



June 11th, 2024

Bureau of Land Management
Monticello Field Office
365 North Main Street
Monticello, Utah 84535

RE: Bears Ears National Monument Resource Management Plan (DOI-BLM-UT-Y020-2022-0030-RMP-EIS)

Dear BENM RMP Project Manager:

Please accept this correspondence from the above organizations as our official comments regarding the Bears Ears National Monument (BENM) Draft Resource Management Plan / Environmental Impact Statement (DRMP/EIS) that was released by the Bureau of Land Management and U.S. Forest Service, which our comments will refer to as the "Lead Agencies." Note that these comments are in addition to the June 10, 2024 letter signed by our organizations and eight others.

1. Background of Our Organizations

In our comments, the "Organizations" will refer to the following four groups:

Colorado Off Road Enterprise (CORE) is a motorized action group based out of Buena Vista Colorado whose mission is to keep trails open for all users to enjoy. CORE achieves this through trail adoptions, trail maintenance projects, education, stewardship, outreach, and collaborative efforts.

The Colorado Off-Highway Vehicle Coalition (COHVCO) is a grassroots advocacy organization of approximately 2,500 members seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations.

Ride with Respect (RwR) was founded in 2002 to conserve shared-use trails and their surroundings. RwR has educated visitors and performed over twenty-thousand hours of high-quality trail work on public lands. Over 750 individuals have contributed money or volunteered time to the organization. RwR and its contributors have spent several-hundred hours maintaining trails designated for motorized use in the planning area. We have promoted minimum-impact practices including the preservation of cultural sites

given their nonrenewable nature and tremendous value to our nation, particularly to indigenous Americans.

The Trails Preservation Alliance (TPA) is an advocacy organization created to be a viable partner to public lands managers, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of motorized trail riding and multiple use recreation. The TPA acts as an advocate for the sport and takes necessary action to ensure that the USFS and BLM allocate a fair and equitable percentage of public lands to diverse multiple-use recreation opportunities.

2. Introduction

Our concerns have only increased since reviewing the Analysis of the Management Situation (AMS) in 2022. The RWR October 31, 2022 letter (included) listed 21 concerns. Although #9, #10, and #12.E were resolved, and #11, #12.H, and #12.I were partially resolved, the remaining 15 concerns have persisted or worsened, therefore we are including the RWR October 31, 2022 letter as part of this submission for the Lead Agencies to review (along with the Organizations' June 10, 2024 letter).

3. The BENM DRMP/EIS showcases the failure of the Lead Agencies to heed the legal authorities that control this process.

A.

The Lead Agencies have failed to “to give ... State, and local governments and the public, adequate notice and opportunity to comment upon ***and participate in the formulation of*** plans and programs relating to the management of the public lands.” FLPMA Section 202(f), 43 U.S.C. § 1712(f) (Emphasis added). The State of Utah and San Juan County (“the State,” “the County,” and/or “the State and County Cooperators”), much less the public of which the Organizations are a part, have been allowed no meaningful opportunity to “***participate in the formulation***” of the DRMP/EIS. The dictionary defines “formulation” as the act or process of formulating. The dictionary definition of “formulate” is to devise or develop. The dictionary definition of “devise” is to contrive, plan, or elaborate; invent from existing principles or ideas. The dictionary definition of “develop” is to bring into being or activity; generate; evolve. In light of these well understood definitions, in no meaningful way have the State, the County, and the Organizations been allowed to participate in the formulation of the elements of the DRMP/EIS.

Despite numerous requests for the opportunity to participate in the formulation of the subject document, the most that can be said is that the State, the County, and the Organizations have been asked to comment, *after the fact*, on various documents produced by Lead Agencies along the way, documents which the Lead Agencies alone have formulated - with perhaps a little help from the so-called Bears Ears Inter-Tribal Coalition, whose members are mostly out of state or out of local area, thus making a mockery of the traditional planning area-based coordination, cooperating agency, and planning processes dictated by Lead Agencies Organic Acts, NEPA, and their associated regulations.

In short, the DRMP/EIS simply is not something that the State and County Cooperators and Organizations can say they have helped to “formulate.” This stands as an irremediable violation of FLPMA 202(f). Accordingly the BENM DRMP/EIS process to date should be scrapped, re-noticed and the Lead Agencies should start over and this time comply with FLPMA 202(f).

B.

In violation of FLPMA Section 202(c) obligations, see 43 U.S.C. § 1712(c), the Lead Agencies have made impossible the mandated coordination work among the Lead Agencies and the State and County cooperators to achieve ***maximum consistency with state and local plans and policies, to the maximum extent possible, while achieving the objective of protecting the relevant inventoried BENM objects***. Why has this become impossible? Because the Lead Agencies have failed to properly inventory and reveal to the State and County Cooperators, what those Proclamation mandated objects for protection even are. There is nothing in the hundreds of pages of the DRMP/EIS that indicates otherwise. Thus the “coordination” work among the Lead Agencies and State and County Cooperators, necessary to uphold state and local resource management plans to the maximum extent possible while still protecting identified monument objects, is an impossible non-starter in this case. The BENM DRMP/EIS process has utterly failed in this regard.

One can hardly make this stuff up, to think that the State, County, the Organizations and other members of the public, now have a DRMP/EIS they must comment upon, when none of the needed coordination and consistency work has even been started in order to justify the DRMP/EIS and its restrictions on travel in the Monument, as well as restrictions on other established resource uses. Again, this is all due to the Lead Agencies’ refusal to first determine, and then share, information on the objects to be protected. One may reasonably wonder whether the Lead Agencies themselves even have in their possession a comprehensive inventory of such objects, much less have shared them.

Consider how dysfunctional the above-described situation is while contemplating the following mandate under FLPMA § 202(c)(9):

(9) to the extent consistent with the laws governing the administration of the public lands, ***coordinate the*** land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under chapter 2003 of title 54, and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section ***shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act***. (Emphasis added.)

C.

