



September 30th, 2024

BLM Director
Attention: Protest Coordinator (HQ210)
Denver Federal Center, Building 40 (Door W-4)
Lakewood, CO 80215

RE: Grand Staircase-Escalante National Monument RMP (DOI-BLM-UT-P010-2022-0006-RMP-EIS)

Dear BLM Director:

Please accept this protest from the above organizations regarding the Grand Staircase-Escalante National Monument (GSENM) Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

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. Since then, over 750 individuals have contributed money or volunteered time to the organization. Primarily in

the Moab Field Office, RWR has educated visitors and performed over twenty-thousand hours of high-quality trail work on public lands.

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. Interest of Our Organizations and Issues

The Organizations have an interest in the GSENM RMP and would be adversely affected by the PRMP/FEIS. As the Organizations stated in our DRMP comments (enclosed):

"The GSENM encompasses a vast area with over a thousand miles of motorized routes that are of high quality for responsible riding and driving. In addition to providing access to remote places of varied geology among other resources, the motorized routes provide opportunities for exploration, a sense of harmony with nature, camaraderie with one's group, and even some exercise or challenge from the roughest routes."

In multiple ways, all of these recreational interests would be adversely affected by the PRMP/FEIS.

As stated in the Utah/Arizona ATV Club letter that the Organizations incorporated into our own DRMP comments (enclosed), excessive OHV Closed designations:

would limit the access to remote areas and areas that the physically impaired could not reach. With the US Census Bureau predicting that in just 35 years 25% of Americans will be 65 years and older, and that the number of 85-plus year olds will triple, having more travel routes to better accommodate our aging population is more important than ever. Any time a historically used route is closed, it limits access and is a form of discrimination against our aging and the less mobile individuals that are physically challenged.

As stated in the Travel Management section of Garfield County's letter that the Organizations incorporated into our own DRMP comments (enclosed), motorized routes:

represent the lifeblood of connectivity for our local communities, facilitating access to our shared public lands, supporting economic activities, outdoor motorized recreational opportunities, greater access off which to base all types of recreational activities, and vital search and rescue and law enforcement activities that ensure the safety and well-being of residents and visitors alike.

The Organizations recognize that recreation is just one of many uses that would be adversely affected by the PRMP/FEIS.

Additionally motorized routes are key conduits for effective and efficient management, whether it's performed by the BLM, Utah, local government, or nonprofits such as the Organizations. Motorized routes

are particularly critical for the kind of active management and adaptability that was recommended by the BLM's Utah Resource Advisory Council (RAC) in June of 2019 and incorporated into the GSENM and KEPA RMPs in 2020.

3. Parts of the Plan being Protested and their Adverse Effects

The Organizations protest the thin analysis and extreme outcome of the:

1. OHV Area designations (Figure 2-36 and corresponding text) as well the underlying designations, specifically the
2. Primitive Area (Figure 2-2 and corresponding text) and
3. Lands with Wilderness Characteristics (LWC) that would be managed to protect or minimize impacts to wilderness characteristics (Figure 2-12 and corresponding text).

The PRMP/FEIS appears to deny adverse effects of these three designations by stating that only 7 miles of motorized routes would be closed, specifically the V-Road. However, relatively few motorized routes are designated open across the 1,865,600-acre planning area, particularly in the vicinity of the V-Road, which reaches within a mile of the remarkable "cosmic" rock formation.

These three designations would hobble management of the motorized routes that are currently designated open. For example, the OHV Closed area boundaries run up to the sides of many routes, thereby preventing reroutes that could otherwise be done to reduce resource impacts or increase public safety. Another example is LWC management to protect wilderness characteristics that may prohibit using heavy equipment to maintain routes. Even the LWC management that merely minimizes impacts to wilderness characteristics, and even the mere proximity to the Primitive Area or similar designations, would set the stage for more route closures during subsequent travel planning if history is any guide.

These three designations would obstruct the due consideration to re-open many other existing routes, including hundreds of miles of primitive roads claimed by Garfield and Kane counties and the State of Utah. For one thing, the R.S. 2477 bellwether case in Utah District Court recently favored Garfield and Kane counties, putting onus on the BLM to refute R.S. 2477 claims rather than operating as if the claims are unaffected by closing more routes and areas. For another thing, even when it comes to existing routes not claimed by the counties or state, such routes were not necessarily given a fair shake by the travel management plan (TMP) that was wrapped into the 2000 GSENM RMP. Persistent controversies could be partly resolved by more thorough travel planning, but such planning would be precluded by the designation OHV Closed, Primitive Area, or LWCs to be managed for wilderness characteristics.

Finally these three designations would prematurely prevent future planning of a single mile of new route across 1,245,700 acres that would be OHV Closed. Granted, new routes are rarely approved in national monuments, especially GSENM given that nearly half of it is comprised of Wilderness Study Areas (WSAs). However the monument and WSA status ensure that route proposals would have to meet an especially-high standard, which is all the more reason to let such proposals be addressed rather than being

preemptively denied. The fact is that motorized access facilitates the enjoyment of monument resources and the appreciation of monument objects. Across most of the monument, planners should retain the option of adding a route as technology, society, and environmental conditions change. This managerial flexibility should extend to mechanized travel such as mountain biking. Designating 1,217,100 acres as a Primitive Area "without motorized or mechanized recreational access" would prevent bicycling from ever being considered in nearly two thirds of the planning area.

These adverse effects add up to an offensively grim outlook for recreation that depends upon motorized or mechanized access, not just in the WSAs, but across the other hundreds-of-thousands of acres that would be engulfed by the designations of OHV Closed, Primitive Area, and LWCs managed for wilderness characteristics.

