Russell A. Nevers (Utah Bar No. 13940)
FREEMAN LOVELL, PLLC
4568 S Highland Drive, Suite 290
Salt Lake City, Utah 84117
Telephone: (385) 355-4826
Email: russ@freemanlovell.com

James Rogers (Utah Bar No. 18783)
Nicholas Barry (Pro Hac Vice App Forthcoming)
AMERICA FIRST LEGAL FOUNDATION
611 Pennsylvania Ave, SE #231
Washington, DC 20003
Telephone: (202) 964-3721
Email: nicholas.barry@aflegal.org
james.rogers@aflegal.org

Attorneys for Plaintiffs

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

BLUERIBBON COALITION, INC.; PATRICK MCKAY; and COLORADO OFFROAD TRAIL DEFENDERS, Plaintiffs, v. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, Defendants.	**PLAINTIFFS' MOTION FOR RELIEF UNDER 5 U.S.C. § 705, OR, ALTERNATIVELY, FOR A PRELIMINARY INJUNCTION** Civil No. 2:23-cv-00923-DAK Honorable Dale A. Kimball

Pursuant to 5 U.S.C. § 705, Plaintiffs BlueRibbon Coalition, Inc. ("BlueRibbon"), Patrick McKay, and Colorado Offroad Trail Defenders ("COTD") seek relief from this Court against Defendants Bureau of Land Management ("BLM") and United States Department of Interior to enjoin them from implementing the Labyrinth/Gemini Bridges Travel Management Plan Decision

Record (the "TMP" or "DR"). Plaintiffs challenge the constitutional and statutory authority of Defendants' agency order implementing a travel plan for an estimated 303,994 acres managed by BLM near Moab.

TABLE OF CONTENTS

TABLE OF AUTHORITIES iiii
INTRODUCTION 1
SUMMARY OF REQUESTED RELIEF 2
STATEMENT OF FACTS 2
STANDARD FOR GRANTING THE MOTION 4
ARGUMENT 5
I. PLAINTIFFS ARE LIKELY TO PREVAIL ON THE MERITS 5
A. Defendants' actions violate the Appointments Clause of the U.S. Constitution. 5
B. Defendants' actions violate the Dingell Act. 7
C. Defendants' actions were arbitrary and capricious. 9
D. Defendants violated NEPA. 12
II. ABSENT RELIEF PLAINTIFFS WILL CONTINUE TO SUFFER IRREPARABLE HARM. 14
III. RELIEF IS NOT ADVERSE TO THE PUBLIC INTEREST AND PLAINTIFFS' INJURIES OUTWEIGH ANY ALLEGED DAMAGE TO DEFENDANTS. 17
IV. ALTERNATIVELY, THE COURT SHOULD ISSUE A PRELIMINARY INJUNCTION BUT NO BOND SHOULD BE REQUIRED IF THE COURT ISSUES THE INJUNCTION. 19
V. ALTERNATIVELY, PLAINTIFFS REQUEST THE COURT ORDER DEFENDANTS TO NOT MECHANICALLY RECLAIM THE ROUTES UNTIL THE END OF THIS CASE. 20
CONCLUSION 20

TABLE OF AUTHORITIES

Cases

Alliance for Wild Rockies v. Cottrell, 632 F.3d 1127 (9th Cir. 2011) 21

Alliance for Wild Rockies v. Marten, 253 F. Supp.3d 1108 (D. Mont. 2017).....21

BST Holdings v. OSHA, 17 F.4th 604 (5th Cir. 2021) 19

Colorado v. United States EPA, 989 F.3d 874 (10th Cir. 2021) 6, 24

Ctr. for Bio. Diversity v. United States DOI, 72 F.4th 1166 (10th Cir. 2023).....17

Darby v. Cisneros, 509 U.S. 137 (1993).....5

Edmond v. United States, 520 U.S. 651 (1997) 8

Farrell-Cooper Mining Co. v. United States DOI, 864 F.3d 1105 (10th Cir. 2017).....5

Free the Nipple-Fort Collins v. City of Fort Collins, 916 F.3d 792 (10th Cir. 2019).....18

Lilliputian Sys., Inc. v. Pipeline & Hazardous Materials Safety Admin., 741 F.3d 1309 (D.C. Cir. 2014).....12

Lucia v. SEC, 138 S. Ct. 2044 (2018).....7, 8

Modoc Lassen Indian Hous. Auth. v. HUD, 881 F.3d 1181 (10th Cir. 2017).....19

N.L.R.B. v. Canning, 573 U.S. 513 (2014) 19

N.M. ex rel Richardson v. BLM, 565 F.3d 683 (10th Cir. 2009).....18

N.M. Health Connections v. United States HHS, 340 F. Supp. 3d 1112 (D.N.M. 2018).....12

Nat. Res. Def. Council v. Houston, 146 F.3d 1118 (9th Cir. 1998).....21

Nat'l Resources Defense Council, Inc. v. Grant, 341 F. Supp. 356 (E.D.N.C. 1972) 17

Nelson v. NASA, 530 F.3d 865 (9th Cir. 2008) 19

Nken v. Holder, 556 U.S. 418 (2009) 6

Or. Natural Desert Ass'n v. BLM, 625 F.3d 1092 (9th Cir. 2010) 16

Reality Income Trust v. Eckerd, 564 F.2d 447 (D.C. Cir. 1977) 21

RoDa Drilling Co. v. Siegal, 552 F.3d 1203 (10th Cir. 2009) 24

S. Utah Wilderness Alliance v. United States DOI, 2016 U.S. Dist. LEXIS 140624 (D. Utah Oct. 3, 2016).....14, 16

Seattle Audubon Soc'y v. Evans, 771 F. Supp. 1081 (W.D. Wash. 1991).....23

Southwest Williamson County Comty. Ass'n v. Slater, 243 F.3d 270 (6th Cir. 2001).....17

United States v. Arthrex, 141 S.Ct. 1970 (2021).....7

United States v. Germaine, 99 U.S. 508 (1879) 7

United Utah Party v. Cox, 268 F. Supp. 3d 1227 (D. Utah 2017). 25

W. Watersheds Proj. v. Haaland, 69 F.4th 689 (10th Cir. 2023).....12

W. Watersheds Project v. Kraayenbrink, 632 F.3d 472 (9th Cir. 2011) 16

Statutes

40 C.F.R. § 1502.....17

42 U.S.C. § 4321 2

42 U.S.C. § 4332 17

5 U.S.C. § 705 .....1, 6, 24

U.S. Const. Art. II, § 2, cl. 2 7

Regulations

40 C.F.R. § 1508.....17

43 C.F.R. § 1601 7

43 C.F.R. § 8340.....8, 20

43 C.F.R. § 8342.....8, 10

INTRODUCTION

Plaintiffs are seeking relief to prevent Defendants' ongoing violation of the Constitution and federal statutes. Plaintiffs are two advocacy organizations and an individual offroad enthusiast, each seeking to improve and utilize motorized routes on Public Lands. On September 29, 2023, BLM issued a Decision Record ("DR"), Finding of No Significant Impact ("FONSI"), and Environmental Assessment ("EA")[1] that adopted a new travel plan in the Labyrinth/Gemini Bridges Travel Management Area ("TMA"). The new TMP closed 317.2 miles of previously available routes to motorized recreation in the TMA.

The TMA is located generally north and west of Moab, Utah, and is home to stunning landscapes featuring canyons, mesas, arches, and spectacular river views. It has become a world-famous destination for off-highway vehicles ("OHVs") and motorized recreation. It is also home to parts of the annual "Easter Jeep Safari," a nationally known, multi-day event that brings tens of thousands of OHV enthusiasts to the area that started in 1967.

Despite this long history of nondestructive use, OHV users have had to fight to maintain access to motorized trails. BLM closed 766 miles to motorized recreation in the TMA in 2008. Anti-OHV groups wanted more closed, however, and, following extensive litigation, BLM agreed to redraw the travel plan at issue in this case while leaving the 2008 plan in place. The latest DR ratchets motorized availability down even further, closing an additional 317.2 miles.

Worse, it does so in a way that violates the Constitution and federal statutes. First, the closures violate the Appointments Clause of the U.S. Constitution because BLM acted through an employee to create a permanent change to the land and criminalize new behavior. Second, the

[1] *See* Bureau of Land Management, *Labyrinth/Gemini Bridges Travel Management Plan Environmental Assessment*, DOI-BLM-UT-Y0101-2020-0097-EA (Sept. 2023); Bureau of Land Management, *Finding of No Significant Impact*, DOI-BLM-UT-Y0101-2020-0097-EA (Sept. 2023); Bureau of Land Management, *Labyrinth/Gemini Bridges Travel Management Plan Decision Record*, DOI-BLM-UT-Y0101-2020-0097-EA (Sept. 2023). These documents are available on BLM's website: https://eplanning.blm.gov/eplanning-ui/project/2001224/570.

closures violate the John R. Dingell, Jr. Conservation, Management, and Recreation Act (the "Dingell Act") by impermissibly using the closures to create a buffer zone around a wilderness area. Third, BLM acted arbitrarily and capriciously by failing to respond to relevant and significant public comments and by offering explanations that were counter to the evidence. Fourth, BLM failed to take a hard look at how the choices before it affected the environment and failed to conduct an environmental impact statement. These failures violated the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321 *et seq*.

SUMMARY OF REQUESTED RELIEF

Pursuant to Fed. R. Civ. P. 65 and district of Utah Local Rule 7-1, Plaintiffs respectfully request that this court:

1) Postpone the effective date of the *Labyrinth/Gemini Bridges Travel Management Plan Decision Record*, DOI-BLM-UT-Y0101-2020-0097-EA (Sept. 2023), until 60 days after this case is resolved on the merits.
2) Alternatively, issue a preliminary injunction enjoining Defendants from enforcing the new TMP and order the previous travel plan to remain in effect, and waive the requirement in Fed. R. Civ. P. 65(c) for Plaintiffs to Post a bond.

STATEMENT OF FACTS

On September 29, 2023, BLM released the Final EA, FONSI, and DR adopting the Labyrinth/Gemini Bridges Travel Management Plan. The EA analyzed four alternative travel plans, from which the final TMP was ostensibly meant to choose. BLM instead chose a plan that fit none of the proposed alternatives but was closest to Alternative B. DR at DR-3. Alternative B was the most restrictive of motorized recreation and meant to "constrain" such recreation within the TMA. EA at 16.

Plaintiffs BlueRibbon and COTD are organizations adversely affected by the DR because their members use the closed routes and heavily participated in the process leading up to BLM's decision regarding the TMP. *See* Exhibit A ("BlueRibbon Comment"); Exhibit B ("McKay/COTD Comment"). Plaintiff McKay is the Vice President of COTD and made plans to visit the TMA in Spring 2024 and travel the closed Routes. Exhibit C at ¶ 37 ("McKay Declaration"). BlueRibbon was also an intervenor in the previous litigation that led to BLM agreeing to reconsider the previous travel plan. ECF No. 1 at ¶ 12 (the "Complaint").

The TMA consists of over 300,000 acres of BLM lands located north and west of Moab, Utah. EA at 1. It has historically had "a particularly high level of OHV use" and is home to "several world class 4WD/OHV routes." EA at 88. Bounded by the Green River to the west, Arches National Park to the east, and Canyonlands National Park to the south, the TMA's draw is that it is a beautiful and scenic area, featuring canyons, mesas, arches, bluffs, and more. EA at 2. It is also one of the few places in the region that is not subject to higher levels of protections, such as national monuments, critical habitat, and wilderness study areas. BlueRibbon Comment at 2. Accordingly, the TMA represents one of the last areas in the region where individuals and their families may enjoy motorized access to some of the most beautiful and thrilling trails, viewpoints, and dispersed campsites in the American Southwest.

OHV access in the TMA has been shrinking for decades. The current travel network dates back to the 2008 Moab Field Office Record of Decision and Approved Resource Management Plan. Bureau of Land Management, *Record of Decision and Approved Resource Management Plan*, DOI- BLM-UT-Y010-2008-0001-RMP-EIS (Oct. 2008), available at: https://eplanning.blm.gov/eplanning-ui/project/66098/570 (the "2008 RMP"). That decision closed 766 miles of trails in the TMA. EA at 11. Nevertheless, anti-OHV groups continued to push BLM to close more trails and filed suit accordingly. That case ended in a settlement agreement

where BLM agreed to issue new travel management plans for 14 different TMAs, including the Labyrinth/Gemini Bridges TMA. Exhibit D at 6-7.

The TMP ostensibly was meant to choose between four alternative TMPs explained in the EA. Each of the "proposed travel network action alternatives meets the purpose and need and responds to the issues described in Chapter 1 [of the EA]." EA at 11. As noted, BLM chose a network that fit none of the alternatives but was closest to Alternative B in terms of OHV access. DR at DR-3. Alternative B was meant to emphasize "natural resource[s]" and "constrain[]" OHV use. EA at 16. This drastic closure is occurring, even though, as recently as 2015, BLM reviewed the 2008 RMP and found that the travel network inside the TMA did not require any changes. *See* Exhibit E, BLM, *Land Use Plan Evaluation Report* (Sept. 30, 2015).

Following BLM's issuance of the DR, FONSI, and EA, Plaintiffs filed a Notice of Appeal and Petition for Stay at the Interior Board of Land Appeals ("IBLA"). *See* Exhibit F ("Petition for Stay"). The Petition for Stay raised all the same issues Plaintiffs raise in the Complaint, including an analysis of some of the most famous OHV routes that the DR closes. *See* Petition for Stay at 16-27. On November 28, 2023, the IBLA issued an order denying Plaintiffs' request for a stay. *See* Exhibit G. In doing so, it did not consider any of the legal issues raised in the stay request, instead finding only that Plaintiffs did not face immediate and irreparable harm.[2]

STANDARD FOR GRANTING THE MOTION

When deciding whether to grant a motion under 5 U.S.C. § 705 or grant a preliminary injunction, courts apply a largely identical four-factor test. *See Nken v. Holder*, 556 U.S. 418, 434 (2009) (noting the "substantial overlap" between factors for a stay pending appeal and a preliminary injunction); *Colorado v. United States EPA*, 989 F.3d 874, 883 (10th Cir. 2021) (The

[2] Denying the Petition for Stay constitutes final agency action for purposes of judicial review. *Farrell-Cooper Mining Co. v. United States DOI*, 864 F.3d 1105, 1107 (10th Cir. 2017) (quoting *Darby v. Cisneros*, 509 U.S. 137, 152 (1993)).

four preliminary injunction factors "also determine when a court should grant a stay of agency action under section 705 of the APA."). Courts consider: (1) whether the movant "has made a strong showing" of likely success "on the merits; (2) whether [they] will be irreparably injured absent" preliminary relief; (3) whether preliminary relief "will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Nken*, 556 U.S. at 434 (quotation omitted). The final factors "merge" and are considered together if "the Government is the opposing party." *Id.* at 435.

ARGUMENT

I. PLAINTIFFS ARE LIKELY TO PREVAIL ON THE MERITS

The Complaint raises four counts. Plaintiffs are likely to prevail on each of them.

A. Defendants' actions violate the Appointments Clause of the U.S. Constitution.

The District Manager who made the decision to permanently close the routes was not properly appointed. "Under the Constitution '[t]he executive Power' is vested in the President, who has the responsibility to 'take Care that the Laws be faithfully executed.'" *United States v. Arthrex*, 141 S. Ct. 1970, 1976 (2021) (citing Art. II, §1, cl. 1; §3). The Appointments Clause states, in pertinent part:

> "[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

U.S. Const. Art. II, § 2, cl. 2. It sets the "exclusive means of appointing 'Officers.' Only the President, a court of law, or a head of department can do so." *Lucia v. SEC*, 138 S. Ct. 2044, 2051 (2018) (citing U.S. Const. Art. II, § 2, cl. 2).

Accordingly, there are three types of individuals serving under the President: principal officers, inferior officers, and all other employees. Officers hold duties that are "continuing and permanent" and exercise "significant authority pursuant to the laws of the United States." *Lucia*, 138 S. Ct. at 2044. Employees hold duties that are only "occasional or temporary." *Id.* at 2052 (quoting *United States v. Germaine*, 99 U.S. 508, 510 (1879)).

District manager Nicollee Gaddis-Wyatt authorized the TMP at issue in this case. DR at DR-10. She is an unappointed permanent employee and has been since 2010. *BLM Canyon Country District Announces Key Leadership Changes*, Bureau of Land Management (Aug. 11, 2022) available at https://tinyurl.com/53fwzpt2; 43 C.F.R. § 1601.05 (stating that a "District Manager" is a type of "Field Manager" who is a "BLM employee"). BLM District Managers, including Ms. Gaddis-Wyatt, are not principal officers. That is, persons appointed by the President following the Senate's advice and consent. Nor are they inferior officers, that is, officers appointed by principal officers whose work is directed and supervised by a principal officer. *See Lucia*, 138 S. Ct. at 2051; *Edmond v. United States*, 520 U.S. 651, 663 (1997). Rather, they are employees. And because BLM District Managers are not properly appointed, they have no power to exercise the federal government's sovereign authority to close hundreds of miles of previously public roads.

The Founders expected that only someone accountable to the President could wield such significant authority. The TMP makes clear that it was BLM District Manager Ms. Gaddis-Wyatt who decided which routes to keep open and which to close permanently. TMP at DR-2 ("it is my decision to select a route network consisting of a combination of the route networks analyzed in the EA as Alternatives B, C, and D.").

BLM regulations make clear that "[t]he approval of a resource management plan, plan revision, or plan amendment constitutes formal designation of off-road vehicle use areas." 43 C.F.R. § 8342.2(b). This is why it requires that "[p]ublic notice of designation or redesignation

shall be provided through the publication of the notice required by § 1610.5–1(b) of this title." *Id*. And significant legal consequences flow from this designation. Entry onto a closed road constitutes criminal trespass, which can be punished with a $1,000 fine and up to one year in prison. 43 C.F.R. § 8340.0-7. Once a road is closed, it is BLM policy to "obliterate" that road by disguising routes, ripping out soil and reseeding the area, and installing barriers and signs. EA at 347-350. The decision to close is a permanent and irreversible one.

The power exercised by the District Manager is the type of authority that must be vested in an officer of the United States. The District Manager can currently and unilaterally choose to criminalize the use of public lands. The exercise of this power by an employee, and not an officer, violates the Constitution and invalidates the TMP.

B. Defendants' actions violate the Dingell Act.

The Dingell Act, in part, created the Labyrinth Canyon Wilderness, which makes up most of the TMA's western border on the opposite side of the Green River. Section 1232(e)(1) of the Dingell Act specifically forbids the creation of "protective perimeters or buffer zones" around the Labyrinth Canyon Wilderness. The act explicitly directs that non-wilderness activities outside the wilderness "shall not preclude the conduct of those activities outside the wilderness area." Section 1232(e)(2). Nevertheless, the DR closes most of the routes along the Green River, leaving open only maintained county B roads on the southwestern most corner of the TMA. This violates the Dingell Act by extending the wilderness area beyond what Congress permitted.

Notwithstanding this clear command from Congress, BLM created a buffer zone anyway. This is evidenced by an examination of the map showing the new closures along the boundary of the wilderness. *See* DR at A1-4 (Map 3 showing that almost all the trails leading to or along the river are closed under the new TMP). In explaining the route closures along the river, BLM justified them as an attempt "to minimize known visual and noise-induced conflicts with non-

motorized users on the Green River." DR at A2-123 (discussing closure of D2759A); *see also* DR at A2-46 (discussing closures of D1527A and D1527B because, in part, it would "minimize potential conflicts between offroad vehicle users and dispersed, non-motorized/non-mechanized forms of recreation (e.g., canoeists)"). In other words, this the rationale is merely a workaround to create a buffer zone around the Labyrinth Canyon Wilderness area.

BLM also violated the Dingell Act by basing route closure decisions on the noise and sight of non-wilderness activities and uses within the Labyrinth Canyon Wilderness. The District Manager claimed that she was required to use criteria to close routes outside of the Labyrinth Canyon Wilderness Area based on the noise and sight of non-wilderness activities and uses within the TMA. DR at DR-2. In particular, notwithstanding the plain language of the Dingell Act forbidding her from considering the sight and noise of non-wilderness activities in the TMA, she claimed that the route designation criteria (referred to as the "minimization criteria") contained in 43 C.F.R. § 8342.1(c) required her to consider noise when deciding to designate routes as open, limited, or closed to off-road vehicles. *See* DR at A2-21, A2-51, A2-123, A2-125.

The third minimization criterion states that "Areas and trails shall be located to 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." 43 C.F.R. § 8342.1(c). But this criterion is precisely what the Dingell Act forbids. BLM lacks the statutory authority to consider how the neighboring Labyrinth Canyon Wilderness Area is affected by noise or visuals within the TMA. BLM regulations do not take precedence over statutes passed by Congress.

Nevertheless, the District Manager incorporated noise and visual conflicts along the Labyrinth Canyon Wilderness when making determinations on which routes to close. For example, route D2763B, which abuts the Labyrinth Canyon Wilderness, was closed to "minimize visual and

noise-induced conflicts between motorized and non-motorized users." DR at A2-125. While this included those occupying the river, the minimization criteria required the district manager to analyze noise and visual factors within the Labyrinth Canyon Wilderness when making determinations.

This is in direct conflict with the Dingell Act and, therefore, in conflict with the APA and basic principles of administrative law. The Dingell Act also designated the portions of the Green River that border the Travel Management Area as a Recreational River Segment and a Scenic River Segment under the Wild and Scenic Rivers Act. *See* 16 U.S.C. § 1271 *et seq.* Both designations specifically allow for access by roads to the rivers. 16 U.S.C. § 1273(b). The Dingell Act also designated a portion of the Green River that is not part of the TMA as a Wild River Segment under the Wild and Scenic Rivers Act. Section 1241 of the Dingell Act. If Congress intended to prioritize non-motorized recreation along the segments of the Green River that border this TMA, Congress would have designated these as Wild River Segments. They specifically did not make this designation, and it is a violation of the Dingell Act to adopt a travel management plan that manages these river segments as if they were Wild River Segments.

C. Defendants' actions were arbitrary and capricious.

An agency decision is arbitrary and capricious under the APA where the agency "relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or if the agency action is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *W. Watersheds Proj. v. Haaland*, 69 F.4th 689, 700 (10th Cir. 2023) (internal quotations omitted). Additionally, "failure to respond to relevant and significant public comments generally 'demonstrates that the agency's decision was not based on a consideration of the relevant factors.'" *N.M. Health Connections v. United States HHS*, 340

F. Supp. 3d 1112, 1167 (D.N.M. 2018) (quoting *Lilliputian Sys., Inc. v. Pipeline & Hazardous Materials Safety Admin.*, 741 F.3d 1309, 1312 (D.C. Cir. 2014)). BLM commits both errors here.

The TMP is riddled with factual errors and unresponsive answers to comments. For example, for Route Number D1515A, multiple commenters (including Plaintiffs) noted that the 0.76-mile route offers scenic views of the Green River that will otherwise be unavailable to elderly and disabled users. EA at 241-42. The BLM response acknowledges the route is used for "scenic driving," but makes no mention of considering the needs of elderly and disabled members of the public. *Id.* The TMP closes the route, citing nothing more than a generalized rationale that it "will enhance desert bighorn sheep lambing and migratory bird habitats by reducing motorized use and removing the route footprint." DR at A2-45. Such a decision is arbitrary and capricious and flies in the face of the Biden Administration's own executive order protecting access for disabled persons.[3] The same can be said for Route D1520A, a 2.17-mile route with scenic views of the Green River and features an overlook of the Labyrinth Canyon. EA at 243. BLM again failed to respond to concerns about an elderly or disabled person's ability to access these features. DR at A2-45. In fact, BLM never once responded substantively to the many commenters concerned about access to the TMA for disabled and elderly visitors.

The TMP also fails to account for the Dingell Act's prohibition on buffer zones. Plaintiff McKay cited multiple routes that created "buffer zones" in violation of the Dingell Act, and BLM failed to respond to his comment. EA at 236-41. These routes included the closed Route Numbers D1501, D1507, D1507B. McKay/COTD Comment at 156, 272. BLM's failure to account for federal law in this regard or even respond to Plaintiff McKay's concerns makes its decision to close those routes arbitrary and capricious and contrary to law.

[3] See *Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (Jan. 20, 2021) (noting that "persons with disabilities" are among the populations that "have often been denied equal opportunity"), available at: https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20 /executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/.

The TMP's reliance on conflicts based on "noise" was also arbitrary and capricious. BLM partially justified closures on Route Numbers D1223A, D2759B, D2763B, and D2763C—totaling over 14 miles—to "minimize known conflicts between OHV public and river users that is caused by vehicle-based noise." DR at A2-21, A2-123, A2-125. This is arbitrary and capricious for two reasons. First, there is no standard or meaningful measure of what BLM considers "too much noise." *Accord S. Utah Wilderness Alliance v. United States DOI*, No. 2:13-cv-01060-EJF, 2016 U.S. Dist. LEXIS 140624, at *23-24 (D. Utah Oct. 3, 2016) (failure to use "any scientific protocol for assessing noise impacts" failed NEPA's hard look requirement and constituted arbitrary action). If vague and imprecise assertions that noise is causing conflict between users were enough to close a route, BLM would have the authority to close any route in any of the lands it manages. The DR and EA are completely devoid of any sort of objective standard or measure to determine what level of noise is acceptable and what level will result in closures.

Second, the record itself does not support the conclusion that these routes result in a lot of noise. The Route Report for D1223A refers to the route as a "primitive road" that only gets "medium" use. The Route Report for D2759B is also a primitive road, but only has "low" use and is not even accessible by a stock vehicle. D2763B is also primitive with low use, and BLM did not include D2763C in its route reports. In other words, BLM claimed these low-use roads are resulting in such a high level of noise that it results in user conflicts large enough to support closure. This cannot be the case. BLM also failed to respond to Plaintiff McKay's comment that its map has D2763B and DC3 in the incorrect places. McKay/COTD Comment at 508-09. The real route is further from the river than BLM mapped it.

Many of the rationales for closure of the other routes also fail to hold up to scrutiny, contain many errors, and contradict BLM's own documents. D1503B, for instance, is listed as "Closed," but the listed rationale in the DR then explains why the route is being kept open. DR at A2-43. The

TMP also closes D1879, which is listed as 0.05 miles in length, but the route report says the route is 0.54 miles in length. DR at A2-73. Over a dozen routes[4] are being closed to "reduce route proliferation," but route proliferation is only listed as a problem in one of the route's areas (D1748). DR at A2-64. The EA, on the other hand, states that "route proliferation is generally not a significant issue" in the TMA. EA at 11.

Similarly, BLM relies on the presence of bighorn sheep as a rationale for closing many trails. Such a claim is contradicted by BLM's own documents, which acknowledge that wildlife, including bighorn sheep, are more disturbed by hikers and rock climbers than OHVs. Exhibit H, BLM, *Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons*, Environmental Assessment: DOI-BLM-UT-Y010-2020-0068, at 9 (August 2020). That document acknowledges that bighorn sheep are more sensitive to hikers because of the unpredictability of hikers' locations, and they are more likely to be found off-trail, unlike vehicle traffic. *Id.* at 33, 35. Bighorn sheep "coexist best with people when human activity in sheep habitat is predictable." *Id.* at 34. Nevertheless, under the TMP, these routes remain open to hikers and closed to OHVs. Such a decision is the epitome of arbitrary and capricious.

D. Defendants violated NEPA.

BLM failed to take a "hard look" as required by NEPA. "[B]y requiring agencies to take a 'hard look' at how the choices before them affect the environment, and then to place their data and conclusions before the public, NEPA relies upon the democratic processes to ensure . . . that the most intelligent, optimally beneficial decision will ultimately be made." *Or. Natural Desert Ass'n v. BLM*, 625 F.3d 1092, 1099 (9th Cir. 2010). "General statements" are not enough to satisfy the hard look requirement. *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 491 (9th Cir. 2011). Agencies must provide "accurate scientific analysis . . . [for] public scrutiny before decisions are

[4] D0017, D1035, D1038, D1044, D1076B, D1270, D1286, D1612B, D1685, D1748, D1766, D1872, D2733, D2739 (singletrack), D2750A (singletrack), D3922A

made and actions taken." *Center for Biological Diversity v. USFS*, 349 F.3d 1157, 1167 (9th Cir. 2003).

No such hard look was taken in this case. This is made obvious by BLM's talismanic invocation of noise causing user conflicts. The TMP closes over 15 miles of routes along the Green River, partially justifying the decision because of "noise induced conflict." DR at A2-21, A2-123, A-2125. However, it gives no objective criteria of what the noise level is or how many conflicts it produces. A scientific protocol is required to judge the effects on the human environment. *See S. Utah Wilderness Alliance,* No. 2:13-cv-01060-EJF, 2016 U.S. Dist. LEXIS 140624, at *23-24. Similarly, the numerous egregious errors in the TMP and the EA show that BLM did not take a hard look at accurate information to make an informed decision.

Additionally, failing to choose one of the prescribed alternatives in the EA also shows BLM did not take a hard look. "In an EA or EIS, an agency must analyze cumulative impacts from a project." *Ctr. for Bio. Diversity v. United States DOI*, 72 F.4th 1166, 1178 (10th Cir. 2023) (citing 40 C.F.R. § 1508.25(c)). Absent analyzing the route system as its own alternative, BLM could not have understood the cumulative impact of the TMP's particular combination of closures.

BLM violated its non-discretionary duty under NEPA to provide site-specific impact analyses, in violation of 42 U.S.C. § 4332(2)(C) and 40 C.F.R. § 1502.14, because the TMP does not analyze the environmental impacts of motorized travel on 317.2 miles of routes that had been lawfully utilized for decades by the public. BLM wrongly concluded in its FONSI that the TMP does not significantly affect the quality of the human environment. An environmental impact statement ("EIS") is required when a "major Federal action[] significantly affect[s] the quality of the human environment." 42 U.S.C. § 4332(C). A major federal action is one that "requires substantial planning, time, resources, or expenditure." *Nat'l Resources Defense Council, Inc. v. Grant*, 341 F. Supp. 356, 366 (E.D.N.C. 1972). "Typically, a project is considered a major federal

action when it is funded with federal money." *Southwest Williamson County Comty. Ass'n v. Slater*, 243 F.3d 270, 278 (6th Cir. 2001).

Further, the "human environment means comprehensively the natural and physical environment and the relationship of present and future generations of Americans with that environment." 40 C.F.R. § 1508.1(m). In contemplating the human environment, agencies must consider the effects of its policies whether beneficial or detrimental. *Id.* at § 1508.1(g)(4). Human recreation in, and enjoyment of, natural spaces is a part of the "human environment" to be considered, and closures will have a significantly detrimental effect on this aspect of that environment. In determining when site-specific EIS analysis must occur, courts must consider the full context of the agency's decision and whether "all reasonably foreseeable impacts" were assessed "at the earliest practicable point . . . before an irretrievable commitment of resources [was] made." *N.M. ex rel Richardson v. BLM*, 565 F.3d 683, 718 (10th Cir. 2009).

BLM failed to conduct an EIS when it was required to do so. Whether a person can continue to recreate in nature in the same manner he has for years clearly affects his relationship with the environment and will affect generations of outdoorsmen going forward. Even if closures might provide a beneficial effect on the environment, agencies are still required to conduct an EIS to determine the environmental importance of a proposed action. Additionally, BLM should have done a site-specific analysis of each closed route, as each of these routes will be "obliterated" when the TMP goes into effect.

II. ABSENT RELIEF PLAINTIFFS WILL CONTINUE TO SUFFER IRREPARABLE HARM.

Plaintiffs can demonstrate three distinct types of irreparable harm. First, an ongoing constitutional violation constitutes irreparable harm. *See Free the Nipple-Fort Collins v. City of Fort Collins*, 916 F.3d 792, 806 (10th Cir. 2019). Second, Defendants are currently in the process of permanently "obliterate[ing]" the trails. EA at 347. Third, Plaintiff McKay will be unable to

travel these routes in Spring 2024 as he planned to do and Plaintiffs BlueRibbon and COTD's members will also no longer be able to travel the routes as they have planned to.

Constitutional violations, by their nature, are irreparable. *See id.*; *BST Holdings v. OSHA*, 17 F.4th 604, 618 (5th Cir. 2021) ("[T]he loss of constitutional freedoms for even minimal periods of time unquestionably constitutes irreparable injury.") (internal quotation omitted). BLM's violation of the Appointments Clause violates Plaintiffs' rights to be governed by constitutional laws. *See N.L.R.B. v. Canning*, 573 U.S. 513, 570 (2014) (Scalia, J., concurring) ("[T]he Constitution's core, government-structuring provisions are no less critical to preserving liberty than are the later adopted provisions of the Bill of Rights."). Such a constitutional violation is only made more pressing by the fact that money damages are not available in this case. "Unlike monetary injuries, constitutional violations cannot be adequately remedied through damages and therefore generally constitute irreparable harm." *Nelson v. NASA*, 530 F.3d 865, 882 (9th Cir. 2008) *rev'd on other grounds* 562 U.S. 134 (2011). Plaintiffs are barred by sovereign immunity from collecting money damages from Defendants. *See Modoc Lassen Indian Hous. Auth. v. HUD*, 881 F.3d 1181, 1195 (10th Cir. 2017). Such irreparable injury will ensue without an injunction from this Court.

Furthermore, Defendants' plan to "obliterate" the trails also constitutes irreparable harm. The EA explains in detail that they plan to obliterate the closed trails through "route reclamation." EA at 347-50. BLM will actively work to "hide routes from view." *Id.* At 347. As described by the EA, BLM has a "toolbox" to do this, ranging from "engineering/grading" to "passive/natural reclamation." *Id.* At 348-49. The goal is to "disguise their location." *Id.* At 331, 347. BLM will also "mechanically remove[] routes" and "revegetate[] them." *Id.* At 347. This technique is called "ripping and reseeding" and will make routes "undetectable." *Id.* BLM may also install barriers, signs, and fences to prevent travel on closed routes. *Id.* At 348-50.

The closures here do not in any way resemble the closure of a paved road. In this instance, closure equals destruction, and once the trails are gone, they cannot be remade. Indeed, it is illegal to create new trails within the TMA. *See* 43 C.F.R. Part 8340. If this litigation proceeds for several years—which it is likely to do based on historical precedent—Defendants' goal of obliterating the trails will be complete. What will be left is vast swaths of territory without any recognizable trails, and Plaintiffs will be legally foreclosed from remaking those trails even after they are successful in this legal challenge.

For millions of Americans, these trails are a precious resource. Their destruction—while this case is pending—would constitute a permanent and irreversible harm. On the other hand, leaving the trails open would simply maintain a decades-long status quo. Most of the trails began as old mining roads. As mining in the area faded away, the trails became popular with OHV users because they allow people to access the unique and beautiful areas of these public lands. And those OHV users have overwhelmingly used the trails responsibly—*that is why they are still so beautiful and popular even after decades of use*. If OHV users were destroying them, they would have long-since been trashed and rendered uninteresting for recreational purposes. But that is not the case. It is, therefore, appropriate to maintain the status quo by leaving the trails open rather than permanently "obliterating" them while this litigation is pending, as is Defendants' express intent.

Finally, a plaintiff's "expressed desire to visit the area in an undisturbed state is all that is required to sufficiently allege harm . . . ." *Alliance for Wild Rockies v. Marten*, 253 F. Supp.3d 1108, 1111 (D. Mont. 2017); *see also Alliance for Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011) (finding plaintiffs' allegation that a proposed timber project would "harm its members' ability to 'view, experience, and utilize' the areas in their undisturbed state" satisfied the irreparable harm requirement). Further, courts have recognized that "when an action is being undertaken in violation of NEPA, there is a presumption that injunctive relief should be granted

against continuation of the action until the agency brings itself into compliance." *Reality Income Trust v. Eckerd*, 564 F.2d 447, 456 (D.C. Cir. 1977); *see also Nat. Res. Def. Council v. Houston*, 146 F.3d 1118, 1129 (9th Cir. 1998) (observing that "the proper remedy for substantial procedural violations of NEPA . . . is an injunction," because "injunctions serve[] the purpose of preserving the decision makers' opportunity to choose among policy alternatives") (internal quotations omitted).

Plaintiff McKay also has concrete plans to visit the TMA and travel the closed routes in spring 2024, which will be impossible if a preliminary injunction is not granted. McKay Declaration ¶ 37. BlueRibbon also has members who regularly travel the TMA on the closed routes. Burr Declaration ¶¶ 2, 7. The injury is especially acute for BlueRibbon's disabled members, who are even less able to travel the closed portions without OHVs. *Id.* ¶ 4; BlueRibbon Comment at 11-14, 20, 23.

III. RELIEF IS NOT ADVERSE TO THE PUBLIC INTEREST AND PLAINTIFFS' INJURIES OUTWEIGH ANY ALLEGED DAMAGE TO DEFENDANTS.

There is no meaningful harm to other parties. The travel plan in place prior to the TMP was in effect for over 15 years, and visitors have been using the routes for decades longer than that. Leaving the routes open for motorized recreation will not result in any new harms to BLM or any other party with a claimed interest. The only harm alleged could be a delay in the effective date of the TMP while the case proceeds. This is a *de minimis* harm and is different than the concrete harms that have been claimed in other cases.

On the other hand, BlueRibbon's members, COTD's members, and McKay have concrete plans to travel these routes and experience the area by OHV. They will certainly suffer substantial harm if nearly 30% of the routes in the TMA are closed and obliterated by BLM. The loss of the treasured recreational opportunities that these roads provide—enjoyed by tens of thousands of local residents, visitors, and families for decades—is both irreparable and substantial every year.

To wit, three of the roads slated for obliteration (Hey Joe Canyon, Mashed Potatoes Trail, and Day Canyon Point Trail) are routes that are run during the annual and incredibly popular Easter Jeep Safari in the area. As demonstrated by the comments submitted during BLM's consideration of the TMP, these historic roads are treasures. Their obliteration should not occur at all. And if it is to occur, it should only occur after a full and fair hearing on the merits and all appeals have been exhausted.

The public interest also favors an injunction. Closing the routes impacts the public interest in myriad ways, and not just the interests of the Plaintiffs. The routes are open to the public and widely used. Further, the routes are located in a very popular area for OHVs, and there are likely members of the public who are not yet aware that these closures will affect their future trips. It is in the public interest to keep public lands as accessible as possible, and the closure of 30% of the routes in the TMA will have a significant impact on the public's ability to continue to enjoy this public land, as they have for decades.

Political representatives have also publicly supported keeping the routes open. One example is Utah Senator Mike Lee, who introduced legislation to prohibit federal money from being used to enact new travel plans. *Lee Bill Seeks to Protect Utah's Historic Roads*, Press Release (October 26, 2023), available at: https://www.lee.senate.gov/2023/10/lee-bill-seeks-to-protect-utah-s-historic-roads. The same bill would delay the implementation of new travel plans until court cases have been completed. Representative John Curtis also introduced a companion bill in the House of Representatives. *Curtis Works to Sidestep Federal Overreach on Public Roads*, Press Release (Nov. 17, 2023) available at: https://curtis.house.gov/news/documentsingle.aspx?DocumentID=2196. The Utah Public Land Policy Coordinating Office, a coordinating agency for this plan, also opposes it. It filed an

administrative appeal and request for stay on Friday October 27, 2023, signaling the State of Utah's serious concerns with the plan.

Further, it is also in the public interest to require BLM to comply with applicable law. *Seattle Audubon Soc'y v. Evans*, 771 F. Supp. 1081, 1096 (W.D. Wash. 1991) ("refusal of administrative agencies to comply with [the law] . . . invokes a public interest of the highest order"). The serious and substantial issues raised in this appeal warrant a preliminary injunction to prevent BLM from benefiting from its slipshod attempts to close public routes without complying with the law. BLM failed to respond to many comments and provide adequate rationales for route closures. This includes comments about complying with the Dingell Act, and about the effect closures will have on elderly and disabled people by preventing them from having access to public land. Numerous glaring factual errors within the TMP similarly cast doubt on the appropriateness of closures. The prudent thing to do is postpone the effective date of the TMP and allow this case to proceed.

IV. ALTERNATIVELY, THE COURT SHOULD ISSUE A PRELIMINARY INJUNCTION BUT NO BOND SHOULD BE REQUIRED IF THE COURT ISSUES THE INJUNCTION.

Section 705 of the APA specifically authorizes courts to "issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings." 5 U.S.C. § 705. If the Court is not inclined to provide relief under Section 705, it can provide relief by issuing a preliminary injunction under Federal Rule of Civil Procedure 65 as the factors are substantively the same. *See Colorado v. United States EPA*, 989 F.3d at 883. Finally, the Court should waive the requirement for Plaintiffs to post a bond. Fed. R. Civ. P. 65(c). In the alternative, it should only require a nominal bond of $1,000 or less. Trial courts possess "wide discretion under Rule 65(c) in determining whether to require security." *RoDa Drilling Co. v. Siegal*, 552 F.3d 1203, 1215 (10th Cir. 2009). Here,

Plaintiffs are advocacy organizations and an activist seeking to enforce their constitutional and statutory rights, and Defendants face no direct monetary harm if an injunction is granted. Because a preliminary injunction in this case "enforces fundamental constitutional rights against the government . . . [w]aiving the security requirement best accomplishes the purposes of Rule 65(c)." *United Utah Party v. Cox*, 268 F. Supp. 3d 1227, 1260 (D. Utah 2017).

V. ALTERNATIVELY, PLAINTIFFS REQUEST THE COURT ORDER DEFENDANTS TO NOT MECHANICALLY RECLAIM THE ROUTES UNTIL THE END OF THIS CASE.

In the second alternative, Plaintiffs request the Court order Defendants to only allow natural reclamation of the closed routes and not mechanically destroy routes while this case is pending. Doing so would prevent the closed routes from permanent erasure in the near future and allow the case to be resolved while limiting the damage to the routes.

CONCLUSION

Plaintiffs respectfully request that the Court grant their motion for a preliminary injunction.

Date: December 22, 2023

FREEMAN LOVELL, PLLC

/s/ Russell A. Nevers
Russell A. Nevers

AMERICA FIRST LEGAL FOUNDATION

/s/ James Rogers
James Rogers

TEXAS PUBLIC POLICY FOUNDATION
901 Congress Avenue
Austin, Texas 78701
Telephone: (512) 472-2700
Facsimile: (512) 472-2728

ROBERT HENNEKE
(Pro hac vice forthcoming)
Texas Bar No. 24046058
rhenneke@texaspolicy.com

CHANCE WELDON
(Pro hac vice forthcoming)
Texas Bar No. 24076767
cweldon@texaspolicy.com

MATTHEW MILLER
(Pro hac vice forthcoming)
Texas Bar No. 24046444
mmiller@texaspolicy.com

NATE CURTISI
(Pro hac vice forthcoming)
Arizona Bar No. 033342
ncurtisi@texaspolicy.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2023, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court for the District of Utah by using the CM/ECF system, which will serve a copy of same on all counsel of record.

/s/ *Russell A. Nevers*

RUSSELL A. NEVERS

Exhibit A

BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202
208.237.1008
brc@sharetrails.org

Ben Burr, Executive Director
BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202

October 20, 2022

Bureau of Land Management
attn: Labyrinth Rims
82 East Dogwood,
Moab, UT 84532

BlueRibbon Coalition (BRC) is writing to provide feedback for the Labyrinth Rims/Gemini Bridges Travel Management Plan. BRC is a national non-profit organization that champions responsible recreation and encourages a strong conservation ethic and individual stewardship. We champion responsible use of public lands and waters for the benefit of all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with natural resource managers and other recreationists. Our members use motorized and non-motorized means of recreation, including OHVs, horses, mountain bikes, snowmobiles, and hiking to enjoy federally managed lands throughout the United States, including those of the Bureau of Land Management. Many of our members and supporters live in Utah or travel across the country to visit Utah and use motorized vehicles to access BLM managed lands throughout the state. BRC members visit the Labyrinth Rims/Gemini Bridges area for motorized recreation, snowmobiling, sightseeing, photography, rockhounding, hunting, wildlife and nature study, camping, observing cultural resources, and other similar pursuits. We would like to add our support to any comment submitted by our members and allies such as Utah Public Lands Alliance, Cal4Wheel, Utah 4-Wheel Drive Association, CORE, Colorado TPA, Ride with Respect, Patrick McKay and any

other individuals or organizations that advocate for motorized use. BRC members and supporters have concrete, definite, and immediate plans to continue such activities in the future.

Roads and Trails

There are already large portions of land that are managed with the highest level of protection such as national monuments, critical habitat, wilderness study areas, areas with wilderness characteristics and areas of critical environmental concern in and around Grand County. These areas include Arches National Park 76,680 acres, Deadhorse Point State Park 5,362 acres, Bears Ears National Monument 1.36 million acres, Canyonlands National Park 257,640 acres and the newly designated San Rafael Swell Wilderness 663,000 acres totalling more than 2.3 million acres. Therefore, no more routes or areas should be decommissioned or closed. In fact the BLM should strongly consider keeping as much area as possible open to recreation users so they are not concentrated in smaller areas to mitigate impacts that come from the use that is already being concentrated by these other restrictive designations.

The Dingell Act established Wilderness in this area by Congress in 2020. If Congress wanted these routes to be closed and managed as Wilderness, Congress would have included these lands within the Dingell Act. Because these lands weren't part of this act they need to be managed for multiple use and accommodate as many user groups as possible. We echo Patrick McKay's comments regarding the Dingell Act and buffer zones.

> "The 2019 Dingell Act passed by Congress created the Labyrinth Canyon Wilderness Area immediately across the Green River from the Labyrinth Rims/Gemini Bridges TMA. Under the Dingell Act, all roadless land in the Labyrinth Canyon area possessing true wilderness qualities was designated as Wilderness. While Congress had the opportunity to designate additional Wilderness areas on the east side of the Green River, it chose not to, leaving the land within the Labyrinth Rims/Gemini Bridges TMA to continue to be managed for multiple use recreation. We believe it is a reasonable compromise to have Wilderness on the west side of Labyrinth Canyon and motorized recreation on the east side, and we ask the BLM to uphold this balance.
>
> The BLM must reject any attempt to use the travel management process to create de facto wilderness buffer zones and must obey Congressional direction to refrain from closing motorized routes based on sight or sound impacts to adjacent Wilderness areas. Neither is the Green River's Wild and Scenic River designation an appropriate basis for buffer zones, as the 'Scenic' status for the

> portion of the river with existing motorized routes does not in any way limit motorized use."

We would like to add that if Congress wanted to designate this portion of the Green Rive as "Wild" it could have done so - like it did with the Desolation Canyon portion of the river. Claims from the paddling community that there should be restrictions on other users because of land and water designations out of this area should not be entertained in this planning process.

BRC is also concerned with the amount of RS2477 roads being proposed for closure. We echo PLPCO and believe all these routes should remain open in all alternatives[1].

Organized Events

Many of our members hold organized events that include organized rides in this area. A significant portion of the education mission of organizations like ours and the fundraising that supports organizations like ours comes from these organized events, and we see the continuation of these events as an integral expression of protected rights including freedom of speech and freedom of assembly. We believe these events are protected by the First Amendment and believe they are crucial to clubs and organizations. We also believe that the commercial guided tour companies provide crucial education about accessing the area, and their feedback should be given extra consideration in this TMP analysis. Our discussions with several of these companies suggest that the construction of new routes would considerably improve the user experience and enhance the recreation qualities of this area. Many of the proposed closures in Alternatives B, C, and D would affect commercially guided tours and routes that are part of planned events. These are factors that clearly weren't considered by the reductive modeling for economic impact through use of the IMPLAN software.

NEPA

The Bureau of Land Management is required to show a broad range of alternatives through the NEPA process. In order to adequately comply with NEPA the BLM must have alternatives that expand and enhance recreation. An alternative needs to be considered that increases the amount of motorized trails and recreation access in general. As part of the 2017 Settlement Agreement, BLM is required to create a "conservation" alternative, then the other alternatives simply include varying levels of closures and restrictions from the baseline. This is a deficiency in the NEPA process if only closure is being used as a tool for creating differing alternatives. That BLM has conditioned itself to believe that it must never expand or enhance recreation access through travel planning processes is an inherent and fundamental flaw of this process

[1] https://eplanning.blm.gov/public_projects/2001224/200479500/20067049/250073231/LabyrinthGeminiBridges_EA_DRAFT.pdf p. 92

and violation of NEPA. This inequitable privilege of one stakeholder's interest over the interests of other stakeholders taints the integrity of the NEPA process. BLM should form a range of alternatives where each of the alternatives accomplishes the goal of the project. The purpose and need of this plan is to create better management strategies, not to simply close and restrict use. Closure is not management. These areas provide a purpose and need for outdoor access that improves physical and mental health for public land users.

The importance of recreational opportunity and cultural resources in the planning area warrants the formation of alternatives other than the BLM's preliminary proposal. NEPA imposes a mandatory procedural duty on federal agencies to consider a reasonable range of alternatives to Preliminary Proposals or preferred alternatives analyzed during a NEPA process. 40 C.F.R. § 1502.14; 40 C.F.R. § 1508.9. "[A]gencies shall rigorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14. The alternatives section is considered the "heart" of the NEPA document. 40 C.F.R. § 1502-14 (discussing requirement in EIS context).

The legal duty to consider a reasonable range of alternatives applies to both EIS and EA processes. Surfrider Foundation v. Dalton, 989 F. Supp. 1309, 1325 (S.D. Cal. 1998) (citing BobMarshall Alliance v. Hodel, 852 F.2d 1223, 1229 (9th Cir. 1988) ("Alternatives analysis is both independent of, and broader than, the EIS requirement."). A NEPA analysis must "explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14 (EIS); Id. at § 1508.9 (EA); Bob Marshall Alliance, 852 F.2d at 1225 (applying a reasonable range of alternatives requirement to EA). A NEPA analysis is invalidated by "[t]he existence of a viable but unexamined alternative." Resources, Ltd. v. Robertson, 35 F.3d 1300, 1307 (9th Cir. 1993).

The reasonableness of the agency's choices in defining its range of alternatives is determined by the "underlying purpose and need" for the agency's action. City of Carmel-by-the-Sea v. U.S. Dept. of Transportation, 123 F.3d 1142, 1155 (9th Cir. 1997); Methow Valley Citizens Council v. Regional Forester, 833 F.2d 810, 815-816 (9th Cir. 1987), rev'd on other grounds, 490 U.S. 332 (1989). The entire range of alternatives presented to the public must "encompass those to be considered by the ultimate agency decision maker." 40 C.F.R. § 1502.2(e).

The agency is entitled to "identify some parameters and criteria—related to Plan standards—for generating alternatives...." Idaho Conservation League v. Mumma, 956 F.2d 1508, 1522 (9thCir. 1992) (italics in original). However, in defining the project limits the agency must evaluate "alternative means to accomplish the general goal of an action" and cannot "rig" "the purpose and need section" of a NEPA process to limit the range of alternatives. Simmons v. U.S. Army Corps of Engineers, 120 F.3d 664, 669 (7th Cir. 1997) (emphasis added).

If the underlying purpose of the action changes (e.g. provide for or enhance non-motorized recreation opportunities), the range of reasonable alternatives to the action may change as well, and a new NEPA analysis may be required. See Alaska Wilderness Recreation & Tourism Ass'n v. Morrison, 67 F.3d 723, 729-30 (9th Cir. 1995) (holding supplemental EIS required to consider new alternatives where purpose changed from meeting timber volume requirements of specific contract to meeting general forest plan goals). While the agency retains discretion as to which among the reasonable alternatives to select in its final decision, the analysis must disclose the effects of all the reasonable alternatives. See id. at 730 ("While we cannot predict what impact the elimination of the [long-term] contract will have on the BLM's ultimate land use decisions, clearly it affects the range of alternatives to be considered.").

An agency must perform a reasonably thorough analysis of the alternatives before it. "The 'rule of reason' guides both the choice of alternatives as well as the extent to which an agency must discuss each alternative." Surfrider Foundation v. Dalton, 989 F. Supp. 1309, 1326 (S.D. Cal. 1998) (citing City of Carmel-by-the-Sea v. United States Dep't of Transportation, 123 F.3d 1142, 1154-55 (9th Cir. 1997)). The "rule of reason" is essentially a reasonableness test which is comparable to the arbitrary and capricious standard. Idaho Sporting Congress v. Thomas, 137 F.3d 1146, 1150 (9th Cir. 1998) (quoting Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 377 n. 23 (1989)). "The discussion of alternatives 'must go beyond mere assertions' if it is to fulfill its vital role of 'exposing the reasoning and data of the agency proposing the action to scrutiny by the public and by other branches of the government.'" State of Alaska v. Andrus, 580 F.2d 465, 475 (D.C. Cir. 1978), vacated in part on other grounds, Western Oil & Gas Ass'n, 439 U.S. 922 (1978) (quoting NRDC v. Callaway, 524 F.2d 79, 93-94 (2nd Cir. 1975)).

We are opposed to Alternatives B and C in their entirety. They unnecessarily close far too many routes. Alternative D gets closer to being a route network that could be supported by the recreation community if it didn't close parts of Buttes and Towers Jeep Safari routes. We also believe that in order to fully comply with NEPA, BLM should modify Alternative D to fully explore the range of management options to expand and enhance recreation access and improve user experience. We would also support Alternative A if it included the same recognition of the importance of utilizing the full management toolbox. We share the concerns raised by Cal4Wheel related to the need to create a "management alternative" instead of three different versions of a closure/conservation alternative.

Additional Concerns with Alternative B

"PLPCO further stated that Alternative B is not reasonable, would result in a loss of income, and

does not reflect the recreational desires of the visiting public."[2] There are also many routes that access SITLA parcels that groups are claiming are "redundant" because there is another route accessing the parcel. BRC recommends the BLM continues to provide multiple access routes to these parcels. Brink Spring Access Road is proposed for closure under this alternative, which is a regularly maintained route therefore there is high purpose and need and should remain open.

The support from Grand County for Alternative B is reckless use of coordinating agency status. It's worth pointing out that Grand County's position in this travel process is completely contradictory to the State of Utah and that nullifies their relevance. The state has heavily invested in tourism in Grand County and tax payers of Utah should not see this diminished through arbitrary and capricious actions of the BLM.

In a recent article in the Salt Lake Tribune about this plan, Brian Maffly writes, "But the Southern Utah Wilderness Alliance and Grand County say the existing route networks around Moab were haphazardly created over the decades, largely in response to mineral exploration dating back to the 1950s and 1960s."[3] We appreciate that the county recognizes the historical value of these routes. BRC's mission is to improve access to public lands, and part of that access includes observation of routes and areas that are historical in nature. Historical value is underrepresented in this plan. The historical use needs to be analyzed with the same weight as observation of Native American artifacts. Roads are historical artifacts that tell the story of the rich history of this land, and closing these roads would diminish the historical value. I personally enjoy reading the autobiography of my late grandfather, who spent his teenage years traveling the primitive routes around Moab on an ATV to maintain fences for ranching operations. Exploring these primitive and lesser-known routes helps me connect to my ancestors and better understand how they forged a livelihood on this rugged landscape. I would be directly injured by continued loss of access to this area.

User Conflict

Several closures are proposed under the various alternatives, primarily Alternative B due to "user conflict" when in fact there has been no documented conflicts that warrant such closures. The BLM needs to maintain their duty to manage the land for multiple use. If closures are in fact needed which prohibit access to certain user groups then the BLM must provide opportunities elsewhere that give the same recreational value that those user groups are now losing.

The EA cites "user conflict" as the rationale for closing certain routes/areas to continuing

[2] https://eplanning.blm.gov/public_projects/2001224/200479500/20067049/250073231/LabyrinthGeminiBridges_EA_DRAFT.pdf p.92

[3] https://www.sltrib.com/news/environment/2022/10/20/another-blm-travel-plan-another/

motorized travel. Subjective preferences of users, individually or collectively, cannot justify elimination of access to the less popular or less conflicted users. At most, the Travel Management Rule requires the agency to "consider effects…with the objective of minimizing….(3) Conflicts between motor vehicle use and existing or proposed recreational uses" of the Forest." 36 C.F.R. § 212.55(b). The regulation refers to conflicts of "use" not conflict between "users."

This language is derived from the Executive Orders, issued by Presidents Nixon and Carter. See, E.O. 11644, 11989; 42 Fed.Reg. 26959. While there has been debate about whether the EO's create an enforceable right of action, the BLM effectively rendered this a non-issue when it chose to paste the EO language into regulations adopted via notice and comment rule-making. The present-day interpretation by some special interests and land managers does not rationally interpret this language. The actual wording refers to conflicts between "uses" not "users." The historical context is relevant, as in the early 1970's off-highway vehicles were relatively new and largely unregulated. The EO's reflect a crude first step at the anticipated need to balance a new and developing use with the conservation efforts of the era reflected in contemporaneously adopted statutes like NEPA and NFMA. In any event, it was not intended then, nor does it make sense now, to allow some quantum of subjective complaining by some class of "user" to exclude other users from public lands.

Nor is subjective "user conflict" an "environmental" impact under NEPA. A recent Ninth Circuit decision correctly notes that "controversy" as a NEPA intensity factor "refers to disputes over the size or effect of the action itself, not whether or how passionately people oppose it." *Wild Wilderness v. Allen*, 871 F.3d 719, 728 (9th Cir. 2017). The U.S. Supreme Court has emphasized that NEPA does not focus on generalized or personalized psychological impacts. "It would be extraordinarily difficult for agencies to differentiate between 'genuine' claims of psychological health damage and claims that are grounded solely in disagreement with a democratically adopted policy. Until Congress provides a more explicit statutory instruction than NEPA now contains, we do not think agencies are obliged to undertake the inquiry." *Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 778 (1983).

The governing law only authorizes the BLM to analyze and minimize conflicts between uses, not the subjective preferences of users..

Even if the BLM can properly rely on "user conflict" as a basis for selectively closing trails to a specified form(s) of use, the EA advances that conclusion without meaningful, site-specific data or fact. Again, the agency must utilize "high quality" data and cannot rely on undocumented narrative summary. The BLM is capable of conducting real analysis of real visitors on actual

sites in the project area. The agency did not attempt any such analysis and does not purport to offer site-specific analysis of "conflict" here. Rather, the discussion is framed in a narrative and generalized fashion. Data is absent, leaving only generalized and undocumented presentation of abstract conclusions apparently reported by agency staff. User conflict cannot form a legitimate basis for closures. The complete absence of data or any rational, site-specific analysis taints the conflict based route closures. These conclusions must be vacated and addressed in any further planning.

Economic Benefits

Local communities rely on motorized recreation for economic opportunities. There has been a surge of use throughout the nation on public lands as well as in the Labyrinth Rims/Gemini Bridges area. Local groups have worked hard to put the area on the map so that they could reap the economic benefits. Many local tour businesses use and access the routes in this area. Closing roads would greatly hinder economic opportunity. Many local organizations and businesses recognize the influx of traffic and believe that any user conflict can be mitigated through better signage and education.

3.1.3 "Reducing network mileage within the TMA is not anticipated to result in a reduction in OHV use overall."[4] People travel from all over the world to access many of these iconic routes that are proposed for closure. If these routes no longer provide access to motorized users, this travel management area will no longer be a bucket list item for people, reducing the overall OHV use. This will hurt the local economies and the BLM needs to fully analyze the negative impact this will have on economies rather than assume OHV use will not decrease.

According to Appendix G Estimated Economic Impact, based on data from FY2019, if Alternative B is selected an estimated 7,348 visitor days would be lost which is only a .39% decrease according to IMPLAN economic impact software. If 437 closed routes (Alternative B) results in only a loss of less than half a percent in visitor days per year then this negligible amount of use in the travel planning area contradicts the claims BLM and others have made that these routes are creating excessive environmental impact. In other words, .39% of the use in the area can't possibly be responsible for impact to soils, wildlife, vegetation, lands with wilderness characteristics, and any other notable environmental impact that would require the complete closure of 437 miles of routes.

As a case in point, BLM recognizes that there are 705 Jeeping/4WD routes in the area, and Alternative B would close 415 of these routes. If the reduction of 7,348 visitor days out of 1.8

[4] https://eplanning.blm.gov/public_projects/2001224/200479500/20067049/250073231/LabyrinthGeminiBridges_EA_DRAFT.pdf

million visitor days in the area is caused by the closure of these routes, then based on BLM assumptions each of these routes only sees 17 visitor days per year. Because impacts to the area happen in both space and time, it is worth noting that based on BLM's own assumptions these routes are unused 95% of the time. For the 5% of the time that a route is used in what is called a visitor day, the impact on any specific point of a route and the surrounding area doesn't result in an impact that lasts an entire day. In most cases the impact only lasts a few minutes and leaves no irreparable harm.

If BLM assumptions and data are accurate to justify no significant loss to economic value then the same metric must be applied to all forms of impact throughout the planning area. It would be inconsistent and misleading for the BLM to claim economic impact would be minimal yet environmental impact would be significant.The BLM's assumptions on the economic impact analysis are consistent with our own findings in the field. This area is mostly empty most of the time. Environmental impacts on the ground and over time are already minimized. Because these impacts are already minimized, closure will do very little to minimize the impacts that are already minimized by the light use reflected in BLM's economic impact analysis. If this isn't true, BLM needs to do more work to illustrate with data and hard evidence that the alleged environmental impacts exist, and it should update its assumptions for economic impact modeling to more accurately reflect a use level that could even remotely be used to reasonably justify an environmental impact.

Wildlife and Habitat

Because use levels are so low on the routes that are proposed for closure, it is not surprising that there is not sufficient evidence that motorized use is significantly impacting wildlife and habitat within the Travel Management Planning area.

The Mexican Spotted Owl,according to the BLM lives primarily in steep walled canyons and forage mainly below the canyon rims. The main threats to the Mexican Spotted Owl is timber harvest and wildfire, neither of which are threats to this area. Therefore no route should be closed due to Mexican Spotted Owl habitat.

Southwestern Willow Flycatcher- breeding and nesting occurs primarily within the vicinity of water. River rafting is the largest threat to this species. There is no critical habitat designated within the planning area and therefore no routes should be closed due to this species.

Western Yellow-Billed Cuckoo- "distribution in Utah is poorly understood" data is insufficient and

there are no known populations in this area therefore no roads should be closed due to this species.

SUWA's staff has recognized that the bighorn sheep population in this area is one of the strongest herds in the state of Utah. The analysis for desert bighorn sheep is missing a range of relevant data. Recent studies demonstrate that the population of bighorn sheep has enjoyed a positive growing trendline for multiple consecutive years: "The current population estimate for desert bighorns in Utah managed by UDWR is nearly 2,900 animals… Utah currently has 13 individually managed populations of desert bighorn sheep… Five of these populations are showing an increased trend while seven are maintaining stable numbers."[5] Additionally, OHV recreation, and outdoor recreation generally, does not pose the greatest threat to the health or population growth of bighorn sheep in Utah. The most significant cause of death and population decline is disease, paired with exposure to domestic sheep. This information demonstrates that the TMP analysis of impacts on bighorn sheep is narrow, biased in methodology, drawing conclusions based on inadequate sample size, and conducted without sufficient "control" groups. Furthermore, there are management solutions for addressing impacts to bighorn sheep beside closure that should be explored such as signs and education, seasonal access, and designated routes and sites.

"OHV use and related recreation have been shown to have adverse effects on ESA-listed and BLM Sensitive animal species and their habitats. The effects of OHV use can be wide-ranging and detrimental to species and their populations especially if important habitats, like riparian areas, are affected (Gutzwiller et al. 2017)." According to the information provided by the BLM regarding these endangered and threatened species there is no significant impact caused by OHV use, and the finding in this statement is not specific enough to the species found in this area to justify any shift in management.

Mining Claims

Many routes proposed for closure provide access to mining claims. Mining claim owners have a right to access these areas. It is also important to note that many of the current routes were once mining roads which provide a historical and cultural purpose and need for each and everyone of these routes. We support any mining claim owners that have submitted comments that defend access on these routes. No routes should be closed to mining and oil and gas infrastructure such as drill sites and pipeline maintenance routes. There is a purpose and need that is both recreational, historical, cultural and economical.

[5] https://wildlife.utah.gov/pdf/bg/bighorn-plan.pdf

Dispersed Camping

We do not support closing dispersed camping and limiting routes to areas of high value would limit access for campers. According to The Dyrt, a camping app, camping has grown immensely since 2019. Public lands are needing more camping facilities than ever before as almost 50% of campers are new campers.[6] Many routes that are being considered as "redundant" or provide no real purpose and need is subjective to one observer. Areas will have different values to different users. All current routes provide a different purpose and need for different user groups. Even within dispersed camping, one trail might provide a better camping spot for a van, rv or tent depending on each individual user. BRC believes that all users can and should be accommodated. This plan should ultimately identify reasonable standards for allowing dispersed camping. Keeping open roads will allow use for dispersed camping and help mitigate impact as campers won't be concentrated into small areas.

Management strategies should be exhausted before restrictions and closures of areas to any type of recreational use. BRC supports all recreational activities if done responsibly. The route evaluation reports for this area need to consider the growing interest in dispersed camping, overlanding, boondocking, and RV camping. Each dispersed camping user group seeks a different type of experience on public land that often requires different access requirements, trail conditions/maintenance standards, remoteness, and locations with high scenic and recreational value. In many cases spurs, pullouts, and routes near bodies of water and unique geological formations are what determine the value of a dispersed camping site.

BlueRibbon Coalition has created the Dispersed Camping Access Alliance to give camping users a stronger voice in management decisions that affect camping access. BRC, as well as our members of this alliance have submitted comments and been engaged in the camping plans for these areas, (DOI-BLM-UT-Y010-2021-0094-EA, DOI-BLM-UT-Y010-2021-0096-EA, DOI-BLM-UT-Y010-2021-0095-EA).. All routes should remain open that provide dispersed camping opportunities. Any outcomes that would impact dispersed camping management should be addressed through the already existing camping planning process and not through travel management.

Users with Disabilities

We recommend that the BLM use this planning process to finally begin to reverse its decades-long systematic discrimination against those with mobility impairment-related disabilities. Many routes provide access to canyon rims and scenic overlooks into Canyonlands. Canyonlands already limits motorized use therefore these routes provide access for mobility

[6] https://assets.thedyrt.com/2022-camping-report.pdf

impaired that otherwise wouldn't be able to access these iconic areas. The planning area for Labyrinth Rims/Gemini Bridges borders many areas such as Canyonlands, Wilderness and lands that are already very restrictive to motorized use. In April 2022 the Department of Interior released its Equity Action Plan which states, "Public land visitation data collected from the Department's bureaus suggests that certain underserved communities are underrepresented as public land visitors, relative to their presence in the U.S. population at large." This includes persons with disabilities and limited physical access. This project proposal will help increase access within this area and is a positive step in the right direction.

On his first day in office, President Joe Biden issued an "Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government." This executive order established "an ambitious whole-of-government equity agenda" which focuses on addressing "entrenched disparities in our laws and public policies," and mandates a "comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."

Under this executive order, "The term 'equity' means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as ... persons with disabilities...." Historically, there has been no group more greatly marginalized and excluded by public land management policies, and motorized travel management policies in particular, than people with disabilities. Outdoor enthusiasts with ambulatory disabilities frequently rely on motorized travel as their sole means to enjoy recreating on public lands. Not everyone has the ability to hike into a remote wilderness area, but many such people are still able to drive Jeeps, side-by-sides, and ATVs, which are restricted to the designated motorized route network.

Travel management policies focused on "minimizing" the environmental impacts of motorized recreation have resulted in a dramatic decrease in motorized recreation opportunities on public lands over the last 20 years which has disproportionately impacted people with disabilities. Wilderness focused environmental groups with extreme ableist baises have pushed for more and more areas to be closed to motorized recreation and reserved exclusively for hikers, mountain bikers, and other "human powered" and "quiet use" forms of recreation in which many people with disabilities are unable to participate.

Every time motorized routes or areas are closed, people with disabilities that require the use of motorized means to access public lands are barred from those areas forever. There has been little recourse for such people in the past because the Americans With Disabilities Act does not require public land management agencies to consider disproportionate effects on the disabled community, but only requires that they be given access to public lands on equal terms with everyone else. As a result, the BLM has historically failed to give any real consideration to the impacts of motorized route closures on the disabled community when developing travel management plans.

The Biden Administration's focus on equity, however, changes the equation. While the ADA focuses only on equality of opportunity, equity inherently focuses on equality of outcome. Any policy that is facially neutral but disproportionately harms a disadvantaged or marginalized group is considered inequitable. The BLM is therefore required by this executive order and others mandating that federal agencies consider "environmental justice" in NEPA proceedings to consider whether any route closures in the Labyrinth Rims/Gemini Bridges Travel Management plan would disproportionately harm disabled users' ability to access public lands.

Any approach to travel management that presumes the superiority of non-motorized forms of recreation like hiking over motorized recreation, or that justifies closing motorized access on the basis that people can still hike on those routes, is inherently discriminatory toward people with disabilities. Any large-scale closures of existing routes would unfairly and inequitably deprive people with disabilities of the ability to recreate in the area using the only means available to them. It is imperative that the BLM consider the access needs of disabled users in drafting the alternatives for this travel plan and ensure that people with disabilities who depend on motorized means do not lose access.

Through our action alert tool we have visibility of comments our members are submitting. We know that the public, including our members, are constantly raising concerns about access for disadvantaged and marginalized groups. The BLM needs to strongly consider the growing concern from the public as well as this Equity Action Plan moving forward with travel management.

Cultural and Natural Resources

Our members often include responsible observation and appreciation of cultural resources as a reason to explore public lands. For this reason we don't think the presence of cultural resource sites should be the primary justification for any closures. Instead of closures, BLM should invite BRC and other recreation-focused stakeholders to participate in the planning process and

Section 106 consulting partners to ensure that all management tools are explored for preventing impacts to cultural resource sites. , BLM *Manual 8140* identifies twelve direct and indirect conservation measures that can be used to protect cultural resources: Signing, Fencing/Gating, Patrol/Surveillance, Erosion Control (off-site), Fire Control (off-site), Stabilization, Erosion Control (on site), Fire Control (on-site), Detailed Recording, Relocation, Adaptive Reuse of Structures, and Archaeological Data Recovery Techniques.In almost all cases these management strategies would be preferable options to route closures.

Many routes proposed for closure have vegetation growing within the track. There is also reference to illegal OHV use and going off routes. The vegetation and soil crusts growing in the middle and side of the routes prove that OHV users are responsible in their travel as they are staying on the track allowing vegetation and soil crusts to grow where it is. Routes should not be closed due to “reclaiming” as these routes simply show that OHV use isn’t impacting vegetation as significantly as is claimed. Instead of closing reclaiming routes, BLM should work with the off-road volunteer community to reasonably maintain them.

In addition to the broad discussion on disability access we already mentioned, BLM should analyze what percentage of the neighboring tribal population includes members with mobility impairment disabilities. If neighboring tribal populations include members with disabilities, BLM must consider that closing routes to prevent access to cultural sites could very well result in loss of access to cultural sites to tribal members. A Record Of Decision that results in loss of access to cultural sites of tribal members would be a blatant violation of *Executive Order 13007* and the *American Indian Religious Freedom Act*. BLM should analyze how maintaining routes as open to motorized use enables BLM to comply with these requirements.

Route Specific Comments

Please see Appendix A for route specific comments. We have reviewed previous route reports submitted by SUWA, and we address many of the false and erroneous claims that they have made. The BLM needs to independently analyze these routes through their own field work. The pictures show that there is use occurring on these routes showing a purpose and need for the routes. We would like to point out that most of the routes in SUWA’s route reports receive light use and we appreciate that SUWA acknowledges this in their fieldwork even though they often claim that there is excessive motorized use in their public statements. The truth on the ground as recognized by SUWA’s own fieldwork and corroborated by BLM’s economic impact assumptions is that the vast majority of the routes in the area receive light use. As such, BLM should take with a grain of salt any claims that excessive use is destroying soundscape, soils,

vegetation, habitat, cultural resources, etc. These claims simply aren't true, and if they were, SUWA would have made a stronger effort to highlight these impacts in their route reports.

SUWA's route reports also show that there is soil crust growing on or around much of the routes which is contradictory to claims often made that motorized recreation irreparably damaged soils and that it takes thousands of years for biological soil crust to form and grow. We appreciate that SUWA's field work documents the resiliency of desert bio-crusts and undermines their argument that routes should be closed to protect soil resources.

Despite their call for route closures in bighorn sheep habitat, the fieldworker who performed the research for their route reports often shares photos of a dog that is clearly not on a leash near routes that are acknowledged to be in bighorn sheep habitat. This inconsistency leads us to question the validity of their concerns for the bighorn sheep populations.

Conclusion

We've had several members email comments to BRC. Those comments are included and submitted through our attached Appendix B. We want these comments to be considered on the official record.

We would like to close by saying we support "shared use". As long as overall visitation numbers are appropriate for the affected resources, motorized and non-motorized users can be compatible with one another so long as individual users understand designations and plan their activities accordingly. Indeed, motorized and nonmotorized recreation use often overlap as OHV's often increase accessibility to non-motorized recreational activities such as hiking, camping, equestrian use, etc. We also hold that responsible recreational use of public lands can exist in harmony with ecosystem needs.

BRC would like to be considered an interested public for this project. Information can be sent to the following address and email address:

Ben Burr
BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202
brmedia@sharetrails.org

Sincerely,

Ben Burr
Executive Director
BlueRibbon Coalition

Simone Griffin
Policy Director
BlueRibbon Coalition

Route ID	Recommendation
D0004	This route provides unique vantage points for users to have a unique experience for dispersed camping, photography and other recreational activities.
D1000	This is a high recreational value area of Mineral Canyon. It is a used two track route that provides unique scenic and recreational opportunities.
D1019, 1855SJ	Canyonlands are already protected and restritive to OHV use, this route provides unique view points. There should not be a buffer zones around Canyonlands. This is a well used route. This is a clearly marked two track route that provides a unique user experience and connects users from D1091 to D1112. It also continues to a scenic overlook which is highly valuable to dispersed campers as well as those who are using this route for pho
D1026, 5313SJ	This is a well used two track route. This route provides unique view points of Canyonlands. Canyonlands is already restritive to OHV usetherefore this route serves a unique purpose and need.
D1027	This is a clearly traveled two track route. There is no documented instances of user conflict on this route. It provides a unique experience to observe wildlife.
D1030	This is a clearly marked two track route that provides unique user experience to observe nature and wildlife.
D1031	This is a well used two track route. It provides additional viewpoints to let users have a unique experience.
D1048	This is a well used two track route. It provides a unique user experience for observation, recreation and dispersed camping. If there is any evidence of off-route use the BLM should manage this route with better signage and maintenance.
D1076, 1078	This route provides a unique user experience with different terrain and viewpoints from route D1079. The route has been claimed to have biological soil crust within the route bed which provides evidence that the soil crust can grow back in a relatively short amount of time and that the motorized impact is not so great as to prevent this growth.
D1079	This is a clear two track route that provides a unique user experience to observe scenic viewpoints, nature and recreational opportunities.
D1091	This is a well used two track route that provides unique recreational opportunities.
D1095	This is a two track route that provides recreational opportunity through sand and slickrock making it a diverse and unique route for users.
D1098, 1099	This is a well used two track route that provides unique recreational opportunities. It serves its own purpose and need providing a different view and experience from other routes.
D1112	This is a well used two track route providing overlooks to Canyonlands. Canyonlands is already restritive to OHV use therefore this route should not be closed as it provides unique viewpoints and recreational opportunities for various user groups. There should not be a buffer zone around Canyonlands.
D1118, 1119	Groups are claiming there is too much motorized use in this area however this route is saying there is no motorized use therefore the impacts must be extremely minimal. This provides a unique dispersed camping and recreational experience.
D1120	This route access unique areas that provide recreational opportunities for various user groups.
D1217	This is a very high recreational value route. There is a strong purpose and need for this route to continue to be open to motorized vehicles. Any signs that have been knocked down could have been knocked down by various causes. This provides scenic values for all users.
D1224	This route provides access for both motorized users and hikers. Therefore there is a strong purpose and need and should stay open to all users.
D1225	Hell Roaring Canyon has a high recreational value and has a purpose and need to various user groups. It offers a unique access to observe wildlife.
D1230	Canyonlands are already protected and restritive to OHV use, this route provides unique view points. There should not be a buffer zones around Canyonlands. This is a well used route. This route also provides a unique vantage point for photographers, observers and all recreational users.
D1233	If there is any illegal camping occuring in this area, the BLM should manage this route better with signage and management solutions other than closure as this route provides a purpose and need to various user groups to observe nature and wildlife. This is a clear two track route that should continue to stay open.
D1290	This route provides a unique user experience from other routes in the area. It is a clear two track route that should continue to stay open for public use.
D1291	This route provides a unique user experience for observation, camping and recreational opportunities.
D1301, 1303	This route provides connectivity and gives a unique user experience. On other routes biological soil crusts are already growing back therefore the impact on these routes is not significant.
D1302	This route provides a unique user experience for recreation.
D1304	This is a clear two track route. When vegetation is growing in the middle of a route it is because users are responsibly using the route and staying on the route with little variation. This route provides unique user experience for various user groups and should remain open to motorized use.
D1305, 1306	This is a clear two track route with high recreational value. The routes are not reclaiming, there is vegetation growth in the middle of the route showing that motorized users are using this route responsibly.
D1313	This clear two track route provides connectivity and gives a unique user experience. On other routes biological soil crusts are already growing back therefore the impact on these routes is not significant.
D1315	This clear two track route provides connectivity and gives a unique user experience. On other routes biological soil crusts are already growing back therefore the impact on these routes is not significant.
D1316	This is a well used two track route that provides a uniqe user experience to observe wildlife and nature. There is mature soil crust alongside the route showing that motorized users are responsibly using the route and motorized use should continue.
D1317	This clear two track route provides connectivity and gives a unique user experience. On other routes biological soil crusts are already growing back therefore the impact on these routes is not significant.
D1351	This is a a clear two track route that provides unique access to this area.
D1354	This is a clear two track route that allows users a unique experience to observe wildlife and nature in a remote setting.
D1356	Mineral Canyone provides a high recreational value experience. Users want to access this area from various routes to experience a quiet and isolated area.
D1357	This route provides recreational and historical value. It is a clearly used route that provides unique viewpoints of the canyon and is used by various user groups. This route should stay open to motorized use.
D1358	This clearly used two track route provides connectivity and opportunities to connect with nature in a unique way from other routes.
D1360	This route is not entirely reclaimed. There are points of interest for different users. Because it isn't one of the more well traveled routes impact is extremely minimal to wildlife and habitat and therefore should remain open to motorized users.
D1361	This is a well used route and provides a unique experience and views. Because it is a clearly used route it serves various purposes and needs to different user groups. If it is lightly used then it is not damaging natural and cultural resources and should remain open to motorized use.
D1363	This route is well used route and any vegetation that grows in the middle of the track is proof that motorized users are staying on the route and being responsible users. The vegetation growing also shows that motorized use is not impacting wildlife and should remain open to motorized users. This route provides a unique user experience.
D1378, 1379, 13	This route provides a unique remote and secluded experience. It is well used and provides connectivity. To say that another route provides superior access is subjective and this route provides unique access to motorized users. There is significant use on this route and any vegetation growing in the middle and the side of the route proves motorized users are using this route responsibly as to allow vegetation to continue to grow where tires
D1382	This route provides a unique user experience above mineral canyon for photography, hiking, motorized use as well as other uses. Any claims of violations beyond this route should be managed by the BLM rather than closure.
D1390	This is a used route and any vegetation or biological soil crust is proof motorized users are staying on the two track route and using the route responsibly. It provides a unique user experience and should remain open to motorized users.
D1393	This is a well used route and provides a unique experience and views. Because it is a clearly used route it serves various purposes and needs to different user groups. This route provides a secluded experience for users and also provides connectivity to experience wildlife and views.
D1395	This is a well used route and provides a unique experience for various users. Because vegetation grows in the middle and on the sides of parts of the route it is proof that there is not damage to vegetation, soil and wildlife habitat and therefore should remain open to motorized use.
D1398	This is a well used route and provides a unique experience for various users. Because vegetation grows in the middle and on the sides of parts of the route it is proof that there is not damage to vegetation, soil and wildlife habitat and therefore should remain open to motorized use.
D1399, 1403	This route is not entirely reclaimed. There is a purpose and need for this route that provides a unique recreational experience. Any motorized use has clearly not impacted soils, vegetation and wildlife habitat as they have been able to continue to grow. This route should continue to be open to motorized use.
D1400	This route is not entirely reclaimed. There is a purpose and need for this route that provides a unique recreational experience. Any motorized use has clearly not impacted soils, vegetation and wildlife habitat as they have been able to continue to grow. This route should continue to be open to motorized use.
D1402	This is a well used route that is not reclaimed. This route provides connectivity as well as access to a scenic viewpoint that you cannot get elsewhere. This route provides high recreational value and should stay open to motorized use.
D1407	This route provides connectivity and gives a unique user experience. This is a necessary route as it provides a well traveled route to observe nature and wildlife.
D1408	This route is the only motorized route in this area and provides a unique viewpoint at the end of the route. This route is used by motorized users as well as photographers and other users. This is a high recreational value route and should remain open to motorized users.
D1434	This route is the only motorized route in this area and provides a unique viewpoint at the end of the route. This route is used by motorized users as well as photographers and other users. This is a high recreational value route and should remain open to motorized users. It also provides various terrain for users to experience.
D1437	This route leads to an old drill hole which means it provides historical and cultural value that needs to remain open to motorized use.
D1441	This route provides cultural and historical value. The mature soil crust is heavily prevelant along the route showing that it is not beingnegatively impacted by motorized users and should remain open to such use.
D1444	This is a well used two track route. There is no data proving that increased use will impact soils and vegetation. Current use is not impacting soils and vegetation therefore it should remain open to motorized use.
D1445	This route provides connectivity and offers unique recreational value. Biological crust and vegetaion in the route shows that motorized use is not negatively impacting these and motorized use should continue.
D1446	This route provides a unique experience to camping and viewpoint ands should remain open to motorized use.
D1499	This is an old mineral exploration route which provides a historical and cultural purpose and need and should remain open to motorized use.
D1500	This is a unique and well traveled route providing purpose and need for various user groups to experience wildlife and habitat.
D1507	This is a unique route and is well used by various users to observe wildlife and habitat as well as have a unique recreational experience. There are no competing resources and should remain open to motorized use.
D1509.1506, 150	Motorized and non-motorized use can and do co-exist. The BLM should not prohibit one user group in order to favor another. This route leads to the canyon rims which is high recreational value and has a unique purpose and need for various user groups. There is no data showing negative impacts from noise in Labyrinth Canyon.
D1510	Motorized and non-motorized use can and do co-exist. The BLM should not prohibit one user group in order to favor another. This route leads to the canyon rims which is high recreational value and has a unique purpose and need for various user groups. There is no data showing negative impacts from noise in Labyrinth Canyon.
D1511	Motorized and non-motorized use can and do co-exist. The BLM should not prohibit one user group in order to favor another. This route leads to the canyon rims which is high recreational value and has a unique purpose and need for various user groups. There is no data showing negative impacts from noise in Labyrinth Canyon.
D1513	This is a well used route that provides connectivity. It also provides a unique route for users to experience and observe wildlife and habitat and should remain open to motorized use.
D1514	This is a well used route that provides connectivity. It also provides a unique route for users to experience and observe wildlife and habitat and should remain open to motorized use.
D1515	This route provides a unique user experience for various users and has high recreational value. Motorized and non-motorized use can and do co-exist. The BLM should not prohibit one user group in order to favor another. This route leads to the canyon rims which is high recreational value and has a unique purpose and need for various user groups. There is no data showing negative impacts from noise in Labyrinth Canyon.
D1518, 7189, 71	This is a well used route that provides connectivity. It also provides a unique route for users to experience and observe wildlife and habitat and should remain open to motorized use. This also provides a unique viewpoint for various user groups.
D1520	This route provides a unique user experience for various users and has high recreational value. Motorized and non-motorized use can and do co-exist. The BLM should not prohibit one user group in order to favor another. This route leads to the canyon rims which is high recreational value and has a unique purpose and need for various user groups. There is no data showing negative impacts from noise in Labyrinth Canyon. There should
D1528, 9140	Hey Joe is a notorious and world renowned route. This route needs to stay open to motorized users for its high recreational value. Motorized users should not be restricted in order to favor non-motorized users.
D1529, 9138	These routes provide high recreational value. Vegetation growing in the middle of routes show that motorized users are responsible and staying on the two track route. Non-motorized users should not be given preferential treatment. This route is also used by various users groups.
D1627	This is a used route and any vegetation or biological soil crust is proof motorized users are staying on the two track route and using the route responsibly. It provides a unique user experience and should remain open to motorized users.
D1630	This is a used route and any vegetation or biological soil crust is proof motorized users are staying on the two track route and using the route responsibly. It provides a unique user experience and should remain open to motorized users.
D1704	This is a used route and any vegetation or biological soil crust is proof motorized users are staying on the two track route and using the route responsibly. It provides a unique user experience and should remain open to motorized users.
D2017	This route provides a unique user experience and viewpoint. There is not evidence suggesting motorized use has negatively impacted wildlife and herds in this area and should remain open to motorized use.
D2020	This route provides a unique user experience and viewpoint. There is not evidence suggesting motorized use has negatively impacted wildlife and herds in this area and should remain open to motorized use.
D2029	This route provides connectivity and a unique user experience to observe wildlife and habitat. Motorized use is not negatively impacting habitat.
D2030	This is a well used route and provides a unique user experience for campers, motorized users and other user groups. It is not negatively impacting habitat in this area and should remain open to motorized users.
D2033	This is a unique route leading to the rim above Spring Canyon providing unique viewpoints and recreational experiences. Non-motorized users should not be given preferential treatment and should remain open to motorized users. All users can be accommodated.
D2035	This is a unique route leading to the rim above Spring Canyon providing unique viewpoints and recreational experiences. Non-motorized users should not be given preferential treatment and should remain open to motorized users. All users can be accommodated.
D2042	This route provides a different recreational experience through it's terrain and technical skills from route 2043. It is a clearly used route and should remain open to motorized use.
D2053	This route leads to a hiking trail providing a very unique user experience. If this route is closed those that cannot hike the entire route will not be able to experience this route. It provides a unique experience traversing a wash and slickrock. All users should be accommodated and it should remain open to motorized use.
D2639, 6950	This is a clearly used route and any vegetation growing is proof that motorized users are staying on the trail and impact is not signifcant. This route provides a unique experience to observe wildlife habitat and terrain.
D2653	This route provides connectivity and a unique access point to SITLA which means it should remain open to motorized users.
D2656, 2657	This is a clearly used route and any vegetation growing is proof that motorized users are staying on the trail and impact is not signifcant. This route provides a unique experience to observe wildlife habitat and terrain. This also provides access to the rims of Tenmile Canyon which is high recreational value for various user groups.
D2658	This is a well used two track route that provides unique viewpoints and user experience. Non-motorized users should not be given preferential treatment. This route gives unique vantage points that various user groups use.
D2664	This route provides a unique user experience to the rims above Tenmile Canyon. Various viewpoints are sought after by user groups such as campers, photographers as well as others. This route provides solidarity and an isolated experience to observe natural and cultural resources.
D2674, 2675, 69	This two track route is not being negatively impacted by motorized users. This route has clearly been used by motorized users and vegetation and soils are still able to thrive showing that continued motorized use will not damage and negatively impact these resources.
D2678	This route provides high recreational value. If there is any illegal off-route travel the BLM should manage this route rather than close it. This route needs to stay open to motorized use as it provides unique access for various user groups that otherwise wouldn't be able to access this world-renowned area.
D2685	This route provides cultural and historical value. The mature soil crust is heavily prevelant along the route showing that it is not beingnegatively impacted by motorized users and should remain open to such use.
D2686, 2688	This is a clearly used two track route. Thereis not excessive route density. When you are on the ground you cannot see another route and it is highly unlikely to see another user which offers a remote user experience in this area and should stay open to motorized use.
D2710, 7166	This is a clearly used two track route. Thereis not excessive route density. When you are on the ground you cannot see another route and it is highly unlikely to see another user which offers a remote user experience in this area and should stay open to motorized use. Non-motorized users should not be given preferential treatment over motorized users.

D2761, 2762	These routes provide high recreational value. Vegetation growing in the middle of routes show that motorized users are responsible and staying on the two track route. Non-motorized users should not be given preferential treatment. This route is also used by various users groups. It provides connectivity and unique use. Claiming that other routes provide better views is subjective and not grounds to close this route.
D2761	This routes provide high recreational value. Vegetation growing in the middle of routes show that motorized users are responsible and staying on the two track route. Vegetation also shows that there is not significant damage to this route as soil and vegetation are able to still grow. This route is also used by various users groups. It provides connectivity and unique use.
D2763	This route has high recreational value. Non-motorized users should not be given preferential treatment over motorized users. There is not documented user conflict. There is not data showing significant damage by motorized users therefore this route should remain open to motorized users.
D2766	This route provides connectivity. There is not excessive density of ORV routes in this area, on the ground you cannot see another route and provides a unique isolated user experience.
D2767	There is not data showing significant damage to cultural resources on this route. The BLM needs to protect access to these world-class resources and continue to allow motorized use so all users can access this unique route.
D2845	This route provides unique user experiences and a unique viewpoint for various users. Non-motorized users should not be given preferential treatment over motorized users.
D2846, 2847	These are clearly used two track routes. They provide a unique purpose and need for various users groups that want to access solitude and a remote area to observe cultural and historical resources. They should remain open to motorized use.
D2848	This is a clearly used two track routes. They provide a unique purpose and need for various users groups that want to access solitude and a remote area to observe cultural and historical resources. They should remain open to motorized use. This route also provides connectivity.
D2850	This route provides unique user experiences and a unique viewpoint for various users. Non-motorized users should not be given preferential treatment over motorized users. Claiming there are better views is subjective and not grounds to close this route.
D2867	This is a well used two track route that provides unique access and viewpoints of Tenmile Canyon. There are unique resources that motorized users can access through this route. Non-motorized users should not be given preferential treatment to motorized users.
D6856, 7187	These routes provide connectivity as well as unique access experience for users to observe wildlife and cultural resources.
D6857	There is not data showing significant impacts to resources due to noise. Non-motorized users should not be given preferential treatment over motorized users. This route provides unique access and user experience that should be protected and remain open to motorized use.
D6858	There is not data showing significant impacts to resources due to noise. Non-motorized users should not be given preferential treatment over motorized users. This route provides unique access and user experience that should be protected and remain open to motorized use.
D6859	There is not data showing significant impacts to resources due to noise. Non-motorized users should not be given preferential treatment over motorized users. This route provides unique access and user experience that should be protected and remain open to motorized use.
D6886	This is a well used route that provides unique access and user experience. Vegetation growing along the route shows motorized use does not have significant impact on sensitive soils, vegetation and wildlife havitat and therefore should remain open to motorized use.
D6924	This is a clearly used route in a popular and well sought area. Photos showing reclamation is only showing small portions of the route. Vegetation in the route bed proves motorized users are staying on the two-tracks and there isn't significant impact. This route should remain open to motorized use.
D6927, 6926	These routes have had motorized use and vegetation and soil crust show that motorized use have not significantly impacted their growth. These routes provide unique access and experiences for users and should remain open to motorized use.
D6962	This is a well used route that serves a significant purpose and need to access the Spring Canyon area. There is not documented user conflict and non-motorized users should not be given preferential treatment over motorized users.
D7059	Pictures of this route only show a small portion of the entire route. Any vegetation growing on the route shows that motorized use has not significantly impacted vegetation and habitat in the area and should remain open to motorized use.
D7070	This route provides connectivity and is used by various users. brush and biological soil growing shows that motorized use has not caused significant damage. Therefore this route should remain open to motorized users. Pictures only show a small portion of the entire route.
D7073	This route has not completely reclaimed. Pictures only show a small portion of the entire route. Vegetation and soil crust show that motorized use does not cause significant impact to these resources and habitat.
D8869	This route provides connectivity and a unique user experience to observe wildlife and habitat. Motorized use is not negatively impacting habitat.
D9141	This route has high recreational value. Non-motorized users should not be given preferential treatment over motorized users. There is not documented user conflict. There is not data showing significant damage by motorized users therefore this route should remain open to motorized users.
DC2	This is a unique route and well known as part of the Dead Cow route system. These routes are not redundant as there are already a very limited amount of single track routes routes such as these in this planning area. This route should remain open to motorized use. Any damage should be managed rather than simply closing this route.
DC3	This is a unique route and well known as part of the Dead Cow route system. These routes are not redundant as there are already a very limited amount of single track routes routes such as these in this planning area. This route should remain open to motorized use. Any damage should be managed rather than simply closing this route.
DC6	This is a unique route and well known as part of the Dead Cow route system. These routes are not redundant as there are already a very limited amount of single track routes routes such as these in this planning area. This route should remain open to motorized use. Any damage should be managed rather than simply closing this route.
DC4	This is a unique route and well known as part of the Dead Cow route system. These routes are not redundant as there are already a very limited amount of single track routes routes such as these in this planning area. This route should remain open to motorized use. Any damage should be managed rather than simply closing this route.
DCH1	This is a unique route and well known as part of the Dead Cow route system. These routes are not redundant as there are already a very limited amount of single track routes routes such as these in this planning area. This route should remain open to motorized use. Any damage should be managed rather than simply closing this route.
DC7	This is a unique route and well known as part of the Dead Cow route system. These routes are not redundant as there are already a very limited amount of single track routes routes such as these in this planning area. This route should remain open to motorized use. Any damage should be managed rather than simply closing this route.
DC5	This is a unique route and well known as part of the Dead Cow route system. These routes are not redundant as there are already a very limited amount of single track routes routes such as these in this planning area. This route should remain open to motorized use. Any damage should be managed rather than simply closing this route.
DCC1	This is a unique route and well known as part of the Dead Cow route system. These routes are not redundant as there are already a very limited amount of single track routes routes such as these in this planning area. This route should remain open to motorized use. Any damage should be managed rather than simply closing this route.
REDRIM1	This is a unique route as it is an ATV route. Vegetation growin along the sides of the routes shows that motorized users are staying on the route and not providing significant damage to these resources. This route should continue to stay open to motorized use as this offers a very unique user experience.
RF1	One of the few ATV routes this provides a unique user experience. This route is not redundant and unecessary as there are so few designated ATV routes in this planning area. Vegetation along the route show there has not been significant damage to resources. Any damage can be mitigated through management options rather than closure.
TTIP1	One of the few ATV routes this provides a unique user experience. This route is not redundant and unecessary as there are so few designated ATV routes in this planning area. Vegetation along the route show there has not been significant damage to resources. Any damage can be mitigated through management options rather than closure.

Appendix B -Additional BRC Member Comment

I have been made aware of the new proposed travel management plans. It has been a few years since I had the privilege of riding in the passenger seat of a rig and spending a week in Moab. Since then my good friend and I have both saved up and built our own rigs to take to Moab with our families. Unfortunately we have not yet made the trip and are in the planning stage to make next year as our rigs are both ready.

Golden spike trail is just one of the many trails we are planning on wheeling. We typically like to go across an area on one trail then come back on a different trail to maximize how much we get to do and see.

Closing trails in an area funnels people into smaller areas causing more traffic, more conflicts with multiple user groups and more wear and tear to the trail.

As a hunter I understand the need of habitat for some species and with more development downtown pushing animals into smaller areas, however with less traffic on each trail animals are less disturbed than when there is a lot of traffic on a particular trail making for an area that they can no longer use. Again I understand the need to close certain areas for habitat however closing a lot down will increase traffic on what is allowed pushing animals into smaller areas which they tend to overgraze.

I enjoy recreating and accessing public lands. I support keeping the most routes open possible in the Labyrinth Rims/Gemini Bridges Area. If there are any routes identified in scoping by pro-access groups that weren't included in this draft, I support the BLM including those routes into their system and maps. Although I support Alternative D because it leaves the most routes open to OHV use, I believe the BLM should develop a true recreation alternative that analyzes increased access and opportunities.

I am opposed to the BLM enforcing permanent or seasonal closures to motorized, mechanical or dispersed camping uses. In order to prevent and avoid adverse resource impacts and user conflict, the BLM should be actively managing the area and routes. Through different management strategies and proper education, negative impacts can be properly mitigated without closures. As popularity for outdoor recreation grows, the BLM should be looking at ways to provide reasonable access that will sustain the growing numbers of visitation. Restricting use and concentrating use will only increase impact.

Much of the terrain in the Labyrinth Rims/Gemini Bridges area is sandy and remote. The best way to access this area is by OHV, and this area should be maintained as a premier destination for OHV recreation. It should also be noted that the area is adjacent to National Parks and National Monuments, which are managed more restrictively. The area also contains numerous wilderness study areas, and it is likely that existing routes in those areas would be cherry-stemmed if Congress were to ever designate these areas as wilderness. Labyrinth Rims/Gemini Bridges is one of the few remaining areas in this region that allows for a true multiple use recreation experience, and multiple use access should be prioritized in this area.

I also believe the BLM needs to strongly consider our Constitutional rights. The First Amendment protects the right of groups to gather and have organized rides where we educate each other on ways to

best enjoy our preferred choice of recreation. I know this area is used for such circumstances and limiting routes could be violating those rights.

These roads and trails are also crucial for the local economies of Moab and Green River. The U.S. Bureau of Economic Analysis showed that in 2019 the outdoor recreation industry brought in $459.8 billion nationwide, and other studies recognize billions in impact for the outdoor recreation industry in Utah. In Utah, the number of street legal OHVs in Utah has doubled since 2019. More Utahns participate in ATV/Off-Roading than participate in skiing according to the 2020 Utah Visitor Profile and Insights Report. It is world-class riding areas like Labyrinth Rims/Gemini Bridges that is fueling this economic surge. By limiting or decommissioning trails the BLM could be harming the local economy and robbing them of potential income.

All management solutions need to be analyzed before closures. A current issue is the lack of signage for the trail systems. I believe this would alleviate a lot of the current issues that the area is facing. With proper management and education impact can most definitely be mitigated.

In April of 2022 the Department of Interior released it's Equity Action Plan which addresses the lack of access on public lands. Recreation, primarily motorized recreation has taken a backseat to conservation and protection. Motorized recreation is often the only way those with mobility impairment disabilities are able to access public lands. Current policies actively discriminate against this group of underserved Americans, and I would like to see BLM help connect all users with public lands. BLM should ensure that the plan complies with the Department of Interior's Equity Action Plan, which recognizes that restrictions on motorized access to public land create barriers of access to those with disabilities.

I also support the route-specific comments submitted by BlueRibbon Coalition and other organizations that support increased access for outdoor recreation.

Christopher Horton

I support Alternative A, no change from 2008 plan.

I am a disabled veteran. Due to my injuries I am unable to walk or hike, long or medium distances.
If it wasn’t for off road trails, I wouldn’t be able to enjoy exploring Americans beauty.
Please do not close any off highway trails in Moab.

Jeff Bishop

Don't close our Roads and Trail in the Moab area.
We have the right to use our public lands.
Leave them open.
Kris Morgan
775-385-2304

I am 81 years old and I have been jeeping in the Moab area for many years. We come into the area a couple of times a year and stay for up to a month.
I have seen it changing and all changes haven't been for the best but the government shouldn't penalize everyone because of a thoughtless few. I feel that with joint participation of all off-road organizations and the BLM a equable solution can be reached.
Penalize the offenders not everyone.
George Martin
20733 Standing Rock av.
Apple Valley, CA.

Please continue to provide full access. These popular trails and Guidebook or online resources exposure are one example of the growing interest in keeping these areas open to all. Popular events like EJS drive interest and revenue to the area and state.

There has already been a loss of over 700 miles, like COVID restrictions on movements we need to maintain a healthy balance and unlimited outdoor access for health and enjoyment of all visitors.

Hello BLM field officers

I would like to make a comment on the recent initiative changes to public land.

I would like to vote for either A or D. Since the Side by Sides have come out and gained in popularity they are tearing up the trail areas and expanding the roads especially around the obstacles. The jeep communities have members that purposefully go out and fix up the roads and trails.

Thank you

Annette Bradshaw

American lands for all Americans to enjoy. Not just the hikers and mountain bikers!! Keep the trails open to all including OHV.
Sent from my iPhone

To whom this may concern,

Please keep the UT trails open for SXS to ride. It is such a good outdoor activity for my family to enjoy together!
Thanks,
Stephanie Melvin

BLM:

We moved to Grand Junction and joined the local jeep club to responsibly enjoy the trails in Colorado and Utah. **We are adamantly opposed to the closure of over 400 miles of trails in Moab.**

I believe there is a compromise to be reached between groups for and against the closure of the trails.

It is especially important to keep the most popular areas in the state, not to mention, the world open for all to enjoy on their off-road adventures. The ability to "get away" to enjoy the beauty of this area by traveling on the Rusty Nail, Hey Joe Canyon, Gold Bar Rim and the 10-Mile Wash is awesome. The thought of SUWA having the power to close them is criminal. Have they every been off road to camp and experience a sunset over the red cliffs? It is a generational experience….one to take your children and their children to for the experience and lesson of how important it is to preserve the trails for enjoyment of all.

We have friends in the Jeep Club who cannot hike because of physical impairments and traveling the trails in a 4-wheel drive vehicle is the only way for them to get there. Is SUWA going to close off their ability to enjoy and appreciate what Moab has to offer and violate the access to this land, I certainly hope not.

Whether we are traveling with our jeep club or taking short trips on our own, the trails provide us with experiences that cannot be duplicated. Isn't this what the intent and why public lands are available for the citizens of the USA – public use.

What else can we do to express our support of keeping the trails open. How can we work with those groups that want to close the trails? We are ready, willing and want to discuss a solution that will work for all.

Sincerely,
Terry Harrison
714.336.6780
464 Seasons Drive
Grand Junction, CO 81507

I am a 75 year old physical therapist and can no long hike or big. I have a RXR which permits me to ride the trails in question . I spend aonth spring and fall in Moab. I will be there starting tomorrow. This is the highlight of my life. By closing those trails the south trail will be overwhelmed and will need to be closed. Please keep the trsils open for my family and me. Johan Olson .

As an advid off road rock crawler, I'm upset of the thought of the closures of many of the wonderful trails that Moab has. There is no place like Moab. Do you have any idea of how much money is generated by all of us who come to Moab to Jeep and spend our hard earned money. Closing trails would have a great impact to Moab and Utah in general. There is more to Moab that walking up and dow the street in Moab! Please keep the trails open, so our children and their children can enjoy the sport of rock crawling. This land belongs to all of us.

Sincerely,
Niles Surratt

Our family has been going to Moab to Jeep off road for 22 years. What a wonderful play ground for not only jeeping but all kinds of out door activities. We live in Illinois and love Moab. Please do not close the trails we dearly love.

This country belongs to all of us to use. What wonderful memories we have made with family and friend running the trails and enjoying the beautiful handy work of God. There is enough land that has been set aside as wilderness that we can not use. Please keep our trails open!

Sincerely,
Gloria Surratt

Howdy,

I drove all the way from San Diego, California to go and enjoy Moab. You gotta ask yourself, why would I drive all the way from California to Utah to enjoy Moab? Because it's "that" good. When I found out that the Fed's want to possibly close the access to Moab, I was devastated. Look, I'll get straight to the point. People who go to these wonderful parks to enjoy mother nature, they are good people who respect the environment and do not foul play, NEVER, EVER! Whoever is in charge, please don't close anything, you'd be making a big mistake. God Bless, and have a blessed day.

Best Regards,
Amir

Exhibit B.1

Comment Regarding the Labyrinth Rims/Gemini Bridges TMA Draft EA

Patrick McKay, Esq.
Vice President, Colorado Offroad Trail Defenders
October 6, 2022

I. Introduction

I am a Jeeper and off-road vehicle enthusiast from Highlands Ranch, Colorado, and a non-practicing Colorado licensed attorney currently working as a software developer. I serve as the Vice President of Colorado Offroad Trail Defenders (COTD), a non-profit organization dedicated to keeping offroad trails open to full-size four wheel drive vehicles and maximizing opportunities for offroad motorized recreation. I am also an Advisory Board member of Colorado Offroad Enterprise, a related organization based in Buena Vista, CO which focuses on trail adoptions and community outreach to preserve high quality opportunities for motorized recreation in the central Colorado mountains.

These comments are submitted on behalf of both myself and Colorado Offroad Trail Defenders as an organization. Though COTD is primarily focused on protecting off-road trails in Colorado against closure, we are also interested in preserving off-road recreation opportunities in surrounding states such as Utah. Colorado off-road enthusiasts frequently travel to Utah, and the Moab region above all, in order to experience the spectacular off-road trails the region has to offer.

We note at the outset how frustrating this travel management process is for the motorized community. For the second time in less than 15 years, the motorized community is forced to justify the existence of every motorized route in a large portion of the Moab Field Office. The Moab area has long been regarded as the ultimate destination for off-road recreation in the United States and has a long history of providing exceptionally high quality motorized trails. Yet based on the Draft EA, the BLM appears ready to throw out that rich legacy altogether, capitulating to the agenda of a small minority of environmental extremists and exclusionary special interest groups who wish to eliminate motorized users from the region.

The Draft EA appears to ignore the extensive analysis performed by the Moab Field Office in 2008 supporting the existing route network, taking the position that all routes should be closed by default unless proven *again* to have an overriding purpose and need. We emphasize that motorized recreation is a legitimate use of BLM lands, and **use for motorized recreation is *in itself* a sufficient purpose and need to keep a given route open to public motorized use.** The BLM does not need to find any additional use or purpose beyond motorized recreation in order to justify keeping specific routes open. To require such an additional purpose would be akin to requiring an additional purpose beyond hiking or mountain biking in order to keep hiking and mountain bike trails open, and would inherently deny any value in motorized recreation as an activity.

It is our position that the motorized route network in this area had largely been managed effectively under the 2008 travel plan and subsequent on-the-ground route management decisions, and that

for the vast majority of routes, the existing management should continue. It should be noted that in the 2008 travel management plan, the BLM closed over 2,500 miles out of 6,199 miles of inventoried motorized routes across the Moab Field Office. Thus, around 40% of the motorized routes that existed prior to 2008 have already been closed. The routes that remain open today represent the minimum viable route system necessary to preserve a high quality motorized recreation experience in the region. Any significant numbers of further route closures would severely harm the ability of motorized users to enjoy public lands around Moab. It would also cause significant harm to the local economy which depends heavily on motorized recreation.

Though the TMA encompasses a vast area, there are very few motorized routes that do not see regular use, and nearly all of them serve a distinct recreational purpose, offering excellent opportunities for challenging off-road recreation, scenic driving, camping, and access to numerous hiking trailheads, scenic viewpoints, and historic mining and archeological sites. The BLM should ensure that the new travel plan keeps all of these routes open, while limiting closures to only those routes that are truly unneeded and verified on the ground as naturally reclaimed to the point that they no longer exist on the ground.

All routes that are regularly used should remain open except in the most extreme cases of resource damage that cannot be mitigated by any other means except closure. The BLM should keep in mind that while some routes may appear redundant on maps, on the ground they may provide loop opportunities or access to specific scenic viewpoints, campsites, or historical sites that are not readily apparent from maps alone. Even different viewpoints along the same canyon rim can offer very different experiences. The BLM should also recognize that many inventoried routes in this TMA connect to and provide looping opportunities with routes outside of the TMA, and it should evaluate each route with consideration of the full context of the surrounding region.

We are extremely disappointed with the draft alternatives under consideration at this stage of the process. While alternative D is largely acceptable and keeps all of the most valuable routes open, the mass closures of important motorized routes contemplated in alternatives B and C are wholly unacceptable to the motorized community. These two alternatives represent a massive departure from both the 2008 RMP and the historical management of the area and are simply not justified either legally or factually.

Though alternative C appears to be positioned as the middle-ground “blended” or “balanced” alternative (thus we will treat it as the BLM’s likely preferred alternative in our comments), we see little difference between it and the “conservation” alternative B. Both alternatives would result in the unacceptable closure of at least portions of many of the most valuable motorized routes in the region, including multiple Jeep Safari trails and trails like Ten Mile Canyon and Hell Roaring Canyon which the BLM has previously acknowledged provide critically important motorized recreation opportunities. Even the pro-motorized alternative D inexplicably closes part of the Buttes and Towers Jeep Safari route, though it is acceptable in most other respects.

We therefore request that the BLM adopt **either Alternative A or a modified version of Alternative D** as the final travel management plan for this area, in order to preserve the maximum number of opportunities for motorized recreation, particularly for full-size four-wheel-drive vehicles. We also support the comments by the Blue Ribbon Coalition (of which I am a member), Trails Preservation Alliance, Ride With Respect, and other motorized advocacy groups.

II. General Comments

1. The BLM must recognize the historical context and central conflicts of this travel management process

The BLM lands surrounding Moab have long been regarded as a Mecca for off-road four-wheel-drive recreation. Thousands of off-road enthusiasts from across North America flock to Moab every year for the annual Easter Jeep Safari and other off-road events. Motorized recreation including full-size 4x4s, side-by-sides/UTVs, ATVs, and dirt bikes is a major contributor to the Moab economy and draws high numbers of tourists every year. The Labyrinth Rims/Gemini Bridges TMA contains many world famous four-wheel-drive trails commonly run as part of Easter Jeep Safari (Safari routes), as well as hundreds of other trails that may not be as famous, but nevertheless enable high-quality scenic exploration and technical challenges for motorized recreation.

This TMA includes the nationally famous Jeep trails on Poison Spider Mesa (Poison Spider, Golden Spike, Gold Bar Rim, Rusty Nail, and Where Eagles Dare), as well as Metal Masher, Day Canyon Point, Sevenmile Rim, 3D, Buttes and Towers, Secret Spire, Crystal Geyser, Rainbow Terrace, Mineral Point, Deadman Point, Deadman Spring, Spring Canyon Point, Hey Joe Canyon, Mineral Bottom, Hell Roaring Canyon, Ten Mile Canyon, and many others. Many of these trails are featured in published guidebooks and online trail guides, and have been widely recognized as world-class destination off-road trails for decades.

At the same time, the Labyrinth Rims Gemini Bridges TMA is popular for multiple other recreational activities including mountain biking, hiking, rock climbing, horse riding, river rafting, and BASE jumping--all of which depend on vehicular access facilitated by the motorized route network. This TMA also includes many of the most popular areas for dispersed camping near Moab. Until now, all of these various activities and multiple uses of BLM lands within the TMA (and the Moab Field Office more broadly) have coexisted relatively harmoniously, with most of them being well-separated and well-managed.

Since the enactment of the 2008 RMP, the Moab FO has worked hard to construct new trail systems for mountain bikers in the Mag-7, Courthouse Rock, Moab Brands, and Klondike Bluffs areas within the TMA, as well neighboring areas like Porcupine Rim, Sand Flats, and Amasa Back. BASE jumpers and slack liners have the dedicated BASE jumping area at the Fruit Bowl. Hikers have dedicated trails at the Gemini Bridges, Corona and Goldbar Arches, the backcountry zones of Arches and Canyonlands National Parks, three Wilderness Study Areas, and the newly designated Labyrinth Canyon Wilderness. Camping is also well-managed, with camping limited to designated campgrounds and dispersed sites in frontcountry areas and sensitive environments, while unlimited dispersed camping is allowed in more remote backcountry areas.

The Moab Field Office itself found in its 2015 review of the effectiveness of the 2008 RMP that the current recreation management strategies are working well and that no changes to motorized travel management are necessary. Yet a certain vocal minority has arisen which claims that continued motorized recreation in the TMA is incompatible with other recreational uses, and that motorized recreation opportunities must be sacrificed in order to give other users exclusive access.

These groups had an outsized presence in the scoping comment period and they have recently secured the unquestioning support of the Grand County Commission for their exclusionary agenda.

This travel management process will be by far the most controversial of any the Utah BLM is undertaking under the 2017 Settlement Agreement, as evidenced by the fact that the Moab Field Office received over 9000 comments in the scoping period alone. It is therefore critical that the BLM recognize and properly consider the historical context in which this travel management process is occurring.

This travel management process is only the latest battle in a decades-long conflict over the management of Utah's red rock country. Ultimately, the central controversy at issue here is not individual route designations, but the landscape level question of whether or not BLM lands around Moab should be managed as Wilderness. Motorized route designations are but a sideshow to that broader policy question, which cannot and will not be resolved through the travel management process.

For decades, the Southern Utah Wilderness Alliance (SUWA) and allied groups have sought to convert nearly all federal lands in southern Utah into designated Wilderness. SUWA has centered its mission and purpose around securing the passage of its centerpiece legislation, the "America's Red Rock Wilderness Act" (ARRWA). This bill has been regularly introduced in every Congress for 30+ years without ever achieving any real legislative traction. It has almost always been sponsored by members of Congress from states located far away from Utah and currently has zero support from any member of Utah's Congressional delegation. While a few of the Wilderness areas proposed in ARRWA were incorporated into other Wilderness bills that became law in 2009 and 2019, the vast majority of them have historically had very little public support because the lands included in them are simply unsuitable for Wilderness designation.

Far from being lands which are "untrammeled by man" as the Wilderness Act prescribes, most of the "proposed wilderness areas" in ARRWA host a variety of multiple uses and activities which are fundamentally incompatible with Wilderness. These uses include mining, oil and gas development, mountain biking, and of course, motorized recreation. Rather than simply accepting that these lands are unsuitable for Wilderness designation, SUWA and their allies have sought to gradually eliminate incompatible uses of the lands they wish to see managed as Wilderness, in the hope that they can eventually manufacture enough "wilderness characteristics" to make these lands eligible for Wilderness status.

Having failed to gain any traction in Congress, SUWA et al. have turned to BLM management plans (and failing that, the courts) to implement their agenda of shutting down all activities on public lands in southern Utah which conflict with their ultimate goal of securing Wilderness designation. The one commonality between all activities which preclude Wilderness designation is that all of them require roads for access. Therefore road closures have become the centerpiece of their agenda as the primary means of "rewilding" federal lands to manufacture wilderness suitability. Every reason they give to demand road closures (recreation conflicts, wildlife habitat, etc.) are simply excuses for their real agenda of eliminating existing incompatible land uses which pose an obstacle to Wilderness designation.

The Moab Field Office recognized this fact in the Record of Decision for 2008 Moab Field Office Resource Management Plan, which expressly rejected SUWA's attempt to manufacture wilderness suitability through its proposed "Red Rock Heritage Travel Plan Alternative" (RRH). As the BLM wrote in its decision:

> The RRH plan's roadless polygons match almost identically with wilderness proposals submitted by Southern Utah Wilderness Alliance (SUWA) and/or other interest groups. To achieve this "roadlessness," RRH has recommended for closure virtually all roads within these proposed wilderness polygons, without specific mention or regard for purpose and need.
>
> ...
>
> The RRH Travel Plan mirrors the Red Rock Wilderness proposal, which encompasses over 46 percent of public lands in the MPA. RRH assumes that if currently available motorized routes were eliminated, these areas would be eligible for the protection of their wilderness characteristics.[1]

In 2008, Moab Field Office officials clearly understood that SUWA's proposal for the mass closure of roads was really an attempt to unlawfully create new wilderness study areas through travel planning, and expressly rejected this approach:

> Almost all of these routes and areas lie within RRH wilderness proposals. In its comments, there is repeated emphasis on the need to set aside areas for non-motorized recreation and, if necessary, to "create a rare remote and wild area." Current BLM policy prohibits the creation of new wilderness study areas, although it does allow managing areas to protect wilderness characteristics. Several of the areas cited in RRH's proposal were found by BLM in 1999 to lack wilderness character. Many of the specific routes identified by RRH were either described as roads in the BLM 1999 inventory or described as roads at the time of the establishment of the original WSAs. Roads, by definition, are an impact on wilderness characteristics.[2]

SUWA's tactics are the same today. Having resoundingly lost in its attempt to manufacture wilderness suitability through the mass closure of roads in 2008, SUWA resorted to litigation and ultimately won a Settlement Agreement which forced the Moab Field Office and multiple other field offices throughout Utah to redo their travel plans, hoping for a second chance to gain what it failed to achieve in 2008.

The current travel planning process is therefore simply 2008 redux, with the exact same fundamental issues at play. SUWA is hoping that the current decision makers at the Moab Field Office will be more receptive to its position in 2022 than they were in 2008, this time cooperating with its agenda of manufacturing wilderness suitability through road closures. Meanwhile the motorized community must once again defend every route in the TMA against closure, knowing that even if a particular route is kept open, it is only a temporary reprieve. SUWA will soon be back trying to close these roads in a different way.

---

[1] 2008 Moab FIeld Office Resource Management Plan, Record of Decision, p. 13.
[2] Id.

No issue in federal land management policy is ever settled permanently, except that once closed, roads are rarely if ever reopened. The motorized community is therefore faced with the impossible situation of a one-way ratchet with an ever decreasing number of trails. Once closed, a trail is gone forever, while anti-motorized groups like SUWA are given an infinite number of opportunities to try to close them. Should they fail to obtain the road closures they seek in this travel plan, SUWA will almost certainly manage to force another travel planning process in the future. We fully expect that we will be in the exact same situation in another 10-15 years, endlessly re-litigating the same route designations while losing more routes each time.

The BLM should know by now that SUWA will never be satisfied with any amount of road closures they manage to obtain through the current travel planning process. Already, SUWA and its allies on the Grand County Commission have gone on record stating that even the most extreme alternative under consideration in this process (alternative B) does not close enough roads, and they have demanded even more closures. Should they fail to achieve that, they are already working on a public lands bill which would cover the entire Moab Field Office with a series of National Conservation Areas, which would inevitably require new travel plans to be developed for any areas that are not closed to motorized use outright by the text of the legislation.

The only way SUWA and its allies will ever be satisfied is if every road in the Moab Field Office is closed and every square foot of federal land in the region is designated as Wilderness or a close equivalent. Until that happens, any attempt to appease them will fail, and they will always be back for another swing of the bat one way or another.

We therefore urge the BLM to be cognizant of the historical context regarding the conflicts around roads in Utah's red rock country, and to resist the urge to "compromise" with anti-motorized interest groups like SUWA in a futile attempt to put an end to the controversy by appeasing them. The BLM must realize that the conflict between motorized recreation and Wilderness designation in Utah is truly an intractable one which will still be ongoing decades hence regardless of the outcome of this specific travel plan.

With that in mind, the Moab Field Office should aim for consistency in management and stay the course it charted with the 2008 RMP, keeping the vast majority of routes in the 2008 travel plan open to continued motorized use by adopting a modified version of alternative D as the final travel plan. Capitulating to SUWA by choosing alternatives B or C will only embolden them in seeking further closures, and will only intensify the conflict.

2. The chosen alternative must be consistent with the 2008 Resource Management Plan

It is a basic principle of public lands management law that project level management plans adopted by the BLM, including travel management plans, must be consistent with the applicable Resource Management Plan. 43 C.F.R. § 1610.5-3 ("(a) All future resource management authorizations and actions ... and subsequent more detailed or specific planning, shall conform to the approved plan.")

Management actions that contradict the Resource Management Plan can only be adopted through a RMP amendment. 43 C.F.R. § 1610.5-3 ("If a proposed action is not in conformance, and

warrants further consideration before a plan revision is scheduled, such consideration shall be through a plan amendment in accordance with the provisions of § 1610.5-5 of this title.") The Supreme Court has affirmed that this regulatory language renders BLM management actions that are contrary to the relevant Resource Management Plan unlawful:

> The statutory directive that BLM manage "in accordance with" land use plans, and the regulatory requirement that authorizations and actions "conform to" those plans, prevent BLM from taking actions inconsistent with the provisions of a land use plan. Unless and until the plan is amended, such actions can be set aside as contrary to law pursuant to 5 U. S. C. § 706(2).

Norton v. Southern Utah Wilderness Alliance, 542 U.S. 55, 69 (2004).

It is critical to recognize that in the 2017 Settlement Agreement, the BLM only agreed to create new travel management plans for the specified areas and did not agree to amend or replace the Resource Management Plans for the affected field offices. As the text of the Settlement Agreement expressly acknowledged, "This Settlement Agreement in no way affects or relieves any party of its responsibility to comply with the United States Constitution or with any applicable federal law or regulation, including the APA, NEPA, FLPMA, and NHPA." Settlement Agreement at p. 4. Any new travel management plans adopted in accordance with the 2017 Settlement Agreement must still be consistent with all applicable language in the relevant Resource Management Plans, as required by the FLPMA and 43 C.F.R. § 1610.5-3.

Consequently, the 2017 Settlement Agreement did not in any way invalidate the 2008 Moab Field Office Resource Management Plan or relieve the BLM from its legal obligation to manage motorized travel in a manner consistent with the 2008 RMP. While the Moab Field Office is obligated to reevaluate the individual route designations within the Labyrinth Rims / Gemini Bridges TMA and issue a new travel management plan for that area, all route designations in the new travel plan must still be consistent with the applicable mandates and guidance in the 2008 Resource Management Plan. Any route designations that are contrary to the RMP are unlawful, unless the RMP is amended to resolve the conflict.

In terms of specific application, this means that the BLM may not designate as open any route that the main text of the RMP mandates be closed; and the BLM may not designate as closed any route that the RMP mandates remain open. Individual route designations must also be consistent with landscape level designations and plan guidance such as OHV area designations, recreation focus areas, ACEC management requirements, and RMP determinations on whether or not to manage specific lands for the protection of wilderness characteristics. We wish to emphasize the following specific points:

- The BLM may not close specific routes that the text of the RMP mandates be managed for motorized use.
- In areas the RMP designated as motorized recreation focus areas, the BLM may not prioritize other forms of recreation over motorized recreation by closing motorized routes to convert them to mountain bike trails or hiking trails.

- In non-motorized recreation focus areas where the RMP exempted specific motorized routes, the BLM must keep those routes open to motorized use.
- The BLM may not close routes for the purpose of enhancing wilderness characteristics in areas the RMP determined not to manage for the protection of wilderness characteristics.

These points will be discussed in greater detail below.

A. Routes with specific plan direction

Multiple prominent motorized routes are mentioned by name in the text of the 2008 RMP, along with either express or implied direction that these routes remain open motorized use. The first of these occurs in the plan direction for management of the Labyrinth Rims / Gemini Bridges SMRA, which coincides with this travel management area:

> BLM also manages and maintains route markings (with user group assistance) on the Monitor and Merrimac, Sevenmile Rim, Poison Spider Mesa, Golden Spike, Goldbar Rim, Gemini Bridges, Lower Monitor and Merrimac, Bar M, and Klondike Bluffs routes which are used by both motorized and non-motorized visitors. The 3-D, Crystal Geyser, Hellroaring Rim, Secret Spire, and Wipeout Hill routes are authorized for Jeep Safari and other uses.[3]

In this section, the Resource Management Plan mentions multiple famous motorized routes and expressly directs that the 3-D, Crystal Geyser, Hellroaring Rim, Secret Spire, and Wipeout Hill safari routes continue to be managed for motorized use including the Easter Jeep Safari event. It also highlights the fact that the remainder of the listed routes (also mostly Jeep Safari routes) are used for both motorized and non-motorized users, strongly implying that this management should continue. Alternative B closes at least portions of each of these routes and therefore directly contravenes this plan direction.

The Resource Management Plan therefore requires that each of the named routes above remain open to motorized use and prohibits the BLM from closing any of them to motorized vehicles. To the extent that any of the alternatives under consideration in this travel planning process close portions of any of the routes listed above to motorized use, it is contrary to the Plan's direction and may not be adopted absent an RMP amendment. As discussed in further detail in our route specific comments, alternatives B and C both close portions of some of these routes and are therefore inconsistent with the RMP.

Another route with specific plan direction is the Ten Mile Wash / Ten Mile Canyon trail, which is the subject of express direction in the section of the RMP discussing management of the Ten Mile Wash ACEC:

> **ACEC-7**
>
> Ten Mile Wash (4,980 acres) will be designated as an ACEC.

[3] 2008 Moab Field Office Resource Management Plan, p. 90.

> **Special Management:** To protect the relevant and important values of natural systems (riparian/wetlands), wildlife, cultural resources and natural hazards, the following management prescriptions will apply:
>
> • Prioritize Ten Mile for Class III cultural inventory.
>
> • Prioritize Ten Mile as a scientific research area.
>
> • Grazing will be allowed on a limited basis in Ten Mile Canyon downstream from Dripping Springs, with changes subject to future monitoring and conformance with Standards for Rangeland Health.
>
> • Prioritize area for riparian restoration.
>
> • Restrict camping and campfires to designated sites at Dripping Spring.
>
> • Motorized and mechanized travel limited to designated routes.
>
> • No competitive events.
>
> • Establish speed limits.
>
> • Reroute designated road around the wetlands south of the cattle guard near Dripping Springs.
>
> • Restrict vehicle access at the Green River; designate a parking area at the Green River.
>
> • Permits for motorized recreational use may be required if monitoring indicates long-term damage.
>
> • Require permits for groups greater than 25 vehicles.
>
> • Apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface disturbing activities (see Appendix A).
>
> • No commercial or private collection of woodland products.[4]

The Moab Field Office also included specific discussion of the Ten Mile Wash route in the Record of Decision, which stated:

> The most controversial route is the 18 mile long Ten Mile Wash route, which is a designated route in the Approved RMP. Although very popular with motorized users, the route poses potential resource conflicts with cultural resources, wildlife, and riparian resources. The area has experienced off-route vehicle travel in the past which has resulted in impacts primarily to riparian and vegetation resources. The BLM has found that the resource impacts can be mitigated by clearly signing and flagging the desired route on the ground.[5]

Because of its acknowledged status as the “most controversial” route in the 2008 travel plan, this route was subject to extensive analysis in 2008 and the text of the RMP includes multiple points of express direction regarding the management of this route. Critically, the plan directs that motorized use continue to be allowed on this route and requires the BLM to undertake specific mitigation

[4] 2008 RMP, p. 108.
[5] 2008 RMP, ROD, p. 19.

measures to prevent motorized use from negatively impacting other resources. This direction is prefaced by the acknowledgement in the ROD that this route is very popular with motorized users and the BLM's finding that, "the resource impacts can be mitigated by clearly signing and flagging the desired route on the ground."

The required mitigation measures include limiting motorized travel to designated routes, establishing speed limits, prohibiting competitive events, requiring permits for groups larger than 25 vehicles, re-routing the designated road around the wetlands south of the cattle guard near Dripping Springs, and designating a parking area at the Green River. The plan also recommends one additional mitigation measure if the others fail to sufficiently reduce impacts, stating "Permits for motorized recreational use may be required if monitoring indicates long-term."

None of the mitigation measures listed above allow for the Ten Mile Wash route to be closed to motorized use, either in whole or in part, as the BLM is considering in alternatives B and C. Alternative B would close the entire Ten Mile Wash route, while alternative C would close the lower two-thirds of the trail south of the midpoint access road.

It is impossible to reconcile the proposed actions in either of these alternatives with the express direction in the Resource Management Plan that the Ten Mile Wash route remain open to motorized use. Indeed, the provision requiring the BLM to designate a parking area for vehicles on the bank of the Green River requires that vehicles be allowed to drive to that point. Every other provision in the RMP regarding this route also requires keeping it open to motorized use. None of them allow the BLM to consider closing the route to vehicles, which puts alternatives B and C in conflict with the express direction of the RMP with respect to this route.

The most severe restriction permissible under the text of the RMP is implementing a permit system for vehicles, similar to how the BLM currently manages the Coyote Canyon Trail and how the National Park Service manages the White Rim and Elephant Canyon trails. If the BLM concludes that motorized use is continuing to cause unacceptable impacts on this route, it should consider requiring permits instead of closing it outright.

We also submit that any remaining negative impacts would be best mitigated by clearly signing and flagging the desired route on the ground, which is precisely what the Moab Field Office determined to do in the 2008 RMP. Unfortunately, when I drove most of this route in October 2021, I saw only minimal signage or fencing delineating the official route. As a result, there is at least minor braiding at multiple points along the trail, where it simply isn't clear which is the official route. Any negative impacts caused by this braiding are not the fault of motorized users but are the result of the BLM's failure to implement the mitigation measures approved in the 2008 RMP and clearly mark the authorized route on the ground.

It is clear from the above discussion that by closing all or part of the Ten Mile Wash route, alternatives B and C run contrary to the clear mandate in the text of the RMP to keep this route open to motorized use. Only alternatives A and D are consistent with the RMP in regard to this route. Therefore the BLM must adopt the alternative D actions regarding Ten Mile Wash and the other routes discussed above as the basis for its final travel plan.

B. Recreation focus areas

Additional plan direction regarding specific motorized routes, and motorized recreation in general, occurs within the context of the various recreation focus areas designated in the Resource Management Plan. This includes both the establishment of motorized recreation focus areas and provisions protecting specific motorized routes within non-motorized focus areas against closure.

As described in the ROD, recreation focus areas were the BLM's method of zoning different areas within the Moab Field Office to emphasize specific recreational activities. While other recreational activities are allowed within a focus area zoned for a different activity, the focus area defines which activity is emphasized and thus takes precedence when there is a conflict. The ROD states:

> The 30 Focus Areas (Recreation Management Zones or RMZs) designated in the Approved RMP are necessary to successfully manage the diversity of recreational activities that occur in the Moab planning area. Focus Areas are established to emphasize a specific recreation use and provide a specific set of recreation opportunities and facilities. For example, the Klondike Bluffs Mountain Bike Focus Area is designated in the Approved RMP as an area for new mountain bike trail development and continued mountain bike use. As another example, the Dee Pass Motorized Trail Focus Area is established for motorcycle and ATV use. All competitive Moab Field Office Record of Decision motorized events would be directed to this area. By emphasizing and managing for specific recreation activities in these Focus Areas, recreation conflicts are reduced. Focus Areas set visitor expectations for a specific type of recreation experience, thereby reducing potential conflict. Those who choose to hike in a motorized Focus Area should not be surprised by the amount of motorized activity. Focus Areas in the Approved RMP provide opportunities for the widest range of recreational activities and attendant business opportunities.[6]

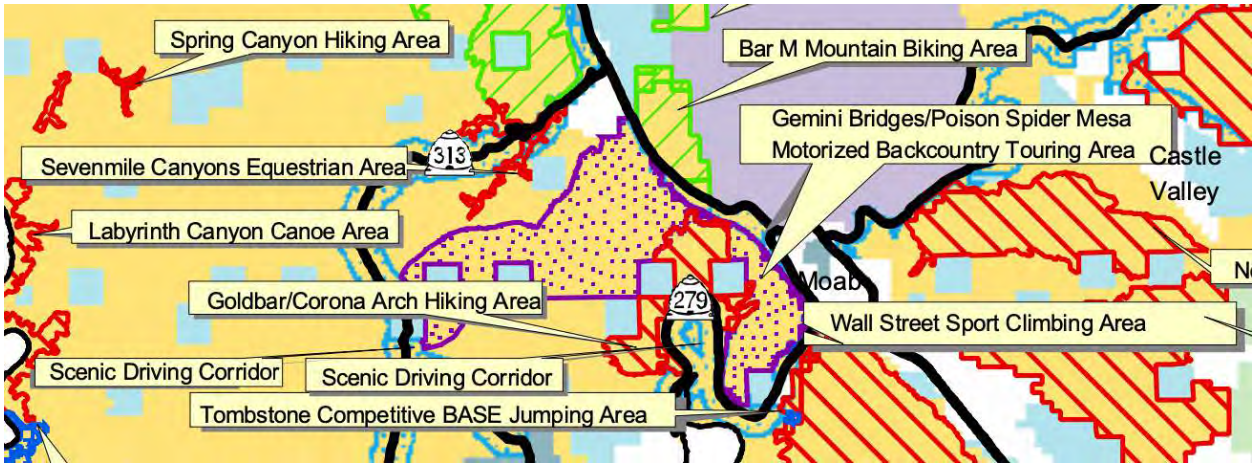
As discussed below regarding user conflict, properly managing user expectations is key to preventing user conflict. Non-motorized users have no right to object to the presence of motorized users in a motorized focus area. On the other hand, it may be appropriate to close some motorized routes in non-motorized focus areas if they are interfering with non-motorized users' ability to recreate in the area.

As long as the BLM manages these areas consistently, user conflict is minimized. If, on the other hand, the BLM begins arbitrarily closing routes within motorized focus areas in order to convert them to non-motorized trails, user conflict will only increase, as motorized users will no longer feel safe within their own focus areas from encroachment by other user groups.

Is it critical to note that per the RMP, "where a single focus SRMA or a specific RMZ (Focus Area) is not identified, the default focus of that area is motorized, backcountry touring on designated roads."[7] This is particularly important in the Gemini Bridges area, where a number of important motorized routes are intermingled with popular mountain bike trails in the Mag-7 trail system. As can be seen in the map below, the southern part of the Gemini Bridges area is expressly designated as the Gemini Bridges / Poison Spider Mesa Motorized Backcountry Touring Area. However the northern part of the Gemini Bridges area surrounding South Fork Sevenmile Canyon

[6] 2008 RMP ROD, p. 29 - 30.
[7] 2008 RMP, p. 84.

has no express focus area, meaning by default it also is intended to be managed to emphasize motorized backcountry touring.



This is important because Grand County, at the behest of mountain bike groups, has been lobbying to close multiple important motorized routes in this area to convert them to mountain bike trails. The most prominent of these is the eastern segment of the 7-Up trail, which is currently shared between mountain bikers and motorized users and is being considered for closure to motorized use in alternatives B and C. The 7-Up trail is partially within the designated Scenic Driving Corridor along highway 313, and partially in an area with no express recreation focus area. To my knowledge, the BLM never amended the RMP to convert this area to a mountain bike focus area when the Mag-7 trail system was developed, which occurred after the adoption of the 2008 RMP. Therefore the default emphasis on motorized backcountry touring still applies.

The plan direction for the Gemini Bridges/Poison Spider Mesa Focus Area states that it is to be managed "for multiple use, including full-size OHV, ATV, and motorcycle use with consideration given to managing routes suitable for each vehicle type. Travel will be intensively managed on designated routes only."[8] The plan direction for the Labyrinth Rims / Gemini Bridges SRMA adds: "Manage backcountry areas to facilitate scenic motorized touring on designated routes with special emphasis upon establishment of low-development, end of route parking areas and route signing."[9] The same management direction would apply to all areas with no express focus that are managed for motorized backcountry touring by default.

Because areas zoned for motorized backcountry touring are intended to emphasize motorized recreation, it would be inappropriate to close motorized routes within those areas to convert them to mountain bike trails, as this would be emphasizing non-motorized recreation over motorized recreation contrary to the RMP's direction. The proposed action in alternative C to close the eastern portion of the 7-Up trail to convert it to a mountain bike trail is therefore contrary to the RMP and must not be adopted.

It would likewise be contrary to the RMP to close any routes within the Dee Pass Motorized Trail Focus Area in order to convert them to non-motorized use. Plan direction for this area states:

[8] 2008 RMP, p. 91.
[9] 2008 RMP, p. 90.

> Dee Pass Motorized Trail Focus Area (35,290 acres) for motorcycle and ATV use: This is the area for competitive motorized events. Competitive routes within this area will be identified based on site-specific NEPA analysis. All routes designated for motorized use in the accompanying Travel Plan will remain open while Section 106 cultural resource inventories are conducted. If these inventories indicate the presence of eligible sites within the travel corridor, the route will be altered or closed. All new routes will require Section 106 cultural resource inventory prior to designation. Establish a managed OHV route system with provision for ongoing management of existing single-track routes to maintain their singletrack character.[10]

Note that while the RMP does allow for motorcycle routes in the Dee Pass Focus Area to be re-routed or closed for cultural resource conflicts, it does not allow them to be closed for any other reason. All motorized routes within this focus area should remain open to motorized use unless they are causing demonstrated harm to cultural sites. Because both alternatives B and C close numerous motorized routes within this focus area, including multiple motorcycle and ATV trails, they are inconsistent with this direction.

The 2008 RMP also includes multiple non-motorized recreation focus areas. These are the only places where it is appropriate to close motorized routes to convert them to non-motorized use. However, the RMP includes a number of express protections for valuable motorized routes which would otherwise be inside non-motorized focus areas, which the RMP mandates be kept open to motorized use.

First, the Day Canyon Point Safari route is excluded from the Goldbar/Corona Arch Hiking Focus Area:

> Goldbar/Corona Arch Hiking Focus Area (4,191 acres) covers the lands below the Golden Spike OHV route inclusive of the Culvert Canyon drainage to the northern rim of Long Canyon exclusive of the main stem of the Day Point Road.[11]

While the Goldbar/Corona Arch Hiking Focus Area is intended to prioritize non-motorized recreation, the Day Canyon Point trail was expressly excluded from it, causing the default motorized backcountry touring focus to apply to it. The clear intent of cherry-stemming this route out of the hiking focus area is to ensure that this route remains open to motorized use and will not be closed due to alleged conflicts with hikers. The RMP thus strongly implies a mandate to keep this route open to motorized use, which alternative B violates by closing it outright. Alternative C also contravenes this implied mandate by seasonally closing the Day Canyon Point trail during the peak spring tourism season, making it unavailable to motorized users during the time it is most in demand.

The next route with a similar carve-out is the Hey Joe Canyon Safari route:

> Labyrinth Canyon Canoe Focus Area (7,709 acres) inclusive of the rims along the east side of Labyrinth Canyon from Placer Bottom to Mineral Bottom exclusive of the Hey Joe Mine OHV and mountain bike route.[12]

---

[10] 2008 RMP, p. 92.
[11] 2008 RMP, p. 90.
[12] 2008 RMP, p. 91.

Hey Joe Canyon is another highly important motorized route that is expressly excluded from the Labyrinth Canyon Canoe Focus Area, which emphasizes non-motorized boating. The Moab Field Office received the same requests in 2008 it is receiving today asking for this route to be closed to motorized use in order to reduce the inconvenience to boaters on the adjacent Green River caused by motorized noise. Instead, the decision makers at that time acknowledged the extreme importance of this route for motorized recreation and chose to keep it open. The express carve-out here was clearly intended as a mandate that this route remain open and that inconvenience to boaters shall not be used as a reason to close it. The ROD made this intent explicit, stating:

> Other controversial routes that are designated in the Approved RMP include the Hey Joe route along the Green River and a route within Hellroaring Canyon. These two routes pose potential resource conflicts with non-motorized recreationists and riparian areas. However, the routes were determined to have an overriding purpose and need in that they are identified in guidebooks or are part of the Moab Jeep Safari route system.[13]

These two passages in the 2008 RMP serve as a clear mandate to keep the Hey Joe Canyon trail open to motorized users, and the BLM cannot close this route to motorized use without an RMP amendment. The Moab Field Office even seemed to realize this when it released the initial draft alternatives in September 2021, which did not include a single alternative which closed this route.

However, after Grand County passed a resolution in late 2021 requesting that this route be closed in order to satisfy the demands of non-motorized boaters for exclusive use of the Green River corridor, the Moab Field Office obliged and modified alternative B to close this route. We strongly object to this change and believe it puts alternative B in direct conflict with the clear intent of the RMP. This is one more reason why alternative B cannot be legally adopted as the basis for the final decision, and why the BLM must instead adopt alternative D's action with respect to this route.

Similar carve-outs are found in the RMP for valuable motorized routes inside mountain bike focus areas:

> Bar M Mountain Biking Focus Area (2,904 acres) between Arches National Park, U.S. Highway 191, and the Bar M area state lands, exclusive of motorized access for the Copper Ridge Jeep Safari Route and the 191 rock quarry access road.[14]

And:

> Mill Canyon/Upper Courthouse Mountain Biking Focus Area (5,744 acres) inclusive of areas within the Mill Canyon and upper Courthouse drainages with continued use of the Sevenmile Rim Jeep Safari route for motorized use, with non-motorized trailheads near the Mill Canyon Dinosaur Trail and the Halfway Stage Station.[15]

In these two provisions, the Copper Ridge and the Sevenmile Rim Safari routes are protected against closure and guaranteed to remain open to motorized use despite otherwise being within mountain bike focus areas where the management direction allows for motorized routes to be closed and converted to mountain bike trails. Alternative B violates this provision by closing parts

[13] 2008 RMP ROD, p. 19.
[14] 2008 RMP, p. 91.
[15] Id.

of the Sevenmile Rim trail, including the most scenic and challenging segment along the slickrock bench beneath Monitor and Merrimac Buttes (D2398). This puts alternative B in direct conflict with the express direction of the RMP, which requires “continued use of the Sevenmile Rim Jeep Safari route for motorized use.”

While the RMP does not expressly exempt other Safari routes in these areas from closure, we believe the same reasoning would apply, and ask the BLM to refrain from closing the portion of the Buttes and Towers Safari Route around Pasture Butte (D2393) that is proposed for closure in all action alternatives, likely because it is in the Mill Canyon/Upper Courthouse Mountain Biking Focus Area and is co-aligned with the Monitor and Merrimac Mountain Bike Trail. This request is consistent with the manifest intent of the RMP that Jeep Safari routes in mountain bike focus areas remain open to motorized use. The BLM should heed this plan direction and keep all Jeep Safari trails in these areas open.

C. Lands With Wilderness Characteristics

While the BLM has identified several areas within the Labyrinth Rims / Gemini Bridges TMA that are considered Lands With Wilderness Characteristics, the 2008 RMP expressly determined NOT to manage these areas for the protection or enhancement of wilderness characteristics. This was because these areas all have a high density of popular motorized routes and are entirely unsuitable for Wilderness designation.

We remind the BLM that in the Record of Decision for 2008 Moab Field Office Resource Management Plan, the BLM expressly rejected the SUWA backed “Red Rock Heritage Travel Plan Alternative” which would have closed virtually all motorized routes inside areas proposed for Wilderness designation in ARRWA, which was not considered a credible basis to consider these lands as “proposed wilderness.” As the BLM wrote in its decision:

> The RRH plan's roadless polygons match almost identically with wilderness proposals submitted by Southern Utah Wilderness Alliance (SUWA) and/or other interest groups. To achieve this “roadlessness,” RRH has recommended for closure virtually all roads within these proposed wilderness polygons, without specific mention or regard for purpose and need. This results in several hundred miles of County "B" roads being recommended for closure. BLM has determined that these roads, which are constructed, regularly maintained by mechanical means, and serve specific purposes and needs, should be included in all alternatives of the BLM Travel Plan.[16]

The BLM was even more direct in its responses to SUWA’s comments on the 2008 travel plan, where it repeated variations of the following statement dozens of times in response to SUWA’s demands to close roads solely because they were within areas included in its wilderness proposal:

> The routes the commentor proposes closing consist almost entirely of routes lying within its wilderness proposals. There is no distinction made on the basis of use, and the proposal includes closing county B roads and popular permitted motorized routes. As described in

[16] 2008 RMP ROD, p. 13.

> Chapter 2, pgs. 108-109, the BLM is not obligated to create roadless areas in response to wilderness proposals.[17]

The mere fact that certain areas are included in legislative wilderness proposals does not require the BLM to close roads in order to create new roadless areas. Nor does closing roads automatically make an area "roadless" for purposes of wilderness suitability. The Moab Field Office further expanded on this reasoning in response to a different comment by SUWA requesting the closure of a county B road in Tusher Wash:

> This route lies within a SUWA proposed wilderness area, which in effect would be "roadless", except for the fact that a route is present. Closing this route to motorized use would not make the area "roadless", as the impact on naturalness would still exist. It is beyond the scope of the plan for BLM to create "roadless" areas where such areas do not currently exist. Rather, BLM evaluates routes for purpose and need balanced against resource conflict. A preference for a route to not be present is not in itself a resource.[18]

The BLM thoroughly refuted the idea that a route being in an area included in SUWA's wilderness proposal constitutes a resource conflict. Specifically regarding routes in the Labyrinth Rims area, the BLM wrote:

> The commentor's proposal in this comment covers a very large land area covering tens of thousands of acres, and with hundreds of miles of inventoried routes. SUWA provides no specific route data to support their broad assertions of resource and user conflicts. The principal "resource conflict" appears to be the fact that virtually all of these routes are within SUWA's wilderness proposals. As described in Chapter 2, pgs. 108-109, the BLM is not obligated to create roadless areas in response to wilderness proposals.
>
> The commentor asserts that the BLM should close routes that have a "resource or user conflict". The presence of such a conflict does not in itself warrant not identifying a route for motorized use. Rather, the BLM identifies potential resource conflicts, assesses the significance of such conflicts, and weighs any such conflicts against purpose and need. As described in Appendix G, the BLM's travel plan formulation involved numerous meetings of an interdisciplinary team. Potential resource conflicts were identified, their extent evaluated and then weighed against purpose and need for the particular route under discussion.[19]

As the Moab Field Office found in 2008, it would be inappropriate for the BLM to close valuable motorized routes that were in existence long before the 1999 wilderness inventory in a misguided attempt to manufacture new "wilderness characteristics" in areas that currently lack them and are fundamentally unsuitable for Wilderness status due to the longstanding presence of motorized recreation. While the BLM acknowledged that some disputed routes could impact wilderness characteristics, it resolved this conflict by expressly determining not to manage these areas for wilderness characteristics. As stated in the ROD:

> External groups also dispute the BLM's designation of routes in areas such as Deadman Point and Mineral Point, citing conflicts with non-motorized recreation and wilderness

---

[17] Response to comment 124-151, "Comments and BLM Responses Listed By Resource", p. 558, https://eplanning.blm.gov/public_projects/lup/66098/81243/94761/ResponseByResource.pdf.
[18] Response to comment 124-144, "Comments and BLM Responses Listed By Resource", p. 557.
[19] Id. at response to comment 124-201.

> characteristics. In the Approved RMP, the BLM has chosen not to manage for these values which essentially remove the resource conflicts.[20]

In the current travel planning process, SUWA and the Grand County Commission have called for numerous popular motorized routes in areas like Bull Canyon, Mineral Canyon, Hell Roaring Rim, and Deadman Point to be closed in order to manage them as hiking focus areas providing a "wilderness quality experience." Regarding routes on the North Rim of Hell Roaring Canyon, Grand County's December 2021 letter expressly calls for "wilderness type management - backcountry hiking focal area."[21] Grand County seems to be under the mistaken impression that the 2008 RMP is being entirely re-written in this process, as the broad landscape level zoning changes it requests could only legally be done through an RMP amendment. The motorized travel plan is not the appropriate venue to create new recreation focus areas or designate new areas managed for wilderness characteristics that do not exist under the current RMP. The 2008 RMP expressly determined NOT to manage each of these areas for wilderness characteristics and designated them as motorized backcountry touring emphasis zones, and the BLM is legally bound to follow existing plan guidance for these areas.

The 2008 RMP's determination not to manage these areas for wilderness characteristics means that the BLM may not close motorized routes within these areas for purposes of enhancing wilderness characteristics or manufacturing roadlessness. To close those routes for the sake of enhancing wilderness characteristics or providing hikers with a "wilderness-type experience" would in fact be managing those areas for wilderness characteristics, which is contrary to the express direction of the RMP. If the BLM wishes to reverse its prior decision and begin managing these areas for wilderness characteristics, that is a landscape level management decision that would require an RMP amendment, which has not been proposed and is thus outside the scope of this travel planning process. A travel plan is not the appropriate place to re-litigate decisions made in the RMP, but must abide by its direction. Any actions that are contrary to plan direction regarding wilderness characteristics will be set aside when this travel plan is inevitably challenged in court.

Accordingly, the BLM may not select any alternative for its final decision that closes motorized routes because of alleged conflicts with wilderness characteristics or potential for future Wilderness designation. While we recognize that the BLM is required by the lawsuit Settlement Agreement to consider at least one alternative which does so (alternative B), this alternative must be rejected because it fails to comply with the management direction in the RMP. Since alternative C also closes routes based on conflicts with wilderness characteristics in areas the BLM decided not to manage for them (specifically in the Ten Mile Canyon, Hell Roaring Canyon, Deadman Point, and Mineral Point areas), that alternative must likewise be rejected as inconsistent with the RMP.

Because alternatives B and C are both inconsistent with the RMP direction regarding lands with wilderness characteristics, adopting either of these alternatives would violate 43 C.F.R. § 1610.5-3 and would be unlawful. As a result, the BLM must select alternative D as the basis for its final travel plan, as that alternative is the only action alternative which is consistent with the Moab Field Office RMP.

---

[20] 2008 ROD, p. 19.
[21] Letter from the Grand County Commission to the BLM, approved December 7, 2021.

3. The BLM must clearly explain any differences between this travel plan and the 2008 travel plan

As discussed above, while the BLM agreed in the 2017 settlement to reevaluate each of the routes in the Labyrinth Rims Gemini Bridges TMA designated in the travel plan for the 2008 Moab Field Office Resource Management Plan, that Settlement Agreement did not invalidate the RMP or the findings in its associated EIS and Record of Decision. Until superseded by the new travel plan, the 2008 travel plan remains in effect and must be considered in the agency's evaluation of cumulative effects.

Moreover, the BLM is obligated by NEPA and the APA to clearly explain the rationale for any differences between the new travel plan and the 2008 travel plan, including any new closures of routes that were kept open in 2008. The mere fact that the BLM agreed in a settlement to reconsider its prior travel plan does not relieve it of this basic responsibility under the APA.

While agency management decisions are not required to follow the judicial doctrine of *stare decisis,* consistency between agency actions is still strongly desired, for similar reasons. Radical departures from its prior decisions undermine the BLM's ability to engage in long-term management and harm the public's ability to rely on decisions being carried through. As a result, the courts have traditionally subjected sudden reversals of prior agency decisions to additional scrutiny.

It has long been held by the courts that unexplained inconsistency between two agency decisions on the same subject constitutes *prima facie* evidence that the latter decision is arbitrary and capricious. As held in *Organized Vill. of Kake v. U.S. Dep't of Agric*., 795 F.3d 956 (9th Cir. 2015) (emphasis added):

> The APA requires a court to "hold unlawful and set aside agency action, findings, and conclusions found to be—(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Agency action is "arbitrary and capricious if the agency has ... offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Motor Vehicle Mfrs. Ass'n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co*., 463 U.S. 29, 43, 103 S.Ct. 2856, 77 L.Ed.2d 443 (1983). **"Unexplained inconsistency" between agency actions is "a reason for holding an interpretation to be an arbitrary and capricious change."** *Nat'l Cable & Telecomms. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967, 981, 125 S.Ct. 2688, 162 L.Ed.2d 820 (2005).

The *Kake* decision further explained the test an agency must satisfy in order to sufficiently explain inconsistency with a previous decision, which is derived from Supreme Court precedent:

> The Supreme Court addressed the application of the APA to agency policy changes in *FCC v. Fox Television Stations, Inc.,*556 U.S. 502, 129 S.Ct. 1800, 173 L.Ed.2d 738 (2009). In *Fox,* the Court held that a policy change complies with the APA if the agency (1) displays "awareness that it is changing position," (2) shows that "the new policy is permissible under the statute," (3) "believes" the new policy is better, and (4) provides "good reasons" for the new policy, which, if the "new policy rests upon factual findings that contradict those which underlay its prior policy," must include "a reasoned explanation ... for disregarding facts and

> circumstances that underlay or were engendered by the prior policy." *Id.* at 515–16, 129 S.Ct. 1800 (emphasis omitted).

795 F.3d at 966. In order to comply with the APA, when an agency makes a decision that contradicts a past decision, it must display an "awareness that it is changing position," and articulate "good reasons for the new policy," including a "*reasoned explanation for disregarding facts and circumstances that underlay or were engendered by the prior policy*." *Id.* (internal quotations omitted).

Given that the entire purpose of the Labyrinth Rims / Gemini Bridges Travel Management Project is to reevaluate the route designations made in a prior decision, this standard is especially applicable here. If the BLM makes any route designation decisions in this travel plan that are inconsistent with the previous plan, it therefore must provide a reasoned explanation for that difference in the final EA and FONSI. This includes explaining the reasons for individual route closures, not just the reason for the overall alternative chosen.

Under APA section 706(2) agency decisions that are "unsupported by substantial evidence" must be set aside as unlawful. Both NEPA and the APA require the BLM to articulate a "rational connection between the facts found and the choice made." *Motor Vehicle Mfrs. Ass'n. v. State Farm Mutual Automobile Ins. Co*., 463 U.S. 29, 43 (1983). In the case of an agency travel management plan, this requirement not only applies to the overall decision regarding the alternative adopted, but also to the decisions made regarding individual routes.

In *Idaho Conservation League v. Guzman*, 766 F. Supp. 2d 1056, 1069 (D. Idaho 2011), the court overturned a Forest Service travel plan because of the Forest's failure to adequately explain its decisions with regards to the individual routes of concern to the Plaintiffs. ("In addition, the decision adopting the Travel Plan violates the 2005 Travel Management Rule and NEPA, because the Forest Service did not address directly the site-specific evidence submitted by Plaintiffs during the comment period.")

Likewise, the BLM is obligated to explain the rationale for its decisions with respect to each individual route under consideration, and to provide detailed explanations "for disregarding facts and circumstances that underlay or were engendered by the prior policy" where individual route designations differ from those in the 2008 travel plan. This is especially critical for routes such as Ten Mile Wash, Hell Roaring Canyon, Hey Joe Canyon, Deadman Point, and Mineral Point that were specifically highlighted in the Record of Decision for the 2008 RMP as having an overriding purpose and need which justified keeping them open despite acknowledged impacts, and also have specific plan direction in the main text of the RMP regarding them.

We note that the generic narrative statements included in the route reports for each alternative are NOT sufficient to satisfy this standard. These statements only include generalized descriptions of how closing a particular route might minimize different categories of impacts. Each of those generic statements would have been equally true in 2008 as they are today. Therefore they do not provide a sufficient explanation for why the agency chose one action in 2008 and is choosing the opposite action now.

In order to justify a decision to close a route that was designated open in 2008, the BLM must explain how the underlying facts have changed in order to justify a different decision, or provide reasons why the facts and circumstances underlying the previous decision must be disregarded. If it cannot explain why a particular route should be closed now when it was previously kept open, then the BLM is obligated to keep that route open consistent with its prior decision. Anything less would be considered an unexplained inconsistency with a prior decision under the Supreme Court's *Fox* test and would therefore be arbitrary and capricious.

4. The BLM must heed Congress' prohibition on Wilderness buffer zones in Labyrinth Canyon

The 2019 Dingell Act passed by Congress created the Labyrinth Canyon Wilderness Area immediately across the Green River from the Labyrinth Rims/Gemini Bridges TMA. Under the Dingell Act, all roadless land in the Labyrinth Canyon area possessing true wilderness qualities was designated as Wilderness. While Congress had the opportunity to designate additional Wilderness areas on the east side of the Green River, it chose not to, leaving the land within the Labyrinth Rims/Gemini Bridges TMA to continue to be managed for multiple use recreation. We believe it is a reasonable compromise to have Wilderness on the west side of Labyrinth Canyon and motorized recreation on the east side, and we ask the BLM to uphold this balance.

The BLM must reject any attempt to use the travel management process to create de facto wilderness buffer zones and must obey Congressional direction to refrain from closing motorized routes based on sight or sound impacts to adjacent Wilderness areas. Neither is the Green River's Wild and Scenic River designation an appropriate basis for buffer zones, as the 'Scenic' status for the portion of the river with existing motorized routes does not in any way limit motorized use.

Throughout this process, anti-motorized interest groups including SUWA and their allies on the Grand County Commission have been making a major push to get the BLM to close motorized routes along the banks of the Green River and leading to overlooks on Labyrinth Rim, as part of a broader campaign to "complete" the Labyrinth Canyon Wilderness by extending wilderness-like management to the eastern side of Labyrinth Canyon, which is not designated as Wilderness.

In late 2021, the Grand County Commission approved a series of letters to the BLM asking it to consider closing numerous motorized routes in these areas, both through the travel planning process and the related Green River Wild and Scenic River RMP Amendment process. Grand County's letters are filled with factual inaccuracies and ask the BLM to blatantly violate federal law by considering sight and sound impacts on adjacent wilderness areas contrary to the express prohibition on wilderness buffer zones in the Dingell Act.

Grand County has specifically asked the BLM to close the following motorized routes along the Green River in Labyrinth Canyon: the Hey Joe motorized route along the river from Spring Canyon, downstream of Spring Canyon, along the river towards Hell Roaring Canyon, Hell Roaring Canyon, 10 Mile Canyon, and the Dead Cow Motorcycle route. The county has also asked the BLM to close multiple overlook routes on Labyrinth Rim, including those on Deadman Point, Mineral Point, Ten Mile Point, and Spring Canyon Point. All of these requested closures have now been incorporated into alternative B.

The primary reason for these requested closures is allegations of so-called “user conflicts” between motorized users and non-motorized boaters on the Green River. The county claims that noise from motor vehicles using roads along the banks of the river or on the canyon rim degrades the “quiet use experience” of non-motorized boaters and therefore must be prohibited. The county also claims that both sides of the Green River should be managed similarly, meaning as Wilderness.

We wish to emphasize that the Green River corridor has never provided non-motorized boaters with a wilderness-like “quiet use” experience, nor is there any basis in law for managing it exclusively for non-motorized use. As discussed in more detail in our comments on user conflicts below, non-motorized boaters on the Green River have always been required to share Labyrinth Canyon with motorized users, including motorboats on the river itself, airplanes flying into the Mineral Bottom Airstrip, and OHVs on the riverbank.

Despite this fact, the county’s letters repeatedly calls on the BLM to give river rafters on the Green River a “wilderness experience”, with one letter stating:

> The designation of the Labyrinth Canyon Wilderness in Emery County is incomplete without similar management of the Grand County side of the river. One cannot have a “wilderness experience” while camping directly across from a regularly utilized motor vehicle route. The way that canyon walls ricochet sound coupled with the increased usage of unusually loud vehicles, such as side-by-sides and motorcycles, essentially ruins that experience for thousands of recreationists every year.[22]

In this the Commission is asking the BLM to blatantly violate federal law by closing motorized routes because of sound impacts to adjacent Wilderness from outside the designated Wilderness area. The Dingell Act specifically prohibited the BLM from creating buffer zones or from considering sight or sound impacts on the Wilderness from activities outside the Wilderness as reasons to prohibit those activities. Each of the Wilderness designations in the Dingell Act included the following language:

> Adjacent Management.--
>
> (1) In general.--Congress does not intend for the designation of the wilderness areas to create protective perimeters or buffer zones around the wilderness areas.
>
> (2) Nonwilderness activities.--The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

In terms of motorized travel management, this Congressional language specifically prohibits the BLM from closing motorized routes based on sight or sound impacts to nearby Wilderness areas across the Green River from the motorized routes on the east bank. The Commission is therefore asking the BLM to violate federal law by considering factors Congress has forbidden it from

[22] Grand County Commission, “Letter re: Green River Wild and Scenic River RMP Amendments,” Dec. 21, 2021.

considering in the travel management process, which is also by definition arbitrary and capricious.[23]

One commissioner made a comment during a County Commission meeting on December 21, 2021 that it should not be harder to close roads which are adjacent to Wilderness than roads which are not. However, that was exactly what Congress intended to do. Congress is no doubt aware of the endless push by wilderness groups to use every new Wilderness designation as an excuse to create buffer zones which close surrounding lands to other activities that allegedly "harm wilderness values" in the adjacent Wilderness. This indeed is exactly what Grand County has called for in its recent letters.

Knowing that calls for the creation of such buffer zones are inevitable, Congress chose to preempt this issue by expressly prohibiting the creation of buffer zones which would close lands adjacent to Wilderness to motorized and other activities based on whether they can be seen or heard from within the Wilderness. The clear intent of Congress was therefore to do exactly what the commissioner opposed, making it harder to close roads adjacent to Wilderness than those in other areas. As Utah Senator Romney stated in the Congressional Record regarding the intent of this language in the Dingell Act:

> I would also highlight the clear intent within Sec. 1232, section (e), which clearly states that non-wilderness activities or uses that can be seen or heard from areas within wilderness are to be left uninterrupted by this legislation. The clear intention of the bill was to avoid any type of a buffer zone management plan.[24]

Utah Senator Curtis echoed this description, further noting that it was Congress's express intent not to end any current land uses, including closing roads:

> Most important to this process, our founding principle was to never take any action that would end a current ongoing use. For example, we were immensely careful to not close a road, trail, air strip, or other existing use in the legislative text or corresponding map with a wilderness designation. Further, we worked extensively to avoid more restrictive designations, such as wilderness, to areas it would limit ongoing activity. We worked to draw designation boundaries along geographic and physical features, or just outside a cherry stem, to ensure management made sense for the area.[25]

The BLM must obey the will of Congress and refrain from considering sight or sound impacts on adjacent Wilderness from motorized use of the non-wilderness portions of the Green River corridor as a reason to restrict those activities in this travel management process. Both alternatives B and

---

[23] "Normally, an agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider...." *Motor Vehicle Mfrs. Ass'n. v. State Farm Mutual Automobile Ins. Co*., 463 U.S. 29, 43 (1983).

[24] Congressional Record, Sept. 18, 2019, https://www.congress.gov/congressional-record/2019/9/18/senate-section/article/s5571-1?q=%7B%22search%22%3A%5B%22%5C%22Emery+County%5C%22+Romney%22%2C%22%5C%22Emery%22%2C%22County%5C%22%22%2C%22Romney%22%5D%7D&s=2&r=2.

[25] Congressional Record, Sept. 18, 2019, https://www.congress.gov/congressional-record/2019/8/2/extensions-of-remarks-section/article/e1026-3?q=%7B%22search%22%3A%5B%22Emery+County%22%2C%22Emery%22%2C%22County%22%5D%7D&s=1&r=6.

C appear to do this, closing at least portions of most of the routes listed above based primarily on wilderness characteristics and alleged conflicts with non-motorized recreationists inside the Labyrinth Canyon Wilderness. Both alternatives B and C therefore violate the Congressional prohibition on Wilderness buffer zones and must be rejected.

5. User conflict should not be used as an excuse to close motorized trails

The BLM's analysis of user conflicts as a basis to close motorized routes is sorely lacking. Both the text of the EA and the accompanying route reports fail to identify or describe any specific user conflicts. While some individual route reports identify minimizing *potential* user conflicts as a rationale for the chosen management action for a particular alternative, none of those route reports identify any presently occurring conflicts or describe their exact nature. The EA also fails to define what constitutes an unacceptable user conflict which justifies closing a given route to motorized use. It merely assumes that such conflicts exist where non-motorized users have complained about being annoyed by encountering vehicles while recreating.

Despite this, it is apparent that many of the proposed route closures, especially in alternative C, coincide with areas that are popular for non-motorized recreation -- especially mountain biking. The BLM has clearly based many of the proposed closures it is considering on assertions of user conflict, yet it provides little to no analysis supporting the existence of conflicts justifying these closures. It likewise makes no attempt to quantify user conflicts or explain why some routes are proposed for closure for no other reason than the fact that they are shared with mountain bikers while other shared routes are not.

The BLM must do better, and should refrain from closing motorized routes based on user conflict except in cases where that is truly the only option. Moreover the BLM must clearly distinguish between conflicts that are based in actual recreational goal interference on the ground (interpersonal conflict) and ideological opposition to motorized recreation in general (social values conflict).

A. The BLM must clearly distinguish between interpersonal and social values conflict

While the BLM has listed minimizing user conflict as one of the goals of its travel management plans, it is critical that the agency clearly define what is considered "user conflict" for purposes of this analysis. "User conflict" has proven to be a very slippery term when it comes to travel management processes, with a wide variety of meanings that are frequently conflated -- most often to the detriment of motorized recreationists.

While conducting any form of environmental analysis under NEPA, the BLM is obligated to use the best available science. This applies to user conflict analysis as well. Researchers have found that properly determining the basis and type of user conflict is critical to determining the proper method of managing this conflict. In particular, any analysis of user conflict must distinguish between interpersonal conflicts and social values conflicts, which studies have identified as two distinct categories of recreational user conflict on public lands.

Simply put, interpersonal conflict involves actual on-the-ground conflicts between user groups sharings the same trails, while social values conflict consists of ideological opposition by one group to allowing another user group's activity to take place on public lands. Scientific analysis defines these two forms of conflict as follows:

> For interpersonal conflict to occur, the physical presence or behavior of an individual or a group of recreationists must interfere with the goals of another individual or group…. Social values conflict, on the other hand, can occur between groups who do not share the same norms (Ruddell & Gramann, 1994) and/or values (Saremba & Gill, 1991), independent of the physical presence or actual contact between the groups…. When the conflict stems from interpersonal conflict, zoning incompatible users into different locations of the resource is an effective strategy. When the source of conflict is differences in values, however, zoning is not likely to be very effective. In the Mt. Evans study (Vaske et al., 1995), for example, physically separating hunters from nonhunters did not resolve the conflict in social values expressed by the nonhunting group. Just knowing that people hunt in the area resulted in the perception of conflict. For these types of situations, efforts designed to educate and inform the different visiting publics about the reasons underlying management actions may be more effective in reducing conflict.[26]

Other researchers have distinguished types of user conflicts based on a goal's interference distinction, described as follows:

> The travel management planning process did not directly assess the prevalence of on-site conflict between non-motorized groups accessing and using the yurts and adjacent motorized users…. The common definition of recreation conflict for an individual assumes that people recreate in order to achieve certain goals, and defines conflict as "goal interference attributed to another's behavior" (Jacob & Schreyer, 1980, p. 369). Therefore, conflict as goal interference is not an objective state, but is an individual's appraisal of past and future social contacts that influences either direct or indirect conflict. It is important to note that the absence of recreational goal attainment alone is insufficient to denote the presence of conflict. The perceived source of this goal interference must be identified as other individuals.[27]

It is significant to note that Mr. Norling's study was specifically created to determine why travel management closures had not resolved user conflicts for winter users of a group of yurts on the Wasache-Cache National Forest. As noted in Mr. Norling's study, the travel management decisions addressing the areas surrounding the yurts failed to distinguish why the conflict was occurring and this failure prevented the land managers from effectively resolving the conflict.

Properly defining which category of user conflict is occuring in a particular area is critical to resolving that conflict. Interpersonal conflicts involve specific situations that can be resolved with practical solutions. For example, where motorized recreationists and hikers share the same route and experience conflicts such as hikers feeling endangered by vehicles approaching them at high speeds, such interpersonal conflict could be addressed by measures designed to control motorists'

---

[26] Carothers, P., Vaske, J. J., & Donnelly, M. P. (2001). *Social Values versus Interpersonal Conflict among Hikers and Mountain Bikers*; Journal of Leisure Sciences, 23(1) at p. 58.
[27] Norling et al; *Conflict Attributed To Snowmobiles In A Sample Of Backcountry, Non-motorized Yurt Users In The Wasatch-cache National Forest, Logan Ranger District*; Utah State University; 2009 at p. 3.

speed. Separating users can also be an effective solution, such as by relocating a hiking trail onto a separate path.

With social values / ideological conflict however, there often is no practical solution, as one group is so ideologically opposed to the other group's activity that its mere presence on public lands in any capacity is offensive. As the Carothers study described in reference to managing hunting on Mount Evans in Colorado, "Even though nearly all of the nonhunters did not physically observe any hunting-associated events (e.g., seeing hunters, seeing an animal being shot), many expressed a conflict in social values. Simply knowing that hunting occurred on the mountain was apparently sufficient to activate perceptions of conflict."[28]

In the case of social values conflict, the root problem is the ideologically-driven intolerance of one user group toward another. No amount of on-the-ground management can mitigate this form of user conflict. As long as the disfavored user group is allowed to have any presence on public lands at all, the intolerant group will still perceive conflict.

We submit that when it comes to motorized recreation in the Labyrinth Rims/Gemini Bridges TMA, the vast majority of alleged user conflict consists of social values conflict rather than interpersonal conflict. On the whole, motorized and non-motorized recreation in the TMA are already well-separated, and there are relatively few instances of non-motorized and motorized users sharing the same routes in any significant numbers.

The Gemini Bridges area especially has numerous dedicated hiking and mountain bike trails where motorized recreation is already prohibited, and new mountain bike trails are being built regularly in the area. While mountain bikers do share parts of the Gold Bar Rim trail with motorized users, the non-motorized trail quickly diverges from the motorized route and remains separate as it descends from Poison Spider Mesa. The same is true of the 7-Up trail and other mountain bike trails in the Mag-7, Klondike Bluffs, and Courthouse Rock trail systems, where mountain bike trails may be co-aligned with motorized routes for short distances before splitting off into more desirable single-track, which inherently minimizes potential user conflicts.

While interpersonal conflict between motorized and non-motorized recreationists is rare, social values conflict is endemic in the area, as evidenced by the decades long battles over Wilderness designations and endless litigation over motorized travel management plans. SUWA and other anti-motorized groups have made it quite clear that they are ideologically opposed to virtually all motorized recreation in the region around Moab and Labyrinth Canyon, which they advocate to be managed almost entirely as Wilderness. Wilderness legislation which they have been advocating for decades is primarily aimed at eradicating motorized recreation from Utah's red rock country, and would close a significant percentage of the motorized routes in the TMA.

SUWA has been abundantly clear in their legal filings related to other travel management plans that they consider any amount of motorized recreation in the region to be offensive, wholly apart from any interpersonal conflicts occuring on specific routes. As SUWA stated in its appeal of the recent San Rafael Desert Travel Plan affecting the neighboring region on the west side of the

[28] Carothers, p. 48.

Green River, “The San Rafael Desert travel plan adversely affects Appellants' members' health, recreational spiritual, educational aesthetic and other interests in the San Rafael Desert.”[29]

From SUWA’s language concerning spiritual and aesthetic harm, it is evident that their opposition to motorized recreation in the greater Moab region is a classic case of social values conflict which cannot be resolved by any amount of individual route closures or other mitigation actions. SUWA et. all will not be satisfied with anything less than the complete eradication of motorized recreation from the area, and any route closures they manage to obtain in the name of mitigating “user conflict” will only feed their appetite for more. This type of conflict will never be resolved, because the root problem is the fundamental intolerance of SUWA’s members towards other users of public lands who enjoy forms of recreation which they disdain.

We maintain that social value conflicts are a wholly inappropriate basis for the BLM to close motorized routes, and that any analysis or actions taken based on user conflict in the Labyrinth Rims/Gemini Bridges travel plan must be based solely on specific documented instances of interpersonal conflict. The BLM has a responsibility to manage American public lands for the benefit of all Americans, rather than catering to a few narrow-minded anti-motorized bigots.

B. Subjective preferences are an improper basis for route closures

Even where interpersonal conflicts are alleged regarding specific routes, the BLM must closely examine whether such allegations of conflict concern genuine conflicts of uses or are simply subjective preferences regarding the preferred use of a given route. NEPA analysis must be based on facts, rather than subjective preferences and beliefs. Subjective preferences of users, individually or collectively, cannot justify elimination of access to the less popular or less conflicted users.

As noted above, interpersonal conflicts are based on recreational goals interference. However, a genuine conflict exists only when the recreational goals of both parties are objectively reasonable. If one party has an unreasonable goal for their recreational experience, such as never seeing or hearing motorized traffic when recreating on or near designated motorized routes, that is not a proper basis for a conflict, but is an unreasonable subjective preference. In order to qualify as a conflict, there must be some form of objective incompatibility between uses.

The BLM’s obligation to consider user conflicts in travel management is derived from the Executive Orders issued by Presidents Nixon and Carter. See, E.O. 11644, 11989; 42 Fed. Reg. 26959. The present-day interpretation by some special interests and land managers does not rationally interpret this language. The actual wording refers to conflicts between “uses” not “users.” The historical context is relevant, as in the early 1970’s off-highway vehicles were relatively new and largely unregulated. The EO’s reflect a crude first step at the anticipated need to balance a new and developing use with the conservation efforts of the era reflected in contemporaneously adopted statutes like NEPA and FLPMA. In any event, it was not intended then, nor does it make sense now, to allow some quantum of subjective complaining by some class of “user” to exclude other users from public lands.

---

[29] Notice of Appeal and Petition For Stay, *SUWA v. BLM*, Re: San Rafael Desert Travel Management Plan, Interior Board of Land Appeals, Sept. 21, 2020, p. 3.

Nor is subjective "user conflict" an "environmental" impact under NEPA. A recent Ninth Circuit decision correctly notes that "controversy" as a NEPA intensity factor "refers to disputes over the size or effect of the action itself, not whether or how passionately people oppose it." *Wild Wilderness v. Allen*, 871 F.3d 719, 728 (9th Cir. 2017). The panel further indicated it "need not address the question of whether on-snow user conflicts are outside the scope of the agency's required NEPA analysis entirely because they are 'citizens' subjective experiences,' not the 'physical environment.'" *Id.* at 729 n.2 (citations omitted).

In a largely forgotten effort, the U.S. Supreme Court emphasized that NEPA focuses on impacts to the physical environment. "It would be extraordinarily difficult for agencies to differentiate between 'genuine' claims of psychological health damage and claims that are grounded solely in disagreement with a democratically adopted policy. Until Congress provides a more explicit statutory instruction than NEPA now contains, we do not think agencies are obliged to undertake the inquiry." *Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 778 (1983).

The governing law only authorizes the BLM to analyze and minimize conflicts between *uses*, not the subjective preferences of *users*. Proposing to designate a motorized route inside a Wilderness Area would be a conflicting use, since the nature of Wilderness legally precludes motorized use. Likewise proposing a public motorized route through an active mining or logging site could also be a conflicting use, since it would not be safe for members of the public to travel through such a hazardous area.

Proposing to allow motorized use on a route that some members of the public would prefer was reserved exclusively for hikers or mountain bikers, however, has no such inherent conflict of uses. Hikers and motorized users share the same routes all the time, and every route on BLM land that is open to motorized vehicles is also open to hikers.

That some people who choose to hike or bike on a motorized route find motorized use of that route annoying and would prefer that motorized use be disallowed is merely a subjective preference. Those who choose to hike or bike on or near motorized routes have no one but themselves to blame if they are disturbed by motorized traffic, and they have no right to complain that motor vehicles are using that road and demand that road be closed to improve their "quiet use experience."

Allegations of user conflict based on general subjective management preferences are most often really just social value conflicts, even when disguised in the language of interpersonal conflicts. These conflicts largely exist solely in the minds of intolerant non-motorized users who refuse to peacefully coexist with other users of public lands, but demand that they be given exclusive access to trails that have historically been managed for multiple use.

It would be highly unfair to exclude motorized users based solely on the attitudes and opinions of non-motorized users, punishing them for the intolerance of others. These kinds of manufactured user conflicts and claimed harm to quiet use recreation in areas that are designated for motorized use should not be used as a basis to close motorized routes. The key to resolving these kinds of user conflicts is to properly set expectations among all user groups and to educate them on how to be courteous to other users. Taking routes away from one user group in order to give exclusive use to another only exacerbates conflicts rather than resolving them.

C. The BLM should take the least restrictive approach to mitigating genuine instances of interpersonal user conflict

While we believe that most allegations of user conflict in the Labyrinth Rims/Gemini Bridges TMA are ideological in nature and based on subjective preferences rather than genuine conflicts of use, it is possible that some real conflicts are occuring between motorized and non-motorized users who share the same routes. An example of this would be documented cases of motorized users posing a real threat to non-motorized users' safety. In this case, the BLM should keep in mind that both motorized and non-motorized recreation are equally valid activities on public lands, and that neither type of recreationist is superior to the other. This means that the quality of the recreational experience by both non-motorized and motorized users should be valued equally.

Both the BLM and the Forest Service's travel management regulations ultimately stem from the same executive order (E.O. 11644) and include nearly identical language for minimization criteria regarding user conflicts. In the record of decision adopting the 2005 Travel Management Rule, the Forest Service expressly stated, "Neither E.O. 11644, nor these other laws and policies, establish the primacy of any particular use of trails and areas over any other." The Forest Service also emphasized, "Motor vehicles remain a legitimate recreational use of NFS lands," and stated, "It is the intent of E.O. 11644 that motor vehicle use of trails and areas on Federal lands be managed to address environmental and other impacts, but that motor vehicle use on Federal lands continue in appropriate locations."

Motorized recreation is a legitimate, co-equal form of recreational activity that is by no means inferior to hiking, biking, horseback riding, or other so-called "quiet uses." E.O. 11644 was never intended to establish the primacy of non-motorized recreation over motorized. The BLM's travel management regulations which require it to minimize user conflicts likewise were never intended as a mandate to disfavor motorized recreation and to favor other forms of recreation by depriving motorized users of routes in order to award them to others. Yet that is precisely what the BLM would be doing if it considers assertions of user conflict by non-motorized users sufficient justification to close motorized routes.

That approach inherently presumes the superiority of non-motorized recreation and the inferiority of motorized recreation. It presumes that the subjective desires and qualitative recreational experiences of non-motorized users are more important than the desires and recreational experiences of motorized users, so that when in conflict, the desires of non-motorized users must prevail. Such an approach to user conflict is utterly inimical to the principles of multiple use of public lands. Where user conflicts are occuring, the BLM must endeavor to follow an approach which balances the interests of both competing user groups, rather than automatically presuming that one must be sacrificed to favor the other.

We therefore urge the BLM to adopt strategies to mitigate user conflict on shared routes that allow both user groups to coexist and continue to share routes, rather than automatically closing shared routes to motorized users. Such strategies could include signage warning motorized users to slow down and be courteous to non-motorized users, installing speed bumps or other speed controlling devices, greater law enforcement efforts, or, where practical, building a separate parallel trail adjacent to a motorized route.

Closing a route to motorized users should only be viewed as a last resort to resolve truly intractable conflicts when all other attempts at resolution have failed. While some of these methods may be beyond the scope of this travel management process, the travel management plan should leave the door open to pursuing these other mitigation strategies, rather than simply closing motorized routes by default wherever conflicts are alleged to be occurring.

D. Noise alone does not constitute a user conflict

In a letter to the BLM approved in December 2021, the Grand County Commission took the position that motorized routes should be closed based solely on the fact that noise from nearby motorized routes is audible in areas where non-motorized trails are present. The county asked the BLM to close a sufficient number of motorized routes so that 30% of the TMA is more than one half-mile away from a motorized route. This request mimicked the talking points in SUWA's scoping comments, which called for the same approach.

While noise is one factor the BLM is required to consider in its analysis of user conflicts, the mere fact that the sound of nearby motorized activities is audible in non-motorized areas does not in itself constitute a conflict. Most routes in the TMA are nowhere near designated Wilderness, and even Wilderness legislation typically prohibits agencies from creating buffer zones or prohibiting activities outside of Wilderness solely because they can be seen or heard from within adjacent Wilderness areas. If non-motorized users inside designated Wildernesses do not have an absolute right not to see or hear nearby motorized traffic, non-motorized users on trails not in Wilderness areas certainly do not. The BLM should therefore not entertain any proposal to create noise buffer areas around non-motorized trails that are not inside Wilderness areas and thus have no reasonable expectation of a quiet-use experience.

Indeed, the BLM has already expressly rejected SUWA and the county's proposed approach of setting arbitrary percentage targets for areas that should be certain distances away from motorized routes and then closing motorized routes to reach that target. The county is asking the BLM to adopt the same approach as SUWA's Red Rock Heritage (RRH) proposal that the BLM considered and rejected in its 2008 Moab Field Office Resource Management Plan. The Record of Decision for the 2008 RMP stated:

> RRH states that any travel plan presented as an alternative to its plan should "achieve the same degree of balance (i.e., 25 percent of the MPA more than a mile from a road, 12 percent more than two miles, etc.)." BLM agrees that an equitable allocation between motorized and non-motorized use is a desirable outcome of the BLM travel plan. However, the BLM cannot justify using an arbitrary percentage to achieve this goal.[30]

Given that the BLM has already expressly declined to create the same kind of buffer zones around motorized routes the county is asking for, the BLM should not give any serious consideration to this request. Noise buffer zones are also the kind of general land use designation that can only be made in a Resource Management Plan. Even if the Moab Field Office were inclined to reverse its previous decision and create some kind of noise buffer zones, this travel management plan is not

[30] 2008 RMP, ROD, p. 13.

the appropriate venue to make such determinations, nor is there any scientific basis for the arbitrary distances and percentages the county proposes.

Moreover, as discussed in the BLM's 2008 RMP Record of Decision, the varied topography of the region often produces much greater effective separation between routes than mere linear distance accounts for:

> RRH uses only a portion of what is commonly referred to as the Recreation Opportunity Spectrum (ROS). RRH limits its ROS analysis to physical separation, but ROS also looks at such facets as topography and social interactions (e.g., likelihood of meeting others) within the broader analysis. The MFO chose not to use ROS as a management tool for decision making in this RMP because the varied topography of the MPA results in ROS analysis, using physical separation only, misrepresenting opportunities for primitive, non-motorized recreation.[31]

Though a motorized route on a canyon rim may be only a short linear distance from a hiking trail on the canyon floor, the significant vertical distance between them separates them quite thoroughly and lessens the amount of noise that can travel from one to the other. The same is true of routes on opposite sides of buttes or rock formations. I experienced this first hand hiking the Grandstaff Canyon trail in April 2022. Even though parts of it are directly below an overlook on the Hell's Revenge Jeep Trail, I never saw or heard any vehicles on the rim. Hiking Grandstaff Canyon, one would never guess they are less than a half mile from one of the most popular off-road vehicle routes in the country. Varied topography creates the impression of remoteness even where the absolute distance from a motorized route is small.

The BLM should therefore not close any motorized routes solely because noise from them can allegedly be heard in non-motorized areas, or because they are within some arbitrary distance of a non-motorized trail. The BLM declined to adopt that approach in 2008 and it should decline to do so now.

E. Motorized routes should not be closed based on allegations of user conflicts with river rafters on the Green River

As mentioned above, anti-motorized interest groups including SUWA and the Grand County Government have been calling for the BLM to close motorized routes along the Green River and Labyrinth Rim based on allegations of so-called "user conflicts" between motorized users and non-motorized boaters on the Green River. These groups claim that noise from motor vehicles using roads along the banks of the river or on the canyon rim degrades the "quiet use experience" of non-motorized boaters and therefore must be prohibited.

The BLM appears to have taken these claims of user conflict at face value in the draft EA and accepted them as valid. As the draft EA states on page 85:

> The portion of the Green River forming the western boundary of the TMA is called Labyrinth Canyon, and it is popular for flatwater float trips by canoe or raft. Approximately 28 miles of evaluated routes are adjacent to the non-motorized float trip, including the Hey Joe Route, Ten

[31] Id.

> Mile, the Tubes, Dead Cow and Hell Roaring Canyon. The BLM has received complaints from boaters concerning the noise made by motorized vehicles along the river corridor.

And:

> Users seeking non-motorized recreation experiences (i.e., hiking, biking, hunting, and horseback riding), particularly near the Green River and its tributary canyons in the TMA, may in some cases benefit from a travel network that closes more OHV routes, as these users may encounter fewer conflicts with motorized users.

In the recreation analysis for each alternative, the BLM likewise assumes that non-motorized boaters encountering motorized users on routes adjacent to the Green River constitutes a form of user conflict which it is desirable to reduce. For example, in the analysis of alternative B on page 88, the draft EA states:

> Of the evaluated routes near the Green River, which have the potential for user conflicts between OHV users and non-motorized boaters, Alternative B would designate 9.0 miles for OHV use, a 68% reduction from Alternative A.

Nowhere in the draft EA does the BLM make any attempt to explain how complaints of boaters being annoyed by vehicle noise on nearby motorized routes satisfies either the legal or scientific definition of user conflict. Nor does the BLM provide any legal or factual basis for its implicit assumption that non-motorized users' recreational experience must be valued higher than motorized users' experience, such that motorized users should be deprived of valuable recreational opportunities (including world famous Jeep safari routes) to satisfy non-motorized users' desire for exclusive access.

We challenge the BLM's assumptions and dispute that boater complaints about noise constitute valid user conflicts which the BLM is required to mitigate. We object to the passages in the draft EA quoted above and request that they be removed from the final EA. We also ask the BLM to refrain from closing any motorized routes adjacent to the Green River based on assertions of user conflict, for the following reasons.

First and foremost, these claims of user conflict ignore the fact that not all boating on the Green River is non-motorized. According to the BLM’s website, motorboats are allowed in Labyrinth Canyon, and the boating regulations listed on the mandatory permit application form do not include any restrictions on motorized watercraft. Wild and Scenic River designation as established in the Dingell Act does not automatically prohibit motorboats even on the ‘wild’ segments, and there is every expectation that this use will continue.

The fact that motorboats are allowed on the Green River and motor vehicles have always been allowed on roads adjacent to the river indicates that Labyrinth Canyon is not and never has been managed exclusively for non-motorized recreation. There is no provision in the 2008 RMP or any other law or policy requiring the BLM to cater solely to non-motorized users or to provide a “quiet use” or “wilderness type” experience there.

We note that Congress specifically designated the segment of the Green River that has existing motorized routes as a ‘scenic’ river rather than ‘wild.’ A ‘scenic river’ designation specifically allows for the presence of primitive motorized routes and even allows limited construction of new routes.

Therefore there is no legal reason why these routes cannot remain open under any RMP amendments adopted in the parallel NEPA process to implement the Wild and Scenic River designations in the Dingell Act. If the BLM were to do as Grand County asks and close all motorized routes along the 'scenic' segment, it would be ignoring Congress's clear intent and treating this segment as if it had been given a 'wild' designation instead.

The 2008 RMP did establish the Labyrinth Canyon Canoe Focus Area, which it defined as "inclusive of the rims along the east side of Labyrinth Canyon from Placer Bottom to Mineral Bottom exclusive of the Hey Joe Mine OHV and mountain bike route."[32] While this focus area does emphasize non-motorized recreation and includes a provision that, "No new motorized routes will be considered", it does not preclude motorized use on existing routes nor does it prohibit motorized watercraft on the river itself.

The Canoe Focus Area also expressly excludes the Hey Joe Canyon Safari Route, which the RMP mandated remain open to motorized use. And while the RMP noted that the Hey Joe Canyon and Hell Roaring Canyon routes, "pose potential resource conflicts with non-motorized recreationists and riparian areas", the Record of Decision stated that, "the BLM has chosen not to manage for these values which essentially remove the resource conflicts."[33]

Non-motorized users have always been required to share the river corridor with motorized users, and dedicating the corridor to the exclusive use of non-motorized recreationists would constitute a major policy change that the BLM does not by itself have the authority to make. Given that the river itself is owned by the state and is jointly managed with the BLM, the BLM lacks the authority to unilaterally ban motorboats from the river.

Even if the BLM accepted anti-motorized groups' claims of user conflict and closed every motorized route in Labyrinth Canyon, as long as motorboats are allowed on the river itself, non-motorized users would still be forced to share the river with motorized watercraft and be subject to their noise. There is also a backcountry airstrip at Mineral Bottom and airplanes frequently fly through Labyrinth Canyon, so boaters would continue to be subject to their noise as well.

There is simply no practical or legal basis to exclude motorized users from this area based on noise impacts to non-motorized users. Moreover, even if the BLM were inclined to manage the Green River corridor exclusively for non-motorized use, that is a landscape level decision that would require an RMP amendment. This travel plan is not the appropriate venue for such a decision, nor will any decision reached here result in the creation of a wilderness-like "quiet use" experience for river rafters.

The BLM must keep claims of user conflict in perspective here, and acknowledge that any action to mitigate the claimed conflicts require weighing what is at most a minor inconvenience to non-motorized boaters (having to see and hear vehicles on nearby motorized routes while boating) against motorized users' ability to recreate in this area at all. The BLM has an obligation to equally weigh the recreational experiences of both motorized and non-motorized users, and it would be

[32] 2008 RMP at p. 91.
[33] 2008 RMP, ROD, p. 19.

inappropriate and contrary to law to sacrifice motorized users' experience for the sake of only a minor improvement in non-motorized users' experience.

In a recent letter advocating closing motorized routes near the Green River, the Grand County Commission characterized these closures as "a small loss for users considering the extensive network of motorized trails found virtually everywhere in Grand County." The Grand County Commission has made its views quite clear that it does not see any value in motorized recreation and believes that the Green River corridor would be better managed for the exclusive use of non-motorized recreationists. However, the assertion that the closure of these routes would represent a "small loss" for motorized users is simply false. These routes are each extremely valuable to us, and we vehemently oppose their closure. Each of these trails provides a unique and irreplaceable recreational experience that cannot be found anywhere else in the greater Moab region.

To offer some specific examples, the Hey Joe Canyon trail is an Easter Jeep Safari route and has long been featured in published guidebooks as one Moab's premier off-road trails. It has been driven every year for decades as part of Easter Jeep Safari, and is regularly driven by off-road clubs and groups throughout the year. It is renowned worldwide for both its spectacular scenery and challenging terrain. Likewise the Dead Cow motorcycle trail is one of only a handful of single-track motorcycle trails in the Moab area and is highly prized by dirt bikers. The Hell Roaring Canyon, Mineral Canyon, and Ten Mile Canyon trails also offer uniquely valuable recreational experiences unlike any other trails in Moab.

The BLM itself recognized the extremely high value of these trails for motorized recreation in its 2008 Resource Management Plan. Specifically regarding the Hey Joe Canyon and Hell Roaring Canyon routes, the 2008 RMP record of decision stated:

> Other controversial routes that are designated in the Approved RMP include the Hey Joe route along the Green River and a route within Hellroaring Canyon. These two routes pose potential resource conflicts with non-motorized recreationists and riparian areas. However, the routes were determined to have an overriding purpose and need in that they are identified in guidebooks or are part of the Moab Jeep Safari route system. External groups also dispute the BLM's designation of routes in areas such as Deadman Point and Mineral Point, citing conflicts with non-motorized recreation and wilderness characteristics. In the Approved RMP, the BLM has chosen not to manage for these values which essentially remove the resource conflicts.[34]

The closure of even one of these trails would be viewed by the motorized community as a major loss which would severely harm the quality of motorized recreation in Moab. If all of these trails were closed as Grand County asks, motorized users would lose all remaining access to the Green River save for the graded dirt roads ending at Mineral Bottom and Spring Canyon Bottom, which offer little in the way of technical challenge.

The severe impact of these requested closures on the quality of motorized recreation in the area must be balanced against claims of negative impacts on boaters that are highly exaggerated and

[34] Id.

amount to little more than a minor inconvenience. In reality, the lightly trafficked motorized routes along the Green River have little to no impact on boaters on the river. Outside of peak times during Easter Jeep Safari or during spring and fall weekends, these routes receive very little traffic. Ninety percent of the time boaters would not even see vehicles on these routes. If they do, they would have only brief glimpses of vehicles on the bank 100 yards away. There is no justification for depriving motorized users of some of their most valuable and scenic routes simply to alleviate what is at most a minor inconvenience to boaters that rarely even occurs.

It is important to note that even if boaters find the presence of vehicles on the routes adjacent to the river annoying, these routes actually benefit boaters by providing emergency access to the river bank for first responders in the event of accidents or injuries on the river. Designating these roads as admin only would not be sufficient to provide emergency access, as without the regular maintenance that motorized groups perform, they would quickly become overgrown and impassable due to washouts. The only way these roads would continue to be passible for emergency vehicles is if motorized recreationists are allowed to continue using and maintaining them. Keeping these routes open to motorized use therefore benefits both motorized users and boaters and is the only logical course of action for the BLM to take.

The claim that motorized users on the canyon rim hundreds of feet above the river are negatively impacting boaters on the river is even more preposterous. Most motorized routes on the rim don't even go all the way to the rim but end a few hundred yards back, requiring motorists to walk to the edge of the rim. Thus rafters on the river would only see a hiker and no vehicles. For the few routes that do go all the way to the rim, any sound from vehicles there would be so attenuated by the time it reaches the river as to be practically inaudible, and boaters would need to be using binoculars to see any vehicles on the canyon rim.

As mentioned above, interpersonal user conflict is defined as recreational goal interference. Motorized use of routes along the Green River does not interfere with the recreational goals of river rafters except to the extent that they have the unreasonable goal of never seeing or hearing a motor vehicle in an area where motorized use is legally allowed. It is therefore clear that any claims of user conflict between motorized and non-motorized users in the Green River corridor are disingenuous and are based more on ideological opposition to motorized recreation rather than any genuine conflict of use. These claims should be disregarded and not used as a basis to close valuable motorized routes near the Green River.

F. Motorized routes should not be closed based on allegations of conflicts with mountain bikers and hikers

1) Mountain Bikes

Anti-motorized interests have also called for motorized routes to be closed in order to give mountain bikers and hikers exclusive access to those routes. In addition to calling for absurd noise buffer zones which would close all motorized routes within an arbitrary distance of a non-motorized route, the Grand County Commission specifically requested the closure of multiple valuable motorized routes that are shared with mountain bikers, including Gold Bar Rim, Golden Spike, Rusty Nail, Day Canyon Point, 7-Up, Sevenmile Rim, and other routes in the Gemini Bridges area, all because of alleged "user conflicts." These requested closures have now been incorporated into

alternative B. Additionally, the BLM is proposing to close a segment of the Buttes and Towers Jeep Safari Route (D2393, which loops around Pasture Butte) in every action alternative under consideration, also based on alleged conflicts with mountain bikers.

Even though motorized users and mountain bikers have shared these routes successfully for decades with minimal conflict, Grand County now claims that the two uses are incompatible and that the recreational experience of motorized users must be sacrificed to give mountain bikers exclusive access. The exact nature of any of these asserted user conflicts has never been clearly described. It is simply presumed that motorized and non-motorized users sharing the same routes inherently creates a conflict. This could not be further from the truth.

In reality, motorized users successfully share routes with other groups all the time, including hikers and mountain bikers. Motorized users have long been the only user group that is always willing to share routes with other groups and is not seeking to selfishly exclude other users from public lands. Motorized groups like Tread Lightly and Ride With Respect regularly conduct PR campaigns encouraging motorized users to yield to other trail users and be respectful to them. Local Jeep clubs routinely engage in volunteer work projects that benefit all user groups around Moab, and the motorized route network provides access for every other form of recreation in the Moab region. The Moab Field Office RMP mandates that all motorized routes are also open to all other user groups, including mountain bikers and hikers. Motorized routes therefore benefit all user groups, and there is no such thing as an exclusively motorized route. There is no reason why shared use cannot continue, as long as expectations are properly set among all user groups and they are educated on how to be courteous to other users.

Ironically, Grand County's actions in this travel planning process contribute far more to the creation of so-called "user conflicts" than shared use ever could. Grand County's approach only exacerbates conflicts by pitting user groups against each other in direct competition for trails. Before, the presence of other user groups on these routes was at most a minor inconvenience. Now that the County has declared the two user groups incompatible, hostility and competition between the two groups will inevitably increase as both motorized users and mountain bikers are forced to view the other as a direct threat to their ability to recreate on public lands. Mountain bikers are now incentivized to try to exclude other users rather than peacefully sharing routes; while motorized users will be far less inclined to be courteous to mountain bikers sharing their routes in the future for fear that they will later try to steal those routes for themselves and ban motorized users.

It is critical to recognize that all of these shared routes were originally developed for motorized use and were popular for four-wheel-driving long before they became popular for mountain biking. Almost all of the routes mentioned above have long been featured in numerous off-roading guidebooks and online trail guides and tourism websites. Most of them are Easter Jeep Safari routes and are some of the most popular trail runs included in the event. They are also driven by thousands of Jeeps, UTVs, and motorcycles throughout the year.

While small numbers of mountain bikers have used the primitive roads around Moab since mountain bikes were invented, the explosion in popularity of mountain biking around Moab has been a relatively recent phenomenon, as indicated by the fact that entire mountain biking trail systems such as the Mag-7 network were developed after the adoption of the 2008 Resource

Management Plan. As relative newcomers to the area, mountain bikers should not be allowed to displace existing users or take precedence over them. This is especially true for the Mag-7 trail system which includes 7-Up and Goldbar Rim, as those trails are entirely within areas zoned for motorized backcountry touring in the 2008 Resource Management Plan. Motorized users should not have to give up trails to mountain bikers in an area that is zoned primarily for motorized recreation and is not a designated mountain biking focus area under the RMP.

If the BLM were to close valuable motorized routes in order to give mountain bikers and hikers exclusive access, it would set the precedent that as soon as a motorized route becomes popular for non-motorized recreation, motorized users will be kicked out in favor of other user groups. Motorized users would thus be forced to view non-motorized users as a direct threat to our ability to recreate, and the era of mutual cooperation between user groups would be over. The BLM should therefore be encouraging different user groups to share the limited resource of trails around Moab rather than catering to a selfish minority of non-motorized users who demand exclusive access and are unwilling to share.

If non-motorized users desire their own trails, a better approach to improve their recreational experience would be to construct new dedicated mountain biking trails. That is what the BLM has already done and is continuing to do. The last ten years or so have seen the rapid build-out of multiple mountain biking trail networks around Moab, including the Mag-7, Moab Brands, Klondike Bluffs, Courthouse Rock, Whole Enchilada, and Amasa Back / Captain Ahab trail systems.

While in some cases these trails were former roads that were closed to vehicles and converted to mountain bike trails, most of them are brand new single track trails which were specifically designed for mountain biking, and which mountain bikers find far more desirable than double track roads. And while some trails like 7-Up or Gold Bar Rim still share segments of roads with motorized users, they are gradually being re-routed onto separate single track trails. We believe continuing that approach is a far better way to expand opportunities for mountain bikers than the mass closure and conversion of existing roads to mountain bike trails called for by Grand County.

2) <u>Hikers</u>

As for hiking, we acknowledge there are relatively few dedicated hiking trails in the Labyrinth Rims Gemini Bridges TMA itself. However this is by design. The Labyrinth Rims Gemini Bridges TMA is the primary place where motorized recreation occurs near Moab, as evidenced by the fact that it contains the highest concentration of Easter Jeep Safari routes of any sub-area within the Moab Field Office, and the fact that most of the TMA is zoned to emphasize motorized backcountry touring under the RMP.

While this TMA is not managed primarily for hiking, there are virtually limitless opportunities for hiking in adjacent areas that are. Both Arches and Canyonlands National Parks have numerous dedicated hiking trails and (outside a few roaded areas) are largely dedicated to non-motorized backcountry recreation. There are three Wilderness Study Areas near Moab that are closed to motorized use, and the newly designated Labyrinth Canyon and Desolation Canyon Wilderness Areas just across the Green River provide for a quiet-use wilderness experience. There is also a large hiking focus area near Castle Valley and Fisher Towers designated in the Moab FO RMP.

Within the TMA itself, the entire area is open to cross-country foot travel. As a result, for those who are willing to strike out across the desert on their own, there are nearly infinite hiking opportunities within the TMA. Many of the best hikes in the area are not on established trails but involve hiking up canyon bottoms or along canyon rims. Hikers can climb up mesas, descend slot canyons, trek across slickrock domes, and generally go anywhere they wish. There is no reason why hikers would ever have to hike on roads unless they voluntarily choose to do so, in which case they should not be surprised to encounter motorized traffic.

The motorized route network also provides critical access allowing hikers to reach more remote areas to hike cross-country. Every hiker uses a vehicle to get to the trailhead, and many backcountry hikers use a four-wheel-drive vehicle to reach places like the rims of Labyrinth Canyon or Hell Roaring Canyon before proceeding on foot. Even Edward Abbey used a Jeep to reach places to hike in his explorations of the Moab backcountry.