The foregoing FLPMA 202 obligations are reflected in the Council on Environmental Quality (CEQ regulations) to which the Lead Agencies are subject. 40 CFR § 1507.1 The Lead Agencies have failed to “[engage] in interagency cooperation before or as the [environmental impact statement](#) [DRMP/EIS] is prepared, instead arbitrarily opting to await submission of comments State and County Cooperators on a completed document,” in violation of 40 CFR § 1500.5(d). The Lead Agencies from the very beginning in this EIS process, have merely submitted completed documents and sections thereof and waited for the cooperating agencies to comment.

Getting together with the State and County Cooperators from the beginning and together write and construct the DRMP/EIS, have not been features of this process. This failure to engage State and County Cooperators in preparation of the DRMP/EIS from the start, also seriously violates the Lead Agencies’ duty and obligation under 40 CFR § 1500.5(j) to “[eliminate] duplication with State, Tribal, and local procedures by providing for joint preparation of [environmental documents](#) where practicable.” It was certainly practicable here; the Lead Agencies just chose to ignore their regulatory obligation.

D.

“The Lead Agencies have ignored and violated their 40 CFR § 1506.2(b) obligations, namely: “To the fullest extent practicable unless specifically prohibited by law, agencies shall cooperate with State, Tribal, and local agencies to reduce duplication between NEPA and State, Tribal, and local requirements, including through use of studies, analysis, and decisions developed by State, Tribal, or local agencies. Except for cases covered by [paragraph \(a\)](#) of this section, such cooperation shall include, to the fullest extent practicable:

- (1) Joint planning processes.
- (2) Joint environmental research and studies.
- (3) Joint public hearings (except where otherwise provided by statute).
- (4) Joint environmental assessments.”

Contrary to the above-quoted regulation, the Lead Agencies failed to have joint planning processes with the State and County Cooperators. The Lead Agencies failed to do joint environmental research and studies with the cooperators.

E.

The Lead Agencies failed “with respect to [the State and County] cooperating agencies,” to “use the environmental analysis and [proposals](#) of cooperating agencies with [jurisdiction by law](#) or [special expertise](#), **to the maximum extent practicable**,” in violation of 40 CFR § 1501.7(h)(2). Virtually every proposal and analysis of the County have been ignored, almost maximally.

F.

In violation of 40 CFR § 1501.7(i), the Lead Agencies, instead of developing an EIS schedule “in consultation with ... cooperating agencies,” have one-sidedly and dictatorially forced an unreasonably accelerated EIS timeline and schedule, despite repeated requests for a lengthened EIS timeline. Adding insult to injury, the Lead Agencies have dictated this accelerated schedule all while failing and refusing to provide State and County Cooperators with critical information about objects to be protected on the National Monument, thus depriving the State and County Cooperators of their ability to meaningfully function as coordinating partners and cooperators.

G.

Any notion that Lead Agencies have no choice but to stick to an arbitrarily rushed EIS timetable, is contrary to 40 CFR § 1501.10(b)(2) and (c), which state:

“(b)(2) [\[Agencies shall complete\] environmental impact statements](#) within 2 years *unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit*. Two years is measured from the date of the issuance of the [notice of intent](#) to the date a record of decision is signed.

(c) [The senior agency official may consider the following factors in determining time limits:](#)

(1) Potential for environmental harm.

(2) Size of the proposed action.

(3) State of the art of analytic techniques.

(4) Degree of public need for the proposed action, including the consequences of delay.

(5) Number of persons and agencies affected.

(6) Availability of relevant information.

(7) Other time limits imposed on the agency by law, regulations, or Executive order.”

(Emphases added)

This regulatory language puts the lie to any claim by Lead Agencies that they are somehow bound to a ROD timeline in time for the 2024 Election. They as “senior agency officials” are entitled under regulation to lengthen that timeline in consideration of factors which include the following:

- The potential for environmental harm. Environmental harm, or effects, as Lead Agencies well know, includes effects to the human socio economic environment. See, e.g., 40 CFR § 1508.1(g)(4), which states: “Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of [affected](#) ecosystems), aesthetic, **historic, cultural, economic, social**, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.” (Emphasis added.)

- The potential for widespread and deep socio economic harm to local constituents and local economies, that may result from this EIS/RMP, are significant.

- The size of the proposed action. This factor, given the overwhelming size of the BENM calls for consideration in terms of lengthening the EIS time line.

- The degree of public need for the proposed action. It is absurd, the notion that there is a “public need” to damage the local economies and recreational traditions. The only “public need” is to slow down and take the time necessary to make sure this matter is studied and vetted thoroughly.

- The “consequences of delay” also weigh in favor of extending the timeline. There is no serious dire consequence that will result from a sizable time extension.

H.

The travel management portion of the DRMP/EIS has the obvious substance and tone of a document serving to justify anti OHV decisions already made between the current administration and groups advocating the vast expansion of wilderness designation, with no or little regard for its impact on the human environment. This runs afoul of 40 CFR § 1502.2(g), which states: “[Environmental impact statements](#) shall serve as the means of assessing the environmental impact of proposed agency actions, *rather than justifying decisions already made.*” (Emphasis added.) The very idea of assessing impacts of actions, as required by this regulation, is impossible due to a lack, to date, of any credible inventory of the Monument objects to be protected, much less an assessment and analysis of why any wholesale OHV/no-OHV area designations and other motorized travel restrictions are necessary to protect such objects, despite that the Lead Agencies have yet to analyze the individual routes that they’re preemptively closing.

I.

