



TAKE IT OR LEAVE IT

by Jim Stiles

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"For many, this is deja-vu. Grand County has been through this before. And, we know how to deal with it."

—Chris Baird, candidate for Grand County Council
(explaining his recall petition to remove Lynn Jackson from office.)

Sometimes I miss Moab. I miss my friends and I miss the landscape. But this autumn, I feel relieved to be gone. When it comes to Grand County politics and its contentious nature, I don't miss it at all. And perhaps, it can be argued, because I am no longer a resident of Grand County and subsequently don't have a vote, I don't have a right to express an opinion. Some have reminded me that I am no longer "in touch" with the town of Moab and I agree wholeheartedly; there are aspects of Moab and Grand County, and more specifically elements of its citizenry, that are so alien to me, I lack the ability to express my own astonishment. Yes, the town has changed and in some ways bears little resemblance to the place I knew and loved.

But I do have an ongoing interest in the community I called home for 32 years. While I know that my views on the 'new' Book Cliffs Highway proposal have not changed since I first opposed the project 25 years ago, it would be a mistake for me to offer an opinion on issues like the 'Seven County Coalition.' It's far too complex and my understanding of it is too limited to contrib-

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ute in any way to the discussion. But although I may not fully understand the events that are occurring there now, I do have a comprehensive understanding of Moab's past—especially the 'Change of Government' referendum in 1992 and the subsequent recall efforts. Moabites should not confuse the two events.

A few months ago, as the reincarnation of the old Book Cliffs Highway project raised its head again, I read a comment from Castle Valley Mayor Dave Erley, who wrote, "I would like to add the irony of watching the 7 member council, we threw out the 3 member commission for proposing the same road, unanimously pass support for the feasibility study."

And when former councilman, and now candidate again, Chris Baird recently initiated a recall to remove Council chairman, Lynn Jackson, from office, he wrote, "For many, this is deja-vu. Grand County has been through this before. And, we know how to deal with it."

Well...that's not quite right. Both Erley and Baird are invoking events of the past to explain their own actions; the problem is,

their interpretation of Grand County's history is not just inaccurate. It's wrong. It isn't what happened. Fortunately, there is an excellent record of the facts as they occurred between 1989 and 1993—from this publication. So let's get the facts right...

BACK TO 1988-1993

In 1988, Grand County citizens voted in a referendum that would ban industrial applications like toxic waste incinerators, via a change in our zoning laws. The plan to bring the incinerator to Grand County was the brainchild of then-Commissioners Jimmy Walker, Dutch Zimmerman and David Knutson.

In retrospect, I can see that, while many of us disagreed strongly with the plan, they were simply looking for ways to boost an ever-shrinking tax base that had seen much of its population lose jobs after the uranium collapse and move away. The commissioners were all longtime Moabites and had seen the community prosper, via the energy industry. They thought they were doing the right thing, even if others didn't.

Still almost 60% of the voters in 1988 opposed the idea, and the referendum to restrict the zoning uses passed. The incinerator was stopped and both Walker and Zimmerman, who were up for re-election, were defeated. Democrats Merv Lawton and Ferne Mullen became the new 4 year and 2 year commissioners, now joining Republican Knutson.

As lame duck commissioners, Walker, Zimmerman and Knutson established the "Grand County Roads Special Service District." There was some logic to the creation of a service district. The Utah state legislature had allowed the establishment of these districts so that counties in Utah could receive federal mineral

lease monies without jeopardizing PILT (payment in lieu of taxes) funds that were already being distributed. The idea however that the funds must be spent on roads, a notion pushed by the new road district, was simply wrong.

What made the creation of the district even more controversial was that the lame duck commissioners, in effect, installed themselves to run the new district. Walker became its paid administrator and Zimmerman sat on the board, as did Dave Knutson's father, Ollie.

There was some speculation that the new Democrat-controlled commission would stop the 'road-only' agenda in tracks early-on, but that did not happen. In the very first issue of The Zephyr, in the first interview with the new commission and, in fact, the first question, I asked Lawton, Mullen and Knutson about the highway proposal (and another road proposal being pushed by the BLM at Trough Springs). Knutson, of course, was 100% in favor. But so were Mullen and Lawton...