4. Explanation of how the PRMP/FEIS is Flawed

The heart of the Organizations' DRMP comments is our "OHV Area Designations" section as follows:

The Organizations are very concerned by the extent of areas proposed to be closed to OHV travel in all three action alternatives, which would force the subsequent travel planning to severely reduce motorized recreation opportunities that are already lacking when one considers the sheer expanse of GSENM. All three action alternatives would force the closure of some motorized routes by zoning their locations are closed to OHV travel. This enormous impact of travel planning isn't even addressed let alone analyzed at the route-specific or cumulative scales, which violates NEPA and hampers our ability to meaningfully review and comment. Even where the route is "cherry stemmed," boundaries are so tight that it sort of straitjackets the route and hobbles potential management actions such as a reroute. Further, the closed area designation prohibits even the mere consideration of adding a route in future. Obviously approving any additional routes has proven very difficult, as few routes have been added across the entire GSENM over the past couple decades. Nevertheless it's important to preserve this flexibility for future planners to discover those instances when adding a route may be appropriate to benefit recreation or mitigate its negative effects. After all, such routes could be as minimal as an e-bike trail, or as useful as a short road to cluster campsites in order to close dispersed sites elsewhere. This RMP may be in effect for decades, by which time the majority of motorcycles and possibly automobiles may become electric and even quieter. The organizations accept some scrutiny when it comes to subsequent travel planning and certainly when new routes are proposed, but area designations at this highest level of land-use planning should only be closed to motorized use outright if it's certain that the given area won't ever become suitable for any extent of e-biking or other emerging uses. The fact that the BLM can manage more proactively than the NPS is a distinction that could help GSENM achieve the aspirations of the former BLM state director.

The PRMP/FEIS resolves none of these concerns and, despite that our "OHV Area Designations" section raised at least a half-dozen substantive points, they weren't addressed by the BLM response to comments.

A. Regulatory Context

Consider the statutory authority for OHV area designations, which the BLM identifies through Executive Order 11644 as amended by Executive Order 11989. These orders, issued before FLPMA had been implemented, were intended to further the National Environmental Policy Act of 1969 (NEPA). Recent Supreme Court decisions such as *Loper Bright Enterprises v. Raimondo*, June 28, 2024 reaffirmed the judicial review of an agency's legal interpretation. When invoking fifty-year-old executive orders, agency actions should firstly remain grounded by the underlying legislation, and secondly employ executive orders and agency rules conservatively.

Executive Order 11644 as amended states:

Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted...

When issuing the orders, did presidents Nixon and Carter regard "areas in which the use of off-road vehicles may not be permitted" to include a 1,245,700-acre area prohibiting all mechanized travel by the public? When passing NEPA in 1969, is this the extent of authority that Congress intended to delegate? Even BLM Manual MS-1626, "Travel and Transportation Management" states:

OHV Closed Areas. OHV use is prohibited in a closed area. Areas should be designated closed when limitations on OHV use will not suffice to protect resources, promote visitor safety, or reduce use conflicts.

This BLM guidance calls for designating OHV Closed areas when an OHV Limited designation "will not suffice." For each of the 1,245,7000 acres that would become OHV Closed, the PRMP/FEIS hasn't even asked the question of whether an OHV Limited designation will not suffice, let alone answered it affirmatively.

NEPA and FLMA require the BLM to invite meaningful public participation, and Executive Order 11644 as amended states "The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section."

Accordingly 43 CFR § 8342.2(a) Public Participation states:

The designation and redesignation of trails is accomplished through the resource management planning process described in part 1600 of this title. Current and potential impacts of specific vehicle types on all resources and uses in the planning area shall be considered in the process of preparing resource management plans, plan revisions, or plan amendments. Prior to making designations or redesignations, the authorized officer shall consult with interested user groups, Federal, State, county and local agencies, local landowners, and other parties in a manner that provides an opportunity for the public to express itself and have its views given consideration.

For each of the 1,245,7000 acres that would become OHV Closed, the PRMP/FEIS doesn't provide analysis of the current and potential impacts of specific vehicle types on all resources and uses, which is needed for the public to meaningfully participate.

One might argue that OHV Closed designations and other layers of "protection" are justified merely by virtue of the national monument status, but it's another example of the executive branch going out on a limb, as GSENM wasn't established through legislation. Regardless of monument status, RMPs in this planning area should be moderate in order to provide lasting guidance, and the current RMPs wisely relied on existing "protections" such as WSA and national-monument status covering half the planning area rather than piling additional layers onto hundreds-of-thousands of additional acres. If natural and social resources have suffered, it's only because managerial resources have been diverted to satisfy a heavy-handedness of the executive branch, not because the current RMPs lack the designations of OHV Closed, Primitive Area, or LWCs managed for wilderness characteristics.

B. Purpose, Need, and Analysis of Environmental Impacts

Since the OHV Closed area would cover the WSAs, Primitive Area, and LWCs managed for wilderness characteristics, its purpose is presumably to further the purposes of these designations. The purpose and boundaries of the WSAs are clear but, given that the WSAs already cover 881,100 acres, the need for a Primitive Area and LWCs managed for wilderness characteristics is highly unlikely. In any case, the PRMP/FEIS doesn't make the case for LWCs managed for wilderness characteristics or a Primitive Area covering two thirds of this massive monument.

i. Primitive Area

In regard to Alternative C, which proposes a slightly smaller Primitive Area than Alternative E, the PRMP/FEIS on Page 3-242 states:

The majority of GSENM would be managed as a primitive area, which would benefit natural and biological uses and recreation users seeking solitude and primitive opportunities to a greater extent than would the other alternatives.