Collaborative efforts by the Lead Agencies should remain faithful to the congressional directive of public lands to benefit the public as a whole. Statutory and regulatory authorities recognize the roles of States, Local Governments and Tribes as the entities to represent the public interest, particularly in the administrative phase of a NEPA process. Yet with the BENM DRMP/EIS, the Bears Ears Commission (BEC) have abrogated center stage in the process, the BEC have been blindly following the recommendations of a private nonprofit group called Bears Ears Inter-Tribal Coalition (BEITC), whose positions are completely in line with the wilderness-expansion groups that share the same funding sources, and the BEITC have essentially captured the Lead Agencies in that the DRMP/EIS carries forward the BEITC LMP's emphasis on "a holistic approach to all resources that gives primacy to indigenous knowledge and perspective on the stewardship of the Bears Ears landscape." The legal failing with this slow-walked accretion of BEC and BEITC influence and control by winks and by nods, is to unlawfully marginalize and squeeze out the time-honored, warranted, and rightful statutory and regulatory based roles and input of the State and County coordinating and cooperating partners in the Planning Area, as well as that of other important public stakeholders, such as the Organizations.

J.

It is discouraging that such detailed pains have to be taken to explain to the Lead Agencies in these Comments, the foregoing legal requirements and principles of inventorying and reasonably identifying monument objects to be protected, and of coordinating with State and County officials to achieve maximum consistency with State and County plans and policies while protecting those Monument objects. You all know better; you already understand these requirements and principles. All you need are the will and the determination to apply them instead of undermine them.

K.

From the foregoing points, Lead Agency action items essential to salvage the legality of the BENM DRMP/EIS process include but are not limited to the following:

- Discard the current timeline, discard the current DRMP/EIS, and extend the DRMP/EIS process by at least 18 months;
- Start over and this time honor your coordinated formulation requirements and give State and County Cooperators and the Public including the Organizations where appropriate, a fair and reasonable opportunity to participate in the formulation of the DRMP/EIS, particularly the travel management plan portion thereof;
- Provide a reasonably detailed inventory of all Monument objects to be protected;
- Strive to achieve maximum consistency with State and Local travel management plans; otherwise, justify inconsistencies between the State and County travel management plans and the travel management portion of the DRMP/EIS by objectively and rationally demonstrating why each inconsistency is necessary to protect a reasonably inventoried object to be protected;
- Discontinue the practice of waiting until release of the public draft EIS before ever informing the

State and County Cooperators and Public of the different travel management alternatives. Instead, give the State, County, the Organizations where appropriate, and the rest of the Public where appropriate, to work side by side with the Lead Agencies to formulate the travel management alternatives, to formulate descriptions of the affected environment, and to work in conjunction to assess the estimated impacts thereto.

4. Recognize our organizations as important stakeholders in BENM.

In addition to advocating access for responsible OHV riding, the Organizations have spent countless hours partnering with agencies to effectively manage motorized recreation, which cannot be substituted by other stakeholders. Of course we also recognize the contributions of other OHV groups such as SPEAR, the input of local government such as San Juan County, and indigenous Americans particularly when it comes to managing cultural sites. Specific to BENM, RWR and its contributors have spent several-hundred hours maintaining motorized singletrack like Vega Creek, Shay Mountain, and Indian Creek, on ATV trails like Gooseberry and Shay Ridge, and on primitive roads like Chicken Corners. We are one of the many stewards of BENM that the Lead Agencies should encourage rather than marginalize.

5. Recognize recreation as instrumental to appreciating and ultimately protecting monument objects.

Input from the BEITC and wilderness-expansion groups seems to have made the DRMP/EIS regard recreation as a nuisance rather than a necessity for humans to thrive and foster a sense of genuine stewardship. The draft refers to "traditional, cultural, and spiritual uses" as if they're separate from recreation, yet activities like camping and travelling through the landscape are often how these concepts like a spiritual pursuit are actually practiced, thus recreation is instrumental. While the DRMP/EIS action alternatives apply the most excessive restrictions to motorized recreation, the Organizations note that some excessive restriction applies to non-motorized recreation, such as the preferred alternative's prohibition on hiking off of designated trails in the Remote RMZ that covers over three-quarters of the planning area. While limiting hiking to designated routes may be appropriate in settings such as an archaeological site, doing so across more than one-million acres is just one way in which the DRMP/EIS (and especially the preferred alternative) would actually work against the values associated with traditional, cultural, and spiritual uses.

6. Recognize active and practical management as instrumental to protecting monument objects.

Just monument objects aren't protected by excessive restrictions to recreation, excessive restrictions to management are also detrimental. Management often requires negative impacts upfront to reduce negative impacts in the long term, such as mechanical treatments as a key tool for forest health, and the same is true of recreation. Much of the DRMP/EIS (especially the preferred alternative) would only make it harder for the Lead Agencies to effectively manage visitation.

By the same token, it's important to place certain guardrails on management in terms of the range of actions and the process of future planning. While the DRMP/EIS (especially the preferred alternative) isn't sufficiently flexible for things like travel management, it's too vague when it comes to concepts like a

cultural landscape or processes like leaving many decisions to the co-stewardship of the Lead Agencies and BEC without clear opportunities for public review and participation.

7. Work with the state and county to manage motorized use of the road in Arch Canyon.

The BLM has recognized the historic use of Arch Canyon Road so, rather than contradicting this recognition by attempting to close the road, the Lead Agencies would be far more productive working with the State of Utah and San Juan County to more closely manage motorized use of the road given Arch Canyon's significance for natural and social resources including the road itself.

8. Accommodate Over-Snow Vehicle Use as an important recreational use of BENM.

The Manti-La Sal National Forest portion of BENM provides valuable opportunities for snowmobiling and other over-snow vehicle (OSV) use, which is appropriate compatible with resource conservation. Other than when reciting the current LMP for this national forest, the DRMP/EIS doesn't seem to address OSV use whatsoever, yet the action alternatives seem to restrict it severely.

The DRMP/EIS states that the following definitions for OHV area designations:

"Limited: Designated areas where motorized vehicles are restricted to existing and designated routes. Off-road, cross-country travel is prohibited in limited areas, unless an area is specifically identified as an area where cross-country, over-snow travel is allowed. Some existing routes may be closed in limited areas.

Closed: Designated areas where off-road motorized vehicle travel is prohibited year-round. Emergency use of vehicles is allowed year-round."

