and cable can still be found on the mountain along with foundations and other remnants of the once active sawmill.

***"Who are you calling?"
To which Dan replied,
"Everyone. If your're
issuing tickets for driving
on this road, I know a few
hundred people who'd
like to get one."***

Around 1925, the sawmill ceased operation, and the road leading up to Canaan Mountain was left unused except by the occasional rancher or intrepid explorer. Then in the 1950's, the road was rediscovered by locals, now armed with World War II era Army surplus Jeeps and other 4-wheel drive vehicles. The area quickly became a popular destination for its outstanding scenic beauty, and considerable recreational value.

Then in the early 1970's the BLM began a push to establish a Wilderness area including Canaan Mountain and the surrounding land. Congress had passed the Wilderness Act in 1964, and it was signed into law by President Lyndon Johnson later that year. The "Wilderness Craze" had begun. Despite the fact that the mere existence of the road excluded Canaan Mountain as a qualifying Wilderness, the BLM moved forward with its plans and made their intentions public in 1973.

Immediately, there was an outcry from the local population. The scores of users enjoying Canaan Mountain and the surrounding area banded together, and submitted a petition to the BLM asking them to discard their plans to recommend to Congress that the area be designated as Wilderness. The petition was signed by thousands of local residents, but it had little effect on the determination of the BLM.

Within a few years, the BLM used an Administrative Decision to declare Canaan Mountain as part of a Wilderness Study Area. Such administrative actions are usually reserved for emergency situations when there isn't time to employ the complete process involving public and stakeholder input. However, these actions are intended to be temporary, and the intent of this method is to allow more permanent solutions to be determined and enacted. This was more than thirty years ago. Any determination about the area being a qualified Wilderness should have been apparent a long time ago.

**attle personal.
you can help.**

Because of this administrative action, the Canaan Mountain Sawmill Road has been considered closed in the eyes of the BLM for over thirty years. However, that hasn't stopped people from enjoying the road through various forms of motorized recreation. Washington County has always claimed the road as a County right-of-way, and used the recently validated RS 2477 as justification for their claim. The route appears on Washington County maps, and the locals have never recognized the BLM as having the authority to close the road.

All of this brings us back to Dan Jessop and his group of family and friends on Memorial Day 2006. As Dan and his group were heading down the mountain, they were greeted