From March 14, 1989:

Ferne: Yes I support both of them. The Book Cliffs Road will provide a road from northern Utah and Yellowstone, where they can come directly through the Canyonlands...

Merv: On the Book Cliffs Road, it sounds like a sound scheme. I've been up in the Vernal area and it's been an awful sweat to get down to here. It has good potential for tourism and there are a lot of gas and oil areas in that region that could benefit Grand County.

So, in the beginning, opposition to the Book Cliffs Highway was practically nil. The road district, with letters of support from both the Grand County Commission and the Moab City Council received a substantial loan from the CIB (the Community Impact Board) to begin the process of engineering a route and obtaining the necessary environmental clearances that such a project would require. The BLM spent the next four years preparing a massive Environmental Impact Statement (EIS).

In November 1990, David Knutson was re-elected and Manuel Torres handily defeated Democrat Craig Bigler. Now, with what they considered a mandate from the voters of Grand County, the Republican-controlled commission moved forward with the highway, convinced that opposition to the road was negligible. And because of a change in the state law, both Torres and Knutson were elected to four year terms. Previously, county commissions consisted of two 4-year terms and one 2-year. In this way, the balance of power could always shift after two years. Now, with the Torres seat converted to a four year term, both Republicans felt confident they could pursue their agenda without interference until 1994.

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In March 1992, the Grand County Travel Council presented its recommendations for a new executive director. Despite their choice, the commissioners picked their own, Moabite Robbie Swazey, who had previously served as a volunteer deputy director of the Moab Film Commission. The outrage this decision created for some members of the Travel Council board was fast and furious. Half the board resigned and it was after that meeting, when the idea of creating a new form of government in Grand County first surfaced. The organizers were not Grand County citizens with an environmental agenda either; in fact, most of them were Main Street business owners who were likewise infuriated with the Travel Council ED choice.

As the summer turned to fall and the 'change of government' referendum drew closer, the issue of the Book Cliffs Highway finally became part of the discussion. In October 1992, the BLM released its EIS and did not support the highway as planned by



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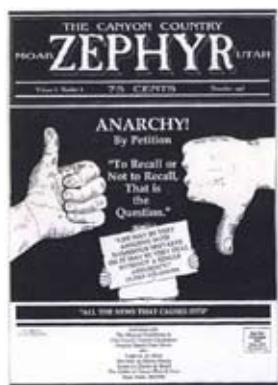
Judge Lewis G. Paisley, retired

the Road District. It did offer the alternative of paving the East Canyon road along its current alignment, a choice that made nobody happy.

It's also important to remember that the political party leaders, particularly the Democrats, vigorously opposed the 'change of government' vote because a key part of the change called for non-partisan elections. Party affiliation had already been eliminated in municipal elections (ie, city votes); now county-wide elections would no longer be tied to party preferences either. Many prominent Grand County Democrats—including some who supported this year's recall efforts---opposed the change and refused to actively campaign for the referendum. Consequently, these Democrats were willing to allow, albeit reluctantly, the current commission to continue its support of the road district and the highway.

Finally, in November, the change of government proposal was approved by the voters of Grand County. A new 7-person council was elected in February 1993 and in April, the council de-funded the road district, choosing instead to re-distribute the mineral lease funds to other special service districts, including the hospital and waste management districts. 'The Book Cliffs Highway' was dead.

But a part of Moab/Grand County felt that their community had, in effect, been robbed of its elected representation. The new form of government provided a 'recall' option. Because the previous commission-type government provided no option for removal, the framers of the new government wrote rules that made recall very easy. And so opponents of the newly created council



But despite my reservations, you could not find a 'liberal/progressive' Moabite with a kind word to say about the recall effort. Words like "vindictive," "mean-spirited," and "petty" were bandied about to describe the folly of it all.

collected enough signatures on petitions to force the entire council to a recall vote. But the recall election failed miserably, and each of the challenged councilpersons actually gained support over their first election by as much as 10%.

Some could argue that the re-callers had a point. Even I conceded to having some doubts in the November 1993 Zephyr. Before the recall vote, I complained that the recall was "utterly ridiculous..they've (the council) hardly had time to screw things up, and, obviously, it's a tit for tat response to last year's sweeping change." But I also made a confession of sorts, thinking back to the original change of government vote, a year earlier. I wrote, "When I discovered that the two incumbents would not somehow be 'grandfathered' into the new government, I remember feeling vaguely troubled, though I never raised a word of protest..but I wish I had listened to my instincts. Whether I wanted them to serve the balance of their terms should not have been the issue. The fact was, they were elected by a majority of the citizens to serve a full four years."