While some people believe closing motorized routes will benefit hikers, in many cases it will actually harm them, causing some areas to be so far away from roads as to be impractical to reach on foot. Even if closed roads are theoretically available to hikers, it is likely that few people would actually choose to hike on them both due to distance and the fact that most roads proposed for closure simply lack the kind of specific scenic destinations that hikers seek. Most of the proposed closures are not actually near popular hiking areas and would thus not provide any benefit from noise reduction. The actual benefit to hikers from road closures would therefore likely be minimal and would be outweighed by losing access to more remote hiking areas.

Likewise because mountain bikers can also use motorized routes, closing motorized routes will eliminate recreational opportunities for mountain bikers as well. While the mountain biking community seems to be lobbying the hardest to close motorized trails, they may find that what they gain in terms of motorized routes converted to the exclusive use of mountain bikers is outweighed by the number of routes closed to both motorized and mechanized users. When roads are closed, all recreationists are harmed, whether they realize it or not.

To conclude this section, the BLM has a duty to create a motorized travel management plan that is fair and balanced toward all users, including motorized users. A fair allocation of recreational opportunities requires the BLM to equally weigh the needs of all user groups, rather than catering solely to the loudest voices from a selfish minority of non-motorized users who want the Moab backcountry all for themselves. Additional opportunities for non-motorized recreation should not come at the expense of lost opportunities for motorized users. Instead of pitting user groups against each other and forcing them to fight over the same piece of pie, the BLM should make the pie bigger (so to speak) by building new trails for non-motorized users and better publicizing non-motorized opportunities that already exist in the area.

While we recognize the motorized travel plan is not the appropriate place to plan new non-motorized trails, neither is it appropriate for the BLM to use the motorized travel plan to enhance non-motorized recreation by taking away motorized trails to give them to other users. The BLM instead should focus solely on evaluating the impacts and benefits of the inventoried routes for motorized recreation, while leaving non-motorized recreation planning for a separate management process. We therefore strongly oppose closing the routes discussed above in order to convert them to mountain bike trails and urge the BLM to maintain shared use.

6. Equity, Environmental Justice, and People With Disabilities

On his first day in office, President Joe Biden issued an "Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government."[35] This executive order established "an ambitious whole-of-government equity agenda" which focuses on addressing "entrenched disparities in our laws and public policies," and mandates a "comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality." In the fall of 2021, the Department of Interior subsequently published a notice in the Federal Register seeking comments on how to provide more equitable access to public lands, which it has identified as an important goal of this administration.

Under this executive order, "The term 'equity' means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as ... persons with disabilities...." Historically, there has been no group more greatly marginalized and excluded by public land management policies, and motorized travel management policies in particular, than people with disabilities. Outdoor enthusiasts with ambulatory disabilities frequently rely on motorized travel as their sole means to enjoy recreating on public lands. Not everyone has the ability to hike into a remote wilderness area, but many such people are still able to drive Jeeps, side-by-sides, and ATVs, which are restricted to the designated motorized route network.

Travel management policies focused on "minimizing" the environmental impacts of motorized recreation have resulted in a dramatic decrease in motorized recreation opportunities on public lands over the last 20 years which has disproportionately impacted people with disabilities. Wilderness focused environmental groups with extreme ableist baises have pushed for more and more areas to be closed to motorized recreation and reserved exclusively for hikers, mountain bikers, and other "human powered" and "quiet use" forms of recreation in which many people with disabilities are unable to participate.

Every time motorized routes are closed, people with disabilities that require the use of motorized means to access public lands are barred from those areas forever. There has been little recourse for such people in the past because the Americans With Disabilities Act does not require public land management agencies to consider disproportionate effects on the disabled community, but only requires that they be given access to public lands on equal terms with everyone else. As a result, the BLM has historically failed to give any real consideration to the impacts of motorized route closures on the disabled community when developing travel management plans.

The Biden Administration's focus on equity, however, changes the equation. While the ADA focuses only on equality of opportunity, equity inherently focuses on equality of outcome. Any policy that is facially neutral but disproportionately harms a disadvantaged or marginalized group is considered inequitable. The BLM is therefore required by this executive order and others

---

[35] *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,* Jan. 20, 2021, https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/.

mandating that federal agencies consider “environmental justice” in NEPA proceedings to consider whether any route closures in the Labyrinth Rims/Gemini Bridges travel management plan would disproportionately harm disabled users’ ability to access public lands.

It is imperative that the BLM consider the access needs of disabled users in considering the alternatives for this travel plan and ensure that people with disabilities who depend on motorized means do not lose access. Such consideration is also required by the BLM’s recently adopted Equity Action Plan that was released by the Department of Interior in April 2022. The Equity Action Plan recognizes that off-road routes create a form of access to public land for those with disabilities, and specifically identifies limited physical access as a barrier that prevents people with disabilities from recreating on public lands. Limiting the areas motorized vehicles can access limits those users who want to experience public land and contradicts the agency's Equity Action Plan. Therefore, BLM should analyze how the proposed closures would undermine the objectives of the Equity Action Plan.

Any approach to travel management that presumes the superiority of non-motorized forms of recreation like hiking over motorized recreation, or that justifies closing motorized routes on the basis that people can still hike on those routes, is inherently discriminatory toward people with disabilities. Any large-scale closures of existing routes would unfairly and inequitably deprive people with disabilities of the ability to recreate in the area using the only means available to them.

Alternatives B and C both close the only access routes into many extremely scenic areas such as Ten Mile Canyon, Hell Roaring Canyon, Mineral Canyon, South Fork Sevenmile Canyon, and multiple overlooks on Labyrinth Rim, which would subsequently require lengthy hikes to visit. It is inevitable that such closures would disproportionately impact people with disabilities, who would now have no practical way to visit these areas. Where before they could easily visit these places in a Jeep or side-by-side, not even the most robust electric wheelchair is capable of driving a 10 mile long closed Jeep trail even if it were allowed to.

Because of the extreme number of closures contemplated in alternatives B and C and the unavoidable disproportionate impacts on people with disabilities, we believe both of these alternatives violate this executive order and contravene the DOI Equity Action Plan. Of the action alternatives currently under consideration, only alternative D satisfies the requirement to provide equitable access to public lands for people with disabilities.

Finally we note that, anecdotally, a significant and growing number of racial minorities (especially latinos) have recently been getting involved in motorized recreation driving side-by-sides / UTVs. From my personal observations while off-roading in both Colorado and Utah, a significant proportion of UTV drivers are hispanic. These vehicles seem to appeal to that demographic in ways that traditional off-road vehicles or other outdoor activities like hiking or mountain biking historically have not. Motorized recreation (specifically OHV use) is therefore playing a major role in diversifying recreation on western public lands, which is one of the primary goals of the DOI’s Equity Action Plan. Eliminating a significant amount of motorized recreational opportunities around Moab therefore runs counter to this goal and disproportionately affects racial and ethnic minorities who prefer motorized recreation over other forms of outdoor recreation. For that reason as well, alternatives B and C undermine the BLM’s environmental justice goals and should be rejected.

7. RS. 2477 and Mining Claim Access Routes

The Labyrinth Rims Gemini Bridges travel plan provides bearing on and addresses the validity of R.S. 2477 assertions. The plan reduces access or closes completely multiple routes that are the means of access to active mining claims. Rights of way that access mining claims are granted rights under R.S. 2477.

MS-1626 Travel and Transportation Management Section 6.2 states, “A travel management plan is not intended to provide evidence, bearing on, or address the validity of any R.S. 2477 assertions. R.S. 2477 rights are determined through a process that is entirely independent of the BLM's planning process.

In these proceedings, whether routes have existed historically and whether they currently exist on the ground are part of the evidentiary record for R.S. 2477 claims. A closure of an R.S. 2477 route through a TMP planning process provides bearing against the validity of any R.S. 2477 assertion by erasing the primary source of evidence upon which these assertions rely: the continued existence of the route itself. As such the closure of R.S. 2477 routes through the TMP process violates MS-1626 (6.2).

We recognize that RS 2477 claims cannot be adjudicated through an administrative process, but we also recognize that closing R.S. 2477 routes through an administrative process will bias any future adjudication, and closures of these routes should be avoided at all costs until any contested route can be thoroughly adjudicated. At the very least, BLM should develop an alternative that keeps all of these routes open.

The closure of R.S. 2477 routes also creates an undue burden on active mining operations, and BLM Manual 2801.8(G) requires BLM to “Recognize as an authorized use, any ROW facility constructed on public land on or before October 21, 1976, under the authority of any act repealed as to future authorization by FLPMA. No further authorization is required by the holder for […] b. A ROW for a public highway constructed on public land under R.S. 2477.” During my explorations in the area, I saw numerous mining claim stakes along routes proposed for closure in alternative C. We believe the closure of routes that provide the sole access to valid mining claims is illegal.

8. Bighorn Sheep Habitat and Seasonal Closures

We acknowledge that desert bighorn sheep are important residents of southeast Utah. The 2008 TMP already closed many routes in bighorn sheep habitat, and local motorized groups have subsequently contributed hundreds of hours with the BLM planning and implementing TMP amendments to further avoid lambing habitat, migration corridors, etc. The elongated nature of this habitat requires crossing it in places in order to get anywhere. By avoiding springs and rims, trails can be routed to provide sufficient escape terrain for the sheep. Because bighorn sheep habitat was already considered in the last round of travel planning in 2008, the worst impacts have already been mitigated.

While the motorized community is open to considering further restrictions, too many more restrictions would make it a lot harder to gain compliance with the resulting TMP, undermining the predictable organization of travel patterns that a TMP is supposed to provide. The most effective

way to benefit sheep would be to bolster trail work, enforcement, and education efforts to ensure that vehicles stay out of closed areas and that drivers and riders understand the importance of yielding to wildlife (not to mention the reward of stopping to watch wildlife in their natural habitat).

The simple reality is that almost the entire Labyrinth Rims Gemini Bridges TMA is in bighorn sheep habitat, and many of the best motorized trails are in lambing habitat. Therefore some impacts on bighorn sheep must be allowed in order to continue to accommodate motorized recreation in the region. While a handful of less popular routes may be suitable for seasonal closures to mitigate impacts during bighorn lambing season, we strongly oppose seasonal closures of any major trails, particularly Easter Jeep Safari routes like Day Canyon Point. In alternative C, the BLM is proposing to seasonally close that trail during peak tourism season in the spring, including over Easter Jeep Safari week.

While this alternative appears to make an exception for special use permit holders that would presumably still allow Day Canyon Point to be run as part of that event, many other people like to drive this trail during the spring outside of EJS. Any benefits to wildlife would be outweighed by the severe impact on recreation caused by closing a major motorized route during peak spring season, and we strongly oppose this closure. On the other hand, we could support spring seasonal closures on less popular trails in more remote areas such as Ten Mile Canyon, Hell Roaring Canyon, and Mineral Canyon if it would allow for these trails to remain open rather than closing two-thirds of each of them as is proposed in alternative C.

We also question the science behind considering bighorn sheep extremely sensitive to recreation activities. Near my house in southern Denver, a bighorn sheep herd is known to inhabit Waterton Canyon, which is a popular recreation area. Thousands of hikers and mountain bikers every month travel along the service road at the bottom of the canyon adjacent to the South Platte River, which is the sheep's only water source. The bighorn sheep there have long become accustomed to the constant human presence in the canyon, and can be regularly seen wandering along the busy pathway unperturbed by people. I have witnessed this myself several times. I have also seen bighorn sheep walking along the shoulder of major highways in the Colorado mountains such as the road over Guanella Pass.

It is common knowledge among anyone who has ever seen them that bighorn sheep can become accustomed to human presence. At the very least, they are not hyper sensitive to humans at all times of the year. Outside of lambing season, recreation likely has very little impact on them, especially in a popular recreation area like Moab. All of the motorized routes in this TMA that are within bighorn sheep habitat have been used by motorists for many decades, and the local bighorn sheep herds have almost certainly adapted to human presence. There is simply no need for the BLM to close important motorized routes to protect them.

Studies relied on by the BLM to prove that bighorn sheep are sensitive to recreation are flawed and do not support the BLM's conclusions that motorized recreation poses a threat to bighorn sheep. The bighorn sheep population around Moab has been stable for decades and has long since become accustomed to human activity there. There is no evidence that further restrictions on recreation are necessary to prevent bighorn sheep population decline. Comments submitted by a coalition of motorized groups during the recent comment period for the Labyrinth Rims / Gemini

Bridges camping management project (which cross apply to this travel planning project) explain this in detail and are are reproduced below:

> **1. A narrative is developed in the Draft EAs that wildlife populations are threatened from currently regulated recreational use.**
>
> It is important that the BLM acknowledge that there is no demographic data that indicates a long-term decline in bighorn sheep inhabiting the La Sal/Potash/South Cisco population unit, or a decline in individual bighorn sheep fitness in this population that can be directly attributable to "human use." It is therefore disingenuous that the Labyrinth Rims/Gemini Bridges EA attempts to link a study about bighorn sheep vigilance (Sproat 2012) without first demonstrating that there has also been bighorn sheep abandonment of an area and/or population-level decline, in order to justify new camping and travel route restrictions in the EA.
>
> As an initial matter, all the cited studies in the EA on human disturbance of bighorn sheep cited in the study share the following important characteristics:
>
> a) None of the studies have shown a demonstrable, causal link between human activity and population decline, loss of individual fitness, or permanent habitat abandonment that is *independent of other factors* (i.e. predation, disease, livestock, drought, or permanent removal due to agriculture or development).
>
> b) The studies rely on speculation, that the worst-case circumstances they describe "could," "may," or "potentially" lead to population declines. The authors of these papers generally *assume*, without supporting demographic data, that any observed effect in flight distance or time spent foraging or scanning results in a decrease in individual fitness and ultimately population number.
>
> c) Anecdotes and opinions expressed by authors, often in the conclusions or management implications of their papers, have been erroneously cited by subsequent authors, as if these anecdotes and opinions were actual demographic results. This leads to a "snowball effect" of opinions, beliefs, and biases becoming uncritically entrenched in the "scientific literature" on human disturbance of bighorn sheep. In other words, if repeated often enough, anything can take on the appearance of truth.
>
> d) The authors fail to acknowledge that their study population has been repeatedly exposed to humans as predators either through hunting and/or repeated capture and handling (for radio- collaring, research, or translocation). Both of these activities can be expected to result in bighorns having increased wariness around humans. The simple fact is that bighorn sheep, like many other animals, habituate to predictable and non-threatening human behavior (i.e. they will habituate to humans if they are not hunted or otherwise pursued).
>
> Despite dire predictions of what could happen in the cited studies, there is no compelling data to indicate that the La Sal/Potash population has declined, has abandoned habitat critical to survival, or that recruitment and adult survival have been compromised due to human disturbance from recreational use, including camping. Quite to the contrary, the State of Utah allows hunting of this population on BLM and State lands outside of Canyonlands and Arches National Parks. Furthermore, this population has also had bighorn sheep regularly captured and removed for translocations elsewhere for decades.

2. The BLM presents no data on bighorn sheep locations to indicate that they are habitat limited.

We are concerned that some of the language in the EA and proposed conservation measures are built on the false premise that the resident bighorn sheep population is in decline or in imminent threat of decline due to recreational use. However, no data are presented in the EA that bighorn or wildlife populations are in decline, or that populations are declining as a result of recreational use of a road and trail network that has been in continuous use for over 50 years. The BLM presents no data on bighorn sheep locations to indicate that they are habitat limited.

3. The EA has an over reliance on papers that misrepresent conclusions.

In order for the BLM to take a more measured and scientifically-defensible view of the data and issues surrounding bighorn sheep in the SRMA, we ask that the BLM reconsider its reliance on the following papers as they misrepresent the factual basis of their conclusions and therefore are not up to the data quality standards required of the BLM. (Reasons are detailed in the attached reviews below). Those papers include: Papouchis et al. 2000, 2001; Sproat 2012 and Sproat et al. 2019, and Widedmann and Bleich 2014.

A review of scientific issues in Papouchis (2000, 2001):

Papouchis did not design the study or participate in the fieldwork, but was recruited by the late Dr. Francis Singer to analyze and publish a paper out of the data gathered, essentially to salvage results from a flawed study design.

The study by Papouchis et al. (2000, 2001) was methodologically flawed and biased in its interpretation of results because the “hikers” in that study were actually researchers who used telemetry to locate radio-collared bighorn sheep and intentionally harassed them until they fled by approaching directly, off-trail and on foot. Thus, the results of Papouchis et al. (2000, 2001) were an artifact of the experimental design rather than an unbiased comparison of bighorn reaction to “hikers.” Thus, no conclusions can be drawn to hikers on trails or humans in campsites. The intentional harassment used in Papouchis et al. (2000, 2001) is clearly a different circumstance from trail hikers and even the occasional cross-country hiker who does not have the intention or means of locating, tracking, and approaching bighorn sheep until they flee. Instead, the methods of Papouchis et al. (2000, 2001), as well as similar harassment used in MacArthur (1979) and Phillips and Alldredge (2000), more closely approximated the behavior of hunters pursuing their quarry. The BLM needs to understand and acknowledge this fundamental bias in the results and conclusions of Papouchis et al. (2000, 2001).

The authors of Papouchis et al. (2000, 2001) did not acknowledge that the bighorn sheep in their study, and the population of bighorn sheep in general, had already been subject to capture and handling by humans and that bighorn in that study population are hunted on BLM land outside of the national parks. Thus, the bighorn sheep were pre-conditioned to react to humans approaching on- foot and in close proximity.

Notably, Papouchis et al. (2000, 2001) reported that the radio-collared ewes whose home ranges were along road corridors had obviously habituated to cars, and recommended that these habituated bighorn should not be captured and removed for translocations. Such

captures and removals would deplete the population of resident bighorn that had habituated to habitat along roads in Canyonlands National Park, which is also a safe haven from hunting. This is an important finding because it underscores how bighorn sheep readily habituate geographically to predictable and non-threatening human activity. This habituation is also why desert bighorn sheep near Palm Springs, California wander into the suburbs and city, why hikers have to walk around them on trails, and why they have to be shooed off of lawns and golf courses in the area. Other examples of habituation in desert bighorn include those along the banks of the Green and San Juan rivers in Utah, as well as in the Grand Canyon and along roads in Canyonlands National Park.

The only quantitative data used by Papouchis et al. (2000, 2001) to distinguish human use in the high vs. low-use areas was as follows, “Approximately 1 vehicle passed along roads/hour during peak visitor months in the low-use area. ... Between 5 and 13 vehicles passed along roads/hour during peak visitor months in the high-use area.” Papouchis et al. (2000, 2001) also did not mention whether this human use statistic was on paved or dirt roads, the footprint of roads in bighorn habitat, the types of use or intensity of other human use in bighorn habitat, and most importantly, differences in habitat quality which would lead to differences in bighorn sheep density and behavior. The purported increase in human use in the study area was entirely anecdotal.

A review of scientific issues in:

Sproat 2012a, thesis, *Alteration of behavior by desert bighorn sheep from human recreation and Desert Bighorn Sheep Survival in Canyonlands National Park: 2002 – 2010;*

Sproat 2012b, report and presentation, *Potash Desert Bighorn Sheep Research;*

and

Sproat et al. 2019, publication, *Desert bighorn sheep responses to human activity in south-eastern Utah.*

The titles used by Sproat (2012) and Sproat et al. (2019) were not accurate because the authors never actually measured bighorn reactions to human activity. Instead, the authors measured scanning vs. foraging behaviors in two different areas, designated high and low human use, but made no attempt to quantify habitat differences, bighorn density, or predation rates that would have influenced their results.

The author(s) of Sproat (2012a,b) and Sproat et al. (2019) assume that a bighorn sheep observed “scanning” is looking at “threats” resulting from human use of the environment although they never consider any alternative hypotheses. Those alternative hypotheses include (a) the bighorn is looking for other bighorn sheep, (b) the bighorn is scanning to locate additional food resources, or (c) the bighorn is scanning for predators, including mountain lions, coyotes, bobcats, and golden eagles, all of which prey on bighorn sheep or their lambs. The authors present no data that time spent scanning vs. grazing has a fitness consequence to the bighorn population.

In the abstract of their paper, the authors of Sproat et al. (2019) make several bold and inaccurate statements. For example, under “Implications” the author(s) state:

“From 1979 to 2000, human recreation increased over 300% in areas occupied by desert bighorn sheep (*O. c. nelsoni*) in south-eastern Utah. Concurrently, the population of desert bighorn sheep occupying the Potash Bighorn Sheep Management Unit of south-eastern Utah was in steep decline.”

“We raise a cautionary flag because recreational use in bighorn sheep habitat near Moab, Utah, continues to increase and bighorn numbers continue to decline.”

However, no bighorn sheep population data was presented by the authors of Sproat et al. (2019) to support these statements. Quite to the contrary, data from the State of Utah (2019) for the La Sal- Potash population, which includes bighorn sheep in Island in the Sky, Potash, Professor Valley and Dolores Triangle subpopulations, clearly refutes this claim. The State data reveal that this population had increased despite both repeated captures and removals of bighorn sheep from the La Sal-Potash population for translocations, with 289 bighorn captured and translocated between 1982-2008, mainly from the Potash area and other parts of Canyonlands National Park (Wild Sheep Working Group 2015). Additionally, 2 to 4 bighorn sheep are hunted annually on BLM, state, and private land outside of the national parks (including the Potash area), with 31 bighorn sheep killed by hunters between 2010 and 2019 (see big game report above). This bighorn population increase also occurred despite the fact that predation accounted for 44% of radio-collared mortalities reported by Sproat (2012b). And most importantly, the bighorn population increase occurred despite the reported increase in recreational use which Sproat et al. (2019) attempted to link to a non-existent bighorn sheep decline.

Something is clearly amiss with Sproat et al. (2019) because in Sproat’s own words (Sproat 2012b, which included annual survival data from radio-collared bighorn), he concluded:

“Survival for desert bighorn sheep in CNP [Canyonlands National Park] was relatively high (83%—88%; Table 7), as evidenced by population estimates (*n* = 400, status = stable/increasing). Our statistical analyses indicate that temporal variables (season and month) had the greatest effect on survival.”

And in the discussion of Sproat et al. (2019), those authors state:

“We determined that bighorn sheep grazed less and scanned more in areas of high human use, but there was no apparent effect on the survival rates of adult desert bighorn sheep in the study area, as documented by Sproat (2012).”

Oddly, in the concluding sentences that follow, Sproat et al. (2019) tried to qualify this non-effect by reiterating speculation that increasing human use will have population level impacts on bighorn that needs to be mitigated and further research is needed. Specific wording includes “links among human activity, behavior of bighorn sheep and resulting consequences for fitness [which] will provide additional information useful to managers.” This inability to let go of a desired but undemonstrated research outcome is typical of some of the most frequently cited literature on human disturbance of wildlife.

Sproat (and his coauthors) were attempting to squeeze a conclusion out of data that are contrary to that conclusion.

In the discussion of their paper, Sproat et al. (2019) attempt to build a case that bighorn sheep habitat in Canyonlands is under threat of being abandoned citing other bighorn studies. Contrary to Sproat et al's (2019) assertion, Longshore et al. (2013) did not report any abandonment of habitat or population

Also typical is the call for more data but never the critical tests that could potentially falsify their human disturbance hypothesis. It appears that decline in Joshua Tree National Park, instead those desert bighorn sheep ewes merely moved away from centers of human activity on busy weekends and moved back during the week when human use was lower. No deleterious effect on demography was reported. We also note that those desert bighorn sheep in Joshua Tree are not hunted. As pointed out in the attached reviews, Widedmann and Bleich (2014) did not even attempt to rule out more obvious cases for decline and eventual abandonment in a study area in North Dakota along the Little Missouri River; namely, extensive residential, commercial, and agricultural development, and suboptimal habitat to begin with. They did not rule out these factors because they never admitted that they existed.

Also cited by Sproat (2019) is the thesis by Courtemanch (2014) which presented data about constriction of winter range bighorn habitat by backcountry skiers and snowboarders in the Tetons of Wyoming. However, neither that study nor Sproat et al. (2019) mentioned the fact that bighorn sheep from the Teton bighorn population are hunted, which results in bighorn avoiding humans because they are potential predators. In addition to bighorn, mountain goats that utilize the same habitat as bighorn in the Tetons, are hunted on USFS land just outside the Grand Teton National Park. The State of Wyoming Bighorn Sheep Hunt Area #6 lists a quota of one bighorn sheep annually with a hunting season extending from August 1st through October 31st. This bighorn population also overlaps Mountain Goat Hunt Areas #2 and #5 with a current quota of 4 and 8 mountain goats respectively and a hunting season from August 15 to October 31st. While these quotas may not seem high, it is significant that hunters and their guides often spend weeks scouting and hunting in bighorn and mountain goat habitat, approaching their potential quarry as predators, and killing them with archery or rifle. Consequently, it should come as no surprise that bighorn sheep in the study by Courtemanch (2014) avoided other humans as potential predators. Like the subpopulation studied by Wieddemann and Bleich (2014), the Grand Teton bighorn sheep population was also compromised by extensive development, as Courtemanch (2014) notes:

"The Teton bighorn sheep population has experienced numerous changes to its habitats and migration patterns due to residential development, construction of roads and fences, historical livestock grazing, and wildfire suppression, culminating in the population abandoning its traditional low elevation winter ranges (Whitfield 1983)."

Also unusual is the fact that 78% of backcountry skiers and snowboarders in the study by Courtemanch (2014) accessed the backcountry and bighorn habitat from ski lifts in Jackson Hole Mountain Resort and Grand Targhee ski resorts, a situation very different from the desert of southeastern Utah.

In conclusion, Sproat and the EA make apples-to-oranges comparison to studies with very different circumstances and uncritically accept the authors conclusions without first evaluating the assumptions, methods and data used.

A review of scientific issues in Wideman and Bleich (2014):

The paper by Wiedmann and Bleich (2014), cited by Sproat et al. (2019) and in the EA, attempted to lay blame for the abandonment of habitat by a ewe group on construction of a trail, while ignoring other, far more obvious factors for the decline and eventual abandonment of this translocated ewe group and associated lambing area. The authors of that paper failed to account for and test other, far more obvious factors, including disease, habitat fragmentation and development. Additionally, because Wiedmann and Bleich (2014) erroneously cited the speculation in Papouchis et al. (2000, 2001) as if they were data-driven results, other authors have used this study to further reinforce their belief that human recreational disturbance of bighorn sheep is deleterious to their health and population survival. However, a closer examination of that paper reveals it to be factually deficient and misleading.

The authors of Wiedemann and Bleich (2014) failed to acknowledge that Sully Creek was a marginal site to translocate bighorn sheep into for reasons that now appear to be obvious. This area has low topographic relief as it is along the river breaks of the Little Missouri River in North Dakota. Connectivity to the northern ewe groups required that bighorn ewes migrate along a river corridor under or over the four-lane highway (Interstate 94), across a railroad track as well as across numerous paved and unpaved roads, and around development. The close proximity to the town of Medora, North Dakota and availability of private land, where the bighorn were released in the 1950's, would inevitably lead to extensive development of the surrounding area including habitat occupied by bighorn. Seen from Google Earth historical imagery, permanent land conversion and development over the past 20 years in (and surrounding) the Sully Creek ewe home ranges and lambing areas has included: a golf course, a bible camp, agricultural field development, livestock, new private home construction, expansion of existing ranching and private land infrastructure (trailers, pens, fences, outbuildings, livestock, paved and dirt roads), oil and gas development, and artificial water ponds. This land conversion and development fragmenting and encroaching on the limited bighorn sheep habitat and movement corridors was not mentioned at all by Widedmann and Bleich (2014).

And finally, given that bighorn sheep are highly susceptible to strains of bacteria that cause fatal respiratory pneumonia in bighorn sheep and that the State of North Dakota has over 72,000 domestic sheep, it would seem obvious that disease should be strictly ruled out as a cause of decline before invoking other causes. However, none of the tonsillar swabs used to test for this disease were taken from sick or dying lambs. The only tonsil swabs were taken from healthy ewes that were captured for radio-collaring and the authors did not mention the number of samples that were taken from the Sully Creek ewe group.

In conclusion, if obvious sources of bighorn population loss, including capture and removal for translocations and ongoing mortality from hunting and predation have not been found to negatively affect population status, then why is the BLM proposing additional restrictions in bighorn sheep habitat? Can the BLM demonstrate why (and where) previous regulations and restrictions were found to be inadequate for maintaining a stable bighorn sheep population? Is the BLM willing to base its wildlife regulations on the hypothetical threat that bighorn sheep are not eating enough in areas where humans are present, based on worst-case scenarios from a study that could not find those effects? Why does the BLM not acknowledge in the EA that bighorn sheep habituate to predictable and non-threatening human behaviors?

To conclude, the BLM must recognize the indisputable fact that bighorn sheep habituate to human non-threatening human behaviors including motorized recreation, and the continued use of

long-established motorized routes in bighorn sheep habitat do not pose any significant threat to the bighorn sheep population around Moab. We urge the BLM to find ways to mitigate impacts to bighorn sheep other than closing valuable motorized routes in bighorn sheep habitat.

The BLM has already taken numerous actions designed to reduce impacts to bighorn sheep under the 2008 RMP, from closing routes to limiting camping in lambing areas, to banning climbing and aerial activities in most of Hell Roaring and Mineral Canyons a couple years ago, and should focus on bolstering those efforts instead. Unless there is strong evidence that past mitigation measures have failed and that motorized recreation on specific routes is causing serious harm to bighorn sheep (ie. verified population decline directly attributable to motorized impacts), the BLM should refrain from closing additional motorized routes to protect them.

9. Raptor Nest Sites

Under the BLM's likely preferred alternative C, numerous motorized routes are proposed for closure at least in part because of concerns regarding the impact of motorized vehicles on various species of raptors nesting in cliffs and rock formations above or below those routes. This is particularly the case with the motorized routes in the bottoms of Hell Roaring and Mineral Canyons, as well as others like 7-Up and the trail around Pasture Butte (part of the Buttes and Towers Safari trail). We do not believe that these closures are warranted by either the facts on the ground or the best available science.

We note that the best available science around raptor sensitivity to human activities does not support the common belief that raptors are extremely sensitive to the noise of human activities in nearby areas. As stated in the 2002 raptor guidelines (Romin and Muck 2002), the guidelines are applicable to new projects and expanding development/activity, rather than existing land uses to which raptors have habituated, such as those in the SMRA. Therefore, rather than restrict or eliminate existing travel routes within the 0.5 mile one-size-fits-all buffer zone of raptor nests, as proposed in this travel plan, we recommend retaining these but posting educational signage and/or physical impediments (i.e., logs or boulders) to discourage use outside of the existing travel route envelope. The BLM could also monitor these raptor nesting locations as part of its adaptive management strategy to evaluate and refine future mitigation measures with systematically collected data.

The BLM needs to acknowledge the fact that raptors do adapt to human activity that is much closer and more intense than camping and recreational use. For example, the specific language in the Romin and Muck (2002) guidelines are as follows:

> *Prior disturbance history and tolerance of raptors* -- As mentioned previously, some individual and breeding pairs of raptors appear relatively unperturbed by some human disturbance and human-induced impacts and continue to breed successfully amid these activities. Nesting within or near human-altered environments may be a manifestation of the decreased availability of high- quality natural nest sites; indicative of high densities of breeding birds; indicative of abundant or available prey; or simply a display of higher tolerance for disturbance by certain individuals or breeding pairs. Accordingly, it is not the intent of these guidelines to restrict current land use activities in those situations where raptors appear to have acclimated to the current level of disturbance and human-induced impacts. However,

> these Guidelines should be closely followed if proposed land use activities may result in exceeding the current levels and timing of disturbance.

As discussed in the raptor guidelines, this habituation has been documented to occur at more intense levels of human disturbance, and more frequently than that associated with campsites and travel routes, trails, and current recreational activities in the planning areas:

> Some individual breeding pairs appear relatively unperturbed by human disturbance and human- induced impacts and continue to breed successfully amid development (Mathisen 1968, Bird et al. 1996). In addition, some land-use actions are potentially beneficial for some raptor species, such as: selective logging, utility lines, dams and reservoirs, farming, grazing, fire, mechanical/chemical, and public observation (Olendorff et al. 1989). For example, peregrine falcons and prairie falcons have been observed nesting on transmission towers, bridges, and buildings in many cities and raptors, including bald eagles and golden eagles, have nested within a few hundred meters of airports, blasting, construction, quarry, and mine sites (Pruett-Jones et al. 1980, Haugh 1982, White et al. 1988, Holthuijzen et al. 1990, Russell and Lewis 1993, Steenhof et al. 1993, Bird et al. 1996, Carey 1998).

As described in a peer review of a recent county recreation management plan in Colorado by Rob Roy Ramey II, Ph.D.:

> Experimental evidence reveals a greater tolerance of golden eagles (and other raptors) to human presence and activities than typically parroted in the literature. Three studies on human disturbance of raptors stand out in contrast to the trend described above because they relied on controlled experiments to test the effects of human disturbance on the fitness of raptors (White and Thurow 1985; Holthuijzen et al. 1990; Grubb et al. 2007, 2010). All three utilized disturbances that were clearly threatening (e.g. blasting; threatening approach via foot, vehicle, or helicopter; gunshots and noisemakers), as compared with relatively benign activities such as hiking, rock climbing, and horseback riding. Yet, all three reported a remarkable tolerance of human presence, a decreased response when habituated, and recommended substantially smaller buffer zones than those typically imposed.
>
> Holthuijzen et al. (1990) measured the effects of nearby blasting on nesting prairie falcons, as compared to undisturbed controls. They reported: *"This study demonstrated that, in general, blasting had no severe adverse effects on the falcon's behavioral repertoire, productivity, and occupancy of nesting territories. Therefore, we suggest that when blasting does not occur prior to aerie selection and ceases prior to fledging, blasting that takes place at least 125 m from occupied prairie falcon aeries need not be restricted, provided that peak noise levels do not exceed 140 dB at the aerie (i.e., the noise level we measured for our experimental blasts). We recommend that no more than 3 blasts occur on any given day or 90 blasts during the nesting season."*
>
> White and Thurow (1985) used an experimental approach to quantify the effects of human disturbance on nesting ferruginous hawks. Their "low level" disturbance involved approaching nests on foot while firing a rifle every 20m, driving up to nests, and continuously operating a 3.5hp gasoline motor or noisemaker within 30-50m of a nest. They reported, "*Unlike previous reports of substantial nest desertion by raptors as a result of human activity, the number of disturbed nests that were deserted in our study was unexpectedly low." And, "Our observations suggest that a sufficient buffer zone for brief human disturbance around*

ferruginous hawk nests is 250 m. Adults will not flush 90% of the time if human activity is confined to distances greater than this."

Grubb et al. (2007, 2010) directly approached golden eagle nests at close range via helicopter, and quantified behavior and nest success. This study was a poignant refutation to an often repeated but erroneous perception (discussed above) that golden eagles are highly susceptible to human disturbance. The authors reported results contrary to expectations:

"Multiple exposures to helicopters during our experimentation in 2006 and 2007 had no effect on golden eagle nesting success or productivity rates, within the same year, or on rates of renewed nesting activity the following year, when compared to the corresponding figures for the larger population of non- manipulated sites. During our active testing and passive observations, we found no evidence that helicopters bother golden eagles nor disrupt nesting. In 303 helicopter passes near eagles, we observed no significant, detrimental, or disruptive responses. 96% of 227 experimental passes of Apache helicopters at test distances of 0-800 m from nesting golden eagles resulted in no more response than watching the helicopter pass (30%). "

"We found no relationship between helicopter sound levels [even though Apache helicopters were twice as loud as the civilian helicopters] and corresponding eagle ambient behaviors or limited responses, which occurred throughout recorded test levels (76.7-108.8 dB, unweighted)."

"Between all the other aircraft and human activities occurring in the Tri-Canyon Area, as well as their long term coexistance with WPG and apparent indifference to current operations, golden eagles in the area appear acclimated to current levels of activity. "

"For the specific question of WPG operating in the Tri-Canyon Area without potentially impacting nesting golden eagles, we found no evidence that special management restrictions are required. (Authors' Note: The results of this research were very much unexpected since helicopters are usually considered more disruptive to bald eagles than any other type of aircraft. Plus, golden eagles are traditionally thought to be more sensitive, and therefore more responsive, to human intrusions than bald eagles. However, we found the golden eagles studied during this project to be just as adaptive, tolerant, and acclimated to human activities as any bald eagles in our rather considerable, collective experience with this species. We hypothesize this may at least be in part due to the proximity of the large, growing, and outdoor-oriented population of the Salt Lake Valley and Wasatch Front."[36]

Dr. Ramey further suggests that many prior studies on human disturbance of raptors improperly conflated harmless recreational activities with deliberate hunting of raptors that occurred in the past, which are very different. Because raptors are not as sensitive to human activities as is commonly assumed, and because motorized use has already been occurring on existing roads close to raptor nests for many decades, the raptors there have likely long ago become accustomed

[36] Rob Roy Ramey II, Ph.D., *Peer Review of the Chaffee County "Wildlife Decision Support Tools for Recreation"*, July 30, 2021, http://www.coloradotpa.org/2021/08/23/peer-review-of-the-chaffee-county-wildlife-decision-support-tools-for-recreation/.

to the low levels of disturbances associated with motorized activity. It is therefore likely that all existing roads in these areas could remain open with no serious impacts on raptors.

Unlike rock climbers or people engaged in aerial activities, motor vehicles in canyon bottoms or canyon rims are not up along the cliffs right near raptor nests. As the BLM stated in response to one comment on its 2020 Roped and Aerial Activities restrictions project for Mineral and Hell Roaring Canyons, "vehicles currently are restricted to designated routes, and vehicles cannot access the inaccessible cliffs, steep walled canyons, slot canyons, alcoves and talus slopes so important to the species in question."[37] This natural separation combined with the infrequent nature of motorized use on most of these routes should be sufficient to protect the raptors without needing to close these roads.

We therefore strongly oppose closing any existing motorized routes based on the false assumption that such closures are necessary to protect raptors. If absolutely necessary, seasonal closures during raptor nesting season should be considered instead. While seasonal closures are inconvenient, they would be preferable to permanent closures of high value motorized trails.

III. Alternatives Discussion

1. The no-action alternative and baseline route inventory do not accurately reflect current management

Turning to a discussion of the various alternatives presented in the Draft EA, we first wish to point out that the no-action alternative (alternative A) does not accurately reflect the current management situation for numerous baseline routes. The no-action alternative appears to be a direct copy of the travel management plan adopted in the 2008 RMP and it does not reflect any route closures, additions, re-routes, or other management actions the BLM has implemented since the 2008 RMP was adopted. The GIS data for the baseline route inventory is also replete with errors, showing many routes with incorrect alignments or erroneous endpoints. While some of these errors may be innocuous, others could result in trails the BLM wishes to keep as-is being mistakenly cut short because the BLM's maps fail to reflect their true endpoints.

The most glaring way in which the no-action alternative fails to reflect current management is the fact that it does not acknowledge closures implemented during the creation of the Mag-7 and Horsethief trail systems. When I explored these areas in October 2021, I found that both D1284 and D1972/D1980 had already been wholly or partially closed to motorized use and converted to non-motorized single-track trails. When I attempted to drive D1972 and D1980, I found that D1972 has been converted to non-motorized single-track north of 38.61702, -109.80152 and D1980 is no longer accessible to vehicles. D1284 appears to have been closed to motorized use when the Horsethief Campground was constructed, and is now signed at both ends as the Horsethief Campground hiking trail. D1249 and D1250 were also closed during the construction of the Horsethief Campground and no longer exist.

---

[37] BLM Moab Field Office, "Limiting Roped and Aerial Activities - Environmental Assessment", November 2020, p. 84.

None of these closures (and likely others I did not personally encounter) is reflected in the no-action alternative, making it an inaccurate representation of the current motorized route network. Consequently, every comparison made between the action alternatives and the no-action alternative throughout the text of the Draft EA is incorrect, as those comparisons falsely assume that all designated motorized routes from the 2008 travel plan are still open to motorized use today and would continue to be if the no-action alternative was adopted.

Another significant post-2008 management action the no-action alternative and baseline inventory fail to reflect is the demarcation of designated dispersed campsites in the Mineral Point and Cotter Mine Road areas. None of the BLM maps acknowledge the existence of these campsites, and the baseline route inventory fails to include multiple short campsite access spurs that are clearly signed as open on the ground. This problem is particularly acute along routes D1199/D1207, D1190/D1195, D1167, D1164, and B215 (Cotter Mine Road). Along these routes, there are multiple campsites that are signed on the ground as official designated campsites that are accessed by short spurs a few hundred feet in length which are not included in the BLM's route inventory and are not reflected in the no-action alternative. Recently constructed campgrounds like the Horsethief Campground and the North Klondike Campground are also not shown. This needs to be corrected.

The no-action alternative and baseline inventory also fail to account for new roads constructed in the TMA since 2008 for purposes of oil and gas development. This problem is particularly severe in the northern part of the TMA between Ten Mile Canyon and the town of Green River, where multiple new roads have been built to service oil and gas wells. Some of these roads overlap with inventoried routes and have caused some to be realigned or altered. For example, there is a long access road running to a well site at 38.899385, -110.043237 that partially overlaps with the Guy's Trail motorcycle route (GT2). This road is open to full-size motorized vehicles, yet is not included in the BLM's route inventory. If the BLM's route inventory does not account for every route within the TMA open to motorized use, it provides an inaccurate and incomplete picture of the management situation that undermines the accuracy of the BLM's analysis.

Beyond these errors and omissions, the GIS data for the BLM's baseline route inventory contains numerous errors, both minor and serious, regarding the alignment and endpoints of many routes. It is common for the BLM's maps to show routes curving where they go straight, going straight where they curve, or following paths that are physically impossible such as going straight over cliffs. One example of a serious alignment error is on D0017 in Arths Pasture, which in reality turns north at 38.61928, -109.70626 and follows a wash to the northwest, while the BLM's maps show it proceeding straight to the southwest. Another example is D3066, which the BLM's maps show switch-backing to the south straight up a cliff at 38.880332, -110.055374, when it actually switch-backs to the north.

While those are fairly minor routes, the BLM's route maps contain serious errors regarding major trails as well. For example, the BLM's GIS data for the Ten Mile Canyon trail appears to be seriously out-of-date and does not reflect the current alignment of the route, which has shifted over time as the river bottom has been altered by flood events, and may also have been re-routed by the BLM. Based on comparing my own GPS track from when I drove it last October and other recent GPS tracks I found online, the BLM's official track for this route appears to coincide with the

actual route on the ground for less than 50% of its length. We urge the BLM to re-map this route to ensure its impact analysis is correct.

In the Poison Spider Mesa area, the BLM's GIS data contains significant errors regarding the alignment of the Golden Spike and Where Eagles Dare trails, and is completely missing the optional loop off Golden Spike known as Skyline Drive. This is an officially authorized part of the Golden Spike Safari Route that is clearly signed and blazed on the ground and has long been a highlight of Easter Jeep Safari. It is also shown in the Funreks guidebook. The Mashed Potatoes Jeep trail (D2562 - part of the 3D Safari route) is also mapped incorrectly, showing only one route when there are actually two distinct paths on the ground. It is critical that the BLM work with Red Rock 4 Wheelers to ensure its mapping of these routes is correct.

Endpoint errors are another serious concern. As will be discussed in greater detail below, D1408 (which is part of the Hellroaring Rim Safari Route), D1504 (which is part of the Deadman Point Safari Route), and D1511 (a popular viewpoint access and camping route on Deadman Point) all have incorrect endpoints in the BLM's route maps and GIS data, which shows them each ending roughly a tenth of a mile short of their true endpoints at scenic overlooks on the canyon rim.

When I drove each of those routes in October 2021, I found that D1504 and D1511 both had official painted blazes on the slickrock continuing past the BLM's mapped endpoints. For D1504, the blazes continue to a famous overlook of the mouth of Hell Roaring Canyon at the edge of the canyon rim at 38.56792, -109.98554, which has long been a highlight of Easter Jeep Safari's Deadman Point trail. For D1511, the blazes continued to a prominent campsite at the end of the point at 38.58717, -109.99410. D1408 clearly continues on the ground to an established overlook canyon rim at 38.55028, -109.99331, and has been documented as doing so in the published Funtreks guidebook, which places its endpoint at 38.549967, -109.992983.

While those were the most prominent endpoint errors I found, many other routes I drove last October appeared to continue past the endpoints shown in the BLM's route inventory. While some of these may be cases of unauthorized user-created tracks extending authorized routes, in many cases these were long-established roads that were inaccurately mapped in the BLM's original 2008 route inventory. Each of these erroneous endpoints needs to be corrected or else important trails could end up being inadvertently cut short of their true endpoints when the new travel plan is implemented.

Based on the errors and omissions described above, the no-action alternative A and the BLM's baseline route inventory simply do not accurately reflect the existing management situation on the ground today, and we urge the BLM to correct these errors in the final EA. Unless that is done, all analysis in the EA that depends upon comparing the action alternatives to the no-action alternative will be fatally flawed and inaccurate; and valuable routes could be inadvertently shortened with no intentional decision to do so.

2. Action Alternatives Comparison

We are extremely disappointed to see that not a single action alternative would maintain current levels of motorized access on even the most popular trails in the Easter Jeep Safari trail system. Every action alternative under consideration would close at least some segments of BLM

recognized Jeep Safari trails. While the text descriptions of both alternatives C and D claim that they leave all routes in the Easter Jeep Safari trail system open, this is incorrect, as the chart on page 87 of the Draft EA acknowledges.

In that chart, alternative A is the yellow line and the green, orange, and blue lines represent alternatives B, C, and D respectively. All three action alternatives show a reduction in the Jeep Safari trail system compared to alternative A. Unless alternatives C and D are modified to remove these closures, all statements that these alternatives do not close Easter Jeep Safari trails should be removed from the EA.

Below is a brief analysis of the different action alternatives from the perspective of motorized users. **We would prefer that the BLM adopt alternative A** and keep the existing route network unchanged, as it is currently managed effectively with no need for significant change. However, we understand that the no-action alternative is purely pro forma and is never seriously considered for adoption in NEPA processes such as this. Therefore, of the action alternatives considered in this process, we support alternative D, on the condition that it be modified to remove the closure of D2393 (part of the Buttes and Towers safari trail) and other closures discussed in our comments.

Alternative B is the “natural resource emphasis” alternative and has by far the most closures of existing motorized routes. It was already an extreme alternative as originally drafted in the BLM’s preliminary alternatives release in 2021. As we expected, alternative B has since been modified as requested by Grand County to close even more trails. It would now close all or at least most of the Hey Joe Canyon, Hell Roaring Canyon, Ten Mile Canyon, Golden Spike, Gold Bar Rim, Rusty Nail, Day Canyon Point, Dead Man Point, Dry Fork Bull Canyon, Four Arches Canyon, and 3D / Mashed Potatoes Jeep trails, plus the Dead Cow and Tubes motorcycle trails, plus parts of the Where Eagles Dare, Buttes and Towers, Wipe Out Hill, Sevenmile Rim, and Hell Roaring Rim safari trails.

At Grand County’s request, alternative B was modified from the preliminary alternative so that it would close the most iconic section of the Sevenmile Rim trail across the slickrock bench below Monitor and Merrimac Buttes to the top of Wipeout Hill (D2398D), as well as the portion running through Tusher Wash connecting to the Tusher Tunnel area (D2398B), which is the only connector route between the Courthouse Rock trail system and the Tusher Canyon trail system. These added closures cause alternative B to directly conflict with the express direction in the 2008 RMP which requires “continued use of the Sevenmile Rim Jeep Safari route for motorized use.”[38]

If this extreme alternative was chosen, it would utterly eviscerate the Easter Jeep Safari trail network and close at least portions of most of the famous named trails within the TMA that are featured in guidebooks and motorized events. Almost all of the best trails in the Labyrinth Rims / Gemini Bridges TMA would be closed and motorized users (including people with disabilities who rely on motor vehicles as their sole means of accessing public lands) would no longer be able to enjoy them. Numerous trails that currently provide loop opportunities or serve as through routes

[38] 2008 RMP, p. 91.

would be severed and turned into out-and-back routes, completely destroying connectivity and fragmenting the currently well-ordered trail system.

It is important to understand that the effects of these closures on the Easter Jeep Safari trail system are far greater than mere route mileage suggests. Easter Jeep Safari trails are each a combination of multiple route segments under consideration in this travel plan. Closing even a single component route segment can effectively destroy the entire Safari route by cutting off connectivity to other routes, severing loop opportunities or through routes, or by closing off the main attraction of the trail.

By my calculations, 15 out of 43 individual trails used in the 2022 Easter Jeep Safari would be either completely or mostly closed in alternative B, rendering them unable to be used in future events. In 2022, these trails hosted 53 separate trail runs, out of 158 total. The trails proposed for closure in alternative B thus accounted for 34% of the trails used in the event and 33.5% of individual trail runs -- approximately one-third of the entire EJS event. Each trail run during EJS has a maximum of 30 vehicles. If each of these trail runs were filled to capacity, with an average of two people per vehicle, that would mean roughly 1,590 vehicles and 3,180 people participated in trail runs on the trails proposed for closure.

With so many Jeep Safari trails closed, we doubt that Easter Jeep Safari and similar off-road jamborees would continue to be viable events and would have to either shut down permanently or be drastically scaled down, as approximately a third of the safari trails they rely on would be closed. Based on the numbers above, roughly 3,000 fewer people would be able to attend EJS at minimum. This would have a devastating economic impact on Moab and surrounding communities which the BLM's economic analysis utterly fails to account for, as it fails to consider the likely permanent cancellation (or at least severe downsizing) of Easter Jeep Safari and similar off-road events which bring thousands of visitors to Moab every year.

Needless to say, alternative B is utterly unacceptable to the motorized community. If it were adopted as the final decision, the motorized community would have no choice but to litigate and/or pursue legislation to overturn the new travel plan and have the 2008 travel plan reinstated. If this alternative were adopted, it would almost certainly put a permanent end to any cooperation or partnership between the motorized community and Moab Field Office, and would likely result in widespread civil disobedience and non-compliance as well. Litigation and R.S. 2477 assertions from the State of Utah should also be expected, resulting in years if not decades of further conflict and uncertainty surrounding the motorized route system in Moab. The BLM should thus consider very carefully whether the benefit of appeasing SUWA and other environmental groups is worth the cost of the complete alienation of motorized users and political escalation if it chooses this alternative.

Alternative C is the so-called "multiple use emphasis" alternative, which we presume is the BLM's preferred alternative due to its positioning as the middle-ground "compromise" alternative. While it is more reasonable than alternative B, alternative C would close two-thirds of Ten Mile Canyon, half of Hell Roaring Canyon, all of the D-road portion of Mineral Canyon, one of the main overlooks on Deadman Point, part of the Buttes and Towers safari trail and the 7-Up trail, and many other lesser known routes, including valuable connecting trails and trails which access important scenic

overlooks and dispersed campsites (including multiple officially designated dispersed campsites). We object to each of these closures, which are discussed in detail in our route-specific comments.

We note that page 16 of the Draft EA states, “Under this alternative, all high-value routes in the BLM-recognized Jeep Safari trail system would remain designated for OHV use.” This assertion is patently false, as alternative C includes the closure of D2393, which is part of the Buttes and Towers safari route. The BLM’s route report acknowledges that D2393 is part of the BLM’s authorized Jeep Safari Trail System, yet it is proposed for closure in all of the action alternatives.

Given that alternative C as currently drafted would close a key portion of the Buttes and Towers Safari route, the claim that it would not close any Easter Jeep Safari routes is completely inaccurate. In reality, alternative C would have a severe impact on the Jeep Safari trail system by closing the most iconic portion of one of the most popular Jeep Safari trails. Unless Alternative C is modified to keep that route open, this sentence must be removed in the final EA and the EA should be corrected to reflect the true negative effect of this alternative on the Jeep Safari trail network.

Alternative D is the “access emphasis” alternative and is as close to a "pro-motorized" alternative as the BLM is considering. It has the least number of route closures, but still closes part of the Buttes and Towers safari trail just like alternative C. The assertion on page 17 of the draft EA that, “Under this alternative, routes in the BLM-recognized Jeep Safari trail system would remain designated for OHV use” is therefore inaccurate and must be removed unless the alternative is modified to not close D2393. Alternative D could be acceptable to motorized users if that closure is eliminated. However we are disappointed that the BLM is not considering a true “pro-motorized” alternative which would keep all existing routes open (and even add additional routes), using management techniques other than closure to mitigate impacts.

Nevertheless, we support alternative D, and urge the BLM to adopt it (with route-specific modifications requested below) as the basis for the final travel plan. While the BLM is clearly attempting to frame alternative C as the “compromise” alternative in this process, we submit that alternative D is the only true compromise alternative being considered, as it closes only a few lesser-used routes while still largely preserving the status quo.

Alternative D would cause the least disruption to visitor expectations and the quality of recreational experiences in the TMA, and thus is the least likely to result in further legal and political controversy. It is also the most likely to gain user compliance and preserve positive relationships between the Moab Field Office and the motorized community. While the BLM may be hesitant to choose this alternative due to an appearance of favoring motorized users over others, in reality this alternative merely maintains the existing balance of recreational opportunities in the status quo. It is therefore the safest and most logical choice for the final travel plan.

3. User Concentration

On page 20 of the Draft EA, the Moab Field Office lists the following general assumption regarding the effects of each alternative under consideration in this travel management process:

> Concentration of use as a result of OHV-Closed designations is not anticipated as an issue in this TMA. This conclusion was reached by the BLM IDT and applies for archaeology, wildlife, and other resources. Many of the routes proposed for OHV-Closed designations in the

> alternative networks are very lightly used, and therefore would not result in any appreciable concentration of use on the remaining open routes.

This assumption is simply not correct, and we especially dispute its accuracy when applied to alternatives B and C. As mentioned above, alternative B would severely fragment the motorized trail network in the Labyrinth Rims / Gemini Bridges TMA and would close major portions of 15 separate Easter Jeep Safari trails. A full third of the EJS trails would no longer be available for use during Easter Jeep Safari. This would require the event to either be dramatically scaled back or else require the number of trail runs on the remaining EJS trails to be increased proportionately.

Alternative B would also close numerous other heavily used and highly popular trails featured in published guidebooks and online trail guides. These include extremely popular trails like Sevenmile Rim, Buttes and Towers, Wipe-Out Hill, Day Canyon Point, Hey Joe Canyon, and 3D / Mashed Potatoes, Golden Spike, Goldbar Rim, and Rusty Nail. With all of these major trails closed, the high numbers of motorized users which previously used them would inevitably be displaced to other popular trails in the Moab area that remain open, such as Metal Masher, Hell's Revenge, and others. This would dramatically increase traffic and user concentration on the remaining routes, causing severe overcrowding, safety issues, environmental impacts, and degraded visitor experiences.

The closure of most or all of the Golden Spike, Goldbar Rim, and Rusty Nail trails would be particularly devastating, as those would destroy the so-called "Moab Trifecta" route (the combination of Poison Spider, Golden Spike, and Goldbar Rim, with Rusty Nail as a more challenging alternative to part of Goldbar Rim). If alternative B was adopted, it would no longer be possible to drive straight through from the Poison Spider trailhead on Potash Road to Gemini Bridges Road. The Poison Spider trail would provide the only access route to all the remaining trails on Poison Spider Mesa and Gold Bar Rim, which would include all of the Poison Spider trail plus dead-end fragments of Where Eagles Dare and Golden Spike. All of the vehicles that would have continued on Golden Spike and gone out Gold Bar Rim would now have to travel both in and out on Poison Spider, greatly increasing traffic on what is already a very crowded trail.

The closure of Rusty Nail would have a particularly severe effect in concentrating users on other trails. Not only is it an Easter Jeep Safari trail, it is one of only four trails in the Moab area rated an 8 or higher difficulty level by Red Rock 4-Wheelers. As such, it is one of the few extreme level trails around Moab where highly modified rock crawlers and buggies can find adequate challenges. Its closure would inevitably displace these users to the only other three extreme trails in the area: Cliffhanger (rated 8), Hell's Revenge incorporating the Hell's Gate and Escalator obstacles (rated 8), and Pritchett Canyon (rated 9). Coyote Canyon is another extreme level trail that could be affected, though its capacity to absorb displaced users is already limited by a highly restrictive permitting system.

These are only some examples of the severe user displacement and resulting concentration that would be caused by alternative B. With so many popular trails closed, overcrowding of the remaining trails is almost inevitable, likely necessitating the imposition of restrictive permitting systems like those currently employed for Coyote Canyon, the White Rim Trail, and Elephant Hill.

User concentration under alternative C would be less than under alternative B, but still significant. The seasonal closure of the popular Day Canyon Point trail would displace users to other Jeep Safari trails in the Gemini Bridges area. The closure of the most iconic section of the Buttes and Towers Safari trail (D2393) would at minimum force a re-route onto other nearby trails that are not currently used for Easter Jeep Safari and similar events, increasing impacts there. It would likely make the trail less desirable, displacing users to other nearby trails like Sevenmile Rim.

Alternative C also closes numerous named trails that receive regular use for motorized recreation, such as Ten Mile Canyon, Upper Hidden Canyon, Mineral Canyon, 7-Up, Lost World Butte, and others. While the effects of each route closure individually may be relatively small, the total number of closures will still have significant effects in displacing and concentrating users on the remaining routes in the Moab Field Office.

According to the recreational opportunities chart on page 113 of the draft EA, alternative B would result in a 57% reduction in routes primarily used for Jeeping/4-Wheeling and alternative C would result in a 24% reduction. Even if the majority of the routes closed in both of these alternatives are lightly trafficked, the sheer number of closures in each alternative, plus the fact that both alternatives include the closure of popular named trails featured in published guidebooks and online trail guides, will inevitably result in significant user displacement and concentration on remaining routes. The BLM's assumption that user concentration would not be an issue for any of the alternatives under consideration is simply false. This assumption must be removed from the EA, and the BLM should include a thorough analysis of user displacement and concentration impacts for each of the action alternatives in the final EA.

4. The range of alternatives is insufficient due to the BLM's refusal to consider an alternative which adds additional routes not designated in the 2008 travel plan or uses means other than closure to mitigate impacts

We remind the Moab Field Office that it has a legal obligation under NEPA to consider a reasonable range of alternatives. The legal duty to consider a reasonable range of alternatives applies to both EIS and EA processes. *Surfrider Foundation v. Dalton*, 989 F. Supp. 1309, 1325 (S.D. Cal. 1998) (citing Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1229 (9th Cir. 1988) ("Alternatives analysis is both independent of, and broader than, the EIS requirement."). A NEPA analysis must "explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14 (EIS); Id. at § 1508.9 (EA); *Bob Marshall Alliance*, 852 F.2d at 1225 (applying reasonable range of alternatives requirement to EA). A NEPA analysis is invalidated by "[t]he existence of a viable but unexamined alternative." *Resources, Ltd. v. Robertson*, 35 F.3d 1300, 1307 (9th Cir. 1993).

The reasonableness of the agency's choices in defining its range of alternatives is determined by the "underlying purpose and need" for the agency's action. *City of Carmel-by-the-Sea v. U.S. Dept. of Transportation*, 123 F.3d 1142, 1155 (9th Cir. 1997); *Methow Valley Citizens Council v. Regional Forester*, 833 F.2d 810, 815-816 (9th Cir. 1987), rev'd on other grounds, 490 U.S. 332 (1989). The entire range of alternatives presented to the public must "encompass those to be considered by the ultimate agency decision maker." 40 C.F.R. § 1502.2(e).

The agency is entitled to “identify some parameters and criteria—related to Plan standards—for generating alternatives….” *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1522 (9th Cir. 1992) (italics in original). However, in defining the project limits the agency must evaluate “alternative means to accomplish the general goal of an action” and cannot “rig” “the purpose and need section” of a NEPA process to limit the range of alternatives. *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 669 (7th Cir. 1997) (emphasis added).

The BLM cannot define the purpose and need for the project so narrowly as to exclude reasonable alternatives that should be evaluated in depth.

> In the Tenth Circuit, federal courts are required to "look closely" at the EIS's purpose to determine whether the agency considered reasonable alternatives. *Save Our Canyon*s, 297 F.3d at 1030. It is well established that an agency cannot define the purpose of its project so narrowly that it precludes consideration of reasonable alternatives. *Davis*, 302 F.3d at 1119. This is because "[o]ne obvious way for an agency to slip past the structures of NEPA is to contrive a purpose so slender as to define competing ‘reasonable alternatives’ out of consideration (and even out of existence)." Id. (quoting Simmons v. U.S. Army Corps of Eng'rs, 120 F.3d 664, 666 (7th Cir. 1997)).

State v. U.S. Department of Agriculture, 570 F. Supp. 2d 1309, 1336 (D. Wyo. 2008). Instead, agencies must evaluate all reasonable alternatives. “A ‘reasonable alternative’ is one that is non-speculative and bounded by some notion of feasibility.” *State v. U.S. Department of Agriculture*, 570 F. Supp. 2d 1309, 1336 (D. Wyo. 2008), citing *Utahns for Better Transp*., 305 F.3d at 1172.

Throughout the EA, BLM relies exclusively on route closures as the only way to mitigate or minimize anticipated potential impacts. Signing, fencing/gating, patrol/surveillance, route designation, public education, and relocation of routes are all management tools that can be used to minimize potential impacts. It is clear in the route reports for numerous routes that the public interest favors leaving those routes open while mitigating impacts through a range of management approaches other than closure. Motorized users are harmed by these closures. It is arbitrary and capricious and abuse of discretion, and a complete failure to take a hard look at proposed alternatives to utilize closure as the only tool for mitigating impacts.

By only considering route closures, BLM did not adequately explore and evaluate all reasonable alternatives. Even though it created route evaluation forms to provide the basis for route-by-route analysis and site specific management, the Draft EA relies almost exclusively on route percentage comparisons that use route closures as justification for the agency's compliance with NEPA. The BLM should have considered at least one alternative that keeps open all currently designated routes and uses other management techniques to mitigate impacts, but it failed to do this.

Additionally, the BLM utterly failed to consider any alternative which adds additional designated routes or reopens routes that were closed in the 2008 travel plan, despite numerous scoping comments requesting the addition of specific routes. In the Scoping Report for the Labyrinth Rims Gemini Bridges Travel Plan published in August 2021, the Moab Field Office made the following statement about the scope of this travel planning process:

> Multiple commenters also asked the BLM to add new OHV trails and trail systems; close all trails to motorized traffic; engage in more education of "tread lightly", "leave no trace", "don't bust the crust", etc.; increase fees for hikers/bicyclists; address the increase of trash and human waste; and, increase dispersed camping opportunities; however, these actions are outside the scope of the current Travel Planning effort.[39]

In this statement, the Moab Field Office declared that adding new motorized routes was "outside the scope of the current Travel Planning effort." The Moab Field Office thus appears to be taking the same position it adopted in the Canyon Rims Travel Planning process, where it treated the 2008 travel plan as a ceiling and refused to consider designating any routes not designated in the 2008 travel plan. We believe this improperly defines the purpose of this project so narrowly as to preclude consideration of reasonable alternatives.

We strongly object to the BLM's decision not to consider designating all routes that currently exist on the ground, but to instead limit its route inventory for this process to only those routes designated as open in the 2008 travel plan. All routes that were closed in the 2008 travel plan, plus many more that were erroneously left out of the 2008 route inventory are not being considered in this planning process at all, thus artificially and unreasonably limiting the range of alternatives the BLM is considering. At the very least, all routes in the baseline inventory from the 2008 travel planning process should be considered for designation in this process, as this planning process is basically a do-over of the 2008 travel plan.

The BLM's decision to only include in its inventory routes designated open in the 2008 travel plan is extremely unfair to motorized users, as it guarantees that fewer routes will be designated as open to motorized use at the end of this travel planning process than were designated in the 2008 travel plan, and deprives motorized users of any chance to to advocate for reopening routes that were closed in 2008. It establishes a one-way ratchet where anti-motorized groups are given an infinite number of attempts to get motorized routes closed in every new travel planning process, but motorized users are never allowed to seek re-opening of previously closed routes because those routes are invariably excluded from the route inventory of the next travel planning process.

Many of the routes that were technically closed by the 2008 travel plan were never signed as closed on the ground and have continued to be regularly driven in the intervening years by motorized users who are unaware they are closed. Thus numerous "closed" routes still exist on the ground and could reasonably be considered for designation. An alternative that considers designating these routes as open is both non-speculative and feasible, and the BLM is therefore legally obligated to consider at least one alternative that does so.

Many other routes existed on the ground before 2008 but have never been considered for designation due to the BLM's failure to ever include them in its route inventory. As mentioned in scoping comments by several local motorized groups, in some cases during the 2008 travel planning process, the BLM either lost or ignored GIS data submissions from motorized groups, causing the routes they contained to be left out of the baseline inventory.

Notably, of all the Utah field offices currently creating new travel plans mandated by the 2017 Settlement Agreement, the Moab Field Office is alone in its refusal to inventory and analyze routes

[39] Scoping Report, p. 3.

that were mistakenly left out of prior travel planning processes. After acknowledging that its 2008 route inventory was woefully inadequate and missed hundreds of miles of primitive roads, the Price Field Office created entirely new route inventories for both the San Rafael Desert TMA and the San Rafael Swell TMA. Both of these route inventories included many more routes than were designated in 2008. While the San Rafael Swell travel plan has only gotten through the scoping phase so far and there are no draft alternatives available for it yet, the San Rafael Desert TMP has already been completed. The final travel plan adopted for that area ended up designating many more miles of routes than were designated in 2008, though it should be noted that the 2008 TMP did not designate any routes as closed, so each of the previously undesignated routes could continue to be legally driven in the intervening years.

In southern Utah, the Kanab Field Office is likewise considering for designation multiple routes which existed prior to 2008 but were mistakenly left out of its original route inventories for the Trail Canyon TMA and the Paunsaugunt TMA. While it is not considering reopening any routes designated as closed in the 2008 travel plan, neither has it adopted the position of the Moab Field Office that the 2008 travel plans must act as a ceiling, rather than a floor, for subsequent travel planning processes. Thus in the travel plans being developed by the Kanab Field Office, there is at least the possibility that route additions may balance out route closures, resulting in no net loss of motorized routes. That is not the case in the Moab Field Office, where a net loss of routes has been predetermined by the baseline route inventories used for both this travel planning process and the already completed Canyon Rims TMP.

There is absolutely no legal basis for the Moab Field Office's interpretation of the Settlement Agreement as a mandate to only consider route closures and not any route additions beyond those designated in the 2008 travel plans. It contains no such requirement, but instead states:

> ...nothing herein restricts BLM's discretion to revise or amend the 2008 TMPs, to impose limitations or closures, as provided by 43 CFR §§ 8341.2 and 8364.1, **to open, close, modify, or add new routes**, or otherwise consider or institute temporary management prescriptions in accordance with applicable law and regulations.[40]

The Settlement Agreement therefore expressly *allows* the BLM to consider adding new routes beyond those designated in the 2008 travel plans. There is nothing in the Settlement Agreement that requires the BLM to consider the 2008 route designations as a ceiling prescribing the maximum number of open routes permitted. No other BLM field office has interpreted it this way, and the Moab Field Office stands alone in adopting this flawed interpretation of its obligations under the Settlement Agreement. The Moab Field Office's refusal to consider any alternatives adding routes or using management techniques other than closure to mitigate impacts is therefore arbitrary and capricious and an abuse of discretion.

We believe it is highly unlikely the Moab Field Office's refusal to consider these other reasonable alternatives will hold up in court when challenged, and urge the BLM to reconsider this approach. Though it is probably a futile attempt, we have included a short list of routes in our route-specific comments below which were not designated as open in 2008, which we request that the BLM designate as open in its final decision in this travel planning process. Should the BLM choose not

[40] 2017 Settlement Agreement, p. 7.

to consider designating any of these additional routes, we reserve our right to appeal the final decision on that basis.

5. Data Errors

The BLM has a legal obligation to provide thorough and accurate data regarding the basis for its decisions to the public. As the 9th Circuit Court has stated:

> The CEQ regulations state that, to comply with NEPA, an agency "must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." 40 C.F.R. § 1500.1(b). To fulfill NEPA's public disclosure requirements, the agency must provide to the public "the underlying environmental data" from which the Forest Service develops its opinions and arrives at its decisions. *See Idaho Sporting Cong. v. Thomas,*137 F.3d 1146, 1150 (9th Cir.1998), *overruled on other grounds by Lands Council v. McNair,* 537 F.3d 981 (9th Cir.2008) (en banc).

WildEarth Guardians v. Mont. Snowmobile Ass'n, 790 F.3d 920, 925 (9th Cir. 2015). In the case of a travel management plan, the most important piece of underlying environmental information is the baseline route data and the agency's proposed actions for each route under each alternative.

The BLM has utterly failed to meet its legal obligations to provide thorough and accurate data to the public throughout this travel planning process. As discussed in our comments about alternative A, the baseline route inventory is replete with errors and missing routes. Many routes are mapped with incorrect endpoints or in the wrong locations, some are shown as open when they have already been closed on the ground, and other routes such as the Skyline Drive section of Golden Spike are managed as open on the ground but are not included in the baseline route inventory. Many of these errors were mentioned in public comments during the scoping process but the BLM has done nothing to correct them.

These errors should have been prevented by the pre-NEPA engagement process required by the 2017 Settlement Agreement. The Agreement specifically required a pre-NEPA engagement with the public once preliminary route inventories were finalized. This did not happen and basic mapping problems persist throughout the NEPA process. The Settlement Agreement required additional public input efforts to avoid more problems with bad data, but the public remains in this situation again. We believe the BLM's failure to conduct pre-NEPA engagement with off-road clubs to verify the accuracy of its route data constitutes a violation of both the 2017 Settlement Agreement and its basic obligations under NEPA and CEQ regulations.

During the comment period on the Draft EA, the Moab Field Office has only continued to compound its failure to provide complete and accurate information to the public. The comment period began on September 7, 2022, when the BLM posted the Draft EA on the ePlanning site. At the beginning of the comment period, the PDF maps, GIS data, and route reports all contained inaccurate and contradictory information regarding multiple key routes, including several segments of Sevenmile Rim Jeep Safari trail, the 7-Up trail, the Major Point trail, and the Mineral Canyon trail. I discovered these errors on September 9 and notified Moab FO staff by phone the same day.

I provided more detailed information about the specific errors by email to Katie Stevens on September 12.

Moab Field Office staff finally posted an errata sheet correcting these errors on September 21, and posted corrected GIS data and route reports on September 22. It wasn't until September 23, after multiple failed attempts, that the BLM finally managed to post a corrected PDF map for alternative C that fixed the errors above and did not introduce new errors like missing ATV trails. This was already half way through the comment period, with only 14 days remaining until the deadline. Even now there are discrepancies between the PDF maps and GIS data regarding the designations of ATV trails, with the PDF maps indicating all ATV trails are limited to 50 inches, while many of these routes in the GIS data are listed as restricted to 60 inches.

As a direct result of the BLM's failures to provide accurate data, the public was denied access to accurate maps and information regarding the route designations in the various alternatives for fully half of the comment period. They arguably still do not have access to accurate PDF maps that are consistent with the GIS data regarding the designations of ATV trails. Multiple motorized groups and individuals requested an extension of the comment period on account of this, but the BLM has denied all such requests. Though it was fully within the authority of the Moab Field Office to extend the comment period, and extensions have been recently granted in other planning processes in the area (such as the scoping comment period on the RMP amendments for the Dingell Act last winter), the Moab FO has refused to extend the comment period to allow the public time to accurately understand the designations in the various alternatives.

The BLM also never provided its own interactive ArcGIS map for the Draft EA alternatives, despite the fact that doing so has become customary for BLM Utah field offices in travel planning. The Moab Field Office created an interactive ArcGIS map for the Draft EA in the Canyon Rims travel management process and for the scoping period in the Labyrinth Rims / Gemini Bridges travel planning process in 2021, but did not create one for the Draft EA in this process. While the BLM has made ArcGIS GeoDatabase files available for download on the ePlanning site, most members of the general public lack the technical knowledge to view these files or use them to create their own maps. As a result, most members of the public have had to rely on low resolution PDF maps that were inaccurate for half of the comment period and did not include vital information like route numbers, which are necessary to effectively comment on individual routes.

We contend that the BLM's failures to provide accurate and consistent information to the public regarding the baseline route inventory, the route designations in each alternative, and an interactive map with route numbers constitutes a clear violation of the BLM's legal obligations under CEQ regulations to provide high quality data, and that those failures severely harmed the public's ability to effectively participate in the public comment period. At the very least, the BLM should have extended the comment period after erroneous data was discovered, but it refused to do this. These errors and omissions have severely compromised the integrity of the travel planning process. The BLM must at minimum withdraw the Draft EA, correct all the mapping errors discussed in our route specific comments below, and then issue a new Draft EA and hold a new comment period. Anything less would leave the resultant decision vulnerable to legal challenge based on the BLM's failure to provide accurate and complete information to the public for public comment.

IV. Route Specific Comments

Below we have listed a number of specific routes that are particularly important for motorized recreation within the Labyrinth Rims/Gemini Bridges TMA. Our comments primarily focus on routes that are proposed for closure in at least one action alternative, particularly alternative C which we presume to be the BLM's preferred alternative. Routes are organized in multiple categories including ten priority routes which we consider to be the most important motorized trails in the area that are threatened with closure, and a group of routes which have officially designated dispersed campsites. All other routes are grouped by geographic area.

Though I have only been visiting the Moab area to go four-wheeling for a few years, since the start of this travel planning process I have attempted to learn as much about the trails in this area as possible. Most of the information presented below is based on my personal visits to the area, including a field trip I made in October 2021 specifically to explore as many of the routes proposed for closure in alternative C as I could over five days. For routes that I have not personally explored, my comments are based on extensive research consulting published guidebooks, online trail guides, accounts from other motorized users, videos, maps, and Google Earth imagery.

In general terms, it is critical that the BLM keep open all routes used for Easter Jeep Safari (Safari routes), as well as all named trails featured in published guidebooks and online trail guides. The Safari routes are all world-renowned, named 4x4 trails that exemplify the best the Moab region has to offer for motorized recreation. Several are also Jeep Badge of Honor trails. From the perspective of the motorized community, it is absolutely non-negotiable that all Easter Jeep Safari routes must remain open.

We are highly concerned by the fact that every action alternative as currently drafted would close D2393, which is part of the Buttes and Towers Safari route. Buttes and Towers was approved by the BLM for inclusion in the Safari route system in 2018 and is one of the most popular trails run during Easter Jeep Safari. Why the BLM would consider closing it in all alternatives after approving it as a Safari trail only four years ago is a mystery, and we strongly oppose this closure. Besides Buttes and Towers, alternative C would close one of the three overlook spurs on the Deadman Point Safari trail, which is critical to keep open. Additional Safari routes are proposed for either complete or partial closure in alternative B, including Day Canyon Point, Rusty Nail, Hey Joe Canyon, 3D, Sevenmile Rim, Hell Roaring Rim, Deadman Point, Goldbar Rim, Where Eagles Dare, and Golden Spike. These closures of some of the most famous 4x4 trails in the country make alternative B utterly unacceptable to motorized users.

Most of these closures were incorporated into B at the request of the Grand County Commission in a letter the commission approved in December 2021. The primary reason given by Grand County for these closures was that it believes each of these areas should be managed for non-motorized recreation and wilderness characteristics instead. This request directly contradicts the management direction for each of these areas and trails in the Moab Field Office Resource Management Plan and is an absolute non-starter to the motorized community.

Beyond the Safari routes, we strongly oppose the closure of routes featured in published guide books such as Hidden Canyon, Ten Mile Wash, Hell Roaring Canyon, Mineral Canyon, and 7-Up,

all of which are slated for closure in alternative C. Many other inventoried “D” routes connect to the named Safari routes, providing loops and alternate routes, bypasses around difficult obstacles, access to scenic overlooks, and rapid access for emergency vehicles to different areas. All of these routes must be kept open to preserve the high-quality motorized recreation experience for which the Moab region is known. Only routes which have naturally reclaimed to the point where they are no longer present on the ground and are impossible to follow should be closed. All routes that are being regularly used serve an important purpose and should be kept open.

While it is impossible to cover every route in the TMA in detail, the fact that a route is not mentioned here does not mean it is not an important route for motorized recreation. Some important routes are not discussed in detail because they are not being considered for closure in any of the draft alternatives and we have chosen to prioritize threatened routes.

We emphasize again that use for motorized recreation is *in itself* a sufficient purpose and need to justify keeping a given route open to motorized use. The BLM would not require mountain bikers to provide an additional purpose beyond mountain biking in order to justify the existence of a mountain bike trail; therefore motorized users should not be required to provide an additional purpose beyond motorized recreation for our routes. While many motorized routes have additional purposes such as accessing scenic overlooks and campsites or providing access to hiking trails, a specific destination should not be required in order to keep a given route open. Most often, the route itself is the destination, providing technical driving challenges, scenic viewing, and opportunities for general exploration. Even routes which do not appear to lead to a specific destination therefore have value. Neither is a route “redundant” because it leads somewhere that is a relatively short straight-line distance from another route. The varied topography of the region results in significant differences in experiences over even a short distance. For example, a route at the bottom of a canyon provides a very different experience than a route on the rim.

Many lesser known and less popular routes serve a critical function of dispersing motorized users across a broader area, lessening concentration and overcrowding on the more popular trails. They also provide opportunities for motorized users to seek some degree of solitude. While solitude is a value more frequently associated with non-motorized recreation in Wilderness areas, motorized users also desire opportunities for solitude which can be found on more remote and less popular roads. In my personal experience, the vast majority of motorized traffic around Moab is concentrated on a handful of well-known routes, primarily the Easter Jeep Safari trails. Even during the busiest times in Moab such as during EJS or Memorial Day weekend, I have found it possible to spend a day driving lesser-known, more obscure roads and not see a single other vehicle. These lesser known trails therefore serve a crucial function in allowing motorized users to spread out across the landscape and escape the crowds on the more popular trails.

Remote and lesser known trails like those along Labyrinth Rims, Courthouse Rock, the rims of South Fork Sevenmile Canyon, Arths Rim, and the Bull Canyon complex south of Gemini Bridges Road are perfect for this, as they generally see very little traffic. Lightly trafficked roads also have minimal environmental impact, whether on soils and vegetation or on wildlife and hikers, who would only infrequently encounter vehicles. The mere fact that a road is lightly trafficked therefore should not be considered a reason to close it. Instead, the BLM should keep such routes open to provide opportunities for off-the-beaten-path exploration and motorized solitude.

1. Priority Routes

- ***Ten Mile Canyon / Ten Mile Wash (D2759)***

A. Introduction

The most important route we wish to comment on is **D2759**, commonly known as the Ten Mile Canyon Trail or the Ten Mile Wash Trail. This approximately 16 mile long motorized route descends through the bottom of Ten Mile Canyon from Dripping Springs to the bank of the Green River. It is a 32 mile trip if run fully out-and-back. It can also be accessed from **D2767**, which is known as the Midway Access Road despite actually only being a third of the way down the trail.

Ten Mile Canyon is truly unique and offers an irreplaceable motorized recreational experience. As guidebook author Jack Bickers wrote, "It is the ONLY canyon having a natural, sand-bottom trail from prairie level to Green River bottom; 16.2 miles."[41] No where else in the Labyrinth Rims region can someone drive a vehicle all the way down a natural canyon from the point where it is just a shallow wash on the prairie to where it is a deep canyon intersecting Labyrinth Canyon at the Green River. All other road access points to the river bank are reached by means of steep, man-made dugways. The route through Ten Mile Canyon descends so gradually one can barely perceive the descent, save for the canyon walls growing ever higher on either side. This, together with the spectacular scenery of the tree-lined river bottom surrounded by majestic red rock cliffs, makes the recreational experience this route offers utterly unique and unlike any other motorized route in the Labyrinth Rims region.

We are dismayed therefore to see that alternative C considers closing the lower two-thirds of this trail (D2759B) below the Midway Access Road. This alternative (which we presume to be the BLM's preferred alternative) closes approximately 11 out of 16 miles of the Ten Mile Canyon trail, encompassing the best and most scenic portion of the trail between the Midway Access Road and the Green River. Alternative B goes even further and closes the entire Ten Mile Canyon trail and the Midway Access Road to motorized use. Both of these alternatives are utterly unacceptable to the motorized community, and we vehemently oppose closing any portion of Ten Mile Canyon to motorized use. Only alternate D keeps the full Ten Mile Canyon route open to motorized use; and we strongly urge its adoption.

The Ten Mile Canyon Trail has long been one of the most highly prized motorized routes in the greater Moab region, and it has survived multiple past attempts by SUWA and other environmental groups to get it closed. The Ten Mile Canyon route was thoroughly analyzed by the BLM in the 2008 RMP, which called it the "most controversial route" analyzed as part of the 2008 travel plan. Despite extensive objections from SUWA, the EPA, and other environmental interests, the BLM determined in 2008 that the route's exceptional motorized recreation opportunities merited keeping it open to motorized use, finding that all negative impacts to riparian and other resources could be mitigated through clearly signing and marking the designated route. The 2008 RMP also designated Ten Mile Canyon as an ACEC and provided extensive guidance on how to manage this area while mitigating impacts of motorized use, such as prohibiting dispersed camping within the

[41] Jack Bickers, *Tenmile! Nearby Canyon of Mystery* (1991), 3.

canyon and establishing a parking area at the Green River. It even provided for establishing a permit system to limit motorized access if other mitigation measures were not enough.

Based on my observations driving the lower segment in October 2021 and the upper segment in April 2022, most of these actions were only partially implemented, as I saw only a few instances of signage marking the designated route on the ground. Despite that, in most areas there was only one clearly defined route on the ground, and I saw only a few places with minor trail braiding. In places where I did see directional signage, there was no evidence of trail braiding, leading me to believe those signs were effective in eliminating unauthorized trail splits where they were installed. However, new trail braiding has formed elsewhere and the signage has not kept up with it.

It is our belief therefore that any remaining impacts from motorized use off the designated route could be easily resolved if the BLM would continue to follow the guidance in the 2008 RMP to clearly mark the authorized route on the ground and block off unauthorized routes. Closure simply is not warranted, and the loss of even part of this trail would be a devastating blow to the motorized community.

B. History and Trail Description

Most of the roads around Ten Mile Canyon were created for purposes of mineral exploration in the mid-20th century. Ten Mile Canyon has also been used extensively for cattle grazing over time, and the route down the canyon was also likely originally used by cattlemen. By the late 20th century, the main Ten Mile Canyon route had already become a popular Jeep trail and was well-known by the local off-roading community.

In 1991, off-road guidebook author Jack Bickers published an entire guidebook on the Ten Mile Canyon Trail and nearby Jeep trails on its east and west rims, entitled *Tenmile! Nearby Canyon of Mystery.* This book is widely considered the definitive resource on the recreational opportunities within and around Ten Mile Canyon. Even though Jack Bickers' books are long out of print, they are still regularly used by local Moab Jeep clubs in planning trail runs, and I was referred to these books by several local Jeepers. Below are a series of scans from this book containing Jack Bickers' description of the full trail from Dripping Springs to the Green River, which is still largely accurate today. This route is also a featured trail in the OnXOffroad app and is described on multiple other off-road trail guide websites.

Scans of *Tenmile! Nearby Canyon of Mystery,* by Jack Bickers (1991), selected pages:

UPSTREAM will be much wetter and people who have never entered the streambed route from Dripping Springs may have a tough time trying to explore the route as well as staying out of quicksand. One vehicle on a trip down Tenmile is known to have gotten stuck three times, although this is generally avoidable.

Downstream about 4.4 miles, is "Midway Vehicle Access," named after an old cowboy of the area told us there was a good way in about "middle-ways" many years ago. This really is a good way—in or out, any time. It is easily reached via a good, well-marked trail leaving the rim road about 3.9 miles down from the Dripping Springs (west side) road. This intersects the bottom trail alongside the streambed, and in one quick crossing upstream, one finds himself in a large, sandy park just opposite the Five Caves wall. This is a grand place for beginning a multitude of very interesting east rim or side canyon hikes. These will all be revealed in proper order.

MILE 16.2; THE COMPLETE BOTTOM RUN

Entry for the long and interesting run down Tenmile Canyon is usually made from the east side of Dripping Springs crossing of the streambed once one is in the bottom. Here, large cottonwoods furnish shade for occasional campers. The spring seep can be seen high up the vertical face of the west rim. A bucket may be seen hanging to collect water, along with a rickety ladder and POISON IVY. The dirt bank has almost eroded away, leaving poor access to the spring—which seems less and less active as time passes.

The trail leaves the tree area and crosses the streambed diagonally. It goes up a quick dirt bank and rides the low rim. It soon reaches a deeply-cut side drain which cannot be crossed. Here, the trail makes a sharp left turn off the original roadway and down the rather steep rock slope into the streambed again. It immediately pitches off a rocky drop in the streambed, veers right and climbs the dirt bank again, and enters a fence gate.

COW CANYON'S ENTRY; MILE 15.5

Again, the trail soon drops into the streambed via an old dugway. A pool is seen on the left. It is NOT a swimming hole. This is about 0.7 miles down (mile 15.5), and is at the juncture of Cow Canyon. This is a very interesting area, and has a maze of old and new fences—some fallen, some hanging over later gully erosions and some recently redone. These are seen mostly on the opposite sand banks. It is evident that this is an old cattle-handling area, and an Indian camping spot earlier. It is easy to find arrow chippings strewn about, but it is almost a certainty that nothing else would be found.

FRECKLES CANYON ENTRY; MILE 14.7

The streambed is run without dallying, then, for a distance, as it is always wet in this stretch—only more so at times. Bends are continual all the way to the river. The gradual drop all the way to the river is not discernable except in one eight-foot drop far downstream.

The next side canyon entry (left) is at mile 15.2. It is also a water canyon; small and unnamed, and will be passed unnoticed. Freckles Canyon, on the left, is next at mile 14.7 and has dirt banks and islets obscuring its entry. Here, (about mile 14.5) the rimrock slope can be hiked up to a road ending between upper Freckles and the left fork of Longbranch Canyon (mile 14.3). It is possible to hike either canyon bottom also, and exit either less than a mile up, and close together, to cross over to the other.

These are absolutely spellbinding hikes. Freckles has small pools of water connected by little rivulets in grassy hummocks. There are remnants of an old ripgut and log fence, and a later barbed fence near the mouth. A new cross-country fence leaving Spring Canyon rims to the south, comes to upper Freckles rim. A road leaves the rim road and follows the fence on its west side to an old drill site. Here, it turns westward, goes down a slope, and ends at the top of East Longbranch.

LONGBRANCH CANYON ENTRY; MILE 14.2

Longbranch Canyon has a right fork early into, which is one of the most fantastic small canyon hikes one may ever do. This also seeps a slight amount of water most of the year. It is deeply entrenched in rock and is cool and shady most of the way. Two smooth pour-offs are encountered that are hard to impossible to climb. By backtracking 50 yards, a dirt bank Vee between side cuts may be climbed to hike the left rim. This is a beautiful introduction to some of the extensive rockdome country along this side of Tenmile.

The trail drops easily into West Longbranch again, at an area that can remain marshy for long periods. Hiking across it, one sees white sloping rims, quite steep, but hikable to a high flat above. Hiking south along this west rim, then, gets one around a 30-feet-high pour-off. Vehicles coming in from Freckle Flat can reach this point. It was described in that chapter.

SAND CANYON'S WIDE MOUTH; MILE 13.9

TEXAS BOB DUGWAY; MILE 13.8

The Tenmile bottom run continues, and at about mile 13.9, Sand Canyon's broad, dry mouth is seen. This is almost opposite a small, sandy incursion on the right (west) at mile 13.8 which is TEXAS BOB DUGWAY entry. The bottom trail crosses to the west side, runs through a beautiful Cottonwood park and reaches the little side cut to the west that contains the dugway's pure sand downgrade. Its nearness to the mouths of Freckles, Longbranch, Sand and Trail Canyons, makes it very convenient to hikers. Via Blue Hills Road, Tenmile Point Road, Dripping Springs Road and the Tenmile West Rim Trail, this dugway can be approached near enough by 2-WD vehicles.

Sand Canyon has a number of caves and grottos. One faces the main canyon and has a slow-dripping spring in its upper reaches. It has an old "clothes-line" that was probably used to keep varmints out of the grub. Farther up into Sand Canyon, two eyebrow types of wall arches are seen. From the rocky ridge between Sand and Trail

Canyons, Black Eye Arch looks like a pair of spectacles, and is best photographed from there as sand humps partially obscure them at canyon-bottom level. There are more and larger grottos in the upper end about 0.7 miles. The rock forms along the walls are very interesting.

TRAIL CANYON MOUTH; MILE 13.3

The mouth of Trail Canyon (left) is reached at mile 13.3 and is very nearly opposite the Landmark Rock. This landmark can be reached by 4-WD easily from the Tenmile Rim Trail, and a hiking way down is seen in a slight gully separating the parking place from the Landmark Rock. This was disclosed in the Tenmile Rim Trail discussions. There is a hike possible up the last point of rock between Sand and Trail Canyons. It was also discussed in the East Rim Trails. It can reach the rim road in about 0.6 mile of rock hiking.

Trail Canyon bottom can be hiked easily for nearly a mile. A boulder-choke, then, is hard to climb over, but a steep dirt bank climb-out is soon reached.

TRAIL CANYON TRAIL; MILE 12.6

The Tenmile Canyon bottom trail rounds a long, high point, goes through another sandy cottonwood park, then through the most narrow passage of the entire canyon at mile 12.9. In about a quarter-mile (mile 12.6), it reaches one of the most important foot trails of the system. This is the Trail Canyon Trail. This, of course, has no connection with Trail Canyon, except that the road leading to this trail does come along the upper reaches of Trail Canyon. It makes two crossings of the canyon where it is only feeder-wash in size. It veers away from Trail Canyon's rim to reach the foot trailhead leading into Tenmile Bottom. It is logical to assume it would drop into Trail Canyon, but it does not. The trail into Trail Canyon (previously mentioned) is only primitive in nature. THIS route was prepared all the way, though now rough in places.

Opposite the foot trail into the bottom, if one observes carefully, the remains of an old ramada, or thatched cover—long-since fallen—can be spotted. Just below the narrows, and above the old ramada site, remains

of an old cross-fence may be seen. It would be interesting to know who and what was here in days gone by.

THE CAVES; MILE 12.0

At mile 12.0, upon rounding a very broad curve, the Five Caves (or just, "The Caves") will be seen on the west rim. The canyon is steadily deepening, and it becomes somewhat more obvious in this area. After one more streambed crossing, the exit route of Midway Vehicle Access forks away northwestward at 11.8 miles.

MIDWAY VEHICLE ACCESS; MILE 11.8

This is another broad, open area which was a "natural" for establishing a trail into the bottom from the West Rim Trail. This was done many years ago. If the canyon is studied intensely in all directions from the intermediate rock level above the bottom, much can be learned by canyon lovers.

TROUGH CANYON OVERLOOK HIKE; MILE 11.4

There is an escarpment at the top of the southeast rim that appears as white lumps on a reddish base. This is a very narrow division of lower Trough Canyon's drainway and Tenmile's wide "valley." There is no marked trail, but the upward slope can be hiked to the "rock fence." By hiking westward along the bench, one will come to an opening in the wall, and within a few steps; he will be looking down into Trough Canyon, and across the top of the rough rock on the opposite side—right into the Tenmile Petrified Forest. NO logs or stumps will be seen from here, nor will access be found from here. This is reached overland by hiking north from the 4-WD trail to the entry point of Trough Canyon.

It is also possible to hike the escarpment along the base of the "wall" over to a gentle drain slope in the rim. An old ripgut fence, mostly fallen, can be seen. This is an easy drainway to climb to mesatop country. Hikes from here, then, can go several ways. To the west in about 0.4 mile, an overlook of Trough and the wall of rocks along its

north rim can be seen. By hiking southward, crossing a rock gully, then heading up the rocks to the east, one can join the Trail Canyon Trail. This would make a wonderful 4 or 5-mile loop— returning to the caves or Midway Vehicle Access. It is possible to reach The Parkway trail also.

TROUGH CANYON ENTRY; MILE 10.2

The canyon deepens, the walls close in, and the course of the streambed zigzags through a section of interlocking rock points. One point is opposite the mouth of Trough Canyon at mile 10.2. Trough Canyon is the grandest hiking experience of the entire Tenmile Canyon Country, and is as easy as they get. It is possible for hikers having only 2-WD to park on Oil Well Road near the old fence and cattle chute, and head north down the canyon all the way to Tenmile bottom. Most of the hike is in the bottom, but in places; must be alongside. There are other hikes in the vicinity that are wonderful but the routes must be improvised as individual ability allows.

BATTLESHIPS BOW; MILE 9.1

This is a small point previously described in trails off the West Rim Trail. Again, the canyon has become a little deeper, and the streambed rounds the high rock opposite, and an interesting rock column standing away from the left bank is noticed. A look at its base discloses a spring almost at canyon bottom level (8.5).

DOGSHEAD CANYON; MILE 8.1—HALFWAY!

This area marks the emergence of Kayenta layer, and the setback of the Navajo rims. The streambed is now meandering through wider sand bottom with low Kayenta shelves directing the course. Here and there, protrusions of the Navajo rims stand on these bases, and side canyons on the east are interesting. The first, at mile 8.1 is Dogshead Canyon. There is no mistaking this one, as any angle of view into this side canyon from Tenmile bottom, presents this dog's head rim configuration. This side canyon has some water seepage far upcanyon, and some interesting

The Tonto Jeep dropping off the rock into Tenmile bottom at the Boulder Choke. The smaller the vehicle, the easier this place is to do. This is near the 4.3-mile mark.

Kurt Balling (R.I.P.), a dear, departed friend getting his Blazer through the Boulder Choke.

high grottos. As travel continues in this area, several more rough and deep incursions of the east rim are seen, along with interesting short points. A point from the west rim is seen which has a separated, free-standing extension at mile 6.4.

THE INDIAN GRANARY; MILE 5.2

On the east side of a Kayenta wall, a rather poor example of an Indian granary is seen. A pole leans against the wall below the cavity and furnishes an indication of its location. No one even bothers to try to get onto this shelf nowadays, but it is there and worthy of a snapshot. There are some small shade trees nearby.

THE BOULDER CHOKE; MILE 4.3

In about a mile below the granary, a slight rock shelf is reached. It is necessary to drop off the side of it into the sand, as boulders preclude driving through on bottom sand. It is also necessary to side-hill through the remaining tight spot. This place remains wet longer after flows than others down this far. Small vehicles go through better than larger ones.

ROCK CANYON JUNCTION; MILE 3.1

About a half-mile beyond the boulder passage, growths of willow saplings are encountered which become quite thick in a place or two. In 1.1 miles, the largest of Tenmile's side canyons enters from the east. This can easily be missed due to concentration on the trail. The view is open enough prior to reaching Rock Canyon mouth, to see THE MERCATS above and ahead. A nice picture is available at this point of travel, but the view does not stay open very far, so close watching is required. It is about 3.1 miles to the Green River bottom from this point. Willow growth soon gives way to open, easy sand.

TENMILE MEETS LABYRINTH; MILE 0.0

Major Wesley Powell and his party made trips through Labyrinth Canyon in 1869 and 1871. These were the first complete and scientific runs recorded. It was he who named Labyrinth and Stillwater Canyons, along with many other inlets and features along the Green and Colorado Rivers.

Often it is possible to drive out of the mouth of Tenmile Canyon and into the Green River bottom. The river is very narrow at this juncture, but has a flood plain on which it can very easily rise. This can back river water up into Tenmile bottom varying distances. Hiking to the river bank, upstream side, is usually possible, nevertheless, and hiking can continue along this bank about 15 feet above the river for a good distance around the point.

It is necessary to watch carefully for mud in nearing the river. If the final portion is "alligator-cracked" and growing a carpet of tiny tamarisks, it is dry; otherwise, it may be deep mud. If it appears as dry sand, it CAN have mud underneath.

A look to the bend downstream is especially interesting. The high point visible is the previously described "The Very End." This can provide pictures from top to bottom, and vice versa.

Motorcycles, especially fat-tire types, have the better chance of travel more of the year than 4-WD vehicles. ATV's seen in the canyon seem to have worries of fuel deficiencies. If their support vehicle had come out to Midway Vehicle Access to unload them, they probably would have no fuel shortage. Many are put down at Dubinky Windmill or Levi Well Road. Long overland approaches consume much of the gasoline.

There is an inherent danger in all travel of any type; on or off-road. This book is written for interested travelers, but is not meant for anyone to construe its accuracy as infallible or that it compels anyone to try anything mentioned. Utmost care went into its composition, but things change and people interpret things differently. Be careful, be sensible, and—HAVE FUN!

My special thanks to the following for their help in early explorations: Barney, Jean Ann, Ber, Charlotte, John, Don, Texas Bob, Lou, Terby, Fran, Gary, Eve, Terry and Midge.

Vehicles on banks of Green River about 1/10th mile below the mouth of Tenmile Canyon. This is neatly done IF the river is quite low AND Tenmile is dry. Every self-respecting four-wheeler should make this trip. Even bicyle tracks are seen occasionally--all the way!

The Green River--Labyrinth Canyon. Looking upstream from Tenmile Point. Note the beginning of Slaughter Bottom at the bend. Tenmile has another point much closer to Tenmile Canyon. It is reached by an old side trail from this one.

C. Current Condition

The Ten Mile Canyon Trail has only grown in popularity in the decades since Bickers' book was published. In the 2008 RMP, the BLM designated the White Wash Sand Dunes Open OHV Area and the Dee Pass Motorized Trail Area as motorized recreation focus areas immediately north of Ten Mile Canyon. The BLM designated multiple trails connecting Ten Mile Canyon to popular dirt bike and ATV trails such as the Dead Cow / Tubes trail and Mary's Trail. The Cow Freckles Motorcycle Trail also runs near the east rim of Ten Mile Canyon past several tributary canyons.

Because of the extensive network of ATV and dirt bike trails in the vicinity, Ten Mile Canyon is most commonly driven by dirt bikes, ATVs, and side-by-sides. During EJS in April 2022, I talked to a BLM archeologist who believed full-size vehicles could not actually make it all the way to the Green River. That is not the case. The entire route from Dripping Springs to the Green River can be (and regularly is) driven by full-size vehicles and side-by-sides.

Most of the route is relatively easy when dry, but recent rains can greatly increase the difficulty, causing deep water crossings and quicksand bogs to be present. Most full-size vehicles turn around at the Boulder Choke obstacle at 38.68552, -110.05316, where vehicles must drop off a large ledge then navigate a narrow, boulder-filled slot canyon section. However, full-size 4x4s and larger side-by-sides can pass this section if sufficiently built-up and driven by a skilled driver, and from there proceed all the way to the Green River.

This YouTube video shows a Jeep Gladiator and a Suzuki SUV navigating the Boulder Choke and proceeding further down the trail in 2020: https://youtu.be/-vJ48Ar8pTg?t=72. A screenshot from the video is shown below.

Jeep Gladiator driving down the ledge at the Boulder Choke in 2020

Here is another video from 2020 which shows a side-by-side driving from the Boulder Choke all the way to the river: https://youtu.be/JBUY3wWvVsU. That video shows that the route is well-defined (mostly in the streambed) and passable all the way to the river, though it does get more overgrown with encroaching tamarisk bushes closer to the river. A few screenshots from this video are shown below.

Boulder Choke Obstacle and ledge at 38.68552, -110.05316

Narrow trail in wash below some cliffs approaching the Green River

Narrow trail in streambed lined with encroaching tamarisk approaching the Green River

Parking area at the end of the trail behind a sandbank adjacent to the Green River, at 38.658914, -110.064948

View from the sandbank along the river at the end of the trail at 38.658753, -110.065090

I personally drove most of the segment proposed for closure in alternative C (D2759B) in October 2021 in my Jeep Wrangler, starting from the Midway Access Road. I turned around about a half mile before the Boulder Choke at a deep water crossing that I didn't want to risk driving solo. It had rained all day the day before, and the creek was flowing high in the upper part of the canyon near Dripping Springs. Most of the lower canyon was still dry because the water had not yet gotten that far down stream, but I was racing the water and worried about flash flooding. I attempted to drive a short distance upstream from the Midway Access Road on my way back out, but found the water too deep and the risk of getting stuck too high, and drove back out the Midway Access Road instead. I came back and drove the upper portion of the trail (D2759A) during EJS week in April 2022. At that time, the upper segment was much drier, and I was able to drive all the way from Dripping Springs to the mouth of Trough Canyon, which my wife and I hiked up.

Based on my observations driving the trail from Dripping Springs to just before the Boulder Choke, the entire trail including the D2759B segment is in extremely good condition, with a single, clearly-defined route most of the way. I did encounter a few short sections of trail braiding where the route split into two. In most cases, this resulted in there being one path in the creek bed and another higher up on the bank. There were no signs marking which route was the officially authorized one, and both were equally well established, making it impossible to tell which path is legal and which one is not. The only places where I saw trail braiding were where there were no directional signs. Where there were, any braiding that existed in the past had disappeared.

Route-finding was further complicated by the fact that the route on the ground rarely matched the route from the BLM's GIS data. I had loaded the GIS data from the BLM's preliminary alternatives release into GaiaGPS to use for navigation; however I found that impossible for this trail, as the official route matched the route on the ground less than half the time. We strongly urge the BLM to re-survey this route and ensure its GIS data for the route's location is accurate, as it has likely

shifted over time as the result of both official re-routes and natural changes to the river bottom from flood events. The route mapped in Google Maps and in OpenStreetMap based maps such as GaiaGPS are much more accurate than the BLM's own route data. A KML file is attached to these comments based on a combination of my research and GPS track driving the trail. It is the most accurate representation of the current route I can create.

Despite the lack of accurate route data, the actual route on the ground is clearly-defined and easy to follow. It is obviously regularly used, yet I did not see any signs of serious impacts from off-trail driving such as vegetation damage or unauthorized dead-end spurs. SUWAs claims in their route reports of widespread ecological damage are simply not true. Most of the route is in or immediately adjacent to a wash bottom that is regularly scoured and reconfigured by flood events. As such, it is an ideal route for motorized travel. While during my April 2022 visit I did see evidence of motorcycle tracks illegally driving up (or possibly down) Trough Canyon, that could be alleviated by better signage and fencing.

The entire Ten Mile Wash trail is extremely scenic, and I found the scenery only got better the deeper I drove into the canyon as the canyon walls got taller and the cliffs more dramatic. I can attest to the fact that if the BLM were to close the lower part of the trail (D2759B), it would in fact be closing the best part. The lower segment is narrower and surrounded by tall cliffs which give it more of the feel of being in a canyon. The upper part of Ten Mile Wash between the Midway Access Road and Dripping Springs (D2759A) overall is much shallower, with much thicker vegetation obscuring the view. While it is still interesting and worth keeping open to allow motorists to experience the entire drive down the canyon, the upper segment of Ten Mile Wash is not necessarily a desirable destination by itself. The photo on the next page shows probably the most scenic part of the upper segment (D2759A), from an overlook at an interesting alcove above the main trail, near the entrance of Trail Canyon.

Ironically, the upper portion of the trail is also more heavily impacted than the lower portion, as during wet times there are many more water crossings along the upper portion of the route which the BLM is proposing to keep open than along the lower segment which it is proposing to close. The upper part of the wash is wider and flatter, which naturally results in more trail braiding as there are more potential paths a vehicle can take. Because the lower canyon is narrower, the motorized route is naturally more contained with fewer opportunities for trail braiding.

Below are a series of photos I took of the lower part of Ten Mile Canyon (D2759B) during my trip in October 2021, which show both the scenery and lack of impacts along the trail.

View of D2759A near the entrance of Trail Canyon at 38.726941, -109.999996, taken April 2022

D2759B just below the Midway Access Road at 38.722081, -110.016185

Trail at 38.720414, -110.023197

Trail at 38.716505, -110.027364

Trail next to the creek at 38.714901, -110.028212

The only fencing I saw along the trail at 38.714910, -110.029476

Sandy trail at 38.713058, -110.033644

Trees and cliffs along the trail at 38.708455, -110.034749

Sandy wash section at 38.701606, -110.042291

Trail at 38.692385, -110.049436

Deep water crossing where I turned around at 38.688225, -110.052259

Heading back up the trail at 38.687911, -110.051836

Trail at 38.700332, -110.042682, driving up canyon

Trail at 38.701392, -110.037385, driving up canyon, still on D2759B

Flooded water crossing on D2759A segment, just north of the Midway Access Road

Another flooded water crossing on D2759A, where I turned around going upstream

As the last two pictures in the sequence above illustrate, the D2759A segment which the BLM is proposing to keep open in alternative C has more frequent water crossings and more sections where the trail is in the stream. While these photos (from October 2021) were taken after recent rains and this section was much drier on my subsequent visit in 2022, they illustrate that the

segment the BLM is proposing to keep open in alternative C actually has more potential for riparian impacts than the segment it is proposing to close, which is generally dryer with sparser vegetation and the trail more often runs parallel to the stream up on the bank than in the main streambed.

These photos also illustrate the power of even a small flood in Ten Mile Wash, showing that any erosion or vegetation damage caused by motor vehicles pales in comparison to that from a single natural flood event. Even small floods can easily re-shape the entire wash and erase any trace of the motorized route until it is reestablished by drivers following the new water course. Likewise any sediment that vehicles might track into the stream is dwarfed by the amount of sediment in the stream during a flood, which turns the water a deep muddy brown.

Ten Mile Wash is a dynamic intermittent stream that constantly alternates between flash floods and running dry. The entire wash is regularly re-contoured by natural erosion that dwarfs any erosion vehicles could cause. Erosion is a natural aspect of the riparian environment and is neither harmful nor something capable of being prevented by human management actions, regardless of whether or not vehicles are allowed. And while it is true that these floods can pose a certain degree of safety hazard as the Draft EA mentions, that is no greater than the flash flood risk in any other southern Utah canyon bottom. Neither is that risk unique to vehicles, since flash floods would be equally dangerous to hikers. Flash flood risk is therefore not a reason to close this route to vehicles.

D. Regulatory History

The Ten Mile Canyon route was probably the most thoroughly analyzed route designated in the 2008 travel plan, which included extensive discussion of this trail both in the Record of Decision and the responses to comments in the appendices of the FEIS. The ROD stated:

> The most controversial route is the 18 mile long Ten Mile Wash route, which is a designated route in the Approved RMP. Although very popular with motorized users, the route poses potential resource conflicts with cultural resources, wildlife, and riparian resources. The area has experienced off-route vehicle travel in the past which has resulted in impacts primarily to riparian and vegetation resources. The BLM has found that the resource impacts can be mitigated by clearly signing and flagging the desired route on the ground.[42]

This statement illustrates that the BLM was fully aware of the impacts caused by this route, and yet deemed it important to keep it open in order to continue to provide a high quality experience for motorized recreation. The BLM found that impacts on riparian, cultural, and wildlife resources could be mitigated through better signing and marking the desired route on the ground. The BLM addressed these issues at length in its responses to numerous comments from environmental groups and government agencies calling for the closure of this route. For example, in response to a comment from the EPA asking for the Ten Mile Was route to be closed to prevent riparian impacts, the BLM stated:

> Alternative C (Preferred Alternative) in the DRMP/EIS lists the Ten Mile Wash area as “limited to designated roads and trails” for OHV use. The BLM contends that this designation will protect the unique resource values in this area and still allow OHV travel. On the ground actions to ensure travel on the one route within the wash have included marking, constructing

[42] 2008 RMP ROD, p. 19.

> barricades, closing side canyons, and installing educational information. The BLM is committed to continuing these efforts in Ten Mile Wash.[43]

In response to SUWA's comments demanding the closure of Ten Mile Wash, the BLM replied:

> This route, very popular with motorized recreationists, is not identified for motorized use in one or more action alternatives. The current travel route has been heavily signed to minimize damage to riparian and cultural resources. Side routes accessing cultural resources have been closed to motorized travel. The route the commentor proposes closing lies within its wilderness proposal. As described in Chapter 2, pgs. 108-109, the BLM is not obligated to create roadless areas in response to wilderness proposals.[44]

In recognition of the need to manage Ten Mile Canyon to protect important resource values while still accommodating motorized travel, the BLM established the Ten Mile Canyon ACEC in the 2008 RMP, which included extensive guidance for managing the designated motorized route in the canyon. In response to another comment by SUWA regarding the Ten Mile Canyon ACEC, the BLM stated:

> The management of the ACEC for the protection of the riparian and cultural resources is compatible with motorized travel on the designated route. The route has been marked on the ground so travel along the existing route is adhered to and the potential for impacts to cultural and riparian resources has been minimized.[45]

The RMP direction for the Ten Mile Wash ACEC states:

> **ACEC-7**
>
> Ten Mile Wash (4,980 acres) will be designated as an ACEC.
>
> Special Management: To protect the relevant and important values of natural systems (riparian/wetlands), wildlife, cultural resources and natural hazards, the following management prescriptions will apply:
>
> • Prioritize Ten Mile for Class III cultural inventory.
> • Prioritize Ten Mile as a scientific research area.
> • Grazing will be allowed on a limited basis in Ten Mile Canyon downstream from Dripping Springs, with changes subject to future monitoring and conformance with Standards for Rangeland Health.
> • Prioritize area for riparian restoration.
> • Restrict camping and campfires to designated sites at Dripping Spring.
> • Motorized and mechanized travel limited to designated routes.
> • No competitive events.
> • Establish speed limits.
> • Reroute designated road around the wetlands south of the cattle guard near Dripping Springs.
> • Restrict vehicle access at the Green River; designate a parking area at the Green River.

---

[43] Response to comment 479-7, "Comments of the Draft EIS by Commentor Type", Moab FO 2008 RMP FEIS.
[44] Id. at response to comment 124-175.
[45] Id. at response to comment 124-81.

- Permits for motorized recreational use may be required if monitoring indicates long-term damage.
- Require permits for groups greater than 25 vehicles.
- Apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface disturbing activities (see Appendix A).
- No commercial or private collection of woodland products.[46]

As discussed above in the section regarding RMP compliance, we do not believe the RMP allows the Moab Field Office to consider closing all or even part of the Ten Mile Wash route. The RMP places great value on continuing to provide motorized access all the way to the Green River, and the ROD specifically rejected an alternative that would have closed this route. Closing it now would not only contravene the clear intent of the RMP, but would directly contradict, at minimum, the express direction to establish a vehicle parking area at the Green River. Every provision in the plan guidance for the Ten Mile Wash ACEC contemplates continuing to manage it to allow motorized recreation on the designated route all the way to the Green River. No provision allows for this route to be closed, either in whole or in part.

Even if the BLM interprets the RMP in such a manner as to allow closing all or part of this route, it should still heed the RMP guidance which provides a clear series of escalating measures to mitigate motorized impacts. The RMP recommends first clearly signing and marking the authorized route and blocking unauthorized routes. If that fails, the BLM could then consider a permit system to limit the number of vehicles using the route. Closure should be the absolute last resort if no other mitigation technique is successful. Yet in this travel plan the BLM is jumping straight to closing two-thirds of the trail in its preferred alternative without ever having tried less restrictive measures first.

It is unclear how many of the provisions listed above the BLM has attempted to implement since 2008. The camping restrictions prescribed in the RMP are currently in effect, as the map the BLM publishes showing camping restrictions shows camping as limited to designated sites in both the Dripping Springs area and the lower portion of Ten Mile Canyon. Curiously though, there are no camping restrictions along a short segment of Ten Mile Canyon in the area near the former Texas Bob Dugway access route, where there is a gap between restricted camping zones. The speed limit in the RMP is also likely in place at least in the BLM's regulations, but I did not see any signs on the ground stating a speed limit so it is unclear how that is enforced. I do not know whether the BLM completed the re-route near the Dripping Springs cattle guard or delineated an official parking area at the Green River. Nor do I know what recent efforts the BLM has undertaken to sign and mark the official trail.

While I did observe a few directional signs at various points along the trail, there were not enough, nor were they always in helpful locations. I did not see any signs at prominent forks in the trail, while the signs I did see were in places where there was no fork. From this I surmise that signs placed years ago have successfully eliminated trail braiding where they were placed, but that no signs have been placed more recently to deal with more recently created trail braiding.

[46] 2008 RMP, p. 108.

Signs and barriers in a riparian area need to be regularly maintained and refreshed from time to time or else they will disappear as they are washed away by floods. Given that the exact path of the trail changes somewhat year-to-year as floods reconfigure the streambed, the BLM or the motorized groups it partners with need to install signs more frequently to keep up with natural changes in the terrain.

Based on the evidence I have seen, signage has been an effective way to manage trail braiding in Ten Mile Wash, but better signage is needed to eliminate remaining instances of braiding and keep up with natural changes to the wash. We therefore suggest that the BLM start at step one per the RMP and work on installing better signage to clearly delineate the trail, rather than jumping to step ten and closing it. If lesser mitigation measures fail, the BLM can always implement more restrictive ones in the future, such as the permit system outlined in the RMP. At the very least, the BLM should consider whether the seasonal closure already contemplated in alternative C for the upper segment of the trail would be sufficient to mitigate impacts if applied to the lower segment as well, thus allowing the entire trail to remain open at least part of the year.

E. Impacts Analysis

Fundamentally, the BLM's travel management process is about weighing the purpose and need of a given route against the environmental impacts it creates, and determining if those impacts can be sufficiently mitigated to allow the route to remain open. The Ten Mile Canyon route has an extensive history as an extremely valuable and popular motorized trail, as documented in at least one published guidebook. Use for motorized recreation is in itself a legitimate purpose and need, and the BLM need not find any other purpose to justify keeping the trail open. It must only find that its extremely high benefit for motorized recreation outweighs the associated impacts.

The BLM's route report for D2759B lists the following resource and use issues:

- In Riparian/Wetlands
- In Desert bighorn sheep lambing area (Camping restriction) In Pronghorn crucial fawning range
- In Desert bighorn sheep yearlong habitat
- Crosses Navajo sedge potential geology
- In VRM Class II - Retain existing character
- In BHCA - Bird Habitat Conservation Area
- In Recreation Management Zone
- In Wild and Scenic River (Suitable)
- In SRMA - Special Recreation Management Area
- In ACEC - Area of Critical Environmental Concern
- Leads to Major river
- In Riparian/Wetland
- In Perennial stream
- Within 150 yards of Spring/Seep
- In Erosive Soil - Moderate Potential (Wind) Within of Lands with Wilderness Characteristics In Route Proliferation

47

The route report for alternative C identifies the following designation criteria as justifying the decision to close D2759B:

[47] Route report for D2759B, p. 3.

> • 43 CFR § 8342.1 (a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.
>
> • 43 CFR § 8342.1 (b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.[48]

According to the designation criteria summary statement:

> Closing this route, along with natural reclamation, would reduce visual contrast created by the route. Closing this route would enhance wildlife movement by reducing fragmentation. Closing this route would eliminate motorized use, minimizing the potential for harassment of wildlife. Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would reduce overall impact of vehicle use and route footprint in the area. By closing the route, the potential for future impacts to documented wilderness character and impairment of wilderness suitability would be minimized while wilderness characteristics of naturalness and opportunities for solitude would be enhanced. By closing this route, traffic volume in the area would be reduced, minimizing the potential for impacts to sensitive animal species. Closing the route would reduce the potential for impacts to endangered or threatened species and their habitats by eliminating motorized use and removing the route footprint.[49]

Broadly these impacts fall into three broad categories: (1) riparian and vegetation impacts, (2) wildlife impacts, and (3) wilderness characteristics. Though not expressly mentioned in the route report, (4) cultural resources impacts and (5) user conflicts have also been mentioned for this route in the past and we will discuss those below as well.

(1) Riparian Impacts

Riparian and vegetation impacts are the primary impacts for the Ten Mile Canyon route, and are indeed what SUWA focused on in their route-specific comments during the scoping period. SUWA claimed without evidence that “Route 2759 is one of the most problematic routes in the Moab Field Office.” They claimed that the motorized route is “damaging important riparian resources” and that “there is significant illegal, off-route [travel] throughout the canyon.” SUWA also claimed that “it is damaging important wildlife habitat, riparian watershed and wilderness values.”

Critically, SUWA provided zero evidence in its scoping comments to support any of the above assertions. It included numerous photographs in its route report; however by and large, these photos simply show a sandy dirt track approximately one vehicle width in length with no apparent off-trail impacts or resource damage. Several of SUWA’s photos appear cherry-picked to show the widest points in the trail, which are in flat sandy sections of the natural wash bottom which are naturally wider than one vehicle. Only a couple photos show any evidence of trail braiding or off-route travel. As is evident from SUWA’s own photos, the vast majority of the trail has only one clearly defined path approximately one vehicle width wide, with no significant damage to

---

[48] Id. at p. 5.
[49] Id.

vegetation and no serious erosion at stream crossings. Everything they show is completely normal and expected for a designated motorized route.

As noted above from my observations driving the trail, there are indeed a handful of places where the trail splits into two paths. However these could easily be resolved by signing the designated route and blocking off unauthorized paths. Moreover, as the BLM notes in its designation criteria summary statement for alternative D in the route report for D2759B, “Designation would have minimal affect [sic] on xero-riparian resources because the route is located in a drainage that is regularly scoured by flood events, periodically eliminating all traces of previous travel.” This is completely true, as the vast majority of the trail is in a floodplain that is regularly scoured by flood events. Any erosion or vegetation impacts caused by motorized travel are dwarfed by those caused by a single large flood event, which would also largely erase any impacts from motorized use.

Rather than being the ecological catastrophe SUWA claims it is, the Ten Mile Wash route is largely well-managed on the ground and contained to a single path, with only a few short sections where it splits into two paths. The minor impacts from trail braiding could be easily addressed through improved signage and do not justify closing this trail.

Additionally, we note that while the end of the trail enters the Green River Wild and Scenic River corridor, this section has been designated as ‘scenic’ which allows the presence of motorized routes. Ten Mile Wash itself is not eligible for Wild and Scenic River status.[50] The entire part of the road in the WSR corridor consists of the natural streambed and the endpoint on a sandy beach adjacent to the river, which is pictured above. Both of these features are naturally formed and would exist regardless of motorized use. Neither of them constitutes an impingement on visual resources or compromises the scenic character of the river corridor in any way. Vehicle parking is actually typically behind the sandbar, so river users would normally never even see them. Thus there are no conflicts with Wild and Scenic Rivers either.

Turning to the BLM’s analysis of the riparian impacts of the Ten Mile Wash route in the Draft EA, this analysis simply does not support the BLM’s proposed actions in alternative C. The Draft EA describes motorized impacts on Ten Mile Wash as follows:

> The Ten Mile Wash ACEC is one specific example of this concept within the TMA. A proper Functioning Condition (PFC) assessment performed by an IDT in 2012 at Ten Mile Wash concluded that the area from Dripping Springs to Trail Canyon is Functioning at Risk. Specifically, this PFC report on Ten Mile states, “roads are impacting banks” and there is “accelerated bank erosion” and the presence of gullies and active “downcutting” within the roadway. PFC assessments also indicate the presence of “cut banks, unnatural overflow channels” and that “roads influence overflow channels … old roads become overflow channels.” The PFC report shows that the banks are not laterally stable because the channel follows the roads resulting in less sinuosity. Therefore, point bars are not forming nor is vegetation Labyrinth/Gemini Bridges Travel Management Plan Environmental Assessment DOI-BLM-UT-Y010-2020-0097-EA 53 establishing on them. The PFC report summary states that “road impacts have become major since the 1980s” and that the road in Ten Mile Wash

[50] *See* response to comment 124-94 (“An interdisciplinary team determined that Ten Mile Canyon did not meet the [WSR eligibility] standard.”), 2008 RMP FEIS.

> may be one of the biggest influences on riparian condition. When developing network alternatives, the IDT considered designations that would reduce impacts to water resources including seasonal or total road closure, or change in road alignment.[51]

According to the Draft EA, the section of Ten Mile Wash from Dripping Springs to Trail Canyon (a short distance upstream of the Midway Access Road) is Functioning At Risk, primarily due to the road cutting banks and rerouting the steam into "unnatural overflow channels." The section downstream of the Midway Access route is not experiencing significant damage and is considered to be in Proper Functioning Condition. This happens to coincide with my own personal observations of the route mentioned above, that the road is causing more riparian impacts upstream of the Midway Access Road than below. Based on this analysis, we would expect the BLM to to close the upper part of the Ten Mile Wash road between Dripping Springs and the Midway Access road, yet alternative C does the exact opposite:

> Specifically, Alternative C would emphasize multiple use by allowing the Dripping Springs to Midway route within the Ten Mile ACEC, currently Functioning at Risk, to remain open while closing to OHV use the Midway to Green River section, which experiences less OHV use and contains riparian areas that are currently in PFC.[52]

The BLM is thus proposing to keep the section of the road open which its own analysis concludes is causing the most impacts, while closing the section of the road that is causing the least impacts. This outcome is completely nonsensical and is the exact opposite of what one would expect the BLM to do if its goal is restoring riparian function.

The fact that the section of Ten Mile Wash downstream of the Midway Access Road is in Properly Functioning Condition means that motorized use of this section of the road is not causing any significant impacts to riparian function and should be able to remain open without causing undue impacts. No additional management actions or motorized restrictions are necessary there, because the status quo is fine. It is the segment of the road upstream of the Midway Access Road that requires further management actions to improve riparian function. Yet alternative C proposes to close the segment of the road which is *not* harming the stream and proposes to keep open the segment of the road the BLM says *is* harming the stream. This frankly makes no sense from either a motorized recreation perspective or an environmental perspective.

While SUWA's claims of widespread off-trail abuse in Ten Mile Wash are simply not true, we acknowledge the BLM's concerns about the road essentially rerouting the stream are valid. However, if those impacts are what motivate the management actions in alternative C, the actions the BLM is taking will not mitigate them but will in fact make them worse. By concentrating motorized use on the section of the wash where the steam is already damaged and not allowing motorized users to access the more scenic and desirable lower part of the canyon, alternative C will only increase impacts on the stream in the upper canyon while essentially not changing anything in the lower canyon, which is already not being impacted by motorized use.

If the BLM actually wished to improve riparian function in Ten Mile Wash, it would leave the lower part of the road below the Midway Access road open to motorized use, and focus on actively

---

[51] Draft EA, p. 52 - 53.
[52] Id. at p. 56.

managing the upper part of the road to improve riparian function. Management actions to address the issue of the road rerouting the stream could involve rerouting the road to higher terrain above the stream, clearly marking and delineating the authorized route with signs and fencing, and building up and hardening stream crossings to prevent the stream from flowing down the road. All of these actions could be done under alternative D. Meanwhile no additional management actions are necessary for the lower canyon because it is already in Properly Functioning Condition. That section is also not as susceptible to having the road reroute the stream because the road is mostly above the stream and both the road and stream closely follow the bends of the narrow canyon. The closure of the lower part of the road below the Midway Access road as proposed in alternative C is simply not justified or supported by the BLM's own analysis of riparian impacts in the Draft EA, and we strongly oppose its actions regarding this route.

(2) Wildlife Impacts

The second major impact of this trail is wildlife impacts, primarily on desert bighorn sheep. According to the bighorn sheep habitat maps the BLM published as part of the 2008 RMP, the lower portion of Ten Mile Canyon near the Green River is in bighorn sheep lambing habitat, while the upper portion is in a migration zone. Even so, its impact on bighorn sheep is minimal. Because the route is at the bottom of the canyon, there is ample escape terrain above it which the sheep have full access to. The route report correctly notes the use level for this route as low, and it likely sees less than 20 vehicles per day most of the year. During both of my visits to this trail, I did not encounter a single other vehicle. The BLM has also already taken significant steps to mitigate impacts on bighorn sheep by prohibiting camping in the canyon and establishing a speed limit.

Should further restrictions prove necessary to protect bighorn sheep, the BLM should consider limiting vehicle numbers with a permit system as recommended in the RMP. A seasonal closure during lambing season may also be appropriate. Alternative C already includes a seasonal closure of the upper portion of the trail (D2759A) between March 1 and June 30 because of bighorn sheep lambing season. If a seasonal closure is an effective way to mitigate impacts to bighorn sheep on the upper portion of the road, it should be sufficient for the lower portion of the road as well.

While we generally oppose seasonal closures unless absolutely necessary, that is infinitely preferable to a permanent closure of two-thirds of the trail. In the case of Ten Mile Canyon, a seasonal closure would have the added benefit of closing the trail during the wettest time of the year during the spring melt-off season, thus reducing riparian impacts as well. Therefore we urge the BLM to consider modifying alternative C to keep the lower portion (D2759B) of the Ten Mile Wash trail open with the same seasonal closure as applied to the upper portion (D2759A) of the trail and the Midway Access Road (D2767). If the BLM nevertheless chooses to close D2759B because of asserted wildlife impacts, it must include in the ROD an explanation for why a seasonal closure is not sufficient to mitigate wildlife impacts and why a full closure is necessary.

(3) Wilderness Characteristics

While Ten Mile Canyon is in an area the BLM's wilderness inventory has identified as possessing wilderness characteristics, it is not a WSA and the BLM expressly determined in the 2008 RMP NOT to manage this area for wilderness characteristics. Neither is wilderness character or

wilderness suitability an identified value of the Ten Mile Wash ACEC, which only includes “natural systems (riparian/wetlands), wildlife, cultural resources and natural hazards” as listed values.

It is therefore inappropriate to give any consideration to “impairment of wilderness suitability” when evaluating this route. As the BLM stated repeatedly in response to SUWA’s comments in 2008 demanding the closure of routes in areas with wilderness characteristics, “It is beyond the scope of the plan for BLM to create ‘roadless’ areas where such areas do not currently exist. Rather, BLM evaluates routes for purpose and need balanced against resource conflict. A preference for a route to not be present is not in itself a resource.”[53]

Because Ten Mile Canyon is not managed for wilderness characteristics, those characteristics are not a valid basis for claiming resource conflicts. The Ten Mile Wash road has existed for many decades and is a pre-existing impact on wilderness character that was fully accounted for in all of the BLM’s wilderness inventories. Even if closed to motorized travel, it will still exist on the ground for a long time to come and will continue to have an impact on naturalness. The road's main impact on wilderness characteristics therefore is that because the route exists, certain wilderness characteristics like roadlessness and naturalness have never been present in the first place. That is not a resource conflict, but a simple fact.

The only "conflict" here is with SUWA's wilderness proposal, which seeks to designate wilderness in areas that do not legally qualify for that status because they are not in fact roadless. As the Moab Field Office acknowledged in 2008, “the BLM is not obligated to create roadless areas in response to wilderness proposals.”[54] The BLM should therefore do what it claims it does in travel planning and evaluate the route solely for purpose and need, balanced against actual documented resource conflicts, not the theoretical potential for wilderness designation.

We strongly oppose closing any portion of the Ten Mile Wash route based on alleged conflicts with wilderness characteristics, and believe doing so would violate the RMP. If the BLM wishes to reverse its prior decision and manage the Ten Mile Canyon area for wilderness characteristics, doing so would require an RMP amendment.

(4) Cultural Resources Impacts

While the route report for D2759B does not actually discuss cultural resources, they are an identified value of the ACEC and are referenced in the RMP guidance for this area, so they are worth mentioning here. While Ten Mile Canyon does contain multiple cultural/archeological sites, these are mostly rock art sites located in alcoves along the cliffs on the sides of the canyon. The motorized route at the bottom of the canyon has little to no impact on these sites, as it is located well away from them.

Any impact would come only from making access to these sites easier, thus slightly increasing the potential for vandalism or inadvertent damage from careless visitors. This slight risk is outweighed by both the recreational benefits of the route itself and the benefit of allowing members of the public to visit these sites and appreciate the ancient culture that made them. Any potential for accidental damage to artifacts could be mitigated through better visitor education. The RMP

[53]Response to comment 124-144, “Comments and BLM Responses Listed By Resource”.
[54] Id. at response to comment 124-175.

already provides ample guidance on how to mitigate impacts on cultural sites from motorized use in Ten Mile Canyon, and we do not believe that these potential impacts justify closing this route.

(5) User Conflicts

Besides the impacts discussed above, SUWA claimed in its scoping comments that "the route also causes conflicts with other resource users including hikers and river runners." There is absolutely no evidence that such user conflicts are occuring. The BLM's route reports make no mention of user conflicts, and SUWA's scoping comments did not provide any evidence supporting their assertion.

While hiking does occur in the canyon, it is very infrequent. The main canyon is simply too long to hike the entire route to the Green River, 16 miles each way from Dripping Springs. Even if just the lower segment below the Midway Access Road was closed and turned into a hiking trail, it is still approximately 11 miles from the Midway Access Road to the Green River, making for a 22 mile round trip. A hike that long would typically require an overnight backpacking trip, which is illegal because camping is prohibited in the lower canyon. While it is possible that some rafters may land at the mouth of Ten Mile Canyon and hike a short distance up it, the vast majority of the lower segment of Ten Mile Wash receives basically no use for hiking beyond that facilitated by motorized access. Closing it to motorized use would render it effectively inaccessible to everyone, not just motorized users.

People occasionally hike in some of the side canyons like Trough Canyon and Trail Canyon, but such use is infrequent. Given that motorized traffic is generally light as well, hikers are unlikely to encounter many vehicles when they reach the main canyon, and they are unlikely to hear vehicle noise very far up side canyons. To the best of my knowledge, one major side canyon, Rock Canyon, cannot be accessed from the top and can only be accessed from the bottom of the canyon far down the main route. The only practical way to hike up this canyon is to drive down Ten Mile Canyon to the point where it intersects Rock Canyon. Thus motorized access helps facilitate hiking and does not conflict with it.

Neither is there any conflict with rafters on the Green River. Motorized users only infrequently make it all the way to the bank of the Green River, where they then park for a short time before heading back up the canyon. Rafters on the river only rarely see motorized users at the very end of the trail, and in most cases they would be parked with their engines shut off. Rafters briefly seeing a few parked vehicles as they float by does not constitute a user conflict. But as shown in the photos above, the main parking area is actually behind a sandbank which screens it from view, meaning rafters would most often not even see the vehicles at all. So rafters seeing vehicles is even less of an issue.

Finally we note that alternative C proposes to completely decommission the lower two-thirds of the Ten Mile Canyon trail, which would close it to mountain bikes as well as motorized users. Thus this closure would equally harm both motorized users and mountain bikers. To the extent that mountain bikers and motorized users share this trail, the potential for user conflicts would actually be increased by adopting alternative C, as both user groups would be concentrated in a smaller area and thus would be more likely to encounter each other on the limited portion of the trail that

remains open. We therefore urge the BLM sto disregard any assertions of user conflicts on this route and not consider such claims as a reason to close any part of this trail.

F. Conclusion

As demonstrated above, the Ten Mile Canyon / Ten Mile Wash trail provides a unique and highly valuable opportunity for motorized recreation that cannot be experienced on any other trail in the Labyrinth Rims region. All impacts of this route are relatively minor and can, as the BLM determined in 2008, be mitigated through better marking the authorized route and following the mitigation measures outlined in the RMP. While we disagree with the BLM's designation criteria statement in the route report for alternative C, we strongly agree with the designation criteria statement for alternative D:

> This route is important for network connectivity, serving commercial and recreation users in this area. Allowing continued use of this route would minimize potential impacts to documented resources by providing a common access into or across the area on a pre-existing route, reducing the potential for new disturbances from cross-country use or the need for construction of new routes to provide similar access. Allowing continued use of this route would minimize potential impacts to documented resources by concentrating motorized use (rather than dispersing it) on an alignment capable of accommodating the route's anticipated traffic volume. Continued use of this route with the added application of specific management prescriptions, would minimize potential impacts to documented resources. Continued use of this route would minimize conflicts among various users of public land by providing access to other public land areas beyond the urban interface, reducing user concentrations and the potential for impacts to documented resources within the urban interface. Route provides access to unique and/or exceptional recreational opportunities without causing greater than minimal adverse effects on documented resources. Designation would have minimal affect on xero-riparian resources because the route is located in a drainage that is regularly scoured by flood events, periodically eliminating all traces of previous travel.[55]

Each of the statements above is completely correct, and we appreciate that the BLM acknowledges in at least one alternative that this route "provides access to unique and/or exceptional recreational opportunities without causing greater than minimal adverse effects on documented resources." Alternative D is also the only alternative which acknowledges the fact that being in a drainage subject to frequent flooding minimizes the potential for lasting impacts from motorized travel. Finally, alternative D is the only action alternative currently under consideration which complies with the mandate in the RMP to keep the full Ten Mile Wash route open to motorized use all the way to the Green River.

Given the extreme importance of this route, any alternative that closes any portion of the Ten Mile Wash route is unacceptable to the motorized community and would invite litigation if adopted as the basis for the final travel plan. We also do not believe closing the route below the Midpoint Access Road while keeping the section above it would be effective, as it would be extremely difficult for the BLM to enforce an unpopular closure in such a remote location. Given the flat, wide terrain at the proposed closure point in alternative C, it would be difficult to

[55] Route Report for D2759B, p. 5.

block the route in a manner that people could not simply drive around it. Hardened barriers at the closure point would be difficult to maintain as they would likely get buried or washed away by floods over time. Gaining compliance with the proposed closure in alternative C would therefore be difficult, and it would be far better for the BLM to keep the entire route open with proper management techniques to mitigate impacts.

If the BLM is determined to close the lowest part of the Ten Mile Canyon route to keep it away from the Green River, one possible compromise solution would be to move the endpoint for alternative C to the ledge at the top of the Boulder Choke obstacle at 38.68552, -110.05316. This is where most vehicles already turn around, with only a few driving all the way to the Green River. That endpoint would be more enforceable than the junction with the Midway Access road, and would still allow motorists to drive two-thirds of the canyon, including some of the best and most scenic parts of the lower canyon. Above the Boulder Choke obstacle, the road is mostly away from the stream bed, but it is in the stream bed below that. This alternate endpoint could therefore mitigate some riparian impacts while not barring motorized users from the majority of the canyon.

However, we do not believe that any closures are ultimately necessary, and we still urge the adoption of alternative D regarding this route. Should the BLM determine that alternative D would not sufficiently protect wildlife and riparian resources, we would also accept a modified version of alternative D which keeps both segments of the Ten Mile Wash route open with a spring seasonal closure during bighorn sheep lambing season. Either way, the full route must remain open to motorized use for the majority of the year.

- ***Hell Roaring Canyon (D1223)***

A. Introduction

We strongly oppose the closure of the upper two-thirds of the motorized route at the bottom of Hell Roaring Canyon (D1223C), as proposed in alternative C, and the closure of the entire trail past the Mineral Bottom airstrip as proposed in alternative B. This lightly used but extremely valuable motorized route was heavily analyzed in the 2008 travel plan and the BLM found it to have no significant adverse impacts. Nothing has changed since that time, nor have use levels significantly increased. Closure of any portion of this trail simply is not warranted.

B. Trail Description

The Hell Roaring Canyon trail was originally a mechanically constructed mining road built in the 1950s. It begins just past the Mineral Bottom Airstrip, and has two distinct sections: (1) the section along the bank of the Green River to the mouth of Hell Roaring Canyon (approximately 2 miles), and (2) the section traveling up Hell Roaring Canyon to the end of the designated motorized route in Dubinky Wash (approximately 8 miles). In total, it is approximately 10 miles each way, and 20 miles round trip. When the travel time from Moab down Mineral Bottom Road is included, it makes for a full day off-road adventure.

In the current travel planning process, the BLM has divided this route into three segments: D1223A (from the end of the county B road to the mouth of Hell Roaring Canyon), D1223B (from the mouth of Hell Roaring Canyon to the northern border of the SITLA parcel 3.1 miles up the canyon), and D1223C (from the SITLA parcel to the end, and a short side spur). Alternative D would keep the entire route open; while alternative C would close the upper 2/3 (5 miles) of the canyon above the state section, and alternative B would close everything past the Mineral Bottom airstrip.

Though lightly used by motor vehicles and rarely driven all the way to the end, the Hell Roaring Canyon trail is an extremely valuable motorized route that can only be described as a hidden gem. It is extremely scenic and offers a unique combination of views traveling along the Green River through Labyrinth Canyon and technical rock crawling driving up a deep canyon surrounded by thousand foot tall red rock cliffs. The river portion is reminiscent of the Hey Joe Canyon Safari Route, while the canyon portion reminded me of the first couple miles of the Lockhart Basin trail.

This trail also offers unique opportunities to visit historical and cultural sites. Right at the mouth of Hell Roaring Canyon is a cliff with an inscription by the 19th century explorer Denis Julien, which is marked by a BLM interpretive sign. And if drivers go most of the way to the end and stop at the junction with Dubinky Wash, they can hike a few miles up the wash to visit the Comet Thrower Pictograph Panel.

The Hell Roaring Canyon trail has been used by Jeepers and other motorized recreationists for at least 50 years. Though it is a less well-known trail than the Jeep Safari routes, it was featured in an off-road guidebook entitled *Canyon Country Off-Road Vehicle Trails - Island Area* by F.A. Barnes, published in 1988. Though this book is now out of print, copies can still be easily obtained. This guidebook and others from the same period are still regularly used as references by local off-road clubs in planning trail runs. Scans of the relevant pages from this book are shown below.

Trail Name: H E L L R O A R I N G C A N Y O N

Map: *Canyon Country* OFF-ROAD VEHICLE TRAIL MAP - **Island Area**

Type: Spur

Mileage: 18 miles round trip

Time: 3 hours; 4 hours if the Mineral Canyon spur is explored.

Difficulty: easy for several miles up the canyon, with the trail surface either packed sediments or wash-bottom sand and rock; difficult on up the canyon, if passable at all.

Access: this trail is a major spur to the White Rim Trail, but is outside of Canyonlands National Park.

Trail Summary: this trail goes up the spectacular Green River gorge, then penetrates for several miles up one of that gorge's major tributaries, Hellroaring Canyon.

Trail Description:

The Hellroaring Canyon trail branches from the White Rim trail at the base of the Mineral Canyon switchbacks that descend to the Green River. The trail junction is about 15 miles from Utah 313. From this junction, the trail goes upriver below the high cliffs and talus slopes of the gorge and closely parallel to the river.

About 1-1/2 miles from the trail junction, a spur trail goes up Mineral Canyon for about 5-1/2 miles to a major canyon fork, then continues up the right fork. Mineral Canyon is deep and narrow, with active and inactive uranium mines at intervals. This spur trail may be impassable due to erosion and lack of maintenance.

On the main trail up the rivergorge, the remains of a uranium mining community can be seen below the cliffs about 2 miles from the trail start. In another 2 miles, the trail turns up Hellroaring Canyon. Within this spectacular canyon, the trail travels within or near the wash bottom, but becomes virtually impassable beyond about 5 miles into the canyon, where boulders block the trail, and it is not possible to bypass the blockage.

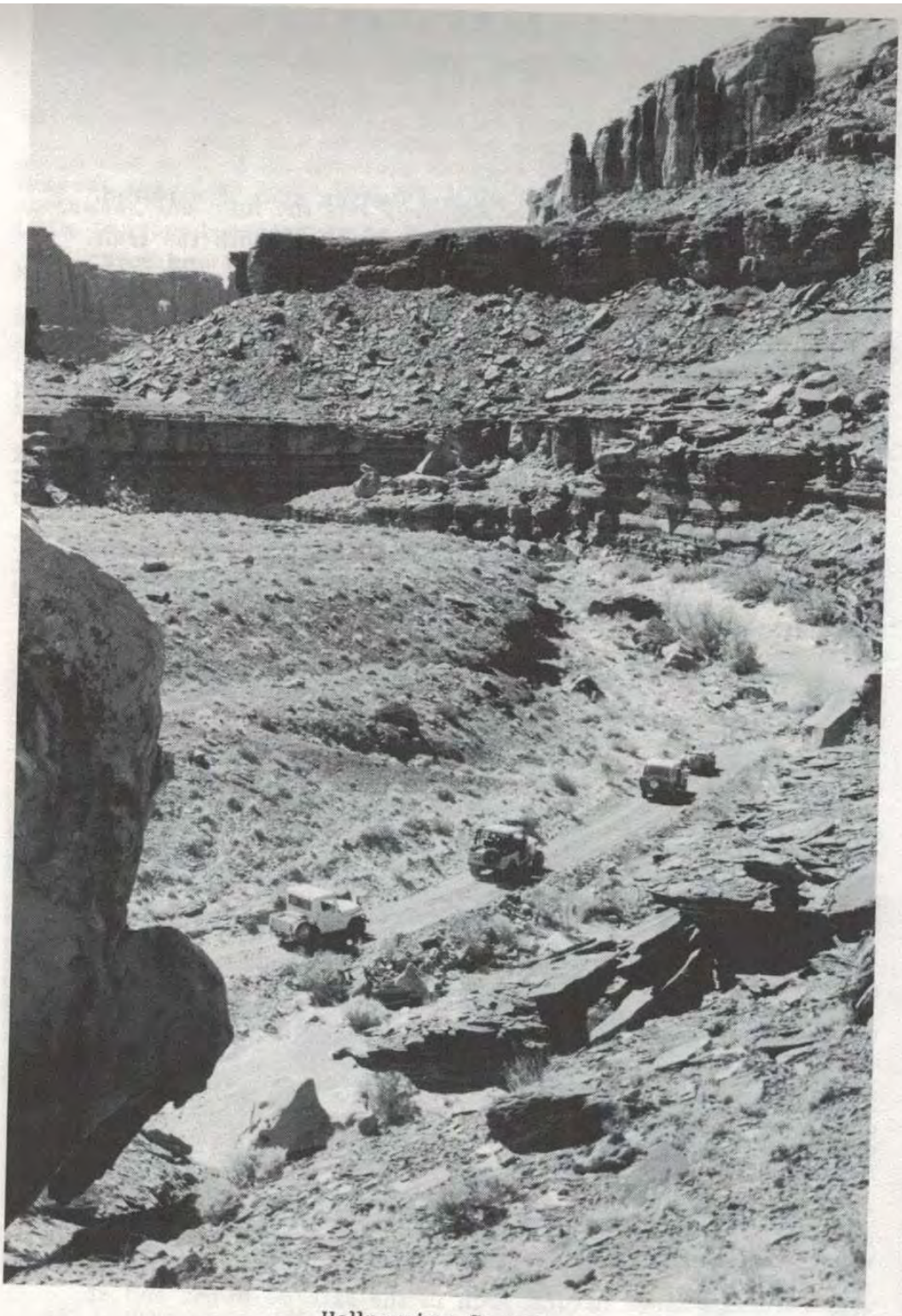
Notes:

1. All of the slopes above the trail beside the river and in Hellroaring Canyon offer good rock collecting.

2. Beyond the boulder-blocked part of the canyon, the old trail continues for about 2 miles. Exploring the rest of this long canyon and its tributaries must be on foot. The trail up Hellroaring may not be passable for all of the first 5 miles.

3. There is a developed dirt boat-launch ramp into the Green River at a point 1 mile from the beginning of this trail. This ramp is commonly used by boaters for both access and egress.

4. There is a large natural arch in the extreme upper end of Hellroaring Canyon. A trail spur from Utah 313 skirts around the canyon rim above this arch.



Hellroaring Canyon

C. Current Condition

While the trail description in F.A. Barnes' book from 1988 stated that only the first 5 miles up the canyon was passable to vehicles and the remainder was blocked by boulders, to the best of my knowledge, this is no longer the case. This video, posted to YouTube in June 2021 and timestamped March 22, 2020, shows an ATV driving the full length of the authorized route from the top of Hell Roaring Canyon to the bottom: https://youtu.be/Dn5H9Ces-vs. In the text at the beginning of the video, the poster states that Hell Roaring Canyon is his favorite trail in Moab which he drives regularly, and he only rarely sees fresh vehicle tracks all the way up the canyon.

As can be seen in that video, the entire legal route is currently passable to vehicles, at least to ATVs. While the trail does get fainter the further up the canyon you go, a clear track is present and can be followed all the way to the end. The faintest parts of the trail are the sections in the natural wash bottom, while the sections that were mechanically constructed higher on the sides of the canyon to bypass obstructions are more clearly visible. This was my experience driving the trail as well.

I drove part of the Hell Roaring Canyon trail in October 2021, up to the middle of the SITLA parcel. The section along the river was in good condition and is obviously the most heavily used part of the trail. That section was mostly a smooth dirt road, with only a few small rock obstacles and narrow points caused by fallen boulders partially blocking the shelf road above the river.

When I got to the mouth of Hell Roaring Canyon, I discovered that heavy rains and flash flooding a couple months before had caused a large washout to form in the road at a curve above the wash just before the Denis Julien inscription. I spent about two hours shoveling to level out this washout as best I could to make it passable again before proceeding up the trail. Since then, a jeep club who did a group trail run in November 2021 has done further leveling work on this washout, and the Motorized Trail Committee of Grand County held a work day in May 2022 to fully repair the washout and prevent vehicles from using it to leave the authorized route and enter the wash bottom.

By the time I was done shoveling at the washout, it was getting late in the day and I did not have time to drive the entire trail. I ended driving a bit over three miles up the canyon and turned around in the middle of the state section shortly before the beginning of the D1223C segment, where the trail started to get more technical than I was comfortable doing solo.

The first couple miles past the Denis Julien inscription were fairly easy driving up the wide sandy wash. Beyond that, the canyon got narrower and the road got more technical, with frequent rock crawling over small boulders strewn about the wash bottom. In a couple places, the trail left the wash and traversed short sections of shelf road above it to bypass sections where the wash got boxed out at a pourover. Those turns could be easy to miss, but I would quickly realize my mistake after driving a little further and being blocked by a rock wall. While some areas had multiple line options through rocky areas, the trail was naturally confined to the wash bottom and I did not observe any kind of trail braiding or resource damage. I ultimately turned around at a rocky area where you could either drive through the rocks or bypass them on a faint, narrow shelf road that I didn’t feel comfortable driving without a spotter.

While I did not complete the entire trail and never actually got to the section proposed for closure in alternative C, I saw enough of the trail to get a feel for it, and I hope I can go back someday with a group and drive all of it. Overall, I would rate the difficulty level for full-size vehicles about a 5, in the moderate to difficult range, with enough rock crawling and technical challenges that it would be best run in a small group for safety. As the video linked above shows, it is easier on an ATV, which can better maneuver through the tight boulders in the wash bottom. The scenery was spectacular, and it also offered a great opportunity for motorized solitude. I spent most of the day on the trail and didn't see a single other vehicle past Mineral Bottom. This trail is truly a hidden gem and offers an exceptional experience to those who venture onto it.

While the trail receives on infrequent use, it is used regularly enough that it has not naturally reclaimed. The low amount of traffic it receives ultimately works in its favor, as it means it has very little impact on either the land or wildlife. It also makes the kind of user conflicts claimed by SUWA and Grand County preposterous, as it would be highly unlikely for different user groups to even encounter each other, let alone come into conflict. The claim that river rafters are constantly having their experience ruined by seeing motor vehicles on this route simply lacks credibility.

Below are a series of photos I took on my drive up Hell Roaring Canyon, showing the trail conditions I encountered.

Rocky section near the beginning of the Hell Roaring Canyon Road along the river at 38.553186, -109.994839

Cattle gate along the river at 38.553254, -109.994658

Typical roadway along the river at 38.556392, -109.990474

The washout at the mouth of Hell Roaring Canyon, at 38.563668, -109.984747

The washout after I spent 2 hours shoveling to level it out. While it was a tight turn, I was able to drive through both ways staying on the official road. This washout has since been repaired by the Grand County Motorized Trails Committee during a work project in May 2022 (pictured below).

Work crew from the Grand County Motorized Trails Committee leveling out the washout and installing a “No Vehicles” sign to prevent vehicles from leaving the authorized route and driving into the wash (May 2022).

The trail past the washout, at 38.563670, -109.984752

Parking area at the Denis Julien Inscription at 38.564260, -109.984106. The road enters the wash past this point.

BLM interpretive sign for the Denis Julien Inscription at 38.564291, -109.984085

The Denis Julien Inscription on the cliff above

Driving up the sandy wash past the Denis Julien Inscription, at 38.565217, -109.982529

Narrower section of wash, at 38.573211, -109.971452

Neat overhang along the trail at 38.58152, -109.96315

The road makes an abrupt turn out of the wash to bypass a boulder blockage at 38.581392, -109.961132

Shelf road around the boulder blockage at 38.581404, -109.961141

Slickrock ledge in the SITLA parcel, at 38.58698, -109.95823

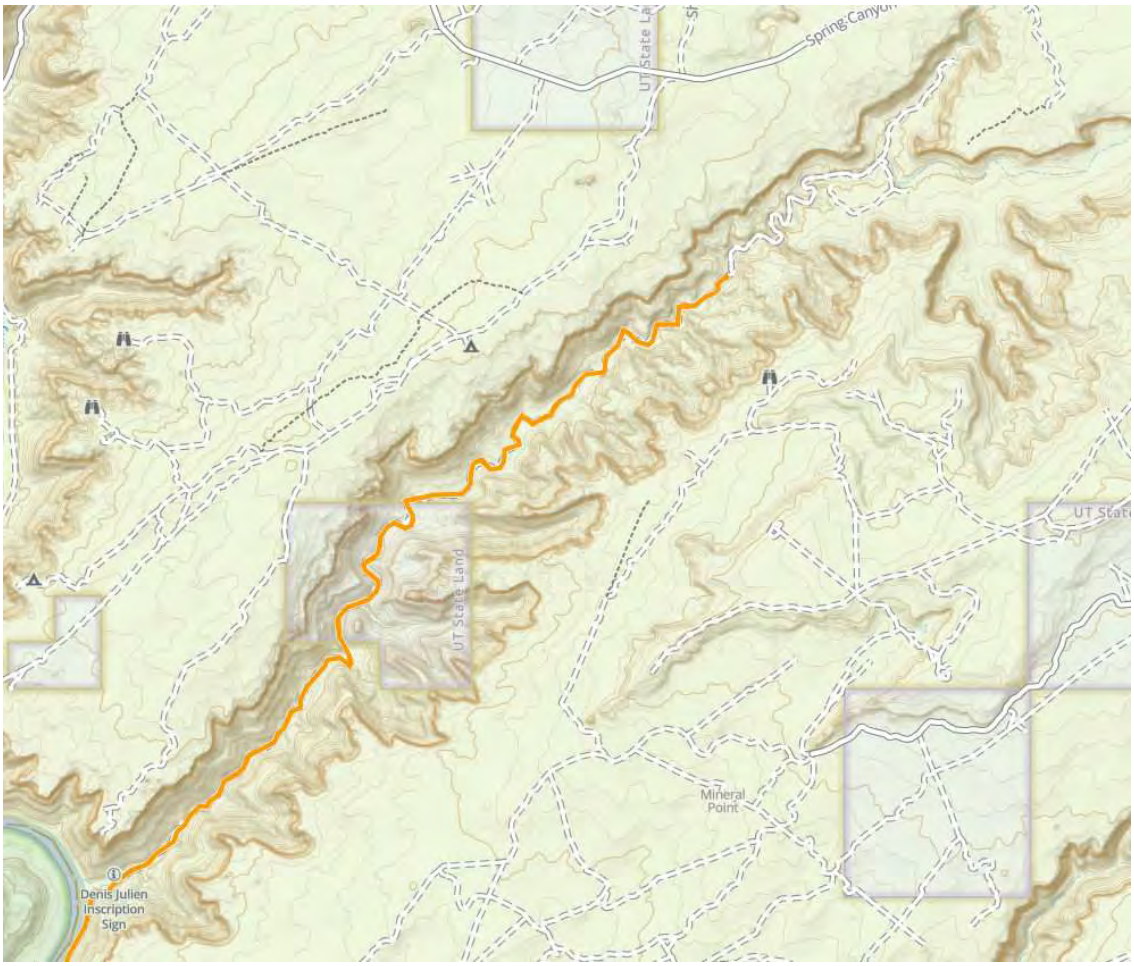
Rocky area where I turned around, at 38.58819, -109.95867

Scenic cliffs towering above the road at 38.588063, -109.958485, driving back down the canyon

Rockier, narrower section at 38.578737, -109.965557, driving back down the canyon

Rocky wash bottom at 38.576536, -109.967293, driving back down the canyon

While I was not able to make it past the SITLA parcel, a Jeep group who ran the trail in May 2022 was able to make it most of the way to the end of trail. They turned around at a large rock pile which they said they could have gone over but decided to call it a day. Their GPS track is pictured in the map below (orange line).



Jeeps in the canyon during May 2022 trail run

Where the Jeep group turned around in May 2022

D. Regulatory History

The Hell Roaring Canyon Road was one of the most heavily analyzed routes in the 2008 travel plan, and was specifically mentioned in the Record of Decision for the 2008 RMP as one of the more controversial designated motorized routes:

> Other controversial routes that are designated in the Approved RMP include the Hey Joe route along the Green River and a route within Hellroaring Canyon. These two routes pose potential resource conflicts with non-motorized recreationists and riparian areas. However, the routes were determined to have an overriding purpose and need in that they are identified in guidebooks or are part of the Moab Jeep Safari route system.[56]

While the BLM acknowledged minor potential resource conflicts, it determined that the Hell Roaring Canyon trail had an overriding purpose and need for motorized recreation that outweighed its potential impacts. One important factor in this decision was the fact that, as described in our comments above, this route is identified in at least one published guidebook. While that guidebook from 1988 may be old and out of print, it is still used as a reference today by both locals and visitors to the Moab area.

The Hell Roaring Canyon route was also discussed extensively in the BLM's responses to public comments on the 2008 RMP. In the 2008 planning process, SUWA was particularly vocal in demanding the closure of this route, just as it has been in the current travel planning process. Indeed, one likely motivating factor in the lawsuit and Settlement Agreement which forced this travel planning process to occur was to give SUWA another chance to win the closure of this route after failing to do so in 2008. Yet nothing has changed regarding this route in the intervening years, and SUWA has no new arguments it did not already make in 2008. For example, in 2008 SUWA commented:

> The BLM should close the road along the Green River which accesses Hell Roaring Canyon (north of the airstrip) for the following reasons: 1) the route is seldom used, 2) the route in Hell Roaring Canyon is located in the floodplain and causes damage to riparian and water quality, 3) the route conflicts with non-motorized users in Labyrinth Canyon, and 4) designation of this route is inconsistent with management of the wilderness characteristics (WC) resource.[57]

In response to SUWA's comment, the BLM wrote:

> The commentor provides no evidence to support their assertions of resource damage and/or user conflicts. As described in Appendix G, the BLM used a interdisciplinary team to identify resource conflicts weighed against the purpose and need. The BLM stands by its route designation. The route the commentor proposes closing lies almost entirely within their wilderness proposal. As described in Chapter 2 of the DRMP/EIS on pgs. 108-109, the BLM is not obligated to create roadless areas in response to wilderness proposals.[58]

In 2008, SUWA made the exact same claims it is making now about user conflicts, damage to riparian areas, wildlife impacts, and wilderness characteristics; yet the BLM found these arguments unpersuasive. As the BLM stated in response to another of SUWA's comments demanding closure

---

[56] 2008 RMP ROD, p. 19.
[57] 2008 RMP, "Comments of the Draft EIS by Resource Type", at comment 124-63.
[58] Id. at response to comment 124-63.

of this route, “The resource conflicts in Hell Roaring Canyon were not sufficient enough to close this route in the preferred alternative.”[59] 14 years later, there has been no substantial change in either usage levels or resource conflicts regarding this route. Therefore the BLM should continue to stand by its decision and keep this route open.

The BLM also addressed other arguments in favor of closing the Hell Roaring Canyon Road in response to other comments. In response to one comment stating that a user-created spur route was being used to drive to the Comet Thrower Pictograph in upper Hell Roaring Canyon causing a risk of vandalism to the rock art site, the BLM wrote:

> The vehicle route in the main part of Hell Roaring Canyon was bladed during the uranium mining era of the 1950’s. This constructed route has been designated in the preferred alternative. The user-made spur route from that route to the actual rock art site is not designated.[60]

From this comment it is clear that the BLM fully considered and took action to mitigate impacts to cultural resources in Hell Roaring Canyon by not designating a motorized route to the rock art site. Today, someone would still have to hike approximately 2.4 miles from the end of the motorized route to reach the rock art site. Motorized use off the designated route is already illegal, and further curtailing the route would do nothing to prevent illegal off-route travel.

The BLM also addressed multiple comments regarding allegations of user conflict. In response to one of SUWA’s comments claiming there was a “large conflict with non-motorized use in this canyon,” the BLM stated:

> The commentor provides no evidence to support its assertion of the "large conflict". The route above the State section in Hell Roaring Canyon is closed to motorized use in one or more action alternatives.[61]

In response to a comment by the Red River Canoe Company claiming that motorized dispersed camping along the river portion of the Hell Roaring Canyon road conflicted with existing river use, the BLM replied:

> Should vehicle camping along the Green River be deemed a resource conflict, this type of camping can be curtailed without a plan amendment being required. The instances of camping use from the Mineral Bottom boat ramp upstream to Hell Roaring Canyon are not common, nor has a conflict been reported to the BLM from this type of activity.[62]

These responses are only a few of many responses the BLM made to comments by SUWA and other anti-motorized groups demanding the closure of this route for a wide variety of reasons. In every case, the BLM pointed out that the commenters offered no actual evidence supporting allegations of user conflicts or resource damage, noting that the Hell Roaring Canyon road was a constructed route bladed in the 1950s and has been in use for decades

---

[59] Id. at response to comment 124-189.
[60] Id. at response to comment 283-5.
[61] Id. at response to comment 124-173.
[62] Id. at response to comment 283-5.

with no significant issues. Regarding riparian impacts, the BLM pointed out that Hell Roaring Canyon contains only 5 acres of riparian area.[63] It is mostly a dry wash that only rarely has water flowing through it and there is no riparian ecosystem present.

Finally, as the BLM noted in multiple comment responses, in 2008 it fully evaluated and rejected an alternative (alternative B) which considered closing the Hell Roaring Canyon route past the state land parcel, just as the BLM is now proposing to do in alternative C. There is no legitimate reason why the BLM should now adopt as its preferred alternative an action which it specifically considered and rejected in 2008.

As discussed above, in order to comply with the APA, when an agency makes a decision that contradicts a past decision, it must display an "awareness that it is changing position," and articulate "good reasons for the new policy," including a "*reasoned explanation for disregarding facts and circumstances that underlay or were engendered by the prior policy*." *Kake,* 795 F.3d at 966. In order to justify a decision to close a route that was designated open in 2008, the BLM must explain how the underlying facts have changed in order to justify a different decision, or provide reasons why the facts and circumstances underlying the previous decision must be disregarded.

In the case of Hell Roaring Canyon, nothing has changed in either use levels or resource impacts that merit closing this route. In 2008 the BLM fully considered every potential rationale for closing this route that is being argued today and found none of them compelling. Unless some new argument or changed condition can be found which justifies closure, the BLM is legally obligated to stand by its prior decision and keep this route open in its entirety.

E. Impacts Analysis

The BLM's route report for D1223C lists the following rationale for closing this route segment in alternative C:

> Closing this route, along with natural reclamation, would reduce visual contrast created by the route. Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would reduce overall impact of vehicle use and route footprint in the area. Closing this route would enhance wildlife habitat by eliminating motorized use and removing the route footprint. Closing this route would minimize potential impacts to wildlife habitats by eliminating motorized use and removing the route footprint. By closing the route, the potential for future impacts to documented wilderness character and impairment of wilderness suitability would be minimized while wilderness characteristics of naturalness and opportunities for solitude would be enhanced. Closing this route minimizes the potential for route proliferation on public land.[64]

The primary designation criteria listed supporting this action are the ones regarding soil and vegetation impacts and wildlife impacts. Though it has been claimed by SUWA and Grand County as a major impact, the route report makes no mention of user conflict, which it states there are no known conflicts to minimize for. We strongly disagree with the route designation statement above and believe none of the impacts mentioned justify closing this route. Moreover, we believe the

[63] Id. at response to comment 9-4.
[64] Route Report for D1223C, p. 5.

emphasis on enhancing wilderness characteristics is inappropriate, as the Moab Field Office RMP determined not to manage this area for wilderness characteristics. Each of the major types of alleged impacts regarding this route are analyzed below.

(1) User Conflict

User conflict is both the most widely asserted negative impact of this trail and the least credible. There is an ongoing campaign among certain interest groups that dates back to at least the 2008 planning process to eliminate motorized use from all routes adjacent to the Green River and dedicate the river corridor exclusively to non-motorized recreation, primarily boating. As discussed in detail in our general comments, this campaign relies primarily on the claim that noise from motorized users along these routes is somehow ruining the peaceful “wilderness experience” of river-rafters and canoers on the river.

As stated previously, this claim ignores the fact that boaters on the Green River have never had a “wilderness experience”, because the bottom of Labyrinth Canyon is not in a wilderness area and has always allowed multiple kinds of motorized activities, ranging from motor boats on the river itself to Jeeps and ATVs on roads adjacent to the river, to aircraft flying in and out of the Mineral Bottom Airstrip. Boaters on the river have never been entitled to never see or hear motorized vehicles in Labyrinth Canyon, and it is plainly unreasonable for them to expect or demand this.

Nowhere in the BLM’s management plan is there stated any kind of goal to eliminate motorized use from Labyrinth Canyon, nor is there any kind of law or policy dedicating the Green River corridor exclusively to non-motorized recreation. While the BLM’s Resource Management Plan does establish the Green River corridor as a canoe focus area, it expressly allows for the presence of motorized routes, including the Hell Roaring Canyon and Hey Joe Canyon routes. The Green River is a shared-use corridor and non-motorized users have no right to demand exclusive access to it.

Even assuming motorized use on these roads does annoy non-motorized boaters on the river and somewhat diminish the quality of their experience, there is no legal basis for valuing the quality of their experience over that of motorized users. If motorized users are excluded from the area, the quality of their recreational experience will be diminished much more, as they will not be allowed to have any recreational experience there at all.

Even though certain interest groups may view motorized users as a nuisance to be eliminated everywhere possible, as a multiple use agency, the BLM has a responsibility to provide recreational opportunities for all user groups, including motorized users, and may not favor certain types of recreationists over others. Of course not every area needs to be open to motorized use; but areas that have a long history of providing valuable opportunities for motorized recreation should remain open to that use as long as it is not causing unacceptable impacts.

While “user conflict” is an impact that the BLM is legally required to consider, true user conflict requires something more than non-motorized users resenting motorized users and wanting an area exclusively for themselves. That is not a user conflict, but simple selfishness. Such selfishness should be discouraged, not be rewarded by giving exclusive access to whatever user group complains about others the loudest. No user group is necessarily happy about sharing areas

with others, but shared use is nevertheless the norm. If one user group is allowed to exclude others simply because they find them annoying, that is a bad precedent to set.

Annoyance to non-motorized users on the Green River therefore is not a valid basis for an assertion of user conflict. This same argument was made by multiple commenters on the 2008 RMP, and the BLM rejected it. As the BLM stated in response to similar claims of user conflict regarding the Hey Joe Canyon road just upstream, "The 'long tradition of non-motorized use of the river' to which the commentor refers is irrelevant to the existence of a route which has been in use for nearly 50 years."[65] The Hell Roaring Canyon road was constructed during the same time period as the Hey Joe Canyon road and has been in use just as long. It should therefore be evaluated based solely on its actual impacts, not the preferences of self-centered river rafters.

Even if annoyance to rafters was a valid basis to claim user conflict, that claim simply cannot be credibly applied to the Hell Roaring Canyon road. While the section along the Green River is the most regularly used, it still receives only light and irregular use by motorized users. The claim that river rafters are regularly having their peaceful experience ruined by motorized users on this route is simply not credible, because there aren't enough motorized users using the route for that to happen in the first place. The chances of a group of boats on the river being there at the same time as a group of noisy UTVs are remote. 90% of the time, boaters will not encounter any motorized users on this route, because 90% of the time there are no motorized users on this route. For most of the year, it likely goes days or even weeks without anyone driving it at all. If the BLM was to accept this claim of user conflict as a reason to close this route, actual evidence of traffic counts and the number of encounters between rafters and vehicles would be required. Absent that, there is no evidence that conflicts of this nature pose any significant problem.

Finally we must consider the possibility of user conflicts between hikers and motorized users in Hell Roaring Canyon itself. This is even more unlikely than conflicts between vehicles and rafters. As best I can tell from Internet searches, virtually no one hikes up Hell Roaring Canyon from the bottom, where most vehicles would be. I have found a few blog posts and YouTube videos describing hiking down into the upper canyon from the rim in order to see the Comet Thrower Pictograph, but no accounts of hikes starting from the Green River. While it is possible some people may either drive or boat to the mouth of the canyon and then hike a ways up it, that is exceedingly rare.

Meanwhile the most direct hiking route into the upper canyon to the Comet Thrower Pictograph site is several miles up the canyon from the end of the motorized route. Hikers going that way would never come anywhere near the motorized route. Only hikers that take the longer loop route entering the canyon from the Dubinky Wash branch and then exiting via Upper Hell Roaring Canyon would overlap at all with the motorized route, and only then with the very end of it which is seldom visited. It would be highly unlikely for motorized users and hikers to ever encounter each other in the canyon, let alone come into conflict. And now that rock climbing in Hell Roaring Canyon is heavily restricted and limited to a small number of permits a year, encounters between motorized users and rock climbers are even more unlikely. The potential for serious user conflicts between motorized users and hikers or rock climbers is therefore virtually non-existent.

---

[65] Id. at response to comment 124-174.

For these reasons, to the extent they are occuring at all, user conflicts are not a valid basis to close any portion of the Hell Roaring Canyon trail; and we strongly oppose any closures motivated by these spurious claims.

(2) Wildlife Impacts

The primary wildlife concerns in Hell Roaring Canyon are regarding desert bighorn sheep and raptor nests. While Hell Roaring Canyon is a bighorn sheep lambing area and raptors are known to nest in the cliffs lining the canyon, the BLM has already taken multiple steps to mitigate potential impacts to these species. No camping is allowed in Hell Roaring Canyon, and in 2020 the BLM either prohibited or heavily restricted most roped and aerial activities (including rock climbing, slacklining, paragliding, base jumping, and drone flying) in the canyon.

Compared to these activities, infrequent motorized use along the single designated motorized route in the canyon has minimal impact on wildlife. As the BLM stated in response to one comment on the Roped and Aerial Activities Restrictions project, “vehicles currently are restricted to designated routes, and vehicles cannot access the inaccessible cliffs, steep walled canyons, slot canyons, alcoves and talus slopes so important to the species in question.”[66]

As mentioned above, motorized users only rarely make it all the way to the upper canyon which is the most sensitive area for bighorn sheep. The motorized route remains in the very bottom of the canyon and does not interfere with bighorn escape terrain higher up the canyon walls. Both the upper and lower canyons have multiple shelves and talus slopes above the road, and the upper canyon has a broad grassy plateau above the road. There are also several more miles of canyon beyond the end of the motorized route, giving bighorn sheep a year-round refuge away from any motorized traffic.

If that is not enough to protect bighorn sheep from motorized impacts, a seasonal closure during bighorn sheep lambing season, or perhaps even a seasonal permit system like the BLM has already established for rock climbing in Hell Roaring Canyon, should be sufficient. The BLM is currently proposing a spring seasonal closure for two routes (D1480 and D1481) on the rim of upper Hell Roaring Canyon in alternative C. If a seasonal closure is sufficient to mitigate impacts to bighorn sheep for those routes, it should be sufficient for the route at the bottom of the canyon as well. Full closure of the upper 5 miles of the road as proposed in alternative C is simply not warranted.

This route also has minimal impact on raptors nesting in the cliffs above. Again, motorized use in the canyon is infrequent and is simply not occurring at high enough levels to seriously impact raptors. Unlike rock climbers or people engaged in aerial activities, motor vehicles in the canyon bottom are not high up along the cliffs right near raptor nests. This natural separation combined with the infrequent nature of motorized use in the canyon and the restrictions the BLM has already imposed on other recreational activities, should be sufficient to protect the raptors without needing to close any portion of the road. If absolutely necessary, a seasonal closure for raptor nesting season could also be considered. If combined with a seasonal closure for bighorn sheep lambing season, it would only leave the road open for a few months in the fall. While this is by no means a

[66] BLM Moab Field Office, “Limiting Roped and Aerial Activities - Environmental Assessment”, November 2020, p. 84.

desirable outcome for motorized users, it would be preferable to permanent closure of all or even part of the trail.

All in all, however, we simply do not believe further restrictions on motorized use in Hell Roaring Canyon are necessary in order to protect either bighorn sheep or nesting raptors. The BLM fully considered impacts on both these species in the 2008 travel plan and found that there were no significant conflicts which justified closing any portion of this route. Unless the BLM can show that conditions have changed such that impacts on these animals have dramatically worsened, closure is not warranted and the full route should remain open.

(3) Riparian, soil, and vegetation Impacts

As noted above in one of the BLM's comment responses from 2008, Hell Roaring Canyon itself contains only 5 acres of riparian area. This is almost certainly located right at the mouth of the canyon where it intersects Labyrinth Canyon and the Green River, where the ecosystem is dominated by invasive tamarisk. The motorized route through this portion of the canyon stays above the wash bottom and only descends into the wash past the Denis Julien Inscription site. Past that point the canyon bottom is only a dry wash that rarely ever has water, and no riparian ecosystem is present.

The wash bottom is mostly sand and rocks with a few scraggly bushes in places where the trail has gotten a little overgrown. It is also subject to occasional flash flooding which reconfigures the entire wash bottom and erases any trace of vehicle tracks until they are reestablished. Any soil erosion or vegetation damage caused by vehicles is dwarfed by that caused by natural flood events. There is therefore very little potential for any serious impacts to riparian areas or vegetation in Hell Roaring Canyon itself.

The only other potential for riparian impacts is along the section of road following the Green River, which is not currently proposed for closure in any alternative. Here, the road follows a clearly-defined constructed roadbed well above the river. There is little to no impact on the riparian ecosystem along the river, and the road is even beneficial in that it provides a buffer preventing the spread of invasive tamarisk plants. Any runoff from the road causing sedimentation of the river is dwarfed by the amount of natural sediment present in the river. Here again, riparian impacts are minimal and do not justify closure.

Finally we note that while the Green River has been designated as a Wild and Scenic River, the segment of the river between Mineral Bottom and Hell Roaring Canyon is designated as 'scenic', which allows for the presence of motorized routes. Congress specifically chose to use a scenic designation along this portion of the river to allow existing motorized use on adjacent routes to continue. There is therefore no conflict between this route and the Wild and Scenic River status of the Green River corridor, and that designation cannot be used to justify closing this route.

(4) Cultural Resource Impacts

As far as I am aware, there are only two historical/cultural sites in Hell Roaring Canyon: the Denis Julien Inscription and the Comet Thrower Pictograph. There is no evidence the existence of the motorized route in Hell Roaring Canyon is causing any negative impacts to these sites. The Denis Julien Inscription is the most easily accessed and even has a BLM interpretive sign highlighting it.

This sign also informs visitors that it is illegal to damage the historical inscription. During my visit in October 2021, I saw no evidence of vandalism to this site. While there is a small risk motorized access could make it easier for someone to vandalize the site, that has not occurred so far; and this risk is outweighed by the recreational benefits of the route. Those benefits include allowing visitors to respectfully view and appreciate the historical inscription.

Meanwhile the Comet Thrower pictograph panel is nowhere near the designated motorized route and can only be accessed by hiking. A user created route to the pictographs was closed in the 2008 travel plan. If any illegal use of this former route is still occuring, that is an enforcement issue that could be resolved by installing better signage or barricades. It is not a negative impact inherent to the authorized motorized route.

To my knowledge, there is therefore no reason to believe the motorized route in Hell Roaring Canyon is causing any negative impacts to historical or cultural sites, and this is not a reason to consider closing it.

(5) Wilderness Characteristics

While Hell Roaring Canyon is in an area the BLM's wilderness inventory has identified as possessing wilderness characteristics, it is not a WSA or BLM Natural Area and the BLM expressly determined in the 2008 RMP NOT to manage this area for wilderness characteristics. It is therefore inappropriate to give any consideration to "impairment of wilderness suitability" when evaluating this route. As the BLM stated repeatedly in response to SUWA's comments in 2008 demanding the closure of routes in areas with wilderness characteristics, "It is beyond the scope of the plan for BLM to create 'roadless' areas where such areas do not currently exist. Rather, BLM evaluates routes for purpose and need balanced against resource conflict. A preference for a route to not be present is not in itself a resource."[67]

Because Hell Roaring Canyon is not managed for wilderness characteristics, those characteristics are not a valid basis for claiming resource conflicts. The Hell Roaring Canyon road has existed for many decades and is a pre-existing impact on wilderness character that was fully accounted for in all of the BLM's wilderness inventories. Even if closed to motorized travel, it will still exist on the ground for a long time to come and will continue to have an impact on naturalness and solitude. The road's main impact on wilderness characteristics therefore is that because the route exists, certain wilderness characteristics have never been present in the first place. That is not a resource conflict, but a simple fact.

The only "conflict" here is with SUWA's wilderness proposal, which seeks to designate wilderness in areas that do not legally qualify for that status because they are not in fact roadless. As the Moab Field Office acknowledged in 2008, "the BLM is not obligated to create roadless areas in response to wilderness proposals."[68] Neither is the BLM obligated to create new wilderness characteristics that do not currently exist. The BLM should do what it claims it does in travel planning and evaluate the route solely for purpose and need, balanced against actual documented resource conflicts, not the theoretical potential for wilderness designation.

---

[67] 2008 RMP, "Comments of the Draft EIS by Resource Type", at response to comment 124-144.
[68] Id. at response to comment 124-175.

We strongly oppose closing any portion of the Hell Roaring Canyon route in order to "enhance" wilderness characteristics, and believe doing so would violate the RMP. If the BLM wishes to reverse its prior decision and manage the Hell Roaring Canyon area for wilderness characteristics, doing so would require an RMP amendment. We also note the State of Utah has claimed R.S. 2477 rights on this route, and closing it would prejudice future litigation to resolve its status.

F. Conclusion

In conclusion, none of the impacts discussed above justify closing any portion of the Hell Roaring Canyon motorized route. The light use it receives causes it to have minimal impacts on soil and vegetation, wildlife, and riparian areas. There is no evidence of any genuine user conflicts occurring as a result of this route, and any alleged conflicts are simply the result of irrational prejudice and unreasonable demands by non-motorized users for exclusive access to Labyrinth Canyon and its environs. Hell Roaring Canyon is not managed for wilderness characteristics under the Moab FO RMP, and it is inappropriate to consider closing it on that basis.

Every potential resource issue alleged by anti-motorized interest groups was fully evaluated by the BLM in the 2008 travel plan and determined not to merit closing this route. On the contrary, the BLM determined that this route is featured in a published guidebook and has an overriding purpose and need that justifies keeping it open to motorized recreation. In doing so, the BLM considered and rejected an alternative which would have closed the route above the state section, just as currently proposed in alternative C. Nothing has changed in the intervening years to justify reversing that decision and closing any portion of this route. Both its usage levels and overall impacts remain largely the same as in 2008.

Even though this route is lightly used, the Hell Roaring Canyon trail is still used regularly enough that it is not naturally reclaiming and is still present on the ground. I am aware of two different group trail runs on it hosted by local off-road clubs and organizations in just the last six months, including a recent work project by the Grand County Motorized Trails Committee to repair a washout. And as mentioned in our scoping comments, a popular YouTuber drove much of the route in 2020, which can be seen in this video: https://youtu.be/1Gy_giFg7yA?t=503.

Even SUWA's own photographs in its scoping comments regarding this route show a clearly defined route with recent tire tracks most of the way up the canyon. Contrary to SUWA's assertion that it "has no real destination and just dead ends at the end of the canyon", the Hell Roaring Canyon trail is highly valuable for motorized recreation. In this case, the journey is the destination, and the spectacular scenery and technical challenges driving up the canyon are well worth it for those motorized users who venture into the canyon.

We concur with the BLM's designation rationale statement for alternative D that this route "provides access to unique and/or exceptional recreational opportunities without causing greater than minimal adverse effects on documented resources."[69] This trail is a true hidden gem, and the high quality opportunities it offers for motorized recreation must be preserved. We therefore urge the adoption of alternative D with respect to this route.

[69] Route report for D1223C, p 6.

- ***Mineral Canyon (D1217)***

A. Introduction

We object to the closure of the D-road portion of the Mineral Canyon road (D1217) as proposed in alternatives B and C. This extremely scenic route is featured in both a published guidebook and online trail guide and provides crucial access not only for motorized recreationists, but also for hikers and BASE jumpers. The closure of this road would severely harm multiple recreational user groups and is simply not warranted.

The Mineral Canyon road was already dramatically curtailed by the 2008 travel plan, which closed the road in Upper Mineral Canyon past the state land parcel containing the Fruit Bowl highlining and BASE jumping site. The BLM is now proposing to curtail it further by closing all but the county B-road portion. Alternative C would close this road to the general public by converting it to an admin and special use permit road, with an additional spring seasonal closure even for permitted users. Alternative B would also make it an admin and special use permit road, with no seasonal closure.

While the road currently has a well-defined, signed endpoint that it is impossible to drive past because the road beyond has been obliterated, the new endpoint the BLM is proposing is in the middle of an open field that would be difficult to physically block, encouraging illegal use of the road beyond it. The entire road up to the existing endpoint is regularly used and is in good condition, with most of it being a graded dirt road passable to 2WD vehicles. This road has a strong overriding purpose and need for recreation access that outweighs any minor environmental benefits from closing it. We strongly urge the BLM to reconsider the proposed closure and keep this road open to all users.

B. Trail Description and History

Like the motorized routes in Hell Roaring Canyon and Hey Joe Canyon, the Mineral Canyon road was originally a bladed mining road constructed in the 1950s to provide access to uranium mines in Mineral Canyon. It has been used extensively for motorized recreation in the decades since. It is an easy and extremely scenic drive up the bottom of Mineral Canyon, surrounded by towering red rock cliffs on all sides. Most of the road is a graded dirt road passable to 2WD vehicles, while the remainder is an easy 4WD road drivable in a stock 4x4 SUV.

The current motorized route is 3.76 miles long. The first 1.6 miles are a county B-road, while the remaining 2.1 miles are classified as a BLM D-road. The road used to go about 2.5 miles further up Mineral Canyon, but the BLM closed the road just past the eastern boundary of the SITLA parcel containing the Fruit Bowl highlining area in the 2008 Moab Field Office Resource Management Plan. What remains of the old road past that point is now a hiking trail.

The Mineral Canyon road is a popular route for motorized recreation and is featured in both an older published guidebook and a current online trail guide. It was mentioned in the off-road guidebook, *Canyon Country Off-Road Vehicle Trails - Island Area* by F.A. Barnes, published in 1988, which describes it as a scenic side spur off the Hell Roaring Canyon trail, stating:

> About 1-1/2 miles from the trail junction, a spur trail goes up Mineral Canyon for about 5-1/2 miles to a major canyon fork, then continues up the right fork. Mineral Canyon is deep and narrow, with active and inactive uranium mines at intervals. This spur may be impassable due to erosion and lack of maintenance.[70]

The Mineral Canyon trail has also been featured on the popular online off-road trail guide website TrailsOffroad.com since 2019. TrailsOffroad is one of the most widely used online resources by 4x4 enthusiasts when researching off-road trails. It gives this description of the Mineral Canyon road (the full trail guide is attached):

> The steep rock canyon walls and surrounding desert landscapes that line Mineral Canyon Road are reminiscent of panoramic images from the old, wild west. This is the natural elegance of Utah at its best. Starting near the end on Mineral Bottom Road, Mineral Canyon Road follows this gorgeous canyon for several miles. Although evidence of mining activity is sparse, Mineral Canyon was once the site of uranium mines in the 1950s. Along the Green River near the trailhead of Mineral Canyon Road is a small sandy airstrip that is occasionally used by backcountry pilots seeking adventure.[71]

The Mineral Canyon road is valuable not only to motorized recreationists, but other recreational user groups as well. It is regularly used by hikers, who can drive to the end of the road and then hike further up Mineral Canyon on the old roadbed. The road is also of critical importance to BASE jumpers, as it lies directly below the Fruit Bowl highlining and BASE jumping area. BASE jumpers who parachute into Mineral Canyon from the Fruit Bowl area land on or near the D-road portion of the Mineral Canyon road, where they will typically have a vehicle waiting to shuttle them back up to the canyon rim.

If the D-road portion were closed, access for these other user groups would be severely impacted. BASE jumpers who lacked a special use permit for their retrieval vehicles would have to hike out nearly a mile from their landing zone to reach the part of the road still open to vehicles, while hikers would have to walk an additional 2 miles each way to reach Upper Mineral Canyon. The Mineral Canyon road therefore provides critical access for three different user groups which would be negatively impacted by the closure of the D-road portion. That important access is a clear overriding purpose and need which justifies keeping the road open to public motorized use.

C. Current Condition

I drove the entire Mineral Canyon road in October 2021 and found it to be in overall excellent condition. Use levels were generally light, and I only encountered one other vehicle on the road. However the road was clearly regularly used with a well-defined dirt roadbed with no vegetation growing on it. Most of the road up to approximately the beginning of the state section was a smooth, wide, graded dirt road easily drivable by 2WD vehicles. The remainder was an easy 4WD road passable in a stock SUV. I saw no sign of trail braiding or off-trail resource damage, except for a short user-created bypass around a ~50 foot section of road that had washed out and was no longer drivable. Even there, vehicles had kept to one path and there were no resource concerns.

Below are a series of photos I took while driving up this route.

---

[70] F.A. Barnes, *Canyon Country Off-Road Vehicle Trails - Island Area* (1988), p. 31.
[71] https://www.trailsoffroad.com/trails/3057-mineral-canyon-road.

Beginning of Mineral Canyon Road at the junction with the Mineral Bottom Road (38.529594, -109.990966).

B-road section at 38.530530, -109.980420.

Washed out section with user-created bypass, still on the B-road segment at 38.530940, -109.970437.

Beginning of D-road segment (proposed new closure point) at 38.532402, -109.962887.

D-road segment crossing a wash, still a graded dirt road, at 38.535373, -109.955430.

D-road segment below the Fruit Bowl (visible upper right). Likely landing area for BASE jumpers. Still a smooth dirt road. At approximately 38.536336, -109.952980.

The D-road segment gets rougher and turns into a 4WD road (38.537406, -109.949660).

Scenic views along the D-road segment, at 38.540238, -109.945532.

Final stretch of D-road segment at 38.543779, -109.931499.

Signed endpoint and obliterated road beyond at 38.543911, -109.929214.

Looking up the canyon from the existing closure point.

Small parking/turnaround area at the current endpoint.

As can be seen from the photos above, the road is in overall good condition and is regularly used its entire length. Even the D-road portion is a smooth graded dirt road until it gets rougher and turns into a mild 4WD road at 38.537406, -109.949660. There is clearly a strong demand to drive all the way to the existing endpoint, so closing the last 2 miles of this road makes little sense.

We also wish to highlight the clear differences in suitability and defensibility between the existing endpoint (left) and the new proposed endpoint (right).

The existing endpoint is on a relatively narrow shelf road with just enough room for a couple vehicles to park or turn around. The end is clearly signed and barricaded with rocks, and the roadway beyond has been completely obliterated either by a natural rockslide or artificial recontouring with a bulldozer. It would be physically impossible for vehicles to proceed any further simply due to the natural terrain. This is a strong defensible endpoint that motorized users will respect.

The proposed endpoint under alternatives B and C, however, occurs where the road is still a wide, smooth, graded dirt road that obviously continues further (and indeed will continue to be open to admin and authorized users). This in itself will cause user frustration and cause users to be motivated to violate the closure. The road through this section is in relatively flat and open terrain, which will make it difficult to physically block. It would require at minimum a sturdy gate with a fence on either side to prevent people from driving around it. This proposed endpoint is therefore much less defensible than the existing endpoint, making the proposed closure difficult for the BLM to enforce.

When possible, it is always best for the endpoints of roads to be located in defensible places where the natural terrain prevents vehicles from driving past the designated closure point. The proposed closure point under alternatives B and C does not meet this criterion, and as such is an inappropriate place to close the road. It would be far better to leave the road open to the existing closure point, which is naturally defensible and will not require additional work and expenditure of resources to block off and harden the closure point.

D. Impacts Analysis

The designation rationale statement in the route report for D1217 gives the following summary of the reasons for closing this route in alternative C:

> By limiting access on this route to only administrative and/or permitted use, the potential for impacts to documented resources would be reduced, due to lower traffic volume, low speeds and no public motorized use. Due to the low traffic volume and speeds expected on this route, allowing its continued use would contribute to minimizing the overall route network's potential for causing undue and unnecessary soil erosion, habitat disruption and/or vegetative damage. Limiting motorized access on this route would minimize potential for impacts to wildlife habitats. By limiting motorized access on this route, traffic volume in the area would be reduced, minimizing the potential for harassment of wildlife. The ROW associated with this route is the determining document with regard to a designation. The Route Evaluation Process carries forward the ROW decision and the data is used for cumulative effects analysis during the NEPA portion of the development of a Travel Management Plan.[72]

Based on this statement and the resource and use issues listed in the route report, it appears that wildlife impacts (specifically on bighorn sheep and raptors) and soil and vegetation impacts are the primary reasons cited for closing this route to the public. This route is also in land with wilderness characteristics, so we will address that as well.

(1) Wildlife Impacts

The primary wildlife concerns in Mineral Canyon are regarding desert bighorn sheep and raptor nests. While Mineral Canyon is a bighorn sheep lambing area and raptors are known to nest in the cliffs lining the canyon, the BLM has already taken multiple steps to mitigate potential impacts to these species. No camping is allowed in Mineral Canyon, and in 2020 the BLM either prohibited or heavily restricted most roped and aerial activities (including rock climbing, slacklining, paragliding, base jumping, and drone flying) in the canyon.

Compared to these activities, infrequent motorized use along the single designated motorized route in the canyon has minimal impact on wildlife. As the BLM stated in response to one comment on the Roped and Aerial Activities restrictions project, "vehicles currently are restricted to designated routes, and vehicles cannot access the inaccessible cliffs, steep walled canyons, slot canyons, alcoves and talus slopes so important to the species in question."[73]

The motorized route remains in the very bottom of the canyon and does not interfere with bighorn escape terrain higher up the canyon walls. The canyon around the road is relatively wide with multiple shelves and talus slopes above the road. There are also several more miles of canyon beyond the end of the motorized route, giving bighorn sheep a year-round refuge away from any motorized traffic.

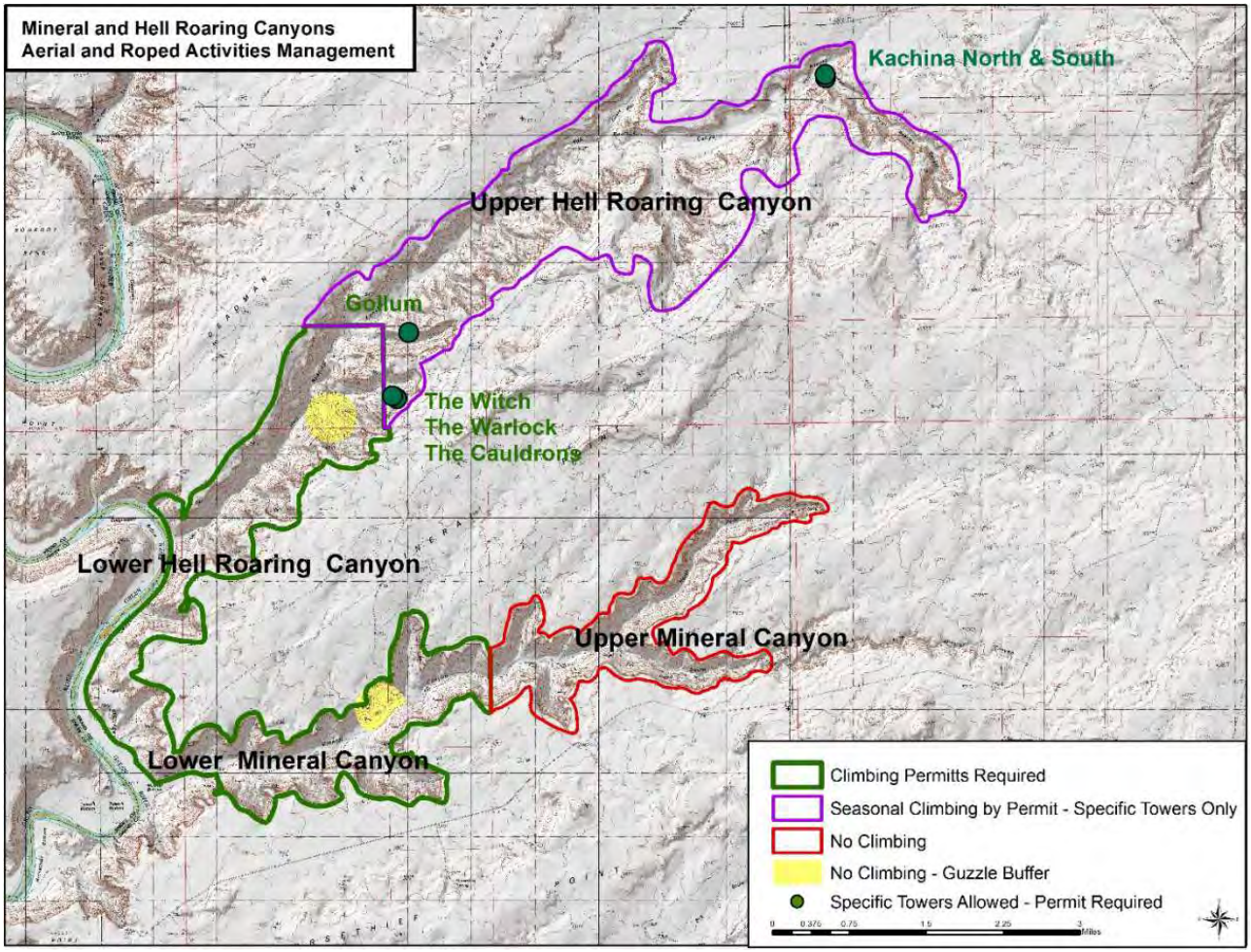
If that is not enough to protect bighorn sheep from motorized impacts, a seasonal closure during bighorn sheep lambing season should be sufficient. Alternative C already includes a spring seasonal closure for permitted and admin users on this route. If a seasonal closure is sufficient to mitigate impacts to bighorn sheep for those users, it should be sufficient for the general public. Full closure of the upper 2 miles of the road as proposed in alternative C is simply not warranted.

---

[72] Route Report for D1217, p. 5.
[73] BLM Moab Field Office, "Limiting Roped and Aerial Activities - Environmental Assessment", November 2020, p. 84.

This route also has minimal impact on raptors nesting in the cliffs above. Motorized use is simply not occurring at high enough levels to seriously impact raptors. Unlike rock climbers or people engaged in aerial activities, motor vehicles in the canyon bottom are not high up along the cliffs right near raptor nests. This natural separation combined with the infrequent nature of motorized use in the canyon and the restrictions the BLM has already imposed on other recreational activities, should be sufficient to protect the raptors without needing to close any portion of the road. If absolutely necessary, a seasonal closure for raptor nesting season could also be considered. If combined with a seasonal closure for bighorn sheep lambing season, it would only leave the road open for a few months in the fall. While this is by no means a desirable outcome for motorized users, it would be preferable to permanent closure of all or even part of the trail.

Closing the D-road segment of the Mineral Canyon road is also inconsistent with the BLM's other recent management actions to protect bighorn sheep and raptors in the canyon. In the recent Roped and Aerial Activities restrictions project, the BLM divided Mineral Canyon into two different zones based on the relative sensitivity of wildlife in each zone to human impacts: a Green Zone where risk to wildlife is lower, and a Red Zone where wildlife risk is greater. These two zones are shown in the map below.[74]



[74] BLM Moab Field Office, "Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons - Finding of No Significant Impact/Decision Record (Revised)", June 2021, p. 10.

As the map above shows, climbing is allowed anywhere in the green zone subject to a permit requirement, while climbing is prohibited completely in the red zone due to the greater risk to wildlife -- primarily bighorn sheep. The BLM's rationale for this decision explained that, "Although the amended decision seasonally allows climbing along the Green River (the 'Green Zone'), human activity is not unexpected in this area. Under this amended decision, the more important wildlife habitats remain heavily protected from the impacts of roped activities."[75] The Green Zone / Red Zone division therefore allowed a compromise whereby the more important parts of Mineral Canyon for wildlife were protected, while greater freedom for human activities was allowed in less sensitive parts of the canyon.

The motorized route in Mineral Canyon is entirely within the Green Zone where the BLM has already determined that risk to wildlife is lower because animals are already accustomed to human activity there. It also is directly below the Fruit Bowl highlining area and the Mineral Bottom Base Jumping Focus Area established in the 2008 RMP -- both of which were excluded from the restrictions created in the Roped and Aerial Activities restrictions project. Based on the BLM's own findings in other management projects, the motorized route should therefore also have minimal risk of wildlife impacts, and closure is not warranted. At most, as seasonal closure should be sufficient.

All in all, however, we simply do not believe further restrictions on motorized use in Mineral Canyon are necessary in order to protect either bighorn sheep or nesting raptors. The BLM fully considered impacts on both these species in the 2008 travel plan and found that there were no significant conflicts which justified closing this portion of the route. It already closed the portion of the road in Upper Mineral Canyon corresponding with the Red Zone in the climbing management plan. The remainder of the road was kept open because it had minimal impacts on wildlife. Unless the BLM can show that conditions have changed such that impacts on these animals have dramatically worsened, closure is not warranted and the full route should remain open.

(2) Soil and Vegetation Impacts

The BLM's route report does not include any specific evidence of unacceptable soil and vegetation impacts. It only indicates that the route crosses areas with moderate potential for erosive soil. We believe that the risk of significant impacts on soil and vegetation along this route are minimal. While SUWA's scoping comments regarding this route claimed that there is widespread illegal motorized use occurring off this route and claimed that signs prohibiting vehicles have been "mowed down" by vehicles, I saw no evidence of this during my visit last October.

In my observation, the road is well-maintained with a single defined roadbed that vehicles have stayed on quite well. The one exception is shown in one of my pictures above where there is a short user-created bypass around a washout, but that was on the county B-road segment not the D-road segment being considered for closure. SUWA's photos showed one knocked over sign at the entrance of an old mine access spur at 38.536587, -109.950818. Looking at my video recordings from my visit, I observed this as well. However any unauthorized use of that old mining spur could be easily addressed by replacing the sign and building a rock barricade to better block it off. SUWA's claims of widespread off-trail use are grossly exaggerated, and it is not a legitimate reason to close this route.

---

[75] Id. at p. 8.

The motorized route is mostly on a shelf above a dry wash, and while the area is subject to some natural erosion from flash flooding and wind, that is not a serious resource issue. Nor is it one that will actually be reduced by making this route an admin road, as the road will still be present on the ground and open to limited motorized uses. As long as the roadbed is present on the ground and not revegetated, the risk of erosion from both flooding and wind will remain the same.

To conclude, there simply is no evidence of any significant impacts to soil and vegetation from this route, either on the route itself or around it. The environmental benefits from closing it to the public would therefore be minimal, and are outweighed by the important purpose and need the road serves for recreation access.

(3) Wilderness Characteristics

While Mineral Canyon is in an area the BLM's wilderness inventory has identified as possessing wilderness characteristics, it is not a WSA and the BLM expressly determined in the 2008 RMP NOT to manage this area for wilderness characteristics. It is therefore inappropriate to give any consideration to "impairment of wilderness suitability" when evaluating this route. As the BLM stated repeatedly in response to SUWA's comments in 2008 demanding the closure of routes in areas with wilderness characteristics, "It is beyond the scope of the plan for BLM to create 'roadless' areas where such areas do not currently exist. Rather, BLM evaluates routes for purpose and need balanced against resource conflict. A preference for a route to not be present is not in itself a resource."[76]

Because Mineral Canyon is not managed for wilderness characteristics, those characteristics are not a valid basis for claiming resource conflicts. The Mineral Canyon road has existed for many decades and is a pre-existing impact on wilderness character that was fully accounted for in all of the BLM's wilderness inventories. Even if closed to motorized travel, it will still exist on the ground for a long time to come and will continue to have an impact on naturalness and solitude. The road's main impact on wilderness characteristics therefore is that because the route exists, certain wilderness characteristics have never been present in the first place. That is not a resource conflict, but a simple fact.

The only "conflict" here is with SUWA's wilderness proposal, which seeks to designate wilderness in areas that do not legally qualify for that status because they are not in fact roadless. As the Moab Field Office acknowledged in 2008, "the BLM is not obligated to create roadless areas in response to wilderness proposals."[77] Neither is the BLM obligated to create new wilderness characteristics that do not currently exist. The BLM should do what it claims it does in travel planning and evaluate the route solely for purpose and need, balanced against actual documented resource conflicts, not the theoretical potential for wilderness designation.

We strongly oppose closing any portion of the Mineral Canyon route in order to "enhance" wilderness characteristics, and believe doing so would violate the RMP. If the BLM wishes to reverse its prior decision and manage the Mineral Canyon area for wilderness characteristics, doing so would require an RMP amendment. We also note the State of Utah has claimed R.S. 2477 rights on this route, and closing it would prejudice future litigation to resolve its status.

---

[76] 2008 RMP, "Comments of the Draft EIS by Resource Type", at response to comment 124-144.
[77] Id. at response to comment 124-175.

E. Conclusion

In conclusion, the entire Mineral Canyon road, including the D1217 segment, serves an important purpose and need in providing recreational access for three distinct user groups: (1) motorized users, (2) hikers, and (3) BASE jumper vehicular retrieval. Based on the BLM's findings in the Roped and Aerial Activities project, it is solely in the part of Mineral Canyon with the least risk of impacts to wildlife, and impacts on soil and vegetation are also minimal. Most of the route is a graded dirt road that has been well-maintained and has no significant issues with off-route travel. The existing endpoint is in a logical and naturally defensible location that is far superior to the proposed endpoint in alternatives B and C. This is a high value road and there is no legitimate reason to consider closing it.

We therefore urge the BLM to adopt the action from alternative D with respect to this route and keep it open to public motorized use. As mentioned above, a modified version of alternative C which keeps the route open to motorized users with a spring seasonal closure could also be acceptable, though we do not believe that is truly necessary.

- ***Hey Joe Canyon (D1527) and Spring Canyon Bottom (D1526)***

A. Introduction

Hey Joe Canyon is an extremely scenic trail along the Green River through Labyrinth Canyon that has long been a staple of the Easter Jeep Safari trail system. Though it is more remote and less popular than most of the other Jeep Safari trails (run only once during the 2022 EJS), it is a classic hidden gem that is highly valued by all who explore it.

While this trail was originally kept open under all of the preliminary alternatives released in 2021, at the request of the Grand County Commission alternative B was modified to close both it and the neighboring route downstream along the Green River from Spring Canyon Bottom (D1526). While we are glad to see that neither of these closures has been incorporated into the BLM's likely preferred alternative C, we are concerned by the fact that the BLM would consider closing Hey Joe Canyon in any alternative.

We strongly oppose closing either of these routes, which would severely harm the motorized recreational experience in the Labyrinth Canyon area by eliminating the only other trails besides Hell Roaring Canyon which travel along the banks of the Green River. Access to the Green River is highly prized by motorized users and we oppose any effort to turn the Green River into an exclusively non-motorized corridor.