These definitions suggest that OSV use would be prohibited in areas zoned as OHV closed, which the DRMP/EIS proposes to expand dramatically to cover most of the high-elevation terrain where OSV use is possible. So conserving wintertime motorized recreation is yet another reason to simply keep the OHV area designations in place, as winter ROS zones could be added to carefully restrict OSV use in a portion of the OHV Limited areas, but ROS zones could not be added to carefully allow OSC use in a portion of the OHV Closed areas.

9. Reform Recreation Management Zones to avoid essentially expanding the restrictions of other managerial layers such as ROS and OHV Area Designations.

The DRMP/EIS preferred alternative would make over three-quarters of the monument a Remote RMZ, which includes strict policies such as "New mechanized trails would not be allowed in the Remote Zone." We're concerned that this arrangement would hobble effective OHV management in much of the acreage that's spared from non-motorized ROS and OHV Closed zoning. Therefore RMZ acreage and policy should be scaled back so that they assist the Lead Agencies to manage recreation rather than effectively expanding the ROS and OHV Area restrictions that are already proposed to be severe.

10. Preserve ROS zoning that has worked well for decades.

See the RwR and TPA November 16, 2023 letter to Manti-La Sal National Forest LMP planners (included), specifically parts 19 through 27, as well as the attached "ROS zoning details."

11. Preserve OHV Area zoning that have worked well for decades.

See the attached "OHV Area zoning details."

12. Correct Alternative A errors on the DRMP/EIS tables and figures regarding current ROS, current TMP, and OHV Area zoning.

The specific table is 3-133, and figures are 2-28, 3-40, and 2-38 through 2-42, which are described in the attached "Alternative A error details."

13. Conclusion

Please go back to the drawing board and develop a sound DRMP/EIS for this area that's so important to all Americans.

Sincerely,



Clif Koontz
Executive Director
Ride with Respect



Chad Hixon
Executive Director
Trails Preservation Alliance



Marcus Trusty
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ROS zoning details

The current Recreation Opportunity Spectrum (ROS) zones from the 1986 LMP of Manti-La Sal National Forest have worked well. In the nearly forty years since then, there has been no significant development of OHV trails that would warrant drastically expanded non-motorized ROS zones, although we are open to carefully refining the boundaries after the given areas are more closely analyzed by the Lead Agencies and the public.

The RWR and TPA November 16, 2023 letter to Manti-La Sal National Forest LMP planners (included) addressed ROS in parts 19 through 27, and those parts are applicable to the BENM DRMP/EIS, so please review them as part of our comments.

Keeping areas in a motorized zone provides the most flexibility for managers to designate routes that would occupy up to 1% of the area (as TMPs almost never exceed that density) or designate no routes (as motorized ROS zones don't require a minimum route density).

However if motorized zones will be shrunk, they should at least provide buffers wide enough to reroute and otherwise manage motorized routes as needed. For example the DRMP/EIS action alternatives proposes a corridor that appears to be 100 meters wide for Shay Mountain motorized singletrack (Trail 098), leaving just 50 meters on either side, which is like putting the trail in a straitjacket. Since USFS planners are aware that this trail would benefit from rerouting, and they're presumably aware that rerouting within a 100-meter corridor would require many switchbacks that are costlier, it suggests that the ROS zoning is setting the stage to close the trail. After all, RWR has implemented the construction of many reroutes with USFS on Red Ledges and Robertson Pasture Trail, several of which were up to 200 yards away from the original location, and one that was over 500 yards away. Motorized zones provide the latitude to optimally place routes through rugged terrain and away from sensitive resources.

Motorized zones typically provide great opportunity for non-motorized recreation in part because most Travel Management Plans (TMPs) have a low density of routes. Also motorized zones can be enhanced for non-motorized recreation through reducing vehicle sound, but not in the manner that the DRMP/EIS proposes. An environmental sound limit of 30 dBA, let alone 25 dBA, may require vehicles to be more than a mile away. Such low limits are easily affected by the sounds of nature, plus they require precise measurement that's much costlier, and they're impractical to enforce.

Excessive sound is mostly due to individual equipment and individual behavior. The equipment can be effectively regulated by stationary sound testing of vehicles such as SAE J1287 for off-highway motorcycles, J2825 for on-highway motorcycles, J1492 for automobiles, and J2567 for snowmobiles. Some behaviors like "throttle jockeying" can actually be regulated and enforced, but most behaviors are best improved through education from peer groups. The organizations have supported stationary sound testing and education to mitigate excessive sound, and we would gladly help to further resolve noise concerns, especially when they reasonably address it at the individual level rather than assuming that all

vehicles are inherently loud. Also electric vehicles are projected to become the most common ones during the life of the BENM RMP.

That said, it's important to set realistic expectations when planning across 1.36 million acres, as there will always be someone somewhere at some time who would regard a given sound as noise. The DRMP/EIS states "Hopi people believe that the spirits of their ancestors still reside at BENM, and any disruption of peace will disturb them." It may be feasible to resolve this kind of concern at an archaeological site, and quiet may be fairly certain in portions of BENM such as primitive areas, but significant sounds periodically occur in many other portions (and not only along the highways) without disrupting the vast majority of visitors.

The Organizations caution the Lead Agencies from regulating sound to severely, not just because it's unwarranted and impractical to enforce, but because the directive is thin. The 2016 proclamation merely mentions "natural quiet" and deafening silence" in a single paragraph, while the 2021 proclamation just mentions "solitude" in Dark Canyon, which is already designated as a wilderness area. Advocates of proclaiming a BENM emphasized healing between peoples, but the designation by executive fiat rather than congress has only caused more division. The lead agencies could moderate the situation by carrying out the proclamation more modestly instead of placing it further out on the proverbial limb.

OHV Area zoning details

The DRMP/EIS fails to justify drastically expanding OHV Closed area zoning. Similar to ROS, OHV Limited zoning does not require a minimum density of routes, and designated routes in OHV Limited zones occupy far less than 1% of the ground. It gives lead agencies flexibility to add a route which, in the case of BENM, would have to meet the threshold of being for the purpose of public safety or protecting monument objects. This threshold is plausible when it comes to major reroutes, e-bike trails, or campground loops to concentrate impacts.