As much as I loathed the idea of a Book Cliffs Highway, and despite the fact that Commissioner David Knutson was one of its primary proponents, I was troubled by the fact that we'd revoked the will of the people and simply cancelled the mandate he (and fellow commissioner Manuel Torres) won in 1990.

But despite my reservations, you could not find a 'liberal/progressive' Moabite with a kind word to say about the recall effort. Words like "vindictive," "mean-spirited," and "petty" were bandied about to describe the folly of it all. I believe I used those words myself.

After the recall election, some Moabites discussed the idea of making the recall more difficult, by more than doubling the number of signatures on a petition required to initiate a vote. But nobody wanted to mess with a formula that had been in place less than a year.

BACK TO THE PRESENT...

Now jump ahead twenty years as Grand County's 'liberal/progressive' constituency recently attempted to use the same strategy it once called 'vindictive,' to remove an elected official from office. Lynn Jackson ran unopposed for the at-large seat on the Grand County Council in 2012. He was then elected its chair by his fellow councilpersons. Lynn has since infuriated many Grand County citizens and some have accused him of usurping power without authority.

It's been suggested by his critics that being elected unopposed hardly gives him a mandate. But in fact, it does. If the opposition couldn't find a single candidate to run against Jackson, it only has itself to blame. Either they didn't find his candidacy a great enough threat to oppose, or were too apathetic to care. Even if they were sure to lose, a contested election might have at least raised some of the issues Jackson is now pursuing---issues that

they now find so abhorrent.

I first heard about the recall idea back in March, from the man who aggressively pushed it, former county councilman (and now running again) Chris Baird. He wrote to me in a March 27 email, "I am considering launching a recall election over this bookcliffs proposal, which would entail a campaign similar to the one run regarding changing the form of government back in the early 90s. I haven't decided on it yet, and am just trying to talk with as many people as possible to get their opinion on the issue. If you're ever interested in talking about it let me know, and if not then I understand."

This was BEFORE he had accumulated any of the major reasons he later cited to justify the recall. In a September 3 opinion essay in the Moab Sun News, Baird wrote, "...this petition is premised on a series of potential violations of the bylaws of the Grand County Council, Utah Law, and the ethical expectations of his constituents."

But the fact is, none of these "bylaw violations" had occurred when Baird first contemplated recall as a way to remove Jackson.



At best, Baird decided Jackson should be recalled, then went looking for reasons. It sounds remarkably like the tactics Ken Starr employed to go after President Clinton, i.e., 'the man is guilty of something...I just need to find out what it is.'

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To be candid, my own relationship with Baird had been so mutually antagonistic for so many years that I was at a loss why he would want my advice or opinion. We have clashed on just about every issue, from his proposed ordinance for a mini-Wal-Mart to his prized Colorado River Elevated Bikeway, and our email/message conversations (we've never met) have been heated at times.

At the core of our disagreement is not his assertion that a tourism/recreation economy will play a major role in Grand County's future; rather it's his refusal to acknowledge that such economies consume massive amounts of energy, just to exist, and that it's the demand for and the consumption of natural resources that drives the extraction and production of those resources. Not the other way around. His refusal to even acknowledge the contradiction (NONE of his fellow "progressives" will either), much less to deal with them, has left me ambivalent about the issues that are now causing such a tempest in southeast Utah.

Tourism/recreation are not 'clean/green' industries, as its biggest boosters claim. Environmental impacts--short and long term--have even generated troubling reports from the United Nations (concerns posted previously in this publication). But to no avail. For me, ignoring the consumption component of this dilemma, while frothing furiously at the energy industry, is a contradiction that I can't ignore. Consequently, it's difficult for me to take my old environmentalist/progressive friends seriously.