B. Trail Description

The Hey Joe Canyon Jeep Safari route begins at the epic switchbacks of the Spring Canyon Dugway on Spring Canyon Road (B140). While technically a county B road, the descent into Spring Canyon is steep and rough enough that it is best done with a high clearance low range 4WD vehicle. Jeepers enjoy spectacular views during the descent and challenge their nerves on the narrow shelf road with steep drop-offs below. At the bottom of Spring Canyon just before reaching the east bank of the Green River, the county B road ends and the route splits into two different D roads - the Hey Joe Canyon trail (D1527) and the Spring Canyon Bottom trail (D1526).

The Hey Joe Canyon trail follows the bank of the Green River north around Spring Canyon Point to the site of an old uranium mine at the mouth of Hey Joe Canyon. The Spring Canyon Bottom trail follows the Green River south for a shorter distance around Bowknot Bend, ultimately dead-ending and turning into a hiking trail.

The beginning of D1527 marks the start of the main Hey Joe Canyon Jeep trail. Originally a mechanically constructed mine-access road built in the 1950s, the route has degraded to a rough and rocky difficult-rated four-wheel-drive trail. It provides both excellent scenery and technical challenges. Most of the route is a narrow shelf-road immediately adjacent to the Green River, interspersed with rock obstacles and tight sections through thick tamarisk bushes. It ultimately ends at a large flat parking area at the former site of the Hey Joe Mine, just a little ways up the mouth of Hey Joe Canyon. The mine site is often used as a lunch spot before turning around and driving back out of the canyon.

The Hey Joe Canyon trail has long been a staple of Easter Jeep Safari, and has been featured in a variety of printed guidebooks and online trail guide sites. It is featured on both TrailsOffroad.com

and OnXOffroad.com. Scans of the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells, 3rd Edition (2016) are shown below:

20 Hey Joe Canyon

AREA 1 map on page 26

The trip is scenic much of the way, but you may be too busy dodging obstacles to notice.

Washed out, rutted and tight for Jeeps.

The tamarisk is extremely tight in places.

Historical Highlight: *Hey Joe Mine was primarily a uranium and vanadium mine and was active in the early 1960s. The mine adits were blasted closed sometime after 2009.* Source: Various online mine reports.

Overview: The attraction here is a collection of old mining artifacts scattered around the Hey Joe Mine site. The river scenery is great, too, but you may be too busy fighting the elements to notice. A great trail for ATVs and UTVs. Shaded dry camping at the bottom.

Rating: Difficult. In several places, this trail is literally falling into the Green River, while aggressive, scratchy tamarisk threatens to choke off access completely. Washes have gotten deeper and rocks continue to fall across the trail. Fortunately, locals work hard to make repairs and burn back the tamarisk. At this writing, the route is still part of the Easter Jeep Safari. We took our RZR on this trail rather than risk scratching our newer Rubicons.

Stats: Length: 8.6 miles one way, but add 12 miles for Spring Canyon Bottom, Trail #19. Time: It will take you 1 to 2 hours to reach the mine from the start. High point: 4,108 ft. Best time: March through November. Hot and buggy during the summer.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: Follow directions for Spring Canyon Bottom, Trail #19. Keep right as you approach the river until you reach a barbed-wire gate.

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles] Head west through open gate. [8.6]
01 N38 37.298 W110 00.172

0.4 Starts getting a little rocky, more difficult. [8.2]

0.6 Cross steep-sided wash. May be filled with water when river is high. [8.0]

1.0 First look at tight tamarisk, literally a tunnel. Much more tight brush to come. [7.6]

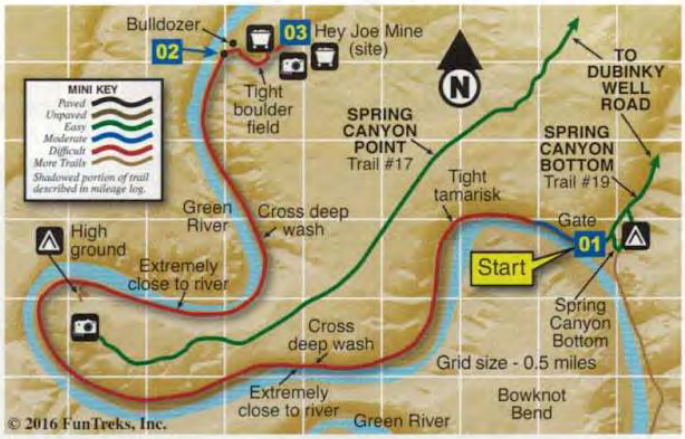
2.1 Mudhole possible. Don't widen it by trying to drive around it. [6.5]

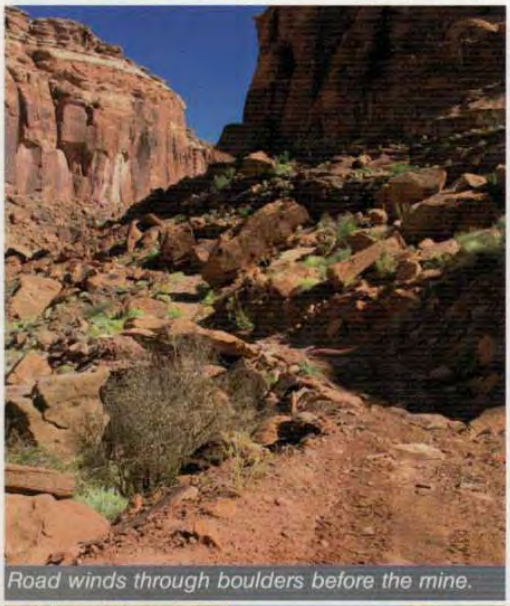
2.4 Another deep wash, harder than the last. [6.2] (Above pattern repeats.)

8.1 Trail turns right uphill into Hey Joe Canyon. Gets rocky as you pass an old bulldozer. [0.5]
02 N38 38.425 W110 02.672

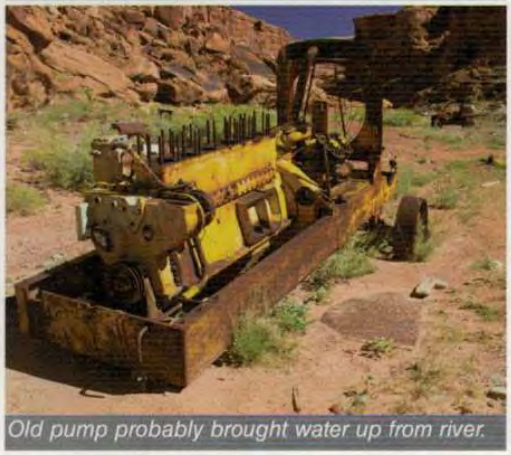
8.2 Follow trail as it turns northeast through tight boulder field. [0.4]

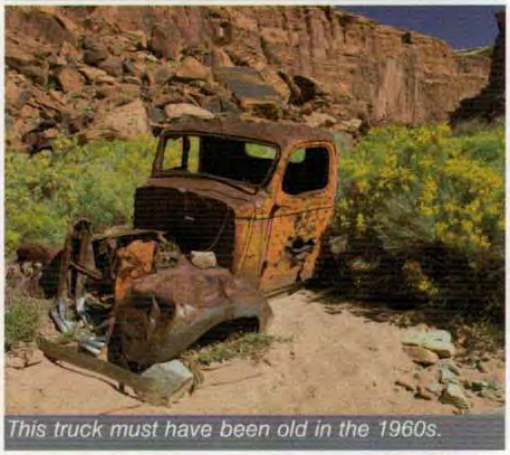
8.6 Wide area. Trail ends. Check out old mining artifacts scattered around. All mine entrances have been blasted closed. [0.0]
03 N38 38.468 W110 02.256
Return way you came.




Road winds through boulders before the mine.

This tight spot was no problem for our RZR.


Old pump probably brought water up from river.

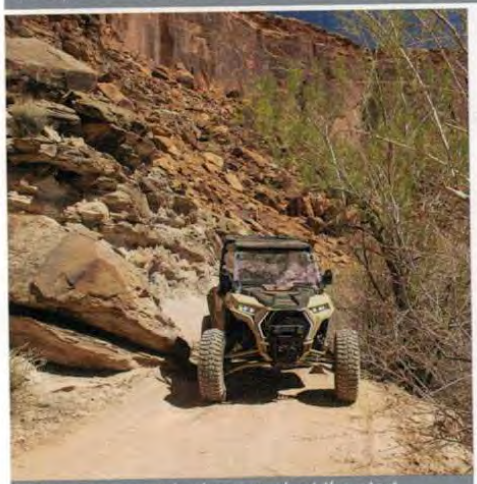

This truck must have been old in the 1960s.

It was also featured in the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells, 4th Edition (2022):

9 Hey Joe Canyon

AREA 1 map on page 24

The trip runs along the river. Minimize vehicle noise for paddlers enjoying the scenic canyon too.



Tight spot around a huge rock at the start.

Plenty of room to park at Hey Joe Mine site.

Historical Highlight: *Hey Joe Mine was primarily a uranium and vanadium mine and was active in the early 1960s. The mine adits were blasted closed sometime after 2009. Source: Various online mine reports.*

Overview: The attraction here is a collection of old mining artifacts scattered around the Hey Joe Mine site. The river scenery is great, too, but you may be too busy fighting the elements to notice. Great for ATVs and SxSs. Help keep this trail open by minimizing noise.

Rating: Difficult. In several places this trail is literally falling into the Green River. Rocks frequently fall across the trail, increasing the difficulty. In addition, aggressive, thick tamarisk will scratch vehicles. Fortunately, locals work hard to make repairs and cut back the tamarisk. We took our RZR on this trail after the Easter Jeep Safari and noted the tamarisk was trimmed back; however, we met some Jeepers who still found the tamarisk intolerable.

Stats: Length: 8.6 miles one way, but add 12 miles for *Spring Canyon Bottom*, trail #8. Time: It will take you 1 to 2 hours to reach the mine from the start. High point: 4,108 ft. Best time: March through November. Hot and buggy during the summer. Take insect repellent.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: Follow directions for *Spring Canyon Bottom*, trail #8. Keep right as you approach the river until you reach a gate.

Exhibit B.2

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles] Head west through open gate. [8.6]
01 N38 37.298 W110 00.172

0.4 Starts getting a little rocky, more difficult. [8.2]

0.6 Short rocky section, followed by a tight squeeze around a rock. [8.0]

1.0 First look at tight tamarisk, literally a tunnel. Much more tight brush to come. [7.6]

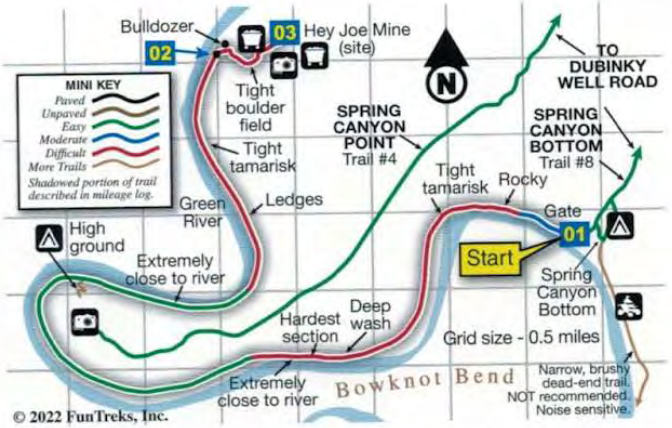
2.1 Mudhole possible. Don't widen it by trying to drive around it. [6.5]

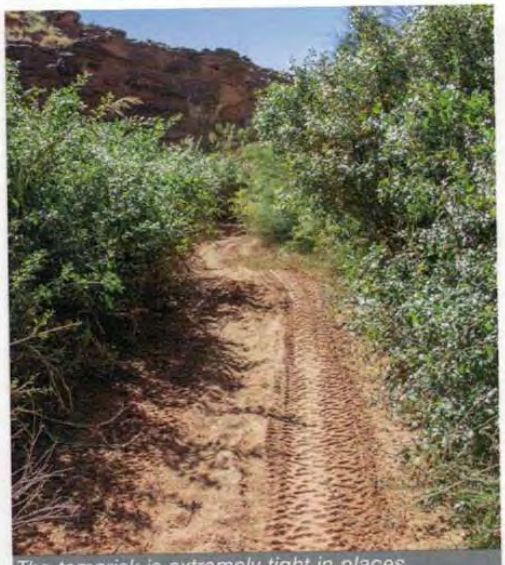
2.4 Another deep wash. Again, don't drive around it when wet. [6.2]

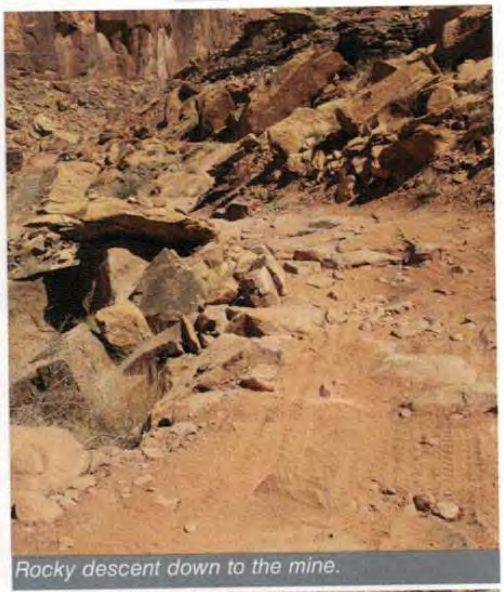
8.1 Trail turns right uphill into Hey Joe Canyon. Gets rocky as you pass an old bulldozer. [0.5]
02 N38 38.425 W110 02.672

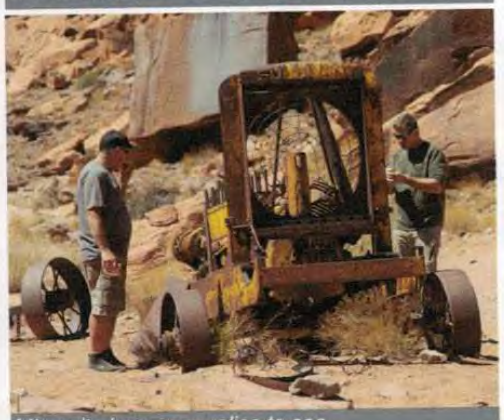
8.2 Follow trail as it turns northeast through tight boulder field. [0.4]

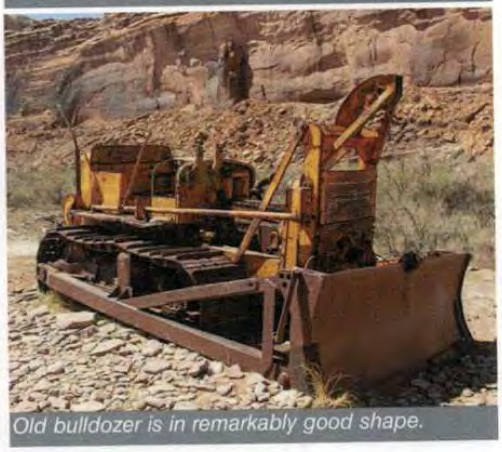
8.6 Wide area. Trail ends. Check out old mining artifacts scattered around. All mine entrances have been blasted closed. [0.0]
03 N38 38.468 W110 02.256
Return the way you came.




The tamarisk is extremely tight in places.


Rocky descent down to the mine.


Mine site has many relics to see.


Old bulldozer is in remarkably good shape.

I participated in the 2022 Easter Jeep Safari trail run on Hey Joe Canyon in April 2022 and highly enjoyed it. Moab Field Office employee Lori Hunsaker rode along in one of the Jeeps and told me she thoroughly enjoyed the experience as well. Below is a series of photos I took on that trail run.

Descending the Spring Canyon Dugway switchbacks

The junction with D1526. While I did not have a chance to drive this road, it is clearly regularly used and well-defined.

The beginning of D1527 heading into Labyrinth Canyon

Driving below cliffs at 38.624266, -110.016652

Section along the Green River at 38.609806, -110.031669

Tight rocky section at 38.609987, -110.035393

The most challenging rock obstacle on the trail, at 38.609907, -110.041255

Shelf road along the river at 38.615198, -110.046151

Jeep Group parked at a viewpoint along the shelf road at 38.622891, -110.041740

Rocky climb up to the Hey Joe Mine site at 38.640156, -110.045071

Shelf road entering Hey Joe Canyon at 38.639211, -110.041546

Jeeps stopped for lunch at the Hey Joe Mine site at 38.641104, -110.037996

As can be seen in the photos above, the trail is in good condition with no serious erosion or off-trail resource damage. I saw a couple campsites along the trail and one former spur trail that had been blocked off with a no vehicles sign, but no other sign of off-trail driving. Red Rock 4-Wheelers and other local Jeep clubs regularly maintain the route by filling in washouts, clearing rock falls that block the trail, and pruning back tamarisk bushes which are constantly encroaching on the trail.

We wish to point out that this route also serves an important function of providing emergency access to the Green River for first responders responding to accidents or medical emergencies experienced by boaters on the river. Without the regular maintenance provided by motorized user groups, the road would quickly become overgrown and impassable, preventing even emergency or administrative access. It is thus critical to keep it open to motorized users if the Hey Joe Canyon road is to remain usable at all.

C. Regulatory History and User Conflict Issues

The primary reason that Grand County is seeking the closure of the Hey Joe Canyon trail is allegations of user conflict with non-motorized boaters on the Green River. The Grand County Commission has unilaterally decided that because the west side of Labyrinth Canyon is now managed as Wilderness, the east side should be too, and the Green River corridor should be transformed into an exclusive non-motorized use zone. This issue is discussed extensively above in the section of our comments on user conflict.

As discussed above, Grand County's pipe dream of a non-motorized corridor along the Green River would require not only the closure of all motorized routes adjacent to the river like Hey Joe Canyon, but also banning motor boats from the river and closing the Mineral Bottom airstrip. Neither of those things can be accomplished by this travel management plan. Leaving that aside, however, we wish to point out that the issue of alleged conflicts between motorized use of the Hey Joe Canyon trail and rafters on the Green River is not a new issue, and it was one that was firmly decided in motorized users' favor by the 2008 Resource Management Plan.

The Hey Joe Canyon route was extensively analyzed and discussed in the planning process surrounding the creation of the 2008 Moab Field Office RMP. The Record of Decision for the 2008 RMP described it as one of the most controversial routes, but expressly determined to keep it open due to its high value as both an Easter Jeep Safari trail and a route commonly featured in published guidebooks. The ROD stated:

> Other controversial routes that are designated in the Approved RMP include the Hey Joe route along the Green River and a route within Hellroaring Canyon. These two routes pose potential resource conflicts with non-motorized recreationists and riparian areas. However, the routes were determined to have an overriding purpose and need in that they are identified in guidebooks or are part of the Moab Jeep Safari route system.[78]

Then as now, boaters along the Green River made the claim that noise from motorized vehicles traveling the Hey Joe Canyon trail were disturbing their peace and quiet, constituting a form of user conflict. While the BLM in 2008 acknowledged some conflict between the motorized route and non-motorized recreationists on the river, it nevertheless concluded that the high importance and

[78] 2008 RMP, ROD at p. 19.

long standing use of this route for motorized recreation outweighed any minor inconvenience to river rafters and justified keeping it open to motorized use. The same is true today.

The Hey Joe Canyon trail is also subject to express plan direction in the main text of the 2008 RMP. The RMP created a carve-out excluding it from the the Labyrinth Canyon Canoe Focus Area, stating:

> Labyrinth Canyon Canoe Focus Area (7,709 acres) inclusive of the rims along the east side of Labyrinth Canyon from Placer Bottom to Mineral Bottom exclusive of the Hey Joe Mine OHV and mountain bike route. No new motorized routes will be considered.[79]

This provision in the RMP expressly requires that the Hey Joe Canyon route continue to be managed for motorized and mountain bike use. It cannot be legally closed to motorized use without an RMP amendment. The proposed closure of this route in alternative B is therefore contrary to the RMP and illegal.

This plan direction also firmly settles the question of whether alleged user conflicts with boaters on the Green River justify closing this route to motorized use. By expressly excluding the Hey Joe Canyon route from the canoe focus area, the RMP determined that the motorized recreational experience outweighs the minor inconvenience to boaters caused by vehicle noise.

This passage provides clear direction that motorized use on this route is to be prioritized over non-motorized recreation on the river, such that when in conflict, the ability of motorized users to use the route trumps the convenience and comfort of non-motorized boaters. If the BLM were to close the Hey Joe Canyon trail to alleviate annoyance to non-motorized boaters, it would be directly violating the express direction of the Resource Management Plan. It would also harm non-motorized recreationists by depriving mountain bikers of the ability to use the route as well.

Finally, we note that all the arguments being made in favor of closing the Hey Joe Canyon route today were made in 2008 and fully considered and rejected by the BLM at that time. The BLM's responses to public comments for the 2008 RMP include extensive discussion of the reasons why the BLM chose to keep this trail open to motorized use. For example, one comment by SUWA stated:

> The BLM should close the route to Hey Joe Canyon along the Green River because of conflicts with non motorized users. There is a long tradition of both commercial and private non-motorized use of the river. These uses are being harmed by the noise of motors along the Hey Joe route.[80]

To this the BLM replied:

> This route was identified as a road in the 1999-2003 wilderness inventory. It leads to a large disturbed mining area. It is a permitted route popular with motorized recreationists. The "long tradition of non-motorized use of the river" to which the commentor refers is irrelevant to the existence of a route which has been in use for nearly 50 years. The commentor provides no evidence to support its assertion of harm to commercial businesses that use this area. The

[79] 2008 RMP, p. 91.
[80] Comment 124-174, 2008 RMP Comment Responses by Resource, p. 563.

> BLM made several documented visits to this route during a recent Easter Jeep Safari; at the time of these visits, the BLM observed very little motorized or river use, let alone user conflict.
>
> The route the commentor proposes closing lies within their wilderness proposal. As described in Chapter 2, pgs. 108-109, the BLM is not obligated to create roadless areas in response to wilderness proposals.[81]

In this response, the BLM thoroughly dismissed any assertion that minor annoyances to river rafters constitute a significant "user conflict" which justifies closing a popular motorized trail which has been in use for over 50 years and is an important Jeep Safari route. The BLM also firmly stated that it is under no obligation to close roads in order to create new roadless areas in response to SUWA's wilderness proposals. Both of these facts remain true today, and the closure of this route is no more warranted now than it was in 2008.

The significant benefits of this route for motorized recreation continue to outweigh any minor inconvenience to river rafters, and it must therefore be kept open. While it is not as prominent as Hey Joe Canyon, D1526 provides similar recreational value and should also be kept open to motorized use.

D. Impacts Analysis

The route report for D1527 identifies user conflicts, wildlife impacts, and impacts to Wild and Scenic River and Land With Wilderness Characteristics values as reasons for the proposed closure in alternative B. The user conflict issue is discussed in the previous section of this comment and need not be repeated here.

Wildlife issues appear to mainly concern bighorn sheep and raptor nests. Both of these issues are discussed extensively in our general comments. In brief, a motorized route at the bottom of Labyrinth Canyon along the river poses little to no risk to raptors nesting on the cliffs above. Neither does the Hey Joe Canyon route interfere with bighorn sheep escape terrain on the talus slopes above the trail. As the BLM itself acknowledged in a recent climbing management project, "vehicles currently are restricted to designated routes, and vehicles cannot access the inaccessible cliffs, steep walled canyons, slot canyons, alcoves and talus slopes so important to the species in question."[82]

The Hey Joe Canyon trail has been regularly used by motor vehicles for over 60 years. Bighorn sheep and raptors have long ago become acclimated to motorized use of the route, which does not pose any threat to them. The bighorn sheep population in the area has been stable for many years and there is no evidence that motorized recreation is causing any harm to them. Wildlife impacts therefore do not justify closing this extremely valuable route. The same is true of D1526.

While the Green River was designated as a Wild and Scenic River in the 2019 Dingell Act, the section which includes D1527 and D1526 is classified as 'scenic', which allows the limited presence of roads along the river. These two roads are the only roads accessing the river for miles both up and down stream. For much of their length, both roads are screened from view of the river

---

[81] Id. at response to comment 124-174.
[82] BLM Moab Field Office, "Limiting Roped and Aerial Activities - Environmental Assessment", November 2020, p. 84.

by thick tamarisk bushes, and elsewhere largely blend into the terrain. They thus do not cause any significant impairment of the scenic values for which that stretch of the Green River is managed.

As for wilderness characteristics, both routes were identified as roads in the original wilderness inventory for the area, and the 2008 RMP made the express decision NOT to manage the east side of Labyrinth Canyon for wilderness characteristics. The BLM is under no obligation to close roads in order to manufacture new wilderness characteristics that have never been present in the area. If the BLM now wishes to manage this area for wilderness characteristics and close roads because of them, that would be an area-level management change which would require an RMP amendment.

Moreover, Congress has expressly prohibited the BLM from establishing buffer zones around the adjacent Labyrinth Canyon Wilderness area on the other side of the river, and has prohibited the BLM from considering sight or sound impacts on the adjacent Wilderness as reason to preclude uses outside of it. If the BLM chose to close these roads for reasons of enhancing wilderness character in the area near the Labyrinth Canyon Wilderness, it would be disobeying a direct Congressional mandate. It would also be acting arbitrarily and capriciously by basing a decision on factors Congress has expressly prohibited it from considering. Therefore neither WSR values nor wilderness characteristics justify closing either D1527 or D1526.

Finally, regarding soil, vegetation, and watershed impacts, there is no evidence that this route is causing any serious impacts to these resources. Motorized use is well-contained to the designated route and I saw no evidence of off-route travel or resource damage when I visited in April 2022. Any washouts along the trail are typically quickly repaired by local Jeep clubs, preventing serious erosion from developing. The main type of vegetation along the trail is tamarisk, which is an invasive species that the BLM and the State of Utah are trying to eradicate along the Green River. The Hey Joe route actually helps with that eradication effort, both by providing administrative access to personnel working on these treatment projects, and by providing a buffer zone which prevents the tamarisk from spreading further up the riverbank. Local motorized groups routinely cut back tamarisk bushes that are encroaching on the road, and thus help contain its spread. This route thus has a net beneficial impact on limiting the spread of invasive species which outweighs any minor impacts on desirable types of vegetation.

E. Conclusion

To conclude, both D1527 and D1526 are extremely valuable motorized routes which must be kept open. D1527, the Hey Joe Canyon trail, is a critical component of the Easter Jeep Safari Trail System which has been highly prized by motorized users for decades. Though the infrequent motorized traffic along the trail may cause some minor inconvenience for non-motorized boaters on the Green River who would prefer peace and quiet, the BLM has already determined in the 2008 RMP that such inconveniences do not justify closing this route to motorized use.

There are no other serious impacts or resource concerns which merit closing either of these two roads. We therefore urge the BLM to reject alternative B and adopt the designations from either alternatives C or D as the final designations for D1527 and D1526, keeping them open for motorized users to enjoy well into the future.

- ***Upper Hidden Canyon Trail (D2387, D2387A, D2398A, D2384)***

A. Introduction

We object to the proposed closure in alternatives B and C of the trails in Upper Hidden Canyon (D2387, D2387A, D2398A, D2384). Together, these trails form a popular spur trail off the 3D Safari trail. This route has been featured in two different editions of the Funtreks guidebook and is also featured on TrailsOffroad.com. It is an easy, scenic trail known for its views from the bottom of Hidden Canyon and its sandy banked turns.

This trail has been well-managed and is lined with fences for nearly its entire length, preventing any concerns of off-trail resource damage. The loss of this trail would be a severe blow to motorized recreation in the Moab area and is simply not warranted. We strongly urge the BLM to reconsider this proposed closure and ask that it be kept open in the final travel plan as proposed in alternative D.

B. Trail Description

The Upper Hidden Canyon trail consists of D2387, D2387A, D2398A, and D2384. It is a spur route off the 3D Safari route, which enters Hidden Canyon from a side wash off Bartlett Wash Road and then follows Hidden Canyon to the northeast before turning southwest to climb up the mesa above Hidden Canyon. The main Jeep Safari route turns right at the junction with the Upper Hidden Canyon spur and the spur itself is not part of the authorized Safari route. However the spur is included as a main section of what both the Funtreks guidebook and TrailsOffroad call the Hidden Canyon Trail. The BLM's route report also notes it is part of the Jeep Safari Trail System, so it could be used for Jeep Safari in the future even if it has not been historically.

The Upper Hidden Canyon spur is a sandy two track which travels about a mile up Hidden Canyon to the canyon's head, with a few short side spurs of its own. It is an easy trail drivable by any stock 4WD SUV and is especially popular with UTV and ATV riders, who enjoy driving around its tight banked turns. It is also highly scenic, surrounded by striking entrada and wingate sandstone walls.

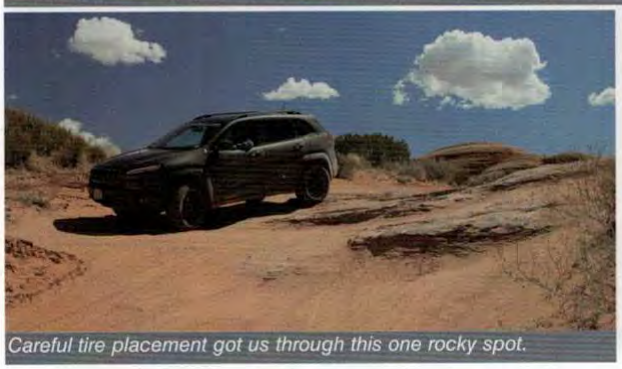
As mentioned above, the Upper Hidden Canyon trail is included as part of the Hidden Canyon Trail described in both the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails* and the online 4x4 trail guide website TrailsOffroad.com. The Hidden Canyon Trail is included in both the 3rd edition of the Funtreks guidebook published in 2016 and the 4th edition published in 2022. Below are scans of the trail entry from the 2016 edition, where it is listed as trail #11. It is listed as trail #16 in the 2022 edition.

Scans of the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells, 3rd Edition (2016):

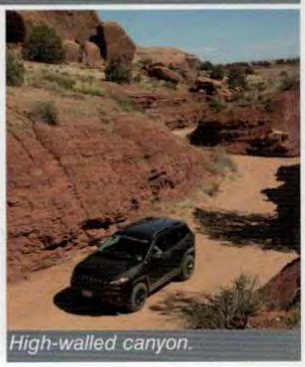
11 Hidden Canyon

AREA 1 map on page 26

We enjoyed driving the canyon in both directions. Here, we get ready to head south from Wpt. 05.



Careful tire placement got us through this one rocky spot.



High-walled canyon.

Overview: A very picturesque area with a winding steep-walled canyon and lots of curvy, undulating sandy roads. Combine it with nearby easy trails #10 and #12, or add extra challenge by going up to Hidden Canyon Overlook, Trail #7, and looking down on the maze you just left. A wonderful place to enjoy your ATV or UTV. Past abuses of this area threaten closure. Always stay on marked routes. No camping in the canyon. Pack out your trash.

Rating: Easy. The area usually gets enough traffic to smooth out ruts and pack the sand. You may need to air down your tires when the sand is extremely dry and soft. We had a ball driving our stock Cherokee Trailhawk to the canyon's farthest corners.

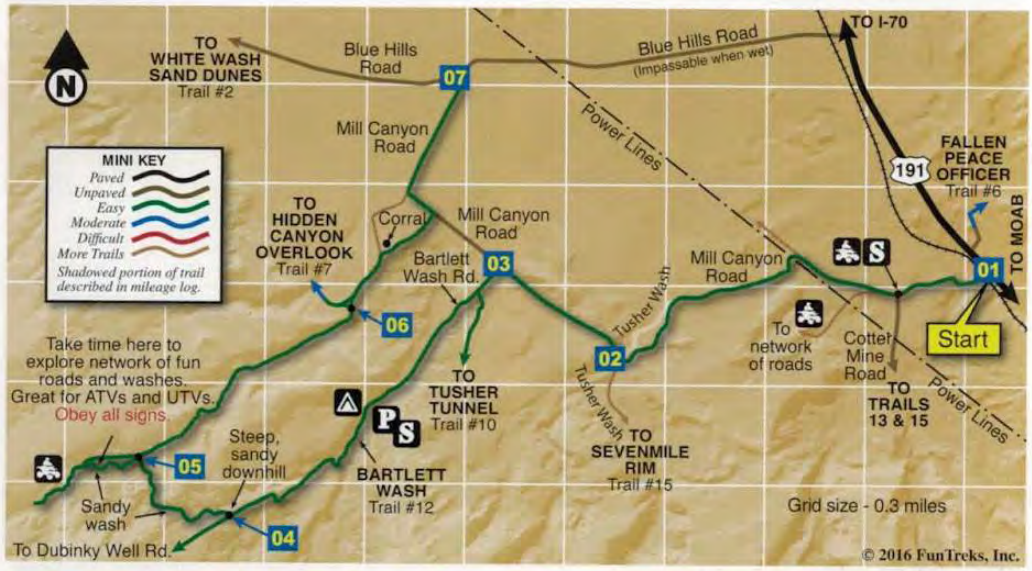
Stats: Length: The route described here is 10.3 miles. Allow 2 to 3 hours depending on time spent west of Waypoint 05. High point: 4,930 ft. Best time: March through November.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

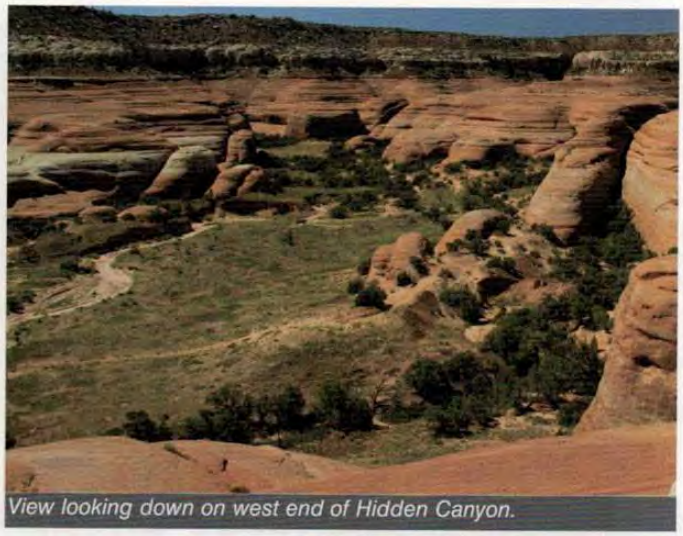
Getting There: From the Colorado River bridge north of Moab, continue north 12.7 miles on Highway 191. Turn left on well-marked Mill Canyon Road.

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles] Cross tracks, head west on Mill Canyon Rd. [6.9]
01 N38 43.625 W109 43.343
0.6 Stay right through large staging area. [6.3]
0.7 Stay right. [6.2]
1.3 Follow road left and pass under power lines. [5.6]
2.7 Road drops down into Tusher Wash. Cross wash and bear right uphill on main road. [4.2]
02 N38 43.170 W109 45.746
3.6 Turn left on Bartlett Wash Road. (Sign just says Bartlett.) [3.3]
03 N38 43.664 W109 46.505
6.0 Bear right off Bartlett Wash Road and drop down a steep, sandy hill to the bottom of Hidden Canyon Wash. Continue west winding through steep-walled canyon for about a half mile before it opens up. [0.9]
04 N38 42.340 W109 48.227
6.7 Climb out of the wash on the right over some slickrock, then briefly drop back into the wash. [0.2]
6.8 Bear right uphill out of wash and follow sandy road north. [0.1]
6.9 Complex intersection. Take time here to explore a network of fun roads to the left. Just make sure you stay on existing roads and obey all signs. Return to this spot. [0.0]
05 N38 42.653 W109 48.815
0.0 Zero trip odometer at Wpt. 05. Head east uphill on winding, fun sandy road. [3.4]
1.7 Exit Hidden Canyon and bear right at triangle intersection. (Left goes to Hidden Canyon Overlook, Trail #7.) [1.7]
06 N38 43.460 W109 47.445
2.0 Stay right past corral. [1.4]
2.4 Turn left on Mill Canyon Road. (Right goes out the way you came in.) [1.0]
2.6 Turn right. [0.8]
3.4 Intersect Blue Hills Road. Right takes you to Highway 191 in 2.3 miles. [0.0]
07 N38 44.677 W109 46.784



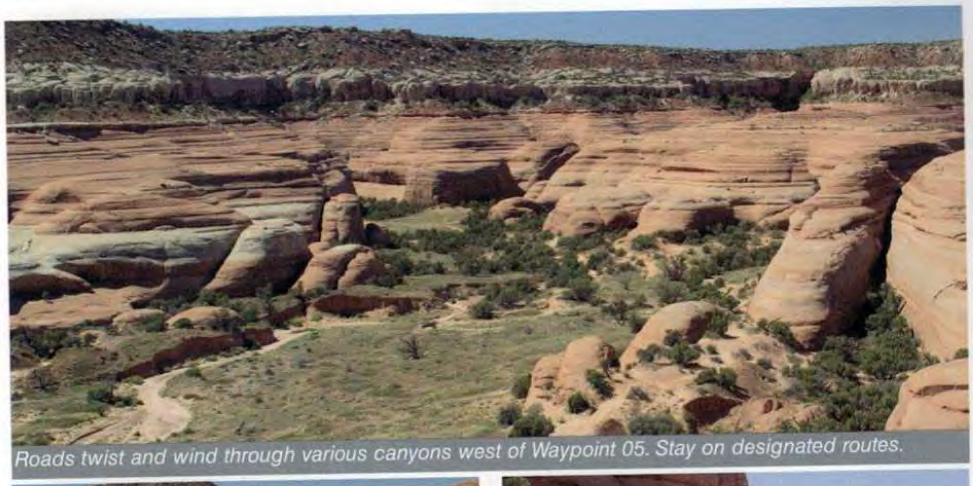
Great trail for our RZR.


View looking down on west end of Hidden Canyon.

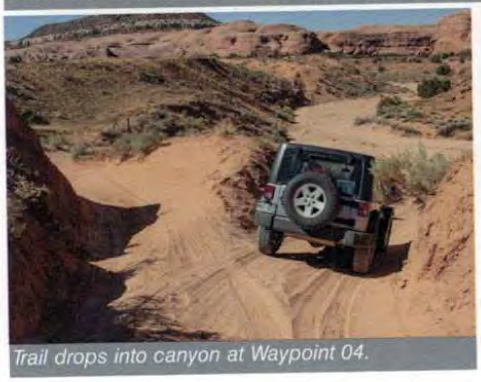
Scans of the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells, 4th Edition (2022):

16 Hidden Canyon

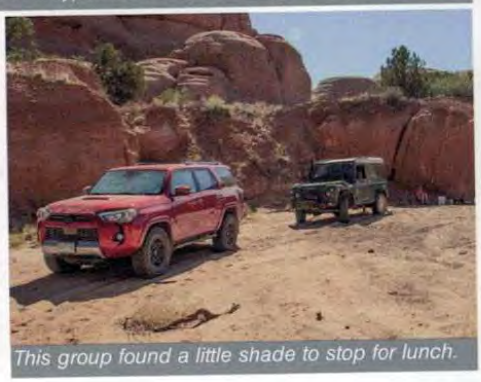
AREA 1 map on page 24



Roads twist and wind through various canyons west of Waypoint 05. Stay on designated routes.



Trail drops into canyon at Waypoint 04.



This group found a little shade to stop for lunch.

Overview: A fun drive with lots of banked curves and undulations in soft sand. Combine it with nearby easy trails #14 and #15, or add extra challenge by going up to *Hidden Canyon Overlook*, trail #17, and looking down on the maze you just drove. A great place to enjoy an ATV, UTV, or dirt bike, but it's important that you stay on designated routes at all times. Past abuses of this area threaten its closure. No camping anywhere in the canyon. Pack out your trash. This trail accesses the challenging and popular Bartlett Wash Slickrock Bike Trail.

Rating: Easy. The main wash is very sandy and quite soft when it's hot and dry. We recommend airing down your tires. We got through fine in our stock Jeep Wrangler with aired-down all-terrain tires.

Stats: Length: The route measures 14.9 miles if you drive everything described. Allow 1½ to 2 hours depending on time spent west of Waypoint 05. High point: 4,973 ft. Best time: March through November. Very hot in summer.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: From Center Street in Moab, take Hwy. 191 north for 15.2 miles and turn left on well-marked Mill Canyon Road just after MM 141.

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles] Cross tracks, head west on Mill Canyon Rd. [6.0]
01 N38 43.629 W109 43.349
0.6 Stay right through large staging area. [5.4]
0.7 Stay right. [5.3]
1.3 Follow road left and pass under power lines. [4.7]
2.7 Road drops down into Tusher Wash. Cross wash and bear right uphill on other side. [3.3]
02 N38 43.166 W109 45.730
3.6 Turn left on Bartlett Wash Road. (Sign just says Bartlett.) [2.4]
03 N38 43.665 W109 46.501
6.0 South entrance to Hidden Canyon on right. [0.0]
04 N38 42.342 W109 48.224
0.0 Zero trip odometer at Wpt. 04
Turn right and drop down steep sandy hill. Immediate fork is driver's choice. Right is steeper. [1.6]
0.1 At bottom of hill, stay left in main wash. (Exit point of trail #18 is on right.) [1.5]
0.3 Enter narrow, steep-walled canyon. [1.3]
0.6 Exit narrow canyon into wide wash. [1.0]
0.7 Bear right out of wash and climb slickrock. [0.9]
0.8 Descend slickrock mound and stay left in wash. Right is early exit. [0.8]
0.9 Driver's choice. [0.7]
0.95 Stay left in main wash. Right is early exit. [0.65]
1.3 Continue straight in main wash. (You'll return to this point later.) Ignore side roads; stay in wash. [0.3]
05 N38 42.594 W109 49.175
1.5 Follow defined road as it climbs out of wash to right. [0.1]
1.6 Driver's choice. Right goes short distance to fun donut trench. Left goes 0.3 miles to scenic canyon. Explore area then return to Wpt. 05. [0.0]
06 N38 42.418 W109 49.427
0.0 Zero trip odometer at Wpt. 05
Turn left out of wash and follow narrow road along hillside north of wash. [6.1]
0.4 Large triangle intersection. Stay left on single-lane road and head east out of Hidden Canyon. [5.7]
07 N38 42.650 W109 48.826
1.1 Continue straight past parking area for popular Bartlett Wash Slickrock Biking Trail on right. [5.0]
1.8 Continue straight. Kiosk on left marks main entrance to Hidden Cyn. [4.3]
2.1 Stay right. Left goes to *Hidden Canyon Overlook*, trail #17. [4.0]
08 N38 43.465 W109 47.461
2.4 Driver's choice at corral. We went right. [3.7]
2.8 Bear left at "T" with Mill Canyon Road. [3.3]
3.0 Bear right. [3.1]
3.8 Turn right on Blue Hills Road. [2.3]
09 N38 44.676 W109 46.782
6.1 Highway 191. Right goes back to Moab. [0.0]
10 N38 44.904 W109 44.290

Lots of fun on banked curves.

Great trail for UTVs.

Watch for fast-moving dirt bikers.

The Hidden Canyon Trail has also been featured on TrailsOffroad.com since 2018. The description of the entire Hidden Canyon Trail states:

> The Hidden Canyon offroad trail, nestled between The Blue Hills and Barlett Flats, is a scenic and fast-paced trail. Just north of Moab, the route takes you deep into a colorful canyon with Windgate and Entrada Sandstone walls. Due to the ease of this trail and others in the area, this is an excellent location for new offroaders to test their skills without sacrificing the "fun factor."[83]

The Upper Hidden Canyon spur is described under waypoints 3 - 9, which TrailsOffroad describes as the best part of the trail. The full trail entry from TrailsOffroad is attached to these comments.

Below are a series of photos I took when driving this trail in October 2021, which show its current condition.

Banked turn on D2387A at 38.710516, -109.819156

[83] https://www.trailsoffroad.com/trails/552-hidden-canyon (PDF attached).

Fenced end of D2398A spur at 38.709707, -109.821818

Clearly marked route in the wash along D2387 at 38.708127, -109.821635

Fenced section of D2387 at 38.707129, -109.823633

Banked turn on D2385 spur at 38.707002, -109.823716

Clearly defined route near the end of D2384 at 38.704662, -109.823659

Scenic cliff walls at the end of D1284 at 38.704577, -109.823683

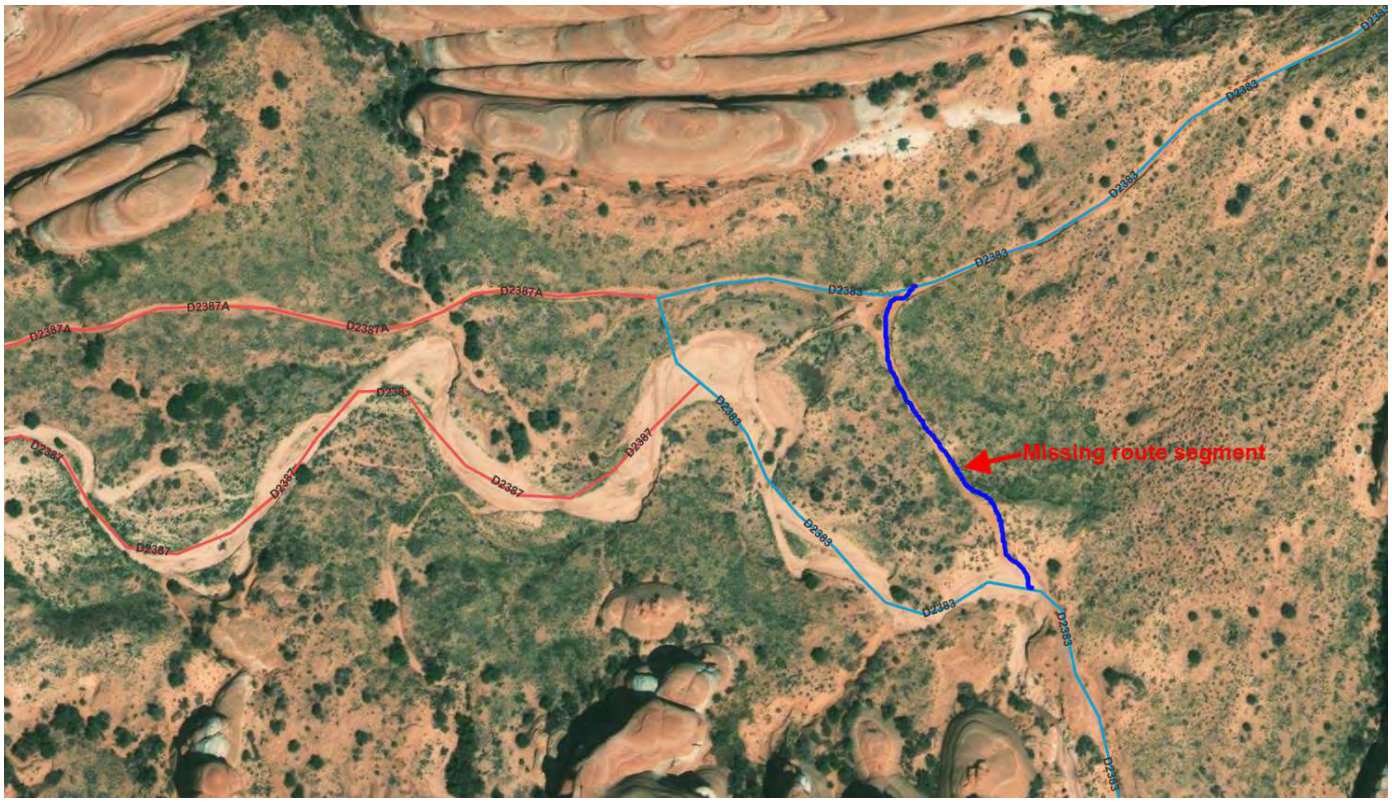
Driving back down D2384 at 38.707328, -109.823541

Driving down the wash at 38.709656, -109.813826 (incorrectly mapped as part of D2383)

While the Funtreks Guidebook mentioned that past abuses on this trail have resulted in it being threatened with closure, when I drove it in October 2021 I saw almost no evidence of off-trail resource damage. There was some trail braiding along D2383 leading to the Upper Hidden Canyon trail from Bartlett Road, but none along the route segments proposed for closure in alternative C. As shown in the pictures above, some sections of the route are lined with fencing which has effectively contained vehicles and kept them on the authorized trail. Even in other areas where there is no fencing, there is still only one clearly defined route and no evidence that vehicles are driving off trail. There was abundant signage marking the legal route and no risk of drivers getting confused where they are and are not allowed to drive.

From this we would conclude that any abuse of this trail that has occurred in the past has been effectively remedied through a combination of signage and fencing clearly delineating the authorized trail. Vehicles have cut deep banked turns in places, especially at the end of spurs where there are essentially deep banked roundabouts. However this is to be expected in the sandy soil and is not causing any actual harm.

Finally we note that the BLM's GIS data appears to have D2383 (which is slated to remain open under alternative C) mismapped at the junction with the Upper Hidden Canyon trail. As shown by the dark blue line in the map below, it is missing a segment of the main 3D safari route, and is incorrectly shown as heading east up the wash, which is really part of the Upper Hidden Canyon trail (shown in the last picture above). This should be corrected in the final travel plan.



C. Impacts Analysis

The reason given for the proposed closure of D2387 in the route report is:

> Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would reduce overall impact of vehicle use and route footprint in the area. Closing this route would enhance wildlife habitat by eliminating motorized use and removing the route footprint. Closing this route would minimize potential impacts to wildlife habitats by eliminating motorized use and removing the route footprint. Closing this route would enhance wildlife movement by reducing fragmentation. Closing this route would eliminate motorized use, minimizing the potential for harassment of wildlife.[84]

The main resource concerns for this trail thus appear to be (1) soil / vegetation impacts and (2) wildlife impacts. Those are also the two designation criteria cited for the closure decision.

(1) Soil / Vegetation Impacts

The main concern regarding soil and vegetation impacts would be vehicles leaving the authorized route and driving off-trail. As mentioned above, while this route has some history of off-trail resource damage, those concerns have already been largely resolved through fencing and signing the authorized route. When I visited in October 2021, I did not see any sign of off-trail resource damage. The trail was confined to the authorized route and there was no trail braiding or illegal spur trails. The BLM has already effectively mitigated this resource concern and it does not justify closing the trail.

Another possible concern is erosion. This trail is in sandy soil and has been worn fairly deeply into the terrain. While erosion is thus a legitimate concern, in my observation, this grooving is limited to the trail itself and is not affecting the surrounding terrain. Much of the trail is in a wash and is subject to periodic flash flooding which causes natural erosion which dwarfs any erosion caused by vehicle use. Given that any erosion that is occurring is limited to the trail, is not affecting surrounding terrain, and is within a natural wash bottom, we do not believe erosion is a significant enough concern to justify closing this trail. Some level of erosion is expected for any motorized trail, especially in soft sandy soil. As long as that erosion is not causing any actual harm beyond the trail itself, that is not a reason to close it.

(2) Wildlife Impacts

The only wildlife species mentioned in the route report for D2387 is bighorn sheep. Bighorn sheep impacts are discussed extensively above and we incorporate that by reference here. In brief, there is no scientific evidence that motorized recreation is causing any harm to the bighorn sheep population in the Labyrinth Rims / Gemini Bridges TMA, let alone evidence that this specific trail is causing measurable harm in the form of animal deaths or population decline. The bighorn sheep population in the area is stable and has long ago become acclimated to motorized use on designated trails. This trail remains in a wash and does not block access to bighorn sheep escape terrain up the walls of Hidden Canyon.

---

[84] Route Report for D2387, p. 5.

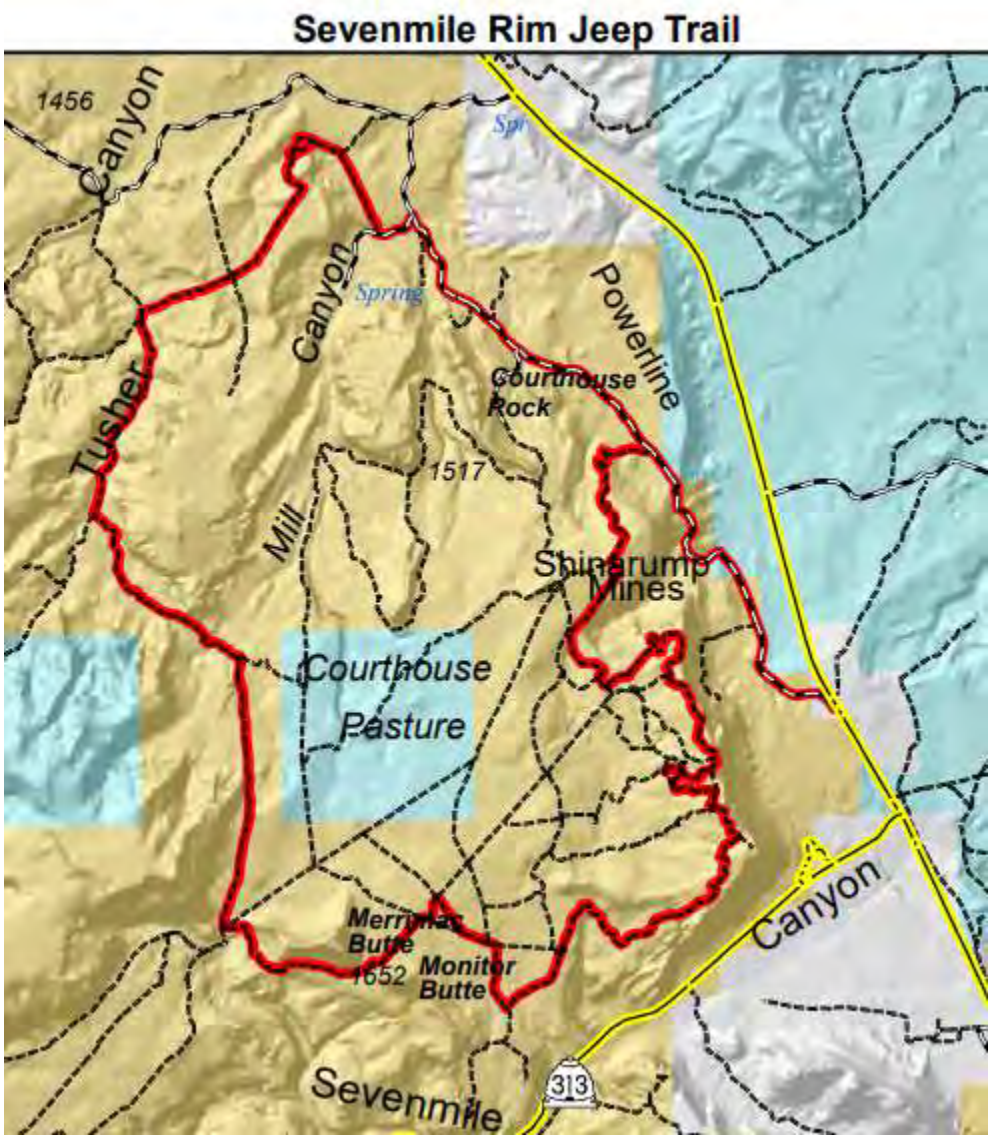
Because this trail is in bighorn sheep lambing habitat, a seasonal closure during lambing season could be appropriate, but permanent closure is simply not justified. Any slight benefit to bighorn sheep from closing it would be outweighed by the harm to motorized recreation from closing a popular spur off an Easter Jeep Safari trail.

D. Conclusion

In conclusion, the Upper Hidden Canyon trail is a popular spur off the 3D Jeep Safari trail which offers high quality opportunities for motorized recreation in an extremely scenic canyon. While the trail has had problems with off-trail resource damage in the past, that issue has already been mitigated by fencing and signing the authorized route on the ground. There is currently no sign of off-trail resource damage, and the minor grooving and erosion that has occurred is limited to the authorized travel way and is not affecting the surrounding terrain. Impacts to bighorn sheep are minimal and could be resolved with a seasonal closure.

Permanent closure of this valuable trail is simply not warranted, and we strongly oppose the proposed closures of D2387, D2387A, D2398A, and D2384 in alternatives B and C. We urge the adoption of the alternative D action with respect to these route segments, keeping them open to public motorized use.

- ***Sevenmile Rim Safari Route (D2398B, D2398D, D2398F, D2437)***



Official BLM map of the Sevenmile Rim Trail[85]

A. Introduction

We strenuously object to the proposed closures of vitally important segments of the world-famous Sevenmile Rim Jeep Safari trail included in alternative B. As discussed above in the section on user conflict, after the preliminary alternatives were released in September 2021 (which left the full Sevenmile Rim route open), the Grand County Commission requested that the BLM consider a number of additional route closures including sections of the Sevenmile Rim trail.

We note that an error in the documents released with the draft EA caused these closures to be included not only in alternative B as expected, but also in alternative C, which we assume to be the BLM's preferred alternative. The PDF map for alternative C released at the beginning of the Draft

[85] https://www.blm.gov/sites/default/files/documents/files/7MileRimJeepTrail.pdf.

EA comment period (dated 7/28/2022) did not show these closures, but the GIS data and route reports released at the same time did. The accidental inclusion of these closures in alternative C has since been acknowledged as a mistake by Moab Field Office Recreation Planner Katie Stevens. While we are mystified at how this mistake happened, we are grateful for the BLM's willingness to correct them prior to the end of the comment period on the Draft EA. We hope that this error has been thoroughly corrected and that these route closures will not somehow find their way into the final version of alternative C that we expect will ultimately be adopted as the new travel plan. And we continue to vehemently oppose alternative B, which has included these closures deliberately.

It is no exaggeration to say that Sevenmile Rim is one of the most famous Jeep trails in the country, on the same level as Hell's Revenge or Poison Spider / Golden Spike. Alternative B will now close the most iconic section of the Sevenmile Rim trail across the slickrock bench below Monitor and Merrimac Buttes to the top of Wipeout Hill (D2398D). It will also close the segment through Tusher Wash leading over to the Tusher Tunnel area (D2398B) and out to Mill Canyon Road. This is the only connector route between the Courthouse Rock trail system and the Tusher Canyon trail system, so those two areas will be completely isolated from each other. This is the primary exit route from the Sevenmile Rim trail and will prevent what remains of it from being run as a loop with Mill Canyon Road.

Finally, D2437 is still proposed for closure in both alternatives B and C, which provides the most direct route across a large open field and are commonly used by people who choose to skip the Highway 313 overlook and proceed directly to Monitor and Merrimac Butte. While there is nothing special about this route segment in itself, closing it will require an awkward re-route of the Sevenmile Rim trail to detour around on the remaining open routes in the area. There are no significant resource concerns for this route segment and closing it simply disrupts connectivity of the trail system for no apparent reason.

It is absolutely critical that all of the closures mentioned above in alternative B not be included in the final travel plan, and that the entire Sevenmile Rim safari route be left open and intact. We note that closing any portion of the Sevenmile Rim tail violates the express direction of the 2008 Moab Field Office RMP, which requires that this route remain open to motorized use and continue to be managed as part of the Jeep Safari Trail System.

B. Trail Description

The Sevenmile Rim trail is one of the most popular and iconic offroad trails in Moab. It has been a centerpiece of Easter Jeep Safari for decades, known for challenging technical terrain and extraordinary scenery. Sevenmile Rim has long been featured in printed guidebooks including both the third and fourth editions of the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails* by Charles A. Wells (scans from the third edition are included below). It is also featured in multiple online trail guides, including TrailsOffroad.com and OnXOffroad.com, and the Red Rock 4-Wheelers website. It is by far one of the most popular off-road trails in Moab, driven by thousands of visitors every year.

Red Rock 4-Wheelers includes the following description of Sevenmile Rim on their website, which is also included in the Easter Jeep Safari magazine every year:

Seven Mile Rim

The Sevenmile Rim trail leaves Highway 191 just north of Highway 313, about 11 miles north of town. It passes the old Cotter uranium mine and switches back to reach the cliff rim above the mine and Highway 191. The intense mining activity left a maze of core-drilling roads on the mesa top, and the trail seeks the most interesting of these. At the southern end of the rim it turns west to parallel UT 313. Along the way, Uranium Arch is visited. The trail joins other roads in the vicinity of Merrimac Butte and Monitor Butte before tucking up near Big Mesa. It passes near Determination Towers before using Tusher Pass to dip into Tusher Wash and the interesting environs beyond. Approximate mileages: 51 total, 21 off highway.

Scenery
The trail route is near the Moab Fault, a geological fracture that left the trademark rocks of Canyonlands standing higher than the surrounding colorful Morrison formation. Entrada Sandstone cliffs are constantly in view. The rim views include Sevenmile Canyon, the Arches National Park area, and the Book Cliffs to the north.

Surface
There is considerable two-track dirt trail, lots of slickrock, some sandy sections, a sandy washbottom, and a sandy hill near the end.

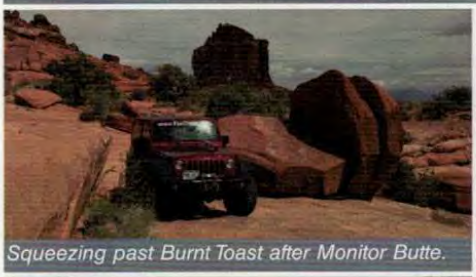
Trail Details
The cliff rim portions are mainly scenic. Uranium Arch can be walked across. The south side of Merrimac Butte has exciting sidehill slickrock driving and is near Wipe Out Hill, which can be visited if there is time. The last part of the trail, if used, runs the reverse direction of the Wipe Out Hill Trail in the Tusher Canyon system, and finds easy hills of that trail to be hard, and vice versa.

Scans of the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells, 3rd Edition (2016):

15 Sevenmile Rim

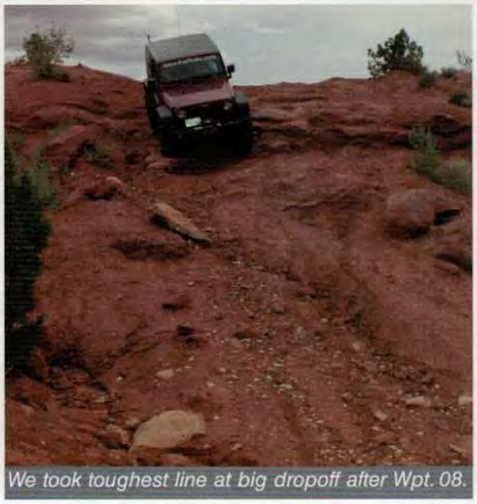
AREA 1 map on page 26

Views like this all along the rim. Look down on Arches N.P. with La Sal Mountains in the distance.



Squeezing past Burnt Toast after Monitor Butte.

Our RZR handled the trail with ease.



We took toughest line at big dropoff after Wpt. 08.

Overview: The first part of trail follows along a high rim with spectacular views of Arches National Park and the La Sal Mountains. It then heads west between Monitor and Merrimac Buttes along a technically challenging route to Wipeout Hill. From there it heads north past dramatic Determination Towers and exits via Tusher Wash. Optional trips to Uranium Arch and Wipeout Hill. Many other fun roads to explore on ATVs and UTVs. Add Wipeout Hill for maximum challenge.

Rating: Difficult. Something for everybody. Tougher lines for hard-core enthusiasts. Stock 4x4 SUVs with high clearance can take easier lines. One tippy spot along the south wall of Merrimac Butte is scarier than it first appears. Complex route-finding in places. Follow tire marks, white dashes and 7R signs.

Stats: Length: 13 miles. Time: 4 to 5 hours. High point: 5,358 ft. Best time: March through November.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: From Highway 191 at a point 0.6 mile north of Highway 313, turn left into large gravel parking area. Follow Cotter Mine Road north 1.2 miles and stay left. Road turns north up a steep hill. Trail is on left at 2.0 miles.

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles]
Head west uphill. [4.2]
01 N38 42.010 W109 42.600

0.9 Road forks. Stay left following white dashes. Then in another 250 ft., stay right uphill following 7R sign. [3.3]

1.1 Bear left downhill (right goes to Trail #13). [3.1]
02 N38 41.510 W109 42.840

1.9 Complex fork. Follow Detail A to Wpt. 03. [2.3]

2.0 Bear left and head northeast on straight road. [2.2]
03 N38 40.990 W109 42.750

2.2 Follow white dashes on winding road. [2.0]

2.6 Road curves south close to rim. Views left. [1.6]

2.8 Follow 7R sign left. [1.4]

3.0 Views near rim. [1.2]

3.4 Sign for Uranium Arch points right. **DON'T TURN HERE.** Continue straight a little farther. [0.8]

3.5 Turn right. See Detail B. "ARCH" is painted on the slickrock. [0.7]
04 N38 40.560 W109 42.280

4.2 Follow white dashes downhill to arch, then return to Wpt. 05. [0.0]
05 N38 40.468 W109 42.256

0.0 Zero trip odometer at Wpt. 05.
Continue south along rim following signs, dashes and tire marks. [8.8]

0.7 Follow tire tracks right. Very close to rim. [8.1]

1.1 Ledge drops down. Bypass to left. [7.7]

2.0 Turn right at sandy 4-way intersection and go straight past side roads. (Overlook is south.) [6.8]
06 N38 39.760 W109 43.160

2.7 Turn left and head for opening between Monitor & Merrimac Buttes. [6.1]
07 N38 39.917 W109 43.960

3.1 Continue straight up ledge onto slickrock. Follow white dashes along south side of butte. [5.7]

3.4 Tight squeeze between brown rocks that look like burnt toast. [5.4]

3.7 Very tippy curve. [5.1]

4.1 Bear left downhill to see or try Wipeout Hill. [4.7]
08 N38 39.870 W109 45.100

4.2 Wipeout Hill. Turn around and head north. [4.6]

4.9 Driver's choice down a big ledge. [3.9]

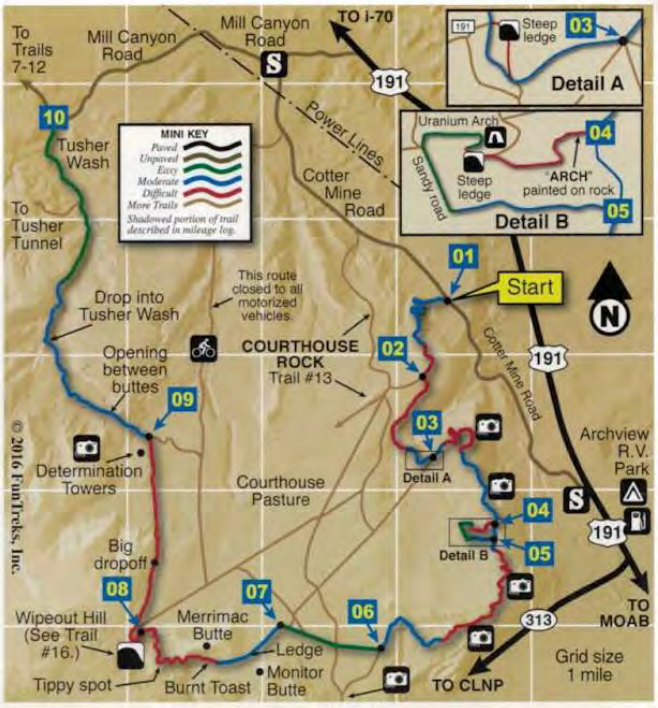
5.6 Determination Towers on left. Continue north. [3.2]

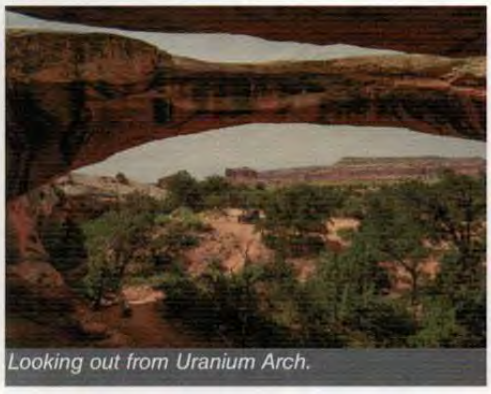
5.7 Turn left on sandy road at 7R sign. Head west on winding road passing between large buttes and continuing downhill. [3.1]
09 N38 41.106 W109 44.993

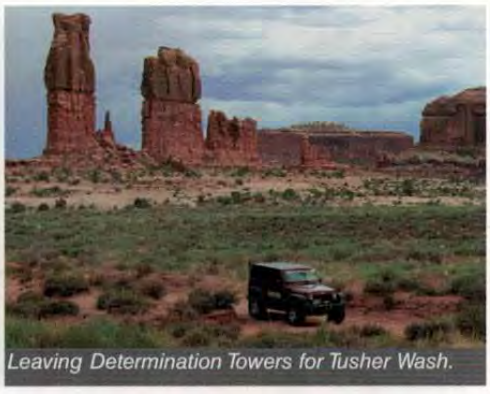
6.9 Drop into Tusher Wash and turn right. [1.9]

8.0 Continue straight. Left is fun backway to Tusher Tunnel. [0.8]

8.8 Bear right out of Tusher Wash at "T" with Mill Canyon Road. [0.0]
10 N38 43.160 W109 45.750
Follow Mill Canyon Road east about 2 miles to large staging area, then continue east a bit more to Highway 191.




Looking out from Uranium Arch.


Leaving Determination Towers for Tusher Wash.

The Sevenmile Rim trail forms an approximately 13 mile long loop from Cotter Mine Road to Mill Canyon Road and back to Cotter Mine Road, and takes a minimum of 3-4 hours to drive. The first section climbs to the clifftops overlooking Highway 191 and Arches National Park, then winds down past Uranium Arch and along a scenic slickrock bench below Monitor and Merrimac Buttes to the top of Wipe-Out Hill. From there it turns north past Determination Towers, then travels down Tusher Wash back out to Mill Canyon Road and Cotter Mine Road. It is frequently run in conjunction with the trail to Tusher Tunnel, which is a popular side trip.

Most of the route segments proposed for closure in alternative B are also part of the Backwards Bill safari trail, which combines sections of the Sevenmile Rim and Wipe-Out Hill trails. In the 2022 Easter Jeep Safari, Sevenmile Rim had nine separate trail runs and Backwards Bill had six, making 15 trail runs in total for most of the route segments at issue. Since only part of the Sevenmile Rim trail is being threatened with closure, we will focus on describing those sections.

D2398D is the most iconic segment of the Sevenmile Rim trail, following a slick rock bench past the bases of Monitor and Merrimac Buttes. There is a broad flat area of slickrock between Monitor and Merrimac Buttes which is a popular place to photograph groups of Jeeps parked below the imposing Buttes, as seen in this photo from the 2016 Easter Jeep Safari.

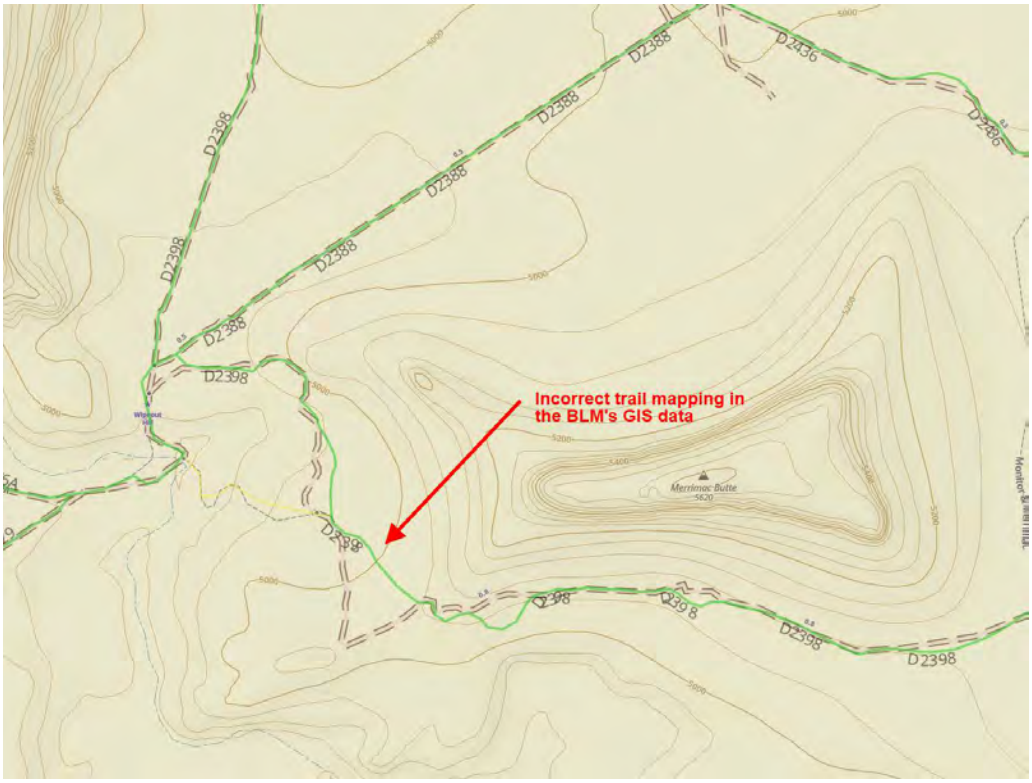
Past this area is a tight squeeze between two boulders:

There are excellent views after rounding the corner of Merrimac Butte:

This is followed by an off-camber section of slickrock which is considered one of the most exciting parts of the trail:

Finally this segment descends down the slickrock to the top of Wipe-Out Hill:

Notably, the trail near the western tip of Merrimac Butte is incorrectly mapped in the BLM's GIS data which needs to be corrected if the route does stay open. OpenStreetMap based maps such as GaiaGPS shows the correct path, as illustrated below.



Almost all of D2398D is on hard slickrock, and there are no possible issues with soil or vegetation damage. There is no conceivable reason why this segment of the trail should be closed.

D2398B follows Tusher Wash from the Determination Towers area to the junction with D2479 which leads over to Tusher Tunnel. It is the sole connecting route between the Courthouse Rock Trail system and the Tusher Canyon trail system. It also provides the sole access to D2478, which is designated open in alternative C and provides critical access to a SITLA parcel at the head of Tusher Canyon.

The section through the wash is wide and sandy, with occasional moisture present and minimal vegetation. Here is a picture I took of it in May 2021.

Tusher Wash is only an intermittent stream that is dry most of the time, so there is no riparian ecosystem there for motorized users to harm. Even if motorized use on this route did cause minor soil or vegetation damage, that is outweighed by the fact that this route is critical to the overall connectivity of the trail system in this area. It is also critical for emergency access as it is the quickest and easiest way for emergency vehicles to reach the top of Wipe-Out Hill and areas within both the Tusher Canyon and Courthouse Rock trail systems.

Finally, **D2398F** provides the only access to D2432 and D2434, both spurs which access two important scenic overlooks with views of Sevenmile Canyon and Highway 313. The trail surface is a mixture of sand and broken slickrock. Here are a few sample photos, and a photo of the view from the main overlook at the end of D2432.

These trails comprise a scenic side spur off the main Sevenmile Rim trail and must be kept open. We also ask that **D2437** be kept open. This route, while insignificant in itself, provides an important shortcut across a field for those that choose to skip the side spur discussed above. It is still proposed for closure in alternative C, which we believe to be unnecessary.

C. Regulatory History

There are two passages in the main text of the 2008 Moab Field Office RMP that specifically address management of the Sevenmile Rim trail.

Under Rec-39, prescribing management of the Labyrinth Rims / Gemini Bridges SRMA, the RMP states:

> BLM also manages and maintains route markings (with user group assistance) on the Monitor and Merrimac, Sevenmile Rim, Poison Spider Mesa, Golden Spike, Goldbar Rim, Gemini Bridges, Lower Monitor and Merrimac, Bar M, and Klondike Bluffs routes which are used by both motorized and non-motorized visitors. The 3-D, Crystal Geyser, Hellroaring Rim, Secret Spire, and Wipeout Hill routes are authorized for Jeep Safari and other uses.[86]

The section of Rec-39 describing focus areas for Mountain Bike Backcountry Touring includes a carve-out for the Sevenmile Rim trail which specifically directs that it continue to be managed for motorized use:

> Mill Canyon/Upper Courthouse Mountain Biking Focus Area (5,744 acres) inclusive of areas within the Mill Canyon and upper Courthouse drainages **with continued use of the**

[86] 2008 RMP, p. 90.

> **Sevenmile Rim Jeep Safari route for motorized use**, with non-motorized trailheads near the Mill Canyon Dinosaur Trail and the Halfway Stage Station.[87]

This plan direction is separate from the travel management plan and is not subject to reconsideration in this travel planning process. As a project level planning effort, the Labyrinth Rims / Gemini Bridges travel plan is legally required to comply with management direction in the RMP. The Moab Field Office cannot simply ignore RMP direction requiring "continued use of the Sevenmile Rim Jeep Safari route for motorized use." Closing any portion of the Sevenmile Rim safari route is directly contrary to the RMP and would require an RMP amendment to accomplish.

As no RMP amendment is being proposed as part of this process, the BLM cannot legally close any part of the Sevenmile Rim trail, and such action would inevitably be overturned on appeal. We strongly urge the BLM to comply with the RMP and keep the entirety of the Sevenmile Rim trail open to public motorized use.

D. Impacts Analysis

The route report for **D2398D** incorrectly lists its use level as low when it should be high. The route report also fails to list it as part of the Jeep Safari Trail system, even though the BLM's own map of the Sevenmile Rim trail at the top of comment clearly shows that it is.

The rationale statement for closing it in alternative B states:

> Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would reduce overall impact of vehicle use and route footprint in the area. Closing this route would enhance wildlife habitat by eliminating motorized use and removing the route footprint. Closing this route would minimize potential impacts to wildlife habitats by eliminating motorized use and removing the route footprint. Closing this route would enhance wildlife movement by reducing fragmentation. Closing this route would eliminate motorized use, minimizing the potential for harassment of wildlife. Closing this route minimizes the potential for route proliferation on public land.[88]

This generic statement is utterly nonsensical when applied to this route. It cites preventing soil erosion as a primary benefit, yet 80% - 90% of this route segment is on hard slickrock with no soil or vegetation present. It also mentions wildlife impact. The only species of wildlife referenced in the route report is bighorn sheep. Even if this route is in bighorn sheep habitat (and the entire TMA is in bighorn sheep habitat), the sheep have long become acclimated to motorized use on one of the most popular motorized routes in the Moab region. There is no evidence that closing this route is necessary to protect bighorn sheep, and any benefits to them are purely speculative. None of these alleged impacts justify closing the most iconic section of a major Jeep Safari route.

One of Grand County's primary reasons for requesting the closure of this route was to benefit non-motorized recreation, especially mountain biking. While this route is in a mountain-bike focus area under the RMP, the RMP expressly protects it against closure and conversion to a mountain bike trail, mandating that it be managed for motorized use. The route report does not document any kind of user conflicts on this route, and lists the route designation criterion for user conflicts as

---

[87] Id. at p. 91.
[88] Route Report for D2398D, p. 4.

irrelevant to the designation. The text of the Draft EA likewise does not include any documentation of issues with user conflict on the Sevenmile Rim trail that would justify closing it to motorized users. Given that D2398D is mostly on a broad slickrock bench, there is plenty of room for vehicles and bikes to pass each other without ever coming into conflict.

Even if user conflict with mountain bikers was the motivation for the closure of this route segment, the route report lists it as closed to all motorized *and mechanized* uses in alternative B, so mountain bikers would no longer be able to use it either. It could only be used by hikers and horseback riders, which are not common users of this route currently. The same is also true of all of the segments of the Sevenmile Rim trail subject to closure in alternative B. If these closures were intended to benefit mountain bikers, they will instead harm mountain bikers by also depriving them of routes they can use currently.

The route report for **D2398B** also incorrectly lists the usage level as low and also incorrectly replies 'no' to the question, "does this route provide a principal means of connectivity within a Travel Management Area or Management Zone?" As mentioned above, the route through Tusher Wash is the sole connecting route between two major trail networks. The route report also fails to list it as part of the Jeep Safari Trail System.

The closure rationale for alternative B is the same generic statement as for D2398D. The cited issues of soil and vegetation impacts, erosion, bighorn sheep impacts, and route proliferation are simply not major enough concerns to justify closing a critical portion of a major Jeep Safari trail.

The same is true for **D2398F.** Again, the route report incorrectly lists its use level as low and fails to mention it is part of the Jeep Safari Trail System. The route report for **D2437** lists its use level as medium, which is also incorrect as it is in fact high. Both of those route reports have the same generic statement justifying closure under alternative B. None of the impacts cited are significant with respect to these routes, and the benefit of these routes both as part of the Sevenmile Rim trail and in providing the sole access to a scenic overlook outweigh any minor benefits of closing them.

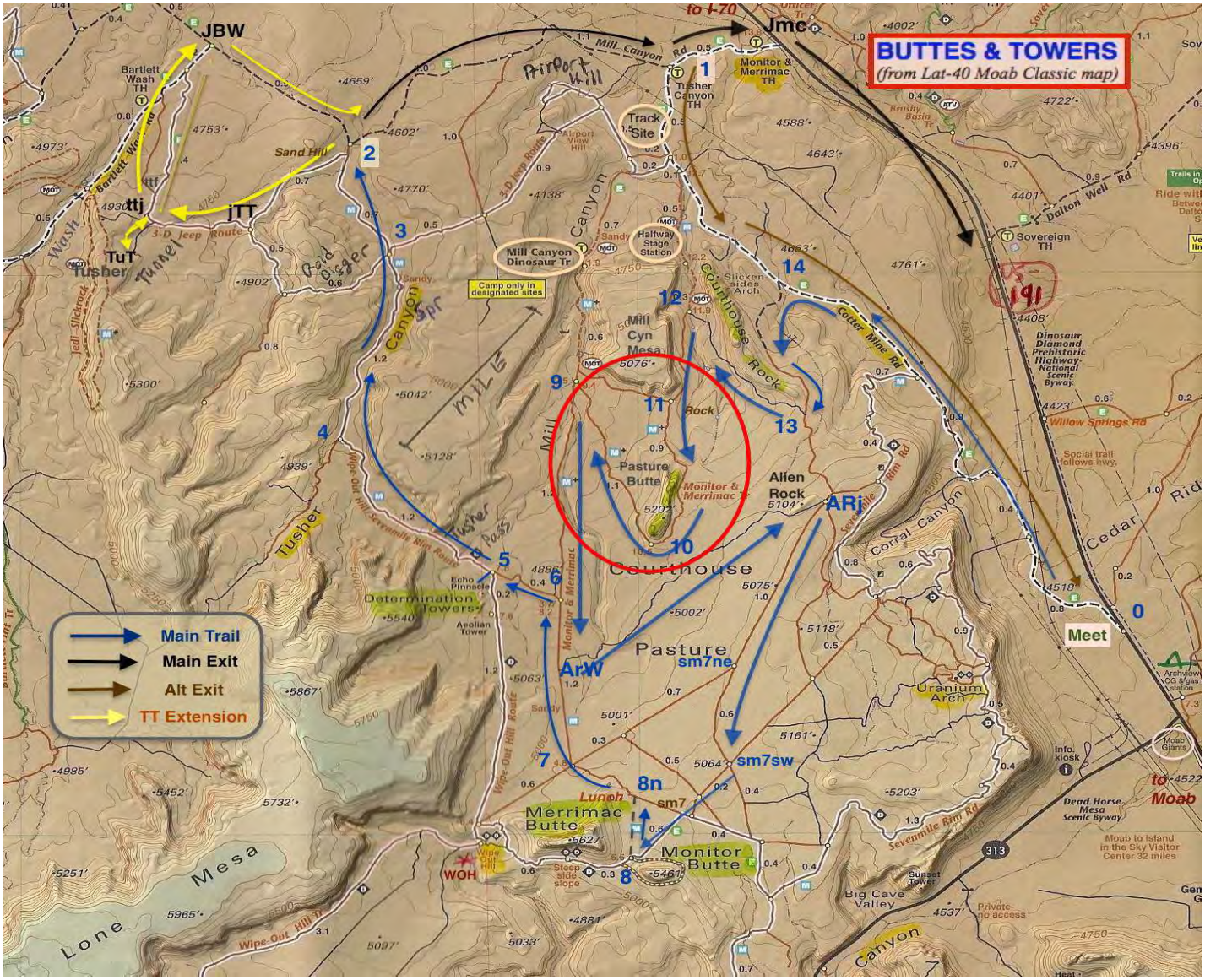
E. Conclusion

We strongly oppose closing any portion of the world-famous Sevenmile Rim Jeep Safari trail as proposed in alternative B. The BLM clearly has not thought through the implications of closing the most iconic portions of a major Jeep safari route, nor the effect closing the section in Tusher Wash would have on the overall trail connectivity in the area.

If these trail closures are adopted in the final travel plan, it would have a devastating effect on motorized recreation in the Sevenmile Rim area and would likely render that trail no longer viable for use during Easter Jeep Safari without major re-routes. If the BLM has concerns about environmental impacts along the Sevenmile Rim trail, they would be far better mitigated by working with local Jeep clubs to address specific impacts on the ground through methods like signage and fencing.

We are glad to see that, contrary to the erroneous map data and route reports first published with the draft EA, the BLM is not in fact proposing to close any major segments of the Sevenmile Rim trail in its likely preferred alternative C. We hope that the BLM will indeed keep all of this entire trail open in the final travel plan, including **D2437**, which still is proposed for closure in alternative C.

- ***Buttes and Towers - Pasture Butte Loop (D2393)***



Official map of the Buttes & Towers Safari Route by Red Rock 4 Wheelers

A. Introduction and Trail Description

We vigorously object to the closure of D2393, which is proposed in all of the action alternatives. This route, circled in red in the map above, loops around Pasture Butte and is a critical segment of the Buttes and Towers Easter Jeep Safari Trail. The Buttes and Towers Trail is one of the most popular safari routes, scheduled to be run on five different days of the 2022 Easter Jeep Safari event. It is one of the newest additions to the Safari route system, having been approved by the BLM for use as a Safari trail in 2018. It was first included in the 2018 Labor Day Safari event and then made its EJS debut at the 2019 Easter Jeep Safari. This trail is considered an easy trail and is rated a 3 by Red Rock 4 Wheelers. As such it is accessible to stock 4x4s and is often run by first timers to Easter Jeep Safari. The full Buttes and Towers route is shown in the map above, provided to me by Red Rock 4-Wheelers. This trail is also a featured route on TrailsOffroad.com.

Though every other road that comprises this trail is slated to stay open under alternatives C and D, D2393 is closed in every action alternative, including the pro-motorized alternative D, and is converted to a non-motorized bike trail. We are frankly astonished that the BLM would consider closing even part of any of the Easter Jeep Safari trails, which are world-renowned Jeep trails that are regarded as some of the best off-road trails in the country. We are even more astonished that the supposedly pro-motorized alternative D would close one.

Given that the Moab FO RMP specifies, “Only designated roads and managed open areas are available for motorized commercial and organized group use” (TRV-7), the closure of this route would inevitably result in it no longer being available for use during Easter Jeep Safari and other motorized events. Many motorized users regularly drive the Jeep Safari trails outside of permitted events, and these would also no longer be allowed to do so. The loss to the motorized community would thus be severe. D2393 provides a unique and irreplaceable experience for motorized recreation and there is no justification for closing it.

Below are a series of photos I took of this trail in October 2021. A recent video of this route can be found here: https://youtu.be/_-vxSKVln-o?t=240.

Crossing slickrock near the beginning of the trail at 38.696012, -109.733574

Passing the northeastern tip of Pasture Butte at 38.693035, -109.731661

Fencing installed to keep people on trail at 38.691641, -109.732384

Rounding the southern tip of Pasture Butte at 38.687495, -109.733687

Continuing around the southern tip of Pasture Butte at 38.687106, -109.735156

Narrower slickrock bench at 38.689034, -109.736402

Crossing open slickrock heading away from Pasture Butte at 38.694467, -109.739112

Red Rock 4-Wheelers includes the following description of the Buttes and Towers trail on their website, which is also featured in the Easter Jeep Safari Magazine every year:

Buttes and Towers Trail

This beautiful trail visits the scenic Courthouse Pasture area northwest of Moab to provide participants with a relaxing, moderate 4 wheeling experience along with picturesque views and vistas of the beautiful reddish Entrada rock formations that are plentiful in this area. The La Sal Mountain peaks serve as a backdrop. There are many old trails in this area and this trip combines segments of them to create a pleasant and varied experience. Approximate mileage: 50 total, 25 off highway.

Scenery

Courthouse Rock dominates the beginning of the trip. As the day progresses Pasture Butte, Monitor and Merrimac Buttes, Determination Towers, Alien Rock, and Big Mesa are all viewed.

Surface

The road surface varies but stays consistent with the trail rating. It varies from bumpy rock sections to smooth sandy washes. There are two track dirt sections, a lot of fun slickrock driving that includes some sidehill areas, then sandy creek bottoms and a lot of sandy pasture area. Sprinkled among all this variety are broken, rubbly rock sections and a few short shelves.

Trail Details

No named obstacles have yet appeared on this trip. The enjoyment of viewing all the varied huge red Entrada formations blends in nicely with the moderate 4 wheeling. The trail offers enough jeeping to keep the driver engaged while tempting driver and passengers to turn heads and look in awe at the buttes and towers all around. Most of the named rock buttes and towers are visited close up so participants can get a true feeling of their size. Occasional "scenic stops" along the way will allow time to contemplate and photograph the scenery. One narrow spot in Tusher Wash late in the day may test drivers of full size vehicles; others have negotiated it before, but some may prefer guided assistance when navigating this section.

B. Impacts Analysis

As can be seen from the photos above, D3293 follows a broad slickrock bench around the base of Pasture Butte before descending across a wide open slickrock area to intersect with D2389. The trail is clearly marked with white paint blazes and fencing. Because at least 90% of the trail is on slickrock, D2393 is practically the epitome of a hardened trail, and any realistic analysis should find it causes minimal environmental impacts. Yet the Resources and Use Issues section of the route report lists the following issues and concerns:

- Leads to Riparian/Wetlands
- In Pinyon-Juniper
- In Blackbrush
- In Desert bighorn sheep yearlong habitat
- In Raptor nest (Cooper's hawk; Redtail hawk)
- Crosses Navajo sedge potential geology
- In Jones cycladenia modeled potential habitat
- In VRM Class II - Retain existing character
- In SRMA - Special Recreation Management Area
- In Recreation Management Zone
- Within 1/4 mile of Ephemeral stream
- Within 150 yards of Spring/Seep
- In Springs area
- Leads to Riparian/Wetland
- In High-Use Filming Location
- Crosses Erosive Soil - Moderate Potential
- In Route Proliferation

[89]

The route report lists these two criteria as the factors driving the closure decision:

> **Designation Criteria Addressed and Relevant to Route Issues**:
>
> • 43 CFR § 8342.1 (a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.
>
> • 43 CFR § 8342.1 (b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.[90]

The report describes how these criteria were applied in only the most general terms:

> **How Designation Addresses Criteria Above**: By limiting access on this route to only administrative and/or permitted use, the potential for impacts to documented resources would be reduced, due to lower traffic volume, low speeds and no public motorized use. Continued use of this route with the added application of specific management prescriptions, would minimize potential impacts to documented resources. By eliminating the motorized uses on this route and managing it for non-motorized uses, conflicts between recreation users would be minimized. By limiting motorized access on this route, traffic volume in the area would be reduced, minimizing the potential for harassment of wildlife.[91]

This generic statement, which would be equally applicable to nearly every route in the Labyrinth Rims Gemini Bridges TMA, does not in any way justify the closure of a valuable Easter Jeep Safari

[89] Route Report for D2393, p. 3.
[90] Route Report for D2393, p. 5.
[91] Route Report for D2393, p. 5.

route. This trail has existed for many decades and wildlife have long since grown accustomed to the relatively light vehicle traffic it receives most of the year. What has changed since 2008 to make impacts on wildlife suddenly so severe as to justify closure? It is not in bighorn sheep lambing habitat, and every other trail in the Courthouse Rock area that is being kept open is also in bighorn sheep yearlong habitat. If raptor nests are a concern, that could be mitigated through a seasonal closure rather than a full closure to motorized use. None of the listed wildlife impacts are severe enough to justify closure by themselves. And if wildlife impacts are a concern, why keep it open to non-motorized users? Mountain bikers have similar disruptive effects on bighorn sheep and raptors as motorized users do.

Vegetation impacts, soil impacts, and erosion concerns should be minimal for this route as 90% of it is on slickrock, with only brief patches of dirt and very little vegetation for its entire length. Except for the very end where it intersects D2389, it is not in a creek or wash, so there are no significant riparian impacts. Any riparian impacts that do exist are because of D2389, which is slated to remain open in alternative C.

Based on the reference in the designation criteria statement about minimizing conflict between recreation users, the primary reason this trail appears to be proposed for closure is because it coincides with a section of the Monitor & Merrimac bike trail. Hence the conversion to a non-motorized trail instead of outright decommissioning.

Yet even though it appears that allegations of user conflict are the BLM's primary justification for closing this route, the route report for D2393 does not note any issues with user conflict. There is no mention of user conflict in the Resource and Use Issues section of the route report, and the route designation criterion for user conflict (43 CFR § 8342.1(c)) is listed under Designation Criterion Addressed but Not Relevant to Route Issues under all alternatives, which states "no known conflicts among users or no known resource concerns to minimize for." The actual data presented in the route report thus directly contradicts the summary statement's assertion that closing this route to motorized uses is necessary to minimize user conflict.

While we acknowledge that this route is shared between motorized users and mountain bikers, this route has the least potential for actual user conflict of any such shared route in this travel management area. First, the route report correctly notes the use level as low. In my observation, this is correct. Outside of Easter Jeep Safari or organized bike events, this route receives only light use by both motorized users and mountain bikers.

I drove this route on a Saturday morning in mid October, 2021. It had been raining all week and it was the first warm sunny day in several days. The weather was perfect for mountain biking, and indeed later that morning when I drove past the Navajo Rocks trailhead off highway 313 it was packed with mountain bikers. Mountain bikers were out in droves that day across the broader Moab area, yet I did not encounter a single one on D2393 or the roads leading to it. Neither did I encounter any other vehicles. While my experience is anecdotal, it supports the use levels for both user groups being fairly low. As a result, there are likely to be relatively few encounters between mountain bikers and motorized users on the Pasture Butte loop.

Even if mountain bikers and motorized users did frequently encounter one another on this trail, there is plenty of room for them to pass with no interaction or conflict. As mentioned above, 90% of

the trail is on a broad slickrock bench at the base of Pasture Butte. While this makes route-finding a little tricky, it also leaves plenty of room for trail users to go around each other with plenty of margin. Neither user type is likely to impede the progress of the other, and they would pass with minimal conflict. At most, the presence of vehicles would be a minor inconvenience to mountain bikers, who may not like their noise. Yet given the fact that this entire trail is surrounded by other nearby motorized routes, vehicle noise is unavoidable, even if this particular trail is closed to motorized use.

In sum, the BLM has presented zero evidence that user conflicts between motorized and non-motorized users are occurring on this route, as even its own route report acknowledges. While some non-motorized users may prefer to have exclusive use of this route, as discussed at length above, user preferences and prejudices against motorized recreation are not a legitimate basis to close motorized routes on the basis of user conflict. The BLM should not be playing favorites by closing a valuable motorized route to give non-motorized users exclusive access.

Finally we note that while this route is inside a mountain bike focus area, the Resource Management Plan directs that Easter Jeep Safari trails in these areas be kept open. Regarding this particular area, the RMP states:

> Mill Canyon/Upper Courthouse Mountain Biking Focus Area (5,744 acres) inclusive of areas within the Mill Canyon and upper Courthouse drainages with continued use of the Sevenmile Rim Jeep Safari route for motorized use, with non-motorized trailheads near the Mill Canyon Dinosaur Trail and the Halfway Stage Station.[92]

While the RMP only expressly protects motorized use on the nearby Sevenmile Rim trail, that is because the Buttes and Towers trail is a newer addition to the Jeep Safari trail system, having only been added to the trail lineup in 2018. If it was a Safari trail in 2008, it is likely the RMP would also have protected it against closure, just as it protected the Copper Ridge Jeep Trail, which is also in a mountain bike focus area. While the RMP does allow less-important motorized trails in mountain bike focus areas to be closed and converted to mountain bike trails, it clearly favors keeping Jeep Safari trails open to motorized use. This guiding principle should clearly apply here.

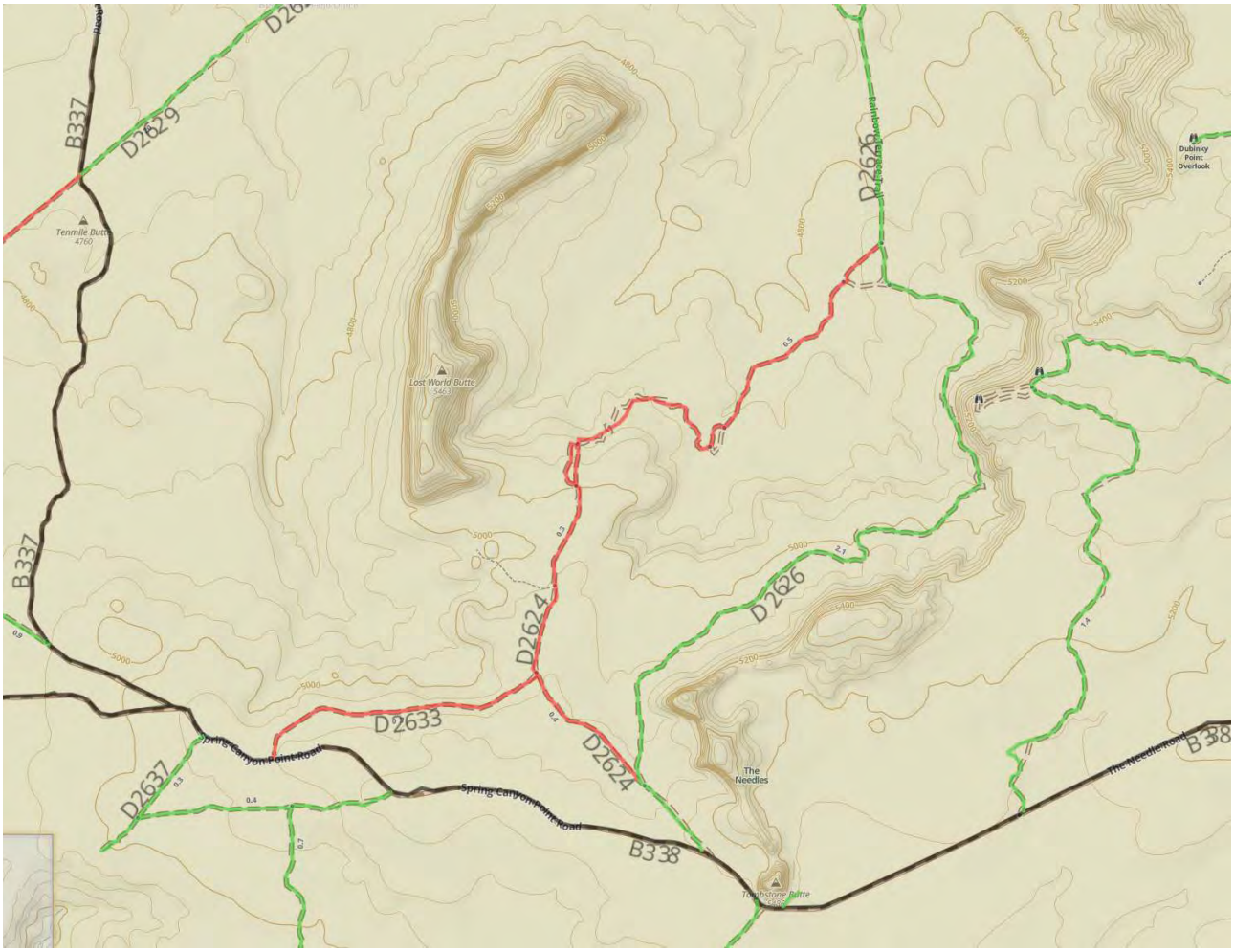
C. Conclusion

Given that the BLM evaluated and approved this route for inclusion as a Jeep Safari route as recently as 2018, it has already made a recent determination that this route is suitable for motorized use. Nothing has changed in the last four years to justify closing this route, and that decision should stand. The environmental impacts of this route are minimal as 90% of it is on hardened slickrock with minimal vegetation. Neither is there any evidence of serious user conflicts occurring on this route. Any minor benefits to mountain bikers from closing this trail are vastly outweighed by the harm that action would cause to motorized recreation on the Jeep Safari trail network. D2393 is a critical part of the Buttes and Towers Jeep Safari Trail, and we strongly urge the BLM to modify the chosen alternative for the final travel plan to keep it open to motorized use.

---

[92] 2008 RMP, p. 91.

- ***Lost World Butte Trail (D2624 and D2633)***



A. <u>Introduction and Trail Description</u>

We strongly oppose the closure of D2624 and D2633, as proposed in alternatives B and C. D2624 is referred to by Moab locals as either the Lost World Butte trail or the Lost World Valley trail because it runs through the valley below Lost World Butte. It is a popular 4x4 trail that is part of the longer “Rainbow Spire" route, which consists of the Rainbow Rim trail (D2618), the Lost World Butte trail (D2624), the Rainbow Terrace trail (D2626), and the Dellenbaugh Tunnel leg of the Secret Spire Safari route (D2621 and D2053). It is featured on TrailsOffroad.com.

The Rainbow Spire route has long been a local favorite, and Red Rock 4-Wheelers recently ran it as their Trail of the Month for March 2022, with 34 vehicles in attendance. Several photos from this trail run are below. They also did a group pre-run of this trail a couple weeks earlier.

Red Rock 4 Wheelers trail run on March 19, 2022

Red Rock 4 Wheelers trail run on March 19, 2022

As seen in the photos above, D2624 is a fun, moderate 4x4 trail with spectacular views of Lost World Butte and the cliffs of Rainbow Rim (also called the Needles on some maps). The road surface is a mixture of sand and several long, fun slickrock sections, which are well-marked with cairns to aid in navigation. It connects to D2626 (the Rainbow Terrace Safari route) at both ends, providing an excellent loop opportunity which circles through the entire Rainbow Rocks area. It also makes a great through-route to the Dripping Springs / Ten Mile Wash area. D2633 is an optional extension of that route, offering additional views of Lost World Butte as it crosses a slickrock bench overlooking it.

I drove D2624 on the last day of my Moab research trip in October 2021, on my way to Ten Mile Canyon. I observed that this road is well-defined and regularly used. The main entrance at the southern junction with D2626 is clearly signed as an authorized trail.

Beginning of the trail at 38.688799, -109.922486

From there it continues as a sandy road across open fields until reaching the junction with D2633. The following picture shows the entrance of D2633, which is likewise well-defined and regularly used. It follows a slickrock bench above a gully, winding back around to Spring Canyon Road.

Entrance of D2633 at 38.692555, -109.927150

From there the trail grows more scenic as it starts to descend into Lost World Butte.

Sandy scenic trail at 38.696542, -109.926513

The trail then crosses a series of moderately challenging slickrock areas with excellent views of Lost World Butte. As seen in the following photo, these sections are mostly well-marked with cairns. I have heard that Red Rock 4-Wheelers built more cairns to mark confusing spots prior to their trail run in March.

Cairn marking trail across slickrock section at 38.698585, -109.925447

The slickrock continues for some distance, with lots of interesting shapes and amazing views.

Slickrock section at 38.701333, -109.923939

My Jeep on slickrock section at 38.701909, -109.921046

Finally, the trail crosses through a sandy wash before reconnecting with D2626.

Sandy trail at 38.700889, -109.920011

While the BLM's map for this trail is mostly correct, we note that the primary route at the northern junction with D2626 actually goes straight east instead of diagonally northeast, as shown in the map to the right. That path is well-defined, while the diagonal route shown in the BLM's GIS data is so faint as to be practically non-existent. The main (straight east-west) path intersecting D2626 at 38.70753, -109.91195 can be seen in the photo below from TrailsOffroad.com.

GaiaGPS map of intersection at 38.70753, -109.91195

Northern intersection between D2624 and D2626 at 38.70753, -109.91195

B. Impacts Analysis

Based on my observations running this trail last October, both D2624 and D2633 are well-used and popular motorized routes that must be kept open. Though the BLM's route report for D2624 notes potential resource issues with bighorn sheep habitat, raptor and golden eagle nests, erosive soil, and route proliferation, in reality these impacts are minimal. Though route finding can be a little tricky on slickrock sections, that can be fixed with paint blazes and more cairns, which Red Rock 4-Wheelers has already started adding. Improved trail marking should resolve any concerns with route proliferation.

A good 50% of the route is on hardened slickrock, and erosive soils are only a concern on the sandy sections of the route. The sandy sections are however very distinct and I only saw one short instance of trail braiding, at 38.70051, -109.91952 where the route briefly splits into two paths: one in the wash and one above the wash. This one braided section could be resolved with signage marking the correct route. Erosion concerns should be minimal as long as users stay on the authorized route, which appears well able to handle the current relatively low levels of traffic it receives.

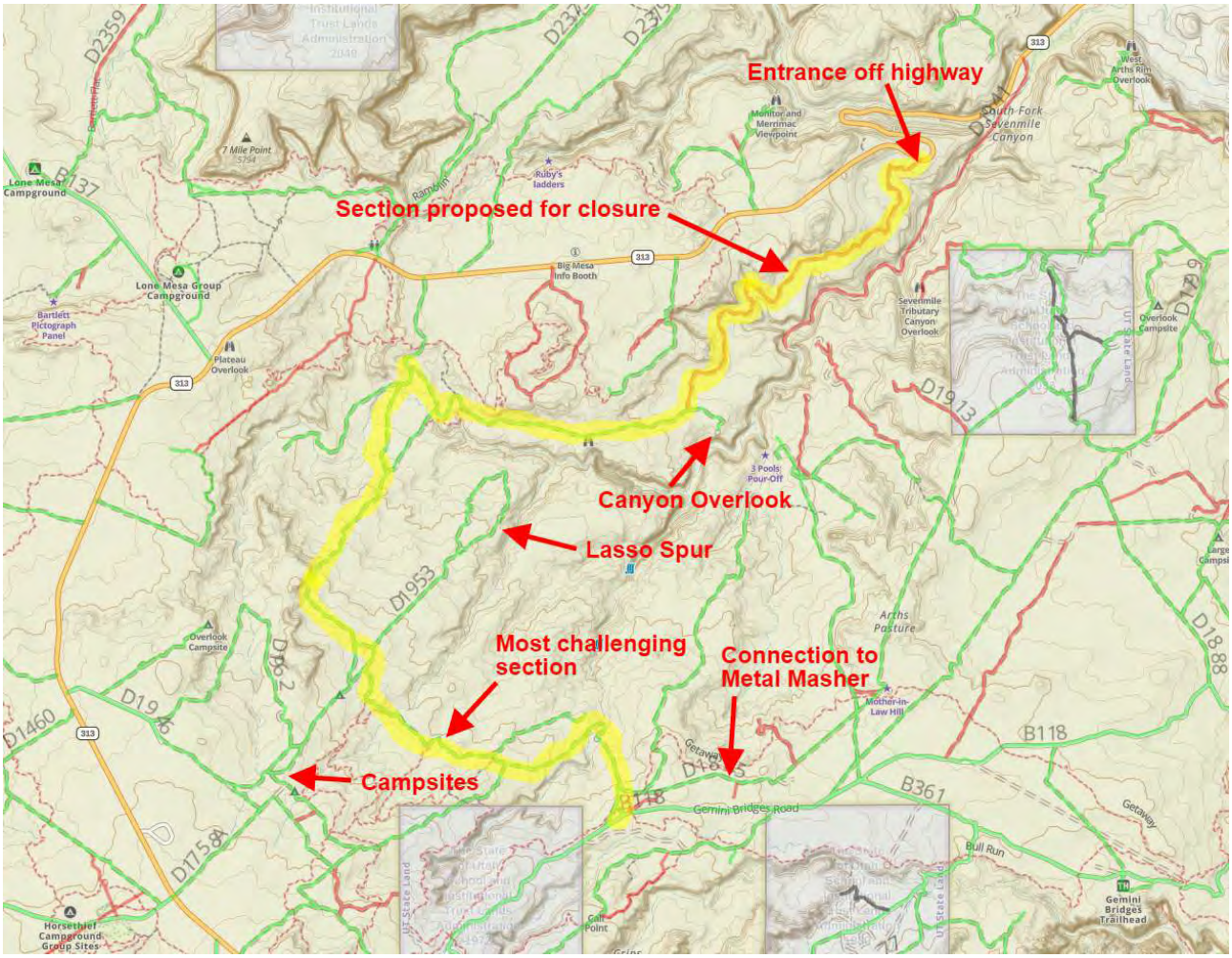
Wildlife impacts should also be minimal regarding this route. It stays well clear of the cliffs where raptor nests would be located, and it does not block any escape terrain for bighorn sheep. The local bighorn sheep herd has likely long grown accustomed to this route, as it has been in use for many decades. Camping is already prohibited along this route because it is in lambing habitat, which should be sufficient to mitigate impacts there. If absolutely necessary, a seasonal closure during lambing season could be considered, but full closure is simply not warranted.

The route reports do not note any issues with user conflict on this route, and any shared use with non-motorized users that occurs should be able to continue without issue. We note that this route actually benefits non-motorized recreationists as well, as it provides access to the popular rock climbing areas on Lost World Butte. Climbers with sufficiently equipped vehicles can use this route to get within 0.1 miles of the butte. If it were closed, they would have to walk about a mile from the nearest open road.

C. Conclusion

In conclusion, D2624 and D2633 are highly valuable motorized routes which are popular with local off-roaders and regularly driven as part of Red Rock 4-Wheelers club trail runs. They provide an important loop opportunity with the Rainbow Terrace trail, with spectacular views of the surrounding buttes and moderately challenging slickrock terrain. D2624 also allows rock climbers to have easy access to Lost World Butte. It is therefore critical that both of these routes be kept open to motorized use as they are in alternative D, and we urge the adoption of that alternative for the Lost World Butte area.

- ***7-Up Trail (D1944, D1945, D1946B, D1754, D1953)***



A. Introduction

We strongly oppose the proposed closure in alternatives B and C of D1944, which is the eastern end of the 7-Up trail which connects to Highway 313 at the switchbacks climbing out of Sevenmile Canyon. 7-Up (also called the West Rim Trail in a classic guidebook by Jack Bickers) is a lesser known trail which forms a 9.3 mile long arc around the head of South Fork Sevenmile Canyon paralleling Highway 313, connecting to Gemini Bridges Road and Metal Masher. This route (highlighted in yellow) is shown in the map above. When combined with Gemini Bridges Road, it allows you to drive an almost complete loop around the Gemini Bridges area staying on dirt roads between Highway 313 and the Gemini Bridges trailhead off Highway 191, about 19.3 miles long. When combined with other 4x4 roads crossing Bull Point to the Day Canyon Point area, the 7-Up trail also enables a larger loop opportunity with Long Canyon Road, with approximately 22 miles of dirt roads.

While most people probably think of 7-Up as a mountain bike trail, the bike trail actually follows a 4WD road for much of its length, with some single-track sections intermixed. The Mag-7 mountain bike trail system (including the 7-Up bike trail) was created in 2011 in an existing motorized

recreation area, with some trails following pre-existing motorized routes and shared with motorized users. Now the BLM appears to be proposing to close a large section of the overlapping motorized route in the likely preferred alternative C of this travel plan -- primarily to give mountain bikers exclusive use of it based on claims of so-called "user conflict," but also because of alleged impacts to wildlife.

Under the 2008 RMP, the area around the 7-Up trail has no special direction and is managed as a motorized backcountry touring area by default. We believe it is highly inappropriate to close a critical segment of an important motorized loop opportunity simply to give mountain bikers exclusive access to what is currently a shared access route. Motorized traffic on this route is generally light and is not causing any significant user conflicts which justify the proposed closure.

B. Trail Description

The 7-Up trail starts at an unmarked turnoff at the apex of a switchback on Highway 313 at a large slickrock area. There are usually a few cars parked here that are presumably for mountain bikers riding the trail. The beginning of the D1944 route is a little confusing since it's a little unclear where it leaves the slickrock area. Drivers must follow the right side of the slickrock area downhill to where the trail turns to dirt.

Slickrock area at the beginning of the trail right off Highway 313 at 38.644456, -109.730379

The trail then follows a well-defined dirt track that winds along the base of a series of cliffs to the right, with frequent views of Sevenmile Canyon to the left. This segment is mostly easy with a few minor ledges. Below are a series of photos I took documenting this stretch of trail.

The trail leaving the slickrock area at 38.643810, -109.731640

Dirt two-track section at 38.644120, -109.733122

View of South Fork Sevenmile Canyon at 38.641288, -109.732229

My Jeep Parked along the trail at 38.641282, -109.732236

This whole section of trail is well-defined two-track though a mixture of slickrock and sandy dirt. Vehicles have done an excellent job of staying to the defined route and there is no sign of off-trail resource damage. Biological soil crusts adjacent to the roadway have not been distrubed. In some places, the trail has been lined with sticks and rocks to clearly delineate the authorized route.

Well-defined two-track at 38.639750, -109.733509 with undisturbed biological soil crusts adjacent to it

Passing beneath some cliffs at 38.636871, -109.740312

Continuing along the cliffs at 38.634432, -109.746632

Crossing a gully at 38.634895, -109.747570

Continuing below the cliffs at 38.632794, -109.749770

Beginning of D1945 overlook spur at 38.624554, -109.751485

After about 2.7 miles you come to an unmarked junction with D1945. Turning left on D1945 follows a short side spur that leads out to a spectacular overlook of South Fork Sevenmile Canyon. When I drove it, it appeared someone had attempted to make this spur appear closed by placing some small sticks and logs across it, which I removed (pictured above). D1945 is proposed to stay open in alternative C, but would be converted to an out and back route instead of a through route with D1944.

View from overlook at 38.62311, -109.75081. There is also an excellent campsite here.

Continuing on from that junction the remainder of the trail is proposed to stay open in Alternative C. The trail crosses some wide open fields and intersects another road (D1946B) which leads back out to the highway. From there the trail turns south on D1946B and climbs up a hill with views of an arch above, until it reaches a complicated junction with several other roads.

Climbing up the hill on D1946B beneath the arch to the junction at 38.613252, -109.789846

To the southwest is a road (D1946A) which leads back out to the highway and has several excellent campsites along it. To the northeast is a spur (D1953) I will call the 7-Up Lasso, which is a faint but still followable track that leads out to, and then loops around, a point with great views of the surrounding area. This trail is shown as a legal route on BLM maps, but I found that someone had attempted to block it by dragging tree branches across the trail in multiple places. I removed those and was able to drive this whole trail, though it is somewhat difficult to follow in places. It is proposed for closure in alternative B, which we oppose as it is still a useful and viable route.

Clearly defined section of the lasso spur trail (D1953) at 38.613861, -109.776925

Scenic slickrock section of the lasso spur trail (D1953) at 38.616758, -109.776112

Continuing straight on D1754 from the intersection on the main 7-Up trail, there is a more challenging section (I'd rate it probably a 5, while the rest of the trail is about a 3 or 4) with several ledge obstacles. The trail crosses several valleys and washes before connecting to Gemini Bridges Road. There is also another 4WD road (D1845) you can take just before that intersection which parallels Gemini Bridges road and connects to the end of Metal Masher.

Wash crossing on D1754 at 38.600157, -109.762070

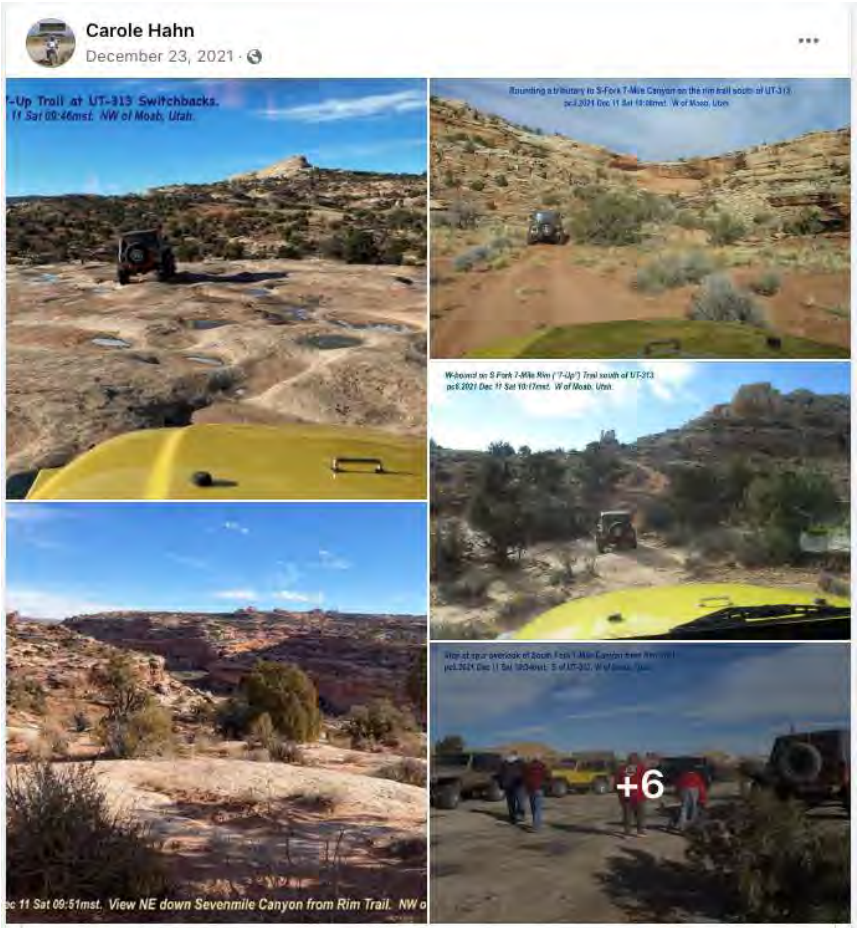
Overall the 7-Up trail is a great way to drive around the west side of the Gemini Bridges area on scenic 4x4 roads instead of taking the highway. It offers amazing views of South Fork Sevenmile Canyon as well as Monitor and Merrimac Buttes and other interesting cliffs and rock formations.

While most of it is currently proposed to stay open in alternative C, the section proposed for closure is probably the best part, and the Grand County Commission has demanded that the BLM close even more trails in the area to give mountain bikers exclusive access. We strongly oppose that closure and believe such favoritism toward mountain bikers is unwarranted and not required by the BLM's travel management regulations.

The motorized route that now coincides with the portions of the 7-Up bike trail predated the bike trail (and indeed mountain bike use in the Moab area in general) by several decades. While it receives only light motorized use today, it has been regularly used for off-road motorized recreation for at least 50 years, having originally been constructed as a mineral exploration road sometime in the mid-20th century.

Early use of D1944 for motorized recreation was documented at length in the off-road guidebook *40 Grand Trails From Deadhorse Point Road* by Jack Bickers, published in 1991, where it is referred to as the West Rim Trail because it travels above the West Arm of South Fork Sevenmile Canyon. The section following D1946B and D1754 is referred to as Old Arths Road because it was the original road into Arths Pasture to the south. Scans of the route description in this guidebook are shown below.

While the Bickers guidebook may be old and out of print, it is still regularly used by local off-roaders today and provides the most thorough descriptions of some of the more obscure 4x4 trails in the Gemini Bridges area. The local off-road club Moab Friends For Wheelin' did a group trail run on this route on December 18, 2021 and referenced the Bickers guidebook in their Facebook post (included below) about it. The fact that D1944 is featured in a published guidebook attests to its importance as a motorized route and is an additional reason that it (and all the other roads mentioned in this comment) must remain open to motorized use.



Carole Hahn ▸ Moab Friends For Wheelin'
December 18, 2021

S-FORK 7-MILE RIM TRAIL & FOUR ARCHES CYN OVERLOOK. As citizens of this beautiful country, we have many wonderful places to explore, and particularly all around Moab where we choose to live. So, on Sat the 11th, a few of us got together to explore a road along the rim of South Fork Sevenmile Canyon west of town. There is a delightful little road, which I will call "S-Fork 7-Mi Rim Trail" (or Rim Trail for short; it was named "West Rim Trail" by Jack Bickers), that takes off south of UT-313 and parallels the canyon for about 3 miles before turning westward toward Slit Window Arch. Along the way we stop several times for vistas into & beyond the canyon. In a couple more miles westward we intersect the Slit Window Arch Road (called "Old Arths Road" by Jack Bickers). We go southward from there enroute to our 2nd destination. I note that, of the hundreds of miles of single-track bicycle trails constantly being constructed thru our countryside, there is a trail, called 7-Up, that winds around this area. It shares some of our jeep trails along its way, though we encounter few others if any.

Our 2nd destination was an overlook of Four Arch Canyon. This is located south of Gemini Bridges Rd and is accessed from the south from UT-313 where it bends SE-ward toward Long Canyon and Dead Horse Point. (There are other, more complicated, access points as well.) We pass an oil well and continue NE-ward [p8]. We get an overlook of Crips Hole [p9] and a great panorama from the canyon to the La Sal Mountains [p10]. This particular overlook road trends toward the rim of Bull Canyon. We note from maps that there is another overlook on the east side of the 4-Arch Cyn which might give a better view into the upper reaches of the canyon. We'll have to explore this option soon!

Exhibit B.3

Scans of 40 Grand Trails From Deadhorse Point Road by Jack Bickers (1991):

Blue Hills road, then up Dubinky Well Road to a point near the present day Mile Marker 14 on U-313. The Moab 15' quadrangle does NOT show the present day U-313 coming up and out of Sevenmile. It shows the road on top ending near the cable head. The topo map predated the then "new" Deadhorse Point Road by several years.

As this is being written, work on the newly aligned and much widened and improved Deadhorse Point road is almost done. This is an expensive undertaking by the state, and welcomed by the locals and others who return to visit our area. It was severely harmed by the traffic of heavy equipment in paving the U. S. Government's route into Island in the Sky from Mile 8 of the Deadhorse Point Road. Drivers of the old road will certainly appreciate the NEW Deadhorse Point road.

MILE MARKER 19 — ELEVATION 4,600 FEET

MM 19 + 0.1

First switchback; climbing out of West Fork of Sevenmile Canyon.

MM 19 + 0.6 L ****

From this new bend, an old trail leaves south and follows the rim of Sevenmile for several miles. Extensive widening of this bend has changed the elevations and point of departure. At this writing, this trail departs (left) onto a rock shelf about five feet lower than the highway, just out of the second switchback. It eventually connects with trails coming off the Deadhorse Point Road at MM 16 + 0.5 L. About a mile up this rugged old trail, an old settler—said to have been a hermit, lived up by a grotto where the trail crosses a slanting pour-off flat. Another source says it was merely a cow camp. There was a water seep there at that time, but it is not seen nowadays. Only some old bed springs, car seats and tin cans remain. The trail continues by making a rough climb out of the gully then going cross-country along some beautiful cliff walls below the main road's higher route. It makes a rough crossing of a sandy/rocky arroyo, heading more south and away from the cliff walls. These walls are Navajo and some petrified wood can be found in places along their bases.

The trail intersects another trail coming from the highway at MM 16 + 0.5 L. A turn left (east) at this intersection will take one up the rock flats as it works its way more southerly. It ends at a beautiful overlook of West Arm at its juncture with South Fork of Sevenmile Canyon. The Three Pools Pour-off can be seen across the way, as well as the end of a grand hiking escarpment along the east rim of upper South Fork. Expert rock hikers can leave this vantage point, drop into the bottom, and climb the other side, but that area is better accessed from the south.

Returning from this point, the road runs westward, staying quite close to the West Arm rims. If one stops in the right places, views above and below the West Arm Pour-off can be had. Hikers have been seen finding a way down to the pour-off cavity.

This beautiful South Fork West Arm Pour-off is best seen by a half-mile hike in the upper wash bottom from higher country to the west. Access by this route is explained in its appropriate section.

The view cross-canyon in this area will no doubt become extremely interesting as to how it may be reached, visited, explored and appreciated. This is natural for inquisitive lovers of the canyon country. This, too, will be disclosed later. It is wonderful to visit!

The trail leaves West Arm (of South Fork) rim as it curves more northerly. The trail joins a back-fork from the south and leads to the highway (U-313) at MM 16 + 0.5 L.

MM 19 + 0.9 R **

Turn-outs and impromptu picnicking spots. These are old construction material places near the road and have been converted into fine viewing turnouts.

MM 16 + 0.5 L ****

This paved exit soon splits into three ways. These can be confusing. The left-most becomes the inner gorge rim trail coming up from MM 19 +6. This trail can be done, of course, in reverse direction. It is a quick way east to the junction overlooks at South Fork/West Arm/Three Pools Pour-off, Cue Ball Arch (opposite) and the beautiful West Arm Pour-off into South Fork. Hikers can leave the Jeep trail when it nears West Arm gorge, and find a way into the gorge. A hike of about a half-mile down the wash bottom to the Pour-off is a very beautiful experience. Two large canyons enter from the higher country opposite, and are worthy of upward digressions. Keep in mind that Sevenmile Canyon at its low point is at an elevation of about 4,400 feet, and this country at its high points along Big Flat edges is 6,100 feet. This will explain the great slashes, drops and pour-offs of this beautiful but relatively unvisited country so close at hand.

The middle (southward) branch of the trail joins extensive roads on the opposite side of West Arm; such as a main (****) road serving all of this country, and leaving U-313 at MM 12 + 0.1 L. This middle branch trail is readily recognized as having been one of the pioneer trails of the region. It can be confusing due to later trails made into the area for drilling and mineral searches, however, these later roads also serve as access to a great portion of this country which would otherwise be very hard to visit. This old road was the original route into Arths Pasture. The third and most westerly trail fork stays high and veers into an impromptu camping spot. The view is interesting although not spectacular from this hideaway. Slitwindow Arch can be seen along the main (middle) trail southeastward. A right branch along the old trail goes upcanyon a short distance into an unrewarding confusion of old prospect trails.

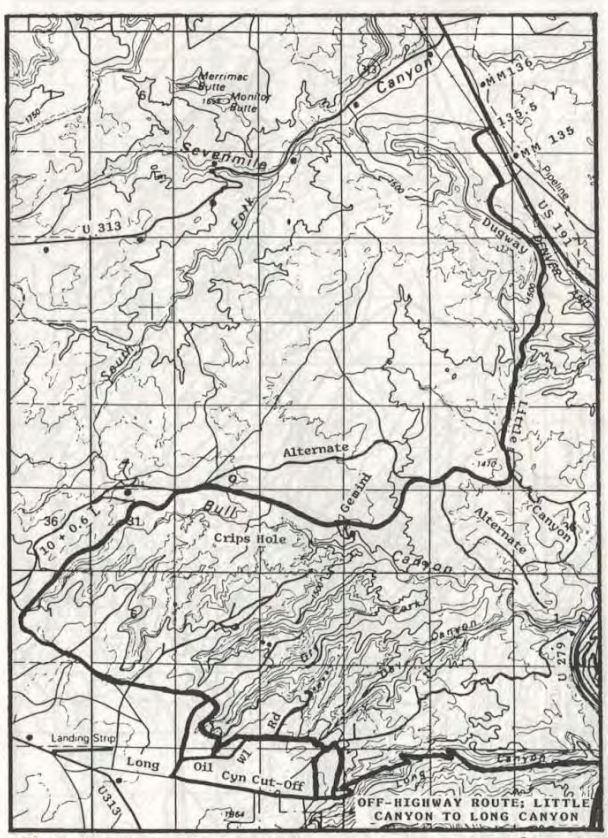
The old road roams southeast, crossing an old oil well prospect coming in from MM 12 + 0.1 L, then going cross-country easterly for a beautiful and rarely seen crossing of upper South Fork. Several trails leave it and head generally northward toward West Arm overlooks. These all end on prominences and hiking becomes a very rewarding mode of travel. If an extension of the oil drill road is taken northward, it will be found to make a loop along the rim of

West Arm and rejoin its own beginning near the old drill site. A short spur near the rim will take one to a neat and easy stair-like entry of West Arm bottom for a half-mile hike to its magnificent pour-off into South Fork. Places such as these cannot be adequately directed, but the "Daniel Boones" may find the sense of accomplishment as exhilerating as the scenes themselves. This area has a detailed map contained herein, and must be studied along with the text. This is 4-WD, biking or hiking country. The area metric map shows most of the route. Persons doing these trails will not be apt to find anyone else doing them or even knowing of them.

Two of the finest hikes begin where the old trail crosses South Fork bottom. Just before going downhill, a dim bladed trail forks northward. It works its way along the west rim prominence of South Fork for about 0.3 mile, then ends. This is where a new experience in beautiful hiking country begins. The trail follows the rapidly descending South Fork, but has to circumvent two side canyon entries. A middle portion of the bottom can be entered soon after passing a deep pour-off, and hiked for about 0.3 mile. An easy exit can be found just prior to reaching a second giant pour-off.

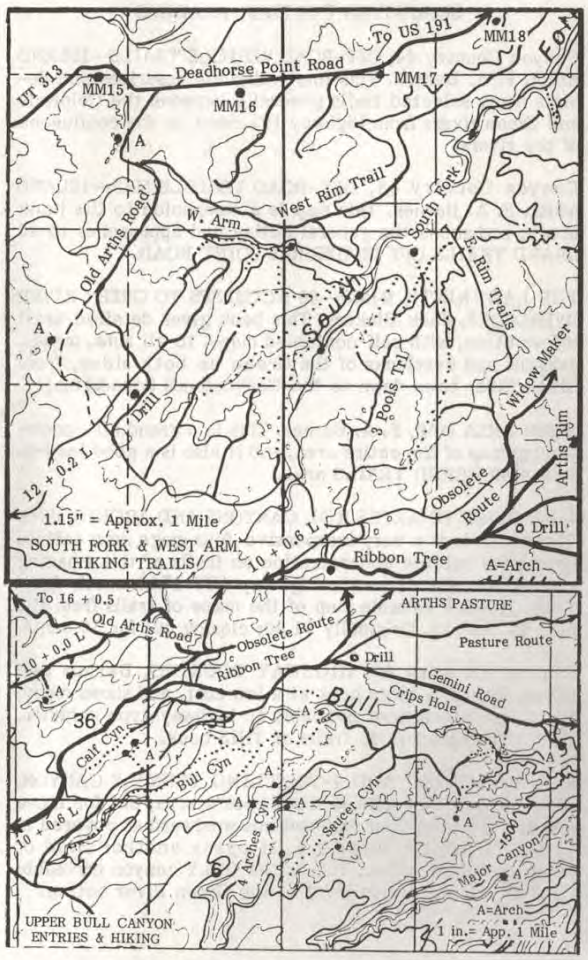
A smooth-bottomed canyon then enters from the southwest, with a great pour-off of its own into the lower canyon. A hike across this side canyon (easy if properly scouted) climbs the ridge prominence northward. In about 0.3 mile, the trail ends on a magnificent two-level point where West Arm enters South Fork. This three-mile (round trip) is worth a day of the canyon lover's time, even if hiking is not his true cup of tea. The rim can be hiked westward along West Arm gorge to view the great West Arm Pour-off about 0.4 mile upstream. The writer considers this spellbinding hike to be most gratifying of any in the area covered in this book.

Two ridges may be driven out short distances northward from the main old trail, and hiking to West Arm Pour-off and over to connect with South Fork's rim trail is easily done. Confirmed hikers will have to agree they have never had more interesting country to explore. These two ridges have a winding (4-WD) cross-trail connecting them near their ends.



This book contains all necessary maps for 40 GRAND TRAILS country. Shown above are the two departures from U.S. 191, and the complete off-highway route from Little Canyon to Long Canyon--which exits near Mile 1 of U. 279.

78



79

C. Impacts Analysis

In alternative C, D1944 is proposed to be closed to motorized use completely and seasonally closed to all uses from February 1 - August 31 to protect peregrine falcon reproductive areas.

The alternative C designation rationale statement in the route report for D1944 states:

> By limiting trail use to hiking and biking only, the potential for greater disruption of wildlife habitat by horse use in an environmentally sensitive area would be minimized. Due to the low traffic volume and speeds expected on this route, allowing its continued use would contribute to minimizing the overall route network's potential for causing undue and unnecessary soil erosion, habitat disruption and/or vegetative damage. Limiting motorized access on this route would minimize potential for impacts to wildlife habitats. By limiting motorized access on this route, traffic volume in the area would be reduced, minimizing the potential for harassment of wildlife.[93]

[93] Route Report for D1944, p. 5.

While the rationale statement doesn't mention it, the designation criterion for user conflict is also cited as a reason for closure. This of course is the main issue with this route, because it is shared with the 7-Up bike trail.

Based on this rationale statement and the cited designation criteria, the three primary reasons for closing this route appear to be (1) user conflict, (2) wildlife impacts, and (3) soil / vegetation impacts.

(1) User conflict

Even though user conflict is not directly mentioned in the route designation rationale statement for alternative C, we assume this is really the main issue regarding this route. Most of it coincides with the 7-Up mountain bike trail, and allegations of user conflict were the justification the Grand County Commission used to call for its closure in their December 2021 letter.

The real motivation for closing this route segment thus appears to be giving mountain bikers and hikers exclusive access to this route. Claims of "user conflict" are nothing but excuses for blatant favoritism between user groups and the desire to take routes away from a less favored used group to give them to a more favored one. We believe this to be a serious mistake, and contend that closing motorized routes to give them to mountain bikers will only exacerbate user conflicts rather than resolving them.

First, there is no actual user conflict occurring on this route. Both the BLM and Grand County appear to be assuming that user conflict exists simply because D1944 is shared between motorized users and mountain bikers. No one has provided any evidence of actual documented user conflict on this route and the facts on the ground simply do not support the claim that widespread user conflict is occuring. In reality, motorized users and mountain bikers have shared the 7-Up route successfully for decades with minimal conflict.

Motorized use of this route is generally light, as most motorized use occurs on the nearby Jeep Safari trails and not more obscure trails like this one. Mountain bike use is mostly light as well. When I drove it on a sunny Saturday morning in October 2021, I did not encounter a single other vehicle and only saw a couple mountain bikers. The broader Mag-7 mountain bike trail system was being heavily used that day and the trailheads off Highway 313 were packed with vehicles toting bike racks. But the 7-Up trail only had two vehicles parked at the beginning of the trail and I only saw two mountain bikes on the trail.

Based on descriptions and reviews of the 7-Up trail I have read on mountain bike websites, 7-Up is probably the least popular mountain bike trail in the Mag-7 trail system. The primary reason for this is because much of it follows two-track 4x4 roads and the road surface is simply not as fun or challenging as the twisty narrow single-track trails mountain bikers prefer. 7-Up seems to mainly be used by mountain bikers as a connector route to either get to other trails when going uphill or to get back to Highway 313 after completing other trails when going downhill.

Because of relatively infrequent use by either motorized users or mountain bikers, 90% of the time mountain bikers will never encounter a vehicle on the 7-Up trail. Closing it to vehicles will not make mountain bikers any more likely to use it, as their primary reason for disliking it is not encountering vehicles but the road surface itself. If mountain bikers avoid this trail, it is because of the

characteristics of the trail itself, not conflict with motorized users. If the BLM actually wanted to improve the recreational experience of mountain bikers using the 7-Up trail, a better way to do that would be to relocate the mountain bike trail onto its own dedicated single-track route.

By myopically focusing on resolving non-existent user conflicts rather than seeking a compromise that could improve the recreational experience of both user groups, the BLM is in fact contributing far more to the creation of so-called "user conflicts" than shared use ever could. Taking routes away from motorized users to give them to mountain bikers only exacerbates conflicts by pitting user groups against each other in direct competition for trails.

Before, the presence of other user groups on these routes was at most a minor inconvenience. Now that the BLM has seemingly declared the two user groups incompatible, hostility and competition between the two groups will inevitably increase as both motorized users and mountain bikers are forced to view the other as a direct threat to their ability to recreate on public lands. Mountain bikers are now incentivized to try to exclude other users rather than peacefully sharing routes; while motorized users will be far less inclined to be courteous to mountain bikers sharing their routes in the future for fear that they will later try to steal those routes for themselves and ban motorized users.

Closing valuable motorized routes like the 7-Up trail in order to give mountain bikers and hikers exclusive access would set the precedent that as soon as a motorized route becomes popular for non-motorized recreation, motorized users will be kicked out in favor of other user groups. This blatant favoritism between user groups would only cause motorized users to resent both the BLM and non-motorized users. Motorized users would be forced to view non-motorized users as a direct threat to our ability to recreate, and the era of mutual cooperation between user groups would be over. The BLM should be encouraging different user groups to share the limited resource of trails around Moab rather than playing favorites between user groups and catering to a selfish minority of non-motorized users who demand exclusive access and are unwilling to share.

Closing the 7-Up trail to convert it to a mountain bike trail also contradicts the 2008 Moab Field Office Resource Management Plan. While the RMP established several mountain bike focus areas which included plan direction to convert lesser used roads to mountain bike trails, the RMP chose not to designate the area around the Mag-7 trail network as a mountain bike focus area, but instead designated the entire area around it as either an express or default motorized backcountry touring focus area. The Mag-7 bike trail network was developed in 2011 after the adoption of the 2008 Resource Management Plan, and the BLM has not to our knowledge amended the RMP to create a mountain bike focus area around it. Thus it is still inside motorized recreation focus areas.

While D1944 is adjacent to the Sevenmile Canyons Equestrian area and partially within the Scenic Driving Corridor around Highway 313, most of it is in an area that has no express focus area and is managed under the default emphasis for motorized backcountry touring under the 2008 Resource Management Plan[94]. Motorized use is therefore the primary recreational activity in the area and mountain biking is only a secondary use.

---

[94] *See* 2008 RMP, REC-33, at p. 84: "Where a single focus SRMA or a specific RMZ (Focus Area) is not identified, the default focus of that area is motorized, backcountry touring on designated roads."

While mountain bike trails can exist in motorized emphasis areas, they are not given priority, and therefore should not preclude motorized use of motorized routes which existed long before the creation of the Mag-7 mountain bike trails. As the newer use of the area, it is incumbent on mountain bike trails to peaceably coexist with previously existing motorized trails. Motorized users were there first and should not be pushed off their trails to accommodate mountain bikers. While some lesser used motorized routes have already been closed and converted to mountain bike trails in this area without seriously impacting motorized recreation, it would be improper to force motorized users to give up more important trails (like 7-Up) to mountain bikers in an area that is zoned primarily for motorized recreation and is not a designated mountain biking focus area under the RMP.

If non-motorized users desire their own trails, a better approach to improve their recreational experience would be to construct new dedicated mountain biking trails. As mentioned above, the best way to improve mountain bikers' experience on the 7-Up trail would be to relocate it off of 4x4 roads onto a newly constructed single-track trail which is specifically designed as a mountain bike trail. That would give them a far better experience than simply closing the D1944 portion of the trail to motorized users and forcing them to continue riding on a boring two-track roadbed. The fact that other segments of the 7-Up trail would remain open to motorized use means they would still have to share parts of the trail with motorized users, resulting in little benefit from closing D1944. Closing D1944 therefore benefits no one, while separating the bike trail from the motorized route would benefit both motorized and non-motorized users alike.

Parts of the 7-Up trail have already been relocated to separate single-track routes, and there is sufficient room next to D1944 to construct a parallel single-track trail next to it. While this travel management process is not the venue to plan non-motorized trail improvements, we urge the Moab Field Office to consider leaving D1944 as-is in the travel plan decision and begin a separate planning process to authorize relocating the remainder of the 7-Up bike trail off of 4x4 roads. That is a win-win solution that would eliminate any user conflict that does exist while providing a high quality recreation experience to both user groups.

Instead, alternative C as currently written presents a lose-lose scenario for both user groups, as the seasonal closure during peak spring season will severely harm mountain bikers by depriving them of the use of this route for seven months of the year, significantly disrupting connectivity in the Mag-7 bike trail network. Any increased quality of mountain bikers' recreational experience from no longer having to share the route with motorized users will therefore be outweighed by them losing access to the route completely for more than half the year.

Finally, we believe that what the designation rationale for alternative D says about user conflict is far more accurate than that for alternative C. It states:

> Continued use of this route would minimize conflicts among various users of public land by providing access to other public land areas beyond the urban interface, reducing user concentrations and the potential for impacts to documented resources within the urban interface.[95]

[95] Route Report for D1944, p. 6.

The best way to minimize user conflict is to provide ample opportunities for all user groups that spread them out across the landscape, rather than concentrating them on a small number of routes which causes overcrowding and conflict. More obscure and lightly used routes like the 7-Up trail help alleviate pressure on the frequently crowded Jeep Safari trails and provide opportunities for off-the-beaten-path backcountry exploration. When motorized users choose to use less popular trails like 7-Up, it reduces user concentrations on the more popular routes and allows all user groups to have a more pleasant recreational experience.

We urge the BLM to preserve the existing balance of recreational opportunities for both motorized and non-motorized user groups by continuing to allow shared access to the full 7-Up route, including D1944.

(2) Wildlife impacts

The route reports lists the main wildlife species of concern for D1944 as bighorn sheep and peregrine falcons. Impacts on bighorn sheep are not a significant concern for this route, as it is only listed as being in yearlong habitat and not lambing habitat. The entire Labyrinth Rims / Gemini Bridges TMA is in bighorn sheep yearlong habitat, and there is nothing about D1944 which would cause it to have any greater impact on bighorn sheep than nearby routes which the BLM is proposing to keep open. As discussed in detail in our general comments on bighorn sheep, the local sheep population is stable and there is no scientific support for the idea that they are being harmed by motorized recreation. There is thus no need to close this route to protect bighorn sheep.

As for peregrine falcon nests, these are presumably located in the cliffs above (or perhaps below) the D1944 route. As discussed above in our general comments on raptor nests, there is no scientific evidence that motorized use of a route below (or above) nearby cliffs causes any significant disturbance to nesting raptors. D1944 has experienced regular use for motorized and mechanized recreation for decades, and if raptors still choose to nest in the nearby cliffs, that is clear evidence that motorized use is not disturbing them. Peregrine falcon nests do not provide sufficient justification to close this route to motorized use, and doing so would not be based on the best available science.

Nevertheless, if the BLM is still concerned about impacts on Peregrine falcon nests, we propose that the route be kept open to motorized users as it is in alternative D, but that the final decision also incorporate the seasonal closure from alternative C, which closes the route to *all users* from February 1 to August 31. If nesting falcons are indeed harmed by recreational use of the road below, then it would be fair and appropriate to have a seasonal closure for all users including hikers and mountain bikers, not just motorized users.

Since raptor nesting is a seasonal occurrence, there is no need to prohibit motorized use year-round. A seasonal closure during nesting season should eliminate any negative impacts on nesting raptors while still allowing motorized users to use the route for at least part of the year. However, we still feel that seasonally closing the route to protect peregrine falcons is an unwarranted overreaction that will unnecessarily harm both motorized users and mountain bikers with little actual benefit to the falcons. We oppose seasonal closures unless absolutely necessary.

(3) Soil / vegetation impacts

As described above, when I drove D1944 in October 2021, I did not observe any negative impacts on the soil or vegetation adjacent to the route. The route was a single, well-defined two-track with no trail braiding or off-trail resource damage. Motorized use appeared to be completely contained to the designated route, and I did not see so much as a single campsite off of this segment of the trail. The trail appeared to be regularly maintained, had no noticeable erosion or washouts, and in places where it might have otherwise been difficult to follow the route was lined with sticks and rocks clearly showing the authorized path. The only confusing part of the route was at the very beginning on the slickrock, where a few painted blazes or cairns could easily resolve confusing navigation.

As visible in several of the pictures above, vegetation and healthy biological soil crust can be seen immediately adjacent to the route in numerous places. Motorized use on this trail is not causing any damage to surrounding soil or vegetation and there are no concerns with route proliferation. Closure of this route over concerns of soil and vegetation impacts simply is not warranted.

D. Conclusion

The D1944 segment of the 7-Up trail provides critical access for motorized users and facilitates two different highly desirable loop opportunities. It has superb scenery and excellent views of both the cliffs below Highway 313 and South Fork Sevenmile Canyon. It is lightly used by both motorized users and mountain bikers and is not subject to any significant user conflicts. Any user conflicts that are occuring could be better resolved by relocating the 7-Up bike trail off the 4x4 route onto its own dedicated single-track trail. It also is not causing any significant environmental effects which justify closing it to motorized users.

The route designation statement for alternative D is entirely correct when it says:

> This route is important for network connectivity, serving commercial and recreation users in this area. Allowing continued use of this route would minimize potential impacts to documented resources by providing a common access into or across the area on a pre-existing route, reducing the potential for new disturbances from cross-country use or the need for construction of new routes to provide similar access. Allowing continued use of this route would minimize potential impacts to documented resources by concentrating motorized use (rather than dispersing it) on an alignment capable of accommodating the route's anticipated traffic volume.[96]

The rationale statement for alternative D also correctly acknowledges:

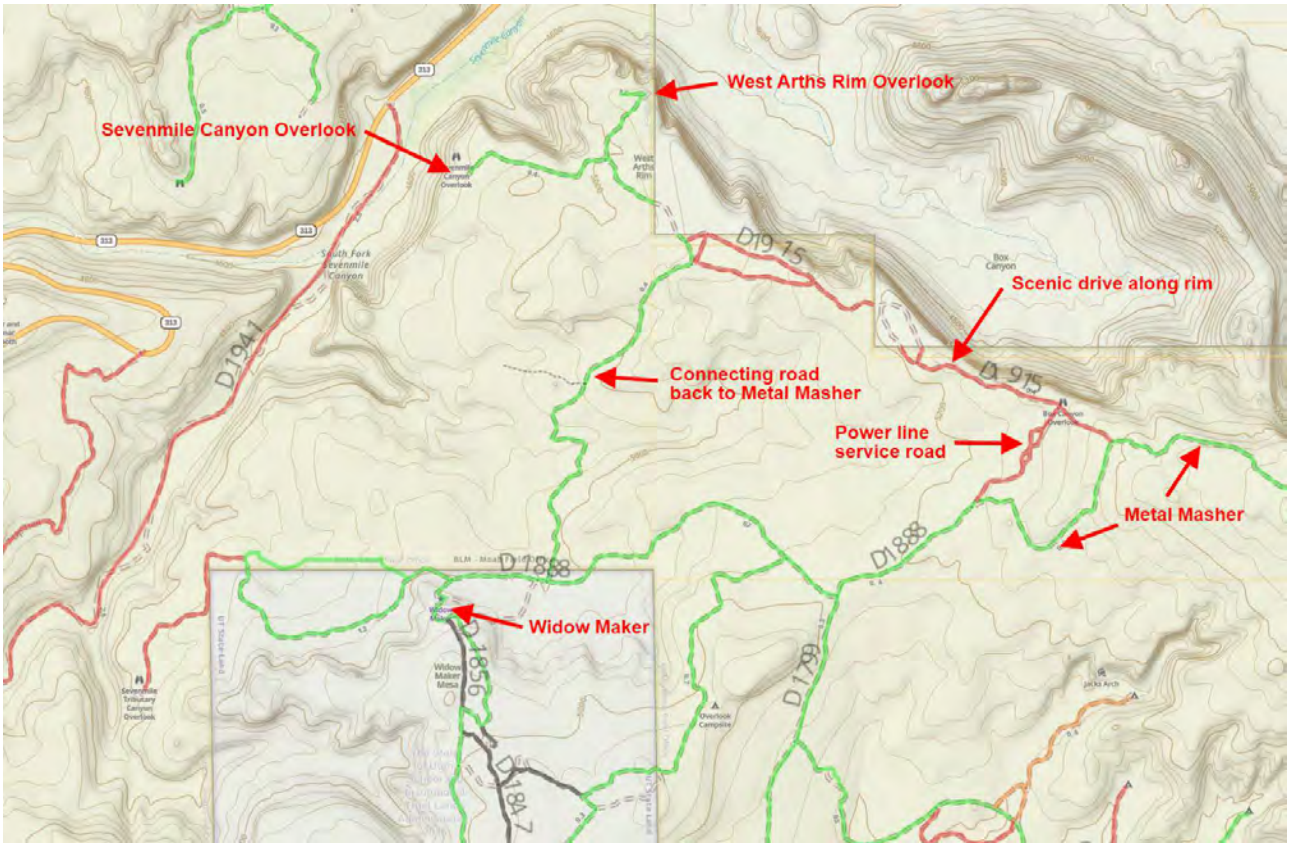
> Route provides access to unique and/or exceptional recreational opportunities without causing greater than minimal adverse effects on documented resources.[97]

We therefore urge the adoption of alternative D with respect to D1944, along with the seasonal closure from alternative C if the BLM deems it necessary. We also urge the BLM to keep all other segments and spurs of the 7-Up trail open, including D1945, D1946B, D1754, and D1953.

---

[96] Id.
[97] Id.

- ***West Arths Rim Loop (D1915, D1916, D1922, D1930, D1931)***



A. Introduction

We object to the proposed closure in alternative C of D1915, D1916, and D1922, which are a critical part of a highly scenic, lesser-known loop trail off the northwestern end of Metal Masher on West Arths Rim. This loop consists of D1915, D1916, D1922, D1930, and D1931, and travels northwest along the rim of Box Canyon out to two scenic overlooks on the northwestern extremity of Arths Rim. A connecting road (D1930) then connects back to Metal Masher near the Widow Maker obstacle. The most scenic part of this loop following the Rim above Box Canyon is proposed for closure in alternatives B and C, which we believe to be unwarranted.

While this route is relatively faint and lightly used, it has not naturally reclaimed and is still easily followed. The closure of these two routes would sever the loop and force motorists who wish to visit the overlooks on West Arths Rim to do so as an out and back route on D1930. Loops are always more desirable than out and back routes, and all existing loop opportunities should be preserved. D1915, D1916, and D1922 are not causing any significant impacts and there is no reason they should not be left open to motorized use.

B. Trail Description

The West Arths rim loop begins at an unmarked junction with the Metal Masher Jeep Safari trail right where it turns south to descend from Arths Rim. D1915 is a faint but clearly defined and easily followable road that turns right to continue along Arths Rim. Most people who drive Metal Masher

are not even aware of its existence, but for those who know of it, it can be an excellent extension to Metal Masher that allows people to visit two seldom visited scenic overlooks. This trail is generally easy-moderate with no major obstacles. I'd rate it about a 4 in difficulty.

Beginning of D1915 at the junction with Metal Masher at 38.641756, -109.689749

After following D1915 a short distance from the junction with Metal Masher, there is an intersection with D1884. This is an alternate access road from Metal Masher that is a faint power line service road. When I visited in October 2021, I managed to drive it but found it extremely faint and easy to get lost on slickrock sections. D1884 is proposed for closure in all action alternatives. Given the fact that it is so faint and difficult to follow and is basically redundant with D1888 (the main Metal Masher route), we have no objection to closing it.

Back on D1915 just past the junction with D1884, the road reaches the head of Box Canyon, and there is a spectacular overlook where the power lines drop into the canyon over the rim. After this, the trail follows closely along the rim of Box Canyon with excellent views all along it. This entire section of roadway is clearly defined and easy to follow. In some places where it crosses large patches of slickrock, both sides of the road are lined with piled rocks marking the path.

Overlook of Box Canyon with power lines dropping over the rim at 38.642911, -109.691758

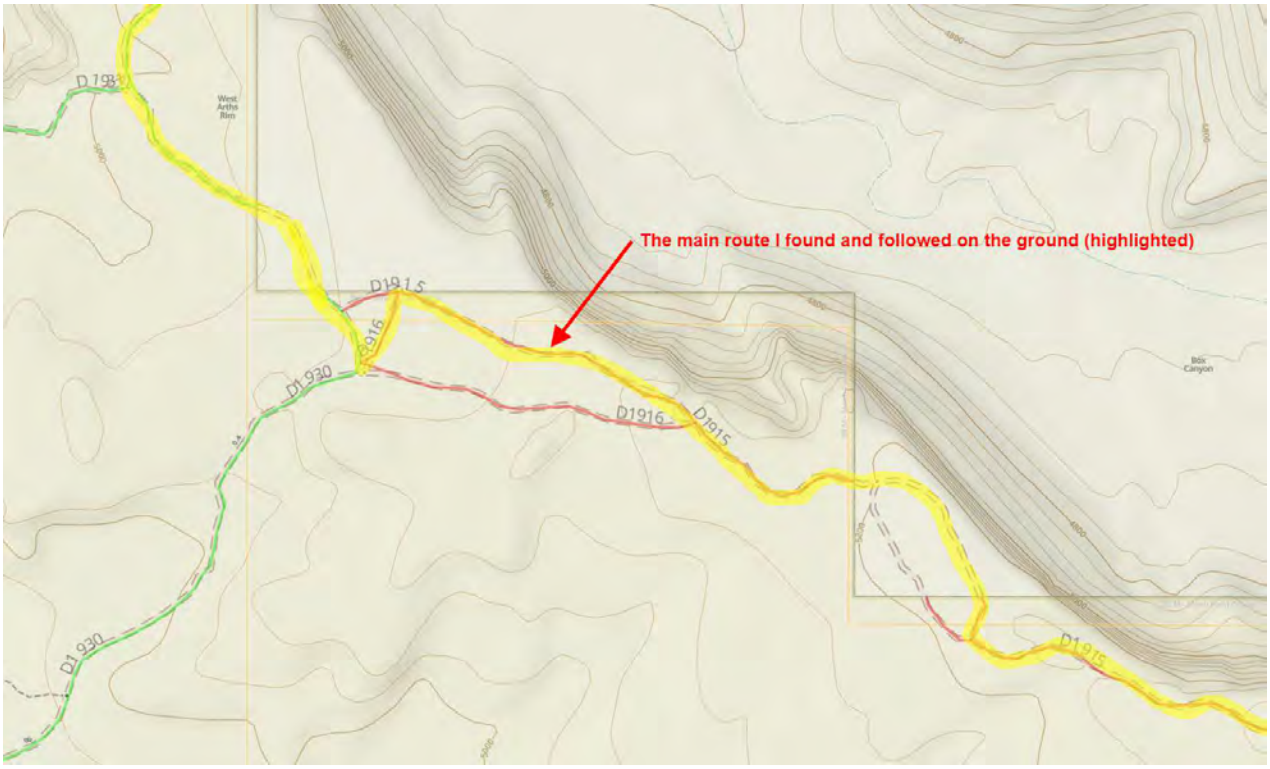
Road along the rim at 38.643539, -109.694090

Crossing slickrock area with piled rocks marking the proper path at 38.643780, -109.695372

Viewpoint of Box Canyon along D1922 at 38.646057, -109.698450

A little further on, the route splits into two separate tracks as it crosses the corner of a parcel of private land owned by the Intrepid Potash company. When I drove it, I only took the north fork staying close to the rim (D1922). The road comes back together into one, and then splits again after a short distance at the junction with D1916. This split causes a complicated junction where D1915 and D1916 meet up with D1930. When I drove it, I stayed right on D1915 but could not find the short connecting segment of D1915 which maps show as connecting to D1930. Instead I

turned left and followed a short segment of D1916 to the intersection with D1930, as shown in the map below, where the route I took is highlighted.



I am not certain of the status of the rest of D1916, but I know the route I followed was clearly-defined and fully passable. It was also the most scenic as it stayed the closest to the rim of Box Canyon. While we would not object if the BLM closed the couple redundant parallel routes along here, it is critical to keep open at least one route along the rim of Box Canyon between Metal Masher and D1930 to preserve the loop opportunity described here.

D1930, continues northwest on a clearly defined two-track to a junction where D1931 splits off to the west. As it nears the point, the trail forks and goes out to two different overlooks. Following D1930 to its end takes you to an extremely scenic overlook of the mouth of Box Canyon and out along Highway 313 to the mouth of Sevenmile Canyon. Someone has built a large cairn at the main overlook, and it is an excellent place to watch the sunset. D1930 continues a short distance past this overlook to a sheltered hollow next to some rocks, where it is possible to walk a short distance to various other viewpoints of Seven Mile Canyon.

D1931 goes out to another overlook on a different point directly above the trailhead at the beginning of the trail up South Fork Sevenmile Canyon. The road dead ends at a large dirt mound and requires a short walk to get to the rim. This overlook provides excellent views up South Fork Sevenmile Canyon and Monitor and Merrimac Buttes.

My Jeep parked at the eastern overlook on D1930 at 38.653084, -109.709047

View from the east overlook of the mouth of Sevenmile Canyon, at 38.653084, -109.709047

View of the mouth of Box Canyon from the east overlook at 38.653084, -109.709047

Western overlook of Sevenmile Canyon on D1931 at 38.650337, -109.716765

After visiting both overlooks on West Arths Rim, motorists can drive back out D1930, following a well-defined two-track down from the rim and across a series of hills and washes to where it re-joins Metal Masher (D1988) just east of the famous Widow Maker obstacle. They can then continue on the rest of the Metal Masher trail back out to Gemini Bridges Road. The full loop off Metal Masher (including both overlook spurs) is about 4.1 miles long.

Descending from Arths Rim on D1930 at 38.647233, -109.708153

End of D1930 at junction with D1888 at 38.637203, -109.713268

When I drove this route, I found that while the routes in this loop are seldom used and a little faint, they are not naturally reclaimed and easily followable the entire way. I saw no signs of off-trail resource damage or any other reason that D1915, D1916, and D1922 should be closed to motorized use. While these routes do briefly cross private property, they have existed for many decades and have been open to the public the entire time, making them highly likely to have prescriptive easements. Concerns about trespassing on private property thus are not legitimate reasons to close them.

The routes on West Arths Rim were described and mapped in the guidebook *40 Grand Trails From Deadhorse Point Road* by Jack Bickers, published in 1991. This demonstrates that they have served a valuable purpose for motorized recreation and backcountry exploration for many years and should all be kept open to motorized use. Scans of the relevant pages from this book are included below.

Scans of 40 Grand Trails From Deadhorse Point Road by Jack Bickers (1991):

View of West Fork, South Fork, Sevenmile Canyon and U-313 from the western extremity of Arths Rim.

Abe Days cattle trail into Day Canyon. View from Day Canyon Point; cross-canyon. This old trail went to river bottom.

ARTHS RIM COUNTRY

At MM 10 + 0.6 L *****, access is gained to Arths Rim by heading east on this; the Gemini Bridges road, to Arths Pasture and Rim country. After passing the Cattle Guard and Ribbon Tree, the triple forks at the old drill site will be encountered. The left fork is the pole line road leading to Arths Rim. The other fork leading left around the drill site is an easy route to Little and Bull Canyons, and by-passes Crips Hole and Gemini Bridges. The fork leading right and beyond the Drill site is the Gemini/Crips Hole route.

The pole line road leads to the rim of Arths where the lines come up from below. About midway in Arths Pasture, the road goes under the pole line for about nine poles, then again runs along the left, paralleling the line to the rim. Midway under the three pole section, a trail left goes west and up on Widow Maker Mesa. Shortly beyond, a dim prairie trail forks right, drops down an old dugway and enters Jacks Canyon. Jack's Arch may be visited. Trails also go east and west.

The pole line road climbs a rough but easy hill at the north end of Widow Maker Mesa. A right turn just prior to the hill goes eastward down a dugway and into Jacks Canyon. A left turn at the hilltop onto an old drill road leads to the Widow Maker ascent of that mesa, and also out an old trail to a side canyon having an old foot trail down into South Fork, Sevenmile Canyon. Incredibly, this writer saw mountain bike tracks all the way down this wild old foot trail! Just prior to reaching the Widow Maker trail, a good trail heads (right) up to the rim. Many side trails branch, and many good views into Sevenmile Canyon and highway 313 can be had.

Arths rim trail forks right from the pole line road and proceeds to the main rim for a nice run with stupendous viewpoints. This 5,700 feet rim is the highest of all those along U.S. 191 north from Moab. Its east rim has great views into Little Canyon, the La Sals, Arches and the other rims. A side trail (right) into a lower grotto, is the key to the awesome Mirror Gulch connection to the east trail coming up along Secret Canyon, Side Pocket and Little Canyon rims.

A trail forking right from the main rim trail, prior to its reaching the rim, runs an intermediate level to a dead end, but a back-fork (left) near its end, rejoins the top rim trail.

The road eastward from the Drill Site in Arths pasture rejoins the Gemini Bridges road, but prior to that, a left fork in the middle of Arths Pasture leads to the pole line road also. About halfway along this segment, a right turn heads for a trip eastward down and across the main rim drainage. This ends at an old drill site also, but two important left forks lead away. The first goes into a rocky area between Jacks and Periscope Canyons, connecting with trails east and west. The second finds a way up to the east rim, Secret Canyon, Little Canyon rim and upper Side Pocket-Periscope passage up to Mirror Gulch. This is a very exciting trail even if Mirror Gulch is not completed to the top connection. It can be biked or hiked the quarter mile upward to see this route completed.

Trails go up Periscope and Jacks Canyons short distances and provide some very nice camping places. The writer measured an old Juniper trunk to be 13 feet in circumference. These lower trails can be very confusing but are easily done by bikes, hikers or 4-WD. Mirror Gulch and Widow Maker are the two very nasty places.

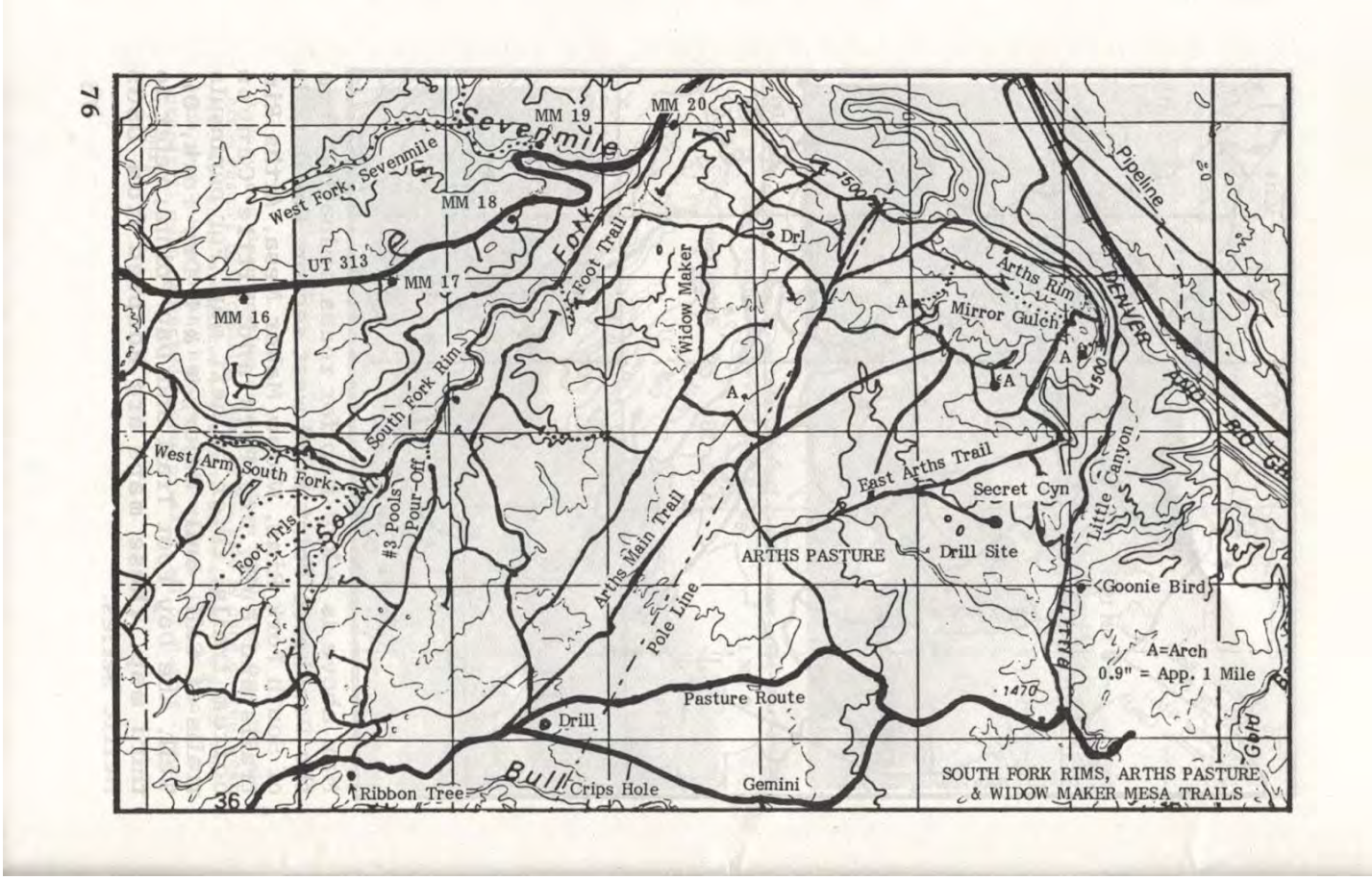
Trails are numerous in the high-rise portion of Arths, and they can become very confusing. In general, the trails are quite visible and if taken south and/or west, will eventually reach lower ones. This is fantastic country that could very easily take two days to explore and enjoy. It took a dozen or more trips to this extremely interesting area before the writer (a slow learner!) had done the majority of trails and learned their connections and endings. With maps, it should be easier.

Many fine camping places will be found in the hummocks of the slopes of the upper rims. Some of the most secluded and easily reached are those found in the west rims. Places away from the rims are nice and also safer for children.

All in all, Arths Rim will be found to be one of the most pleasant places to be in Moab's Canyon Country. Views from the continuous high rim trail are grand.

View of Day Canyon and its lower side canyon on Day Point. Taken from lower ridge between Day and Dry Fork Canyons.

A look into upper Secret Canyon from near Mirror Gulch trail north on Arths Rim. Large trees grow in water course.



C. Impacts Analysis

The route designation rationale statement for alternative C in the route report for D1915 states:

> Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would reduce overall impact of vehicle use and route footprint in the area. Closing this route would enhance wildlife movement by reducing fragmentation. Closing this route would minimize potential impacts to wildlife habitats by eliminating motorized use and removing the route footprint. Closing this route would eliminate motorized use, minimizing the potential for harassment of wildlife.[98]

It appears the main reasons for closure are soil and vegetation impacts and wildlife impacts.

As mentioned above, the routes along the rim of Box Canyon proposed for closure in alternative C receive very light use by motor vehicles, though enough that the routes are not naturally reclaiming and are still plainly visible on the ground. When I drove these routes, I did not see any signs of off-trail resource damage. Vehicle tracks were restricted to the authorized route, and in several places where the route crossed large slabs of slickrock, the route was clearly delineated with rocks piled on both sides of it. I did observe one short unauthorized side-spur off D1931, but that was likely an old mineral exploration road that was not included in the current travel plan (which could be mitigated by signing it closed), and D1931 is not proposed for closure in alternative C. There

[98] Route Report for D1915, p. 4.

was no sign of any erosion or washouts. None of the routes on West Arths rim are causing any significant negative impacts to soil and vegetation, so closure is not justified on those grounds.

As for wildlife, the main species of concern appear to be golden eagles and bighorn sheep. Camping is already prohibited along the portions of these routes in bighorn sheep lambing areas, so those impacts have already been mitigated by other management actions. These routes are infrequently used, and bighorn sheep have likely long ago become accustomed to the motorized use they do receive. The bighorn sheep population in the area is stable and there is no evidence that motorized use in this area is causing any harm to them. If there is any evidence of impacts to bighorn sheep, a seasonal closure during lambing season could be appropriate, but even that is likely unnecessary. Bighorn sheep impacts do not justify closing a critical part of a valuable loop opportunity that provides access to important scenic overlooks.

Regarding golden eagles, impacts of motorized use on raptor nests is addressed at length in our general comments. In the case of these routes, they have been used for motorized recreation at roughly their current use levels for decades. If golden eagles still nest in the cliffs along D1915, that is strong evidence that motorized recreation does not disturb them or harm them in any way. The BLM has previously acknowledged that motorized use of designated roads does not significantly impact nesting raptors since vehicles are unable to physically access the nests themselves. We therefore believe concerns about impacts on eagle nests should be minimal. If the BLM determines that significant impacts are occurring, a seasonal closure during golden eagle nesting season could mitigate any impacts while avoiding the need for permanent closure.

D. Conclusion

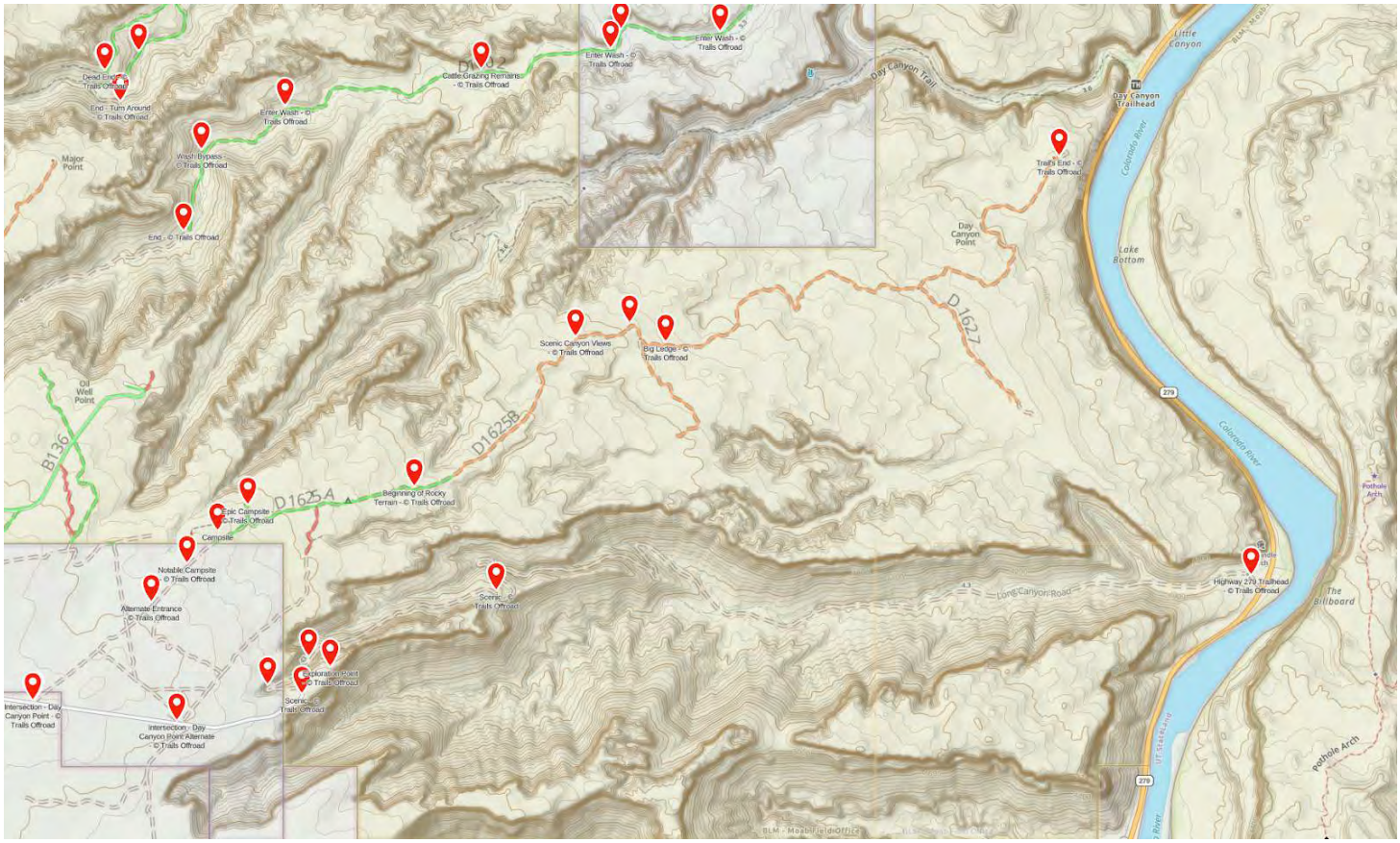
To conclude, D1915, D1916, D1922, D1930, and D1931 provide an obscure but still highly valuable loop opportunity which can serve as an extension of the Metal Masher Jeep Safari trail. The three routes proposed for closure in alternative C (D1915, D1916, D1922), are the best part of this loop, as they closely follow the rim of Box Canyon and provide excellent scenic views along their entire length. They provide crucial connectivity between the Arths Rim portion of Metal Masher and the two scenic overlooks at the ends of D1930 and D1931 on the westernmost point of Arths Rim. D1930 then connects back to Metal Masher near the Widow Maker obstacle, completing the loop.

All of these routes are lightly used yet well-defined and not naturally reclaiming. There are no significant impacts on soil, vegetation, or wildlife occurring on these routes. Any minor impacts on bighorn sheep or raptors could be mitigated with seasonal closures, though we do not believe that is necessary. D1930 and D1931 are already proposed to remain open in alternative C, and D1915, D1916, and D1922 should be managed the same.

We concur with the BLM's designation rationale statement for alternative D that, "Route provides access to unique and/or exceptional recreational opportunities without causing greater than minimal adverse effects on documented resources."[99] We therefore urge the BLM to adopt the alternative D designations with respect to D1915, D1916, and D1922 and to keep all of the routes on West Arths Rim open to motorized recreation.

[99] Route Report for D1915, p. 5.

- ***Day Canyon Point (D1625A, D1625B, D1630, D1627, D1704)***



A. Introduction

We object to the proposed spring seasonal closure of the Day Canyon Point Jeep Safari trail in alternative C, and the proposed complete closure of this extremely valuable route in alternative B. We oppose the closure in alternative C of the side route D1704, which is incorrectly mapped as a dead-end when in fact it connects to a trail on SITLA land.

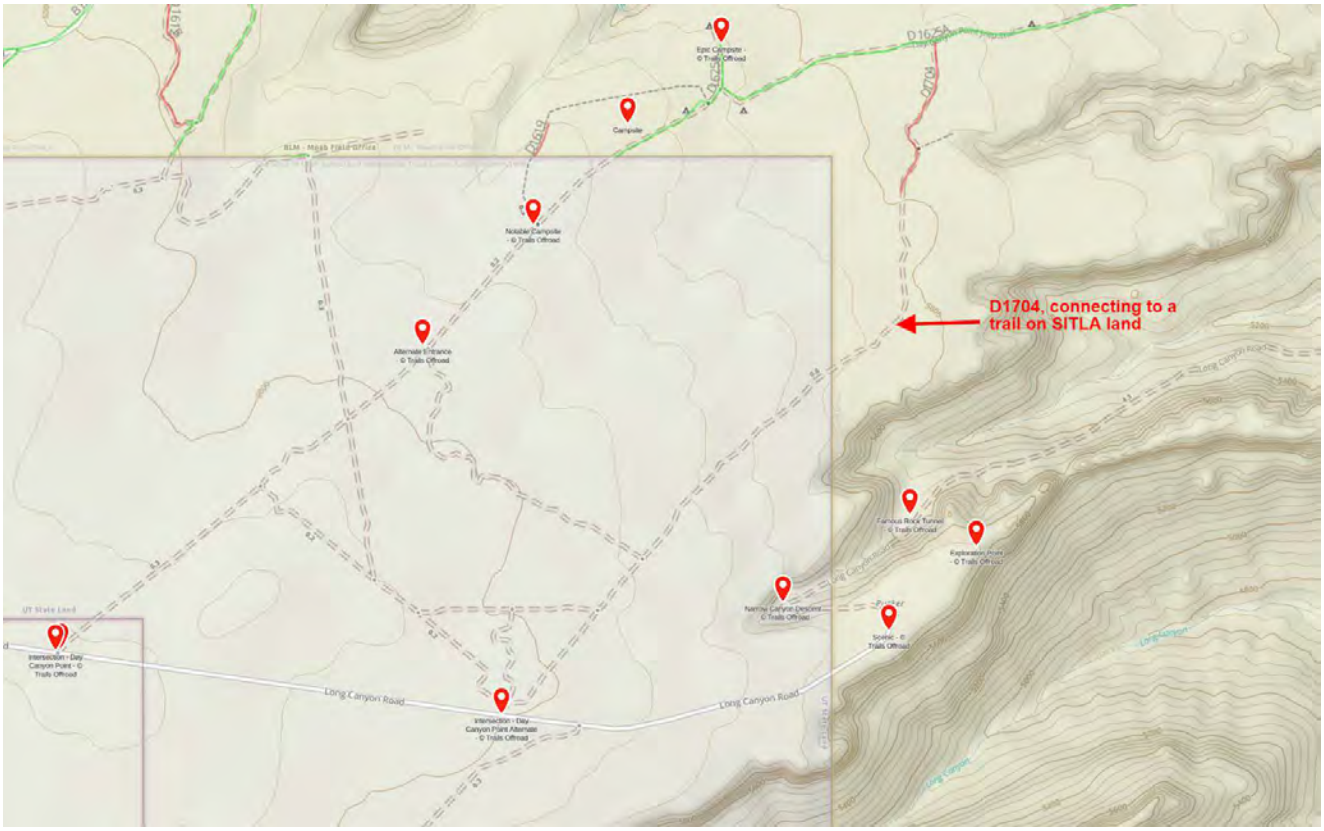
The proposed seasonal closure from April 1 - June 15 would likely make the route no longer available for use during Easter Jeep Safari (at least during years when Easter occurs in April), which is completely unacceptable to the motorized community. Even if the route could still be used during the Jeep Safari event under its special use permit, all of the Jeep Safari routes are popular for others to drive during the event outside of official trail runs.

While seasonal closures may be appropriate on less popular routes, to have one of the most popular trails in Moab closed during peak spring season would cause severe harm to the motorized recreation experience in the area. This route has been in use for many decades and wildlife in the area have long since grown accustomed to it. There is no reason why a seasonal closure is needed now, and the harm such a seasonal closure would cause to recreation outweighs any minor benefit to wildlife. We ask that the BLM adopt the alternative D designations with respect to D1625A, D1625B, D1630, D1627, D1704 and keep all of them open year-round.

B. Trail Description

Day Canyon Point is a 5 mile long out and back trail that runs from Long Canyon Road out to an incredible scenic overlook above the Colorado River near the end of Day Canyon Point. It begins on a SITLA parcel just north of Deadhorse Point State Park, but most of it is on BLM land. The first segment of the route, D1625A, is a highly popular location for dispersed camping, with several excellent campsites located near the beginning of the BLM section. I have camped in these campsites on two different visits to Moab myself, and found them to be a good basecamp for exploration in the Gemini Bridges area.

Within this camping area is a side trail of the main Day Canyon Point trail, D1704. While shown on the BLM's route maps and GIS data as a short dead-end spur, in reality it connects to a trail on the SITLA parcel that leads back to Long Canyon Road at a point where there are some small sand dunes. Multiple other trails on the SITLA parcel start at the same point going in different directions. To my knowledge all of these are legal routes, though the SITLA parcel has recently been closed to dispersed camping. The routes on the SITLA parcel can be clearly seen in the map below from GaiaGPS.



The first part of the Day Canyon Point trail is an easy graded dirt road. After passing the campsites, the trail becomes rougher and the remainder is a moderate difficulty 4x4 trail, with the route number changing to D1625B. The route runs in a mostly straight line, descending frequent small ledges, as it follows a narrow neck of land down Day Canyon Point. There are incredible views all the way down the trail. Around Memorial Day in May, frequent blooming prickly pear cactus can be seen along the trail, which my wife particularly appreciated when we drove it in

2019. Two significant spurs, D1630 and D1627 offer opportunities to drive to viewpoints of a couple small tributary canyons to Long Canyon.

Eventually, the main route turns north for the final stretch to the end of Day Canyon Point, where the road ends with a short turnaround loop at 38.56773, -109.66054. This is the main Day Canyon Point viewpoint, which provides stunning views of the Colorado River and across to the rock formations in the Behind the Rocks Wilderness Study Area, flanked by the La Salle Mountains in the distance. These views are most spectacular in the spring when the La Salles are snow capped, which is another reason this route is best driven in the spring. While the views are excellent from the end of the route, even better views can be had from hiking a short distance further down to the cliffs overlooking the Colorado River. The end of the Day Canyon Point trail is also a popular campsite. When motorists are done visiting the overlook, they then turn around and head back out the way they came.

Below are a series of photos I took on my visit to Day Canyon Point in May 2019.

My Jeep parked at our campsite near the beginning of the trail

View of a campsite with Behind the Rocks and the La Salles in the background

Where the road starts to get rough just past the campsites

My Jeep parked at the main overlook at the end of the trail

View from the end of the road

Views of the Colorado River from further out on the point

Driving back up the trail

The Day Canyon Point trail has long been a mainstay of Easter Jeep Safari and was run four times during the 2022 EJS. Red Rock 4-Wheelers has this description of the trail on its website:

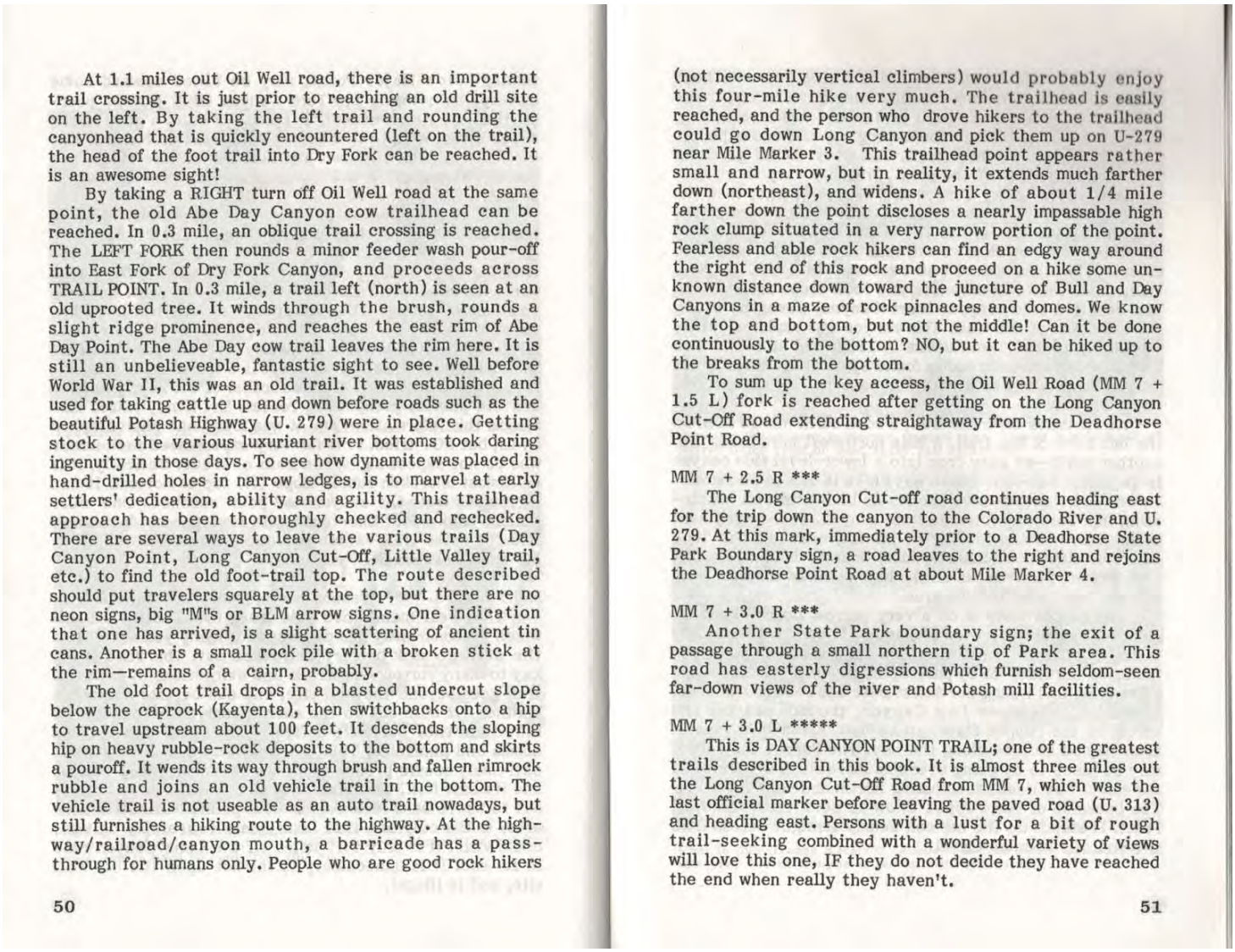
> **Day Canyon Point**
>
> Beautiful Day Canyon Point is accessed from the Island in the Sky area from a point near Dead Horse Point state park, descends a bumpy five miles to an overlook of the Colorado River at a section of the river called Lake Bottom. The trail retraces the route on its return, so all the short drops become obstacles that must be ascended to return to the well traveled Deadhorse Point Road. This trip is designed to be a pleasant family style scenic trip for those that pay attention to the ratings and bring an appropriate vehicle and driving skills to match. Those looking for Yahoo Jeeping will be disappointed, and novices are advised to choose a different trip also.
>
> **Scenery**
> Bordered on the north by Day Canyon, on the south by Long Canyon, and on the east by the Colorado River there is scenery everywhere you look on this trip. The La Sal peaks are constantly in view on the descent, distant views of most of the Golden Spike Trail, parts of the Poison Spider Mesa Trail, the Monitor and Merrimac Buttes, Gooney Bird Rock, Jeep Arch, the Moab Rim Trail, and the far end of the Cliffhanger Trail can all be seen.
>
> **Surface**
> There are two track dirt sections, a lot of descents and climbs on slickrock ledges, and even an occasional section of smooth slickrock.

Trail Details

The obstacles are small ledges as the trail encounters different rock layers are crossed. Only one has earned a name-Broken Bill Hill-where a broken axle resulted in a wheel/tire/brake drum assembly departing from a Jeep Cherokee. Some notable rock formation[s] have been named the Puppet Show and the Lodges. There are even several arches that can be viewed with short hikes, but usually there is not enough time to [accommodate] them.

Day Canyon Point has been popular for motorized recreation for decades. It is described at length in the 1991 guidebook *40 Grand Trails From Deadhorse Point Road* by Jack Bickers, and is featured on both TrailsOffroad.com and OnXOffroad.com. Scans from the Bickers guidebook are below. The fact that it has been featured in both printed guidebooks and online trail guides is evidence of its extreme importance for motorized recreation and supports keeping it open year-round.

Scans of 40 Grand Trails From Deadhorse Point Road by Jack Bickers (1991):



At 1.1 miles out Oil Well road, there is an important trail crossing. It is just prior to reaching an old drill site on the left. By taking the left trail and rounding the canyonhead that is quickly encountered (left on the trail), the head of the foot trail into Dry Fork can be reached. It is an awesome sight!

By taking a RIGHT turn off Oil Well road at the same point, the old Abe Day Canyon cow trailhead can be reached. In 0.3 mile, an oblique trail crossing is reached. The LEFT FORK then rounds a minor feeder wash pour-off into East Fork of Dry Fork Canyon, and proceeds across TRAIL POINT. In 0.3 mile, a trail left (north) is seen at an old uprooted tree. It winds through the brush, rounds a slight ridge prominence, and reaches the east rim of Abe Day Point. The Abe Day cow trail leaves the rim here. It is still an unbelieveable, fantastic sight to see. Well before World War II, this was an old trail. It was established and used for taking cattle up and down before roads such as the beautiful Potash Highway (U. 279) were in place. Getting stock to the various luxuriant river bottoms took daring ingenuity in those days. To see how dynamite was placed in hand-drilled holes in narrow ledges, is to marvel at early settlers' dedication, ability and agility. This trailhead approach has been thoroughly checked and rechecked. There are several ways to leave the various trails (Day Canyon Point, Long Canyon Cut-Off, Little Valley trail, etc.) to find the old foot-trail top. The route described should put travelers squarely at the top, but there are no neon signs, big "M"s or BLM arrow signs. One indication that one has arrived, is a slight scattering of ancient tin cans. Another is a small rock pile with a broken stick at the rim—remains of a cairn, probably.

The old foot trail drops in a blasted undercut slope below the caprock (Kayenta), then switchbacks onto a hip to travel upstream about 100 feet. It descends the sloping hip on heavy rubble-rock deposits to the bottom and skirts a pouroff. It wends its way through brush and fallen rimrock rubble and joins an old vehicle trail in the bottom. The vehicle trail is not useable as an auto trail nowadays, but still furnishes a hiking route to the highway. At the highway/railroad/canyon mouth, a barricade has a pass-through for humans only. People who are good rock hikers

50

(not necessarily vertical climbers) would probably enjoy this four-mile hike very much. The trailhead is easily reached, and the person who drove hikers to the trailhead could go down Long Canyon and pick them up on U-279 near Mile Marker 3. This trailhead point appears rather small and narrow, but in reality, it extends much farther down (northeast), and widens. A hike of about 1/4 mile farther down the point discloses a nearly impassable high rock clump situated in a very narrow portion of the point. Fearless and able rock hikers can find an edgy way around the right end of this rock and proceed on a hike some unknown distance down toward the juncture of Bull and Day Canyons in a maze of rock pinnacles and domes. We know the top and bottom, but not the middle! Can it be done continuously to the bottom? NO, but it can be hiked up to the breaks from the bottom.

To sum up the key access, the Oil Well Road (MM 7 + 1.5 L) fork is reached after getting on the Long Canyon Cut-Off Road extending straightaway from the Deadhorse Point Road.

MM 7 + 2.5 R ***

The Long Canyon Cut-off road continues heading east for the trip down the canyon to the Colorado River and U. 279. At this mark, immediately prior to a Deadhorse State Park Boundary sign, a road leaves to the right and rejoins the Deadhorse Point Road at about Mile Marker 4.

MM 7 + 3.0 R ***

Another State Park boundary sign; the exit of a passage through a small northern tip of Park area. This road has easterly digressions which furnish seldom-seen far-down views of the river and Potash mill facilities.

MM 7 + 3.0 L *****

This is DAY CANYON POINT TRAIL; one of the greatest trails described in this book. It is almost three miles out the Long Canyon Cut-Off Road from MM 7, which was the last official marker before leaving the paved road (U. 313) and heading east. Persons with a lust for a bit of rough trail-seeking combined with a wonderful variety of views will love this one, IF they do not decide they have reached the end when really they haven't.

51

This five mile (each way) run is a slow one. Without side-trip errors, but with careful, "elegant" driving, it requires at least 2.5 hours going and nearly two in returning. Short side diversions confound progress and cause people to think there is no more trail. The trail DOES go down very near the tip of the point. Within a very short walk from the vehicle, Day Canyon can be looked into, then the highway and the Colorado river can be looked down upon.

The first 1.5 miles has little chance for accidental diversion. It passes some old drill sites on the left, then crosses a site abandoned and restored in 1983. Beyond this, more rapid downgrades and rock drops are noticed. The beautiful side canyon, Short Canyon, develops along the right side of the trail. This canyon was explored rather thoroughly by Mr. Tom Kuehne in 1986, and he found two arches which are not readily found by "trail gazing." Short canyon veers away at a very narrow area, and dumps into Long Canyon.

At 2.0 miles down the trail, a rock cairn will be seen on the left berm of the trail. A hike northwest here leads into another world—an easy drop into a lower-level side canyon to Day. This half-mile (each way) hike is one to be remembered. There seems to be two levels below this, all culminating in a drainway into the main canyon. This magnificent basin gives one the feeling of having reached the true heart of slickrock pinnacle/dome country in the Wingate. The "Puppet Show" rocks on the high point to the west form a grand landmark for this area.

The Puppet Show is on a very narrow point tapering and breaking to separated pinnacles. It can be reached by taking a left fork about 1.3 miles down the main trail, and hiking to the rims, or by parking at the drill site about 1.5 miles down and hiking northwest over the rock prominence. Views into the main Day Canyon, the side canyons and across to the Puppet Show can be had. A rim-hole type of arch may be noticed along the way. The Puppet Show itself may be hiked to by going over one more ridge westward, to the rim of Day itself, then hiking northward onto the point. The backside of the Puppet Show is seen from Oil Well Point. It stands on the horizon nearly straight across from the end of vehicular travel.

Strange formations in Secret Canyon rims. This is a side-trail off Mirror Gulch trail on east Arths Rim approach.

What is this strange material embedded in this weird, white layer of Wingate? Secret Canyon is fun to visit and explore.

Farther down Day Point trail, there is a non-conflicting side trail (it probably will not be noticed) that goes toward Long Canyon rim, and with a short hike, an enthralling view into that canyon is available. No doubt that this is almost never done by anyone, but it is a stupendous view of the trail wending down Long Canyon.

Travel becomes more circuitous, but never extremely difficult. Two right forks are taken, but turns left lead to grand views into the lower side canyon complex. A short (100 feet) left diversion is ignored, then two left forks are taken. One finds himself on a small brown knob, apparently with no further trail. It DOES continue, however, by dropping off the rubble slope to the left. It then heads west across a bumpy rock flat, rounds a slight prominence, then finds a way down a small dugway to the right. This is a hard-to-see dugway along a minor drainway. It goes off the rocky slope onto gentle dirt for a short northeasterly stretch, then bends northerly and climbs a brown shelf. The trail makes a parking loop around its north point. Hiking 300 feet to the east, one is given a magnificent view either upriver or downriver. This is at Lake Bottom Bend, and the lake is seen opposite the river and nestled against the straight-up cliffside of Amasa Back. The highway (U-279) and railroad are directly below, and the mouth of Day Canyon is just upstream.

A hike of about 250 yards to the northwest provides views into Day Canyon. Hikes farther west give views into Day Canyon where it bends southwesterly. Also, views up the short fork to the Bull Canyon pour-off can be had. These are all great views from seldom-visited country across and into more heavily traveled and better known areas. This trail has dropped from 6,100 feet to 4,400. Before the end and lower elevations are reached, much of the surrounding higher country can be viewed. Arths Rim, Gold Bar, Poison Spider and Moab Rim all stand tall. The La Sal Mountains, Amasa Back and Land Behind the Rocks are all featured in this grand panorama.

All in all, this nearly forgotten, but clearly mapped trail (T-26 S, R-20 E, Moab 15' Quadrangle, 1959; secs. 16, 10, 11, 12, and 1) is a must-do adventure—be it hiking, biking or four-wheeling. Two-wheel-drive vehicles with good ground clearance may reach the drill site safely. Hiking or biking could begin here.

54

MM 7 + 4.0 *****

On the main Long Canyon Cut-Off Trail again, and here the switchbacks down begin. A wonderful view down-canyon and into the river can be had by driving out on the point just prior to dropping down the first switchback.

This drop of 2,000 feet is 4.8 miles long and requires about 45 minutes of attentive driving. It is safe enough in dry weather where the temperatures remain above freezing, but persons descending should be on the lookout for vehicles coming up the trail. Viewing along the way is best done at the wide switchback turns. Vehicles should never park in the narrow, one-lane inclines.

The Potash Road may be traveled southward to the Potash Plant in one mile. Beyond that, the Shafer basin trail (unpaved) runs below Deadhorse Point and into White Rim travels. A turn left (north) leads to U.S. 191 in about 18 miles of beautiful river gorge travel. Day and Little Canyons' mouths are passed at mile 2.5.

Another view of "The Puppet Show"; a narrow protrusion on the rim of Day Canyon at its upper side canyon; The Loges.
A hike west from 2.0 miles down the Day Canyon Point road.

55

From the above trail descriptions, it is clear that the Day Canyon Point trail is tremendously important for motorized recreation. It was used for four different trail runs during the 2022 Easter Jeep Safari. Assuming 30 vehicles per trail run and two people per vehicle, 120 vehicles and around 240 people participated in these trail runs.

Given that Easter Jeep Safari is usually in early April, it is unclear from the BLM's route reports and GIS data whether this trail would still be available for use during the event. The GIS data lists the designation for D1625B under alternative C as "Limited w/ Management to SeasonClosedMotor, SeasonExcMotorAPO". The route report states:

> Authorized/Permitted Users: Currently authorized users may use this route by all modes of transportation. Seasonal restrictions may apply. Additional users may be authorized by the BLM through future authorizations.[100]

[100] Route Report for D1625B, p. 5.

And:

> Seasonal restrictions: This route is closed to motorized use from April 1 to June 15. This seasonal limit aims to mitigate the potential effects of this route on Bighorn sheep; Peregrine falcon; Migratory birds reproductive areas. Motorized use of this route by currently authorized users and administrative users is allowed during this seasonal closure.[101]

Easter Jeep Safari is an authorized user holding a special use permit, and both the GIS data designation and route report seems to say that current permit holders would be exempt from the seasonal closure. However, Red Rock 4-Wheelers' special use permit for EJS is up for renewal now, and even if use of the Day Canyon Point route was still included in their new permit (which will likely be granted before the final decision in this travel management process is issued), we question whether it could continue to be included in future permits.

At the very least, having this route seasonally closed during the month of April would complicate future permitting for EJS and would prevent anyone else from driving the route during EJS week outside of the official EJS trail runs. Throughout the week of EJS and all of the peak spring season, it is extremely common for individuals and groups to drive the Easter Jeep Safari trails outside of the official trail runs. Even if the proposed seasonal closure does not interfere with EJS itself, it would still deprive other groups of the chance to run a popular EJS trail all spring, which would be a significant loss to the motorized community. We strongly question whether any minor benefits to wildlife are really worth the severe impact on the recreation experience during peak spring tourist season.

C. Impacts Analysis

The rationale statement for the seasonal closure in alternative C states:

> Limiting motorized access on this route would minimize potential for impacts to wildlife habitats. By limiting motorized access on this route, traffic volume in the area would be reduced, minimizing the potential for harassment of wildlife. By providing a critical trail connection that would minimize the inclination to travel off-trail, potential impacts on T&E species and their habitats would be reduced.[102]

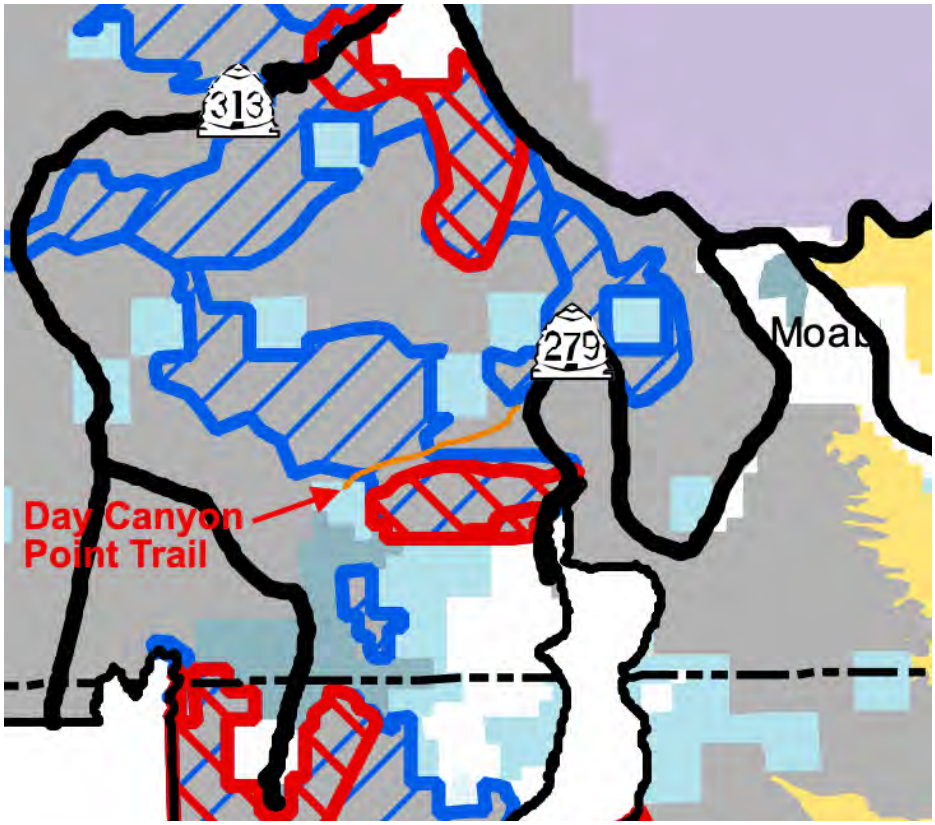
Wildlife impacts appear to be the principal concern motivating the proposed seasonal closure in alternative C. Impacts on wilderness character, soil and vegetation, and claims of user conflict appear to be motivating the proposed total closure in alternative B, and we will discuss those as well.

