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## Local/State News

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### No compromise on South Canyon Road

#### Shovel Brigade locks horns with Forest Service, Great Old Broads again

By Adella Harding  
For The Times-News

ELKO, Nev. -- The Jarbidge Shovel Brigade now says it will drop its appeal over the controversial South Canyon Road if the U.S. Forest Service agrees to keep the road open to Snowslide Gulch.

"We're not willing to do that," Humboldt-Toiyabe National Forest Service Supervisor Bob Vaught said Friday afternoon.

His decision calls for keeping the 1.5-mile South Canyon Road in a primitive state and closing four-tenths of a mile to motor vehicles from Urdahl Campground to Snowslide Gulch.

"I still feel it's the best compromise," Vaught said, explaining that he believes fixing the final segment of road to meet environmental requirements would be too costly.

Brigade attorney Grant Gerber told Deputy Forest Supervisor Edward Monnig earlier in the day that the brigade and individuals filing the appeal would be satisfied if Vaught "just took out the road-closure language" in this decision.

"We're not demanding a paved highway. We're willing to go along with a primitive road," Assemblyman John Carpenter, R-Elko, said in a meeting with forest representatives regarding the appeal.

"There won't be a great deal of people who go up the road. Just leave it open, but if you want to fight it on principle, we're ready to take you on," he said.

Vaught said he can't simply take out the road closure wording, however. He said he would have to write a new decision and go through all the steps again.

#### Another appeal

Monnig told those gathered in Gerber's office that no matter what the Forest Service decides, it still faces an appeal.

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The Jarbidge Shovel Brigade, including Carpenter, brigade president Demar Dahl and vice president Elwood Mose, filed their appeal earlier this month against closing the last part of South Canyon Road, maintaining that Vaught doesn't have the legal right to do

The Great Old Broads and Wilderness Society filed a "protective appeal" in case Elko County filed an appeal, which it didn't. Vaught said that based on a meeting with them Friday, the Great Old Broads appeal is going forward.

Forest Service policy allows the agency to meet with appellants and try to work out compromises on any appeals before they go forward to a regional team.

South Canyon Road has been in poor shape for a decade -- since flooding washed out the road in 1995 -- and it has been a hot spot since the late 1990s, when Trout Unlimited challenged the Forest Service over plans to repair the road.

Elko County brought its own equipment to the road in 1999, and that action led to laws and court battles that may still not be over.

The court action also led to the Shovel Brigade opening the road on July 4, 2000, after ruling that the Forest Service couldn't close the road.

### **Court decisions**

Gerber said the court decisions against road closure are in effect, and Vaught doesn't have the authority to close the four-tenths of a mile at the end of the road.

But Monnig said Friday morning the Forest Service believes the environmental impact statement on options for South Canyon Road met court requirements. In other words, the Forest Service believes it now has the legal right to close a portion of the road.

Gerber also contended that Vaught's decision on South Canyon Road was done on "bad faith on the part of the Forest Service," because there weren't any public hearings on the proposal to close part of the road.

One of the issues that came up in court was whether South Canyon Road is an RS 2477 road, which means it was a county road before the Forest Service began managing the land at Jarbidge.

Monnig told the appellants that Vaught's decision doesn't interfere with the RS 2477 issue, and Vaught said his decision is at least a temporary solution until the road ownership issue is decided.

Gerber also argued the decision to close the road includes "an intimidation factor" because people already are afraid to drive on any part of the road.

He said it was "unfair and in bad faith" for the Forest Service to be telling people part of the road would be closed.

### **First on road**

Gerber and Dahl both said Friday they would be the first to drive on the road if Vaught's decision is upheld, even though Mountain City Ranger Dan Dallas said people who violate the closure would be cited.

"I'll let them know when I am going," Dahl said.

Gerber also took offense at Monnig's comment that such action would be civil disobedience, and he pointed to a court decision against a Forest Service citation against John Eickhof of Wendell in 2003 for driving on the road.

Dallas countered Eickhof was ticketed for damaging resources, not for driving on the r

Carpenter said he recommended to Vaught the road be hardened in places to keep sediment out of the Jarbidge River, among other ideas, and he didn't want one of the bridges removed. He said he also wanted it to be an ATV trail.

"I don't see a great big issue here," he said, remarking that if the Forest Service keeps road open, "we can fight the Great Old Broads together."

He also said he thought Vaught "blew him off" with his response.

Vaught said later in the day he didn't mean to give that impression, but he said Carpenter's comments came after he had issued the decision on the road.

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