It appears to assume that the Primitive Area designation would benefit natural resources even though it would be less accessible for active and adaptive management. It appears to assume that the Primitive Area designation would benefit solitude seekers and primitive opportunities even though most of those acres can only be reached by an overnight backpacking trip. While a much higher density of routes may indeed detract from solitude and primitive opportunities, such a low current density of routes makes most of the acres inaccessible for typical day hiking, yet this tension is not handled by the PRMP/FEIS.

ii. LWCs Managed for Wilderness Characteristics

Likewise managing LWCs for wilderness characteristics could wind up hampering their very purpose. For example, 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 managers from ever adding a route even for the purpose of public safety or protecting monument objects.

In addition to undermining their very purposes, designating a huge Primitive Area and managing nearly all LWCs for wilderness characteristics simply isn't needed. The PRMP/FEIS hasn't demonstrated that demand for such things isn't met by the current RMPs, let alone identifying why the demand is unmet, as the answer could be a lack of motorized access among other things. The PRMP/FEIS does provide a rationale for the Primitive Area, stating on Page 3-243:

Because the majority of the primitive area is made up of WSAs, ISAs, and LWC managed to protect, this management direction is consistent with the Wilderness Act and FLPMA.

The logic appears to be that the BLM has free rein to designate a huge Primitive Area so long as it doesn't effectively double the acreage of WSAs and LWCs managed for wilderness characteristics. The Organizations assert that, when restrictive designations such as WSAs occupy nearly half of a planning area, sparing the other half becomes essential to meeting FLPMA's multiple-use mandate. As for the Wilderness Act, Congress intended to preserve existing wilderness, and most of the planning area that hasn't already been designated as a WSA indeed doesn't qualify (as indicated by county road claims among other things).

Even if a purpose and need were established to designate a huge Primitive Area and managing nearly all LWCs for wilderness characteristics, changing those areas to OHV Closed isn't needed. Albeit uncommon, it's possible to add existing routes to the TMP in those areas, and eliminating that possibility altogether isn't needed.

iii. OHV Closed

Leaving the Primitive Area and LWC status aside, OHV Closed designation isn't needed to cover 1,245,700 acres, and the PRMP/FEIS doesn't even attempt to demonstrate otherwise. Granted, the 1,500-acre No Mans Mesa RNA would continue to be OHV Closed "in part because on-the-ground OHV use is not feasible" and because it hosts a relict plant community, which is a specific resource in a specific location. For the rest of the 1,245,700 acres that would be OHV Closed, no such specificity is provided, other than a rather brief explanation of the V-Road closure that will be covered later in this document.

Beyond the Primitive Area, LWC, and WSA designations, the purpose and need for an enormous OHV Closed designation might be implied by the PRMP/FEIS on Page 3-253, stating:

Under Alternative E, OHV use would be limited to the 914 miles of designated routes across 648,500 acres, this is a decrease of 7 miles of designated routes compared to Alternative A. Under Alternative E, the BLM would manage 1,217,100 acres as closed to OHV travel... More so

than Alternative A, B, and C, this management would limit resource damage from cross-country and other OHV travel, but to a lesser extent than Alternative D.

Limiting resource damage from cross-country travel and other OHV travel, on its own, does not justify an enormous OHV Closed designation. Outside of the Little Desert RMZ that's currently OHV Open, cross-country travel is prohibited, and changing designations from OHV Limited to OHV Closed wouldn't make cross-country travel any more prohibited than it already is. This issue is clearly not a matter of managerial designations, rather one of law enforcement, education, and perhaps trail work. The same matters are probably the case when it comes to the issue of "other OHV travel," although the vague phrase makes it impossible for the public to know what the PRMP/FEIS refers to, which is why it must become far more specific about the problems and potential solutions in each location of the planning area. If major negative impacts are occurring, demonstrate them as well as a comprehensive analysis of alternative actions along with their positive and negative effects, as it would be far more fruitful than simply converting the majority of the planning area from OHV Limited to OHV closed.

On Page J-297 of the PRMP/FEIS, the BLM response to comments did provide four criteria regarding OHV Closed designations:

OHV area designations vary across alternatives and were developed based on the protection of the resources and GSENM objects. In identifying area designations, the BLM applied OHV closures to areas within GSENM that 1) would minimize damage to soil, watersheds, vegetation, air and other resources, and 2) would minimize harassment of wildlife or significant disruption of wildlife habitats and 3) would minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors and 4) would minimize potential adverse effects to primitive areas consistent with the intent of the area designation. These alternatives were designed to meet the purpose and need of this document. Additionally, under the Proposed RMP, only primitive areas have been designated as OHV-closed.

The first three criteria are copied from Executive Order 11644 as amended, but the PRMP/FEIS hasn't even begun to show the BLM's work of applying these criteria to the 1,245,700 acres that would become OHV Closed, especially the hundreds-of-thousands of acres beyond the WSAs.

The fourth criterion resembles that of the same executive order, as both use the term Primitive Area, however they have very different meanings. Executive Order 11644 as amended refers to Primitive Areas designated by a higher level, such as the congressional designation of Grand Gulch Primitive Area. The PRMP/FEIS presumably refers to Primitive Areas designated at the level of the BLM's Paria River District, and this designation is one of four types of Management Areas that are proposed to cover the entire planning area. Given that this fourth criterion of the PRMP/FEIS isn't copied from Executive Order 11644 as amended, the other three criteria would be needed to justify expanding OHV Closed designations beyond that of the current GSENM and KEPA RMPs.

As with the huge Primitive Area and managing LWC for wilderness characteristics, OHV Closed designations could actually lead to more negative impacts upon natural and social resources. As the

PRMP/FEIS acknowledges on Page 3-234, "ATV and UTV use have become one of the fastest-growing recreational activities." For this and other forms of recreation on motorized trails, the carrying capacity is a function of the motorized trails, themselves. The PRMP/FEIS recognizes the pitfall of use displacement when it comes to an OHV Open area like the Little Desert RMZ, stating on Page 3-240 that:

Alternative B would eliminate access for cross-country OHV recreation on 100 acres when compared with Alternative A. This could result in unauthorized cross-country OHV travel occurring in the previously 100 acres OHV-open area under Alternative A, eliminating the OHV-open area near the town of Escalante, and would likely displace users of the OHV-open area, resulting in unauthorized cross-country travel.