(1) Wildlife impacts

The main wildlife species of concern on D1625B are bighorn sheep and raptors, primarily peregrine falcons. The route report lists this route as being in both bighorn sheep lambing and yearlong habitat. While this route is shown as being partially within bighorn lambing habitat in the

[101] Id. at p. 6.
[102] Id.

latest GIS data from the Utah Department of Wildlife Resources (UDWR), it is not in an area *managed* as bighorn lambing habitat under the 2008 RMP, shown below:[103]



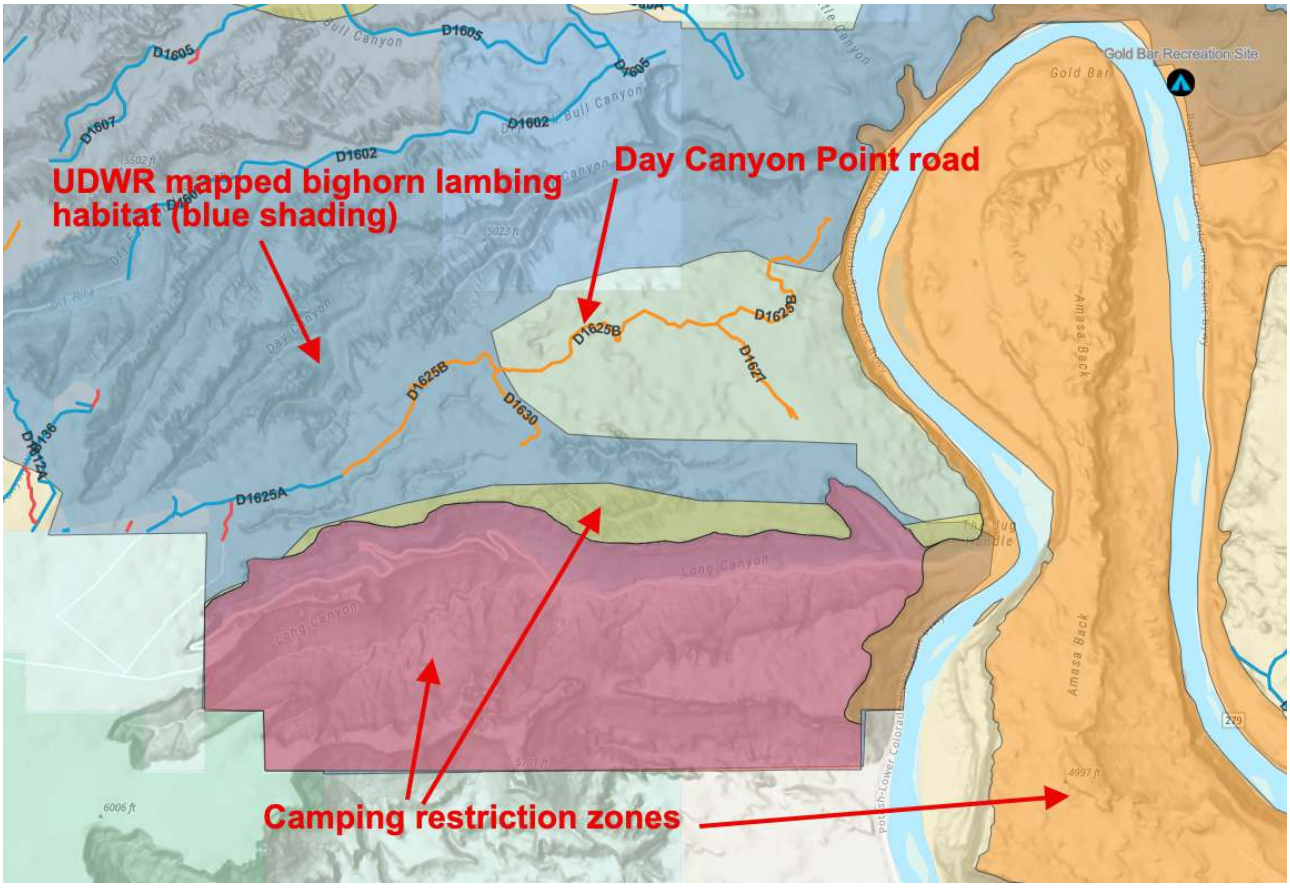
In this map, gray areas are bighorn sheep yearlong habitat (basically the entire Gemini Bridges area), blue hash marked areas are migration corridors, and red hash marked areas are lambing habitat. The low resolution PDF map included with the Record of Decision for the 2008 RMP does not show minor roads, but I drew in the approximate location of the Day Canyon Point road, represented by the orange line. While it runs through a bighorn sheep migration area and is located just north of a lambing area, the route itself does not appear to be located within managed bighorn sheep lambing habitat.

This is corroborated by the fact that the Day Canyon Point road is not within one of the areas where dispersed camping was restricted in the 2008 RMP because of bighorn sheep lambing habitat. Many other areas in the Gemini Bridges area are in these restricted camping zones, including the immediately adjacent area around Long Canyon, but the Day Canyon Point road is not. Dispersed camping along the entire BLM portion of the Day Canyon Point road is currently unrestricted. Current restricted camping zones are shown in the map below, which was created using GIS data provided to me by the BLM in response to a FOIA request. Yellow means restricted to designated sites, red means no camping, and orange means no camping outside of developed campgrounds. Blue shading is mapped bighorn lambing habitat from the Utah Department of

---

103 https://eplanning.blm.gov/public_projects/lup/66098/80436/93507/Map_9_Desert_Bighorn_Sheep_Lambing,_Rutting,_and_Migration_Habitat.pdf.

Wildlife Resources, which the BLM cites as its source of its habitat data in the Draft EA. Light green shading is lands with wilderness characteristics.



The camping restriction zones in Long Canyon and on the north rim of Long Canyon appear to coincide with the bighorn sheep lambing habitat area directly south of the Day Canyon Point road on the RMP bighorn sheep habitat map. Both of these maps indicate that while there is a managed bighorn sheep lambing habitat area a short distance south of the Day Canyon Point road in Long Canyon, the road itself is not within an area managed for bighorn sheep lambing habitat.

While the latest data from the Utah Department of Wildlife Resources shows a bigger area of lambing habitat on Day Canyon point that includes some sections of the road, not even the full road is in a bighorn lambing area according to UDWR's data. Even if UDWR's recent maps have expanded the areas mapped as bighorn lambing habitat in the area, the controlling factor should be whether D1625B is in an area *managed* for the protection of bighorn lambing habitat in the RMP, which it is not. We believe it is inappropriate and contrary to RMP direction to restrict the use of roads on this basis that are not within areas managed for bighorn sheep lambing under the RMP.

Moreover, many other roads near Day Canyon Point are also in areas UDWR has mapped as lambing habitat yet are proposed to stay open year-round in alternative C. What is the BLM's justification for imposing a seasonal closure on this specific road? What evidence does the BLM have that bighorn sheep are more sensitive to motorized recreation on Day Canyon Point then

anywhere else there are roads in lambing habitat? D1648A (Major Point) is the only other road in the Day Canyon / Bull Canyon area with a similar seasonal closure, while all other nearby roads such as the roads in Bull Canyon, Dry Fork Bull Canyon, and Four Arches Canyon, plus the roads on each of those canyon rims, remain open year round. Why is Day Canyon Point singled out for seasonal closure in alternative C when none of these other roads are? There is no justification for this inconsistency in management. Nor is there any actual need for a seasonal closure to protect bighorn sheep.

As discussed at length in our general comments above, there is no evidence that motorized recreation around Moab is harming bighorn sheep in any way. Populations are stable and are not in decline. Since it does not appear that the Day Canyon Point trail is even in an area protected as lambing habitat under the RMP, there is no justification for either seasonally closing it (as in alternative C) or permanently closing it (as in alternative B) based on impacts to bighorn sheep.

As for nesting raptors including peregrine falcons, there is also no evidence that motorized use of the Day Canyon Point road is harming them to the degree that a seasonal closure during nesting season is necessary. These birds mostly nest in cliffs along the walls of canyons, while the Day Canyon Point trail is on top of a plateau. For most of its length it is in the middle of the plateau between Long Canyon and Day Canyon and does not come anywhere near either rim. The only place it does is at its very end, yet the actual canyon rims are still a short walk away. The road itself never goes to the top of any cliffs where raptors would be likely to nest.

It is therefore highly unlikely that motorized use of the Day Canyon Point road is causing any serious impacts to nesting raptors. As pointed out in our general comments above, there is little scientific support for rigid buffer zones around raptor nests. Motorized recreation on routes that are not immediately adjacent to nest sites is a non-threatening activity that does not normally disturb raptors or cause any harm to them.

The Day Canyon Point road has been regularly used for motorized recreation during the spring nesting season for many decades, including large organized trail runs during Easter Jeep Safari with 30+ vehicles. If peregrine falcons and other raptors still nest in the area, it is solid evidence that motorized use of the route does not disturb them or cause nest abandonment. There is therefore no justification to impose a seasonal closure based on nesting raptors.

To conclude this section, the seasonal closure of the Day Canyon Point trail included in alternative C is not justified based on impacts to either bighorn sheep or raptors. We therefore urge the adoption of the alternative D designations with respect to these routes, and ask that they be kept open year-round.

(2) User conflict

While we are glad to see that the main Day Canyon Point road is still open in alternative C, it is closed outright in alternative B. Grand County has also called for this trail to be permanently closed based on claims of user conflict with hikers in the Goldbar / Corona Arch Hiking focus area. Closing this route on grounds of user conflict would be a mistake, as this question has already been definitively resolved in motorized users' favor in the 2008 RMP.

In the 2008 RMP, the Day Canyon Point Safari route is expressly excluded from the Goldbar/Corona Arch Hiking Focus Area:

> Goldbar/Corona Arch Hiking Focus Area (4,191 acres) covers the lands below the Golden Spike OHV route inclusive of the Culvert Canyon drainage to the northern rim of Long Canyon exclusive of the main stem of the Day Point Road.[104]

While the Goldbar/Corona Arch Hiking Focus Area is intended to prioritize non-motorized recreation, the Day Canyon Point trail was expressly excluded from it, causing the default motorized backcountry touring focus to apply to it. The clear intent of cherry-stemming this route out of the hiking focus area is to ensure that this route remains open to motorized use and will not be closed due to alleged conflicts with hikers. The RMP thus strongly implies a mandate to keep this route open to motorized use, which alternative B violates by closing it outright.

We also note that while everything except the road on Day Canyon Point is inside the hiking focus area, hiking on Day Canyon Point itself is not common. The main hiking trails in the area are the trails to Corona Arch and Goldbar/Jeep Arch. There is also a hiking trail which follows an old roadbed up the bottom of Day Canyon itself. None of these hiking trails are anywhere near the Day Canyon Point motorized route, and they are all topographically screened from it. It is highly unlikely that noise from vehicles on the Day Canyon Point trail ever reaches these hiking trails. Even if it did, noise from vehicles on Potash Road would be much louder, as that road is much closer and much more heavily trafficked.

The only possible claim of real user conflict would be regarding hiking use of the Day Canyon Point road itself. However, use of this route for hiking is rare. While it is listed on AllTrails, which is primarily a hiking app, all the trail reviews on that site are from motorized users. While it may also receive some use by mountain bikers, the closed designation in alternative B would also close it to mountain bike use, harming that user group as well. The closure in alternative B is therefore not necessary to resolve any form of user conflict and is entirely unjustified.

(3) Soil / Vegetation Impacts

The Day Canyon Point trail is a well-defined road that receives relatively light use outside of peak periods such as during Easter Jeep Safari and Memorial Day weekend. When I drove it in 2019, I found a few places difficult to navigate that could use some directional signage, but I did not see any sign of off-trail resource damage or illegal spur trails. Neither did I see any sign of serious erosion or washouts. This trail is not causing any significant impacts to soil or vegetation along its route, and any minor impacts that are occurring do not justify closure as proposed in alternative B.

(4) Wilderness characteristics

Finally, while the Day Canyon Point route is almost entirely within identified lands with wilderness characteristics and is proposed for Wilderness designation in SUWA's perennial ARRWA bill, the 2008 RMP expressly determined not to manage that area for protection of wilderness characteristics. Closing the road to motorized use would not cause it to disappear from the ground

[104] 2008 RMP, p. 90.

and would not automatically make the area eligible for WIlderness designation. As the BLM stated in response to SUWA's demands for road closures in the 2008 RMP planning process:

> Closing this route to motorized use would not make the area "roadless", as the impact on naturalness would still exist. It is beyond the scope of the plan for BLM to create "roadless" areas where such areas do not currently exist. Rather, BLM evaluates routes for purpose and need balanced against resource conflict. A preference for a route to not be present is not in itself a resource.[105]

Closing this road as proposed in alternative B would effectively be managing the Day Canyon Point area for protection of wilderness characteristics contrary to the RMP, and would require an RMP amendment. The BLM is under no obligation to close roads in order to create roadless areas in response to wilderness proposals. It would be particularly inappropriate to close a major Easter Jeep Safari route like Day Canyon Point on those grounds. Therefore alternative B must be rejected and the Day Canyon Point road must continue to remain open as proposed in alternatives C and D.

D. Conclusion

In conclusion, the Day Canyon Point road is an extremely valuable motorized trail that plays an important role in Easter Jeep Safari and other organized motorized events. It has been popular for motorized recreation for many decades and its use has not resulted in any significant negative impacts toward wildlife, soils and vegetation, or non-motorized users. The 2008 RMP expressly excluded it from the adjacent hiking focus area and specified that it remain open to motorized use. Neither permanent closure nor a seasonal closure are justified on this route.

We therefore request that the main Day Canyon Point route and its primary spurs (D1625A, D1625B, D1630, D1627) be designated as open with no seasonal closure in the final travel plan as proposed in alternative D. We further request that D1704 not be closed as is proposed in alternative C, but instead be kept open as proposed in alternative D and re-mapped to correctly show its entire length on BLM land connecting to its continuation on the state land parcel, as shown in the map above.

[105]2008 RMP, Response to comment 124-144, "Comments and BLM Responses Listed By Resource", p. 557.

- ***Dead Man Point (D1497A, D1497B, D1504, D1511, D1501, D1509, D1510, D1507, D1507B)***

12 Deadman Point

AREA 1 map on page 24

Rolling, fun terrain across a wide, flat plateau with the Henry Mountains as a scenic backdrop.

Drive to the edge of the overlook at Wpt. 03.

Tacoma owner camps at overlook at Wpt. 05.

Historical Highlight: *In 1927, a Spanish sheepherder, while looking for lost sheep, fell to his death from a 100-ft. cliff along the edge of Hell Roaring Canyon. This event is believed to be how Deadman Point got its name. Source:* Moab Times-Independent.

Overview: A popular Safari run to overlooks of the Green River. Our favorite is at Wpt. 03 because you can drive right to the edge and the view is spectacular. Scenic camping at Wpt. 05. The three remaining overlooks require challenging unmarked hikes to see the river.

Rating: Easy. Fairly flat with a few small ledges. Larger ledges have bypasses. More difficult as you near the overlooks, but by then, you are close enough to walk.

Stats: Length: Round trip for everything 28.2 miles. To Wpt. 03 and back is 11.4 miles. Time: 3 to 5 hours. High point: 5,503 ft. (at the start). Best time: March through November. Hot in summer.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

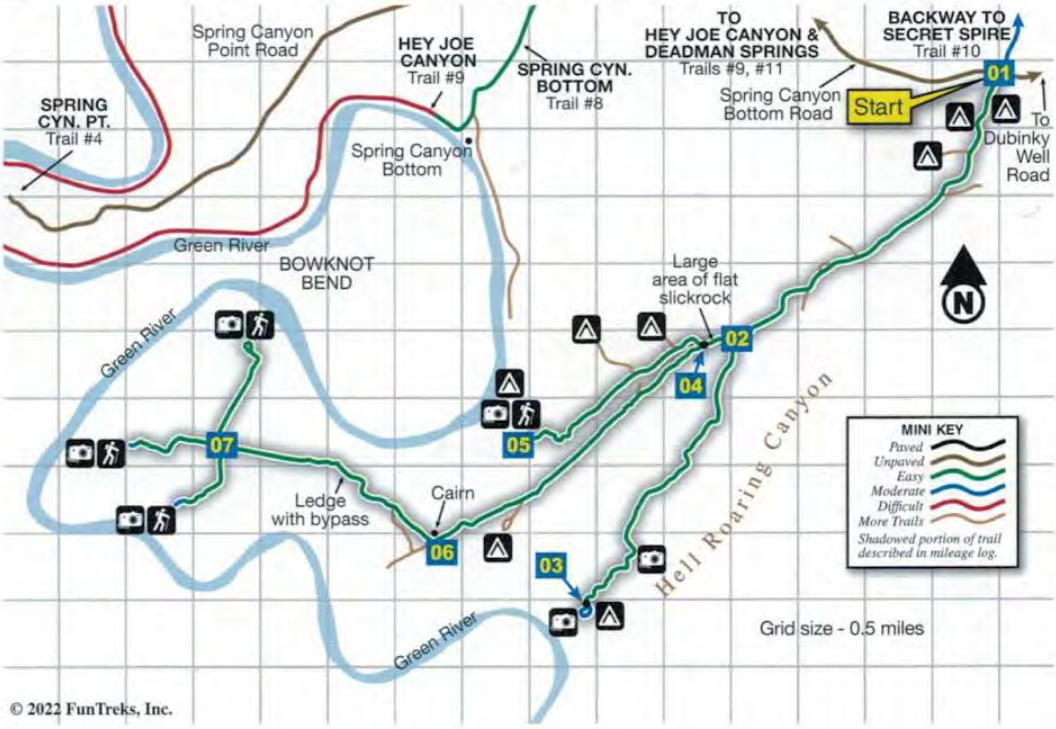
Getting There: Follow directions for the *Backway to Secret Spire*, trail #10, The start of *Deadman Point* is on the left, across the road from trail #10.

48

Scans of the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells, 4th Edition (2022)

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles]
Head south on well-defined dirt road. [8.7]
01 N38 37.616 W109 55.654
0.4 Large camp spot on left with view. [8.3]
0.5 Trail swings left downhill past more camp spots.[8.2]
0.7 Continue straight. Right goes to rock outcrop. [8.0]
1.1 Continue straight where road joins on left. [7.6]
2.0 Continue straight past road on right. [6.7]
2.2 Driver's choice. [6.5]
2.4 Important right turn. [6.3]
3.0 Turn left to visit best overlook at Wpt. 03. [5.7]
02 N38 35.866 W109 57.918
5.0 Follow white dashes across slickrock, then stay right on defined road. [3.7]
5.5 Drop down ledge. [3.2]
5.7 Turn right on tougher terrain or walk from here. Trail loops around at edge of canyon. Return to Waypoint 02. [3.0]
03 N38 34.139 W109 59.079
8.5 After returning to Wpt. 02, turn left. [0.2]
8.6 Cross slickrock. [0.1]
8.7 Turn right after slickrock. Straight goes to 07. [0.0]
04 N38 35.857 W109 58.126
0.0 Zero trip odometer at Wpt. 04.
Continue right to overlook at Wpt. 05. [3.4]
0.1 Stay left. Camp right. [3.3]
0.5 Continue straight. Right goes to camping. [2.9]
1.7 Our Safari group stopped here, but you can drive out closer to edge. We saw tent campers here. Return to Wpt. 04. [1.7]
05 N38 35.237 W109 59.519
3.4 At Wpt. 04 again. [0.0]
0.0 Zero odometer again at Wpt. 04.
Turn right for Wpt. 07. [4.4]
0.7 Continue straight. Faint road joins on right. [3.7]
1.8 Continue straight. Left goes to camping. [2.6]
2.6 Turn right at cairn. [1.8]
06 N38 34.574 W110 00.314
3.5 Big ledge has bypass to left. [0.9]
4.4 Four-way intersection.[0.0]
07 N38 35.202 W110 01.999
Left goes to an overlook, but you must hike at the end to see the river. This is the easiest hike of the three.
Straight goes to an overlook, but the hike to see the river looked extremely challenging.
Right goes to an overlook, but you must climb over, under, and around rocks to see the river.
When finished, return the way you came to start of trail at Wpt. 01.



Easy for our stock Wrangler.

Authors with FunTreks' Jeeps at end of southern spur at Wpt. 07.

A. Introduction

The Deadman Point trail is an easy Easter Jeep Safari trail and one that is featured in the latest edition of the Funtreks Moab guidebook and TrailsOffroad.com. It consists of several different branching spur routes that go out to various overlooks of Labyrinth Canyon on Deadman Point between the mouth of Hell Roaring Canyon and Bowknot Bend. D1501 and D1507 are proposed for closure in alternative C, while all of the routes past the end of D1497A would be closed in alternative B.

We strongly oppose all of these closures, which would deprive motorized users of access to important scenic overlooks on the rim of Labyrinth Canyon. All of these routes are regularly with moderate use levels, and all of them have an important purpose in providing motorized access to unique overlooks and outstanding dispersed campsites. Even though alternative C would only close a couple of the shorter overlook routes, these routes are still valuable and there is no justification for closure. We ask the BLM to keep all of these routes open in the final travel plan. We also wish to point out that the BLM's GIS data for both D1504 and D1511 is erroneous and shows them both ending about a tenth of a mile short of their true endpoints that are marked on the ground with official painted blazes. It is critical that the BLM correct its maps and GIS data to prevent these trails from inadvertently being cut short and the best parts eliminated.

B. Trail Description

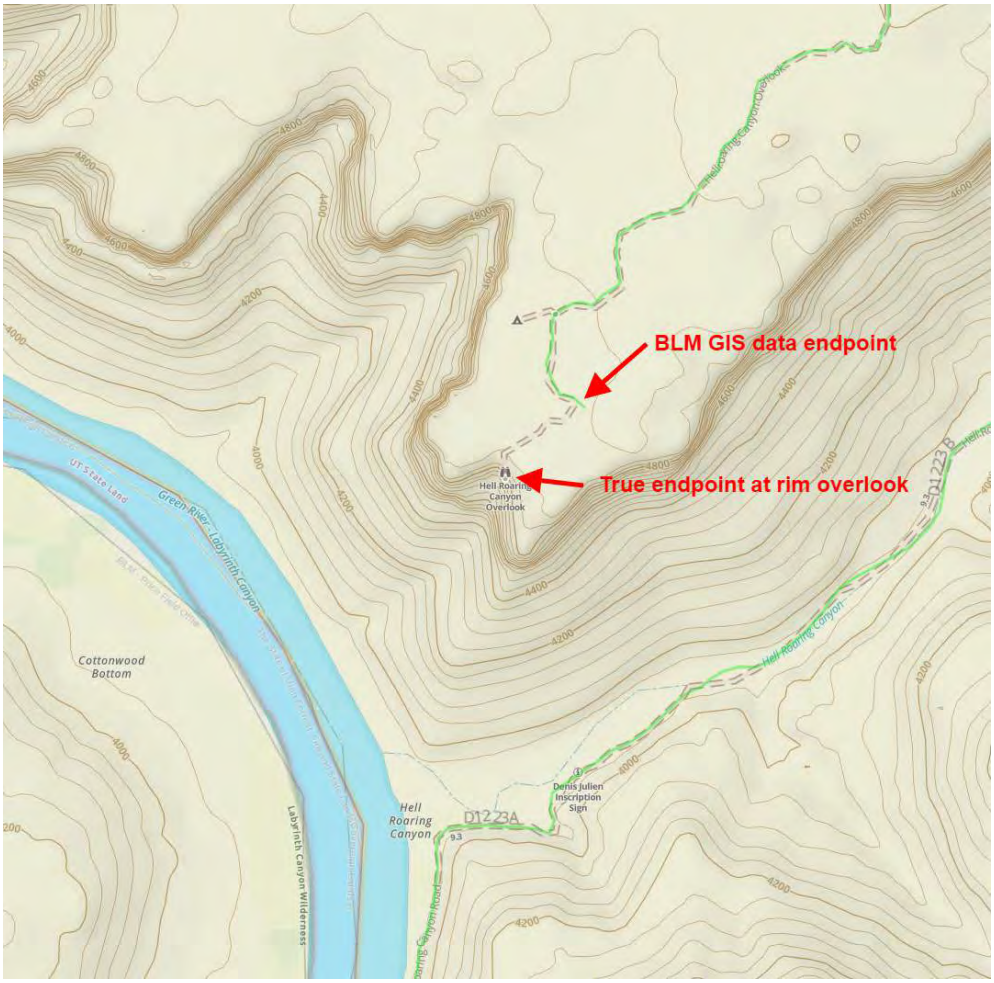
The Deadman Point trail has long been a mainstay of Easter Jeep Safari. It is one of the easier trails included in the event, rated only a 3 in difficulty. It had three different trail runs as part of EJS 2022, and was part of the event's Sophomore Package. It is also featured in the 4th Edition of the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, TrailsOffroad.com (also here and here), and OnXOffroad.com. As seen in the scans above, D1497A, D1497B, D1504, D1511, D1509, D1510, and D1507B are all part of the main route described in the Funtreks guidebook. I drove all of these routes in 2021.

As mentioned above, this trail is really a combination of multiple out-and-back spur trails accessing various scenic overlooks on Deadman Point. **D1497A** and **D1497B** form the main stem of the trail, and is mostly just an easy dirt road with occasional small rocks and wash crossings. This road travels all the way from the junction with Spring Canyon Road (B140) out to the middle of the main Deadman Point plateau.

D1504 splits off the main route to the south at the point where the BLM's route maps show D1497A turning into D1497B. It travels 2.7 miles to the southwest over a mixture of sandy dirt road and short slickrock patches, and ends at an epic overlook at the very edge of the canyon rim above the confluence of Hell Roaring Canyon and Labyrinth Canyon at 38.56799, -109.98551. This overlook is considered the most iconic part of the Deadman Point trail, and is one of the few places in Moab where vehicles can drive to the edge of a canyon rim, similar to the Top of the World trail. It is common for people to take epic photos of their vehicles parked at the very edge of the cliff, as seen in the photo below from TrailsOffroad.com.

A similar photo from the same spot was used on the cover of the 2021 Easter Jeep Safari magazine.

It is important to note that while this route has customarily ended at the very edge of the cliff at 38.56799, -109.98551, the BLM's GIS data shows D1504 ending about 0.1 miles further back from the rim, as shown in the map below created using GaiaGPS, which shows the route continuing out to the rim past the endpoint in the BLM's GIS data (green line). There is also an incredible dispersed campsite a short distance back up the trail at 38.56996, -109.98528, which we urge the BLM to consider officially designating, as it is within an area where camping is restricted to designated sites, but has not had any sites designated yet.



While the BLM may think that its route data is correct and that the extension out to the rim is an unauthorized trail, this route has always ended at the edge of the rim. Guidebook author Jack Bickers wrote about this road in 1989 stating, "Vehicles can be parked 20 feet from the point's edge, for a magnificent view through the mouth of Hell Roaring and down the Green about 2-1/2 miles."[106] If the BLM's GIS data shows it ending earlier, it is only because it was mismapped either during the data collection process for this travel plan or in the 2008 travel planning process. When I drove it in October 2021, I found official painted blazes leading all the way across the slickrock from the point where the BLM's GIS data shows it ending to the edge of the rim, as shown in the following photos.

[106] Jack Bickers, *The Labyrinth Rims - 60 Access To Green River Overlooks* (1989), 42.

Painted blazes at 38.568636, -109.984548 leading past the endpoint shown in the BLM's GIS data out to the rim

Painted blaze a little closer to the rim

Painted blaze turning into the parking are at the rim overlook

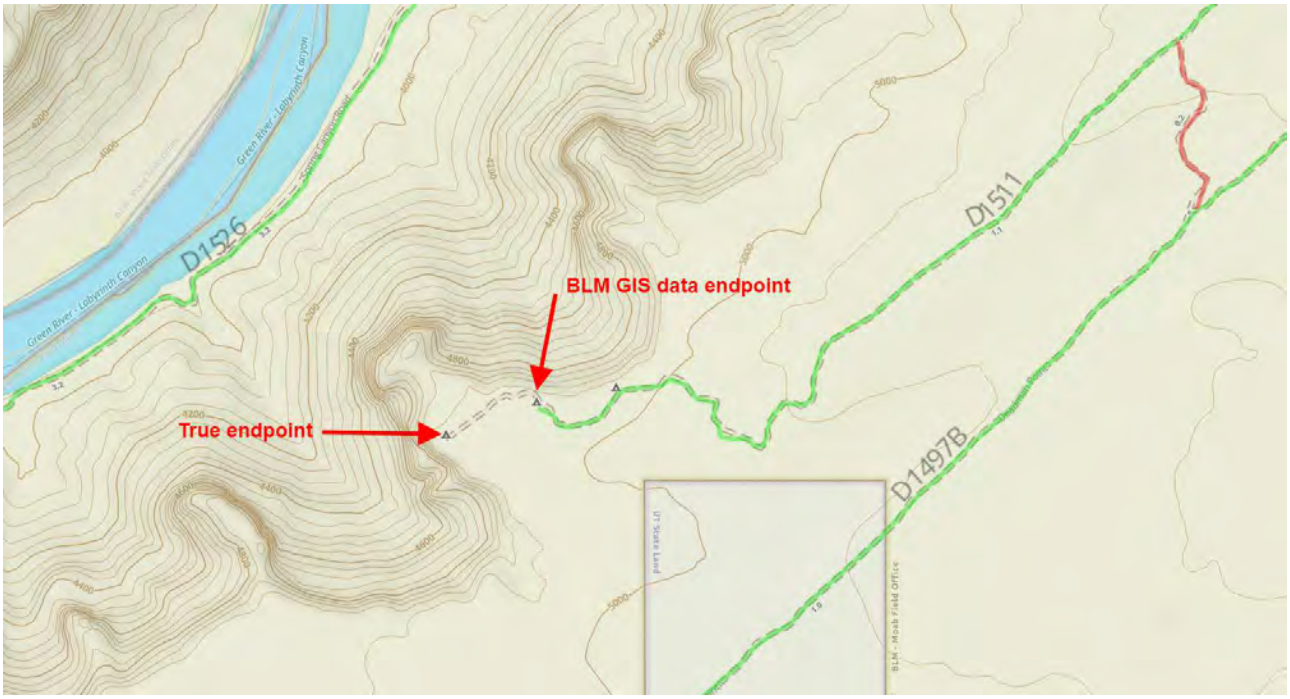
Established parking area at the main overlook at 38.567926, -109.985529

View from the main overlook at 38.567926, -109.985529

While we are grateful that D1504 is kept open in alternative C, the BLM must correct its GIS data to reflect the true endpoint of this route at the rim overlook at 38.567926, -109.985529, not further back. If BLM staff doubt whether that is the true ending of this route, they should consult with members of Red Rock 4-Wheelers, who could confirm that EJS trail runs have always driven to the edge of the rim. This overlook is the most iconic part of the trail and provides one of the best opportunities in Moab to take photos of vehicles at the edge of a canyon. It would be a real shame if that part of the trail were closed due to an inadvertent mapping error.

D1511 is another spur trail that takes off from the main Deadman Point stem a short distance further west. It runs northwest to the end of a small point overlooking the Bowknot Bend stretch of Labyrinth Canyon. This route is not within an area where camping is currently restricted to designated sites, and it has several excellent dispersed campsites right on the edge of the rim. The BLM's GIS data also erroneously shows this route as ending about 0.1 miles earlier than it is marked as ending on the ground.

As shown in the map below created with GaiaGPS, the BLM's route data shows the route ending at a campsite at the beginning of a large expanse of slickrock. When I drove it in 2021, however, I found that it was marked with painted blazes continuing across the slickrock to another campsite at the end of the main level of the point, at 38.58720, -109.99395.



Though it may be hard to make out, painted arrow blazes can be seen in the two photos below marking a short loop at the end of the point. These blazes led out to a fire ring by the mound visible in the pictures above, at 38.58720, -109.99402, which is the actual marked end of the trail. While we are glad to see this route kept open in alternative C, the BLM must correct its GIS data to reflect its proper endpoint to avoid inadvertently cutting the route short.

We also note that D1511 hosts multiple amazing dispersed campsites like the one pictured below, which we hope the BLM will consider designating as official dispersed sites if it ends up restricting all of the Labyrinth Rims area to designated sites in the companion camping management plan.

Incredible rimside dispersed campsite at 38.587754, -109.990837

Further out on Deadman Point, **D1501** splits off the main route, going straight where the main route turns right. It continues about a third of a mile as mostly just a dirt road, ending at a scenic overlook on a patch of slickrock. It is regularly used and well-defined, indistinguishable in use levels from the surrounding roads. The ending of the route is clearly marked with a BLM carsonite sign at a scenic overlook of Labyrinth Canyon. The actual rim is a short walk away.

View of the beginning of the route at the junction with D1497B

Carsonite sign marking the end at a scenic overlook at 38.574005, -110.009254

While D1501 is not particularly spectacular, it makes a nice short side trip off the main Deadman Point route and provides access to a scenic overlook with a unique view of Labyrinth Canyon. It is a well-defined, regularly used route that is not causing any negative impacts, and there is no reason it should be closed as proposed in alternative C. We ask that this route remain open.

From the junction with D1501, D1497B continues out onto the main landmass of Deadman Point, crossing a narrow neck between two sections of Labyrinth Canyon. In the middle of the point at 38.58667, -110.03338, it reaches a four way junction with three different spur routes going to different scenic overlooks. As shown in the scans above, all three overlooks are shown as part of the main trail featured in the Funtreks guidebook. The trail listing on TrailsOffroad features the west overlook route (D1507B), and the Jeep Safari route uses the southern overlook (D1509). The northern overlook (D1510) also has a large sheltered dispersed campsite nestled beneath an overhanging rock.

Continuing straight at the junction, **D1507B** travels about 3/4 of a mile west. It starts out as a two-track dirt road before entering a slick rock area, where it ends at the top of a slickrock mound with panoramic views all around. This route is well-used and clearly defined, with cairns and painted blazes marking the route on the slickrock. The viewpoint at the end offers spectacular views of the entire area and the rim is only about a five minute hike away. This route is not causing any resource damage or conflicts, and there is no reason to close it as proposed in alternative C. In my opinion, the views at this overlook are better than those at the southern overlook (D1509), which is proposed to stay open in alternative C. We strongly oppose this closure and ask for it to be kept open as proposed in alternative D. The following images show various points along this route segment.

Start of D1507B at 38.586616, -110.032822

Sandy trail at 38.586687, -110.033275

Beginning of slickrock section at 38.586266, -110.041526, with cairns marking the path

Continuing on the slickrock at 38.587002, -110.044322

My Jeep parked at the overlook at the end, at 38.586715, -110.045022

View from the overlook to the west across Labyrinth Canyon to the mouth of Twomile Canyon

Drone view of the overlook at the end of the trail from TrailsOffroad.com

D1509 goes south from the junction with D1497B and travels about 0.6 miles before dead-ending at a viewpoint on a patch of slickrock. This route is the main overlook spur used in Easter Jeep Safari, and is the only one of the three overlook spurs that is officially considered part of the Jeep Safari Trail System. However in most solo and group runs on the Deadman Point trail, all three overlooks are visited. I personally did not find the overlook at the end of D1509 as interesting as the overlook at the end of D1507B, as it is lower down and is not at the top of a hill overlooking the entire area like the viewpoint on D1507B. However it is still highly scenic and is only a short hike away from the south rim of Deadman Point. This spur is a highly important trail and as part of the Jeep Safari Trail System, it must be kept open. It is not causing any resource impacts, and we oppose closing it as proposed in alternative B. Below are several pictures of the overlook at the end of this route.

My Jeep parked at the endpoint, at 38.580399, -110.038628

View from the overlook at 38.580399, -110.038628

Another view from the overlook at 38.580393, -110.038638

D1510 travels 0.85 miles north from the junction with D1497B and goes out to a highly scenic viewpoint on the north rim of Deadman Point overlooking Bowknot Bend. This route goes the closest of any of the three spurs to the actual rim, ending only 200 feet or so from the rim. The entire route is a sandy dirt road with no obstacles and can be easily driven by any high clearance vehicle. There are a couple spectacular dispersed campsites at the end - one tucked under a sheltering rock formation right next to the turn-around loop at the end of the road, and the other on a rock shelf right next to the edge of the cliff overlooking Bowknot Bend.

In my opinion, this was probably the best of the three overlooks on Deadman Point, as it provided the best access to the actual rim without requiring a hike to get there. As such, this route is critical for facilitating access for people with disabilities to one of the best scenic overlooks in the Deadman Point area. I did not see any sign of resource conflicts on this route, and there is no reason it should be closed. We are glad to see that this route is proposed to stay open in alternative C, and we oppose its closure as proposed in alternative B. Below are several pictures of this route.

D1510 crossing the plateau toward a high point on the north rim of Deadman Point, at 38.595407, -110.028834

Sandy dirt road approaching the rim, at 38.595517, -110.028766

Sheltered camping area at the end of the route at 38.597458, -110.029459

Spectacular campsite at the edge of the rim, at 38.597453, -110.029457

View of Bowknot Bend from the overlook/campsite at 38.597445, -110.029454

C. Impacts Analysis

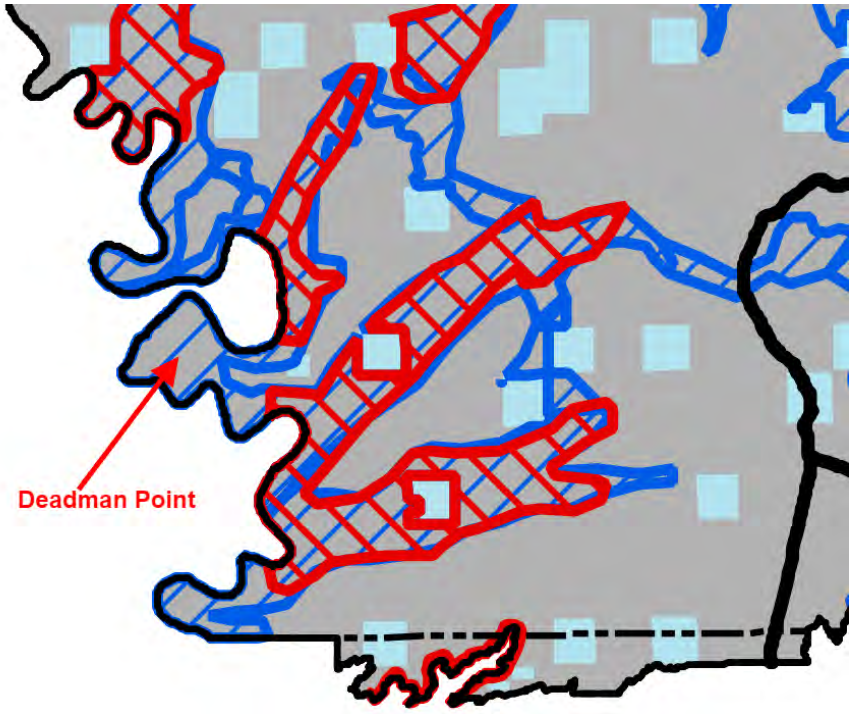
The route report for **D1507B** gives the following rationale for closing it in alternative C:

> Closing the route would reduce the potential for impacts to endangered or threatened species and their habitats by eliminating motorized use and removing the route footprint. By closing the route, the potential for future impacts to documented wilderness character and impairment of wilderness suitability would be minimized while wilderness characteristics of naturalness and opportunities for solitude would be enhanced. Closing this route minimizes the potential for route proliferation on public land.[107]

The same rationale is given in the route report for **D1501.** The primary reasons for closing both of these routes thus appears to be (1) wildlife impacts and (2) wilderness characteristics.

(1) Wildlife impacts

The only wildlife species of concern for both of these routes appears to be desert bighorn sheep, as the route reports list them as being in both bighorn sheep yearlong and lambing habitat. While the Utah Department of Wildlife Resources GIS data shows all of Deadman Point as bighorn lambing habitat as they define it, it is not in an area *managed* as bighorn lambing habitat under the 2008 RMP, which we argue should be the controlling factor. The following map of desert bighorn sheep habitat included in the Record of Decision for the 2008 RMP[108] shows Deadman Point in a bighorn sheep migration corridor (blue hash marks) but not lambing habitat (red hash marks):



[107] Route Report for D1507B, p. 4.

[108] https://eplanning.blm.gov/public_projects/lup/66098/80436/93507/Map_9_Desert_Bighorn_Sheep_Lambing,_Rutting,_and_Migration_Habitat.pdf.

As with the Day Canyon Point trail, the BLM's own maps do not show Deadman Point as being in managed bighorn sheep lambing habitat. All managed lambing habitat nearby is located in canyon bottoms in Spring Canyon and Hell Roaring Canyon. Neither is Deadman Point in one of the areas where dispersed camping is currently restricted because of bighorn sheep lambing habitat. While it could be that more recent studies have shown Deadman Point to be in bighorn lambing habitat, it is inappropriate to close routes on that basis that are not in an area managed as bighorn lambing habitat under the RMP.

Even if these two routes are in bighorn sheep lambing habitat, that does not justify closing them. All of the other nearby routes on Deadman Point are also in lambing habitat, and all of them are generally driven together as a single trail. Neither of these two routes has any greater impact on bighorn sheep than the other routes on Deadman Point which the BLM is proposing to keep open in alternative C. As described in detail in our general comments on bighorn sheep, the local sheep population is stable and is not being demonstrably harmed by motorized recreation. There simply are no significant impacts on bighorn sheep occurring as a result of these two routes, and that is not a legally sufficient justification for closing them.

(2) Wilderness characteristics

Given that there are no actual impacts on bighorn sheep caused by these two routes and they are not actually in bighorn sheep lambing habitat, wilderness characteristics appear to be the BLM's primary reason for closing them. While D1507B and D1501 are in inventoried lands with wilderness characteristics, they are not within lands managed *for* wilderness character (BLM Natural Areas). At the Draft EA acknowledges on page 29:

> While BLM actively manages to protect and preserve wilderness character in Natural Areas as described in the 2008 RMP, no inventoried LWC units within this TMA are managed to maintain wilderness characteristics (i.e., are not Natural Areas) and are instead managed for multiple uses.

Deadman Point was cited in the ROD for the 2008 RMP as one of the areas the Moab FO specifically chose NOT to manage for wilderness characteristics:

> External groups also dispute the BLM's designation of routes in areas such as Deadman Point and Mineral Point, citing conflicts with non-motorized recreation and wilderness characteristics. In the Approved RMP, the BLM has chosen not to manage for these values which essentially remove the resource conflicts.[109]

As the Draft EA acknowledges, all of the routes in lands with wilderness characteristics designated in the 2008 RMP pre-dated the original LWC inventory and did not disqualify these areas from LWC status:

> The BLM's inventory of the LWC units in the Labyrinth/Gemini Bridges TMA found these units to possess wilderness characteristics even though the routes designated by the 2008 RMP Travel Plan (or subsequent amendment) existed at the time of the wilderness inventory. In

[109] 2008 RMP, ROD, at p. 19.

> other words, the presence of the routes did not disqualify these lands as possessing wilderness characteristics.[110]

These routes are thus not harming existing wilderness characteristics, and closing them would essentially be an effort to create *new* wilderness characteristics that do not currently exist. Closing these two routes to enhance wilderness character and create new wilderness characteristics would be in effect to manage this area *for* wilderness characteristics, contrary to the express direction of the RMP. There is no way to square this action with the RMP's explicit decision NOT to manage Deadman Point for wilderness character and instead manage it for multiple use. Closing these routes is therefore in direct conflict with the Moab FO RMP and may not be done without an RMP amendment.

Finally, we note that D1507B and D1501 appear to be specifically targeted for closure because they are directly across the canyon from the Labyrinth Canyon Wilderness. Closing these two routes in the name of enhancing wilderness characteristics appears to be an attempt to create an illegal buffer zone around the Labyrinth Canyon Wilderness, which is expressly prohibited by the Dingell Act. That legislation prohibits the BLM from considering sight or sound impacts on wilderness character from adjacent areas outside the designated Wilderness as reasons to preclude multiple use activities.

The route closures on Deadman Point in both alternatives B and C appear to be part of an effort to manage the eastern rim of Labyrinth Canyon as de facto wilderness, making way for the future expansion of the Labyrinth Canyon Wilderness to cover both the western and eastern rims. Congress chose to only designate the west rim as Wilderness, while leaving the east rim open to multiple use activities including motorized recreation. Both Senators Romney and Curtis included statements in the Congressional Record stating that the boundaries of the Wilderness areas in the Dingell Act were purposefully chosen not to close any existing motorized routes.

By closing these two routes in order to buffer the Labyrinth Canyon Wilderness and make way for its future expansion, the BLM is basing its decision on factors Congress has expressly prohibited it from considering. These closures are therefore by definition arbitrary and capricious and must not be included in the final travel plan.

D. Conclusion

To conclude this section, all of the motorized routes on Deadman Point are highly valuable trails that must be kept open to motorized recreation. Most of them are part of the Easter Jeep Safari trail system, and those that aren't are part of a featured route in the latest edition of the published *Funtreks* guidebook. We believe the BLM's proposal to close D1507B and D1501 in alternative C, and all of the routes on Deadman Point in alternative B, based on wilderness characteristics and wildlife impacts are misguided and not legally defensible. We strongly oppose all of these closures, and ask that all of the routes on Deadman Point be kept open in the final travel plan by adopting alternative D. We also urge the BLM to correct its GIS data for the endpoints of D1504 and D1511 as described above.

---

[110] Draft EA, p. 29.

2. Dispersed Camping Routes

One of the most popular activities in the Labyrinth Rims/Gemini Bridges TMA among all user groups is dispersed camping. If there is one commonality between off-roaders, hikers, mountain bikers, rock climbers, river rafters, and horseback riders, it is that all of them enjoy dispersed camping during their trips to the Moab region. In the more remote areas of the TMA, camping is the best option for most visitors, as the hotels and vacation rentals in Moab are too far away. For people who desire both the low cost and freedom of dispersed camping, paid campgrounds simply do not provide an acceptable camping experience.

The Moab Field Office already heavily restricts dispersed camping in the TMA, prohibiting it entirely or restricting it to a limited number of designated campsites in many of the areas closest to Moab. Broadly speaking, dispersed camping is already largely prohibited or heavily restricted east of Highway 313, while it is allowed in most areas west of it. Only areas deep within the interior of the TMA well-away from paved roads are currently open to unrestricted dispersed camping.

We are aware that the BLM is beginning to consider restricting all remaining areas in this TMA to designated campsites in a separate planning process. We strongly oppose any additional restrictions on dispersed camping in the Labyrinth Rims/Gemini Bridges area and believe the existing regulations are sufficient. With the exception of a few county B roads that experience heavy camping, the vast majority of remote D roads in the Labyrinth Rims / Gemini Bridges area simply do not receive enough use for camping to warrant restricting camping to designated sites.

We believe that if anything, dispersed camping is already too restricted in this TMA. The BLM would do well to open up additional areas where dispersed camping is allowed in order to better satisfy the demand for campsites which currently vastly exceeds the supply, leading to severe overcrowding in the few areas where camping is allowed. Expanding opportunities for dispersed camping would be preferable to further limiting people to designated campsites and official campgrounds. and must be rejected.

While we understand that the BLM will not be making any decisions regarding dispersed camping restrictions in this travel planning process, it will significantly affect the related process analyzing camping restrictions. If this travel planning process results in the closure of many routes that are currently popular for dispersed camping, it could dramatically limit the supply of existing campsites available for future designation, and could impact whether further camping restrictions are needed in the first place. Route closures enacted through the travel planning process could also affect past camping management projects by closing routes where the BLM has previously established designated campsites. This EA must therefore analyze the cumulative effects of the new travel plan on both past and ongoing camping management projects.

It is critical that the BLM designate a motorized route system that is adequate to support both current and future needs for dispersed camping throughout the TMA. The BLM must consider dispersed camping in its evaluation of the purpose and need of individual routes, and we urge the BLM to carefully survey such areas and be sure that any routes proposed for closure are truly unneeded and do not serve as access routes to popular campsites.

Areas that have a high concentration of short routes that may appear redundant and unneeded on a map are likely popular areas for dispersed camping, and each small route provides access to a valuable campsite. Where there are campsite access routes that exceed the legal limit from designated roads, the BLM should consider designating these access routes as official motorized routes, rather than simply closing them by default. We strongly urge the BLM to keep most if not all of these routes open as they each serve as access routes to highly desirable dispersed campsites.

We are extremely concerned that the route reports do not adequately consider dispersed camping as an existing use. Many routes popular for dispersed camping do not have that use noted in the route reports, and the route reports fail to note even where the Moab Field Office has already established official designated dispersed campsites.

Alternatives B and C propose to close multiple routes in the Courthouse Rock and Horsethief Point areas where the BLM has previously expended a great deal of time and resources demarcating and signing officially designated dispersed campsites. These routes include **D2421** off Cotter Mine Road, and **D1199**/**D1207** (segments of the same route), **D1190/D1195**, and **D1164** off Mineral Bottom Road. **D1167** off Mineral Bottom Road also has multiple designated dispersed campsites and is considered for closure in Alternative B. We strongly oppose the closure of these roads, and are frankly astonished that the BLM would consider closing multiple routes in its (presumed) preferred alternative that it has already thoroughly evaluated for environmental impacts and determined to be suitable for designated dispersed camping.

It seems obvious to us that if the BLM has already undertaken the necessary analysis to determine that a given route is suitable for designated campsites, it is suitable for motorized travel as well. Any route where the BLM has installed signage, fencing, and other infrastructure to demarcate officially designated campsites is clearly being managed as a valuable transportation asset and should remain open under every alternative considered in this process.

We consider it likely these closures of designated campsite access routes were proposed in error. The Draft EA fails to acknowledge that any routes accessing designated dispersed campsites will be closed in any of the alternatives. The following chart on page 87 shows the number of routes accessing designated dispersed campsites as the same across all alternatives. Alternative A is the yellow bar, while the green, orange, and blue bars are alternatives B, C, and D respectively. Each of these bars is the same length, indicating that there is no reduction in designated campsite access routes in any of the actional alternatives compared to alternative A. This is simply not correct.

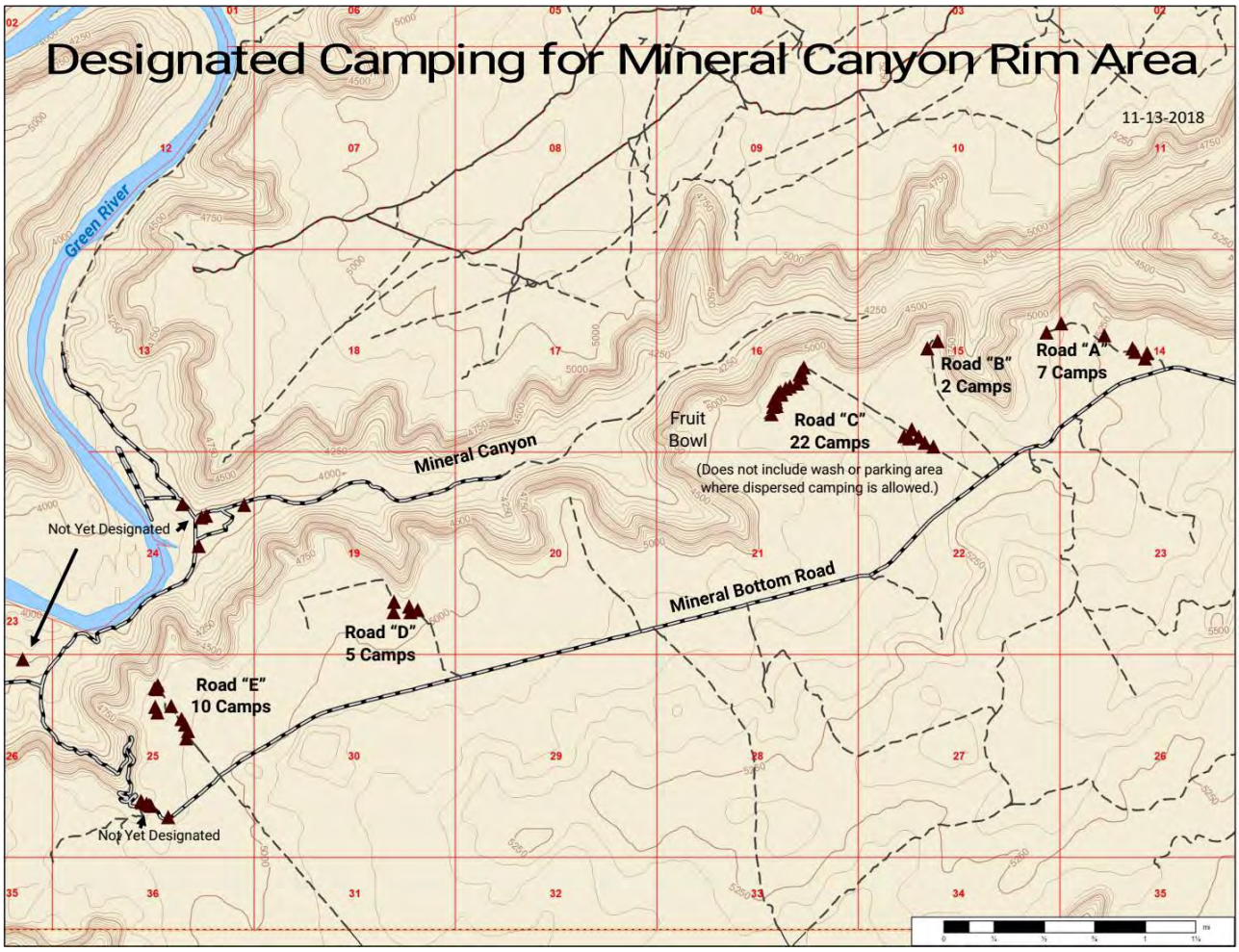
Based on the chart above, it seems that the Moab Field Office's travel planning staff are not aware that the routes listed above access officially designated dispersed campsites. The route reports for those routes make no mention of designated dispersed campsites and their associated infrastructure, nor do the BLM's current travel maps or the maps and GIS data published as part of this travel planning process reflect the existence of these campsites and route alignment changes made in the process of establishing them. Some of the route reports list illegal camping as a

concern even though all existing campsites along those routes are legally designated. Given that (as I was informed in an email from the Moab FO's Outdoor Recreation Planner Katie Stevens) many of the campsites along Mineral Bottom Road in particular have only recently been designated, it is likely the route reports and resulting alternative analysis are simply out of date.

We urge the BLM to correct its route reports and ensure that they properly take into account any recent management actions to establish designated dispersed campsites along individual routes. Any analysis the BLM conducted to approve designating campsites along these routes should be incorporated into the project record and considered as part of the cumulative effects analysis. Most importantly, the BLM should modify the alternatives considered in the final EA to ensure that every action alternative keeps all routes with officially designated campsites open.

Detailed descriptions of each of the designated campsite access routes proposed for closure are provided below:

A. Mineral Bottom Road



BLM map showing designated campsites along Mineral Bottom Road

Under the 2008 RMP, camping in the area along the rim of Mineral Canyon on Horsethief Point is restricted to designated dispersed campsites, primarily because of bighorn sheep lambing habitat.

As best as I have been able to determine from email correspondence with Kathleen Stevens of the Moab Field Office and through documents obtained in response to a FOIA request, individual campsites were designated in this area in 2018. All designated sites were thoroughly evaluated for environmental impacts, including impacts on bighorn sheep and archeological resources.

The map above was provided to me in response to a FOIA request, and was created on November 13, 2018. It shows the location of designated campsites on five roads labeled A - E, as well as campsites that had not yet been designated along Mineral Bottom Road itself. As currently drafted, alternative C would close Roads A (D1164) and D (D1190/D1195) and part of Road E (D1207), resulting in the closure of 17 officially designated campsites. Alternative B would also close Road B (D1167), closing 2 additional campsites. Alternative D would keep all of these roads open and would only close D1186 and D1118 in this area, which I verified last October do not exist on the ground. D1168 (Road C) is the access road for the Fruit Bowl designated base jumping and slacklining area, and hosts 22 campsites. That road will not be addressed in detail below because it is not currently proposed for closure in any alternative.

On each of these roads, the Moab Field Office has already devoted a great deal of time and resources to demarcate the designated campsites on the ground with signage and fencing. All of that infrastructure would have to be ripped out if these roads were closed. Given this and the fact that the BLM has already thoroughly analyzed these roads for environmental impacts before determining them to be suitable for both motorized travel and dispersed camping, alternative D is the only rational choice for this area.

Comments regarding specific routes are below:

Map of D1164 created using GaiaGPS

- ***D1164***

D1164 is marked as “Road A” on the BLM’s campsite map above, and hosts seven designated campsites. A detailed map of this road from GaiaGPS is shown above. When I visited this area in October 2021, I camped for one night in a large designated campsite close to the canyon rim at 38.54325, -109.91102. This was one of the most spectacular campsites I have ever camped at, with great views over Mineral Canyon and only a short walk from the canyon rim. It would be an absolute travesty if this campsite (pictured below) were closed due to the closure of this road.

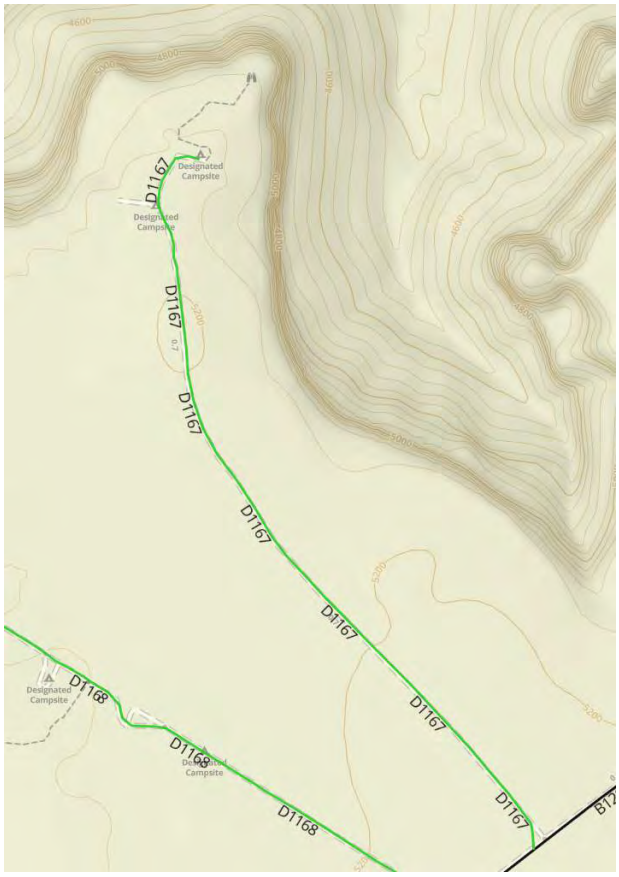
The BLM’s route report for D1164 makes no mention of use for camping and incorrectly lists its use level as medium instead of high. This must be corrected. The road is well-traveled and clearly defined its entire length. It is not naturally reclaimed and has a clear purpose and need for designated dispersed camping and access to the Mineral Canyon rim.

All environmental impacts from this route (including on bighorn sheep and wilderness characteristics) have already been fully analyzed by the BLM and it was found suitable for designated dispersed camping. All camping and motorized travel on this route is well managed with signage and fencing, and there is no justification for closing it. We therefore urge the BLM to keep it open in the final travel plan.

Designated campsite at 38.54325, -109.91102

- ***D1167***

D1167 is marked as “Road B” on the BLM map above. A detailed map of this route from GaiaGPS is shown on the right.



This is a well-traveled road with two excellent campsites at the end. The campsite at 38.54210, -109.92298 (pictured below) is well contained with fencing and has a spectacular view from the canyon rim. The other campsite is more sheltered, nestled below a rock formation.

While this road is not proposed for closure in alternative C, it is in alternative B. The BLM’s route report for D1167 makes no mention of use for camping and incorrectly lists its use level as medium instead of high. This must be corrected. This road is well-traveled and clearly defined with minimal impacts, and must be kept open.

Campsite at 38.54210, -109.92298

Map of D1190/D1195 created using GaiaGPS

- ***D1190 / D1195***

Marked as “Road D” on the BLM map above, this route has five designated campsites, clustered together at the midpoint of the road near the rim of a small side canyon to Mineral Canyon. The road then curves around to the west with some great views along the canyon rim.

View from the portion of the road along the canyon rim at 38.524833, -109.973441

The road is well-defined and well-traveled until it reaches a wide turnaround point at 38.52357, -109.98127, pictured below. Past that point, the authorized route makes a 90 degree turn to the south where it continues for a few hundred yards before simply fading out in some grassy sand dunes. While the road up until the turnaround is well-used and has a clear purpose and need, I could not discern any purpose for that last leg to the south, which appeared to be a fragment of a longer road that no longer exists. The turnaround at 38.52357, -109.98127 (pictured next page) would make a far better endpoint.

Large turnaround and recommended endpoint at 38.52357, -109.98127

We note that the BLM's route reports for D1190/D1195 incorrectly list the route's use level as low instead of high, and make no mention of the fact that it is a designated dispersed camping location. Instead the route reports erroneously highlight illegal camping as a resource concern, when in fact all existing campsites along this route are legally designated. These errors must be corrected. All camping and motorized use along this route is well-regulated with signage and neither illegal camping nor off-route travel are current concerns there.

SUWA's route report regarding this route which they submitted during the scoping period is also highly inaccurate and severely out of date. SUWA claimed this route was naturally reclaimed and their pictures showed only faint tracks which could barely be seen. I can only surmise that either they took pictures of the wrong road, or their pictures were taken years before the BLM established designated campsites along it. When I drove it in October 2021, I found the entire route up to the previously mentioned turnaround to be clearly defined and largely devoid of vegetation. Slickrock sections were clearly marked with white paint blazes.

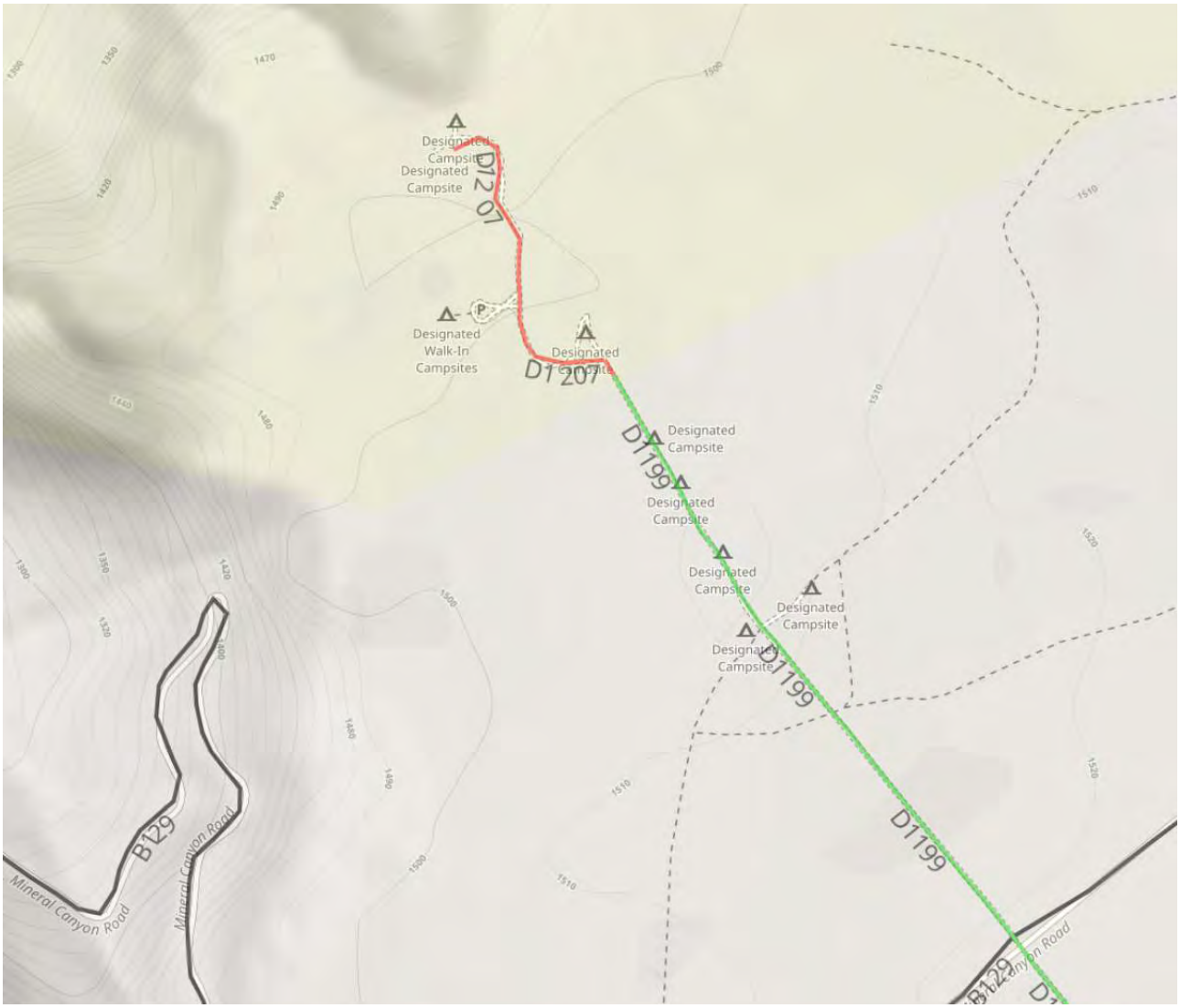
Below are a few illustrative pictures I took along this route last October. As these pictures clearly demonstrate, this road is well-defined on the ground and regularly used. It is NOT naturally reclaimed as SUWA claimed in their scoping comments, and has a clear purpose and need both for designated dispersed camping and to access scenic overlooks on Mineral Canyon Rim. It must therefore be kept open.

Section of the road across the open field near the beginning of the route, complete with a BLM signpost, at approximately 38.519390, -109.968324

Blazed section across slickrock at approximately 38.522769, -109.970705

Designated camping area at 38.5225655,-109.9703155

Section of the road along Mineral Canyon Rim at approximately 38.524738, -109.973359



Map of D1199/D1207 from GaiaGPS

- ***D1199 / D1207***

These two routes comprise “Road E” on the BLM campsite map above. This road hosts 10 designated dispersed campsites. This road is not difficult and under normal conditions would be accessible to high-clearance two-wheel-drive vehicles, allowing a wide variety of people to access these campsites without having to drive a specialized off-road vehicle.

Five of these campsites (3 drive-in and 2 walk-in) are located along the end segment marked as D1207 on the BLM’s travel plan maps which is proposed for closure in alternative C. This includes the large double campsite at the end of the road right on the canyon rim at 38.51742, -109.99425, which is probably the most spectacular campsite I have ever seen. While I didn’t camp there on my trip, I spent probably a half hour there taking in the scenery and exploring on foot. This campsite is pictured below.

Large double campsite with two fire rings at 38.51742, -109.99425 (above and below)

This amazing campsite is one of the most famous and popular campsites in the entire Labyrinth Rims region. I have seen it featured in at least one video by a popular overlanding YouTuber. The view from this campsite is unparalleled, and it would be a tragedy if it were closed.

The D1207 road leading to this double campsite is well-defined on the ground, and the BLM has clearly marked the designated route with signage and fencing, as seen in the following pictures.

Two fenced sections of D1207 near 38.517037, -109.993761 (above and below)

There is also a large fenced slickrock parking area at 38.51593, -109.99402 for two walk-in campsites, pictured below.

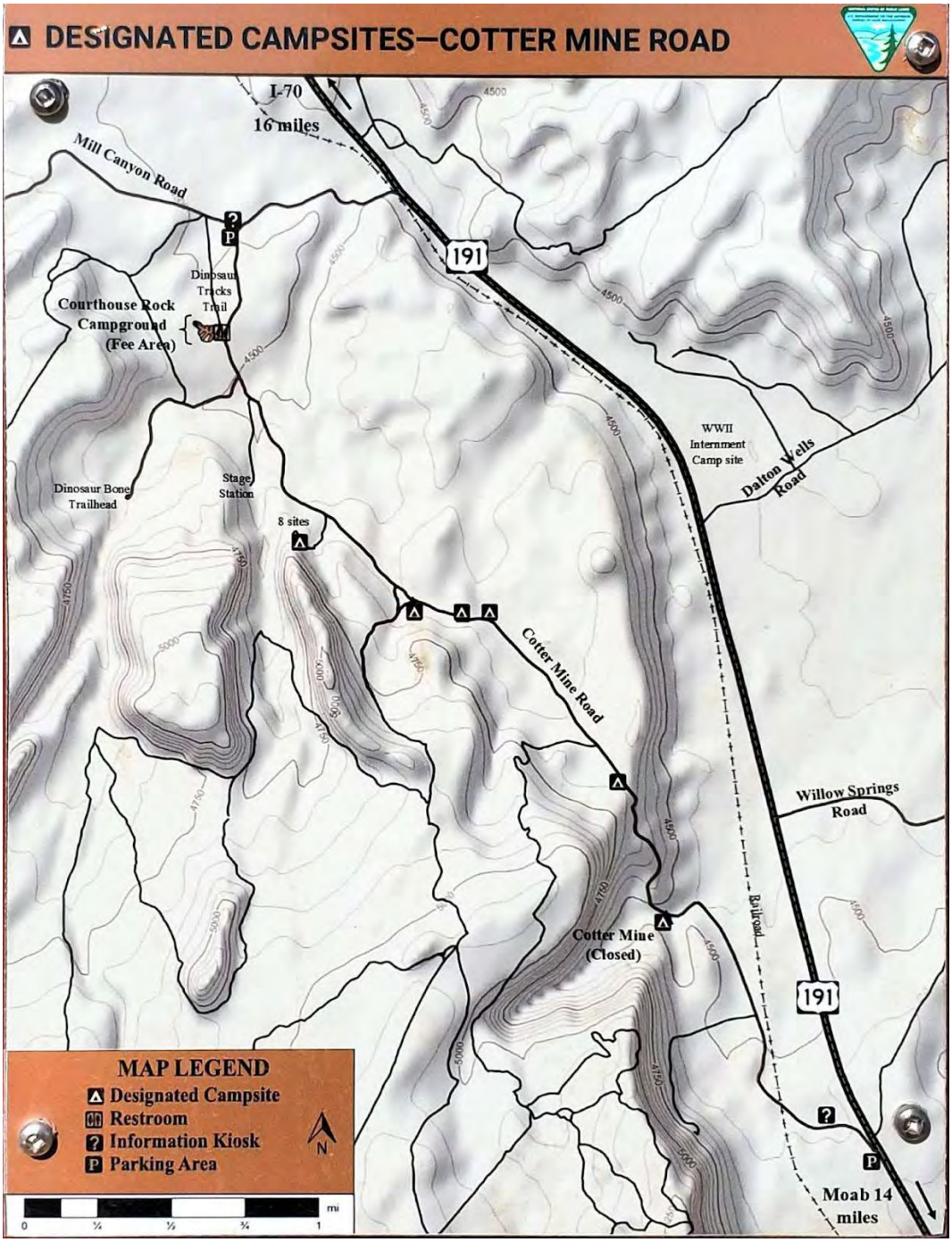
Parking area for designated walk-in campsites at 38.51593, -109.99402

It is crucial that both D1199 and D1207 remain open in order to continue to provide access to the spectacular designated campsites along them, and we strongly oppose the closure of either route segment. Though the BLM's route report for D1207 mentions illegal camping as a resource issue for this route, that is likely out of date. Both motorized use and camping is well-regulated along this route by signage and fencing, and the only campsites along this route are legally designated. It is likely the BLM's route report was written before this route was designated for dispersed camping, and illegal camping is no longer a significant concern. If illegal camping is still occuring, that is an enforcement issue that could be resolved with increased ranger patrols and additional signage, and it does not warrant closure of this road and the legally designated campsites along it.

We strongly urge the BLM to rewrite its route reports for this and the other spurs off Mineral Bottom Road to reflect their status as designated campsite access routes. Based on the significant amount of infrastructure (fencing and signage) installed along these routes, the route reports should indicate they are managed as BLM transportation assets.

While the main other resource concern for this area is bighorn sheep habitat, that is the reason why this area was limited to designated dispersed camping in the first place. Impacts on bighorn sheep were thoroughly evaluated in the process of designating campsites along each of these roads and impacts were found to be acceptably low. The BLM has already decided that impacts on bighorn sheep do not justify closing these roads but that they are suitable for designated camping, and that decision should stand.

B. Cotter Mine Road



BLM map of Cotter Mine Road designated campsites

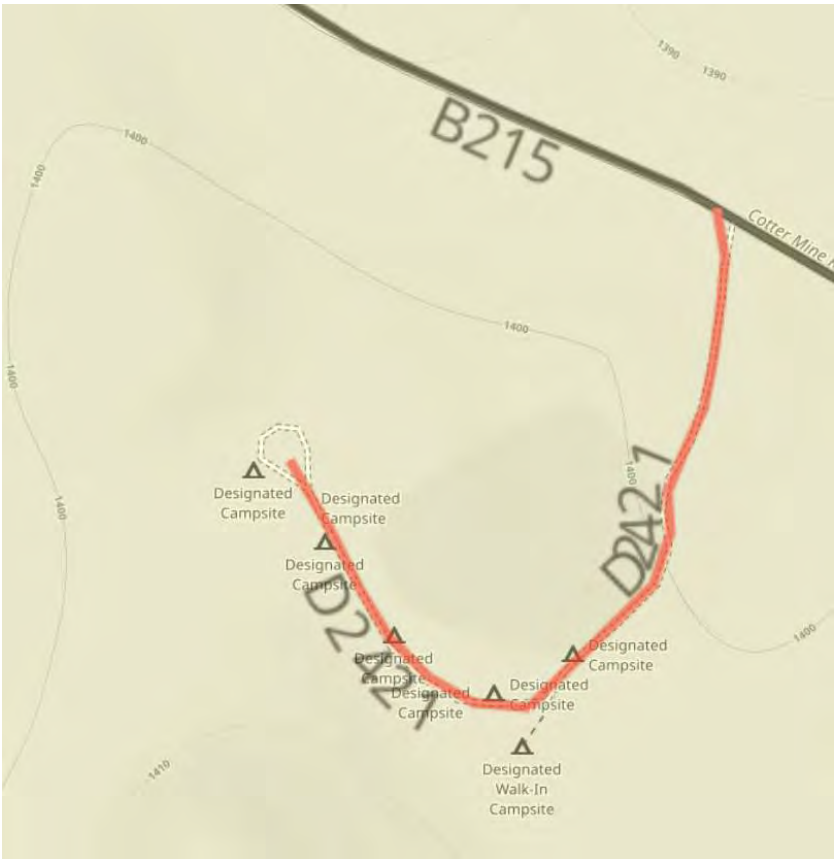
The 2008 Moab Field Office RMP also limited camping to designated dispersed campsites in the Mill Canyon and Courthouse Rock areas along Cotter Mine Road. Regulations restricting camping in these areas were published in the Federal Register in 2016, but individual campsites in this area were not officially designated until 2018. The BLM undertook a thorough evaluation of the environmental impacts of each site, before ultimately approving the campsites shown in the map above, which is posted on a kiosk near the junction of Mill Canyon and Cotter Mine Roads.

In March 2022, I obtained a series of documents from the BLM's archeological review of these sites. Though most of these documents were redacted, they included the following project description:

> The Bureau of Land Management Moab Field Office (BLM) proposes to designate 35 dispersed campsites. The BLM determined during the 2008 Moab Resource Management Plan that the areas these campsites are in would be limited to designated campsites. The campsites BLM proposes to designate are already used by visitors to the Moab area. The campsites are in the Entrada Bluffs, Bartlett Wash, Picture Frame Arch, Bride Canyon, and Cotter Mine Road areas of the Moab Field Office. This undertaking allows the BLM to designate certain sites and eliminate others that are impacting various resources. The designations are a federal action with the potential to cause effects to historic properties.[111]

Though all site specific information in this report was redacted, it is clear that all campsites which were ultimately designated in these areas were thoroughly evaluated for archeological and other environmental impacts, and that only sites which passed this review were ultimately designated.

This review process resulted in 13 dispersed campsites being designated along the Cotter Mine Road corridor. As indicated on the official BLM map above, eight of these sites are along **D2421** in the Slickensides Arch Dispersed Camping area. A detailed map of these campsites created using GaiaGPS is shown to the right. There are seven drive-in campsites and one walk-in campsite.



Though it is one of the most popular and easily accessible legal dispersed camping areas close to Moab, D2421 is proposed for closure in both alternatives B and C. We are once again astonished that, having already conducted a thorough environmental review of this route and having approved it as a designated dispersed camping area, the BLM would propose to close it in the presumed preferred alternative of this travel plan. Closing this route would result in eight out of the 13 designated campsites along Cotter Mine Road being closed, leaving only five remaining campsites where there are already not enough campsites to satisfy demand during peak seasons. This is simply unacceptable, and we strongly oppose this closure.

[111] 2017 Dispersed Campsites Inventory Report, March 5, 2018, Utah State Office, Bureau of Land Management.

As with the spurs along Mineral Bottom Road, the BLM's route report for D2421 makes no mention of the fact that it is a designated dispersed camping spur. There is no mention of camping in the list of recreational uses or anywhere else in the route report. Even more bizarrely, the route report lists the use level as low. This is simply not true, as the use level is actually high.

Based on my observations when I visited this area in October 2021, the Slickensides Arch camping area along D2421 is one of the most popular camping areas around Moab. I had intended to camp there myself, but found all drive-in sites full when I arrived on a Friday evening. I ended up having to camp in one of the other designated sites further down Cotter Mine Road and then came back in the morning. Below are a series of photos I took showing several of the campsites along this road, all occupied at the time I visited. From this I would guess that every campsite along this road is occupied more or less continuously throughout the spring and fall peak seasons, and likely much of the winter as well.

The road is somewhat rough but still accessible to high-clearance 2WD and AWD vehicles, of which several can be seen in the following photos. Given its location close to the highway about 20 minutes outside of Moab, the Slickensides Arch road is a prime camping area for anyone visiting Moab, and it is not surprising that it is heavily used.

Despite its heavy use, both motorized use and camping is well-controlled along D2421 by signage and fencing. All vehicles I observed were in designated campsites, and a previously existing unauthorized route that is visible on older satellite imagery has been fenced off and turned into a walk-in campsite, shown below. Given that this route has already been thoroughly evaluated for environmental impacts and found suitable for designated dispersed camping as recently as 2018, there is no justification for closing it.

Closing this road would be akin to closing the Bride Canyon Road in the Gemini Bridges area, with similar devastating impacts on already rare dispersed camping opportunities. D2421 must therefore be kept open in the final travel plan by adopting the action from alternative D.

Walk-in campsite

C. Miscellaneous Dispersed Campsite Access Routes

Below is a list of notable campsites I have camped at or visited which we asked the BLM to consider for designation in our comments on the Labyrinth Rims / Gemini Bridges Camping Management project. It is important that each of these roads remain open to continue to provide access to some of the best dispersed campsites in the area.

- **D1821:** There are four excellent campsites along this road just outside of the no-camping corridor along highway 313. During my trip to Easter Jeep Safari in April 2022, I camped two nights at the best site right at the end of the road, at 38.60801, -109.80213. This site has an amazing scenic view from the hilltop down over the valley surrounding South Fork Seven Mile Canyon and across to Monitor and Merrimac Buttes.

- **D1946:** There are five notable campsites along this road which connects to the 7-Up bike and Jeep trail. I camped at one of these sites at 38.59783, -109.79271 during a trip to the area in October 2021 while doing field research for my comments on the upcoming Labyrinth Rims travel plan. The site I used was surrounded by juniper bushes which made it private and sheltered. Other campsites further down the road are on large slickrock slabs adjacent to the road and are excellent for vehicles with rooftop tents or off-road camper trailers.

- **D1625A (Day Canyon Point Jeep trail):** There are five excellent campsites near the beginning of the Day Canyon Point Jeep Safari trail just past the SITLA parcel where camping is now prohibited. I have camped in two of these sites during past trips to Moab, at 38.54889, -109.71299 and 38.54938, -109.71184. There is another excellent campsite at 38.55030, -109.71107 with a superb view, though this site is also an oil and gas development site which is sometimes occupied by oil and gas equipment. There is also an amazing remote campsite at the end of the Day Canyon Point trail at approximately 38.56744, -109.66043.

  All of the campsites in this area have amazing views of the surrounding landscape and across to the Behind the Rocks area. Though the BLM has mentioned not wanting to designate campsites along Jeep Safari routes, these campsites do not detract from the off-roading experience this trail but actually add to it, allowing off-roaders (and particularly overlanders) to camp at the beginning (or the end) of the trail and spend multiple days exploring this area. The campsites at the beginning of the trail makes an excellent basecamp to explore the entire Gemini Bridges and Labyrinth Rims areas, with easy access down the Long Canyon Trail to the trails off Potash Road like Poison Spider or the Shafer Trail and White Rim Trail.

- **D1777:** There is an amazing sheltered campsite at 38.57585, -109.74024 in the wash at the bottom of Saucer Canyon. On our trip to Easter Jeep Safari in April 2022, my wife and I camped there for most of the week, after relocating from our earlier campsite on top of a bluff due to the extremely high winds in the area that week. This campsite is on a sandy bench just above the wash bottom, surrounded by striking red rock cliffs on three sides. The cliffs above provided excellent shelter from the 50+ MPH winds the rest of the area experienced and allowed us to sleep comfortably without having our tent flapping in the

wind all night. This is an obscure part of the Cripps Hole area that is lightly used, and we saw no one else around the entire time. We observed a few other campsites within the nearby SITLA parcel, but none of them were occupied. This is likely to be one of my go-to campsites on future trips to Moab, especially during the spring when high winds are forecasted.

- **D1888 (Metal Masher Jeep Trail):** There is a large popular campsite just off the road near the beginning of the Metal Masher Jeep trail at 38.61487, -109.70020. This campsite is on a bench overlooking the head of a scenic tributary canyon to Little Canyon, and has a well-defined access loop road with two points connecting to the main road. As with Day Canyon Point, this campsite is off a major Jeep Safari route, but it does not detract from the off-roading experience on the Metal Masher trail in any way. It is down in a hollow somewhat screened from view of the trail, and does not interfere with use of the main trail.

- **D1853 (Metal Masher Jeep Trail):** There is another prominent campsite off the Metal Masher Jeep trail at 38.63315, -109.70627, on top of a hill along the bypass route around the Widow Maker obstacle. This campsite, which doubles as a scenic overlook, has excellent panoramic views of Arths Pasture. It does not detract from the off-roading experience on Metal Masher but adds to that experience by providing opportunities for overlanders to camp along the trail and spend multiple days exploring the trails in this area.

- **Jacks Arch Area:** When exploring the more obscure trails in Arths Pasture surrounded by the Metal Masher loop in October 2021, I observed likely campsites at the ends of several spur roads in the Canyons around Jacks Arch, including D1879, D1876, and D1871. There were two prominent ones at 38.62773, -109.68494 and 38.62715, -109.68537. The campsites in these areas are at the bottom of scenic canyons that would likely provide excellent shelter from wind.

- **Poison Spider Overlook:** There is an amazing campsite at 38.57587, -109.58594, just outside of a prohibited camping zone, at the end of D1568, which is a spur off the Poison Spider Jeep trail. This campsite is in a sheltered hollow in the cliffs with an amazing view down into the Moab Valley. It is just around the corner from the main overlook where most vehicles stop while running the trail, up a short section of more difficult trail. As a result, most groups don't drive all the way to this campsite, making it out of the way and allowing it not to interfere with day use on the Poison Spider trail.

- **D1945:** There is a great campsite at the end of this road at 38.62337, -109.75063, overlooking South Fork Seven Mile Canyon. This part of the road is a lightly used side-spur off the 7-Up trail, and when I visited in October 2021 I saw signs that it is occasionally used for camping. There is a nice flat area for tents with great scenic views in an area that feels remote yet is not too far off Highway 313. I would consider camping here in the future and believe it is an excellent candidate for a designated campsite.

- **D1434:** There is a nice campsite at the end of this road at 38.62006, -109.86708, overlooking part of Hell Roaring Canyon. Though I did not find a fire ring there when I visited in October 2021, the turnaround at the end of the road is clearly used for camping on a regular basis. It is an excellent site for a vehicle with a rooftop tent. There is also a flat

Exhibit B.4

grassy area next to the road where someone could set up a ground tent. This is a very remote area with excellent scenery and hardly anyone around.

- **D1002:** During my trip in October 2021 I observed a large campsite at 38.53972, -109.83594 occupied by someone in an RV. This campsite is located just off Mineral Bottom Road and is a good campsite for RVs.

- **D1019:** During my trip in October 2021 I observed several campsites grouped closely together at 38.53375, -109.84313. This would be a good group campsite for RVs and camper trailers.

- **D1460:** There is a nice sheltered campsite down in a hollow off this road at 38.59731, -109.82340, accessed by a short spur road that descends into the hollow. I observed a group camped there during my EJS trip in April 2022. If this campsite is designated, the access road to it would need to be added to the travel plan as an authorized route.

- **D1408 (Mineral Point):** There is an incredible campsite at the end of the road at 38.55020, -109.99333, at the Mineral Point overlook. This campsite is technically unauthorized because it is in an area that is currently limited to designated sites and is not signed as designated, yet I mapped it on OpenStreetMap because when I visited in October 2021, it is obviously still regularly used and OSM is supposed to reflect the reality on the ground. This campsite has been recently featured in a video by a popular overlanding YouTuber and is located right at the edge of a cliff looking down into Labyrinth Canyon. The BLM's route maps inaccurately show the road ending a slight distance further back, but in reality the road has always gone right to the canyon rim, and this area has long been popular for camping. We asked the BLM to consider making this an officially designated campsite. Even if it is not designated, people are likely to continue regularly using it, and it would be better for the BLM to regulate camping here than futilely try to prohibit it.

- **D1504:** There is a prominent campsite at 38.56991, -109.98531, just off the road near the end of the trail to the famous overlook of Hell Roaring Canyon that is part of the Deadman Point Safari route. Though this campsite is also technically unauthorized, I observed that it is clearly regularly used and has amazing panoramic views of the confluence of Labyrinth Canyon and Hell Roaring Canyon. We also asked the BLM to consider this campsite for official designation.

- **D1510:** There is an amazing campsite at the end of this route on Deadman Point, at 38.59746, -110.02944. This area is currently open to unrestricted dispersed camping. While the campsite itself is nestled against a large rock formation which provides good shelter, it is located right next to an incredible overlook of Bowknot Bend at the rim of Labyrinth Canyon. This is one of the best campsites in the Deadman Point area and the only established site I found at the end of Deadman Point when I explored the area in October 2021. It is possible there are other places people have camped in the area, but the other two spurs at the end of Deadman Point lead to rocky areas that are not as well suited for camping.

- **D1511:** This is another road in the Deadman Point area (though not on Deadman Point itself). When I explored it in October 2021, I found three incredible campsites near the end of the road. One at 38.58795, -109.99078 is located right on the edge of the cliff with spectacular views down into Labyrinth Canyon. The BLM's travel maps erroneously show this road ending short of where it actually does. There are painted blazes leading out to another prominent campsite at the end the main level of the point at 38.58726, -109.99407. I found a fire ring marking a third campsite on the slickrock at 38.58773, -109.99230. All of these campsites are existing legal sites and highly deserve to be designated as official campsites.

- **D3618:** During my trip to Moab in October 2021, I camped one night at a nice campsite at 38.70989, -109.88778, located next to a large rock formation. The rocks provided decent shelter and this made a good basecamp for exploring the Rainbow Rocks and Ten Mile Canyon areas the next day. There is also a technically unauthorized spur road beginning here that is nevertheless regularly used, which leads up to a couple nice campsites on a hilltop overlooking a valley at approximately 38.70500, -109.89452. The BLM should consider adding this spur road to the travel plan and designating the campsites at the end.

- **D1081:** There are two nice campsites at 38.53643, -109.88492 and 38.53565, -109.88596 nestled against a prominent butte. These are nice places to camp just off Mineral Bottom Road which I observed during my October 2021 trip. There's another nice campsite around the other side of the butte at 38.53206, -109.88183, off D1076.

3. Courthouse Rock and Tusher Canyon Routes

- ***D2457 (Sevenmile Rim Connector)***

D2457 is a convenient connector route leading to the Sevenmile Rim Jeep Safari trail. I drove it by accident in May 2021 when I missed a turn on the Sevenmile Rim trail and found it to be well-defined and easily followable. While it may appear redundant with other routes in the area, it has a unique purpose and need and is a convenient shortcut to get to the portion of the Sevenmile Rim trail following along the east rim of Courthouse Mesa. There are no noticeable resource impacts occurring as a result of this route and there is no reason to close it. We oppose the closure of this route as proposed in alternatives B and C, and ask that it be kept open as proposed in alternative D.

- ***D2453 (Sevenmile Rim Connector 2)***

D2453 is another connector route connecting to the Sevenmile Rim trail. It has two major branches and the southern branch provides a unique opportunity to drive along the top of the cliff right above the hollow with Uranium Arch. It provides an alternate access route to Uranium Arch from the rim, and when combined with D2398G provides a short loop opportunity around the arch. The northern branch provides an alternate route across Sevenmile Rim which parallels the main Sevenmile Rim trail. Both branches of the route are well-defined and regularly used and are not causing any significant resource conflicts. There is no justification for closing this route as proposed in alternatives B and C. We ask that this route be kept open as proposed in alternative D.

- ***D2377 (Wipe-Out Connector)***

We believe that D2377 is proposed for closure in all action alternatives in error. This route should not have been evaluated as a distinct route, since it is actually part of D2375, which is proposed to stay open in alternative C. The GIS data lists D2377 as being 1.89 miles long, but the actual route is shown as being only the last 60 feet or so of D2375, where it connects to D2376A (part of the Wipe-Out Hill Jeep Safari route). This is shown in the screenshot to the right from ArcGIS, created using the BLM's GIS data. While from satellite imagery it appears that D2377 used to continue further and connected back to D2376A to the southeast, that route segment is not

in the BLM's route inventory. As mapped, D2377 is simply part of D2375. Closing it would be nonsensical as it would sever the connection between D2375 and D2376A, causing it to end a mere 60 feet short of the intersection. From the nonsensical result, this closure appears to have been proposed in error and we ask the BLM to correct it in the final travel plan and keep both D2375 and D2376A open.

- ***D2478 & D8466 (Tusher Canyon)***

Photo of D2478 from TrailsOffroad.com

D2478 is the trail up Tusher Canyon. It follows a sandy wash up the canyon and ends with a short turnaround loop below a dramatic cliff at the head of the canyon. It also serves as the sole access route to a SITLA parcel at the head of the canyon. This route is featured as a Scout Route on TrailsOffroad.com, which gives the following description of the route:

> Tusher Canyon travels out and back through a very picturesque hidden canyon. The dead-end sign at the trailhead does its best to keep the crowds out of this gem. When traveling on one of the many more popular routes through the area, be sure to leave extra time to explore Tusher Canyon. You'll encounter mild rock ledges and super soft sand. Nothing more complicated than you've accomplished up to this point of your day on the trail.

D8466 is a short side spur off D2478 that goes over to a sandy area beneath a slickrock fin. While D2478 is proposed to stay open in alternative C, D8466 is proposed to be closed in all action alternatives. Based on Google Earth imagery, it appears well-defined and is just as heavily used as the main route. We see no reason why it should be proposed for closure, and ask that it be kept open as it is in alternative A. Both of these routes together make a fun scenic side trip off of D2398B, which is part of both the Sevenmile Rim and Buttes and Towers Jeep Safari trails. We ask that both of these routes remain open in the final travel plan.

- ***D2482 (Tusher Wash Side Canyon)***

D2482 travels up another scenic side canyon off Tusher Wash. This route is featured as a Scout Route on TrailsOffroad.com, which includes this description:

> This sandy out and back canyon twists through canyon walls and under Cottonwood trees before ending at a massive wall of sand. This dead-end canyon is ideal if you're looking for a quiet spot away from the traffic noise. The entire route is super soft sand. You'll likely have encountered it by the time you reach this point in your day's travels. Momentum is your friend.

Several pictures from the TrailsOffroad listing are shown below.

This route is proposed for closure in alternatives B and C and kept open in alternative D. The main reasons for closing it appear to be soil and erosion impacts and bighorn sheep. This route is a wash bottom filled with deep sand, and as such would be subject to significant natural erosion regardless of whether it is used by vehicles. It would also naturally lack vegetation, which is unable to grow in the deep sand. Based on the pictures above, motorized use of this route is not causing any erosion or vegetation loss that would not occur naturally simply because of the sandy surface.

There is also no evidence that this route is causing any harm to bighorn sheep. It is a relatively short route, only 0.8 miles long, and it does not go all the way to the head of the canyon. There is plenty of accessible escape terrain for bighorn sheep further up the canyon and along the sides of the canyon. Bighorn sheep populations in the area are stable and are not being negatively impacted by motorized recreation. Camping is already prohibited in the area to mitigate impacts to bighorn sheep, and closing a route that generally receives only light use will not result in any significant benefits to the sheep in the area.

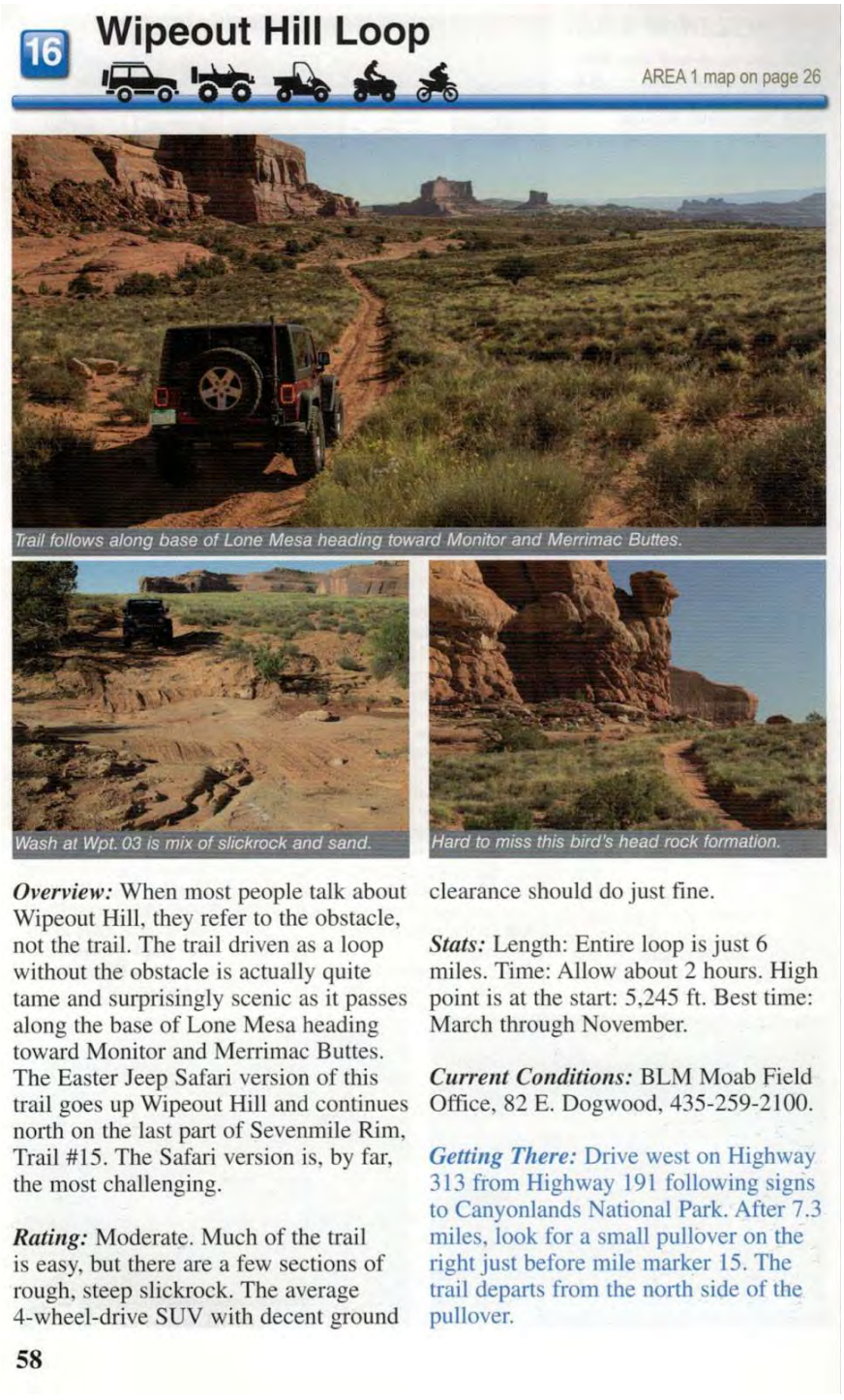
We do not believe that closing this route is justified based on the claimed impacts in the route report, and urge the BLM to keep this route open in the final travel plan as is proposed in alternative D.

- ***D2498 (Tusher Connector)***

D2498 is a convenient connector route between Tusher Road (B343) and D2496. It is proposed for closure in alternatives B and C. This is a well-defined road that serves as a useful shortcut between two other roads that are slated to remain open under alternative C, passing under some power lines and crossing an open field. Closing it would disrupt route connectivity by forcing motorists to take a more circuitous route. There is no rational reason for closing this route, and we urge the BLM to keep it open as proposed in alternative D.

- ***D2379 & D2375 (Wipe-Out Hill)***

D2379 is part of the main Wipe-Out Hill loop trail, (featured on TrailsOffroad.com) with D2375 serving as an alternative route for the loop. Both of these routes are proposed for closure in alternative B. While they are not technically part of the Wipe-Out Hill Jeep Safari trail, they are often run in conjunction with it. The Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails* includes a trail called the "Wipeout Hill Loop" which consists of D2376A and D2379. It also shows D2375, which it recommends for ATVs. Scans from the 3rd edition of the guidebook are provided below. We adamantly oppose closing any portion of the Wipe-Out Hill Loop, which is an extremely valuable and heavily used motorized trail. We ask that both routes be kept open as proposed in alternatives C and D.



16 Wipeout Hill Loop

AREA 1 map on page 26

Trail follows along base of Lone Mesa heading toward Monitor and Merrimac Buttes.

Wash at Wpt. 03 is mix of slickrock and sand.

Hard to miss this bird's head rock formation.

Overview: When most people talk about Wipeout Hill, they refer to the obstacle, not the trail. The trail driven as a loop without the obstacle is actually quite tame and surprisingly scenic as it passes along the base of Lone Mesa heading toward Monitor and Merrimac Buttes. The Easter Jeep Safari version of this trail goes up Wipeout Hill and continues north on the last part of Sevenmile Rim, Trail #15. The Safari version is, by far, the most challenging.

Rating: Moderate. Much of the trail is easy, but there are a few sections of rough, steep slickrock. The average 4-wheel-drive SUV with decent ground clearance should do just fine.

Stats: Length: Entire loop is just 6 miles. Time: Allow about 2 hours. High point is at the start: 5,245 ft. Best time: March through November.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: Drive west on Highway 313 from Highway 191 following signs to Canyonlands National Park. After 7.3 miles, look for a small pullover on the right just before mile marker 15. The trail departs from the north side of the pullover.

58

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles] Head northeast on well-defined road. No camping allowed here. A few rock ledges going down. [6.0]
01 N38 38.260 W109 47.101

0.3 Bear right and follow along base of bluff. [5.7]

0.6 Stay left. You'll see "WO" sign up ahead. [5.4]

1.0 Stay left up onto a slickrock mound following white dashes. Road alternates between slickrock and sand. [5.0]
02 N38 38.854 W109 46.528

1.9 Drop into bottom of wash. Up ahead is rock shaped like bird's head. When you get past it and look back, it looks like a person. [4.1]
03 N38 39.381 W109 46.081

2.8 Road starts getting rougher as you go past road on right. [3.2]

3.0 Stay left. You'll come back here soon (if you drive the loop route). [3.0]
04 N38 39.786 W109 45.180

3.1 Cross another wash and bear left. [2.9]

3.2 Bottom of Wipeout Hill. If you drive up this obstacle you can continue north on Sevenmile Rim, Trail #15. (This is route taken during the Jeep Safari.) If not, turn around and return to Waypoint 04. [2.8]
05 N38 39.842 W109 45.114

3.4 Bear left when you reach Waypoint 04 for a second time. [2.6]

3.5 Cross menacing-looking spot (not as bad as it first appears). [2.5]

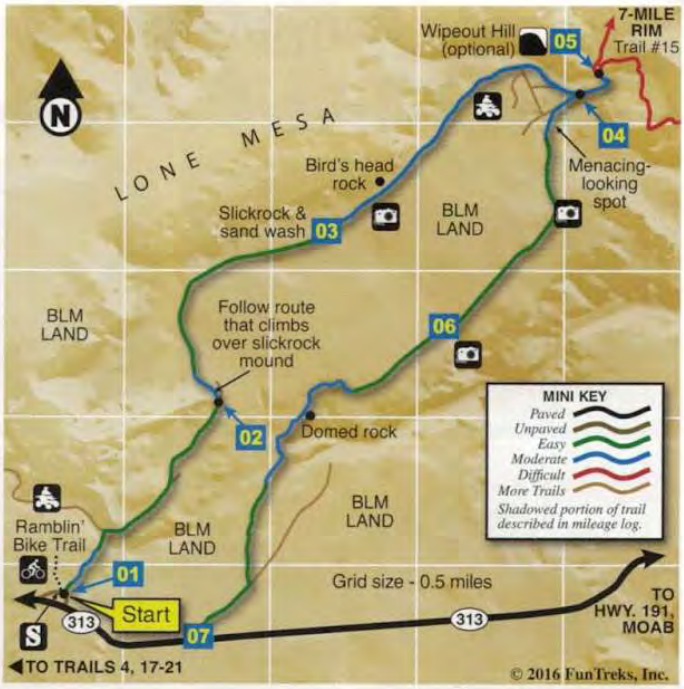
3.9 High point with views of Highway 313. [2.1]

4.4 View down into deep canyon on left. [1.6]
06 N38 39.064 W109 45.678

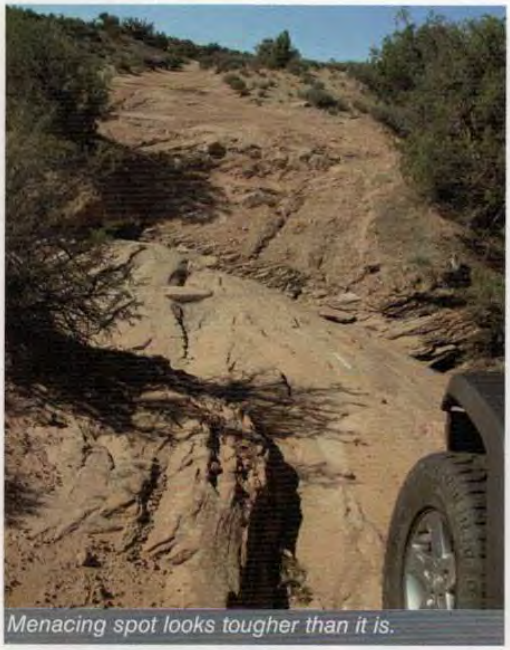
5.0 Go past large domed rock. [1.0]

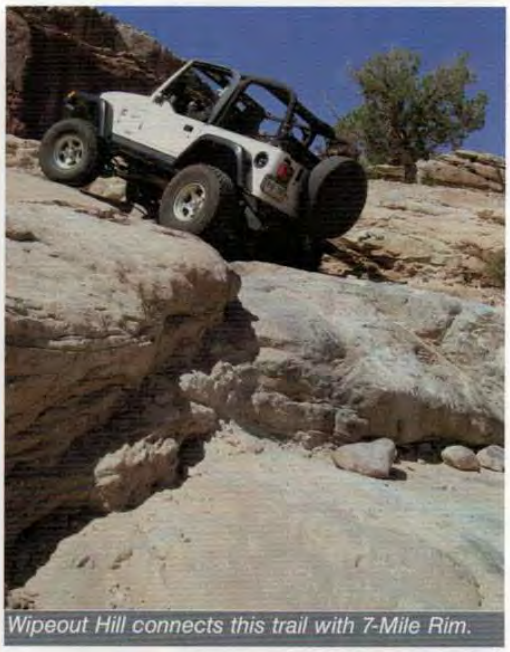
5.7 Bear right as you join straight 2-track road. [0.3]

6.0 Return to Hwy. 313. [0.0]
07 N38 38.143 W109 46.609
Left returns to Highway 191 and Moab.



Trail updates & GPS downloads at www.funtreks.com

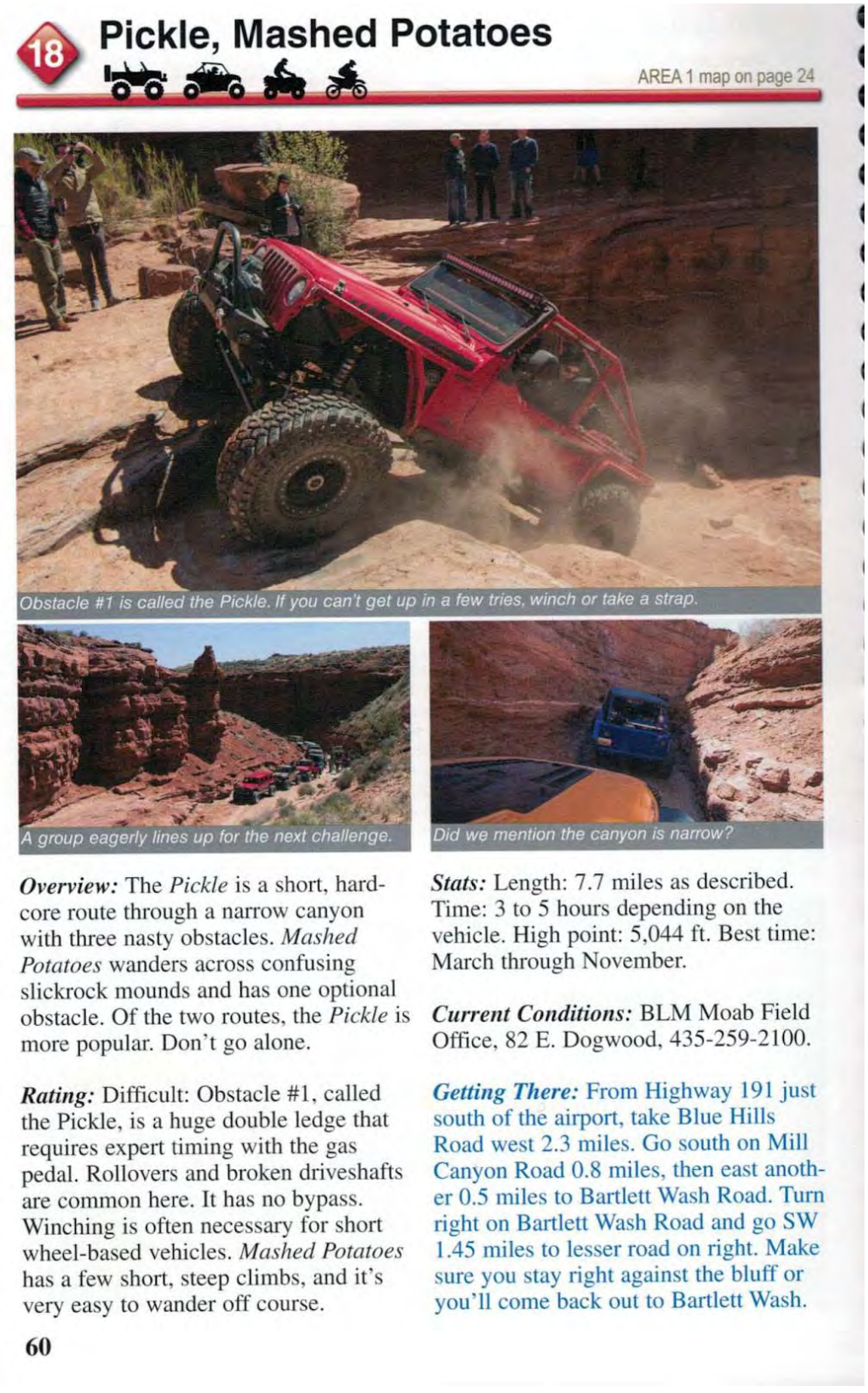

Menacing spot looks tougher than it is.


Wipeout Hill connects this trail with 7-Mile Rim.

4. Bartlett Wash Routes

- ***D2562 (Mashed Potatoes Trail)***

D2562 is a popular Easter Jeep Safari trail called the Mashed Potatoes trail, and is normally run in conjunction with the Pickle and 3D safari trails. It is featured in the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells, 4th Edition (2022), as shown below:



18 Pickle, Mashed Potatoes

AREA 1 map on page 24

Obstacle #1 is called the Pickle. If you can't get up in a few tries, winch or take a strap.

A group eagerly lines up for the next challenge.

Did we mention the canyon is narrow?

Overview: The *Pickle* is a short, hard-core route through a narrow canyon with three nasty obstacles. *Mashed Potatoes* wanders across confusing slickrock mounds and has one optional obstacle. Of the two routes, the *Pickle* is more popular. Don't go alone.

Rating: Difficult: Obstacle #1, called the Pickle, is a huge double ledge that requires expert timing with the gas pedal. Rollovers and broken driveshafts are common here. It has no bypass. Winching is often necessary for short wheel-based vehicles. *Mashed Potatoes* has a few short, steep climbs, and it's very easy to wander off course.

Stats: Length: 7.7 miles as described. Time: 3 to 5 hours depending on the vehicle. High point: 5,044 ft. Best time: March through November.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: From Highway 191 just south of the airport, take Blue Hills Road west 2.3 miles. Go south on Mill Canyon Road 0.8 miles, then east another 0.5 miles to Bartlett Wash Road. Turn right on Bartlett Wash Road and go SW 1.45 miles to lesser road on right. Make sure you stay right against the bluff or you'll come back out to Bartlett Wash.

60

START **MILEAGE LOG:**

PICKLE

0.0 Zero trip odometer [Rev. Miles]
Stay right in wash bottom along bluff. [3.7]
01 N38 42.702 W109 47.494

0.3 Follow trail right into narrow canyon. [3.4]

0.6 Bear left up first obstacle called the Pickle. [3.1]

0.8 Pass spire and squeeze through narrow spot. Then just around corner is second obstacle called the Spicy Pickle. [2.9]

1.1 Third obstacle, "Jalapeño," has a bypass. [2.6]

1.2 Stay right in wider, easier wash. This is Hidden Canyon, trail #16. [2.5]
02 N38 42.358 W109 48.307

1.8 Climb over slickrock on right side of wash. [1.9]

1.9 Stay right and climb out of sandy wash. [1.8]

2.0 Turn right at "T" and follow sandy road on long uphill grade. [1.7]
03 N38 42.645 W109 48.819

3.6 Bear left at triangle intersection. [0.1]

3.7 Turn left. [0.0]
04 N38 43.512 W109 47.548

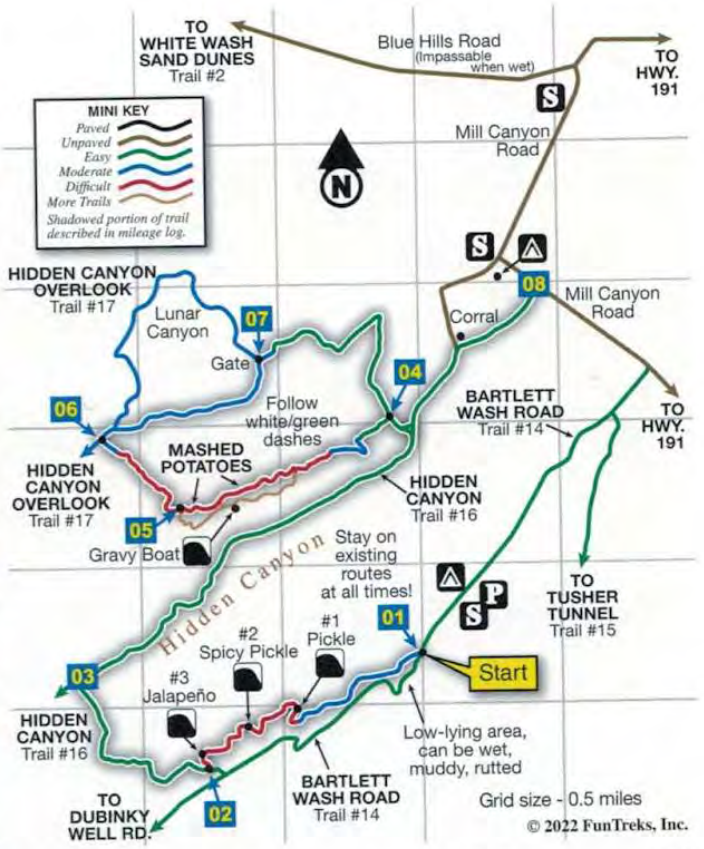
MASHED POTATOES

0.0 Zero trip odometer at Wpt.04
Follow road west steeply uphill. [4.0]

0.4 Level off and continue west-southwest on slickrock road over humps. Route is hard to see. Look for faint white and green dashes and tire marks on steep slopes. [3.6]

0.5 Continue straight. A faint trail turns south toward cliff edge but is almost impossible to follow. [3.5]

0.9 Stay right. Road to the left goes to optional obstacle "Gravy Boat." [3.1]



1.0 Turn right, heading northwest. Notice rocks on left that look like piles of mashed potatoes. [3.0]
05 N38 43.214 W109 48.428

1.1 Exit slickrock and climb steeply to top of ridge, then steeply descend other side to more slickrock. Follow white dashes on ground. [2.9]

1.4 Cross ravine. [2.6]

1.5 Turn right at "T." You are now on Hidden Canyon Overlook, trail #17. [2.5]
06 N38 43.451 W109 48.726

1.6 Stay slightly right and circle to the south side of the butte. [2.4]

2.3 Stay right through gate and continue east downhill on defined road. [1.7]
07 N38 43.724 W109 48.046

3.1 Go straight where road joins on right. [0.9]

3.2 Continue straight as you return to Wpt. 04. [0.8]

3.3 Stay left downhill at triangle intersection. [0.7]

3.7 Go right past corral. [0.3]

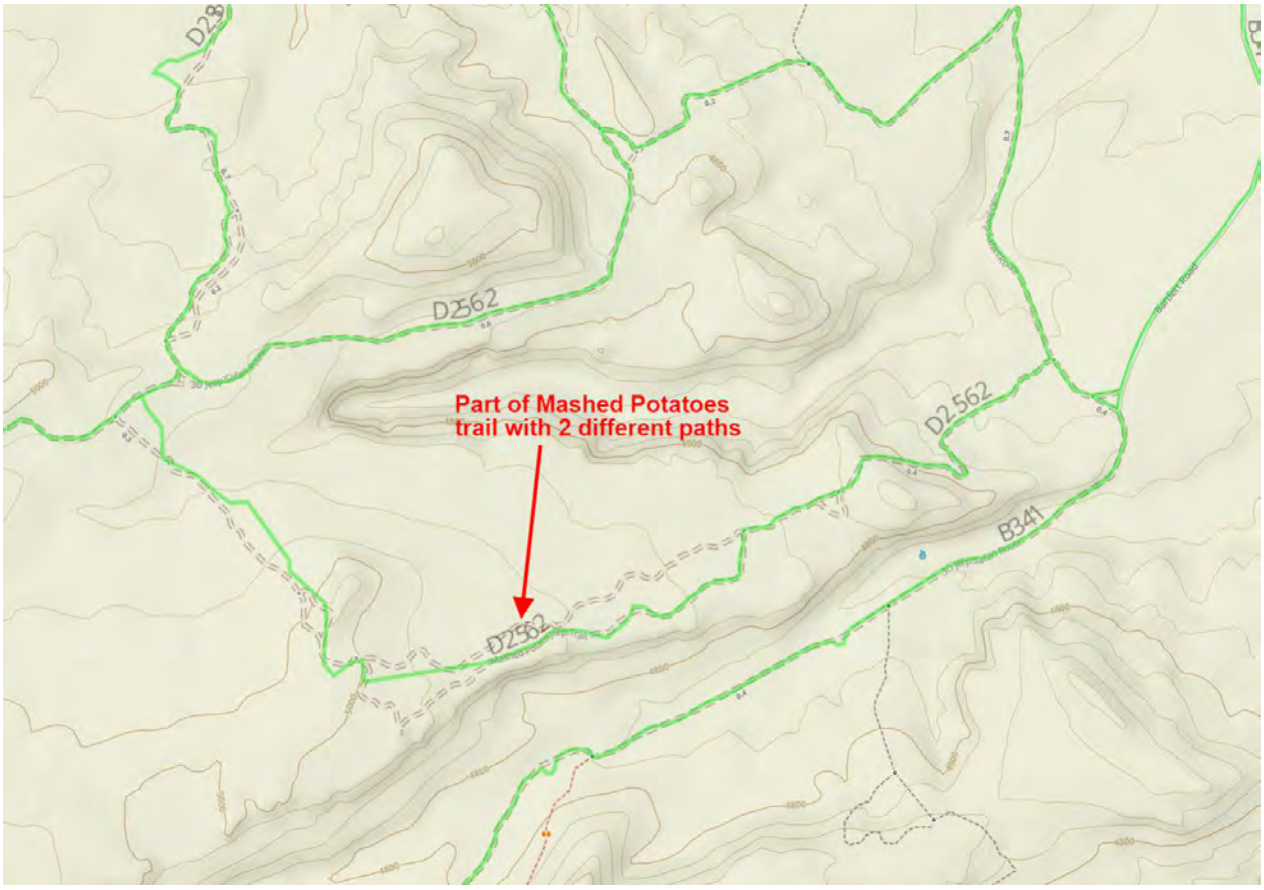
4.0 Reconnect with Mill Canyon Road. (Follow it left, then right back to Blue Hills Road. Right on Blue Hills returns to 191.) [0.0]
08 N38 43.946 W109 46.941

This section looks like piles of mashed potatoes.

The "Gravy Boat" is optional.

This route is also featured on TrailsOffroad.com. The Mashed Potatoes trail is proposed for closure in alternative B, which we adamantly oppose because it is a highly valuable Jeep Safari trail and is a major trail featured in published guidebooks. We are glad to see it remains open in alternative C, and ask the BLM to adopt this designation in the final travel plan.

However, we are concerned that the BLM's maps and GIS data for this route are seriously inaccurate. The BLM's GIS data and route designation maps show D2562 as only one route, when in fact there are actually two different parallel paths in places. Both routes are marked on the ground with official painted blazes of different colors. The southern track closest to the canyon rim is the hardest and accesses a pothole obstacle called the "Gravy Boat". The northern track further in from the rim is the easiest, though both routes are rated difficult. The trail map in the Funtreks guidebook shows both paths, as do OpenStreetMap based maps such as GaiaGPS, shown below:



The track from the BLM's GIS data is shown on this map in green, and can be seen to diverge from the tracks mapped in Gaia (which I have confirmed are accurate) in multiple places. While we are grateful this route is slated to remain open under alternative C, we strongly urge the BLM to correct its maps and GIS data to correctly show the two different paths of the Mashed Potatoes trail, as well as the erroneous mapping of the northwest end leading to the junction with D2383B, where the route is shown in the wrong place. We do not want to see a valuable portion of this route inadvertently closed by mapping errors. In order to assist the BLM in correcting its maps of this route, we have attached a KML file containing accurate tracks for this trail.

We also ask that the northern section of D2562 be kept open, as it comprises part of the main route of the 3D Jeep Safari trail for trail runs that do not use the Mashed Potatoes trail. It is proposed for closure in alternative B, which must not happen as that would severely diminish the motorized recreation experience and disrupt connectivity of the route network. That is why for all parts of this route, we ask that alternative C or D be adopted with the route corrections described above.

- ***D2560 & D2559 (Petrified Forest Trail)***

Both D2560 and D2559 are proposed for conversion to single-track trails in alternative C. We agree it probably makes sense to convert D2559 to a single-track trail (as it is in both alternatives C and D) because it is simply a continuation of PFS1 (Petrified Forest Single Track). However, D2560 is a valuable connecting route between D2383B (part of the 3D safari route) and D2529, and is currently open to full-size vehicles. It also features a fun and challenging hill climb that provides a valuable recreation experience to full size vehicles. Unless it is physically impassable to full-size vehicles, it should remain legally open to them. We therefore ask that D2560 be kept open to all vehicles as proposed in alternative D.

- ***D2524A (Hidden Canyon Rim Escape Alternate Route)***

D2524A is an alternative route off a section of the 3D Jeep Safari trail that TrailsOffroad.com calls “Hidden Canyon Rim Escape”. While it may appear redundant with D2383A, in reality it provides a valuable loop opportunity and alternate route off the main trail that allows for some variety in route selection. It is well-defined, regularly used, and not naturally reclaiming. There is no justification for closing this route, and we ask that it be kept open as proposed in alternative D.

- ***D2577***

D2577 provides a nice drive through the dry hills above the 3D trail, with access to several scenic overlooks of the surrounding valleys. Google Earth imagery shows it continuing farther on the ground than shown in the BLM’s GIS data. The route is well-defined and regularly used and is not naturally reclaimed. There is no reason to close it as proposed in alternative C. We ask that it be kept open as proposed in alternative D.

- ***D2392A***

D2392A provides a scenic drive along the base of the cliffs of Tusher Mesa / Big Mesa. While it may appear to be redundant with D2376, it travels closer to the cliffs and provides a better view of them, thus providing a superior recreational experience. It is well defined and regularly used, and there is no justification for closing it as proposed in alternative C. We ask that this route be kept open as proposed in alternative D.

- ***D2375A***

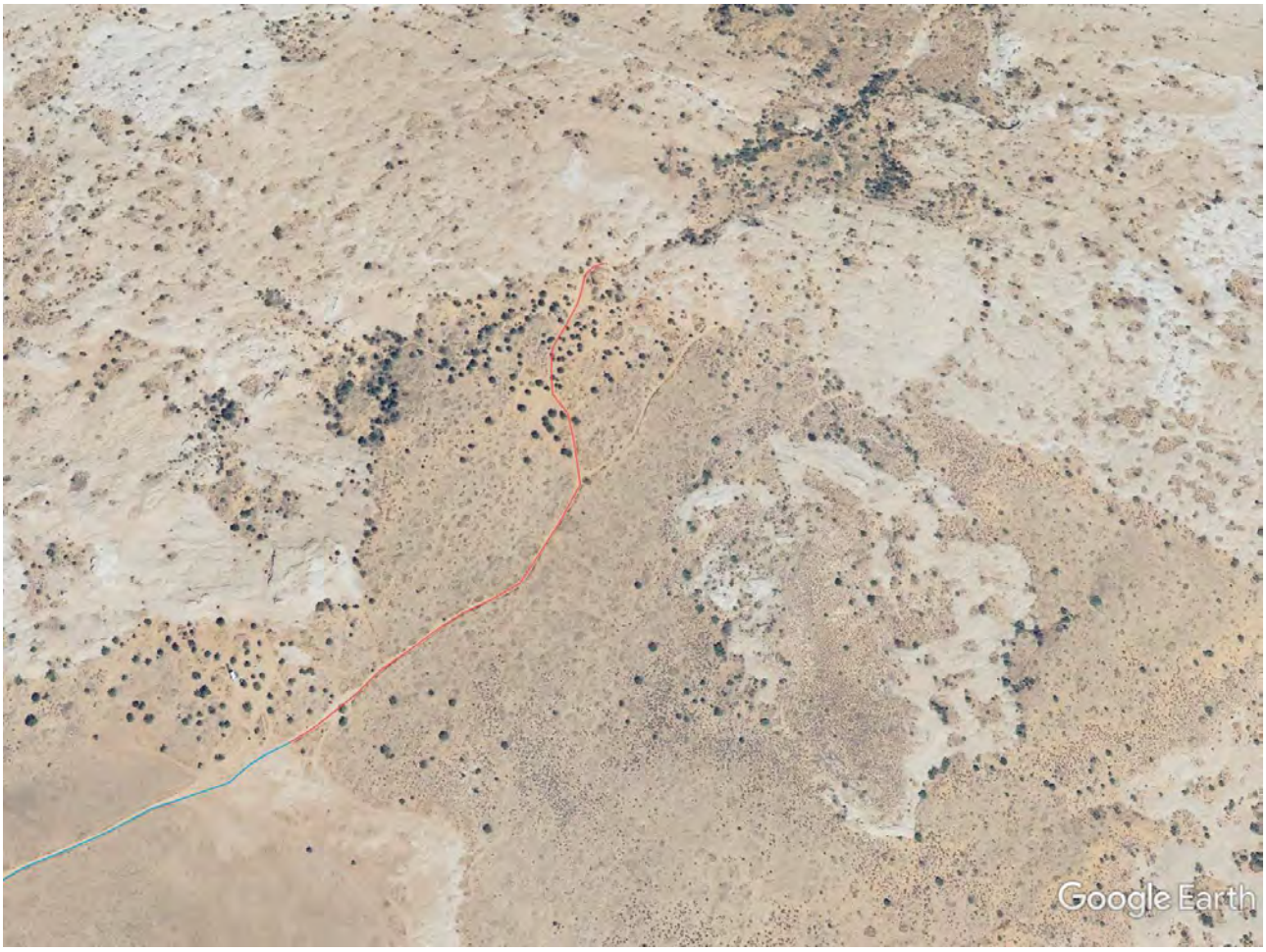
D2375A is a short spur of D2376, which goes over to the base of the cliffs on the side of Big Mesa, where it dead-ends. Though it is only a short spur, it still provides valuable motorized access to the base of the cliff. It is regularly used and not naturally reclaimed, and there is no reason to close it as proposed in alternative C. We ask that this route be kept open as proposed in alternative D.

- ***D2359 (Bartlett Flat Trail)***

D2359 is a straight-through route that provides a shortcut between D2361 and D2370. It is part of the Bartlett Flat trail featured on TrailsOffroad.com. It splits off from D2361 at a Y junction at 38.64680, -109.81395 (pictured above). Alternative C proposes to close it, forcing drivers to detour around on a triangle formed by other segments of D2361 and D2370.

When driving it on the ground, it in fact appears to be the main route, and the continuation of D2361 appears to be a right turn. D2359 is regularly used and well-defined, and simply crosses an open field with no significant impacts on wildlife and vegetation. While the detour to the right is likely more scenic and we are glad it is proposed to stay open under alternative C, there is no justification for closing D2359 and forcing drivers to take a more circuitous route when they would prefer to take a shorter route. We therefore ask that it be kept open as proposed in alternative D.

- ***D0037***



D0037 is a continuation of D2502, past a large dispersed camping area at 38.65671, -109.82679. It continues out to a slickrock area, and then loops back on a route segment that is not included in the BLM's GIS data but is clearly visible in Google Earth imagery, as shown below. The route makes for a short but fun side trip out to a scenic slickrock area and there is no justification for closing it as proposed in alternatives B - D. We ask that the route be kept open as it is in alternative A, and that the BLM's route data be corrected to show the full loop at the end.

- ***D2491***

D2491 provides an alternate and more challenging route between Bartlett and the road to Tusher Tunnel, D2479. While it may appear to be redundant with D2479 as that route also connects to Bartlett Road only a short distance away, D2491 provides unique views of Bartlett Wash and is closer to it than the parallel portion of D2479. It is just as well pronounced and just as well traveled as D2479, and closing it would not provide any benefits to wildlife since there are other open roads so nearby. This route is not doing any harm and we ask that it be kept open as proposed in alternative D.

- ***D2554 (Bartlett Overlook Trail)***

D2554 is the route to the Bartlett overlook off the 3D safari trail, and is featured on TrailsOffroad.com. This route provides unique and extremely valuable recreation opportunities since it accesses a highly scenic overlook of both Upper Hidden Canyon and Bartlett Wash. It is not causing any serious resource conflicts, and there is no justification for closing it as proposed in alternative B. We ask that this route be kept open as proposed in alternatives C and D.

- ***D2383B (3D Trail)***

D2383B is the main route for the 3D Jeep Safari trail, featured on Trailsoffroad.com as the Hidden Canyon Overlook trail. While we are relieved to see it is kept open in alternative C, we are disappointed to see it proposed for closure in alternative B. This is one of the most popular Easter Jeep Safari routes and it had seven different trail runs during the 2022 EJS. Closing this route would devastate the Easter Jeep Safari trail network and would severely disrupt route connectivity in the Bartlett Wash area. Closing any portion of the 3D trail violates the 2008 RMP which states, "The 3-D, Crystal Geyser, Hellroaring Rim, Secret Spire, and Wipeout Hill routes are authorized for Jeep Safari and other uses."[112] We strongly urge the BLM to keep this route open as proposed in alternative C and D.

5. Sevenmile Canyon Routes

- ***D1980 and D1972 (Coney Islands)***

D1980 and D1972 are part of the Coney Islands mountain bike trail. We wish to point out that D1980 is already closed on the ground, and when I attempted to drive these two routes in October 2021, I discovered that D1972 is closed to vehicles and turns into a single track trail at 38.61702, -109.80152. The presence of these routes in the BLM's route inventory distorts the travel management analysis, as it makes it appear there are more route miles open to vehicles than there actually are. We ask the BLM to update its route data to reflect the fact that D1980 is already closed and half of D1972 past 38.61702, -109.80152 is also already closed.

We do support keeping the currently open portion of D1972 open as proposed in alternative C, because it provides access to a scenic viewpoint of South Fork Sevenmile Canyon just before it turns to single-track.

[112] 2008 RMP, p. 90.

- ***D1941 (Sevenmile Canyon)***

Camping spots along Sevenmile wash bottom. Some large cottonwoods and nice canyon scenery.

MM 21 + 0.7 L **
More camping places. Mostly used during heavy seasonal visitation of the area, such as Memorial and Labor Day weekends.

MILE MARKER 20 — ELEVATION 4,500 FEET

MM 20 + 0.0 L ****
Trail into Sevenmile Canyon. This 4-WD trail runs up into South Fork of Sevenmile for 3.8 miles, then hiking begins. During new highway construction a reservoir (dubbed "Lake LeGrande") was dug in the juncture of South Fork and West Fork along the highway. The trail finds a way along the east side and into South Fork.

The juncture of West Arm of SOUTH FORK is near the end of four-wheeling, and is a nice short hike ending below its beautiful pour-off. A short but brambly hike up South Fork's abrupt left bend also ends below a big pour-off. Both these pour-offs are extremely interesting from above, and each can be reached from three ways. These are very important destinations and directions will be given from the appropriate top-country areas.

There are Indian petroglyphs on three walls of Sevenmile only about 0.2 mile after entering the broad wash bed. High up on the left wall, and visible with binoculars; are some figures in the tapestry streakings. On the right, and at either side of the walls where West Fork enters, are petroglyphs easily reached by hiking the sand at the cliff bases. The highway makes its westward bend into West Fork just prior to the 'glyphs on the right wall. The rock art on the left wall of West Fork is very near the point. These three locations are easily reached by parking along the highway and hiking to the desired site. West Fork of Sevenmile must not be confused with West ARM of SOUTH FORK of Sevenmile Canyon.

About one mile into South Fork, there are some interesting but fake petroglyphs at eye level on the left wall. In the fifties, a segment of a movie was made here, and it seems they needed a petroglyph which indicated something or other to the people of the wagon train.

16

About 3.2 miles into South Fork, two small arches can be seen near the left rim of the canyon. One is quite insignificant, but the second one has a rock that appears ball-shaped and has three small openings below it. It has always reminded the writer of a billiard ball about to drop into a side pocket. Therefore, it is referred to here as "Cue Ball Arch." Mr. F. A. Barnes first showed it to this writer, and his documentation refers to it as "Fraggle Rock," so it IS. Access is possible from the top, and is described in rim routes.

Only about 0.1 mile beyond, the base of "Three Pools Pour-off" is reached. This is a shady grotto below one of the most beautiful small canyon pour-offs ever to be visited. Three Pools Pour-off is interestingly and easily done via Jeep trail on top, and is described in its appropriate place.

There are several short box canyons in the left wall of South Fork with short trails and shady grottos. One has an old trail up to Arth's Pasture. It is opposite the upper switchback on Hwy. 313.

There are some very nice camping spots in South Fork, and many interesting places to enjoy. The uppermost portion of trail runs through wet seeps. It is not being recommended that rock hiking be an activity here, but the writer has seen people climb into and out of the canyon near Three Pools Pour-off and on the opposite wall, which has entry from the highway near the MM 16 + 0.5 L turn-off.

MM 20 + 0.3 R **
Petroglyphs along cliff walls close to highway.

MM 20 + 0.8
Giant new culvert for water delivery from West Fork drainage is crossed at this point.

MM 20 + 0.8 R ***
A foot trail leaves U-313 just above culvert. It goes up West Fork and tributary for a distance. There are some good camping spots. An old cable comes down from the top in this area. This provided a much shorter service to cattle interests on top. The alternative was to go all the way to

17

Scan of 40 Grand Trails From Deadhorse Point Road by Jack Bickers (1991)

D1941 follows the wash at the bottom of South Fork Sevenmile Canyon for about 2.5 miles. It is a mellow but highly scenic trail that receives only light motorized use because it has not been widely publicized in recent years. However it was featured in a guidebook by Jack Bickers published in 1991 (scan included above). This guidebook is still regularly used by Moab locals and more informed visitors when planning off-roading trips. Though most commonly used by hikers and horseback riders, the route at the bottom of Sevenmile Canyon is still a valuable motorized route, and the light motorized use it receives is not causing any serious impacts that justify the closure proposed in alternative C. We ask for this trail to be kept open as proposed in alternative D, which also includes a seasonal closure that should be more than sufficient to mitigate any impacts on wildlife.

The trail starts from Highway 313 right before it starts climbing out of Sevenmile Canyon. There is a gate you have to open with a sign that says "Sevenmile Equestrian Trailhead." This sign likely

keeps many motorized users away because it gives the impression that the route is only open to horse riders. Just past the gate, the road turns to dirt and goes through a dense patch of willows where there is a kiosk with a map and a sign telling vehicles to stay in the wash bottom. It then enters a wide sandy wash that winds up the canyon, surrounded by scenic cliffs and rock formations.

Just prior to the end, there is a short rocky section that is the most challenging portion of the trail. Even with that, I wouldn't rate the overall difficulty more than a 3. The motorized route ends at a curve in the canyon in an alcove under an overhang. The endpoint is clearly signed and there is a cable across the wash preventing vehicles from going any further.

Overall this was a short and easy but very scenic trail. I only encountered one hiker when I visited on a Saturday morning in early October, 2021. While I did not take the time to look for them, I have read that a number of pictographs can be found in various alcoves in the cliffs lining the canyon. The motorized route does not go near these and does not cause any risk of harm to them, but it can make access to them easier for people with disabilities who could not otherwise hike to them. Below are a series of pictures I took when driving this trail.

Gate at the trailhead of Highway 313 at 38.65270, -109.71989

Thick bushes at the beginning of the trail at 38.652494, -109.719663

Kiosk sign at 38.652087, -109.719538

Sandy two-track leading into the wash at 38.651024, -109.719618

Heading up the wide was at 38.642431, -109.727593

Curve in the wash below some scenic cliffs at 38.638714, -109.730112

More scenic cliffs at 38.635854, -109.732963

The canyon narrows at 38.634325, -109.738374

Rocky section at 38.630484, -109.743984

End of the motorized route marked by a chain across the wash at 38.629694, -109.743242

We are disappointed to see that D1941 is proposed for closure in alternative C. The designation rationale statement for alternative C states:

> By eliminating public motorized access on this route, potential impacts to documented resources associated with motorized use would be reduced. By eliminating the motorized uses on this route and managing it for non-motorized uses, conflicts between recreation users would be minimized. Limiting motorized access on this route would minimize potential for impacts to wildlife habitats. By limiting motorized access on this route, traffic volume in the area would be reduced, minimizing the potential for harassment of wildlife. By eliminating modes of travel with a high potential for causing surface disturbance, potential impacts to T&E species and their habitats would be reduced. By restricting public access to non-motorized modes of travel, the potential for impacting T&E species and their habitats would be reduced.[113]

The main reasons for the proposed closure appear to be (1) user conflict, (2) wildlife impacts, and (3) soil, vegetation, and watershed impacts.

(1) User conflict

User conflict appears to be the main reason this route is proposed for closure, primarily conflict between motorized users and horse riders. While this route is within the Seven Mile Canyons Equestrian Focus Area established by the 2008 RMP, the RMP did not preclude motorized all

[113] Route Report for D1941, p. 5.

motorized use in the area, but chose to designate the first 2.5 miles of the bottom of South Fork Seven Mile Canyon as a motorized route, and the remainder of the canyon bottom exclusively for hike and horse. The RMP states:

> Seven Mile Canyons Equestrian Focus Area (1,026 acres) inclusive of the north and south forks of Seven Mile Canyon westward from the junction of the two canyons. Equestrian use in this area will be restricted to private (non-commercial) horse use. No new motorized routes will be considered.[114]

While user conflicts between motorized users and horse riders on this route is a legitimate concern because horses can be spooked by vehicles, the low levels of use by both user groups makes such conflicts highly unlikely. As long as motorized users are courteous to horse riders and yield to them properly by pulling over and coming to a stop (when passing going opposite directions) or passing very slowly and keeping as much distance as possible (when overtaking), there is no reason they cannot continue to share the route.

The fact that most of the route is in a wide wash bottom helps mitigate potential user conflicts, as it gives both types of users plenty of room to pass each other without spooking horses. Unless the BLM has received specific complaints of motorized use on this route causing conflicts with horses, user conflicts do not justify closing it to motorized use.

(2) Wildlife impacts

The route report for D1941 lists this route as having potential conflicts with bighorn sheep lambing areas as well as peregrine falcon nests and other raptor nests. We believe the risk to these animals is overblown, as this route has been used by motor vehicles for many decades without causing any significant impacts to these species. If bighorn sheep are still using the canyon as a lambing area and raptors are still nesting in the cliffs above, it is a clear sign that motorized use is not interfering with their use of the canyon. As mentioned above in our general comments, bighorn sheep populations are stable in the area and motorized recreation across the TMA is not causing any demonstrable harm to them.

Nevertheless, both bighorn sheep lambing and raptor nesting are seasonal occurrences. Any impacts to these animals could be mitigated by a seasonal closure such as that proposed in alternative D. Alternative D would keep this route open to motorized use with a seasonal closure from April 15 to August 31. The route report states, “This seasonal limit aims to mitigate the potential effects of this route on Southwestern willow flycatcher; Yellow-billed cuckoo reproductive areas.”[115] Interestingly, this description of the reason for the seasonal closure does not mention either bighorn sheep or peregrine falcons, but two other species of birds that are not even listed in the Resource and Use Issues section of the route report.

Be that as it may, the seasonal closure dates appear to also coincide with the bighorn sheep lambing and raptor nesting seasons, and should therefore be sufficient to mitigate impacts to all of these species. The mitigation measures in alternative D are sufficient for wildlife protection and permanent closure as proposed under alternative C is not justified by wildlife impacts.

---

[114] 2008 RMP, p. 91.
[115] Route Report for D1941, p. 6.

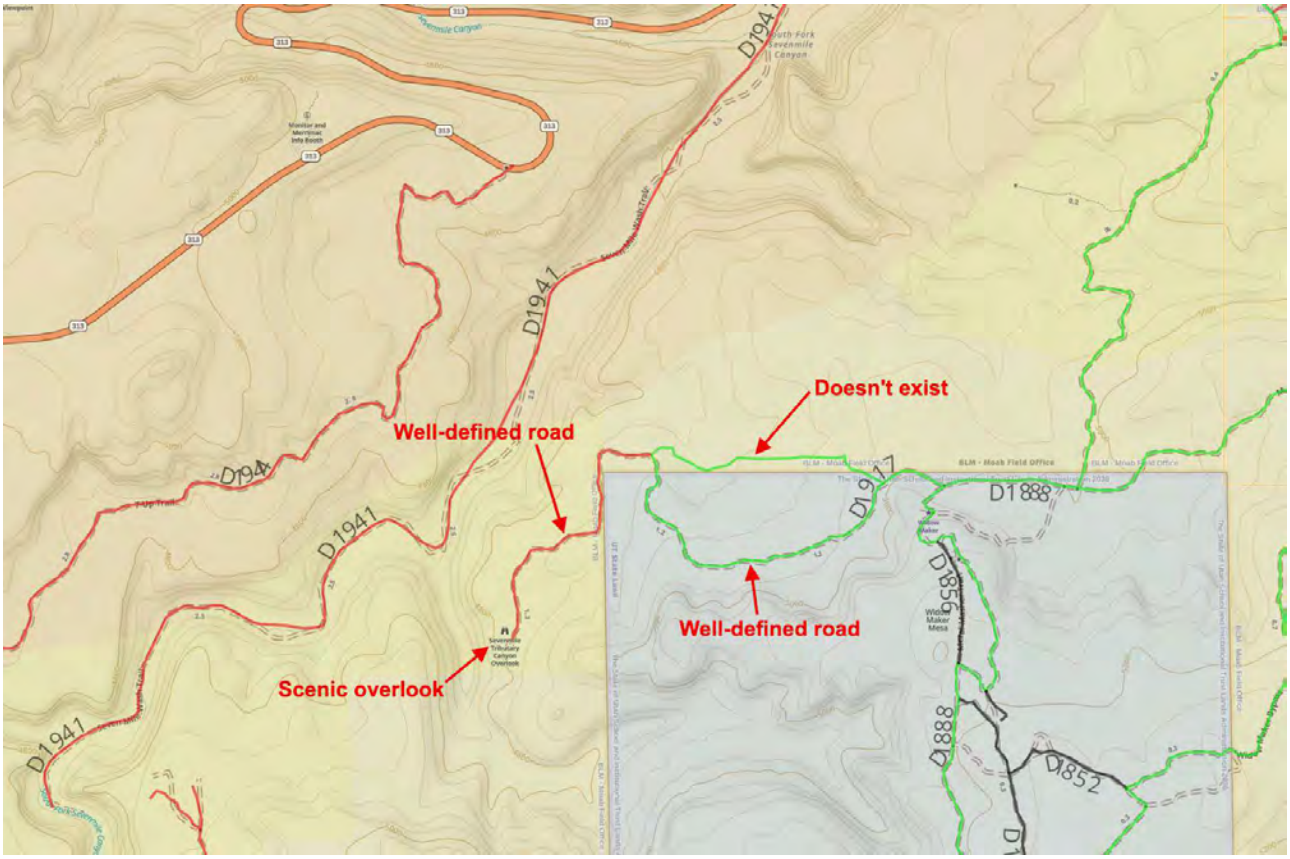
(3) Soil, vegetation, and watershed impacts

While the route report lists D1941 as being in a riparian area, the bottom of South Fork Sevenmile Canyon is only an intermittent desert wash and is not a regularly flowing river. All of the motorized route is restricted to the sandy wash bottom except for the very beginning where a sandy two-track road leads into the wash from the highway. The motorized route follows the natural contours of the wash and does not cross cut it, so there is no risk that the motorized route could cause the path of the wash to change as water uses it to shortcut natural bends in the wash. The wash is subject to periodic flash flooding which wipes away all motorized tracks until they are reestablished.

When I drove this route, I did not see any evidence that vehicles are leaving the wash and causing any damage to nearby soils or vegetation. The endpoint of the route is clearly marked and signed with a chain strung across the wash at a natural chokepoint, and vehicles are not driving further up the wash. Vehicles are thus not causing any significant impacts to soils, vegetation, or the riparian area, and that is not a justification for closing this route.

In conclusion, the complete closure of D1941 as proposed in alternative C is not justified by either user conflict, wildlife impacts, or soil / vegetation / watershed impacts. While lightly used, it is still a valuable route that provides important opportunities for motorized recreation in a scenic canyon bottom with striking cliffs all around. We believe the seasonal closure in alternative D should be sufficient to mitigate all potential wildlife impacts. It should also give non-motorized users exclusive access for nearly four months of the year, thus reducing the potential for user conflicts as well. We therefore ask that the BLM adopt the alternative D action with respect to this route and keep it open to motorized use with a seasonal closure as an alternative way to mitigate impacts without resorting to permanent closure.

- ***D1917A & D1917 (Sevenmile Canyon Overlook)***



D1917A is an important and regularly used route which accesses a scenic overlook of a side spur of South Fork Sevenmile Canyon. It is simply a continuation of the southern portion of D1917, which begins on a SITLA parcel at the base of the Widow Maker obstacle on the Metal Masher Jeep Safari Trail. D1917 and D1917A form a scenic side spur off the Metal Masher trail which is commonly driven in conjunction with it. We strongly oppose the closure of D1917A as proposed in alternative C, and we believe this closure may be proposed in error.

In the BLM's maps and GIS data, D1917 is shown as a loop, when in reality the northern segment of the loop does not exist. It is actually just a single spur using the southern route segment which continues seamlessly into D1917A. This is illustrated in the map above. When I drove this route in October 2021, I searched on foot for the northern section of D1917 and could not find any trace of it. Yet mysteriously, in alternative C both segments of D1917 are designated as open, while D1917A is designated as closed. This would cause the southern portion of D1917 to dead-end immediately after leaving the SITLA parcel even though a regularly used road continues further on, and would cause it to have no purpose. The sole purpose of both D1917 and D1917A is to access the scenic overlook at 38.63365, -109.73015, which the closure of D1917A would preclude.

The full route from the base of Widow Maker to the scenic overlook is 1.27 miles. While it is a relatively short trail, D1917/D1917A is extremely scenic, with views across the canyon to Monitor and Merrimac Buttes on the way to the scenic overlook of South Fork Sevenmile Canyon. Pictures of the route are provided below.

Heading down D1917 at 38.635623, -109.724946, with views of Monitor and Merrimac Buttes

The point where D1917A begins at 38.637975, -109.726369.

D1917A passes a prominent survey marker at 38.637329, -109.727547

D1917A continues as a well-defined road at 38.637325, -109.727545

Turnaround loop at the overlook at the end of D1917A at 38.633534, -109.730234

View from the overlook down the side canyon toward South Fork Sevenmile Canyon, at 38.633542, -109.730239

From the photos above, D1917A is just as prominent and regularly traveled as the rest of the southern segment of D1917. It is not naturally reclaimed in the least, as it is a fully cleared dirt track its entire length and does not have any vegetation growing in it. While it crosses a couple slickrock slabs, it is easy to find the road on the other side and navigation is not difficult. I did not see any signs of unauthorized side spurs or off-route travel, and it is not causing any damage to surrounding soils or vegetation. I did not observe any erosion or washouts along the route.

The route report lists the following rationale for closing D1917A in alternative C:

> Closing this route, along with natural reclamation, would reduce visual contrast created by the route. Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would reduce overall impact of vehicle use and route footprint in the area. Closing this route would minimize potential impacts to wildlife habitats by eliminating motorized use and removing the route footprint. Closing this route would enhance wildlife movement by reducing fragmentation. Closing this route would eliminate motorized use, minimizing the potential for harassment of wildlife.[116]

This statement is simply a generic statement of the environmental benefits of closing motorized routes in general and does list any specific resource concerns unique to this route. The main reason listed appears to be wildlife, of which bighorn sheep and peregrine falcons are the only listed species in the route report. While D1917A is in bighorn sheep lambing habitat, the BLM has already restricted camping in the area to mitigate impacts on bighorn sheep. Most of the route is not near any cliffs where peregrine falcon nests could be present, except for the overlook at the end. This is a relatively short route, and impacts to both species should be minimal.

As discussed in our general comments, there is no evidence that motorized recreation in this area is causing any significant impacts to either bighorn sheep or various species of raptors. What minimal impacts this route does have on wildlife are outweighed by its high value for motorized recreation in providing access to an important scenic overlook of South Fork Sevenmile Canyon. According to Jack Bicker's guidebook, *40 Grand Trails From Deadhorse Point Road,* there used to be a foot trail down into Sevenmile Canyon from the overlook, though I did not see it. However it should still be possible to hike into the canyon from there, meaning this route provides important hiking access to South Fork Sevenmile Canyon from the Arths pasture area as well.

Finally we note that the State of Utah has claimed R.S. 2477 rights on this route. Closing it would inevitably prejudice future litigation to resolve its legal status. Keeping it open would not cause any harm, while closing it would severely harm the quality of motorized recreation opportunities in the area by depriving motorized users of the ability to visit a scenic overlook that makes a nice side trip from the Metal Masher Jeep Safari trail.

Accordingly, we request that the final travel plan keep D1917A open as proposed in alternative D, and instead close the northern segment of D1917 which does not exist on the ground.

---

[116] Route Report for D1917A, p. 5.

- ***D1908A (Sevenmile Canyon Overlook 2)***

D1908A is a short (about 0.5 miles) but highly scenic route that accesses a scenic overlook of South Fork Sevenmile Canyon to the west of Widow Maker Mesa. It is proposed for closure in alternatives B and C. Though it is one of the more obscure and lightly used routes in this area, it is used regularly enough to be clearly defined on the ground and easy to follow. It is not naturally reclaimed and is not causing any significant impacts which justify closure.

As seen in the map to the right, D1908A begins as part of a complex loop along D1906, before turning north and heading toward Sevenmile Canyon. It ends on a large slickrock slab at the rim of South Fork Sevenmile Canyon with panoramic views all around. Pictures of this route are shown below.

The beginning of D1908A at 38.619795, -109.741393

Crossing a slickrock slab with a clear path across at 38.621317, -109.742424

Sandy two-track at 38.624058, -109.741785

My Jeep parked at the overlook at the end at 38.626196, -109.741936

View of South Fork Sevenmile Canyon from the overlook at 38.626200, -109.741933

As seen in the photos above, this route is well-defined and regularly used, with only minimal vegetation growing in the center of track. It is not causing any noticeable damage to surrounding soils and vegetation. Even though I found it easy to navigate, any difficulties with navigation could be resolved by clearly signing and marking the authorized route.

The rationale statement for alternative C gives only a short and generic reason for closing this route:

> Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would reduce overall impact of vehicle use and route footprint in the area. Closing this route would enhance wildlife movement by reducing fragmentation.[117]

None of the benefits listed from closure are unique to D1908A, but are merely generic benefits of closing any motorized route in the TMA. The BLM has failed to give any unique reasons for closing this specific route. While the route report lists potential conflicts with bighorn sheep and peregrine falcons, it is already in an area where camping is restricted to protect bighorn sheep, and only the very end at the rim of the canyon would be anywhere near raptor nests. The impacts on both of these species of a lightly used half mile spur route is almost certainly negligible.

What impacts do exist are outweighed by the high benefit this provides for motorized recreation. This route has a unique purpose and need in that it accesses an important scenic overlook of South Fork Sevenmile Canyon. We therefore ask that it remain open as proposed in alternative D.

---

[117] Route Report for D1908A, p. 4.

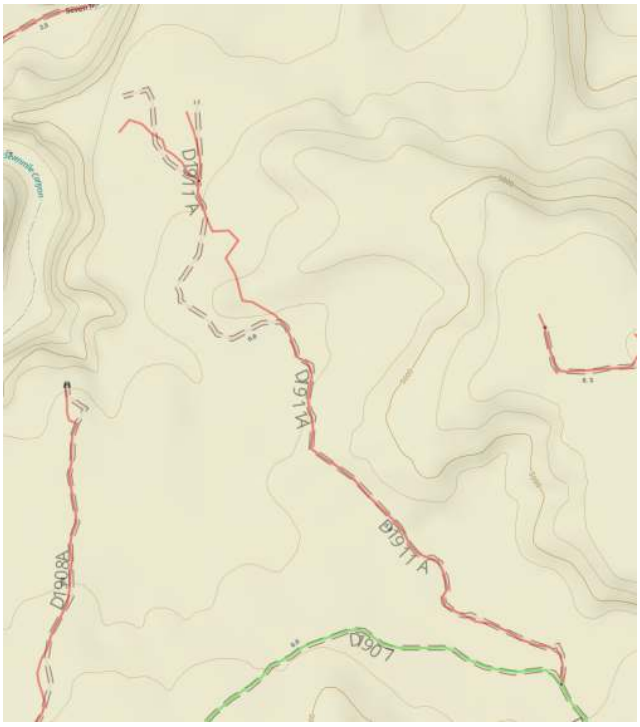
- ***D1908 (Widow Maker Mesa Inlet)***

D1908 is a short spur that goes to a sheltered hollow along the side of Widow Maker Mesa. Dispersed camping is allowed along this trail and there are a couple places which would make good campsites. It is well-defined and regularly traveled, and there is no justification for closing it as is proposed in alternative B. We ask that this route be kept open to motorized use as proposed in alternatives C and D. A couple pictures of this route are provided below.

Well-defined route at 38.617561, -109.736977

Flat slickrock slab at 38.616499, -109.737430 that would make a good camping area for a vehicle with a rooftop tent or camper trailer

- ***D1911A***



D1911A is a faint and rarely used spur off D1907. It starts off following a wash to the north before leaving the wash and skirting around the side of a hill, ultimately ending on a large slickrock slab above South Fork Sevenmile Canyon. Navigation is further complicated by the fact that the BLM's route data shows the route going straight over a steep hill when in fact it curves leff to go around the hill, as shown in the map to the right.

When I drove it in October 2021, I found it faint and extremely difficult to follow. I did make it all the way to where the BLM's GIS data showed it ending, but would have had to keep going past that point across the large slickrock slab (pictured below) to reach any kind of overlook of Sevenmile Canyon. While we would prefer that this route remain open as proposed in alternative D, doing so would require carefully signing and marking the route to ensure drivers do not get lost and accidentally drive off the authorized route.

We also question whether the BLM has mapped the endpoint accurately, given that the middle portion of the BLM's route definitely did not match the tracks I found on the ground. A map in the guidebook by Jack Bickers shows this route continuing further out on the point to the rim of South Fork Sevenmile Canyon. If the BLM's route were extended a bit further, it could provide access to a scenic overlook. As it is mapped currently however, it ends on a flat plateau still some distance from the rim. While the views of the general area are excellent, the nearby route D1908A has a better overlook of Sevenmile Canyon, and is a better defined route that provides a superior recreational experience.

We ask the BLM to re-examine its mapping of this route, and if it is determined to go further out to an actual overlook of the rim, ask that it be kept open as proposed in alternative A. Otherwise we can understand why this route is proposed for closure in all action alternatives. If the BLM feels it must close some routes in the vicinity of South Fork Sevenmile Canyon to reduce overall route density in the area, we would prefer the closure of this route over others mentioned in our comment, as this is the least traveled and least important of any route in this area.

- ***D1913 (Widow Maker Mesa Viewpoint)***

D1913 is an obscure and lightly used track on Widow Maker Mesa that is somewhat overgrown, yet provides access to a scenic overlook on a hilltop with panoramic views of the area. It is a spur off the Metal Masher Jeep Safari Trail. When I drove it in October 2021, I found it to be faint but still present and followable on the ground. The views from the grassy hilltop at 38.62690, -109.73109 were spectacular. While both the BLM's map data and the route on the ground continued a short distance below the hilltop, it quickly faded out and disappeared at a slickrock slab, and I could not discern any purpose for the route past the hilltop.

While we understand the BLM's likely reason for proposing to close this route in alternative C is because it is partially naturally reclaimed, we believe this route still serves an important purpose and need in providing access to the scenic overlook on the hilltop. It is rarely driven only because the beginning of the route is not signed and it is difficult to see while driving past. If the route were clearly signed and marked, we believe it would quickly be re-established and become a popular overlook route. We therefore ask the BLM to keep it open at least to the hilltop as proposed in alternative D. A couple pictures I took of this route are included below.

Sandy two-track near the beginning of the trail at 38.623780, -109.726025

My Jeep parked on the hilltop at 38.626887, -109.731084

View from the hilltop at 38.626887, -109.731084 overlooking Monitor and Merrimac Buttes

- ***D1843 (Three Pools Pour Off)***

D1843 is a two-mile long spur road that goes out to an overlook of South Fork Sevenmile Canyon at a location Jack Bickers refers to as the “Three Pools Pour Off”. This area is described as highly scenic and one of the highlights of the Sevenmile Canyon area. The route is still present and well-defined on the ground and is not naturally reclaimed. We strongly oppose closing this route as proposed in alternative B. This route is featured in a published guidebook and it has an important purpose and need for motorized recreation. We therefore ask that it be kept open as proposed in alternatives C and D.

Scans of 40 Grand Trails From Deadhorse Point Road by Jack Bickers (1991):

"My, what a nice trail the man made for us." This is the end of adventure and the start of torture in going up the gulch.

At the same spot; a look into the start of Mirror Gulch. This is a connection to the high rim trail of Arths Rim.

soon be seen that the old road goes down a good and still useable (4-WD) dugway into South Fork. However, as stated, the 2.7-mile trail bends north, leaving the old trail at the top of the dugway, and heads downhill gradually, but surely, to THREE POOLS POUR-OFF. This is another featured destination. There are a couple of left turns a short distance down which merely furnish overlooks of upper South Fork country. The trail swings to the right in a couple of hard-to-see places, to round prominences where core drills were made. Places such as these often mislead newer trailseekers who think they have reached the end of the trail. Whenever a destination seems unreachable, it is time to get out and scout. If a trail is seen farther out, it should be hiked down to. It can then be hiked back UP to the vehicle on the trail proper. There is no need to try cross-country driving.

This trail to Three Pools Pour-Off is a very nice experience. It goes down and down, but never severely. It is bumpy and slow, but for the most part, a well-delineated trail. Hikes may be taken into canyons developing on either side and along the prominence separating Three Pools Canyon and upper South Fork.

At the very end of vehicular travel (it will be obvious beyond a doubt), an easy hike off the point can be taken to the right and into another small canyon joining Three Pools canyon here. A walk of about 0.2 mile reaches the pour-offs. If rains have occurred recently, all three pools will be full, and the lower one will have a slight but continual overflow over the pour-off into South Fork. This is a beautiful scene. Luxuriant poison ivy seen by the upper pool rim is easily avoided. By back-tracking a bit, the east rim can be followed to its juncture with South Fork. The USGS section marker; 18/17 over 19/20 stands in a small cairn on the rim. Cue Ball Arch can be seen from topside a short distance down South Fork on this rim, but it does not present the unique view that it does from the bottom.

Returning to the main Gemini Road and reaching the restored drill site between the major forks in the trail; the visitor has many more interesting trails to try from the left fork. This road is the powerline road to Arths Rim, but it has a number of good sideroad destinations. The first forks left and heads north. This fork also has two major branches.

- ***D1998A (Merrimac and Monitor Butte Viewpoint)***

D1998A is a short spur less than a tenth of a mile long. It is part of a group of 4WD roads off Highway 313 that provide access to multiple scenic overlooks of North Fork Sevenmile Canyon and Monitor and Merrimac Buttes. These routes are featured on TrailsOffroad.com, where they are called the “Merrimac and Monitor Butte Viewpoint” trail. D1998A is really just part of D1998 (which is slated to remain open under alternative C) and should not have been evaluated separately. It is normally driven together with the rest of D1998 and its impacts are exactly the same. We see no reason for closing this route in alternative C and ask that it be kept open as proposed in alternative D. A couple photos of this route from TrailsOffroad.com are shown below.

- ***D1994 and D1994A (Rocky Tops West)***

D1994 is a short spur route off Highway 313 intermingled with the Rocky Tops mountain bike trail. From maps, it looks like D1994 and D1994A used to form a loop, but they no longer do. When I drove it in October 2021, I found D1994 was faded and extremely overgrown, but still drivable. I did not see any sign of D1994A on the ground and it appears to be fully naturally reclaimed. D1994 was an interesting route but not particularly spectacular. I found it signed as closed to vehicles on the ground just after cresting the slickrock dome at 38.62918, -109.77178, which is well short of where the BLM's map data shows it as ending. Beyond that, the route appears to have been closed and converted into a mountain bike trail. The signed endpoint is pictured below.

Signed closure point at 38.629287, -109.771745

While D1994 was somewhat scenic, it appears to have mostly been taken over by mountain bikes and is only rarely used by vehicles. While we would prefer that it remain open as proposed in alternative D, if the BLM is seeking to reduce the overall motorized route density in the area and convert rarely used motorized routes to mountain bike trails, it would be preferable to do so on this route instead of other more popular motorized routes like 7-Up. Since the BLM has already closed much of this route and converted it to a bike trail, the closure proposed in alternative C is really just the logical conclusion of existing management. If closing this route would allow other more important motorized routes in the area like 7-Up to remain open, we would not object to that.

- ***D1991 and D1992 (Rocky Tops East)***

D1991 is another spur off Highway 313 that goes out to the upper rim of South Fork Sevenmile Canyon, overlooking the 7-Up trail. It receives significantly more motorized use than D1994 and is much more scenic, with excellent views down into Sevenmile Canyon. It starts out as a grassy two-track, but becomes more distinct as it goes along. It is regularly used, well-defined, and not naturally reclaimed. While it is also intermingled with the Rocky Tops bike trail, the two routes are mostly separate, minimizing conflict between mountain bikers and motorized users. This route is signed as close on the ground at 38.62623, -109.76138, a little short of where the BLM's route data shows it ending.

D1992, on the other hand, is a short and indistinct side-spur that appears to simply dead-end on a slickrock slab a short distance after it begins. When I drove it in October 2021, I could not discern any real purpose to it. In alternative C, D1991 is proposed to stay open and D1992 is proposed for closure. We support both of these actions and believe them to be the most effective management of these two routes.

Below are a few photos of D1991.

Grassy two-track at the beginning of D1991 at 38.636829, -109.754813

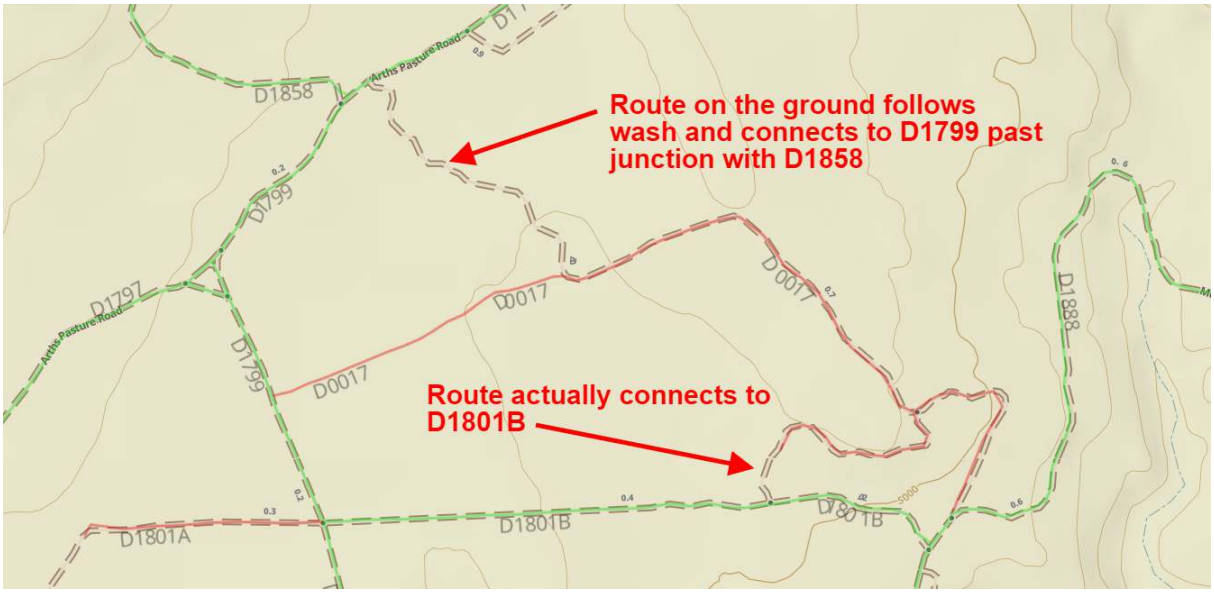
Approaching the canyon rim at 38.631757, -109.755760

Viewpoint of South Fork Sevenmile Canyon at 38.632552, -109.755460

6. Arths Pasture Routes

- ***D0017 (Central Arths Pasture)***

We oppose the closure of D0017 as proposed in all action alternatives. We believe the closure of this route is due to multiple serious mapping errors which show it in the wrong place. This route is important for the overall connectivity of the motorized routes in the center of Arths Pasture, and features good scenery and a fun ride through a shallow wash. It is well-defined and regularly used and deserves to be kept open, with the mapping errors fixed in the final travel plan.



GaiaGPS map of D0017

Google Maps map of D0017

The BLM's route data is seriously inaccurate regarding D0017, as shown in the map above created using GaiaGPS, which shows the route accurately. Google Maps also shows the route correctly above (gray lines).

There are two primary mapping errors regarding this route. The main stem of the route is shown going straight to the southwest at 38.61929, -109.70626 when in reality it enters a shallow wash and veers to the northwest. It then follows this wash out to a junction with D1799 that is in a completely different place than where the BLM's map data shows it intersecting that route. Several pictures of this route segment are shown below.

The main section of D0017 before the wash, at approximately 38.61857, -109.70169

The road enters a wash at and veers right, where the BLM's map data shows it continuing straight. No sign of the route on the BLM's maps can be seen.

The route winds through the wash at approximately 38.61970, -109.70635

Continuing along the wash at approximately 38.62039, -109.70737

Junction with D1799 at 38.62182, -109.70955

As can be seen in the photos above, the route clearly turns right at 38.61926, -109.70623 and goes northwest, not southwest as portrayed in the BLM's route data. The section through the narrow sandy wash is just as well-defined and heavily used as the rest of the route, with no vegetation present and recent tire tracks. This route makes a handy, scenic shortcut between the Metal Masher Jeep trail and Arths Pasture Road (D1799) and is important for the overall route connectivity in Arths Pasture. It is regularly used and mostly just crosses open fields where there are no particular wildlife or vegetation concerns. This main route segment must remain open.

The second mapping error concerns the southwestern spur segment of D0017. This segment is shown as a dead-end spur in the BLM's map data. In reality, that segment continues another hundred yards and connects back to D1801B. Curiously, when I drove this section in October 2021, I saw a sign at the top of this spur at approximately 38.61739, -109.70039 warning that the route segment was a dead-end (pictured below).

As can be seen in that photo, this route segment is a fully-cleared regularly used dirt road. It continued that way along the top of a ridge with scenic panoramic views. I observed one potential campsite on a slickrock slab at approximately 38.61689, -109.70098, pictured below.

Possible campsite at 38.61689, -109.70098

While I kept driving expecting to see a sign marking the endpoint, I did not see one, and ended up back at the junction with D1801B at 38.61630, -109.70285 behind a sign there saying the route was closed. This sign is pictured below.

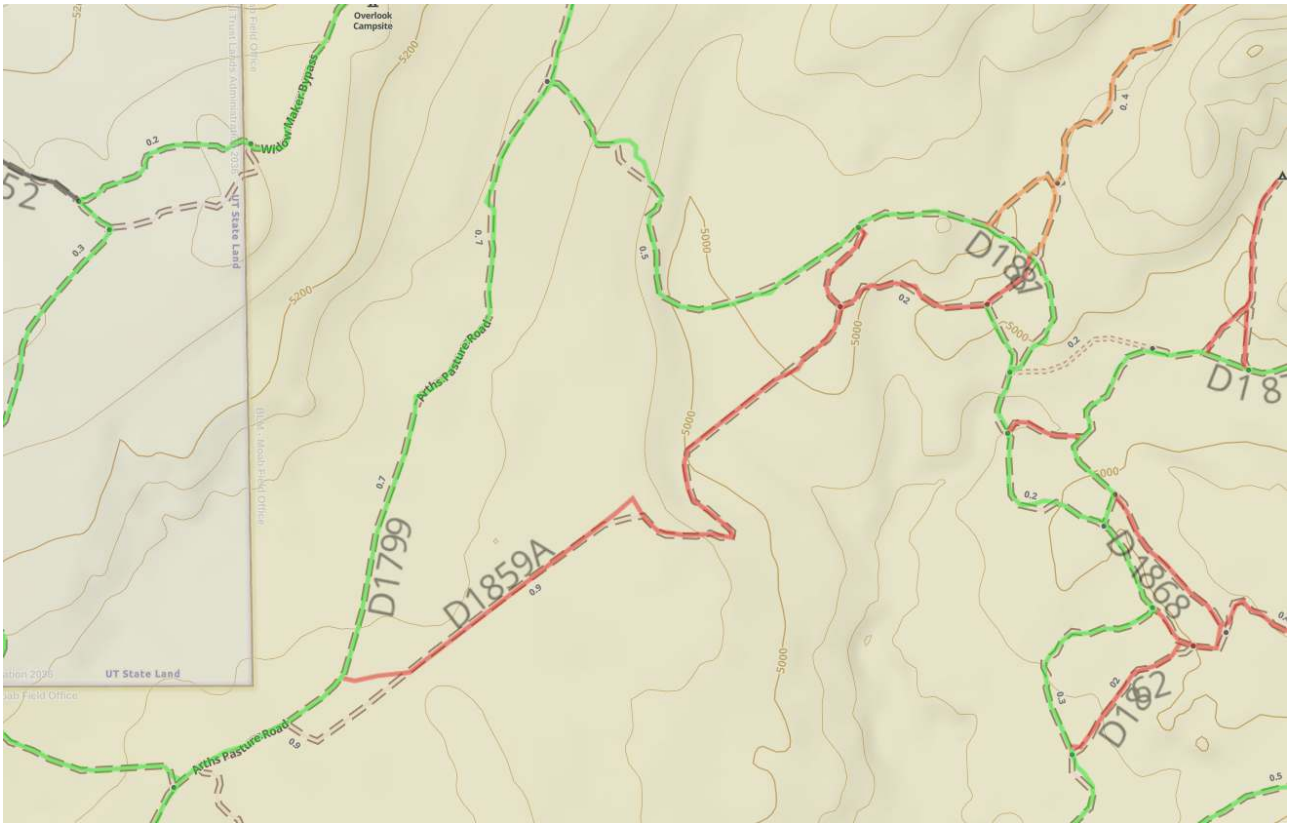
As best I can tell, the route was supposed to end back behind the large tree in the background of that photo, but there was no sign marking it as such, and the route clearly continued on the ground out to the intersection with D1801B. As the following photo from the approximate point this segment is shown in the BLM's map data as being closed, the route continues just as prominently as it was before, with no signs indicating this is supposed to be the end of the route.

Approximate mapped endpoint at 38.61700, -109.70269

The BLM's current management of this route segment makes no sense and is causing people to accidentally drive this route illegally because the approximately 300 foot long segment between the mapped closure point and the intersection with D1801B is only signed as closed going one direction. This entire "closed" portion is a wide open sandy track with no vegetation. It makes little sense to have this short segment closed, and It would make much more sense to have it open. This southern route segment is just as regularly used as the northern route segment, and is valuable for both scenic viewing and dispersed camping. We urge the BLM to keep it open as proposed in alternative A, and also to correct the map data to show it properly connecting back to D1801B, and remove the sign at the junction marking it as closed.

For the entirety of D0017, the BLM's route report does not note any particular resource conflicts. The only potential wildlife conflict is with desert bighorn sheep yearlong habitat, which applies to the entire TMA. The rationale statement for alternative C only cites generic environmental benefits of closing this route like reducing overall vehicle use and route footprint in the area and restoring vegetation and soil cover. None of these issues are unique to this route, and the vegetation around it is just common desert grasses. From the photos above, the route is being regularly used for motorized recreation and has a clear purpose and need. Closure as proposed in all action alternatives simply is not justified, and we ask that this route be kept open (with the requested mapping corrections) as proposed in alternative A.

- ***D1859A (Jack's Canyon Access)***



D1859A is a lightly used but highly scenic alternative route down into Jack's Canyon from the central area of Arths Pasture. The BLM's map data has a slight error regarding the southwestern end of this route, which splits off from D1799 at 38.62248, -109.70795 instead of where the BLM's map data shows it. This can be seen in the map above from GaiaGPS. From there, the route crosses a wide open field as a sandy two-track, as shown in the first picture below, taken just after the beginning of the route. It becomes more distinct as it begins to descend into Jack's Canyon. It then descends through a man-made dugway switch-backing down the slope. Just past the junction with another segment of D1859A at 38.62867, -109.69745 which is a shortcut to D1881, it descends another steep dugway and crosses a highly scenic slickrock ledge above a small canyon, which is the highlight of the route. After that it soon intersects D1881, which is the primary route into Jack's Canyon.

Pictures of the route are shown below.

Beginning of the route at approximately 38.62241, -109.70777

Well-defined route just before descent into Jack's Canyon at 38.625578, -109.701371

Beginning descent into Jack's Canyon at 38.625234, -109.699431

Man-made dugway descending into the canyon at approximately 38.62528, -109.69994

Continuing into Jack's Canyon at approximately 38.62567, -109.69992

Steep dugway at 38.62873, -109.69717

Crossing scenic ledge at 38.628886, -109.696677

As can be seen in the photos above, when I drove D1859A in October 2021, I found it to be regularly traveled and well-defined. It is not naturally reclaimed. I saw no signs of erosion, washouts, vegetation damage, or off-route travel. While the segment across the open grassy field near the beginning was a bit faded and overgrown, the section descending into Jack's Canyon was much more distinct and highly scenic, with a couple neat dugways and one highly scenic section crossing the head of a canyon on a slickrock ledge. While this route may not be used as heavily as D1881, which seems to be the primary route into Jack's Canyon, it is not redundant and has unique recreational and scenic value that merits keeping D1859A open. It is also an R.S. 2477 route, and closing it would inevitably prejudice future litigation to resolve its legal status.

The route report for alternative C only cites generic benefits of closing this route such as restoring vegetation and soil cover, which are not unique to this route. While the route report lists it as being in a desert bighorn sheep lambing area, it is not within one of the areas where camping is restricted for bighorn sheep lambing habitat. Neither does the route designation rationale statement for alternative C mention bighorn sheep. It is therefore highly unlikely this route is causing any serious impacts on bighorn sheep, and the minor benefits to wildlife or from revegetation do not justify closing a scenic and regularly used route with high recreational value. We urge the BLM to keep it open as proposed in alternative D.

- ***D1879 (Jack's Canyon)***

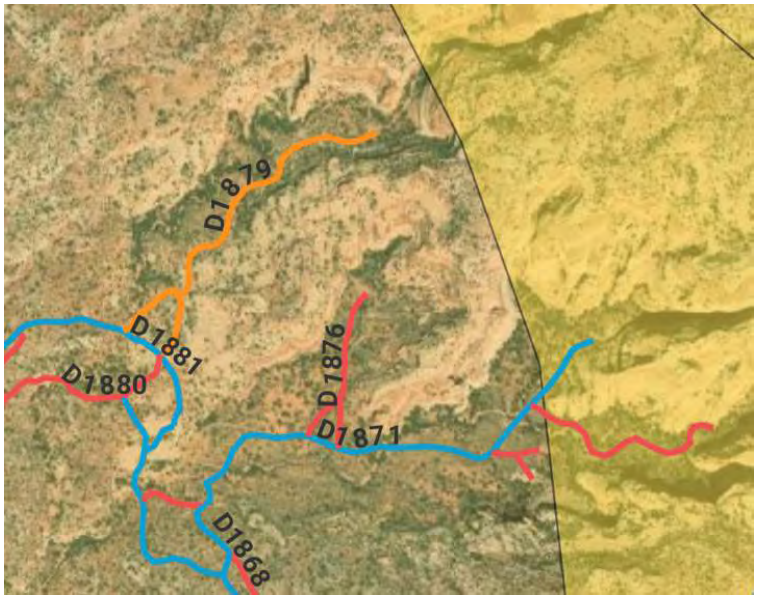
D1879 is the route to the head of Jack's Canyon and Jack's Arch. It is an easy and sandy two-track road that is well-defined and regularly used. Its primary usage is for access to a scenic dispersed campsite at its end, and to access Jack's Arch, which is one of the most prominent natural arches in the Arths Pasture area. A few pictures of this route taken in October 2021 are included below.

Driving up D1879 at 38.631537,-109.692359

Turnaround loop and likely dispersed campsite at the end of D1879 at 38.633315,-109.689112

Turnaround loop at the end of D1879 with Jack's Arch visible in the upper left

D1879 is proposed for closure in alternative B, open with a seasonal closure for bighorn sheep lambing in alternative C, and open in alternative D. While we are grateful this route is still open in alternative C, we believe the seasonal closure in alternative C is imposed in error, as the route is not in managed bighorn sheep lambing habitat as defined in the 2008 RMP. The route report incorrectly lists D1879 as being in a bighorn sheep lambing area with a camping restriction. In reality, it is not within a restricted camping zone established for bighorn sheep lambing habitat, but just outside of one. As can be seen in the map to the right, created using GIS data provided to me in response to a FOIA request, this route is just outside the yellow shaded area where camping is restricted to designated sites because of bighorn sheep lambing habitat.



While the GIS data from the Utah Department of Wildlife Resources shows D1879 as being in bighorn sheep lambing habitat, it is not in an area *managed* as

lambing habitat under the RMP. It would be inappropriate and contrary to RMP direction to restrict the use of a road on that basis when it is not in an area managed to protect lambing habitat under the RMP.

Even if it is in bighorn lambing habitat, this route has been used for many decades for motorized recreation with no adverse effects on bighorn sheep. It was briefly mentioned in Jack Bickers' guidebook published in 1991, and was likely established in the mid-20th century for either ranching or mineral exploration. It is generally lightly used, and is not likely to cause any significant impact on bighorn sheep, raptors, or other animal species.

This route is highly valuable for motorized recreation and facilitates both dispersed camping and access to a natural arch. It has year-round demand and there is no justification for closing it during the peak spring season. We therefore request that it be kept open with no seasonal closure as proposed in alternative D.

- ***D1876 (Periscope Canyon)***

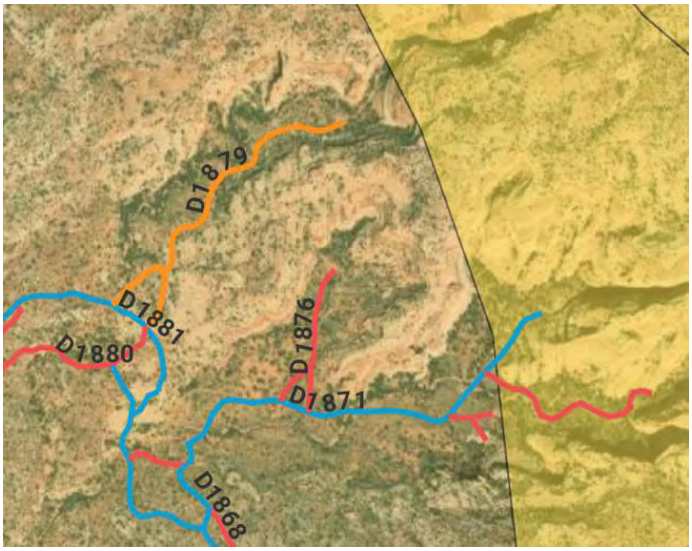
D1876 is a short scenic spur up a side canyon of Periscope Canyon at the northern end of Arths Pasture. Its primary purpose is scenic exploration and access to a dispersed campsite at the end of the route. It is an easy sandy two-track road that is clearly defined, regularly used, and is not naturally reclaiming. A couple pictures of this route taken in October 2021 are included below.

Driving up D1876 at 38.628748,-109.689626

End of the route and likely dispersed campsite at 38.630523,-109.689079

This route is proposed for closure in alternatives B and C and kept open in alternative D. The route report lists enhancing wildlife habitat as the primary reason for the proposed closure in alternative C. Since the only wildlife species listed in the route report is bighorn sheep, we assume they are the primary reason it is proposed for closure.

We believe the closure in alternative C is imposed in error, as the route is not in managed bighorn sheep lambing habitat as defined in the 2008 RMP. While the GIS data from the Utah Department of Wildlife Resources shows D1876 as being in bighorn sheep lambing habitat, it is not in an area *managed* as lambing habitat under the RMP. As shown in the map to the right, D1876 is actually just outside a camping restriction zone for bighorn sheep lambing habitat (yellow shaded area). It would be inappropriate and contrary to RMP direction to close a road because of bighorn sheep when it is not in an area managed to protect lambing habitat under the RMP.

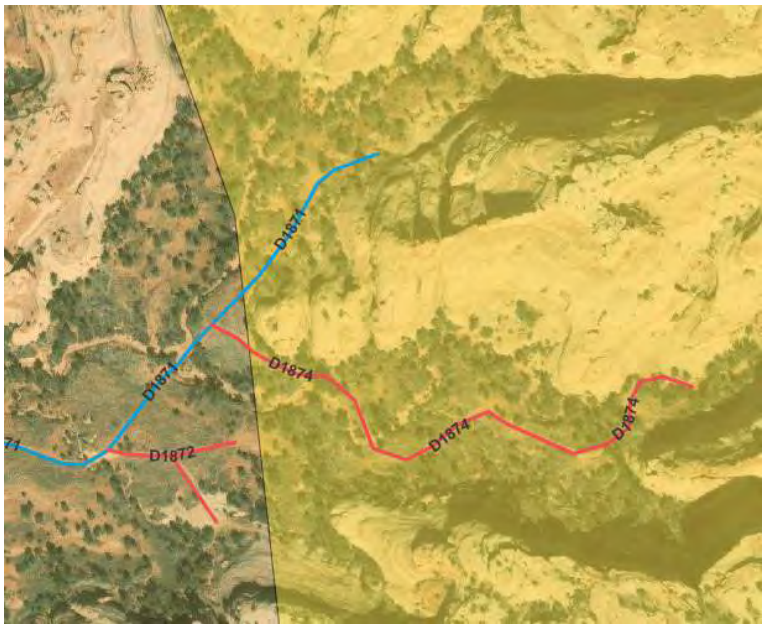


Moreover, this route has been regularly used for motorized recreation for many decades with no adverse effects on bighorn sheep. Use levels are generally light, so even if it were in

lambing habitat its actual effects would almost certainly be minimal. There is no need to close it in order to protect bighorn sheep. Nevertheless, if bighorn lambing is still a concern, we see no reason why a seasonal closure like that proposed for the nearby route up Jack's Canyon (D1879) would not be sufficient to mitigate any potential impacts. We suggest that as an alternative to permanent closure.

This route has a valuable purpose and need for motorized access up a scenic canyon to an excellent dispersed campsite at its end. It is also an R.S. 2477 route, and closing it would inevitably prejudice future litigation to resolve its legal status. We strongly oppose the proposed closure in alternative C and ask that it be kept open as proposed in alternative D, with an added seasonal closure if absolutely necessary.

- ***D1871 & D1872 (Periscope Canyon Camping)***



D1871 is a well-defined and regularly used dirt road that is the main road through Periscope Canyon, with several spur routes connecting to it. It travels up a scenic canyon with nice views of the surrounding cliffs, and eventually dead-ends at the end of the canyon. It is proposed to stay open under alternative C and we strongly support this action. It has a clear purpose and need and has high value for motorized recreation, so it would be inappropriate to close it as proposed in alternative B.

D1872 is a short forked spur off D1871 that accesses two scenic dispersed campsites at the end of each fork at 38.62773, -109.68492 and 38.62715, -109.68536. Both of these campsites are in flat, sandy areas surrounded by striking cliffs. They would be excellent sites for either tent camping or vehicles with rooftop tents or camper trailers. They are private and secluded, sheltered, and in a relatively obscure area that receives only light visitation. Yet they have easy access to the Metal Masher Jeep Safari Trail via D1860, and would make a perfect basecamp for small groups planning on running Metal Masher and other trails in the Arths Pasture area. Pictures of both campsites are included below.

While the GIS data from the Utah Department of Wildlife Resources shows D1872 as being in bighorn sheep lambing habitat, it is not in an area *managed* as lambing habitat under the RMP. As shown in the map above, D1872 is actually just outside a camping restriction zone for bighorn sheep lambing habitat (yellow shaded area). This makes it highly valuable for dispersed camping, since camping is not restricted there. It would be inappropriate and contrary to RMP direction to close a road because of bighorn sheep when it is not in an area managed to protect lambing habitat under the RMP.

Campsite at the end of the north fork at 38.627668, -109.685433

Campsite at the end of the south fork at 38.627252, -109.685393

While the north campsite is likely better because it is more level and less rocky, both campsites have amazing views and are clearly regularly used. Dispersed camping is the primary use of this road, yet surprisingly, the route report for D1872 fails to list camping as an existing use. This must be corrected.

The route report cites only generic environmental benefits in the rationale for closing this route in alternative C, such as restoring vegetation and soil cover and enhancing wildlife habitat. Bighorn sheep appear to be the main wildlife species of concern, yet as noted above, this route is not in an area that is currently protected bighorn sheep lambing habitat. Its primary use is for camping, yet it is not in an area where camping is currently restricted to protect bighorn sheep. It is a short, lightly used spur route that is almost certainly causing no impact on bighorn sheep, and there would be no benefit to these animals from closing it.

Because this route is primarily used for dispersed camping, closing it in the travel management process would necessarily prejudice the ongoing Labyrinth Rims / Gemini Bridges Camping Management Project. Both campsites it accesses would be prime candidates to become officially designated campsites in the new camping management plan for the area, and we have in fact requested that they be designed in our comments on that project. Any minimal benefits from closing this route is outweighed by recreational benefits of keeping them open for dispersed camping, and we strongly urge the BLM to keep D1872 open as proposed in alternative D.

- ***D1874***

D1874 is another dead-end spur off D1871 just north of D1872. While maps show it traveling a short distance further up one of the branches of Periscope Canyon, when I attempted to drive it in October 2021, I found it blocked by a vegetation choked gully at 38.62814, -109.68453, only a hundred yards in. I could not see any evidence of a passable route beyond this point, and this route appears to be completely naturally reclaimed. We have no objection to closing it as proposed in alternative C. Indeed, if the BLM desires to reduce the overall route density in the Jacks Canyon / Periscope Canyon area, we would prefer that it close this route instead of any of the others mentioned in our comments.

- ***D1868 and D1860 (Periscope to Metal Masher Connector)***

D1868 and D1860 form a valuable connector route between the trails in Jack's and Periscope Canyons and the Metal Masher Jeep Safari trail. Though mapped as two separate route segments by the BLM, these are really just one single route. It is proposed for closure in alternatives B and C, and kept open in alternative D. Though on maps it may appear to be redundant with D1661, which also leads from Jack's Canyon to the Metal Masher trail, D1868/D1860 has unique recreational value in that it is highly scenic, crosses several fun and moderately challenging slickrock ledges, and ultimately intersects Metal Masher further up the trail at the first major obstacle. It is also much more direct, making it the preferable route to get to Metal Masher quickly. D1861 is much longer and more circuitous, and it lacks the slickrock ledges that D1860 has, making it less interesting and challenging than D1868/D1860.

D1868/D1860 is well-defined and regularly used, and even the slickrock sections are easy to navigate without getting lost. This route has a clear purpose and need in that it provides both

opportunities for motorized recreation and important to the connectivity of the motorized routes in the eastern part of Arths Pasture. Pictures of this route are below.

The beginning of D1868 at 38.625806, -109.692134

Beginning of the slickrock ledges at approximately 38.62381, -109.68864

Slickrock section on D1868 at 38.624795, -109.691207

Small slickrock ledges

Cairn marking path across slickrock at on D1860 at 38.624086, -109.689412

Another cairn marking the path across the slickrock

Descent toward junction with Metal Masher

Intersection with the Metal Masher trail at 38.62263, -109.68536

As seen from the photos above, D1868/D1860 is regularly driven and extremely scenic, with much of it crossing a series of slickrock ledges. Even on the slickrock sections which would otherwise be hard to navigate, I observed at least a couple cairns marking the designated route. Dirt sections

were clear of vegetation and well-defined. This route is not naturally reclaimed and is being regularly used for motorized recreation.

The designation rationale statement for alternative C in the route report for D1860 cites only generic environmental benefits from closing this route, stating:

> Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would reduce overall impact of vehicle use and route footprint in the area.[118]

It appears the main benefit from closing this route would simply be revegetation and reducing the overall route network. Soil and vegetation impacts on this route are minimal because much of it is on slickrock. I did not observe any vegetation damage or soil damage along this route, and any navigation difficulties could be easily resolved by clearly marking and signing the authorized route to keep people on trail. No wildlife conflicts are mentioned in the rationale statement, and the only potential wildlife issue mentioned in the route report is bighorn sheep yearlong habitat, which applies to the entire TMA, so this route is not in an area that is particularly sensitive bighorn sheep habitat.

Nowhere does the route report give any specific reasons for closing D1868/D1860 that are unique to that particular route. If the BLM desires to reduce the overall route footprint in the area, it should do so by closing roads that are not being used and are naturally reclaimed, not a valuable connector route like D1868/D1860 that is being regularly used and has high value for motorized recreation. The State of Utah has also claimed R.S. 2477 rights with respect to this route, meaning that closing it would inevitably prejudice future litigation to resolve its legal status.

The recreational value of this route clearly outweighs any minor benefits from closing it, and we urge the BLM to keep it open as proposed in alternative D. Overall, we urge the adoption of alternative D for almost all routes in Jacks Canyon and Periscope Canyons (except D1874), as they serve a unique purpose and need and are valuable for motorized recreation and dispersed camping.

- ***D1864 (Little Canyon Rim)***

D1864 is a highly scenic but less traveled alternative to the southeastern section of the Metal Masher Jeep trail, paralleling it as it climbs following the rim of Little Canyon. Much of this route crosses wide open slickrock, with panoramic views of the surrounding area. At the top right before it rejoins Metal Masher is an epic overlook of Side Pocket Canyon and Little Canyon at 38.62665, -109.67555.

This route is proposed for closure in alternative B but kept open in alternatives C and D. We strongly support keeping this route open, as it has extremely high recreational value and would be a prime candidate for inclusion in the Easter Jeep Safari trail system as an alternate route up Metal Masher. It is regularly used and has minimal environmental impacts. While navigation can be a little tricky on the slickrock, that could be easily resolved by clearly marking and signing the authorized route. Overall, there is no reason why this route should be closed, and we urge the

[118] Route Report for D1860, p. 4.

BLM to keep it open as currently proposed in alternative C. Pictures of this route (driven top to bottom) are below.

The top of D1864 at the junction with Metal Masher at 38.627574, -109.676054

Little Canyon / Side Pocket Canyon Overlook at 38.626704, -109.675488

Continuing down the slickrock

Slickrock ends and route turns to dirt

Well-defined dirt road near the southern end of D1164

- ***D1867 (Secret Canyon Overlook)***

D1867 is a short spur off of D1864 which goes out to an overlook of Secret Canyon. This route is proposed for closure alternative B and kept open in alternatives C and D. This route is mentioned in the published guidebook *40 Grand Trails From Deadhorse Point Road* by Jack Bickers, who describes the overlook of Secret Canyon being one of the best viewpoints in this area. This route has high recreational value and minimal environmental impacts. We strongly support keeping it open as proposed in alternative C and ask the BLM to adopt that action in the final travel plan.

- ***D1804***

D1804 is a valuable connector route and alternate route to the Metal Masher Jeep trail. It is essentially an extension of D1864. It is a well-defined, regularly used dirt road that is not naturally reclaimed. When I visited in October 2021, I saw some evidence that it may have even been recently bladed, so it is likely mechanically maintained. It is highly scenic with panoramic views of the Arths Pasture area. This route is proposed for closure in alternatives B and C and kept open in alternative D. We strongly oppose closing this route, as it is heavily used and has high recreational value.

Pictures of this route are below.

Upper end of D1804 at the junction with D1864 at 38.61870, -109.68480

Scenic area descending through several small canyons

Well-defined, possibly bladed roadway at 38.616097, -109.689616

Another section of D1804 that appears to have been recently bladed and mechanically maintained

Southern junction with D1888 at 38.61804, -109.69225

As can be seen in the photos above, D1804 is a heavily used, well-defined roadway that looks like it may have been recently bladed. The designation rationale statement for alternative C cites only generic environmental benefits from closing this route, stating:

> Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would reduce overall impact of vehicle use and route footprint in the area.[119]

It appears the main benefit from closing this route would simply be revegetation and reducing the overall route network. I did not observe any vegetation damage or soil damage along this route. No wildlife conflicts are mentioned in the rationale statement, and the only potential wildlife issue mentioned in the route report is bighorn sheep yearlong habitat, which applies to the entire TMA, so this route is not in an area that is particularly sensitive bighorn sheep habitat.

Nowhere does the route report give any specific reasons for closing D1804 that are unique to that particular route. If the BLM desires to reduce the overall route footprint in the area, it should do so by closing roads that are not being used and are naturally reclaimed, not a valuable connector route like D1804 that is being regularly used and has high value for motorized recreation. The recreational value of this route clearly outweighs any minor benefits from closing it, and we urge the BLM to keep it open as proposed in alternative D.

[119] Route Report for D1804, p. 4.

- ***D8738***

D8738 is a short dead-end spur off D1804. When I attempted to drive it in October 2021, the route looked like it had been recently bulldozed and the ground was all torn up, which made me question whether the BLM has already attempted to decommission it. It was not blocked or signed as closed and I was still able to drive part of it, but the route soon faded out and did not appear to go to any particular destination. In contrast, its parent road D1804 was well-defined and well-traveled. As best I could tell, D8738 does not have any particular recreational value and may have already been at least partially closed. This route is proposed for closure in all action alternatives, and we support that action. If the BLM desires to reduce the overall route density in the area, this route is a prime candidate to close without negatively impacting motorized recreation.

- ***D0013***

D0013 is shown on the BLM's maps as a two-pronged spur off D1900 that runs along the rim of a narrow side canyon of Little Canyon. However, when I attempted to drive it in October 2021, I could not find any sign of it on the ground. This route appears to be completely naturally reclaimed and we have no objection to closing it as proposed in alternative C. If the BLM wishes to reduce the overall route density in this area, we would prefer that it close this route instead of any of the others mentioned in our comments.

- ***D0014***

D0014 is shown on BLM maps as a short connecting route shortcutting a bend of D1900. However, when I attempted to drive it in October 2021, I found it already signed as closed on the ground. This route appears to have been erroneously included in the baseline route network for the travel management process and is incorrectly shown as open in alternative A. While we have no objection to closing it as it is in fact already closed and has no apparent purpose, we note that its erroneous inclusion in the route network considered here distorts the BLM's analysis. Nevertheless, if the BLM desires to reduce the overall route density in the area, this is an excellent route to close since it is already closed.

- ***D0015***

D0015 is a connector route between Gemini Bridges Road and D1900. It joins D1900 at the southern end of the already closed D0014. Unlike D0014, D0015 is currently open and is clearly defined on the ground and regularly used. While it may be slightly redundant with B118 and the first segment of D1900, it provides a nice four-wheel-drive alternative to the graded county road and allows drivers to enter the trail network leading over to Metal Masher sooner on more challenging roads. It has excellent scenic views as it travels along the rim of Little Canyon, and thus has high recreational value. As can be seen in the photo below, D0015 is regularly used and is not naturally reclaiming. While it is not a major route, it is a scenic alternate way from Gemini Bridges Road to Metal Masher and is worth keeping open to continue to provide a high quality motorized recreation experience in the area.

Well-defined roadbed along D0015 at 38.598302, -109.679942

The designation rationale statement for alternative C cites only generic environmental benefits from closing this route, stating:

> Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would reduce overall impact of vehicle use and route footprint in the area.[120]

It appears the main benefit from closing this route would simply be revegetation and reducing the overall route network. I did not observe any vegetation damage or soil damage along this route. No wildlife conflicts are mentioned in the rationale statement, and the only potential wildlife issue mentioned in the route report is bighorn sheep yearlong habitat, which applies to the entire TMA, so this route is not in an area that is particularly sensitive bighorn sheep habitat.

Nowhere does the route report give any specific reasons for closing D0015 that are unique to that particular route. If the BLM desires to reduce the overall route footprint in the area, it should do so by closing roads that are not being used and are naturally reclaimed, not a valuable connector route like D0015 that is being regularly used and has high value for motorized recreation. The recreational value of this route clearly outweighs any minor benefits from closing it, and we urge the BLM to keep it open as proposed in alternative D.

[120] Route Report for D0015, p. 4.

- ***D0016***

D0016 is a short, indistinct spur off Gemini Bridges Road immediately across from D0015. It appears to have been primarily used for dispersed camping in the past, however, it is entirely within the restricting camping corridor along Gemini Bridges Road and the BLM has placed a no camping sign at the beginning of the route. Despite this, when I attempted to drive it in October 2021, I found a couple fire rings and signs of recent use for illegal camping. This route is not well marked and quickly turns into a confusing slickrock maze. I was only able to drive a short distance up this road before losing track of where it was supposed to go and having to turn around.

While this road would have a couple nice slickrock campsites if the BLM chose to allow camping on it, since the BLM has already decided to prohibit camping on it, I cannot discern any remaining purpose or need for it. It is lightly used and almost impossible to navigate on the ground. D0016 is proposed for closure in all action alternatives, and we concur with that action. If the BLM desires to reduce the overall route footprint in this area, this is an excellent road to close without harming the quality of motorized recreation in the area.

- ***D1903***

D1903 is a short spur off Gemini Bridges that heads off into the middle of Arths Pasture. When I drove it in October 2021, I found that while it was still followable, it was very faded and mostly naturally reclaimed. I could not discern any noticeable purpose for the route, as it merely dead-ends in a field filled with sage brush and did not appear to access any campsites or scenic overlooks. We have no objection to closing this route as proposed in alternative C. If the BLM desires to reduce the overall route density in the area, closing this route would be preferable to closing others mentioned in our comments.

- ***D8704 and D1801A***

D8704 and D1801A are both parts of a lightly used power line access road in the middle of Arths Pasture, and are proposed for closure in all action alternatives. We concur with this action as these roads are rundanant with D1797 (Arths Pasture Road) which is much more regularly used and follows essentially the same path a short distance further west. If the BLM desires to reduce the overall route footprint in Arths Pasture, these are excellent roads to close without affecting the motorized recreational experience in the area.

7. Gold Bar Mesa Routes

- ***Golden Spike (D1573, D1579, D1579A, D1579B, D1579C)***

29 **Golden Spike**

AREA 2 map on page 70

You may have to stack a few rocks here to support front left tire.

Our RZR came down this big ledge quite easily.

Launch Pad at Waypoint 02.

Overview: One of the longest and most popular trails in Moab, with nonstop obstacles and many stunning overlooks. Its length comes from the fact that, to complete the trail, you must drive half of Poison Spider, all of Gold Bar Rim, and part of Gemini Bridges Road. Because breakdowns are common, it's not unusual for people to finish well after dark. It is recommended that you start early and travel with other vehicles that can help. We thought the trail would be more challenging for our RZR, but it got through fine, including getting over the Golden Crack. The trail is extremely difficult for riders of ATVs.