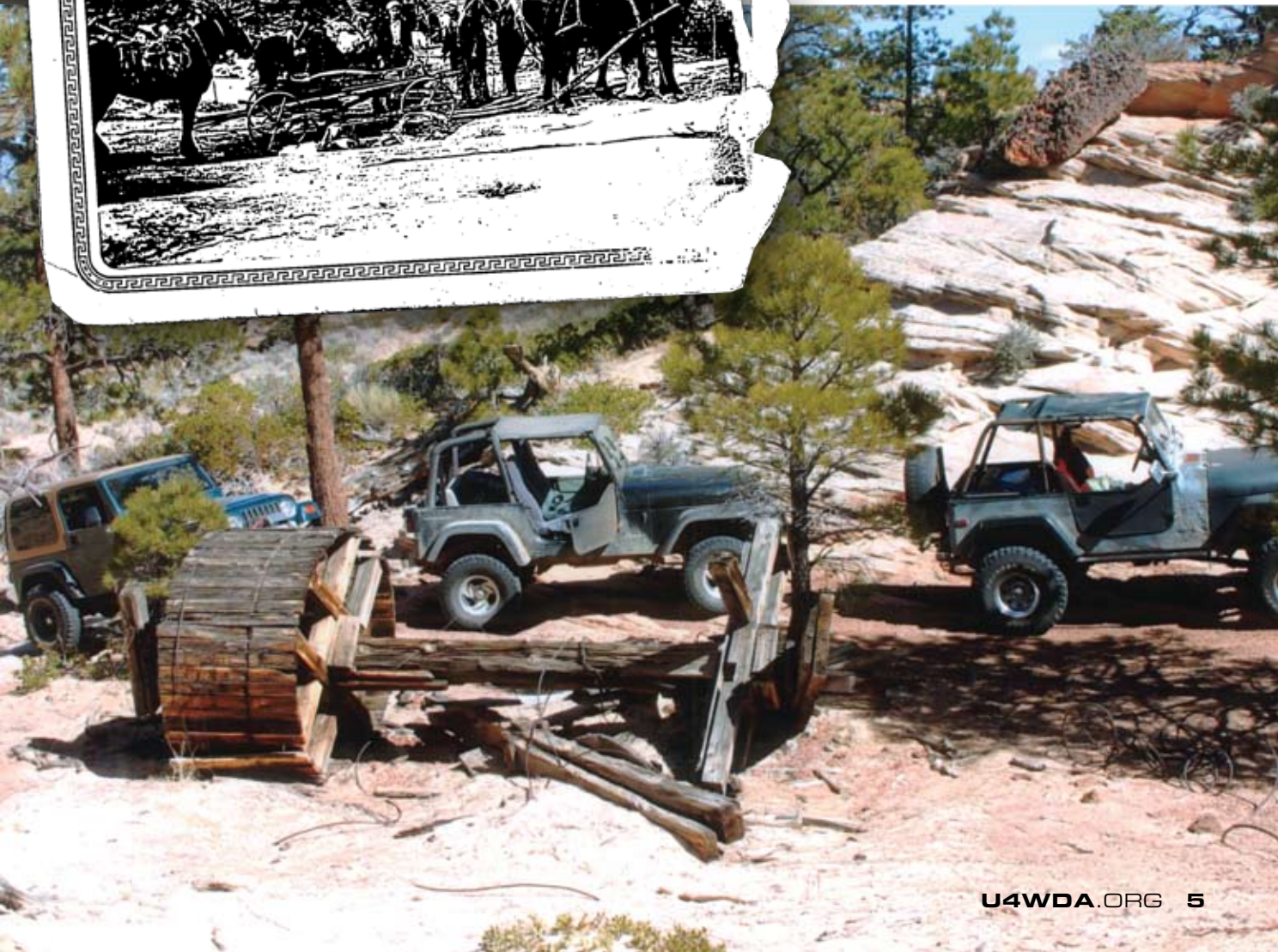
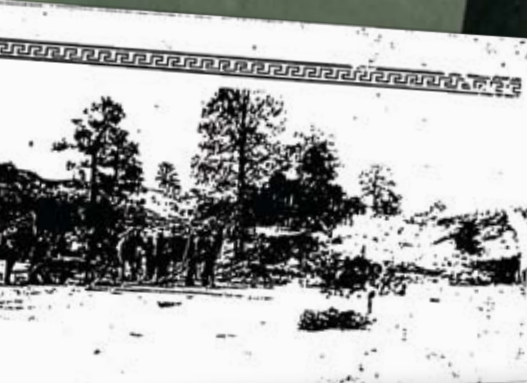
by a BLM Ranger from the Cedar City Field

Office. The BLM Ranger stopped the group, and informed them that they were illegally operating motorized vehicles in a closed area. A cordial discussion began, and the Ranger indicated that he would be issuing citations to the driver of each vehicle in the group.

Dan immediately whipped out his cell phone, and began dialing. The Ranger asked, "Who are you calling?" To which Dan replied, "Everyone. If you're issuing tickets for driving on this road, I know of a few hundred people who'd like to get one. We've wanted to fight this closure for years, and this is our chance!" After further discussion, the Ranger decided to issue a single ticket to Dan. The BLM Ranger politely handed over the citation, and Dan's group continued on their way down the mountain.

At that moment, Dan became a central figure in our fight to preserve motorized access to public lands across the West.

This isn't the first time that someone has been issued a ticket for driving on Sawmill Road. BLM Rangers have issued numerous citations to motorized users on Canaan Mountain in recent years. However, this was the first time that the recipient of such a citation decided to fight it by



questioning the managing agencies supposed authority in the original closure.