If there isn't a managed alternative to the use of this area, such as designating a high density of challenging routes at Little Desert RMZ or managing an OHV Open area elsewhere nearby the community of Escalante, then the use becomes more likely to occur in an unmanaged fashion. The same phenomenon is likely to occur when additions to a TMP are prohibited from being considered due to OHV Closed designations, and when subtractions to a TMP are made virtually inevitable by new restrictive layers of management such as a huge Primitive Area and LWCs managed for wilderness characteristics. Therefore these three designations of the PRMP/FEIS would increase the likelihood of motorized and mechanized travel that's unauthorized across the entire planning area and, on the routes that remain open after the subsequent TMP revision, would increase the likelihood of crowding, conflict, and degradation of the routes.

C. Travel Management Planning

The PRMP/FEIS essentially dismisses concerns about travel management planning since it will be done subsequently, but the PRMP/FEIS would in fact make travel planning decisions that would be irreversible without amending the RMP.

On Page J-299 of the PRMP/FEIS, the BLM response to comments seems to imply that thorough travel planning of the V-Road is unwarranted because the agency proposes to close the entire area rather than closing just the route:

The BLM monitors the V-Road and has monitoring data documenting adverse impacts to the WSA that surrounds both sides of the V-Road since it was designated as open to motorized use. Consideration of these impacts informed the BLM's alternatives and through application of an OHV area designation, the BLM would minimize impacts to the WSA by closing the area to OHV use.

However, the area of closure includes the designated route (along with other existing routes along with proposed ones), so the fact that the BLM proposes to close more than just the route doesn't justify shortchanging the meaningful public participation of this proposed action. Further the 2020 decision to re-open the V-Road was analyzed and approved in accordance with 43 CFR 8342.1 and accompanied by robust site-specific analysis demonstrating that the opening of these routes was consistent with providing the proper care and management to monument objects. In contrast, the PRMP merely asserts on Page 3-251 that "Closure of this route would minimize adverse impacts to the adjacent WSA, as V-Road is cherry-stemmed into the WSA. The impacts to the WSA are the result of off-route incursions, unauthorized

widening of the route, and user created pullouts and parking areas." However, as stated in the Utah/Arizona ATV Club letter that the Organizations incorporated into our own DRMP comments, closure is not needed to minimize the impacts claimed by the PRMP/FEIS. First of all, are things like pullouts actually impacting the WSA significantly? If so, should a modest number of pullouts be accommodated and delineated? What other measures, from trail work to education to enforcement, could be done to mitigate significant impacts? What implementation resources, from local communities to state grants, have been readily and consistently available to the BLM? None of these questions are addressed by the PRMP/FEIS.

Far beyond the V-Road, the PRMP/FEIS makes major travel planning decisions by removing the 1,245,700 acres from any further discussion. This enormous area goes far beyond the WSAs, even beyond LWCs. It contains many county-claimed roads, other existing routes, and locations where a new route may become entirely appropriate for some kind of mechanized use over the lifecycle of an RMP. Aside from properly vetted exceptions (e.g. No Mans Mesa), only by leaving areas OHV Limited can the BLM truly leave travel planning decisions to the subsequent TMP revision. After all, for TMP revision, Page 2-235 of the PRMP/FEIS states the following objective:

Establish a transportation system that provides for appropriate access, protects GSENM objects and resources, provides for appropriate access, minimizes impacts on other resources, and minimizes user conflicts.

The PRMP/FEIS would reduce the OHV Limited acreage from 1,864,000 to 619,900, yet the rationale for this change consists of a few sentences. One cannot have confidence that the remaining 619,900 acres will be adequate to meet the objective of providing for appropriate access. Sticking with the current OHV Limited acreage will allow travel planning to genuinely occur, while existing parameters such as WSA status will ensure the protection of GSENM objects and resources.

5. Conclusion

The Organizations urge GSENM planners to choose Alternative A (the no-action alternative) when it comes to OHV Closed designations, LWCs managed to protect or minimize impacts to wilderness characteristics, and the Primitive Area. The proliferation of these three designations in alternatives B through E (the action alternatives) is completely unnecessary given the other layers of management, such as the 881,100 acres of WSAs in the planning area. When it comes to these three designations, the status quo would avoid adversely affecting the Organizations' interest in diverse recreation opportunities. The status quo is needed in order to provide a motorized route network of ample quantity, quality, and variety. Such a network is not only compatible with the protection of monument objects, but also essential to "providing visitors with an opportunity to experience a remote landscape rich with opportunities for adventure and self-discovery" as stated in Proclamation 10286.

Sincerely,



Clif Koontz
Executive Director
Ride with Respect



Chad Hixon
Executive Director
Trails Preservation Alliance



Marcus Trusty
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Scott Jones, Esq.
Authorized Representative
Colorado Off-Highway Vehicle Coalition



November 9th, 2023

Bureau of Land Management
GSENM RMP Project Manager
BLM Paria River District
669 S Highway 89A
Kanab, UT 84741

RE: Grand Staircase-Escalante National Monument RMP (DOI-BLM-UT-P010-2022-0006-RMP-EIS)

Dear BLM Planning Team:

Please accept this correspondence from the above organizations as our official comments regarding the Grand Staircase-Escalante National Monument (GSENM) Draft Resource Management Plan (DRMP).