Rating: Difficult. Modified vehicles with very high ground clearance, big tires, body armor, and lockers both ends. Articulation is severely tested. We drove it in our 2-door Rubicon (see specs on page 10). We foolishly attempted optional *Double Whammy* and exploded our rear drive shaft. We had to finish the trip with front drive only, winching up the remaining obstacles.

Stats: Length: Golden Spike by itself is just 6.7 miles. Total length with other required trails 20.1 miles. Time: It's a long day if all goes well, but very long if you have a breakdown. High point: 5,268 ft. Best time: March through Nov.

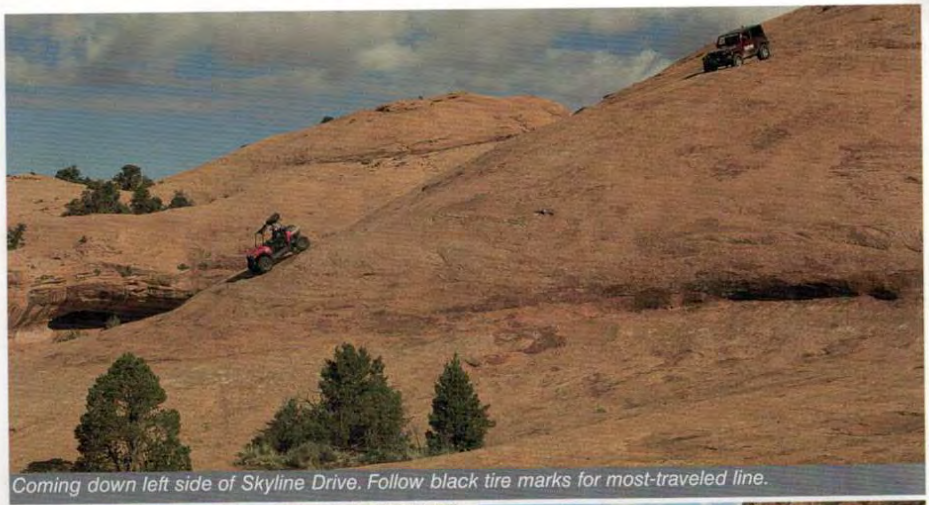
Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: Follow directions to Poison Spider, Trail #28. Then continue on Poison Spider another 5 miles, following directions to Golden Spike.

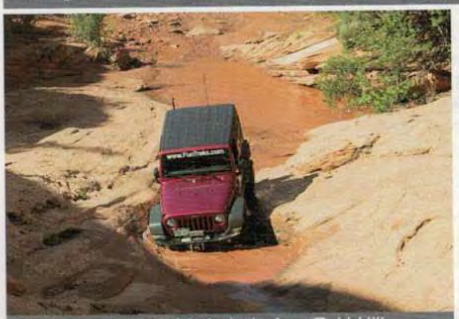
90

Scans of the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells, 3rd Edition (2016)

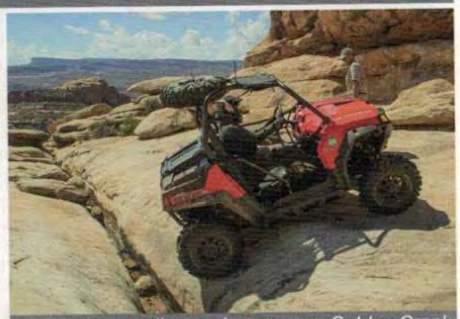
Exhibit B.5



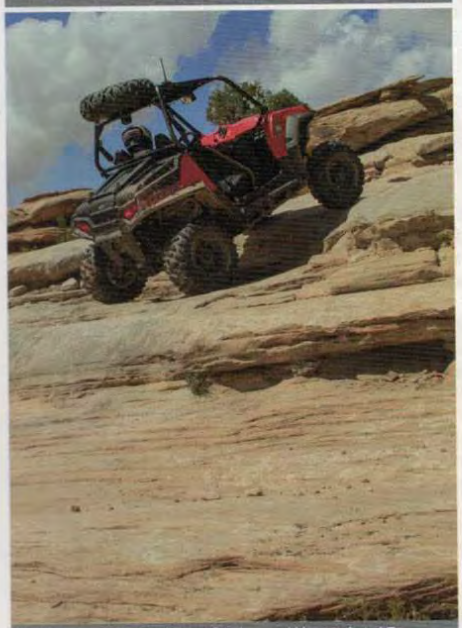
Coming down left side of Skyline Drive. Follow black tire marks for most-traveled line.



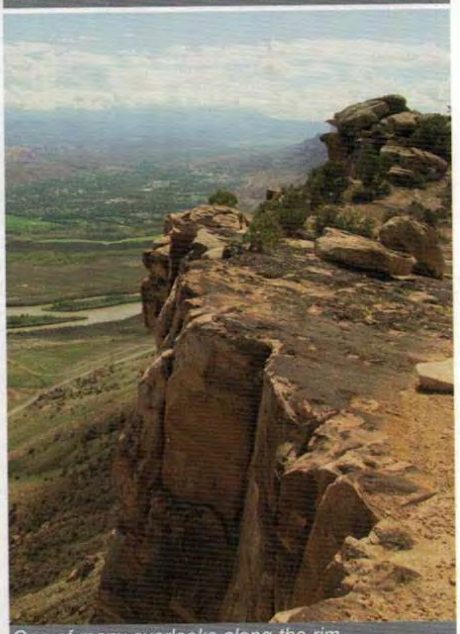
Heavy rains filled this hole before Zuki Hill.



RZR took same line as Jeep across Golden Crack.



Going up the Golden Stairs at Waypoint 15.



One of many overlooks along the rim.

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles]
WAYPOINT 01 TO 08
Follow brown GS signs, white dashes and black tire marks downhill in northwest direction along slickrock fin. [3.5]
01 N38 33.722 W109 35.782

0.2 Drop off fin. Trail twists through mix of red sand and slickrock. [3.3]

0.4 Trail returns to slickrock and continues uphill. [3.1]

0.9 Launch Pad. You'll drop steeply downhill then shoot up very steeply. (If you are with a group, wait for hill to clear before starting up.) [2.6]
02 N38 34.240 W109 36.340

1.1 Trail turns to the right and drops very steeply downhill. (Get out of vehicle and look at hill before starting down.) [2.4]

1.4 Bottom of Skyline Drive. Stay right to go up it, left to bypass. (East here connects to north end of Poison Spider Loop.) [2.1]
03 N38 34.587 W109 36.330

1.6 After going up and coming back down Skyline Drive, you'll turn right downhill. [1.9]

1.7 Drop down ledge and continue straight. (Left goes to main entrance to Where Eagles Dare, Trail #30.) [1.8]
04 N38 34.701 W109 36.408

1.8 Drop down steeper ledge and follow sandy road around to right into narrow canyon. [1.7]

2.0 Exit narrowest part of canyon to right. Cross or bypass big hole that can sometimes be filled with water and climb up tricky ledge. [1.5]

2.1 Follow trail around to left and climb difficult black-marked ledge called Zuki Hill, then continue uphill on slickrock as valley widens. [1.4]

2.3 Trail turns left slightly and drops downhill off slickrock. Stay right and continue north on sandy road. (Left is another way into Trail #30.) [1.2]
05 N38 35.105 W109 36.362

2.5 Cross sandy wash with trees and follow red slickrock road uphill. [1.0]

2.6 At top of hill, trail turns sharply left and drops steeply downhill into narrow canyon. Turn right in canyon bottom. [0.9]

2.6 In another 175 feet, trail forks in canyon bottom. Stay right. [0.9]
06 N38 35.292 W109 36.451

2.8 At top of hill, continue straight, then follow trail as it curves to right and begins long climb. (Road on left is an exit point for Trail #30.) [0.7]
07 N38 35.452 W109 36.520

3.5 Arrive at T intersection. Trail continues downhill to left. But before continuing, turn right to outstanding overlook, then return to Waypoint 08. [0.0]
08 N38 35.916 W109 36.549

0.0 Zero trip odometer at Wpt. 08
WAYPOINT 08 TO END
Follow winding trail downhill over very difficult terrain. [3.2]

0.3 Stay right. Northernmost entrance (or exit) to Trail #30 is on the left. [2.9]
09 N38 35.877 W109 36.822

0.8 Trail skirts edge of cliff again. [2.4]

0.9 Very tricky dropoff. Stack rocks if necessary. [2.3]
10 N38 36.252 W109 36.984

1.0 Great views at cliff edge. Trail meanders downhill away from cliff, then back uphill several times. [2.2]

1.8 Big ledge is easier if you stay to left. [1.4]
11 N38 36.523 W109 37.700

2.1 Trail turns downhill away from cliff and heads southwest across large expanse of barren slickrock. Follow marks. [1.1]
12 N38 36.612 W109 37.942

2.3 Cross the Golden Crack, a true test of your vehicle's articulation. (On weekends, traffic often backs up here. Many people stop to watch the action.) Stay right and wind through a low spot, then bear left up a big ledge. [0.9]
13 N38 36.515 W109 38.141

2.5 Look for a large white "T" painted on the slickrock. There's also a standing cross atop a rock.
14 N38 36.515 W109 38.239

This is where Rusty Nail, Trail #27, joins on left. Stay right passing between rock outcrops, then trail curves right and drops down to another level of slickrock. Follow tire tracks as trail curves left then right again. [0.7]

2.7 Climb the Golden Stairs. This obstacle requires the right mix of power and finesse to avoid a rollover. Bear left at top of obstacle. [0.5]
15 N38 36.588 W109 38.443

2.8 Bear right down steep ledges and stay right at bottom. Follow tire tracks uphill. [0.4]

2.9 Steep, triple-step ledge. *(Note to ATV riders: In 2005, while riding trails for my Moab ATV Guide, I flipped over backwards here on my ATV and landed on my head and shoulder. I suffered a Class III shoulder separation, but because I was wearing a helmet, had no head injury.)* [0.3]

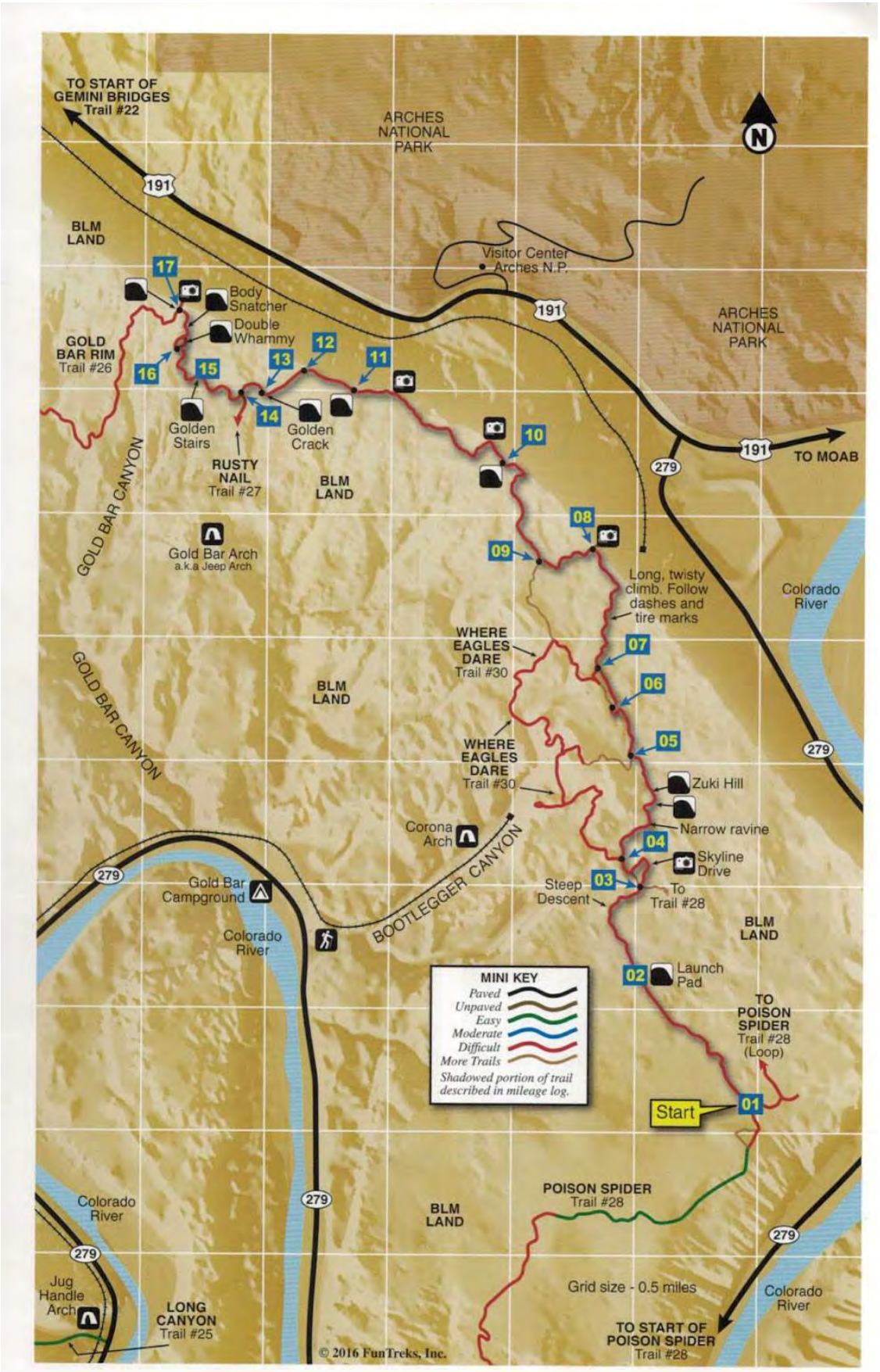
3.0 Trail climbs and curves left between rock outcrops then drops downhill. Right at this point goes up very difficult Double Whammy.
16 N38 36.681 W109 38.553

Main trail continues straight about 100 feet, then curves right and winds uphill in a northeast direction. Follow black tire marks. [0.2]

3.1 Pass through narrow Body Snatcher on left and continue uphill. [0.1]

3.2 Drop down big ledge at top of hill. This is the end of Golden Spike and the start of Gold Bar Rim. After this ledge, you can turn right uphill to enjoy yet another great overlook. [0.0]
17 N38 36.844 W109 38.532

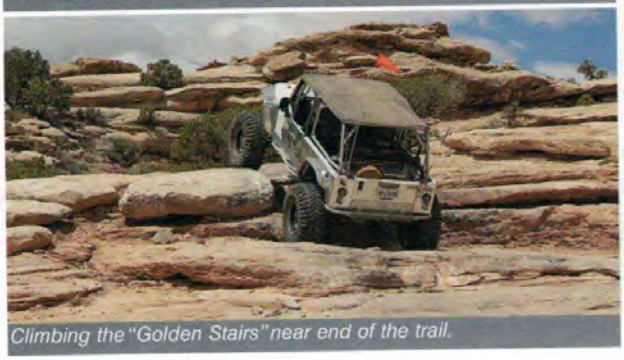
To exit, follow reverse mileage directions for Gold Bar Rim, Trail #26, or use the directions for this part of Rusty Nail, Trail #27.


TO START OF GEMINI BRIDGES Trail #22
ARCHES NATIONAL PARK
191
BLM LAND
Visitor Center Arches N.P.
Body Snatcher
Double Whammy
GOLD BAR RIM Trail #26
Golden Stairs
Golden Crack
RUSTY NAIL Trail #27
GOLD BAR CANYON
Gold Bar Arch a.k.a Jeep Arch
279
TO MOAB
Long, twisty climb. Follow dashes and tire marks
Colorado River
WHERE EAGLES DARE Trail #30
Zuki Hill
Narrow ravine
Skyline Drive
Steep Descent
To Trail #28
Corona Arch
BOOTLEGGER CANYON
Gold Bar Campground
Launch Pad
TO POISON SPIDER Trail #28 (Loop)
MINI KEY
Paved
Unpaved
Easy
Moderate
Difficult
More Trails
Shadowed portion of trail described in mileage log.
Start
POISON SPIDER Trail #28
Jug Handle Arch
LONG CANYON Trail #25
Grid size - 0.5 miles
TO START OF POISON SPIDER Trail #28
© 2016 FunTreks, Inc.

33 Golden Spike

AREA 2 map on page 78

The "Golden Crack" is extra difficult for short-wheel-based vehicles.



Climbing the "Golden Stairs" near end of the trail.

"Launch Pad" at Waypoint 02.

Overview: One of Moab's longest and most popular trails, with nonstop obstacles and many stunning overlooks. Its length comes from the fact that, to complete the trail, you must drive half of *Poison Spider Mesa*, all of *Gold Bar Rim*, and part of *Gemini Bridges*. Because breakdowns are common, it's not unusual for people to finish well after dark. Therefore, it is recommended that you start early and travel with other vehicles that can help. Allow extra time on weekends when traffic is heavier. If your only interest is to drive the "Golden Crack", save time by entering from the north end. The trail is extremely difficult for riders of ATVs.

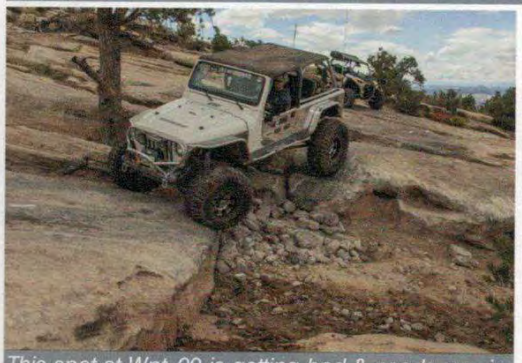
Rating: Difficult. Modified vehicles with very high ground clearance, big tires, body armor, and lockers both ends. Articulation is severely tested. This trail takes a heavy toll on vehicles if they are not properly equipped. Pack plenty of water and food. A breakdown in the summer for someone unprepared can be life threatening.

Stats: Length: *Golden Spike* by itself is just 6.7 miles. Total length with other required trails over 20 miles. Time: It's a long day if all goes well, but very long if you have a breakdown. High point: 5,268 ft. Best time: March through Nov.

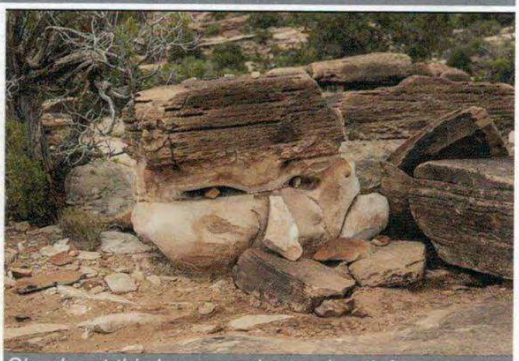
Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: Follow directions to *Poison Spider Mesa*, trail #32. Then continue on Trail #32 another 5 miles, following directions to *Golden Spike*.

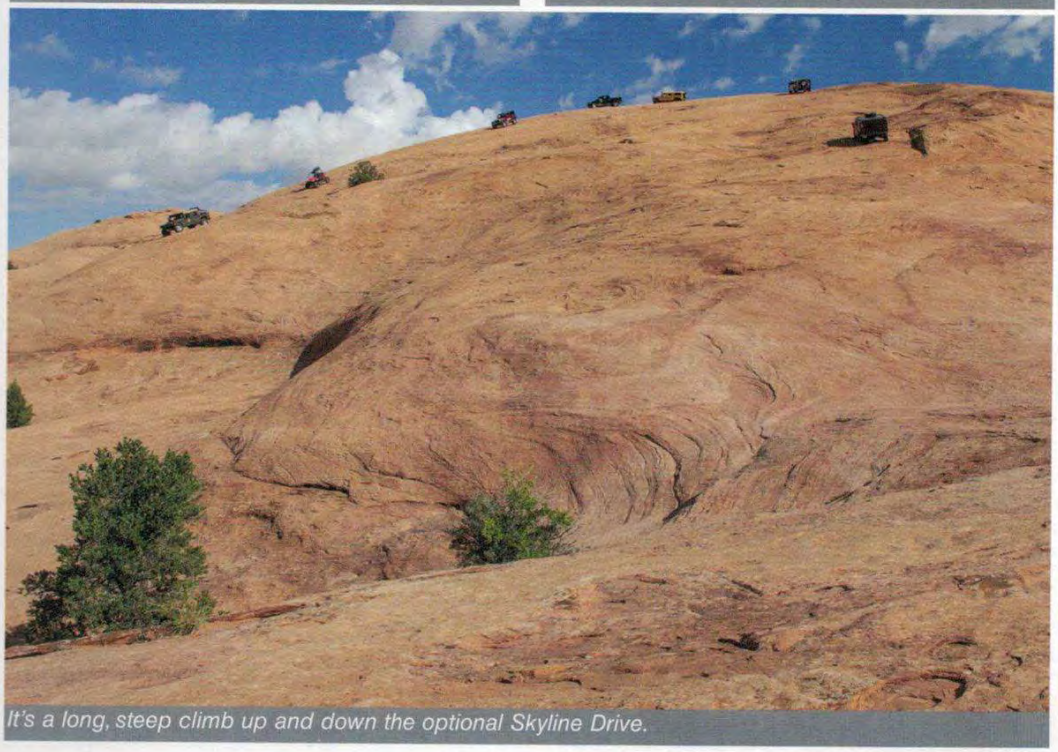
There are many dramatic overlooks like this along the trail. Be careful along the cliff edges.



This spot at Wpt. 09 is getting bad & needs repair.



Check out this human-enhanced rock face.



It's a long, steep climb up and down the optional Skyline Drive.

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles]
WAYPOINT 01 TO 07
Follow brown GS signs, white dashes, and black tire marks downhill in northwest direction along slickrock fin. [3.5]
01 N38 33.722 W109 35.785

0.2 Drop off fin. Trail twists through mix of red sand and slickrock. [3.3]

0.4 Trail returns to slickrock and continues uphill. [3.1]

0.9 "Launch Pad." You'll drop steeply downhill, then shoot up very steeply. (Stay on the trail following white dashes; routes are well-defined so you do not go off trail.) [2.6]
02 N38 34.240 W109 36.340

1.0 Two times the trail will turn to the right and drop very steeply downhill. (Get out and look before starting down.) [2.5]

1.4 Stay left where Poison Spider Loop connects on the right. Then stay right to go up Skyline Drive, left to bypass. [2.1]
03 N38 34.584 W109 36.327

1.6 After going up and coming back down Skyline Drive, you'll turn right downhill. [1.9]

1.7 Continue straight. (Left goes to main entrance to Where Eagles Dare, trail #36.) [1.8]
04 N38 34.696 W109 36.407

1.8 Drop down large ledge and follow sandy road around to right into narrow canyon. [1.7]

2.0 Exit narrowest part of canyon to right. Cross or bypass big hole that can sometimes be filled with water and climb up tricky ledge. [1.5]

2.1 Follow trail around to left and climb difficult black-marked ledge called Zuki Hill, then continue uphill on slickrock as valley widens. [1.4]

2.3 Trail turns left slightly and drops downhill off slickrock. Stay right and continue north on sandy road. (Left is another way into trail #36.) [1.2]
05 N38 35.104 W109 36.359

2.5 Cross sandy wash with trees and follow red slickrock road uphill. [1.0]

2.7 At top of hill, trail turns sharp left and drops downhill. Turn sharp right in canyon bottom. [0.8]

2.75 In another 175 feet, trail forks in canyon bottom. Stay right. (Where Eagles Dare, trail #36, exit is on left.) [0.75]
06 N38 35.293 W109 36.452

2.8 As you climb, continue straight, then follow trail as it curves to right. Then continue a long climb. (Road on left connects to trail #36.) [0.7]

3.5 Arrive at "T" intersection. Trail continues downhill to left. But before continuing, turn right to outstanding overlook, then return to Waypoint 07. [0.0]
07 N38 35.918 W109 36.550

0.0 Zero trip odometer at Wpt. 07
WAYPOINT 07 TO END
Follow winding trail downhill over very difficult terrain. [3.2]

0.3 Stay right. Northernmost entrance (or exit) to trail #36 is on the left. [2.9]
08 N38 35.873 W109 36.817

0.8 Trail skirts edge of cliff again. [2.4]

0.9 Very tricky dropoff. Stack rocks if necessary. [2.3]
09 N38 36.244 W109 36.984

1.0 Great views at cliff edge. Trail meanders downhill away from cliff, then back uphill several times. [2.2]

1.8 Big ledge is easier if you stay to left. [1.4]
10 N38 36.533 W109 37.705

2.1 Trail turns downhill away from cliff and heads southwest across large expanse of barren slickrock. Follow marks. [1.1]
11 N38 36.611 W109 37.942

2.3 Cross the "Golden Crack," an extreme test of your vehicle's articulation. (On weekends, traffic often backs up here. Many people stop to watch the action.) Stay right and wind through a low spot, then bear left up a big ledge. [0.9]
12 N38 36.515 W109 38.141

2.5 Look for a large white "T" painted on the slickrock. There's also a standing cross atop a rock. (This is where Rusty Nail, trail #35, joins on left.) Stay right passing between rock outcrops, then trail curves right and drops down to another level of slickrock. Follow tire tracks as trail curves left then right again. [0.7]
13 N38 36.515 W109 38.239

2.7 Climb the "Golden Stairs." This obstacle requires the right mix of power and finesse to avoid a rollover. Bear left at top of obstacle. [0.5]
14 N38 36.588 W109 38.443

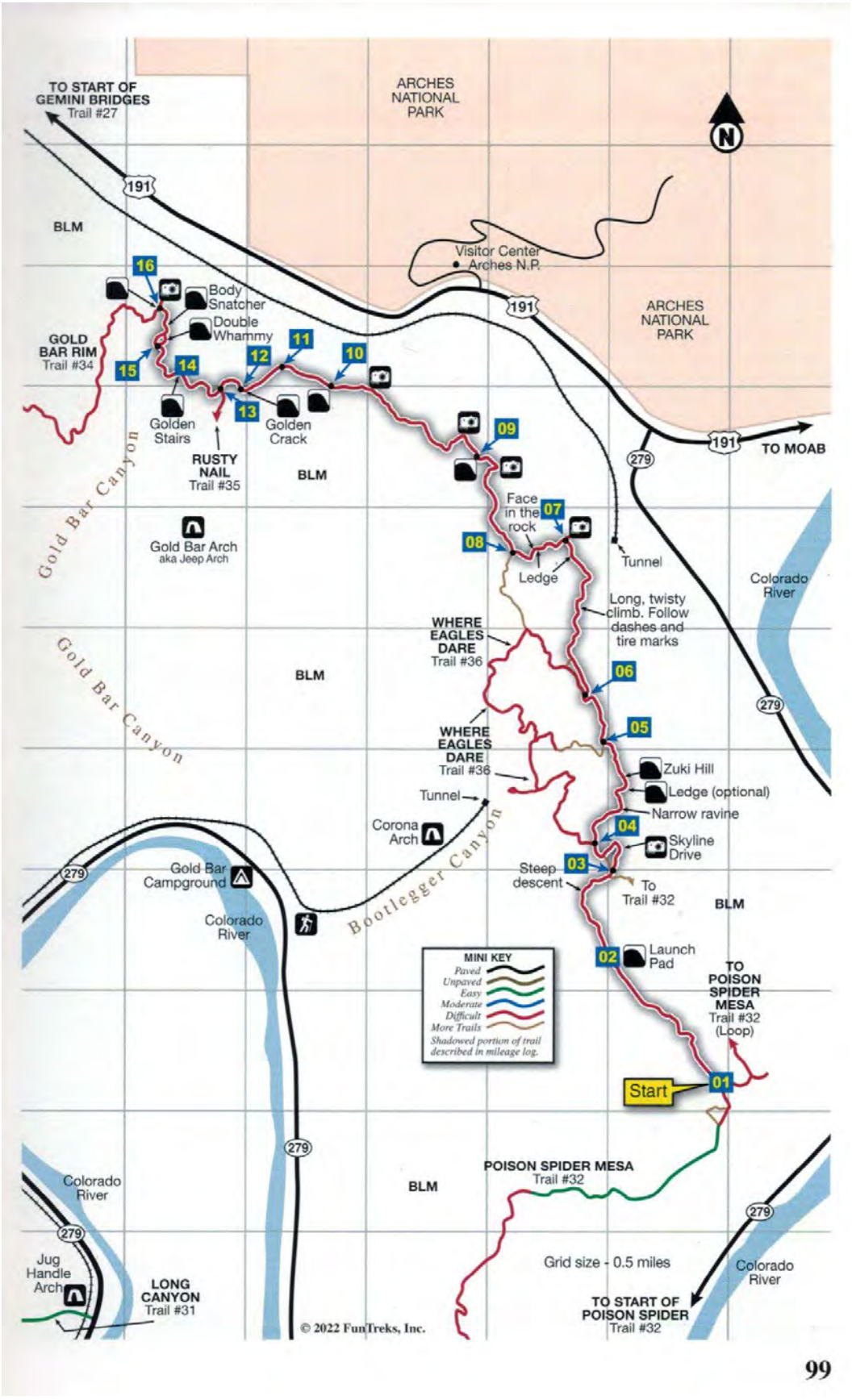
2.8 Bear right down steep ledges and stay right at bottom. Follow tire tracks uphill. [0.4]

2.9 Steep, triple-step ledge. *(Note to ATV riders: In 2005, while riding trails for Moab ATV guide, the author flipped over backward here on an ATV and landed on his head and shoulder. He suffered a Class III shoulder separation, but he had no head injury because he wore a helmet.)* [0.3]

3.0 Trail climbs and curves left between rock outcrops then drops downhill. Right at this point goes up very difficult "Double Whammy."
15 N38 36.681 W109 38.553
Main trail continues straight about 100 feet, then curves right and winds uphill in a northeast direction. Follow black tire marks. [0.2]

3.1 Pass through narrow "Body Snatcher" on left and continue uphill. [0.1]

3.2 Drop down big ledge at top of hill. This is the end of Golden Spike and the start of Gold Bar Rim. After this ledge, you can turn right uphill to enjoy yet another great overlook. [0.0]
16 N38 36.844 W109 38.532
To exit, follow reverse mileage directions for Gold Bar Rim, trail #34, or use the directions for this part of Rusty Nail, trail #35.


TO START OF GEMINI BRIDGES Trail #27
ARCHES NATIONAL PARK
191
BLM
Visitor Center Arches N.P.
ARCHES NATIONAL PARK
GOLD BAR RIM Trail #34
Body Snatcher
Double Whammy
Golden Stairs
RUSTY NAIL Trail #35
Golden Crack
BLM
Gold Bar Canyon
Gold Bar Arch aka Jeep Arch
279
TO MOAB
Face in the rock
Tunnel
Ledge
Colorado River
Long, twisty climb. Follow dashes and tire marks
WHERE EAGLES DARE Trail #36
Gold Bar Canyon
BLM
Zuki Hill
Ledge (optional)
Narrow ravine
Tunnel
Corona Arch
Skyline Drive
Gold Bar Campground
Steep descent
To Trail #32
BLM
Colorado River
Bootlegger Canyon
MINI KEY
Paved
Unpaved
Easy
Moderate
Difficult
More Trails
Shadowed portion of trail described in mileage log.
Launch Pad
TO POISON SPIDER MESA Trail #32 (Loop)
Start
POISON SPIDER MESA Trail #32
Colorado River
BLM
Grid size - 0.5 miles
Jug Handle Arch
LONG CANYON Trail #31
© 2022 FunTreks, Inc.
TO START OF POISON SPIDER Trail #32
99

The Golden Spike Jeep Trail is by far one of the most popular and heavily used off-road trails in Moab. It is a Jeep Badge of Honor trail and is one of the most iconic Easter Jeep Safari routes, on par with Hell's Revenge. It is the critical middle segment of the famous "Moab Trifecta," which refers to the combination of the first part of the Poison Spider trail, Golden Spike, and Gold Bar Rim. The term "trifecta" is usually used by visitors, while Moab locals simply call that whole route "Golden Spike," since the route used for Easter Jeep Safari trail runs includes all three trails.

Unlike many of the other Easter Jeep Safari routes which use old mineral exploration roads, Golden Spike was specifically developed as a Jeep trail for use during Easter Jeep Safari. The Red Rock 4-Wheelers website gives the following description of this route:

Golden Spike

The connection between Poison Spider Mesa and Gold Bar Rim was first developed as a jeep trail during the 1989 Jeep Safari. Some folks seem so fond of damaging their equipment that we have made it available most days.

Much of the route is near the rim above Moab Valley and offers views in all directions. Its main claim to fame, however, is that some bypasses (where they exist!) still rate a 6. Approximate mileage: 7 miles off highway (See Poison Spider Mesa Trail and Gold Bar Rim Trail to figure total mileage.

Scenery

Most of the trail is just atop the sloping layer of Wingate Sandstone and offers vistas to the west and north. Of note are the Colorado River canyon in the vicinity of Amasa Back, the fin country of the north end of Behind the Rocks, and Jeep Arch. The higher north end of the trail opens vistas in all directions. Especially rewarding are the breath-stopping peeks over the cliff rim toward Arches National Park. (Warning! The cliff rim here overhangs in places; the last rockfall was only a few years ago!)

Surface

The easy parts are layered broken rock and dirt, while the challenges are solid rock ledges. There is some slickrock, but it is those short, vertical sections that favor tall tires and locking differentials.

Trail Details

After passing the Poison Spider Mesa obstacles, there is some easy slickrock driving on fins. The first obstacle is the steep uphill of the "Launching Pad". After this they keep on coming: "Skyline Drive", "Zuki Hill", "Golden Crack", "Golden Steps", "The Wall", "Double Whammy" and the "Body Snatcher". Bring the best of equipment; the tow truck can't make it.

Golden Spike was developed specifically for motorized recreation in 1989 and has long been featured in published guidebooks such as the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells. Scans from the 3rd edition are included above, and this route is also featured in the 4th edition which came out in 2022. It is also a featured route on TrailsOffroad.com.

While we are glad to see that all of Golden Spike is proposed to remain open under alternative C, we adamantly oppose the proposed closure of the northern half of this route in alternative B, which would close **D1579B** and **D1579C**. These two route segments include many of the most iconic sections of Golden Spike, including the world-famous "Golden Crack" obstacle. The closure of most of Golden Spike and Goldbar Rim, plus all of Rusty Nail and part of Where Eagles Dare, would utterly destroy the motorized recreational experience on Gold Bar Mesa and would ruin one of the most iconic Easter Jeep Safari trails that people come from over North America to drive.

While we realize the BLM is only considering closing Golden Spike in alternative B because Grand County requested it, we sincerely hope the BLM is not giving serious consideration to this proposed closure. While Grand County requested this closure in the name of achieving "balance" between motorized recreation and non-motorized recreation, there is nothing balanced about closing one of the most iconic motorized routes in the country just so mountain bikers can have exclusive access to most of Gold Bar Mesa. Closing any of the routes in the Moab Trifecta would be equivalent to closing the Whole Enchilada bike trail in order to give hikers exclusive use of it. There is no justification for such blatant favoritism between user groups, and allowing mountain bikers to effectively steal a route that was created specifically for motorized recreation would dramatically increase user conflicts around Moab rather than decrease them.

While we do not believe the BLM actually intends to close Golden Spike, we are highly concerned that the BLM's maps and GIS data contain a serious mapping error regarding this route. The map data for all alternatives is completely missing the iconic optional loop off D1577 known as Skyline Drive, which climbs to the top of a dramatic slickrock dome before descending back down a steep slickrock slope back to the main Golden Spike trail. Skyline Drive has always been part of the official Easter Jeep Safari route and is included in the route described in both recent editions of the Funtreks guidebook. I drove it during the official Easter Jeep Safari trail run of Golden Spike and Where Eagles Dare in April 2022. It is also signed on the ground as an official section of the Golden Spike trail. A map showing Skyline Drive created using GaiaGPS is shown to the right. It is also mapped in Google Maps and you can clearly see the black tire marks on the slickrock in the satellite imagery in Google Maps' 3D view, shown below.

Skyline Drive is most certainly managed as an authorized route on the ground, and yet it is completely absent from the BLM's route inventory for this travel planning process, and is also not included in the current BLM travel maps for the area, last updated in 2017. We are uncertain how this discrepancy arose and how Skyline Drive ended up being omitted from the BLM's route inventory, but this mapping error absolutely must be corrected. The loss of Skyline Drive due to an inadvertent mapping error would be devastating to the off-road community, and is something the BLM has a responsibility to prevent.

The omission of Skyline Drive from the BLM's route maps is something that should have been prevented by the pre-NEPA engagement process required by the 2017 Settlement Agreement. The Agreement specifically required a pre-NEPA engagement with the public once preliminary route inventories were finalized. This did not happen and basic mapping problems persist throughout the NEPA process. The omission of Skyline Drive is only one such example. The Settlement Agreement required additional public input efforts to avoid more problems with bad data but the public remains in this situation again. We believe the BLM's failure to conduct pre-NEPA engagement with off-road clubs to verify the accuracy of its route data constitutes a violation of the 2017 Settlement Agreement, and is a situation the BLM is legally required to correct.

Should the BLM try to claim that Skyline Drive is in fact an unauthorized route, I have included several photos of the route below, including photos from the 2022 Easter Jeep Safari and photos of official signage on the ground. We strongly urge the BLM to correct this mapping error and to keep all of Golden Spike, including Skyline Drive, open in the final travel plan. A KML file with the correct GIS data for Skyline Drive is attached to this comment.

Photo from TrailsOffroad.com showing official Skyline Drive sign

Jeeps going up Skyline Drive during the 2022 Easter Jeep Safari

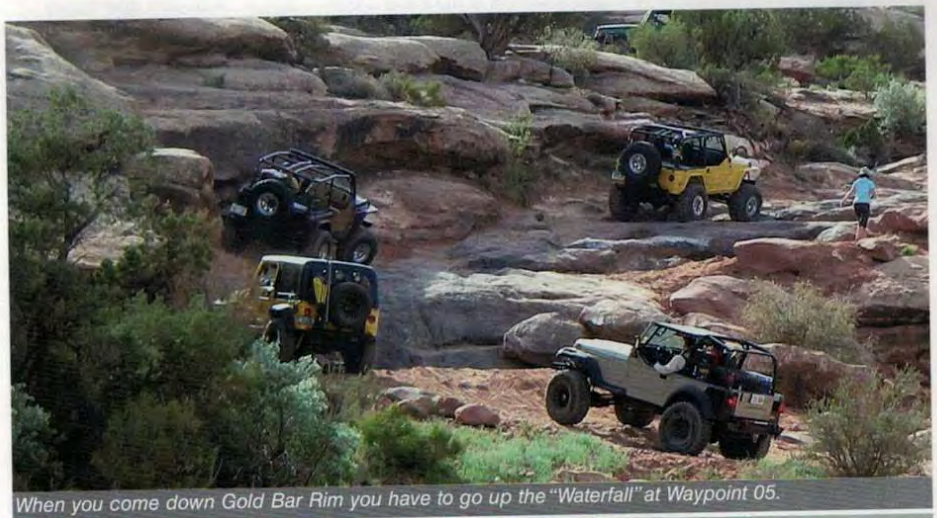
Flag at the top of Skyline Drive

The descent back down Skyline Drive to the main part of Golden Spike

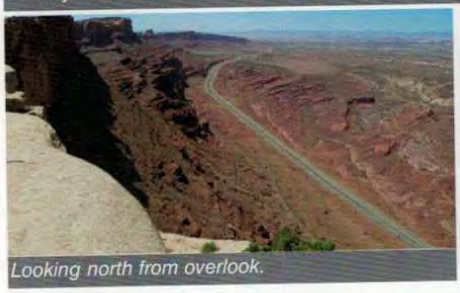
- ***Gold Bar Rim (D1595, D1579C, D1579D)***

26 Gold Bar Rim

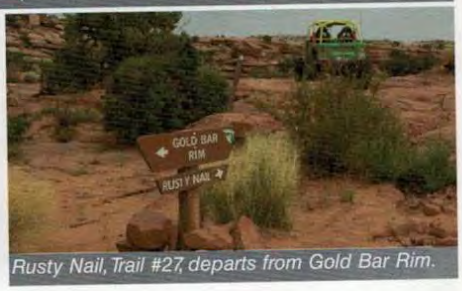
AREA 2 map on page 70



When you come down Gold Bar Rim you have to go up the "Waterfall" at Waypoint 05.



Looking north from overlook.



Rusty Nail, Trail #27, departs from Gold Bar Rim.

Overview: Many people just think of this trail as the exit route for Golden Spike, but Gold Bar Rim is really a memorable 4x4 trail by itself. The route is completely different going up than coming down and short enough to do both ways in a half day. Around every turn there's a surprising view and the final overlook is dizzying. Fun for UTVs but extremely difficult for ATVs.

Rating: Difficult. Several very large ledges, including the monumental *Waterfall*. Oddly, you go down this obstacle driving up the trail and up it when you come back down. If you don't have a winch, make sure you have a friend who can throw you a strap.

Minimum vehicle modifications should include 3" lift, 33" tires and a rear locker. Not for stock SUVs.

Stats: Length: One way is just 3.6 miles. Time: 1 to 1½ hours each way with capable vehicle. Add time to drive first part of Gemini Bridges Road. High point: 5,420 ft. at the overlook. Best time: March through November.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: Follow directions for Gemini Bridges, Trail #22. After 4.8 miles, just before you turn right uphill, bear left at sign for Gold Bar Rim.

Scans of the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells, 3rd Edition (2016)

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles] Follow sandy, twisting road east then south. [3.6]
01 N38 36.008 W109 40.409

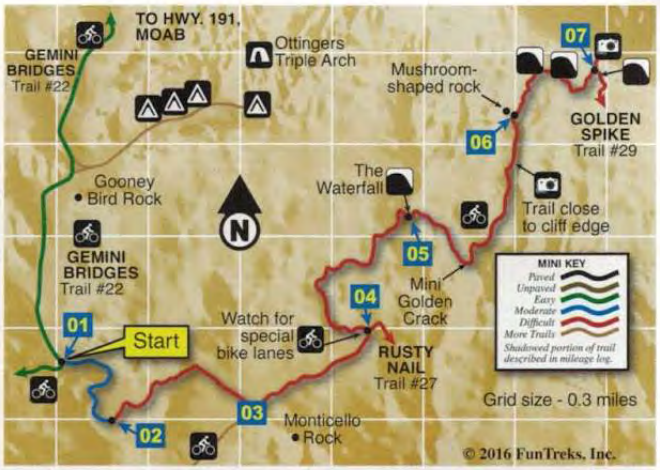
0.5 Wide spot before rocky hill is good place to air down. Continue uphill to left following white dashes and black tire marks. [3.1]
02 N38 35.833 W109 40.228

1.0 Turn left at "T" intersection as you head toward distinctive Monticello Rock. (Right is Little Canyon Bike Trail.) [2.6]
03 N38 35.873 W109 39.752

1.5 Stay left. Extreme Rusty Nail, Trail #27, goes right here. Watch for bikers in special bike lanes. [2.1]
04 N38 36.098 W109 39.342

2.3 Drop down steep black wall called the "Waterfall." Think about whether you can get back up on return trip. You may need to winch. [1.3]
05 N38 36.426 W109 39.183

2.6 Cross large crack in slickrock. It's a miniature version of the Golden Crack on Trail #29. [1.0]

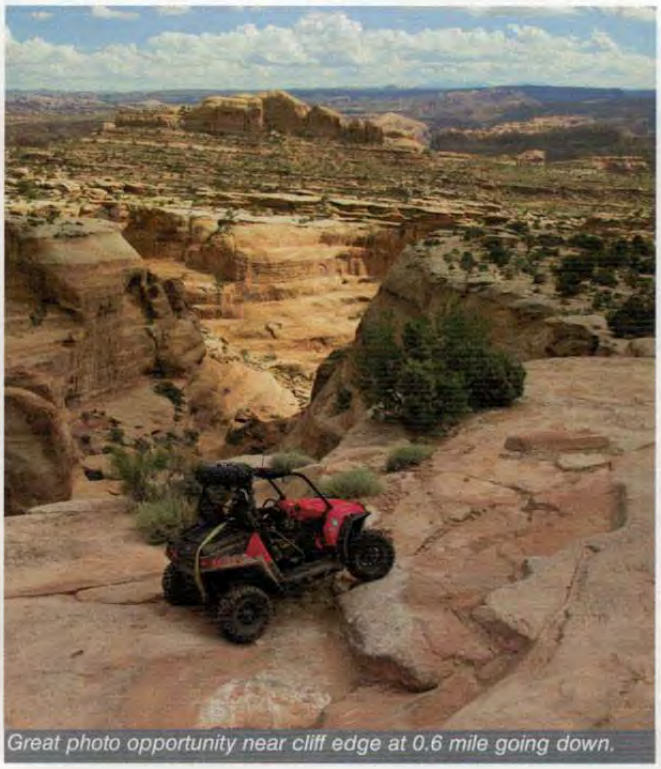


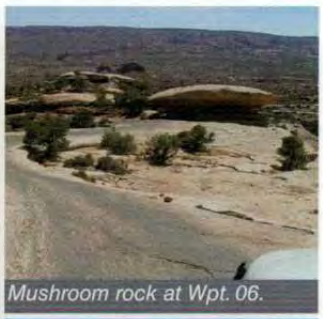
3.0 Trail skirts cliff edge. (Great photo when shot from above atop large rock on left.) [0.6]

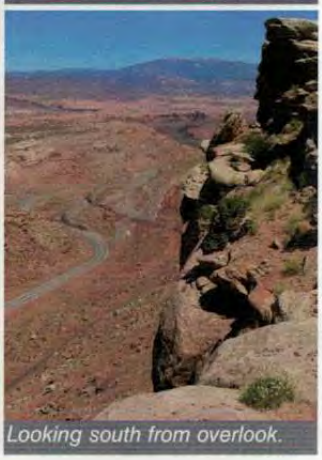
3.2 Trail turns slightly right as it passes large mushroom-shaped rock on left. Just ahead you'll climb some big ledges. [0.4]
06 N38 36.720 W109 38.820

3.6 Ledge on right begins Golden Spike, Trail #29. Marked with white spray paint. Gold Bar continues straight uphill and ends at a turnaround. Short walk from there to cliff edge with fantastic view. [0.0]
07 N38 36.849 W109 38.536

Return the way you came, or continue on to Golden Spike. Note that most people drive Golden Spike in the opposite direction from south to north, although either way is allowed.


Great photo opportunity near cliff edge at 0.6 mile going down.


Mushroom rock at Wpt. 06.


Looking south from overlook.

Gold Bar Rim is the end segment of the Moab Trifecta described above, and is usually driven in conjunction with Golden Spike and Poison Spider. It includes a famous obstacle called the Waterfall as well as scenic views from Gold Bar Rim and the rim of Gold Bar Canyon. It is featured in both the 3rd and 4th editions of the Funtreks guidebook (scans from the 3rd edition included above), and is featured on TrailsOffroad.com. It is described on the Red Rock 4-Wheelers website as follows:

> **Gold Bar Rim**
>
> Gold Bar Rim is a cliff rim that stands about 1200 feet above Highway 191's path in Moab Canyon. Because the rocks behind the cliff slope downward to the southwest, the rim has a 360 vista. Gold Bar Canyon drains away from the rim into the Colorado River. The trail climbs the cliff in stages, first angling up to Little Canyon, then working its way across Gold Bar Canyon to follow the slope of the Wingate Sandstone layer up to the rim. Approximate mileages: 47 total, 25 off highway.
>
> *Scenery*
>
> The Gold Bar Rim vistas take in almost all of the local country, including Moab and its valleys, the La Sal Mountains, the Book Cliffs, and parts of the Colorado River canyon.
>
> *Surface*
>
> Most of the miles are typical of our trails, sand punctuated by some surface rocks. There is quite a bit of slickrock near Gold Bar Rim, a little blow sand in Bull Canyon and Little Canyon bottom, and some rocky wash bottom in Bull Canyon.
>
> *Trail Details*
>
> The scenic view from the rim has already been mentioned. The most difficult four wheeling is in crossing Gold Bar Canyon and then ascending to the rim. Some prefer to walk the last 100 feet to the rim rather than [risk] the sheetmetal damage that has befallen others on the last rocky step up. The obstacle that drives the trail rating is a big rock ledge on the return across Gold Bar Canyon. Dubbed "The Waterfall" many vehicles have required assistance to get up it on the way back.

While all of Gold Bar Rim is proposed to stay open in alternative C, most of it is proposed for closure in alternative B, which would close **D1597C**. We adamantly oppose this closure, which would be devastating for motorized recreation in Moab and would destroy one of the most iconic and famous Easter Jeep Safari trails. This route has extremely high value for motorized recreation, and no amount of environmental impacts could justify closing this route. Any impacts it does have should be mitigated through other management techniques. We strongly urge the BLM to keep this route open in the final travel plan as proposed in alternatives C and D.

- ***Where Eagles Dare (D1579, D1579B)***

30 Where Eagles Dare

AREA 2 map on page 70

Entrance is very tight. Stack rocks on driver's side.

Starting up the lower part of distinctively colored Phobia Hill.

Alternate route after Wpt. 02.

Overview: Incredibly steep slickrock climbs combined with breathtaking scenery. Unless you've hiked Bootlegger Canyon, this will be your first chance to see Corona Arch. Photos do not capture the steepness of the obstacle called *Where Eagles Dare*. Going up you must fully commit to completing the obstacle on the first pass. Backing down and braking hard must be avoided or risk an end-over-end flip. Never get sideways on any of these hills. Okay for UTVs, but dangerous for ATVs.

Rating: Difficult. Dangerously steep but the slickrock is very smooth. No big ledges or technical climbs after you get through the initial entry point, which is narrow with sharp rock projections. Take a few extra minutes to stack rocks on the left side to avoid body damage.

Stats: Length: Only 2.7 miles plus a bit more if you drive the obstacle *Where Eagles Dare*. Trail itself only takes an hour or two, but plan a full day factoring in your time on Poison Spider and Golden Spike. High point: 4,912 ft. Best time: March through November.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: Follow directions for Golden Spike, Trail #29. Right after Skyline Drive, you'll turn north and drop down a chute to another level of slickrock. Turn left at Eagles Dare sign.

94

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles] Head west along a rock wall. Turn right downhill around end of trees. [1.3]
01 N38 34.701 W109 36.408

0.1 As you approach alcove, stay left and head toward canyon entrance. Turn right into canyon. [1.2]
02 N38 34.716 W109 36.534

0.2 Stay left following white dashes. (Right is more difficult.) [1.1]

0.5 At top of hill, come down off fin and make a sharp left downhill to west. [0.8]

0.7 Continue west to overlook at faint intersection. [0.6]
03 N38 34.918 W109 36.684

0.9 Enjoy overlook then return to Wpt. 03. [0.4]

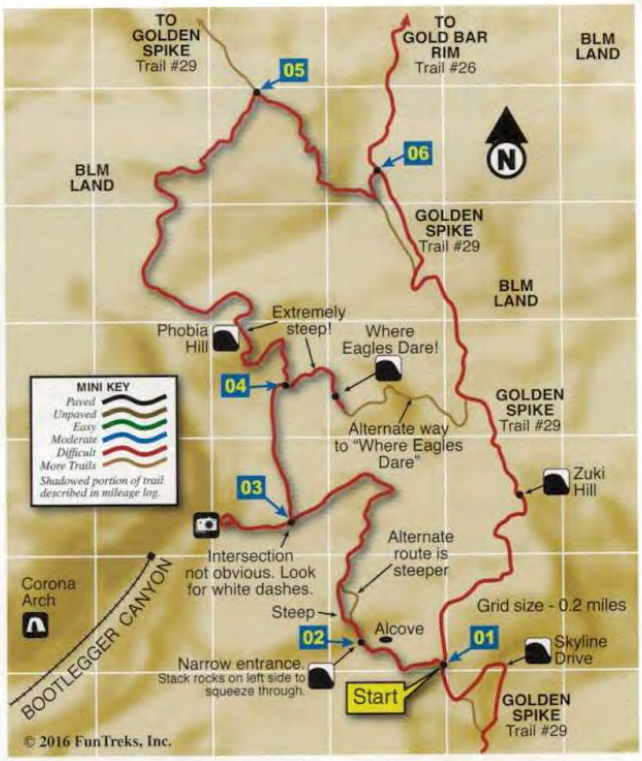
1.0 At Wpt. 03, turn north and climb long stretch of marked slickrock. [0.3]

1.3 At top, curve right briefly downhill facing east. East up steep climb goes to "Where Eagles Dare" obstacle on the other side of hill (optional). Left goes to Phobia Hill. [0.0]
04 N38 35.127 W109 36.698

0.0 Zero trip odometer at Wpt. 04 Head north from Waypoint 04 on sandy road. [1.4]

0.1 Make hard left onto slickrock and follow marks up and down very steep Phobia Hill. [1.3]

0.5 Brief stretch of 2-track gravelly road. [0.9]

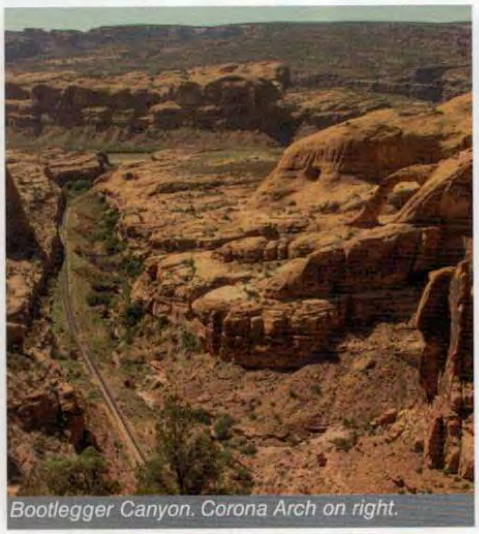


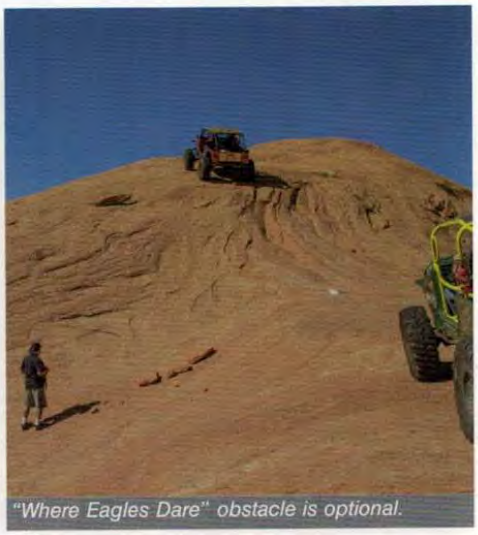
1.0 Make a hard right turn onto narrow, twisty, downhill road. (Left exits north to Golden Spike.) [0.4]
05 N38 35.565 W109 36.750

1.2 Drop down to slickrock ledge and bear right downhill. At bottom, stay left following road. [0.2]

1.3 Turn hard left across clearing and climb to Golden Spike. [0.1]

1.4 You've returned to Golden Spike, Trail #29. [0.0]
06 N38 35.450 W109 36.522
To exit, use directions for Golden Spike, starting from that trail's Wpt. 07. Right returns to start; left goes to Gold Bar Rim.


Bootlegger Canyon. Corona Arch on right.


"Where Eagles Dare" obstacle is optional.

Where Eagles Dare is another iconic Easter Jeep Safari trail on Gold Bar Mesa that is normally run in conjunction with Golden Spike. It forms a loop off Golden Spike to the west and is known for its thrilling slickrock climbs and descents, plus a highly scenic overlook of Bootlegger Canyon and Corona Arch. It is featured in both the 3rd and 4th editions of the Funtreks guidebook (scans of the 3rd edition included above) and is featured on TrailsOffroad.com. It is described on the Red Rock 4-Wheelers' website as follows:

> **Golden Spike, Where Eagles Dare**
>
> THis trail runs the complete Golden Spike trip, and adds the Where Eagles Dare loop for some fantastic slickrock dome ascents and descents. Please read the Golden Spike Trail description and view the pictures for more details on that trail. The Where Eagles Dare section demands a vehicle that is in good operating condition with brakes in tip top condition. The slickrock domes are tall and steep both going up and descending. The drops make those on Hell's Revenge pale by comparison.
>
> Due to extreme climbs and descents drivers are asked to bring excellent equipment that is mechanically sound in climbing and braking.
>
> *Scenery*
>
> Same as Golden Spike, but views of the railroad tracks heading to the potash Plant are added, as well as a good view of Corona Arch.
>
> *Surface*
>
> Same as Golden Spike
>
> *Trail Details*
>
> See the Golden Spike description to get an idea of what that trip is like. Where Eagles Dare adds a scenic slickrock roller coaster on extremely steep Navajo Sandstone. The trail circles up and down around a huge bowl, finally stopping at an overlook of Corona Arch and the railroad tracks in the gorge below. It then finds yet more steep climbs and descents to exit the bowl and rejoin the Golden Spike Trail at a different section than where it departed from it.

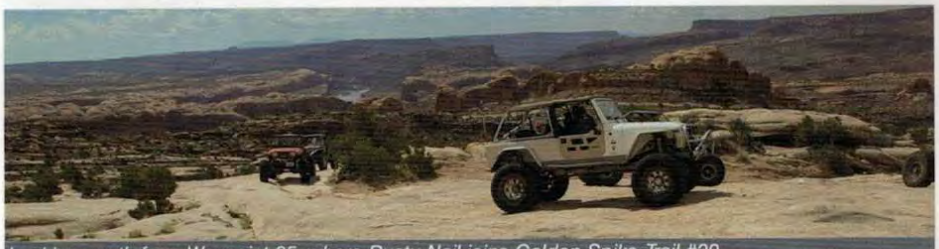
I participated in the 2022 EJS trail run on Where Eagles Dare and found it to be one of my favorite trails in Moab. The steep slickrock fins and domes are just as thrilling and scenic as those found on Hell's Revenge, and some are possibly even more extreme. The views of the surrounding area are amazing.

While the full Where Eagles Dare Trail is proposed to stay open in alternative C, alternative B would close the northern segment of the trail (D1597B) which connects back to Golden Spike. We adamantly oppose this closure, which would ruin one of the most iconic Jeep trails in Moab. Any environmental impacts on this trail (which are minimal because it is 90% slickrock) should be dealt with by other means than closure. We strongly urge the BLM to keep this full route open as proposed in alternatives C and D.

- ***Rusty Nail (D1592A, D1592B)***

27 Rusty Nail

AREA 2 map on page 70



Looking south from Waypoint 05, where Rusty Nail joins Golden Spike, Trail #29.

Maximum test of articulation on "No Left Turn."

Another dramatic view of "No Left Turn."

No bypass to "The Wall," just after Riff Raff.

Overview: Trail heads south from lower end of Gold Bar Rim, circles east, connects to last part of Golden Spike, then exits the entire length of Gold Bar Rim. Hardest part is between Wpts. 03 and 04. Prepare to be awed. Legal but insane for UTVs and ATVs.

Rating: Extremely difficult. For big rigs and rock buggies only. Photos tell the story. Thanks to *Moab Friends for Wheelin'* for giving us a ride.

Stats: Length: Rusty Nail by itself is just 1.9 miles. Entire route, returning to start is 7.8 miles. Time: 4 to 7 hours or more. High point: 5,401 ft. Best time: March through November.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: Follow directions for Gemini Bridges, Trail #22. Go 4.8 miles and bear left on marked Gold Bar Rim.

84

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles] Follow sandy, twisting road east then south. [6.3]
01 N38 36.008 W109 40.409

0.5 Wide spot before rocky hill is good place to air down. Continue uphill to left following white dashes and black tire marks. [5.8]

1.0 Turn left at "T" intersection as you head toward distinctive Monticello Rock. [5.3]

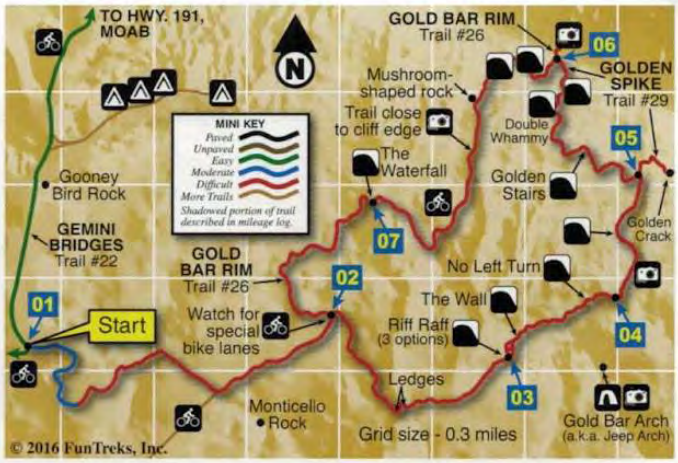
1.5 Turn right following sign to Rusty Nail. [4.8]
02 N38 36.098 W109 39.342

2.0 Drop down a ledge, follow trail left then right and climb a ledge. [4.3]

2.5 White fork painted on rock marks location of obstacle called Riff Raff. Big ledge on right is main route. Two other options to left are not much easier. Next obstacle is called "The Wall," no bypass. [3.8]
03 N38 35.990 W109 38.697

2.8 Nasty, twisting descent down "No Left Turn." [3.5]

2.9 Drop down to flat slickrock and curve left following dashes uphill. [3.4]
04 N38 36.154 W109 38.310



3.2 Careful. This ledge is harder than it looks. [3.1]

3.4 Turn left at painted white "T" on slickrock. Also look for standing cross on nearby rock. You are now on Golden Spike, Trail #29. (Directions for that trail are more detailed than what follows. [2.9]
05 N38 36.504 W109 38.236

3.7 Climb Golden Stairs and turn left at top. [2.6]

4.0 Two ways up. Canyon on right goes up harder "Double Whammy." [2.3]

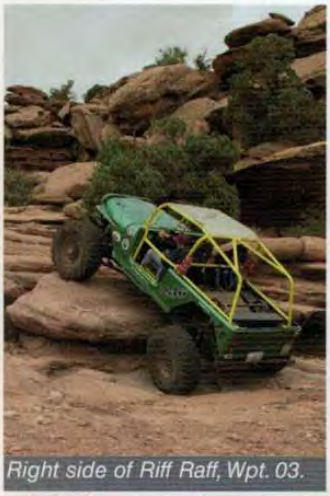
4.1 Narrow passage on left is "Body Snatcher." [2.2]

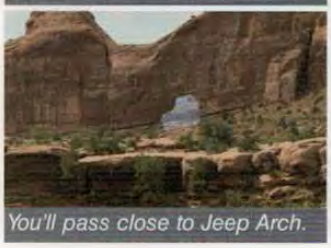
4.2 Drop down big ledge and bear left. You are now on Gold Bar Rim. Right is overlook. Follow black tire marks and white dashes downhill. [2.1]
06 N38 36.849 W109 38.536

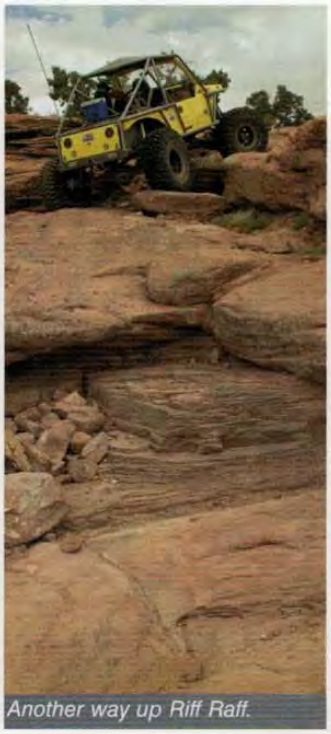
4.6 Stay left past mushroom-shaped rock. [1.7]

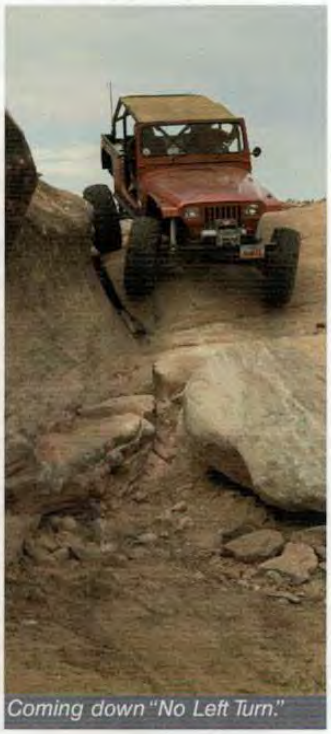
5.5 Climb "Waterfall," a big black ledge. [0.8]
07 N38 36.426 W109 39.183

6.3 Stay right past entrance to Rusty Nail (Wpt. 02). Watch for bikers. Return the way you came. [0.0]


Right side of Riff Raff, Wpt. 03.


You'll pass close to Jeep Arch.


Another way up Riff Raff.


Coming down "No Left Turn."

The Rusty Nail trail is a more difficult alternate route to the Goldbar Rim trail, often run as a loop with it. It is one of the few extreme difficulty level trails in Moab, and is only one of four trails with a difficulty level of 8 or higher run during Easter Jeep Safari. It is known for extremely difficult rock obstacles and is suitable only for modified rock crawlers and buggies. It is featured in both recent editions of the Funtreks guidebook (scans from the 3rd edition are included above) and TrailsOffroad.com. The Red Rock 4-Wheelers website describes it as follows:

> **Gold Bar Rim, Rusty Nail version**
>
> This trail is a short(1 mile) but tough segment that provides a shortcut to the Golden Crack area of the Golden Spike Trail. For the all out Yahoo Jeeper the trail is combined with the toughest part of the Golden Spike Trail, and the entire Gold Bar Rim Trail to provide a trip guaranteed to keep the adrenalin pumping and the 4WD equipment thoroughly tested. Approximate mileages: 47 total, 27 off highway.
>
> *Scenery*
>
> There are vast panoramic views of the Colorado River and the canyons and mesas that surround it. Jeep Arch can be seen, the top of the Gold Bar Rim provides views into Moab Valley and Arches National Park. The Gooney Bird Rock is passed twice.
>
> *Surface*
>
> There are a lot of ledges and off camber sections, climbs over boulders, and even a couple of smooth slickrock sections.
>
> *Trail Details*
>
> There are numerous ledges and tippy sections, but only two have earned names yet. "Riff Raff" is the first, encountered about halfway into the trail. It is a two section obstacle, the first being a large slab of rock that has an undercut that must be overcome to get up onto the slanty slab. The second part consists of a climb up numerous large rocks, again featuring undercuts, with sizeable holes between them. The second named obstacle is "No Left Turn". Obviously it features a hard right turn around a rock wall. Next it drops steeply down some slickrock to enter a narrow section that features a drop on the left and a wall to the right. A large boulder lies in the path, so the left tires must climb over it, all the while trying to avoid making contact between the vehicle's top and the wall. Once through the Rusty Nail the final Golden Spike obstacles await, as well as "The Waterfall" on the Gold Bar Rim Trail.

The Rusty Nail trail can also provide convenient hiking access to Jeep Arch. While I do not have a vehicle capable of driving the entire trail, I have driven the first few miles up to shortly before the first major obstacle, then hiked up the road a ways before finding a social trail which led to Jeep Arch. Hiking to the arch from Rusty Nail is much shorter than hiking to it from Potash Road, and is significantly less crowded.

Rusty Nail is an extremely valuable motorized route, and while we are glad it is proposed to remain open under alternative C, the entire trail would be closed in alternate B. This is utterly unacceptable to the motorized community. Closing this route would leave only three other Easter Jeep Safari routes (Cliffhanger, Pritchett Canyon, and Hell's Revenge - Escalator Version) suitable for heavily modified rock crawlers, plus the Coyote Canyon trail which is not used during EJS. User

displacement and concentration on these trails would inevitably lead to overcrowding and safety issues, which Rusty Nail alleviates by dispersing users across more trails.

While Rusty Nail is technically within the Goldbar/Corona Arch Hiking Focus Area, it does not conflict with it and in fact helps facilitate hiking access as described above. There are no significant user conflicts occurring on this trail, and even if there were, it would not justify closing a major EJS route and one of the few hard core rock crawling trails in Moab. Any environmental impacts or user conflicts must be mitigated through means other than closing one of the most valuable motorized routes in the area. We strongly oppose alternative B and urge the BLM to keep this route open as proposed in alternatives C and D.

- ***D1594 (Bride Canyon Overlook)***

D1594 is a one mile long spur off the Gold Bar Rim Jeep Safari trail that takes off just above the Waterfall obstacle and goes out to a viewpoint on the rim of Bride Canyon. Though it coincides with the Goldbar Rim mountain bike trail, it receives only light vehicle use and is not causing any significant levels of user conflict, as mountain bikers would be extremely unlikely to encounter vehicles on it. It does however receive at least some vehicle use, and the road surface is well-defined and clear of vegetation. This route is still a valuable motorized route as it accesses an obscure but still important scenic overlook of Bride Canyon.

While I have not been able to drive it myself, I walked a short distance up it during the Golden Spike trail ride I participated in during the 2022 Easter Jeep Safari. Below are a couple photos I took of the beginning of this route.

The beginning of D1594 at 38.607139, -109.653924

Further up D1594 at 38.607278, -109.654192

Route continues across slickrock at 38.607418, -109.654300

Based on what I saw of D1594, it was a well-defined and regularly, though infrequently used, two-track dirt road that did not appear to have any major resource conflicts. While the route report does not mention any use conflicts on this route, alternative C would designated it as limited to bicycles and hiking. The rationale statement for alternative C states:

> Limiting motorized access on this route would minimize potential for impacts to wildlife habitats (bighorn sheep lambing). By providing a critical trail connection that would minimize the inclination to travel off-trail, potential impacts on T&E species and their habitats would be reduced. By limiting motorized access on this route, traffic volume in the area would be reduced, minimizing the potential for harassment of wildlife.[121]

While the route report lists bighorn sheep lambing habitat as the main reason for closing this route to motorized use, this route begins from a major motorized route that is proposed to remain open in alternative C and goes to the rim of a canyon that has another open road at the bottom, and which the BLM has designated as an authorized dispersed camping area. Impacts on bighorn sheep should therefore be minimal, as bighorn sheep are already accustomed to regular motorized traffic in the area. Mountain bike use of this route would still be allowed year-round, so recreational use of the road would continue even during bighorn lambing season.

Any minor benefits to bighorn sheep from closing it to vehicles are outweighed by the recreational benefits of providing motorized access to a scenic overlook of Bride Canyon. We therefore request that this route be kept open in the final travel plan as proposed in alternative D.

- ***D1583***

While it is only a short spur that doesn't appear to have any particular recreational value, D1583 is proposed for closure in alternative C. On my visits to the Poison Spider trail I have driven right past it so I cannot say for sure, but from Google Earth imagery it appears to access a large cleared parking area off the Poison Spider Jeep Safari trail at 38.551150, -109.612700. There is also another road that does not appear on the BLM's route inventory that accesses this parking area from slightly further up Poison Spider. It seems like there is potentially a mapping error here. We request that the BLM verify whether it really desires to close this route, as this parking area appears to have been intentionally built and it may be important to maintain access to it.

[121] Route Report for D1594, p. 5.

8. Bull Canyon Area Routes

Alternative C has few routes proposed for closure in the Bull Canyon area, so we will not be discussing these routes in depth. However numerous routes in this area are closed in alternative B. All of the routes in the Bull Canyon complex are extremely valuable for motorized recreation and are regularly used. We strongly oppose all of the closures in alternative B and request that all routes be kept open in alternative C remain open in the final travel plan.

- ***D1775 (Four Arches Canyon)***

D1775 is the route up Four Arches Canyon, which begins on a SITLA parcel in Crips Hole near a Boy Scout camp. This is a highly scenic and moderately challenging 4x4 which allows drivers to explore a neat canyon and view several natural arches. It is featured in both the Funtreks guidebook (scans from 4th edition below) and TrailsOffroad.com. This is an important route for motorized recreation that is regularly used and well-traveled. It is also a powerline access road and is necessary for powerline maintenance. We strongly oppose closing this route as proposed in alternative B, and ask that it be kept open as proposed in alternatives C and D.

30 Four Arches Canyon

AREA 2 map on page 78

FunTreks Jeep below Crips Arch (upper right corner of photo)

Close-up of Crips Arch.

Winding road heads into canyon.

Overview: This trail features four unique arches, two each on opposite sides of the canyon. The arches are easier to spot in morning and evening when the sun casts longer shadows. You can continue to drive past the arches another mile, where the trail becomes moderate, then difficult. We stopped at Wpt. 05 and hiked farther into the canyon, where power lines climbed steeply up the canyon walls. This road is a popular hiking trail; slow down and be courteous to hikers. Explore other scenic and challenging canyons by turning right at Wpt. 02 on your way out.

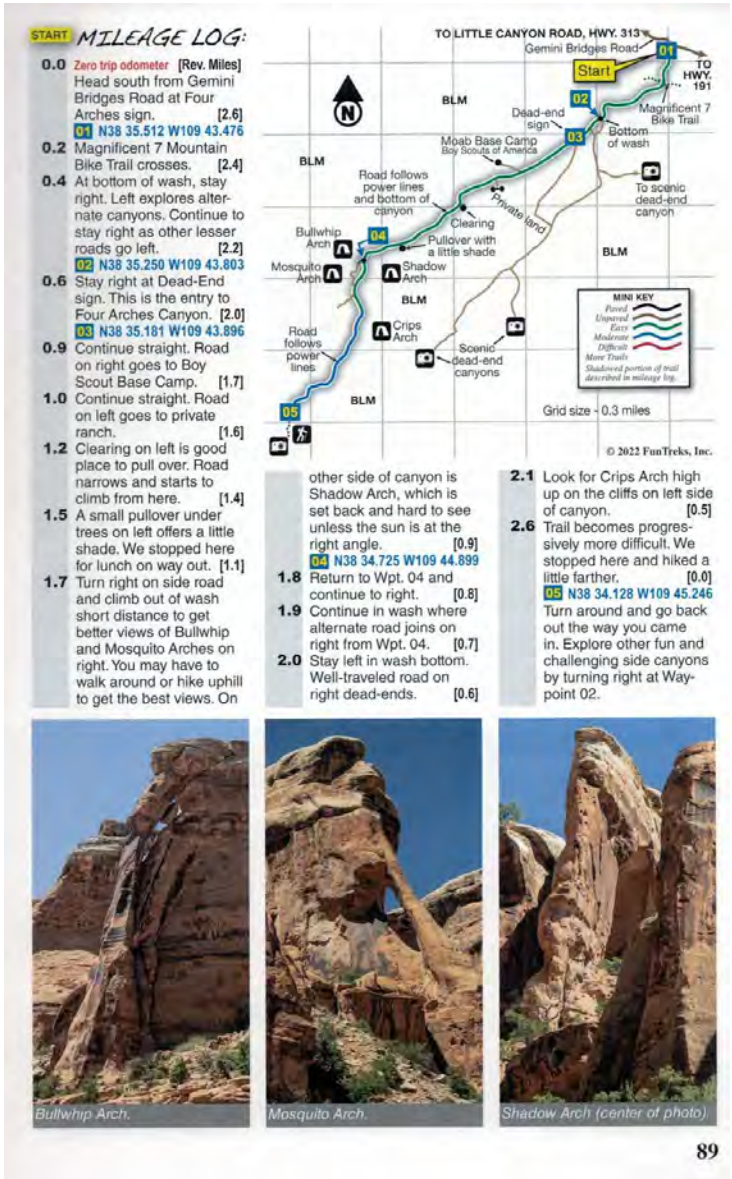
Rating: Moderate. Easy to the arches, then trail becomes moderate to Wpt. 05. The easy portion follows a narrow canyon wash bottom, which may become more difficult after heavy rains. Flash floods are always possible. Route-finding is easy; just follow power lines.

Stats: Length: 5.2 miles in and back out. Time: Allow 2 to 3 hours plus more time for other canyons. High point 5,400 ft. at the end. Best time: March through November.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: From Moab, take Hwy. 191 north to Hwy. 313 and turn left following signs to Canyonlands National Park. Stay on Hwy. 313 for 12.9 miles to Little Canyon Road on left (marked to Gemini Bridges). Head east following signs to Gemini Bridges, then turn right at 4.7 miles at sign for Four Arches Trail. If coming from *Gemini Bridges*, trail #27, continue west on Gemini Bridges Road another mile.

88



START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles] Head south from Gemini Bridges Road at Four Arches sign. [2.6]
01 N38 35.512 W109 43.476
0.2 Magnificent 7 Mountain Bike Trail crosses. [2.4]
0.4 At bottom of wash, stay right. Left explores alternate canyons. Continue to stay right as other lesser roads go left. [2.2]
02 N38 35.250 W109 43.803
0.6 Stay right at Dead-End sign. This is the entry to Four Arches Canyon. [2.0]
03 N38 35.181 W109 43.896
0.9 Continue straight. Road on right goes to Boy Scout Base Camp. [1.7]
1.0 Continue straight. Road on left goes to private ranch. [1.6]
1.2 Clearing on left is good place to pull over. Road narrows and starts to climb from here. [1.4]
1.5 A small pullover under trees on left offers a little shade. We stopped here for lunch on way out. [1.1]
1.7 Turn right on side road and climb out of wash short distance to get better views of Bullwhip and Mosquito Arches on right. You may have to walk around or hike uphill to get the best views. On other side of canyon is Shadow Arch, which is set back and hard to see unless the sun is at the right angle. [0.9]
04 N38 34.725 W109 44.899
1.8 Return to Wpt. 04 and continue to right. [0.8]
1.9 Continue in wash where alternate road joins on right from Wpt. 04. [0.7]
2.0 Stay left in wash bottom. Well-traveled road on right dead-ends. [0.6]
2.1 Look for Crips Arch high up on the cliffs on left side of canyon. [0.5]
2.6 Trail becomes progressively more difficult. We stopped here and hiked a little farther. [0.0]
05 N38 34.128 W109 45.246
Turn around and go back out the way you came in. Explore other fun and challenging side canyons by turning right at Waypoint 02.

TO LITTLE CANYON ROAD, HWY. 313
Gemini Bridges Road
Start
TO HWY. 191
BLM
Dead-end sign
Magnificent 7 Bike Trail
Bottom of wash
Moab Base Camp Boy Scouts of America
Road follows power lines and bottom of canyon
To scenic dead-end canyon
Private land
Clearing
Bullwhip Arch
Pullover with a little shade
Mosquito Arch
Shadow Arch
Crips Arch
Road follows power lines
Scenic dead-end canyons
MINI KEY
Grid size = 0.3 miles
© 2022 FunTreks, Inc.

Bullwhip Arch.

Mosquito Arch.

Shadow Arch (center of photo).

89

- ***D1777 (Saucer Canyon)***

D1777 is an easy route up the bottom of Saucer Canyon, starting from the same SITLA parcel as the trail in Four Arches Canyon. The two branches of Saucer Canyon are extremely scenic, lined with striking cliffs and hoodoos. This route is regularly used and well-defined, and in fact continues on the ground a short distance past where the BLM's route data shows it ending. We ask the BLM to rexaming its GIS data regarding the endpoint of this route to ensure it is accurate.

During the 2022 Easter Jeep Safari, my wife and I camped for several nights in a sheltered campsite along this route in the wash at the bottom of Saucer Canyon at 38.57591, -109.74020. While you would not necessarily want to use this campsite during flash flood season, it was perfect for use during an extremely windy week in the middle of April. The canyon walls provided excellent shelter from the 50+ MPH winds that were common that week and made tent camping in cold weather tolerable even when it snowed overnight. A few pictures of this route are shown below.

D1777 is a regularly used, high value route for motorized recreation and dispersed camping. It was also mentioned in the guidebook, *40 Grand Trails From Deadhorse Point Road* by Jack Bickers, who named this canyon "Saucer Canyon" after a rock formation shaped like a flying saucer. We oppose the proposed closure in alternative B and we ask the BLM to keep it open as proposed in alternative C.

Snow covered cliffs above our campsite along D1777 at 38.57591, -109.74020

Sheltered campsite along D1777 at 38.57591, -109.74020

- ***D1781 and D1872 (Boulder Bridge)***

D1781 and D1872 form another spur road in Crips Hole that accesses a natural bridge called Boulder Bridge. This route was described in the guidebook, *40 Grand Trails From Deadhorse Point Road* by Jack Bickers, stating:

> A fork to the left in the flats of Crips Hole before reaching this canyon's confines, leads eastward, rounds the intriguing bases of high country cliffs and pinnacles, and finally ends at an old core drill site in a gorgeous and generally shady grotto. A short, easy hike up the pour-offs takes one below the very beautiful and symmetrical Boulder Bridge in an absolutely astounding setting.[122]

This route is regularly used and clearly defined on the ground. It has high value for motorized recreation, is featured in a published guidebook, and provides hiking access to a natural bridge. There is no justification for closing this route as proposed in alternative B, and we urge the BLM to keep it open as proposed in alternatives C and D.

[122] *40 Grand Trails From Deadhorse Point Road* by Jack Bickers (1991).

- ***D1602 (Dry Fork Bull Canyon)***

D1602 is the route up Dry Fork Bull Canyon. It is a featured route on TrailsOffroad.com, which gives the following description of the trail:

> Seclusion, desert valley floors, high canyon walls, vegetation, and a meandering wash make this off-road trail worth exploring. Situated near Moab, Utah and a quick drive from the famous Gemini Bridges Road, this trail will give you the remote feeling that many off-road explorers seek out. Once you are back in the canyon, there [are] endless nooks and crannies along the edge of its walls to explore in detail by foot.

This route is lightly used but still well-defined on the ground and not naturally reclaimed. It travels up a remote and scenic canyon and offers excellent opportunities for motorized users to find a degree of solitude away from the busier trails in the Gemini Bridges area. Some photos from the TrailsOffroad listing are included below.

Tonka

This route is proposed to stay open in alternatives C and D but is proposed for closure in alternative B. The closure in alternative B was added at the request of Grand County, based on allegations of user conflict. The rationale statement for closing it in alternative B states:

> Closing the route would minimize the potential for conflicts between off- road vehicle users and dispersed, non-motorized/non-mechanized forms of recreation. Closing the route would reduce the potential for travel-related impacts to special status species and their habitats by eliminating motorized use and removing the route footprint. Closing this route would minimize impacts to wildlife habitat by eliminating motorized uses (reducing the potential for harassment of wildlife) and removing the route footprint (reducing habitat fragmentation.) This route is a boundary to LWC. By closing this route, the potential for route-related impacts to LWC values of the segment would be minimized. Closing this route would contribute to retaining or restoring vegetation and soil cover by eliminating motorized use and reducing the route footprint, thereby minimizing the potential for future soil erosion and vegetation damage.[123]

The main cited reasons for closure thus appear to be user conflicts, wildlife impacts (primarily bighorn sheep, and lands with wilderness characteristics. None of these issues are valid reasons to close it.

No user conflicts are occurring on this route, as it is lightly used by both motorized and non-motorized users. Different user groups are highly unlikely to encounter each other on this trail, and motorized access is critical to facilitate access for hiking into some of the more remote parts of the Bull Canyon Complex.

Bighorn sheep are also not significantly impacted by this route, because it receives only light use. The route report lists it as being in bighorn lambing habitat, yet it is not in an area *managed* as bighorn lambing habitat, so it would be inappropriate to close it on that basis.

Wilderness characteristics are not a valid reason to close this route as it is not in an area that is managed *for* wilderness characteristics (a BLM natural area). The 2008 Moab FO RMP specifically determined not to manage this area for wilderness characteristics. Closing a valuable motorized route simply because it borders lands with wilderness characteristics would be to manage the area for wilderness characteristics contrary to the RMP.

The road up Dry Fork Bull Canyon is a lightly used but still highly valuable motorized route used for exploring a scenic and remote area. It is also claimed as an R.S. 2477 road by the State of Utah, so closing it would prejudice any future litigation to resolve its legal status. We strongly oppose closing this route as proposed in alternative B and urge the BLM to keep it open as proposed in alternatives C and D.

- ***D1679 (Pole Line Road)***

D1679 is a road which Jack Bickers refers to as the Pole Line Road because it runs along some power lines. It goes out to the end of a point between Four Arches Canyon / Saucer Canyon and Major Canyon, and accesses a scenic overlook of Crips Hole with views of Boulder Bridge from above. This route is lightly but regularly used and is not naturally reclaimed. It serves a valuable purpose and need for motorized recreation by facilitating general exploration of the rim area above

[123] Route Report for D1602, p. 4.

the Bull Canyon complex and provides access to multiple scenic overlooks. There are no user conflicts or wildlife impacts occurring because of this road. We strongly oppose closing it as proposed in alternative B and ask that it be kept open as proposed in alternatives C and D.

- ***D1685 (Four Arches Canyon Overlook)***

D1685 is a short spur off D1660 that accesses scenic overlooks of both upper Four Arches Canyon and upper Saucer Canyon. This route is lightly but regularly used and is not naturally reclaimed. It serves a valuable purpose and need for motorized recreation by facilitating general exploration of the rim area above the Bull Canyon complex and provides access to multiple scenic overlooks. There are no user conflicts or wildlife impacts occurring because of this road. We strongly oppose closing it as proposed in alternative B and ask that it be kept open as proposed in alternatives C and D.

- ***D1648A (Major Point)***

D1648A is the road out to the end of Major Point. It accesses an important scenic overlook of both Major Canyon and Dry Fork Bull Canyon. It is described in Jack Bickers' guidebook, *40 Grand Trails From Deadhorse Point Road,* which also mentions it provides access to an excellent overland hiking opportunity on the narrow ridge between Major Canyon and Dry Fork Bull Canyon.

This route is lightly but regularly used and is not naturally reclaimed. It serves a valuable purpose and need for motorized recreation by facilitating general exploration of the rim area above the Bull Canyon complex and provides access to multiple scenic overlooks. There are no user conflicts or wildlife impacts occurring because of this road. This route is also claimed by the State of Utah as an R.S. 2477 road, so closing it would prejudice future litigation to resolve its legal status.

We strongly oppose closing it as proposed in alternative B and ask that it be kept open as proposed in alternatives C and D. We also believe the seasonal closure proposed in alternative C for bighorn sheep lambing habitat is unnecessary. This route is not in one of the areas identified in the 2008 RMP maps managed for bighorn sheep lambing habitat, nor is it in an area where dispersed camping is currently restricted. While it is in an area that the Utah Department of Wildlife Resources has mapped as bighorn lambing habitat, it would be inappropriate to restrict the use of a road in an area that is not managed for bighorn lambing habitat under the RMP. Even if it is in a bighorn lambing area, it is generally lightly used and is not having any significant impact on bighorn sheep. The seasonal closure in alternative C is therefore unnecessary.

- ***D1748 (Upper Bull Canyon Rim)***

D1748 is an important connector route that runs parallel to Gemini Bridges Road and connects to D1749. Together these two routes form a nice trail that follows the north rim of Upper Bull Canyon, with frequent scenic views of the canyon and the surrounding area. This route is proposed for closure in alternatives B and C, seemingly because the BLM believes it is redundant with B118 (Gemini Bridges Road).

I drove this road in April 2022 (together with D1749) and found that it is regularly used, clearly defined on the ground and not naturally reclaimed. The route report correctly identifies its use level as medium. It is not in fact redundant, but provides a completely different and unique recreational

experience when compared to Gemini Bridges Road. D1748 is a short but moderately difficult 4x4 trail with some fun and challenging rock ledge obstacles, while Gemini Bridges Road is a graded 2WD dirt road. The recreational value of the two roads for off-road vehicles is hardly comparable. For those who wish to traverse the rim of Bull Canyon on 4x4 roads, D1748 provides a way to do that, connecting seamlessly with D1749 and D1728, which leads to other 4x4 roads above the head of Bull Canyon. D1748 is also closer to the rim of Bull Canyon and offers better views of it.

The rationale statements for closing this route in alternatives B and C cite only generic benefits of reclamation such as restoring vegetation and soil cover. Wildlife benefits are also mentioned, but the only potential wildlife conflict listed is with bighorn sheep yearlong habitat. This short, moderately used route is not causing any greater impacts to bighorn sheep than nearby routes which are proposed to remain open, and any wildlife impacts it does have are outweighed by its high recreational value.

Overall, D1748 appears to be proposed for closure primarily based on the mistaken conclusion that it is redundant. We hope our comment demonstrates that this route is not redundant and has important and unique recreational value. We note that this route is also claimed as an R.S. 2477 road by the State of Utah, and closing it would prejudice future litigation to resolve its status. We therefore ask that this route be kept open as proposed in alternative D.

Representative section of D1748, showing regular use on a well-defined road

- ***D1752 (Bull Run)***

D1752 is part of the Bull Run mountain bike trail on the north rim of Bull Canyon. While this route is shown as a full-size vehicle route in alternative A, we note that it has already been closed to vehicles at 38.58713, -109.75837, where there is a width restrictor in a fence allowing only bicycles to pass. This route is closed in alternatives B and C but shown as open in alternatives D and A, which simply does not reflect the existing management situation on the ground. It is therefore skewing the travel analysis by making it seem like this is a viable motorized route when it is not. We suggest the BLM update its route inventory to show this route as closed to vehicles at least past 38.58713, -109.75837 in all alternatives.

9. Horsethief Point Routes

- ***D1108***

D1108 is a short spur south of Mineral Bottom Road which appears to be primarily used for ranching, as it goes past a cattle watering trough. However it has some recreational value for dispersed camping and general scenic exploration. When I drove it in October 2021, I found a nice dispersed campsite at 38.52194, -109.92263. Past the campsite, the road continues to the head of a small canyon and curves around to end on top of a small hill overlooking the entire area. This route is well-defined and regularly but lightly used, and is not causing any serious environmental impacts. Nevertheless it is proposed for closure in all action alternatives and is converted to an admin and ranch access road.

The only resource conflicts mentioned for this road are desert bighorn sheep yearlong habitat, various plants, and an ephemeral stream and spring. The existing motorized route is not causing any impacts to soils and vegetation, and I did not see any sign of off-trail use except for the single established campsite. I saw one place where the BLM had lined the route with branches and signage which appeared to effectively prevent off-trail driving. The road also does not affect the spring, which is further up the head of the canyon from the end of the route. Because this road has at least moderate recreational value for dispersed camping and scenic viewing and is not causing any significant resource impacts, we urge the BLM to keep it open as proposed in alternative A. A couple pictures of this route are included below.

The beginning of D1108 at 38.525013, -109.930155

Place where the road has been line with branches and signed to prevent off-route travel at 38.524643, -109.929409

Dispersed campsite at 38.522271, -109.922630

Cattle trough at 38.520879, -109.922448

Sandy hill at 38.519775, -109.921979. The path in the background is not part of the motorized route.

Top of the sandy hill at the end of the road at 38.519775, -109.921980

- ***D1076B***

D1076B is the middle segment of a loop around a scenic butte south of Mineral Bottom Road, together with D1076 and D1081. While the other two roads are proposed to stay open under alternative C, D1076B is proposed for closure, which would sever this loop. When I drove this road in October 2021, I found D1076B to be somewhat faded and less distinct than the other two roads in the loop (primarily where it crosses a grassy field before intersecting D1081) but still easily discernible and followable on the ground.

This route is closed in all action alternatives, which we strongly disagree with. The only reasons given in the route report for the proposed closure are generic benefits of natural reclamation. Based on this, we conclude the BLM may think this route is already naturally reclaimed, which is not the case. This route is still present on the ground and being regularly, although infrequently, used for motorized recreation. It facilitates a scenic loop opportunity and also helps provide access to two dispersed campsites I found on the connecting roads, at 38.53665, -109.88489 and 38.53206, -109.88183. We therefore urge the BLM to keep this route open as proposed in alternative A. A picture of this route segment is provided below.

Clearly defined roadbed on D1076B at 38.531464, -109.882371

- ***D1084***

As best I could tell while trying to find it on the ground in October 2021, D1084 does not exist. I could not find any sign of a route where it was supposed to begin. We have no objection to closing this route as proposed in alternative C.

- ***D1118***

As best I could tell while trying to find it on the ground in October 2021, D1118 does not exist. I could not find any sign of a route where it was supposed to begin. We have no objection to closing this route as proposed in alternative C.

- ***D1186***

As best I could tell while trying to find it on the ground in October 2021, D1186 does not exist. I could not find any sign of a route where it was supposed to begin. We have no objection to closing this route as proposed in alternative C.

- ***D1095***

D1095 is a faint but still followable road across a grassy meadow south of Mineral Bottom Road which ends at a hilltop with scenic views of the surrounding area. It is proposed for closure in all action alternatives most likely because the BLM believes it is naturally reclaimed, which is not true.

I was able to drive the entire route in October 2021. While the route was definitely overgrown and faint as it passed through the grassy field, there were still distinct tracks visible and I was able to follow it. This route still provides a recreational benefit in that it accesses a scenic viewpoint on top of a hill. We urge the BLM to keep this route open as proposed in alternative A. A couple pictures of this route are included below.

Beginning of D1095 at 38.524079, -109.910216

View toward Canyonlands National Park from the hilltop at 38.516648, -109.904629

- ***D1020 (Big Draw Wash)***

D1029 is a spur off D1019A which descends into a wash called the Big Draw. It then follows the wash a ways, before the BLM's route data shows it just ending at a random place along the wash. When I drove it in October 2021, I found the part descending into the wash to be faint but still followable, while the wash was easily passable in any 4WD vehicle. It looked like you could continue driving down the wash past the endpoint in the BLM's route data, and there were no signs marking the endpoint on the ground.

Based on maps and Google Earth imagery, if you continue down the wash another third of a mile, you would come to a pour-off that should provide excellent views down into a tributary canyon of Taylor Canyon in Canyonlands National Park. We assume this route used to extend all the way to this pour-off but got shortened in the BLM's mapping at some point.

If the BLM was willing to extend this route to the Big Draw pour-off at 38.50210, -109.90670, it would have significant recreational value. As it is, it has only minor recreational value, primarily for the chance to drive a ways down an interesting wash. However, this route is lightly used and is causing minimal impacts so there is no harm in keeping it open. We therefore ask that the BLM adopt the alternative D action and keep D1020 open to motorized use instead of closing it as proposed in alternative C. Pictures of this route are below.

Beginning of D1020 at 38.512530, -109.894986

The wash bottom at the end of D1020 indicated by the BLM's GIS data, at 38.504589, -109.902613

Looking further down the wash past the end of the route at 38.504368, -109.902429

- ***D1002***

D1002 is a connector route that is mostly on a SITLA parcel, which goes between D1000 and Mineral Bottom Road (B129). Only about 0.1 miles of it are on BLM land. It hosts three heavily used dispersed campsites, including a large dispersed campsite along it at 38.539702, -109.836294 on the SITLA parcel, which is suitable for RVs and large groups, pictured below. The other two campsites are at 38.53761, -109.83813 (at the southern end of the route) and 38.53878, -109.83751 (just inside the SITLA parcel). This route is well-defined and heavily used, primarily for dispersed camping.

While the BLM's route data shows the entire route as being closed in alternatives B and C, the BLM only has authority to close the short 0.1 mile segment on BLM land. The BLM has no authority over the rest of the route on SITLA land. Closing the BLM segment would have little environmental benefit because it is so short, yet would disrupt route connectivity in the area by turning the segment on SITLA land into an out-and-back spur rather than a connector. Vehicles camped along the SITLA section would have to travel out to Mineral Bottom Road and then around on other D roads just to reach D1000, whereas now they can reach it directly.

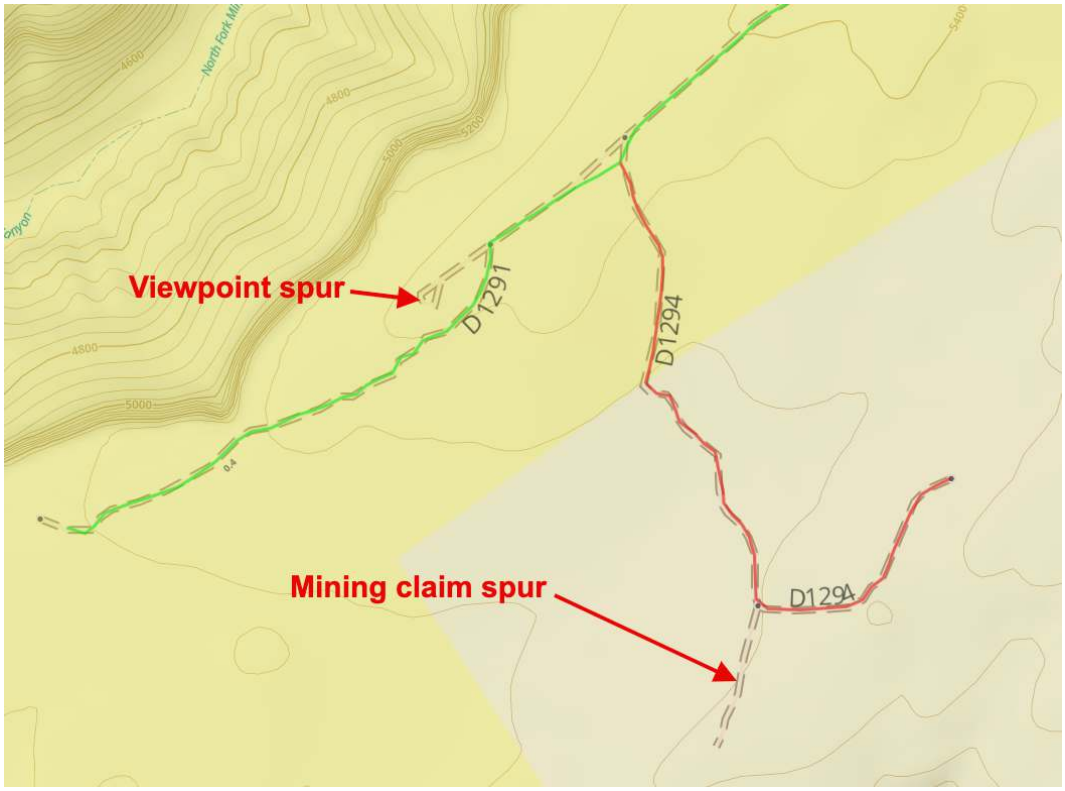
This route has a clear purpose and need for dispersed camping access and route connectivity, and we strongly urge the BLM to keep it open as proposed in alternative D. Pictures of the route are below.

Beginning of D1002 at 38.537476, -109.838010

Dispersed campsite at 38.538772, -109.837525

Large dispersed campsite at 38.539702, -109.836294

- ***D1291, D1296 and D1294 (Upper Mineral Canyon Viewpoints)***



D1291 and **D1296** form a highly scenic road that goes out to near the end of a point on the rim between the branches of upper Mineral Canyon. It is regularly traveled and well-defined, though the endpoint is a little nebulous on the ground and could use clear signage marking the end of the authorized route. Incredible scenery can be seen all along the road, and the end is only a short walk from an excellent viewpoint on the rim of Mineral Canyon.

We strongly support keeping this route open as proposed in alternatives C and D, and urge the BLM to adopt that action. We oppose the closure proposed in alternative B, which appears to be primarily based on wilderness characteristics. The 2008 RMP specifically determined not to manage this area for wilderness characteristics, so closing a valuable motorized route for that reason contravenes the direction in the RMP. We also note that the BLM's route inventory appears to be missing an approximately 100 foot long segment to an overlook at 38.553791, -109.892504 (shown on the map above). This appears to be part of the same route on the ground and does not appear to be closed, so we ask the BLM to add this short spur to the GIS data for this route.

D1294 is a spur off D1291 that is proposed for closure in alternative C. Its primary purpose appears to be providing access to a mining claim, as I found a prominent claim stake at 38.548794, -109.888622, at the end of a secondary fork of D1294 that is not marked as an authorized route in the BLM's route data, yet appears to be the main route on the ground. The main part of D1294 past the junction with this unauthorized fork was less distinct than the fork was, which leads me to believe the BLM's route data is incorrect. The mining claim spur also had better views of Mineral Canyon than the official part of the spur.

We note that because D1294 appears to access a valid mining claim, the BLM is legally obligated to continue providing motorized access to it. It is also highly scenic and has value for general motorized recreation and scenic viewing. D1294 also has value for dispersed camping, as it is just outside an area where camping is restricted to designated sites (yellow shading on map above). I saw what appears to be a frequently used campsite at the end of the official fork of D1294 at 38.551679, -109.885331. Because this route has a clear purpose and need for both recreational and mining access, we oppose the closure of D1294 and ask the BLM both to keep it open as proposed in alternative D. We ask the BLM to add the missing fork with the mining claim to the authorized route as well. Pictures of both D1291/D1296 and D1294 are below.

Overlook on short spur along D1291 at 38.553791, -109.892504

Driving down D1296 at 38.552088, -109.895250

View of upper Mineral Canyon a short walk from the end of D1296 at 38.551144, -109.897314

End of D1296 at 38.551133, -109.897319

Mining claim stake at the end of the short unauthorized spur of D1294 at 38.548794, -109.888622

View of Mineral Canyon from the mining claim spur at 38.548736, -109.888920

Dispersed campsite at the end of D1294 at 38.551679, -109.885331

- ***D1299 (Upper Mineral Canyon Overlook)***

We strongly oppose the proposed closure in alternative B of D1299. This is a short spur about a third of a mile long of D1291, that goes out to a highly scenic overlook with great views of the dramatic cliffs at the head of Mineral Canyon. It is well-defined and regularly used, and has an extremely high value for motorized recreation. It is also an R.S. 2477 road.

The route report for alternative B mainly general reclamation benefits and threatened species habitat as the reason for closing it. While this route is in bighorn sheep lambing habitat, it receives relatively light use and is only a short route to an overlook on the canyon rim. Bighorn sheep have likely long been accustomed to the use it receives and it is not causing any demonstrable harm to them. Motorized use is well-contained to the road and it is not damaging soils or vegetation. Any minor impacts it has are outweighed by the incredible scenic overlook it provides access to (pictured below) and we urge the BLM to keep this route open as proposed in alternatives C and D.

View of the head of Mineral Canyon from the overlook at 38.566874, -109.870460

View down Mineral Canyon from the overlook at 38.566885, -109.870466

- ***D1026B (Taylor Canyon Rim)***

D1026B is a regularly used route that goes out to a spectacular viewpoint on the Rim of Taylor Canyon, just outside of Canyonlands National Park. This route is featured on TrailsOffroad.com, which gives the following description:

> Taylor Canyon Rim is a fairly mellow trail on the border of Canyonlands National Park, in Utah's high desert. This dirt trail offers a diverse terrain and a rewarding overlook of Taylor Canyon. The trail runs along a sandy plateau, with some occasional rocky inclines. It's said that on a clear day it's possible to see as far as the Henry Mountains to the west. This 4x4 trail provides access to some of the quiet backcountry and little-used campsites. What's that you hear? Sweet silence. Make sure to pack for the unexpected, as you are not likely to see much company.

The entire route is a well-defined dirt road that receives light but regular use, and has exceptional recreational value in that it provides access to a highly scenic overlook of Taylor Canyon as well as several excellent dispersed campsites. Motorized use is confined to the road and it is not causing any significant resource conflicts.

This route is proposed to stay open in alternative C but is proposed for closure in alternative B, primarily at the request of SUWA and Grand County. SUWA's scoping comments claim this route is redundant with routes D1042, however it absolutely is not. D1042 (the Rough Canyon trail) dead-ends at the boundary of Canyonlands National Park and does not go anywhere near the rim

of Taylor Canyon, which requires a lengthy hike to reach from its end. D1026B goes all the way to the rim of Taylor Canyon and provides access to a highly desirable scenic overlook right at its end. D1026B provides a much better recreational experience than D1042, and is the more desirable of the two by far. It is by no means redundant with it.

The designation rationale statement in the route report for alternative B cites conflicts between recreational uses, wildlife impacts, and the fact that it is a boundary to lands with wilderness characteristics as the primary reasons it is proposed for closure. None of these are valid reasons to close this road. It is extremely remote and lightly used by motorists, and rarely if ever used for hiking or mountain biking. User conflicts on this route are almost certainly non-existent. The user conflicts that SUWA and the Grand County Commissioners claim exist are simply based on their own ideological opposition to motorized recreation and do not reflect any actual user conflict on the ground.

Impacts on wildlife are minimal, and this route is only listed in the route report as being within 1/4 mile of a desert bighorn sheep lambing area, not actually within a lambing area. According to the map of desert bighorn sheep habitat published with the 2008 Moab FO RMP, the bighorn lambing area is at the bottom of Taylor Canyon, not on the rim, so this route would have no effect on it.

Wilderness characteristics are also not a valid reason to close this route, as the RMP expressly determined not to manage this area for wilderness characteristics. As the route report acknowledges, this is a boundary road for wilderness characteristics (actually a cherry stem), because this road was classified as a road in the original wilderness inventory. It would be utterly inappropriate to close a road to enhance wilderness characteristics in an area that is not managed for them. We also note that this route has been claimed by the Statue of Utah as an R.S. 2477 road. Closing it would inevitably prejudice future litigation to resolve its legal status.

None of the reasons cited in alternative B justify closing this road, and we urge the BLM to keep it open as proposed in alternatives C and D. Pictures of this route from TrailsOffroad.com are provided below.

The beginning of D1026B

Descending a ledge along the road

Continuing out to the rim of Taylor Canyon

Parking area at the rim

Viewpoint at the end of the road on the rim of Taylor Canyon

- ***D1019B (Big Draw Trail)***

D1019B is another road out to a scenic overlook along the rim of Taylor Canyon just outside Canyonlands National Park. It is featured on TrailsOffroad.com, which gives the following description:

> Big Draw Road, named after the nearby Big Draw Wash that flows into Taylor Canyon, is an easy 4WD road that travels through the BLM desert leading up to the northern edge of Canyonlands National Park. At the end of the trail lays the rocky cliffs looking deep into the Taylor Canyon below. This trail will take you through several different desert terrains and you will be able to experience sand, dirt and rock surfaces. Along the way, you can see Beehive Butte, a rock structure that looks like the state symbol for the State of Utah. Not heavily traveled, the Big Draw Road can be a nice escape from the crowds to see the stunning views mother nature has created for you to enjoy.

The entire route is a well-defined, sandy dirt road that receives light but regular use, and has exceptional recreational value in that it provides access to a highly scenic overlook of Taylor Canyon as well as excellent dispersed camping at the overlook. Motorized use is confined to the road and it is not causing any significant resource conflicts.

This route is proposed to stay open in alternative C but is proposed for closure in alternative B, primarily at the request of SUWA and Grand County. SUWA's scoping comments claim this route is redundant with routes D1042, however it absolutely is not. D1042 (the Rough Canyon trail) dead-ends at the boundary of Canyonlands National Park and does not go anywhere near the rim of Taylor Canyon, which requires a lengthy hike to reach from its end. D1019B goes all the way to the rim of Taylor Canyon and provides access to a highly desirable scenic overlook right at its end. D1019B provides a much better recreational experience than D1042, and is the more desirable of the two by far. It is by no means redundant with it. Neither is this route redundant with D1026B, since it provides access to a completely different and unique vantage point of Taylor Canyon.

The designation rationale statement in the route report for alternative B cites conflicts between recreational uses, wildlife impacts, and the fact that it is a boundary to lands with wilderness characteristics as the primary reasons it is proposed for closure. None of these are valid reasons to close this road. It is extremely remote and lightly used by motorists, and rarely if ever used for hiking or mountain biking. User conflicts on this route are almost certainly non-existent. The user conflicts that SUWA and the Grand County Commissioners claim exist are simply based on their own ideological opposition to motorized recreation and do not reflect any actual use conflict on the ground.

Impacts on wildlife are minimal, and this route is only listed in the route report as being within 1/4 mile of a desert bighorn sheep lambing area, not actually within a lambing area. According to the map of desert bighorn sheep habitat published with the 2008 Moab FO RMP, the bighorn lambing area is at the bottom of Taylor Canyon, not on the rim, so this route would have no effect on it.

Wilderness characteristics are also not a valid reason to close this route, as the RMP expressly determined not to manage this area for wilderness characteristics. As the route report acknowledges, this is a boundary road for wilderness characteristics (actually a cherry stem), because this road was classified as a road in the original wilderness inventory. It would be utterly

inappropriate to close a road to enhance wilderness characteristics in an area that is not managed for them. We also note that this route has been claimed by the Statue of Utah as an R.S. 2477 road. Closing it would inevitably prejudice future litigation to resolve its legal status.

None of the reasons cited in alternative B justify closing this road, and we urge the BLM to keep it open as proposed in alternatives C and D. Pictures of this route from TrailsOffroad.com are provided below.

Beginning of D1019B at junction with D1019A

Driving past an earthen dam and dry reservoir

Small ledges further along the road

Sand dune section

Taylor Canyon Overlook looking down canyon

Taylor Canyon Overlook looking up canyon

- ***D1116 (Taylor Canyon West Overlook)***

D1116 is another road out to a scenic overlook along the rim of Taylor Canyon just outside Canyonlands National Park. It is mentioned in the published guidebook, *The Labyrinth Rims - 60 Access to Green River Overlooks* by Jack Bickers (1989), which states:

> About 1/2 mile prior to the beginning of the drop into Horsethief, a cross-trail goes (right) in a short distance to the overlook of Labyrinth through Mineral Canyon's mouth (51). A left turn onto this cross-trail goes, in less than 2 miles, to a good overlook of the Green through Taylor-Upheaval Canyon bottom country (43.4). Nearing the rim, a very small corner of Canyonlands National Park is entered. Hikes are very enjoyable here, and can reach either the trail to Grand Central What? or around Horsethief Point rims.[124]

The entire route is a well-defined, sandy dirt road that receives light but regular use, and has exceptional recreational value in that it provides access to a highly scenic overlook of Taylor Canyon as well as several excellent dispersed campsites. Motorized use is confined to the road and it is not causing any significant resource conflicts.

This route is proposed to stay open in alternative C but is proposed for closure in alternative B, primarily at the request of SUWA and Grand County. The designation rationale statement in the route report for alternative B cites wildlife impacts and wilderness characteristics as the primary reasons it is proposed for closure, though it would remain open to ranch users and would not be revegetated. Neither of these are valid reasons to close this road. Impacts on wildlife are minimal, and this route is only listed in the route report as being within 1/4 mile of a desert bighorn sheep lambing area, not actually within a lambing area. According to the map of desert bighorn sheep habitat published with the 2008 Moab FO RMP, the bighorn lambing area is at the bottom of Taylor Canyon, not on the rim, so this route would have no effect on it.

Wilderness characteristics are also not a valid reason to close this route, as the RMP expressly determined not to manage this area for wilderness characteristics. This is a boundary road for wilderness characteristics (actually a cherry stem), because this road was classified as a road in the original wilderness inventory. It would be utterly inappropriate to close a road to enhance wilderness characteristics in an area that is not managed for them. We also note that this route has been claimed by the Statue of Utah as an R.S. 2477 road. Closing it would inevitably prejudice future litigation to resolve its legal status. None of the reasons cited in alternative B justify closing this road, and we urge the BLM to keep it open as proposed in alternatives C and D.

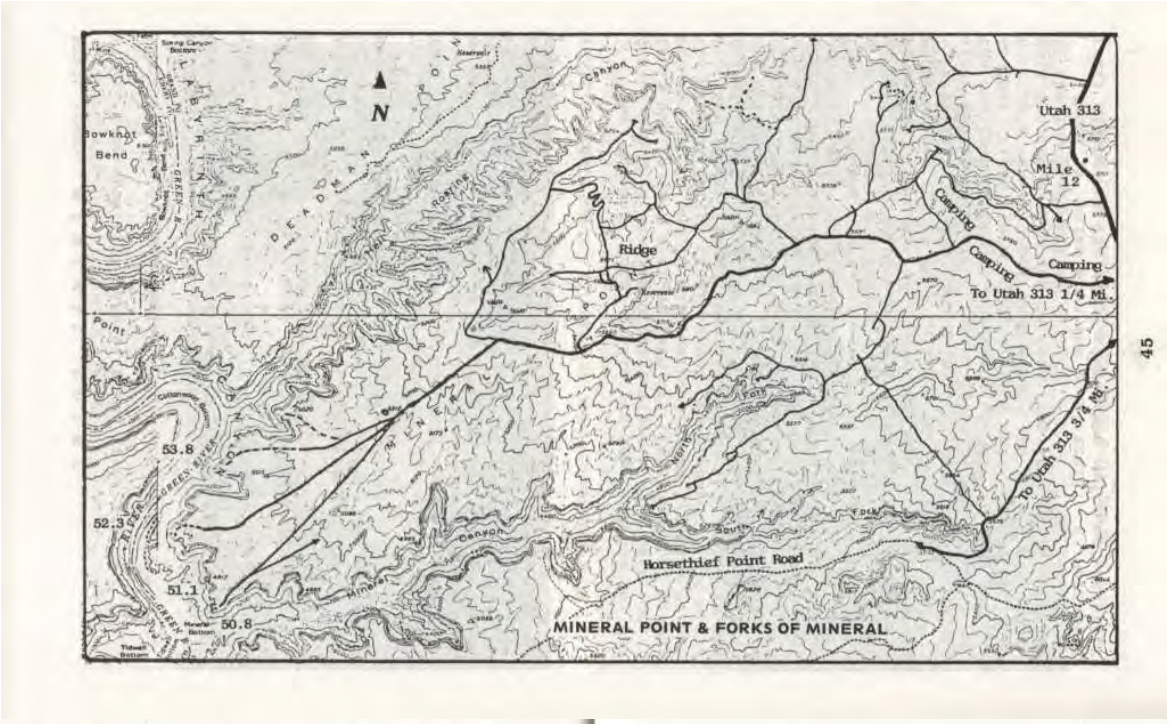
- ***D1284, D1249, D1250 (already closed routes)***

These three roads are shown as open in the no-action alternative yet have already been closed on the ground. When I attempted to drive D1284 in October 2021, I found that the northern end was inside the Horsethief Campground and was signed as a hiking trail, while the south end was signed as closed to vehicles at 38.57319, -109.83595. D1284, D1249 and D1250 appear to have all been closed when the Horsethief Campground was built, but the BLM failed to update their route inventory to reflect this. We ask the BLM to update all alternatives to reflect the reality that these routes have already been closed, to prevent their presence in the baseline inventory from distorting the travel analysis.

---

[124] Jack Bickers, *The Labyrinth Rims - 60 Access to Green River Overlooks* (1989), p. 51.

10. Mineral Point Routes



TRAIL NAME: M I N E R A L P O I N T

TYPE: Long spur with many side and cross trails.

MAPS: The Knoll quadrangle.

MILEAGE: About 11 miles to the point via main trail. Over 50 miles of side and ridge trails available.

TIME: A full day; much more if side trails are done.

DIFFICULTY: Main routes easy; ridge routes and approaches can be difficult in places.

ACCESS: A right turn from the DEAD HORSE POINT ROAD between the 11 and 10 mile markers. Going south, the 11 mile marker is reached first on State roads.

TRAIL SUMMARY: To know these trails is to love them. The MINERAL POINT ROAD runs directly to the gorge rim and is rough in three spots for two-wheel-drive. A left branch reaches an even better river bottom view near Mineral Canyon rim. There are many side trails to Mineral and Hell Roaring Canyon rims, and over the ridge prominences. These are very exciting and interesting to connect or travel to their destinations.

TRAIL DESCRIPTION:

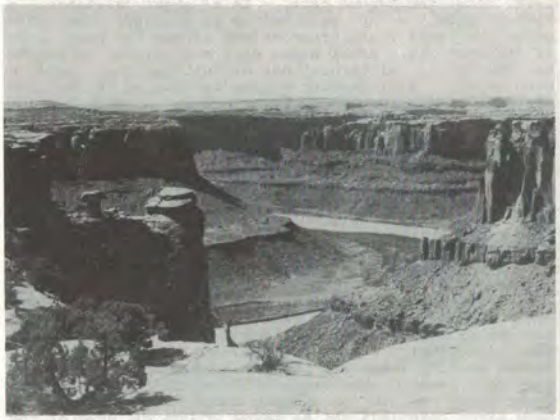
The Mineral Point trails are too numerous to describe and give meaningful directions. The main point trail begins with a right turn off Utah 313 about midway between the 11 and 10 mile markers, just 1/4 mile before the Mineral Bottom trail leaves the pavement. It works its way to the river gorge rim in about 11 miles. The first two miles of trail are through pygmy forestation, and both sides have many fine camping spots well adapted to quick and easy pull-offs. Several trails angle off the left side of the main trail in the area beyond and, while they take time to explore, generally lead southwesterly and offer views into North Fork of Mineral. There are some upper wash crossings that will take the avid explorer to trails that lead into the seldom-visited point between the forks of Mineral. It is possible to see down the main canyon and into the Green River bottom (50.8) from this point.

Trails leaving the main trail by turning right after the first 2 miles, lead first to a forested mesa-top overlooking the double heads of Hell Roaring Canyon. Another right turn about 4 miles out, leads to Hell Roaring's sharp upper bend area, and into the "hook". Hell Roaring Window can be seen from this trail, nestled in the low blade below.

About 5 miles down the main trail, a northwest trail slashes up the ridge prominence and runs westerly.

46

View downstream from Hell Roaring Canyon west rim (54)



View upstream from Hell Roaring Canyon east rim (54)

47

Several interesting trails branch from it. One goes down the north face switchbacks for interesting Hell Roaring rim travels. A trail heading northeasterly off the ridge road, goes down to Hell Roaring rim, skirting a rugged roadless area where mountain sheep enjoy life. This is a grand backcountry hiking experience.

In the latter portion (about 3 miles) of the main trail, side trails southwesterly head for rim points of lower Mineral Canyon. One of these trails, and possibly others, crosses another westerly trail which reaches Labyrinth of the Green at the high, narrow point between Mineral mouth and the Green (51.1). This is the best overlook of MINERAL POINT. The main trail heads for the mid-portion of the point, offering spectacular views from above the airstrip and old mines (52.3).

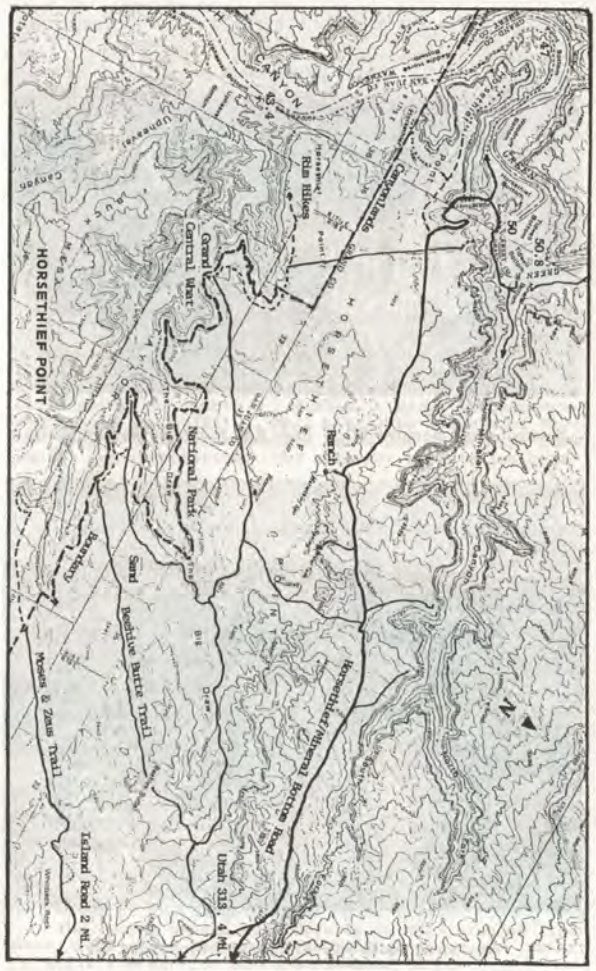
Hiking from near the lower end of the main trail is the recommended way to see Hell Roaring's entry into the Green (53.8). Trails along lower Hell Roaring Canyon rim are too old to find and use. It is best to leave the main trail about a mile before it ends and hike northwest over a grassy ridge.

A quick look at Hell Roaring Window is available about three miles off pavement. A loop trail leaves the DEAD HORSE POINT ROAD (a right turn) at mile 13, just before a cattleguard crossing is reached. The loop returns to the highway at about midway between the 12 and 11 mile markers. It follows a fence line, and turns left into the second gate. In a short distance, a rather wide, rocky wash bottom is crossed. At this point, a small trail branches and climbs the west side of the wash rim. After a few dips and twists, it reaches the flat, slickrock edge of Hell Roaring Canyon's deep heads. Hell Roaring Window is located in the low fin between the two heads of the canyon, and can be seen from this portion of the rim. The trail proceeds and climbs the prominence between the two heads of the canyon. It goes no farther, ending in a turn-around.

In resuming travel around the loop through this country, a very wicked trail may be seen climbing westerly. This climb is extremely dangerous. It is called nowadays, "The Twenty Dollar Hill". This name comes from the fact that a superbly equipped vehicle did make it to the top and back down without mishap--costing an onlooker a Twenty Dollar Bill. That onlooker was this impoverished writer.

This loop proceeds to the highway in about a mile. Also, old trails turning away and to the right go south to the Mineral Point main trail, and west to climb to the high country rim on the opposite side of the main feeder wash. These are not easily found, but are quite fun to travel. Map study helps on these trails and their nearness to the highway makes for quick access. Many arrow chippings may be found around the head of the Hell Roaring rims, especially on the east flats a short distance away from the gorge edges.

48



49

Most of the routes mentioned below are described in the published guidebook, *The Labyrinth Rims - 60 Accesses to Green River Overlooks* by Jack Bickers, published in 1989. Scans of the relevant pages from this book are included above. This book demonstrates that all of the routes discussed below leading to overlooks of Labyrinth Canyon have been used for motorized recreation for decades and have extremely high value for scenic exploration, even if today they are relatively obscure and lightly used.

Exhibit B.6

- ***D1408 (Mineral Point Overlook)***

13 Mineral Point

AREA 1 map on page 24

Looking north from Mineral Point. That's Hell Roaring Canyon in the upper right corner of picture.

Turn left 200 ft. before end of this bluff (Wpt.03).

Ledge at Waypoint 04. You can walk from here.

Overview: A fun trip to a very high overlook of the Green River. This is the final leg (the easy portion) of the Easter Jeep Safari Hell Roaring Rim Route. You'll go by Horsethief Campground near the start. It's one of the larger BLM campgrounds with 56 fee sites. The campground is popular with mountain bikers because it's a hub for many biking trails. Dispersed camping is allowed along road after the campground.

Rating: Easy. A wide graded road until after Waypoint 03, where it narrows but remains easy. There's a large difficult ledge close to the end of the trail at Wpt. 04. Walk the last quarter mile if you don't feel confident going down and coming back up the ledge. (The author managed the ledge in his stock Jeep Wrangler.)

Stats: Length: 12.3 miles one way. Time: Allow 2 to 3 hours for round trip. High point is at the start: 5,859 ft. Best time: Mar. through Nov. Hot in summer.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

Getting There: From downtown Moab, head north on Hwy. 191 about 11 miles and turn left on Hwy. 313. Go west 11.7 miles on 313. Turn right on road to well-marked Horsethief Campground before Mineral Bottom Road.

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles] Head west from Hwy. 313 following signs to Horsethief Campground. [12.3]
01 N38 35.199 W109 48.347

0.1 Parking and kiosk for biking on left. [12.2]

0.4 Tent camping area on right. [11.9]

0.5 On left is entrance to Horsethief CG, a large developed fee area. [11.8]

0.6 Group CG on right. [11.7]

2.4 Note interesting dugout on left followed by corral on right. [9.9]

2.7 Stay right where large road goes left. [9.6]
02 N38 35.296 W109 51.059

3.0 Clearing on left open to dispersed camping. Good place for staging. [9.3]

3.2 Continue straight. (Road on right goes to rim of Hell Roaring Canyon) [9.1]

3.8 Continue straight. (Road marked HRR goes right to rim of Hell Roaring Canyon. This is part of Jeep Safari Hell Roaring Rim trail.) [8.5]

4.6 Continue straight. Large road joins on left. [7.7]

6.9 About 200 ft. before the end of a tall bluff, bear left across rough slickrock heading southwest, then curve to right. Road is very faint at first and may or may not be marked with a cairn. Road soon becomes obvious. [5.4]
03 N38 34.458 W109 54.889

8.3 Stay left. (Large road on right.) [4.0]

9.2 Continue straight (west) after bend in road. (Ignore road on left.) [3.1]

9.8 High point offers distant views of Hell Roaring Canyon to north. [2.5]

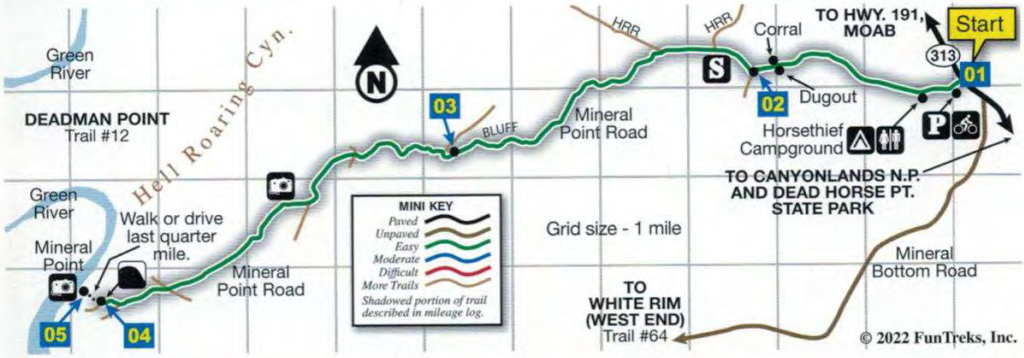
10.8 Continue straight where consecutive roads go right to old oil company sign. [1.5]

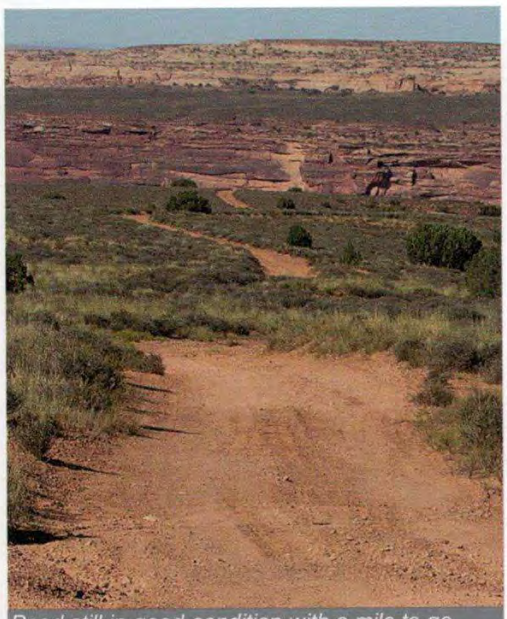
11.3 Lesser road crosses on an angle. [1.0]

11.9 Stay right. You'll miss the best part of Mineral Point if you miss this turn. [0.4]

12.1 Large, difficult drop-down ledge. Owners of stock vehicles may wish to stop here and walk the last quarter mile. [0.2]
04 N38 32.911 W109 59.377

12.3 Trail ends at small loop before cliffs. No guardrails. Use extreme caution especially with children and pets. High winds possible. [0.0]
05 N38 32.998 W109 59.579




Road still in good condition with a mile to go.

Dispersed camping along Mineral Point Road.

Typical site at Horsethief Campground. Fee area.

MOAB REGION TRAIL #7

Mineral Point Trail

STARTING POINT 0.4 miles south of mile marker 11 on Utah 313
FINISHING POINT Mineral Point
TOTAL MILEAGE 11.6 miles
UNPAVED MILEAGE 11.6 miles
DRIVING TIME 45 minutes (one-way)
ELEVATION RANGE 4,700–5,800 feet
USUALLY OPEN Year-round
DIFFICULTY RATING 2
SCENIC RATING 8
REMOTENESS RATING +0

Special Attractions

- Panoramic views from Mineral Point over the Green River.
- Easy and scenic high-clearance road.
- Provides access to a large network of interesting trails.

Description

This short spur trail runs out onto Mineral Point, one of the long ridges that overlooks the Green River. The trail is graded dirt along its entire length and is suitable in dry weather for high-clearance 2WDs. However, in wet weather the trail is often impassable to all vehicles because of the clinging red mud. The surface in dry weather is sandy with patches of southeast Utah's ubiquitous powder-fine sand traps. There are some minor rocky sections at the far end and a few small washes.

The main trail is easy to navigate and well defined, although there are no signs, and it connects to a maze of smaller tracks, some of which lead to other good viewpoints—Trail #8: Hell Roaring Canyon Rim Trail is a loop spur off this route.

Mineral Point is a broad, gently sloping ridge that tapers down to the viewpoint over the Green River. The original tracks were put through for mineral exploration. As you descend gradually, there are views over the broad plateau and over to the Henry Mountains. At the end, the Green River is far below and the Maze district of Canyonlands National Park is visible on the far side.

Current Road Information

Canyonlands National Park
Island in the Sky Ranger District
(435) 259-4712

Map References

BLM Moab
USGS 1:24,000 The Knoll, Mineral Canyon
1:100,000 Moab
Maptech CD: Moab/Canyonlands
Trails Illustrated, #501; #210
Utah Atlas & Gazetteer, p. 46 (incomplete)

View of Green River from the end of Mineral Point Trail

Scans of *Utah Trails - Moab Region* by Peter Massey (2018)

Trail #7: Mineral Point Trail

Utah Road & Recreation Atlas, p. 70
Latitude 40—Moab West

Route Directions

▼ 0.0 Trail starts 0.4 miles south of mile marker 11 on Utah 313. Turn west on unmarked road and zero trip meter.
GPS: N 38°35.23′ W 109°48.32′

▼ 0.3 SO Track on left.
▼ 0.4 SO Track on left.
▼ 0.5 SO Track on left.
▼ 0.9 SO Track on left.
▼ 1.1 SO Track on left.
▼ 1.2 SO Track on left.
▼ 1.6 SO Two tracks on right, then track on left.
▼ 1.8 SO Track on right.
▼ 1.9 SO Track on right.
GPS: N 38°35.45′ W 109°50.29′

▼ 2.2 SO Old corral on right.
▼ 2.9 SO Track on right.
GPS: N 38°35.51′ W 109°51.30′

▼ 3.0 SO Track on right.
▼ 3.3 SO Track on left.
▼ 3.6 SO Track on right toward ridge is Trail #8: Hell Roaring Canyon Rim Trail, and track on left. Zero trip meter.
GPS: N 38°35.51′ W 109°52.16′

▼ 0.0 Continue along trail.
▼ 0.1 SO Cross through wash.
▼ 0.3 SO Track on right.
▼ 0.8 SO Cross through small wash.
▼ 3.0 SO Track on right alongside butte, and track on left.
GPS: N 38°34.46′ W 109°54.84′

▼ 3.6 SO Cross through wash.
▼ 3.8 SO Track on right.
▼ 4.3 SO Track on right is end of Trail #8: Hell Roaring Canyon Rim Trail. Zero trip meter.
GPS: N 38°34.45′ W 109°56.08′

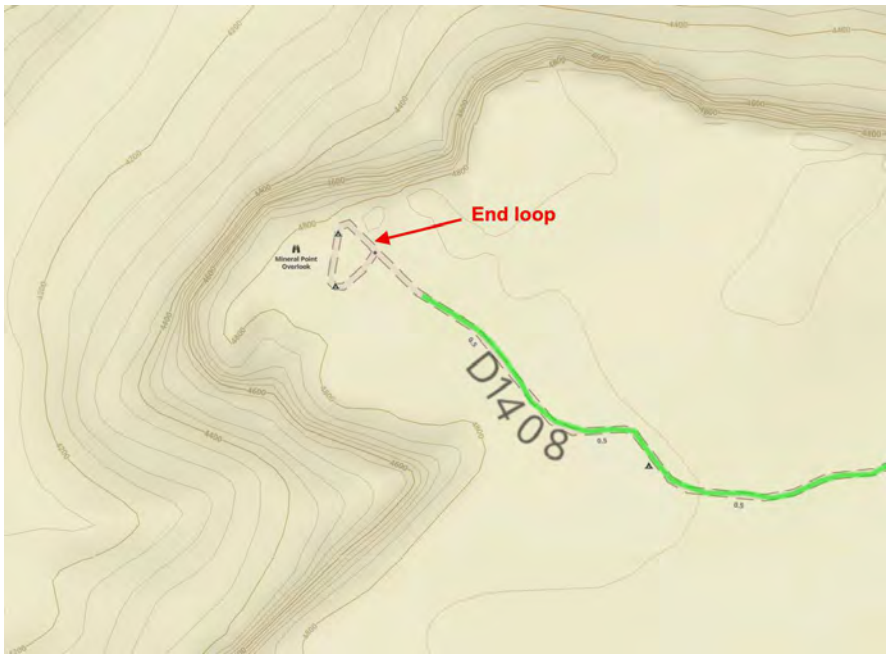
▼ 0.0 Continue toward Mineral Point.
▼ 0.8 SO Track on left.
▼ 0.9 SO Track on left.
▼ 1.0 SO Cross through wash.
▼ 1.6 SO Track on right.
▼ 2.4 BL Track on right to oil drilling site.
GPS: N 38°33.21′ W 109°58.06′

▼ 2.6 SO Track on left.
▼ 2.8 SO Tracks on right and left.
▼ 3.4 SO Track on right.
GPS: N 38°32.89′ W 109°59.15′

▼ 3.6 BL Start of small loop at end of trail.
▼ 3.7 Trail ends at farthest point of loop on Mineral Point. Walk out onto the rocks for the best views of Green River and the Maze area of Canyonlands National Park.
GPS: N 38°32.83′ W 109°59.44′

D1408 is one of the most famous motorized routes in the Labyrinth Canyon area. It is part of the Hell Roaring Rim Jeep Safari trail and is famous for its spectacular overlook of Labyrinth Canyon and the end of Mineral Point. It is featured in multiple published guidebooks and online trail guides.

While this route is proposed to stay open in all action alternatives, we urgently request that the BLM correct a serious mapping error regarding the endpoint of this route. The BLM's route data shows this route ending about a hundred yards short of its true endpoint at the edge of the canyon rim. In reality, it continues a short distance past the BLM's mapped endpoint where there is a short turnaround loop at the very edge of the canyon rim. This end loop is described as part of the route in both the Funtreks guidebook and the Peter Massey guidebook (scans included above). This end loop can be seen in the map below, created using GaiaGPS.



The loop at the end of D1408 provides motorized access directly to the viewpoint at the edge of the canyon rim. It has existed for many years and has always been treated as part of the trail. This is one of the few places where you can drive to the very edge of the Labyrinth Canyon rim, which is a rare and important opportunity for users with disabilities who cannot hike to the rim from routes which end further away from it.

This loop is also commonly used for dispersed camping. Technically this area is restricted to designated campsites, however the BLM has still not designated any campsites in this area. We are unsure if the BLM purposefully decided not to designate the campsite at the end of this route or whether it just hasn't gotten around to designating campsites in the area yet. Regardless, this campsite is still regularly used and is an excellent candidate for designation as an official dispersed campsite in the ongoing camping management plan for the area. We strongly urge the BLM to correct its map data to correctly show this end loop as being part of D1408. We raised this issue in our scoping comments and the BLM failed to take action on it, so we hope that the BLM will correct this mapping error in the final travel plan. Pictures of the end loop and viewpoint are included below.

The road continuing past the BLM's endpoint at 38.549813, -109.992580

The end loop at 38.550216, -109.993326

Parking area and campsite on the end loop at 38.550216, -109.993326

View from the true endpoint at 38.550237, -109.993318

- ***D1398A and D1398B (Mineral Bottom Overlook)***

D1398A and D1398B together form a valuable motorized route that provides access to a scenic viewpoint on the rim of Labyrinth Canyon overlooking Mineral Bottom and the Mineral Bottom Airstrip. Guidebook author called this viewpoint the best overlook on Mineral Point. Both of these routes are proposed for closure in alternative B, while only D1398B would be closed in alternative C. We ask that both route segments be kept open as proposed in alternative D.

D1398A is an easy and prominent dirt road cutting across the top of the main plateau on Mineral Point. It is regularly used and fully cleared of vegetation. D1398B begins where the road makes a sharp S turn and descends over a tricky rock ledge. This obstacle seems to have deterred most drivers from continuing, and the route is less distinct and infrequently used beyond that. However, it is still mostly discernable on the ground, and when I drove it in October 2021, I saw recent tire tracks on dirt sections. Any navigation difficulty could be resolved by simply marking and signing the authorized route with paint blazes or cairns. Most of the route crosses patchy slickrock, descending a series of ledges as it winds out toward the rim of Labyrinth Canyon. The route ends on a flat slab of slickrock maybe a hundred feet from the overlook at the canyon rim.

The route report for D1398B gives the following rationale for closing it in alternative C:

> Closing this route would contribute to retaining or restoring vegetation and soil cover, minimizing the potential for soil erosion. Closing this route would minimize potential impacts to wildlife habitats by eliminating motorized use and removing the route footprint. By closing the route, the potential for future impacts to documented wilderness character and impairment of wilderness suitability would be minimized while wilderness characteristics of naturalness and opportunities for solitude would be enhanced.[125]

It thus appears that wildlife impacts (primarily bighorn sheep), wilderness characteristics, and soil and vegetation impacts are the main reasons for closing this route. While it is in a bighorn sheep lambing area, camping is already restricted in the area to mitigate impacts to bighorn sheep. D1398B is lightly used and bighorn sheep are likely accustomed to the use it does receive. The bighorn sheep herd in the area is healthy and not declining in population, and there is no evidence that closing this route is necessary to protect them. Meanwhile any soil and vegetation impacts could be mitigated by signing and marking the authorized route to prevent drivers from accidentally driving off trail, and closure of the route is not necessary.

Wilderness characteristics are also not a valid reason to close this route, as the RMP expressly determined not to manage this area for wilderness characteristics. It would be utterly inappropriate to close a road to enhance wilderness characteristics in an area that is not managed for them. We also note that this route has been claimed by the Statue of Utah as an R.S. 2477 road. Closing it would inevitably prejudice future litigation to resolve its legal status.

Both D1398A and D1398B are regularly used and have high value for motorized recreation in that they provide access to an important scenic overlook of mineral bottom at 38.53328, -109.98873. We urge the BLM to keep both route segments open as proposed in alternative D. Pictures of D1398B are included below.

---

[125] Route Report for D1398B, p. 4.

Slickrock ledge with challenging right turn at the beginning of D1398B at 38.53613, -109.98535

Crossing slickrock below the ledge near the beginning of D1398B

Clearly defined road and tire tracks crossing the plateau

Clear dirt road approaching the end of the route

Parking area at the end of the route at 38.533311, -109.988575

View of Mineral Bottom from overlook at 38.533340, -109.988522

- ***D1434 and D0022 (Upper Hell Roaring Overlook)***

D1434 is a 1.6 mile long spur route off D0022 (which itself is a spur of the Hell Roaring Rim Jeep Safari trail) that goes out to a scenic overlook and dispersed campsite overlooking upper Hell Roaring Canyon near the Kachina Towers. It is proposed for closure in alternatives B and C, and kept open in alternative D. D0022 is proposed for closure in alternative B.

Contrary to SUWA's assertion in its scoping comments on this route, D1434 is a well-defined and regularly used road that serves a critical purpose for scenic exploration, dispersed camping, and hiking/climbing access to the south rim of Hell Roaring Canyon. This route provides the closest road access to the Kachina Towers, which according to the revised decision in the Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons project, must be approached from the rim above[126]. The Kahina Towers and the rim of Hell Roaring Canyon are only about a half mile hike from the end of this route. If the route were closed as proposed in alternatives B and C, climbers would have to hike a full 2 miles to reach it from the nearest open road.

It appears that wildlife impacts (primarily desert bighorn sheep) and soil and vegetation impacts are the main reasons for closing this route. Wilderness characteristics are also cited in the route report. While the route report lists it as being in bighorn lambing habitat, it is not within an area where dispersed camping is currently restricted for bighorn lambing habitat, nor is it shown as an area managed for bighorn lambing habitat in the map for the 2008 RMP. While GIS data from the Utah Department of Wildlife Resources shows it as being in bighorn lambing habitat, we believe it would be inappropriate and contrary to RMP direction to close a route for bighorn sheep protection that is not in an area managed for bighorn lambing habitat under the RMP.

Even if this route is in bighorn lambing habitat, it is lightly used and bighorn sheep are likely accustomed to the use it does receive. The bighorn sheep herd in the area is healthy and not declining in population, and there is no evidence that closing this route is necessary to protect them. Soil and vegetation impacts are minimal on this route, as motorized use has stayed confined to the authorized route. There is a short unauthorized spur off D0022 which continues straight where D1434 splits off to the right, but this appears to be an old mineral exploration road which was not designated in 2008 RMP and has never been signed as closed, not a user-created route.

Wilderness characteristics are also not a valid reason to close this route, as the RMP expressly determined not to manage this area for wilderness characteristics. It would be utterly inappropriate to close a road to enhance wilderness characteristics in an area that is not managed for them. We also note that this route has been claimed by the Statue of Utah as an R.S. 2477 road. Closing it would inevitably prejudice future litigation to resolve its legal status.

Both D0022 and D1434 are regularly but lightly used roads that are not naturally reclaimed, and both serve a clear purpose and need for recreational access by multiple user groups. We urge the BLM to keep both D1434 and D0022 open as proposed in alternative D.

Pictures of both roads from my visit in October 2021 are shown below.

---

[126] FONSI/DN - "Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons", June 2021, Appendix B.

D0022 at 38.599858, -109.884812

Beginning of D1434 at 38.603288, -109.881399

The road descends a steep rocky dugway at approximately 38.60326, -109.87883

The road levels out at the bottom of the dugway

Well-defined road at 38.612427, -109.872403

Approaching the end at 38.613668, -109.870362

Turnaround loop and likely campsite at the end at 38.620108, -109.867069

View of Hell Roaring Canyon from the end of the road at 38.620110, -109.867059

- ***D1438 (Mineral Point Connector)***

D1438 is a 0.5 mile connector route between D1442 and D1455A, in the Hell Roaring Rim area. Both other routes are slated to remain open under alternative C, and D1438 is proposed for closure. While D1438 does not have significant recreational value in itself, it is valuable as connector which allows someone to drive to the end of D1442, which is a spur off the Hell Roaring Rim safari route, and then connect back to the main Hell Roaring Rim route on D1455A. That is much more convenient than driving all the way back out to the beginning D1442.

When I drove D1438 in October 2021, I found it to be a well-defined two-track road across a wide open field. There is nothing of environmental significance along it and no resource damage. The route report notes that it is likely redundant with D1455, yet that is not the case, as D1438 is a more convenient route between D1442 and the north-south section of D1455A.

The only other reasons cited for closing this route in alternative C are wilderness characteristics and general benefits of revegetation. This area is not managed for wilderness characteristics under the 2008 RMP, so closing this route to enhance wilderness characteristics is inappropriate and contrary to the RMP. Vegetation is not being impacted by this route, and the only vegetation around is common field grasses. Neither of these reasons are compelling reasons for closure. This route is still regularly used, is not redundant, and serves a valuable purpose and need as a convenient connector between two other open routes. We urge the BLM to keep it open as proposed in alternative D. A picture of this route is below.

D1438 at 38.594405, -109.904658

- ***D1437 (Hell Roaring Rim Spur)***

D1437 is a scenic side spur off the Hell Roaring Jeep Safari trail which travels out for a ways closer to the south rim of Hell Roaring Canyon. It is proposed for closure in alternative B, but proposed to stay open in alternatives C and D. This route is highly scenic and regularly used, and provides great views along the rim of Hell Roaring Canyon. Use levels are generally light, however, and it is not causing any serious impacts. We strongly oppose closing it and support keeping it open as proposed in alternatives C and D, as it has important recreational value.

The rationale statement for alternative C correctly notes that this route has high recreational value and that continued use of this route would minimize impacts to lands with wilderness characteristics and other resources by providing reasonable access on a preexisting route with minimal impacts. Indeed, the only resource damage I saw on this route was caused by a log which someone (likely an environmental activist) had dragged across the route to block it and discourage people from using it (at 38.60233, -109.91885), which had simply caused people to drive off-trail around the log. By the time I drove the route, that bypass looked like the main trail, but I realized on my way back that the log was in fact blocking the authorized route and I dragged it out of the way with my winch. Illegal attempts to block legal roads should not be encouraged by closing them, and we ask the BLM to keep this route open. While wilderness groups doubtless want this road closed to make way for wilderness expansion, this area is not managed for wilderness characteristics and it would be contrary to the RMP to close roads to enhance them.

We also ask the BLM to correct two mapping errors with this route, shown on the map above. The BLM's map data does not include a short side-spur to an overlook at 38.60341, -109.91910, and it also shows the endpoint about a tenth of a mile before it actually ends on the ground at 38.60488, -109.91059. This overlook spur is regularly used and indeed looks like the main route on the ground. The main route past the junction with the side spur at 38.60222, -109.91902 looks like a side route, and is more lightly used. While we are not sure why this spur was not designated in 2008, it is still regularly used and has a high recreational value for access to the scenic overlook at 38.60341, -109.91910. Additionally, we believe the BLM's mapping of the endpoint of the main D1437 route is simply incorrect, as the route continues on the ground another tenth of a mile to 38.60488, -109.91059. This segment is not signed as closed and is just as regularly used and clearly defined as the route before that. The BLM's route data appears to be in error regarding the endpoint of the route and needs to be corrected. Pictures of this route, including both omitted sections, are below.

Viewpoint at the end of the short omitted spur at 38.603306, -109.919049

D1437 past the intersection with the viewpoint spur at 38.602731, -109.918468

Route at 38.603248, -109.914106

View of Hell Roaring Canyon from the true endpoint at 38.604867, -109.910592

Looking back down the route from the true endpoint at 38.604813, -109.910670. Road is well-defined and regularly used up to this point.

Log that someone had illegally placed across the road to block it, and the resultant bypass route that formed. I dragged this log off the road onto a patch of slickrock in order to unblock the road and prevent further resource damage.

- ***D1417 (Hell Roaring Overlook Spur)***

D1417 is a short spur out to a scenic overlook off the Hell Roaring Rim Jeep safari trail. It is lightly but still regularly used and well-defined on the ground. It is proposed for closure in all action alternatives, with the main benefits cited being general reclamation. The route report claims this route is reclaimed or reclaiming, yet this is not true. This route is still being used and is not naturally reclaimed. It has an important purpose and need of providing access to a scenic overlook. We urge the BLM to keep this route open as proposed in alternative A.

D1417 at 38.597729, -109.927436

View from overlook at the end of D1417 at 38.597738, -109.927461

- ***D1394 and D1455B (North Rim Mineral Canyon)***

D1394 and D1455B together form a nice scenic drive along the north rim of Mineral Canyon. They are both proposed to remain open in alternative C and D, but closed in alternative B. While these routes are somewhat faint and lightly used, they are not naturally reclaimed and are still distinct and followable on the ground. I drove both of these routes in October 2021 and was able to follow both of them easily, though I could not find some routes that connect to them. They have high recreational value and serve a clear purpose and need for scenic exploration and access to several spurs which go to overlooks of Mineral Canyon. Both routes have been claimed as R.S. 2477 routes by the State of Utah, and D1455B is part of the Jeep Safari trail system. They are lightly used and have no significant impacts to wildlife, soils, or vegetation. Any difficulty with navigation could be resolved by clearly signing and marking the authorized route.

The route report for D1394 lists only generic reclamation benefits from closing the route in alternative B. The route report for D1455B also claims minimizing user conflicts and enhancing wilderness characteristics as reasons for closure. Both of these are generally lightly used by vehicles and rarely if ever used for hiking and mountain biking. There are no user conflicts occuring on them. This area is not managed for wilderness characteristics and it would be inappropriate and contrary to the RMP to close them in order to enhance them. We strongly oppose closing either of these two routes and ask that they be kept open as proposed in alternatives C and D. Pictures of these routes are below.

Clearly defined road on D1394 near its western end, at 38.54685, -109.95761

Continuing east across an open field on D1394

Passing the rim of Mineral Canyon on D1394 at 38.553656, -109.944764

Traveling north on D1394 around 38.55541, -109.94332

D1455B around 38.56029, -109.94112

D1455B heading northeast

- ***D1402A (Mineral Rim Connector and Viewpoint)***

D1402A is a connector route and spur that intersects D1394. The southern segment goes out to an overlook of Mineral Canyon. It is regularly driven and mostly clear, though I found the endpoint a little indistinct. It is also an R.S. 2477 route. The end of the route had good views toward Mineral Canyon, though it would still be a bit of a hike to the rim. This route is proposed for closure in alternative B but kept open in alternatives C and D.

The rationale statement for alternative B cites user conflicts, wildlife impacts, lands with wilderness characteristics, and general reclamation benefits as reasons for closure. None of these are valid reasons to close this route. It is remote and lightly used by vehicles, and rarely if ever used by hikers. There is simply not enough usage of this route by any user group to result in user conflicts. The route is mostly well-defined and is not naturally reclaimed, and motorized travel is restricted to the authorized route except at the end, which as stated is indistinct. Any route finding difficulties could be resolved by clearly signing and marking the authorized route and endpoint, eliminating potential damage to soils and vegetation. Because of its light use it is not causing any harm to wildlife, including bighorn sheep, which would long ago have grown accustomed to the level of use it receives. Finally, lands with wilderness characteristics are not a valid reason to close this route, as the Mineral Point area is not managed to protect wilderness characteristics. Closing this route to enhance wilderness characteristics would thus be contrary to the RMP.

D1402 is a valuable route for scenic exploration, viewpoint access, and general motorized recreation. We urge the BLM to keep it open as proposed in alternatives C and D.

D1402A at 38.55025, -109.95070 just past the junction with D1394

D1402A about halfway down the spur section

View of Mineral Canyon near the endpoint of D1402A at approximately 38.54515, -109.94984

- ***D1402B, D1382B, D1382C (Mineral Canyon Rim)***

These three routes intersect and run parallel to D1402A, forming a triangle with it and D1394. D1382C is a spur that continues past the end of D1382B out to an overlook of Mineral Canyon. All three routes are proposed for closure in alternative B and C, while alternative D would leave open D1382C. All three routes are regularly used and are clearly visible on the ground. While D1402B and D1382B are admittedly likely redundant with D1402A, D1382C is a valuable viewpoint access route. While the route report mentions that it may be redundant with D1402A (which is left open in alternative C), I found it to have better views than D1402A. D1382C offers a unique view of Mineral Canyon and it is by no means redundant with D1402A just because they both access overlooks in the same general area.

All three of these routes have value, and we support keeping all of them open as proposed in alternative A. We note that all three routes are claimed as R.S. 2477 routes by the State of Utah, and closing them would prejudice future litigation to resolve their status. At the very least, D1382C must remain open as proposed in alternative D to continue to provide access to a valuable scenic overlook of Mineral Canyon. The route report mentions only generic benefits of reclamation as reasons for closing this route, and does not cite any particular resource conflicts. As shown in the pictures below, D1382C is a regularly driven, though lightly used dirt road that has minimal impacts on the surrounding area. It is not harming bighorn sheep or any other wildlife. It is not redundant and still has significant independent recreational value for those who explore this remote area. While we can understand why the BLM may wish to close D1402B and D1382B to eliminate redundant routes, we urge the BLM to at least keep D1382C open so that motorized users may continue to access the overlook at the end. Pictures of these routes are below.

Northern end of D1402B at 38.555294, -109.950579

Nearing the overlook at the end of D1382C

Turnaround loop at the overlook at the end of D1382C at 38.55025, -109.94815

View of Mineral Canyon from the end of D1382C at 38.550143, -109.948096

- ***D1390 and D1360***

D1390 and D1360 are two faded and indistinct routes in the middle of the Mineral Point plateau. While I attempted to drive D1390 in October 2021 and was able to follow it most of the way from the north to the south, it disappeared entirely at 38.56108, -109.94144 at the bottom of a hill just before the intersection with D1455B, forcing me to backtrack. I did not drive D1360, but it appeared just as faded. While these two routes could have some recreational value if they were better marked, they are rarely used and mostly reclaiming. We have no objection to closing these two routes as proposed in alternative C, and would prefer that the BLM close them over other routes mentioned in our comments if it desires to reduce the overall route density in the area.

- ***D1393 (Mineral Point Connector)***

D1393 is a short connector route approximately 1/4 mile long. It is proposed for closure in all action alternatives, yet is regularly used and appears to be part of D1455B on the ground. When driving north on D1455B, D1393 is the shortest and most logical way to get to D1382A, and from there to D1455A - the main Hell Roaring Rim safari route. If it were closed, drivers would have to turn left on D1455B, which is much less distinct and less obvious than continuing straight on D1393. The following picture shows the intersection of D1455B and D1393 at 38.56157, -109.94329, looking north at D1393.

As can be clearly seen in that picture, D1393 looks like the main route, and most drivers go straight here rather than turning left to continue on D1455B. D1393 continues as a well-defined dirt road across an open field to the junction with D1382, as seen in the following two pictures.

The second photo above shows the junction with D1382A at 38.56314, -109.94699. As can be seen in the photo, D1393 actually continues on the ground past that junction and ultimately intersects D1455A, but that section is not shown as an authorized route on the BLM's maps. It is not, however, signed as closed on the ground, and people continue to regularly use it.

D1393 is closed in every action alternative, and the route report states the route is reclaimed or currently reclaiming. The route report also does not identify any recreational uses of this route. As the pictures above show, both of those conclusions are false. This route is not naturally reclaimed and is still regularly used, both for recreation and general connectivity in the area. At the junction with D1455B, it is in fact more prominent on the ground and better defined than the continuing segment of D1455B to the southwest, which is proposed to remain open in alternatives C and D. Notably, not even SUWA's comment on this route for the scoping period said D1393 is reclaimed, but instead described it as "a lightly-used two track." The route report's statement that this route is reclaiming is simply wrong.

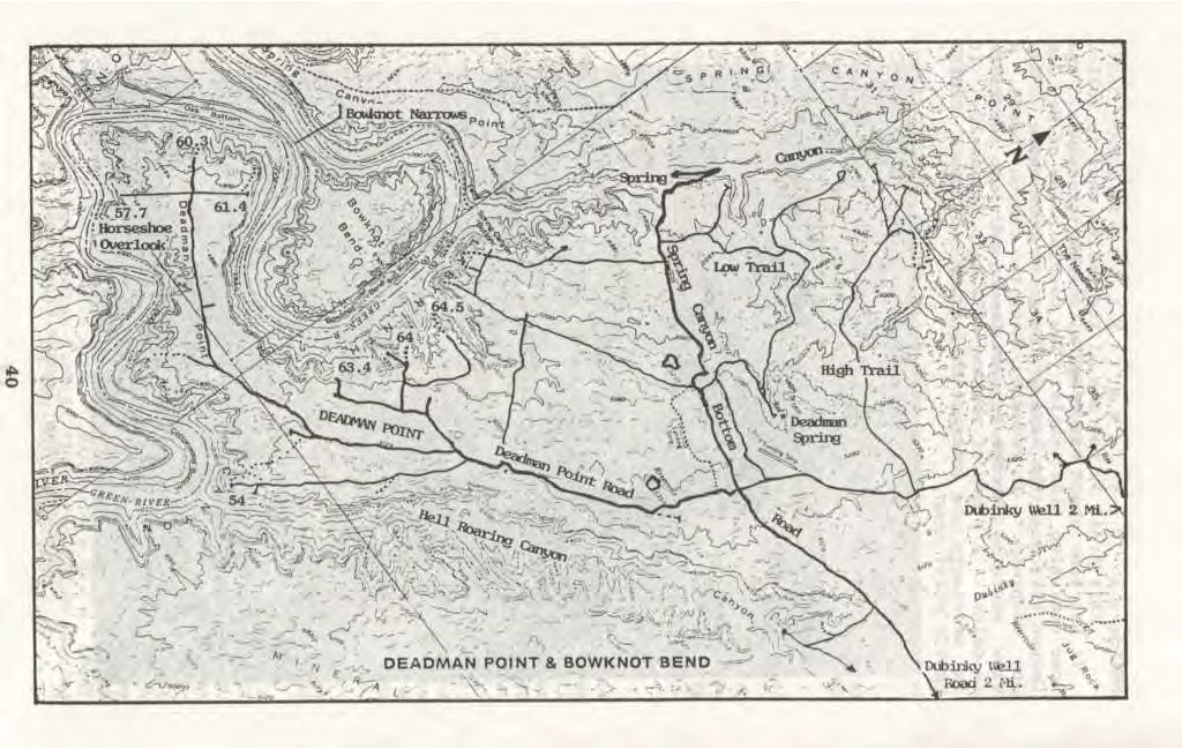
While short and fairly insignificant in itself, D1393 serves a vital purpose and need for the overall route connectivity in the area. Closing it will disrupt connectivity and force drivers to detour around on a more circuitous route to get between two locations that it currently provides a straight route between. It is not naturally reclaimed and is in fact regularly used. We therefore urge the BLM to keep it open as proposed in alternative A.

- ***Nonexistent Routes***

When I attempted to drive them in October 2021, I could not find any sign of **D1400, D1403, D1399, or D0004** on the ground. All of these routes appear to have fully reclaimed and are no longer present on the ground. We thus have no objection to closing them as proposed in alternative C. I also attempted to drive **D1363** from the western end, but only made it a short distance before completely losing the route, and I could not find any sign of it continuing past 38.55462, -109.94009. We also have no objection to closing this road.

Closing these unused and naturally reclaimed roads is the best way to reduce the overall route density on Mineral Point without affecting the quality of motorized recreation opportunities in the area. A few other minor and largely reclaimed roads on top of the Mineral Point plateau could also likely be closed without affecting motorized recreation, but we ask that all the routes mentioned in our comments as having recreational value be kept open.

11. Deadman Point Routes



40

TRAIL NAME: DEADMAN POINT

TYPE: A loop trail with a long spur and many sub-spurs.

MAPS: The Knoll and Bowknot Bend quadrangles.

MILEAGE: 9.5 miles to farthest extent of Deadman, from departure of Spring Canyon Bottom Road. Loop trail about 7 miles. Spurs taken to rim are short, usually less than 1/4 mile.

TIME: All day if several overlooks are visited.

DIFFICULTY: Mostly easy for four-wheel-drive. Limited access on main trails using two-wheel-drive vehicles.

ACCESS: Via DEAD HORSE POINT ROAD, DUBINKY WELL ROAD, and SPRING CANYON BOTTOM ROAD.

TRAIL SUMMARY: Trails, loops, and sub-spurs lead to eight easily reached Labyrinth Canyon overlooks between Spring Canyon and Hell Roaring Canyon mouths, with little or no hiking. Several good views into Hell Roaring and Spring Canyons are easily attained.

TRAIL DESCRIPTION:

Deadman Point's intricate network of interesting trails and grand Labyrinth overlooks are, for the most part, very easily reached with four-wheel-drive, and to a limited extent, even two-wheel-drive vehicles having good clearance and driven by persons accustomed to rough-country driving. In either case, of course, conditions do change, and the driver must rely on his own good judgement at all times.

The Deadman Point area is reached by leaving the DEAD HORSE POINT ROAD (Utah 313) at DUBINKY WELL ROAD--a right turn opposite mile marker 14. In 1-1/4 miles, the desired Spring Canyon Bottom Road continues straight ahead. In about 4-1/2 miles, the deep dip through lower Dubinky Wash is crossed, and 2-1/2 miles beyond, DEADMAN POINT ROAD crosses the SPRING CANYON BOTTOM ROAD somewhat diagonally and not too noticeably. 2-1/2 miles farther beyond this Deadman access, a second road branches left into Deadman country. These two roads are the main accesses to this country. Both these roads are indicated by the presence of imposing Navajo rock clumps near their beginnings. The SPRING CANYON BOTTOM ROAD continues and reaches the dugway into Spring Canyon in about 1-1/4 miles. A third trail into Deadman Point country turns left from SPRING CANYON BOTTOM ROAD very near its point of descent into Spring Canyon. This could be considered an exit trail as it connects with the lower end of the second trail near the mouth of Spring Canyon.

41

The first, and longest, of these three accesses, reaches the farthest point of vehicular travel. A short hike, then, provides a look into Oak Bottom, a portion of Keg Point below the Bowknot Narrows(60.3).

1/2 mile prior to this Deadman trail ending, a cross-trail is seen. The right or northerly trail ends in 1/2 mile at Bowknot Bend rim (61.4), just above the Bowknot Narrows. A 1/4-mile hike westerly and upon a higher point provides views into the low saddle of the Narrows. This narrow, low stretch of Chinle is all that keeps the Green from short-cutting and discontinuing the Bowknot "Island" loop circulation.

A left (southerly) turn onto this cross-trail leads to a spectacular view directly into the mouth of the famed Horseshoe Canyon on the opposite rim. This 1/2-mile jaunt is a bit obscure in rimrock, but vehicles can reach the edge of the Labyrinth Rim, on a perch 800 feet above the Green (57.7). Below Horseshoe mouth is The Spur, and above, the grand Twomile Point. These magnificent points are also quite accessible and are described in the west side trails section.

Hikes to the rim of Hell Roaring are available along the main stretch of trail. An old four-wheel-drive trail along Hell Roaring Canyon rim reaches the last point of land between Hell Roaring Canyon and the river gorge (54). This old trail is hard to follow in a blow sand patch, but it runs unerringly to its grand destination. Vehicles can be parked 20 feet from the point's edge, for a magnificent view through the mouth of Hell Roaring and down the Green about 2-1/2 miles. The Spur rim is on the opposite side, and a great portion of the Mineral Point rim is visible downstream. This forks left off the main trail in the vicinity of the old drill sites about 4 miles down the main trail.

A fork to the right off the main Deadman Point trail in this same area, climbs a slight ridge and travels it about 1/2 mile southward. At the end of the ridge, a trail heads west (right) to the fourth quadrant rim of Bowknot Bend (62.5). This ridge spur also has reconnection with the main trail in this vicinity. Another spur just prior to this leads off the ridge (right) to an interesting point (63.4) looking across the Green to the farthest of the old uranium mine trails.

The Bowknot "Island" must have been a good uranium producer. A ferry was in service to this "island" in the late fifties and the early sixties. Ore was hauled up Spring Canyon and out at the dugway, and the SPRING CANYON BOTTOM ROAD brought it to pavement.

Returning on this latter spur, a trail forks left. This proceeds mostly north, and rounds an area of cones, spires and deep cuts not often seen in the river rims where the Wingate is prominent. This little trail curves westward and ends at a long, flat rock point that can be hiked easily out to a spectacular river overlook

42

(64). An old US General Land Office survey marker may be seen standing in a rock cairn about halfway out the point.

At about 2-1/3 miles into the DEADMAN POINT ROAD from the SPRING CANYON BOTTOM ROAD, a right fork heads west, passing the head of a short but deep-cut canyon. This is the trail which connects the main Point road with the other two access roads into the Deadman Point sector of Labyrinth Canyon. An old drill hole on the left side of the Point trail just prior to this turn, is interesting. It has one of the "Derby Hats" (aluminum caps) over the hole, but it blows off at times. At other times, the airflow is reversed, and pulls tightly on the derby.

Heading west on this previously mentioned cross-trail, and shortly after passing the side canyon head, an intersection is reached. This is the second access trail. A right turn here leads to SPRING CANYON BOTTOM ROAD at the second clump of Navajo rock. This 2-1/2 mile section is the best entry road from SPRING CANYON BOTTOM ROAD for two-wheel-drives to attempt.

A left turn here heads for another grand overlook of Bowknot Bend (64.5). It requires a hike of 1/10 mile, but puts one so nearly directly above the river that pictures taken here appear to have been taken from aircraft. The view into the mouth of Spring Canyon from this point is astounding.

About 1/4-mile farther west along the trail, a fork left onto a rock shelf just prior to the trail's sharp bend to the north, gives access to a large rock grotto below which is an excellent lunching place. To the right of this is the last point of land between Bowknot Bend and Spring Canyon's wide mouth--and, as may be expected, another absolutely spell-binding view (66).

A turn right, or north, then becomes the third access road previously mentioned, and leads to the SPRING CANYON BOTTOM ROAD. Several short turns off this trail lead to old core drills along Spring Canyon rim, and these provide wonderful canyon viewpoints.

On a grassy prominence, the trail arrives at alternate routes. One eastward merely returns to the lower trails already done and the other, forking left, stays closer to the rim of Spring Canyon, coming out to SPRING CANYON BOTTOM ROAD a short distance prior to that road's entry of the dugway into the canyon bottom.

These trails may seem confusing to the newcomer, but they are quite logical considering the general lay of the land, river gorge and side canyon barriers. The prospective visitor should study--and take along--his maps and information. Deadman Point has more river miles of Labyrinth Canyon rim viewing with closer and easier access than any other point in the Labyrinth bends.

43

Most of the routes mentioned below are described in the published guidebook, *The Labyrinth Rims - 60 Accesses to Green River Overlooks* by Jack Bickers, published in 1989. Scans of the relevant pages from this book are included above. The guidebook also included detailed descriptions of what is now the Deadman Point Jeep Safari route, discussed in our priority routes section. This book demonstrates that all of the routes discussed below leading to overlooks of Labyrinth Canyon have been used for motorized recreation for decades and have extremely high value for scenic exploration, even if today they are relatively obscure and lightly used.

As Jack Bickers stated, “Deadman Point has more river miles of Labyrinth Canyon rim viewing with closer and easier access than any other point in the Labyrinth bends.” Easy motorized access to high quality viewpoints along Labyrinth Rim has always been a defining characteristic of the Deadman Point area, and it is one that should be preserved rather than thrown away in the name of enhancing wilderness characteristics. Motorized routes on Deadman Point accessing overlooks also provide some of the best ways for people with disabilities to see Labyrinth Canyon. If these roads were closed, elderly or disabled people who can currently drive a vehicle right to the canyon rim in multiple places would never again be able to experience the wonders of this canyon.

- ***Deadman Springs Trail (D2024, D2030, D2035, D2033)***

11 Deadman Springs

AREA 1 map on page 24

Our stock Wrangler (top right) got down this ledge at Wpt. 07 without catching the rear bumper.

Much of the trail is easy, but it's not boring.

Our Safari group stopped for lunch at Wpt. 06.

Historical Highlight: *Allegedly, a cowboy was found dead at Deadman Springs in 1890. The name has stuck to this day. Twenty years ago, parts of this trail were part of the Secret Spire Safari run. Source: Red Rock 4-Wheelers website.*

Overview: This is a great half-day trip with just enough challenge to make it fun. If you go following heavy rains, you might see a waterfall at Deadman Springs, but most of the time, thick vegetation is the only sign of water there. Our Safari group had lunch at a large slickrock area at Wpt. 06. From this spot, you get a distant view of Secret Spire if you take a short hike north to the edge of Spring Canyon.

Rating: Moderate. Much of the trail is easy, but low-slung SUVs might catch a rear bumper going down several small ledges. One spot in particular at Wpt. 07 seemed to catch many drivers off guard when they failed to go over the ledge on an angle. Just go slowly and let your rear bumper drop down gently.

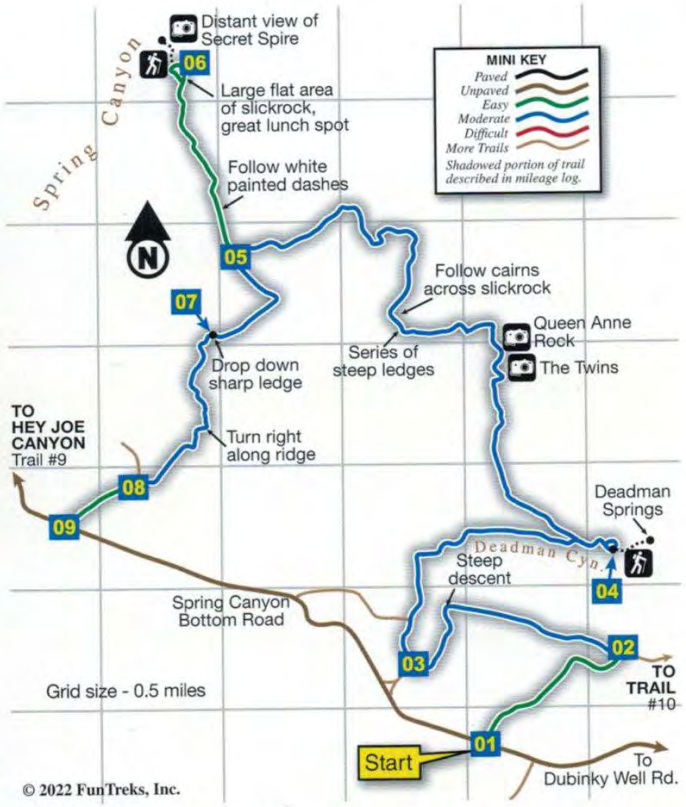
Stats: Length: 9.8 miles. Time: 2 to 4 hours depending on stop time. High point: 5243 ft. at Wpt. 02. Best time: March-November. Hot in summer.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

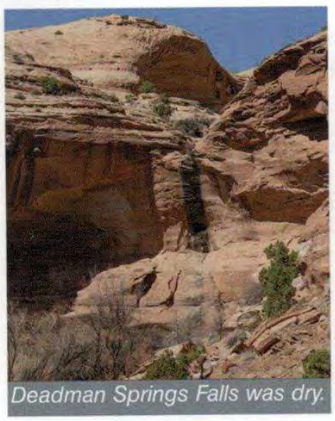
Getting There: From downtown Moab, head north on Hwy. 191 about 11 miles and turn left on Hwy. 313. Go west about 8.5 miles and, just after a rest area on left, turn right on Dubinky Well Road just before mile marker 14. Go north 1.5 miles and continue straight (left) on Spring Canyon Bottom Road where Dubinky Well Road swings right. Continue west on Spring Canyon Bottom Road 6.9 miles to start of trail on right.

START MILEAGE LOG:

0.0 Zero trip odometer [Rev. Miles]
Head north on easy dirt road. [8.0]
01 N38 37.658 W109 56.644
0.7 Turn left. Road changes to mix of sand and slickrock with small ledges. [7.3]
02 N38 37.955 W109 56.067
1.4 Trail turns south with steep drop off slickrock to sandy road below. [6.6]
1.8 Turn right onto single-lane sandy road that descends into canyon. [6.2]
03 N38 37.903 W109 56.961
2.2 Cross slickrock. Look for road on other side. [5.8]
2.7 Continue straight into Deadman Canyon. [5.3]
3.0 Continue straight where road joins on left. You'll return here soon. [5.0]
3.1 Park and hike, then turn around and go back out. There's a short hike east to Deadman Springs. The hike is fun but anticlimactic unless water is flowing over the falls. [4.9]
04 N38 38.350 W109 56.098
3.3 Bear right. Follow fun, undulating 2-track road. [4.7]
3.5 Stay left along base of cliffs. [4.5]
4.2 Follow road left around two distinct rock formations, The Twins and Queen Anne Rock. [3.8]
4.8 Steep ledges. [3.2]
4.9 Follow cairns across slickrock. [3.1]
6.3 Turn right to visit overlook. Follow white dashes across slickrock. [1.7]
05 N38 39.392 W109 57.738
7.2 Large area of slickrock is good lunch spot. Hike north to edge of canyon to see Secret Spire in distance. Look northeast. Turn around and go out the way you came in. [0.8]
06 N38 40.074 W109 57.988
8.0 Back at Wpt. 05 [0.0]
0.0 Zero trip odometer at Wpt. 05
Continue south on fun, winding road with many ledges. [1.8]
0.6 Drop down tricky ledge. If you don't have a lot of ground clearance, make sure to take the ledge at an angle to avoid catching your rear bumper. [1.2]
07 N38 39.106 W109 57.823
1.0 Stay right. [0.8]
1.4 Join smoother road that comes in on right. [0.4]
08 N38 38.587 W109 58.165
1.8 Trail ends at Spring Canyon Bottom Road. Turn left to return to start, then continue out the way you came in. [0.0]
09 N38 38.452 W109 58.479



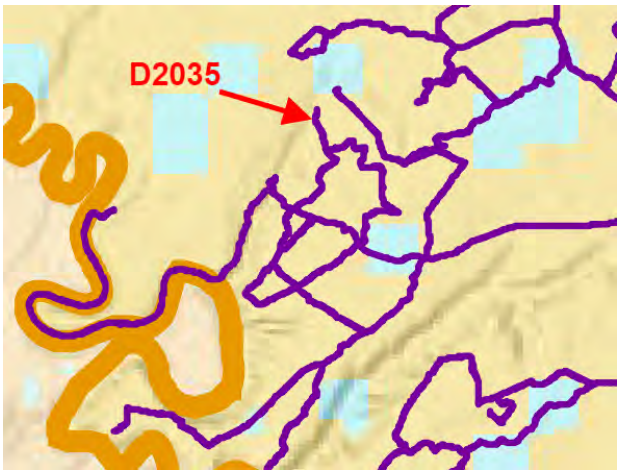
Get FREE trail updates & GPS downloads at www.FunTreks.com


Deadman Springs Falls was dry.

Small ledges like this along the route made the drive fun.

The Deadman Springs trail is an Easter Jeep Safari route which forms a loop off of Spring Canyon Road. It is an easy trail rated a 3 and is part of the EJS First Timers Package. The main EJS route consists of D2024 (the primary loop route) and D2335 (northern spur to an overlook up upper Spring Canyon). Both of these are also featured in the 2022 edition of the Funtreks guidebook (scans above). D2030 is a short spur that accesses the actual Deadman Spring, while D2033 is an optional spur that accesses another overlook of Spring Canyon just above the switchbacks of the Spring Canyon Bottom dugway.

While the main loop on D2024 is proposed to stay open in all alternatives, D2330 is closed in alternative C and D2035 and D2033 both have spring seasonal closures that would likely prevent their use during Easter Jeep Safari. Alternative B would close all three spurs off the main loop route. We strongly oppose all these proposed closures, and believe neither permanent closure nor seasonal closures are justified on any of these routes.



Amusingly, SUWA's scoping comments claimed that all of these routes were redundant and served no purpose, not recognizing that they are part of the EJS trail system. All of these roads are highly valuable routes for motorized recreation and are used regularly. The route report for D2024 correctly notes its use level as medium, but that should also apply to all three spurs, which are listed as low use routes. In reality, all three routes are typically driven together. The route report for D2035 fails to note that it is part of the Easter Jeep Safari trail system, even though the map[127] on the BLM's ePlanning site for the current renewal of the EJS special use permit shows it as an EJS route (pictured right). The seasonal closure proposed in alternative for D2035 from April 1 - June 15 does not include an exception for authorized / permitted users the way the seasonal closure on Day Canyon Point does, likely making it no longer available for use during EJS.

D2030 is a featured trail on TrailsOffroad.com, which gives this description of it:

> Words like "deadman" are never really inviting, but then again, in the desert, the term "springs" is really inviting. Deadman Springs. In the 1890s a couple of old cowboys found a dead man at the springs, hence the name. Today this short trail takes you off the beaten path into an oasis of green growth and cooler temperatures within the canyon walls tucked in under White Point. Ancient junipers and the sound of dripping water await!

TrailsOffroad also notes a nice dispersed campsite at the end of D2030. Dispersed camping is not currently restricted in the area even though the route report lists it as being in bighorn lambing habitat. A few pictures of D2030 from TrailsOffroad.com are below.

---

127 https://eplanning.blm.gov/public_projects/2019891/200522995/20060484/250066666/Map%20JS%20Routes%20Moab%20FO.pdf.

RUBICON

Alternative C would close D2030 to the public and convert it to an admin road available only for ranch access. The rationale statement in the route report cites mainly generic benefits to wildlife and vegetation as reasons for closing it. We strongly oppose this closure and believe it to be unjustified. This is a short route that is well-defined and motorized travel has stayed on the authorized route. It is not causing erosion or damage to soils, vegetation, or Deadman Spring itself. Bighorn sheep have long been accustomed to the use it receives and there is

no evidence it is negatively impacting them. This route is extremely valuable for recreation access to a scenic canyon and a rare desert spring, and we urge the BLM to keep it open as proposed in alternative D.

D2035 and D2033 are likewise extremely valuable routes for motorized recreation because they provide access to two highly scenic overlooks of Spring Canyon. A couple pictures below from Red Rock 4-Wheelers' website show the views of Spring Canyon from the end of D2035.

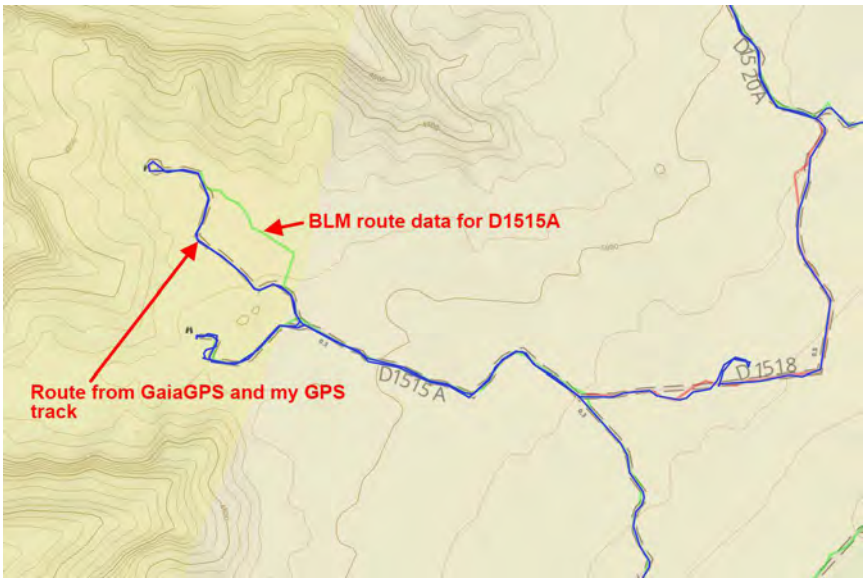
We strongly oppose the spring seasonal closure of D2035 in alternative C, as it would likely make this route unavailable for use during Easter Jeep Safari. Even if an exception was made for permitted users, it would prevent anyone else from driving it during EJS week. Many people enjoy driving the EJS trails outside of the main event and throughout the peak spring season, and the loss of this route would cause severe harm to the quality of motorized recreation opportunities in the Spring Canyon area.

For the same reason, we oppose the seasonal closure of D2033 in alternative C, and the total closure proposed in alternative B. D2033 is featured on TrailsOffroad.com, which includes the following pictures of the route.

Both of these seasonal closures are imposed because of bighorn sheep lambing habitat, yet these routes have been regularly used for motorized recreation in the spring for many decades and have not caused any demonstrable harm to bighorn sheep in the area, whose population is stable and not declining. We do not believe the BLM has demonstrated why it is suddenly necessary to impose seasonal closures on these valuable routes now.

The complete closure of these overlook spurs as proposed in alternative B is certainly not justified, as that appears to be based mostly on wilderness characteristics. The 2008 RMP expressly determined not to manage the Deadman Point / Spring Canyon area for protection of wilderness characteristics, and it would be inappropriate and contrary to the RMP to close valuable motorized routes to create new wilderness characteristics which have never existed in the area. We urge the BLM to keep routes D2030, D2035, D2033 open year-round with no seasonal closures as proposed in alternative D. Anything else would result in the closure of these valuable spur routes for at least part of the year, inconsistent with the main Deadman Springs loop.

- ***D1515A, D1515B, D1520A***



These three routes provide access to three highly scenic overlooks of Labyrinth Canyon and Bowknot Bend, just north of the Deadman Point Jeep Safari trail. They are usually driven together, with D1518 connecting them. They are all proposed to stay open in alternative C and D but closed in alternative D. We strongly oppose closure of these routes as they are all regularly used, well-defined on the ground, and have high recreational value for overlook access and exploration of a remote and seldom visited area on Labyrinth Rim. D1515 is featured on TrailsOffroad.com.

When I drove these three routes in October 2021, I found them to be in good condition and plainly visible on the ground. The views from the overlooks at the end of each route were spectacular, and I wish I had more time to spend in the area since it was nearly sunset. Importantly, I discovered that the route on the ground for the end segment of D1515A does not match the BLM's route data, which shows it in the wrong place. This is illustrated by the map above. We urge the BLM to correct its mapping of this route.

From the rationale statements in the route reports, it appears the main reasons these routes are proposed for closure in alternative B are wilderness characteristics, bighorn sheep lambing habitat, and general reclamation benefits for soils and vegetation. These closures were requested by SUWA in its scoping comments, which claimed these routes were unnecessary and redundant, harming wilderness characteristics, causing noise impacts within Spring Canyon, harming bighorn sheep, and claimed that D1515 had unspecified "management issues" at the end of the route

along the canyon rims. None of these claims are true, and none of the reasons cited in the route reports justify closing these three valuable routes.

D1515A and D1520A are both cherry-stemmed roads through lands with wilderness characteristics, meaning they were identified as roads (not ways) in the original wilderness inventory for the area. D1515B is not cherry-stemmed so it was classified as a way. The 2008 RMP specifically determined not to manage the Deadman Point area for wilderness characteristics, and because these roads long pre-dated the original wilderness inventory, they are not harming any existing wilderness characteristics. Closing them to enhance wilderness characteristics by essentially creating new ones that do not currently exist would be inappropriate and contrary to RMP direction.

While these routes are in bighorn lambing habitat, they are lightly used and not causing any demonstrable impacts on the local bighorn population, which is stable. Camping is already prohibited at the ends of each of these routes, which should be sufficient to mitigate any minor impacts they do have on bighorn sheep. Motorized use has been well-confined to the authorized route, and I saw no signs of off-route travel or SUWA's claimed "management issues". However I did find that the northeastern end of D1520A had been illegally blocked (likely by an environmental activist) with three large tree branches at the junction with D1503A at 38.60986, -109.95668. I came upon this blockage from behind and had to move the branches off the road to get back out to D1503A to exit the area.

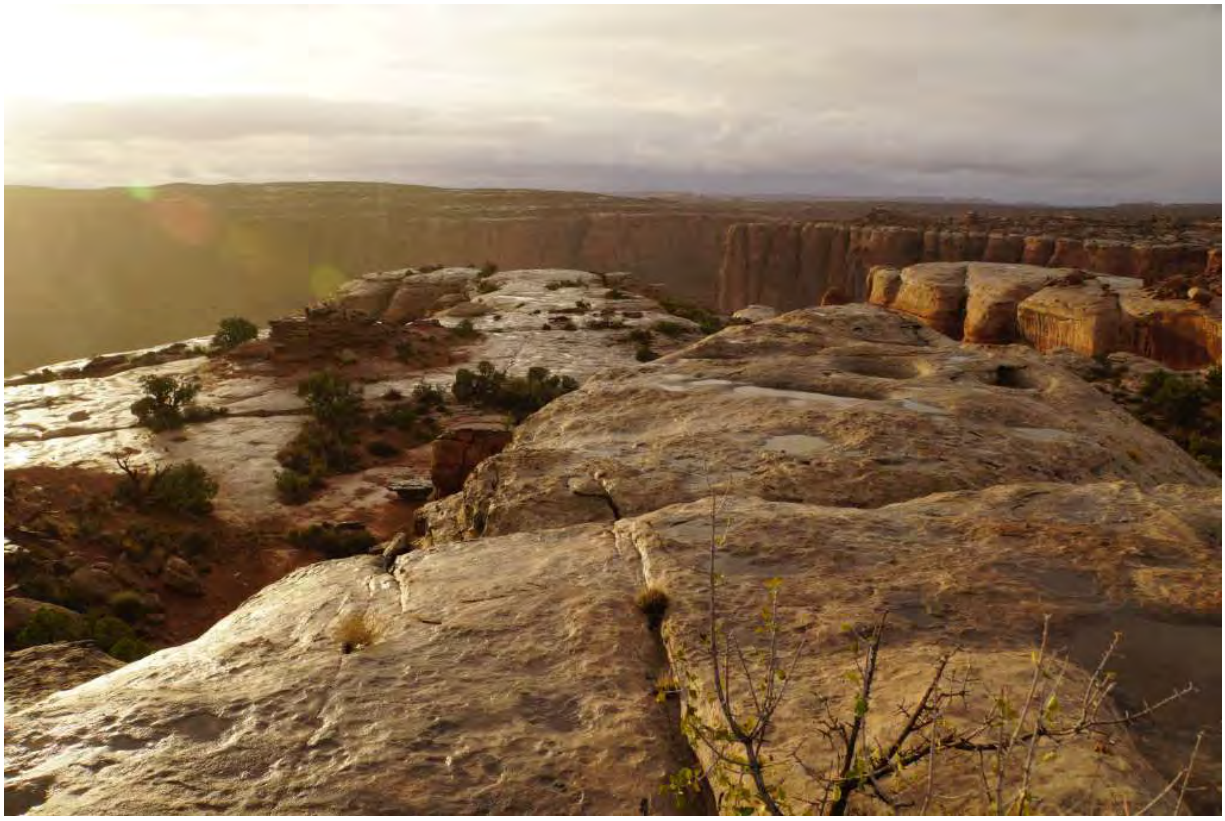
Each route has a clear endpoint at a scenic overlook and is not causing any damage to surrounding soils and vegetation. The closure of these routes in alternative B is totally unjustified, and we urge the BLM to keep them open as proposed in alternatives C and D. Moreover we urge the BLM not to reward environmental extremists who are illegally blocking authorized routes to make them appear closed. Such behavior should not be encouraged by closing the roads these activists attempt to blockade.

Pictures of each of these routes are below.

The overlook at the end of of D1515B at 38.598828, -109.985649

Overlook at the end of D1515A at 38.601035, -109.986256

Overlook at the end of D1520A at 38.606447, -109.983431



Another photo of the overlook at the end of D1520A at 38.606447, -109.983431

Parking area at the end of D1520A at 38.606445, -109.983388

Driving out along D1520A at 38.602592, -109.965794

Illegal blockage of the northeastern end of D1520A at 38.609688, -109.956854, which I removed

- ***D1518 (Deadman Point Connector)***

Well-defined and regularly used road on D1518 at 38.598586, -109.975129

D1518 is a critical connecting route between D1515A and D1520A, two of the scenic overlook routes mentioned in the proceeding route comment. This route enables all three of those overlook routes to be run as a group, and enables people to drive a broader loop route from D1511 to D1530A, which is what I did when I explored them in October 2021. Closing it as proposed in alternatives B and C would sever this loop opportunity and cut D1520A off from D1515A.

With D1518 closed, someone wanting to drive all three overlook routes would have to visit the two overlooks on D1515 and then drive all the way back out to D1497A (the main Deadman Point road) and around on D1503A to D1520A. Instead of taking a mere half mile to connect D1515A and D1520A via D1518, it would now require driving 3.9 miles to get from D1515A to D1520A. Closing D1518 as proposed in alternative C would thus severely disrupt route connectivity in the area and require drivers to travel a much greater distance between routes that are currently logically driven together but would now be disconnected.

The rationale statement for alternative C cites wilderness characteristics, enhancing wildlife, and general reclamation benefits for visual contrast as reasons for closing this route. In scoping comments, SUWA claimed this route was unnecessary and redundant with D1497, which as described above is simply not true, as the two routes go completely different places. D1518

provides a much more direct route between the scenic overlooks along D1515A and D1520A, while using D1497 to connect them is nearly four miles longer.

As seen in the photo above, D1518 is no less distinct on the ground than any of the other routes in the area, and is a well-defined two-track road. Motorized use is well-contained to the authorized route and it is not causing any damage to soils and vegetation. This route receives only light use, and has been used for motorized recreation for many decades without causing any demonstrable harm to bighorn sheep and other wildlife. In terms of visual contrast, it blends naturally into the surrounding terrain and is not visible unless you are right on top of it. Wilderness characteristics are not a valid reason to close this route, as the 2008 RMP specifically determined not to manage the Deadman Point area for wilderness characteristics.

We strongly oppose closing this road as proposed in alternatives B and C. D1518 is a critical connecting route that provides the most direct access between two other roads that are slated to remain open in alternative C, and it must likewise remain. We therefore ask the BLM to keep it open as proposed in alternative D.

- ***D2014, D2709, D2017, D2015 (Three Points Trail)***

D2014 forms a scenic loop route through the northern portion of Deadman Point across from Bowknot Bend. Three short spurs, D2709, D2017, and D2015 provide access to scenic overlooks of Labyrinth Canyon. This route is featured on TrailsOffroad.com, which calls it the Three Points Trail. It gives the following description of this route:

> Smooth dirt gives way to rock and more challenging obstacles along the northern portion of this route. One obstacle, with a bypass, is a 2.5' tall ledge. Route finding can be challenging in some spots along the northern section. Despite all that, there are three excellent campsites and overlooks at the western edge of the route.

According to both the route report and the map on the BLM's ePlanning page for Easter Jeep Safari's special use permit renewal, D2014 is an authorized Jeep Safari route. While all of these routes except the short spur D2709 are proposed to remain open in alternatives C and D, alternative B would close all of them. The rationale statement in the route report for D2014 cites user conflicts, wilderness characteristics, wildlife habitat, and general restoration benefits as reasons for this closure. None of these are valid reasons to close this route.

As noted in the route reports, D2014 and its spurs receive only light use, and motorized uses are the only recreational uses listed. Hikers and mountain bikers rarely if ever use this route, and if they did, they would be highly unlikely to encounter a vehicle. There are simply no user conflicts occurring on this route, and any claims of user conflict are simply motivated by ideological opposition to motorized recreation. This route has been regularly used for motorized recreation at current levels for many decades and has not caused any demonstrable harm to bighorn sheep or other wildlife species.

As the route report notes, it is a boundary road for lands with wilderness characteristics. BLM GIS data shows lands with wilderness characteristics on the outside of the loop along the rim of Labyrinth Canyon, but not on the inside of the loop. This area is not managed for wilderness

characteristics, and closing it in a misguided effort to expand mapped lands with wilderness characteristics beyond their current boundaries would be contrary to RMP direction.

D2014 and its spurs provide a valuable loop opportunity for motorized recreation along the rims of Labyrinth Canyon and Spring Canyon, and each of the three spurs accesses an important scenic overlook. Most of this route is open to dispersed camping, providing excellent opportunities for that as well. TrailsOffroad documented several excellent campsites along this route, which should all be eligible for designation as official sites in the ongoing camping management plan. We therefore urge the BLM to keep D2014, D2017, and D2015 open as proposed in alternatives C and D, and D2709 open as proposed in alternative D. Pictures of these routes from TrailsOffroad.com are provided below.

RUBICON
Jeep

- ***D1500 (Camping Spur)***

D1500 is an important dispersed camping spur off D1497A, near the rim of Hell Roaring Canyon with excellent views of the canyon. It is outside the area along the rim of the canyon where dispersed camping is prohibited because of bighorn sheep lambing habitat, and hosts an excellent campsite just off the authorized route at 38.61384, -109.93325, pictured below.

Campsite off D1500 at 38.61384, -109.93325

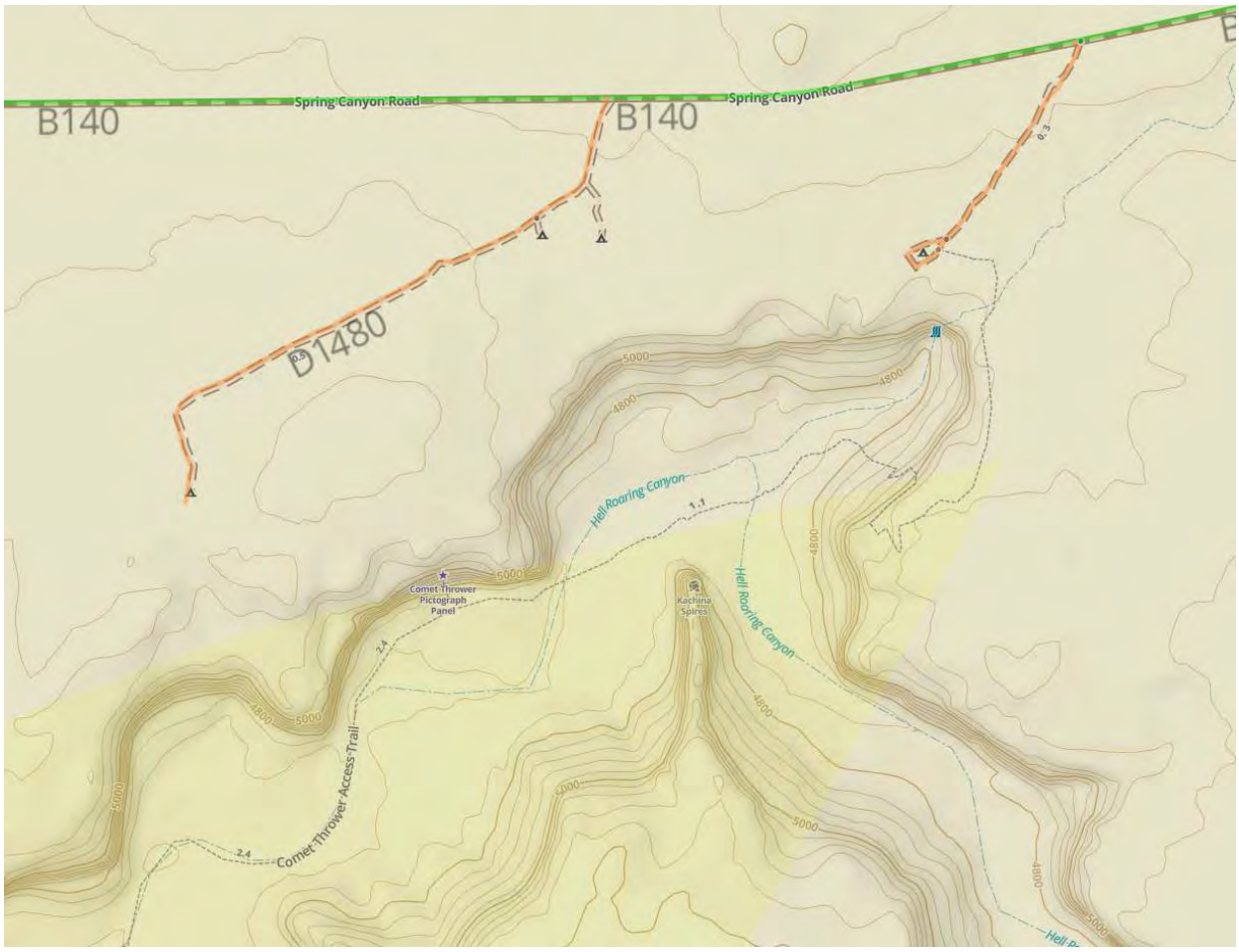
Access spur to this campsite at 38.614544, -109.933181

Though this campsite is technically off the authorized route, it has a well-defined access spur and is regularly used. It has amazing views of Hell Roaring Canyon, and is in an area where dispersed camping is currently allowed. It would be an excellent candidate for designation as an official campsite in the ongoing camping management project. The route report, however, fails to note its use for camping, making this yet another route where the BLM has not given proper consideration to dispersed camping access.

This route is proposed for closure in alternatives B and C, with the main cited reasons being general restoration benefits of restoring vegetation cover and reducing visual contrast. Other than the short campsite access route off the main road, this route is not causing any significant resource impacts that justify closure. Impacts from the campsite could be mitigated by officially designating it as a campsite in the camping management process and signing and marking an authorized route to it. It blends naturally into the surrounding terrain and is not visible unless you are immediately next to it, so visual contrast is not an issue.

This route is not in an area where camping is prohibited because of bighorn sheep lambing habitat, nor does the GIS data from the Utah Department of Wildlife Resources show it as being in bighorn lambing habitat, so that is likewise not a concern. This route is highly valuable for dispersed camping and scenic views of Hell Roaring Canyon, and we urge the BLM to keep it open as proposed in alternative D.

- ***D1480 and D1481 (Camping Spurs)***



D1480 and D1481 are both important dispersed camping routes off Spring Canyon Road, leading out to the north rim of Hell Roaring Canyon. They both host multiple heavily used dispersed campsites, and the route report correctly notes camping as an important recreational use. Each of

these campsites is a prime candidate for designation as an official site in the ongoing camping management project.

D1481 also provides important hiking and climbing access, as a climbers trail takes off from its end and descends to the bottom of Hell Roaring Canyon. This hiking trail (visible in the map above) is used by hikers to reach the Comet Thrower pictographs at the bottom of the canyon, and provides the most direct access to it. According to several rock climbing websites I found, it also has historically been the main route used by climbers to reach the bottom of the Kachina Towers. I am uncertain if this is still allowed, however, as the 2021 climbing restrictions project restricted climbs of the Kachina Towers to a limited number of permits only issued in the fall, and required climbers to approach the towers from above. It is not clear whether hiking down from the north rim is still allowed, or if climbers are required to access the towers from the south rim. Even if climbers can no longer use the trail to access the Kachina Towers, hikers can currently use it year round to access the Comet Thrower Pictographs and other locations in the bottom of Hell Roaring Canyon.

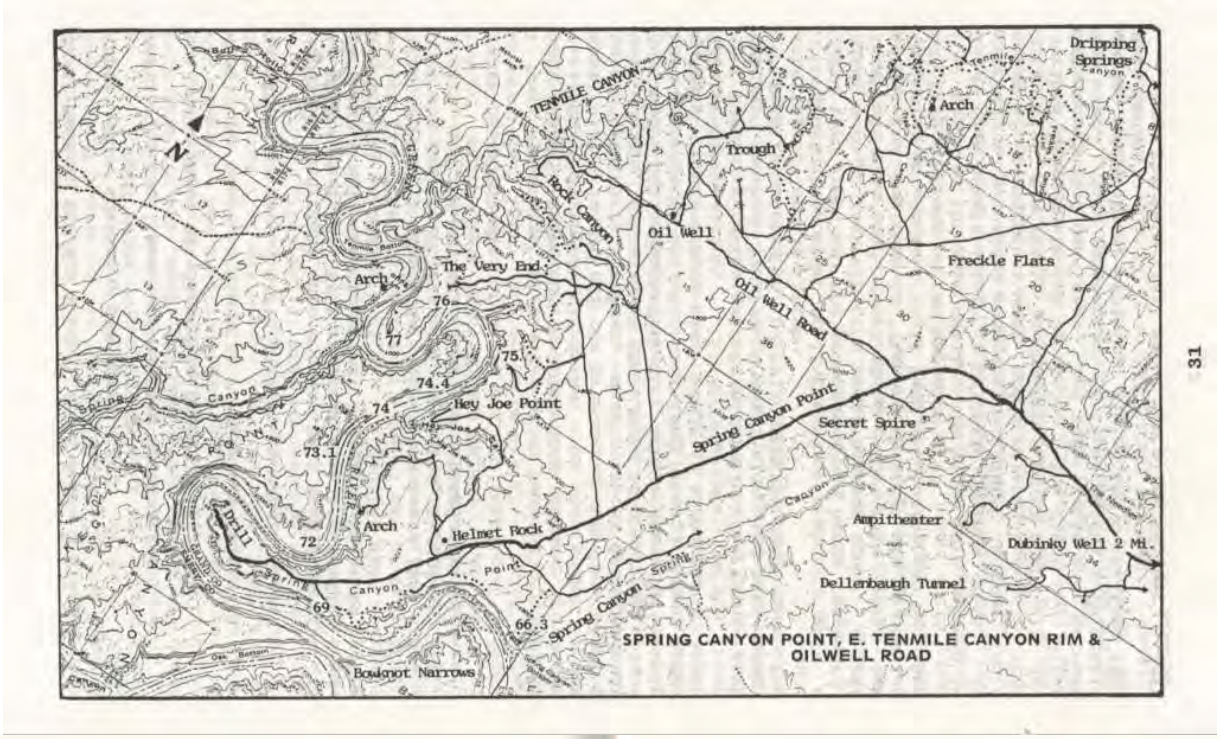
Both of these roads are proposed for closure in alternative B, and both are open but seasonal closed to all uses from February 1 - August 31 for raptor nesting season under alternative C. Both are open with no seasonal restrictions in alternative D. We adamantly oppose both the total closure in alternative B and the seasonal closure in alternative C, and believe both actions to be excessive and unnecessary. These two routes have been regularly used for motorized recreation, dispersed camping, and hiking access to the bottom of Mineral Canyon for many decades, without causing any demonstrable harm to nesting raptors. If raptors are still nesting in the area, that is decisive evidence that the use of these two routes is not impacting them.