I might have just stayed out of this brouhaha completely, had Baird not drawn me into the debate this past February. Last winter, Grand County Council Chair Lynn Jackson surprised me

The controversial \$100 cartoon of Grand County Council Chairman Lynn Jackson



when he contributed \$100 to the Zephyr Backbone, I cartooned him for the next issue and thought nothing more of it. Soon after, I heard from Baird, who accused me of selling out. He asked, "Would you ever honestly criticize Lynn, or any of your other backbone members if their actions merited?"

I advised Baird that I probably could be bought...but not for a

hundred bucks. In fact, I recently returned a contribution to The Zephyr of a thousand dollars, because I feared it created a much more worrisome conflict. Subsequent to the announcement of the new Book Cliffs road, and despite Baird's insinuations, I have written extensively on the subject. Here are the links:

THE BOOK CLIFFS ZOMBIE HIGHWAY...A BAD IDEA RISES FROM THE DEAD

<http://www.canyoncountryzephyr.com/2014/04/01/take-it-or-leave-it-the-book-cliffs-zombie-highway-a-bad-idea-rises-from-the-dead-by-jim-stiles/>

16 QUESTIONS FOR GRAND COUNTY COUNCIL CHAIR LYNN JACKSON, ABOUT THE BOOK CLIFFS HWY

<http://www.canyoncountryzephyr.com/blog/2014/04/26/16-questions-for-grand-county-council-chair-lynn-jackson-on-the-book-cliffs-highway/>

BOOK CLIFFS HWY UPDATE...AND SOME THOUGHTS ON 'CONSUMPTION' AND 'PRODUCTION'

<http://www.canyoncountryzephyr.com/2014/08/03/take-it-or-leave-it-book-cliffs-highway-update-some-thoughts-on-production-v-consumption-by-jim-stiles/>

But there's a reason why Baird is so defensive and hyper-sensitive to the issue of "selling out." His non-profit, the Canyonlands Watershed Council, is substantially funded by the mega-billionaire David Bonderman--the venture capitalist who recently built the 15,000 square foot palace by the Colorado River sloughs. He is the founding partner of TPG Capital, which manages a remarkable portfolio of companies around the world. Luminant Energy in Texas, is home to some of the dirtiest coal plants in America and recently sued by the EPA. TPG owns oil and gas exploration companies across America...one caused the biggest brine spill in North Dakota history during a fracking operation in 2012. TPG is invested all over the planet, in these kinds of industries, but Baird has no problem with taking substantial sums from Mr. Bonderman (though he refuses to disclose the amount). He insists there are "no strings attached."

Apparently, as long as the environmental damage happens somewhere else, Baird isn't concerned. When it comes to water quality, what happens in North Dakota, stays in North Dakota. Or Texas. Or Indonesia. Just leave Moab alone.

Knowing that Baird has ties to the oil and gas and coal indus-



David Bonderman

try, via his benefactor Mr. Bonderman, may, in fact, be reassuring to the more conservative elements in Grand County, who support increased extraction and production of natural resources in southeast Utah. But others could find the inconsistencies troubling.

It's also important to note that the Utah Recreational Land Exchange Act of 2009, a law actively pursued and promoted by Utah environmentalists, including the Grand Canyon Trust and the Southern Utah Wilderness Alliance, poured fuel on the tar sands extraction debate Grand County is having now. In that act, recreational state lands in the Moab area were traded to the BLM, in exchange for a block of BLM lands in the Book Cliffs with mineral potential. Included were some 31,000 acres rich with tar sands. Yet, the same progressive Moabites who oppose tar sands extraction, have failed to register anything resembling disapproval of the exchange.

It's also important to note that the Utah Recreational Land Exchange Act of 2009, a law actively pursued and promoted by Utah environmentalists, including the Grand Canyon Trust and SUWA, poured fuel on the tar sands extraction debate Grand County is having now.

For more: <http://www.canyoncountryzephyr.com/2013/06/02/the-land-exchange-bill-that-went-oops-by-jim-stiles/>

At the end of the day, and regardless of our own differences, the fact that Baird and other members of the 'progressive' constituency have tried to compare the current recall effort to the 'change of government' referendum 20 years ago indicates how little they understand Grand County's past. Hopefully, the information I've offered here will encourage Grand County's residents---especially its recent new 'progressive' arrivals--- to at least cite Grand County's recent history more accurately, when the need arises.

Toning down the witch hunts wouldn't be a bad idea either.