1. Background of Our Organizations

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

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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

The GSENM encompasses a vast area with over a thousand miles of motorized routes that are of high quality for responsible riding and driving. In addition to providing access to remote places of varied geology among other resources, the motorized routes provide opportunities for exploration, a sense of harmony with nature, camaraderie with one's group, and even some exercise or challenge from the roughest routes. These primitive routes and even the graded roads to some degree are the very types of opportunities described in Proclamation 10286, which states "The Grand Staircase-Escalante region retains the frontier character of the American West, providing visitors with an opportunity to experience a remote landscape rich with opportunities for adventure and self-discovery."

3. Context of National Monument Designations

The designation of GSENM, then scaling it back, and most recently expanding it were quite political acts, and this context should not be ignored when revising its RMP. On January 16th, 1997, Deseret News published "Making a Monument" that stated:

When BLM state director Bill Lamb announced [the appointment of Jerry Meredith as Monument Manager], he seized the occasion to speak in conciliatory tones to those who opposed the preserve, suggesting long-established land uses such as grazing and hunting will continue beside "various types of recreation" in the area.

"We have an opportunity, if not the obligation, to try to build something completely new and fresh here - something that adds diversity to the forms of land management heretofore found on the federal lands of the West," said Lamb.

"If we do it right," he said, "(the monument will) protect some of the most remarkable land on Earth while sustaining the cultural identity that makes the region so special and rare. We just need to work together.

Accommodating various types of recreation and forging a different path than the NPS has done with national monuments took a setback shortly thereafter, as the BLM attempted to prohibit OHV use of graded roads, similar to the NPS policy in national parks (although NRAs now allow OHV use). In fact, back then GSENM staff discouraged some of the Organizations' members and contributors from riding routes designated open in the 2000 MMP even though their motorcycles were registered for interstate highway use. This attempt to ban OHVs and discourage registered motorcycles failed but, over two decades later, the DRMP attempts to adopt a much more concerning aspect of NPS policy, which is route density. At least one of the DRMP alternatives for OHV area designations would almost certainly result in a route network that's as sparse as the ones in each district of Canyonlands National Park.

Meanwhile there's cognitive dissonance south of GSENM in the Baaj Nwaavjo I'tah Kukveni National Monument that was designated just a few months ago. On August 17th, 2023, the Moab Times-Independent published "Biden's new Arizona national monument exposes Grand Canyon-like divide between supporters and critics" that stated:

Amber Reimondo, energy director for the environmental nonprofit Grand Canyon Trust, said such assertions are just plain wrong. She said the monument will not involve the seizure of private property, threaten existing livestock or water rights or limit access to recreation.

“If these [claims] were true,” she said, “they’d have legitimate ground to stand on. But they are just not true.”

So Baaj Nwaavjo is touted to not limit access to recreation while GSENM would further limit access to recreation, and dramatically so. It's not too late for GSENM planners to prove the Grand Canyon Trust representative or the former BLM state director right. Fix the DRMP to provide far more diverse recreation opportunities than Canyonlands National Park provides.

4. OHV Area Designations

The Organizations are very concerned by the extent of areas proposed to be closed to OHV travel in all three action alternatives, which would force the subsequent travel planning to severely reduce motorized recreation opportunities that are already lacking when one considers the sheer expanse of GSENM. All three action alternatives would force the closure of some motorized routes by zoning their locations are closed to OHV travel. This enormous impact of travel planning isn't even addressed let alone analyzed at the route-specific or cumulative scales, which violates NEPA and hampers our ability to meaningfully review and comment. Even where the route is "cherry stemmed," boundaries are so tight that it sort of straitjackets the route and hobbles potential management actions such as a reroute. Further, the closed area designation prohibits even the mere consideration of adding a route in future. Obviously approving any additional routes has proven very difficult, as few routes have been added across the entire GSENM over the past couple decades. Nevertheless it's important to preserve this flexibility for future planners to discover those instances when adding a route may be appropriate to benefit recreation or mitigate its negative effects. After all, such routes could be as minimal as an e-bike trail, or as useful as a short road to cluster campsites in order to close dispersed sites elsewhere. This RMP may be in effect for decades, by which time the majority of motorcycles and possibly automobiles may become electric and even quieter. The organizations accept some scrutiny when it comes to subsequent travel planning and certainly when new routes are proposed, but area designations at this highest level of land-use planning should only be closed to motorized use outright if it's certain that the given area won't ever become suitable for any extent of e-biking or other emerging uses. The fact that the BLM can manage more proactively than the NPS is a distinction that could help GSENM achieve the aspirations of the former BLM state director.

5. Coordination with Resource Advisory Councils

When developing the current RMPs for GSENM and the KEPA in June of 2019, the BLM consulted its Utah Resource Advisory Council (RAC), which deliberated to reach a set of recommendations focused on making management more effective for conservation, recreation, and other uses so that they would be optimal plans regardless of national-monument status. Most of this work is discarded by the action alternatives, which is disappointing because the current RMPs' reliance on active management and adaptability achieved the kind of consensus espoused by the former BLM state director.

6. Coordination with Motorized Trail Groups

Local OHV groups such as the UT/AZ ATV Club are key partners, as they perform countless hours of service work, provide the unique perspective of motorized trail enthusiasts, and promote responsible visitation that's peer to peer. In particular the UT/AZ ATV Club's exceptional work on Inchworm Arch has been a model partnership that should be nurtured, yet it's jeopardized by the DRMP, which should be rectified immediately by ensuring that Inchworm Arch and all other routes will get a fair shake when it's actually time for travel planning. Please see the enclosed comments from UT/AZ ATV Club's DRMP, which the Organization's fully incorporate as our own comments to the BLM.

7. Coordination with Garfield and Kane Counties

In the GSENM, perhaps the most important partners to recognize are Garfield and Kane Counties. The general public greatly benefits from their maintenance of the road network that's owned jointly between the counties and State of Utah. Both of these counties have been outstanding in their assistance with motorized routes of all kinds. The DRMP must be improved to honor the critical role these counties play in successfully managing GSENM. Please see the enclosed comments from Garfield County regarding motorized routes, which the Organization's fully incorporate as our own comments to the BLM.