As discussed in our general comments on raptor nests, the science the BLM uses to support harsh restrictions on recreation near raptor nests is extremely faulty and fallaciously conflates non-threatening activities like motorized use, hiking, and rock climbing with past deliberate hunting of raptor species. Raptors do not view these non-consumptive recreational activities as a threat, the BLM has failed to use the best available science in concluding that they do and restrictions on recreation are necessary to protect raptors. Therefore we strongly oppose these unnecessary permanent and seasonal closures, and urge the BLM to keep both of these routes open year around as proposed in alternative D.

- ***Nonexistent Routes***

When I attempted to drive them in October 2021, I could not find any sign of D1520B or D6886. These routes appear to have been completely naturally reclaimed and are no longer present on the ground. We have no objection to closing them as proposed in alternative C. Additionally, while D1513 was present and I was able to drive it, it likely is redundant with D1514 and we have no objection to closing it. If the BLM desires to reduce the overall route density on Deadman Point, closing these routes would be the best way to do it without impacting the quality of motorized recreation opportunities in the area.

12. Spring Canyon Point Routes



31

TRAIL NAME: S P R I N G C A N Y O N P O I N T

TYPE: Spur, with many sub-spurs.

MAPS: The Knoll and Bowknot Bend quadrangles.

MILEAGE: About 23 miles from Utah 313 to tip.

TIME: Two hours, minimum to Point--side trips extra.

DIFFICULTY: Easy. Difficult for two-wheel-drives.

ACCESS: Turn right onto Dubinky Well Road from Utah 313 at mile marker 14. Keep right at fork 1-1/4 miles down. Go about 6 miles and turn left 250 yards prior to reaching Dubinky windmill.

TRAIL SUMMARY: Many side attractions leave this trail. They are described as spurs. Turns to HEY JOE AND THE ARCHES, and the OIL WELL ROAD are separate articles.

TRAIL DESCRIPTION:

In less than three miles after turning off DUBINKY WELL ROAD, SPRING CANYON POINT ROAD crosses a second cattleguard at the Needle Rocks. At this point, a dim trail left leads off the prominence and down into a wash. It skirts a sudden, deep pour-off and continues west on the left side of the canyon to a parking place just above Dellenbaugh Tunnel. A hike down the rubbly rim and through this 110-foot-long natural tunnel leads quickly to the canyon rim. This is a beautiful ampitheater-like setting.

Returning to the main Point trail, the right fork quickly reached is a rough trail along the mesa base. It finally reaches the DRIPPING SPRINGS ROAD near the crossing of Tenmile Canyon.

Continuing main trail travel, in about a mile a left turn drops off the prominence and heads westward. After a rough rock dip, the trail becomes sandy. A left turn off this leads south along a low rock mesa, and works its way down to "The Ampitheater" rim of Spring Canyon. An old foot trail into the bottom can be seen slightly upstream on the opposite rim.

Back on the main trail, the right turn noticed in less than a half-mile, is DRIPPING SPRINGS ROAD. It reaches a beautiful crossing of TENMILE BOTTOM in 6 miles. It continues west, and furnishes access to TENMILE WEST RIM TRAIL, and TENMILE POINT ROAD--all described under their own headings. The first two miles are now in bad condition, and side trails and detours are used. More information is found in the 4-WD Trailguides Publication, "Biking, Hiking and 4-Wheeling Tenmile Canyon".

Down the main trail about two miles farther, a left

turn seen is a short loop. About midway, on the rim of Spring, the "The Secret Spire" can be seen. This is not really a spire, but a very unique column. The trail continues to the main SPRING CANYON POINT ROAD.

About 3-1/2 miles beyond the Needle Rocks, and between the Secret Spire loop junctions, the OIL WELL ROAD forks right. It is described under its own heading, due to its important Labyrinth overlooks and accesses to Tenmile Canyon rim trails. It appears as a major fork to the right, not very far beyond the left turn to the Spire. In this short stretch, Juniper Arch, Kitty-Cat rock, and the Frog may be seen to the left.

Continuing on the Point trail, a stretch of roughness due to rain deterioration is traveled for about a mile, then several miles of smooth sailing across the prairies are enjoyable. In this section, look for a small road to the right, crossing the field and heading north. This connects with OIL WELL ROAD junctions to reach three absolutely fantastic Labyrinth Canyon views. These are described in the OIL WELL ROAD section.

The main SPRING CANYON POINT ROAD drops (rather roughly nowadays) off the backbone prominence of Spring Canyon Point. In 1/4-mile, a side trail back-forks to the left. It goes to the rim of Spring Canyon, and a dim trail travels upstream some distance. SPRING CANYON BOTTOM ROAD can be seen descending the opposite rim. A hike above the juncture of Spring Canyon and Bowknot Bend is easy (66.3), and the overlook is stupendous.

Along SPRING CANYON POINT ROAD again, and in about 1/4-mile, another side trail forks left. This furnishes enjoyable rim hikes and views along the first quarter of bowknot bend (67). Views downstream and into Spring's mouth are very spectacular (66). Also, upstream, "The Narrows"of Bowknot Bend can be seen (68.4). This awe-inspiring feature of Labyrinth has been seen from the river level many times. It is seldom seen from the rims.

On the main road again, and in less than 1/2 mile, a right turn is the start of HEY JOE AND THE ARCHES TRAIL. This is just beyond a white domed "Helmet Rock" on the right. It is described under its own heading.

Nearly a mile from this, the main trail makes a decided turn to the right, with the Green River gorge very close ahead. At this point, a fork left in a flat heads east for a very short distance. A short walk eastward across the rocky rim affords a gigantic, almost unbelievable view down on "two" rivers--separated only by a low "levee" of Chinle rubble. The awesome sight below is the Narrows of Bowknot Bend (68.4). This is the high point of all Labyrinth Canyon viewing.

The westward bend of the main trail is the "ankle" of the point, and the trail goes directly to the "toe" of Spring Point (70.8). This beautiful gorge can be viewed along the Spring Canyon Point rims from mile 69 to mile 72.

Most of the routes mentioned below are described in the published guidebook, *The Labyrinth Rims - 60 Accesses to Green River Overlooks* by Jack Bickers, published in 1989. Scans of the relevant pages from this book are included above. This book demonstrates that all of the routes discussed below leading to overlooks of Labyrinth Canyon have been used for motorized recreation for decades and have extremely high value for scenic exploration, even if today they are relatively obscure and lightly used.

- ***Hey Joe Canyon Overlooks (D2678A, D2678B, D2680)***

TRAIL NAME: HEY JOE AND THE ARCHES

TYPE: Spur (of SPRING CANYON POINT ROAD).

MAPS: Bowknot Bend and The Knoll quadrangles.

MILEAGE: 10 miles, round trip, both sections.

TIME: 3 hours, excluding viewing and hiking.

DIFFICULTY: Mostly easy; very careful driving required in two or three places. Old side trail diversions.

ACCESS: A right turn from SPRING CANYON POINT ROAD just beyond Helmet Rock and shortly after coming off dugway into lower rim country of the point.

TRAIL SUMMARY: This trail visits Hey Joe Canyon rim at an old cable site, Labyrinth Canyon rim above Cliff-hanger Bridge (73.1) and again on a narrow point (74.4 and 74.8) on the opposite rim of Hey Joe Canyon. Three bends and much river are visible. KEG POINT is opposite and Undine Bridge is visible (75.1).

TRAIL DESCRIPTION:

The trail leaves SPRING CANYON POINT ROAD below "Helmet Rock"--a turn north. This is about 1-1/2 miles beyond the second fence crossing and the rough downhill onto flatter prairie. The rock is a white dome similar to a biker's helmet. A right spur will be passed almost immediately, but this portion continues north for about 1-1/4 miles to the rim of Hey Joe Canyon. Rimrock balconies show where old cable pylons were anchored. A bit of petrified wood may be found. The dim trail turns toward the river and, upon reaching the rim (74), weaves along the dirt and rock flats, finally dropping into a slightly lower flat. Parking is soon necessary. A nice "lunch rock" will be noticed ahead as hiking begins. Left of this, and below the rim (73.1) will be seen the large, flat Cliffhanger Bridge, which is accessible by carefully hiking down. This beauty was documented in 1986. Labyrinth Canyon is rather narrow at this point.

The trail around the heads of Hey Joe begins as a right turn very soon after leaving SPRING CANYON POINT ROAD. It crosses some rough rock, enters a feeder wash, and climbs out prior to the pour-off into Hey Joe. The two heads of the canyon are rounded, and the trail proceeds west toward the river gorge (74.4). A slight prominence is then rounded, and the trail ends on a rock flat overlooking the river (74.8). Short hikes from the vehicle along the gorge rim are rewarding. The gorge is very photogenic in this area. Binoculars are a great help in getting a better look at the three-holed opening called Undine Bridges, on Keg Point opposite.

38

NOTES:

This trail is not one of the easier ones to follow. It has some short but rough slickrock crossings, and some confusing side trails. The double heads of Hey Joe Canyon extend to the base of the giant rock butte, "Hey Joe Mountain." In rounding these two canyon heads, a view westerly through Hey Joe Canyon and into the river is gained. A study of the map will help immensely. It is necessary to retrace this trail to reach SPRING CANYON POINT ROAD.

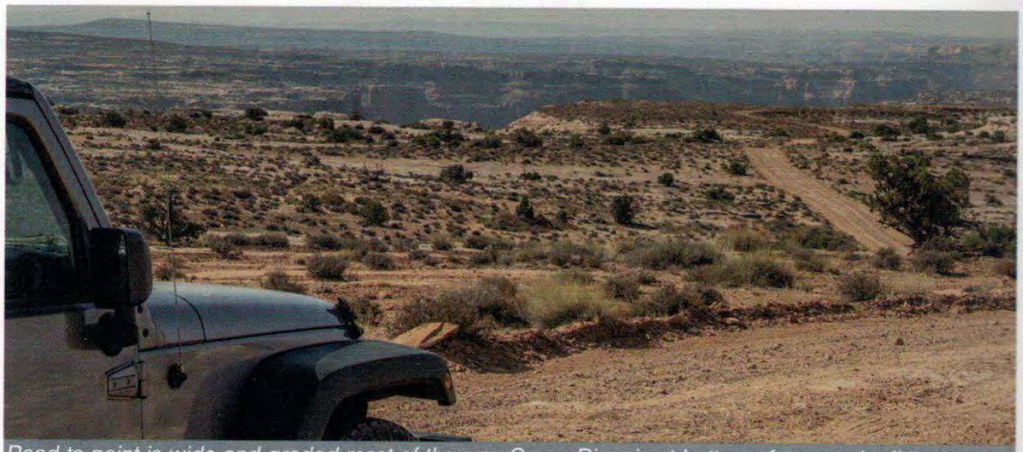
Lower gorge view; Tenmile Canyon east rim

39

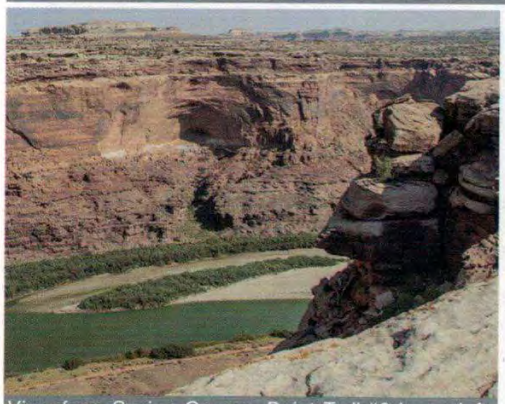
Scan of *The Labyrinth Rims - 60 Accesses to Green River Overlooks* by Jack Bickers (1989)

4 Spring Canyon Point

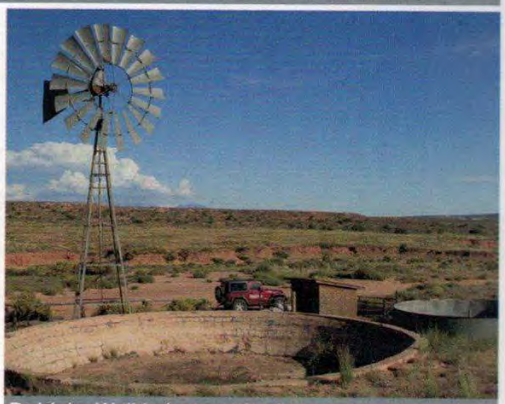
AREA 1 map on page 24



Road to point is wide and graded most of the way. Green River is at bottom of canyon in distance.



View from Spring Canyon Point. Trail #9 lower left.



Dubinky Well is just north of start.

Overview: Road follows a high plateau across open countryside and ends at a scenic overlook of the Green River seen far below. You can look down and see *Hey Joe Canyon*, trail #9, running along the edge of the river. Take optional side trip to hard-to-find Cliff Hanger Arch; a short hike is required.

Rating: Easy. Wide road until the end. Mostly dirt and sand with a little slick-rock mixed in. Ruts and occasional washouts are possible. We call the optional side trip to the arch "moderate," but a careful driver should be able to make it with little trouble in a stock 4x4 SUV designed for off-road use.

Stats: Length: Spring Canyon Point Road measures 13.7 miles. Add 1.8 for side trip. Time: 3 to 4 hours. High point: 5,304 ft. Best time: March through Nov.

Current Conditions: BLM Moab Field Office, 82 E. Dogwood, 435-259-2100.

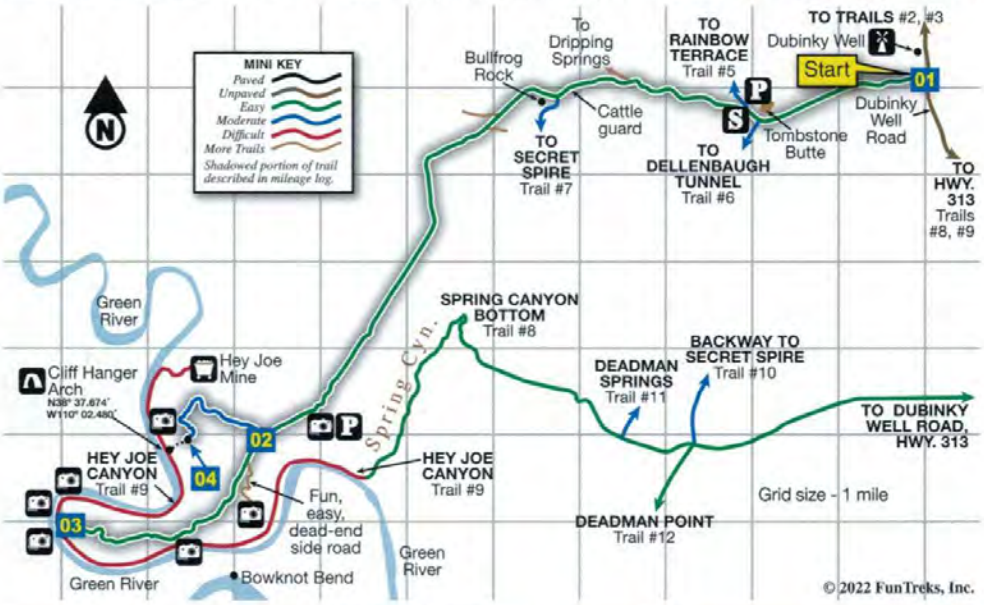
Getting There: From downtown Moab, head north on Hwy. 191 about 11 miles and turn left on Hwy. 313. Go about 8.5 miles west and turn right on Dubinky Well Road just after a view area on left. After 1.5 miles, stay right where *Spring Canyon Bottom*, trail #8, goes straight. Go north another 5 miles to Spring Canyon Point Road on left.

START MILEAGE LOG:

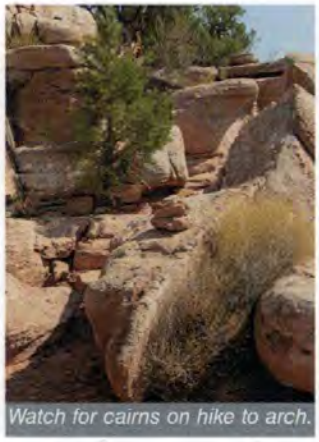
0.0 Zero trip odometer [Rev. Miles] Head west on wide dirt road. [13.7]
01 N38 41.452 W109 52.919
2.0 Continue straight past Tombstone Butte. (You'll see road to Dellenbaugh Tunnel, trail #6, on the left.) [11.7]
2.2 Stay left on main road. (Right at CG sign is Rainbow Terrace, trail #5.)[11.5]
3.6 Stay left on main road. (Right goes to Dripping Springs.) [10.1]
4.5 Continue straight. (Lesser road on left goes to Secret Spire, trail #7.) [9.2]
5.4 Continue straight. [8.3]
9.8 Continue straight. Clearing on left is good place to pull over. High views. [3.9]
10.6 Continue straight. (Road on right is optional side trip to Cliff Hanger Arch described below.) [3.1]
02 N38 37.787 W110 01.347
13.7 Road ends at scenic overlook above Green River. You can walk in different directions for different views. In many places you can see Hey Joe Canyon, trail #9, far below. You can camp here, too. Return to Waypoint 02. [0.0]
03 N38 36.886 W110 03.723

CLIFF HANGER ARCH

0.0 Zero trip odometer at Wpt. 02. Turn left (if returning from Spring Canyon Pt.). [1.8]
0.1 Drop down a few ledges. This is the worst spot. [1.7]
0.6 Continue straight across wash. Don't go left. [1.2]
1.0 Follow trail to left at cairn. Trail zigzags back and forth. In spots it's hard to see as it crosses patches of slickrock. Look for hidden cairns. [0.8]
1.2 Drop down ledge. [0.6]
1.8 We stopped here at a loop, but a faint trail continued a bit. Hike west-southwest looking for occasional cairns. Arch is below edge of canyon and hard to find. Dangerous cliffs. Be careful moving around. Watch kids and pets. [0.0]
04 N38 37.736 W110 02.359
Return the way you came.



Side trip starts with this ledge.


Watch for cairns on hike to arch.

Cliff Hanger Arch. Caution!

33

Scans of the Funtreks *Guide to Moab, UT Backroads & 4-Wheel-Drive Trails*, by Charles A. Wells, 4th Edition (2022)

D2678A, D2678B, and D2680 provide access to two spectacular viewpoints on Hey Joe Point above Hey Joe Canyon. They are all featured routes in the guidebook, *The Labyrinth Rims - 60 Accesses to Green River Overlooks* by Jack Bickers, published in 1989. D2678 is also featured in the 2022 edition of the Funtreks guidebook. We strongly oppose the closure of these routes as proposed in alternative B and support keeping them open as proposed in alternatives C and D.

As SUWA's own photos in its scoping comments demonstrate, D2678 and D2780 are well-defined roads that are being regularly used to access important scenic overlooks. SUWA claims that D2678B is being illegally extended by motorized users continuing past the designated endpoint. While it is true that this route continues past the designated endpoint, which is clearly evident from Google Earth imagery, the description in Jack Bickers' guidebook makes it clear that even in 1989, this route went considerably closer to the rim than the BLM's map data shows. He describes it dropping to a slightly lower flat before vehicles must park and people must proceed on foot to Cliffhanger Bridges. This lower flat is almost certainly what is shown in pictures 7 and 8 in SUWA's scoping comment report on this route. It is therefore likely the endpoint of this route was simply mismapped in the BLM's data. We believe the endpoint should be corrected to be at 38.62847, -110.03840, which is where GaiaGPS shows its ending.

The main reasons these routes are proposed to be closed in alternative B are general restoration benefits, wildlife impacts, and wilderness characteristics. Other than the ambiguous endpoint on D2678B, these routes are well-managed and are not causing any significant resource issues. They are generally lightly used and have minimal impacts. Any impacts to soil and vegetation could be easily resolved through clearly marking the routes and signing the designated endpoints. Impacts to wildlife (primarily bighorn sheep) are minimal because of light use and because there is plenty of escape terrain surrounding them.

As for wilderness characteristics, these routes existed long before the original wilderness inventory for the area and are not harming any inventoried wilderness characteristics. The Spring Canyon Point area is not managed for the protection of wilderness characteristics under the 2008 RMP and it would be inappropriate and contrary to RMP direction to close valuable motorized routes to enhance wilderness characteristics. This area is managed as a motorized backcountry touring focus area and that management direction should be respected.

Each of these routes provides high value motorized recreation opportunities, and none of the reasons listed under alternative B justify closing these routes. Dispersed camping is allowed in this area, and they are valuable routes for camping as well. They are also both R.S. 2477 routes, and closing them would prejudice future litigation to resolve their legal status. We therefore ask that the BLM adopt the designations in alternatives C or D and keep these routes open to motorized use.

- ***D2675 (Alamo Arch)***

D2675 is another route on Hey Joe Point accessing an important scenic overlook of Labyrinth Canyon. It is described in the guidebook *Tenmile! Nearby Canyon of Mystery,* by Jack Bickers, published in 1991, and is used to access the Alamo Arch. It begins on SITLA land and is only partially on BLM land. This route is not naturally reclaimed and is regularly but lightly used. There is no justification for closing it as proposed in alternative B, which cites general restoration benefits, wildlife impacts, and wilderness characteristics and reasons for closure. Any impacts to soil and

vegetation could be easily resolved through clearly marking the route and signing the designated endpoint. Impacts to wildlife (primarily bighorn sheep) are minimal because of light use and because there is plenty of escape terrain surrounding the route.

As for wilderness characteristics, this route existed long before the original wilderness inventory for the area and is not harming any inventoried wilderness characteristics. The Spring Canyon Point area is not managed for the protection of wilderness characteristics under the 2008 RMP and it would be inappropriate and contrary to RMP direction to close valuable motorized routes to enhance wilderness characteristics. This area is managed as a motorized backcountry touring focus area and that management direction should be respected. We therefore request that this route be kept open as proposed in alternatives C and D.

- ***Spring Canyon Point South Overlooks (D1532, D1533, D2686, D2693)***

D1532, D1533, D2686, and D2693 are all important scenic overlook access spurs off Spring Point Road. We strongly support keeping each of these routes open as proposed in alternatives C and D, and oppose the proposed closure of all of these routes in alternative B. D1532 is an extremely popular overlook of the neck of Bowknot Bend, shown in the two photos below from a Red Rock 4-Wheelers trail run in October 2021.

The main reasons these routes are proposed to be closed in alternative B are general restoration benefits, wildlife impacts, and wilderness characteristics. These routes are well-managed and are not causing any significant resource issues. They are generally lightly used and have minimal

impacts. Any impacts to soil and vegetation could be easily resolved through clearly marking the routes and signing the designated endpoints. Impacts to wildlife (primarily bighorn sheep) are minimal because of light use and because there is plenty of escape terrain surrounding them.

As for wilderness characteristics, these routes existed long before the original wilderness inventory for the area and are not harming any inventoried wilderness characteristics. The Spring Canyon Point area is not managed for the protection of wilderness characteristics under the 2008 RMP and it would be inappropriate and contrary to RMP direction to close valuable motorized routes to enhance wilderness characteristics. This area is managed as a motorized backcountry touring focus area and that management direction should be respected.

Each of these routes provides high value motorized recreation opportunities, and none of the reasons listed under alternative B justify closing these routes. Dispersed camping is allowed in this area, and they are valuable routes for camping as well. We therefore ask that the BLM adopt the designations in alternatives C or D and keep these routes open to motorized use.

We also oppose the seasonal closures of D1533 and D2686 in alternative C. D1533 would be closed from April 1 - June 15 for bighorn sheep lambing season. D2686 would be closed from February 1 - August 31 for peregrine falcon nesting season. Both of these seasonal closures are utterly unnecessary and grossly excessive for lightly used routes that have existed for many decades without causing any demonstrable harm to either of these species.

As discussed in our general comments, neither bighorn sheep nor raptors including peregrine falcons are particularly sensitive to non-threatening recreational activities, and buffer zones and blanket seasonal closure rules are simply not justified by the best available science. While seasonal closures like those proposed in alternative C are better than the total closures proposed in alternative B, we believe these seasonal closures to be unjustified by wildlife science, and urge the BLM to keep these routes open year-round as proposed in alternative D.

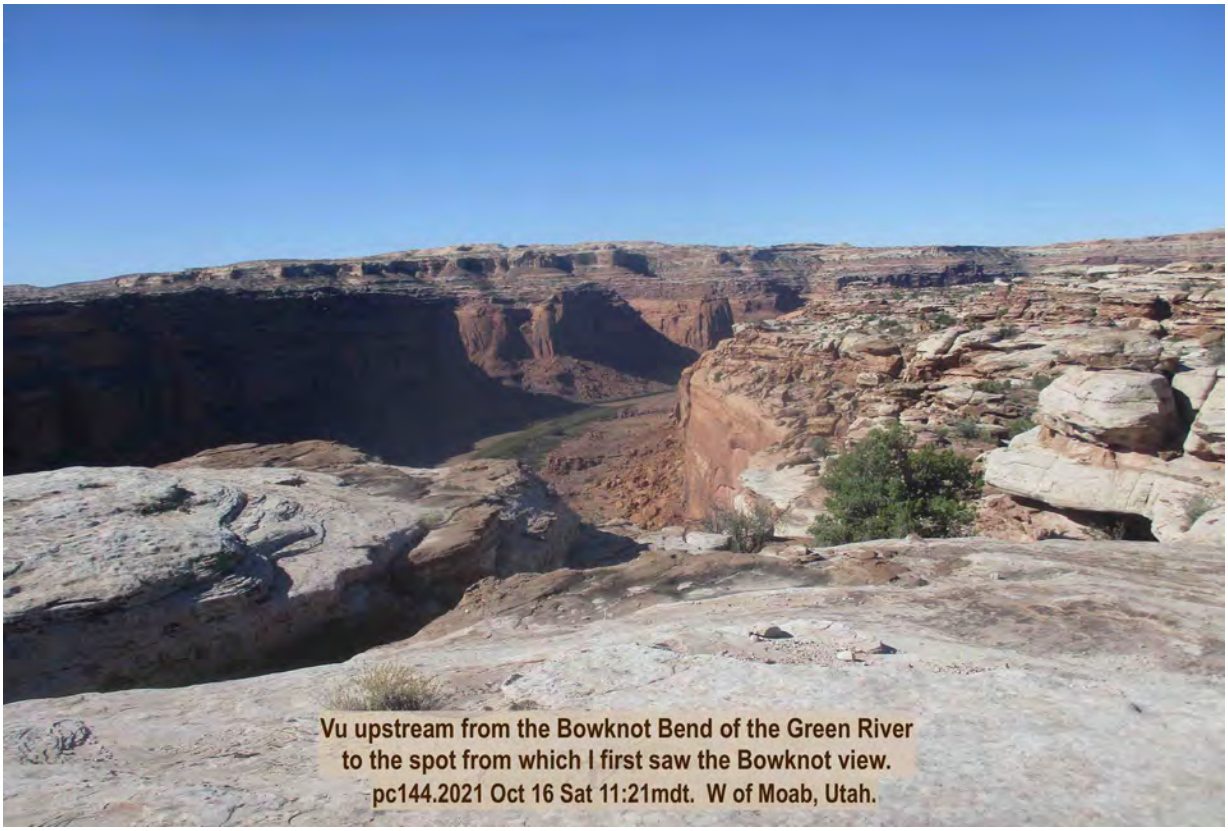


Exhibit B.7

- ***Oil Well Road / Freckle Flat Road (D2700, D2701, D2703, D2766, D2710), Rock Point Loop (D2662, D2664, D2664A), The Very End (D2658, D2656)***

One of many petrified logs in Navajo layer; Tenmile rim

The Secret Spire on north rim of upper Spring Canyon

34

TRAIL NAME: O I L W E L L R O A D

TYPE: Long spur with sub-spurs. Also has two connecting trails to main SPRING CANYON POINT ROAD.

MAPS: The Knoll and Bowknot Bend quadrangles.

MILEAGE: 5 miles from fork off SPRING CANYON POINT ROAD directly to end of travel; spurs not included.

TIME: One hour each way.

DIFFICULTY: Easy, but rocky dips and sand in places.

ACCESS: A right fork off SPRING CANYON POINT ROAD about 3 1/2 miles beyond the Needles cattleguard crossing. Two connections to SPRING CANYON POINT ROAD farther out.

TRAIL SUMMARY: Trail goes through some rough, rocky dips and reaches the oil drill site in sandy prairie flats. It has right forks to Trail Canyon hiking entry, the challenging Parkway Trail, Trough Canyon hiking entry, the Rock-Dome Country, Tenmile Petrified Forest (yes, in the Navajo!), Freckles, Longbranch, Sand, and Cow Canyons. The Very End, Rock Canyon and Keg Point Bottom overlooks at the Green river gorge are all available to careful, well planned exploring trips.

TRAIL DESCRIPTION:

In 1-1/4 miles after turning onto this trail, the Trail Canyon spur branches right, heading northeast. In 1-1/2 miles; this spur intersects a cross-trail. A left turn here is very sandy, but leads to an old cow trail into TENMILE BOTTOM, in a beautiful Navajo rock-dome setting. Other old trails continue eastward to Freckles Canyon access and other truly beautiful hiking areas.

A mile farther on the main trail, an old fence crossing and a loading chute appear on the right. The main OIL WELL ROAD continues; reaching the oil well site in another mile. However, a spur branches right; crosses a rough gully; then becomes easy. On a gentle mesa-top, a spur back-forks east. This is the "Parkway," a delightful, challenging run through an old cattle-handling area, which finally climbs out and heads east to join the Trail Canyon route previously described. Great rock-dome hikes begin where the Parkway trail climbs out onto mesa-top country.

The trail continuing past the Parkway spur, drops gently off the mesa and joins a northerly trail from the oil well site near section marker 27/28 over 34/35. This northerly trail rounds the escarpment then proceeds easterly to the rim of Trough Canyon in about 2 miles, passing near the USGS section marker; 22/23 over 27/26.

35

Scans of *The Labyrinth Rims - 60 Accesses to Green River Overlooks* by Jack Bickers (1989)

The 1-1/4 mile hike through the canyon is easy and one of the grandest canyon country experiences. Its entry into Tenmile is a beautiful sight. Astounding Trough Canyon RIM hikes start here as well.

Coming out of this area, the southerly run to the oil well site is taken. A trail west then runs out to a pure rock point overlooking lower Tenmile. An Indian granary can be seen below. Arrowheads have been found recently on this point. Awesome views into Rock Canyon on the left can be had here. A very interesting clump of gray rocks called "The Mercats" can be seen on the opposite rim. This resembles the little African animals which stand closely together on anthills, watching in all directions. This is not a Labyrinth Rim trail, but it is an outstanding destination to be long-remembered.

Only 1/2 mile beyond the oil well on this same westerly trail, there is a dim crosstrail. The north trail goes to a fine, wide open view into lower Tenmile. The south trail crosses wide country and reaches SPRING CANYON POINT ROAD in about three miles of bumpy, uneventful driving.

Two river views are available from this prairie trail. Heading south; the trail in 3/4-mile, comes to a deep-dip crossing of a wash at its pour-off into Rock Canyon. This is the deepest and longest of all the side canyons of Tenmile. Immediately after crossing this rocky dip, a turn west follows Rock Canyon rim. It veers away shortly and runs through low, sandy mesa-top country between slickrock mounds--continuing its westward direction. It finally reaches an open, rocky viewpoint high above the Green and Tenmile's entry (76 & 77). The tip of KEG POINT is opposite. Labyrinth Canyon in its full meaning, is displayed here. It is breathtaking.

Rim hiking is at its best here. Hikes to the best photo points above Tenmile's lower inner gorge are easy. Rock Canyon Point is easily reached--above the Mercats mentioned earlier. "The Very End" is the name someone gave this trail. It does seem appropropriate--no one DRIVES farther than this!

On the return from this point, a sandy trail branching to the south will be seen. This, too, leads to junction with the main SPRING CANYON POINT ROAD, but a turn west in about 1/2 mile leads up to a rock complex. Here, the trail veers north around the higher rock, and drops gently to a lower flat. A short 1/4-mile hike south gives views into the Hey Joe upper drainage area, which has fine trails of its own. The vehicle trail continues west and ends on a rocky point overlooking another magnificent, typically Labyrinthine bend in the Green (75). This is probably the least-visited of all rim viewpoints on the east side of the Green. Who would have thought an old oil well road could lead to this?

It is always a good idea to study the maps and information thoroughly before attempting new trails.

36

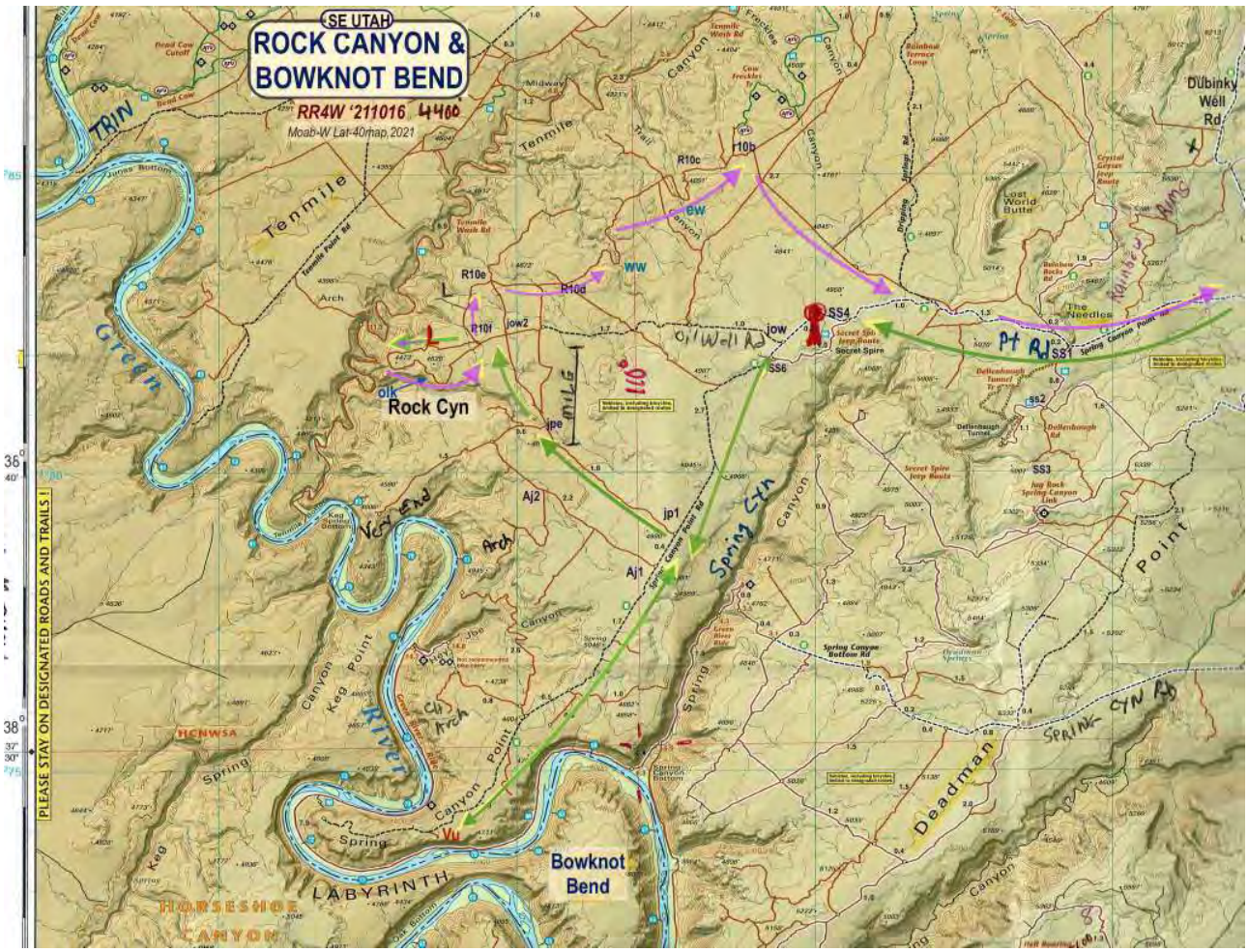
From Hey Joe Point; a view of lower Keg Point (74.6)

Cliffhanger Bridge (73) below Hey Joe Canyon mouth (74.2)

37

D2700, D2701, D2703, D2710, D2662, D2664, D2664A, and D2658 are a group of routes that follow the southeast rim of Ten Mile Canyon. They are described under the heading “Oil Well Road” in Jack Bicker’s guidebook, *The Labyrinth Rims - 60 Accesses to Green River Overlooks*, published in 1989. They are also described in greater detail in Jack Bickers’ second guidebook for this area, *Tenmile! Nearby Canyon of Mystery,* published in 1991. The description in the first guidebook also includes the Rock Point Loop and The Very End trails (discussed below), which each were given their own full writeups in the second guidebook. All of these routes are typically driven together, as they were during Red Rock 4-Wheelers’ “trail of the month” club run in October 2021.

The main Oil Well Road trail follows D2745 (Oil Well Road proper) out to D2766, and from there to D2700. Turning right on D2700 takes you across Freckle Flat to Dripping Springs Road, while turning left follows the rim of Ten Mile Canyon out to the Rock Point Loop, with multiple side spurs accessing views of Ten Mile Canyon and its various side canyons along the way. D2652 then connects back to Spring Canyon Point. This route can also be driven in reverse, which is what Red Rock 4-Wheelers did in their trail run, which followed the route in the map below:



Red Rock 4-Wheelers member Carole Hahn wrote the following description of this trail run on Facebook:

> RR4W TOM 2021 Oct 16: ROCK CANYON & BOWKNOT BEND. This month's trail was billed as "Rock Canyon". Few know where that is and it is not likely even to be found on most maps. But now we know (see map in p0). It is a tributary to the more well-known Tenmile Canyon about 2 miles north of where Tenmile empties into the Green River about 30 crow-miles west of Moab. The path taken covered about 90 miles round trip, with 40 of that on pavement to get to & from the trail area. We were out about 8 hours. The trip was led expertly by Rick Wolcott who, with some of his buddies, scouted out an interesting route for us to take. I loved it! The RR4W TOM has become quite popular for those interested in exploring the beauty of our surroundings via easy to moderate backcountry roads & trails. I did not get the exact count (someone knows?) but it's been about 16 or so vehicles participating. We had a nice day for this outing with blue skies. Temperatures were Autumn-like with morning lows in the 30's and an afternoon high near 60. (I'm glad I fit my camping trip in 2 weeks ago!)
>
> - - - Our first destination point for the day was a spectacular view of the Bowknot Bend of the Green River out on Spring Canyon Point. This is one of my favorite places. See p3 and p0 for orientation. You can look over the dividing wall at the Knot and see the river flowing opposite directions in the same view. I first saw this view 30 years ago from a different vantage point.

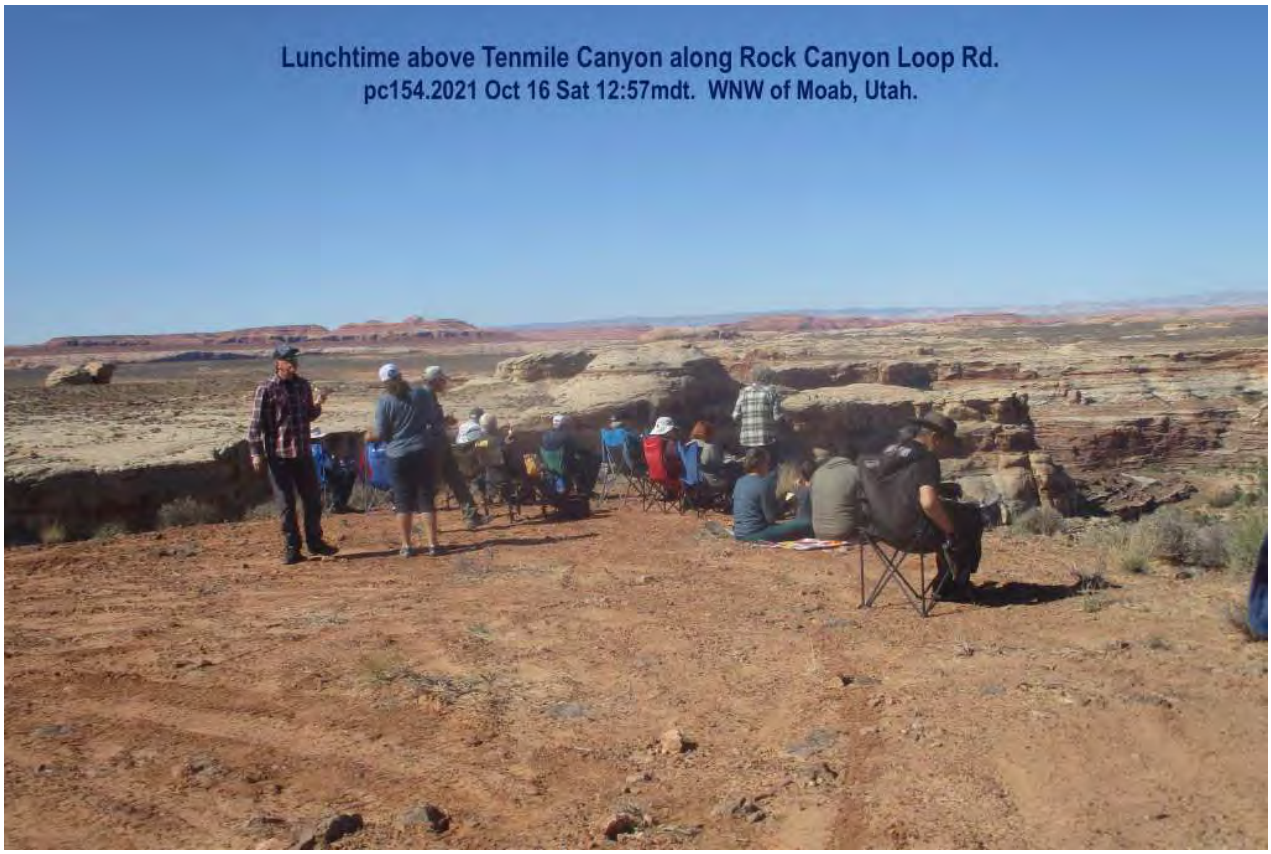
The point here is the best, so I learned something new about my special spot. Some day this wall will erode away and the Bow will become a cutoff meander.

- - - From the Bowknot we headed north to go see Rock Canyon. There is a road that makes a 2-mile loop west to the rim of Tenmile Canyon and swings back eastward along the north rim of Rock Canyon. We stopped for lunch [p7, 8, 9] above Tenmile Canyon before finishing the loop. This loop was an interesting and scenic drive [p10, 11, 12, 13].

- - - The return route we took back to the graded Spring Canyon Point Rd is fun to drive. I have no name for the road but it goes generally NE-ward from Rock Canyon before turning SE to intersect the southern part of Dripping Springs Rd. It has ups & downs as it crosses several washes, requiring "V" or "U"-shaped jogs to negotiate 2 of the washes. Then it climbs a couple of low ridges of slickrock above the washes [p14-21].

- - - I find it interesting that there are so many interesting land features over what is basically a large plateau - Tenmile Point, Spring Canyon Point, Deadman Point. The plateau is cut & divided by deep gorges and shaped by minor drainages as well. A map alone cannot tell you just what it is like - you have to go explore for yourself! Happy Trails![128]

Pictures from this trail run are below.

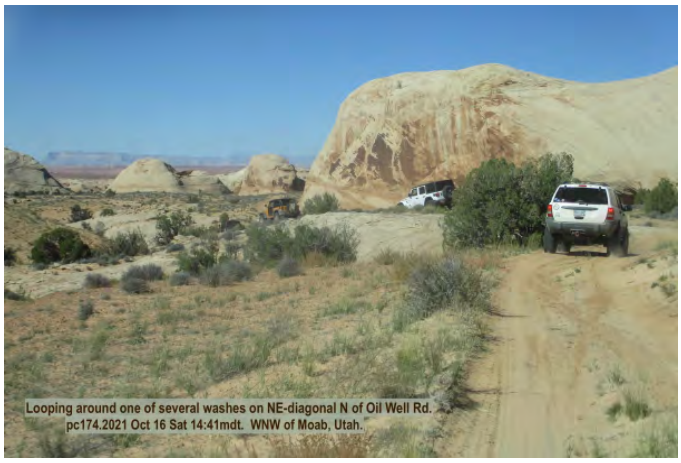


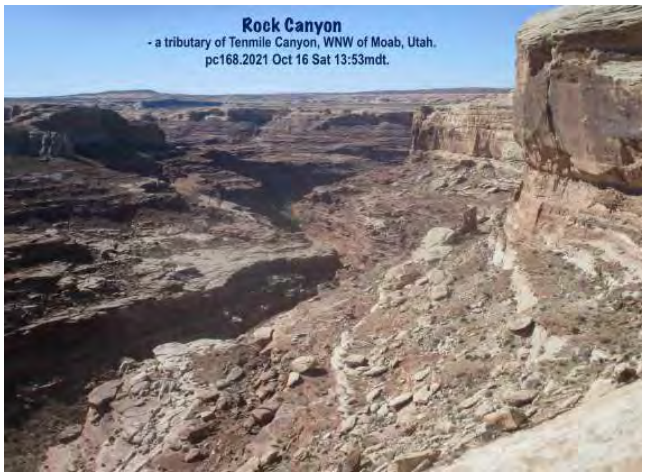
[128] https://www.facebook.com/groups/566886650527890/permalink/978589279357623/.

Abrupt chasm near Tenmile Canyon along Rock Canyon Loop Rd.
pc157.2021 Oct 16 Sat 13:19mdt. WNW of Moab, Utah.

Terrain along south leg of Rock Canyon Loop Rd.
pc170.2021 Oct 16 Sat 14:02mdt. WNW of Moab, Utah.

Riding the slickrock along the north leg of Rock Canyon Loop Rd.
pc160.2021 Oct 16 Sat 13:37mdt. WNW of Moab, Utah.


Looping around one of several washes on NE-diagonal N of Oil Well Rd.
pc174.2021 Oct 16 Sat 14:41mdt. WNW of Moab, Utah.


Rock Canyon
- a tributary of Tenmile Canyon, WNW of Moab, Utah.
pc168.2021 Oct 16 Sat 13:53mdt.

pc176.2021 Oct 16 Sat 14:47mdt. Rock forms along NE-diagonal jeep road north of Oil Well Rd. WNW of Moab, Utah.

As seen in the photos above, all of these routes are well-defined on the ground and regularly used for both individual and group trail runs. They are all extremely important routes for moderately challenging motorized recreation and scenic exploration, and also provide critical access for people who are elderly or disabled, allowing them to experience remote and beautiful parts of the Labyrinth Rims area they would otherwise never be able to reach on foot.

The Rock Point Loop (D2662, D2664, D2664A) and other routes accessing overlooks of tributary canyons to Ten Mile Canyons (D2701, D2703, D2710) are particularly valuable, and will become even more valuable if the lower two-thirds of the route at the bottom of Ten Mile Canyon is closed as proposed in alternative C. These will then be the only ways that people who rely on motorized access can see the lower extent of Ten Mile Canyon and its side canyons.

In addition to these routes, there is a long overlook spur (D2658) which Jack Bickers called “The Very End” which accesses a viewpoint of Labyrinth Canyon across to Keg Spring Bottom at 38.66093, -110.05082. D2656 is another short spur off The Very End spur which accesses a rock formation called the Meerkats. Both the Rock Point Loop and The Very End trails are described in detail in the book *Tenmile! Nearby Canyon of Mystery*, published in 1991. Scans of the relevant passages are below:

Dear Reader; Tenmile Country has a little petrified forest all its own. Not like the Petrified Forest in Arizona, but the more one looks, the more one sees. Contrary to what we have heard, petrified wood IS found IN MATRIX in the Navajo of this area. It just may be that the rock-flat mesatops hereabouts were ancient playas in the sand that eventually grew big trees. The key to seeing this "wood" is by hiking northwesterly upon reaching the Trough Canyon hike-down. This petrified wood is evidently not a jewelry grade.

Trough Canyon can be reached from the oil well site merely by turning north (right) at the well site. The well site is less than a mile beyond the old cattle-chute and fence previously mentioned.

Upon leaving Trough Canyon and returning westward, the trail can be resumed for views farther down Tenmile. Where the trail drops off a slight mesatop into lower country, a short northwestward spur can be taken to the point overlooking the mouth of Dogshead Canyon. Tenmile is noticeably deeper here, and the view is wide-open. The trail veers more southerly and ties into the Oil Well Road Extension heading west for more grand adventure. This is described in a later chapter.

The three distinct segments of Tenmile east rim roads have been described. These are: Freckle Flat sector (Trail, Sand, Longbranch and Cow Canyon heads); The Parkway, east Trough and west Trail Canyon rims, and the Trough Canyon, Petrified Wood and Dogshead Canyon areas.

TRAILS BEYOND THE OIL WELL

The last section of Oil Well Road PRIOR to the oil well site is that part between the old cattle chute and the oil well. The well is located quite close to the Land Office Section marker; 27|26 over 35|36, in case the reader is consulting his Bowknot Bend quadrangle. Four trails converge here. In the approach mentioned, the left turn leads past the large Navajo complex (Serpent Arch on North slope), and joins the first of the two cross-country trails eminating from Spring Point Road. The turn north (right) to goes to join the trail heading for the Trough Canyon area. The trail continuing westerly from the oil well is the Oil Well Road Extension. In about a mile, this road reaches a giant Navajo rock complex on its left, and close on the right are more wide-open views into Tenmile bottom. A hike up the big rock is easy, and good views in all directions are had.

GRANARY BEND OVERLOOK

The trail does NOT end here. This is the beginning of Rock Point Trail. Close to the rock wall, there is a steep, rubbly downgrade of about 16 feet. It then proceeds across a bumpy rock flat along the rim of Tenmile, and gently climbs to final mesatop country. It is still heading west, but in about 0.4 mile, it makes a sharp bend left (south) and begins to mount low, undulating rock. At this point, one can get out of the vehicle and walk a few feet to Tenmile's rim to view ever-deeper and more entrenched meanders. If one looks southeast, down to a low wall of the inner gorge, a slanting pole may be seen in the bottom. This points to a higher grotto that is an old Indian granary (are there any NEW ones?). This can be photographed when running the bottom trail. It is one mile ABOVE the (unmistakable) boulder choke. Rock Canyon Point affords many grand views deep into lower Tenmile Canyon, both on its north and west rims. The south rim is the wall of Rock Canyon. Trees are almost non-existent on this point and there is no rock shade for camping, but it could still provide a nice, isolated camp during a tour of Tenmile Country.

ROCK CANYON AND MERCATS OVERLOOK

Rock Point Trail continues south over the rocks to the rim of Rock Canyon. This is the largest of Tenmile's side canyons, and the deepest. Turning eastward then, one can park and hike the rock out to the point. This is three miles above the Green River, measured through the meanders of the bottom. Continuing eastward then for a few feet, a low rim is seen. This overlooks Rock Canyon about a mile upstream and directly cross-canyon to the "Mercats" formation. Mercats are african animals sort of like elongated prairie dogs, and they stand in bunches on anthills, looking all directions for protection.

From this viewpoint it will be hard to believe that a Jeep trail on the opposite rim goes nearly all the way out to them, and a short walk puts one above them and even farther out on the high, extreme point beyond them. This is absolutely the heart of the roughest country of Labyrinth Canyon of the Green River. Nevertheless, it is amazing how accessible this country is—thanks to the old prospectors.

The trail resumes eastward travel—making a loop around the giant Navajo rock complex. It heads for the big rock, finds a way to the right and off a slight mesatop down onto rimrock and rides along a short portion Rock Canyon rim. A column can be seen upcanyon which no doubt was at one time a leg of a big rim-level arch.

When the trail has cleared the big Navajo clump, it heads north along the rock base, then abruptly turns toward the oil well. It crosses mesatop country and rejoins the Oil Well Road Extension a short distance before reaching the cross-country route coming from Spring Point Road. What a grand run this is!

This cross-country route is a four-way crossing. To the right, or south, it can be taken to the head of Rock Canyon for the trip to "The Very End", or continuing another 2 miles, the Spring Point main trail is joined. A left turn (again toward Tenmile) heads for trails in the Trough Canyon, Petrified Wood Area and Dogshead Canyon overlooks that were described previously.

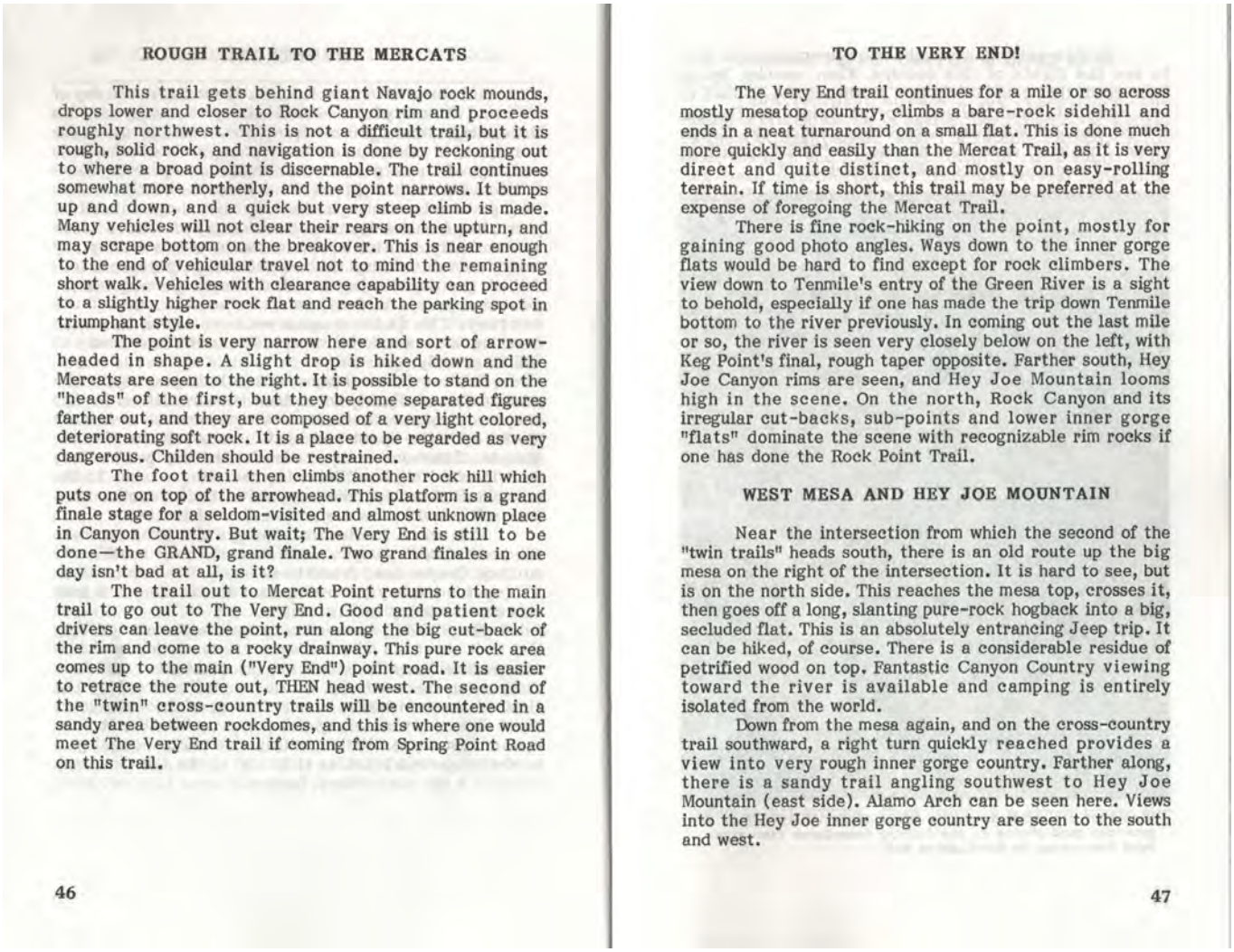
THE VERY END

This is an adventure in itself. It should have a day of its own. All early attractions along the way, such as Dellenbaugh Tunnel, Secret Spire, etc, should be saved for the return in case there is not enough time left. It is another of those places that would have probably have National Park status if it were in one of the central states. Utah just has so many grand scenes that they can't all be parks, but fortunately, they can be enjoyed. There is no one to ballyhoo this area because no one is making any money out of it. It has all been thoroughly prospected, drilled, grazed, etc, just as all of Canyon Country has for years and years—in fact, since before the turn of the century. This is the reason we have trails to use in reaching these wonderful scenes. Those who seek them out will be grandly rewarded.

The two (almost) parallel trails beginning in the prairie far out Spring Point Road were mentioned in that chapter. These two trails leave the main point road only about 0.3 mile apart and both head north for Tenmile Canyon. Either one can be taken for the trip to The Very End. The Oil Well Road Extension can also be taken to the cross-trail about 0.4 mile beyond (west of) the oil well. A turn left (south) puts one on this first of the two.

It is about 2 miles from Spring Point Road north to the head of Rock Canyon. It is about 0.7 mile south (left) to Rock Canyon head from the Oil Well Road Extension. This spot is the key to heading west to The Very End from this cross-country trail.

The SECOND cross-country trail intersects the Very End trail about 0.4 mile farther west, so either could be taken. The Very End trail begins at the head of Rock Canyon, on the south side of the pour-off crossed by the first of the twin trails. It runs the rim of Rock Canyon a short distance, veers away and down a quick hill. It soon encounters a mean little wash. In this oblique crossing, a hard-to-see trail branches right and climbs the dirt bank to begin a rim run of Rock Canyon.



ROUGH TRAIL TO THE MERCATS

This trail gets behind giant Navajo rock mounds, drops lower and closer to Rock Canyon rim and proceeds roughly northwest. This is not a difficult trail, but it is rough, solid rock, and navigation is done by reckoning out to where a broad point is discernable. The trail continues somewhat more northerly, and the point narrows. It bumps up and down, and a quick but very steep climb is made. Many vehicles will not clear their rears on the upturn, and may scrape bottom on the breakover. This is near enough to the end of vehicular travel not to mind the remaining short walk. Vehicles with clearance capability can proceed to a slightly higher rock flat and reach the parking spot in triumphant style.

The point is very narrow here and sort of arrow-headed in shape. A slight drop is hiked down and the Mercats are seen to the right. It is possible to stand on the "heads" of the first, but they become separated figures farther out, and they are composed of a very light colored, deteriorating soft rock. It is a place to be regarded as very dangerous. Childen should be restrained.

The foot trail then climbs another rock hill which puts one on top of the arrowhead. This platform is a grand finale stage for a seldom-visited and almost unknown place in Canyon Country. But wait; The Very End is still to be done—the GRAND, grand finale. Two grand finales in one day isn't bad at all, is it?

The trail out to Mercat Point returns to the main trail to go out to The Very End. Good and patient rock drivers can leave the point, run along the big cut-back of the rim and come to a rocky drainway. This pure rock area comes up to the main ("Very End") point road. It is easier to retrace the route out, THEN head west. The second of the "twin" cross-country trails will be encountered in a sandy area between rockdomes, and this is where one would meet The Very End trail if coming from Spring Point Road on this trail.

46

TO THE VERY END!

The Very End trail continues for a mile or so across mostly mesatop country, climbs a bare-rock sidehill and ends in a neat turnaround on a small flat. This is done much more quickly and easily than the Mercat Trail, as it is very direct and quite distinct, and mostly on easy-rolling terrain. If time is short, this trail may be preferred at the expense of foregoing the Mercat Trail.

There is fine rock-hiking on the point, mostly for gaining good photo angles. Ways down to the inner gorge flats would be hard to find except for rock climbers. The view down to Tenmile's entry of the Green River is a sight to behold, especially if one has made the trip down Tenmile bottom to the river previously. In coming out the last mile or so, the river is seen very closely below on the left, with Keg Point's final, rough taper opposite. Farther south, Hey Joe Canyon rims are seen, and Hey Joe Mountain looms high in the scene. On the north, Rock Canyon and its irregular cut-backs, sub-points and lower inner gorge "flats" dominate the scene with recognizable rim rocks if one has done the Rock Point Trail.

WEST MESA AND HEY JOE MOUNTAIN

Near the intersection from which the second of the "twin trails" heads south, there is an old route up the big mesa on the right of the intersection. It is hard to see, but is on the north side. This reaches the mesa top, crosses it, then goes off a long, slanting pure-rock hogback into a big, secluded flat. This is an absolutely entrancing Jeep trip. It can be hiked, of course. There is a considerable residue of petrified wood on top. Fantastic Canyon Country viewing toward the river is available and camping is entirely isolated from the world.

Down from the mesa again, and on the cross-country trail southward, a right turn quickly reached provides a view into very rough inner gorge country. Farther along, there is a sandy trail angling southwest to Hey Joe Mountain (east side). Alamo Arch can be seen here. Views into the Hey Joe inner gorge country are seen to the south and west.

47

We strongly oppose the proposed closures of the Rock Point Loop (D2662, D2664, D2664A), the Very End trail (D2658), and D2701 and D2704 in alternative B. It would also close D1653, which accesses these trails from Spring Point Road. While these routes are all open in alternative C, alternative C would close D2656 which is the trail to the Meerkats, D2704 (an overlook spur of Ten Mile Canyon), and D2766 (an important connector route between D2700 and D2745). Alternative C would also close D2661, which is a regularly used alternative route to D2659. Only alternative D would keep all of these routes open.

The justifications in the route reports for the closures above are typically general restoration benefits to soils and vegetation, wildlife habitat (mainly bighorn sheep), and wilderness characteristics. Each of these routes is well-defined and regularly driven, and is not naturally reclaiming. They are generally lightly used, are well-managed, and are not causing any significant resource issues. Any impacts to soil and vegetation could be easily resolved through clearly marking the routes and signing the designated endpoints.

Impacts to wildlife (primarily bighorn sheep) are minimal because of light use and because there is plenty of escape terrain surrounding them. These routes have been in use for decades and bighorn sheep have long been accustomed to the level of use they receive. The bighorn sheep

population in the area is stable and motorized recreation is not causing any demonstrable harm to them at a population level.

As for wilderness characteristics, these routes existed long before the original wilderness inventory for the area and are not harming any inventoried wilderness characteristics. The Spring Canyon Point area is not managed for the protection of wilderness characteristics under the 2008 RMP and it would be inappropriate and contrary to RMP direction to close valuable motorized routes to enhance wilderness characteristics. This area is managed as a motorized backcountry touring focus area and that management direction should be respected. Closing these routes to enhance wilderness characteristics would be to manage this area for wilderness character contrary to RMP direction, and therefore cannot be legally done without an RMP amendment.

As demonstrated above, these routes are featured in published guidebooks and are still regularly used for motorized recreation by both individuals and organized clubs. While the Jack Bickers guidebooks may be old, they are still regularly referenced by Moab locals and off-road clubs in planning trail runs. These routes have extremely high recreational value, and also facilitate critical access to public lands for people with disabilities. We strongly urge the BLM to keep all of them open as proposed in alternative D.

13. White Wash and Green River Area Routes

- ***D2844, D2845, D7059 (Ten Mile Point)***

20

Trail Segments - East

TRAIL NAME: TENMILE POINT

TYPE: Spur, with many side branches.

MAPS: Crescent Junction and Bowknot Bend Quadrangles.

MILEAGE: 15 miles one way to the Point proper.

TIME: 1.5 hours to the Point, disregarding side trails.

DIFFICULTY: Routine, easy driving with careful attention to bumps and dips. Road condition poor.

ACCESS: A left turn off Blue Hills Road about 10 miles out from U.S. 191 near mile-marker 143.

TRAIL SUMMARY: This main trail furnishes access to TENMILE CANYON BOTTOM, TENMILE WEST RIM trail, DRIPPING SPRINGS ROAD, and WHITE WASH/RUBY RANCH ROAD--in addition to several branches near its end to superb Labyrinth Rim overlooks and river-bottom entries.

TRAIL DESCRIPTION:

The first intersection of note along Tenmile Point Road is the left turn onto the DRIPPING SPRINGS ROAD at about 5-1/2 miles, but in less than a mile, another left turn also heads for Dripping Springs. Beyond the DRIPPING SPRINGS ROAD turns, the WHITE WASH/RUBY RANCH ROAD is next to appear in about 1/2-mile, forking to the right. This connecting road runs westward for about 8 miles, first crossing Red Wash, then White Wash, then meeting the Ruby Ranch Road coming in from I-70.

Red Wash can be driven upstream for 1-1/4 miles. A climb-out onto Entrada tops is nice. A natural rock window and some black rock plugs are interesting.

A right turn at White Wash runs upstream and is a very nice trip. This is a favorite run for motorcycles and ATV's. It is a good place to camp, and the lower rim is accessible in good weather for trailers, provided they enter from the Ruby Ranch Road route from I-70.

A left turn onto Ruby Ranch Road soon reaches a left turn off the road for a short jaunt down the wash. A short hike (250 yards), leads to a nice view of the Green River (93.3). The banks are low and muddy. Driving too far down the wash bottom is hazardous as the soft putty-like silt has a thin cover of sand that may appear to be dry. A beautiful grove of Cottonwoods grows along the opposite bank. The rise of the gorge rims and the Navajo layer begins just downstream. The opposite bank is the upstream portion of BULL BOTTOM, and is easily accessible by vehicle to the water's edge on that side.

Back on the main Tenmile Point Road, and in about

21

Scan of *The Labyrinth Rims - 60 Accesses to Green River Overlooks* by Jack Bickers (1989)

3 miles, the road makes a bend to the left. At the end of a low escarpment on the left, there is a corral which is a good landmark.

Just beyond this bend, a fork leads away in a westerly direction. This easy spur runs about 3-1/2 miles and ends nearly halfway out and atop the Trin Alcove Bend peninsula (88). This is one of the most spectacular accesses of the entire Labyrinth Canyon portion of the Green River Gorge. At this point, the canyon walls have risen to about 300 feet, and just downstream from the lower bend of Trin Alcove Point, the Kayenta layer emerges.

Two short spurs leave the TRIN ALCOVE POINT TRAIL about 1/4 mile from the trail's end. The left spur overlooks the river at the lower bend (87) at the General Land Office section marker 13/18 over 24/19. With binoculars, the old and rough JUNES BOTTOM TRAIL on the opposite side of the river can be readily traced. Can THAT be done? It is discussed in the Western Labyrinth Trails section of this book.

The short spur leaving the Point trail to the right is a bit beyond the aforementioned spur. This gives good upstream views into the Green's gorge (89), and the accessible bottoms mentioned above. It is probably the most spectacular photography point of upper Labyrinth. A rock dropped from the sheer north rim of the Point would nearly fall into the river. It is easy to hike to the Point bottom, but the lower terrace is a thicket. Directly opposite is the mouth of Three Canyon (Trin Alcove), a favorite stopping place for river runners. That side has the advantage of good ingress, afternoon shade and morning sun. It is very beautiful to see Trin Alcove Point from that side's rim.

1/4 mile after leaving the main TENMILE POINT ROAD on this TRIN ALCOVE POINT TRAIL, a fork to the right leads to LOWER RED WASH, reaching it in about 3-1/2 miles. There is an easy way into the wash bottom, but there may be soft places. The wash bottom is very nice, with big trees on grassy banks. The river (92.7) shore can be reached through the wash bottom, but walking is advised as water level varies. An easy trail out northwestward leads to the main White Wash trail just prior to its crossing and reaching Ruby Ranch Road.

A 1/2-mile beyond the above RED WASH TRAIL fork, a second right fork goes into the bottoms land just below a very old section marker; 1/6 over 12/7. This is a nice, shady bottom (91.6) but is used by cattle. Very close to the trail's entry of this bottom, and on the opposite side of the river, is an old stock trail carved down the near-vertical cliff and into BULL BOTTOM. This is readily accessible from that side of the river.

A left fork on this trail less than a mile from its end, goes down the rocks in a very interesting trail to a bottom downstream (89.6), and just above the Trin Alcove bend. At this writing, claims are being held current here, and are not to be molested. Cattle graze this bottom as well, but it is a very interesting four-wheel drive trip giving a feeling of accomplishment both in having made the trip, and in seeing the spectacular gorge views.

Back on the MAIN TRAIL, and shortly another trail departs to the right. In about 2 miles, this trail reaches a rocky rim on the Green that provides one of the best views of Labyrinth (85) at a gorge depth of about 300 feet. This overlook has a rougher alternate return route, but its departure is hard to find.

The MAIN POINT TRAIL veers very shortly to a southwesterly direction. This is the point at which the road is joined by the main TENMILE WEST RIM trail.

In about 1-1/2 miles, the next important junction is reached. This is the Natural Arch Rock junction. This side trail leaves the main trail (left) and heads southeast past this rock, reaching Tenmile Canyon rim in less than a mile. An eye-popping view awaits on a nearby point. The canyon is deeply entrenched in its lower gorge. The Navajo rim sits back roughly, seemingly to give the inner gorge plenty of space to meander as it likes. A study of the very rough, pure rock rims on the opposite side of Tenmile gives the impression of absolute inaccessibility. To the contrary, this is some of the finest point travel in the entire Labyrinth country.

Passing or leaving the Natural Arch Rock turn-off, the main Tenmile Point Road runs about a mile, and an old well site is seen just to the left of the trail. A rough, hard-to-define trail does continue over the rocks and finally reaches the rim (83). However, this is NOT the TRUE extent of the Point trail. Actually, the trail turns left by the old water well site, and heads south up the low rim. This easy trail turns westward to the extreme end of vehicular travel on a narrow, edgy point (82.2). It is one of the grandest viewpoints of the roughest, most sinuous, but not the deepest, portions of Labyrinth Canyon.

Not very far beyond the old water well site, a dim trail runs south (a left turn) for a mile, and overlooks the last tight meander of Tenmile Canyon as it enters the river (80). This is another outstanding view into the rough depths and bends of Labyrinth.

NOTES: This very wide area called Tenmile Point is actually a series of sub-points. This is because several river bends and side canyons have created so many separate points. It will be very hard to decide which would be the best to visit. The view into Tenmile's lower gorge is fabulous. Trin Alcove Point is astounding, and so is the very sharp and narrow Tenmile Point just described (92.2). An early start and close attention to the map will help visitors to enjoy more without having to spend time finding the desired trail. An overnight campout is a grand experience in this area.

D2844, D2845, and D7059 are all highly valuable overlooks of Labyrinth Canyon at the end of Ten Mile Point, which are described in the published guidebook, *The Labyrinth Rims - 60 Accesses to Green River Overlooks* by Jack Bickers, published in 1989. Scans of the relevant pages from this book are included above. All three are proposed for closure in alternative B, while D7059 is also proposed for closure in alternative C.

None of these closures are warranted by conditions on the ground, and appear to be mainly motivated by wilderness characteristics. Ten Mile Point is not managed for wilderness characteristics in the 2008 RMP, and it is inappropriate and contrary to RMP direction to close valuable motorized routes to enhance wilderness characteristics. These routes are also not harming bighorn sheep and are mostly outside of lambing habitat. We urge the BLM to keep these routes open as proposed in alternative D.

- ***D2840, D2846, D2367 (Ten Mile Rim)***

These three routes comprise the main four-wheel-drive Ten Mile Rim trail. They follow the northwest rim of Ten Mile Canyon out to near the end of Ten Mile Point, where they intersect B336. Though B336 does go out to Ten Mile Point as well, these routes are not redundant with it, as they provide a completely different recreational experience (primitive 4WD route vs. graded county road). D2367 also provides access to a good overlook of Ten Mile Canyon.

None of these routes are causing any significant resource conflicts, and it would be inappropriate and contrary to RMP direction to close them to enhance wilderness characteristics, as this area is not managed for wilderness characteristics under the RMP. We therefore strongly oppose the closure of these routes and urge the BLM to keep them open as proposed in alternatives C and D.

- ***D2850A (Junes Bottom Overlook)***

This route provides access to an important scenic overlook of the Green River across from Junes Bottom. It is regularly used and not naturally reclaimed, and has high recreational value. We oppose the closure of this route in alternative B and do not believe it is justified by any actual resource conflicts. The main reason for this closure appears to be wilderness characteristics, which are not a valid reason to close roads in this area because it is not managed for wilderness characteristics in the RMP. We urge the BLM to keep this route open as proposed in alternatives C and D.

- ***D2771***

We oppose the closure of D2771 in alternative C, as it provides a valuable loop opportunity for motorized recreation. This route is lightly used and is not causing any significant resource conflicts. We urge the BLM to keep it open as proposed in alternative D.

- ***D2588***

We oppose the closure of D2588 in alternative C. This route, which is mostly on a SITLA parcel and only partially on BLM land, is well-defined and regularly used, and provides a good opportunity for scenic exploration in the dry desert hills east of the head of Ten Mile Canyon. The route report cites only generic benefits of restoration for soils, vegetation, and wildlife, and does not list any particularly strong resource conflicts. We see no justification for closing this route, which at 2.29 miles long is a fairly significant route in the area. This route is useful for dispersing users across the broader landscape, reducing concentration on more heavily used trails in the area. We therefore urge the BLM to keep it open as proposed in alternative D.

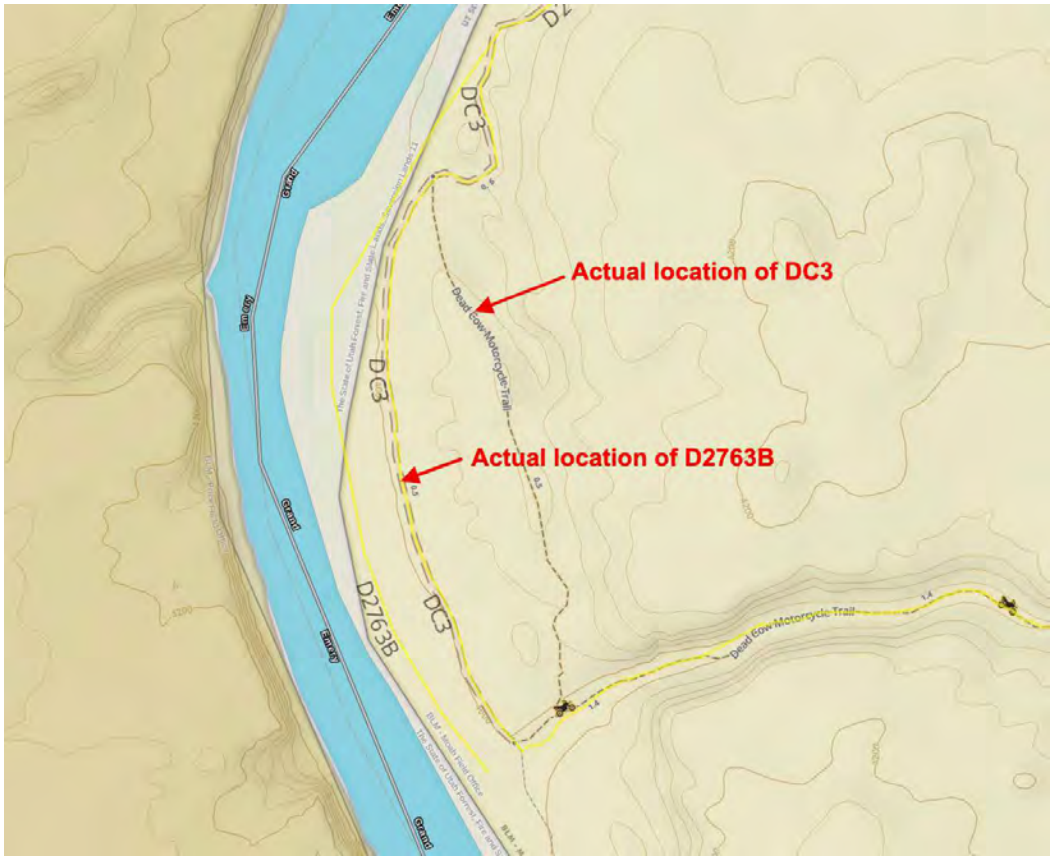
- ***D3052***

D3052 is a short spur route in the far north of the TMA that goes out to a scenic overlook on top of a bluff. It is clearly visible in Google Earth imagery and is not naturally reclaimed. We oppose closing this route as proposed in alternative C and urge the BLM to keep it open as proposed in alternative D.

- ***D2763B and DC3 (Dead Cow)***

We believe the BLM's mapping data has a serious error regarding the locations of D2763B and DC3, the latter of which is part of the Dead Cow motorcycle trail. The BLM's GIS data shows DC3 where a two-track road is clearly visible in Google Earth imagery, which I am fairly certain is actually D2763B. D2763B is shown down along the bank of the Green River in thick tamarisk bushes where no track is visible at all in Google Earth imagery. This can be seen in the following Google Earth screenshot, where the yellow line to the left is D2763B and the one to the right is DC3.

Meanwhile, both maps and publicly available GPS tracks I have found for the Dead Cow trail show it further up on the hillside above where the BLM's GIS data shows it. In Google Earth imagery, there is a clearly visible single-track trail which matches the location of the GPS tracks for the Dead Cow trail. The relative locations of all three routes can be seen in the following screenshots from GaiaGPS and Google Earth. In the Google Earth screenshot, the red line is the correct location of DC3 from a GPS track I found of the Dead Cow trail.



Based on the above maps and aerial imagery, It appears the locations of both D2763B and DC3 are mismapped in the BLM's route data, and both should be further up the hillside. We urge the BLM to correct these mapping errors in its maps for the final travel plan.

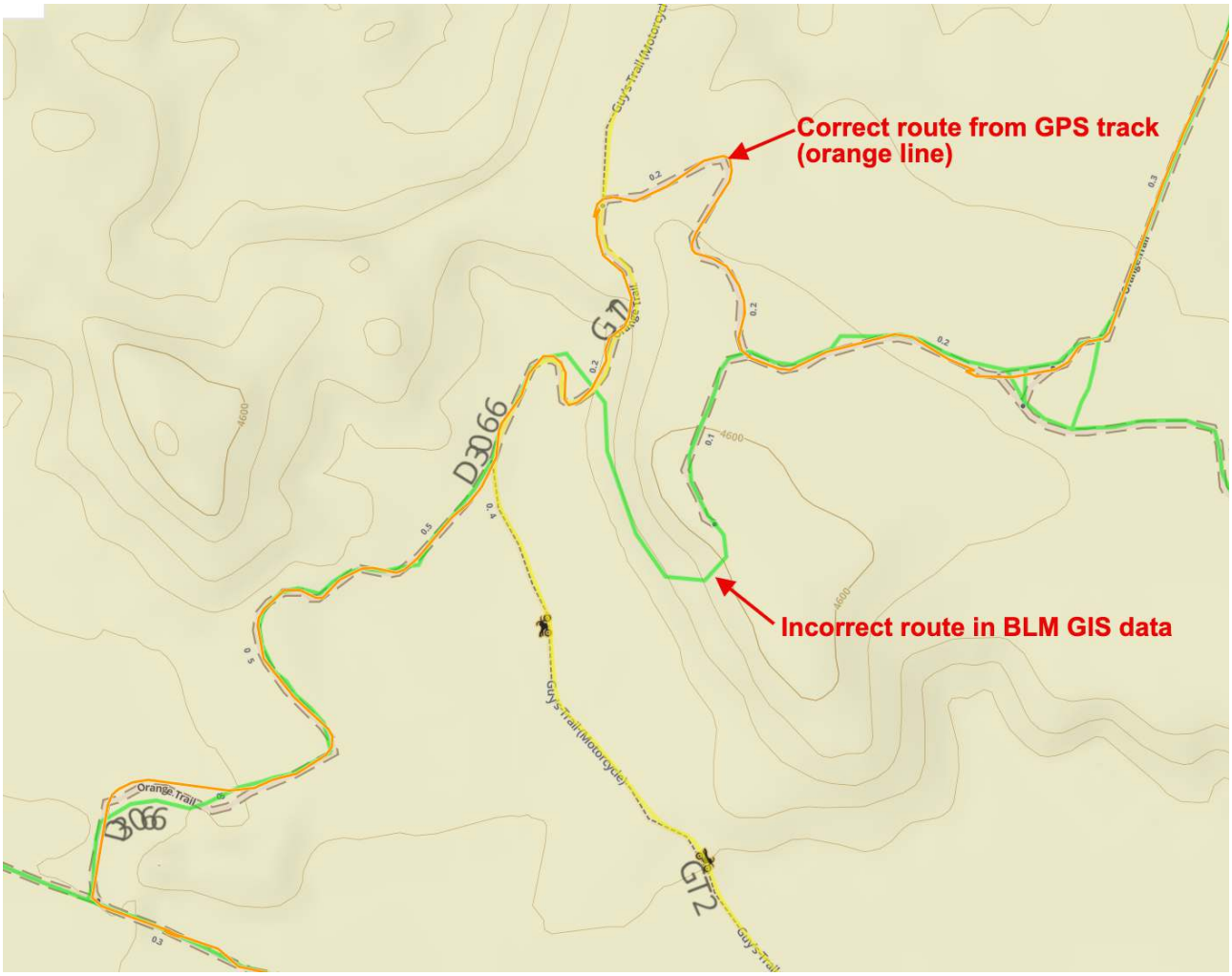
We also strongly oppose closing D2763B to full-size vehicles and converting it to a single-track motorcycle trail as proposed in alternative C. It is a wide two-track road on the ground and is not physically a single-track trail. The route report mentions preventing conflicts between motorcycles and full-size vehicles as the primary reason for converting it to a motorcycle trail. Motorcyclists already have the parallel DC3 route further up the hillside which is a single-track trail that is actually part of the Dead Cow trail, so there is no need to convert D2763B to a motorcycle trail to reduce conflicts between full-size vehicles and motorcycles. Doing so would just create two redundant parallel motorcycle routes and would cause D2763B to have no real purpose.

Currently, D2763B provides valuable access for full-size vehicles to the banks of the Green River, as it is the only river access road between Ten Mile Canyon and Ruby Ranch. This is important for both recreational scenic viewing along the river and also for emergency vehicle access to the river. As mentioned above, closing this route to full-size vehicles will not benefit motorcyclists as they already have their own parallel single-track route. It will also not benefit wildlife because motorcycles can still use it, and they are far louder and more disruptive to wildlife than highway legal vehicles like Jeeps. Use by full-size vehicles is already relatively light and is not causing any significant impacts that merit closing it to full size vehicles. We strongly oppose restricting this route to motorcycles as proposed in alternative C, and urge the BLM to keep D2763B open to all vehicles as proposed in alternative D.

- ***D3066 (Orange Trail)***

D3066 is a full-size route that is part of the Orange Trail and is slated to remain open in alternative C, but is seriously mismapped in the BLM's route data. Traveling uphill on D3066, the BLM's route data diverges from the actual route at 38.88063, -110.05587 and shows it cutting across and then driving straight up a cliff to the mesa top, where it then follows a faint spur route back to the actual main route. This can be seen in the following Google Earth screenshot, where D3066 is the blue line.

The route shown in the BLM's GIS data is physically impossible and does not exist. In reality, D3066 follows the yellow line (part of the Guy's Trail motorcycle trail, GT2) and then departs from it at 38.88193, -110.05529, switch-backing up the hill. The correct route is shown in the map below from GaiaGPS. Publicly available GPS tracks I have found for the Orange Trail confirm this is the correct route, and the BLM's GIS data is in error.

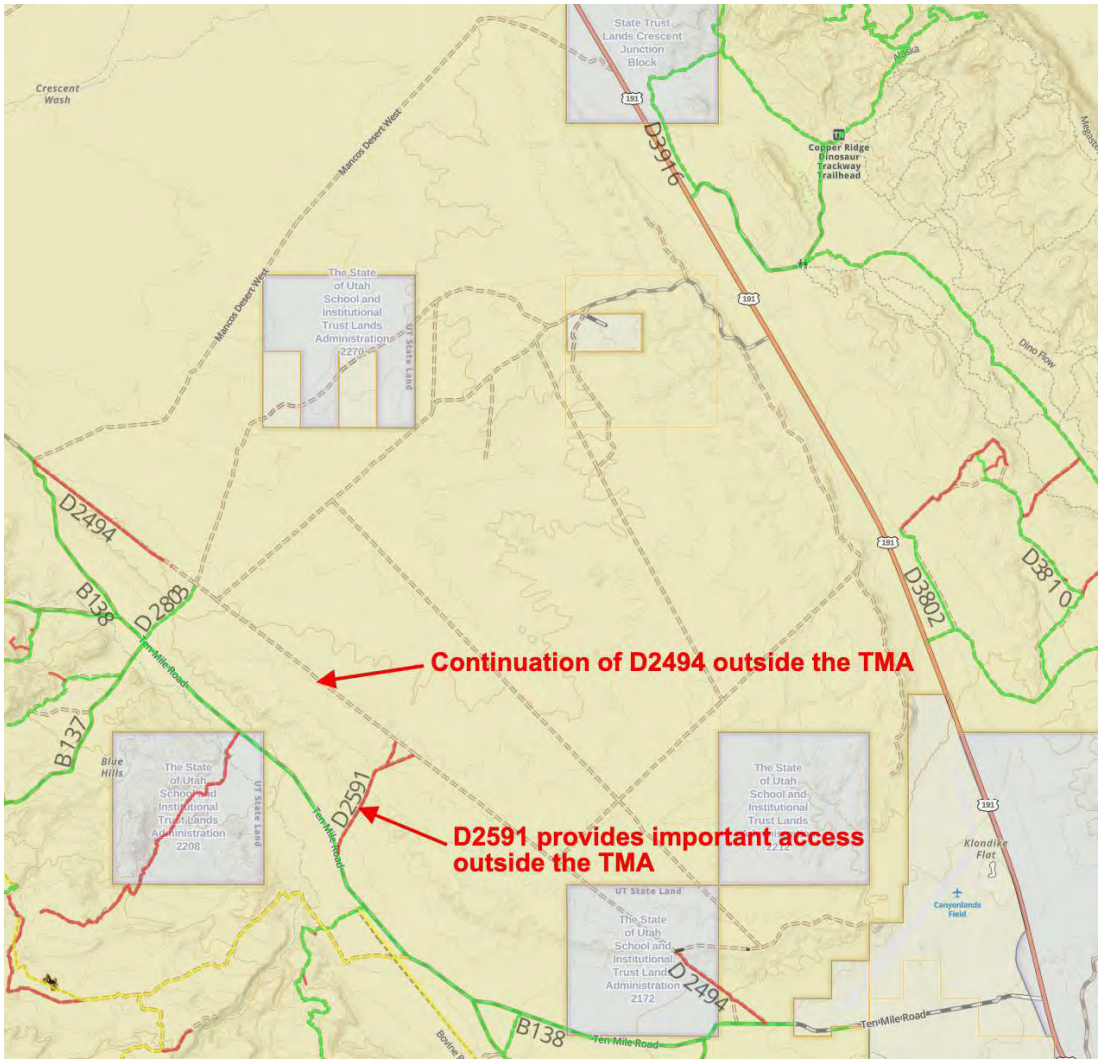


While we are glad that D3066 is proposed to stay open in alternative C, as it is an important part of the named Orange Trail 4x4 route, we urge the BLM to correct this serious mapping error in the final travel plan. We also strongly oppose the closure of D3066 proposed in alternative B, which is not justified by any environmental impacts. Closing D3066 would severely disrupt route connectivity in the area as it is a critical component of the Orange Trail. Closing it would sever the Orange Trail and make it no longer a straight-through route in this area. D3063 and D3069 would become solely out-and-back routes instead of part of a straight-through route with D3066.

The closure proposed in alternative B is simply not justified by conditions on the ground, as it is a lightly used route that is causing minimal impacts and is not in either bighorn sheep lambing habitat or lands with wilderness characteristics. Any physical impacts such as erosion or soil and vegetation damage could be mitigated through road maintenance and signing and blocking areas where off-route travel is occurring. We thus urge the BLM to keep D3066 open as proposed in alternatives C and D.

- ***D2494, D2591 (Mancos Desert)***

These two routes are critical connectors to a series of designated routes outside of the Labyrinth Rims / Gemini Bridges TMA in the Mancos Desert. D2591 is proposed for closure in alternatives B and C, and D2494 is proposed for closure in all action alternatives. These closures will disrupt connectivity across the TMA boundary and leave fragments of D2494 open outside of the TMA while closing the main access points to it from Ten Mile Road. These closures are a clear case where the BLM has failed to consider connectivity outside of the TMA by looking at these routes in their entirety. A simple glance at a map (shown below) makes it clear these closures are nonsensical and must not be included in the final travel plan. We urge the BLM to keep both of these routes open as proposed in alternative A.



14. Miscellaneous Routes

- ***D3500 (Bar M Connector)***

We oppose the closure of D3500 in alternatives B and C. This is a valuable connector route from the Moab Brands parking area over to the main Bar M loop road (D3488) which is proposed to remain open under all action alternatives. It is heavily used and is a wide dirt road. Though D3500 is most commonly used by bikes, given that both connecting roads in the Bar M loop remain open to vehicles, it is only logical to keep this one open as well in order to facilitate a loop opportunity between B261 and D3488. We urge the BLM to keep this route open as proposed in alternative D.

- ***D3828 (Klondike Bluffs Connector)***

We oppose the closure of D3828 in all action alternatives. This is a valuable connector in the Klondike Bluffs area, between two routes that are slated to remain open under alternative C (D3810 and D3820). While this route is lightly used, it is still visible in aerial imagery and should be kept open to improve route connectivity in this area and facilitate a loop opportunity. We urge the BLM to keep this route open as proposed in alternative A.

- ***D3811 (Klondike Bluffs Connector 2)***

We oppose the closure of D3811 in alternatives B and C. This is a valuable connector in the Klondike Bluffs area, between two routes that are slated to remain open under alternative C (D3810 and D3802). While this route is lightly used, it is still visible in aerial imagery and should be kept open to improve route connectivity in this area and facilitate a loop opportunity. We urge the BLM to keep this route open as proposed in alternative D.

- ***D3926, D3927, D3923, D3924, D3925, D3926 (Copper Ridge Overlooks)***

These routes form a valuable system above the Copper Ridge Dinosaur Trackway site and the North Klondike Campground. They are a series of spur routes off D3931 which access two scenic overlooks on top of a bluff. All of these routes are proposed for closure in alternative B, while D3927 is proposed in alternative C, likely because it is viewed as redundant. However, this route is not redundant and provides a short but valuable loop opportunity, allowing for some variety in what would otherwise be strictly an out-and-back route on D3926.

All of these routes are regularly used, well-defined on the ground, and highly scenic. The route reports cite only general restoration benefits and preventing route proliferation, yet these routes are old mining roads that have been regularly used for decades without causing any serious impacts. They are not in desert bighorn sheep lambing habitat or lands with wilderness characteristics, so those are not reasons to close them. There is no justification for closing any of these routes, and we urge the BLM to keep all of them open as proposed in alternative D.

- ***D7860 (Sunshine Wall)***

D7860 is an extremely popular road which accesses the Sunshine Wall rock climbing area off Salt Valley Road north of Arches National Park. It is mainly used for climbing access and dispersed camping, as well as Jeeping and scenic exploration along some striking cliffs just outside of

Arches. While dispersed camping has gotten out of hand along this road in recent years, the Moab Field Office has already begun a separate camping management process which will regulate camping in this area and restrict it to designated campsites. Thus any negative impacts along this road are already in the process of being mitigated through more specific management actions, and there is absolutely no need to close this road as proposed in alternative B. We strongly urge the BLM to keep it open as proposed in alternatives C and D.

- ***D3845 (Tower Arch Overlook)***

D3845 is a valuable spur route off the Klondike Bluffs Jeep trail that accesses a scenic overlook at the boundary of Arches National Park. It is regularly used and clearly visible on the ground, and provides excellent views into Arches around Tower Arch and the Marching Men. It is proposed for closure in alternative B. The rationale statement for B cites only general restoration benefits for closing this route, and does not list any significant resource conflicts. While this route borders lands with wilderness characteristics, it is not actually in either LWC or desert bighorn sheep lambing habitat and thus poses no conflicts with them. The closure proposed in alternative B is simply not justified, and we urge the BLM to keep this route open as proposed in alternatives C and D.

- ***D1054, D2629SJ, D2628SJ (Head of Taylor Canyon)***

These three routes form a short loop off Island in the Sky Road just outside of the boundary of Canyonlands National Park. They are regularly used and clearly visible on the ground. They are proposed for closure in alternatives B and C, and kept open in alternative D. While we are aware the BLM has had problems with illegal camping off these roads as they are in the camping prohibited corridor along Island in the Sky Road, that is an enforcement issue and is not a legitimate reason to close these roads.

The only other reasons for closing them listed in the route reports are general restoration benefits and minimizing risk of route proliferation and wildlife harassment. They are not in bighorn sheep lambing habitat, and they border, but are not in, lands with wilderness characteristics. Neither of those things are legitimate reasons to close them either. These routes serve a valuable purpose and need for motorized recreation and scenic exploration in an interesting area just outside of Canyonlands National Park. D2628SJ travels along the rim of a shallow canyon at the head of Taylor Canyon and is valuable for scenic viewing.

Other than illegal camping, which could be resolved through better signage and enforcement, there are no significant resource concerns with these routes which justify closure, and we urge the BLM to keep them open as proposed in alternative D.

15. ATV and Motorcycle Trails

While we primarily represent full size four-wheel-drive users and that is where our expertise lies, we fully support all existing ATV and motorcycle trails being kept open in the final travel plan. Alternative C largely does this, but alternative B would close numerous extremely valuable motorcycle and ATV trails like the Dead Cow/Tubes loop, Stone Figures, and parts of the Enduro Loop. We strongly oppose these closures and believe them to be completely unwarranted.

Most of these trails are in the Dee Pass motorized Trail focus area, which the RMP designated specifically to emphasize opportunities for ATV and motorcycle driving. Trails for these user groups are rare throughout the rest of the TMA and are largely confined to the area around White Wash north of Ten Mile Canyon. The loss of any one of these trails would represent a huge loss of opportunities for the user group that is already the least served in the Moab Field Office, and are simply inaccessible.

We know that SUWA has particularly been seeking the closure of the Dead Cow/Tubes motorcycle trail, falsely claiming that it is causing user conflicts along the Green River. Only a short section of this high value loop trail is along the Green River, and it would be highly unfair to motorcyclists to close one of their most valuable trails in the region simply so that boaters on the Green River do not have to see or hear motorcycles. We note that one picture SUWA has been distributing showing a severely braided section of trail, which they are claiming is of the Dead Cow trail, is actually of the former trail known as “3 Miles of Whoops”, which was closed around 2018 because of severe resource damage. It was replaced with the newly designated Tri-Tips trail (TTIP1). The resource damage SUWA is claiming is on the Dead Cow trail has thus already been dealt with and that route is already closed.

We note that alternative C would still close some motorcycle trails, including ELI2AA (part of the Enduro Loop) and DFT1 (Dee Flat Trail), which are both valuable motorcycle trails that must be kept open. While the closure on the Enduro Loop appears to be intended to reroute the motorcycle trail out of a wash onto an existing D road, which would be converted to a single track trail, the section in the wash is not causing any serious impacts and dirt bikers enjoy riding that section. The Dee Flat Trail provides an important access route for motorcycles from the Dee Pass area down into the White Wash Sand Dunes open OHV area, and should remain open.

All alternatives also contain a significant mapping error regarding motorcycle route GT2 (Guy’s trail). There is a long access road running to a well site at 38.899385, -110.043237 that partially overlaps with the Guy’s Trail motorcycle route (GT2). This road is open to full-size motorized vehicles, yet is not included in the BLM’s route inventory. This section needs to be remapped by the BLM and its proper designation verified, and this does not appear to still be a single track motorcycle trail.

Beyond these route-specific issues, we will defer to the comments of more knowledgeable groups focused on motorcycles and ATVs such as Ride With Respect or the Trails Preservation Alliance. We also endorse the comments of Dave McIntire, whom I have corresponded with about ATV and motorcycle issues and who knows these trails very well.

One final issue we wish to address is consistency of width restrictions for ATV trails. The BLM's maps are highly confusing in this regard. The PDF maps show all ATV trails as restricted to 50" in all alternatives. However the BLM's GIS data shows a wide range of differences across different alternatives for whether ATV trails are designated as restricted to 50" or 60". It appears to be the intent of alternative C and D especially to upgrade most 50" routes to 60" routes so that larger ATVs and UTVs can use them. However this is not reflected in the BLM's PDF maps. When I emailed Katie Stevens at the Moab FO about this issue, she told me these width designations were the result of different routes being coded in different ways by different GIS specialists and were not necessarily intentional. She wrote:

> The 2008 RMP originally designated the trails in question (see map 3 of the RMP, "Designated Motorcycle/ATV Routes"). As you can see, no width was assigned to the ATV routes -- they are labeled "Motorcycle/ATV routes". Along the way, some of our ATV routes have been coded in GIS as either 50 or 60 inches. In reality, they are all "Designated ATV/motorcycle routes". Appendix N (page N-20) states: "these routes may also be limited to: type of vehicle use (ATV, motorcycle, four-wheel drive vehicle."

Ms. Stevens then clarified:

> What I mean is that the original designation (in the Moab RMP) did not specify a width -- various GIS specialists throughout the process coded these trails in various ways. Perhaps that is something you want to comment on -- what the designated width of the "ATV trails" should be.

Based on these statements, we are extremely confused what the BLM's intention actually is regarding the width designation of these routes. In alternative C, most existing ATV routes are coded in the GIS data as "Limited w/ Management to TransOtherMotor(Less than 60")". A few, like NF10M1, are still coded as "Limited w/ Management to TransUnder50". Is this intentional or not? Does the BLM intend to manage all ATV trails as 50", 60", or some combination of the two?

We believe that it is extremely important that the BLM manage all ATV trails consistently with a single width restriction. While 50" has traditionally been the width used to define ATV trails, the 50" user group has been consistently declining in recent years as riders have increasingly been switching to larger UTVs. Even traditional quad ATVs are larger today than in previous years. We therefore support designating most ATV routes with a wider width designation to support current vehicles as long as the routes are physically wide enough to accommodate them. Rather than 60", however, we recommend using 62" as the standard width for ATVs, as this would be consistent with the width the Forest Service has begun using in western states to delineate trails open to both ATVs and UTVs. Consistency between land management agencies is highly desirable regarding these kinds of definitions, as it will reduce user confusion and increase compliance.

Finally, we strongly oppose most conversions of existing full-size D roads to ATV or motorcycle routes. There may be a few cases where that makes sense where the road is almost exclusively used by smaller vehicles or where it is not in fact physically wide enough to accommodate them. But in most cases that will only decrease opportunities for full-size vehicles without providing any real benefit to ATVs or motorcycles, as changing the legal designation will not actually turn a wide two-track road into a single-track. We therefore oppose converting D2560, D2586, D2581A, D2763B, and D2538 to motorcycle trails, and D2793, D7421, and D7278 to ATV trails.

V. Proposed Route Additions

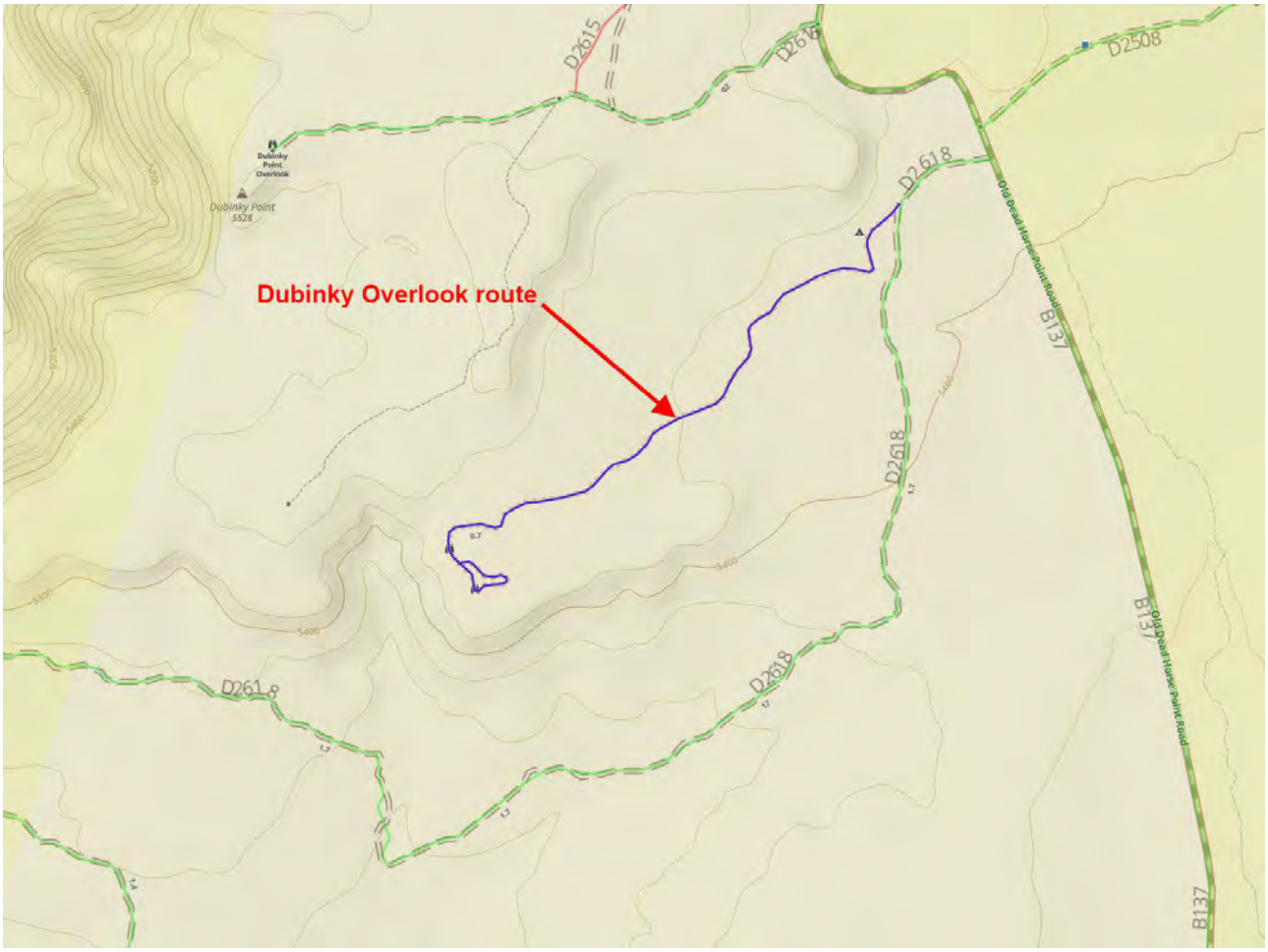
Though the Moab Field Office has already indicated it is not open to adding any routes in this travel planning process, as explained above we believe this to be an extreme mistake that violates both the 2017 Settlement Agreement and NEPA's basic requirement to consider all viable alternatives. Accordingly, we are proposing that the BLM consider a new, pro-recreation alternative which not only keeps all routes in Alternative A open but also adds three additional short motorized routes, described below. All of these routes were either not inventoried in 2008 or were technically designated as closed but were never signed or barricaded on the ground, and continue to be regularly used to this day.

All three are part of routes featured on TrailsOffroad.com, one of the most popular 4WD trail guide websites. They are effectively being managed as de-facto motorized routes today even if they are not included in the official route system. There is no reason all three routes could not be designated, and why an alternative which considers designating them is not viable. If the BLM chooses not to consider an alternative that designates these routes as open, we intend to appeal the decision on the basis that the BLM did not meet its obligations under NEPA to fully consider all viable alternatives.

Even if the BLM does not consider adding these routes in this travel management process, we request that the BLM consider them for designation in a follow-on travel planning process to commence immediately after the completion of this travel planning process, per the BLM's statements in the RMP and the implementation guide for this travel plan that it is open to adding new routes. If these statements are meant in good faith, then the BLM should be willing to initiate a separate NEPA proceeding to consider designating these three relatively minor route additions to the motorized route network.

These routes are listed below:

- ***Dubinky Overlook***



The first new route we wish to propose for addition is a short spur to an overlook on Dubinky which begins at 38.71024, -109.88708 off D2618, which is known as the Rainbow Rim Trail. This spur route goes up to an overlook at 38.70506, -109.89456 and is approximately 0.75 miles long. Is is a featured route on TrailsOffroad.com, which gives the following description of the route:

> A quick detour to the end of this trail will reward you with spectacular views of the Rainbow Terrace and Lost World Butte area. Dubinky Overlook also has a couple of easily accessible campsites and a viewpoint that is well worth the 5 minutes drive out to the end. The trail is easy enough for most stock SUVs that want a small sampling of what the area 4x4 trails are like. The trail easily crosses over a rocky and sandy landscape. Bring your camping and camera gear for this short but sweet hidden gem.

During my trip in October 2021, I camped at an excellent dispersed campsite at the base of this road at 38.70991, -109.88779, and then accidentally drove it when I mistook it for D2618. It is a short, easy spur that is well-defined on the ground and clearly regularly used despite not being an official designated route. There were two excellent overlooks on a short turnaround loop at the top, which are likely also regularly used for dispersed camping.

This route is not causing any significant impacts, has high recreational value, and is a prime candidate for addition as an officially designated route. The only potential resource concern is bighorn sheep lambing habitat, however it has been regularly used for decades without causing any significant impacts to them. Given that every alternative in the travel plan is guaranteed to close a significant number of routes in bighorn sheep lambing habitat, the addition of one route less than a mile long would be outweighed by the net decrease of routes in bighorn lambing habitat in other areas. That is therefore not a reason why this route should not be considered for designation. We therefore urge the BLM to add this route to the motorized route network.

Several pictures of this route are below, and a KML file of the route is also attached to our comments.

Sheltered dispersed campsite at 38.709889, -109.887851

Beginning of the route from the campsite at 38.709889, -109.887851

First overlook at 38.705888, -109.894642

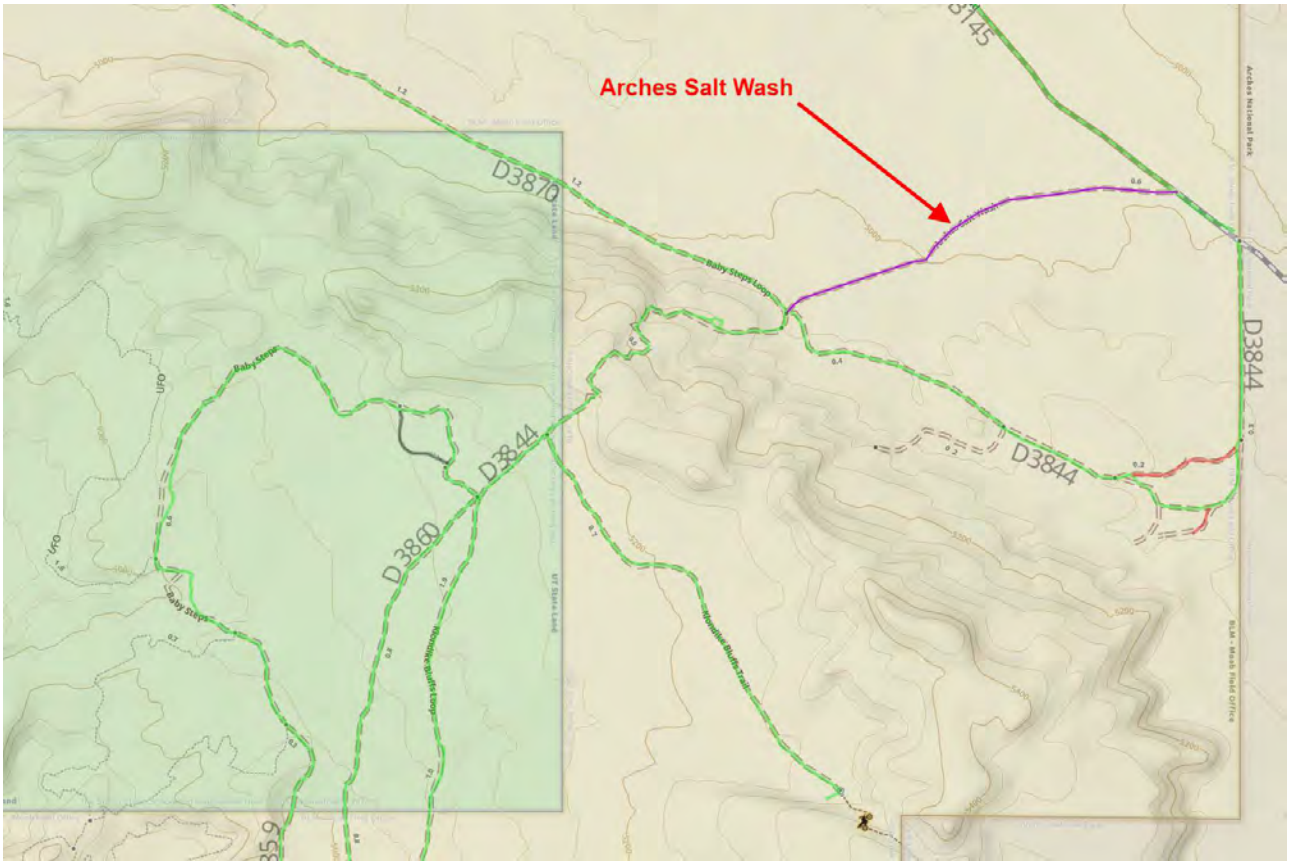
View from the first overlook at 38.705709, -109.895015

The route along the rim of the plateau at 38.705524, -109.894997

Continuing up the road at 38.705405, -109.894865

View from the second overlook at 38.704963, -109.894517

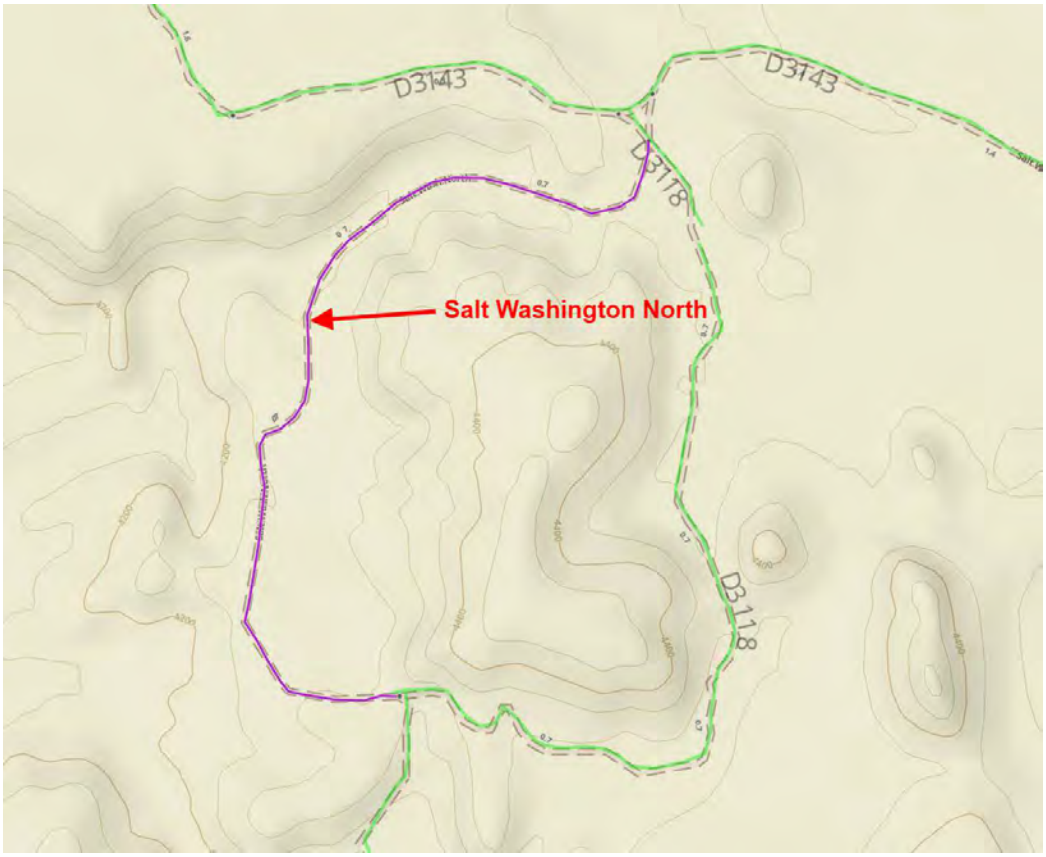
- ***Arches Salt Wash***



The second route we propose for addition is one we mentioned in our scoping comment. This is a 0.62 mile called Arches Salt Wash, which is part of the Klondike Bluffs Escape via Baby Steps trail described on TrailsOffroad.com, where it is the section between waypoints 8 and 9 (a PDF of this trail listing will be attached to our comments). This route is simply a two track dirt road across an open field, and while it is not particularly scenic, it provides the most direct route from the end of D3844 (the main Klondike Bluffs Escape trail) and Salt Valley Road (B145). It starts at 38.81357, -109.69782 at the junction of D3844 and D3870 and ends at 38.81606, -109.68706 where it intersects Salt Valley Road. While there are other routes to make this connection, this is the one most people use because it is the most direct, and other routes require a lengthy detour.

I drove this route in May 2021 as part of the Klondike Bluffs trail and could not see any reason why this route should not be an officially designated route. Most people indeed are under the impression it already is, as it is regularly driven and is not blocked or signed as closed. There are no sensitive resources in the area and the only possible impact is to common prairie grass. This route is already de facto managed as open, and adding it to the official route network would be doing nothing more than maintaining the status quo. We therefore urgle the BLM to add this as an official designated route. A picture of this route from TrailsOffroad is included below.

- ***Salt Washington North***



The final route we propose for addition is a 0.67 mile section of the Salt Washington North trail described on TrailsOffroad.com, starting at waypoint 6. It is an alternative route that splits off D3118 and goes around the opposite (west) side of a large butte, before rejoining it on the other side. This is shown in the map above. Though this route is currently undesignated, it is in fact more prominent than the segment of D3118 on the east side of the butte. The beginning of this route can be seen in the background of the picture from TrailsOffroad below, where it appears to simply be driving straight on the main route while D3118 is a faint route taking off to the left.

Together, these two routes allow motorists to drive a complete loop around the Butte. They are not redundant, and this is not any kind of environmentally sensitive area. There is no reason why both routes cannot be open to vehicles. Since this undesignated route is more prominent and actually appears to be the main route around the Butte, adding it to the designated route system would simply be continuing the status quo of existing motorized use. We therefore urge the BLM to add it as a designated route.

VI. Conclusion

To conclude our admittedly lengthy comments, the Moab Field Office now has a clear choice before it. Will it continue to manage the Labyrinth Rims / Gemini Bridges TMA according to the direction of the 2008 Resource Management Plan, or will it ignore all management plan direction and choose to manage this area in an entirely different way than it has been managed historically? This area has long been the mecca of motorized off-road recreation, with people traveling from all over the world to experience its iconic off-road trails. Now SUWA and Grand County are seeking to use this travel plan to enact sweeping landscape level management changes which would fundamentally alter the character of this beloved region.

What SUWA and the Grand County Commission want to accomplish through this travel plan is nothing less than the complete reversal of the BLM's prior decisions regarding lands with wilderness characteristics and recreation focus areas. They would see an area the 2008 RMP expressly determined not to manage for wilderness characteristics managed as a de facto BLM natural area managed primarily for wilderness characteristics and wildlife protection. What the RMP directed to be managed as a motorized backcountry touring focus area, they wish to see managed as a non-motorized focus area, where motorized recreation is relegated solely to lands that more favored user groups do not want. This vision is encapsulated in alternative B, and to only a slightly lesser extent in alternative C.

On the other hand, the BLM could choose to follow the 2008 RMP's direction and continue to uphold the existing balance it struck between motorized and non-motorized recreation, and between lands managed for wilderness characteristics and lands managed for multiple use. If the BLM wishes to comply with its legal obligations to abide by existing management direction, it must choose alternatives A or D. A programmatic travel management plan is simply not the place to relitigate landscape level management decisions that have already been made by the 2008 RMP. Alternatives B and C must be rejected because of their abject failure to comply with the Moab FO RMP, leaving only alternatives A and D as viable options.

As our extensive route-specific comments have demonstrated, almost every motorized route in this TMA is regularly used and has exceptional value for motorized recreation. While a few routes are not used and have naturally reclaimed, and could thus be closed without any damage to motorized recreation, the mass closures contemplated in alternatives B and C would utterly devastate motorized recreation in Moab.

Grand County and SUWA claim to want to achieve a balance between non-motorized and motorized recreation. Yet alternative B which they support would close many of the most iconic 4x4 trails in the region. The mass closure of routes it proposes is simply not justified considering that the BLM already closed 40% of motorized routes around Moab in 2008. Nor are such closures necessary to achieve a so-called balance between motorized and non-motorized recreation.

In reality, there is already a good balance between different types of recreation around Moab. Hikers have two national parks, multiple wilderness study areas, and a new wilderness area on the other side of Labyrinth Canyon. Mountain bikers are constantly having new trails built, yet motorized users only ever lose trails. That is not balanced.

Alternative B would close all or part of fully one-third of the trails used for the 2022 Easter Jeep Safari, including Golden Spike, Gold Bar Rim, Rusty Nail, Sevenmile Rim, Hey Joe Canyon, Day Canyon Point, Deadman Point, 3D, Mashed Potatoes and Buttes and Towers. All of these routes have been used for Easter Jeep Safari for decades and have long been featured in published guidebooks and online trail guides. People literally travel from all over the world to drive them, and they bring tremendous economic and social value to the county. If they are closed, it would likely mean the end of Easter Jeep Safari, or else force it to be severely downsized.

Closing world-famous Jeep trails that are one of Moab's primary attractions is not how to achieve balance. Closing motorized routes for the sake of non-motorized users' convenience, and valuing non-motorized users' recreational experiences over those of motorized users is not balanced, but simple favoritism.

Grand County commissioners have called motorized users selfish for wanting to keep our trails open. It is not selfish for us to want to continue using some of the most beloved 4x4 trails in the country. Just as no one would call mountain bikers selfish for wanting to keep the Whole Enchilada trail open instead of having it closed to be turned into a wilderness area. Yet that is the equivalent of what alternative B does to the Jeep Safari trails.

While the Grand County Commission evidently believes it only represents non-motorized users, the BLM is legally required to manage public lands around Moab for multiple use. This means continuing to provide a high quality recreation experience for motorized users and not relegating us to the land no one else wants for their activities.

The Grand County Commission supports closing almost all roads accessing scenic overlooks of Labyrinth Canyon or along the Green River. Yet these routes provide the only way that people with disabilities can enjoy the incredible scenery around Labyrinth Canyon. Once these roads are closed, people who are unable to hike long distances will never again be able to visit areas like Deadman Point, Hell Roaring Canyon, or Ten Mile Canyon. The Department of Interior's new Equity Action Plan requires the BLM to consider such effects and avoid enacting policies which disproportionately harm disadvantaged communities like the disabled.

Many Grand County residents strongly disagree with the commission's actions regarding this travel plan, and are making their voices heard in public comments. We hope the BLM will listen to them better than their elected representatives have, and choose an alternative that is actually balanced like alternative D. We therefore join with other motorized advocacy groups in requesting that the BLM adopt either alternative A, or else a modified version of alternative D which incorporates our route specific comments above, as the final travel plan for the Labyrinth Rims / Gemini Bridges TMA. Thank you for your consideration.

Sincerely,

Patrick McKay
Vice President, Colorado Offroad Trail Defenders

Exhibit C

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS

BLUERIBBON COALITION, INC.; PATRICK MCKAY; and COLORADO OFFROAD TRAIL DEFENDERS, Appellants.	IBLA No. _____ Appeal of the Labyrinth Rims/Gemini Bridges Travel Plan DOI-BLM-UT-Y010-2020-0097-EA

I, Patrick McKay, make the following declaration. I understand that this declaration will be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, in the above captioned case, and I understand that this declaration is the legal equivalent of a statement under oath.

1. I live in Highlands Ranch, Colorado. I am a Colorado licensed attorney (license #44986), though my law license is currently on inactive status. I last practiced law in 2013, and I am currently working as a software engineer. I have a Juris Doctorate from Regent University (2012) in Virginia Beach, Virginia and a B.A. in Government from Patrick Henry College (2009) in Purcellville, Virginia.
2. I am the Vice President of Colorado Offroad Trail Defenders (COTD), a 501(c)(3) non-profit organization in good standing, founded in 2020 to advocate against motorized trail closures in Colorado and surrounding states. I am also a volunteer and an advisory board member of Colorado Offroad Enterprise

(CORE), which focuses on four-wheel-drive trail adoptions and maintenance work in the central Colorado mountains.

3. I have been an offroad vehicle enthusiast since buying a Jeep Wrangler in early 2018, and regularly travel throughout Colorado and Utah to engage in recreational four-wheel-driving, camping, and hiking. These activities give me a great deal of personal satisfaction, accomplishment, and aesthetic and spiritual enjoyment.

4. I first got involved in offroad land use advocacy in 2019, when I began working on comments for both the Pike San Isabel National Forest's travel management process in Colorado and the travel planning processes in Utah that resulted from the 2017 settlement agreement with the Southern Utah Wilderness Alliance. My legal background helped me to understand the complexities of agency planning processes, and I felt I owed it to the offroad community to use my skills to advocate on their behalf to protect treasured trails from unjustified closures.

5. In my role as Vice President of Colorado Offroad Trail Defenders, and also as an individual, I have participated in public comment periods for multiple Bureau of Land Management and US Forest Service travel management and resource management planning processes in Colorado, Utah, and other western states. Over the last five years, I have spent a great deal of time engaged in groundwork, photography, studying aerial and satellite photography, researching and reading guidebooks and other materials,

attending meetings, and drafting and submitting comments. I, along with Colorado Offroad Enterprise and its president Marcus Trusty, am currently a plaintiff in a lawsuit challenging the Pike San Isabel National Forest travel management plan in Federal District Court, which was filed in February 2023.

6. In Utah, I have submitted comments on behalf of COTD in the travel planning processes for the Labyrinth Rims / Gemini Bridges TMA, the Canyon Rims TMA, the San Rafael Desert TMA, the San Rafael Swell TMA, the Trail Canyon TMA, and the Paunsaugunt TMA, as well as the Labyrinth Rims / Gemini Bridges Camping Management Project, the Mineral and Hell Roaring Canyons Roped and Aerial Activities project, and resource management planning processes for Bears Ears National Monument, Grand Staircase Escalante National Monument, and the Manti-La Sal National Forest.

7. I began regularly visiting the area around Moab, Utah to engage in off-highway motorized recreation in May 2019. Since then, I have typically traveled to Utah (and most often to the greater Moab area) two times a year for offroading, camping, hiking, scenic driving, and other activities.

8. Much of my time off-roading near Moab has been spent in the Labyrinth Rims / Gemini Bridges TMA, and I am intimately familiar with the roads and motorized trails in the area. One of the first trails I drove in the area was the Day Canyon Point trail (now slated for closure), which I drove and camped along twice in 2019.

9. During my visits to the area, I have developed a deep personal connection to the Labyrinth Rims / Gemini Bridges area and have come to believe that the motorized routes there offer some of the best recreational four-wheel-drive experiences not only in the Moab region, but in all of the western United States. The roads along the Green River and on the rims of Labyrinth Canyon are truly unique and offer an irreplaceable recreational experience that cannot be found anywhere else in Utah.

10. As an additional hobby, I regularly contribute to OpenStreetMap, an online open-source mapping project which powers many popular outdoor mapping applications. Over the last several years I have mapped numerous roads and trails in the Moab area and have particularly focused on ensuring that the motorized routes in the Labyrinth Rims / Gemini Bridges TMA are mapped accurately in OpenStreetMap. This has also increased my familiarity with the area, and in the course of this mapping I discovered numerous errors in the BLM's route inventory for the TMA.

11. In April 2021, I submitted a 32-page comment during the scoping period for the Labyrinth Rims / Gemini Bridges travel management process, which included numerous route specific comments, maps, and photographs highlighting the importance of particular roads and pointing out mapping errors and omissions from the BLM's route inventory, as well as requesting additional specific routes be considered for designation beyond those in the baseline inventory.

12. In October 2021, shortly after the Moab Field Office published the preliminary alternatives for the Labyrinth Rims / Gemini Bridges TMA, I spent four days in the area driving as many of the routes proposed for closure as I could, while taking detailed notes, photographs, and GPS tracks documenting their condition. The routes I visited on this trip included the 7-Up trail, South Fork Seven Mile Canyon, multiple trails in the Arth's Rim and Pasture area, Mineral Canyon, Hell Roaring Canyon, Ten Mile Canyon, and numerous roads on Horsethief Point and Deadman Point -- most of which are designated as closed in the final decision.

13. In the course of exploring these routes, I observed that numerous routes that the BLM claimed in its route reports were naturally reclaimed or reclaiming were in fact regularly used and clearly visible on the ground. Even tracks that were rarely used and somewhat overgrown could still be followed relatively easily, and still provided important recreational access to various scenic overlooks, canyon bottoms, and dispersed campsites.

14. Throughout this trip, I observed only a handful of other vehicles on most of these trails and very little bike, boat, and pedestrian traffic. I saw no evidence of the widespread user conflict the BLM claims is endemic to the area.

15. In April 2022, I attended Easter Jeep Safari and participated in trail runs on the Hey Joe Canyon, Metal Masher, and Golden Spike safari routes in the Labyrinth Rims / Gemini Bridges TMA. During the trail run on the Hey Joe Canyon Trail (which is slated for closure in the final decision), I observed the

road to be well-maintained and did not observe any kind of conflicts with boat traffic on the Green River, of which I saw none the entire day. I greatly enjoyed the opportunity to drive this treasured trail in the highly scenic Labyrinth Canyon during Moab's longest running offroad event. I am aware that the loss of this trail in particular is a heavy blow to the local offroad community, which has driven it regularly for over 60 years.

16. In October 2022, I submitted on behalf of COTD a 527-page comment on the Draft EA for the Labyrinth Rims / Gemini Bridges TMA, as well as a 5-page supplemental comment. These comments were the product of having spent most of the previous year researching and studying every resource I could find on the motorized routes in the TMA.

17. My comments included detailed descriptions of the recreational purpose and need, regulatory history, and current condition of most of the routes proposed for closure in alternatives B and C (which were combined to form the designated route network in the final decision). My route-specific comments included numerous photographs taken on my previous trips to the area, maps, scans from published guidebooks, excerpts from the Easter Jeep Safari Magazine, and quotes from prior BLM management plans describing the importance of these routes and the reasons why they were previously designated as open. I also attached several hundred pages of PDF files containing relevant trail descriptions from offroad trail guide websites such as TrailsOffroad.com and OnXOffroad.com. These comments were written under

the belief that the BLM was acting in good faith in the travel planning process and would fairly consider input from all stakeholders in making route designation decisions.

18. Throughout the draft EA comment period in fall 2022, I made numerous posts on social media encouraging other off-roaders to get involved in the travel planning process and submit their own comments describing why they valued the trails in the area, believing that the BLM would take a serious look at public comments it received and would use them to inform its final decision. I now believe the BLM failed to do this, but instead made its decision largely based on the political influence of certain environmental interest groups and not the facts on the ground.

19. When the final decision for the Labyrinth Rims / Gemini Bridges travel management plan was released in September 2023, I was dismayed to see that the BLM selected almost the most extreme alternative possible (alternative B), closing 317 miles of routes. These closures included four Easter Jeep Safari trails (Hey Joe Canyon, Day Canyon Point, Mashed Potatoes, and Deadman Spring). Even though the BLM has previously acknowledged that the Jeep Safari routes "are deemed the most desirable by the four-wheel driving community" and "have become the MFO's 'backcountry highway system'"[1], it nevertheless closed four of these routes, either because they were allegedly

[1] https://eplanning.blm.gov/public_projects/2019891/200541044/20071791/250077973/22-0042_EA_DR_FONSI-Jeep-Safari-Route-Use%20dp.pdf.

"redundant" or because of alleged impacts to bighorn sheep habitat and conflicts with non-motorized boaters on the Green River.

20. In closing these 317 miles of routes, the BLM completely ignored my comments and those of other motorized users describing the unique value of each of these routes for motorized recreation. For example, the BLM closed the Mashed Potatoes Safari Route (D2562) claiming that this closure was necessary to create a "less redundant route network," and that it was not needed because other parallel routes went to the same general area.

21. In deeming this route redundant, the BLM ignored my comments on this route pointing out that it is featured independently in published guidebooks and offers a completely unique recreational experience in terrain unlike that of surrounding routes, and is used to create an alternate, more challenging variant of the "3D" Safari route during Easter Jeep Safari. The BLM failed to respond to my comments on this route at all, and for most of my other route-specific comments gave only generalized responses that did not address any of my specific points, such as "impacts on recreation are discussed in section XXX of the EA."

22. Many other routes were similarly closed as "redundant" simply because they paralleled other routes and went to the same general area, without regard for the qualitative recreational experience offered by each individual route or whether two routes formed a desirable loop opportunity. Some routes were considered redundant if they merely go to overlooks of the same canyon, even

if they are miles apart and offer completely different views. In other cases, a challenging four-wheel-drive road was considered redundant to a graded county road, even though they cater to completely different types of vehicles and offer completely different driving experiences.

23. In analyzing the BLM's rationale statements for individual route closures, I have found that they were often contradictory and/or based on blatant factual errors. I have found multiple instances where one route was closed because it was allegedly redundant to another route, but that other route was also closed. For example, D1019B, which accesses an overlook of Taylor Canyon, was closed because it was allegedly redundant with D1116 and D1026B. The BLM's rational statement said, "The recreation opportunity provided by D1019B (overlook of Taylor Canyon) is provided via routes D1116, D1026B and D1042A, which remain open for travel." (DN, at A2-9). Yet of those, D1026B was also closed contrary to the assertion here, and D1042A does not access an overlook of Taylor Canyon, but ends on the mesa top at the boundary of Canyonlands National Park and requires a lengthy hike to reach any kind of overlook on the canyon rim. As a result, the BLM's decision left D1116 as the sole route accessing an overlook of Taylor Canyon, at the other end of the canyon from the other two overlooks that were closed.

24. Similarly, the BLM stated that, "Closing D1270A reduces route proliferation as it is redundant with D1434 and D1463, both of which remain open to travel." (DN, at A2-27.) Yet D1434 was also closed. This statement also illustrates how

the BLM frequently used the terms "redundancy" and "route proliferation" interchangeably, even though they refer to two distinct concepts. If a designated route is causing route proliferation, that means it is leading to the creation of additional unauthorized routes, yet the BLM frequently used this term to mean there were too many authorized routes in a given area. What the BLM considered to be "too many" routes, or on what basis one route was determined to be redundant while another was not, was never defined and was completely arbitrary.

25. The most egregious error in the decision concerns D2421. This route accesses eight existing designated dispersed campsites in the Slickensides Arch Dispersed Camping Area, which the BLM's decision rationale denied even exists. I commented on this route at length, providing detailed evidence in the form of photographs taken in October 2021 showing eight designated campsites clearly marked and signed on the ground, most of which were occupied at the time I visited. I also provided a copy of a BLM map of designated campsites along Cotter Mine Road, that I observed posted on a kiosk sign along the main road into the area. This map clearly shows eight designated campsites on D2421. Finally, my comments quoted a BLM document I received in response to a FOIA request from the process in which the BLM approved all of the designated campsites in the Cotter Mine Road area in 2017, all of which were cleared of conflicts with cultural resources. Moreover, the designated campsites along D2421 were also shown in the

BLM's preliminary campsite inventory for the Labyrinth Rims / Gemini Bridges camping management project, which was in progress at the same time as the travel planning project.

26. The BLM acknowledged my comment on D2421 in its responses to comments, stating "BLM has reviewed and verified the baseline information for D2421." (EA Appendix M, at 265). However, the BLM's rationale statement for this route categorically denied the existence of any designated campsites along D2421. It stated: "D2421 is closed to motorized travel. D2421 is closed to avoid potential adverse effects to cultural resources. D2421 is a 0.13 mile long spur route that has no recreational value. It provides no connectivity and does not add to the road network. While the route has been used for dispersed vehicle camping in the past, there is no designated campsite at this location currently because of the presence of cultural resources." (DN, at A2-96.) This statement is demonstrably false.

27. Though the final decision closed both D2421 and D1207, which also accesses several existing designated dispersed campsites, the chart on page 92 of the final EA falsely shows that no alternative reduces the number of routes accessing designated campsites. In the BLM's response to my comment on D1207, it stated "BLM has reviewed and verified the baseline information for D1207, which includes recreational uses and designated camping sites." (EA Appendix M, at 222.)

28. From the above examples and numerous others I have discovered, it is clear to me that the BLM utterly failed to take my comments and those of other motorized groups into proper consideration when making route designation decisions, but instead considered only the opinions of anti-motorized groups, while making many decisions based on clearly erroneous information that was contrary to evidence presented to the agency in public comments.

29. It is also clear to me from looking at a map and seeing how the BLM focused on closing routes that are either within or form the boundaries of areas deemed to possess wilderness characteristics, that the BLM made many of its route closure decisions with the goal of expanding lands with wilderness characteristics, despite the express decision of the 2008 RMP not to manage those areas for wilderness characteristics.

30. Finally, I was particularly disturbed to see the BLM's approach to the issue of alleged user conflicts, in which the BLM assumed that the recreational experience of motorized users was fundamentally inferior to that of non-motorized users, such that any inconvenience to non-motorized users, including simply seeing or hearing motorized users on nearby routes, justified closing motorized routes, no matter how important.

31. The BLM's utter contempt for motorized users was clearly shown in its rationale for closing D1527, the Hey Joe Canyon Jeep Safari Route. The BLM had previously excluded this route from the adjacent canoe focus area in the 2008 RMP, placing it inside of a motorized focus area. The 2008 RMP stated

that its high value to motorized users outweighed the inconvenience to non-motorized boaters on the Green River of hearing noise from vehicles on the adjacent road. In its rationale statement for closing this route, the BLM repudiated its prior finding, stating, "The 2008 RMP ROD explained that potential resource conflicts with non-motorized users and riparian areas along this route were outweighed by the purpose and need of this route because it is named in guidebooks and is a Jeep Safari route. Despite that prior conclusion, the BLM has an obligation to minimize resource impacts which is not negated by the popularity of the route." (DN, at A2-46.)

32. Under the BLM's new reasoning, its obligation to minimize user conflicts requires it to close any motorized route whose presence causes any amount of annoyance to non-motorized users, no matter how popular the route is or how long it has been used for motorized recreation. Thus, no motorized route, no matter how famous, is safe from being closed merely because a handful of non-motorized users recreating nearby complain about the noise of vehicles traveling on authorized routes.

33. In coming to this conclusion, the BLM utterly subverted the prior intent of the Moab Field Office in establishing motorized focus areas in the 2008 RMP. As the BLM stated at that time, "Focus Areas set visitor expectations for a specific type of recreation experience, thereby reducing potential conflict. Those who choose to hike in a motorized Focus Area should not be surprised by the amount of motorized activity." (2008 RMP ROD, at 29 - 30.) In its decision for the

Labyrinth Rims / Gemini Bridges TMA, the BLM contradicted this intent by closing not only the Hey Joe Canyon route because of alleged conflicts with river rafters, but it also closed multiple motorized routes in the vicinity of South Fork Seven Mile Canyon simply because they were adjacent to or co-aligned with mountain bike trails in the Magnificent Seven trail network -- which lies almost entirely within a motorized focus area under the RMP.

34. If this decision is allowed to stand, it establishes a clear precedent that non-motorized recreation always trumps motorized recreation, even in areas ostensibly managed to emphasize motorized recreation under the RMP. This conclusion is based on an erroneous interpretation of the BLM's travel management regulations. The regulation that requires the BLM to "minimize conflicts between off-road vehicle use and other existing or proposed recreational uses" (43 C.F.R. § 8342.1(c)) in travel planning stems from the same executive order as the Forest Service's Travel Management Rule, which explicitly acknowledged, "Neither E.O. 11644, nor these other laws and policies, establish the primacy of any particular use of trails and areas over any other."

35. In determining that the convenience of non-motorized users must always take precedence over the recreational experience of motorized users and requires the closure of valuable motorized routes, the Moab Field Office has fundamentally misinterpreted this regulation as establishing the absolute primacy of non-motorized recreation everywhere on BLM lands, regardless of

the direction of the relevant resource management plan. If this erroneous interpretation of the minimization criteria persists, it will result in the closure of every popular motorized route on BLM land that happens to be within earshot of a non-motorized recreation asset.

36. For the reasons described above, I strongly believe that the Labyrinth Rims / Gemini Bridges travel management decision directly contravenes the direction of the 2008 Moab Field Office RMP, is overwhelmingly based on inaccurate information and unlawful conclusions, and is fundamentally arbitrary and capricious.

37. The closure of 317 miles of valuable motorized routes in the Labyrinth Rims / Gemini Bridges TMA has severely harmed my ability to engage in motorized recreation in the area. I recently visited the area to drive as many of the trails slated for closure as I could over two days in mid-October 2023, which included the Ten Mile Canyon trail and the overlooks of Taylor Canyon. I also plan to visit the Moab area in spring 2024, at which time I would drive the routes subject to closure if they were still open. The travel plan decision therefore interferes with my concrete plans to visit the Labyrinth Rims / Gemini Bridges area in the future, and directly harms my recreational, aesthetic, and environmental interests in this area.

I have read the foregoing and declare under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of October, 2023

PATRICK MCKAY
Declarant

Exhibit D

Settlement Agreement in
***Southern Utah Wilderness Alliance, et al. v. U.S. Department of the Interior, et al.*,**
U.S. District Court (D. Utah) Consolidated Case No. 2:12-cv-257 DAK
U.S. Court of Appeals for the Tenth Circuit Nos. 15-4151, 15-4152, 15-4153, 15-4155, 15-4158

This Settlement Agreement is entered into between: (1) Plaintiffs Southern Utah Wilderness Alliance ("SUWA"), Natural Resources Defense Council, Wilderness Society, National Parks Conservation Association, Grand Canyon Trust, Sierra Club, National Trust for Historic Preservation, Utah Rivers Council, Great Old Broads for Wilderness, and Rocky Mountain Wild; (2) Federal Defendants U.S. Department of the Interior, S.M.R. Jewell, in her official capacity as Secretary of the Department of the Interior, the U.S. Bureau of Land Management, and Janice Schneider, in her official capacity as Assistant Secretary for Land and Minerals Management of the U.S. Department of the Interior (collectively, "Federal Defendants"); and (3) Defendant-Intervenors BlueRibbon Coalition, Colorado Off-Highway Vehicle Coalition, and Trails Preservation Alliance. Plaintiffs, Federal Defendants, and Defendant-Intervenors who have signed this Settlement Agreement will be collectively referred to herein as "the parties," and individually as a "party," unless specifically identified otherwise. In addition to the above-named parties, the above-captioned cases include Defendant-Intervenors State of Utah, Carbon County, Duchesne County, Daggett County, Emery County, Grand County, Kane County, San Juan County, Uintah County, Utah School And Institutional Trust Lands Administration ("SITLA"), Badlands Energy, Crescent Point Energy US Corp., EOG Resources, and XTO Energy. Defendants-Intervenors sought, and were granted, intervention shortly after each complaint was filed.

WHEREAS, in 2008, the U.S. Bureau of Land Management ("BLM") issued six Resource Management Plans ("RMPs") and associated Travel Management Plans ("TMPs") for the Kanab, Moab, Monticello, Price, Richfield, and Vernal Field Offices, which are all administered by the Utah State Office of BLM ("BLM-Utah").

WHEREAS, Plaintiffs subsequently filed two complaints challenging each of the RMPs and TMPs, alleging, among other things, that BLM violated the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A), the Federal Land Policy and Management Act ("FLPMA"), 43 U.S.C. §§ 1701 *et seq.*, the National Historic Preservation Act ("NHPA"), 54 U.S.C. §§ 300101 *et seq.*, the National Wild and Scenic Rivers Act ("WSRA"), 16 U.S.C. § 1271, the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321 *et seq.*, and BLM's off-road vehicle ("ORV") designation criteria regulation, 43 C.F.R. § 8342.1.

WHEREAS the district court consolidated the two cases and, based upon the parties' agreement to litigate the matter in stages, proceeded to adjudicate the claims challenging the Richfield RMP and TMP.

WHEREAS, on November 4, 2013, the district court issued a merits ruling that was partially adverse to Federal Defendants. The court found that "[i]n designating 4,277 miles of routes in this case, BLM did not discuss the minimization criteria in the ROD, RMP, or any other travel planning documents," and "therefore, there [was] no evidence in the ROD that the minimization criteria was applied or applied correctly." The court also found that BLM violated the NHPA in adopting the Richfield TMP. Specifically, the court found that BLM did not make a good-faith effort to identify cultural resources along designated routes in light of its instruction memorandum ("IM") 2007-030, which the court interpreted to require BLM to conduct intensive "Class III" surveys along all 4,277 miles of designated routes in the Richfield Field Office. The court also found that BLM did not adequately explain its RMP decisions not to designate the potential Henry Mountains Area of Critical Environmental Concern ("ACEC") as an ACEC and that BLM's eligibility decision regarding certain river segments in Happy, Buck, and Pasture Canyons under the WSRA was arbitrary. The court ruled in favor of BLM on Plaintiffs' remaining claims.

WHEREAS, on May 22, 2015 the district court issued its remedy order requiring BLM to resolve these legal infirmities in a phased manner within three years.

WHEREAS, in October 2015, BLM and several Defendant-Intervenors timely appealed the district court's merits decision and the remedy order.

WHEREAS, on February 17, 2016, Plaintiffs amended their complaint adding site-specific allegations stemming from BLM's November 2014 Oil and Gas Lease Sale in BLM's Price and Vernal Field Offices, and the district court has approved a briefing schedule for Plaintiffs' claims relating to BLM's Price and Vernal Field Offices, which has been extended pending settlement efforts.

WHEREAS, since 2013, BLM has worked with numerous consulting parties, including Plaintiff SUWA and Defendant-Intervenors State of Utah, SITLA, and Duchesne, Emery, San Juan, and Uintah Counties, and the BlueRibbon Coalition, to develop a comprehensive travel and transportation planning programmatic agreement, pursuant to 36 C.F.R. § 800.14(b), that guides how BLM accounts for cultural resources when designating routes. BLM anticipates that this programmatic agreement, to be titled "Programmatic Agreement for Travel Management Activities," will be completed in early 2017.

WHEREAS, the parties, without any admissions relating to Plaintiffs' claims, believe that it is in the interests of the public, the parties, and judicial economy to resolve these claims without further litigation.

WHEREAS, Defendant-Intervenors SITLA, Badlands Energy, Crescent Point Energy US Corp., EOG Resources, and XTO Energy do not oppose or object to the parties entering into this Settlement Agreement.

NOW, THEREFORE, the parties hereby stipulate and agree to the following:

A. GENERAL PROVISIONS

1. In exchange for the consideration set forth herein, Plaintiffs release Federal Defendants, all other federal agencies, the United States, and all of their employees and officials from, and Plaintiffs covenant not to sue on, all claims, causes of action, obligations, or liabilities that they alleged or could have alleged in the above-captioned cases based on facts that existed as of the date the Settlement Agreement is signed by the last party to sign to the Settlement Agreement. The parties do not waive any claims or defenses that they may have in any subsequent litigation or administrative proceedings initiated after that date, except as expressly stated herein.

2. This Settlement Agreement in no way affects or relieves any party of its responsibility to comply with the United States Constitution or with any applicable federal law or regulation, including the APA, NEPA, FLPMA, and NHPA. Nothing in this Settlement Agreement shall be construed to limit or modify the discretion accorded to Federal Defendants by any applicable federal law or regulation, including the APA, NEPA, FLPMA, and NHPA, or general principles of administrative law with respect to either the procedures to be followed in making any determination required herein or the substance of any determination.

3. This Settlement Agreement is for the purpose of settling the above-captioned litigation. Nothing in this Settlement Agreement shall be deemed as precedent in this or any other proceeding or shall constitute an admission or concession by any party as to the validity of any fact or legal position concerning the claims or defenses in this or any other proceeding. Nothing in this Settlement Agreement shall be construed to be an admission or shall constitute evidence that the commitments made by BLM in this Settlement Agreement are necessary to satisfy any requirement under any applicable law.

4. Though any party may use this Settlement Agreement to document the fact that one or more claims were disposed of pursuant to the terms and conditions herein, the discussions leading to the Settlement Agreement are confidential under 10th Circuit Rule 33.1.

5. It is hereby expressly understood and agreed that this Settlement Agreement was negotiated at arm's-length with each party receiving advice from legal counsel. The parties hereby agree that any and all rules of construction to the effect that ambiguity is construed against the drafting party shall be inapplicable in any dispute concerning the terms, meaning, or interpretation of this Settlement Agreement. Unless the context clearly requires otherwise, all of the following apply to the interpretation of this Settlement Agreement: (a) the masculine, feminine, and neuter genders each include the others; (b) the words "includes" and "including" and "such as" are not limiting; (c) "days" refers to calendar days unless otherwise specified; and (d) headings are included for convenience and do not affect the construction or interpretation of any provision of, or the rights or obligations of a party under, this Settlement Agreement. This Settlement Agreement shall be governed by and construed under federal law.

6. Nothing in this Settlement Agreement shall be construed to make any other person or entity not executing this Settlement Agreement a third-party beneficiary to this Settlement Agreement.

7. This Settlement Agreement in no way affects the rights of any party as against any person or entity not a party hereto. Nothing in this Settlement Agreement shall be interpreted as imposing obligations on any federal agency or other non-federal entity that is not a signatory to this Settlement Agreement.

8. This Settlement Agreement contains all of the agreements between the parties, and is intended to be and is the final and sole agreement between the parties concerning the complete and final resolution of Plaintiffs' causes of action in the above-captioned cases. The parties agree that any other prior or contemporaneous representations or understanding not explicitly contained in this Settlement Agreement, whether written or oral, are of no legal or equitable force or effect.

9. The provisions of this Settlement Agreement shall apply to and be binding upon each of the parties.

10. The undersigned warrant that they have full authority to enter into this Settlement Agreement and by their signatures bind to the terms of this Settlement Agreement the party or persons on whose behalf they have signed.

11. The obligations imposed upon Federal Defendants under this Settlement Agreement can only be undertaken using appropriated funds. No provision of this Settlement Agreement shall be interpreted as or constitute a commitment or requirement that Federal Defendants obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other law.

12. Any subsequent modifications, supplements, or amendments to this Settlement Agreement must be in writing, and must be signed and executed by or on behalf of the affected parties, or their successors in interest, as necessary.

B. SPECIFIC PROVISIONS

New Travel Management Plans in Certain Travel Management Areas

13. **New Travel Management Plans subject to this Settlement Agreement.** BLM will issue a new TMP for each of the following travel management areas ("TMA") within the Richfield, Vernal, Price, Moab, and Kanab Field Offices according to the deadlines set forth below, which will start to run on the effective date of this Settlement Agreement established in Paragraph 37. Each TMP will be considered issued upon the date the authorized officer signs the decision document approving the TMP. The geographic scope of each TMA is included in the Attachments A1-5 (Maps 1 through 5), which are hereby incorporated into this Settlement Agreement:

a. Richfield Field Office (Attachment A1: Map 1)
    i. Henry Mountains and Fremont Gorge: 2.5 years
b. Vernal Field Office (Attachment A2: Map 2)
    i. Dinosaur (North): 3.5 years
    ii. Book Cliffs: 5.5 years
    iii. Nine Mile Canyon: 7 years
c. Price Field Office (Attachment A3: Map 3)

i. San Rafael Desert: 2.5 years

ii. San Rafael Swell (including part of the former Forest Planning Unit in the Richfield Field Office): 4.5 years

iii. Nine Mile Canyon: 7 years

d. Moab Field Office (Attachment A4: Map 4)

i. Indian Creek: 4 years

ii. Book Cliffs: 5.5 years

iii. Labyrinth/Gemini Bridges: 6 years

iv. Dolores River: 8 years

e. Kanab Field Office (Attachment A5: Map 5)

i. Trail Canyon: 4 years

ii. Paunsaugunt: 6 years

14. **Travel planning outside of TMAs.** The TMPs for the Richfield, Vernal, Price, Moab, and Kanab Field Offices that are in effect as of the effective date of this Settlement Agreement will remain in effect until BLM issues new TMPs for the TMAs identified in paragraph 13; those new TMPs will supersede the corresponding portions of the TMPs. However, subject to valid existing rights, nothing herein restricts BLM's discretion to revise or amend the 2008 TMPs, to impose limitations or closures, as provided by 43 C.F.R. §§ 8341.2 and 8364.1, to open, close, modify, or add new routes, or otherwise consider or institute temporary management prescriptions in accordance with applicable law and regulations. Any remaining public lands in Utah that fall outside of the geographic scope of the TMAs identified in paragraph 13, including the remainder of the public lands in the Richfield, Price, Vernal, Moab, and Kanab Field Offices, are not subject to the provisions outlined in paragraphs 15-24 of this Settlement Agreement.

Process for Completing TMPs

15. **Applicable law and agency guidance.** BLM will prepare the new TMPs for each of the TMAs identified in paragraph 13 pursuant to applicable statutes, regulations, BLM-Utah

Instruction Memorandum No. 2012-066 ("BLM-Utah IM 2012-066"), and the terms identified in paragraphs 16-24 of the Settlement Agreement. In addition to BLM-Utah IM 2012-066, relevant existing guidance includes, but is not limited to: BLM-Utah Guidance for the Lands with Wilderness Characteristics Resource, Instruction Memorandum No. UT 2016-027 (September 30, 2016); BLM National Environmental Policy Act Handbook H-1790-1 (January 2008); BLM-Utah Handbook 8110, *Guidelines for Identifying Cultural Resources* (2002); BLM Handbook H-8342, Travel and Transportation (March 16, 2012); BLM Manual 1613, *Areas of Critical Environmental Concern* (September 29, 1988); BLM Manual 1626, *Travel and Transportation* (July 14, 2011); BLM Manual 6320, *Considering Lands with Wilderness Characteristics in BLM Land Use Planning* (March 15, 2012); BLM Manual 6330, *Management of BLM Wilderness Study Areas* (July 13, 2012), 6340, *Management of BLM Wilderness* (July 13, 2012); and BLM Manual 8110, *Identifying and Evaluating Cultural Resources on Public Lands* (December 3, 2004). Nothing in the Settlement Agreement makes binding the afore-mentioned guidance. Nothing in this Settlement Agreement shall be construed as limiting BLM's discretion to promulgate new manuals, handbooks, or instruction memoranda consistent with relevant law and regulations. The parties may agree to modify the Settlement Agreement to reflect updated regulations or guidance, consistent with paragraph 12.

16. **Procedural requirements.** BLM will follow the procedure set forth below when conducting its travel planning for the TMPs for the TMAs identified in paragraph 13, except as provided in paragraphs 18 and 19 for the Henry Mountains and Fremont Gorge TMA and the San Rafael Desert TMA.

a. **Cooperating agencies.** Prior to initiation of public scoping for a new TMP, BLM will invite eligible federal, tribal, state, and local government agencies to participate in the development of the TMPs as cooperating agencies. Cooperating agency agreements will be established in accordance with law and regulations, including 43 C.F.R. § 46.225.

b. **Public scoping.** At the initiation of the travel planning scoping period for a new TMP, BLM will make available to the public and stakeholders maps of all BLM-inventoried routes

being considered for designation under 43 C.F.R. § 8342.1. Such route inventory maps will include spur routes leading to Utah State Institutional Trust lands, facilities, campsites, and other points of interest, which may include overlooks and natural and historic features. The maps will provide a unique identifier, including any state or county identifying number or common name known to BLM, for each individual route and be of sufficient detail that the public can provide meaningful input on each individual route's purpose and need, as well as potential resource and user conflicts. The maps and their underlying GIS data will be made available on the internet and BLM will make a reasonable effort to make paper copies available in each respective field office. BLM will provide a reasonable period for the public and stakeholders to provide information regarding the maps or any routes being considered for designation within the TMA, which may include evidence of valid existing rights and route maintenance agreements, prior to BLM's preliminary route evaluation.

c. **Preliminary route evaluations.** A BLM interdisciplinary team ("ID Team") will conduct a preliminary evaluation of each route being considered for designation in the TMP. The preliminary evaluation will include (1) assessing how each potential route designation within the TMA is consistent with 43 C.F.R. § 8342.1; (2) consideration of the goals and objectives for resource values and uses established in the applicable RMP; (3) consideration and documentation of any purpose and need of the route, including but not limited to activities relating to existing motorized and non-motorized uses for recreation, hunting, law enforcement, search and rescue, fire suppression, access to private or Utah State Institutional Trust lands, exploration and development, administrative, and authorized motorized travel; and (4) consideration and documentation of any known or asserted resource or user conflict. BLM will also consider designating spur routes leading to Utah State Institutional Trust lands, facilities, campsites, and other points of interest, which may include overlooks and natural and historic features. When considering routes for designation, BLM will consider whether there are multiple routes leading to the same location. The ID Teams may consider designating routes in any manner consistent with BLM's authority under 43 C.F.R.

§ 8340.0-5(g), which includes, but is not limited to, designating routes for motorized, non-motorized, and administrative travel.

d. **Public and stakeholder review of preliminary route evaluations.** At the conclusion of the ID Team's preliminary evaluation of all the routes being considered for designation in the TMP, BLM will prepare (1) a Travel Management Plan Scoping Report, including an appendix with copies of all public and stakeholder correspondence received to date, unless prohibited by law; (2) preliminary alternatives maps; and (3) draft route reports. BLM will make these documents available to the public and stakeholders upon completion. Commensurate with the level of public and stakeholder interest, BLM may seek further public and stakeholder input as to the preliminary alternatives maps and draft route reports and/or hold a public meeting to further engage the public in the travel planning process. All written input received from the public and stakeholders will be made available to the public as provided by law.

e. **NEPA compliance.** BLM will consider all substantive and timely input received as a result of its public and stakeholder engagement efforts in updating the draft route reports and developing a draft TMP NEPA document. BLM will make the updated route reports and the draft TMP NEPA document simultaneously available for public review and comment for a 30-day period (or longer, at BLM's sole discretion). In providing for public review and comment, BLM will follow applicable NEPA regulations.

f. **Final decision.** BLM will consider the information obtained during the public review and comment period to develop final route reports, its final NEPA document, and its decision document approving each new TMP. Decision records or records of decisions approving TMPs will be appealable to the Interior Board of Land Appeals as provided in 43 C.F.R. Part 4.

g. **Responses to public and stakeholder comments.** BLM will respond to substantive and timely public and stakeholder comments in accordance with all cooperating agency agreements and applicable NEPA regulations. BLM may occasionally receive, outside of a specified

comment period, submissions from the public or stakeholders; BLM may consider such submissions at its sole discretion.

17. **Documentation requirements.** BLM will adhere to the following documentation requirements when conducting its travel planning for the new TMPs for the TMAs identified in paragraph 13:

a. **Purpose and need.** BLM will identify and document in each route report the purpose and need for the route. BLM will identify all known current motorized and non-motorized use that occurs on the route. In considering if a route has a purpose and need, BLM will take into account information indicating if a route is no longer used by motorized vehicles, is revegetating or reclaiming, and/or is impassable to motorized vehicles. A route without an identified purpose and need will not be proposed as part of the dedicated route network in any action alternatives in the NEPA document.

b. **Affected resources.** For each route for which BLM has identified a purpose and need, BLM will document in the route report any public land resources, as set forth in 43 C.F.R. § 8342.1(a), that may be affected by motorized vehicle use of the route. Public land resources include, but are not limited to, identified cultural resources and public lands with BLM-inventoried wilderness characteristics, regardless of whether BLM administers or manages the subject public lands to maintain or enhance those resources.

c. **Resource impact.** BLM will identify and document in each route report all direct and indirect impacts to "soil, watershed, vegetation, or other resources of the public lands," 43 C.F.R. § 8342.1(a), including identified cultural resources and public lands with BLM-inventoried wilderness characteristics, that are caused by motorized vehicle use.

d. **Route-specific minimization alternatives.** BLM will document in the route report how each alternative route designation will "minimize damage" to affected "soil, watershed, vegetation, or other resources of the public lands," 43 C.F.R. § 8342.1(a), including identified cultural resources and public lands with BLM-inventoried wilderness characteristics. In each route

report, BLM will include a brief narrative summary of how it has applied the designation criteria to the route for each alternative route designation.

e. **Travel network minimization alternatives.** BLM will explain in the NEPA document for each TMP how each proposed alternative route network will "minimize damage" to "resources of the public lands," 43 C.F.R. § 8342.1(a), including identified cultural resources and public lands with BLM-inventoried wilderness characteristics. For purposes of minimizing damage to public lands with BLM-inventoried wilderness characteristics, BLM will consider the potential damage to any constituent element of wilderness characteristics, including naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive and unconfined recreation, for each alternative route network. BLM will consider in the NEPA document at least one proposed alternative route network that would not designate for ORV use any route where BLM has determined that such use may "damage," 43 C.F.R. § 8342.1(a), BLM-inventoried wilderness characteristics; however, BLM need not consider closing such a route to ORV use to the extent the use is authorized by an existing right-of-way or other BLM authorization or by law, including *State of Utah v. Andrus*, 486 F. Supp. 995 (D. Utah 1979), which will be documented in the final route report.

f. **Alternative route networks within WSAs and Natural Areas.** For routes or portions thereof that are located on public land within wilderness study areas ("WSAs") and Natural Areas, BLM will analyze in the NEPA document at least one alternative route network that would enhance BLM-inventoried wilderness characteristics by designating the routes or the relevant portions thereof as closed to ORV use, unless ORV use of the route is authorized by an existing right-of-way or other BLM authorization or by law. To the extent ORV use of a route is authorized, this alternative route network will include measures limiting ORV use to enhance BLM-inventoried wilderness characteristics to the greatest extent possible consistent with applicable laws, regulations, or existing right-of-way authorizations.

g. **Alternatives proposed by parties**. Any party to this Settlement Agreement may propose a route network alternative during public scoping and BLM will consider any such

alternative, as appropriate, in its NEPA document. This does not foreclose BLM from determining that such an alternative will not be analyzed in detail.

h. **R.S. 2477 assertions.** Route designations do not signify a recognition or rejection of R.S. 2477 assertions.

i. **Preservation of discretion.** Nothing in this Settlement Agreement shall be construed to require BLM to adopt any particular alternative or portion thereof presented in a route report or NEPA document or to limit in any way BLM's discretion to make route designations or adopt a final TMP, consistent with paragraph 2. Nothing in this Settlement Agreement shall be construed to limit in any way BLM's discretion to open, close, or modify use on routes.

18. **Henry Mountains and Fremont Gorge TMA.** Because BLM has already initiated some components of travel planning for the Henry Mountains and Fremont Gorge TMA to comply with the district court's 2015 remedy order, this paragraph, rather than paragraph 16, applies to BLM's travel planning process there. BLM will invite eligible federal, tribal, state, and local government agencies to be cooperating agencies as outlined in paragraph 16.a, so that cooperating agencies may participate in the remainder of the travel-planning process for the Henry Mountains and Fremont Gorge TMA. BLM will not be required to undertake any of the actions identified in paragraphs 16.b or 16.d other than as specified below: no later than completion of its interdisciplinary evaluation of routes within the TMA, including its consideration of Class III cultural resource survey data, BLM will make available to the public and stakeholders: (1) maps and GIS data of the inventoried routes being considered for designation; (2) preliminary alternatives maps; and (3) draft route reports. The maps will provide a unique identifier for each individual route and be of sufficient detail that the public can provide meaningful input on each individual route's purpose and need, as well as potential resource and user conflicts. In addition, BLM will hold at least one public meeting during this period. BLM will comply with all requirements of paragraphs 16.c, 16.e, 16.f, and 16.g.

19. **San Rafael Desert TMA.** Because BLM has already initiated travel planning for the San Rafael Desert TMA, this paragraph, rather than paragraph 16, applies to BLM's travel planning process there. BLM will invite eligible federal, tribal, state, and local government agencies to be cooperating agencies as outlined in paragraph 16.a, so that cooperating agencies may participate in the remainder of the travel planning process for the San Rafael Desert TMA. However, because BLM already provided a 30-day public travel planning scoping period and has undertaken its preliminary interdisciplinary evaluation of the inventoried routes in this TMA, BLM will not be required to undertake any actions set forth in paragraph 16.b. BLM will also not be required to create new preliminary route evaluation forms. However, BLM will update its preliminary route evaluations to include the information listed in paragraph 16.c. BLM will comply with all requirements of paragraphs 16.d, 16.e, 16.f, and 16.g.

Monitoring During and After Travel Planning

20. **Monitoring in the Vernal, Price, Moab, and Kanab TMAs.**

a. **Baseline Monitoring Report.** Except for the Henry Mountains and Fremont Gorge TMA, for each TMA identified in paragraph 13, BLM will complete a baseline monitoring report that will document visually-apparent unauthorized surface disturbances off routes as well as visually-apparent damage to public lands resources caused by motorized vehicle use within WSAs, Natural Areas, and/or lands with BLM-inventoried wilderness characteristics. To create the baseline monitoring report, BLM will physically inspect those portions of routes within the TMA that are within or constitute a boundary to a WSA, Natural Area, and/or lands with BLM-inventoried wilderness characteristics. For those portions of routes, BLM will document by site photography and written narrative each disturbance and damage site. At a minimum, BLM will document the following information: (1) the geospatial coordinate of the site of disturbance or damage; (2) the route number or other identifier where the disturbance or damage was observed, the date of the physical inspection, the TMA in which the inspection took place, and the name of the inspector; (3)

the observed usage intensity (i.e., none, light, medium, or heavy); (4) the apparent geographic extent of the disturbance or damage; and (5), if possible, (a) the apparent type of motorized vehicle(s) that caused the disturbance or damage, (b) the apparent purpose of the disturbance (e.g., short spur, dispersed camping, play area, or inadvertent travel), and (c) the type of public land resource damaged by motorized vehicle use. The baseline monitoring report will include the information gathered and recorded during the physical inspection, as well as maps showing the location and nature of any documented disturbance or damage sites. BLM will make its baseline monitoring report available for public review at the same time as the preliminary route evaluation documents identified in paragraph 16.d. BLM need not complete the baseline monitoring report prior to that time, but may do so at its discretion. Baseline monitoring reports described in this paragraph may be used to explain or support any BLM final agency action, but do not themselves constitute final agency action.

b. **Monitoring during planning.** After BLM completes the baseline monitoring report required by paragraph 20.a, BLM will, at least one time per year, inspect all sites where BLM's baseline monitoring report previously identified disturbance and damage. If BLM receives credible information that any new visually-apparent unauthorized surface disturbances off routes or visually-apparent damage to public lands resources caused by motorized vehicle use (1) has occurred along those portions of routes within the TMA that are within or constitute a boundary to a WSA, Natural Area, and/or lands with BLM-inventoried wilderness characteristics and (2) is adversely affecting public land resources, then BLM will inspect the portion of that route, subject to available personnel and passable route conditions. BLM will document its inspection and monitoring of these sites during planning by site photography and written narrative describing each disturbance and damage site. BLM's documentation will include, at a minimum, the following information: (1) the geospatial coordinate of the site of disturbance or damage; (2) the route number or other identifier where the disturbance or damage was observed, the date of the physical inspection, the TMA in which the

inspection took place, and the name of the inspector; (3) the observed usage intensity (i.e., none, light, medium, or heavy); (4) the apparent geographic extent of the disturbance or damage; and (5), if possible, (a) the apparent type of motorized vehicle(s) that caused the disturbance or damage, (b) the apparent purpose of the disturbance (e.g., short spur, dispersed camping, play area, or inadvertent travel), and (c) the type of public land resource damaged by motorized vehicle use. BLM's documentation and/or reports described in this paragraph may be used to explain or support any BLM final agency action, but do not themselves constitute final agency action. BLM will undertake monitoring more frequently if it determines additional monitoring is warranted. BLM's monitoring obligation identified in this paragraph for the TMAs identified in paragraph 13 will terminate when BLM issues the new TMP for that TMA, regardless of whether administrative or judicial review is sought.

21. **Monitoring in the Henry Mountains and Fremont Gorge TMA.** BLM will prepare a summary monitoring report for the Henry Mountains and Fremont Gorge TMA that will include: (a) all off-highway vehicle observation reports and other route monitoring data collected in the TMA since the May 22, 2015 remedy order; (b) all additional route monitoring data that has been collected in the TMA in conformance with the Richfield 2008 Resource Management Plan and Record of Decision; and (c) all BLM-generated monitoring data related to the 129 routes within the TMA identified by Plaintiffs in an April 18, 2016 submission to BLM. Starting on the effective date of this Settlement Agreement, BLM will begin documenting all of its route monitoring data that it will collect pursuant to this paragraph in the Henry Mountains and Fremont Gorge TMA using site photography and written narrative in a manner that describes all visually-apparent unauthorized surface disturbance off routes and visually-apparent damage to public lands resources caused by motorized vehicle use. BLM's documentation will include, at a minimum, the following information: (1) the geospatial coordinate of the site of disturbance or damage; (2) the route number or other

identifier where the disturbance or damage was observed, the date of the physical inspection, the TMA in which the inspection took place, and the name of the inspector; (3) the observed usage intensity (i.e., none, light, medium, or heavy); (4) the apparent geographic extent of the disturbance or damage; and (5), if possible, (a) the apparent type of motorized vehicle(s) that caused the disturbance or damage, (b) the apparent purpose of the disturbance (e.g., short spur, dispersed camping, play area, or inadvertent travel), and (c) the type of public land resource damaged by motorized vehicle use. The summary monitoring report will include the information gathered and recorded during the physical inspection, as well as maps showing the location and nature of any disturbance or damage site. BLM will make the summary monitoring report for the Henry Mountains and Fremont Gorge TMA available to the public within 180 days of the effective date of this Settlement Agreement, but, regardless of the effective date of the Settlement Agreement, no sooner than October 15, 2017.

22. **Consideration of Considerable Adverse Effects.**

a. Any party to the agreement may provide BLM with evidence that (1) motorized vehicle use is causing or will cause considerable adverse effects as set forth in 43 C.F.R. § 8341.2(a) or (2) that action is required to protect persons, property, and public lands and resources pursuant to 43 C.F.R. § 8364.1. When BLM receives such information, it will promptly make such information available to all other parties to the Settlement Agreement. BLM will provide a written response assessing whether action pursuant to § 8341.2(a) or § 8364.1 is necessary to the party submitting such information as well as all other parties to the agreement within 90 days of receiving the information.

b. BLM will consider the information collected during monitoring identified in paragraphs 20-21 of this Settlement Agreement and any other relevant information to determine whether motorized vehicle use is causing or will cause considerable adverse effects as set forth in 43

C.F.R. § 8341.2(a) or requires action to protect persons, property, and public lands and resources pursuant to 43 C.F.R. § 8364.1. If so, BLM will take appropriate management action.

c. The obligations outlined in this paragraph start on the effective date of this Settlement Agreement and end eight years after this Settlement Agreement becomes effective, provided that nothing in this Settlement Agreement exempts or absolves BLM from compliance with applicable regulations, including 43 C.F.R. subparts 8341 and 8364.

23. **Monitoring after TMPs are issued.** BLM will develop a long-term motorized vehicle monitoring protocol as part of each new TMP prepared for the TMAs identified in paragraph 13. BLM's proposed long-term monitoring protocol will be outlined in the draft and final NEPA document for each TMP, and the public, cooperating agencies, and other stakeholders will have an opportunity to provide input on each TMP's long-term monitoring protocol during the relevant public comment period. Each TMP's long-term monitoring protocol will become effective as provided in the applicable TMP. Once each TMP is issued, the long-term monitoring protocol specific to that TMP will apply and not the terms of this Settlement Agreement.

NHPA Identification Efforts for Travel Planning

24. **Applicability and limitation.** BLM will complete the following NHPA identification efforts prior to issuing a TMP for the TMAs identified in paragraph 13 of this Settlement Agreement. To the extent that an existing BLM-authorized Class III cultural resource survey exists for the route(s) subject to this Settlement Agreement, BLM in its discretion may choose to rely on the existing Class III survey to meet its obligations under this Settlement Agreement.

a. **Henry Mountains and Fremont Gorge TMA.** Before issuing a TMP for the Henry Mountains and Fremont Gorge TMA identified in paragraph 13, BLM will ensure Class III cultural resource surveys have been conducted for 100% of all routes that will be designated as open

in the Henry Mountains and Fremont Gorge TMP, except for the Fremont Gorge portion of the TMA identified in Attachment A1 (Map 1).

b. **Class III surveys in certain ACECs.** Before issuing TMPs for the Vernal, Price, Moab, and Kanab TMAs identified in paragraph 13, BLM will ensure Class III surveys have been conducted along all routes or portions of routes that are designated as open within the following designated ACECs, which are currently protecting identified relevant and important cultural, archaeological, or historic resources and/or properties. These designated ACECs are identified in Attachment A6 (Map 6), which is hereby incorporated into this Settlement Agreement, and are specifically identified below:

i. Vernal Field Office: Browns Park and Nine Mile Canyon.

ii. Price: Big Hole, Copper Globe, Cottonwood Canyon, Dry Lake Archeological District, Dry Wash, Grassy Trail, Hidden Splendor, Hunt Cabin, King's Crown, Little Susan Mine, Lucky Strike, Molen Seep, Muddy Creek, Muddy-Creek-Tomsich Butte, North Salt Wash, Pictographs, Sand Cove, Shepard's End, Short Creek, Smith Cabin, Swasey's Cabin, Temple Mountain, Tidwell Draw, and Wild Horse Canyon.

iii. Moab: Highway 279, Long Canyon, Shafer Basin, and Ten Mile Wash.

iv. Kanab: Cottonwood Canyon.

c. **Class III surveys in high potential areas.** In addition to the requirements set forth in paragraphs 24.b above, before issuing TMPs for the Vernal, Price, Moab, and Kanab TMAs identified in paragraph 13, BLM will ensure Class III cultural resources surveys have been conducted along all routes or portions of routes that are designated as open in the TMAs identified in paragraph 13 and that are located in areas that BLM has identified in a Class I cultural resource inventory as having a high potential for cultural resources.

Areas of Critical Environmental Concern

25. **Evaluation of nominated ACECs related to special status species.** The parties acknowledge that, in the Vernal RMP protest decision response, BLM committed to "consider[] at the earliest opportunity as part of the next planning process in the [Vernal] Field Office" the potential ACECs nominated to protect the special status species Graham's penstemon and Pariette cactus. For these two nominated ACECs, BLM will evaluate whether the relevance and importance criteria are met in accordance with BLM Manual 1613, *Areas of Critical Environmental Concern* (September 29, 1988). If the relevance and importance criteria are met, BLM will establish any necessary temporary management prescriptions to protect the relevant and important resource values, as required by Manual 1613. In considering these potential ACECs, BLM may consider, among other things, any protection provided by existing management prescriptions, conservation agreements, or conservation strategies, when determining whether temporary management prescriptions may be necessary.

26. **Reevaluation of nominated ACEC with new visual resources information.** The parties acknowledge that BLM has updated its visual resources inventory for the area included in the Vermilion Cliffs nominated ACEC that was considered, but not designated, in the 2008 Kanab RMP. This ACEC is identified on Attachment A7 (Map 7). BLM will re-evaluate this nominated ACEC and consider whether additional management prescriptions may be warranted to protect any unprotected relevant and important resource values in the potential ACEC. This reevaluation will be based on the updated visual resources inventory, and any other relevant new information that may be available. If BLM determines that any relevant and important resource values in the potential ACEC are unprotected, BLM will establish any necessary temporary management prescriptions to protect those resource values, as required by BLM Manual 1613, *Areas of Critical Environmental Concern* (September 29, 1988).

27. **Process.** At the commencement of each evaluation required by paragraphs 25-26 of this Settlement Agreement, BLM will post a notice on the internet and provide an opportunity for interested parties to submit updated information regarding the potential ACEC. Within 30 days of the completion of an evaluation conducted pursuant to paragraphs 25-26, BLM will notify the parties to this Settlement Agreement that it has completed its evaluation and provide the parties with a written summary of the results of its evaluation. BLM will complete the reevaluations before the deadlines specified below as consistent with applicable law, with the time commencing on the effective date of the Settlement Agreement outlined in paragraph 37:

a. Vernal Field Office

i. Pariette cactus potential ACEC – 2 years.

ii. Graham's penstemon potential ACEC – 5 years.

b. Kanab Field Office

i. Vermilion Cliffs potential ACEC – 2 years.

28. **Limitations.** Nothing in this Settlement Agreement affects or limits BLM's discretion in conducting the evaluations, or in deciding whether to initiate a land use plan amendment that would designate an ACEC as a result of the evaluations. The parties agree not to seek administrative or judicial review of BLM's notification, summary, or evaluation outlined in paragraphs 25-26, or to assist in any way any person or entity that attempts to do so. However, to the extent that BLM makes and issues a land use plan amendment decision subsequent to its evaluation that constitutes final agency action within the meaning of 5 U.S.C. § 704, nothing herein limits the parties from seeking administrative or judicial review of BLM's subsequent land use plan amendment decision.

Oil and Gas

29. BLM will continue to use the Utah Air Resource Management Strategy (July 2011) ("2011 ARMS") and the Memorandum of Understanding Among the U.S. Department of Agriculture, U.S. Department of the Interior, and U.S. Environmental Protection Agency, Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions Through the National Environmental Policy Act Process ("2011 National MOU") to inform and guide BLM's analyses of air-quality impacts for any lease sales and land use plan amendments/revisions, including master leasing plans, that occur on public lands subject to the 2008 Moab, Monticello, Price, Vernal, Richfield and Kanab RMPs, unless those documents are amended or superseded. Nothing in this Settlement Agreement makes binding the provisions of the 2011 ARMS or 2011 National MOU.

a. BLM will update the 2011 ARMS within 1 year from the effective date of the Settlement Agreement. Prior to updating the 2011 ARMS, BLM will provide an opportunity for public comment and BLM will provide a written response to any substantive and timely comments that are submitted. When updating the 2011 ARMs, BLM will:

i. Ensure that the update to the 2011 ARMS is consistent with relevant existing guidance and provides updated guidance on current air quality management issues;

ii. Describe how BLM will use the Intermountain West Data Warehouse, consistent with current BLM guidance;

iii. Describe how BLM will, in future NEPA processes, identify reasonable mitigation and control measures and design features to address adverse impacts to air quality or air quality related values ("AQRVs") on all affected public lands and reduce greenhouse gas emissions when those measures are

reasonable and consistent with relevant BLM statutory authorities and policies and lease rights and obligations.

Nothing in this Settlement Agreement precludes BLM from continuing to make final decisions relating to oil and gas on public lands before completing the updated ARMS.

b. Subject to available funding, within 2 years of the update of the 2011 ARMs, BLM will update the 2013 ARMS photochemical modeling analysis. The analysis will include an updated emissions inventory for both the Vernal and Price Field Offices that will include an estimation of greenhouse gases in addition to criteria and other regulated air pollutants. BLM will conduct photochemical modeling where the updated emissions inventory indicates that modeling is appropriate. The photochemical modeling will examine cumulative impacts to air quality and AQRVs based on existing and reasonably foreseeable development in the planning areas. The modeling will also disclose the contribution of reasonably foreseeable oil and gas development and other activities on BLM land to such cumulative impacts. This process will be consistent with any applicable federal regulations (including those of other federal agencies). Nothing in this Settlement Agreement precludes BLM from continuing to make final decisions relating to oil and gas on public lands before completing the updated photochemical modeling analysis.

c. Consistent with the 2011 ARMS (pgs. 15-16), BLM-Utah will compile an Annual Air Resource Report that will include: (1) BLM air monitoring activities during the year; (2) a summary of air monitoring data collected; (3) trend analysis on air quality issues of concern; (4) topical reports on air quality issues of interest or concern; (5) air resource management plans; and (6) issues for the coming year. The first Annual Air Resource Report will cover the time period between adoption of the ARMS and the date of the report. The yearly reports will be made publically available on the internet. BLM-Utah's obligation to

prepare an Annual Air Resource Report expires after BLM-Utah has prepared eight Annual Air Resource Reports. Annual Air Resource Reports described in this paragraph may be used to explain or support BLM final agency action, but do not themselves constitute final agency action. Nothing in this Settlement Agreement precludes BLM from continuing to make final decisions relating to oil and gas on public lands before completing the Annual Air Resource Reports.

30. For any future lease sales or land use plan amendments/revisions, including master leasing plans, that BLM commences during the eight years after the effective date of this settlement and that BLM determines is covered by the 2011 National MOU that occurs in areas on public lands subject to the 2008 Moab, Monticello, Price, Vernal, Richfield and Kanab RMPs, BLM will determine through the NEPA process whether it may incorporate into lease stipulations and lease sale notices any reasonable and available air quality mitigation measures to address the formation of ozone and the emission of greenhouse gases. When BLM incorporates air quality mitigation measures into lease stipulations and lease sale notices to address the formation of ozone and the emission of greenhouse gases, BLM will explain in its NEPA documentation why BLM has incorporated such mitigation measures.

31. Nothing in this Settlement Agreement shall be construed as limiting BLM's discretion to promulgate new regulations or modify the 2011 ARMs, or any updated version of the ARMS, or the 2011 National MOU, or issue program guidance to comply with new statutes, regulations, or updated air quality or AQRVs regulations issued by the State of Utah or EPA.

Vacatur of District Court Decisions and Dismissal of Third Amended Complaint

32. Plaintiffs agree to dismiss with prejudice their original complaint, amended complaints, and supplemental complaint (ECF Nos. 1, 65, 86, 465, and *SUWA v. U.S. Dep't of the*

Interior, No. 1:10-cv-1930 (D.D.C.) ECF No. 1) in the above-captioned litigation in their entirety. The parties agree that the district court's November 4, 2013 decision (ECF No. 329), May 22, 2015 remedy order (ECF No. 388), and October 16, 2015 judgment (ECF No. 419) should be vacated in their entirety.

33. Within 7 calendar days of the complete execution of this Settlement Agreement, the parties shall jointly file a motion under Fed. R. Civ. P. 62.1 in the district court for an indicative ruling requesting the district court to indicate whether it would grant a motion to (1) vacate its November 4, 2013 decision (ECF No. 329), May 22, 2015 remedy order (ECF No. 388), and October 16, 2015 judgment (ECF No. 419) in their entirety; (2) dismiss with prejudice Plaintiffs' original complaint, amended complaints, and supplemental complaint (ECF Nos. 1, 65, 86, 465, and *SUWA v. U.S. Dep't of the Interior*, No. 1:10-cv-1930 (D.D.C.) ECF No. 1) in the above-captioned litigation in their entirety; and (3) retain limited jurisdiction to enforce the terms of this Settlement Agreement as outlined in paragraph 40. The parties shall also jointly file a motion requesting that the district court stay all proceedings in the district court (2:12-cv-257), including the entirety of its May 22, 2015 remedy order, as amended (ECF Nos. 388, 506, 508, 510, 512), until the district court rules on the parties' joint motion to vacate as outlined in paragraph 35. If the district court does not indicate that it would grant the motion in full or if the district court does not subsequently grant the joint motion to vacate, dismiss, and retain jurisdiction, the parties agree to jointly file a motion seeking to extend all remaining deadlines for BLM to comply with the district court's May 22, 2015 remedy order, as amended, from their current deadlines by the number of months commensurate with the time elapsed between the filing of the motion for an indicative ruling and motion for a stay until the date the district court rules either on the motion for an indicative ruling or on the joint motion to vacate, dismiss, and retain jurisdiction, plus an additional three months. The parties shall also ask the Tenth Circuit Court of Appeals to stay proceedings in 10th Circuit Case Nos. 15-4151,

15-4152, 15-4153, 15-4155, and 15-4158 until the district court issues its order on the motion for an indicative ruling.

34. Should the district court indicate that it will grant the motion, the parties will file a joint motion in the Court of Appeals under Fed. R. App. P. 12.1 asking the Court of Appeals for a limited remand of the matter for further proceedings in the district court as outlined in paragraph 35. The parties shall also ask the Court of Appeals to retain jurisdiction over the appeals in 10th Circuit Case Nos. 15-4151, 15-4152, 15-4153, 15-4155, and 15-4158 until the district court issues its ruling in response to the joint motion to vacate outlined in paragraph 35, so as not to prejudice BLM's ability to pursue its appeal if the terms of paragraphs 35 and 36 of this Settlement Agreement are not satisfied.

35. Should the Court of Appeals remand the matter to the district court while retaining jurisdiction as outlined in paragraph 34, the parties shall jointly move the district court to (1) vacate its November 4, 2013 decision (ECF No. 329), May 22, 2015 remedy order (ECF No. 388), and October 16, 2015 judgment (ECF No. 419) in their entirety; (2) dismiss with prejudice Plaintiffs' original complaint, amended complaints, and supplemental complaint (ECF Nos. 1, 65, 86, 465, and *SUWA v. U.S. Dep't of the Interior*, No. 1:10-cv-1930 (D.D.C.) ECF No. 1) in the above-captioned litigation in their entirety; and (3) retain limited jurisdiction to enforce the terms of this Settlement Agreement as outlined in paragraph 40.

36. Should the district court (1) vacate its November 4, 2013 decision (ECF No. 329), May 22, 2015 remedy order (ECF No. 388), and October 16, 2015 judgment (ECF No. 419) in their entirety; (2) dismiss with prejudice Plaintiffs' original complaint, amended complaints, and supplemental complaint (ECF Nos. 1, 65, 86, 465, and *SUWA v. U.S. Dep't of the Interior*, No. 1:10-cv-1930 (D.D.C.) ECF No. 1) in the above-captioned litigation in their entirety; and (3) retain limited jurisdiction to enforce the terms of this Settlement Agreement as outlined in paragraph 40,

the parties to this Settlement Agreement will move to dismiss the appeals in 10th Circuit Case Nos. 15-4151, 15-4152, 15-4153, 15-4155, and 15-4158 within 7 days of the District Court's vacatur, dismissal, and retention order, with each party bearing its own costs on appeal.

C. EFFECTIVE DATE, REINSTATEMENT, ATTORNEYS' FEES

37. The terms and agreements contained in paragraphs 1-31, and 37-42 of this Settlement Agreement go into effect only when (1) the district court enters an order (a) vacating its November 4, 2013 and May 22, 2015 orders and October 16, 2015 judgment (ECF Nos. 329, 388, 419), (b) dismisses with prejudice Plaintiffs' original complaint, amended complaints, and supplemental complaint (ECF Nos. 1, 65, 86, 465) in the above-captioned litigation in their entirety, and (c) retains limited jurisdiction to enforce the terms of this Settlement Agreement as outlined in paragraph 40; and (2) the Tenth Circuit dismisses the appeals of the parties to this Settlement Agreement.

38. If the district court does not (1) vacate its November 4, 2013 decision (ECF No. 329), May 22, 2015 remedy order (ECF No. 388), and October 16, 2015 judgment (ECF No. 419) in their entirety; (2) dismiss with prejudice Plaintiffs' original complaint, amended complaints, and supplemental complaint (ECF Nos. 1, 65, 86, 465) in the above-captioned litigation in their entirety; and (3) retain limited jurisdiction to enforce the terms of this Settlement Agreement as outlined in paragraph 40, this Settlement Agreement will be void and the parties will have no further obligations under this Settlement Agreement. In this circumstance, Federal Defendants and the Defendant-Intervenors reserve their rights to pursue their appeals in 10th Cir. Nos. 15-4151, 15-4152, 15-4153, 15-4155, 15-4158 and Plaintiffs reserve their rights to pursue their claims in district court.

39. **Deadline limitations.** BLM is not obligated to meet any of the deadlines identified herein if it is prevented from doing so due to an event beyond the reasonable control of BLM that prevents BLM from fulfilling any obligation required by this Settlement Agreement despite the

exercise of due diligence. Such events may include, but are not limited to, situations where BLM does not receive adequate appropriations (including due to sequestration), where BLM-Utah does not receive adequate funds from the Department of the Interior or BLM's national office, delays in the consultation process under Section 106 of the NHPA that are beyond BLM's control, natural disasters, as well as all unavoidable legal impediments or prohibitions. In the case of such an event, BLM shall be relieved of those specific obligations directly precluded by the event, as well as those other obligations whose performance is precluded by the inability to perform, or delay in performing, the directly precluded obligations, and only for the duration of such event, as provided herein. Where BLM cannot comply with any deadlines identified herein due to such an event, it shall provide notice to the parties and, should the deadlines be one of those over which the district court has continuing jurisdiction, shall also notify the district court. Such notice shall include a new estimated date by which BLM will comply with the deadline and a description, to the extent then known by BLM, of the steps taken or proposed to be taken to prevent or minimize the event's interference with BLM's performance of any affected obligations under this Settlement Agreement. BLM will provide status reports to the parties at regular intervals not to exceed 90-days notifying the parties and the district court, if applicable, of BLM's efforts to address and resolve the event. If any party disputes BLM's claim that it cannot comply with any of the deadlines identified herein due to an event, or the adequacy of BLM's efforts to address and resolve such event, such party shall proceed in the manner specified in paragraph 40.

40. **Enforcement.** The exclusive remedies for any alleged breach or noncompliance with the Settlement Agreement are provided for solely in this paragraph.

a. The district court shall retain jurisdiction over this Settlement Agreement for the purpose of judicial resolution of disputes that may arise among the parties to this Settlement Agreement concerning compliance with the TMP and ACEC deadlines specified

in paragraphs 13 and 27, respectively, as well as the one-year deadline to update the ARMS identified in paragraph 29.a. Disputes over BLM's alleged failure to meet any of these deadlines shall be resolved through the process set forth in paragraphs 40.a-c. The district court's continuing jurisdiction to resolve such disputes will be triggered only by BLM's failure to meet a deadline identified in paragraphs 13, 27, and 29.a; it shall not extend to resolve disputes concerning any other issues, including but not limited to questions of whether BLM complied with (i) any other provisions of this Settlement Agreement, (ii) any statutory or regulatory requirements, or (iii) any guidance or policy documents. The district court's jurisdiction shall continue no later than BLM's issuance of the last TMP for the TMAs identified in paragraph 13 or BLM's completion of its evaluation of the last potential ACEC identified in paragraph 27, whichever is later.

b. The parties agree that they will first attempt to resolve any disputes related to compliance with the deadlines in paragraphs 13, 27, and 29.a informally among themselves before invoking the jurisdiction of a court to resolve compliance disputes. If such a dispute arises, the complaining party shall notify the other parties in writing of the dispute. The parties shall meet and confer in an attempt to resolve the dispute within 30 days of the written notice. If the parties do not reach a resolution within 60 days of the written notice of the dispute, the complaining party may invoke the jurisdiction of the court to resolve the dispute, as set forth in paragraph 40.c.

c. In the event the parties are unable to resolve a dispute regarding compliance with the deadlines in paragraphs 13, 27, and 29.a through informal means, any party may thereafter immediately invoke the jurisdiction of this Court to resolve such a dispute, in accordance with the procedures set forth below. The sole remedy for any alleged violation

by BLM of the deadlines specified in paragraphs 13, 27, and 29.a of this Settlement Agreement shall be as follows:

(i) The complaining party shall file a motion, in accordance with the Local Rules of this Court, requesting judicial resolution of the dispute. The parties may, by stipulation approved by the Court, alter the time table for briefing the motion; otherwise, briefing shall proceed as set forth in the Local Rules.

(ii) In exercising the retained jurisdiction to resolve disputes brought before the Court by the parties, the Court shall award only such relief as is provided for in 5 U.S.C. § 706(1), namely, to "compel agency action unlawfully withheld or unreasonably delayed." The Court's decision as to whether relief is appropriate should be guided by the following non-exhaustive list of considerations: (1) the time agencies take to make decisions must be governed by a rule of reason; (2) the Court should consider BLM's reasons for the delay, taking into account that BLM is a land-management agency with numerous competing priorities and limited resources; (3) the Court should consider the effect of expediting delayed action on agency activities of a higher or competing priority; (4) the Court should also take into account the nature and extent of the interests prejudiced by delay.

d. Any party to this Settlement Agreement may meet and confer with BLM to resolve any disputes related to compliance with the obligations outlined in this Settlement Agreement other than the deadlines specified in paragraphs 13, 27, and 29.a.

(i) The complaining party shall initiate the meet and confer process by sending a letter to the applicable BLM-Utah Field Office, BLM-Utah State Director, and the other parties to the Settlement Agreement. The initiation letter shall identify the terms of the Settlement Agreement at issue, include a detailed explanation of the

dispute, and provide all supporting evidence of the alleged noncompliance with the terms of the Settlement Agreement. The BLM-Utah State Director may notify other intervenors of the dispute and, if so, will also notify the parties to the Settlement Agreement that other intervenors have been notified.

(ii) If, within 30 days, BLM-Utah does not respond in writing or does not provide a response that the complaining party deems adequate to resolve the dispute, the complaining party shall notify the other parties to the Settlement Agreement, in writing, that the dispute is unresolved. The BLM-Utah State Director or Associate State Director shall, within 30 days of receipt of the second letter from the complaining party, meet with no more than three representatives of the complaining party. If both the BLM-Utah State Director and Associate State Director are unavailable, the meeting shall be attended by the BLM-Utah State Director's representative with his/her delegated authority related to the issue involved. Other parties to this Settlement Agreement may participate in the meeting at their discretion with no more than three representatives. The BLM-Utah State Director or Associate State Director may notify the other intervenors of the continued dispute and provide them with a separate opportunity to meet, and, if so, will also notify the other parties to the Settlement Agreement. A complaining party may request up to one meeting with BLM-Utah per quarter and a single meeting may address multiple issues.

(iii) BLM-Utah will memorialize the outcome of the meeting and will provide a copy to the parties to the Settlement Agreement within 30 days of the meeting. If BLM-Utah cannot meet the 30 day deadline due to the nature of the issues or other exigent circumstances, BLM will notify the complaining party within 25 days of the meeting

and will provide a response as expeditiously as possible, but no later than 60 days after the meeting. After providing a copy to the parties, BLM's obligations under this subparagraph are complete. The parties agree not to seek administrative or judicial review of BLM's resolution of the dispute, or to assist in any way any person or entity that attempts to do so.

(iv) The meet and confer process set forth in paragraph 40.d is not a prerequisite to the filing of a lawsuit challenging BLM's final agency actions pursuant to paragraph 40.e. The meet and confer process shall remain in effect until BLM's issuance of the last TMP for the TMAs identified in paragraph 13 or BLM's completion of its evaluation of the last potential ACEC identified in paragraph 27, whichever is later.

e. The parties' sole remedy for any alleged violation of paragraphs 15-24, 29 (except for the deadline identified in 29.a), and 30 of this Settlement Agreement shall be to seek administrative review or to file a new civil action seeking judicial review of BLM's final agency action under the APA, 5 U.S.C. §§ 701-06. In no event shall any term of this Settlement Agreement be construed as limiting any claims or defenses that BLM or any party may raise in any such subsequent proceedings. No term of this Settlement Agreement turns BLM's actions into administratively or judicially-reviewable final agency action if they would not otherwise qualify for review under applicable agency rules or as final agency action within the meaning of the APA. Any judicial review of any alleged violation of this Settlement Agreement shall be limited to the administrative record and subject to the APA's standard of review, 5 U.S.C. § 706(2).

f. The parties agree that contempt of court is not available as a remedy for any alleged violation of any portion of this Settlement Agreement. The parties therefore knowingly waive any right that they might have to seek an order for contempt for any such

violation. The parties also agree that a suit for money damages against BLM or any Federal Defendant is not available as a remedy for any alleged violation of any portion of this Settlement Agreement.

41. **Attorneys' fees.** Plaintiffs agree to accept payment of four hundred thousand dollars ($400,000.00) in satisfaction of any and all claims that have been or could be sought for attorneys' fees, costs, and expenses related to the above-captioned litigation against any part of the United States government for all district court and appellate proceedings, including attorneys' fees and costs for any and all settlement negotiations related to the above-captioned litigation. Federal Defendants' payment shall be accomplished by an electronic payment to a bank account. Federal Defendants agree to submit all necessary paperwork to federal funding authorities within twenty-one (21) days of the effective date of the Settlement Agreement. Plaintiffs agree that receipt of this payment from the Federal Defendants shall operate as a release of Plaintiffs' claims for attorneys' fees, costs, and expenses in this matter. Plaintiffs shall send written confirmation of the receipt of the payment to the Federal Defendants within seven (7) days of receiving the payment.

42. **Notices.** Any notices regarding this Settlement Agreement shall be in writing, effective upon receipt, and sent to the following:

For the plaintiffs:

Steve Bloch
Attorney, Southern Utah Wilderness Alliance
425 East 100 South
Salt Lake City, Utah 84111
801-428-3981
steve@suwa.org

Robin Cooley
Staff Attorney, Earthjustice
633 17th Street, Suite 1600
Denver, CO 80202-3625
303-623-9466
rcooley@earthjustice.org

Nada Culver
Senior Counsel and Director, BLM Action Center, The Wilderness Society
1660 Wynkoop, #850
Denver, CO 80202
303-650-5818
nada_culver@tws.org

For BLM:

Edwin L. Roberson
Utah State Director
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345
801-539-4001

John Steiger
Regional Solicitor, Intermountain Region
Office of the Solicitor
U.S. Department of the Interior
125 South State Street, Suite 6201
Salt Lake City, Utah 84138
801-239-0548

Thekla Hansen-Young
U.S. Department of Justice
Appellate Section, Environment and Natural Resources Division
PO Box 7415
Ben Franklin Station
Washington, DC 20044
202-307-2710
thekla.hansen-young@usdoj.gov

Luther L. Hajek
U.S. Department of Justice
Natural Resources Section, Environment and Natural Resources Division
999 18th St. - South Terrace, Suite 370
Denver, CO 80202
303-807-1376
Luke.Hajek@usdoj.gov

For Defendant-Intervenors BlueRibbon Coalition, Colorado Off-Highway Vehicle Coalition, Trails Preservation Alliance.

Paul Turcke
MSBT Law
950 W. Bannock Street, Suite 520
Boise, ID 83702
208-331-1800
pat@msbtlaw.com

BlueRibbon Coalition/Sharetrails
c/o Clif Koontz, Ride with Respect
395 McGill Avenue
Moab, UT 84532
435-259-8334
clif@ridewithrespect.org

Colorado Off-Highway Vehicle Coalition
Trails Preservation Alliance
c/o Don Riggle
P.O Box 38093
Colorado Springs, CO 80937
719-338-4106
info@coloradotpa.org

Any party to this Settlement Agreement may change the contacts or contact information identified for that party in this paragraph by notice in writing to all other parties.

D. SIGNATURE OF PARTIES

43. The undersigned representatives of each party certify that they are fully authorized to consent to the terms and conditions of this Settlement Agreement. Signature on a counterpart shall constitute a valid signature.

Dated: 1/13/17

Jenna Whitlock
Acting Deputy Director,
Bureau of Land Management

Dated: 1/13/17

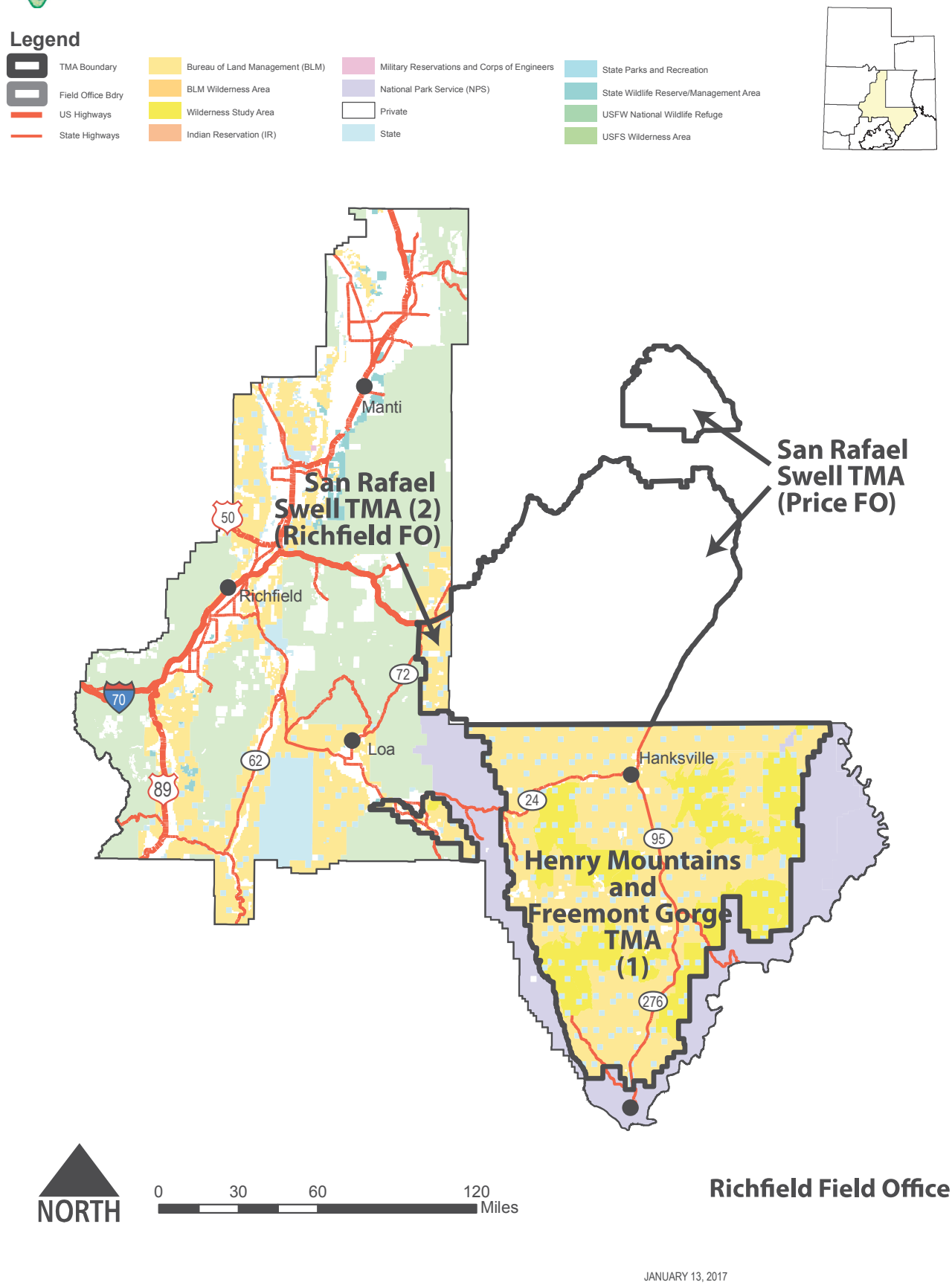
Steve Bloch
Legal Director, Southern Utah Wilderness Alliance
Counsel for Plaintiffs Southern Utah Wilderness Alliance et al.