Perhaps the Lead Agencies developed all action alternatives to drastically expand OHV Closed zoning because they assume it won't be realistic to meet this threshold. In fact the DRMP/EIS states:

Alternatives aimed at increasing motorized access.

Rationale: Several commenters suggested the agencies consider and analyze increasing motorized access in BENM. Such alternatives were not carried forward for detailed analysis because they are inconsistent with management direction in Proclamation 9558, which is incorporated into Proclamation 10285. Specifically, Proclamation 9558 prohibits cross-country motorized vehicle use except for emergency or authorized purposes and prohibits the designation of new roads and trails for motorized vehicle use unless they are for the purposes of public safety or the protection of Monument objects. In other words, the agencies do not have discretion to increase motorized access within the Monument.

Actually the agencies DO have discretion to increase motorized access within the Monument, as the 2016 proclamation clearly allows such increases that are for the purposes of public safety or the protection of monument objects. To claim otherwise and drastically expand OHV Closed zoning is to decide that this threshold won't be met in the TMP process over the life of the RMP, which is predecisional, plus it hobbles effective management.

One classification where the Lead Agencies would not have discretion to increase motorized access is in lands managed for wilderness characteristics, which is a subset of lands with wilderness characteristics (LWC). BLM Manual MS-1626, "Travel and Transportation Management" states:

6.5 Travel and Transportation Management within Presidential and Congressional Designations or Similar Allocations

F. BLM Manual 6320 – Management of lands with wilderness characteristics, the following apply:

1. In lands managed for wilderness characteristics, the BLM will not designate primitive roads and motorized/mechanized trails and will not classify them as assets within lands managed for wilderness characteristics protection in land use plans.

Therefore converting more LWCs to manage for wilderness characteristics would prevent the Lead Agencies from ever adding a route even for the purpose of public safety or protecting monument objects. BENM already includes many areas that are managed for wilderness characteristics, such as natural areas, WSAs, ISAs, and designated wilderness. In the remainder of the monument, somewhat less restrictive management is needed for all kinds of uses that are compatible with monument protection.

What's more alarming is that at least half of the routes currently designated for motorized use that are in LWCs which would be managed for wilderness characteristics in alternatives D and E are not cherry-stemmed out (i.e. the LWC boundaries are not drawn around the roads), thus it appears that these routes would be closed by alternatives D and E, yet these routes are not even highlighted (let alone analyzed) by the DRMP/EIS. It should clearly and completely address the ramifications of alternatives D and E on each one of these routes.

As with the issue of deciding to manage for wilderness characteristics in LWCs, to expand the OHV Closed zoning, the Lead Agencies would need to do far more analysis than what the DRMP/EIS presents. BLM Manual MS-1626, "Travel and Transportation Management" states:

3.1 Designation of Off-Highway Vehicle Management Areas

The decision-making process used to designate OHV areas must be thoroughly documented in the administrative record, summarized and analyzed in the NEPA document supporting the designation decisions. The BLM must specifically document how it considered and applied the designation criteria in 43 CFR 8342.1 in making OHV area designation decisions (see Section 3.3).

The Lead Agencies have not met any of these requirements, whether in general across the 1.36 million-acre planning area, or specifically at each affected location within the planning area. The DRMP/EIS would preemptively close routes, many routes in the case of alternatives D and E, and each route deserves to be analyzed before being closed. It is not the public's responsibility to do this analysis but, to illustrate its significance, the Organizations will give you a few examples of such roads.

First are three roads that would actually be closed by every alternative if the GIS data isn't fixed. In each case, we believe that the route data has been updated to benefit from the accuracy of modern GPS, while the OHV Closed boundaries are still based on older technology (as evidenced by their more broadly-sweeping features), thus the imprecise boundaries inadvertently cross the roads.

A. Winter access road to Beef Basin northwest of Boundary Butte (D1870)

The main road to Beef Basin skirts Horse Mountain, which can be snowy, and an alternative is this primitive road that stays below 8,000' of elevation while providing view of the mountains above and desert below. The road is regularly used from the east end (first photo below) to the west end (third photo below) except for less than a quarter-mile section in the middle (second photo below) that's rougher, but even that section has been used many times by two- and four-wheeled vehicles for many decades, and it's a constructed road the whole way through. If increased use were to increase erosion, the section has plenty of potential for realignment or the installation of drainage structures.

Note: In addition to the middle of this road being shown as inside of an OHV closed zone in every alternative, the west end of this road is in an LWC that would be managed for wilderness characteristics in alternatives D and E, which would apparently close the road since the LWC boundary isn't drawn around it.





B. Last 300 yards of Collins Canyon Road (B260)

The last 300 yards of this graded road, from the TLA boundary (first photo below) to the hiking trailhead (second photo below), is also shown as being in an OHV Closed zone in every alternative. In addition to hiking access, the last 300 yards provides mobility-limited visitors with a modest view over Collins Canyon, while the road and parking area don't intrude the hiking trail.





C. John's Canyon western overlook road (D0053)

This spur goes from the TLA boundary (first photo below) to a modest overlook of John's Canyon (second photo below) that also provides primitive camping, yet it's shown as being inside of an OHV Closed zone in every alternative.



Second are three examples of the many roads that would preemptively be closed by the drastic expansion of OHV Closed zones in Alternative D, as well as apparently being closed by the decision to manage many more LWCs for their wilderness characteristics in alternatives D and E since those LWC boundaries are not drawn around those routes.

D. Mikes Canyon Road (D0004)

This road climbs up the Red House Cliffs (first photo below), where it passes rock towers (second photo below) and then rounds a gap before dropping into Mikes Canyon (third photo below). It's a wonderful backcountry route that, if use increases, could easily benefit from realignment or the installation of drainage structures.