8. Conclusion

The Organizations urge GSENM planners to recognize the motorized route network and its stewards as vital to providing diverse recreation opportunities, which are indeed compatible with Proclamation 10286.

Sincerely,



Clif Koontz
Executive Director
Ride with Respect



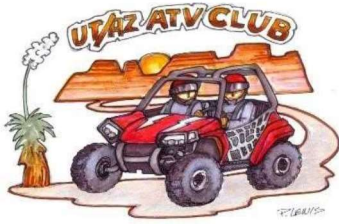
Chad Hixon
Executive Director
Trails Preservation Alliance



Marcus Trusty
President/Founder
Colorado Off Road Enterprise



Scott Jones, Esq.
Authorized Representative
Colorado Off-Highway Vehicle Coalition



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October 16, 2023

Scott Whitesides, GSENM Project Manager
BLM Paria River District
669 South, Highway 89A
Kanab, Utah 84741

Dear Mr. Whitesides:

The Utah/Arizona ATV Club has over 250 members, all of which frequently enjoy the spectacular scenery of the GSENM. Many of our members were born and raised locally and have been using the routes in this area long before it was designated a National Monument by President Clinton in 1996 with Proclamation 6920.

It concerns us, as it should all motorized vehicle users, that a new management plan will lead to more travel route reductions and further limit motorized access. Just recently, under the current administration, additional restrictions have been implemented to motorized user groups that prohibit people from seeing what in the past has been open and easily accessible. There are thousands of people that use the monument for both work and recreation and whenever those of us that use motor vehicles within a monument hear that a new Management Plan is being written, it gives us cause to take notice.

Over the past 20 years, ATV/UTV use has become one of the fastest-growing recreational activities in southwestern Utah, drawing thousands of visitors each year. ATV/UTV use has become a popular method of recreation and a means of transportation while hunting, fishing, or camping. ATV/UTV use has become a significant use due to the increase in the number of users who participate in this recreational opportunity, their increased commercial availability (purchase and rental opportunities), and the marketing of multi-passenger ATVs and UTVs. This trend is expected to continue because visitors are drawn to this area to experience the numerous routes and trails available for OHV use, the diverse backcountry opportunities and spectacular scenery, and the variety of world-class recreational opportunities that the landscape provides.

This draft RMP states that mountain biking and e-bike use is becoming increasingly popular in GSENM and presents a need for GSENM management to “consider additional trails” designated for mountain bike and/or e-bike use. Using similar logic applied to the above paragraph, regarding the trend of increased OHV travel and the use and popularity of OHV use, the same need to consider additional routes designated for OHV use should exist.

Alternative A would yield the greatest benefits to travel, transportation, and access because it would manage the fewest acres of OHV closed areas of the other three alternatives and maintains the one OHV open area for public use. This would provide the greatest access to OHV opportunities, may reduce unauthorized off-trail travel in other areas, and reduce conflicts between motorized recreations, compared with Alternatives B, C, and D. The “open” area discussed in this plan is the Little Desert Area, which encompasses five one thousandths of one percent of GSENM lands and is the only cross-country OHV travel area provided in the entire GSENM.

Unfortunately, some of the less informed individuals that I have discussed this plan with are interpreting the term “off-highway vehicle travel” synonymous with “open travel.” This is far from accurate, and people should be made aware that off-highway vehicle travel refers to authorized travel over designated routes on the approved transportation map.

Until travel management planning is completed, the route designations in the 2000 MMP, and as amended by the 2020 RMPs, will apply unless otherwise modified by this plan (such as OHV closed areas). Subsequent transportation management planning following the development of the RMP should consider additional routes for inclusion in the TMP. Under Alternative A, travel and transportation would be managed consistent with the current transportation route map and, although the current transportation map has been adequate, it has several shortcomings. There are existing routes within the GSENM that could be easily added to a new management plan that were somehow omitted from past plans. This would give visitors a better opportunity to spread out more and to have less impact on an area, while providing for a more enjoyable recreational experience. If this were to occur, a better educational program designed to communicate the proper use and etiquette of the areas would generate a deeper understanding of the environment. This would naturally generate an increased appreciation of, and a sense of stewardship towards our public lands.

Although Alternative A would offer the least protection for cultural resources and would not designate new ACECs, we believe that our public lands are already protected with many existing laws that were set in place to protect these lands for future generations. Additional access restrictions are unnecessary and are an insult to the character of people that enjoy motorized recreation.

As stated in the draft plan, the highest percentages of human-caused noise in the GSENM are created by high-altitude jets and visitors at popular recreation areas, including Calf Creek, Dry Fork, Devil's Garden, Dance Hall Rock, and the Paria townsite. For the passage and outback areas, sound-attenuation features would be required for any approved uses that generate noise, to keep noise below 10 dBA above the L90 measured background sound level at no more than fifty feet from the source. Because the decibel level of normal conversation is about 60db, it would seem safe to presume that the maximum decibel levels allowed in the primitive or back country areas would often be exceeded. Creating a plan that contains unreasonable and unenforceable guidelines is not responsible and should be avoided.

Our club supports Alternative A which states that the application of BMPs outlined in the 2020 GSENM RMPs would continue with no specific areas identified where noise-producing facilities would be prohibited, no limitation on where drone takeoffs and landing could occur, and no further limitations on where OHV use could occur.

Another reason to support Alternative A is that it would not require a re-inventory of wilderness characteristics and would not designate additional ACECs within the Monument. Within the GSENM there are currently thousands of acres being managed that are off limits to motor vehicles. These areas provide people, those with the physical capabilities of hiking into these areas, the experience of solitude that they may be searching for. I personally have spent hundreds of hours hiking in these areas and feel there is already more than enough acreage set aside to find quiet and solitude without creating new areas.