Unfortunately, these types of administrative closures happen far too often. The BLM, Forest Service, and other land managers often use “temporary closures” to circumvent the procedures put in place to guarantee that the public has a voice in public land management. These “temporary closures” are usually instituted in response to claims of resource damage caused by irresponsible OHV users, or the discovery of a rare form of cactus in an OHV area as in the case of Factory Butte. Sometimes, the “temporary closures” are instituted at the request of anti-access groups like Southern Utah Wilderness Alliance (SUWA) or Sierra Club. These groups are able to elicit “temporary closures” with as little as the threat of a lawsuit in some instances.

The land managers and anti-access groups count on the “temporary closure” becoming permanent because they know that more often than not the motorized community doesn’t have the resources or ability to fight the closure. This method has become a favorite of renegade land managers and anti-access groups who are trying to eliminate motorized access to public lands.

In the weeks following the issuance of the citation, Dan Jessop retained the services of the law firm Jones Waldo Holbrook & McDonough in St George. They entered a plea of “Not Guilty,” and requested that the case be sent to trial. Since then, the case has gone through several continuances as Jones Waldo and Dan Jessop prepare for the legal battle ahead. They have requested documents, maps, and other evidence from the Cedar City BLM Field Office, but the BLM’s cooperation has been less than forthcoming.

The law is on Dan’s side in this case. There is clear evidence that a man-made road exists on Canaan Mountain. There is clear evidence that the



road has been in use by motorized vehicles since the 1950’s (a key fact in using RS 2477 to defend the right-of-way claimed by Washington County). But proving the case in court and outlasting the BLM’s legal defense tactics and red-tape is another story.

The BLM is counting on Dan not being able to continue the fight due to the enormous cost involved. They are hoping that the motorized community won’t wake up and realize the importance of this case. Their plan for victory is to rely on the apathy of motorized recreation users, and to win the case by attrition. They want to drag out the case for so long that Dan will become unable to support the legal effort financially.

So far, the legal bills have totaled over \$15,000, and it hasn’t even gone to trial yet. Dan is not a man with financial wealth, and he has depended on donations from clubs and individuals to help cover the mounting costs. Utah 4 Wheel Drive Association has already made a \$1,000 donation to the effort, and we plan on continuing to provide as much support as possible.

Legal decisions are always based on precedence. If a judge can point to a previous decision in support of a legal argument, future cases can be won on the foundation built in the Canaan Mountain Sawmill Road case. But only if Dan Jessop wins. If Dan wins the case, the motorized community will have achieved a major victory. A victory in this case means that countless other “temporary closures” by the BLM and Forest Service can be challenged and possibly reversed. A victory in this case means that renegade land managers across the West will no longer be able to use “temporary closures” to lock the public out of the public lands process.

The motorized community needs to make sure that Dan Jessop wins this case. The effects will be enormous. If Dan loses, it’ll be another victory for anti-access groups, renegade land managers, and the bureaucracy of the Federal Government. If Dan wins, we’ll see roads being re-opened, and a brighter future for motorized access on public lands. As mentioned, the law is on our side. The only question is whether or not we can provide the finances required to ensure a victory.

Whether you’ve been actively involved in land use for years, or a new-comer looking for a way to help, this is the opportunity we’ve been looking for. With your help and Dan Jessop’s determination, we can win a major battle in the fight to protect motorized access to public lands.

There are a few ways to donate to the Canaan Mountain Sawmill Road Legal Defense Fund.

To donate by credit card or Pay-Pal go to www.u4wda.org/donate, select “Canaan Mountain Defense Fund” and enter your payment information using our secure website.

To donate by check, make your check payable to “Jones Waldo” and mail it to Dan Jessop, 6890 E Apple Valley Dr, Apple Valley, UT 84737.

Your financial contributions will determine whether or not Dan Jessop and the motorized community will win or lose this case. Don’t look back in five or ten years and wish you would have done something. Make a donation today, and give motorized access a fighting chance! ■