Note: There is an LWC boundary paralleling the north side of this road, but it appears to simply separate two different LWCs rather than excluding the road from LWC, thus the decision of alternatives D and E to manage for wilderness characteristics in both of these LWCs would apparently close the road.





E. Northeast Red House Cliffs road (D0036)

This road heads east from Red Canyon Road and traverses the top of Red House Cliffs (first photo below), where it passes an antique truck (second photo below), finally turning north to reach a view of Tables of The Sun (third photo below) offering views in every direction over its four-mile length.





F. John's Canyon overlook road west of Muley Point (D0046)

This road goes from Muley Point Road to its own overlooks of the San Juan River (first photo below), then to overlooks of John's Canyon (second photo below), with many remarkable dispersed campsites on slickrock.





Even if the Lead Agencies were to fix GIS data of the OHV Area boundaries in order to keep roads A, B, and C open, the OHV Area boundaries of Alternative D would preemptively close roads B, D, E, and F, while the alternatives D and E decision to manage wilderness characteristics in LWCs would apparently also close roads B, D, E, and F. Again these are just examples of many routes that would be closed by the OHV Area boundaries of Alternative D or the alternatives D and E decision to manage wilderness characteristics in LWCs that don't cherry-stem the given route. The negative effect of these closures to recreation would be enormous, yet it's not acknowledged let alone analyzed by the DRMP/EIS, which are fundamental flaws when it comes to planning on public lands.

Alternative A error details

A table and figures of the DRMP/EIS are grossly inaccurate about the no-action alternative, which makes it impossible for the public to understand the changes being proposed, again creating a fundamental flaw when it comes to planning on public lands.

A. Current Recreation Opportunity Spectrum (ROS) zones

The current ROS zones from the 1986 LMP of Manti-La Sal National Forest place the vast majority of the Manti-La Sal National Forest portion of BENM in a motorized class. This fact is plainly reflected in the national forest's 1986 LMP itself as well as the DLMP from 2023. However the BENM DRMP/EIS erroneously portrays only half of this area to be in a motorized class, and then it proposes the same ROS in all the action alternatives, thereby totally misleading the public into thinking that the proposed ROS zones are currently in place. This inaccuracy is in the following table:

Notably, ROS classifications on NFS lands would be the same under all alternatives, as shown in Table 3-133. As ROS management would not change, OHV access and non-motorized access on the NFS lands of BENM would remain constant.

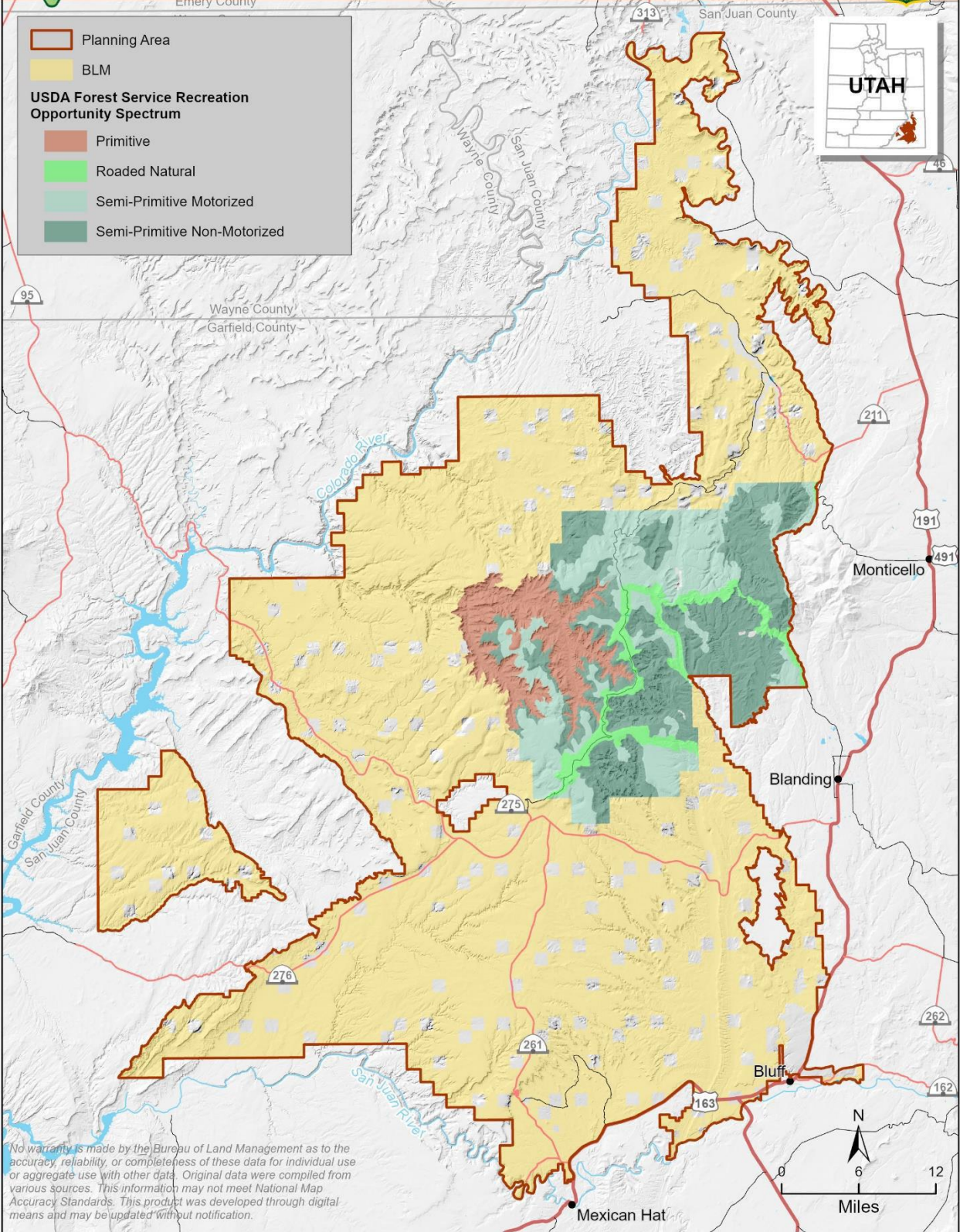
Table 3-133. USDA Forest Service Recreation Opportunity Spectrum Classes under All Alternatives

ROS Classes	Acres under All Alternatives
Primitive	48,440
Roaded Natural	25,700
Semi-Primitive Motorized	86,163
Semi-Primitive Non-Motorized	128,752
Total	289,055

The inaccuracy is also in Figure 2-28:



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The interactive map on e-planning is inaccurate in the same way as Figure 2-28.