Alternative B has a greater area managed as closed to OHV use and our club is strongly against the closure of additional routes within the GSENM. Alternative B would also likely decrease the ability of all recreationists to access non-motorized trails in certain areas due to the greater area managed as OHV closed. Road closures, and the reduction of areas that could be accessed by a motor vehicle, would be reduced which would limit the access to remote areas and areas that the physically impaired could not reach. With the US Census Bureau predicting that in just 35 years 25% of Americans will be 65 years and older, and that the number of 85-plus year olds will triple, having more travel routes to better accommodate our aging population is more important than ever. Any time a historically used route is closed, it limits access and is a form of discrimination against our aging and the less mobile individuals that are physically challenged.

Under Alternative C, visitors would be directed to recreate in more heavily visited areas which would lead to issues of crowding and would also have an impact on social cohesion similar to Alternative B. This would have a negative effect on mental and physical health which was listed as a benefit of the Monument.

Alternate C refers to a reduction of opportunities for motorized travel near petroglyphs, pictographs, and inscriptions or other sensitive cultural sites to reduce impacts. The term "near" is vague and can be interpreted in different ways and should be more specifically defined. In the proposed plan it reads that: "In some cases, motor vehicle access is

particularly impactful, as shown in a study at Tonto National Forest that positively correlated the damage to cultural resources through looting and vandalism with proximity to roads and other vehicular travel routes.” Then, elsewhere in the draft plan it reads: “In other cases, newly created motor vehicle access did not create impacts, as shown in the Falcon to Gonder Transmission Project 5-year Monitoring Study. The goal of this 5-year monitoring study was to document impacts from an increase of traffic to sites related to the construction of a new transmission line and access roads. The second goal was to provide data that could be used to understand potential impacts for future linear projects. After watching sites and the individual artifacts within these sites for 5 years, the archaeologists found that increased accessibility did not lead to any vandalism or looting”. Looking at these two studies would imply that any evidence that the reduction of motorized travel would reduce negative impacts on cultural sites is inconclusive.

As stated in this new draft plan, the BLM GSENM has had a site monitoring component in its cultural resource program since GSENM’s inception. It goes on to state that under current management, cultural resources are in a relatively stable condition and that looting of cultural resource sites is rare and has tapered off in recent years largely due to public education and law enforcement efforts. We would like to see more effort to install additional educational signage that would teach people the importance of cultural sites rather than use exclusionary tactics.

Under Alternative D, the BLM would manage the most acreage as closed to OHV travel of all the alternatives. If chosen, Alternative D would undoubtedly lead to a reduction of visitors to the area due to the increase in acres closed to OHV travel. This reduction in visitors would have a huge economic impact on our local communities which rely on this source of revenue. Our club is not in favor of and does not support a plan that will reduce the miles of travel routes currently designated to OHV use and would be willing to work with the BLM to improve the existing travel routes and to help generate a more extensive and user-friendly travel network system.

The GSENM 2020 ROD amended the GSENM Travel Management Plan (BLM 2000) to include the V- Road and Inchworm Arch Road as open to and available for OHV use. Inchworm Arch Road is a route currently used by local residents and tourists to access a geological formation, known as the Inchworm Arch. Alternative D would amend the current GSENM TMP by closing the Inchworm Arch Road to OHV use. Closing this route would adversely affect recreation users by removing legal access to the Inchworm Arch. The plan states that continued use of this road could create an impact on cultural and paleontological resources, yet this route was recently relocated to protect the cultural resources in this area.

The 2020 GSENM ROD required BLM to re-route the original alignment of the Inchworm Arch Road, which crossed through an area with a high density of cultural resources. Now that the route has been realigned to avoid the cultural resources, continued motorized and non-motorized use of this route would not adversely impact cultural resources. The newly established route is far enough away from any important cultural sites to minimize any negative impact and we believe the Inch worm arch road should remain available to motorized travel. Most people traveling the Inchworm Arch Road are there to view this geological wonder and are not even aware of the nearby cultural sites. All the recent attention focused on this route has only highlighted the existence of this cultural resource area.

In Volume 2, Appendix G. Inchworm Arch Road Interdisciplinary Route Evaluation Form & Analysis, there is no specific mention of any paleontology resources that would be impacted by motor vehicles traveling over this sandy route. This analysis also makes no mention of any negative impact from the user created hiking trail that allows people to view the arch.

Alternative D is also recommending the closure of the V Road. This would effectively close seven miles of this approved designated route to motor vehicle use. Again, our club is not supportive of any road closures, and we believe that there must be a more positive way of dealing with the erosion issue affecting this road rather than closure to all motorized use.

The draft plan also hopes to establish an Old Spanish National Historic Trail (OSNHT) National Trail Management Corridor along the Box of the Paria High-Potential Segment. This segment of the Paria River is still under litigation and the creation of an OSNHT corridor seems premature and disingenuous. The OSNHT should be an educational experience and the delineation of a one-mile protected corridor is excessive and unnecessary for the recognition of this trail.

The GSENM has former approved Management Plans that have met the requirements needed for our local land managers to professionally manage this area. Unfortunately, these plans are sitting on a shelf somewhere and our local land managers have been instructed to write a new Resource Management Plan for this area. It appears that any additional restrictions that might be imposed on the monument in this new management plan are politically motivated. Unfortunately, the BLM is being pressured from well-funded environmental groups to limit motor vehicle access to our public lands. I feel confident in saying that most people use a motor vehicle to access the monument for their recreational pursuits, and closing roads and restricting access to motor vehicles is not a good management tool.