Dated: 1/13/17

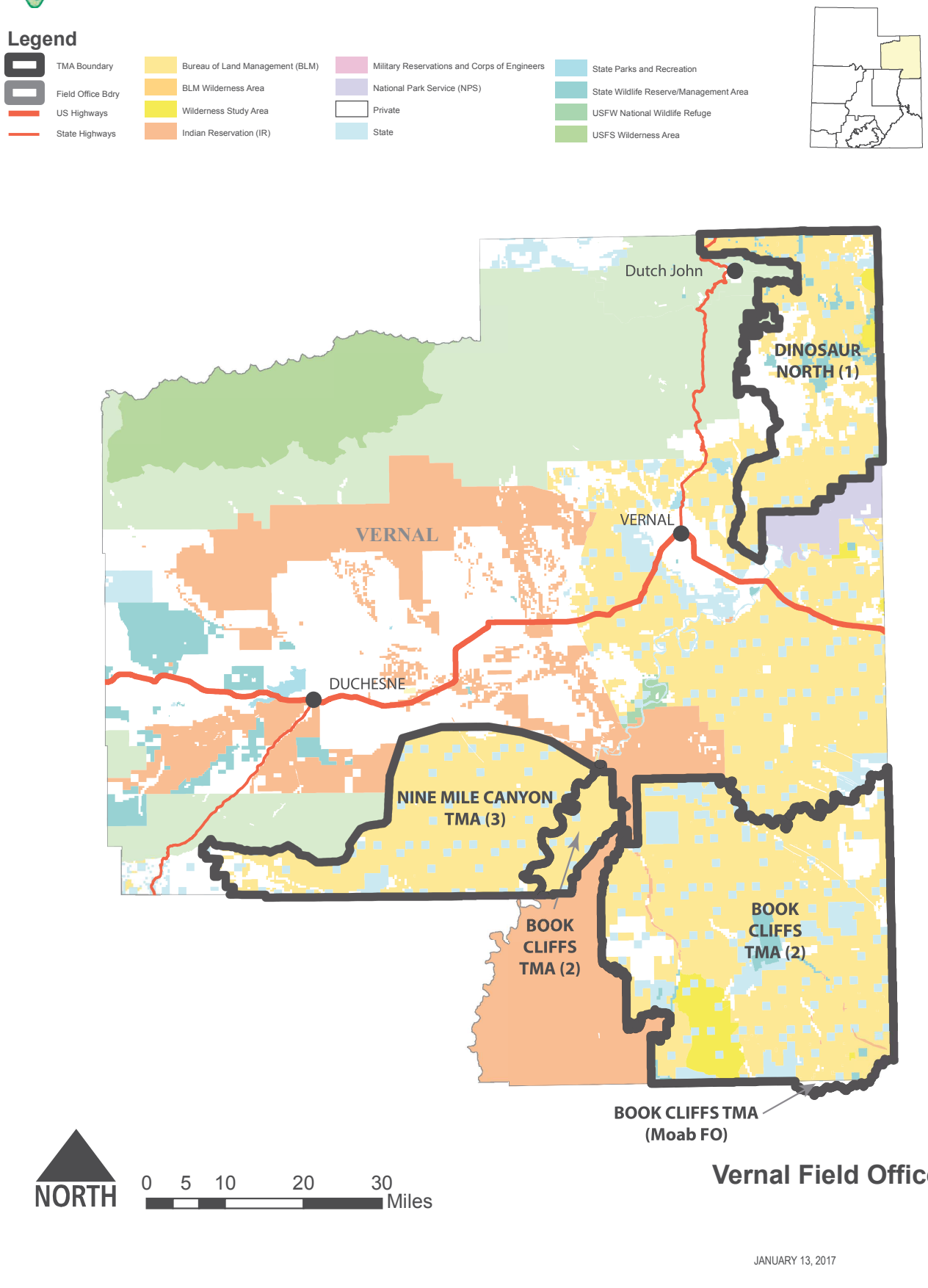
Robin Cooley
Staff Attorney, Earthjustice
Counsel for Plaintiffs Southern Utah Wilderness Alliance et al.

Dated: 13 JAN 2017

Paul Turcke
Counsel for Defendant-Intervenors BlueRibbon Coalition, Colorado Off-Highway Vehicle Coalition, Trails Preservation Alliance


Legend
TMA Boundary
Field Office Bdry
US Highways
State Highways
Bureau of Land Management (BLM)
BLM Wilderness Area
Wilderness Study Area
Indian Reservation (IR)
Military Reservations and Corps of Engineers
National Park Service (NPS)
Private
State
State Parks and Recreation
State Wildlife Reserve/Management Area
USFW National Wildlife Refuge
USFS Wilderness Area
Manti
San Rafael Swell TMA (2) (Richfield FO)
San Rafael Swell TMA (Price FO)
Richfield
Loa
Hanksville
Henry Mountains and Freemont Gorge TMA (1)
50
70
72
62
89
24
95
276
NORTH
0
30
60
120
Miles
Richfield Field Office
JANUARY 13, 2017

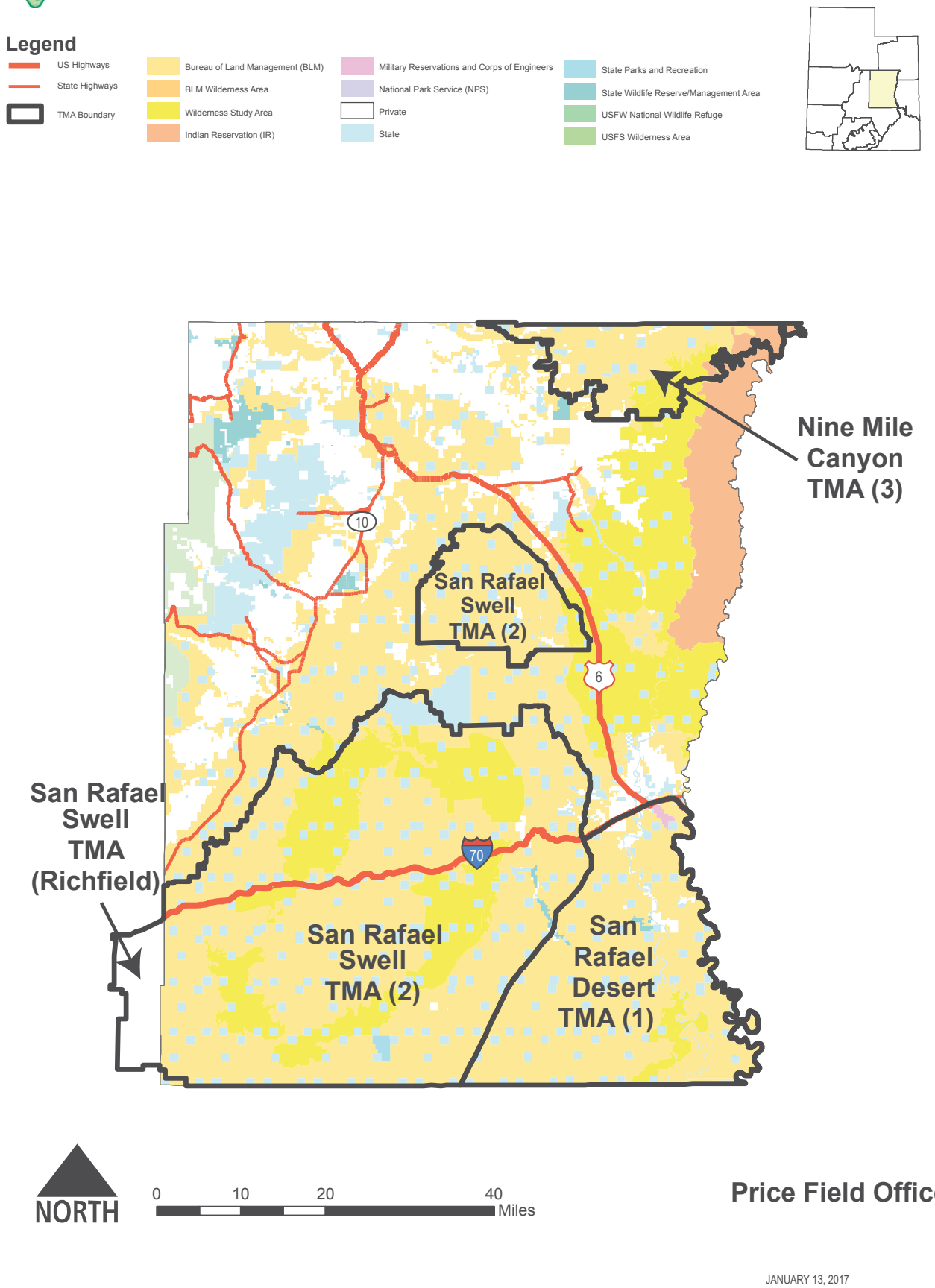
Att 00928-DAK: Map 2

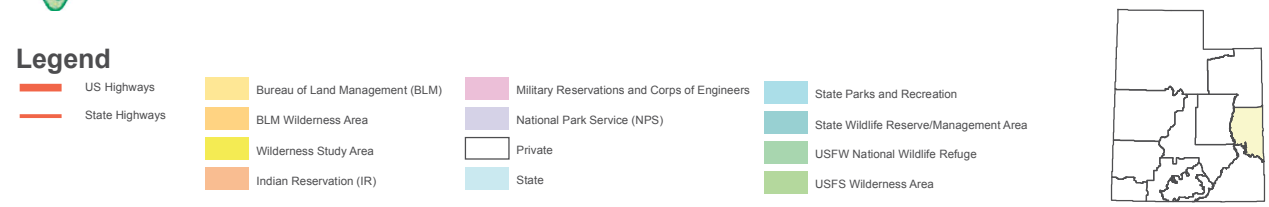


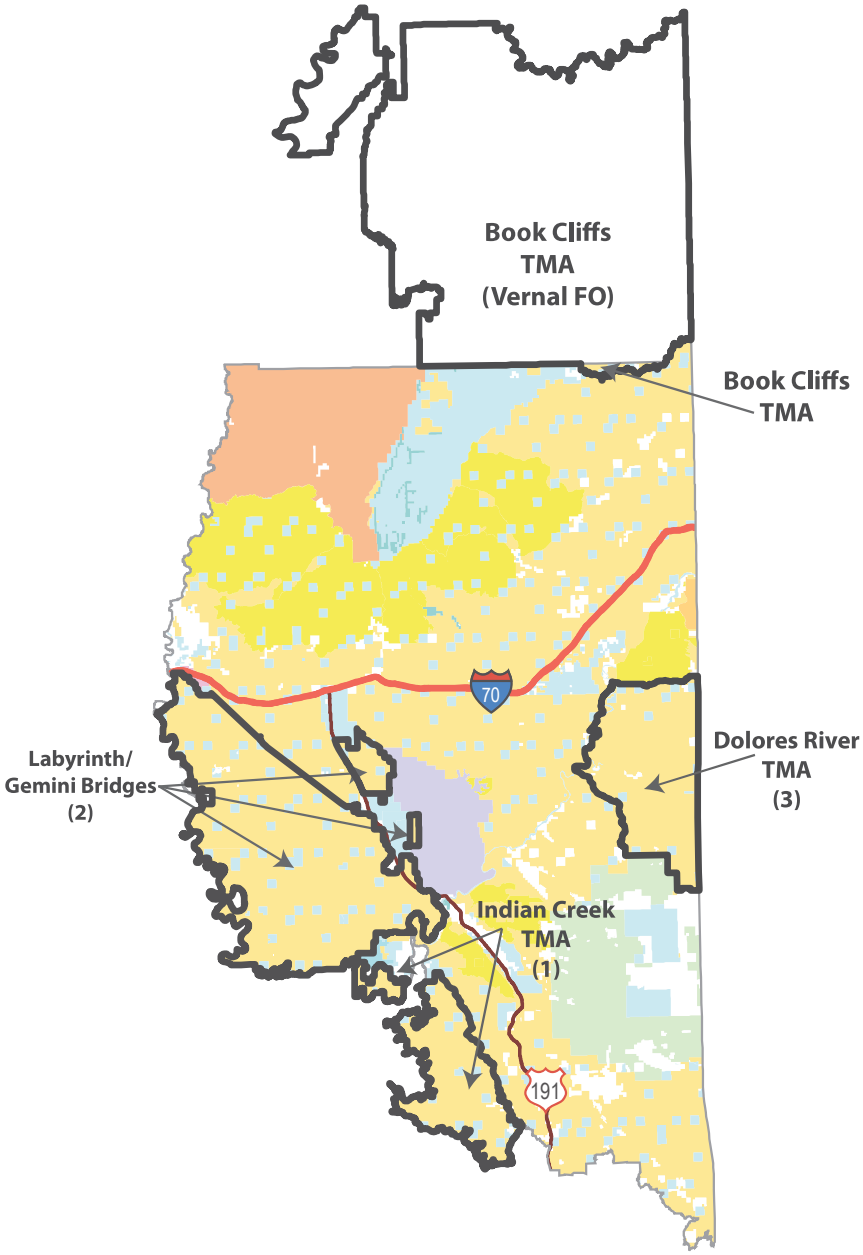
Vernal Field Office

JANUARY 13, 2017

Attachment 3: Map 3







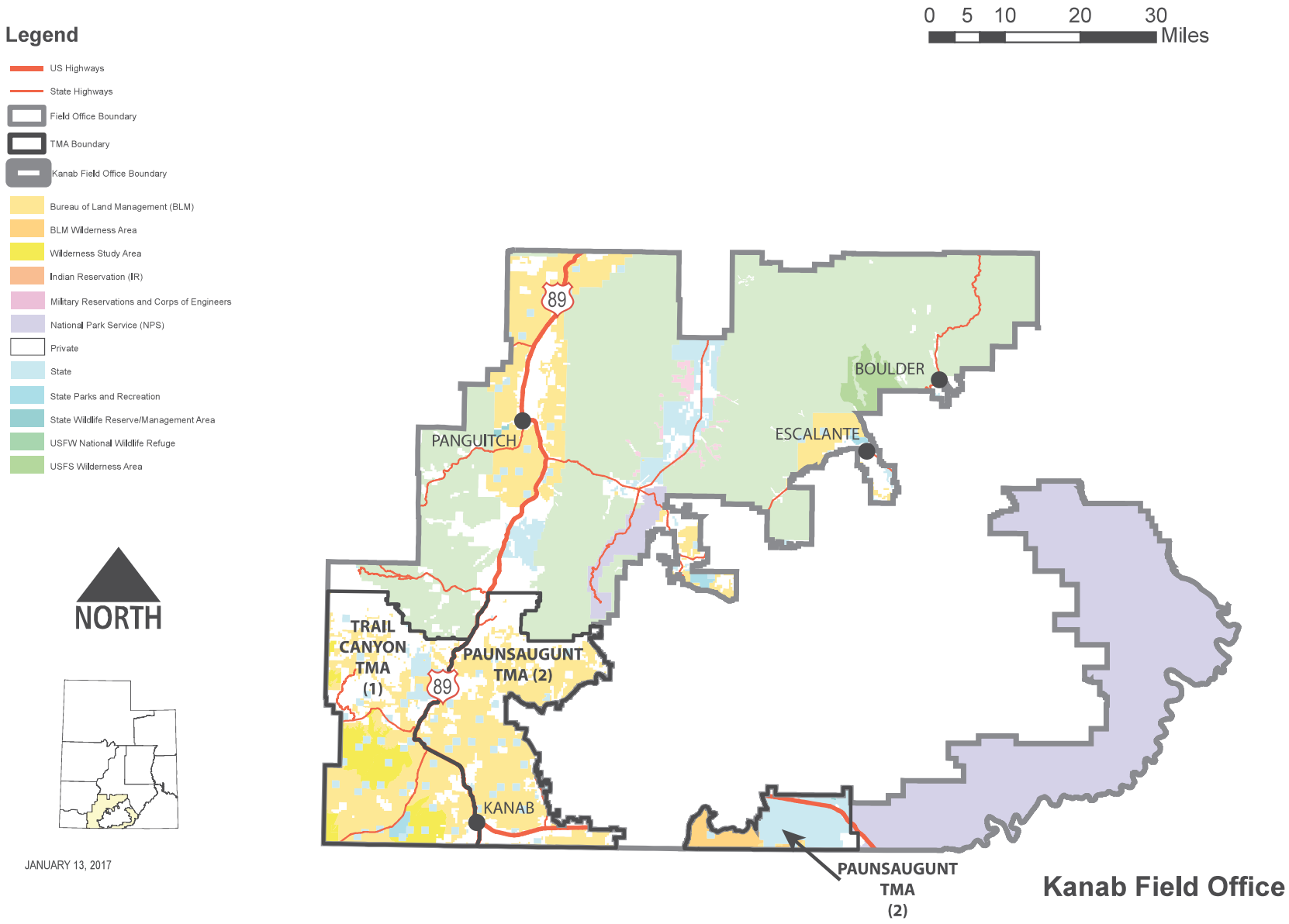
NORTH

0 10 20 30 Miles

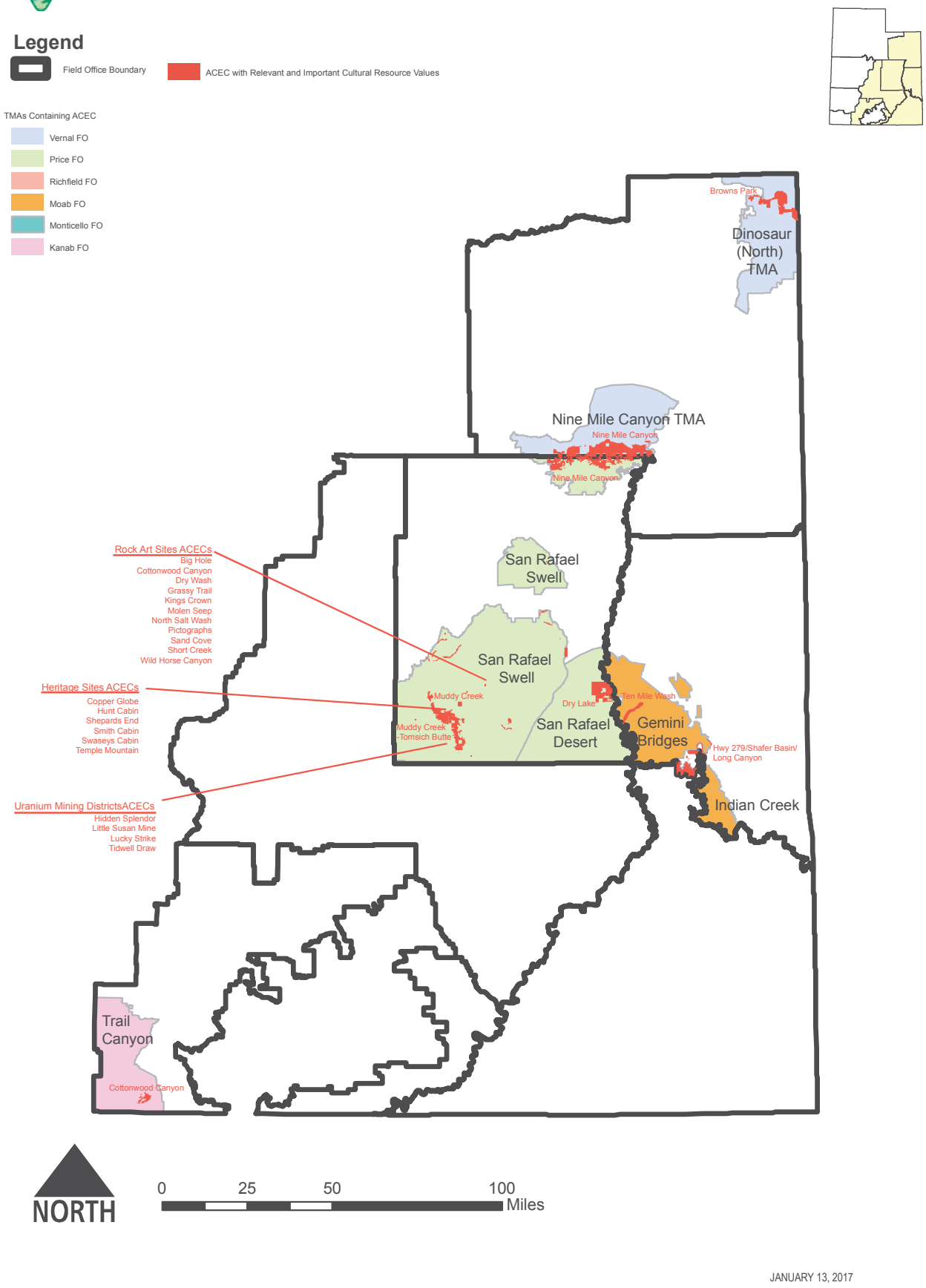
Moab Field Office

JANUARY 13, 2017

Attachment A5: Map 5



Case 2:23-cv-00923-DAK Document 4-10 Filed 12/22/23 PageID.1699 Page 41 of 43



JANUARY 13, 2017

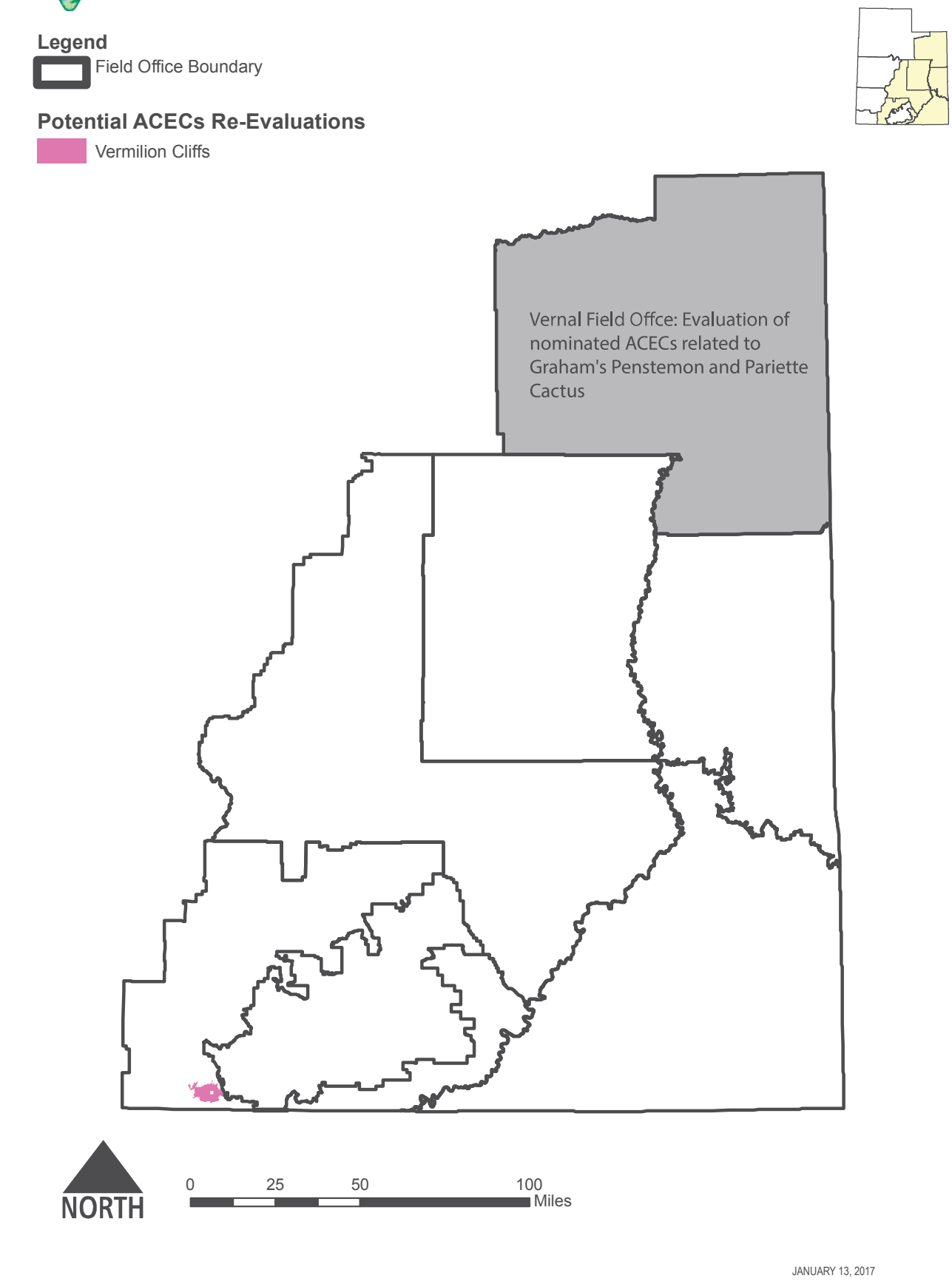

Legend
Field Office Boundary
Potential ACECs Re-Evaluations
Vermilion Cliffs
Vernal Field Offce: Evaluation of nominated ACECs related to Graham's Penstemon and Pariette Cactus
NORTH
0
25
50
100
Miles
JANUARY 13, 2017

Exhibit E

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT UTAH STATE OFFICE LAND USE PLAN EVALUATION REPORT	**Date**: September 2015
Plan Title: Moab Field Office Approved Resource Management Plan	
Periodic Evaluation Number: I	
Dates Conducted: July 9, 2015	
Conducted By: BLM, Utah State Office	
TEAM MEMBERS	
Name	**Title**
Julie Carson Skye Sieber	Planning and Environmental Specialist Utah State Office Planning and Environmental Coordinator Utah State Office
Assistance Provided by: Rebecca Doolittle Beth Ransel	 Planning and Environmental Coordinator Canyon Country District Field Manager Moab Field Office
Submitted by: Moab Field Office	**Date** September 30, 2015

Table of Contents

1. Introduction 3
1.1. Purpose 3
1.2. Methodology 3
1.3. Plan Amendments and Maintenance 4
2. Results by Resource Topic 4
2.1. Air, Water and Soil Resources 4
2.2. Cultural and Paleontological Resources 5
2.3. Fish, Wildlife and Special Status Species 5
2.4. Fire, Forests, and Vegetation 6
2.5. Lands and Realty 6
2.6. Livestock Grazing 6
2.7. Mining, Energy, and Health and Safety 6
2.8. Recreation and Travel Management 7
2.9. Visual Resources and Special Designations 7
3. Current Initiatives 7
3.1. Renewable Energy 7
3.2. Priority Corridors 7
3.3. Leasing Reform 7
3.4. Climate Change 8
3.5. Sage-Grouse Habitat Conservation 8
3.6. Regional Mitigation 8
4. Recommendations 8
4.1. Implementation-Level Planning 8
4.2. Data and Effectiveness Monitoring 9
4.3. Maintaining Plan Updates 9
4.4. Summary of Plan Maintenance and Amendments 9
Appendix A: Interdisciplinary Review Team
Appendix B: Evaluation Questions and Responses
Appendix C: Plan Decisions Matrix

1. Introduction

In October 2008, the Bureau of Land Management (BLM) signed a Record of Decision (ROD) for the Moab Field Office Approved Resource Management Plan (RMP). Prior to the 2008 plan revision, the Moab Field Office managed resources under the 1985 Grand Resource Area RMP and amendments. In 2002, the Grand Resource Area RMP was evaluated and found to require a plan revision. The 2008 RMP provides guidance for the management of over 1,821,000 acres of public land and 1,850,000 acres of Federal mineral estate administered by the BLM in Grand and San Juan Counties in southeastern Utah.

1.1. Purpose

BLM planning regulations require established intervals and standards for monitoring and evaluation of plans (43 CFR 1610.4-9). The BLM land use planning handbook (H-1601-1, V.B.) articulates these intervals and standards:

> *Evaluation is the process of reviewing the land use plan and the periodic plan monitoring reports to determine whether the land use plan decisions and NEPA analysis are still valid and whether the plan is being implemented. Land use plans are evaluated to determine if: (1) decisions remain relevant to current issues; (2) decisions are effective in achieving (or making progress toward achieving) desired outcomes; (3) any decisions need to be revised; (4) any decisions need to be dropped from their consideration; and (5) any areas require new decisions. [T]he plan should be periodically evaluated (at a minimum every 5 years) as documented in an evaluation schedule.*

This report is the first periodic evaluation of the Moab RMP and fulfills BLM's duties under 43 CFR 1610.4-9. Based on workload in the field office, BLM's Washington Office granted an extension for completion of the first periodic evaluation for the Moab RMP from Fiscal Year 2013 to Fiscal Year 2015 (September 30, 2015). The subsequent evaluations will take place every five years.

1.2. Methodology

The RMP evaluation team included Julie Carson (Utah State Office) and Skye Sieber (Utah State Office), with coordination and support provided by Rebecca (Becky) Doolittle (Canyon Country District Office). The team met at the Moab Field Office in Moab, Utah on July 9, 2015, to conduct interviews with field office staff. Resource specialists who helped review and evaluate the RMP are listed in Appendix A. A close-out conference call with Moab Field Office managers was held on September 8, 2015.

The Utah State Office developed questions to evaluate the effectiveness, consistency, and conformance of the plan with regard to current BLM policies and initiatives. The evaluation questions, along with field office staff responses, are attached in Appendix B. The results are summarized in Section 2 of this report. Recent policies and initiatives considered in this periodic evaluation include:

- Renewable energy;
- Priority corridors;
- Leasing reform;
- Climate change;
- Sage-grouse habitat conservation; and
- Regional mitigation.

Additionally, the State Office compiled all management decisions from the RMP into a spreadsheet to facilitate a systematic review of each decision. Responses from this review (attached in Appendix C) informed recommendations for plan maintenance or amendments.

The evaluation questions and spreadsheet were sent to the field office manager and resource specialists prior to the evaluation team's visit in Moab. The questionnaires and subsequent interviews address the evaluation process outlined in the BLM land use planning handbook (H-1601-1, V.B.1.).

1.3. Plan Amendments and Maintenance

Since October 2008, the Moab RMP has been amended by the following planning efforts and environmental impact statements (EISs):

- Approved Resource Management Plan Amendments/Record of Decision (ROD) for Designation of Energy Corridors on Bureau of Land Management-Administered Lands in the 11 Western States (January 2009);[1] and
- Approved Resource Management Plan Amendments/Record of Decision (ROD) for Solar Energy Development in Six Southwestern States (October 2012).

Additionally, 41 maintenance actions have been completed and can be found on the Moab Field Office webpage with the Approved RMP.

2. Results by Resource Topic

The main findings of the evaluation are summarized below by resource topics. Appendix B contains detailed responses from field office specialists to evaluation questions; Appendix C contains responses from specialists for each decision in the RMP.

2.1. Air, Water and Soil Resources

Under air, water, and soil resources, some evaluation questions ask if the RMP has specifically addressed a current policy or best management practice. In many cases, these are not specifically addressed in the RMP, but staff have developed implementation-level best management practices or cooperative agreements to address these needs. For example, the RMP does not specifically address the use of Ecological Site Descriptions (ESDs) for determining site conditions and treatment options, but ESDs are routinely used as a best management practice. Similarly, the RMP does not specifically evaluate the availability of water with the plan area for fire suppression or other emergency needs, but local agreements have been established to maintain availability of water for fire suppression. Under air quality, the Moab RMP uses the a Memorandum of Understanding (MOU) signed in 2011 that provides direction on Federal oil and gas decisions made through the National Environmental Policy Act (NEPA) process,[2] even though the RMP predates the MOU. Furthermore, Moab's Master Leasing Plan, when finalized, may amend timing limitation stipulations for oil and gas leasing and other surface-disturbing activities in order to protect sensitive soils on slopes and to protect saline soils in the Mancos Shale.

Since BLM does not have jurisdiction over air quality standards, its air quality decisions focus on maintaining compliance with standards set by the Utah Division of Air Quality. In the Moab area, no areas are currently in nonattainment of air quality standards.

[1] The ROD included the note that Moab's RMP contains statements that the ROW corridor designation decisions presented in the RMP are consistent with the PEIS Proposed Action. Since this RMP is consistent with the PEIS, further amendment of this RMP is not necessary.

[2] U.S. Department of Agriculture, U.S. Department of the Interior, and U.S. Environmental Protection Agency. 2011 Memorandum of Understanding among the U.S. Department of Agriculture, U.S. Department of the Interior, and U.S. Environmental Protection Agency Regarding Air Quality Analyses and Mitigation for Federal Oil and Gas Decisions through the National Environmental Policy Act Process. http://www.doi.gov/news/pressreleases/upload/29704-Joint-MOU-Air-Quality-FINAL.pdf June 2011.

A decision for riparian health, RIP-18, notes that "Castle Valley will also not be available for grazing." This decision is accurate, but will not be fully implemented until an existing grazing permit in Castle Valley expires (see Section 2.3).

Finally, Watershed Management Plans have not yet been completed; more funding is needed to undertake such planning efforts.

2.2. Cultural and Paleontological Resources

Most of the decisions for cultural decisions in the RMP are based on a literature search and predictive model. The BLM has recently contracted for a Class I Cultural Resources Inventory for the planning area. Once completed, the field office will review the Class I Inventory and consider whether the new information warrants inclusion in the RMP through a plan amendment.

Under Paleontological Resources, the MFO would like to consider prohibiting petrified wood collection in the Cedar Mountain Formation wood localities in the Yellow Cat/Cisco area due to over collection of conifer and yellow cat redwood specimens. Staff would also like to manage Willow Springs, Mill Canyon, and Dinosaur Stomping Grounds Track Sites as important scientific and public education resources as guided by future SRMA activity-level plans. Under PAL-12, staff would like to propose closing or limiting the amount of plant fossils that can be collected at the Naturita Plant Site located in the Westwater area because they are being over collected and illegally sold.

2.3. Fish, Wildlife and Special Status Species

In 2014, the U.S. Fish and Wildlife Service (USFWS) listed both the western yellow-billed cuckoo and the Gunnison sage-grouse as threatened under the Endangered Species Act. Neither species has yet undergone Section 7 consultation, a process that is likely to be completed on a statewide level. The RMP will need to be updated to incorporate identified critical habitats for both species, as well as to establish strategies for no net loss. Furthermore, the Moab RMP will be amended through the Gunnison Sage Grouse Rangewide EIS, a planning effort that was initiated in July 2014. The RMP could also benefit from the addition of decisions to protect the Navajo sedge, a plant species that has been listed as threatened since 1985. These decisions were inadvertently omitted from the RMP.

Similarly, Utah's Division of Wildlife Resources (DWR) has adjusted the identified extent of habitats for pronghorn and bighorn sheep lambing, and those extents have not yet been incorporated into the RMP. In 2012, a maintenance action[3] was filed to specify in SSS-31 that surface disturbing activities are precluded within 200 meters of *occupied* kit fox dens, but that change has not yet been incorporated into the current version of the RMP. Other recommendations for changes to the Fish, Wildlife, and Special Status Species sections include harmonizing the field office Geographic Information System (GIS) shapefiles of habitat extents with those of DWR and updating nesting season for migratory birds from May 1 to April 1, based on USFWS recommendations. Climate adaptation for threatened and endangered species, such as keeping pathways open for movement to refugia, has not yet been considered in the RMP.

Finally, a recent land exchange in Castle Valley between the State of Utah and the BLM resulted in a new

[3] Maintenance Action 34, January 24, 2012. http://www.blm.gov/style/medialib/blm/ut/moab_fo/rmp/rod_approved_rmp.Par.66676.File.dat/MoabPlanMaintenanceForms.pdf

BLM grazing allotment. This area, the Round Mountain Allotment, previously had a grazing permit issued by the State. Because the land exchange agreement recognizes all valid, existing rights, grazing is allowed to continue until the permit expires (estimated by 2026). As a result, RMP decisions like WL-43, which state that "all forage on acquired state lands in upper Castle Valley within crucial deer winter range will be allocated to deer," will not be fully implemented until the valid, existing grazing permit expires.

2.4. Fire, Forests, and Vegetation

Modifications to the RMP under Fire, Forests, and Vegetation focus on forests and woodlands. While the specific decisions for forestlands are sufficient, staff would like to add decisions that:

- Support the identification of desired future conditions for health and distribution of forest resources, broken down by forest type;
- Address old-growth features of the forest and woodland habitat types, including management direction on how to maintain or contribute to the restoration of old growth forests;
- Identify characteristics of healthy forest conditions for forest and woodland types; and
- Support the utilization of biomass across broad landscapes.

2.5. Lands and Realty

Staff noted that maintenance actions to update some Lands and Realty decisions to include specific references to BLM's Solar PEIS would be helpful. In addition, LAR-12, a decision that focuses on surface occupation stipulations within the Three Rivers and Westwater Mineral Withdrawals, may be amended by the Moab MLP.

2.6. Livestock Grazing

Decisions related to livestock grazing are currently meeting the needs of the Moab Field Office. One grazing allotment has been added since 2008; see Section 2.3, Fish, Wildlife, and Special Status Species, for details on the existing grazing permit.

In addition, the staff recommends that one area, Floy Creek, be added to the group of allotments that will be treated to increase forage for livestock and wildlife use.

2.7. Mining, Energy, and Health and Safety

The Canyon Country District Office has initiated a planning effort to prepare the Moab Master Leasing Plan (MLP), a plan which will amend oil, gas, and potash leasing in a portion of the Moab Field Office. See Section 3.3, Leasing Reform, for more information on the Moab MLP. In 2016, the Cisco Desert MLP will be initiated to reconsider leasing stipulations for that portion of the planning area.

Under Minerals decisions, staff would like to see Appendix A (A.1.4) updated to be more reflective of current agency BMPs.

Regarding hazardous waste decisions, staff have identified that existing decisions are sufficient, but additional information is needed for hydraulic fracturing, based on the Interior Department's final rule for hydraulic fracturing on Federal and Indian Lands.[4] The Moab MLP will also analyze hydraulic fracturing in the Moab MLP planning area.

[4] *Hydraulic Fracturing on Federal and Indian Lands*, 43 CFR Part 3160, http://www.gpo.gov/fdsys/pkg/FR-2015-03-26/pdf/2015-06658.pdf.

2.8. Recreation and Travel Management

Visitation has increased dramatically – especially motorized use – in the Moab Field Office since the RMP was completed in 2008. To address the increased pressure on existing areas, travel management and resource protection measures are being implemented at an enhanced rate, when staffing allows. Construction of recreation facilities such as campgrounds, trailheads and trails is a priority.

2.9. Visual Resources and Special Designations

In the RMP, Special Designations include Areas of Critical Environmental Concern, Wild and Scenic Rivers, National Trails and Backways, Designated Wilderness, and Wilderness Study Areas. For the purposes of this review, Non-WSA Lands with Wilderness Characteristics ("BLM Natural Areas") are included in this section.

An updated Visual Resources Inventory (VRI) was completed for the Moab Field Office in 2011 and has not yet been considered in a resource management plan amendment. This is particularly relevant in determining whether the existing constraints imposed by the VRM classes are appropriate for protecting sensitive resources and managing development. Resource specialists noted that in areas of current heavy recreation use, the VRM class may no longer be adequate, and a plan amendment to consider this new VRI may be appropriate. Similarly, the MFO has completed nine specific inventories for wilderness characteristics in response to new information, and has comprehensively reviewed all roadless areas in the field office. To consider this new information in the RMP, the field office would need to initiate a plan amendment.

3. Current Initiatives

Since the RMP was completed in 2008, BLM has undertaken several new initiatives on public lands. The RMP's treatment of these initiatives is summarized in this section.

3.1. Renewable Energy

For renewable energy, the Approved RMP Amendments / ROD for Solar Energy Development in Six Southwestern States (2012) designated 587 acres in the Moab Field Office as a variance area, making that area potentially available for utility-scale solar energy development outside of a solar energy zone. This information has not yet been incorporated into the current RMP. The MFO was not mentioned in the 2005 Wind Energy Development Programmatic EIS, and the Moab RMP was not proposed for amendment in the Geothermal Resources Leasing Programmatic EIS. Similarly, the RMP does not specifically incorporate the Solar Energy Development Policy (IM 2007-09 updated to IM 2011-003 and extended to 9/30/15) or the Department of Energy and BLM joint policy on Assessing the Potential for Renewable Energy on Public Lands, but LAR-10 and LAR-11 address the authorization of solar energy development in rights-of-way according to best management practices.

3.2. Priority Corridors

The RMP is currently meeting the field office's needs and current policies with regards to orderly corridor planning, accommodation of existing, compatible, proposed, and/or new uses, appropriate width, and habitat sustainability.

3.3. Leasing Reform

The Canyon Country District Office has initiated a planning effort to prepare the Moab Master Leasing

Plan (MLP), a plan which will amend oil, gas, and potash leasing in a portion of the Moab Field Office. The outcome of the MLP process may result in new mineral leasing stipulations and development constraints accomplished through amendments to Moab's RMP. The Moab MLP and Draft RMP Amendments / Draft Environmental Impact Statement (EIS) were made available in August 2015; an anticipated date for the Final EIS is not yet known. The MLP has developed a Reasonably Foreseeable Development (RFD) scenario for potash that covers the area where the Moab Field Office has most of its pending potash permit applications. This new plan will impact various decisions in the Moab RMP that are tied to oil, gas, and potash leasing decisions; therefore, adjustments to decisions in this section will take place after the MLP has been completed. In 2016, the Cisco Desert MLP will be initiated to reconsider leasing stipulations for that portion of the planning area.

3.4. Climate Change

The RMP's treatment of climate change effects and adaptation measures on natural resources is limited to climate adaptation measures specific to drought (VEG-15). The RMP does not recognize the 2009 BLM Air Quality Manual (MS 7300) or assess climate change as required by Departmental Management 523 DM1 (December 2012). The RMP addresses greenhouse gas emissions qualitatively. Here, the Moab Field Office may find it beneficial to directly address climate change adaptation measures, specifically for anticipated changes in habitat or acquisition of lands for habitat and landscape resilience. Secretarial Order 3289 references the Department's need to continue its work "identifying areas where carbon dioxide can be safely stored underground," and requests that field offices complete an inventory of carbon sequestration potential as evidenced by applications to explore or develop. There have not yet been any such applications in the Moab Field Office; therefore, no inventories of carbon sequestration potential have been completed.

3.5. Sage-Grouse Habitat Conservation

As noted in Section 2.3, decisions relating to Gunnison Sage-Grouse may be amended by BLM's Gunnison Sage-Grouse planning effort, which began in 2014 and has not yet been completed.

3.6. Regional Mitigation

BLM Manual 1794 on Regional Mitigation is still in draft form; to date, the Moab RMP has not identified priority areas for mitigation.

4. Recommendations

Based on the findings of the evaluation, the evaluation team has summarized plan maintenance and identified actions that can further implement RMP objectives and decisions.

4.1. Implementation-Level Planning

In order to ensure that goals and objectives are met, the following implementation-level plans still need to be completed:

- Watershed Management Plans (SOL-WAT-29);
- Recreation Area Management Plan for Lower Gray Canyon SRMA (REC-40); and
- Management plans for culturally sensitive areas (CUL-14).

The Moab Field Office also maintains a spreadsheet that prioritizes implementation-level actions from the RMP. However, most progress is document as "ongoing" or "as needed." To better ensure that the appropriate staff and budget are allocated to outstanding commitments, staff should update the

spreadsheet or develop a better tool to help track RMP implementation accomplishments and outstanding commitments.

4.2. Data and Effectiveness Monitoring

Appendix E includes a monitoring section for each resource to describe how decisions will be tracked. There were no suggested updates to the language within each resource's monitoring section, except to remove a reference to an area on the west side of Lost Spring Canyon, which was part of Maintenance Action #40 and has not yet been incorporated into the current version of the RMP.

4.3. Maintaining Plan Updates

Over the life of the RMP, changes to language and decisions in the RMP are documented on LUP (Land Use Plan) amendment/maintenance sheets. An LUP amendment/maintenance sheet is needed to document allocations and decisions resulting from the Approved RMP Amendments / ROD for Solar Energy Development in Six Southwestern States (see Section 1.3). Updated text attributed to amendments and plan maintenance is not reflected in the body of the RMP. To help ensure that BLM staff are referring to the most up-to-date RMP language, the Moab Field Office should maintain an electronic "redline" or annotated version of the plan that clearly shows these changes. The annotated RMP should also be published to the Field Office webpage to further ensure that BLM staff in other offices, as well as interested publics, are referencing the most current plan language.

Some changes submitted on maintenance forms before the Plan's Maintenance Version 1 (February 2009) were inadvertently omitted from that updated version, and other changes since that time have not yet been incorporated. These include maintenance change numbers 1, 13A, 14, 20, 24, and 26 – 41.

4.4. Summary of Plan Maintenance and Amendments

The following table summarizes updates to the plan recommended by field office staff and the evaluation team during their review. A majority of updates are likely to be accomplished by plan maintenance as they reflect minor data changes or help to refine, document, or clarify previously approved decisions. While the appropriate method for incorporating changes must be determined from the details of each case, an initial suggestion regarding plan maintenance or amendment is provided.

Suggested Change	**Affected Decision(s)**	**Suggested Method**
Acreages need to be adjusted to reflect acquired lands from the Federal Recreational Land Exchange	Throughout the RMP	Maintenance
Replace: "*Class III inventory and compliance with Section 106, focused on areas where adverse effects are likely to occur, is required prior to designation"* with: "*reasonable and good faith efforts to identify historic properties will be undertaken in accordance with current regulatory requirements, NHPA agreements, and bureau policy*."	CUL-9	Maintenance
Modify decision to match bureau policy: *Adverse effects to eligible cultural sites will be avoided, minimized and /or mitigated.*	CUL-11	Maintenance
Add: *education and/or* before *scientific*	CUL-17	Maintenance

Modify decision to improve clarity: *Lower Kane Springs Canyon and the Wall Street Rock Art District will be hardened and/or interpreted for public use.*	CUL-25	Maintenance
Update Fire Management Plan title: *Canyon Country Fire Zone.*	FIRE-1	Maintenance
Update term *wildland fire use* to *use of wildland fire* (as per NWCG. Oct. 2014. Glossary of Wildland Fire Terminology PMS 205).	FIRE-12, 13, 14	Maintenance
Replace *IMP* with *BLM MS-6330 and MS-6340*	LAR-1	Maintenance
Consider adding reference to Solar Energy PEIS.	LAR-10 and 11	Maintenance
File maintenance action to incorporate 587 acres of solar variance area from Solar PEIS (2012) into RMP.	Where applicable.	Maintenance
Add *Cattleguard* after *Hittle Bottom* for clarity.	GRA-4; RIP-15; WL-2	Maintenance
Add language from state land exchange to this decision re: Round Mtn Allotment (acquisition).	GRA-4; RIP-18; WL-42 and 43	Maintenance
Remove: *Harley Dome.* Add: *Little Hole.*	GRA-5 and 19; WL-22 and 25	Maintenance
Remove phrase: *or otherwise mechanically treated*	GRA-11	Maintenance
Update AUMs and acres	GRA-13, 14, 15	Maintenance
Modify last sentence to read: *This will reduce acreage in the allotments and will reduce the AUMs.*	GRA-16	Maintenance
Add *Floy Creek* to allotment list and update acreage accordingly	GRA-21	Maintenance
Add: *Moab Uranium Mill Tailings Remedial Action (UMTRA) project* to list of areas.	MIN-10	Maintenance
Add: ***Leasable Minerals*** sub-heading	MIN-11	Maintenance
Update all references to the *IMP* to the new *BLM MS-6330* (Management of Wilderness Study Areas).	MIN-21; REC-49; ACEC-1, 3 4, 6; WSA-1, 3, 4, 6; TRV-1, 15	Maintenance
As per the ROD (p. 28), add "*(BLM natural areas)"* wherever "*non-WSA lands with wilderness characteristics"* is mentioned.	WC-1 and 2; TRV-13	Maintenance
Change *Old Spanish Trail* to *Old Spanish National Historic Trail.*	REC-35; TRA-1, 2, 3, 4, 5, 6, 7	
Replace: "*on 303(d) listed streams, currently Mill, Castle, and Onion Creeks"* with *on current 303(d) and 305(b) listed streams*.	SOL-WAT-10	Maintenance
Replace: "*to WO IM 2007-021"* with *most current policy.*	SOL-WAT-13; SSS-19	Maintenance
Ensure that BMPs identified in the RMP are reflective of the most current agency BMPs.	SOL-WAT-13, 21	Maintenance
Add: *subject to leases with valid, existing rights*	WSA-2	Maintenance
Change: "limited to designated routes…with no designated routes" to *closed*.	WSA-7	Maintenance
Add decision for Navajo Sedge (omission). Sample language: *In areas that are known or suspected to be habitat for Navajo Sedge actions would be avoided or restricted per the Standard Terms and*	Special Status Species (SSS)	Maintenance

Conditions (Lease Notices) which are Required to Protect Special Status Species and to Comply with the Endangered Species Act (Appendix A, Table A4). Add Lease Notice language to Appendix A [see Monticello RMP Appendix B].		
Specify best location of fence for White Wash Sand Dunes open area (update Map 30)	TRV-10	Maintenance
Change: *May 1* to *April 1* based on latest FWS recommendations	WL-9	Maintenance
[To match Nov. 2014 DWR shape files]: Remove *Harley Dome*, *Squaw Park*, and *San Arroyo* (listed twice). Update La Sal WMU acres to *79,700* and *548,579* acres in Cisco. Update corresponding Map 32	WL-22 and Map 32	Maintenance
Update acres to match Nov 2014 DWR shape files: *622,280*	WL-24	Maintenance
Update acres to *543,189*	WL-25	Maintenance
Add: *or most current guidance*	WL-29	Maintenance
Update Lockhart Bighorn Sheep area to match 2013 DWR shape files.	WL-32	Maintenance
Update lambing/rutting area to match 2013 DWR shape files: 107,220 acres.	WL-36 and 37	Maintenance
Update Map 9 to match 2013 DWR shape files.	Map 9	Maintenance
Add language: *Reserved Federal interests in split estate lands anywhere in the planning area may be considered for conveyance out of Federal ownership* [per IM 2011-110: Conveyance of Reversionary Interests]	Appendix G	Maintenance
Consider adding language that would support the goals identified in Section 2.4.	Forestlands	Maintenance
Add Willow Springs, Mill Canyon, and Dinosaur Stomping Ground Track Sites.	PAL-11	Maintenance
Update once Yellow-Billed Cuckoo Recovery Plan is available.	SSS-7, 9, 33	Known Future Maintenance
Update once Gunnison Sage-Grouse Plan is finished.	SSS-7 and 9	Known Future Maintenance
Decisions may be amended by the Moab MLP. Revisit when the Record of the Decision for the Moab MLP is approved and ensure any change is reflected in the RMP.	LAR-12; MIN-4, 9, 14, 16, 19; SOL-WAT-9, 27; VRM-12	Known Future Maintenance
Boundaries may be amended by Moab MLP. Revisit after MLP and update as needed.	WL-27, 28, 32, 33, 36, 37	Possible Future Maintenance
There is no requirement or commitment for the MFO to undertake changes that could only be enacted through the amendment process.		
Consider new VRI in plan.	Throughout	Amendment
Consider new wilderness characteristics inventories	Throughout	Amendment

in plan.		
Consider prohibiting petrified wood gathering in the Cedar Mountain Formation Wood localities in the Yellow Cat / Cisco areas due to over collecting of conifer and yellow cat redwood.	PAL-8	Amendment

Appendix A: Interdisciplinary Review Team

Moab Field Office / Canyon Country District Staff

Kim Allison	*Range*
Ann Marie Aubry	*Hydrology*
Jordan Davis	*Range*
Rebecca (Becky) Doolittle	*Planning*
Eric Jones	*Minerals*
Karinne Knutsen	*Hydrology*
Michael Lundell	*Cultural/Paleontology*
Donald Montoya	*Cultural/Paleontology*
Pam Riddle	*Wildlife*
Jeffrey (Rock) Smith	*Recreation*
Bill Stevens	*Recreation*
Katy Stevens	*Recreation*
Josh Relph	*Fire and Fuels*
Jason Kirks	*Fire and Fuels*

Appendix B: Evaluation Questions and Responses

Question	Response	Action
Are the leasing restrictions and stipulations affecting energy and renewable energy development (Oil & Gas, Geothermal, Solar, and Wind) appropriate to protect critical resources and special areas or are there additional restrictions or stipulations that are needed to protect resources? Identify the additional restrictions required.	Yes. The leasing stipulations apply to all surface disturbing activities within the field office and contain exception, modification and waiver language. The Moab MLP is underway for a portion of the planning area to reconsider stipulations for that portion of the planning area, and in 2016 the Cisco Desert MLP will be initiated to reconsider leasing stipulations for that portion of the planning area.	No Change
Is there a Reasonable Foreseeable Development (RFD) scenario for implementing fluid minerals energy-related exploration and development in the planning area? If so, then:	Yes	No Change
a. Is it appropriate for the level of activity occurring now and projected in the near term (3-5 years)?	Yes	No Change
b. Is it appropriate for the level of activity projected in the long term (20 years)?	Yes	No Change
c. Has the RFD been exceeded or could be exceeded within the lifespan of the RMP?	No	No Change
d. Does the RFD consider potential new discoveries from developing tight shale formations with new hydraulic fracturing and horizontal drilling technologies?	No. However, the MLP will amend the RMP for a large part of the Moab Field Office and will analyze hydraulic fracturing. This, however, will only include the MLP planning area.	No Change
e. Was the RFD used as the basis for determining cumulative impacts in the RMP/EIS?	Yes	No Change
Does the RMP contain an appendix outlining typical BMPs that will be used for fluid mineral development?	Yes, Appendix A (A.1.4) includes a minimal list of BMPs, though it would benefit from being updated to be more reflective of current agency BMPs. The Moab MLP will amend the RMP for a large part of the Moab Field Office and will inlcude BMPs that apply to the Moab MLP planning area only. As needed, BMPs are included in implementation/development EAs.	Revise
Were the least restrictive constraints selected that that meet the resources protection objective?	Yes	No Change
Does the RMP provide direction and flexibility to accommodate oil & gas and renewable energy development? Are there constraints in the RMP that would affect or delay issuing Rights-of-Way for oil & gas, geothermal, wind or solar energy development?	Yes, the RMP provides direction and flexibility. No, there are no constraints that would cause delays.	No Change
Are there restrictions that should be eliminated or modified because they no longer are needed/appropriate, or are there other protective mechanisms in place that supersede their use, or are there industry technological changes that make the restriction(s) unnecessary?	No. The stipulations in place are adequate.	No Change
Are there RFDs outlined in the RMP for other mineral resources, such as locatable or salable? If so, is level of activity commensurate with the RFD?	No, however the MLP has an RFD for potash that covers the area where the Moab Field Office has all of its pending potash permit applications. The MLP will amend the Moab RMP appropriately.	No Change
Does the RMP address how the RFD scenario(s) will be kept up to date?	No, but the estimates made in the RFD appear to be holding true, and the MLP area where we could see more potential development, has an updated RFD that will become part of the MLP amendment.	No Change
Does the RMP describe criteria for the application of appropriate stipulations for fluid minerals, along with criteria for the waiver, exception, or modification of the stipulation?	Yes	No Change
Does the RMP incorporate sustainable development concepts or objectives relative to post-mining uses?	Yes	No Change
Does the RMP ensure access to sand and gravel to support infrastructure and communities?	Yes	No Change
Monitoring	N/A: There are no specific Minerals Monitoring requirements.	No Change

Question	Response	Action
Is the RMP's policy statement for managing hazardous materials and wastes up to date?	May need to be updated with information on fracking, once rule is finalized and guidance is provided.	No Change
Does the RMP identify an inventory of hazardous materials sites, including FUD (Formerly Used Defense) sites, and outline objectives for management and disposal of known or potential future hazardous materials sites?	No. However, the Moab Field Office has no formerly used defense sites. Hazardous materials are managed through policies and guidance.	No Change
Is the RMP's policy statement for managing Abandoned Mine Lands (AML) up to date?	Yes	No Change
Does the RMP address identification, inventory and closure actions for Abandoned Mine Lands?	Yes	No Change
Monitoring	Verified that all Health and Safety monitoring requirements are current and achievable.	No Change

Question	Response	Action
Do the RMP land tenure decisions provide for consolidating land ownership? If no, please explain.	Yes	No Change
Does the RMP include a Table or Map identifying Land and Mineral Ownership in the Planning Area, or something comparable, clearly identifying jurisdiction over various lands or interests in lands?	Yes	No Change
Does the RMP identify specific lands, described by legal description as potentially suitable for disposal by sale or exchange? Does the RMP identify acquisition areas such as NCAs, wilderness areas, or other high resource lands, should they become available from a willing seller? Do these areas reflect current resource priorities for landownership adjustments (i.e. sage grouse habitat, mule deer winter range, etc.)? List any new priority areas not described in the RMP.	Yes	No Change
How are planning decisions in the RMP being applied to newly-acquired lands? Is future BLM management of the lands or interests in lands addressed in the EIS for the acquisition/exchange?	Yes and Yes	No Change
Does the RMP identify right-of-way corridors, avoidance areas, and exclusion areas? For avoidance areas, does the plan outline the terms and conditions that must be met in order for a right-of-way to be granted?	Yes and Yes	No Change
Does the RMP address the policies and actions under Executive Order (EO) 13211 of May 18, 2001 (President's National Energy Policy) toward expediting the supply and availability of energy in your RMP area?	Yes: MIN-12.	No Change
Does the RMP identify proposed land withdrawals? Does the RMP identify both previous and new land withdrawals?	Yes	No Change
How are planning decisions being applied to lands returned to the public domain from relinquished withdrawals, where administrative jurisdiction is or will likely be returned to the BLM?	We have not had this situation arise yet since the ROD was signed.	No Change
Monitoring	N/A: There are no specific Lands and Realty Monitoring requirements.	No Change

Question	Response	Action
Does the RMP identify air quality standards and, if appropriate, provide examples of prescriptive management practices to achieve them?	Appendix J of RMP - includes mitigation strategies.	No Change
Does the RMP recognize the State's authority to regulate air quality impacts and establish emission standards?	Yes.	No Change
Does the RMP address impairment of visibility in federal and state Class I areas, including those which may be affected in adjacent states?	Yes. AQ-5, pg 52 of RMP.	No Change
Does the RMP identify existing non-attainment areas, state implementation plans (SIP), tribal implementation plans (TIP) when available, and measures/actions to meet conformity with SIP/TIPs?	No. The areas within the Moab Field Office are in attainment.	No Change
Was air quality modeling done for the RMP? If so, was the modeling qualitative or quantitative? Briefly describe the model used.	Dispersion modeling was not conducted because locations of oil and gas wells could not be determined at the programmatic planning level. AP-42 Fifth Edition methodology was employed to calculate total emissions from multiple sources i.e., compressors, flaring, fugitive dust, etc. (FEIS, p. 4-17).	No Change
Based upon the information derived from modeling and/or monitoring, are air quality standards being met? If not, what management actions or mitigation measures are prescribed?	Yes. Through project work.	No Change
Is the plan consistent with the June 2011 Air Quality MOU for Oil and Gas projects?	The 2008 plan predates the 2011 MOU. We do consider the MOU for oil and gas projects.	No Change
Monitoring	N/A: There are no specific Air Quality monitoring requirements.	No Change

Question	Response	Action
Does the RMP evaluate the availability of water and/or the need to develop additional water sources needed to manage wild horses and burros, livestock, wildlife, recreation, habitat and other beneficial uses allowed under state water law?	SOL-WAT-18; WL-23, and SSS goals and objectives.	No Change
Does the RMP evaluate the availability of water within the plan area for fire suppression or other emergency needs?	No decisions in the RMP or FMP. Local agreements have been set up to maintain availability of water for fire suppression.	No Change
Does the RMP contain prescriptions for and identify methods of application(s) for emergency fire rehabilitation/restoration?	Not in the RMP, but the FMP considered this.	No Change
Does the RMP identify Bureau water rights policy, voluntary conformance with state water law, and provisions to perfect and protect sufficient water rights to meet land management activities (BLM 7250 Manual and Utah Water Rights Policy)?	Not specifically. Recognition of water rights and adhering to applicable state laws were part of planning criteria (FEIS, p. 1-10). BLM acknowledges it cannot hold instream water flow rights in Utah but can protect senior water rights as needed (p. 3-128). Management Actions SOL-WAT-1, 4, 18 and WSR-9 address conformance with state water law and to protect sufficient rights to meet land mangement activities.	No Change
Monitoring	Verified that all Soils/Water monitoring requirements are current and achievable.	No Change

Question	Response	Action
Does the RMP discuss water quality, water quantity, and current or foreseeable beneficial uses in the planning area?	Yes	No Change
Does the RMP identify State water quality standards or establish water quality objectives where State standards are nonexistent? (BLM 7240 manual).	SOL-WAT-1 requires compliance with all State, Federal, and local laws to protect municipal watersheds and watersheds of any public or private water supply.	No Change
Does the RMP identify area wide use restrictions and/or Best Management Practices to meet water quality requirements?	Yes	No Change
Are there any impaired water bodies in the planning area identified on the State of Utah's list (303d)? Are any impaired water bodies linked to public land use?	Yes and yes.	No Change
Does the RMP set objectives for the restoration of identified impaired waters?	SOL-WAT-10 Follow Total Maximum Daily Load (TMDL) recommendations on 303(d) listed streams, currently Mill, Castle, and Onion Creeks.	No Change
As appropriate, does the RMP refer to the state's Report on Water Quality (305b)?	Discussed in Chapter 3 of RMP EIS.	No Change
In view of the Unified Federal Policy and other provisions of the Clean Water Act, are there opportunities or needs to identify priority watersheds, or watersheds in need of special protection?	RMP identifies priority watersheds and those that need management plans.	No Change
Does the RMP recognize wellhead/source water protection areas and specify land-use restrictions to limit water quality degradation?	Yes, relative to public uses.	No Change
Are management decisions prescribed on a watershed level? Explain.	Yes: SOL-WAT-25 and 26. SOL-WAT-29 requires watershed management plans for additional areas.	No Change
Monitoring	Verified that all Soils/Water monitoring requirements are current and achievable.	No Change

Question	Response	Action
Does the RMP require the use of Proper Functioning Condition surveys to assess functionality of riparian areas?	Yes	No Change
Are there general goals to maintain functional riparian areas at PFC and to improve the condition of areas that are functioning-at-risk or non-functional so that such areas may achieve PFC?	Yes	No Change
Does the RMP include objectives/management actions needed to achieve goals described under #2 (actions might also be described under other management areas such as vegetation, soils, sensitive species, etc.)?	Yes	No Change
Are measures required to collect quantitative monitoring data and additional PFC surveys to evaluate effectiveness of stated management actions?	RMP Monitoring (Appendix E) does not require collecting quantitative data. PFC assessments using the procedures outlined in BLM Tech. Ref. 1737-15 and 1737-16 are required. Also, follow Utah Riparian Policy.	No Change
Is the RMP subject to review under the new Riparian performance standard?	IM 2010-101 (Process for Reporting on the Performance Measure to Assess the Effectiveness of Resource Management Plans Using Riparian Condition as an Indicator) expired Sept. 30, 2011.	No Change
Monitoring	Verified that all Riparian monitoring requirements are current and achievable.	No Change

Question	Response	Action
Are soil survey data described and used to assess the suitability/capability of landscapes to achieve RMP objectives?	Yes	No Change
Are soil survey data used to set priorities for restoration/rehabilitation and to guide development of site-specific prescriptions?	Yes	No Change
Are soil survey data used to identify erosion hazards or erodible classes throughout the planning area?	Yes (VEG-15) and at a project level scale to help environmental analysis and make decisions.	No Change
Does the RMP utilize or address the use of Ecological Site Descriptions for determining ecological site conditions and treatment options?	The RMP doesn't, but using the Ecological Site Descriptions are used for project level analysis and decision. It is a best management practice that the office uses.	No Change
Monitoring	Verified that all Soils/Water monitoring requirements are current and achievable.	No Change

Question	Response	Action
Does the RMP provide adequate direction and flexibility for the District/Field Office to plan and implement vegetation treatment projects under programs such as the Watershed Restoration Initiative (WRI) and Healthy Landscapes?	Yes	No Change
Does the RMP identify desired future conditions of vegetation resources for land management objectives?	Yes	No Change
Does the RMP designate priority plant species and habitats, including special status species and populations of plants? List any priority species and habitats.	Yes	No Change
Does the RMP contain strategies to conserve threatened or endangered and special status plant species, including listed species and species proposed for listing?	Yes	No Change
Are the RMP decisions consistent with objectives and recommended actions in recovery plans, conservation agreements, and applicable biological opinions for threatened and endangered species?	Yes	No Change
Does the RMP provide management direction to address the introduction and spread of noxious and invasive species?	Yes	No Change
Is there a current inventory of noxious or invasive species for the planning area?	Field Offices are not required to have complete systematic inventories for their offices; however, the RMP does discuss the inventory and monitoring of weed populations in Vegetation Goals and Objectives. We report targets and accomplishments associated with weed inventory and survey annually, consistent with state and national direction. We document areas that have been surveyed along with known populations of weeds.	No Change
Monitoring	Verified that all Vegetation monitoring requirements are current and achievable.	No Change

Question	Response	Action
Does the RMP identify desired future conditions for health and distribution of forest resources (broken down by forest type)?	No	Add
Does the RMP address old-growth features of the forest and woodland habitat types? Is management direction provided on how to maintain or contribute to the restoration of old growth forests?	In the Goals and Objectives section: "Identify, maintain, and restore forests with late successional characteristics to a pre-fire suppression condition. The MFO will adopt the USFS old-growth definitions and identification standards as per the USFS document 'Characteristics of Old-Growth Forests in the Intermountain Region (April 1993).' In instances where the area of application in the previous document does not apply (e.g., Pinus edulis), use the document 'Recommended Old-Growth Definitions and Descriptions, USDA Forest Service Southwestern Region (Sept. 1992).'"	Add
Does the RMP identify characteristics of healthy forest conditions for forest/woodland types?	No	Add
Does the RMP identify resources available for woodland product harvest and identify sustainable harvest levels in those areas?	Yes	No Change
Does the RMP identify areas where commercial and/or non-commercial harvesting is open, restricted or withdrawn from commercial activities?	Yes	No Change
Does the RMP comply with the objectives outlined in the Healthy Forest Initiative and the Healthy Forests Restoration Act?	Yes, under Vegetation decision.	No Change
Does the RMP support utilization of biomass across broad landscapes and is it consistent with policy?	RMP is silent.	Add
Monitoring	Verified that all Woodlands monitoring requirements are current and achievable.	No Change

Question	Response	Action
Does the plan provide adequate direction and flexibility to implement actions to maintain or restore healthy rangelands in Utah?	Yes	No Change
Does the RMP incorporate the Utah Standards and Guidelines for Rangeland Health for livestock grazing management? Does the RMP apply the standards to all programs and uses?	Yes, the RMP incorporates Utah Standards and Guidelines for Rangeland Health. Yes, the RMP applies the standards to all programs and uses.	No Change
Does the RMP identify lands available or not available for livestock grazing? Have the criteria for identifying lands available for grazing changed since the RMP was completed?	Yes, the RMP identifies lands available or not available for grazing. No, the criteria have not changed.	No Change
Monitoring	Verified that all Livestock & Grazing monitoring requirements are current and achievable.	No Change

Question	Response	Action
How well do the Fire Planning Units (FPU) match up with FPUs of adjoining BLM districts in Utah, and adjoining states?	We have had no issues with FPU's matching up with adjoining districts or states.	No Change
In cases where FPUs do not match, is there sufficient rationale to validate the FPU boundaries for the planning area?	No Issues	No Change
Does the RMP present any constraints or issues relative to complying with the Wildland Fire Policy? If so, please explain.	No Issues	No Change
Does the RMP present any constraints to approving biomass utilization or stewardship projects for energy production, commercial and/or non-commercial uses (e.g., public woodcutting, commercial, co-generation energy production, etc.)?	No Issues	No Change
Does the RMP conform to current policies on Fire Management Planning for identifying fire management units (FMU)?	Yes	No Change
Does the RMP provide objectives for appropriate use of managed fire for resource benefit?	Yes	No Change
Monitoring	Verified that all Fire monitoring requirements are current and achievable.	No Change

Question	Response	Action
Does the RMP address special cultural and paleontological resource issues, including traditional cultural properties and NRHP-eligible or listed districts or sites that may affect the location, timing, or method of development or use of other resources in the planning area?	Yes, RMP guidance includes protections for eligible properties impacted by grazing, which are to be mitigated; protection of Traditional Cultural Properties through avoidance or minimization of impacts; prohibition of camping in sites eligible to the NRHP; protections for burial sites, associated burial goods, and sacred items. The RMP identifies two rock art districts with high visitation for interpretation, development, and protection in addition to stating that additional culturally sensitive areas will have specific managment plans developed. It names two canyons and several ACECs in which cultural resources are identified as a management priority, and several SRMA areas that will also emphasize cultural resources. With respect to Paleolontological resources, the RMP addresses several resource issues such as casting, land disposals, petrified wood collection in specific high visitation areas and future closures to collection of rare and significant invertebrate and plant fossil sites. Several areas are identified for interpretation and development such as the Dinosaur Diamond National Prehistoric Byway, Mill Canyon, Copper Ridge and Poison Spider trackways.	No Change
Does the RMP refer to requirements for consultation under Section 106 of the National Historic Preservation Act and other laws and directives for with tribal governments, including general timeframes for completing consultation?	Yes	No Change
Does the RMP adequately describe or summarize the extent and type of significant archaeological resources known and assign cultural resources to the use categories specified in BLM Manuals?	Yes	No Change
Does the RMP fully protect significant cultural and paleontological resources through special designations?	Yes to some extent, CUL-13 and CUL-14 on page 55; CUL-24 and CUL-25 on page 57. CUL-17, CUL-19, CUL-21, CUL-22 emphasize cultural resources in specific management plans such as SRMAs or specifically identify areas for cultural resource protection. There are additional significant sites that are not called out specifically, but are managed under ARPA and NHPA and other regulations and guidance identified in the RMP. With respect to paleontological resources there are several sites identified for interpretation and site stabilization for visitors and areas designated as closed to collection of petrified wood. However changes to the RMP are being proposed to address additional interpretive sites. Also, Moab has begun the process of identifying some significant fossil resource areas that may need to be closed in order to protect scientifically important plant and invertebrate fossil resources, per decision PAL-12.	Modify PAL-8 and PAL-11.

Do route and area travel designations in the RMP address cultural and paleontological resource needs and protection?	Designation language in the ROD does mention protection of cultural resources. Additionally there are specific Cultural Resource Decisions that are specific to actions required to protect cultural resouces when considering route changes and new routes. Paleontological resources are not specifically mentioned in travel route designations, however new routes would be addressed in proposals for any new surface disturbing activities.	No Change
Does the RMP allow for the definition and management of Traditional Cultural Properties?	ROD provides some management criteria for TCPs, but no definitiona criteria. Yes. Management decision CUL-3 to CUL-5 page 54	No Change
Does the RMP address land use applications that may affect cultural and paleontological resources, including tribal resources?	Yes the RMP adresses grazing and travel planning directly in the ROD.	No Change
Are the decisions in the RMP based on adequate cultural and paleontological resource data as specified in BLM Planning Guidance? Is a new Class I overview needed?	Most of the decisions for cultural resources in the RMP are based on a literature search and predictive model. The BLM has recently contracted for a Class I Cultural Resources Inventory for the planning area. Once completed, the Class I Inventory will be reviewed and consideration will be given to if the new information warrants consideration through a plan amendment.	No Change
Does the RMP include goals of identifying, preserving, and protecting significant cultural and paleo resources and ensuring that they are available for present and future use?	The goals and objectives sections of both the Cultural and Paleontological Decisions both state the need to protect significant resources and ensuring they are available for appropriate use for present and future generations, although its stated more clearly in the Cultural Resource Section of the RMP (the Paleontological Section doesn't specifically talk about future generations). Well known sites are targeted for interpretation and/or stabilization.	Continue to pursue additional nominations as time and resources allow.
Does the RMP include the stated goal of reducing threats and resolving potential conflicts by ensuring compliance with NHPA Section 106 and Paleontological Resource Protection Act?	Yes for NHPA. RMP does not cite Paleontological Resource Protection Act.	No Change
Monitoring	Verified that all Cultural Resources and Paleontology monitoring requirements are current and achievable, subject to available funding and resources.	No Change

Question	Response	Action
Do all special management designations have clear management objectives? If not, explain.	Yes	No Change
Does the planning area have overlapping special management designations and if so, are the management objectives conflicting with one another? This could include an ACEC or SRMA overlapping a WSA, or various OHV designations within a single management area.	Yes, WSAs, SRMAs and ACECs do overlap in some areas.	No Change
Does the District have designated wilderness? If so, has a wilderness management plan completed?	Yes, the Black Ridge Wilderness, but it is a piece of a larger wilderness area, mostly in the Grand Junction Field Office (Colorado). It is managed by the Grand Junction office.	No Change
Are there citizen-proposed wilderness areas identified in the planning area. If so, describe.	Yes, approximately 980,000 acres which includes WSAs and Natural Areas identified in the RMP.	No Change
Does the RMP state clearly that Wilderness Study Areas will be managed under the "Interim Management Policy (IMP) for Lands under Wilderness Review" (H-8550-1) or BLM Manual 6330 "Management of Wilderness Study Areas"?	Yes for IMP, no for Manual 6330.	Update references to IMP to current policy (Manual 6330).
Has the District wilderness characteristics inventory been updated since the original inventory?	Yes, Moab BLM has undertaken nine specific inventories in response to internal and external new information. Additionally, Moab BLM undertook a comprehensive review of all 5000 acres or greater roadless polygons within the FO boundaries.	Plan amendment to consider new inventory information.
Does the RMP identify lands with wilderness characteristics and apply management constraints to some lands identified as possessing wilderness characteristics?	Yes: these are called BLM Natural Areas in the RMP.	No Change
Are allocations appropriate for areas with wilderness characteristics that have been designated for protection of the wilderness values?	Yes, all BLM Natural Areas are managed with an NSO prescription.	No Change
Do planning decisions identify wilderness study areas as either designated or closed to OHV use? Do planning decisions identify OHV use within Wilderness Study Areas as limited to "designated" ways or "closed to OHV use"?	Yes, some of both.	No Change
Are wild and scenic river studies completed for the planning area which identify and evaluate river segments to determine eligibility, tentative classification, protection requirements, and suitability?	Yes	No Change
For public lands along streams identified as potentially suitable for inclusion in the National Wild and Scenic Rivers System, have interim management measures been established?	Yes, some prescriptive measures are identified in RMP - managed as either NSO or closed for all surface disturbing activities.	No Change
Does the RMP contain a separate section on managing National Historic Trails as specified by BLM Manual 6280?	Yes, a separate section includes management decisions for the Old Spanish Trail National Historic Trail.	No Change

Does the RMP establish National Historic Trail Management Corridors as specified by BLM Manual 6280, or address how such corridors will be established in the future?	No, the RMP does not establish corridors. Corridors will be established with the Old Spanish National Historic Trail Management strategy that is pending. Decisions TRA-1 through TRA-7 specifically identify the OST.	No Change
Are there National Historic Trails designated on the District? If so, has a comprehensive trail management plan been completed?	Yes, the Old Spanish Trail. A Comprehensive Administrative Strategy is being completed by the Utah State Office.	No Change
Are there objectives and management actions identified through either the RMP or the comprehensive management plan, for high priority trail segments or segments eligible or listed on the NHRP?	The RMP prescribes identifying trail segments and it does identify one high priority section for acquisition.	No Change
Is the plan consistent with updated National Conservation Lands policies?	Yes	No Change
Does the RMP address Area of Critical Environmental Concern (ACECs)?	Yes	No Change
Does the RMP outline management objectives and restrictions that would apply to the ACECs?	Yes, it does both through specific prescriptions and decisions.	No Change
Have management plans been developed for designated ACECs that identify objectives and management actions? Does the plan identify protective management for relevance and importance values?	No plans have been developed; however protective management for R and I values are clearly specified in the RMP.	No Change
If the RMP says that activity (implementation) plans will be developed for Special Designations such as ACECs, Wild & Scenic Rivers, Wilderness or National Scenic & Historic Trails; have these plans been completed? If the RMP say that activity plans will be developed for other designated management areas such as SRMAs, Back Country Byways, OHV use areas, etc…; have these plans been completed? If so, list the name of the plan and date it was completed.	Only the Old Spanish Trail has a plan prescribed, and it is being completed by the state OST coordinator. Activity Plans are: Boating Management Plan (5/2012), Canyon Rims SRMA (12/2001), Colorado Riverway SRMA (June , 2001), Dolores River Canyons (September 2009), Sand Flats SRMA (August, 1994), South Moab SRMA (December 2011), Two Rivers SRMA (July 2010), Utah Rims SRMA (October, 2011), Cameo Cliffs SRMA (June, 2005), Mill Creek Management Plan (February, 2001).	No Change
Monitoring	Verified that all Non-WSA Lands with Wilderness Characteristics, ACEC, National Historic Trail, and Wild and Scenic Rivers monitoring requirements are current and achievable. Wilderness Study Area monitoring requirements are achievable, but should be updated to remove "…and 0.8 miles on the west side of the Lost Spring Canyon" and references to it.	Maintenance Action 40 updated this

Question	Response	Action
Does the RMP identify the allowable kinds and levels of recreational use to protect or conserve other resource values in the planning area? List any limitations or restrictions on recreational activities to protect or conserve other resource values.	Camping controls—campground only or designated sites in many areas, dispersed camping vehicles stay on designated roads; limit camping, wood gathering, firewood cutting, require fire pans and portable toilets; travel control, motorized and mechanized route designation, mark designated routes and close non-designated via signage, barriers and fencing; hardening or construct sites such as parking lots and toilets; implementing fees; coordinate with other agencies for resource protection and use control; control invasive and exotic weeds; interdisciplinary SRMA mgt. plans; language as to location of campground facilities; focus areas to minimize user conflicts.	No Change
Does the RMP identify allowable kinds and level of land uses to sustain recreational values? List any limitations or restrictions on land uses to sustain recreational values.	Yes; NSO within 0.5 miles of recreation sites; NSO in non-mechanized focus areas; VRM II in heavily used recreation areas; three rivers withdrawal from mineral entry.	No Change
Have the Recreation Management issues changed since the RMP was completed? If yes, how are those issues being handled?	Yes, visitation has increased dramatically (especially motorized use). Travel management and resource protection measures are being implemented at an enhanced rate, when staffing allows; construction of facilities such as campgrounds, trailheads and trail has been made more of a priority.	No Change
Are all public lands clearly designated as SRMAs, ERMAs, or public lands not designated as recreation management areas?	Yes	No Change
Does the RMP identify recreation setting characteristics? Are recreation management zones identified for SRMAs (wherever necessary)?	Yes, through specific management actions listed for each SRMA and ERMA both within the ROD and clarified in Appendix M.	No Change
Does the RMP include management objectives for the specific recreation opportunities to be produced in both SRMAS and ERMAs?	Yes	No Change
Are there significant cave resources present? If yes, are specific management goals outlined for the preservation or protection of significant cave resources?	N/A There are no cave resources within the Moab Field Office.	N/A
Monitoring	Verified that all Recreation monitoring requirements are current and achievable.	No Change

Question	Response	Action
Does the RMP identify all public lands as; open, limited, or closed to OHV use?	Yes	No Change
Are the OHV designations still meeting resource objectives?	Yes	No Change
Does the RMP outline travel prescriptions under each designation?	Yes, through motorized, mechanized and non-mechanized prescriptions.	No Change
Have implementation level travel plans been completed? If not, does the RMP provide a mechanism to complete an implementation plan? Explain.	Yes	No Change
Is the plan consistent with updated TTM policy/manual?	Yes	No Change
Monitoring	Verified that all Travel Management monitoring requirements are current and achievable.	No Change

Question	Response	Action
Does the RMP identify visual resource management classes?	Yes	No Change
Do the VRM management classes consider the relationships between the visual resource inventory values and resource allocations?	Yes	No Change
Are the constraints imposed by the VRM classes appropriate for protecting sensitive resources and managing development?	No, in areas of current heavy recreation use VRM class may not be adequate any longer. There is new VRI information to be considered.	Plan amendment to consider new VRI.
Does the RMP include visual resource inventory classes and visual resource management classes?	No, VRI was considered in RMP decision, but VRI is not included in the RMP.	Plan amendment to consider new VRI.
Monitoring	Verified that all Visual Resource Management monitoring requirements are current and achievable.	No Change

Question	Response	Action
Do the designated Herd Management Areas (HMA) in the RMP contain adequate water and forage to maintain the Appropriate Management Level (AML) and achieve a thriving ecologic balance?	Wild horses and burros are not known to occur in the Moab Field Office area.	N/A
Do the existing populations in HMA's confine their use within the HMA?	Wild horses and burros are not known to occur in the Moab Field Office area.	N/A
Are there opportunities to expand HMA's where WH&B populations regularly stray from the HMA?	Wild horses and burros are not known to occur in the Moab Field Office area.	N/A
Are there HMA's where conditions are such (ecological, animal health, public safety, etc.) that the population should be removed and the HMA returned to Herd Area status?	Wild horses and burros are not known to occur in the Moab Field Office area.	N/A
Does the RMP identify guidelines and criteria to limit population growth within the HMA	Wild horses and burros are not known to occur in the Moab Field Office area.	N/A

Question	Response	Action
Does the RMP identify priority wildlife species and habitats?	Yes, each is discussed.	No Change
Are there management plans or prescriptions in place for priority habitats?	Yes, but some changes have occurred - DWR has made changes to their big game habitat maps; deer & elk crucial winter range changes & the removal of some greater & Gunnison sage grouse habitats were implemented through plan maintainence. Changes not addressed; (1)DWR desert bighorn new habitat files have not yet been implemented due to the potential impacts from expanding lambing habitats which is currently managed as NSO. (2) Pronghorn habitat have been changed, expanded. (3)FWS has identified proposed critical habitats for the GUSG & YBCU.	Add YUCU & GUSG critical habitats and new DWR bighorn lambing & pronghorn updates.
Does the RMP contain measurable objectives for desired wildlife habitat conditions for major habitat types?	Goals for habitats have been established, and management actions that would be allowed or disallowed to maintain, protect, and enhance habitats have been identified, but objectives are not easily measureable.	No Change
Are the Western Association of the Fish and Wildlife Agency (WAFWA) guidelines for wildlife (sage grouse, mule deer, bighorn sheep, etc.) incorporated into the RMP?	No - we use guidelines from the DWR 2002 Management Plan & BLM Conservation Strategy for Sage-grouse, DWR plans for big game, for bighorn, the BLM Management Plan (1993), the Utah BLM Desert BHS Plan (1998) & 1998 Management Plan for Domestic sheep & Goats in Wild Sheep Habitats.	No Change
Does the RMP provide adequate direction to protect migratory birds and their associated habitat?	WL 4-WL 9 provides measures to implement EO 131876, identify BCC and PIF priority species and provide management to avoid impacts, prioritize habitat improvements, reduce the spread of weeds, and avoid surface disturbances & pesticide use during nesting season (5/1-7/31).	No Change
Does the RMP provide adequate direction to protect raptors and their associated habitat?	Yes, WL-18 through BMPs from FWS, appendix R.	No Change
Has the RMP undergone Section 7 consultation for all listed species within the planning area?	Yes for all listed in 2008. Not for YBCU & GUSG.	Work with FWS on this. May need to consult, probably will be done on a statewide level.

Are RMP decisions consistent with the supporting Biological Assessments, Biological Opinions, and Recovery Plans? If not, explain.	Yes	No Change
Does the RMP contain strategies to conserve threatened or endangered and special status species, including listed species, species proposed for listing, and BLM sensitive species?	Yes	No Change
Does the RMP provide direction to manage priority wildlife, fish, T&E, rare plants, including transplant, augmentations, seasonal restrictions, guidelines, etc.?	Yes	No Change
Does the RMP provide objectives and actions for containing the potential spread of wildlife diseases, such as adequate separation between domestic and wild species; or white nose syndrome?	WL 39 - support conversion from sheep to cattle, do not allow cattle to sheep. Currently the DWR manages for this through removal as necessary. Nothing for white nose syndrome (WNS) as we do not have known large hibernacula or maternity roosts.	No Change
Does the RMP contain effective strategies for no net loss threatened or endangered, special status or sensitive species?	Yes, for the species listed in 2008.	Need to update for additional species added since 2008.
Does the RMP include use of the State Wildlife Action Plan? Does the RMP include consideration of climate adaptation for T&E, and BLM sensitive species (i.e. keeping pathways open for movement to refugia, etc.)?	No. Climate adaptation not specifically mentioned.	No Change
Monitoring	Verfied that all Special Status Species and Wildlife and Fisheries monitoring requirements are current and achievable.	No Change

Question	Response	Action
Does the RMP incorporate BLM's Wind Energy Development Policy? If not, how is wind energy being addressed?	Yes. LAR-10: Authorization of any ROW for wind or solar energy development will incorporate best management practices including the USFWS's "Guidelines for Wind Power" and provisions contained in the Final Wind Energy Programmatic EIS (June 24, 2005; BLM 2005d). LAR-11: Both wind and solar energy development (renewable energy) can be considered wherever ROWs could be authorized. ACEC-2: ACECs will be avoidance areas for all ROWs, including wind, solar energy and communication sites.	No Change
Does the RMP incorporate the allocations and stipulations developed through the National Wind, Solar, and Geothermal PEISs? If not explain:	Surface disturbing activities would be tied to the stipulations outlined in Appendix A, and conditions of approval applied to project to protect resources. These PEISs would be referred to should we receive a proposal. The Solar PEIS designated 587 acres as a variance area. The Wind PEIS did not mention Moab. Moab was not proposed for amendment in the Geothermal PEIS.	No Change
Does the RMP reference the DOE/BLM publication of February 2003 on Assessing the Potential for Renewable Energy on public land? If not, how is renewable energy being addressed?	No. Wind and Solar energy proposal can be considered wherever ROWs can be authorized.	No Change
Does the RMP incorporate the Solar Energy Development Policy *(IM 2007-097 updated to IM 2011-003 and extended to 9/30/15)* ? If not, how is solar energy addressed?	No. LAR-10 and LAR-11.	No Change
Does the RMP address or incorporate the Fish and Wildlife Service Bald and Golden Eagle Guidelines with respect to renewable energy development? If not, how are these guidelines being addressed?	Yes	No Change
Does the RMP reference the 2008 BLM/DOD Wind Energy Protocol? If not, explain:	No, the RMP pre-dates this protocol.	No Change
Does the RMP address transmission issues and identify transmission corridors? If corridors are identified, do they adequately match corridors established on the other side of the boundaries (i.e. does the corridor extend beyond the boundary of the RMP into the jurisdiction of the next RMP, and are they consistent across boundaries with respect to corridor widths, requirements, etc.)?	Yes. Transmission corridors are identifed in the RMP.	No Change

Question	Response	Action
Does the RMP provide for orderly corridor planning to meet current National needs and technological trends?	Yes	No Change
Does the RMP adequately consider ROW corridors, ROW use areas, and other ROW issues as outlined in IM 2002-196 Right of Way Management – Land Use Planning (6/26/02)?	Yes	No Change
Does the scope of designated corridors within the planning area accommodate existing, compatible, proposed and/or new uses?	Yes	No Change
Do designated corridors have appropriate width given potential and existing uses or energy demand?	Yes	No Change
Are there resource management objectives for TES for designated corridors?	Yes	No Change
Are there vegetation management objectives identified specifically within designated corridors that provide for sustainability of habitat while accommodating long-term maintenance of rights of way within the corridor?	The first Vegetation Goal/Objective (p. 131) establishes that the RMP will manage vegetation for desired future conditions. The RMP contains specific guidance for maintaining certain species' habitat in Vegetation and Wildlife decisions. The Lands and Realty section closes some areas because of resource concerns. While there are no vegetation or habitat conditions specifically tied to designated corridors, existing guidance in the RMP, tied with site-specific NEPA, can accommodate long-term maintenance of rights of way while providing for sustainability of habitat.	No Change

Question	Response	Action
Does the RMP address the intent of WO-IM-2012-117 leasing reform? I.E: a) Standardized Stipulations; b) Master Leasing Plans; c) Lease sale parcel review process?	No. There are currently 2 Master Leasing Plan areas identified within the planning area. The Moab Master Leasing Plan was just released in draft and the Cisco Desert Master Leasing Plan will be formally initiated in late summer/early fall of 2016. We follow the leasing reform practice of conducting EAs with public outreach for oil and gas lease sales and follow the lease sale parcel review process.	No Change

Question	Response	Action
Does the RMP address mitigation and monitoring in such a way to meet the Regional Mitigation objectives as identified in BLM 1794 Manual [draft] on Regional Mitigation?	BLM Manual 1794 is still in draft form.	No Change
If not, does the plan require maintenance to incorporate the new 1794 Manual?		

Question	Response	Action
Does the RMP recognize the 2009 BLM Air Quality Manual (MS 7300) and assess climate change as required by Secretarial Order 3289-1 and Departmental Manual 523 DM1 (dated 12/20/2012)?	Climate change is acknowledged and addressed qualitatively. RMP predates the 2009 BLM Air quality manual.	No Change
Does the RMP analysis address greenhouse gas (GHG) emissions for affected resource programs such as fluid mineral production or other activities with GHG generating potential?	GHGs are addressed qualitatively.	No Change
Does the RMP analysis address climate change effects and adaptation measures on natural resources? Explain:	VEG-15 addresses climate adaptation measures specific to drought.	No Change
Has the planning area been inventoried for terrestrial or subsurface carbon sequestration potential?	No	No Change
Are there areas of terrestrial or subsurface carbon sequestration potential in the planning area as evidenced by applications to explore or develop?	No	No Change

Question	Response	Action
Does the RMP provide adequate policy to preserve or enhance sage-grouse habitat and implement sage-grouse conservation planning? [Note: Greater-sage grouse in Richfield, Kanab, Vernal, and Price planning areas; Gunnison sage-grouse in Moab and Monticello planning areas.]	The Moab RMP will be amended through the Gunnison Sage Grouse Rangewide EIS. However, the language in the plan is adaptive and covers any changes in the listing of the species and the protection of sagebrush habitat.	No Change

Question	Response	Action
Is the RMP geospatial data in digital format? If not, is it in hardcopy and do you know where the spatial data is located?	Yes	No Change
Does the geospatial data meet BLM National data standards where they exist?	Yes	No Change
Is the geospatial planning data managed and archived according to WO IM 2003-238?	Yes	No Change
Is the RMP selected alternative geospatial data incorporated into the corporate data for the State and District?	Yes	No Change
Does the geospatial data for the RMP have metadata? If so, is this metadata up to date and maintained? If there is no metadata, explain:	Yes and yes, to the best of our ability.	No Change

Question	Response	Action
Are management actions outlined in the plan in the plan being implemented?	Yes	No Change
Does the RMP have an implementation schedule and is it current?	Yes and no. The implementation schedule could be updated.	No Change
Is the rate and degree to which plan implementation is being completed meeting the goals and objectives of the RMP?	Yes	No Change
Are management actions (decisions implemented) effective in achieving management goals and objectives?	Yes	No Change

Question	Response	Action
Are there major changes in the related plans of other agencies (including tribal, state and county) since the RMP was approved which are resulting in RMP direction to be inconsistent with the direction contained in those plans?	No	No Change

Question	Response	Action
Are there new data or analyses that significantly affect the planning decisions or validity of the NEPA analysis?	No	No Change
Are there unmet needs or new opportunities that can best be met through a plan amendment or revision, or will current management be sufficient?	New VRI information and wilderness inventories would need to be considered through the plan amendment process. Additional restrictions on where petrified wood could be collected would also need to be accomplished through the plan amendment process.	Amendment
Are new inventories warranted pursuant to the BLM's duty to maintain inventories on a continuous basis (FLPMA Section 201)?	Moab maintains a lands with wilderness characteristics inventory, and the visual resource inventory was completed after the RMP.	No Change
Based on this evaluation, is there sufficient cause to warrant amendment or revision of the RMP to accommodate implementation of National and State priorities and initiatives? If so, identify the program area(s) which warrant plan modification and the initiative/priorities affected.	No	No Change
Based on new information or circumstances, is there sufficient cause to warrant completing supplemental NEPA analyses or RFDs to keep the RMP current? If so, identify the specific program areas which require focused supplemental analysis or RFDs.	No	No Change

Appendix C: Plan Decisions Matrix

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
Note: Acreages throughout the RMP need to be adjusted to reflect the acquired lands in the Federal Recreational Land Exchange						
AQ-1	As appropriate, quantitative analysis of potential Air Quality impacts will be conducted for project-specific developments.	X				
AQ-2	Prescribed burns will be consistent with the State of Utah Division of Environmental Quality (UDEQ) permitting process and timed so as to minimize smoke impacts.	X				
AQ-3	Comply with Utah Air Conservation (UAC) Regulation R446-1. The best air quality control technology, as per guidance from the Utah Division of Air Quality (UDAQ), will be applied to actions on public lands as needed to meet air quality standards.	X				
AQ-4	Comply with UAC Regulation R446-1-4.5.3, which prohibits the use, maintenance, or construction of roadways without taking appropriate dust abatement measures. Compliance will be obtained through special	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	stipulations as a requirement on new projects and through the use of dust abatement control techniques in problem areas.					
AQ-5	Manage all BLM and BLM-authorized activities to maintain air quality within the thresholds established by the State of Utah Ambient Air Quality Standards and to ensure that those activities continue to keep the area as attainment, meet prevention of significant deterioration (PSD) Class II standards, and protect the Class I air shed of the National Parks (e.g., Arches and Canyonlands National Parks).	X				
AQ-6	Comply with the current Smoke Management Memorandum of Agreement (MOU) between BLM, USFS, and UDAQ. The MOU, in accordance with UAC regulation R446-1-2.4.4, requires reporting size, date of burn, fuel type, and estimated air emissions from each prescribed burn.	X				
AQ-7	BLM will continue to work	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	cooperatively with state, federal, and tribal entities in developing air quality assessment protocols to address cumulative impacts and regional air quality issues.					
AQ-8	BLM will continue to work cooperatively with the Utah Airshed Group to manage emissions from wildland and prescribed fire activities.	X				
AQ-9	National Ambient Air Quality Standards are enforced by the Utah Department of Environmental Quality, Division of Air Quality (UDEA-DAQ), with EPA oversight. Special requirements to reduce potential air quality impacts will be considered on a case-by-case basis in process land use authorizations.	X				
AQ-10	BLM will utilize BMPs and site specific mitigation measures, when appropriate, based on site specific conditions, to reduce emissions and enhance air quality. Examples of these types	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	of measures can be found in the Four Corners Air Quality Task Force Report of Mitigation Options, November 1, 2007.					
AQ-11	Project specific analyses will consider use of quantitative air quality analysis methods (i.e. modeling), when appropriate as determined by BLM, in consultation with state, federal and tribal entities.	X				
CUL -1	The BLM will comply with all pertinent statutes, regulations, formal agreements, Executive Orders, and policy as it applies to cultural resource management for all actions resulting from decisions in this land-use plan.	X				
CUL-2	Protect burial sites, associated burial goods, and sacred items in accordance with the Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act.	X				NAGPRA objects need repatriation at various museums. Two sites remain unprotected. Additional resources are necessary to complete this work.
CUL-3	Native American requests to practice traditional activities on	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	public lands will be considered on a case-by-case basis and will be allowed where practical and appropriate. Reasonable access to specific sacred sites will be allowed under the American Indian Religious Freedom Act.					
CUL-4	All treaty and trust responsibilities as they apply to public lands within the resource area will be honored.	X				
CUL-5	All land-disturbing activities within Traditional Cultural Properties will be designed to avoid or minimize impacts, where reasonable. Proposed projects or actions will be modified to avoid the area or site, avoid time of use by Native American groups, or will be eliminated altogether. Cultural sites may be closed to visitation when it is determined that this visitation is endangering site integrity.	X				Some sites need to be closed to visitation because site integrity is endangered. Additional resources are necessary to complete this work.
CUL-6	Camping will be prohibited and posted within or on archaeological and historic sites eligible for	X				Posting of additional 'No Camping' signs is needed.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	listing on the National Register of Historic Places.					
CUL-7	Class III inventory is not required prior to designations that allow continued use of an existing route, impose new limitations on an existing route, close an open area or travel route, keep a closed area closed, or keep an open area open.	X				
CUL-8	Class III cultural resources inventory will be conducted on newly designated ATV, motorcycle and mountain bike routes (48" wide or less) based on potential resource conflicts. Routes identified for survey will be prioritized based on landscape level overviews, cultural resource predictive models, and available site location, environmental, and contextual information. If eligible archaeological sites along these routes are being adversely impacted by continued route use, impacts will be mitigated. “New routes” are defined as those designated in the Travel Plan	X				Class III surveys are being conducted on all newly designated trails.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	accompanying this RMP.					
CUL-9	Where there is a reasonable expectation that a proposed route designation would shift, concentrate or expand travel into areas where historic properties are likely to be adversely affected, *Class III inventory and compliance with Section 106, focused on areas where adverse effects are likely to occur, is required prior to designation*.		X			Replace italicized and underlined phrase with: "reasonable and good faith efforts to identify historic properties will be undertaken in accordance with current regulatory requirements, NHPA agreements, and bureau policy."
CUL-10	Proposed designations of new routes will require Class III inventory of the Area of Potential Effect (APE) and compliance with Section 106 prior to designation. Class III inventory of the APE and compliance with Section 106 will also be required prior to identifying new locations proposed as staging areas or similar areas of concentrated OHV use.	X				
CUL-11	Eligible cultural sites will be protected and impacts mitigated		X			Update language to match bureau policy:

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	when it is determined that they are being impacted from grazing activities.					*Adverse effects to eligible cultural sites will be avoided, minimized and /or mitigated.*
CUL-12	New field inventories will be prioritized in areas of special cultural designation (e.g., ACECs, National Historic Trails, National Historic Landmarks) that have not been fully inventoried.	X				Additional resources are necessary to complete this work.
CUL-13	Sego Rock Art Site and Wall Street/Colorado River Rock Art District, which have educational and recreational values, will be developed for public visitation and interpretation as long as such work does not contribute to the deterioration or destruction of the resources being interpreted. Work will be conducted in partnership with universities, museums, Tribes, and interested site stewards for the creation of interpretive materials on the archaeology of the Moab Planning Area.		X			Sego Rock Art Site and Wall Street/Colorado River Rock Art District have new signs.
CUL-14	Specific management plans will be developed for up to seven	X				Additional resources are necessary to complete this

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	culturally sensitive areas unless integrated into other activity plans. These plans will also include, but will not be limited to, developing a site monitoring system; identifying sites in need of stabilization, restoration, and protective measures (e.g., fences, surveillance equipment); developing research designs for selected sites/areas; and developing specific mitigation measures.					work.
CUL-15	Cooperate with counties to ensure county road and trail construction and maintenance activities avoid or minimize impacts to cultural resources.	X				Partnership and collaboration with Grand County Trail Mix has been effective at ensuring new mountain bike and hiking trails avoid impacts to cultural resources.
CUL-16	Cultural plants, once identified by interested tribes, will be managed to insure that ground-disturbing activities on the land do not contribute to the decline of cultural sensitive plant communities. Collection of plant resources will be considered on a	X				Plants have been identified and collection is being coordinated with partners and tribe.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	case-by-case basis and will be allowed where practical and appropriate.					
CUL-17	Cultural resource management priority for the Ten Mile Wash and Mill Creek Canyon will be scientific research of prehistoric sites and cultural landscapes. Manage the Mill Creek planning area in accordance with the Mill Creek Management Plan (2001b).		X			Add: "*education and/or*" before scientific. Additional resources are necessary to complete this work.
CUL-18	Continue to allocate cultural sites, including ethnographic properties, to one of six management categories: a) scientific use; b) conservation for future use; c) traditional use; d) public use; e) experimental use; and f) discharged from management.	X				
CUL-19	Alternative management strategies for cultural resources are disclosed in the Special Designations sections. This section identifies areas with substantial cultural resources and alternative management prescriptions to protect these resources. These	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	areas include the Behind the Rocks, Ten Mile Wash, and Mill Creek Canyon ACECs, and the Wall Street portion of Highway 279/Shafer Basin/Long Canyon proposed ACEC.					
CUL-20	Cultural use allocations will be made at the time of site documentation; allocations can be changed as new information or management direction becomes available, subject to consistency with the approved plan.	X				Additional resources are necessary to complete this work.
CUL-21	Cultural management plans will be a component of the implementation plans for the Labyrinth Canyons, Colorado Riverway and South Moab SRMAs. Heritage tourism may be considered in these cultural management plans.	X				
CUL-22	Priority for new field inventory will be a 0.50-mile vulnerability zone surrounding cities and towns.	X				
CUL-23	Prioritize for Class II and Class III surveys a total of 30,000 acres	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	within the following areas: Bookcliffs, Dolores Triangle, North Fork of Mill Creek, South Fork of Mill Creek, Seven Mile, and Ten Mile Wash and its tributaries.					
CUL-24	To prevent further degradation from occurring, target the following areas for restoration of damaged cultural resources: South and North Forks of Mill Creek, Bartlett/Hidden Canyon, Hell Roaring uplands, Ten Mile Wash and Wall Street Rock Art District.	X				Additional resources are necessary to complete this work.
CUL-25	The following sites will be hardened and interpreted for public use: one site in Lower Kane Springs Canyon, and 3 sites in the Wall Street Rock Art District.		X			Update wording as follows: *Lower Kane Springs Canyon and the Wall Street Rock Art District will be hardened and/or interpreted for public use.* Note: One interpretative sign installed along Wall Street. Additional resources are necessary to complete this

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
						work.
FIRE-1	The Moab Fire District Fire Management Plan (FMP) will be updated and amended to meet the direction and objectives of the RMP.		X			Update title of document to "*Canyon Country Fire Zone Fire Management Plan*"
FIRE-2	Firefighter and public safety are the primary goals in all fire management decisions and actions.	X				
FIRE-3	Wildland fire will be utilized to protect, maintain and enhance resources and, when possible, will be allowed to function in its natural ecological role.	X				
FIRE-4	Hazardous fuels reduction treatments will be used to restore ecosystems; protect human, natural and cultural resources; and reduce the threat of wildfire to communities.	X				
FIRE-5	Fires will be suppressed at minimum cost, taking into account firefighter and public safety as well as benefits and values to be protected that are consistent with resource objectives.	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
FIRE-6	The BLM will implement a consistent, safe and cost-effective fire management program through appropriate planning, staffing, training, and equipment.	X				
FIRE-7	Fire management objectives will be established for every area with burnable vegetation, based on sound science and consideration of other resource objectives.	X				
FIRE-8	Emergency stabilization, rehabilitation, and restoration efforts will be implemented to protect and sustain resources, public health and safety, and community infrastructure.	X				
FIRE-9	The BLM will work together with partners and other affected groups and individuals to reduce risks to communities and to restore ecosystems.	X				
FIRE-10	The Reasonable and Prudent Measures and Terms and Conditions identified in consultation with the USFWS for the LUP Amendment will be implemented in fire-related	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	actions.					
FIRE-11	**Criteria for Establishing Fire Management Priorities**: Protection of human life is the primary fire management priority. Establishing a priority among protecting human communities and community infrastructure, other property and improvements, and natural and cultural resources is based on human health and safety, the values to be protected, and the costs of protection. When firefighters and other personnel have been committed to an incident, these human resources become the highest values to be protected. Priorities for all aspects of fire management decisions and actions are based on the following: • Protecting the Wildland-Urban Interface (WUI; including At-risk Communities and At-risk Watersheds). • Maintaining existing healthy	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	ecosystems. • High priority sub-basins (HUC-4) or watersheds (HUC-5). • Threatened, endangered, or special species. • Cultural resources and/or cultural landscapes.					
FIRE-12	**Suppression:** An "Appropriate Management Response" (AMR) procedure is required for every wildland fire that is not a prescribed fire. In all fire management decisions, strategies and actions, firefighter and public safety are the highest priority followed by consideration of benefits and values to be protected as well as suppression costs. The AMR can range from full suppression to managing fire for resource benefit (wildland fire use). Resource goals and objectives outlined in the RMP guide the development and implementation of AMR fire management activities in regard		X			Change “wildland fire use” to “use of wildland fire” as per NWCG definitions.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	to the accomplishment of those objectives. The FMP establishes fire suppression objectives with minimum and maximum suppression targets for each Fire Management Unit (FMU) within the MPA. While firefighter and public safety are the first priority, considerations for suppression activities also include fire intensity, acreage, and spread potential, threats to life and property, potential to impact high-value resources such as critical habitat for threatened, endangered and sensitive species, crucial wildlife habitat, cultural resources and/or riparian areas, historic fire regimes, and other special considerations such as wilderness and/or adjacent agency lands.					
FIRE-13	Wildland Fire Use for Resource Benefit: Wildland fire is authorized as a tool, when appropriate, to allow naturally ignited wildland fire to accomplish		X			Change “wildland fire use” to “use of wildland fire” as per NWCG definitions.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	specific resource management objectives. Due to existing resource conditions and proximity to values at risk, fire cannot be allowed to resume its natural role on all BLM lands in the MPA. Consideration of ongoing management actions and other natural changes will direct periodical reassessment of DWFC and determination of potential areas for wildland fire use. Operational management of wildland fire use is described in the Wildland Fire Implementation Plan (WFIP). The FMP identifies areas (FMUs) that may have the potential for wildland fire use. Wildland fire use may be authorized for all areas, except when the following resources and values may be negatively impacted and there are no reasonable Resource Protection Measures to protect such resources and values:					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• WUI areas. • Areas that are known to be highly susceptible to post-fire cheatgrass or invasive weed invasion. • Important terrestrial and aquatic habitats. • Non-fire-adapted vegetation communities. • Sensitive cultural resources. • Areas of soil with high or very high erosion hazard. • Class I air attainment areas and PM-10 non-attainment areas. • Administrative sites. • Developed recreation sites. • Communication sites. • Oil, gas and mining facilities. • Above-ground utility corridors. • High-use travel corridors, such as interstates, railroads, and/or highways.					
FIRE-14	**Fuels Treatment**: Fuels management activities outlined in the FMP will be consistent with		X			Change “wildland fire use” to “use of wildland fire” as per NWCG definitions.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	the resource goals and objectives contained in the RMP. To reduce hazards and to restore ecosystems, authorized fuels management actions include wildland fire use, prescribed fire, and mechanical, manual, chemical, biological, and seeding treatments. The FMP describes fuels management goals and objectives and the full range of fuels management strategies and actions authorized for fuels reduction. Fuels treatments are focused on the DWFC of restoring historic fire regimes to ecosystems when feasible, so that future wildland fire use actions can be more easily implemented. Fuels management actions may include but are not limited to the following activities: • Mechanical treatments such as mowing, chopping, or chipping/grinding (brush cutter), chaining, tilling, or cutting. • Manual treatments such as					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	hand-cutting (chainsaw or handsaw) and hand-piling. • Prescribed fire including broadcast, underburn, and hand-pile burning. • Chemical spraying or biological treatments such as insects or goats/sheep. • Seeding including aerial or ground application (manual or mechanical). Targeted areas may be treated in phases over a period of several years and may involve multiple and varied treatments. Estimated fuels reduction treatments of 5,000 to 10,000 acres/year are targeted dependent on budgetary and time constraints. These treatments are in addition to those to be accomplished under the Utah Watershed Restoration Initiative and the National Healthy Lands Initiative.					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Implementation of fuels management actions will be prioritized using the following criteria: • WUI areas. • Areas with fuel loading that could potentially result in the loss of ecosystem components following wildland fire. • Resource management goals and objectives.					
FIRE-15	**Prevention and Mitigation:** Prevention and mitigation goals target a reduction in unauthorized wildland fire ignitions. Goals include coordination with partners and affected groups and individuals, and a wide range of prevention and mitigation activities such as personal contacts, mass media, signing, and defensible space education. Implementation of fire prevention activities will be prioritized using the following criteria: • WUI areas.	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Major travel corridors. • Recreation sites. • Public lands as a whole.					
FIRE-16	**Emergency Stabilization and Rehabilitation (ESR):** A Normal Year Fire Stabilization and Rehabilitation Plan (NFRP) is in place to meet emergency stabilization and rehabilitation (ESR) needs and to comply with up-to-date ESR policy and guidance. The NFRP is a programmatic implementation plan authorizing treatment options specific to vegetative communities and dependent upon post-wildland fire conditions and other site-specific considerations. Treatment actions are designed according to the type and severity of wildfire impacts and priorities include, but are not limited to, areas where the following criteria apply: • It is necessary to protect human life and safety as well as property. • Unique or critical cultural	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	and/or historical resources are at risk. • It is determined soils are highly susceptible to accelerated erosion. • Perennial grasses and forbs (fire-tolerant plants) are not expected to provide soil and watershed protection within two years. • There is a need to establish a vegetative fuel break of less flammable species (greenstrips). • Unacceptable vegetation, such as noxious weeds, may readily invade and become established. • Shrubs and forbs are a crucial habitat component for wintering mule deer, pronghorn, sage- grouse, or other special status species. • Stabilization and rehabilitation are necessary to meet RMP resource objectives, including					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	rangeland seedings. • It is necessary to protect water quality. • It is necessary to quickly restore threatened, endangered, or special species habitat populations to prevent adverse impacts.					
HAZ-1	Comply with all applicable Abandoned Mine Lands (AML) policies.	X				
HAZ-2	In conformance with BLM's long-term strategies and national policies regarding Abandoned Mine Lands (AML), this RMP recognizes the need to work with our partners toward identifying and addressing physical safety and environmental hazards at all AML sites on public lands. In order to achieve this goal, a State strategy has been written. National program criteria for determining site priorities were used to develop the work plan. This State strategy is entitled "Utah's Abandoned Mine Land	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Multi Year Work Plan."					
HAZ-3	The criteria that will be used to establish physical safety hazard program priorities are: • The AML physical safety program's highest priority will be the cleaning up of those AML sites where (a) a death or injury has occurred, (b) the site is situated on or in immediate proximity to developed recreation sites and areas with high visitor use, and (c) upon formal risk assessment, a high or extremely high risk level is indicated. • AML will be factored into future recreation management area designations, land-use planning assessments, and all applicable use authorizations. • The site is presently listed or is eligible for listing in the Abandoned Mines Module of Protection and	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Response Information System. • AML hazards should be, to the extent practicable, mitigated or remediated on the ground during site development.					
HAZ-4	The criteria used to establish water quality-based AML program priorities are: • The State has identified the watershed as a priority based on (a) one or more water laws or regulations; (b) threat to public health or safety; and (c) threat to the environment. • The project reflects a collaborative effort with other land managing agencies. • The site is presently listed or is eligible for listing in the Abandoned Mines Site Cleanup Module of Protection and Response Information System. • The project will be funded by contributions from	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	collaborating agencies.					
HAZ-5	Identify and clean up unauthorized dumping sites and hazardous materials spills in the MPA as required to comply with applicable State, local, and Federal regulations.	X				
HAZ-6	The State Multi Year Work Plan will be maintained and updated as needed to reflect current policy for identifying program physical safety and water quality AML sites priorities for reclamation and remediation.	X				
LAR-1	Under *IMP* and Congressional action, Wilderness Study Areas and Wilderness Areas will be exclusion areas for any ROWs (Section 501(a) FLPMA).		X			Update IMP (italicized and underlined) to new wilderness manuals: MS-6330, MS-6340.
LAR-2	Continue the withdrawal of lands along the Colorado, Dolores and Green Rivers (totaling 65,037 acres within the MPA) from mineral entry (Three Rivers Withdrawal, October 6, 2004). In addition, continue the Westwater (8,096 acres) and	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Black Ridge Wilderness (5,200 acres) withdrawals (see Map 5).					
LAR-3	Give land exchanges with the State of Utah priority consideration to resolve inholding issues.	X				
LAR-4	Areas of Critical Environmental Concern (ACECs) will be avoidance areas for any new ROWs (including communication sites and wind and solar sites).	X				
LAR-5	Decisions on Land Tenure Adjustments and withdrawals will be made in accordance with the criteria contained in Appendix G.	X				
LAR-6	Determinations on authorizing commercial filming in the MPA will be made in accordance with the criteria outlined in Appendix H for minimum impact filming and standard NEPA procedures for projects not meeting minimum impact criteria.	X				
LAR-7	Right-of-way (ROW) avoidance and exclusion areas will be consistent with the stipulations identified in Appendix A for oil and gas leasing and other	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	surface-disturbing activities. These stipulations have been developed to protect important resource values.					
LAR-8	As per the State of Utah v. Andrus, Oct. 1, 1979 (Cotter Decision), the BLM will grant the State of Utah reasonable access to State lands for economic purposes, on a case-by-case basis.	X				
LAR-9	To reduce surface use conflicts along the U.S. Highway 191 utility corridor within Moab Canyon, apply a no surface occupancy stipulation for oil and gas leasing and other surface-disturbing activities (see Appendix A), except those associated with utility ROWs.	X				
LAR-10	Authorization of any ROW for wind or solar energy development will incorporate best management practices including the USFWS's "Guidelines for Wind Power" and provisions contained in the Final Wind Energy Programmatic EIS (June 24, 2005; BLM 2005d).		X			Consider modifying to include Solar Energy EIS (which amended the Moab RMP).

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
LAR-11	Both wind and solar energy development (renewable energy) can be considered wherever ROWs could be authorized.		X			Consider modifying to include Solar Energy EIS (which amended the Moab RMP).
LAR-12	To be consistent with the existing withdrawals from mineral entry, apply a no surface occupancy stipulation for oil and gas leasing and other surface-disturbing activities within the area of the Three Rivers and Westwater Mineral Withdrawals. This action will further protect the riparian, wildlife, scenic, and recreation values addressed in these withdrawals. Applying a no surface occupancy stipulation for oil and gas leasing to lands within the Three Rivers Withdrawal, in combination with other areas where a no surface occupancy stipulation is applied, results in tracts of land that are physically inaccessible to oil and gas operations. For this reason, portions of the lands within the Three Rivers Withdrawal (e.g.,		X			Decision may be amended by the Moab MLP. Revisit when the Record of the Decision for the Moab MLP is approved and ensure any change is reflected in the RMP.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	along the Colorado River near the Richardson Amphitheater and along the Dolores River near Beaver Creek) will be closed to oil and gas leasing. These areas will be managed as no surface occupancy for other surface-disturbing activities (see Appendix A).					
LAR-13	Lands and/or interest in lands (such as minerals and conservation easements) acquired through future LTA will take on the management of the surrounding area. Land acquisitions will be pursued if they meet the criteria in Appendix G.	X				
LAR-14	Designate an I-70 utility corridor that includes all major existing ROWs as identified in the RMP with a 1/2-mile width on each side of the widest ROW corridor. Designate the existing Moab Canyon utility corridor (Map 6).	X				
LAR-15	Combine the two corridors south of Spanish Valley into a single	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	corridor (Map 6). The corridor will include the approximately 2 to 3 miles separating the two segments.					
LAR-16	About 370,250 acres will be exclusion areas for ROWs. About 217,480 acres will be avoidance areas for ROWs.	X				
LAR-17	Parcels identified for disposal total 14,961 acres and are shown on Map 7 and in Appendix I.	X				
GRA-1	Grazing will be managed according to the *Guidelines for Livestock Grazing Management* to meet the Standards for Rangeland Health, including adjustment in seasons of use.	X				
GRA-2	On all allotments, allow allotment boundaries adjustments, joining and splitting, and modification of grazing season subject to appropriate NEPA review and analysis (see Map 8 for a map of grazing allotments).	X				
GRA-3	Continue to authorize grazing at the current preference levels (as per ten-year grazing permits) and adjust, if necessary to meet	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Standards for Rangeland Health.					
GRA-4	As amended in previous planning documents (the 1985 Grand RMP and a Plan Amendment analyzed in EA#068-94-047), grazing use will continue to not be authorized on the following allotments/areas (or portions of allotments/areas): • Between The Creeks with 3,960 acres and 221 AUMs, to protect municipal watersheds, improve mule deer winter range, improve riparian habitat, and reduce recreation conflict. • North Sand Flats with 18,246 acres and 798 AUMs, to reduce recreation conflict, improve mule deer winter range, and improve riparian habitat. • South Sand Flats with 10,209 acres and 592 AUMs, to reduce recreation conflict, improve mule deer winter range, and improve		X			Add "Cattleguard" after Hittle Bottom (last bullet; underlined and italicized) to avoid confusion. The newly created Round Mountain Allotment is located in Castle Valley on what was previously State land, which had a grazing permit issued by the State. The land exchange agreement recognizes all valid existing rights of the state lands exchanged and allows grazing to continue. This allotment is not part of the 6,074 acres described in this section.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	riparian habitat. • A portion of Arth's Pasture Allotment (Poison Spider area) with approximately 7,634 acres and 425 AUMs, to improve desert bighorn sheep habitat and reduce recreation conflict. • Castle Valley with 6,074 acres and 190 AUMs, to protect the Castle Valley sole source aquifer, to improve mule deer winter range, and to reduce recreation conflict. • Along Highway 128 from U.S. 191 to the Castle Valley Road, along U.S. 191 from Highway 313 to Moab, and along Highway 279 with 1,139 acres, to reduce recreation traffic conflict (no reduction in AUMs). • A portion of the Kane Spring Allotment (that portion in Kane Spring Canyon between the open valley and the river;					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	558 acres and no reduction in AUMs), to reduce recreation traffic conflict and to enhance riparian species' habitat. • An area along the Colorado River between *Hittle Bottom* and north of Dewey Bridge (400 acres and no reduction in AUMs), to reduce recreation traffic conflict and to enhance riparian species' habitat. See also decisions at GRA-16.					
GRA-5	Develop AMPs on seven allotments (Agate, Cisco, Cisco Mesa, , Highlands, Monument Wash, Little Hole, and San Arroyo) and on any additional allotments if resource issues are identified to benefit vegetation, wildlife, livestock grazing and soils.		X			Remove Harley Dome. Add *Little Hole*. Harley Dome is no longer an allotment. It is part of San Arroyo and Little Hole Allotments.
GRA-6	Identify appropriate utilization levels based on allotment or site-specific management practices, such as season-of-use, grazing	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	intensity and duration, and utilization patterns, as well as vegetative conditions, the presence or absence of range improvements, and resource issues or concerns. Use utilization levels as an indicator to evaluate if current grazing use is appropriate to meet resource objectives for the area. Generally moderate utilization levels (40–60%) will be used to indicate if general management objectives can be met. Utilization levels above those identified as appropriate will be used to adjust livestock use on a yearly basis through pasture and possible early removal from allotments as needed. Utilization levels may be especially important during periods of drought. Long-term adjustments to livestock use (term permits adjustments) require the evaluation of monitoring data including climate, actual grazing use,					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	current or historic impacts, utilization mapping, and long-term trend data, as well as utilization levels.					
GRA-7	Follow the recommendations of the National Sage-grouse Habitat Conservation Strategy (BLM 2004c) and the Strategic Management Plan for Sage-grouse (UDWR 2002) where applicable.	X				
GRA-8	Conversion of allotments from cattle to domestic sheep will not be considered in recognized bighorn sheep habitat (see Maps 9 and 10).	X				
GRA-9	Collect monitoring data, including trend, utilization, actual use, and climate data to determine if existing livestock management practices are meeting land-use planning and resource objectives.	X				
GRA-10	Change class of livestock from sheep to cattle on the Hatch Point Allotment (96,951 acres) to benefit wildlife.	X				
GRA-11	Rangelands that have been burned, reseeded, or otherwise treated to		X			Remove phrase: "*or otherwise mechanically*

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	alter vegetative composition will have livestock grazing use temporarily suspended as follows: (1) burned rangelands, whether by wildfire or prescribed burning, will be ungrazed for a minimum of one complete growing season following the burn; (2) rangelands that have been reseeded will be ungrazed for a minimum of two complete growing seasons following treatment.					*treated*". There is no reason to rest an area from grazing unless it has been reseeded.
GRA-12	**Relinquishment of Preference:** Voluntary relinquishments of grazing permits and preference, in whole or in part, submitted by a permittee in writing to the BLM, will be handled on a case- by-case basis. BLM will not recognize as valid, relinquishments which are conditional on specific BLM actions and BLM will not be bound by them. Relinquished permits and the associated preference will remain available for application by qualified	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	applicants after BLM considers if such action will meet rangeland health standards and is compatible with achieving land-use plan goals and objectives. Prior to re-issuance of the relinquished permit, the terms and conditions may be modified to meet RMP goals and objectives and/or site-specific resource objectives. However, upon relinquishment, BLM may determine through a site-specific evaluation and associated NEPA analysis that the public lands involved are better used for other purposes. Grazing may then be discontinued on the allotment through an amendment to the existing RMP or a new RMP effort. Any decision issued concerning discontinuance of livestock grazing is not permanent and may be reconsidered and changed through future LUP Amendments and updates.					
GRA-13	AUMs allotted to livestock:		X			The numbers have changed.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	106,479.					
GRA-14	Acres available for grazing: 1,690,481 acres.		X			The numbers have changed.
GRA-15	Acres not available for grazing: 132,047 acres (see Map 11).		X			The numbers have changed.
GRA-16	**Allotments Not Available for Grazing:** • Bogart with 14,744 acres and 209 AUMs (to benefit wildlife especially mule deer and/or elk habitat, riparian habitat, watershed health and erosive soils). • Cottonwood with 27,193 acres and 900 AUMs (to benefit wildlife especially mule deer and/or elk habitat, riparian habitat, watershed health and erosive soils). • Diamond with 18,620 acres and 588 AUMs (to benefit wildlife to benefit wildlife especially mule deer and/or elk habitat, riparian habitat, watershed health and erosive soils). • Pear Park, with 14,201 acres		X			Modify last sentence of decision as follows: *"This will reduce acreage in the allotments and will reduce the AUMs."*

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	and 200 AUMs (to benefit wildlife especially mule deer and/or elk habitat, riparian habitat, watershed health and erosive soils). • Ida Gulch, with 3,612 acres 112 AUMs (to recreation conflict and enhance riparian habitat). • Mill Creek with 3,921 acres and 137 AUMs (to reduce recreation and cultural conflict and to protect municipal watershed). • Portions of Professor Valley and River along Highway 128**, with 1,467 acres and 0 AUMs (to reduce recreation conflict and enhance riparian habitat). **A fence will be constructed along the southeast side of Highway 128 (set back to protect the scenic resources of the National Scenic Highway). This will result in all BLM lands					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	between the Colorado River and Highway 128 being unavailable for grazing. This will reduce acreage in the allotments, but it will not reduce the AUMs, because the quality of the forage is low due to heavy use by motorists and other recreationists.					
GRA-17	**Allotments Currently Not Available for Grazing that will be Available for Grazing:** • After allotment specific evaluation to assure resource objectives are met, Spring Creek Allotment will be available for livestock grazing.	X				
GRA-18	**Allotments Currently Not Available for Grazing that are to be Reconsidered for Allocation:** • Beaver Creek with 1,351 acres and 0 AUMs.	X				
GRA-19	**Grazing in Saline Soils:** Use grazing systems and develop AMPs to minimize impacts to saline soils and reduce salinity in the Colorado River drainage in		X			Remove Harley Dome. Add *Little Hole*. Harley Dome is no longer an allotment. It is part of San

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	the following allotments: Agate, Athena, Big Flat-Ten Mile, Cisco, Cisco Mesa, Coal Canyon, Crescent Canyon, Floy Creek, Harley Dome, Highlands, Horse Canyon, Little Grand, Lone Cone, Monument, and San Arroyo.					Arroyo and Little Hole Allotments.
GRA-20	**Grazing in Riparian Areas:** Evaluate non-functioning and functioning-at-risk riparian areas using Standards for Rangeland Health and Guidelines for Livestock Grazing Management to determine if restriction from grazing will improve riparian functioning condition. The following riparian areas will be given priority for evaluation: Ten Mile from Dripping Spring to the Green River, Mill Creek, Day Canyon, Seven Mile Canyon, and East Coyote (a total of 1,169 acres).	X				
GRA-21	**Vegetation Treatments:** Maintain the existing vegetation treatments (46,307 acres) to increase available forage within		X			Add *Floy Creek* to list of allotments and update acreage total accordingly.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	the following allotments. These areas have been treated over the past 50 years and consist primarily of pinyon-juniper woodlands. These areas will be treated by prescribed fire, chemical or mechanical or other means in accordance with BLM sagebrush conservation guidance and other applicable resource goals. The improved forage will benefit multiple use objectives including livestock and wildlife use. Allotments: Adobe Mesa, Big Triangle, Black Ridge, Buckhorn, Cisco, East Coyote, Fisher Valley, Granite Creek, Hatch Point, Lisbon, Lower Lisbon, Mountain Island, Rattlesnake South, Scharf Mesa, Spring Creek, Steamboat Mesa, Taylor, Windwhistle. (a total of 46,307 acres).					
GRA-22	Conduct new vegetation treatments (6,900 acres) for increased forage in the following allotments with prescribed fire,	X				Note: Veg treatments are/have been conducted in additional allotments.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	chemical, mechanical or other means: Floy Canyon, Hatch Point, Lisbon, and Showerbath. Other vegetation treatments will be considered to benefit other resource values such as wildlife or watershed.					
GRA-23	Implement Range Projects to Help Maintain Rangeland Health Standards: • Implement range projects that will equally benefit livestock grazing and other resource values.	X				
GRA-24	Grazing will be allowed on a limited basis in Ten Mile Wash downstream from Dripping Springs, with changes subject to future monitoring.	X				
MIN-1	Continue the withdrawal of lands along the Colorado, Dolores, and Green Rivers, totaling 65,037 acres within the MPA, from mineral entry (Three Rivers Withdrawal, October 6, 2004). In addition, continue the Westwater (8,096 acres)	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	withdrawal. Black Ridge Wilderness (5,200 acres) will remain closed, by law, to entry under the mining law.					
MIN-2	Wilderness Study Areas and designated Wilderness (358,806 acres) will remain closed, by law, to mineral leasing and development.	X				
MIN-3	Where public lands are sold or exchanged under 43 U.S.C. 682(B) (Small Tracts Act), 43 U.S.C. 869 (Recreation and Public Purposes Act), 43 U.S.C. 1718 (Sales) or 43 U.S.C. 1716 (Exchanges), the minerals reserved to the United States will continue to be removed from the operation of the mining laws unless a subsequent land-use planning decision expressly recommends restoring the land to mineral entry.	X				
MIN-4	**Leasable Minerals:** Split-estate lands (private surface/Federal minerals) and lands administered by other Federal agencies are not		X			This decision may be modified for the Moab MLP planning area. Revisit when the Record of Decision for the

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	managed by the BLM. The lands include about 29,678 acres of split-estate lands and the lands administered by the Manti-LaSal National Forest (141,241 acres). The surface owner or surface management agency (SMA) manages the surface. BLM administers the operational aspects of mineral leases. On lands administered by other Federal agencies, lease stipulations will include those required by the SMA. On 20,061 acres of split- estate lands, the BLM will apply the same lease stipulations as those applied to surrounding lands with Federal surface. BLM will close or impose a no surface occupancy stipulation on 9,617 acres of split-estate lands (see Appendix A). Mitigation measures to protect other resource values will be developed during the appropriate site-specific environmental analysis and will be attached as					Moab MLP is approved and ensure any change is reflected in the RMP.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	conditions of approval to permits in consultation with the surface owner or SMA.					
MIN-5	**Coal:** The coal resources within the MPA include the Sego and the La Sal coal fields. Approximately 80% of the Sego coal field is within Wilderness Study Areas and is not available for development. For the remaining coal resources, no interest has been expressed for coal leasing and the potential for development of coal resources is low (see Mineral Potential Report). At such time as interest is expressed in coal leasing, the RMP will be amended as appropriate and mining unsuitability criteria (43 CFR 3461) will be applied by the MFO before any coal leases are issued. If coal leases are issued, they will be subject to special conditions developed in the RMP and the unsuitability assessment. This may restrict all or certain types of mining	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	techniques. Before any coal could be removed, MFO will have to approve the mining permit application package, incorporating stipulations developed in the RMP.					
MIN-6	**Locatable Minerals:** Existing operations will continue to be subject to the stipulations developed for the notice or the plan of operations. The BLM will evaluate all operations authorized by the mining laws in the context of its requirement to prevent unnecessary and undue degradation of Federal lands and resources. Consistent with the rights afforded claimants under the mining laws, operations conducted after this RMP will be required to conform to the surface disturbing stipulations developed in this RMP.	X				
MIN-7	**Locatable Minerals:** Operations on BLM-administered lands open to mineral entry must be conducted in compliance with	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	BLM's surface management regulations (43 CFR 3715, 3802, 3809, and 3814). BLM surface management regulations do not apply to operations on other Federal lands but do apply to split-estate lands.					
MIN-8	**Leasable Minerals:** To be consistent with the existing withdrawals from mineral entry, apply a no surface occupancy stipulation for oil and gas leasing and other surface-disturbing activities (see Appendix A) within the area of the Three Rivers and Westwater Mineral Withdrawals. This action will further protect the riparian, wildlife, scenic, and recreation values addressed in these withdrawals.	X				
MIN-9	**Locatable Minerals:** To the extent possible, the stipulations developed for oil and gas leasing are applicable to all mineral activities (leasable, locatable, and salable). These stipulations are found in Appendix A. Leasable		X			This decision may be modified for the Moab MLP planning area. Revisit when the Record of Decision for the Moab MLP is approved and ensure any change is reflected in the RMP.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	minerals include oil and gas, coal, and potash. Locatable minerals include gold, copper, and uranium. Salable minerals include sand and gravel, clay, and building stone.					
MIN-10	**Locatable Minerals:** In areas where mineral activities would be incompatible with existing surface use, apply a no surface occupancy stipulation for oil and gas leasing and other surface-disturbing activities (see Appendix A). These areas are as follows: Moab and Spanish Valley, Castle Valley (including Mayberry Orchard), Thompson Springs, Moab Landfill, Moab Airport, and Dead Horse Point State Park.		X			Add to list of areas: *Moab Uranium Mill Tailings Remedial Action (UMTRA) project.*
MIN-11	The Federal minerals within the incorporated city of Moab and town of Castle Valley are closed to oil and gas leasing by Federal regulation at 43 CFR 3100.0-3 (a)(2)(iii).		X			Add to beginning: "***Leasable Minerals:***"
MIN-12	**Leasable Minerals:** The plan will	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	recognize and be consistent with the National Energy Policy Act and related BLM policy by adopting the following objectives: recognizing the need for diversity in obtaining energy supplies; encouraging conservation of sensitive resource values; improving energy distribution opportunities.					
MIN-13	**Leasable Minerals:** In accordance with an UDEQ-DAQ letter dated June 6, 2008 (See Appendix J) requesting implementation of interim nitrogen oxide control measures for compressor engines; BLM will require the following as a Lease Stipulation and a Condition of Approval for Applications for Permit to Drill: (1) All new and replacement internal combustion oil and gas field engines of less than or equal to 300 design-rated horsepower must not emit more than 2 gms of NOx per horsepower-hour. This	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	requirement does not apply to oil and gas field engines of less than or equal to 40 design-rated horsepower; (2) All new and replacement internal combustion oil and gas field engines of greater than 300 design rated horsepower must not emit more than 1.0 gms of NOx per horsepower-hour.					
MIN-14	**Leasable Minerals:** Lease stipulations have been developed to mitigate the impacts of oil and gas activity (see Appendix A and Map 12). The stipulations adhere to the Uniform Format prepared by the Rocky Mountain Regional Coordinating Committee in March 1989. Stipulations reflect the minimum requirements necessary to accomplish the desired resource protection and contain provisions/criteria to allow for exception, waiver and modification if warranted. Stipulations would be determined unnecessary if duplicative of		X			This decision may be modified for the Moab MLP planning area. Revisit when the Record of Decision for the Moab MLP is approved and ensure any change is reflected in the RMP.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Section 6 of the Standard Lease Terms. The BLM has identified Land-use Plan leasing allocations for all lands within the Moab Field Office. In addition, the Approved RMP describes specific lease stipulations and program-related Best Management Practices (both found in Appendix A: Stipulations and Environmental Best Practices Application to Oil and Gas Leasing and Other Surface Disturbing Activities) that apply to a variety of different resources.					
MIN-15	**Leasable Minerals:** Oil and gas leases issued prior to the RMP will continue to be managed under the stipulations in effect when issued. Those issued subsequent to the plan will be subject to the stipulations developed in the plan. Environmental best management practices will be incorporated into subsequent permits and authorizations to mitigate impacts	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	and conflicts with other uses and resource values (see Appendix A).					
MIN-16	**Leasable Minerals (Potash and Salt: Non-energy Leasable):** Within the MPA, three areas fall within known potash leasing areas (KPLAs). KPLA designations, based on known geologic data, will remain in place until potash resources are depleted. In KPLAs, potash leases are acquired through competitive bidding. In areas where potash values are not known, MFO could issue prospecting permits, which could lead to issuance of a preference right lease. There are currently 8 leases and numerous pending prospecting permit applications within the MPA (Map 13). Additional KPLAs could be designated, based on geologic data, if interest warranted. Potash leasing and prospecting permits issued prior to the RMP will continue to be managed under the stipulations in effect when issued.		X			This decision may be modified for the Moab MLP planning area. Revisit when the Record of Decision for the Moab MLP is approved and ensure any change is reflected in the RMP. RFD for potash has been completed and a new KPLA, the Ten Mile KPLA, was added in 2012.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Those leases issued subsequent to the RMP will be consistent with the oil and gas leasing stipulations developed in the RMP (see Appendix A).					
MIN-17	**Locatable Minerals:** A no surface occupancy stipulation cannot be applied to locatable minerals without a withdrawal. All public lands overlying Federal minerals are open to mining claim location unless specifically withdrawn from mineral entry by Secretarial order or by a public land law. Therefore, other than the existing withdrawals (Three Rivers, Westwater, and Black Ridge Wilderness), all public lands with the MPA remain open under the mining laws. Future withdrawals may be recommended in areas identified as closed or with a no surface occupancy stipulation if it becomes necessary to prevent unacceptable resource impacts.	X				
MIN-18	**Salable Minerals:** There are	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	currently 12 community pits totaling about 2,693 acres designated in the MPA (Map 14). Existing mineral material sale contracts, free use permits, and material sites, including community pits, will continue to be subject to the permit stipulation conditions. Sales, permits, community pits or common use areas issued or designated after the RMP will be subject to permit stipulations developed in the RMP. These stipulations will be the same as those stipulations for oil and gas leasing except that areas with a no surface occupancy stipulation and closed will be closed to the disposal of salable minerals.					
MIN-19	**Leasable Minerals:** Oil and Gas Leasing stipulations (see Map 12): • Approximately 427,273 acres will be open to oil and gas leasing, subject to standard terms and conditions.		X			This decision may be modified for the Moab MLP planning area. Revisit when the Record of Decision for the Moab MLP is approved and ensure any change is reflected in the RMP.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Approximately 806,994 acres will be open to oil and gas leasing subject to CSU and TL stipulations. • Approximately 217,480 acres will be open to oil and gas leasing subject to an NSO stipulation. • Approximately 370,250 acres will be closed to oil and gas leasing, of which 25,306 acres are outside Wilderness or Wilderness Study Areas. About 25,306 acres are closed to oil and gas leasing because it is not reasonable to apply an NSO stipulation. This includes areas where the oil and gas resources are physically inaccessible by current directional drilling technology from outside the boundaries of the NSO areas. (These lands closed to oil and gas leasing will be managed to preclude all other surface-disturbing activities.) Should					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	technology change, a Plan Amendment will be initiated to place these 25,306 acres under an NSO stipulation for oil and gas leasing. • In addition, 8,078 acres of Federal minerals (split-estate lands) will be managed as open to oil and gas leasing with an NSO stipulation, and 1,539 acres of Federal minerals (split-estate lands) will be closed to oil and gas leasing (see Appendix A).					
MIN-20	**Saleable Minerals (see Map 12):** • Approximately 427,273 acres will be open to the disposal of salable minerals subject to standard terms and conditions. • Approximately 806,994 acres will be open to the disposal of salable minerals subject to CSU and TL stipulations. • Approximately 217,480 acres will not be open to the disposal of salable minerals	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	(in those areas subject to an NSO stipulation for oil and gas leasing). • Approximately 370,250 acres will be closed to the disposal of salable minerals. In addition, 8,078 acres of Federal minerals (split-estate lands) will not be open to the disposal of salable minerals in those lands subject to an NSO stipulation for oil and gas, and 1,539 acres of Federal minerals (split-estate lands) will be closed to the disposal of salable minerals (see Appendix A).					
MIN-21	**Locatable Minerals:** • Approximately 427,273 acres are open to operations for locatable minerals subject to standard terms and conditions. • Approximately 962,258 acres are open to operations for locatable minerals subject to CSU and TL		X			Update IMP (italicized and underlined) to new WSA manual: MS-6330.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	stipulations. • Approximately 78,333 acres are withdrawn from operations to locatable minerals. • Approximately 353,510 acres within WSAs are open to operations for locatable minerals subject to the *IMP* (1650-1).					
WC-1	Manage 47,761 acres of non-WSA lands (see Map 16) to protect, preserve, and maintain wilderness characteristics by applying the following prescriptions: • Apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface- disturbing activities (see Appendix A). Applying a no surface occupancy stipulation for oil and gas leasing to non-WSA lands with wilderness characteristics, in combination with the no surface occupancy applied		X			Wilderness character inventories have been completed since the RMP was approved. A land use plan amendment will be needed to consider the new information and could modify this decision.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	because of the Three Rivers Withdrawal, results in tracts of land which are physically inaccessible to oil and gas operations within the Fisher Towers, Mary Jane Canyon, and Beaver Creek areas. For this reason, portions of non-WSA lands with wilderness characteristics in these areas will be closed to oil and gas leasing. • These areas will be managed to preclude other surface-disturbing activities (see Appendix A) including mineral material sales. • Retain public lands in Federal ownership. • Prohibit woodland harvest. • Manage vehicle use as limited to designated roads. • Designate as VRM Class II. • Manage as avoidance areas for ROWs.					
WC-2	Non-WSA lands to be managed for wilderness characteristics		X			Wilderness character inventories have been

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	include: Beaver Creek (25,722 acres), Fisher Towers (5,540 acres within the Richardson Amphitheater), and Mary Jane Canyon (16,499 acres within the Richardson Amphitheater).					completed since the RMP was approved. A land use plan amendment will be needed to consider the new information and could modify this decision.
PAL-1	Vertebrate fossils may be collected only by qualified individuals under a permit issued by the BLM Utah State Office. Vertebrate fossils include bones, teeth, eggs, and other body parts of animals with backbones such as dinosaurs, fish, turtles, and mammals. Vertebrate fossils also include trace fossils, such as footprints, burrows, gizzard stones, and dung.	X				
PAL-2	Fossils collected under a permit remain the property of the Federal government and must be placed in an approved repository (such as a museum or university) identified at the time of permit issuance.	X				
PAL-3	Locate, evaluate, and protect significant paleontological	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	resources. Provide for public visitation and education opportunities while simultaneously protecting and supporting the scientific and research value of paleontological resources in the MPA.					
PAL-4	Recreational collectors may collect and retain reasonable amounts of common invertebrate and plant fossils for personal, non-commercial use. Surface disturbance must be negligible, and collectors may only use non-power hand tools.	X				
PAL-5	Casting of vertebrate fossils, including dinosaur tracks, is prohibited unless allowed under a scientific/research permit issued by the BLM Utah State Office.	X				
PAL-6	Lands identified for disposal will be evaluated to determine whether such actions would remove significant fossils (see Appendix I) from Federal ownership.	X				
PAL-7	Recognize and protect paleontological resources	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	identified as part of the Dinosaur Diamond National Prehistoric Byway.					
PAL-8	Prohibit petrified wood gathering within the Colorado Riverway Special Recreation Management Area (SRMA) to protect these paleontological resources for future public enjoyment. Prohibit private petrified wood collection only near high visitation sites within the Labyrinth Rims/Gemini Bridges SRMA. Manage petrified wood gathering outside these two SRMAs to allow for private collection of petrified wood (43 CFR 3620).		X			Also prohibit petrified wood gathering in the Cedar Mountain Formation Wood localities in the Yellow Cat / Cisco areas due to over collecting of conifer and yellow cat redwood.
PAL-9	Prohibit commercial sales of petrified wood products due to limited availability of such resources.	X				
PAL-10	Attach lease notices, stipulations, and other requirements to permitted activities to prevent damage to paleontological resources.	X				
PAL-11	Manage Mill Canyon Dinosaur		X			Add Willow Springs, Mill

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Trail, Copper Ridge Sauropod Trackway, and Poison Spider Track Site as important scientific and public education resources as guided by future SRMA activity-level plans.					Canyon, and Dinosaur Stomping Ground Track Sites.
PAL-12	Personal collection of a reasonable amount of invertebrate and plant fossils will be allowed throughout the MPA. Where areas with rare and significant invertebrate and plant fossils are identified, these areas will be closed to personal collection.	X				
REC-1	Management of recreation will be generally guided by the Utah Standards for Public Land Health and Guidelines for Recreation Management. The guidelines describe in a broad sense the conditions to be maintained or achieved for rangeland health within the recreation program.	X				
REC-2	Where unacceptable damage to natural or cultural resources by	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	recreational use is anticipated or observed, BLM will seek to limit or control activities by managing the nature and extent of the activity or by providing site improvements that make the activity more sustainable or by a combination of management controls and facility development. Such management actions will seek to reduce or eliminate the adverse impact while maintaining the economic benefits associated with a wide range of recreation uses.					
REC-3	BLM will consider and, where appropriate, implement management methods to protect riparian resources, special status species, and wildlife habitat while enhancing recreation opportunities. Management methods may include limitation of visitor numbers, camping and travel controls, implementation of fees, alteration of when use takes place, and other similar	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	actions to be approved through normal BLM procedures.					
REC-4	BLM will coordinate management of recreation use with other agencies, State and local government and tribal units to provide public benefits.	X				
REC-5	Recreational off-highway vehicle (OHV) and mechanized travel will be consistent with area and route designations described in the travel management plan. BLM will work with agency and government officials and permit holders to develop procedures, protocols, permits or other types of authorization, as appropriate, to provide reasonable access for non-recreational use of OHVs for military, search and rescue, emergency, administrative, and permitted uses.	X				
REC-6	Dispersed camping is allowed where not specifically restricted. Dispersed camping may be closed seasonally or as impacts or	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	environmental conditions warrant. All vehicle use associated with dispersed camping activities is required to stay on designated routes.					
REC-7	Management actions limiting camping, wood gathering, firewood cutting, and requiring use of fire pans and portable toilets implemented through published closures limitations, restrictions, or special rules applicable to specific land areas within the MPA are carried forward in all alternatives (see Moab Field Office Recreation Rules in Appendix L).	X				
REC-8	Lands acquired within a management area through future land tenure adjustment will take on the management of the surrounding area.	X				
REC-9	Provide visitor information and outreach programs that emphasize the value of public land resources and low impact recreation techniques while also	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	providing information about recreation activities, experiences and benefits.					
REC-10	Provide public information concerning the prevention of the spread of invasive and exotic weeds, and about wildlife species and their habitat especially in riparian areas.	X				
REC-11	Continue to manage the Slickrock Bike Trail and Fisher Towers Trail as a National Recreation Trails consistent with their current secretarial designation. National Trails designation will be consistent with this plan.	X				
REC-12	Continue supporting public use and enjoyment of the Prehistoric Highway National Scenic Byway. Assist with the development and implementation of a management plan.	X				
REC-13	Support Grand County's efforts to obtain approval of corridor management plans for Utah Scenic Byways (Utah Highways 128, 313, and 279) and provide	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	assistance, where feasible, in the development of byway facilities consistent with other decisions of the RMP.					
REC-14	Continue to manage Kane Creek Road to Hurrah Pass and the roads to Needles, Anticline, and Minor overlooks as Utah Scenic Backways.	X				
REC-15	BLM Back Country Byways and National Recreation Trails may be designated in the future as deemed appropriate with site-specific environmental analysis.	X				
REC-16	Continue managing Kokopelli's Trail to facilitate its use as a potential segment of the American Discovery Trail. Seek to acquire public access along the entire route to facilitate potential designation as a National Recreation Trail.	X				
REC-17	Criteria for establishment of SRMAs, or adding or revising SRMA boundaries (using the Plan Amendment process, where appropriate) include:	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Recreation use requires intensive management strategies to provide recreation opportunities or maintain resource values. • A recreation area management plan or interdisciplinary plan with intensive and specific recreation management actions is approved. • BLM announces the management plan and plan approval through media. See Map 17 and Appendix M for SRMA goals, settings, outcomes and management prescriptions.					
REC-18	Generally, where SRMA boundaries are revised, management actions applicable to the original SRMA will also apply to the revised area.	X				
REC-19	Manage all public lands within SRMAs for retention in Federal ownership consistent with the	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	MFO exchange criteria and acquire high value non-Federal lands from willing sellers where such acquisition will further the purposes of each SRMA.					
REC-20	Apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface-disturbing activities (see Appendix A) within 0.5 miles of developed recreation sites (current and planned as Potential Future Facilities; see each SRMA).	X				
REC-21	Manage all SRMAs for sustainable camping opportunities. Camping may be restricted to designated sites if use and conditions warrant.	X				
REC-22	Manage all SRMAs according to the Visual Resource Management Class to protect scenic values and settings important to recreation.	X				
REC-23	Approved recreation facilities supporting recreation area management objectives will be planned and designed to reduce visual impacts where feasible (see Visual Resource Management).	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
REC-24	Replace The Colorado River SRMA (24,124 acres) with the Two Rivers, Colorado Riverway and Dolores River Canyons SRMAs (Map 17) to provide for more focused management.	X				
REC-25	Provide general recreation management guidance and subsequent implementation of management actions for activity plan level actions for SRMAs through continuation and modification of approved recreation area management plans (RAMPs) and development of new RAMPs for all SRMAs.	X				
REC-26	A River Management Plan for the Colorado River from the Colorado State Line to Castle Creek, and for the Dolores River, will be completed.	X				
REC-27	Designate SRMAs as either Destination SRMAs (majority of visitation from outside the area), Community SRMAs (the majority of visitation is from the local community), or Undeveloped	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	SRMAs (the focus of the SRMA is to maintain the backcountry setting.					
REC-28	**Facilities:** Build and maintain additional recreation facilities consistent with the guidance provided in RAMPs and in the various Focus Areas as established in the RMP (Map 18). In the absence of a RAMP, facilities may be considered through the NEPA process where they support the objectives of the SRMA.	X				
REC-29	**Facilities:** Campground facilities may be constructed; however, they will be located to avoid wetland, riparian, cultural resources, floodplains, and special status plant and animal species habitats. If avoidance is not possible, mitigation will be implemented to augment the values affected by the construction.	X				
REC-30	**Facilities:** Continue to manage and maintain for recreation use all	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	existing developed recreation sites. Follow site management guidance contained in RAMPs.					
REC-31	**Facilities:** Continue existing ROWs issued to BLM for all existing developed recreation sites and facilities. Issue similar protective ROWs for all new recreation facilities.	X				
REC-32	**Facilities:** Manage developed sites as necessary under the authority of 43 CFR Part 8360, inclusive of published closures, restrictions, and supplemental rules developed for the public lands within the MPA (see above), to protect visitor health and safety, reduce visitor conflicts, and provide for the protection of government property and resources.	X				
REC-33	Focus Areas are Recreation Management Zones (RMZ) for emphasizing particular types of recreation activities while still allowing for other uses in accordance with the Travel Plan.	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	As RMZs, Focus Areas (Map 18) are established as a mechanism for enhancing specific recreation opportunities through facilities and education such as route marking, parking, camping, and information. Where a single focus SRMA or a specific RMZ (Focus Area) is not identified, the default focus of that area is motorized, backcountry touring on designated roads. The roads are those identified in the Travel Plan accompanying this RMP.					
REC-34	The types of Focus Areas are: Non-mechanized Recreation, Mountain Bike Backcountry Touring, Motorized Backcountry Touring, Scenic Driving Corridors, Specialized Sport Venue Non-motorized, Specialized Sport Venue Motorized, and Managed Open OHV Area.	X				
REC-35	**Cameo Cliffs SRMA:** Manage the Cameo Cliffs area as a Destination SRMA (15,597 acres) under the Cameo Cliffs		X			Old Spanish Trail should be referred to as Old Spanish National Historic Trail.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Recreation Area Management Plan. The Cameo Cliffs SRMA will provide sustainable opportunities for road-related motorized and mechanized outdoor recreation on a marked route system, and provide a non-mechanized hiking and equestrian area in Hook and Ladder Gulch and along the route of the Old Spanish Trail, while protecting and maintaining resource values including range, wildlife habitat, scenic, cultural, historical, recreational, and riparian values in current or improved condition. To facilitate use of the area for touring purposes, no motorized competitive events will be authorized. Work with San Juan County to further implement the Cameo Cliffs portion of the San Juan County All-terrain Vehicle Plan, and to protect and manage wildlife, vegetation, and cultural					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	resources. Implement camping management rules as use levels and resource impacts warrant. **Facilities:** Install Cameo Cliffs OHV Trailhead toilet.					
REC-36	**Canyon Rims SRMA:** Manage the Canyon Rims SRMA (101,531 acres) as a Destination SRMA to protect, manage and improve the natural resources of the area while allowing for recreation activities such as developed camping, visiting scenic overlooks, auto touring on the primary road system, touring the secondary road system by motorized vehicle and mountain bike, and hiking and backpacking the canyons (in accordance with the ROS classes) utilizing interpretive and educational opportunities to realize the potential of the area. Major management actions in the Canyon	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Rims SRMA include: • Manage the area as open to mineral leasing with controlled surface occupancy except for developed recreation sites, which will be managed as open to leasing with no surface occupancy. • Manage the area to maintain ROS classes as inventoried. • Acquire or exchange private and State lands from willing landowners. • Manage the entire area as OHV travel limited to designated roads. • Manage the western rim land areas of Hatch Point as VRM Class II and the remainder of the area as VRM Class III. • Maintain and/or improve all existing developed recreation sites as specified in the Canyon Rims Recreation Area Management Plan. • Restrict camping near					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	developed recreation sites. • Close the entire recreation area to wood cutting and gathering. • Manage Hatch Wash and the lower section of West Coyote Creek for primitive, non- motorized recreation. • Restrict backcountry motorized events to commercial and non-race special events on the Flat Iron Mesa Jeep Safari route only. • Manage the Windwhistle Nature Trail, Anticline Overlook Trail, Needles Overlook Trail, and Trough Spring Canyon Trail for hiking use only • Consider development of additional trails and recreation facilities only as necessary. **Focus Area -- Non-mechanized Recreation (3,642 acres):** Hatch					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Wash Hiking and Backpacking Focus Area inclusive of the area from Goodman Canyon to the confluence of Hatch Wash with Kane Creek Canyon including the lower section of West Coyote Creek (from private land west to confluence with Hatch Wash) and the lower section of Troutwater Canyon. • New motorized routes will not be considered in the Hatch Wash Hiking and Backpacking Focus Area. **Focus Area -- Scenic Driving Corridors**: Needles and Anticline Roads – Utah Scenic Backways. Manage for scenic driving enjoyment. The corridor is defined as having a width of 1/2 mile from centerline (or to border of adjoining Focus Area).					
REC-37	**Colorado Riverway SRMA** will be established as a Destination SRMA at 89,936 acres. Management will be the same as	X				Map 17 updated and 3,660 acres added to SRMA via plan maintenance action 41. Incorporate changes to

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	the Colorado Riverway Recreation Management Area which was established in 1992 and extended in 2001. Management has focused upon providing improvements to sites to facilitate recreation use and protection of scenic and other resource values. Subsequent recreation plan amendments have addressed camping in the Onion Creek area, the construction of a bike lane along SR-128 from the Porcupine Rim Trail to Lion's Park, the construction of a non-motorized bridge on non-Federal land at Lion's Park, and the establishment of a non-mechanized route system in the area between Onion and Professor Creeks. Major management actions in the Colorado Riverway SRMA include: • Expand the boundary of the Colorado Riverway SRMA to include the lands north of the Entrada Bluffs Road to					updated e-version.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	the boundary of the Two Rivers SRMA, as well as lands south of the Entrada Bluffs Road (one mile corridor). • Manage the Colorado Riverway as a Destination SRMA to manage camping, boating, river access, trail, and interpretive facilities in popular areas along or near the Colorado River and to protect the outstanding resource values of the area. Guidance for management is included in the Colorado Riverway Recreation Area Management Plan. • Manage the Dewey Bridge to Castle Creek portion of the Colorado River to provide opportunities for high use boating in a scenic setting (see Boating Management below). • Manage south shore recreation sites (from Dewey					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Bridge to Lion's Park) under the Colorado Riverway RAMP. • Manage the north shore to provide quality undeveloped designated camping and hiking opportunities while assuring protection of high quality habitat for bighorn sheep as well as for other resource values. • Manage the Kane Creek Crossing area to emphasize responsible designated camping and scenic touring. • Manage the Entrada Bluffs Road area to emphasize designated camping opportunities, and scenic touring. • Manage the Shafer Basin addition to emphasize scenic backcountry driving opportunities (no camping allowed in this area). • Manage the Amphitheater Loop, Fisher Towers, Negro					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Bill Canyon, Hunter Canyon, and Corona Arch trails and Professor Creek to provide high quality hiking-only opportunities while preserving ecological resources. • Provide for parking and manage the Kings Bench route (above the Kane Creek Road near the Kings Bottom camping area) as a hiking route. Obtain public access from a willing seller across the short section of private land that is located along the route. • Manage the seldom-used 1.5-mile long route (that spurs left from the Poison Spider Mesa Road) on the intermediate bench between the Colorado River and Poison Spider Mesa for hiking use. If future use levels warrant, develop a return hiking trail loop on the					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	river side of the road bed. • Establish the proposed Pothole Arch and Rockstacker trails on Amasa Back (Kane Creek) as mountain bike routes. Work with Monticello Field Office to designate the Jackson's Ladder historic horse trail as a mountain bike trail from Jackson's Hole to the Amasa Back Jeep Road. Work with private land owners to secure non-motorized access to the bottom of this route. • Manage the Portal Trail to provide both hiking and mountain bike opportunities. • Manage the Kane Creek Road to Amasa Back Jeep Road section of the Historic Jackson's Ladder trail as hiking and biking only. • Acquire specific tracts of State land. • Acquire private lands or scenic easements from					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	willing sellers. • Restrict motorized and mechanized travel to designated routes. • Limit camping and camp fires to designated sites. • Close the area to firewood cutting and limiting firewood gathering to riverside driftwood. • Limit use of the Fisher Towers, Negro Bill Canyon, Hunter Canyon, and Corona Arch trails to foot travel. • Lands along the Colorado River within the Riverway are withdrawn from mineral entry through the Three Rivers Withdrawal. **Future Facilities within the Colorado River SRMA:** • Castle Valley Interpretive Site. • Entrada Bluffs Camping Area; camping in this area will be limited to this					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	campground. • Hittle Bottom Group Campsites. • Kane Creek Crossing Camping Area. Work with SITLA to implement joint camping management in this area. • Kane Creek Road Riverway Information Area • Lower Castle Creek Trail Access. • Poison Spider Dinosaur Track Trail. • Utah Highway 128 Bike Lane. • Utah Highway 279 Riverway Information Area. • Wall Street climbing area toilet. **Focus Area -- Negro Bill Hiking and Ecological Study Focus Area**: (8,684 acres) inclusive of Negro Bill Canyon between the Sand Flats Recreation Area and the Porcupine Rim Trail.					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Manage for recreational mechanized use on the main portion of the Porcupine Rim Trail from the junction approximately 1.55 miles east of Little Spring (upper exit to Sand Flats Road) to Highway 128 (with the exception of the Porcupine Rim Trail to Coffeepot Rock which will be managed for motorized use.) • Manage the Negro Bill Canyon Trail for hiking use only. Equestrian use of Negro Bill Canyon will be prohibited. • Manage the Porcupine Rim Trail to provide only hiking and mountain biking opportunities. Management of this trail may change pending resolution of wilderness designation for the Negro Bill Canyon WSA. • No new motorized routes will be considered.					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Focus Area -- Richardson Amphitheater/Castle Rock, Hiking, Climbing and Equestrian Focus Area: (24,767 acres) bounded by Fisher Valley, the rim of "Top of the World" escarpment, Highway 128, and non-Federal lands along the east side of the Castle Valley Road. Motorized use allowed on the Fisher Towers Road, the Onion Creek Road, roads serving private ranches and water developments in the Professor Valley area, and the motorized access route to the viewpoint of Professor Valley (the saddle between Adobe Mesa and Castle Rock) and the road to designated undeveloped campsites below Castle Rock. Work with Utah Open Lands (a private land conservation organization) to establish a semi-developed camping area to serve rock climbers. • The Onion Creek Benches equestrian trail system					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	between Onion and Professor Creeks will be managed to provide opportunities for equestrian trail riding. An equestrian-oriented reservable camping area will be managed in Onion Creek upstream from Highway 128. Up to 30 miles of equestrian trails will be marked within this Focus Area. • Manage the Amphitheater Loop and Fisher Tower Trails for hiking only. • Consider connecting hiking trails between Onion Creek and the Amphitheater Loop Trail. **Focus Areas -- Scenic Driving Corridors**: These corridors include Highways 128 and 279 (which are both designated Utah Scenic Byways), as well as the Kane Creek/Hurrah Pass portion of the Lockhart Basin Scenic Backway and the BLM portion of					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	the LaSal Mountain Loop Road Scenic Backway. Manage for scenic driving enjoyment. The corridor is defined as having a width of 1/2 mile from centerline, or line of sight or to border of adjoining Focus Area (whichever is shorter; see VRM for management prescriptions). **Focus Areas -- Specialized Sport Venue, Non-motorized: Tombstone Competitive BASE Jumping Focus Area (42 acres)**: • Manage Tombstone area to provide BASE jumping opportunities along the Kane Creek Road. BASE jumping will not be allowed in developed recreation sites. **Focus Areas -- Specialized Sport Venue, Non-motorized Wall Street Sport Climbing Focus Area (44 acres) (with special protective measures taken for rock art)**:					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Manage Wall Street area to provide rock climbing opportunities along the Potash Road. **Boating Management**: Dewey to Castle Creek: Manage to provide an opportunity for scenic, mild whitewater boating. No restrictions on amount of private use will be established unless unacceptable resource impacts occur. Permit 22 unallocated commercial permits. No further restrictions on amount of commercial use will be established. • Camping will be restricted to designated campsites along the north side of the Colorado River and existing campgrounds on the south side of the Colorado River.					
REC-38	**Dolores River Canyons SRMA (Map 17):** • Manage as an undeveloped SRMA (31,661 acres)	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Maintain high quality opportunities for non-motorized boating and day hiking or backpacking in a remote setting supported by basic trailheads, trails, and car camping facilities that support primitive, non-motorized use of the canyon system. • Major management actions will include prohibition of motorized and mechanized recreation use within the Dolores River's tributary canyons consistent with the Travel Plan. • No new motorized routes will be considered. **Boating Management:** Colorado State Line to Bridge Canyon: Manage to provide opportunities for scenic whitewater boating trips. Permits required for private and commercial use. Establish maximum group size of 25					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	(excluding guides on commercial trips). Do not establish daily launch limits. Permit 14 unallocated commercial outfitters.					
REC-39	**Labyrinth Rims/Gemini Bridges SRMA (Map 17):** • Manage the Labyrinth Rims/Gemini Bridges area (Map 17) as a Destination SRMA (300,650 acres) • BLM manages private boating use in Labyrinth Canyon in conjunction with the Utah Divisions of State Parks and Recreation and Fire, Forestry and State Lands under the terms of a cooperative agreement. The agreement establishes an interagency river permit system and coordinates implementation of common river protection rules including group size and use of fire pans and portable toilets. BLM also issues permits for shoreline use	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	related commercial river trips. • Lands along the Green River in Labyrinth Canyon were withdrawn from new entry under the mining laws through the Three Rivers Withdrawal. • Front country type use takes place along SR 313 and the Island in the Sky Road. This highway was designated the Dead Horse Mesa Scenic Byway by the State of Utah in the early 2000s. To manage dispersed camping and protect scenic values, BLM establishes a 1- mile-wide corridor along SR 313 and the Island in the Sky Entrance Road where camping is limited to designated sites, wood cutting and firewood gathering are prohibited, and portable toilets are required. BLM currently limits					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	camping in the corridor to the Horsethief Campground, the Lone Mesa, and Cowboy Camp camping areas. BLM also limits camping and prohibits woodcutting and firewood gathering in a one-mile-wide corridor along the Gemini Bridges Road. Manage the small Cowboy Camp for tent camping and manage the Lone Mesa area for group use. • In addition to the Mineral Bottom Takeout, BLM manages several additional facilities in the area including the Mill Canyon Dinosaur Interpretive Trail, the Halfway Stage Station Interpretive Site, and the Copper Ridge Sauropod Trackway Interpretive site. BLM also manages and maintains route markings (with user group assistance) on the Monitor and					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Merrimac, Seven Mile Rim, Poison Spider Mesa, Golden Spike, Goldbar Rim, Gemini Bridges, Lower Monitor and Merrimac, Bar M, and Klondike Bluffs routes which are used by both motorized and non-motorized visitors. The 3-D, Crystal Geyser, Hellroaring Rim, Secret Spire, and Wipeout Hill routes are authorized for Jeep Safari and other uses. • Continue issuing permits, for both private and commercial users, with common river protection rules for Labyrinth Rims/Gemini Bridges SRMA and consider extending the BLM/State cooperative agreement for management of non-commercial use to include management of commercial river use. If future use levels warrant, relocate the Mineral Bottom Takeout to a more suitable					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	location and initiate cooperative site operations with the National Park Service. • Limit camping to designated sites in high-use areas including the Scenic Driving Corridors and all areas east of the Dubinky Well Road as well as along Ten Mile Wash. • Manage backcountry areas to facilitate scenic motorized touring on designated routes with special emphasis upon establishment of low-development, end of route parking areas and route signing. • Improve the road to the Mill Canyon Dinosaur Trailhead to accommodate passenger car traffic. • Consider development of an alternative single-track mountain bike route on Poison Spider Mesa across the mesa top to the top of the					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Portal Trail. **Future Facilities:** • Bartlett Campground: camping in this area will be restricted to this campground. • Lone Mesa Campground: camping in this area will be restricted to this campground. • Blue Hills Road OHV Trailhead. • Courthouse Rock Campground, camping in this area will be restricted to the campground. • Cowboy Camp Campground, camping in this area will be restricted to this campground. • White Wash Sand Dunes OHV Parking and Camping Area. • Gemini Bridges Parking Area and Trailhead. **Focus Area -- Scenic Driving Corridors**: Highway 313 and the					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Island in the Sky Road (Utah Scenic Byway): Manage for scenic driving enjoyment. The corridor is defined as having a width of 1/2 mile from centerline (or to border of adjoining Focus Area; see Appendix A). **Focus Areas -- Non-Mechanized Recreation:** • Goldbar/Corona Arch Hiking Focus Area (4,191 acres) covers the lands below the Golden Spike OHV route inclusive of the Culvert Canyon drainage to the northern rim of Long Canyon exclusive of the main stem of the Day Point Road. Manage the Corona Arch Trail for hiking only. Develop a hiking loop route in Culvert Canyon from the canyon bottom up to Jeep Arch and back on the western bench of Culvert Canyon to the canyon to just up canyon from the railroad					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	spur. Apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface-disturbing activities (see Appendix A) to protect primitive hiking opportunities and scenic values. No new motorized routes will be considered. • Spring Canyon Hiking Focus Area (457 acres) will be established upstream from the Spring Canyon Bottom Road. No new motorized routes will be considered. • Labyrinth Canyon Canoe Focus Area (7,709 acres) inclusive of the rims along the east side of Labyrinth Canyon from Placer Bottom to Mineral Bottom exclusive of the Hey Joe Mine OHV and mountain bike route. No new motorized routes will be considered. • Seven Mile Canyons Equestrian Focus Area (1,026					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	acres) inclusive of the north and south forks of Seven Mile Canyon westward from the junction of the two canyons. Equestrian use in this area will be restricted to private (non-commercial) horse use. No new motorized routes will be considered. **Focus Areas -- Mountain Bike Backcountry Touring:** • Klondike Bluffs Mountain Biking Focus Area (14,626 acres) between Arches National Park and U.S. 191. Work with Grand County and SITLA to establish mountain-bike only opportunities in the Klondike area. Manage the Copper Ridge Sauropod Trackway Interpretive Trail for hiking only. • Bar M Mountain Biking Focus Area (2,904 acres) between Arches National Park, U.S. Highway 191, and					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	the Bar M area state lands, exclusive of motorized access for the Copper Ridge Jeep Safari Route and the 191 rock quarry access road. Convert existing routes to mechanized use and provide for a limited number of new and connecting routes to support use of area as the destination for the 191 bike lane. Recommend that the old highway route in Moab Canyon be managed for non-motorized use to facilitate use of the route as part of the 191 bike lane. • Tusher Slickrock Mountain Biking Focus Area (428 acres) on slickrock between Bartlett and Tusher Washes with main access from Bartlett Wash to reduce traffic in Tusher Canyon. Manage the Tusher Canyon slickrock and Bartlett slickrock areas for mountain					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	bike and hiking use only. Cross-country mountain biking across slick rock will be allowed throughout this area. • Mill Canyon/Upper Courthouse Mountain Biking Focus Area (5,744 acres) inclusive of areas within the Mill Canyon and upper Courthouse drainages with continued use of the Seven Mile Rim Jeep Safari route for motorized use, with non-motorized trailheads near the Mill Canyon Dinosaur Trail and the Halfway Stage Station. Manage the Mill Canyon Dinosaur Trail for hiking only (35 miles of road designated for motorized travel; 23 miles of route managed for mechanized use only). **Focus Area -- Motorized Backcountry Touring:**					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Gemini Bridges/Poison Spider Mesa Focus Area (16,299 acres) for multiple use, including full-size OHV, ATV, and motorcycle use with consideration given to managing routes suitable for each vehicle type. Travel will be intensively managed on designated routes only. Close the spur route to Gemini Bridges to facilitate public use and help restore damaged lands along the spur route. Construct a parking area near the bridges. **Focus Areas -- Specialized Sport Venue (Non-motorized):** • Mineral Canyon/Horsethief Point Competitive BASE Jumping Focus Area (762 acres) is established. • Bartlett Slickrock Freeride Focus Area (166 acres) is established. No man-made structures will be added to					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	facilitate "stunt riding." **Focus Areas – Specialized Sport Venue (Motorized):** • Dee Pass Motorized Trail Focus Area (35,290 acres) for motorcycle and ATV use: This is the area for competitive motorized events. Competitive routes within this area will be identified based on site-specific NEPA analysis. All routes designated for motorized use in the accompanying Travel Plan will remain open while Section 106 cultural resource inventories are conducted. If these inventories indicate the presence of eligible sites within the travel corridor, the route will be altered or closed. All new routes will require Section 106 cultural resource inventory prior to designation. Establish a					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	managed OHV route system with provision for ongoing management of existing single-track routes to maintain their single- track character. • Airport Hills Motocross Focus Area (285 acres): Manage the Focus Area for motocross use in partnership with local government under the Recreation and Public Purposes Act. A patent will be issued to local government. **Focus Area – Managed OHV area (cross country travel allowed):** • White Wash Sand Dunes Open OHV Focus Area, (1,866 acres) encompassing the area around the dunes themselves. Manage the central portion of the White Wash Sand Dunes for motorized sand play with					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	exception of the dune field cottonwood trees and White Wash water sources which will be closed to motorized travel and fenced. • Limit camping use in the White Wash Sand Dunes area to designated sites and establish basic camping facilities on the bench on the north side of White Wash. • Implement a fee system, under the guidelines of the Federal Land Recreation Enhancement Act, to help fund cost of intensive management of the White Wash Sand Dunes area.					
REC-40	**Lower Gray Canyon SRMA (Map17):** • Manage as a Destination SRMA in coordination with the Price Field Office. • Manage river recreation in accordance with the Desolation-Gray Canyons Management Plan.	X				Does not yet have a completed Recreation Area Management Plan.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Manage the existing riverside and the parallel bench route loop trails from Nefertiti Rapid to Rattlesnake Canyon for hiking and equestrian use. • Vehicle camping limited to designated sites					
REC-41	**Sand Flats Area SRMA (Map 17):** • Manage as a Destination SRMA (6,246 acres). Guidance for management is included in the Sand Flats RAMP, which was approved in August of 1994, and is supported by the June 1994 Cooperative Agreement with Grand County, which authorizes the county to collect fees for the benefit of the recreation area and participate in the operational management of the area to help implement the recreation area management plan. The following decisions are carried forward	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	from these plans: - Acquisition of State lands through exchange. - Provision for entrance and use fees. - Development of campgrounds. - Potential development of a drinking water source. - Provision for parking lots at the Slickrock and Little Spring trailheads. - Installation of toilets. - Development of an entrance station. - Provision for visitor protection. - Information and various services. - Limit camping to designated sites. - Limit OHV and mountain bike travel to designated routes. - Prohibit wood collecting and gathering. - Close the Moab Slickrock					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Bike Trail to four-wheeled vehicles and ATV use for safety purposes. - The Slickrock Bike Trail is open to motorcycles and mountain bikes only. - Apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface-disturbing activities (see Appendix A) to protect recreation and scenic values.					
REC-42	**South Moab SRMA (Map 17):** • Manage the South Moab SRMA (Map 17) as a Destination SRMA (63,999 acres). • Provide emphasis upon development of non-motorized trails through agreements with neighboring land owners through preparation of management guidance covering the Ken's	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Lake area. • Work with Grand and San Juan counties to establish the New Spanish Trail Bicycle Lane to provide safe bicycle access from Canyonlands Field to the Pack Creek Picnic Area. • Work with Moab City and Grand County to extend the Mill Creek Parkway to the Power Dam trailhead to provide safe access for cyclists and hikers. • Formalize and continue the existing partnership with the water district to share management expenses at Ken's Lake. • Manage the Mill Creek Power Dam hiking trailhead, the Ken's Lake Recreation Site, the Hidden Valley hiking trailhead and the Blue Hill multi-use trailhead as recreation sites. Continue to manage the Mill					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Creek Canyon hiking trails, the Ken's Lake hiking trail system, the Hidden Valley Hiking trail, the Steelbender/Flat Pass OHV/ mountain bike route, the Behind the Rocks OHV route, the Strike Ravine OHV route, and the Kane Creek Canyon Rim OHV/mountain bike route as recreation routes. • Limit camping to designated sites and prohibit wood gathering and cutting along the Black Ridge Road, the Pack Creek Road, the LaSal Mountain Loop Road and the Kane Creek Canyon Rim Road out to the Picture Frame Arch area. Prohibit camping on the west side of Spanish Valley, and in Mill Creek. • Manage Ken's Lake as a developed recreation site in partnership with the holders					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	of the ROW for Ken's Lake (Spanish Valley Water and Sewer District). • Manage the Mill Creek Canyon planning area in accordance with the approved interdisciplinary Mill Creek Canyon Management Plan. • Work with Grand County, SITLA, and private land owners to establish the "Power line" trail along the west side of Moab and Spanish Valleys from Kane Creek Road near the river portal south via the Hidden Valley Trailhead to the southern end of the Behind the Rocks area. • Work with San Juan and Grand Counties, SITLA, and private land owners to establish the Red Rock Horse Trail along the east side of Spanish Valley via Ken's Lake from the Johnson's Up-on-Top Road to the Loop					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Road/Pack Creek junction area. • Work with the Backcountry Horsemen, SITLA and San Juan County to establish equestrian riding loop routes south from the Ken's Lake Trailhead. **Focus Area -- Scenic Driving Corridors:** • LaSal Mountain Loop Road Scenic Backway. Manage for scenic driving enjoyment. The corridor is defined as: having a width of 1/2 mile from centerline (or to border of adjoining Focus Area) (see Appendix A). **Focus Areas -- Non-mechanized Recreation:** • Mill Creek Canyon Hiking Focus Area (16,950 acres) inclusive of the north and south forks of Mill Creek, Rill Creek, and Burkholder					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Draw south to the LaSal Mountain Loop Road with motorized use limited to the Steelbender OHV route and routes identified in the Travel Plan for this alternative. Emphasize management of the core area of Mill Creek to provide primitive hiking opportunities. Commercial equestrian use of Mill Creek Canyon and its tributaries will be prohibited except for use along the Steelbender/Flat Pass OHV/mountain bike route. No new motorized routes will be considered. • Behind the Rocks Hiking Focus Area (17,536 acres) inclusive of the area currently closed to motorized use in the 1985 RMP and the Hunter Canyon area between Pritchett Canyon and the eastern rim of Kane Creek Canyon exclusive of the					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Pritchett Canyon and Behind the Rocks OHV route. Manage the Hunter Canyon trail for hiking only. Emphasize management of the core area of Behind the Rocks to provide primitive hiking opportunities. No new motorized routes will be considered. **Focus Area -- Mountain Bike Backcountry Touring:** • Upper Spanish Valley Mountain Biking Focus Area (2,255 acres; Mud Spring Area) for development of a beginner to intermediate skill level mountain bike trail system through conversion of existing routes and development of new routes. Work with SITLA to expand route system on adjacent state lands. **Focus Area -- Specialized Sport**					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Venue (Non-motorized): • 24 Hours of Moab Focus Area (2,905 acres) will be established to facilitate mountain bike speed-related events. **Focus Area -- Specialized Sport Venue (Motorized):** • Potato Salad Hill Climbing Focus Area (41 acres) will be established within the boundary of the fenced areas emphasizing hill climbing events. Parking limitations will be established to limit vehicle group size.					
REC-43	**Two Rivers SRMA (Map 17):** • Manage the Two Rivers SRMA (29,839 acres) as a Destination SRMA with the objective of continuing to provide distinct, high quality opportunities for recreational boating and camping, and to protect the outstanding resource values. Use launch	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	systems and campsite assignments to reduce inter-party contacts. **Boating Management -- State Line to Westwater Ranger Station:** Manage for relatively high use flat water boating in conjunction with the Ruby/Horsethief Canyons section in Colorado. Co- administer a private boating or parking permit system and user limitations and fees in conjunction with Colorado BLM as a means of providing for adequate take-out. **Boating Management -- Westwater Canyon:** Manage to provide an opportunity for whitewater boating in a primitive and remote setting. Permits required for private and commercial use. Distribute potential use levels equally from May 1 to September 30 (allocation season) between private and					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	commercial sectors (including guides). Establish maximum private group size of 25 people and a daily launch limit of 75 people. For commercial use, establish a maximum trip size of 25 passengers, plus one crew member per passenger carrying craft, plus two additional crew. Establish a commercial daily launch limit of 75 passengers. Permit 18 commercial outfitters. **Boating Management -- Cisco Landing to Dewey Bridge:** Manage to provide an opportunity for scenic flat water boating or as an extension of Westwater Canyon trips. For private use, no restrictions on amount of use will be established. Permit 22 unallocated commercial permits. No further restrictions on amount of commercial use will be established. Manage the Dewey Bridge Recreation Site under the Colorado Riverway RAMP.					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Boating Management -- Dolores River from Bridge Canyon to its confluence with the Colorado River: Manage to provide opportunity for scenic whitewater boating trips. Permits required for private and commercial use. Establish maximum group size of 25 (excluding guides on commercial trips). Do not establish daily launch limits. Permit 14 unallocated commercial outfitters. **Future Facilities:** Acquire additional lands at the Westwater Ranger Station to include additional camping, parking and launch facilities. Seek to develop a take-out facility separate from the Westwater Ranger Station launch ramp to reduce congestion at the ranger station. Seek opportunities to expand legal and physical access to facilitate camping at the Ranger Station.					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Focus Area -- Non-mechanized Recreation: • Establish the Westwater Canyon River Use and Hiking Focus Area (23,479 acres) inclusive of Westwater Canyon along the Colorado River between Westwater Ranch and Rose Ranch and the surrounding uplands. • New motorized routes will not be considered.					
REC-44	**Utah Rims SRMA (Map 17):** Manage Utah Rims as a Community SRMA (15,424 acres) to provide sustainable opportunities for motorized, mechanized and non-motorized route related recreation while protecting and maintaining resource values including range, wildlife habitat, scenic, cultural, recreational, and riparian values in current or improved condition. Work with Colorado BLM to coordinate management of the	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Utah Rims and Rabbit Valley Colorado areas. Management actions will include: • Manage the Kokopelli's Trail for recreation use. • Manage Bitter Creek Campsite for camping. • Limit motorized and mechanized travel to a designated road and route system, including where feasible, the establishment and management of a network of single-track routes. • Acquisition of public access across non-Federal lands for the route system. • Development of a staging area. • Potential separation of types of single-track route use by time period. • Limited provision of camping facilities. • Prohibition of competitive, motorized events on the					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	single-track route system to maintain its single-track nature. • Add single-track routes to the route system on a case-by-case basis pending resolution of resource concerns.					
REC-45	**Extensive Recreation Management Area:** Manage all lands within the MPA not within an SRMA as the Moab Extensive Recreation Management Area (ERMA; see Map 17 and Appendix M). ERMA lands may be designated as SRMAs in the future based on intensity of use and will be analyzed through the plan amendment process. Minimal facilities may be constructed in the ERMA as needed to insure visitor health and safety, reduce user conflict, and protect resources.	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Provide general recreation management guidance and subsequent implementation of management actions for activity plan level actions for the Moab ERMA through development of a Recreation Area Management Plan (RAMP). Address both site-related issues (development and management in response to user demand and changing conditions) and backcountry management issues (the retention of backcountry characteristics, e.g., low level of development, relative lack of crowding, and feeling of remoteness). Amend the RMP, as necessary, for RMP level recreation and non-recreation actions proposed through the RAMP developed subsequent to RMP approval. Manage OHV travel as limited to designated routes or closed,					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	depending on the specific area (see Travel Management section, beginning on page 2-47). Monitor recreation activity in the Moab ERMA to maintain recreation opportunities and protect resource values. Continue making improvements to sites and areas as necessary and supported by activity and project level planning to balance demand for recreation opportunities and protection of the recreation resource base. Continue to manage the Utah portion of the Kokopelli's Trail as a multi-day mountain bike and vehicle route (in part) with associated camping areas. Develop basic camping and trailhead facilities to serve the Lost Spring Canyon area should use levels and impacts warrant.					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Construct information boards at the main exits along I-70 to inform visitors about recreation opportunities, travel management, low impact recreation techniques, and visitor safety issues. Upper Fisher Mesa (1,365 acres) will be managed to emphasize mountain biking. BLM will convert existing roads and provide new connecting routes for bicycle use in conjunction with the existing bike route within the Manti-LaSal National Forest. Motorized access will be retained along the main existing Fisher Mesa access road. Manage the Bookcliffs area (335,457 acres) for non-mechanized recreation, especially equestrian use, hiking, backpacking and big game hunting. It will be managed for low frequency of visitor					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	interaction by not establishing new motorized or mechanized recreation routes, no commercial motorized permits will be issued, and competitive events will not be allowed. Manage the Sego Canyon Rock Art Site as a day use recreation area. Consider acquisition of the adjacent private rock art area north of the interpretive site to expand interpretive opportunities.					
REC-46	**Special Recreation Permits (SRPs):** SRPs are issued as a discretionary action as a means to: help meet management objectives, provide opportunities for economic activity, facilitate recreational use of the public lands, control visitor use, protect recreational and natural resources, and provide for the health and safety of visitors. Cost recovery procedures for issuing SRPs will be applied where appropriate.	X				
REC-47	Priority for authorization of new	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	SRPs for events are given to applicants proposing uses that: do not duplicate existing events; take place outside of March, April, May, and October; make use of less-crowded weekdays; utilize facilities off public lands for overnight accommodation of guests; display and communicate the Canyon Country Minimum Impact Practices; and focus visitation on sites and areas capable of withstanding repeated use.					
REC-48	All SRPs will contain standard stipulations appropriate for the type of activity and may include additional stipulations necessary to protect lands or resources, reduce user conflicts, or minimize health and safety concerns.	X				
REC-49	There will be no competitive mechanized or motorized events in Wilderness Study Areas while these areas are managed under the IMP.		X			Update IMP to new WSA manual: MS-6330.
REC-50	Issue and manage special	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	recreation permits for a wide variety of uses to enhance outdoor recreational opportunities, provide opportunities for private enterprise, manage user-group interaction, and limit the impacts of such uses upon natural and cultural resources. Organized group permits required for groups with 25 or more vehicles (one driver/vehicle).					
RIP-1	Manage riparian resources for PFC, which is described as the presence of adequate vegetation, landforms, or large woody debris, in accordance with the Utah Standards for Public Rangeland Health and Guidelines for Recreation Management for BLM Lands in Utah and with the Grazing Guidelines for Grazing Management.	X				
RIP-2	Retain the Between the Creeks, North Sand Flats, and South Sand Flats Allotments as not available for grazing to benefit riparian resources. These	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	allotments include the following streams: Negro Bill Canyon, portions of Mill Creek, and Rill Creek.					
RIP-3	Mitigation to reduce impacts to floodplains and riparian areas include (from Standards for Public Land Health and Guidelines for Recreation Management for BLM Lands in Utah and BLM Riparian Manual 1737): • Where feasible and consistent with user safety, developed travel routes will be located/relocated away from sensitive riparian/wetland areas. • Camping in riparian areas will be avoided and must be managed, monitored, and modified as conditions dictate to reduce vegetation disturbance and sedimentation. • Stream crossings will be limited in number dictated by the topography, geology,	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	and soil type. Design any necessary stream crossings to minimize sedimentation, soil erosion and compaction (minimize longitudinal routes along stream banks, design crossings perpendicular to the stream). • Where necessary, control recreational use by changing location or kind of activity, season, intensity, distribution and/or duration. • Grazing actions to meet riparian objectives include vegetation use limits, fencing, herding, change of livestock class, temporary closures, change of season, and/or alternate development or relocation of water sources. • Any water diversions from riparian areas by BLM or non-BLM entities will be designed and constructed to protect ecological processes					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	and functions. • Implement weed management stipulations and education to reduce spread of noxious weeds along stream corridors.					
RIP-4	To the extent possible, mineral removal and lease development (including placer mining) must be located away from water's edge and outside of riparian/wetland zones.	X				
RIP-5	Limit activities in riparian areas, as necessary, to achieve and maintain PFC.	X				
RIP-6	Grazing actions to meet riparian objectives can include fencing, herding, change of livestock class, temporary closures, and/or change of livestock season of use.	X				
RIP-7	Preclude surface-disturbing activities within 100-year floodplains and within 100 meters of riparian areas, public water reserves, and springs.	X				
RIP-8	Prioritize restoration activities in riparian systems that are	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Functioning at Risk or Non-functioning.					
RIP-9	Continue to apply integrated species management to accomplish riparian restoration through biological, chemical, mechanical, and manual methods (e.g., tamarisk control, willow plantings).	X				
RIP-10	Acquire riparian lands and water resources (from willing sellers) to preserve and maintain riparian habitat and instream flow.	X				
RIP-11	Do not dispose of riparian or wetland resources unless resource loss is mitigated.	X				
RIP-12	Develop watershed management plans for impaired systems as identified in current TMDL reports (e.g., Onion Creek, Mill Creek, and Castle Creek).	X				
RIP-13	Close riparian areas to woodcutting, except where permitted for traditional cultural practices identified for Native Americans or for restoration to benefit riparian values.	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
RIP-14	Establish Lower South Fork of Seven Mile Canyon as a Riparian/Wetland Demonstration Area for the improvement and restoration of riparian, wetland and wildlife resources.	X				
RIP-15	Grazing will not be authorized on portions of the following streams (listed with affected allotments): the Colorado River from Dewey Bridge to Hittle Bottom (Professor Valley), and Lower Kane Creek (Kane Creek Springs).		X			Add "*Cattleguard*" after Hittle Bottom to avoid confusion.
RIP-16	Management strategies will be implemented to restore degraded riparian communities, protect natural flow requirements, protect water quality, and manage for year-round flow.	X				
RIP-17	**Grazing Actions:** Evaluate non-functioning and functioning at risk riparian areas using Standards for Rangeland Health and Guidelines for Livestock Grazing Management to determine if restriction from grazing will improve riparian functioning	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	condition. The following riparian areas will be given priority for evaluation: Ten Mile from Dripping Spring to the Green River, Mill Creek, Seven Mile Canyon, and East Coyote (totaling 1,420 acres).					
RIP-18	**Grazing Actions:** Cottonwood, Bogart, Pear Park and Diamond Allotments (which include Cottonwood and Diamond Canyons) will continue to be not available to grazing to benefit riparian resources. Castle Valley will also not be available for grazing. Spring Creek will be available for grazing.	X				The newly created Round Mountain Allotment is located in Castle Valley on what was previously State land, which had a grazing permit issued by the State. The land exchange agreement recognizes all valid existing rights of the state lands exchanged and allows grazing to continue. This allotment is not part of the 6,074 acres described in this section. It is anticipated that AUMs will be unavailable to grazing once existing permit expires (year 2026).
RIP-19	**Season-of-Use:** Season of use adjustments will be made on a	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	case-by-case basis to achieve PFC.					
RIP-20	**Watershed Management Plans:** Prioritize development and implementation of the Watershed Management Plans and riparian studies for the following areas: Ten Mile Wash, Kane Springs, Bartlett Wash, Tusher Wash, Mill Canyon, Courthouse Wash, Cottonwood-Diamond, and Onion Creek.	X				
SOL-WAT-1	Comply with all State, Federal and local laws to protect municipal watersheds (Thompson, Moab, and Castle Valley), and watersheds of any public or private water supply such as Windwhistle Campground, Westwater Ranger Station, La Sal Creek, and Browns Hole.	X				
SOL-WAT-2	Coordinate with Utah Division of Oil, Gas, and Mining to remediate existing Abandoned Mine Lands sites.	X				
SOL-WAT-3	Comply with Floodplain Executive Order 11988.	X				
SOL-	BLM will work with partners to	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
WAT-4	implement Best Management Practices (BMPs) and continue BLM's cooperative work with the Utah Divisions of Water Rights and Water Quality in accordance with the administrative memorandum of understanding (MOU) and the cooperative agreement addressing water quality monitoring.					
SOL-WAT-5	Allow no surface occupancy and preclude surface-disturbing activities (see Appendix A) within 100-year floodplains, within 100 meters of a natural spring, or within public water reserves.	X				Note: Moab MLP planning process is using drainages marked on USGS 24k maps to identify 100-year floodplains.
SOL-WAT-6	In cooperation with Grand and San Juan Counties, develop BMPs for road maintenance and construction in high risk areas (e.g., floodplains, riparian zones, and areas with sensitive soils).	X				
SOL-WAT-7	Continue management of the Mill Creek planning area in accordance with the Mill Creek Management Plan (2001).	X				
SOL-	Develop watershed management	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
WAT-8	plans for municipal watersheds to ensure water sources are protected adequately. Monitor municipal water quality/watershed conditions.					
SOL-WAT-9	To protect sensitive soils on slopes, apply a timing limitation stipulation for oil and gas leasing and other surface-disturbing activities (see Appendix A) prohibiting surface-disturbing activities on slopes in the Bookcliffs (see Map 19) greater than 30% from November 1 to April 30. This restriction includes road construction and traffic on existing roads associated with initial drilling operations. In addition, apply a controlled surface use stipulation for oil and gas and other surface-disturbing activities (see Appendix A) on slopes greater than 30% throughout the MPA.		X			This decision may be modified for the Moab MLP planning area. Revisit when the Record of Decision for the Moab MLP is approved and ensure any change is reflected in the RMP.
SOL-WAT-10	Follow Total Maximum Daily Load (TMDL) recommendations on 303(d) listed streams,		X			Add "*and 305(b)*". Add new 303(d) listed

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	currently Mill, Castle, and Onion Creeks.					streams: Kane; Cottonwood; Professor; Westwater; Diamond.
SOL-WAT-11	Minimize surface disturbance in areas identified as having "sensitive soils" unless long-term impacts can be mitigated.	X				
SOL-WAT-12	Maintain vegetation based on desired future condition to provide adequate ground cover to prevent accelerated erosion in wind erodible soils.	X				
SOL-WAT-13	Apply environmental BMPs to all oil and gas authorizations in accordance to WO IM 2007-021 and the most current version of the "Goldbook."		X			Change "WO IM 2007-021" to "*most current policy*". Apply to other IM references throughout the plan. Ensure that BMPs identified in the RMP are reflective of the most current agency BMPs.
SOL-WAT-14	Develop BMPs to address health and safety concerns associated with blowing dust along U.S. 191 and I-70.	X				Ongoing process.
SOL-WAT-15	Maintain or improve soil quality and long-term soil productivity through the implementation of Standards for Rangeland Health	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	and other soil protection measures.					
SOL-WAT-16	Manage uses to minimize and mitigate damage to soils.	X				
SOL-WAT-17	Maintain and/or restore overall watershed health and reduce erosion, stream sedimentation, and salinization of water.	X				
SOL-WAT-18	Coordinate with Grand Water and Sewer Service Agency to ensure required minimum instream flow of 3.0 cfs in Mill Creek below the Sheley diversion.	X				
SOL-WAT-19	Implement portions of Greater Sagers Wash Watershed Management Plan that pertain to surface disturbance.	X				
SOL-WAT-20	No additional OHV routes will be allowed in saline soils other than those already designated in the Travel Plan accompanying this RMP (see Appendix N). An exception will be considered on a case-by-case basis for proposed routes in the Dee Pass Motorized Focus Area and in the Utah Rims SRMA. Exceptions could also be considered on a case-by-case	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	basis outside these two areas if potential impacts could be mitigated and if the action will benefit other natural and cultural resources.					
SOL-WAT-21	Develop BMPs for activities on saline and other sensitive soils.		X			Need to ensure that RMP BMPs are reflective of most current agency BMPs.
SOL-WAT-22	Specific recommendations regarding surface and subsurface pipeline crossings found in Guidance for Pipeline Crossings (see Appendix O) will be implemented to prevent breakage and subsequent contamination.	X				
SOL-WAT-23	Implement guidelines from Technical Reference 1730-2, where feasible, to protect or restore the functions of biological soil crusts.	X				
SOL-WAT-24	Manage public lands in a manner consistent with the Colorado River Salinity Control Program, implementing BMPs and watershed restoration projects to reduce salinity contributions to the Colorado River system.	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
SOL-WAT-25	**Aquifers/Watersheds:** Apply a no surface occupancy stipulation to oil and gas leasing and preclude other surface-disturbing activities in the Castle Valley watershed in order to protect the sole source, unconfined, surficial aquifer.	X				
SOL-WAT-26	Apply a no surface occupancy stipulation to oil and gas leasing and preclude other surface-disturbing activities in the Mill Creek-Spanish Valley watershed in order to protect the aquifer for the Moab area.	X				
SOL-WAT-27	**Saline Soils in Mancos Shale:** To minimize watershed damage on saline soils in the Mancos Shale, apply a timing limitation stipulation for oil and gas leasing and other surface-disturbing activities (see Appendix A) prohibiting surface-disturbing activities on 330,142 acres of moderately to highly saline soils in the Mancos Shale (see Map 20) from December 1 to May 31. This		X			This decision may be modified for the Moab MLP planning area. Revisit when the Record of Decision for the Moab MLP is approved and ensure any change is reflected in the RMP.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	restriction includes road construction and traffic on existing roads associated with drilling operations					
SOL-WAT-28	**Grazing:** Use grazing systems and develop AMPs to minimize impacts to saline Soils.	X				
SOL-WAT-29	**Watershed Management Plans:** Prioritize development and implementation of the Watershed Management Plans for the following areas: Ten Mile Wash, Kane Springs, Bartlett Wash, Tusher Wash, Mill Canyon, Courthouse Wash, Cottonwood-Diamond, and Onion Creek.	X				Additional funding and resources needed to completed this work.
ACEC-1	Designate, modify and manage areas as ACECs (see Map 21) where special management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards. In those areas where ACECs		X			Update IMP to new WSA manual: MS-6330.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	overlap with WSAs, the WSA management prescriptions, as stipulated in the Interim Management Policy for Lands Under Wilderness Review (IMP), will take precedence.					
ACEC-2	ACECs will be avoidance areas for all ROWs, including wind, solar energy and communication sites.	X				
ACEC-3	Behind the Rocks (5,201 acres) will be designated as an ACEC. This area excludes the Behind the Rocks WSA, which will be managed according to the IMP to protect wilderness values. **Special Management:** To protect the relevant and important values of natural systems (threatened, sensitive and endangered plants), cultural resources and scenery, the following management prescriptions will apply: • Designate as VRM Class II. • No vegetation treatments (except for exotic/noxious		X			Update IMP to new WSA manual: MS-6330.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	weeds). • Cultural resources in Behind the Rocks ACEC will be prioritized for Class III inventory. • Vehicle-based camping only in campgrounds. No campfires outside of campgrounds. • No new motorized or mechanized routes; motorized/mechanized travel limited to designated routes. • Apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface- disturbing activities (see Appendix A). • No commercial or private use of woodland products.					
ACEC-4	Cottonwood-Diamond Watershed (35,830 acres) will be designated as an ACEC. **Special Management:** To protect the relevant and important values of natural systems, and to mitigate		X			Update IMP to new WSA manual: MS-6330.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	the natural hazards due to fire, the following management prescriptions will apply: • Continue to keep area not available to livestock grazing. • Close to vehicle use at the end of the Class B-road system, except for administrative access. • No new mechanized or motorized routes. Motorized and mechanized travel limited to designated routes outside the WSA, and closed in the WSA. • No competitive events. • Suspend commercial permits (guiding or special groups). • ACEC will only be designated until hazard is no longer present. At that point, management will revert to the IMP. • About 34,027 acres within the WSA are closed to oil and gas leasing, and the remaining 1,804 acres will be					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	managed as no surface occupancy for oil and gas leasing. Other surface-disturbing activities will be precluded (see Appendix A).					
ACEC-5	Highway 279/Shafer Basin/Long Canyon (13,500 acres) will be designated as an ACEC. **Special Management:** To protect the relevant and important values of scenery, wildlife, natural systems (threatened, sensitive, and endangered plants), and cultural resources, the following management prescriptions will apply: • Designate Highway 279 and Long Canyon as VRM Class II; manage the remainder of the ACEC as VRM I. • Permitted activities will be confined to main roads within crucial bighorn lambing habitat from April 1 through June 15. This	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	restriction will not apply to filming if the filming meets the minimum impact criteria (see Appendix H). • Wall Street rock art sites will be managed for public use with the emphasis on interpretation. • Motorized and mechanized travel limited to designated routes. • Vehicle-based camping only in designated campgrounds. • No campfires except in campgrounds. • Retain ACEC in public ownership except for the previously initiated Moab Salt Exchange Parcel (635 acres). Manage the entire area as no surface occupancy for oil and gas leasing and preclude other surface-disturbing activities.					
ACEC-6	Mill Creek Canyon (3,721 acres) will be designated as an ACEC. This area excludes the Mill Creek		X			Update IMP to new WSA manual: MS-6330.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Canyon WSA. The Mill Creek Canyon WSA (9,780 acres) will be managed according to the IMP to protect wilderness values. **Special Management:** To protect the relevant and important values of cultural resources, scenery, natural systems: (cold water fishery/riparian/watershed and wildlife), the following management prescriptions will apply to 3,721 acres in the ACEC: • Recreation activities will be managed according to the South Moab SRMA. • Prioritize Mill Creek for Class III cultural inventory. • Protect Native American traditional cultural places. • Designate as VRM Class II. • Livestock grazing will not be available. • No vehicle-based camping. • No campfires in riparian areas. • Motorized competitive					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	events will be prohibited. • No new mechanized or motorized routes. Motorized and mechanized travel limited to designated routes. • All recreational events will be confined to the designated roads in the ACEC. • Limit recreation facility development to day-use only. • Acquire state land within ACEC as the opportunity arises. • Maintain 3 cfs in the South Fork of Mill Creek below the Sheley diversion. • Apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface- disturbing activities (see Appendix A). • No recreational mining will be allowed. • No fuel wood harvesting					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	permits will be issued. • Private wood gathering for backpacking campfires will be allowed in the uplands only.					
ACEC-7	Ten Mile Wash (4,980 acres) will be designated as an ACEC. **Special Management:** To protect the relevant and important values of natural systems (riparian/wetlands), wildlife, cultural resources and natural hazards, the following management prescriptions will apply: • Prioritize Ten Mile for Class III cultural inventory. • Prioritize Ten Mile as a scientific research area. • Grazing will be allowed on a limited basis in Ten Mile Canyon downstream from Dripping Springs, with changes subject to future monitoring and conformance with Standards for Rangeland	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Health. • Prioritize area for riparian restoration. • Restrict camping and campfires to designated sites at Dripping Spring. • Motorized and mechanized travel limited to designated routes. • No competitive events. • Establish speed limits. • Reroute designated road around the wetlands south of the cattle guard near Dripping Springs. • Restrict vehicle access at the Green River; designate a parking area at the Green River. • Permits for motorized recreational use may be required if monitoring indicates long-term damage. • Require permits for groups greater than 25 vehicles. • Apply a no surface occupancy stipulation for oil					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	and gas leasing and preclude other surface- disturbing activities (see Appendix A). • No commercial or private collection of woodland products.					
TRA-1	Segments of the Old Spanish Trail will be identified and classified for historic integrity and condition. These segments will then be designated for appropriate types of management and travel.		X			Old Spanish Trail should be referred to as Old Spanish National Historic Trail. Segments have been identified. Designations for types of management and travel have yet to be completed.
TRA-2	Landmarks along the Old Spanish Trail will be identified for historic integrity and interpreted only if the action will not impact the values at the site. All interpretation projects will be done in consultation with Native Americans and other interested parties including the Old Spanish Trail Association and National Park Service.		X			Old Spanish Trail should be referred to as Old Spanish National Historic Trail. Casa Colorado has been identified as a historic landmark to be nominated for the National Register of Historic Places. Note: Internal consultation includes BLM's Old Spanish

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
						National Historic Trail Coordinator.
TRA-3	Consider plan amendment, as necessary, to incorporate provisions of the forthcoming Old Spanish Trail Comprehensive Management Plan.		X			Old Spanish Trail should be referred to as Old Spanish National Historic Trail.
TRA-4	Participate in the development of the management plan for the Old Spanish Trail Comprehensive Management Plan and assist with its implementation as opportunities arise, consistent with other decisions of the RMP.		X			Old Spanish Trail should be referred to as Old Spanish National Historic Trail.
TRA-5	Support protective management, interpretation, and public enjoyment and understanding of the National Historic Old Spanish Trail, consistent with the Old Spanish Trail Comprehensive Management Plan.		X			Old Spanish Trail should be referred to as Old Spanish National Historic Trail.
TRA-6	Seek to acquire public access to the site of the Old Spanish Trail ford of the Green River, upstream from the town of Green River, Utah, for the purpose of developing an interpretive site.		X			Old Spanish Trail should be referred to as Old Spanish National Historic Trail.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
TRA-7	Consistent with the Cameo Cliffs and Canyon Rims Recreation Area Management Plans (RAMPs), consider developing and managing a section of the Old Spanish Trail for equestrian use.		X			Old Spanish Trail should be referred to as Old Spanish National Historic Trail.
WSR-1	River segments found suitable and recommended for designation will be managed to protect their free-flowing condition and to protect the outstandingly remarkable values and maintain the tentative classification within line-of-sight up to 1/4 mile (1/3 miles on the Colorado and Dolores Rivers) from the high water mark on each bank of the river (not to exceed 320 acres per mile). Management that will apply should any rivers be designated by Congress is identified in BLM Manual 8351.51 (see Appendix P and Map 22 for river segments found suitable for WSR designation).	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
WSR-2	BLM will not seek water rights as part of a suitability decision made in the Record of Decision for this RMP.	X				
WSR-3	WSR segments recommended as suitable for Wild will be designated as VRM Class I, closed to oil and gas leasing and closed to motorized travel; Scenic and Recreational segments will be designated as VRM Class II, managed with a no surface occupancy for oil and gas leasing and other surface disturbing activities, and managed with travel limited to designated routes.	X				
WSR-4	OHV travel will be limited to designated routes or closed, depending on the river segment.	X				
WSR-5	The stipulations that will be applied to oil and gas leasing and other surface-disturbing activities within suitable river segments have been developed based on other resource values such as scenery, wildlife and fisheries, riparian, and recreation. In all	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	cases, these stipulations are sufficient to protect the outstandingly remarkable values. All suitable segments will be managed with a no surface occupancy stipulation for oil and gas leasing as well as all other surface- disturbing activities, or as closed to oil and gas leasing (see Appendix A and Map 12 for the surface stipulations application to oil and gas leasing and other surface-disturbing activities).					
WSR-6	BLM will work with the State of Utah, local and tribal governments, and other federal agencies, in a state-wide study, to reach consensus regarding recommendations to Congress for the inclusion of rivers in the National Wild and Scenic Rivers System. Besides applying consistent criteria across agency jurisdictions, the joint study will avoid piecemealing of river segments in logical watershed units in the state. The study will	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	evaluate, in detail, the possible benefits and effects of designation on the local and state economies, agricultural and industrial operations and interests, outdoor recreation, natural resources (including the outstandingly remarkable values for which the river was deemed suitable), water rights, water quality, water resource planning, and access to and across river corridors within, and upstream and downstream from the proposed segment(s). Actual designation of river segments will only occur through congressional action or as a result of Secretarial decision at the request of the Governor in accordance with provisions of the Wild and Scenic Rivers Act (the Act). BLM will work with the State, local and tribal governments, and the agencies involved, to coordinate its decision making on wild and scenic river issues and to achieve					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	consistency wherever possible.					
WSR-7	BLM recognizes that water resources on most river and stream segments within the State of Utah are already fully allocated. Before stream segments that have been recommended as suitable under this Approved RMP are recommended to Congress for designation, BLM will continue to work with affected local, state, federal and tribal partners to identify in-stream flows necessary to meet critical resource needs, including values related to the subject segment(s). Such quantifications will be included in any recommendation for designation.	X				
WSR-8	BLM will then seek to jointly promote innovative strategies, community-based planning, and voluntary agreements with water users, under State law, to address those needs.	X				
WSR-9	Should designations occur on any river segment as a result of	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Secretarial or congressional action, existing rights, privileges, and contracts will be protected. Under Section 12 of the Act, termination of such rights, privileges, and contracts may happen only with the consent of the affected non-federal party. A determination by the BLM of eligibility and suitability for the inclusion of rivers on public lands to the Wild and Scenic Rivers System does not create new water rights for the BLM. Federal reserved water rights for new components of the Wild and Scenic Rivers System are established at the discretion of Congress. If water is reserved by Congress when a river component is added to the Wild and Scenic rivers System, it will come from water that is not appropriated at the time of designation, in the amount necessary to protect features which led to the river's inclusion into the system. BLM's intent					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	will be leave existing water rights undisturbed and to recognize the lawful rights of private, municipal and state entities to manage water resources under state law to meet the needs of the community. Federal law, including Section 13 of the Act and the McCarren Amendment (43 U.S.C. 666), recognizes state jurisdiction over water allocation in designated streams. Thus, it is BLM's position that existing water rights, including flow apportioned to the State of Utah interstate agreements and compacts, including the Upper Colorado River Compact, and developments of such rights will not be affected by designation or the creation of the possible federal reserved water right. BLM will seek to work with upstream and downstream water users and applicable agencies to ensure that water flows are maintained at a level sufficient to sustain the values					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	for which affected river segments were designated.					
WSR-10	Designate Colorado River Segment 2 – (Westwater Canyon from Mile 125 to River Mile 112) as suitable for recommendation into the National Wild and Scenic Rivers System with a classification of "Wild".	X				
WSR-11	Designate Colorado River Segment 3(a) – (River Mile 112 to Cisco Wash) as suitable for recommendation into the National Wild and Scenic Rivers System with a classification of "Scenic".	X				
WSR-12	Designate Colorado River Segment 3(b) – (Cisco Wash to the confluence of the Colorado with the Dolores River) as suitable for recommendation into the National Wild and Scenic Rivers System with a classification of "Recreational".	X				
WSR-13	Designate Colorado River Segment 4 – (Confluence of the Colorado with the Dolores River to Mile 49 near Potash) as	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	suitable for recommendation into the Wild and Scenic Rivers System with a classification of "Recreational".					
WSR-14	Designate Colorado River Segment 5 – (Mile 44.5 to Mile 38.5) as suitable for recommendation into the Wild and Scenic Rivers System with a classification of "Scenic".	X				
WSR-15	Designate Colorado River Segment 6 – (Mile 37.5 to 34 at the Canyonlands National Park boundary) as suitable for recommendation into the Wild and Scenic Rivers System with a classification of "Scenic".	X				
WSR-16	Designate Dolores River Segment 1 – (Colorado State line to Fisher Creek) as suitable for recommendation into the Wild and Scenic Rivers System with a classification of "Recreational".	X				
WSR-17	Designate Dolores River Segment 2 – (Fisher Creek to Bridge Canyon) as suitable for recommendation into the Wild and	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Scenic Rivers System with a classification of "Scenic".					
WSR-18	Designate Dolores River Segment 3 – (Bridge Canyon to the Colorado River) as suitable for recommendation into the Wild and Scenic Rivers System with a classification of "Recreational".	X				
WSR-19	Designate Green River Segment 1 – (Coal Creek to Nefertiti Boat Ramp) as suitable for recommendation into the Wild and Scenic Rivers System with a classification "Wild".	X				
WSR-20	Designate Green River Segment 2 – (Nefertiti Boat Ramp to Swasey's Boat Ramp) as suitable for recommendation into the Wild and Scenic Rivers System with a classification of "Recreational".	X				
WSR-21	Designate Green River Segment 4(a) – (Mile 97 at the confluence with the San Rafael River to Canyonlands National Park boundary) as suitable for recommendation into the Wild	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	and Scenic Rivers System with a classification of "Scenic".					
WSR-22	The suitability of Salt Wash is deferred until the National Park Service does its suitability study on the portion of Salt Wash that is within Arches National Park. Salt Wash remains eligible and is managed to protect its outstandingly remarkable values, free-flowing nature, and tentative classification. By default, the lower 0.25 miles of this 0.3 mile segment is within Segment 4 of the Colorado River. Consequently, it is managed as suitable with a "recreation" classification.	X				
DW-1	Manage Black Ridge Wilderness Area (5,200 acres; part of the McInnis Canyon National Conservation Area) in accordance with applicable law, regulation, policy, and management for the area (see Map 23).	X				
DW-2	For designated Wilderness, any new development or surface	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	disturbance is for wilderness purposes, and the lands are closed to mineral leasing and location. These are non-discretionary, non-planning decisions.					
DW-3	Designate Black Ridge Wilderness Area as VRM I.	X				
DW-4	Manage Black Ridge Wilderness Area as closed to motorized travel.	X				
WSA-1	Manage WSAs under the Interim Management Policy for Lands Under Wilderness Review (IMP; USDI-BLM 1995; see Map 23). Manage for the continued preservation of each WSA's wilderness character.		X			Update IMP to new WSA manual: MS-6330.
WSA-2	For WSAs, no surface disturbance, permanent new development, or ROWs are allowed, and the lands are closed to oil and gas leasing (see Appendix A).		X			Add after oil and gas leasing: "*subject to leases with valid, existing rights*."
WSA-3	Only Congress can release a WSA from wilderness consideration. Should any WSA, in part or in whole, be released from wilderness consideration,		X			Update IMP to new WSA manual: MS-6330.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	proposals in the released area will be examined on a case-by-case basis. All proposals inconsistent with the goals and objectives of the Approved RMP will be deferred until completion of requisite plan amendments. Because a plan amendment will be required, there is no separate analysis in this Land-use Plan to address resource impacts if any WSAs are released.					
WSA-4	Fire activities and projects in WSAs will follow the IMP.		X			Update IMP to new WSA manual: MS-6330.
WSA-5	Designate WSAs as VRM Class I.	X				
WSA-6	Under the Approved RMP, where routes will remain available for motorized use within WSAs, such use could continue on a conditional basis. Use of the existing routes in the WSAs ("ways" when located within WSAs – see Glossary) could continue as long as use of these routes does not impair wilderness suitability, as provided by the Interim Management Policy for		X			Update IMP to new WSA manual: MS-6330.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Lands Under Wilderness Review (BLM 7/5/95). The miles of motorized routes in WSAs (see below for miles of route per WSA) are only conditionally open to vehicle use. If Congress designates the area as wilderness, the routes will be closed. In the interim, if use and/or non-compliance are found through monitoring efforts to impair the area's suitability for wilderness designation, BLM will take further action to limit use of the routes, or close them. The continued use of these routes, therefore, is based on user compliance and non-impairment of wilderness values.					
WSA-7	**Travel Management within WSAs:** • Behind the Rocks WSA (12,635 acres): Designate a portion of the Behind the Rocks WSA as closed to OHV use (11,822 acres). Designate OHV use in the		X			Second bullet updated via maintenance action 39 and 40: 0.8 miles of route in Lost Springs WSA removed as a designated route from the travel plan (now 0 miles). Incorporate changes to updated e-version.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	remainder of the WSA as limited to designated routes (813 acres, with 0.9 miles of designated route). • Black Ridge (52 acres) and Lost Spring Canyon (1,624 acres) WSAs Designate Black Ridge and Lost Spring Canyon WSAs as limited to designated routes, with 0.8 miles of route designated in Lost Spring Canyon WSA and 0 miles of route designated in Black Ridge WSA. • Desolation Canyon (81,603 acres), Floy Canyon (72,605 acres), Flume Canyon (50,800 acres), Coal Canyon (60,755 acres), Mill Creek Canyon (9,780 acres), Negro Bill Canyon (7,820 acres), and Spruce Canyon (20,990 acres) WSAs: (Acreage of Desolation Canyon WSA is for the MPA portion only. Remainder of this WSA is					Recommend future change from "limited to designated routes with no designated routes" to "closed."