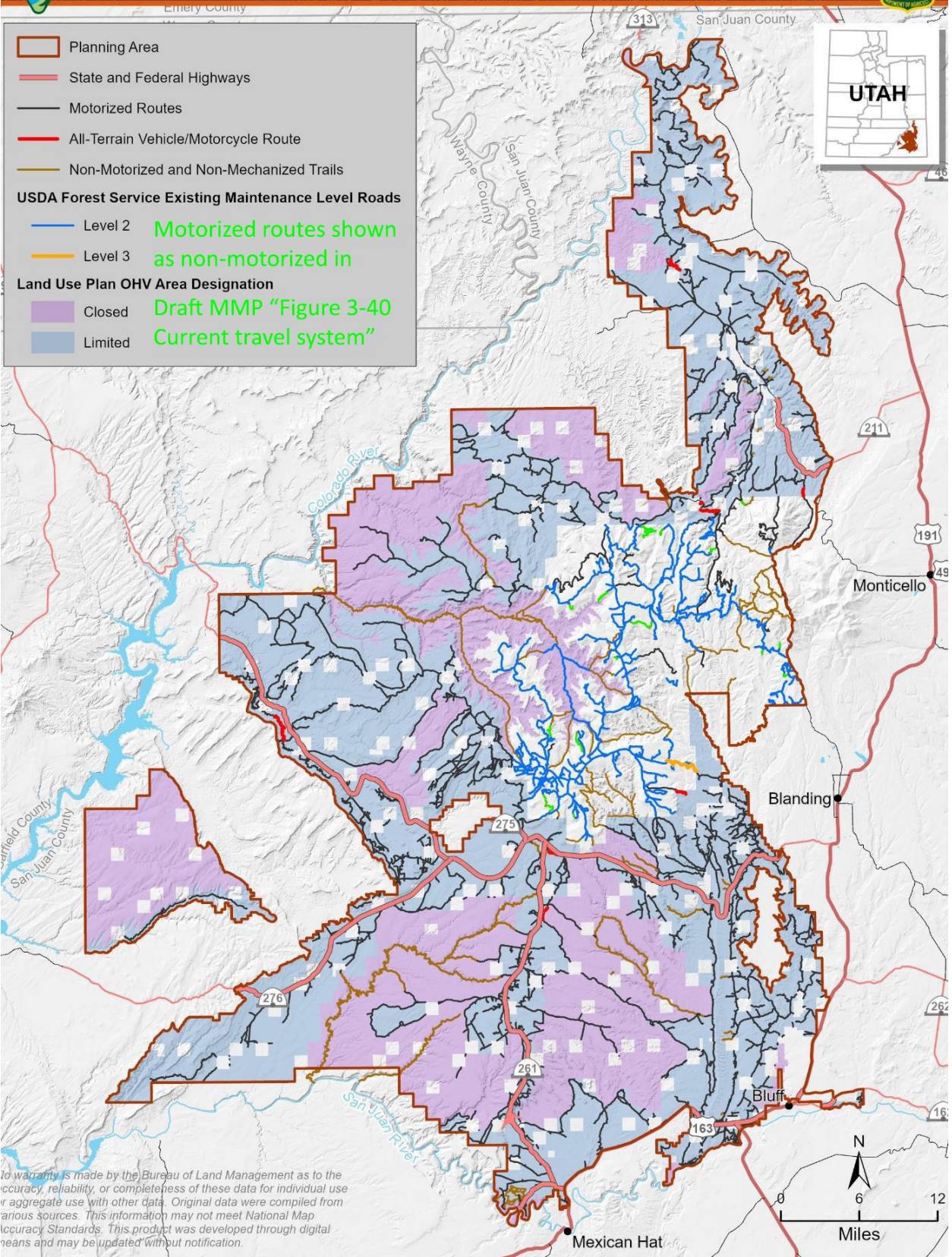
The same ROS inaccuracy was clearly stated in #8 of the RWR and TPA October 31, 2022 letter, yet the Lead Agencies continued to propagate the inaccuracy in the DRMP/EIS. During the April 23, 2024 public meeting in Blanding, the organizations notified multiple USFS leaders of this inaccuracy and its significance, one of whom acknowledged the inaccuracy of the ROS table and said he was already aware of it. However the Lead Agencies have yet to correct any of their planning documents, and actually later uploaded an ROS poster to e-planning that continues to propagate the inaccuracy. The persistence of the Lead Agencies to inaccurately portray the current ROS over and over suggests a complete disregard for the public to meaningfully participate.

B. Current Travel Management Plan (TMP) in terms of mis-classified routes

Figure 3-40 of the DRMP/EIS inaccurately portrays at least 15 motorized routes in the national forest as being non-motorized. In other words, it should show the routes in black instead of brown. The Organizations have highlighted the 15 routes in green:



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This same inaccuracy is found in the "FS BENM Roads Draft" layer of the interactive map on e-planning. In fact the interactive map is worse, as it omits over 40 motorized routes, the same routes highlighted in our next point (C) below.

During the April 23, 2024 public meeting in Blanding, the organizations notified multiple USFS leaders of this inaccuracy and its significance. However the Lead Agencies have yet to correct any of their planning documents.