Even though Alternative A is less than an ideal situation for the motorized recreationist, it is the least restrictive of motorized access to the GSENM and the alternative that our club is more willing to support.

Respectfully,

Mike Reid, President
UT/AZ ATV Club

Travel Management

Transportation and access are integral parts of every resource value and activity on public and private lands that are of meaning to the County and its constituents, including recreation, timber harvest, grazing, wildlife management, vegetation management, conventional and renewable energy development, mineral exploration and development, commodity resources management, rights-of-way to private inholdings, communications site maintenance, and overall public and private lands management and monitoring. In sum, transportation and access are critical to health and safety, economic development, education, and quality of life. Even Proclamation 10286 recognizes the values of visitation, recreation, roads, routes, and trails.

The importance of roads and motorized access, including OHV access, within the Grand Staircase-Escalante National Monument cannot be overstated. These roads are not just mere pathways; they represent the lifeblood of connectivity for our local communities, facilitating access to our shared public lands, supporting economic activities, outdoor motorized recreational opportunities, greater access off which to base all types of recreational activities, and vital search and rescue and law enforcement activities that ensure the safety and well-being of residents and visitors alike. However, it is with great frustration and disappointment that Garfield County, along with the state of Utah, have witnessed the proposed arbitrary closure of large areas to vehicles within the Monument under alternatives B-D, all without any meaningful coordination with the County, consistency with County road and transportation plans and policies, nor consultation or collaboration with the County and other key stakeholders all of whom are directly harmed and impacted by these arbitrary decisions.

This lack of coordination, consistency, and consultation on such matters violates FLPMA and NEPA and their relevant regulations, the principles of Constitutional federalism, and the Constitutional guarantee of a republican form of government to each State in the Union. These failures disregard the vital role that state and local governments and communities play in the stewardship of our lands. Garfield County recognizes the need for responsible management of natural resources and the protection of sensitive areas within the Monument. Still, it firmly believes that such decisions should be made through a coordinated, consistent, NEPA-transparent, and collaborative process, where the voices and concerns of local governments and residents are not merely heard but actively considered and where the BLM is obligated to achieve consistency with state and local plans and policies to the maximum extent possible while consistent with Federal law.

The BLM has patently failed in this regard by flaunting the County's travel management plan and transportation map of county roads approved for motorized transportation. There was zero effort by the BLM to coordinate and achieve consistency with the County. When access to our public lands is restricted without coordination, consistency, and consultation, it violates federal law, hinders our ability to manage these resources responsibly, and stifles our ability to support the diverse needs of our communities and constituents.

The DRMP undermines the intent under the 2020 Monument RMP to craft a transportation plan that would be balanced in providing access.

The DRMP has greatly misled the public by stating that under alternative C, “Within the areas closed to OHV use, approximately 7 miles of routes would be closed.” In a GIS exercise, Garfield and Kane Counties found that over 500 miles of County recognized and mapped existing routes open to all forms of motorized transportation, currently mapped as part of our transportation plans and used extensively by the public, fall within the “closed” area under alternative C. Over 1200 miles County recognized and mapped existing routes, fall within the “closed” area under alternative D. This effectively removes these routes open to all forms of motorized transportation from consideration during future Travel Management Planning.

It is unacceptable and deeply concerning that the BLM failed to coordinate with the County to achieve consistency with transportation plans and maps. It also neglected to conduct any route inventory to analyze the effects of closures and present them to the public. This is a blatant violation of FLPMA, NEPA, and associated regulations. The BLM must take immediate action to remedy this situation and ensure that the public is given accurate and complete information about the proposed alternatives in the GSENM DRMP EIS. Anything less would be a serious disservice to the residents and stakeholders of Garfield County and a breach of the BLM's duty to manage public lands in accordance with the law and the public interest.

Moreover, many of the more than 500 miles of impacted routes and 1200 miles of affected routes under Alternatives C and D, respectively, are claimed state and county RS 2477 rights of way for all forms of public motorized transportation. The BLM's summarily placing these RS 2477 claimed routes into a “closed” land management status violates the counties' valid, pre-existing rights under RS 2477. This alone renders the DRMP EIS invalid because it has created a range of alternatives that are not legal, let alone feasible, thus violating NEPA.

See Exhibit 7 hereto, entitled “2023 GSENM Draft RMP/EIS Grazing and Transportation Comments,” Prepared on Behalf of Kane and Garfield Counties by Mark Habbeshaw Previous Kane County Commissioner from 2003-2010. (54 pages)

Garfield County takes great pride in being our jurisdiction's foremost authority on roads. Our intimate knowledge of the local road network, accumulated over decades of dedicated management and maintenance, positions us as the primary experts in this field. We are not only responsible for the construction and upkeep of these roads but also for ensuring their safety, functionality, and overall efficiency. Our county's commitment to maintaining and enhancing these transportation corridors is a testament to our dedication to the well-being of our residents and the prosperity of our communities.

Given our and Kane County's unparalleled expertise, experience, and substantial roles in the ongoing coordinated maintenance of these roads, this is further reason why the BLM's failure to coordinate and failure even to attempt to achieve consistency with Garfield and Kane Counties are such blatant legal violations. There was no coordination, consistency, or consultation of any kind that led to these drastic transportation management decisions. This is especially critical regarding the Grand Staircase-Escalante National Monument and the associated road networks. Our local knowledge and hands-on experience make us the most qualified partners in crafting solutions that balance the needs of conservation, land management, and community access.

Failing to consult with Garfield County in this decision violates existing laws and NEPA regulations.

The transportation plan element of the DRMP must be scrapped as a manifest NEPA, FLPMA, and RS 2477 failure. The BLM needs to start over and, this time, comply with its legal obligation to coordinate with the County from the beginning and achieve maximum consistency with our long-standing travel management plan. The law and principles of federalism demand no less.