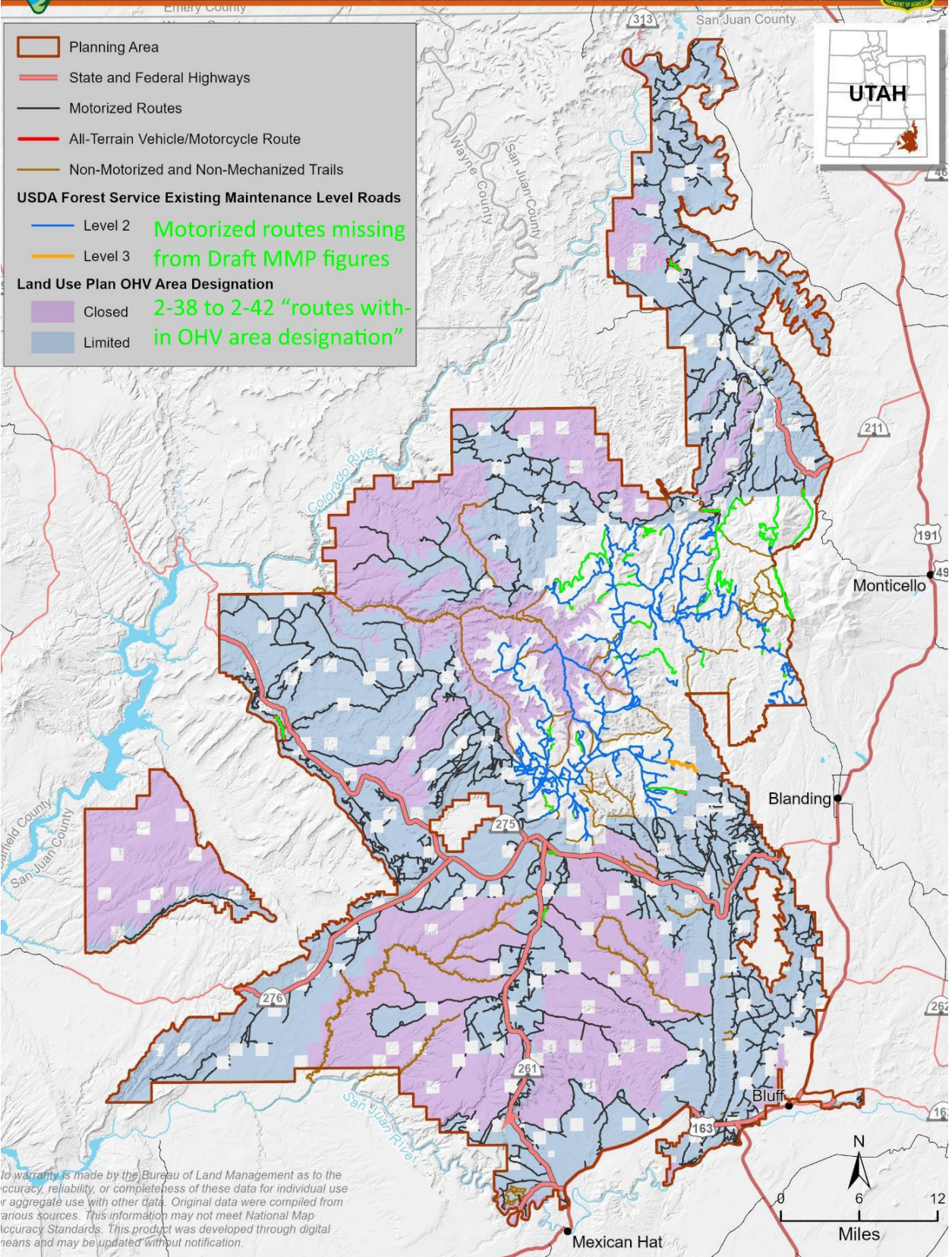
This inaccuracy should not be dismissed by the fact that a TMP will be developed later. Inaccurately portraying at least 15 motorized routes as being non-motorized hamper the public's ability to meaningfully participate in RMP planning now. For example, USFS Trail 203 (which is the northernmost of the 15 motorized routes on Heifer Mesa) is in an Inventoried Roadless Area (IRA), and accurately portraying the route as open to motorized use could inform the public's comments on the IRA aspects of the DRMP/EIS.

C. Current Travel Management Plan (TMP) in terms of missing routes

Figures 2-38 through 2-42 of the DRMP/EIS inaccurately omit over 40 motorized routes. The organizations have highlighted the 40 routes in green:



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This same inaccuracy is found in the corresponding layers of the interactive map on e-planning ("BENM Routes in OHV Areas Alt A Draft," "...Alt B Draft," "...Alt C Draft," "...Alt D Draft," and "...Alt E Draft").

During the April 23, 2024 public meeting in Blanding, the organizations notified multiple USFS leaders of this inaccuracy and its significance. However the Lead Agencies have yet to correct any of their planning documents.

This inaccuracy should not be dismissed by the fact that the missing routes would not be closed by the proposed OHV Area designations. Their omission from the five figures does hamper the public's ability to meaningfully participate in RMP planning now. For example, in all of the action alternatives (B through E), the proposed OHV Closed boundaries go right up to the edge of many of these omitted routes. The presence of these routes could inform the public's comments on the proposed OHV Closed boundaries given the potential future needs such as rerouting.

All three of these inaccuracies mask the major opportunities for motorized trail riding that have been in BENM for generations, many of which RWR has maintained, and many of which would be greatly affected by multiple geographic designations. Given these inaccuracies, plus the lack of acknowledging and analyzing LWC and OHV-Area ramifications, plus the lack of coordination (with the state, local government, and public) to formulate the draft RMP and identify all the monument objects or even define new concepts such as cultural landscapes, the Lead Agencies should start from square one with planning. In many ways, a more thorough process is likely to conclude that the current BLM and USFS rules and regulations have been adequate in most cases. What's lacking is resources to enforce rules, educate visitors, maintain trails, and other management tools that are tried and true. There's great potential for more resources and grassroots support so long as planners honor the tradition of diverse recreation from Mexican Hat to nearly Moab across this ninety-mile landscape.