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	managed by the Price Field Office. Acreage of Flume Canyon WSA includes 2,750 acres in areas administered by the Vernal Field Office.): Designate these WSAs as closed to OHV. No miles of route are designated. • Westwater Canyon WSA (31,160 acres): Designate a portion of the Westwater Canyon WSA as closed to OHV (23,690 acres). Designate the remainder of the WSA as limited to designated routes, with no miles of route designated.					
SSS-1	As required by the Endangered Species Act, implement recovery actions identified in Recovery Plans and in Conservation Agreements, Plans and Strategies in coordination with U.S. Fish and Wildlife Service (USFWS), Utah Division of Wildlife Resources (UDWR), and other interested entities. The BLM will	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	be an active participant in all recovery implementation teams.					
SSS-2	As required by the Endangered Species Act, the protection of habitat for listed and non-listed plant and animal species will be considered prior to authorizing any actions that could alter or disturb such habitat.	X				
SSS-3	As required by the Endangered Species Act, no management action will be permitted on public lands that will jeopardize the continued existence of plant or animal species that are listed or are officially proposed or are candidates for listing as T&E.	X				
SSS-4	As required by the Endangered Species Act, surveys of habitat or potential habitat for special status species (including any sensitive species under consideration for formal designation as T&E) will be made prior to taking any action that could affect these species. Surveys will be conducted using protocols	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	established for potentially affected species.					
SSS-5	As required by the Endangered Species Act, BLM will conduct or cooperate in surveys to determine the extent of listed and non-listed plant and animal species and their habitat or potential habitat. Any listed or non-listed special status species survey must be conducted by qualified biologists, botanists, or ecologists that have been approved by the BLM.	X				
SSS-6	As required by the Endangered Species Act, monitoring, using approved protocol, will be required on listed and non-listed special status species habitat that may be affected by BLM authorization of any activities within that habitat.	X				
SSS-7	As required by the Endangered Species Act, follow current and future recovery plans and manage habitat for T&E and BLM Sensitive species:		X			Add YBCU & GUSG when they become available.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Colorado Squawfish Recovery Plan. • Colorado Pikeminnow Recovery Goals: amendment and supplement to the Colorado Squawfish Recovery Plan. • Humpback Recovery Plan. • Humpback Chub Recovery Goals: amendment and supplement to the Humpback Recovery Plan. • Bonytail Recovery Plan. • Bonytail Recovery Goals: amendment and supplement to the Bonytail Recovery Plan. • Razorback Sucker Recovery Plan. • Razorback Recovery Goals: amendment and supplement to the Razorback Sucker Recovery Plan. • Black-footed Ferret Recovery Plan. • Northern States Bald Eagle Recovery Plan.					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Recovery Plan for the Mexican Spotted Owl. • Recovery Plan Southwestern Willow Flycatcher.					
SSS-8	As required by the Endangered Species Act, support and implement special status plant and animal Species Management Plans. Coordinate actions with UDWR and other involved entities. Support population and habitat monitoring.	X				
SSS-9	As required by the Endangered Species Act, support and implement current and future special status plant and animal species Conservation Plans, Strategies, and Agreements. Coordinate actions with USFWS and other involved entities. Support population and habitat monitoring. As of 2005, Conservation Plans Strategies and Agreements include: • Colorado River Cutthroat Trout Conservation Agreement and Strategy		X			Add YBCU & GUSG when they become available.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Conservation Agreement for the Roundtail Chub, Bluehead Sucker and Flannelmouth Sucker (see Map 24). • Follow current and future Conservation Measures and Best Management Practices (BMP) for Federally Listed Species (see Appendix R). Species include but are not limited to: Jones Cycladenia, Mexican Spotted Owl, Southwestern Willow Flycatcher, Bald Eagle, and the Endangered Fish of the Colorado River.					
SSS-10	As required by the Endangered Species Act, work with UDWR to implement the Utah Wildlife Action Plan (UDWR 2005a) to coordinate management actions that will conserve native species and prevent the need for additional listings.	X				
SSS-11	As required by the Endangered Species Act, mitigate all	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	unavoidable habitat losses for special status species as required by policy or law.					
SSS-12	As required by the Endangered Species Act, avoid construction of new roads within listed and non-listed special status plant and animal species habitats.	X				
SSS-13	As required by the Endangered Species Act, apply lease notices for listed plant and animal species as determined by Section 7 consultation between BLM and USFWS. Apply appropriate lease notices for any non-listed special status plant and animal species that occur or could potential occur applicable proposed lease areas.	X				
SSS-14	As required by the Endangered Species Act, develop cooperative agreements with other agencies or entities to inventory and/or monitor existing or potential habitat for listed and non-listed special status plant and animal species.	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
SSS-15	As required by the Endangered Species Act, plan and implement assessment and monitoring plans for T&E and BLM Sensitive species.	X				
SSS-16	As required by the Endangered Species Act, participate in the Colorado River Fishes Recovery and Implementation Program.	X				
SSS-17	As required by the Endangered Species Act, coordinate with USFWS and UDWR to allow for the reintroduction of T&E and BLM Sensitive species into historic or suitable range. These reintroductions will be analyzed with site-specific NEPA.	X				
SSS-18	As required by the Endangered Species Act, allow translocations and population augmentation of special status species to aid in conservation and recovery efforts. Implement necessary habitat manipulations and monitoring to ensure successful translocation efforts.	X				
SSS-19	As required by the Endangered	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Species Act, apply environmental best management practices (BMPs) to all oil and gas operations in accordance with WO IM 2007-021 and the latest version of the "Goldbook" (see Appendix A).					
SSS-20	**Mexican Spotted Owl (MSO):** • If BLM determines that a proposed action may affect MSO or its habitat, consultation with the USFWS will be initiated (see Map 25). • Monitor and protect known Protected Activity Center (PAC) sites according to USFWS recommendations and MSO Recovery Plan. • Manage habitat for MSO according to USFWS and UDWR recommendations and recovery plans. • Develop cooperative agreements with other agencies and entities to inventory and monitor	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	existing potential habitat and annually schedule assessment plans of MSO habitat to determine quality of habitat and presence of species. • Protect occupied and potential habitat, including designated critical habitat for the MSO, by applying the standard terms and conditions developed in consultation with the USFWS for oil and gas leasing and other surface-disturbing activities (see Standard Terms and Conditions [Lease Notices] which are Required to Protect Special Status Species and to Comply with the Endangered Species Act, Appendix A). These stipulations will preclude temporary activities within designated critical habitat from March 1 through					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	August 31. Permanent actions are prohibited year-round within 0.5 miles of a PAC.					
SSS-21	**Southwestern Willow Flycatcher (SWFL):** • If BLM determines that a proposed action may affect SWFL or its habitat, consultation with the USFWS will be initiated. • Monitor and protect known nesting sites according to USFWS recommendations and SWFL Recovery Plan. • Manage habitat for SWFL according to USFWS and UDWR recommendations and recovery plans; avoid loss or disturbance of suitable riparian habitat. • Develop cooperative agreements with other agencies and entities to inventory and monitor existing potential habitat and annually schedule assessment	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	plans of SWFL habitat to determine quality of habitat and presence of species. • Protect SWFL and their habitat by applying the standard terms and conditions developed in consultation with the USFWS for oil and gas leasing and other surface-disturbing activities (see Standard Terms and Conditions [Lease Notices] which are Required to Protect Special Status Species and to Comply with the Endangered Species Act, Appendix A) within suitable habitat. These stipulations will preclude activities within a 100-m buffer of suitable habitat year long. Activities within 0.25 miles of occupied breeding habitat will not occur during the breeding season, May 1 through August 15.					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
SSS-22	**Bald Eagle:** • Acquire lands with roost and nest sites through land exchange, purchase or donation. • Conduct assessments of wintering bald eagle habitat to delineate essential winter habitat and to develop necessary protective measures. • Monitor nesting territories annually during breeding season (generally January 1 through August 31). • Protect bald eagle nest sites by applying the standard terms and conditions developed in consultation with the USFWS for oil and gas leasing and other surface-disturbing activities (see Standard Terms and Conditions [Lease Notices] which are Required to Protect Special Status Species and to Comply with	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	the Endangered Species Act, Appendix A) within 1.0 mile of documented nest sites (2,439 acres). These stipulations will preclude surface- disturbing activities within a 1.0 mile radius of nest sites from January 1 through August 31 (see Map 26). No permanent structures will be allowed within 0.5 miles of known bald eagle nest sites year-round. Deviations may be allowed only after appropriate levels of consultation and coordination with the USFWS. • Protect bald eagle winter habitat by applying the standard terms and conditions developed in consultation with the USFWS for oil and gas leasing and other surface-disturbing activities (see Standard Terms and					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Conditions [Lease Notices] which are Required to Protect Special Status Species and to Comply with the Endangered Species Act, Appendix A) within 0.5 mile of winter roost areas. These stipulations will preclude activities and permanent structures within a 0.5 mile radius of winter roost sites from November 1through March 31 (see Map 26). No permanent structures will be allowed within 0.5 mile of winter roost sites, if the structure will result in the habitat becoming unsuitable for future winter roosting by bald eagles.					
SSS-23	**Greater Sage-grouse:** • Implement the most current UDWR Strategic Management Plan for Sage-Grouse (UDWR, 2002 and its future revisions), the BLM National Sage-Grouse	X				Decision was updated via Maintenance Action 37. Incorporate changes to updated e-version.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Habitat Conservation Strategy (BLM, 2004) and recommendations from local sage grouse working groups to protect, maintain, enhance, and restore Greater sage-grouse populations and habitat. About 3,068 acres of potential habitat has been identified within the Moab planning area. There is no sage grouse occupation at this time. However, if occupation is identified, through coordination with UDWR, the following decisions will apply: - All surface disturbing activities will be prohibited within 0.5 miles of Greater sage-grouse leks on a year-round basis - Allow no surface disturbing or otherwise disruptive activities within two miles of					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Greater sage-grouse leks from March 15 to July 15 to protect nesting and brood rearing habitat. - Allow no surface disturbing or otherwise disruptive activities within Greater sgae-grouse winter habitat (3,058 acres) from November 15 to March 14. See Appendix A for oil and gas leasing stipulations, along with exceptions, modifications, or waivers.					
SSS-24	**Gunnison sage-grouse habitats:** • Implement the most current UDWR Strategic Management Plan for Sage-Grouse (UDWR, 2002 and its future revisions), the Gunnison Sage-grouse Range-wide Conservation Plan (2005, as amended) and	X				Updated via maintenance action 37. Incorporate changes to updated e-version.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	recommendations from local sage-grouse working groups to protect, maintain, enhance, and restore Gunnison sage-grouse populations and habitat. About 175,727 acres of potential habitat has been identified within the Moab planning area. There is no Gunnison sage grouse occupation at this time. However, if occupation is identified, through cooperation with UDWR, the following decisions will apply: - All surface disturbing activities will be prohibited within 0.6 miles of Gunnison sage grouse leks on a year-round basis. Within the 0.6 mile buffer, allow no permanent above- ground facilities or powerlines; prohibit or limit year-round construction of					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	fences and where opportunity exists, remove existing fences. - Within four miles of a lek, avoid fence construction, overhead powerline construction, and aboveground structures that provide raptor hunting perches. Where fences are necessary, increase their visibility. Modify or remove fences to minimize sage-grouse mortality. See Appendix A for oil and gas leasing stipulations, along with exceptions, modifications, or waivers.					
SSS-25	**White-tailed and Gunnison Prairie Dogs:** • The White-tailed prairie dog and the Gunnison prairie dog are BLM and State sensitive species;	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	translocations of these species will be considered in suitable unoccupied habitats (see Map 28). • Manage both prairie dog species and their habitats in coordination with the UDWR. Apply habitat management guidance and population monitoring strategies as recommended in the newly developed multi-agency White-tailed and Gunnison's Prairie Dog Management Plan. • Develop cooperative agreements with other agencies to inventory prairie dog densities and identify suitable habitat for expansion.					
SSS-26	**White-tailed Prairie Dog Habitat:** • Manage the contiguous 117,481 acres of historic habitat designated by UDWR. Apply a controlled surface use stipulation for oil	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	and gas leasing and other surface-disturbing activities (see Appendix A) within 660 feet of active prairie dog colonies. This stipulation will preclude surface-disturbing activities within 660 feet of these colonies. No permanent above-ground facilities will be allowed within the 660-foot buffer.					
SSS-27	**Gunnison Prairie Dog Habitat:** • Manage 10,700 acres of habitat designated by UDWR for Gunnison prairie dogs. Apply a controlled surface use stipulation for oil and gas leasing and other surface-disturbing activities (see Appendix A) within 660 feet of active prairie dog colonies. This stipulation will preclude surface-disturbing activities within 660 feet of these colonies. No permanent	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	above-ground facilities will be allowed within 660 feet of prairie dog colonies. Power lines will be avoided within prairie dog colonies; however in the event that power lines are required within colonies, raptor anti-perch devices will be required.					
SSS-28	**Colorado River Endangered Fish:** • No surface-disturbing activities within the 100-year floodplain of the Colorado River, Green River, and at the confluence of the Dolores and Colorado Rivers will be allowed. Any exceptions to this requirement will require consultation with the USFWS. Restrictions on surface disturbance within this critical habitat will be developed through this consultation process (see	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Map 24).					
SSS-29	**Golden Eagle:** • Known golden eagle nest sites will be protected according to the Bald and Golden Eagle Protection Act amended in 1978. • Acquire lands with nest and roost sites through land exchange or acquisition. • Conduct assessments of wintering golden eagle habitat. • Protect golden eagle nest sites and habitat (12,902 acres) by applying the standard terms and conditions developed in consultation with the USFWS for oil and gas leasing and other surface-disturbing activities (see Standard Terms and Conditions [Lease Notices] which are required to Protect Special Status Species and to Comply with the Endangered	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Species Act, Appendix A). These stipulations will preclude surface-disturbing activities within 0.5 miles of documented nest sites from February 1 to July 15 (see Map 26).					
SSS-30	**Burrowing Owl:** • Protect burrowing owls by applying the standard terms and conditions developed in consultation with the USFWS (see Appendix R) for oil and gas leasing and other surface- disturbing activities (see Standard Terms and Conditions [Lease Notices] which are Required to Protect Special Status Species and to Comply with the Endangered Species Act, Appendix A) by precluding surface-disturbing activities within 0.25 miles of known nests from March 1 through August 31 (see Map 29). • Domestic sheep camps,	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	temporary watering sites, and salt and mineral blocks will not be located within 0.25 miles of occupied burrowing owl nests from March 1 through August 31. • Maintain ground squirrel and prairie dog colonies to provide habitat and nesting burrows for burrowing owls. • The species will be managed under the guidance provided by the Raptor Best Management Practices (BMPs; see Appendix R), which includes implementation of spatial and seasonal buffers to protect nesting raptors and their habitats.					
SSS-31	**Kit Fox:** • Protect kit fox by precluding surface-disturbing activities within 200 meters of a kit fox den.	X				Plan maintenance action 34 modified the decision: *Protect kit fox by precluding surface disturbing activities within 200 m of **an occupied** kit fox den. (Jan 2012).* Incorporate changes to

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
						updated e-version.
SSS-32	**Ferruginous Hawk:** • Manage ferruginous hawk nesting and foraging habitat by applying the standard terms and conditions developed in consultation with the USFWS (see Appendix R) for oil and gas leasing and other surface-disturbing activities (see Standard Terms and Conditions [Lease Notices] which are Required to Protect Special Status Species and to Comply with the Endangered Species Act, Appendix A) precluding surface-disturbing activities within 0.5 miles of active nests from March 1 through August 1 (see Map 29). • Domestic sheep camps, temporary watering sites, and salt and mineral blocks will not be located within 0.5	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	miles of occupied ferruginous hawk nests from March 1 through Aug. 1. • The species will be managed under the guidance provided by the Raptor BMPs (see Appendix R), which includes implementation of spatial and seasonal buffers to protect nesting raptors and their habitats.					
SSS-33	**Yellow-billed Cuckoo:** • Avoid loss or disturbance of yellow-billed cuckoo habitat and manage yellow-billed cuckoo nesting and foraging habitat by applying the standard terms and conditions developed in consultation with the USFWS for oil and gas leasing and other surface-disturbing activities (see Standard Terms and Conditions [Lease Notices] which are Required to Protect Special Status		X			Will need to be updated when recovery plan is available. FWS recommendations as of November 2014: Buffers need to be increase from 100 meters to 0.5 miles and nesting dates changed to 6/15-8/31. Current draft lease sale recommendations from FWS: 1. Habitat suitability within and/or directly adjacent to the parcel will be identified prior to lease development to identify potential survey needs. 2. Protocol Breeding Season

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Species and to Comply with the Endangered Species Act, Appendix A). These stipulations preclude surface-disturbing activities within 100 meters of yellow-billed cuckoo habitat within riparian areas from May 15 through July 20. • Compliance with BLM Riparian Policy will restrict surface disturbance within 100 meters of riparian habitat and will therefore protect nesting habitat for yellow-billed cuckoo.					Surveys will be required in suitable habitats prior to operations unless species occupancy and distribution information is complete and available. All Surveys must be conducted by permitted individual(s), and be conducted according to protocol. 3. Temporary or permanent actions, will require monitoring throughout the duration of the project to ensure that western yellow-billed cuckoo or its habitat is not affected in a manner or to an extent not previous considered. Avoidance and minimization measures will be evaluated throughout the duration of the project. 4. Water production will be managed to ensure maintenance or enhancement of riparian habitat.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
						5. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in suitable riparian habitat. Ensure that such directional drilling does not intercept or degrade alluvial aquifers. 6. New roads, pipelines or powerlines will be sited outside a 300 ft. buffer of suitable habitat. 7. Drilling and pumping pads will be sited outside a 300 ft. buffer from suitable habitat. Measures such as the use of hospital-grade mufflers and electric pumps or other suitable measures will be used to ensure noise levels at the edge of suitable habitat do not exceed baseline conditions. 7. Drilling activities within 0.25 mile of occupied habitat

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
						will not occur during the breeding season of June 15 – August 31. 8. Ensure that water extraction or disposal practices do not result in change of hydrologic regime that would result in loss or degradation of riparian habitat. 9. Re-vegetate with native species all areas of surface disturbance within riparian areas and/or adjacent uplands.
SSS-34	**Jones *Cycladenia (Cycladenia humilis* var. *jonesii*):** • Require specific site inventories for all surface disturbing projects in areas with suitable *Cycladenia humilis* var. *jonesii* habitat. • BLM will restrict activities, in suitable *Cycladenia humilis* var. *jonesii* habitat. Restrictions include limiting motorized travel to designated routes,	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	precluding surface disturbing activities within 300 feet of plants and suitable habitat, and precluding construction activities from May 15th through June 30th within occupied habitat (see Standard Terms and Conditions (Lease Notices) which are Required to Protect Special Status Species and to Comply with the Endangered Species Act, Appendix A). Other restrictions include avoiding road construction, land disposal, and utilities in this habitat, as well as avoiding grazing activities such as trailing, salting, watering and herding.					
SSS-35	**California Condor:** • Within potential habitat for the California Condor, surveys will be required prior to operations unless species occupancy and	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	distribution information is complete and available. • Surface disturbing activities will not occur within 1.0 miles of nest sites during the breeding season of August 1 to November 30 or within 0.5 miles of established roosting sites (see Standard Terms and Conditions (Lease Notices) which are Required to Protect Special Status Species and to Comply with the Endangered Species Act, Appendix A). • No permanent infrastructure will be placed with 1.0 mile of nest sites and within 0.5 miles of established roosting sites.					
SSS-36 (new)	**Navajo Sedge**				X	Add decision that covers this listed species. Sample language: *In areas that are known or suspected to be habitat for Navajo Sedge actions would be avoided or*

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
						restricted per the Standard Terms and Conditions (Lease Notices) which are Required to Protect Special Status Species and to Comply with the Endangered Species Act (Appendix A, Table A4). Add Navajo Sedge Lease Notice language from Monticello RMP (Appendix B) to Moab RMP Appendix A.
TRV-1	Where routes will remain available for motorized use within WSAs, such use could continue on a conditional basis. Use of the existing routes in the WSAs ("ways" when located within WSAs – see Glossary) could continue as long as use of these routes does not impair wilderness suitability, as provided by the Interim Management Policy for Lands Under Wilderness Review (BLM 7/5/95). The 1.7 miles of motorized routes in WSAs are		X			Update IMP to new WSA manual: MS-6330.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	only conditionally open to vehicle use. If Congress designates the area as wilderness, the routes will be closed. In the interim, if use and/or non-compliance are found through monitoring efforts to impair the area's suitability for wilderness designation, BLM will take further action to limit use of the routes, or close them. The continued use of these routes, therefore, is based on user compliance and non-impairment of wilderness values.					
TRV-2	BLM, in preparing its RMP designations and its implementation-level travel management plans, is following policy and regulation authority found at: 43 CFR Part 8340; 43 CFR Subpart 8364; and 43 CFR Subpart 9268.	X				
TRV-3	Provide opportunities for a range of motorized recreation experiences on public lands while protecting sensitive resources and minimizing	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	conflicts among various users. Identification of specific designated routes will be initially established through the chosen Travel Plan accompanying this RMP (see Appendix N) and may be modified through subsequent implementation planning and project planning on a case-by-case basis. These identified routes will be available regardless of other management actions. These adjustments will occur only in areas with limited route designations and will be analyzed at the implementation planning level. These adjustments will be done through a collaborative process with local government and will include public review of proposed route changes. Site-specific NEPA documentation will be required for changes to the route designation system.					
TRV-4	All areas are limited, open, or closed to motorized travel. Limit	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	travel by motorized vehicle on all lands administered by the MFO to designated routes, except for Managed Open Areas, and for areas that are closed to motorized travel (see Map 30; see Appendix N for Travel Plan development).					
TRV-5	BLM could impose limitations on types of vehicle allowed on specific designated routes if monitoring indicates that a particular type of vehicle is causing disturbance to the soil, wildlife, wildlife habitat, cultural or vegetative resources, especially by off-road travel in an area that is limited to designated roads.	X				
TRV-6	OHV access for game retrieval, antler collection and dispersed camping will only be allowed on designated routes (designated routes/spurs and have been identified specifically for dispersed camping; parking areas associated with dispersed campsites will be marked during	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	travel plan implementation). Adherence to the Travel Plan is required for all activities, except where otherwise explicitly permitted.					
TRV-7	Only designated roads and managed open areas are available for motorized commercial and organized group use (see Maps 2 and 3 for route designations).	X				
TRV-8	Where the authorized officer determines that off-road vehicles are causing or will cause considerable adverse impacts, the authorized officer shall close or restrict such areas. The public will be notified as to these closures and restrictions.	X				
TRV-9	Any routes that are not baseline routes will be signed "Closed" on the ground. Such routes will be considered as impacts to the area's natural character, and use of such routes will be considered cross country use and not allowed. Non-inventoried routes should be	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	rehabilitated.					
TRV-10	**OHV Designations:** • About 339,298 acres will be closed to OHV travel. • About 1,481,334 acres will be limited to designated routes. • Approximately 2,000 acres (White Wash Sand Dunes) will be open to cross country travel (see Map 30).		X			Maintenance action to specify best location of fence for White Wash Sand Dunes open area.
TRV-11	**Designated Routes – Motorized:** • Designate 3,693 miles of motorized routes. • Designate 313 miles for motorcycles (163 miles on inventoried routes and 150 miles on inventoried single-track). • Designate a dirt bike route from Colorado State Line to Thompson (see Map 3), utilizing 9 miles of single-track designated above and 22 miles of inventoried Grand County roads.	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	These totals are reflected in the mileage under "designated routes."					
Mountain Bike Travel						
TRV-12	Provide opportunities for mechanized (mountain bike) travel on all routes open to motorized use.	X				
TRV-13	Prohibit new bike routes within non-WSA lands managed for wilderness characteristics or within hiking Focus Areas.	X				
TRV-14	Limit mechanized (mountain bike) travel to designated trails and managed routes for resource protection purposes. Routes that are no longer available for motorized travel may be converted to bike routes upon application of site-specific NEPA analysis.	X				
TRV-15	Manage approximately 11.2 miles of routes on the following trails for non-motorized use only: Jackson Trail, "Baby Steps," Hunter Canyon Rim, Portal Trail, Hidden Valley, and Porcupine Rim single-track section (Hidden Valley and Porcupine Rim Trails		X			Update IMP to new WSA manual: MS-6330.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	are subject to IMP).					
TRV-16	Identification of specific designated mountain bike routes will be initially established through the RMP process and may be modified through subsequent planning at the activity plan and project plan levels on a case-by-case basis. These modifications will be analyzed through site-specific NEPA.	X				
TRV-17	Design and implement up to 150 new miles of managed mechanized (mountain bike) trails. In addition, convert existing inventoried routes not designated for motorized travel to non-motorized use, where appropriate, and install appropriate support facilities such as trailheads and route signage.	X				
TRV-18	Initially designate the following existing trails for mechanized (mountain bike) use totaling 11.3 miles; see Map 4): • Fisher Mesa (in conjunction with USFS; 5.8 miles)	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Pothole (on Amasa Back; 1.2 miles) • Rockstacker (on Amasa Back; 0.9 miles) • Lower Porcupine Singletrack ("LPS"; 1.4 miles) • Power line Trail (0.07 miles on public land) • Mill Creek Parkway Extension (0.16 miles on public land)					
Non- Mechanized Travel (Hiking and Equestrian)						
TRV-19	Non-mechanized travel is not restricted on public lands except where limited or prohibited to protect specific resource values, provide for public safety or maintain an identified opportunity.	X				
TRV-20	Provide opportunities for non-mechanized travel on all routes open to motorized or mechanized use and manage routes identified to exclude motorized and mechanized use and provide opportunities for non-mechanized travel independent of motorized and mechanized routes.	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
TRV-21	Limit non-mechanized travel on specific lands to designated trails and managed routes for resource protection purposes.	X				
TRV-22	Manage 17 miles of routes on the following trails for non-mechanized use: • Amphitheater Loop • Fisher Towers • Negro Bill - There is no equestrian use allowed on the Negro Bill trail. • Corona Arch • Trough Spring Canyon • Anticline Overlook • Needles Overlook • Windwhistle Nature Trail • Mill Canyon Dinosaur Interpretive Trail • Copper Ridge Sauropod Interpretive Trail • Sego Canyon Interpretive Trail	X				
TRV-23	Identify specific routes through the RMP process. These routes may be modified through subsequent planning at the RMP, activity plan,	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	and project plan levels on a case-by-case basis.					
TRV-24	Work with equestrian groups to identify additional trails for equestrian and hiker use only. These trails will be designated based on site-specific NEPA analysis.	X				
TRV-25	Design and implement up to 50 miles of managed non-mechanized trail system consistent with the Travel Plan. Implement these new system routes largely by converting existing, low utilization roads to non-mechanized use and installing appropriate support facilities such as trailheads and route signage.	X				
TRV-26	Mark the following existing hiking trails: Castleton, Culvert-Goldbar Loop. Mark a new trail from Onion Creek to Amphitheater Loop.	X				
TRV-27	The following trails will be managed for equestrian use. Hikers will also be allowed on	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	these trails, but there will be no motorized or mechanized vehicles allowed: • Onion Creek Benches (Colorado Riverway SRMA) • Ida/Stearns Gulch Equestrian Trail System • Castle Creek Equestrian Trail • Rattlesnake Trail above Nefertiti Boat Launch • Seven Mile Canyons • Red Rock Horse Trail (Ken's Lake to Johnson's Up-on-Top)					
VEG-1	Utilize the BLM National Sage-grouse Conservation Strategy – Guidance for Management of Sagebrush Plant Communities for Sage-Grouse Conservation, when applicable, in the development and implementation of vegetation and land treatments, livestock manipulation techniques, fire projects, energy exploration and development and any surface-disturbing activity within sagebrush and sage steppe	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	communities.					
VEG-2	Sagebrush/steppe communities will be a high priority for wildfire suppression, emergency stabilization and fuel reduction to avoid catastrophic fires in these communities.	X				
VEG-3	Reclaim and restore up to 257,809 acres of sagebrush habitat and shrub-steppe ecosystems where appropriate in accordance with the BLM sagebrush conservation guidance. Reclamation/restoration will be undertaken in cooperation with the Utah Partners for Conservation and Development (UPCD) and may include removing surface material, re-contouring, spreading topsoil, seeding or planting seedlings, and/or changing livestock grazing strategies, such as, changing season of use, type of use, removing or reducing spring grazing, reducing livestock numbers, reducing grazing intensity, improving distribution,	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	requiring rest rotation practices, or exclusion. Work in coordination with UDWR to reduce wildlife numbers, as necessary, to restore sagebrush habitat.					
VEG-4	Provide opportunities for seed gathering of various vegetation types while protecting other resources.	X				
VEG-5	Restoration and rehabilitation will use native seed-mixes wherever possible. Non-native species may be used as necessary for stabilization or to prevent invasion of noxious or invasive weed species.	X				
VEG-6	Gather necessary vegetation information and continue monitoring to assess if planning objectives are being met.	X				
VEG-7	Utilize the techniques and methods for vegetation treatments identified in the Utah ROD for Vegetation Treatments using Herbicides on Bureau of Land Management Lands in	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Seventeen Western States (2007).					
VEG-8	Control noxious weed species and prevent the infestation and spread of invasive species. Develop cooperating agreements with other Federal, State, local and private organizations to control invasive and noxious weed species.	X				
VEG-9	Reduce tamarisk and Russian olive where appropriate using allowable vegetation treatments. Restore riparian habitat to native willow and cottonwood communities.	X				
VEG-10	Where appropriate, replant cottonwoods and willow subsequent to wildland fire or other disturbance in riparian areas.	X				
VEG-11	Promote science and research opportunities in the San Arroyo Area/Exclosures, Sagers Watershed Area/Exclosures and Big Flat Area/Exclosures (approximately 300 acres each).	X				
VEG-12	Establish Lower South Fork of	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Seven Mile Canyon as a Riparian/Wetland Demonstration Area for the improvement and restoration of the riparian area.					
VEG-13	Insect pests will be treated in coordination with the State of Utah, other Federal agencies, affected counties, adjoining private land owners and other directly affected interests.	X				
VEG-14	See Livestock Grazing for other vegetation treatments.	X				
VEG-15	**Adaptive Drought Management:** Establish criteria for restricting activities during drought (see Appendix T for Drought Classification System) based on the following measures/parameters: <u>Severe (D2):</u> - Send drought letters. - UDWR coordination for big game herd control. - Prepare local seasonal precipitation graphs. - Suspend or limit seed	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	collecting activities. <u>Extreme (D3):</u> - No new surface-disturbing activities in areas with sensitive soils (subject to valid existing rights or actions associated with other valid permitted activities; see oil and gas Appendix A for definition of surface-disturbing activities). - Changes in livestock use will be based on site-specific data on those allotments that are affected by drought. - OHV use and competitive motorized events will be confined to designated roads and routes within the open OHV area. - Require additional erosion-control techniques/BMPs for					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	surface-disturbing activities (e.g., hydromulching). - Limit prescribed burns and vegetation treatments. <u>Exceptional (D4):</u> - Changes in livestock use will be based on site-specific data on those allotments that are affected by drought. - No new surface-disturbing activities (subject to valid existing rights or actions associated with other valid permitted activities). - Consider closing areas to public entry.					
VEG-16	Avoid or minimize to the extent possible the loss of sagebrush/steppe habitat from BLM-initiated or authorized actions. The BLM recommends that loss of sagebrush/steppe habitat essential to wildlife (e.g.,	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	sage-grouse, mule deer, and sagebrush obligate species) be reclaimed or mitigated off-site.					
VRM-1	WSAs and designated wilderness are designated as VRM Class I.	X				
VRM-2	Wild and Scenic River (WSR) segments recommended as suitable for Wild are designated as VRM Class I, Scenic segments are designated as VRM Class II, and Recreational segments are managed the same as the underlying VRM management class.	X				
VRM-3	For all VRM classes, all resource uses and management activities are required to meet VRM objectives. However, recreation developments in the immediate foreground of Key Observation Points (KOPs) in VRM Class I and II areas require special consideration to meet both recreational and VRM objectives. These facilities often create more contrast than would be acceptable; however this	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	contrast is allowed if the facilities are part of the expected image held by the public being served. The contrast should be allowed only to the extent needed for the function of the facility, which should reflect design excellence and be a positive element of the built environment. Structures should blend into the landscape while retaining functionality.					
VRM-4	Apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface-disturbing activities (see Appendix A) in all areas designated as VRM Class I.	X				
VRM-5	Apply a controlled surface use stipulation for oil and gas leasing and other surface-disturbing activities (see Appendix A) to all areas designated as VRM Class II. This requires surface-disturbing activities to meet the objectives of VRM Class II.	X				
VRM-6	Designated utility corridors within VRM Class II areas are designated	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	as VRM Class III only for utility projects.					
VRM-7	Necessary road maintenance could occur regardless of VRM class.	X				
VRM-8	Public lands within the viewshed of Arches National Park are designated as VRM Class II.	X				
VRM-9	Designated VRM management classes are displayed on Map 31.	X				
VRM-10	Areas with high potential for development of oil and gas (Big Flat/Hatch Point/Lisbon Valley, and Eastern Bookcliffs/Greater Cisco) will be designated as VRM Class III with the exception of those portions of SRMAs and ACECS that have more stringent VRM classifications.		X			There is more recreational use in some of the listed areas. Additionally, new VRI information is now available to be considered in a plan amendment process. There are an additional 150,000 acres of VRI II. When the new VRI information is considered in a planning process, this decision should also be revisited.
VRM-11	Manage the Shafer Basin portion of the Highway 279/Shafer Basin/Long Canyon ACEC as VRM Class I.	X				
VRM-12	Scenic driving corridors will be designated as VRM Class II		X			This decision may be modified for the Moab MLP

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	within a specified viewshed not to exceed 0.5 mile from centerline. Apply a controlled surface use stipulation for oil and gas leasing and other surface-disturbing activities (see Appendix A) within 0.5 mile of scenic driving corridors.					planning area with regard to oil and gas stipulations that would be applied within scenic driving corridors. Revisit when the Record of Decision for the Moab MLP is approved and ensure any change is reflected in the RMP.
VRM-13	Manage the following areas with high-quality visual resources as VRM Class II (see Map 31): • Sand Flats • Gemini Bridges/Monitor and Merrimac/Poison Spider/Goldbar/ Corona Arch area • The Colorado, Dolores and Green River corridors • Tusher Canyon (Bookcliffs) • The Colorado Riverway • Matt Martin Point • Areas bordering Arches National Park • Kane Creek • Hatch Wash • The rims of Canyon Rims	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• The Mill Creek and Behind the Rocks ACECs • Beaver Creek • Long Canyon					
VRM-14	• Designate 358,911 acres as VRM Class I. • Designate 365,566 acres as VRM Class II. • Designate 829,158 acres as VRM Class III. • Designate 268,133 acres as VRM Class IV.		X			New VRI information is available and should be considered in a plan amendment process.
WL-1	**Habitat Management Plans:** Continue to implement and modify three Habitat Management Plans (HMPs) summarized in Appendix U: Hatch Point HMP, Dolores Triangle HMP, and the Potash-Confluence HMP. • Hatch Point HMP: Manage to benefit pronghorn and improve sagebrush habitat for sage- grouse and other wildlife species. Emphasize habitat management, change in livestock class from sheep	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	to cattle, and maintenance of land treatments. • Potash-Confluence HMP: Manage to benefit desert bighorn sheep, but also include guidance for chukar partridge, bald eagle, and peregrine falcon. Water developments to benefit desert bighorn are to be maintained; under this HMP, 278,000 acres of land administered by the BLM are to be maintained in good condition and habitat is to be improved where needed. Eight specific management objectives were established (see Appendix U for details). • Dolores Triangle HMP: Manage to benefit deer, elk, and bighorn sheep. Improve bald eagle, riparian and native and naturalized fish habitat through the installation of fencing and enclosures in Granite,					

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	Coates, Ryan, and Renegade Creeks by installing six in-stream structures (see Appendix U for details).					
WL-2	Livestock grazing will not be authorized on the following allotments/areas (or portions of allotments/areas) in order to benefit wildlife resources: • A portion of the Kane Spring Allotment (that portion in Kane Spring Canyon between the open valley and the river; 558 acres and 0 AUMs) • An area along the Colorado River between Hittle and north of Dewey Bridge (400 acres, AUMs will remain the same) • Between The Creeks with 3,960 acres and 221 AUMs • North Sand Flats with 5,860 acres and 798 AUMs • South Sand Flats with 10,209 acres and 592 AUMs		X			Add "*Bottom Cattleguard*" after Hittle to clarify.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• A portion of Arth's Pasture Allotment (Poison Spider area; approximately 6,200 acres and 425 AUMs).					
WL-3	Support and implement current and future animal species Conservation Plans, Strategies and Agreements. Coordinate actions with UDWR and other involved entities. Support population and habitat monitoring.	X				
WL-4	**Migratory Birds:** Executive Order 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds," will be integrated into all activities with potential adverse impacts, wildlife management programs, and other resources including but not limited to riparian-wetland habitat, rangeland health standards and guidelines raptor protection, fire, special status species, off-site mitigation and habitat enhancement. Management actions will emphasize birds listed on the current USFWS	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	"Birds of Conservation Concern" (2002f or as updated) and Utah Partners-in- Flight priority species. Habitats that will be emphasized are the Cisco Desert Bird Habitat Conservation Area, Colorado and Dolores River Bird Habitat Conservation Area, Green River Bird Habitat Conservation Area, and the Cottonwood and Willow Creek Bird Habitat Conservation Area (see Appendix U). As a supplement to complying with Executive Order 13186, the Bird Habitat Conservation Areas identified in the Coordinated Implementation Plan for Bird Conservation in Utah (Martinsen et al. 2005 or as updated), will receive priority for conducting bird habitat conservation projects, through cooperative funding initiatives such as the Intermountain West Joint Venture.					
WL-5	**Migratory Birds:** Implement Executive Order 13186,	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	"Responsibilities of Federal Agencies to Protect Migratory Birds" during all activities to protect habitat for migratory birds. Management will emphasize birds listed on the current USFWS "Birds of Conservation Concern" (2002 or as updated) and Partners-in-Flight priority species (as updated).					
WL-6	**Migratory Birds:** As specific habitat needs and population distribution to "Birds of Conservation Concern" and Partners-in-Flight priority species are identified, BLM will use adaptive management strategies to further conserve habitat and avoid impacts to these species.	X				
WL-7	**Migratory Birds:** Prioritize the maintenance and/or improvement of lowland riparian, wetlands, and low and high desert scrub communities which are the four most important and used habitat types by migratory birds in MPA.	X				
WL-8	**Migratory Birds:** Prevent the	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	spread of invasive and non-native plants, especially cheatgrass, tamarisk, and Russian olive. Strive for a dense under story of native species in riparian areas with a reduction in tamarisk and improvement of cottonwood and willow regeneration.					
WL-9	**Migratory Birds:** During nesting season for migratory birds (May 1 – July 31), avoid surface-disturbing activities and vegetative-altering projects and broad-scale use of pesticides in identified occupied migratory bird habitat.		X			FWS now recommending April 1 – July 31.
WL-10	Coordinate with UDWR and other partners to help accomplish the population and habitat goals and objectives of big game Herd Management Plans that are consistent with and meet the goals and objectives of this land-use plan.	X				
WL-11	The BLM will approach compensatory mitigation on an "as appropriate" basis where it	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	can be performed onsite, and on a voluntary basis where it is performed offsite, or, in accordance with current guidance.					
WL-12	Restrict dispersed camping in riparian areas to protect riparian wildlife habitat. Restrictions could include limiting camping to designated sites or prohibiting camping.	X				
WL-13	Implement a limited fire suppression policy and initiate prescribed fires where treatment by fire will increase vegetation productivity and increase forage for wildlife.	X				
WL-14	Modify the grazing season of use or change class of livestock for individual allotments as necessary to accommodate forage needs for wildlife.	X				
WL-15	Predator management will continue to be coordinated with Animal and Plant Health Inspection Service (APHIS)-Wildlife Services and UDWR and will be conducted utilizing	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	the guidance provided by the existing MOU with APHIS-Wildlife Services.					
WL-16	BLM will continue to coordinate with, and provide support to UDWR for introduction/reintroduction of native or naturalized fish or wildlife species into historic or suitable habitats as determined appropriate.	X				
WL-17	Introduction, transplantation, augmentation and re-establishment of both naturalized and native species will be considered and will include, but may not be limited to, pronghorn, desert bighorn sheep, wild turkey, bison, beaver, chukar, otter, and Colorado River cutthroat trout and other native and naturalized fish species, pursuant to guidance and direction provided in BLM's 1745 Manual.	X				
WL-18	Raptors will be managed under the auspices of Best Management Practices (BMPs; see Appendix	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	R), which will include implementation of spatial and seasonal buffers. These BMPs implement the USFWS's Guidelines for Raptor Protection From Human and Land-use Disturbances, with modifications allowed as long as protection of nests is ensured. Seasonal and spatial buffers are also listed in Appendix R. Cooperate with utility companies to prevent electrocution of raptors. Temporarily close areas (amount of time depends on the species) near raptor nest to rock climbers or other activities if the activity could result in nest abandonment.					
WL-19	Support and implement where possible the Northern River Otter Management Plan; coordinate with UDWR to determine potential release sites; support population monitoring.	X				
WL-20	Manage riparian areas to ensure a multi-aged, multi-layered structure, allowing for retention of	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	snags and diseased trees. Provide multiple layers of vegetation (vertical structure) within 10 feet of the ground.					
WL-21	Minor adjustments to crucial wildlife habitat boundaries periodically made by the Utah Division of Wildlife Resources (UDWR) will be accommodated through plan maintenance.	X				
WL-22	**Pronghorn Habitat:** Manage 78,476 acres of current pronghorn habitat that UDWR has designated in the La Sal (Hatch Point Herd) Wildlife Management Unit. Implement the Hatch Point HMP. Manage 743,524 acres of pronghorn habitat that UDWR has designated in the Cisco Desert and on the following allotments (see Map 32): • Cisco • Cisco Mesa • Harley Dome • San Arroyo • Horse Canyon • Pipeline		X			Note: global search for Harley Dome, add Little Hole and San Arroyo where needed. Update to match Nov 2014 DWR shape files: Remove Harley Dome, Squaw Park, and San Arroyo (listed twice). Update acres accordingly: 79,700 acres in La Sal WMU. 548,579 acres in Cisco. Update Map 32 accordingly.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Floy Creek • Athena • Little Grand • Corral Wash Canyon • Agate, Little Hole • Monument Wash • Highlands • 10-Mile Point • Big Flat • Ruby Ranch • Bar-X • Crescent Canyon • Squaw Park • San Arroyo					
WL-23	**Pronghorn Habitat:** Management of pronghorn habitat (see Map 32) will be done in coordination with UDWR and may include (but will not be limited to) the following actions: • Install and improve year-round water resources within the La Sal Management Unit and the Cisco Desert Herd unit. • Support a change in class of livestock from sheep to cattle	X				Map 32 to be updated as noted in WL-22.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	on the Hatch Point area. • Change in class of livestock from cattle to sheep will not be allowed within pronghorn habitat. • Install water developments every 2 square miles on summer and fawning areas. • Construct fences that allow for pronghorn passage. • Dismantle un-needed fences. • Install restrictive fencing to stop pronghorn passage onto highways. • Increase forage through vegetation treatments on approximately 4,400 acres.					
WL-24	**Pronghorn Habitat:** Protect pronghorn fawning habitat (293,741 acres) within Cisco Desert and on Hatch Point (the La Sal Wildlife Management Units) by applying a timing limitation stipulation that will preclude surface-disturbing activities from May 1 to June 15 (see Appendix A).		X			Update acres to match Nov 2014 DWR shape files: 622,280.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
WL-25	**Pronghorn Habitat:** Spring grazing will be adjusted on a case-by-case basis on 188,975 acres on allotments within crucial pronghorn habitat in the Cisco Desert to encourage forb production. These allotments include Athena, Cisco, Cisco Mesa, Harley Dome, and San Arroyo.	X				Remove *Harley Dome*, add *Little Hole*. Update acres to *543,189.*
WL 26	**Pronghorn Habitat:** Develop, where applicable, a rest/rotation of pasture or other grazing management systems within allotments that have crucial pronghorn habitat to encourage forb production prior to fawning. Change in livestock class from sheep to cattle, fencing, seeding and rest/rotation to improve habitat will be encouraged.	X				
WL-27	**Bighorn Sheep Habitat:** Film permits will comply with minimum impact criteria (see Appendix H) from April 1 through June 15 and from October 15 through		X			Note: Boundaries may be amended by Moab MLP. Revisit after Moab MLP Record of Decision is approved and update map via maintenance as needed.

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	December 15 within 123,490 acres of crucial bighorn sheep habitat (see Map 9).					Update Map 9 to match 2013 DWR shape files.
WL-28	**Bighorn Sheep Habitat:** No change in class of livestock from cattle to sheep conversions are to be considered in recognized bighorn habitat. (see Maps 9 and 10).		X			Note: Boundaries may be amended by Moab MLP. Revisit after Moab MLP Record of Decision is approved and update map via maintenance as needed. Update Map 9 to match 2013 DWR shape files.
WL-29	**Bighorn Sheep Habitat:** Follow the recommendations found in the BLM Bighorn Sheep Rangeland Management Plan, as revised (1993b); the Utah BLM Statewide Desert Bighorn Sheep Management Plan, as revised (1986a); and the Revised Guidelines for the Management of Domestic Sheep and Goats in Native Wild Sheep Habitats (BLM 1998a).	X				Add at end: "*or most current guidance*".
WL-30	**Bighorn Sheep Habitat:** Support the current bighorn sheep population and manage to increase desert bighorn	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	population (prior stable numbers) on 330,892 acres. Population goals will be reached by releases, by reestablishment, and through change of livestock class and installation of new water facilities (see Appendix U for details).					
WL-31	**Bighorn Sheep Habitat:** Management of bighorn sheep habitat in coordination with UDWR will include: installing water developments every 5 square miles in or within 2 miles of escape terrain, precluding exotic ungulates, wild horses or burros within 10 miles of habitat, and constructing fences that allow for bighorn sheep passage (3 strands with bottom wire smooth) and dismantling un-needed fences.	X				
WL-32	**Bighorn Sheep Habitat:** Manage 9,278 acres along the rim of Hatch Point as part of the Lockhart Bighorn Sheep habitat area. Apply a timing limitation stipulation to oil and gas leases and other permitted	X				Note: Boundaries may be amended by Moab MLP. Revisit after Moab MLP Record of Decision is approved and update map via maintenance as needed. Update Lockhart Bighorn

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	uses, which will restrict surface-disturbing activities from April 1 through June 15 for lambing and from October 15 through December 15 for rutting (see Appendix A).					Sheep area to match 2013 DWR shape files.
WL-33	**Bighorn Sheep Habitat:** Manage 317,523 acres of desert bighorn sheep habitat on the following grazing allotments: • Buckhorn • North River • Little Grand • Taylor • Ten Mile Point • Arth's Pasture • Spring Canyon Bottom • Big Flat • Kane Springs • Potash • Horsethief • Behind the Rocks • Ruby Ranch	X				Note: Boundaries may be amended by Moab MLP. Revisit after Moab MLP Record of Decision is approved and update map via maintenance as needed.
WL-34	**Bighorn Sheep Habitat:** Support conversion of sheep AUMs to cattle on Hatch Point Allotment.	X				
WL-35	**Bighorn Sheep Habitat:** Improve	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	desert bighorn habitat by installing and improving year-round water resources within all desert bighorn habitat and provide additional water sources at a minimum spacing of one water development in each 2 square mile area on lambing grounds.					
WL-36	**Bighorn Sheep Habitat:** To protect lambing, rutting, and migration habitat (101,897 acres), apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface- disturbing activities (see Appendix A). Within migration corridors pipeline construction and geophysical exploration for oil and gas development will be allowed outside lambing and rutting periods from June 16 through October 14 and from December 15 through March 31, respectively.	X				Note: Boundaries may be amended by Moab MLP. Revisit after Moab MLP Record of Decision is approved and update map via maintenance as needed. Update lambing/ rutting area to match 2013 DWR shape files to reflect the 107,220 acres now identified as lambing/rutting areas.
WL- 37	**Bighorn Sheep Habitat:** Manage lambing areas (46,319 acres - see Map 9) with the following	X				Note: Boundaries may be amended by Moab MLP. Revisit after Moab MLP

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	prescriptions: • Camping is allowed only in designated campsites except for areas within the Green River riparian corridor, which remain open to unrestricted camping. • No camping in Shafer Basin and Long Canyon. • Livestock use will be adjusted on North River and, Taylor Allotments (Dry Mesa Pasture).					Record of Decision is approved and update map via maintenance as needed. Update lambing/rutting area to match 2013 DWR shape files to reflect the 107,220 acres now identified as lambing/rutting areas.
WL- 38	**Bighorn Sheep Habitat:** Manage 310,726 acres of currently occupied Rocky Mountain bighorn habitat from the Green River to Pipeline Canyon according to stipulations described in management common to all. This management includes improving or maintaining habitat and vegetative conditions to benefit bighorn sheep while maintaining or improving the ecological condition of rangelands (see Map 10).	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
WL- 39	**Bighorn Sheep Habitat:** Support conversion of sheep to cattle on allotments that are within nine miles of the 310,726 acres of managed Rocky Mountain bighorn habitat. Once conversion occurs, do not allow re-conversion (from cattle to sheep). This includes the Cisco and Cisco Mesa Allotments, San Arroyo, Winter Camp and Harley Dome.	X				
WL- 40	**Deer and Elk Habitat:** Manage UDWR current deer habitat of 534,329 acres in the Bookcliffs and 313,551 acres on the La Sal Mountains as mule deer habitat by improving or maintaining vegetative conditions to benefit both livestock and wildlife and by maintaining or improving the ecological condition of rangelands.	X				Updated via maintenance action 38B. Incorporate changes to updated e-version.
WL-41	**Deer and Elk Habitat:** Increase elk forage through vegetation treatments such as chemical, mechanical, and prescribed fire on approximately 40,000 acres of	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	elk winter range (see Livestock Grazing).					
WL-42	**Deer and Elk Habitat:** Manage crucial and high value deer and/or elk summer range (105,636 acres) within the Bookcliffs and La Sal Wildlife Management Unit by applying a timing limitation stipulation that will preclude surface-disturbing activities from May 15 to June 30 (see Appendix A; see Map 33).		X			Updated via maintenance action 38B. Incorporate changes to updated e-version. The newly created Round Mountain Allotment is located in Castle Valley on what was previously State land, which had a grazing permit issued by the State. The land exchange agreement recognizes all valid existing rights of the state lands exchanged and allows grazing to continue. This allotment is not part of the 6,074 acres described in this section. Grazing is in the Fall and Spring.
WL-43	**Deer and Elk Habitat:** All forage on acquired state lands in upper Castle Valley within crucial deer winter range will be allocated to deer.		X			The newly created Round Mountain Allotment is located in Castle Valley on what was previously State land, which had a grazing permit issued by the State. The land exchange agreement recognizes all valid

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
						existing rights of the state lands exchanged and allows grazing to continue.
WL-44	**Deer and Elk Habitat:** Protect deer and/or elk crucial winter habitat (349,955 acres) by applying a timing limitation stipulation for oil and gas leasing as well as other surface-disturbing activities (see Appendix A). (This includes 73,160 acres in WSAs, which are already closed to leasing.) This limitation will preclude surface-disturbing activities from November 15 through April 15.	X				Updated via maintenance action 38B. Incorporate changes to updated e-version.
WL-45	**Allotments not available for grazing to benefit wildlife:** • Bogart with 14,751 acres and 209 AUMs • Cottonwood with 27,193 acres and 900 AUMs • Diamond with 19,112 acres and 588 AUMs • Ida Gulch with 3,624 acres and 112 AUMs • Pear Park with 14,202 acres	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	• Mill Creek with 3,922 acres and 137 AUMs • Portions of Professor Valley along Highway 128					
FOR-1	Permits for harvest of woodland products will continue to be sold to the public, consistent with the availability of woodland products and the protection of sensitive resource values.	X				
FOR-2	As needed, designate private and commercial wood gathering areas for the following uses: • Firewood • Fence posts • Christmas tree cutting • Green wood cutting • Plant gathering for landscaping	X				
FOR-3	Use woodland harvest to assist in managing woodlands to accomplish goals outlined in the Fire Management Plan.	X				
FOR-4	Prohibit public fuel wood gathering in riparian areas.	X				
FOR-5	Permit sustainable harvest (including cutting of green	X				

Decision #	Decision	No Change Needed	Modify Decision	Drop Decision	New Decision Needed	Remarks
	willows, squawbush, and cottonwoods) for Native American traditional ceremonial use. Additional areas may be closed to wood gathering and wood harvest as needed to protect sensitive resources.					
FOR-6	Follow national BLM Forest Health and Forest Management Standards and Guidelines to assess conditions and guide management actions for the forest and woodland resource.	X				
FOR-7	Provide for salvage harvest of wood in beetle-kill areas, when compatible with other resource objectives.	X				
FOR-8	Provide 1,168,988 acres for woodland harvest and wood gathering. See Map 34 for areas in which woodland harvest and wood gathering is prohibited (652,386 acres) to protect resource values.	X				

Exhibit F

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS

BLUERIBBON COALITION, INC.; PATRICK MCKAY; and COLORADO OFFROAD TRAIL DEFENDERS, Appellants.	IBLA No. _____ Appeal of the Labyrinth Rims/Gemini Bridges Travel Plan DOI-BLM-UT-Y010-2020-0097-EA

NOTICE OF APPEAL AND PETITION FOR STAY

NOTICE OF APPEAL

Pursuant to 43 C.F.R. Part 4, the BlueRibbon Coalition ("BRC"), Colorado Offroad Trail Defenders ("COTD"), and Patrick McKay (collectively, "Appellants") hereby appeal the September 28, 2023 Decision by Bureau of Land Management ("BLM") Canyon Country District Manager Nicollee Gaddis-Wyatt. The project's National Environmental Policy Act ("NEPA") number is identified as DOI-BLM-UT-Y010-2020-0097-EA, and the Decision Record implements the "Labyrinth/Gemini Bridges Travel Management Plan"[1] (the "TMP").

This appeal is timely filed.[2]

[1] BLM, Decision Record (Sept. 28, 2023) at 1, attached as Exh. 1.

[2] The 30th day following the date of issuance of the decision herein challenged fell on Saturday, October 28, 2023. Today is the first business day following October 28. Therefore, this appeal is timely. 43 C.F.R. § 4.22(e).

STATEMENT OF STANDING

Appellants are proper parties to maintain and pursue this appeal. Parties have standing to appeal an agency decision if they meet two requirements: they (1) must be a party to the case; and (2) must be adversely affected by the decision being appealed. *W. Watersheds Project*, 185 IBLA 293, 298 (2015). Appellants meet both of these requirements.

First, BRC, COTD, and McKay are parties to the case because they "participated in the process leading up to the decision under appeal, e.g., . . . by commenting on an environmental document." 43 C.F.R. § 4.410(b). BRC and its members submitted multiple comments during BLM's consideration of the TMP. Exhibit 2 ("BRC Comment"). McKay and COTD also submitted comments. Exhibit 3 ("McKay/COTD Comment"). BRC was also a defendant-intervenor and a party to the Settlement Agreement that led to BLM agreeing to issue a new TMP in the Labyrinth/Gemini Bridges Travel Management Area ("TMA"). Exhibit 4 ("Settlement Agreement"). In other words, there can be no doubt that Appellants have "otherwise participated in the process leading to the decision under appeal" and have standing to appeal. 43 C.F.R. § 4.410(b).

Second, the decision also adversely affects the Appellants. This prong is satisfied "when an appellant shows that it has a legally cognizable interest, and the decision on appeal has caused or is substantially likely to cause injury to that interest." *American Wild Horse Campaign*, 198 IBLA 1, 5 (2022) (cleaned up). Organizations, like BRC and COTD, are "adversely affected" if one or more of their members have "a legally cognizable interest in the subject matter of the appeal, coinciding with the organization's purposes, that is or may be negatively affected by the decision." *Wildlands Def. & Deep Green Resistance*, 187 IBLA 233, 236 (2016) (citing 43 C.F.R. § 4.410(d))). A legally cognizable interest can include "cultural,

recreational, and aesthetic use and enjoyment of the affected public lands." *Cascadia Wildlands & Or. Wild*, 188 IBLA 7, 9-10 (2016).

BRC is a national non-profit with a mission to improve access to public lands by securing, protecting, and expanding shared outdoor recreation access and use. Exhibit 5 at ¶ 1 ("Burr Declaration"). BRC has an interest in maintaining access to off-highway vehicles ("OHVs") for as many routes and trails as possible. *Id.* It is actively engaged in promoting responsible use and awareness of OHV opportunities throughout the country and has even published guidebooks to allow members of the public to make better use of available routes. *Id.* BRC's members frequently visit the TMA and often travel the routes that the TMP Decision Record closes in this case. *Id.* at ¶¶ 2, 7. Many of them have plans to use the TMA in the near future. *Id.* The guidebooks BRC publishes serve a two-fold purpose: they help BRC members plan their trips to the TMA, and they provide a significant source of fundraising for BRC. *Id.* at ¶ 7. The TMP's route closes of 12 of the 26 routes featured in the guidebook will make the guidebook less valuable, creating a financial injury to BRC. *Id.*

BRC's members are involved in many activities on public lands—such as dirt biking, mountain biking, e-biking, backcountry aviation, base jumping, hiking, wildlife viewing, photography, scenic driving, dispersed camping, water sports, and rock climbing—but are especially interested in activities involving their OHVs. *Id.* ¶ 4. These activities include organized rides with clubs, informal get-togethers, family vacations, and solo recreational rides. BRC Comment at 3, 22-24. The TMP will limit all of BRC's members' enjoyment and use of the TMA and will acutely affect disabled and senior members who are unable to travel the trails by walking, hiking, or biking. *Id.* ¶ 4; BRC Comment at 11-13, 20, 23.

The TMP adversely affects Appellant McKay. He is a member of multiple organizations that promote and protect access to motorized trails and serves as Vice President of COTD. Exhibit 6 at ¶ 2. ("McKay Declaration"). He is also a member of

the BlueRibbon Coalition. Burr Declaration at ¶ 2. He has extensively participated in the process of developing the TMP, including traveling much of the TMA and submitting a comment that analyzes the TMA in great detail. McKay Declaration ¶¶ 4-8. His work culminated in a 527-page comment complete with photographs, maps, route descriptions, and route descriptions. *Id.* ¶ 12; McKay/COTD Comment. He has regularly visited Moab for the purpose of OHV recreation since May 2019 and has planned another trip for spring 2024, where he planned to drive many of the routes subject to closure. McKay Declaration at ¶¶ 7, 37. The TMP therefore interferes with his concrete plans to visit the TMA.

PETITION FOR STAY

Appellants seek immediate relief to stay BLM's decision approving the Labyrinth Rims/Gemini Bridges Travel Management Plan, which closes 317.2 miles of routes that were previously open to OHVs. TMP at DR-2.

I. BACKGROUND.

The TMA consists of over 300,000 acres of BLM lands located north and west of Moab, Utah. Exhibit 7, U.S. Dept. of the Interior, *Labyrinth/Gemini Bridges Travel Management Plan Environmental Assessment* (September 2023), at 1 (the "EA"). It has "a particularly high level of OHV use"[3] and is home to "several world class 4WD/OHV routes." EA at 88. Bounded by the Green River to the west, Arches National Park to the East, and Canyonlands National Park to the South, the TMA's draw is that it is a beautiful and scenic area, featuring canyons, mesas, arches, bluffs, and more. EA at 2. It is also one of the few places in the region that is not subject to higher levels of protections, such as national monuments, critical habitat, wilderness study areas, and areas of critical environmental concerns. BRC Comment at 2.

[3] The TMA is so synonymous with OHVs that the cover page for the EA and TMP features a photograph that has eight Jeep Wranglers driving along the centrally featured route.

Accordingly, it represents one of the last areas where individuals and their families may enjoy motorized access to some of the most beautiful and thrilling trails, and viewpoints, and dispersed campsites in the American Southwest.

OHV access in the TMA has been shrinking for decades. The current travel network dates back to the 2008 Moab Field Office Record of Decision and Approved Resource Management Plan. Attached as Exhibit 8 (the "2008 RMP"). That decision closed 766 miles of trails in the TMA. EA at 11. Nevertheless, anti-OHV groups continued to push BLM to close more trails and filed suit accordingly. That case ended in a settlement agreement where BLM agreed to issue new TMPs for 14 different TMAs, including the Labyrinth/Gemini Bridges TMA. Exhibit 4 at 6-7.

The TMP ostensibly was meant to choose between four alternative TMPs explained in the EA. Each of the "proposed travel network action alternatives meets the purpose and need and responds to the issues described in Chapter 1 [of the EA]." EA at 11. Nevertheless, BLM chose a network that fit none of the alternatives but was closest to Alternative B in terms of OHV access. TMP at DR-3.[4] Alternative B was meant to emphasize "natural resource[s]" and "constrain[]" OHV use. EA at 16. This drastic closure is occurring, even though as recently as 2015, BLM reviewed the 2008 RMP and found that the travel network inside the TMA did not require any changes. *See* Exhibit 9, BLM, Land Use Plan Evaluation Report (Sept. 30, 2015).

II. STANDARD OF REVIEW.

Department of the Interior regulations list four requirements for the Board to stay BLM's decision:

(1) The relative harm to the parties if the stay is granted or denied;

(2) The likelihood of the appellants' success on the merits;

[4] Alternative B would have closed 437.8 miles of routes and limited 84 miles. EA at DR-3. The next closest Alternative, Alternative C, would have only closed 167.7 miles of routes and limited 121.4 miles. *Id.* The selected network closes 317.2 miles of routes and limits 98.4 miles. *Id.*

(3) The likelihood of immediate and irreparable harm if the stay is not granted; and

(4) Whether the public interest favors granting a stay.

43 C.F.R. § 4.21(b)(1). It is the appellants' burden to demonstrate that a stay should be granted. *Id.*

To obtain a stay, "[t]he petitioner does not need to prove with certainty each criterion. Instead, a petitioner must show that it *likely* meets each criterion." *Pueblo of San Felipe*, 187 IBLA 342, 342 (2016); *see also Western Watersheds Project v. BLM*, 197 IBLA 161, 165 (2021). "In balancing the likelihood of movant's success against the potential consequences of a stay on the other parties it has been held that 'it will ordinarily be enough that the plaintiff has raised the questions going to the merits so serious, substantial, difficult, and doubtful, as to make them fair ground for litigation and thus for more deliberative investigation." *Sierra Club*, 108 IBLA 381, 384-85 (1989) (cleaned up); *see also Wyo Outdoor Council*, 153 IBLA 379, 388 (2000) (same). A stay "serves as an equitable policing measure to prevent the parties form harming one another during the litigation; to keep the parties, while the suit goes on, as far as possible in the respective positions they occupied when the suit began." *Hamilton Watch Co. v. Benrus Watch Co.*, 206 F.2d 738, 742 (2nd Cir. 1953).

III. APPELLANTS ARE LIKELY TO SUCCEED ON THE MERITS.

A. The closures violate the Dingell Act.

A "core administrative-law principle [is] that an agency may not rewrite clear statutory terms to suit its own sense of how the statute should operate." *Util. Air Regulatory Group v. EPA*, 573 U.S. 302, 328 (2014). "Agencies are not free to adopt unreasonable interpretations of statutory provisions and then edit other statutory provisions to mitigate the unreasonableness." *Id.* (cleaned up). Under the APA, "A reviewing court will 'hold unlawful and set aside agency action' that it determines to

be 'in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.'" *Ron Peterson Firearms, LLC v. Jones*, 760 F.3d 1147, 1154 (10th Cir. 2014) (citing 5 U.S.C. § 706(2)(C)).

On March 12, 2019, Congress passed the John D. Dingell, Jr. Conservation, Management, and Recreation Act ("Dingell Act"), 16 U.S.C. § 1132 et seq., P. Law 116-0. Section 1231(a)(7) of the Dingell Act designated Labyrinth Canyon as a wilderness area ("Wilderness Area"), comprising approximately 54,642 acres, which is to be managed by BLM in accordance with the Wilderness Act (16 U.S.C. § 1131 et seq.) subject to valid existing rights. 16 U.S.C. § 1232.

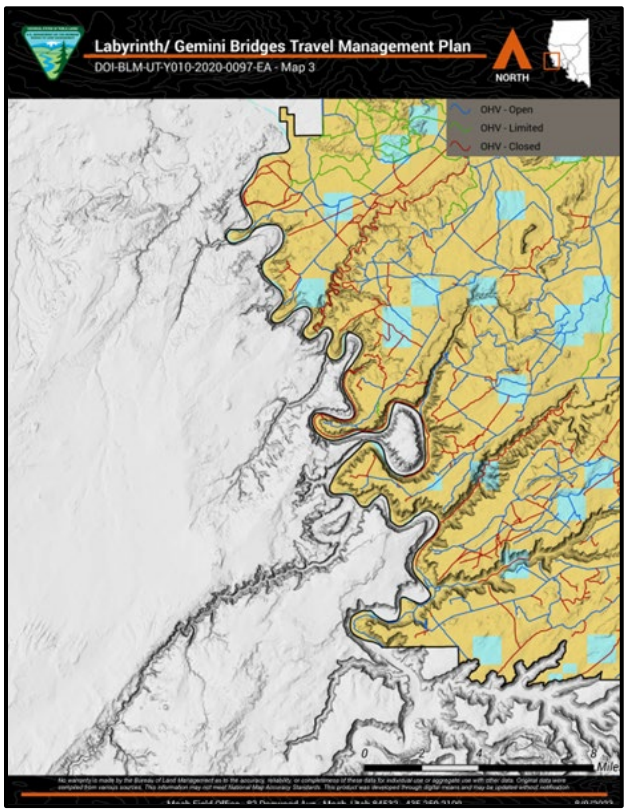
The Dingell Act was a landmark bill and was hailed as a "rare moment of bipartisanship." Coral Davenport, *Senate Passes a Sweeping Land Conservation Bill*, New York Times (Feb. 12, 2019). As such, it encompassed compromises between competing interests. Indeed, BLM itself has stated "Congress was aware of the naturalness and solitude of the Wilderness Area" and it "decided to balance" protecting the natural environment and allowing other activities in the area. Fed. Defs. Mem. in Opp. to P's Renewed Mtn. for a Temp. Restraining Ord. and P. I., (BLM PI) *8 *Southern Utah Wilderness Alliance*, *et. al.*, *v. Bernhardt*. No. 1:20-cv-03654-RC (D.D.C. Jan. 1, 2021) at *29 citing Subcommittee on Natural Parks, Forests, and Public Lands, H.R. 86, 111th Cong. at 5, 17, 76 (1st Sess. 2009).

Part of that negotiation was that the designation of certain wilderness areas, like Labyrinth Canyon, would not lead to restrictions seeping into the surrounding areas. Congress was clear that it "does not intend for the designation of the wilderness areas to create protective perimeters or buffer zones around the wilderness areas." 16 U.S.C. § 1132(e). Congress stated that "The fact that non-wilderness activities or uses can be seen or heard from areas within a wilderness area **shall not preclude** the conduct of those activities or uses outside the boundary of the wilderness area." *Id.* (emphasis added) *See also*, BLM PI *8.

This was not an accidental inclusion. Congress knew that when it designated wilderness areas the calls for the creation of buffer zones would be next. As Utah Senator Romney highlighted "the clear intent within Sec. 1232, section (e)" is that "non-wilderness activities or uses that can be seen or heard from areas within wilderness are to be left uninterrupted by this legislation. The clear intention of the bill was to avoid any type of a buffer zone management plan." 165 Cong. Rec. 150 (Sept. 18, 2019) available at https://tinyurl.com/mw3ubsk5.

However, contrary to the clear language of the Dingell Act, the District Manager both created a buffer zone and precluded OHV access based on the noise and sight of those activities.

First, a map of the TMA's closed routes makes clear that BLM intended to create a buffer zone around Labyrinth Canyon.



The Labyrinth Canyon Wilderness makes up most of the western border of the TMA on the above map. A large majority of the routes abutting the Labyrinth Canyon

Wilderness were closed under the district manager's plan. The only ones that were not closed are county B roads on the southwestern most tip of the TMA (the small blue loop). This creates a buffer zone, preventing people from getting close to the Labyrinth Canyon Wilderness Area and increasing the effect of Congress's wilderness designation beyond what Congress intended. This violates the Dingell Act.

In explaining these closures, the District Manager often described them as an attempt "to minimize known visual and noise-induced conflicts with non-motorized users on the Green River." A2-123 (discussing closure of D2759A). But BLM cannot use the Green River as a cover for violating the Dingell Act. The Green River is used by both motorized and non-motorized users. McKay/COTD Comment at 21. Airplanes fly overhead to land or take off from the Mineral Bottom Airstrip. *Id.* at 21, 32. The District Manager's claim to be protecting non-motorized users on the Green River appears to be nothing more than a pretextual excuse to hide her true intention to create the very buffer zone that Congress forbade her from making.

Second, the District Manager violated the Dingell Act by basing her route closure decision on the noise and sight of non-wilderness activities and uses within the Labyrinth Canyon Wilderness. The District Manager claimed that she was required to use criteria to close routes outside of the Labyrinth Canyon Wilderness Area based on the noise and sight of non-wilderness activities and uses within the TMA. TMP at 2. In particular, notwithstanding the plain language of the Dingell Act forbidding her from considering the sight and noise of non-wilderness activities in the TMA, she claimed that the route designation criteria (referred to as the "minimization criteria") contained in 43 C.F.R. § 8342.1(c) required her to consider noise when deciding to designate routes as open, limited, or closed to off-road vehicles.

The third minimization criterion states that "Areas and trails shall be located to 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." 43 C.F.R. § 8342.1(c). But this criterion is precisely what the Dingell Act forbids. BLM lacks the statutory authority to consider how the neighboring Labyrinth Canyon Wilderness Area is affected by noise or visuals within the TMA. BLM regulations do not take precedence over statutes passed by Congress.

Nevertheless, the District Manager discussed noise and visual conflicts along the Labyrinth Canyon Wilderness when making determinations on which routes to close. For example, route D2763B, which abuts the Labyrinth Canyon Wilderness area was closed to "minimize visual and noise-induced conflicts between motorized and non-motorized users." TMP at A2-125. While this included those occupying the river, the minimization criteria required the district manager to analyze noise and visual factors within the Labyrinth Canyon Wilderness when making determinations. This is in direct conflict with the Dingell Act and, therefore, in conflict with the APA and basic principles of administrative law.

The Dingell Act also designated the portions of the Green River that border the Travel Management Area as a Recreational River Segment and a Scenic River Segment under the Wild and Scenic Rivers Act. Both designations specifically allow for access by roads to the rivers. The Dingell Act also designated a portion of the Green River that is not part of the TMA as a Wild River Segment under the Wild and Scenic Rivers Act. If Congress intended to prioritize non-motorized recreation along the segments of the Green River that border this TMA, Congress would have designated these as Wild River Segments. They specifically did not make this designation, and it is a violation of the Dingell Act to adopt a travel management plan that manages these river segments as wild river segments.

B. The closures violate the Appointments Clause.

"Under the Constitution, '[t]he executive Power' is vested in the President, who has the responsibility to 'take Care that the Laws be faithfully executed.'" *United States v. Arthrex*, 141 S.Ct. 1970, 1976 (2021) (citing Art. II, §1, cl. 1; §3). The Appointments Clause states, in pertinent part:

> "The President ... shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they may think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

The Appointments Clause sets forth the "exclusive means of appointing 'Officers.' Only the President, a court of law, or a head of department can do so." *Lucia v. SEC*, 138 S. Ct. 2044, 2051 (2018) (citing U.S. Const. art. II, § 2, cl. 2.).

Under our constitutional structure, there are three categories of individuals serving under the chief executive: Principal Officers, appointed by the President and confirmed by the Senate; Inferior Officers, appointed by the President, a Court of Law, or a department head; and all other employees.

The Supreme Court has provided guidance for distinguishing between officers and employees. Officers have duties that are "continuing and permanent," have positions that are "continuing," and exercise "significant authority pursuant to the laws of the United States." *Lucia v. S.E.C*, 138 S. Ct. 2044, 2051 (2018); *see Edmond v. United States*, 520 U.S. 651, 662–63 (1997); *Custodia Bank, Inc. v. Fed. Reserve Bd. of Governors*, 640 F. Supp. 3d 1169, 1191 (D. Wyo. 2022). Conversely, employees are lesser functionaries subordinate to officers of the United States that have duties that are only "occasional or temporary." *Buckley v. Valeo*, 424 U.S. 1, 125–26 & n.162 (1976). Because BLM placed the exercise of final executive power in the hands of an

unelected employee, and not an officer, the final actions taken by that employee are invalid and unconstitutional.

First Nicollee Gaddis-Wyatt's duties are "continuing and permanent" and she is an unappointed permanent employee. *Lucia*, 138 S. Ct. at 2051. She has been an employee since 2010, and she currently holds the title of "District Manager." *BLM Canyon Country District Announces Key Leadership Changes*, Bureau of Land Management (Aug. 11, 2022) available at https://tinyurl.com/53fwzpt2; 43 C.F.R. § 1601.05 (stating that a "District Manager" is a type of "Field Manager" who is a "BLM employee"). BLM District Managers, including Ms. Gaddis-Wyatt are not principal officers, that is, persons appointed by the President following the Senate's advice and consent. Nor are they inferior officers, that is, officers appointed by principal officers whose work is directed and supervised by a principal officer. *See Lucia*, 138 S. Ct. at 2051; *Edmond*, 520 U.S. at 663. Rather, they are employees. And because they are not properly appointed, they have no power to exercise the federal government's sovereign authority to close hundreds of miles of previously public roads.

The founders expected that only someone accountable to the President could wield such significant authority. The TMP makes clear that it was she who decided which routes to keep open and which to close permanently. TMP at DR-2 ("it is my decision to select a route network consisting of a combination of the route networks analyzed in the EA as Alternatives B, C, and D.").

BLM regulations make clear that "[t]he approval of a resource management plan, plan revision, or plan amendment constitutes formal designation of off-road vehicle use areas." 43 C.F.R. § 8342.2(b). This is why it requires that "[p]ublic notice of designation or redesignation shall be provided through the publication of the notice required by § 1610.5–1(b) of this title." *Id.* And legal consequences flow from this designation. Entry onto a closed road constitutes criminal trespass, which can be

punished with a $1,000 fine and up to one year in prison. 43 C.F.R. § 8340.0-7. Once a road is closed, it is BLM policy to "obliterate" that road by disguising routes, ripping out soil and reseeding the area, and installing barriers and signs. EA at 347-350. The decision to close is a permanent one.

The power exercised by the District Manager is authority that must be vested in an officer of the United States. It criminalizes using public lands. The exercise of this power by an employee, and not an officer, violates the Constitution and invalidates the TMP.

C. The closures are arbitrary and capricious.

An agency decision is arbitrary and capricious under the APA where the agency "relied on factors Congress did not intend it to consider, entirely failed to consider an important aspect of the problem, or offered an explanation that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Lands Council v. McNair*, 537 F.3d 981, 987 (9th Cir. 2008) (quotations omitted). Additionally, "failure to respond to relevant and significant public comments generally 'demonstrates that the agency's decision was not based on a consideration of the relevant factors.'" *N.M. Health Connections v. United States HHS*, 340 F. Supp. 1112, 1167 (D. N.M. Oct. 19, 2018) (quoting *Lilliputian Sys., Inc. v. Pipeline & Hazardous Materials Safety Admin.*, 741 F.3d 1309, 1312 (D.C. Cir. 2014). The TMP commits both errors here.

The TMP is riddled with factual errors and unresponsive answers to comments. For example, for Route Number D1515A, multiple commenters (including appellants) noted that the 0.76-mile route offers scenic views of the Green River that will otherwise be unavailable to elderly and disabled users. EA at 241-42. The BLM response acknowledges the route is used for "scenic driving," but makes no mention of considering the needs of elderly and disabled members of the public. *Id.* The TMP

closes the route, citing nothing more than a generalized rationale that it "will enhance desert bighorn sheep lambing and migratory bird habitats by reducing motorized use and removing the route footprint." TMP at A2-45. Such a decision is arbitrary and capricious and flies in the face of the Biden Administration's own executive order protecting disabled persons.[5] The same can be said for Route Number D1520A, a 2.17-mile route with scenic views of the Green River and features an overlook of the Labyrinth Canyon. EA at 243. BLM again failed to respond to concerns about an elderly or a disabled person's ability to access these features. TMP at A2-45.

The TMP also fails to account for the Dingell Act's prohibition on buffer zones. Appellant McKay cited multiple routes that created "buffer zones" in violation of the Dingell Act, and BLM failed to respond to his comment. EA at 236-41 These routes included the closed Route Numbers D1501, D1507, D1507B, and D1510. BLM's failure to account for federal law in this regard makes its decision to close those routes arbitrary and capricious and contrary to law.

The TMP's reliance on conflicts based on "noise" was also arbitrary and capricious. BLM partially justified closures on Route Numbers D1223A, D2759B, D2763B, and D2763C—totaling over 14 miles—to "minimize known conflicts between OHV public and river users that is caused by vehicle-based noise." TMP at A2-21, A2-123, A2-125. This is arbitrary and capricious for two reasons. First, there is no standard or meaningful measure of what BLM considers too much noise. *Accord S. Utah Wilderness Alliance v. United States DOI*, 2016 U.S. Dist. LEXIS 140624, at *23-24 (D. Utah Oct. 3, 2016) (failure to use "any scientific protocol for assessing noise impacts" failed NEPA's hard look requirement and constituted arbitrary action). If

[5] *See Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (Jan. 20, 2021) (noting that "persons with disabilities" are among the populations that "have often been denied equal opportunity"), available at: https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/.

vague assertions that noise is causing conflict between users were enough to close a route, BLM would have the authority to close any route in any of the lands it manages. The TMP and EA are completely devoid of any sort of objective standard or measure to determine what level of noise is acceptable and what level will result in closures.

Second, the record itself does not support that these routes result in a lot of noise. The Route Report for D1223A refers to the route as a "primitive road" that only gets "medium" use. The Route Report for D2759B is also a primitive road, but only has "low" use and is not even accessible by a stock vehicle. D2763B is also primitive with low use, and BLM did not include D2763C in its route reports. In other words, BLM claimed these low-use roads are resulting in such a high level of noise that it results in user conflicts large enough to support closure. This cannot be the case. BLM also failed to respond to Appellant McKay's comment that its map has D2763B in the incorrect place. McKay/COTD Comment at 509. The real route is further from the river than BLM mapped it.

Many of the other routes' rationale for closure also fail to hold up to scrutiny, contain many errors, and contradict BLM's own documents. D1503B, for instance, is listed as "Closed," but the listed rationale in the TMP then explains why the route is being kept open. TMP at A2-43. The TMP also closes D1879, which is listed as 0.05 miles in length, but the route report says the route is 0.54 miles in length. TMP at A2-73. Over a dozen routes[6] are being closed to "reduce route proliferation," but route proliferation is only listed as a problem in one of the route's areas (D1748). TMP at A2-64. The EA, on the other hand, states that "route proliferation is generally not a significant issue" in the TMA. EA at 11.

[6] D0017, D1035, D1038, D1044, D1076B, D1270, D1286, D1612B, D1685, D1748, D1766, D1872, D2733, D2739 (singletrack), D2750A (singletrack), D3922A

Similarly, BLM relies on the presence of bighorn sheep as a rationale for closing many trails. Such a claim is contradicted by BLM's own documents, which acknowledge that wildlife, including bighorn sheep, are more disturbed by hikers and rock climbers than OHVs. Exhibit 10, BLM, *Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons*, Environmental Assessment: DOI-BLM-UT-Y010-2020-0068, at 9 (August 2020). That document acknowledges that bighorn sheep are more sensitive to hikers because of the unpredictability of their locations and are more likely to be found off-trail, unlike road traffic. *Id.* at 33, 35. Bighorn sheep "coexist best with people when human activity in sheep habitat is predictable." *Id.* at 34. Nevertheless, under the TMP, these routes remain open to hikers and closed to OHVs. Such a decision is the epitome of arbitrary and capricious.

Such arbitrary and capriciousness is even more apparent when one considers the multitude of historic routes that the TMP closes.

1. Hey Joe Canyon - D1526B, D1527B, D1528

Closure of the Hey Joe Canyon trail is arbitrary and capricious, and contrary to law. First, it violates the RMP direction, which found an "overriding purpose and need" to keep it open for OHV recreation. RMP at 19. Second, the BLM's primary reason for closure the was alleged user conflicts with non-motorized boaters on adjacent Green River and closed all motorized routes accessing or paralleling the Green River except county B roads that only make up a small portion of the southwestern portion of the TMA. The TMP's claimed reason was that closure was necessary to minimize user conflicts with boaters. This is irrational because motorboats are allowed on the river itself and continue to be allowed. There is also an airstrip at Mineral Bottom, right next to the river.

This closure shows that the BLM decided to treat the Green River as an entirely non-motorized area, even though it never has been, and there is no RMP

direction to treat it this way. There is a recreation focus area along the Green River that emphasizes non-motorized boating and prohibits building new motorized routes in the area, but existing motorized routes were deemed completely compatible with it. RMP at 90-91. The Hey Joe Canyon road was expressly excluded from the canoe focus area, RMP at 91, (making it a motorized focus area by default), with the intent that this would resolve issues of alleged user conflict by signaling that noise from motorized use is expected in the area.

All the same user conflict arguments were made during the 2008 RMP planning process, and the BLM rejected them, saying that the importance of the route for motorized recreation gives it an overriding purpose and need. RMP at 19. In the new plan, the BLM acknowledged its prior determinations, but said that but said the travel management regulations required it to minimize user conflict. No explanation was given for why closing the route to motorized users was the only way to minimize user conflict, and the BLM failed give any evidence that the situation had changed. It simply decided the opposite of a previous decision without explaining its reasoning, making it arbitrary and capricious.

By closing this route, BLM has interpreted the regulation requiring it to minimize user conflicts with non-motorized recreation as creating an obligation to close motorized routes any time non-motorized users complain about motorized users' presence. The RMP explicitly said that the purpose of establishing recreation focus areas was to set user expectations that motorized noise would be present in motorized areas. The BLM's stance obliterates this and establishes a rule that non-motorized users' complaints require closing motorized routes even in motorized focus areas.

Other reasons given for closure are just recitations of generic impacts to riparian areas and wildlife with no evidence that this specific road is causing those impacts. The roadbed has been in place for 70 years, and there is no evidence it is harming riparian areas.

2. Day Canyon Point - D1625A, D1625B, D1627, D1630

Closing Day Canyon Point is also arbitrary and capricious. BLM's main claimed reasons for closure is that the route is a bighorn sheep lambing habitat and that it receives low use, which contradicts the idea that it is impacting bighorn sheep. It is a Jeep Safari route and is featured in guidebooks, so it is highly important regardless of use levels.

BLM relies on wildlife science contradictory to its conclusion. Bighorn sheep acclimate to regular recreation use on fixed routes, which the BLM has previously acknowledged in other projects like the Mineral and Hell Roaring Canyons Roped and Aerial Activities project. *Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons*, Environmental Assessment DOI-BLM-UT-Y010-2020-0068, at 33-34 (August 2020). In fact, it noted a "higher sensitivity of sheep to hikers . . . due to the greater unpredictability of the locations of hikers because, unlike road traffic, nearly all hiker disturbances of sheep were off-trail and variable locations." *Id.* at 33. BLM has known for decades that "Bighorn sheep coexist best with people when human activity in sheep habitat is predictable." *Id.* at 34. Instead, the TMP opens this route to hikers and mountain bikers, who are more unpredictable and more likely to leave established trails, but closes the route to OHV users, who are most likely to travel on the road in a predictable pattern.

BLM has produced no evidence that this specific route, or any motorized route in the area, is negatively impacting bighorn sheep populations. BLM also has produced no evidence that a permanent closure is necessary to protect bighorn sheep, beyond generics factors such as the route is in a habitat management area. BLM also cites generic benefits like restoring vegetation, but this "benefit" applies to any closed route, and BLM offers no explanations why vegetation restoration is necessary here. BLM simply has not provided any evidence of any actual impacts from the route requiring closure.

3. Mashed Potatoes - D2562

The Mashed Potatoes closure is arbitrary and capricious because it incorrectly lists the route as redundant. The main listed reasons for closure are to minimize route proliferation and have a less redundant route network. The BLM falsely assumed this route is redundant with nearby parallel routes in the 3D Jeep Safari trail but failed to acknowledge that Mashed Potatoes is used in Easter Jeep Safari to create an alternative variant of the 3D trail that is more challenging and incorporates different types of terrain. Mashed Potatoes offers a completely different experience than the parallel trails because it is almost entirely in unique white slickrock domes that are different and more challenging than other parallel routes. It is featured independently in published guidebooks and has its own unique recreational value which the BLM failed to acknowledge even though that was pointed out in Appellant McKay's, COTD's, and Red Rock 4-Wheelers each pointed out in their comments.

Route proliferation could have been minimized by better marking the designated route, as it's currently poorly marked and confusing to navigate. BLM never considered this simple and less extreme alternative. BLM's other rationales for closing are generic and unsupported by any evidence specific to this route. As with Day Canyon Point, this route is in bighorn sheep lambing habitat, but the sheep are accustomed to OHV presence on the route.

4. Deadman Point/Deadman Spring - D2022, D2014, D1501, D1507B, D2015A, D1515B, D1515C, D1518, D1520A, D2017, D7209, D2031, D2030, D2035, D2033

The Deadman Point and Deadman Spring closures are arbitrary and capricious because they ignore the facts on the ground. These are all Jeep Safari Routes or spurs off of the main safari route. BLM cited low use, redundancy, bighorn sheep habitat fragmentation, and impacts to the spring itself for closing these routes. None of these reasons have any supporting evidence, and if they are lightly used, they could not have any significant impacts or affect sheep or raptors. D2022 was listed as

redundant with D1503B, but the BLM arbitrarily decided to keep open the less interesting route that is farther from the rim of Spring Canyon with less appealing scenic value. D2014 provides access to several scenic overlooks of Labyrinth Canyon. BLM arbitrarily said the other parts of the Deadman Point Safari Trail provide adequate recreation opportunities, ignoring the unique views from these overlooks that are in a completely different part of the canyon than those other routes.

Routes D1501, D1518, and D1520A are featured in BlueRibbon Coalition's *Lost Trails Guidebook* because they are high-value routes that provide access to unique scenic overlooks of the Green River and dispersed campsites. The routes are listed as redundant with D1511, which does not provide the unique views and recreation opportunities as the closed routes. BLM also says D1520A is closed to minimize soil erosion, but a substantial portion of the route is sandstone. The BLM's stated rationale for closing D1515A, D1515B, an dD1515C is that users can access popular viewpoints in the area by using the open route D1520A, which is actually closed by the TMP. As such, the BLM has offered an explanation that runs counter to the evidence before the agency.

BLM also used bighorn sheep habitat as a proxy for wilderness characteristics here, as D2014 is a boundary road for lands with wilderness characteristics, so closing it enlarges the contiguous area with wilderness characteristics. Such a decision is contrary to the Dingell Act and BLM's multiple-use mandate by favoring one use over the other, despite the fact that there is not a conflict on this route.

5. Deadman Point Overlooks - D1509 (open), D1510 (closed)

Closing D1510 is arbitrary and capricious because it fails to acknowledge its recreational value. These are two overlook spurs off the Deadman Point safari trail. Though they are not part of the safari trail itself, they are commonly driven together and are featured as part of the Deadman Point trail in OHV guidebooks, such the

FunTreks guidebook. They are regularly used and access spectacular overlooks and dispersed campsites. BLM failed to account for these routes' recreational value, which Appellants McKay and COTD pointed out in their comment. COTD at 267. The Comment further shows, by photograph how minimally the route obstructs the land as it crosses a plateau to the overlook. *Id.*

BLM's listed rationales for closing this route are bighorn sheep habitat and reducing route proliferation. BLM does not show any actual impacts from these routes. As discussed above, bighorn sheep habitat is less impacted by roads than by unpredictable hikers and bikers. It also does not point to these routes leading to any new unauthorized routes. Further, the EA is clear that "new route proliferation is generally not a significant issue" in the TMA. EA at 11. The TMP appears to be using route proliferation synonymously with excessive route density, even though those are completely different concepts, and what the BLM considers to be too many routes in an area is completely arbitrary and subjective.

6. Ten Mile Canyon - D2759A, D2759B

The TMP arbitrarily and capriciously closed D2759A and D2759B. Perhaps most egregiously, the rationale relies on user conflicts with boaters on the Green River. This ignores the facts on the ground. Very few vehicles ever make it to the Green River, as the last segment of the route is usually impassable due to mud.

Other rationales BLM provides are similarly contradicted by the evidence. BLM alleges that riparian impacts with the roadbed impact the stream, but the roadbed is out of the stream in most places and has been stable for some time. In reality, the parts of the routes that are in the stream are regularly scoured by flood events, which causes the routes to "have minimal affect [sic] on xero-riparian resources." Route Reports for D2759A and D2759B. Closing this route because of bighorn sheep habitat is faulty as well. As discussed above, bighorn sheep habitat is

less impacted by roads than by unpredictable hikers and bikers. The TMP also has not pointed to any evidence the routes are negatively impacting bighorn sheep who are accustomed to traffic on it.

The 2008 RMP also has extensive direction regarding management of these routes, which the BLM says has failed but did not give any details on what measures it had actually tried and why they failed. BLM ignored the 2008 RMP when closing these routes. The 2008 RMP found that resource impacts can be mitigated with signage despite it being "very popular with motorized users." RMP at 19. The 2008 RMP recognized the "overriding purpose and need" to keep this route open as part of the Jeep Safari route and as a route that is singled out in local guidebooks. *Id.* Further, the 2008 RMP listed special management steps that would be tried before closure, such as restricting camping, limiting to designated routes, establishing speed limits, designating a parking area at the Green River, and requiring permits if long-term damage was found. RMP at 108. None of these measures have been tried and the TMP jumps straight to closure for this iconic route. Such an action is arbitrary and capricious.

7. Ten Mile Rim - D2840

Again, the TMP closes D2840 in spite of the facts on the ground and does not respond to comments from Appellants. The rationale primarily relies on the Route being redundant with B336. Appellants McKay and COTD noted that D2840 is not redundant, because while both this route and B336 go to Ten Mile point, this route is a markedly different recreation experience. This one is a primitive 4WD route and B336 is a maintained, graded route. Further, one of the other routes it was supposedly redundant with, D2759, was also closed. Closure of this route is arbitrary and capricious, and there is no substantial evidence to support closing this route.

8. Hell Roaring Canyon Trail - D1223A, D1223B, D1223C

The closure of D1223A, D1223B, and D1223C is arbitrary, capricious, and contrary to law for at least three reasons. First, BLM justifies closure because traffic on the section of the trail near the Green River is bothersome to boaters on the river. However, the route report lists the use of this trail as low, which conflicts with the alleged justification for closure. Second, closure is allegedly justified in order to protect bighorn sheep and raptor habitat. However, this is contradicted by findings in the *Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons*, Environmental Assessment DOI-BLM-UT-Y010-2020-0068 (August 2020) report, which describes the road in the canyon as having minimal impact on sheep because traffic is in a predictable pattern and away from their escape terrain. Furthermore, the report indicates that the road does not impact raptors at all because vehicles do not travel on the cliffs or close to their nests. Third, closure is allegedly justified because parts of the road in the upper canyon are allegedly in disrepair, which allegedly causes users to travel cross-country. However, this is impossible because the road traverses a large wash through this segment, and this wash is regularly scoured by flood events. Furthermore, closure directly contradicts extensive analysis that supports keeping the road open in the 2008 Travel Plan.

9. Mineral Canyon Trail - D1217

Similar to the closure of Hell Roaring Canyon, the closure of Mineral Canyon Trail is arbitrary, capricious, and contrary to law because it is justified by the alleged need to protect bighorn sheep and raptor habitats. This contradicts findings in the *Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons*, which concluded that the road has minimal impact on these species. Furthermore, even rock climbing—which is significantly more disruptive to these species than a road—is permitted in the area. The road itself is entirely in the "green zone," where BLM has imposed few restrictions on rock climbing because bighorn sheep are habituated to

human activity and have the entire upper canyon, which is past the road, to retreat to. Furthermore, the Travel Plan falsely claims that the road does not access any recreation destination, completely ignoring comments pointing out that the road accesses a hiking trail into the upper canyon, and that the road allows for vehicular retrieval of BASE jumpers who parachute down from upper parts of the canyon and land on the road. The road also has significant value for general scenic viewing and OHV travel. For this reason, the route is also featured in Volume 2 of BlueRibbon Coalition's *Lost Trails Guidebook*.

10. Mineral Canyon Dispersed Camping Area - D1207

The closure of D1207 is arbitrary, capricious, and contrary to law for at least two reasons. First, it is important to observe that the closure affects approximately half of the total length of the longer road. The first half will remain open while the second half will be closed. The Travel Plan alleges that closing the second half of the road will not impact recreational opportunities. However, this completely ignores the fact that BLM has designated four dispersed campsites on the segment to be closed, two of which are at the end of the road and have exceptional cliffside views that are not duplicated by any other campsites in the entire Travel Plan area. Thus, the alleged basis for closure is simply incorrect, arbitrary, and capricious. Second, the closure rationale fails to document any impacts that would result from leaving this route open, instead relying on boilerplate language about how closure would minimize visual contrast and vague assertions about impacts on (unidentified) wildlife. Any justification based on wildlife impacts is entirely undermined by the fact that BLM cleared the road of wildlife impacts when it designated campsites along it in 2017. The alleged justification for designating sites (as opposed to unrestricted dispersed camping) was to protect bighorn lambing habitat.

11. Taylor Canyon Overlooks - D1019B, D1026B, D1112

The closure of routes D1019B, D1026B, and D1112 is arbitrary, capricious, and contrary to law for at least three reasons. First, at least one alleged justification is demonstrably false. The proffered justification for the closure of segment D1019B is because segment D1026B is allegedly remaining open and would provide a similar user experience. However, *segment D1026B is also being closed*. Thus, the closure of D1019B *cannot* be explained by D1026B remaining open. Again, the agency has offered an explanation for closure that runs counter to the evidence before the agency. Furthermore, each of these routes access different, unique overlooks of Taylor Canyon. Therefore, even if one were to remain open, they do not, in fact, provide similar user experiences—the overlooks are unique. To the extent that the Travel Plan alleges that D1042A provides an alternative, this is incorrect because that road dead-ends at the boundary of Canyonlands National Park in the middle of a mesa top. A long hike is then required to approach the canyon rim. Additionally, no impacts are cited as a reason to close these routes, aside from a brief mention of user conflicts for D1019B. However, conflicts are highly improbable given the remoteness of the area and the lack of evidence that it sees significant foot or mountain bike traffic. Any assertion of user conflict is simply arbitrary speculation.

12. 7-Up Trail - D1944, D1945

The closure of routes D1944 and D1945 is arbitrary, capricious, and contrary to law for at least two reasons. First, it improperly implies that mountain-bike traffic is to be prioritized over motorized traffic. The closure is allegedly necessary to reduce "user conflict" between motorized users and mountain bike users. This route does coincide with the 7-Up bike trail, which is part of the Magnificent 7 bike trail network that was developed early last decade, after the 2008 RMP was adopted. However, because this area is a motorized-focus area and not a mountain bike focus area, there is nothing that would permit BLM to prioritize mountain bike travel over motorized

travel, such as to justify closure. This renders the closure arbitrary and capricious. The plan acknowledges that motorized uses are low, which further undermines any claim that there are "conflicts" between motorized and mountain bike users. Second, the closure is arbitrary because bighorn sheep and raptor nests are also given as reasons for closing it, even though this route has existed for decades and there is no evidence of negative impacts to wildlife.

13. Slickenside Arch Dispersed Camping Area - D2421

The closure of D2421 is arbitrary and capricious because it is allegedly being undertaken because, "[w]hile the route has been used for dispersed vehicle camping in the past, there is no designated campsite at this location currently because of the presence of cultural resources." This is false. BLM has created an entire designated dispersed camping area that contains BLM ground signage and a kiosk showing eight campsites on the road. The proposed closure does not even acknowledge this BLM-created area to exist—the very definition of arbitrary and capricious.

14. Dead Cow Motorcycle Trail - DC3, D2763B

This arbitrary, capricious, and contrary-to-law closure of DC3 and dD2763B would close the most popular motorcycle trail in the entire Moab region. The alleged basis for the closure is riparian impacts, but the trail exists in a dry wash basin with a rocky bottom, and there is no evidence provided that continued motorized access will have meaningful riparian impacts. Further, as discussed above, the map BLM used *has the trail in the wrong place*. The real trail is further from the river, and thus further from riparian habitat, than BLM believed when it made the decision to close the trail.

15. Lost World Butte Trail - D2624, D2633

This arbitrary, capricious, and contrary-to-law closure of D2624 and D2633 is allegedly necessary because this route is redundant with Rainbow Terrace (D2625).

However, partway along the route, Lost World Butte Trail splits from Rainbow Terrace to offer a completely different user/recreational experience. This trail runs closer to Lost World Butte on unique slickrock terrain. It also creates a lollipop loop with Rainbow Terrace, which is a different user experience than the out-and-back experience that would result if Lost World Butte Trail were closed. The closure provides no consideration or explanation of the different qualitative experiences, despite the fact that comments were submitted highlighting this problem. *See, e.g.*, McKay/COTD Comment at 194-202.

16. Rock Canyon Trail and The Very End Trail - D2664A, D2658

This arbitrary, capricious, and contrary-to-law closure of D2664A and D2658 would close routes on the south rim of Ten Mile Canyon because, allegedly, they impact bighorn sheep habitat. Closing D2664A ruins an excellent loop opportunity and creates two short out-and-back stubs of the remaining route. Closing D2658 removes access to a popular scenic overlook of the mouth of Ten Mile Canyon that local Jeep clubs often run. No explanation or analysis is offered to explain how these lightly used routes impact bighorn sheep habitat, aside from boilerplate language unsupported by any record evidence.

D. The closures violate NEPA.

BLM failed to take a "hard look" as required by NEPA. "[B]y requiring agencies to take a 'hard look' at how the choices before them affect the environment, and then to place their data and conclusions before the public, NEPA relies upon the democratic processes to ensure . . . that the most intelligent, optimally beneficial decision will ultimately be made." *Or. Natural Desert Ass'n v. BLM*, 625 F.3d 1092, 1099 (9th Cir. 2010). "General statements" are not enough to satisfy the hard look requirement. *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 491 (9th Cir. 2011). Agencies must provide "accurate scientific analysis . . . [for] public scrutiny

before decisions are made and actions taken." *Center for Biological Diversity v. USFS*, 349 F.3d 1157, 1167 (9th Cir. 2003).

No such hard look happened in this case. This is made obvious by BLM's talismanic invocation of noise causing user conflicts. The TMP closes over 15 miles of routes along the Green River, partially justifying the decision because of "noise induced conflict." TMP at A2-21, A2-123, A-2125. However, it gives no objective criteria of what the noise level is or how many conflicts it produces. A scientific protocol is required to judge the effects on the human environment. *See S. Utah Wilderness Alliance v. United States DOI*, 2016 U.S. Dist. LEXIS 140624, at *23-24. Similarly, the numerous egregious errors in the TMP and the EA show that BLM did not take a hard look at accurate information in order to make an informed decision.

BLM violated its non-discretionary duty under NEPA to provide site-specific impact analyses, in violation of 42 U.S.C. § 4332(2)(C) and 40 C.F.R. § 1502.14, because the TMP does not analyze the environmental impacts of motorized travel on 317.2 miles of routes that had been lawfully utilized for decades by the public. BLM wrongly concluded that the TMP does not significantly affect the quality of the human environment. An environmental impact statement ("EIS") is required when a "major Federal action[] significantly affect[s] the quality of the human environment." 42 U.S.C. § 4332(C). A major federal action is one that "requires substantial planning, time, resources, or expenditure." *Nat'l Resources Defense Council, Inc. v. Grant*, 341 F. Supp. 356, 366 (March 15, 1972). "Typically, a project is considered a major federal action when it is funded with federal money." *Southwest Williamson County Comty. Ass'n v. Slater*, 243 F.3d 270, 278 (6th Cir. 2001).

Further, the "human environment means comprehensively the natural and physical environment and the relationship of present and future generations of Americans with that environment." 40 C.F.R. § 1508.1(m). In contemplating the human environment, agencies must consider the effects of its policies whether

beneficial or detrimental. *Id.* at § 1508.1(g)(4). Human recreation in, and enjoyment of, natural spaces is a part of the "human environment" to be considered, and closures will have a significantly detrimental effect on this aspect of that environment. In determining when site-specific EIS analysis must occur, courts must consider the full context of the agency's decision and whether "all reasonably foreseeable impacts" were assessed "at the earliest practicable point . . . before an irretrievable commitment of resources [was] made." *N.M. ex rel Richardson v. BLM*, 565 F.3d 683, 718 (10th Cir. 2009).

BLM clearly failed to conduct an EIS when it should have. Whether a person can continue to recreate in nature in the same manner he has for years clearly affects his relationship with the environment and will affect generations going forward. Even if closures might provide a beneficial effect on the environment, agencies are still required to conduct an EIS to determine the environmental importance of a proposed action. Additionally, BLM should have done a site-specific analysis of each closed route, as each of these routes will be "obliterated" when the TMP goes into effect.

IV. APPELLANTS FACE IRREPARABLE HARM IF A STAY IS NOT GRANTED.

Establishing irreparable harms is not "onerous." *Cottonwood Envtl. L. Ctr. v. U.S. Forest Serv.*, 789 F.3d 1075, 1091 (9th Cir. 2015). "Indeed, [a plaintiff's] expressed desire to visit the area in an undisturbed state is all that is required to sufficiently allege harm . . . ." *Alliance for Wild Rockies v. Marten*, 253 F.Supp.3d 1108, 1111 (D. Mont. 2017); *see also Alliance for Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011) (finding plaintiffs' allegation that a proposed timber project would "harm its members' ability to 'view, experience, and utilize' the areas in their undisturbed state" satisfied the irreparable harm requirement). Further, courts have recognized that "when an action is being undertaken in violation of NEPA, there is a presumption that injunctive relief should be granted against continuation of the

action until the agency brings itself into compliance." *Reality Income Trust v. Eckerd*, 564 F.2d 447, 456 (D.C. Cir. 1977); *see also Nat. Res. Def. Council v. Houston*, 146 F.3d 1118, 1129 (9th Cir. 1998) (observing that "the proper remedy for substantial procedural violations of NEPA . . . is an injunction," because "injunctions serve[] the purpose of preserving the decision makers' opportunity to choose among policy alternatives") (internal quotations omitted).

Appellants easily meet their burden here. BRC, COTD, and McKay will suffer irreparable harm. McKay has plans to travel these routes in Spring 2024, just a few short months away. McKay Declaration ¶ 37. BRC's members regularly travel in the TMA on trails that the TMP will close and will be stopped from doing so. Burr Declaration ¶¶ 2, 7. This is especially important to BRC's disabled members, who are even less able to travel the closed portions without OHVs. *Id.* at ¶ 4. It will also reduce the value of BRC's guidebooks, which account for a significant portion of BRC fundraising. *Id.* at ¶ 8.

Further, once routes are closed, they historically do not reopen. *Id.* at ¶ 5. In addition to the bureaucratic morass that prevents reopening, natural and manmade effects on the routes begin to make the routes more difficult to pass once closed. Part of this is the natural reclaiming of the land by nature, where desert plants begin to grow over the previous route. *Id.* Additionally, BLM and anti-OHV groups will also make efforts to block off routes, accelerate plant growth over them, and generally make the routes difficult to follow. EA at 348. To be more explicit, BLM's term for the process of closing trails is to "obliterate" them. EA at 347-48. BLM will disguise routes, rip out soil, reseed the area, and install barriers and signs. EA at 347-350. Once the trails are overgrown, for all intents and purposes they are gone forever. An immediate stay is necessary to preserve the status quo while the Board considers the merits of the Appellants' claims.

V. IRREPARABLE HARM TO THE APPELLANTS OUTWEIGHS ANY HARM TO BLM OR ANY OTHER PARTY.

There is no meaningful harm to other parties. The current routes have been open for well over 15 years and leaving them open will not result in any new harms to BLM or any other party with a claimed interest. The only harm alleged could be a delay while the Board considers the appeal. This is a *de minimus* harm and is different from potential harms that are claimed in other cases where new routes are opened.

On the other hand, BRC's members and McKay have concrete plans to travel these routes and experience the area by OHV. They will certainly suffer substantial irreparable harm if nearly 30% of the routes in the TMA are unilaterally closed and obliterated by BLM without following proper procedure with respect to NEPA and the RMP. As noted above, the BLM policy of "obliterating" roads means that these roads will be destroyed if a stay is not enacted while this appeal is pending. They cannot be re-created once they have been "obliterated."

The loss of the treasured recreational opportunities that these roads provide—enjoyed by tens of thousands of local residents, visitors, and families for decades—is both irreparable and substantial every year. To wit, two of the roads slated for obliteration (Mashed Potatoes Trail and Day Canyon Point Trail) are routes that are run during the annual Easter Jeep Safari in the area. As demonstrated by the comments submitted during BLM's consideration of the TMP, these historic roads are treasures. Their obliteration should not occur at all. And if it is to occur, it should only occur after a full and fair hearing on the merits and all appeals have been exhausted.

VI. THE PUBLIC INTEREST FAVORS GRANTING A STAY.

The public interest favors granting a stay. Closing the routes impacts the public interest in a myriad of ways, and not just the interests of the Appellants. The routes are open to the public and widely used. Further, the routes are located in a

very popular area for OHVs and there are likely members of the public who are not yet aware that these planned closures will affect their future planned trips. It is in the public interest to keep public lands as accessible as possible, and the closure of 30% of the routes in the TMA will have a significant impact on the public's ability to continue to enjoy this public land, as they have for decades.

Political representatives have publicly supported keeping the routes open. One example is Utah Senator Mike Lee, who introduced legislation to prohibit federal money from being used to enact new travel plans. *Lee Bill Seeks to Protect Utah's Historic Roads*, Press Release (October 26, 2023), available at: https://www.lee.senate.gov/2023/10/lee-bill-seeks-to-protect-utah-s-historic-roads. The same bill would delay the implementation of new travel plans until court cases have been completed. The Utah Public Land Policy Coordinating Office, a coordinating agency for this plan, also opposes it. It filed an administrative appeal and request for stay on Friday October 27, 2023, signaling the State of Utah's serious concerns with the plan.

Further, it is also in the public interest to require BLM to comply with applicable law. *Seattle Audubon Soc'y v. Evans*, 771 F. Supp. 1081, 1096 (W.D. Wash. 1991) ("refusal of administrative agencies to comply with [the law] . . . invokes a public interest of the highest order"). The serious and substantial issues raised in this appeal warrant a stay to prevent BLM from benefiting from its slipshod attempts to close public routes without complying with the law. BLM failed to respond to many comments and provide adequate rationales for route closures. This includes comments about complying with the Dingell Act and about the effect closures will have on elderly and disabled people by preventing them from having access to public land. Numerous glaring factual errors within the TMP similarly cast doubt on the appropriateness closures. The prudent thing to do is to stay the decision and continue

to let the public enjoy the routes—as they have for decades—while the appeals process and any subsequent legislation plays out.

CONCLUSION AND PRAYER FOR RELIEF

In light of the forgoing and pursuant to 43 C.F.R. § 4.21(b), it is appropriate and proper that a stay of enforcement of the September 28, 2023 Decision and TMP be issued by this Board while this appeal and all subsequent appeals are pending. Appellants respectfully request that the IBLA grant a stay.

Respectfully submitted on October 30, 2023,

/s/ Matthew Miller

ROBERT HENNEKE
Texas Bar No. 24046058
rhenneke@texaspolicy.com
CHANCE WELDON
Texas Bar No. 24076767
cweldon@texaspolicy.com
MATTHEW MILLER
Texas Bar No. 24046444
NATE CURTISI
Arizona Bar No. 033342
TEXAS PUBLIC POLICY FOUNDATION
901 Congress Avenue
Austin, Texas 78701
Telephone: (512) 472-2700
Facsimile: (512) 472-2728

NICHOLAS BARRY
TN Bar. No. 031963
nicholas.barry@aflegal.org
JAMES ROGERS
Utah Bar No.: 18783
james.rogers@aflegal.org
AMERICA FIRST LEGAL
611 Pennsylvania Ave., SE #231
Washington, D.C. 20003
Phone: (202) 964-3721

Attorneys for Appellants BlueRibbon Coalition, Colorado Offroad Trail Defenders, and Patrick McKay

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2023, the foregoing NOTICE OF APPEAL and PETITION FOR STAY, was served upon the following:

Nicollee Gaddis-Wyatt
District Manager
Canyon County District Office
Bureau of Land Management
82 East Dogwood Ave.
Moab, UT 84532
ngaddiswyatt@blm.gov
blm_ut_mb_mail@blm.gov

HAND-DELIVERY,
U.S. MAIL AND EMAIL

Leah Peterson
Andrew Simek
U.S. Department of the Interior
Office of the Regional Solicitor
Intermountain Region
Suite 6201, Federal Building
125 South State Street
Salt Lake City, UT 84138-1180
leah.peterson@sol.doi.gov
andrew.simek@sol.doi.gov

U.S. MAIL AND EMAIL

/s/ *Matthew Miller*
Matthew Miller
Attorney for Appellants

Exhibit G

United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy Street, Suite 300
Arlington, VA 22203

(703) 235-3750 ibla@oha.doi.gov

November 28, 2023

IBLA 2024-0040 STATE OF UTAH	)	DOI-BLM-UT-Y010-2020-0097-EA
	)	Travel Management
IBLA 2024-0041 BLUERIBBON COALITION, INC. *ET AL*.	)	
IBLA 2024-0043 COLORADO OFF-HIGHWAY VEHICLE COALITION *ET AL*.	)	Petitions for Stay Denied

ORDER

On September 28, 2023, the Moab Field Office of the Bureau of Land Management (BLM) issued a Decision approving the Labyrinth/Gemini Bridges Travel Management Plan (TMP).[1] Among other things, the Decision changed the designation of approximately 317 miles of routes from "OHV-Open" to "OHV-Closed" within the Labyrinth/Gemini Bridges Travel Management Area (TMA).[2]

Three separate appeals have been docketed with the Board in which the appellants have petitioned to stay the effect of the Decision pending appeal: IBLA 2024-0040, filed by the State of Utah; IBLA 2024-0041, filed by BlueRibbon Coalition, Inc., Colorado Offroad Trail Defenders, and Patrick McKay (collectively BRC or BRC Appellants); and IBLA 2024-0043, filed by the Colorado Off-Highway Vehicle Coalition, Ride With Respect, and the Trails Preservation Alliance (collectively COHVCO or COHVCO Appellants).[3] The Board has not consolidated these appeals; however, because

[1] Labyrinth/Gemini Bridges Travel Management Plan Decision Record (Sept. 2023), https://eplanning.blm.gov/public_projects/2001224/200479500/20086582/250092764/LabyrinthGeminiBridgesTMP_DR_20230928.pdf (last visited Nov. 27, 2023) (Decision).
[2] *See id.* at 3. "OHV" is an initialism for off-highway vehicle. *See* 43 C.F.R. § 8340.0-5 (2022) (regulatory definition of OHV). All citations to the Code of Federal Regulations are to the 2022 edition.
[3] A fourth appeal of the Decision has also been docketed but the appellants in that appeal have not sought a stay. The Southern Utah Wilderness Alliance has pending motions to

all three petitions seek to stay the same decision, we are issuing one order to resolve all three.

As discussed below, we deny each of the stay petitions because the State of Utah, BRC, and COHVCO have failed to show that immediate and irreparable harm will occur while their appeals are pending.

BACKGROUND

The TMP approved by the Decision designates a travel network of motorized routes and trails within the Labyrinth/Gemini Bridges TMA.[4] The TMA consists of nearly 304,000 acres of BLM-administered land located west of Arches National Park within Grand County, Utah.[5] The TMA also contains approximately 32,400 acres of State trust lands administered by the Utah Trust Lands Administration (SITLA)[6] and approximately 650 acres of privately owned surface estate.[7] BLM manages its lands within the TMA as a Special Recreation Management Area under the governing 2008 Moab Field Office Resource Management Plan (Moab RMP).[8]

The approved TMP replaces the pre-existing route network for the TMA that was originally established with an implementation decision in the 2008 Moab RMP.[9] The pre-existing network consisted of approximately 1,128 miles of inventoried routes that were open to motorized use, with 1,057 miles without restriction ("OHV-Open"), and the

---

intervene in all four appeals; the proposed filings submitted with those intervention motions were not considered in issuing this Order.

[4] *See* Labyrinth/Gemini Bridges Travel Management Plan Environmental Assessment, DOI-BLM-UT-Y010-2020-0097-EA at 1 (Sept. 2023) (EA). The EA and related decision documents for the TMP may be found at https://eplanning.blm.gov/eplanning-ui/project/2001224/510 (click on "Documents") (last visited Nov. 27, 2023).

[5] *Id.* at 1-2.

[6] We refer to the state agency by the commonly used acronym "SITLA," which stands for School and Institutional Trust Lands Administration.

[7] EA at 3, Table 1.

[8] *Id.* at 2-3. The 2008 Moab RMP is available at https://eplanning.blm.gov/public_projects/lup/66098/80422/93491/Moab_Final_Plan.pdf (last visited Nov. 27, 2023).

[9] EA at 1.

remainder with certain restrictions on the season of use or the vehicle type or width ("OHV-Limited").[10]

The Moab RMP and its TMP were challenged in Federal court, and BLM agreed in a 2017 settlement agreement to issue a new travel plan for the TMA.[11] To do so, BLM first prepared an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA)[12] and its implementing regulations[13] to analyze the environmental effects of a revised TMP. BLM analyzed a no-action alternative, which would retain the pre-existing route network without change, and three action alternatives with varying amounts of routes designated as OHV-Open, OHV-Limited, and OHV-Closed.[14]

The Decision on appeal selected a TMP that altered the pre-existing network by closing 317.2 miles of routes to public OHV use and expanding the "OHV-Limited" designations from 70.8 miles to 98.4 miles.[15] Under the approved TMP, approximately 810.5 miles remain open to public OHV use, with 712.1 miles designated as OHV-Open.[16]

The State of Utah, BRC, and COHVCO timely appealed the Decision and petitioned to stay its effect pending resolution of their appeals.[17] BLM filed separate oppositions to each petition.

---

[10] *Id.* at 13 (defining "OHV-Open," "OHV-limited," and "OHV-Closed"), 15-16 (describing current management of routes).
[11] *Id.* at 2.
[12] 42 U.S.C. §§ 4321-4347.
[13] 40 C.F.R. Parts 1500-1508 (Council on Environmental Quality's NEPA regulations); 43 C.F.R. Part 46 (Department of the Interior's NEPA regulations).
[14] *See* EA at 14-17 (summarizing alternatives).
[15] *See* Decision at 3.
[16] *Id.*
[17] *See* State of Utah Notice of Appeal (received by the Board Oct. 27, 2023); State of Utah Petition for Stay (received by the Board Oct. 27, 2023) (Utah Petition); BRC Notice of Appeal and Petition for Stay (received by the Board Oct. 30, 2023) (BRC Petition); COHVCO Notice of Appeal (received by the Board Oct. 30, 2023); COHVCO Petition for a Stay of Decision Pending Appeal (received by the Board Oct. 30, 2023) (COHVCO Petition).

ANALYSIS

The Petitions for Stay are Denied Because the Appellants Have not Demonstrated the Likelihood of Immediate and Irreparable Harm

An appellant seeking a stay must demonstrate that a stay is warranted based on four criteria: (1) the relative harm to the parties if the stay is granted or denied; (2) the likelihood of the appellant's success on the merits; (3) the likelihood of immediate and irreparable harm if the stay is not granted; and (4) whether the public interest favors granting the stay.[18] If the appellant fails to satisfy any one of these criteria, the petition for stay must be denied.[19]

In resolving the pending stay petitions, we focus our analysis on the third regulatory criterion — the likelihood of immediate and irreparable harm if a stay is not granted. To satisfy this criterion, an appellant must demonstrate that the harm if a stay is not granted is both immediate and irreparable.[20] Bare allegations of harm are not sufficient,[21] and an appellant cannot meet its burden of proof under this criterion through allegations that are "unsupported, vague, or speculative."[22] Rather, an appellant must prove that the harm is likely to occur if a stay is not granted, not that it fears the harm may occur at some indefinite time in the future.[23]

As an overarching matter, the fundamental injury alleged by each of the appellants — the inability to use previously open routes — is not by itself an irreparable injury. If Appellants prevail on appeal, the route designations for the TMA will return to their prior status, the closed routes will be reopened, and the injury remedied. The injury will be temporary rather than irreparable.[24] Accordingly, to warrant a stay, Appellants must show that closing the routes while their appeals are pending will result in

---

[18] 43 C.F.R. § 4.21(b)(1); *see id.* § 4.21(b)(2) (stating that an appellant seeking a stay bears the burden of proof to show that a stay should be granted).
[19] *Simpson*, 197 IBLA 241, 246 (2021); *see also Wallace Forest Conservation Area Advisory Comm.*, 191 IBLA 338, 344 (2017) (holding that the failure to satisfy one stay criterion eliminates the need to consider the other stay criteria because the petition for stay must be denied).
[20] *Western Watersheds Project*, 192 IBLA 72, 85 (2017).
[21] *Id.*
[22] *Bromm*, 193 IBLA 152, 157 (2018).
[23] *Id.*
[24] *Mt. Valley Pipeline, LLC v. 6.56 Acres*, 915 F.3d 197, 218 (4th Cir. 2019) ("By definition, a temporary loss is not irreparable.").

immediate and irreparable harm to their interests beyond temporarily preventing them from using the routes. As discussed below, none of them has done so. We discuss each petition in turn.

1. *The State of Utah has not demonstrated a likelihood of immediate and irreparable harm*

The State of Utah is primarily concerned with the closure of primitive (Class D) roads for which it has asserted ownership claims under R.S. 2477 and the closure of roads that access State trust lands.[25] Utah makes two allegations of immediate and irreparable harm: the immediate natural or manmade reclamation of the Class D roads and the economic harm to the State from the lack of access to two parcels of State trust lands.[26] With regard to the Class D roads, Utah alleges that reclamation will begin immediately and be "difficult or impossible" to reverse:

> [I]f the Decision Record is allowed to go into effect, the natural reclamation of the State's 114 miles of R.S. 2477 Class D roads will begin immediately. Absent the public's ability to use the routes they will soon reclaim through the natural forces of wind, vegetation growth, and erosion. Reopening or rebuilding these roads, if the State ultimately succeeds in their appeal of the Decision Record or the overarching Quiet Title Litigation over the ownership of these R.S. 2477 roads, would be expensive, difficult, and environmentally taxing. While some of that harm from nature may not be immediate, the process will begin immediately and will get worse with time. If the BLM undertakes active reclamation efforts on these routes, the harm to the State will be immediate. Due to the remote locations of these routes, the ability to repair and remedy the immediate reclamation will be difficult or impossible.[27]

The unsupported averments in Utah's petition for stay are not sufficient to show immediate and irrevocable harm from reclamation. Utah has presented no evidence on the pace at which natural reclamation of the closed routes will proceed nor any evidence to substantiate the claim that reopening a closed Class D route — even one that has reclaimed naturally or with human assistance — would necessarily be difficult or expensive. And even if reopening a route were "expensive, difficult, and environmentally taxing" as alleged by the State, that harm is not irrevocable but remediable. The State

[25] *See* Utah Petition at 2-9.
[26] *See id.* at 12-13.
[27] *Id.* at 12.

also acknowledges that "some of the harm from nature may not be immediate" but does not specify what harm would be immediate. In short, Utah has provided no evidence that the closure of the Class D routes will result in immediate or irreparable injury to it.

An additional problem with Utah's reclamation contention is that the State has not shown that issuing a stay would prevent the "reclamation" injury it alleges for many of the closed routes. BLM found that many of the closed routes had either already naturally been reclaimed or were in the process of being naturally reclaimed.[28] While BLM used that information to infer that the routes had little to no use,[29] the pre-existing natural reclamation of the routes also means that reopening those routes by staying the TMP decision would not prevent the harm alleged by the State. Open or closed, with or without a stay, those routes would continue to be reclaimed or continue to naturally reclaim. A stay is not warranted when it would not prevent the alleged harm.[30]

The State next argues that SITLA "specifically will suffer immediate economic impacts" because the closure of D1026 (Mineral Canyon Rd) and D1223 (Hell Roaring Rd) will leave two trust land parcels "now entirely cut off and isolated" without road access.[31] The closures "will immediately limit access by current lessees of the parcels and will undoubtedly impact [SITLA's] ability to successfully lease these parcels in the future."[32]

Utah's feared loss of access to the two SITLA-administered parcels and attendant economic harm lacks factual foundation. The State makes only conclusory allegations, with no explanation concerning the identity and location of any existing leases, how the closure would impact access to the leases, or the amount of any projected financial losses. Such vague and unsupported assertions of harm will not support a finding of irreparable harm.[33]

---

[28] *See* Decision, Attachment (Att.) 2, "Rationales for Route Designations by Route Number."
[29] *See, e.g.*, *id.*, Att. 2 at 4 ("D0002 is reclaiming naturally, which suggests it receives little to no OHV use.").
[30] *See, e.g.*, *Western Watersheds Project v. BLM*, 197 IBLA 161, 162-63 (2021) (stating that neither the irreparable harm nor balancing of harm criterion is satisfied when a stay "would not prevent irreparable harm or afford [the petitioner] with any legal or practical benefit").
[31] Utah Petition at 12.
[32] *Id.* at 13.
[33] *Bromm*, 193 IBLA at 157 (ruling that "unsupported, vague, or speculative" arguments will not support a finding of irreparable harm).

Equally important, nothing in the record suggests the closures will foreclose access to the parcels. To the contrary, BLM specifically addressed access to SITLA parcels in its Decision, stating it would provide access to authorized users regardless of the decision:

> This decision does not affect existing or future authorized uses, which are excluded from the definition of OHV (43 CFR 8340.0-5(a)). Authorized uses can include, but are not limited to, grazing permittees who need to use a route to access their grazing allotments or range improvements, private landowners who obtain a right-of-way to access their inholding, or various entities who obtain a right-of-way to access Utah School and Institutional Trust Land Administration (SITLA) parcels. The BLM will continue to work with private landowners, the State of Utah, SITLA permittees, and other authorized users to ensure reasonable access to, among other things, range improvements, private lands, and SITLA parcels.[34]

Consistent with this statement, the route-specific rationale for the closure of route D1223B specifically states that "SITLA shall retain access to its section. The route will not be reclaimed nor rehabilitated."[35] While the rationale for closing route D1026 does not explicitly address retained access rights, it does acknowledge that the closed route provides access to a SITLA parcel and states that the parcel therefore will not be "actively reclaimed nor rehabilitated."[36] Taken together, the provisions in the Decision show that BLM's decision is not intended to deny access to the SITLA parcels, and Utah has failed to show a likelihood of harm to the SITLA-administered parcels.

Because Utah has not shown a likelihood of immediate and irreparable harm without a stay, its petition must be denied.

2. *The COHVCO Appellants have not demonstrated a likelihood of immediate and irreparable harm*

The COHVCO Appellants raise concerns that the route closures will hurt the recreational, aesthetic, and economic interests of the organizations, their members, and their "contributors."[37] In arguing for a stay, the COHVCO Appellants first assert that they

[34] Decision at 4.
[35] *Id.*, Att. 2 at 21.
[36] *Id.*, Att. 2 at 10.
[37] COHVCO Petition at 2-10.

"rely on and incorporate . . . the reasons" set out in the Utah Petition filed in IBLA 2024-0040.[38] This purported reliance is of no benefit to COHVCO since, as explained above, the State has not shown immediate and irreparable harm. Even if the State had, any harm to the State's interests could not be imputed to the COHVCO Appellants because they do not have the same legally cognizable interests as the State. The State asserts interest in, and harm to, RS 2477 rights-of-way, state-owned trust lands, and other governmental functions that the COHVCO non-profit organizations cannot claim to have. Accordingly, any harm to the interests of the State of Utah would not establish that the COHVCO Appellants' interests, which are necessarily different in kind, would be similarly harmed.

In addition to attempting to rely on the State's allegations, the COHVCO Appellants state generally that the use of the roads will be lost "forever" without a stay[39] and that they will suffer irreparable harm because the closure of 317 miles of roads in such a high demand area

> will severely concentrate the public's use of the remaining roads and trails . . . , resulting in immediate crowding as well as road and trail degradation that will irreparably harm Petitioners' investment of countless hours partnering with the BLM to improve, develop and preserve the integrity of all [Labyrinth Rims/Gemini Bridges] TMA roads and trails.[40]

In support of their contentions, the COHVCO Appellants have submitted the declaration of Clif Koontz, who is the Executive Director of Appellant Ride with Respect.[41] Koontz discusses the work he and the COHVCO Appellants' organizations have done to develop, maintain, and improve the pre-existing route system;[42] the numerous flaws he sees with the decision;[43] and the alleged harm the road closures will cause to

[38] *Id.* at 2.
[39] *See id.* ("Petitioners and many of their members and/or contributors are losing the opportunity to use these roads and trails, forever. . . . There is no remedy that will correct that wrong, besides staying the decision."); *see also id.* at 21 (identical statement).
[40] *Id.* at 2-3; *see also id.* at 22 (identical statement).
[41] Declaration of Clif Koontz at ¶ 1 (dated Oct. 30, 2023) (Koontz Decl.).
[42] *Id.* ¶¶ 3-4.
[43] *Id.* ¶¶ 21-36.

him, other recreationists, the COHVCO Appellants, and their contributors.[44] Koontz states the closures will harm:

> the "physical and mental health" of many recreationists who prefer motorized trail riding or have physical limitations requiring motorized travel;[45]
>
> the "business health and sustainability of many local commercial establishments" that outfit riders or host events that use the closed routes;[46]
>
> the physical condition of the remaining open routes and the nearby environment due to deterioration caused by overcrowding and overuse of the diminished network;[47] and
>
> the proper management of the TMA because of animosity toward the closures and increased user conflict on the remaining open routes.[48]

While Koontz's declaration displays a sincere concern over the closures and a personal knowledge of a number of the routes within the TMA, his injury allegations are conclusory and do not show that irreparable harm will befall anyone pending resolution of this appeal.

Turning first to the primary contention that the Decision will create environmental degradation on the remaining open routes due to overcrowding and concentrated use, neither Koontz nor the COHVCO Petition provides any evidentiary support for this supposition other than the fact that the new route network is smaller. But a smaller network does not necessarily result in overcrowding. As explained in the EA, BLM's interdisciplinary team specifically considered and rejected the contention that closure of the routes would result in an appreciable concentration of use on the remaining network:

> Concentration of use as a result of OHV-Closed designations is not anticipated as an issue in this TMA. This conclusion was reached by the BLM [interdisciplinary team] and applies for archaeology, wildlife, and other

[44] *See id.* ¶¶ 10-16; *see also id.* ¶¶ 17-20 (primarily discussing the balance of harms to BLM in comparison to that of COHVCO Appellants).
[45] *Id.* ¶ 10; *see also id.* ¶ 14 (discussing loss of "enjoyable experience[s]").
[46] *Id.* ¶ 11.
[47] *Id.* ¶¶ 12-13, 15.
[48] *Id.* ¶¶ 15-16.

> resources. Many of the routes proposed for OHV-Closed designations in the alternative networks are very lightly used, and therefore would not result in any appreciable concentration of use on the remaining open routes.[49]

In its Decision, BLM also explains that environmental degradation along routes is unlikely because the available network of over 810 miles focuses OHV use on routes already frequently used where additional environmental impacts are unlikely to occur.[50] While COHVCO and Koontz clearly disagree with BLM's assessments, they have provided no evidence that BLM's reasoning on this issue is necessarily erroneous and that degradation from overuse is likely.

Moreover, even if environmental degradation were to occur due to concentrated use, the COHVCO Appellants have provided no evidence that the damage would appreciably occur while this appeal is pending or that the degradation would be irreversible. Without such evidence, their allegation of immediate and irreparable harm from concentrated use is speculative and cannot support issuance of a stay.[51]

COHVCO's remaining harm allegations also suffer from fatal defects. The subjective emotional disappointment that Koontz and unnamed recreationists experience from the closures is undoubtedly real but it is not a harm that warrants a stay – if it were, anyone disappointed with a BLM decision would be entitled to a stay. In any event, the distress caused by the closures would be remedied by a favorable decision and thus is not irreparable.

Similarly unavailing are COHVCO's contentions that irreparable harm to the environment will come from "frustrated recreationists," some of whom may "develop animosity" toward nonmotorized recreationists, who may travel down closed routes or blaze unauthorized trails in defiance of BLM's management scheme.[52] Not only is this harm speculative, but even if unauthorized use were to occur, the environmental damage caused by the unlawful acts of third parties is not a basis for issuing a stay. To warrant a

---

[49] EA at 24; *see also id.* at 29 (discussing factors used to assess the potential of closures to "shift, concentrate or expand use on open routes").
[50] *See* Decision at 5 (stating that the route network was selected to minimize impacts to resources and user conflicts "by focusing OHV use on routes where the BLM's data suggests that use is less impactful and prohibiting (or limiting) OHV access to routes where use is more impactful").
[51] *See Simpson,* 197 IBLA at 246 (holding that "unsupported, vague, or speculative" allegations of harm are insufficient to show likelihood of irreparable harm).
[52] *See* COHVCO Petition at 8-9.

stay, the harm must be caused by implementation of BLM's Decision, not by the disregard of it.[53] And because the alleged harm is not caused by BLM's Decision, a stay would not necessarily prevent the harm in any event — with or without a stay, someone may blaze unauthorized trails or harbor ill will toward nonmotorized users or BLM management.

Finally, COHVCO's claims of irreparable economic harm to unnamed local businesses are entirely a matter of conjecture. Even assuming some financial injury will occur over time, as BLM posits in its "worst case" economic analysis in its EA,[54] there is no evidence that the financial harm to any particular business would be immediate or so significant pending appeal that it could constitute irreparable harm.[55]

For the foregoing reasons, the COHVCO Appellants have failed to show that they will suffer immediate and irreparable harm without a stay, and their stay petition is denied.

3. *The BRC Appellants have not demonstrated a likelihood of immediate and irreparable harm*

The BRC Appellants claim they will suffer immediate and irreparable harm because: (a) their members will have to forego already planned trips along the routes; (b) the value of its guidebooks will be diminished; (c) the closed routes will be "gone forever" because of "natural and manmade effects" on the routes, including natural reclamation and the efforts of "BLM and anti-OHV groups . . . to block off routes, accelerate plant growth over them, and generally make the routes difficult to follow;" and (d) their rights to a procedurally proper NEPA process have been violated.[56]

---

[53] *Cf. Citizens of Huerfano County,* 190 IBLA 253, 265 (2017) ("[T]o show adverse effect, an appellant bears the burden to demonstrate that the alleged injuries are caused by the approved action.").
[54] EA at 145, Appendix (App.) H - Estimated Economic Impact ("This analysis relies on conservative assumptions and represents what might be labeled 'worst-case possible outcomes' from the point of view of motorized users visiting Grand County.").
[55] *See Marker*, 194 IBLA 283, 292-93 (2019) (ruling that unrecoverable financial harm must be significant to constitute irreparable harm); *see also Western Watersheds Project v. BLM*, 195 IBLA 115, 134-35 (2020) (affirming an administrative law judge's balancing of harms where the judge determined that significant, unrecoverable financial harm represented irreparable injury).
[56] BRC Petition at 29-30.

In support of its stay petition, BRC has submitted two declarations, one from Ben Burr, who is the Executive Director of BlueRibbon Coalition,[57] and the other from Patrick McKay, a named appellant who is also the Vice President of Colorado Offroad Trail Defenders.[58] Burr alleges irreparable harm to himself and unnamed BRC members who can no longer undertake their planned trips down the now-closed trails,[59] as well as financial injury to BRC itself from the loss in value of its *Lost Trails Guidebook*.[60] McKay focuses on his personal knowledge of the area, his involvement in the decision-making process leading up to the Decision, and the numerous factual and legal errors he believes BLM made in issuing its Decision.[61] McKay does not specifically address irreparable harm, but he does allege that the closures have "severely harmed my ability to engage in motorized recreation in the area" and "directly harm[] my recreational, aesthetic, and environmental interests in this area."[62]

Before addressing BRC's factual allegations concerning irreparable harm, we first discuss its contentions concerning the proper legal standard to apply. BRC quotes court decisions for the propositions that establishing irreparable harm is not "'onerous'" and that an "'expressed desire to visit the area in an undisturbed state is all that is required to sufficiently allege harm.'"[63] Even ignoring that BRC's expressed desire is to visit the area in a road-disturbed state rather than an undisturbed one, the cases it cites are simply inapposite. Those cases concerned vegetation management and related activities, such as timber harvesting, prescribed burns, and road construction.[64] These activities are ground-disturbing and by design immediately alter the natural environment upon implementation. In contrast, BLM's route closures are not ground disturbing and are intended to eventually return the area to a natural environment. The consequences of project implementation during a pending appeal are thus completely different in the cited cases from the route designations at issue here. Accordingly, the injury

[57] Declaration of Ben Burr ¶ 1 (dated Oct. 28, 2023) (Burr Decl.).
[58] Declaration of Patrick McKay ¶ 2 (dated Oct. 27, 2023) (McKay Decl.).
[59] Burr Decl. ¶¶ 7-9.
[60] *Id.* ¶ 8.
[61] *See* McKay Decl. ¶¶ 12-36 (describing alleged flaws in BLM's factual determinations and legal compliance).
[62] *Id.* ¶ 37.
[63] BRC Petition at 29 (quoting *Cottonwood Envtl. L. Ctr. v. U.S. Forest Serv.*, 789 F.3d 1075, 1091 (9th Cir. 2015) and *Alliance for Wild Rockies v. Marten*, 253 F. Supp. 3d 1108, 1111 (D. Mont. 2017)); *see also id.* (citing *Alliance for Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011)).
[64] *Cottonwood*, 789 F.3d at 1080 n.6, 1081 n.8; *Marten*, 253 F. Supp. 3d at 1110; *Cottrell*, 632 F.3d at 1129.

requirements in those cases do not apply to BRC, and the BRC Appellants must show more than a thwarted desire to use the closed routes.

Turning to BRC's factual allegations, BRC asserts that McKay and BRC members will suffer irreparable harm because they "regularly travel in the TMA on trails that the TMP will close and will be stopped from doing so."[65] As explained above, the temporary inability of individuals to use certain preferred routes for planned recreational trips is not irreparable harm. The allegation of irreparable harm to travel plans is belied by the fact that members may still use hundreds of miles of routes within the area for their recreational and other pursuits. Moreover, any harm a member suffers would be remedied if BRC prevails on appeal and the closed routes are reopened. To the extent BRC is suggesting that the harm is irreparable because the individual can never turn back the clock and travel the route on the date originally planned, that contention is meritless because it assumes recreationists have a legally cognizable interest in using a particular route on a particular date, which is not true.

Equally unpersuasive is BRC's allegation of economic harm to itself from the reduced value of its guidebooks, particularly its *Lost Trails Guidebook*.[66] Financial harm must be both significant and unrecoverable to constitute irreparable harm.[67] BRC has not provided evidence of any financial losses, let alone a significant loss, and instead merely asserts that the closure of, or restrictions placed on, a number of routes referenced in the guidebook will result in reduced donations to BRC.[68] Because BRC has not demonstrated — or even alleged — that its financial harm would be significant pending appeal, the asserted financial injury is speculative and insufficient to warrant the issuance of a stay.

BRC's third allegation of harm — which mirrors the claim made by the State of Utah that has already been addressed — is that the routes will be irrevocably lost pending appeal because of "bureaucratic morass" and the "natural and manmade" reclamation effects that occur once routes are closed.[69] BRC states that BLM will attempt

[65] BRC Petition at 30 (citing Burr Decl. ¶¶ 2, 7); *id.* (citing McKay Decl. ¶ 37).
[66] *Id.* at 30; Burr Decl. ¶ 8. *See* BRC, The Lost Trails Guidebook (2022), https://www.sharetrails.org/blueribbon-coalition-announces-completion-of-lost-trails-guidebook-volume-1-that-was-generously-funded-by-the-yamaha-outdoor-access-initiative/ (last visited Nov. 27, 2023).
[67] *See supra* note 55.
[68] BRC Petition at 30.
[69] *Id.*

to "'obliterate'"[70] closed routes by (among other things) blocking access, accelerating plant growth, and disguising routes.[71]

While BRC is certainly correct that BLM intends to discourage use of the closed routes and reclaim them over time,[72] BRC has provided no evidence that either natural or manmade reclamation will proceed so quickly that the closed routes will be irrevocably lost pending this appeal. BRC's declarant Burr states that he has "yet to see a single time where a closed and obliterated road has been reconstructed and reopened,"[73] but that anecdotal observation does not support the conclusion that the "obliteration" would occur immediately or that a reclaimed route could not be successfully reopened at the conclusion of the appeal. With regard to immediacy, BLM points out that its TMP implementation guide provides a broad range of reclamation options, including doing nothing, and no requirement that BLM employ any option immediately.[74] And with regard to reopening reclaimed trails, BRC's own declarant, while disputing that any of the closed trails had been reclaimed, also suggests that routes experiencing reclamation are not gone forever:

> I observed that numerous routes that the BLM claimed in its route reports were naturally reclaimed or reclaiming were in fact regularly used and clearly visible on the ground. Even tracks that were rarely used and somewhat overgrown could still be followed relatively easily, and still provided important recreational access to various scenic overlooks, canyon bottoms, and dispersed campsites.[75]

In short, as with the State's similar contentions, BRC's fears of irrevocably lost routes from natural and manmade reclamation are speculative. BRC has at best shown a theoretical risk of injury that may occur at some indefinite time in the future, and that risk is not sufficient to justify a stay.[76]

---

[70] *Id.* (quoting EA at 348).
[71] *Id.* (citing EA at 347-48).
[72] *See* DR at 6; EA at App. N, "Implementation Guide for the Labyrinth/Gemini Bridges Travel Management Plan."
[73] Burr Decl. ¶ 5.
[74] BLM Opposition to BRC Petition for Stay at 11 (filed Nov. 9, 2023) (citing EA at 347-50).
[75] McKay Decl. ¶ 13.
[76] *See, e.g.*, *Western Watersheds Project v. BLM*, 197 IBLA at 163 (explaining that "injury cannot be theoretical or merely feared to occur at some indefinite time in the future").

Finally, there is no merit to BRC's claim that a stay should issue because BLM has allegedly violated NEPA's required procedures.[77] As we have held numerous times, procedural injury by itself does not justify a stay.[78] "'Like the Federal courts, we find that a procedural violation alone is insufficient justification of the likelihood of immediate and irreparable harm to justify a stay.'"[79] Instead, the BRC Appellants must show a concrete, irreparable injury to their interests, which they have failed to do in this instance.

Because the BRC Appellants have not demonstrated a likelihood of immediate and irreparable harm from the road closures pending appeal, we deny their stay petition.

CONCLUSION

For the reasons stated above, we deny the petitions for stay filed by the State of Utah, the BRC Appellants, and the COHVCO Appellants.

KEVIN HAUGRUD Digitally signed by KEVIN HAUGRUD
Date: 2023.11.28 12:26:14 -05'00'

K. Jack Haugrud
Administrative Judge

[77] BRC Petition at 29-30.
[78] *See, e.g.*, *Manuz*, 192 IBLA 192, 205 (2018) (holding that "absent sufficient justification for the likelihood of any other immediate and irreparable harm, an alleged NEPA violation 'alone' does not justify a stay" (quoting *Friends of Animals*, 188 IBLA 394, 401 (2016)).
[79] *Western Watersheds Project v. BLM*, 197 IBLA at 164 (quoting *Friends of Animals,* 188 IBLA at 401).

Exhibit H

U.S. Department of the Interior
Bureau of Land Management

August 2020

Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons

Environmental Assessment DOI-BLM-UT-Y010-2020-0068

Location: Grand County, Utah

Bureau of Land Management, Moab Field Office, 82 E. Dogwood, Moab, Utah

TABLE OF CONTENTS

CHAPTER 1. INTRODUCTION 3
1.1. Background 3
1.2. Purpose and Need 4
1.2.1. Decision to be Made 5
1.3. Scoping and Issues 5
CHAPTER 2. ALTERNATIVES 6
2.1. Alternative A 6
2.2. Alternative B 7
2.3. Alternative C– No Action Alternative 7
2.4. Alternatives Considered but Eliminated from Detailed Analysis 7
2.5. Conformance 8
CHAPTER 3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS 9
General Setting 9
3.1. Issue 1: Recreation 11
3.1.1. Affected Environment 11
3.1.2. Environmental Impacts 13
3.2. Issue 2: Mexican Spotted Owl 18
3.2.1 Affected Environment – Mexican Spotted Owl 18
3.2.2 Environmental Impacts 19
3.3 Issue 3 - Golden Eagles and other Raptors 23
3.3.1 Affected Environment- Golden Eagles and Other Raptors 23
3.3.2 Environmental Impacts 25
3.4 Issue 4 – Desert Bighorn Sheep 29
3.4.1 Affected Environment 30
3.4.2 Environmental Impacts 33
CHAPTER 4. PUBLIC INVOLVEMENT, CONSULTATION AND COORDINATION 39
4.1. Public Involvement 39
3.5 Consultation and Coordination 39
4.2. List of Preparers 39
4.2.1. BLM Preparers 39
REFERENCES 40
APPENDICES 47
Appendix A: Interdisciplinary Team Analysis Record Checklist 48

Appendix B: Scoping Comments Received on the Proposal..... 51
Appendix C - Maps:..... 68

CHAPTER 1. INTRODUCTION

The Moab Field Office of the Bureau of Land Management (BLM) proposes to enact limitations (in accordance with regulations found at 43 Code of Federal Regulations (CFR) §8365) to limit aerial and roped activities, as well as the construction of temporary or overnight structures, in Mineral and Hell Roaring Canyons, as well as along the canyon rims of the Green River corridor connecting these two canyons. The proposed restricted area excludes the Mineral Bottom BASEjumping Focus Area as defined in the 2008 Moab Resource Management Plan (RMP), the Mineral Bottom Airstrip as defined in ROW #UTU-79987, and the Fruit Bowl Highlining Area.

As a result of information received during Scoping, the following locations are also excluded from the proposed restricted area: the Waterslide (a highlining area), the Green River Bowl (a highlining area) and the climb known as the Corner Tower. The proposed area of restriction is shown on Map 1 in Appendix C. The proposed area of restriction totals 10,044 acres.

1.1. Background

In the past decade, tourism in the Moab Field Office has increased over 58%; in 2019, the Field Office hosted 1.9 million visitors, and over 3 million visitor days. During the same period, visitation increased by over 72% in nearby Canyonlands National Park. As a result of increased human pressure, recreational activities are expanding into very remote canyon regions important to important wildlife species.

Roped activities are activities involving ropes, cables, vectran, climbing aids, webbing or anchors; hereafter these activities will be referred to as "roped activities". Activities that would be affected by the proposed restriction include, but are not limited to: ziplining, high-lining, slacklining, climbing, rappelling, canyoneering and rope swinging. Aerial activities include those that either start on, conclude on or suspend over BLM land, such as BASEjumping, vaulting, human catapulting, paragliding, paramotoring, parachuting, skydiving, drone launching and aerial delivery.

Mineral and Hell Roaring Canyons are important habitat for a variety of wildlife, including golden eagles, Mexican Spotted Owl and other raptors, as well as for desert bighorn sheep. In recent years, recreational activity has increased, putting wildlife and their prime habitat at risk. People engaging in the majority of recreational activities, such as camping, hiking, biking, four wheeling, and other vehicle uses, do not access the inaccessible cliffs, steep walled canyons, slot canyons, alcoves and talus slopes in the remote backcountry of the Moab area, especially in the Mineral and Hell Roaring canyon areas. Historically, desert bighorn sheep have sought refuge here, utilizing these cliffs and canyons as escape terrain. This escape terrain has the only remaining habitats that bighorn can safely utilize year-round for lambing, rutting and daily foraging, as well as for drinking and resting needs. A variety of raptors and eagles have found isolated and undisturbed nesting in these canyons. Roped and aerial activities provide direct access into these limited remaining escape terrains and nesting sites, leaving these animals with no consistent undisturbed habitats.

The BLM seeks to mitigate this conflict by restricting those recreational activities with the greatest potential to impact wildlife in the highest valued habitats. While commercial Special Recreation Permit (SRP) holders have been required to adhere to wildlife stipulations, the general public has not, as there is currently no mechanism to restrict these activities.

Limitations on Other BLM Programs in Mineral and Hell Roaring Canyons

Mineral and Hell Roaring Canyons have been limited for many other BLM programs and activities to protect wildlife resources including desert bighorn sheep, raptors and eagles and their habitats. For example, the entire area is managed as No Surface Occupancy (NSO) for fluid mineral leasing, meaning that fluid mineral operations cannot occupy the surface of the land. This NSO stipulation extends to all other federal and non-federal surface disturbing activities, including the construction of new roads, facilities and trails.

Grazing in the two canyons is also limited to protect wildlife; Mineral Canyon is grazed by 4 horses for two months per year and Hell Roaring is grazed by 94 cattle for two months per year (winter grazing only). Approximately 2.5 miles of the road up Mineral Canyon (past the State section) has been closed to protect bighorn as well as another 1.5 miles in various locations along the rims of the canyon. (There is a non-maintained two-track route in Hell Roaring Canyon that is currently subject to review as part of the Labyrinth Rims/Gemini Bridges Travel Management Plan.) All motorized vehicles and mountain bikes are limited to designated roads. There are no designated mountain bike trails within the area and no new mountain bikes trails would be allowed because the area is managed as NSO for all surface disturbing activities. The Moab Resource Management Plan (RMP) directs the BLM to manage lambing areas (46,319 acres - see Map 9) by allowing camping in designated campsites only (WL- 37, page 142). No campsites are designated in Mineral or Hell Roaring Canyons to protect desert bighorn sheep habitats. In addition, no Special Recreation Permits (SRPs) have been permitted in Hell Roaring Canyon or in the upper portion of Mineral Canyon because of wildlife concerns.

This Environmental Assessment is being prepared to analyze the impacts of restricting the activities listed above in Mineral and Hell Roaring Canyons and on the connecting corridor along the Green River (10,044 acres).

1.2. Purpose and Need

Mineral and Hell Roaring Canyons are tributaries of the Green River and are located immediately north of Canyonlands National Park. Because of their steep cliffs and remote nature, they are important occupied habitat for many raptors, including golden eagle and Mexican spotted owl, as well as crucial lambing and rutting habitat for desert bighorn sheep. The desert bighorn sheep herd that inhabits these canyons as well as nearby Canyonlands National Park is the only herd in Utah that escaped extirpation after the arrival of white settlers from unregulated hunting, habitat disturbance and grazing domestic sheep, which spread diseases to native sheep. This particular herd has been used to repopulate other areas throughout the West.

Recreation use in Mineral and Hell Roaring Canyons has historically been low, allowing animals undisturbed use of these important habitats. However, as tourism to the Moab Field Office has increased, recreational activities have expanded into these remote canyon regions that had previously provided crucial wildlife habitats with minimal disturbance. Although canoeing use of the Green River has been a constant, recent years have seen an increase in types of activities deemed to be especially detrimental to both raptors and bighorn sheep. These activities include

those involving ropes (such as climbing, rope swinging and highlining), and aerial delivery such as but not limited to BASEjumping and drone launching.

The need for this action is for the BLM to secure the continued use of important wildlife habitats by developing limitations on recreation activities likely to compromise these habitats. These limitations would inform a management stratagem to address conflicts between recreationists and wildlife in the vicinity of Mineral and Hell Roaring Canyons.

Though both raptors and desert bighorn sheep exist at various levels throughout the Moab Field Office, Mineral and Hell Roaring Canyons offer a habitat with unique opportunity for these species found nowhere else in the field office. The proposed area of limitation was selected from data collected over the past several decades that identified high population levels and successful reproduction coupled with currently low recreational use and high-quality breeding and year-round habitats. The purpose of the action alternatives is to find a balance between recreational uses and wildlife habitat needs in Mineral and Hell Roaring Canyons.

1.2.1. Decision to be Made

The BLM will decide whether to limit roped and aerial activities, as well as temporary structures, in Mineral and Hell Roaring Canyons to avoid expansion of these activities in this area. The reason for this decision would be to benefit raptor, Mexican spotted owl and desert bighorn sheep habitat within the canyons. Following a decision to manage these activities, the BLM would pursue establishment of a supplementary rule in accordance with 43 CFR 8365.1-6.

1.3. Scoping and Issues

The proposal has been discussed internally at the Moab Field Office for at least ten years. Biologists with the Moab Field Office and the Utah Division of Wildlife Resources have identified the habitat in question through collar studies (2002 through the present) and other data gathering techniques dating back to the early 1960s. On April 7, 2020, the proposed project area and an outline of the proposed limitations were presented to the Moab Interdisciplinary Team. The conclusions of this meeting are presented in Appendix A of this document.

The project was posted on the BLM's ePlanning website on April 7, 2020, including a map of the proposed area of limitation. A formal Scoping Period was announced to the public via a Press Release on May 29, 2020. The proposal was the subject of a feature story in the *Salt Lake Tribune* on June 18, 2020 ("Climbers balk as feds seek to shut down roped activity in two popular canyons near Moab"). The proposal also received a great deal of distribution on various non-BLM social media outlets. The formal Scoping Period was held from June 1 to June 30, 2020. As a result of the Scoping process, the BLM received comments from 222 individuals and interest groups, as well as from two agencies (the U.S. Fish and Wildlife Service and the Utah Division of Wildlife Resources.) A summary of the scoping comments and the BLM's responses are displayed in Appendix B of this document.

As a result of both internal and external scoping, the following issues have been identified:

Table 1. Issues Analyzed in Detail

RESOURCE AND ISSUE #	ISSUE STATEMENT

Recreation – Issue 1	Increased use of Mineral and Hell Roaring Canyons by roped and aerial enthusiasts has been impacting various wildlife species. Before such activities spread further into the canyon system, the BLM seeks to manage this area for the benefit of these species. Within the Moab Field Office, 33 areas and over 1,095 climbing routes have been identified by the Mountain Project (2020); the Moab BLM houses data for 212 mapped climbs; limitations on these activities could have an effect on six climbing routes in Hell Roaring Canyon (identified through public scoping) and on the choices that recreationists have to do other aerial and roped activities in the Mineral and Hell Roaring area.
Threatened and Endangered Species: Mexican Spotted Owl - Issue 2	Mexican spotted owls nest in these canyons. This species is particularly sensitive to disturbances. Roped and aerial activities directly impact the environment that they need for survival.
Raptors, including Golden Eagles – Issue 3	Golden Eagles are a species of concern; they nest in these canyons. This species is particularly sensitive to disturbances. Other raptors also utilize the canyons for nesting and foraging habitat. Roped and aerial activities directly impact the environment that raptors need for survival.
Desert Bighorn Sheep – Issue 4	The desert bighorn sheep herd in this area is of particular concern. Roped and aerial activities directly impact the environment that these sheep need for survival.

CHAPTER 2. ALTERNATIVES

2.1. Alternative A

The BLM proposes to limit aerial and roped activities, as well as the construction or installation of temporary or overnight structures, in and along the walls and rims of Mineral and Hell Roaring Canyons, as well as along the canyon walls and rims along the Green River corridor connecting these two canyons. This limitation would be applicable year-round.

The proposed restricted area excludes the Mineral Bottom BASEjumping Focus Area as defined in the 2008 Moab Resource Management Plan (RMP), the Mineral Bottom Airstrip as defined in ROW #UTU-79987, Corner Tower, and the Fruit Bowl, Waterslide and Green River Highlining Areas. The proposed area of limitation (including the specifically excluded areas) is shown on Map 1 in Appendix C. The proposed area of limitation totals 10,044 acres, which represents less than 0.5% of the field office area.

Roped activities are those involving ropes, cables, Vectran, climbing aids, webbing or anchors. Roped activities include, but are not limited to: ziplining, space-netting, high-lining, slacklining, climbing, rappelling and rope swinging. Aerial activities are those which involve air delivery of a person or object from or to BLM land, including but not limited to BASEjumping, skydiving, vaulting, catapulting, paragliding, parachuting and other forms of aerial delivery, including drones.

Following any decision to limit activities, the BLM would pursue establishment of supplementary rules in accordance with 43 CFR 8365.1-6.

2.2. Alternative B

Alternative B is the same as Alternative A, except permits would be issued seasonally for the following climbs (all in Hell Roaring Canyon):

> *Kachina Towers -North and South*: 20 permits (with up to 4 people per permit) would be issued from September 1 – December 31 (that is, no permits would be issued from January 1 – August 31). The permit would be issued by contacting the Moab Field Office by phone; the permit would allow climbing one or both of the towers. No more than one permit per day would be issued for Kachina Towers North and South. Permits could be obtained by commercial permittees as well as by private climbers
>
> *Gollum*: 5 permits (with up to 4 people per permit) would be issued from September 1 – October 15 and from December 15 – December 31 (that is, no permits would be issued from January 1 – August 31 and from October 15 – December 15). The permit would be issued by contacting the Moab Field Office by phone. No more than one permit per day would be issued for the Gollum. Permits could be obtained by commercial permittees as well as by private climbers. Access to the Gollum would be only from the south rim of Hell Roaring Canyon.
>
> *Witch/Warlock/Cauldron*: : 10 permits (with up to 4 people per permit) would be granted from September 1 – October 15 and from December 15 – December 31 (that is, no permits from January 1 – August 31 and from October 15 – December 15). The permit would be issued by contacting the Moab Field Office by phone; it could be used to climb any or all of the three climbs. No more than one permit per day would be issued for this set of climbs. Permits could be obtained by commercial permittees as well as by private climbers. Access to the Witch/Warlock/Cauldron would be only from the south rim of Hell Roaring Canyon.

Throughout the remainder of the management area, there would be no roped or aerial activities, nor installation of temporary structures, allowed on a year-round basis, as outlined in Alternative A.

2.3. Alternative C– No Action Alternative

The BLM would continue to allow unlimited roped and aerial activities in Mineral and Hell Roaring Canyons. No limitations would be imposed and wildlife habitat would be compromised. Permitted activities would continue to be governed by stipulations attached to the permit that disallow use in this area; commercial operations could continue to be disallowed.

2.4. Alternatives Considered but Eliminated from Detailed Analysis

An alternative was considered that would impose limitations on roped and aerial activities on 107,220 acres of crucial bighorn habitats that are also prime habits for raptors, eagles and Mexican spotted owl. (The proposed management area represents about 10,000 acres of this larger habitat area). Stipulations have been imposed on mineral leasing activities on 107,220 acres of habitat ("Drilling operations and permanent facilities would not be allowed within desert bighorn sheep lambing and rutting habitat": *Moab Master Leasing Plan*, page A-22); stipulations also preclude all surface disturbing activities (2008 Moab RMP, WL-36). While the alternative would benefit wildlife by providing a larger area of restriction, the alternative was considered to be too impacting to large numbers of recreationists engaging in roped and aerial activities. The 10,000 acres that is

proposed for limitation in the action alternatives represents the most important and least disturbed habitat within the larger 107,220 acres that is heavily stipulated for mineral leasing.

2.5. Conformance

The Action Alternatives (Alternatives A and B) described above are in conformance with the 2008 Moab Resource Management Plan (RMP). The following decisions are pertinent to the proposal:

REC-2 (page 81): Where unacceptable damage to natural or cultural resources by recreational use is anticipated or observed, BLM will seek to limit or control activities by managing the nature and extent of the activity or by providing site improvements that make the activity more sustainable or by a combination of management controls and facility development. Such management actions will seek to reduce or eliminate the adverse impact while maintaining the economic benefits associated with a wide range of recreation uses.

REC-3 (page 81): BLM will consider and, where appropriate, implement management methods to protect riparian resources, special status species, and wildlife habitat while enhancing recreation opportunities. Management methods may include limitation of visitor numbers, camping and travel controls, implementation of fees, alteration of when use takes place, and other similar actions to be approved through normal BLM procedures.

SSS-3 (page 117): As required by the Endangered Species Act, no management action will be permitted on public lands that will jeopardize the continued existence of plant or animal species that are listed or are officially proposed or are candidates for listing as T and E.

SSS-20 (page 120): Mexican Spotted Owl lists five actions that would be taken to protect this species. These actions include "monitor and protect known Protected Activity Center (PAC) sites according to USFWS recommendations and MSO Recovery Plan", and :manage habitat for MSO according to USFWS and UDWR recommendations and recovery plans.

SSS-29 (page 123): Golden Eagle lists four actions that will be undertaken to protect this species, including the protection of golden eagle nest and habitat.

WL-1 (pag136): Continue to implement and modify three Habitat Management Plans (HMPs) summarized in Appendix U: Hatch Point HMP, Dolores Triangle HMP and the Potash-Confluence HMP.

WL-18 (page 138) Raptors will be managed under the auspices of Best Management Practices (BMPs; see Appendix R), which will include implementation of spatial and seasonal buffers. These BMPs implement the USFWS's Guidelines for Raptor Protection from Human and Land-use Disturbances, with modifications allowed as long as protection of nests is ensured. Seasonal and spatial buffers are also listed in Appendix R. Cooperate with utility companies to prevent electrocution of raptors. Temporarily close areas (amount of time depends on the species) near raptor nests to rock climbers or other activities if the activity could result in nest abandonment.

WL-36 (page 141): **Bighorn Sheep Habitat:** To protect lambing, rutting, and migration habitat (101,897 acres), apply a no surface occupancy stipulation for oil and gas leasing and preclude other surface disturbing activities (see Appendix A).

WL-37 (page 142): **Bighorn Sheep Habitat**: Manage lambing areas with the following prescriptions: camping is allowed only in designated campsites.

Appendix A (page A19): In Desert Bighorn Sheep Lambing Grounds and Migration Corridors (101,897 acres), no surface disturbing activities are allowed. (*Note: this stipulation applies to all surface disturbing activities, not just to oil and gas – see introduction to Appendix A*).

The Moab Master Leasing Plan (2016) expanded the prohibition on surface disturbing activities from mineral operations in desert bighorn sheep habitat to 107,220 acres.

In addition, The Federal Land Policy and Management Act mandates multiple use of Public Lands, including recreation use and wildlife habitats.

CHAPTER 3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS

This chapter defines the scope of analysis contained in this EA, describes the existing conditions relevant to the issues presented in Table 1 in Section 3.2, and discloses the potential direct, indirect and cumulative impacts of the action and no action alternatives. Issues have been presented in Chapter 1; for a discussion of issues not brought forward, see the Interdisciplinary ID Team Checklist (Appendix A).

General Setting

The Mineral and Hell Roaring canyon bottoms are tributaries of the Green River; they are located just north of Canyonlands National Park. The canyons are somewhat difficult to access by vehicle. A maintained road descends from the plateau to the river bottom, accessing the Mineral Bottom Boat Ramp, the Mineral Bottom Airstrip and the White Rim Road in Canyonlands National Park. A less maintained road travels 1.5 miles up Mineral Canyon to a dead-end. Past the Mineral Bottom airstrip, the primary access road along the Green River becomes increasing difficult. A very difficult track goes up Hell Roaring Canyon, but it receives very little use due to its condition. On the plateau above the canyons, there are several two-track roads that access the edges of the canyons. The lack of travel access has provided remote, undisturbed habitats for various wildlife species.

In the past decade, tourism in the Moab Field Office has increased over 58%; in 2019, the field office hosted 1.9 million visitors, and over 3 million visitor days. During the same period, visitation has increased by over 72% in nearby Canyonlands National Park. As a result of increased human pressure, recreational activities are expanding into very remote canyon regions, such as Mineral and Hell Roaring Canyons. These canyons provide crucial habitats with minimal human disturbances for several unique and sensitive wildlife species in the Moab Field Office. Species frequenting these two canyon systems include desert bighorn sheep, Mexican spotted owls, golden eagles, peregrine falcons and several other raptor species. Due to the often unpredictable and inconsistent nature and unpredictable locations of roped and aerial activities, these activities result in a greater potential to be perceived as predation by wildlife than do more traditional recreation activities that occur in predictable locations. Thus, recreational activities that involve ropes and aerial components have a greater potential to directly impact these species than do the traditional recreation activities of driving, hiking or canoeing, as they are predictable to wildlife.

Analysis Assumptions

Wildlife Assumptions

The analysis assumes that there would continue to be an increase in tourism, visitation and associated recreation activities to the Moab area and Grand County. This analysis also assumes

that roped and aerial activities would continue to expand into backcountry areas surrounding Moab that currently do not see many roped and aerial activities. There is extensive peer reviewed and scientific research that investigates the impacts of various recreational activities to numerous ungulate and avian wildlife species that occupy remote canyon regions of the world. Though activities such as slacklining, highlining, BASEjumping, climbing, and human catapulting have not been the subject of extensive specific reviews, it will be assumed that individual wildlife would have similar responses to human activities studied in the cited research studies, with a potential for greater adverse responses due to the juxtaposition of these aerial and roped activities to these sensitive habitats.

It will also be assumed that impacts from roped and aerial activities are similar in size and intensity to off-trail hiking. Roped and aerial activities have similar impacts to wildlife, including unpredictability, the lack of consistency in behavior, and the potential for wildlife to perceive the activities as predation threats. Roped and aerial activities in the proposed management area can occur at random, at unpredictable and inconsistent times and locations, and with varying group size and intensity. Impacts from roped and aerial activities are also similar in size and intensity of driving and hiking as roped and aerial activities require driving and hiking to the often remote site, and directly or indirectly occupying the canyon rims, walls and canyon bottoms where prime habitats for desert bighorn sheep, raptors, eagles and Mexican spotted owl are found.

The analysis further assumes that impacts identified in cited peer reviewed and scientific research documents, though not specific to roped and aerial activities, reflect applicable direct or indirect impacts for the reasons mentioned above.

These important canyons currently are functional source habitats (high quality areas where birth rates are greater than death rates, causing the population to grow, and resulting in emigration to other areas). It can also be assumed that as habitat fragmentation and human disturbances increase, these areas could become a sink habitat (very low-quality habitat that, on its own, would not be able to support a population). As a result, species may become reduced or locally extirpated.

These assumptions are based on extensive peer reviewed and scientific research that has found that human disturbance results in alteration in ungulate and raptor behavior and has been associated with avoidance behavior (Frid and Dill 2002), physiological stress (Hayward et al. 2011, Strasser and Heath 2013), and impaired sensory perception (Mason et al. 2016), changes in habitat use (Gill and Sutherland 2000, Webber et al. 2013), interference with foraging behavior (Ferna´ndez-Juricic and Teller´ıa 2000), alteration of self-maintenance regimes (Kight and Swaddle 2007), and reduction in parental care to young (Ferna´ndez and Azkona 1993, Steidl and Anthony 2000). Human disturbance has been associated with reduced breeding success (Buick and Paton 1989, Brambilla et al. 2004, Watson et al. 2014), which may lead to population declines (Palacios and Mellink 1996, Wiedmann and Bleich 2014, Pauli et al. 2017). The level of impacts by alternatives will be further discussed in the analysis that follows.

Recreation Assumptions

This analysis also assumes the roped and aerial activities would occur in canyon and cliff type areas that offer topographic features similar to those found in the vicinity the current 212 known climbing locations found in the database housed by the Moab Field Office. These 212 climbing locations occur on geologic formations within 225,700 acres. Table 1 shows the number of known climbs by acreage and by geologic formation (age) within the Moab Field Office.

Table 1: Known Climbs by Formation and Acreage

Formation Age	**Number of known climbs**	**Acreage**
Permian age Formations (Cutler)	14	12,691
Jurassic age Formations (Wingate, Kayenta, Navajo, Carmel, Entrada, Morrison, Curtis)	143	198,228
Triassic age Formations (Moenkopi, Chinle)	42	9,844
Holocene & Pleistocene age Formations (talus slopes)	14	4,944
Total	**212**	**225,700**

Jurassic age formations appear to be the most suitable for roped activities, as evidenced by the percentage of known climbs within them. Thus, it is assumed that the greatest opportunities to expand roped and aerial activities occur on the 198,228 acres that provide the highest concentration of known climbing routes. Map 2 in Appendix C provides a depiction of Moab database climbing routes, Mountain Project climbing areas and associated geology.

3.1. Issue 1: Recreation

Recreation – Issue 1	Increased use of Mineral and Hell Roaring Canyons by roped and aerial enthusiasts has been impacting various wildlife species. Before such activities spread further into the canyon system, the BLM seeks to manage this area for the benefit of these species. Within the Moab Field Office, 33 areas and over 1,095 climbing routes have been identified by Mountain Project (2020). The Moab BLM houses data for 212 mapped climbs; limitations on these activities could have an effect on six climbing routes in Hell Roaring Canyon (identified through public scoping) and on the choices that recreationists have to do other aerial and roped activities in the Mineral and Hell Roaring area. Two known highlining areas of fewer than 100 acres total are also within the project area. All other known highlining areas are excluded from the project area.

3.1.1. Affected Environment

The project area is within the Labyrinth Rims/Gemini Bridges Special Recreation Management Area (SRMA). This 300,000 acre SRMA has Recreation Management Zones, or Focus Areas, that are managed for particular types of recreation activity.

The portion of the project area that is directly adjacent to the Green River is within the Labyrinth Canyon Canoe Focus Area (7,709 acres). In 2019, 4,864 private boaters and 910 commercial passengers floated the river. Some people debark at the Mineral Canyon Boat Ramp; others

continue on to float through Stillwater Canyon, which is largely within Canyonlands National Park. Stillwater Canyon float trips usually embark at Mineral Bottom; all but four miles of that 60 mile trip are within Canyonlands National Park.

The Mineral Bottom BASEjumping Focus Area (762 acres) is adjacent to, but not within, the area proposed for limitations on roped and aerial activities. This focus area emphasizes aerial activities, primarily BASEjumping. It is excluded from the project area.

The remainder of the project area is not within a specific focus area. However, in recent years, the cliffs of both Mineral and, to a lesser extent, Hell Roaring canyons have become increasingly popular with climbers, rope swingers, space netters, highliners, BASEjumpers and other roped or aerial enthusiasts. These canyons have great verticality and are relatively close to Moab with good access via SR 313 and the heavily maintained Mineral Bottom Road. While the exact level of this type of use is unknown, observational evidence indicates that roped and aerial use has grown in recent years and has expanded to more locations.

A very popular area with roped and aerial enthusiasts is known as the "Fruit Bowl". This area is partially on State of Utah (SITLA) lands and partially on lands managed by the BLM. To facilitate unified management of the activity, the BLM has entered into a Cooperative Management Agreement (CMA) with SITLA for the parcel containing the Fruit Bowl. This CMA allows the BLM to better manage the area, as BLM regulations are enforceable, and to permit an annual highlining festival, hosted by Slackline US in November of each year. The proposed area of limitation does not contain the Fruit Bowl area permitted to the festival *per se*, but lands below and adjacent to the Fruit Bowl are included in the project area. Map 3 in Appendix C illustrates the proposed area of limitation surrounding the excluded Fruit Bowl.

The Moab BLM maintains a climbing database that has mapped approximately 212 climbing sites in the Moab Field Office area. Mountain Project (2020) maps approximately 1,095 routes in this area. Although the BLM database is not an exhaustive list, it does provide a representation of the extent of climbing locations in the area and is useful in determining geological potential for various roped and aerial activities; it provides a baseline for analysis. Using this data, it was determined that at a minimum, there are over 225,700 acres of canyon and red rock formations within the Moab Field Office that provide the rock formations where various roped and aerial type activities may occur (see Map 2 in Appendix C for climbs and their associated geology). Of the 212 known climbs in the Moab Field Office area, six known climbs are located within the project area and are used by an unspecified, but small number of climbers per year (information received during scoping identified fewer than 50 small groups per year use these climbs). These climbs are approximately 18-20 miles from the town of Moab and include the Witch and the Warlock, the Cauldron, the Gollum and North and South Kachina Spires. No climbs were identified in Mineral Canyon during the Scoping Period, nor by any of the climbing advocates, groups or individuals who commented during that period.

Other recreation uses in the project area include canoeing, bicycling and driving on designated roads. There is some very limited hiking use of the canyons and their rims. People who enjoy viewing wildlife have an excellent chance of viewing desert bighorn sheep, one of Utah's most iconic native big game species, in the project area.

The State of Utah manages a hunting season for desert bighorn sheep, annually permitting three to five tags within the entire unit (over 300,000 acres). This is a once-in-a-lifetime hunt, and only rams are harvested, typically rams older than seven years of age. The sale of these tags typically

generates over $57,000 and is matched with other federal funds to total approximately $225,000. These funds are then used to protect and improve bighorn habitats, often directly within the Moab area. Hunters who wish to pursue one of the most sought-after big game animals in North America have opportunities to fulfill their tags in the project area. The project area offers one of the best venues for this hunt, given its remote and backcountry nature.

3.1.2. Environmental Impacts

3.1.2.1. *Impacts of Alternative A to Recreation– Year Round Management*

Those canoeing the Green River would not be negatively impacted by Alternative A. Canoeists who value serenity could gain positive benefits by not being impacted by the activities of those engaged in roped and aerial activities and delivery.

Recreationists who enjoy roped and aerial activities would continue to enjoy these activities on over 1,000 climbing routes within over 215,000 acres of canyon areas in the Moab Field Office. Alternative A would limit roped and aerial activities on 10,044 acres in the Mineral-Hell Roaring area. These recreationists could still use the BASEjumping Focus Area for roped and aerial activities, as well as the Waterslide, the Green River Bowl and the Fruit Bowl, but roped and aerial activities would not be allowed to continue to expand to areas in Mineral and Hell Roaring outside those polygons. These limitations would apply to both private and commercial users, although there is currently no commercial use in the area covered by Alternative A. The primary impact would be to those private users who wish to expand roped and aerial activities outside the areas set aside for them. These users often identify themselves by their activity; their chosen activity is of prime importance to them.

There are over 225,700 acres of canyon and red rock formations within the Moab Field Office that host over 1,000 climbing routes (212 known climbs and 1,095 routes identified on Mountain Project). These 225,700 acres are where various roped and aerial activities already occur and may readily expand. This is especially true on the 198,228 acres of Jurassic age Formations that host 143 of the 212 known climbs. While Mineral and Hell Roaring canyons are partially in the Navajo and Kayenta formations, they also offer approximately 4,000 acres of Wingate and other formations that present the best opportunities for roped and aerial activities (primarily in the Kayenta and Chile Formations). Limiting roped and aerial activities on the 10,044 acres in Alternative A would remove only about 4.5% of future "climbing opportunity area" in the Moab Field Office.

Of the 212 known climbing routes on BLM lands available in the Moab area, six remote climbs, the Witch and the Warlock, the Cauldron, the Gollum, and North and South Kachina Spires would no longer be available to the unknown but small number of climbers who enjoy them each year (fewer than 50 small parties per year, or possibly fewer than 25 per year according to scoping comments received from the Access Fund). Making these six climbs unavailable to the public is expected to impact climbers by reducing available known climbing locations by less than 2%. Over 200 database-mapped climbing areas and well over 1,100 climbing routes total in the Moab area would remain available to the public if Alternative A were to be chosen. Limiting roped and aerial activities in Alternative A would remove 0.6% of climbing routes in the Moab Field Office.

Four highlining areas (Colorado Bowl, Highlander Bowl, Waterslide and Green River Bowl) were identified within the proposed management area. Two of these (Waterslide and Green River Bowl) have been excluded from the proposal; thus, out of the 10,044 acres, only two small highlining

areas (Colorado Bowl and Highlander Bowl with fewer than 100 acres) would be unavailable to aerial recreationists.

Those who enjoy biking or driving on the designated roads and trails in the area would not be impacted by Alternative A. In addition, hikers in the canyons or on the rims would not be impacted by this alternative. Those bicyclists, drivers or hikers who value serenity could gain benefits from the absence of roped or aerial activities.

Those recreationists who value seeing desert bighorn sheep, other wildlife and raptors in their natural environment would benefit from Alternative A because the herd would be protected and would not seek escape terrain farther into the backcountry as a result of roped or aerial activities. As a result, these visitors may have a better opportunity to view desert bighorn sheep, other wildlife and raptors typically not visible in higher recreational use areas.

Hunters who wish to pursue prime trophy hunting opportunities for desert bighorn sheep (a once-in-a-life hunt) would benefit from Alternative A because the viability of the herd would be protected and the herd could possibly increase. Mineral and Hell Roaring canyons provide the primitive, remote and undisturbed habitat that is conducive to this trophy hunting experience. Alternative A would enhance the herd and thus the experience for those hunters.

3.1.2.2. *Impacts of Alternative B to Recreation– Year Round Management with the Issuance of Seasonal Climbing Permits for Selected Climbs*

The impacts of Alternative B to Recreation would be the same as those in Alternative A except that a limited number of climbers would retain access to the Witch, the Warlock, the Cauldron, the Gollum and Kachina Towers. This access would be by permit; permits would be issued seasonally and group size would be limited; a limited number of permits would be issued.

Recreationists who enjoy roped and aerial activities would continue to enjoy these activities year-round on over 1,000 climbing routes within over 215,000 acres of canyon areas and continue to enjoy the BASEjumping Focus Area for roped and aerial activities as well as Corner Tower, the Waterslide, the Green River Bowl and the Fruit Bowl, but roped and aerial activities would not be allowed to continue to expand to areas in Mineral and Hell Roaring outside those polygons. These limitations would apply to both private and commercial users.

Alternative B would remove only about 4.5% of future "climbing opportunity area" in the Moab Field Office and seasonally remove 0.6% of climbing routes in the Moab Field Office.

3.1.2.3. *Impacts of Alternative C to Recreation – No Action Alternative*

Under the No Action alternative, roped and aerial activities would continue in the project area. Recreation activities that have been primarily undertaken in the Mineral Bottom BASEjumping Focus Area and more recently at the Fruit Bowl would likely continue to expand to adjoining areas in Mineral and Hell Roaring canyons. There would be no limitations imposed on climbers, rope swingers, space-netters, highliners, drone operators or BASEjumpers along the rims of Mineral and Hell Roaring canyons or on other aerial or roped uses that have the potential to directly impact crucial wildlife habitats.

Established climbs, including the Witch and the Warlock, the Cauldron, the Gollum, and North and South Kachina Spires, would continue to be available to the climbing community without any limitations, as would several user-developed highlines/rope swing/basejumping areas. The

expansion of existing areas and the establishment of new areas for aerial and roped activities may be require additional management to ensure that public lands are managed appropriately. Users who enjoy the natural and quiet landscape may have reduced experience as existing and new areas become more popular.

Those canoeists, drivers, bicyclists or hikers who enjoy a more natural and quiet landscape would be required to co-exist with roped and aerial enthusiasts and there could be reduced opportunity to view wildlife such as bighorn, eagles and raptors.

Hunters wishing to pursue opportunities for trophy hunting of desert bighorn rams (in a once-in-a-lifetime hunt) would have fewer opportunities if game populations were reduced due to undue human disturbance in the Mineral-Hell Roaring area. If desert bighorn sheep populations were reduced to a significant degree, the hunting opportunity might be lost altogether due to expanding recreation use.

3.1.2.4. *Cumulative Impact*

Cumulative impacts are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions.

Cumulative Impact Area (CIA) for Recreation and Wildlife (Same for all Alternatives)

The cumulative impact area (CIA) for Recreation and Wildlife is the cliffs and canyon country found west of Moab where prime Mexican spotted owl and high value golden eagle habitats as well as crucial bighorn lambing and rutting habitats have been identified. Within the CIA there are numerous areas that offer a variety of recreational opportunities, including aerial and roped activities, camping, trails for backcounty touring with OHVs, motorcycles, and mountain bikes, hiking and viewing opportunities and other activities. (See Map 4 in Appendix C for the Cumulative Impact Area).

The CIA is defined by large topographic features of similar ecological and economical values to the project area; the project area totals 9 percent (10,044 acres) of the CIA's 112,519 acres. The CIA offers approximately 52,000 acres of suitable geological and topographical structure to support roped and aerial activities, 23 percent of the Moab Field Office with the project area containing 12 percent of the suitable geological and topographical structure found in the CIA Those seeking additional roped and aerial activities could also travel outside of the CIA, but the CIA offers a unique red rock canyon experience with long history of remote outdoor opportunities. The majority of the Potash bighorn sheep herd is not expected to move outside the CIA for lambing and rutting activities and local eagles and raptors currently nesting in the Project Area are not expected to nest outside of the CIA.

The CIA consists of approximately 94,090 acres (84%) of BLM lands, 13,336 acres (12%) of SITLA and State park lands and 5,093 acres (5%) of privately owned lands.

Past and Present Actions (Same for All Alternatives and all Issues)

Past and present activities in this area have included grazing and mineral exploration, and, more recently, recreation activities. A developed boat ramp, toilet and parking area is found at Mineral Bottom, and a toilet facility is located at the top of the switchbacks on the Mineral Bottom Road. Roped and aerial activities are currently restricted on a total of 36 acres in the CIA (the areas

around Gemini Bridges and Corona Arch). Special recreation permit holders have also been subject to limitations on roped and aerial activities.

Past or present actions that affect the same components of the environment as the project area in the CIA include livestock grazing, exploratory drilling for oil and gas, minerals exploration, past uranium and copper mining, geophysical surveys for oil and gas, and exploratory drilling for potash (potassium salts) and lithium, wildlife use, and recreational activities.

Livestock grazing has taken place in the CIA for more than 100 years. Both cattle and sheep have been grazed within the CIA; currently only cattle are grazing in the CIA. (Domestic sheep permits have not been issued since the 1970's to protect desert bighorn sheep.) Fence lines have been in place for decades and surface disturbances from them has had ample time to re-vegetate, so forage availability is not affected.

There has been exploration and development for leasable minerals, including oil and gas, in the CIA since at least the 1920's. All BLM lands within the CIA are currently available or under lease with 93,747 acres (99.6 %) under a stipulation that applies no surface occupancy limitations, meaning that any development must not result in surface disturbance or permanent structures. This stipulation was developed in the 2008 RMP and updated in the 2016 Master Leasing Plan to protect crucial lambing, rutting and year-round use in the highest quality habitats in the Moab Field Office. Additionally, the 2008 RMP precluded all surface disturbing activities, structure, or permanent occupancy of the surface by all other resources and uses in this same area. Potash, a leasable mineral, is found in the CIA. The Intrepid Potash Mine is an active potash development facility operating on the east side of Canyonlands National Park on state and private lands. There has been no development of potash operations on BLM lands.

Mineral exploration and development have occurred throughout this area historically, especially for uranium. The activity associated with uranium exploration and mining was particularly intense in the 1950s and 1960's. There are hundreds of abandoned mining claims and developments throughout the CIA. There is a current interest in lithium that is found in the CIA.

The entire CIA offers nesting and foraging habitats for Mexican spotted owls, golden eagles and a variety of other raptors, with the greatest concentration of raptors and eagles at the heads of Mineral, Spring, and Hell Roaring canyons and along the rims of the Shafer Basin. The entire CIA supports crucial lambing and rutting habitats for the desert bighorn Potash herd. In 1964, there were approximately 100 desert bighorn sheep remaining in the park and on the adjacent BLM lands. To protect these animals BLM lands that border the park limited grazing leases to cattle only to reduce disease transmission to native bighorn sheep. Currently there are roughly 130 desert bighorn sheep on BLM lands (Potash herd) where the CIA is located.

In the past decade, tourism in the Moab Field Office has increased over 58% to 1.9 million visitors in 2019, and over 72% in Canyonlands National Park. Past recreational use throughout the CIA area has included primitive motorized experiences (touring the backcountry using four wheel drive vehicles, dirt bikes, and OHVs), hiking and canoeing. Currently the CIA sees very high levels of recreation, including use of recreation facilities, established mountain bike, hiking and motorcycle trails, canoeing, hot-air balloon tours, BASEjumping, climbing, ziplining, space-netting, high-lining, slacklining, climbing, rappelling, rope swinging and other roped and aerial activities. Seven and a half miles of State Scenic Byway 313 pass through the eastern portion of the CIA, 41 miles of maintained non-paved roads provide easy access by car to the world class views and scenery in the CIA, and 272 miles of unmaintained roads offer an wide variety of experiences to OHVers and

four-wheel drivers. Within the CIA, there are remote, isolated areas that are difficult to access or where road access is not available; these areas receive minimal recreational use.

Reasonably Foreseeable Action Scenario (Same for All Alternatives and all Issues)

The following RFAS identifies reasonably foreseeable future actions that would cumulatively affect the same resources in the CIA as the two action and the No Action alternatives.

Livestock grazing for cattle within the CIA area is not expected to change. Exploration and development for leasable minerals in the CIA would continue, but the No Surface Occupancy stipulation that is in place on over 99% of the CIA would limit the majority of development in the CIA. The Intrepid Potash Mine on private and state land would remain active but no mining expansion is expected.

Apart from within the Wild and Scenic River designation along the Green River, there is no limitation on locatable minerals, although demand for these minerals is currently low. Abandoned uranium mines in Mineral and Hell Roaring canyons are scheduled to be closed in 2020 or 2021, resulting in short term and transient disturbances in the immediate area. The demand for lithium is unknown at this time.

Recreational growth in the Moab Field Office over the next decade is likely to increase, but the exact rate of increase is unknown. There is evidence that recreation growth is leveling off from the rate of increase seen in the 2009-2019 decade. However, there may be an increase in certain niche activities, such as roped and aerial activities, as more people discover Moab as a venue for this type of recreation. This could result in expansion of this type of use into outlying areas. Within the CIA, remote, isolated areas that are typically difficult to access or where road access is not available could see increased use as people pioneer new venues for roped and aerial activities.

Recreation

Recreation activities in the area are expected to increase as the popularity of Moab continues and as people seek recreation alternatives to the more crowded areas surrounding Moab. As the project area is particularly suitable for roped and aerial activities, these activities are also expected to increase primarily because of the presence of good access roads and the needed geological and topographical structure.

Under Alternative A, roped and aerial enthusiasts would be denied an area of just over 10,000 acres (12% of CIA), on which to expand their chosen activities. However, as there are no current plans to further restrict these activities, other venues would remain open to roped and aerial activities throughout the Moab Field Office; there are over 215,000 acres of canyon and red rock formation that offer needed geological and topographical structure for the development of new locations for roped and aerial activities. Alternative A would reduce roped and aerial opportunity by 4.5% in suitable areas and reduce existing climbing by 2.8% (0.6% of routes identified on Mountain Project) within the Moab Field Office.

Under Alternative B, climbers would retain limited, seasonal access to climbing venues as well as to over 215,000 acres of canyon and red rock formation to expand roped and aerial activities. Alternative B would reduce the potential for expansion of roped and aerial opportunity by 12 percent in the CIA, 4.5 percent in suitable areas and seasonally limit climbing on 2.8 percent of the mapped climbs (0.6% of routes identified on Mountain Project) within the Moab Field Office.

Under Alternative C (No Action), the cumulative effect of reduced wildlife populations on wildlife viewers and hunters would continue to increase as animals would be increasingly difficult to locate. Opportunities for the once-in-a-lifetime desert bighorn ram sheep hunt would be lessened.

The cumulative effect upon those who engage in roped and aerial activities from the loss of six known climbs (3% of mapped climbs) and limitations on 10,044 acres which includes 12 percent of the CIA and only 6 percent of desirable climbing geology of BLM lands in remote canyon areas would be small and confined to one area.

3.2. Issue 2: Mexican Spotted Owl

Threatened and Endangered Species: Mexican Spotted Owl - Issue 2	Mexican spotted owls nest in these canyons. This species is particularly sensitive to disturbances. Roped and aerial activities directly impact the environment that they need for survival.

3.2.1 Affected Environment – Mexican Spotted Owl

Currently various animal species residing in the upper portions of Mineral and Hell Roaring canyons have minimal potential for human disturbance. However, the growing interest in recreation activities that occur on the canyon walls and along the rims of these canyons has the potential to negatively impact species relying on the remote nature of this area for survival.

The Mexican spotted owl (MSO) was listed as a threatened species in 1993. Immediately following its listing, a team was appointed to develop the Mexican Spotted Owl Recovery Plan. The Recovery Plan was completed in 1995.

The Endangered Species Act (ESA) makes it unlawful for a person to take a listed animal without a permit. "Take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Through regulations, the term "harm" is defined as "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering."

Protecting Mexican spotted owls and their habitats is consistent with BLM policy; BLM Manual 6840.02 Objectives - A. *To conserve and/or recover ESA-listed species and the ecosystems on which they depend so that ESA protections are no longer needed for these species*. 6840.1A. Section 2 (Findings, purposes, and policy). *The BLM shall, consistent with Section 2 of the ESA, seek to conserve endangered and threatened species and shall utilize its authorities in furtherance of the purposes of the ESA.*

The Mexican Spotted Owl Recovery Plan (Recovery Plan) described owl habitat as deep, steep-walled canyons and hanging canyons. Nesting and roosting in Utah occurs in caves and on ledges in this canyon habitat. These canyons are typically surrounded by terrain that does not support breeding owls. The Recovery Plan recognizes two Mexican spotted owl habitat models and recommends a multi-tool approach, using these models for large scale planning efforts and to identify possible areas that may provide nesting and roosting habitat where nests may be located (USFWS 1995).

According to these MSO habitat models, 1,502,600 acres (1,432,390 acres on federal lands) of potential habitat can be found within the Moab Field Office. In 1999, the Moab Field Office

initiated an extensive habitat assessment program and to date the entire field office has had some level of habitat evaluations; most areas with suitable habitats have had multiple surveys over the past 20 years. This extensive habitat evaluation and survey schedule has allowed the Moab Field Office to identify and manage approximately 395,000 acres of suitable habitats, reducing modeled projection by 73%. Within the Moab Field Office, 20 years of extensive protocol surveys on over 350,000 acres has identified three nest sites; the Big Chief nest which has been active every year since 1999, the Hell Roaring nest which has been active since 2012, and was active in 2019, and a third nesting area detected in 2013, the Lions Mesa nest. Current 2020 status is not yet known.

The Hell Roaring nest is within the project area and the Big Chief nest is nine miles to the southeast, protected by a locked gate on private property. The entire project area is considered prime, high quality nesting habitat for the Mexican spotted owl and is on a protocol survey schedule that consists of four surveys per year for two years followed by one survey per year for two years; this schedule is then repeated.

In areas that contain suitable habitat for MSO or designated Critical Habitat, the Moab RMP (2008) directs the Moab BLM that actions will be avoided or restricted that may cause stress and disturbance during nesting and rearing of their young. The direction includes the preclusion of activities that would 'harm' essential behavioral patterns, including breeding, feeding, or sheltering during the nesting season, which is from March 1 through August 31.

Human disturbance is a primary threat to raptor populations that may generate a range of adverse impacts to the fitness, occupancy, and population rates of golden eagles, Mexican spotted owls, and other raptors depending on the type of disturbance (Hansen et al. 2017, Romin and Muck 2002). It is documented that rock climbing activities impact cliff-nesting raptors when activities are in close proximity to nests because of shouting and other noises involved with the activity, and the high sensitivity of birds to human activities occurring above them (Hansen et al. 2017). Other roped and aerial activities likely impart a similar level of impact to raptors when these activities occur in close proximity to nests (USFWS 2020).

Additionally, most radio-marked adult Mexican spotted owls have been found to remain on or near their breeding territory throughout the year, although some territorial owls migrated during winter. Migrating radio-marked owls typically left study areas [breeding area] in November or December and returned from January to April. Distances moved typically range from 5 to 50 km (3 to 31 miles) (Willey 1998a, Ganey and Block 2005). Winter is a period of energetic stress for many birds (e.g., Greenwood and others 1992, Newton 1998) and may be a critical period for these owls as well. For example, 9 of 11 mortalities documented in studies of radio-marked spotted owls in Arizona and New Mexico occurred from November through February (J. L. Ganey, unpublished data).

3.2.2 Environmental Impacts

3.2.2.1 Impacts of the Alternative A – Year Round Management

Alternative A would utilize proactive management strategies, as directed in the 2008 RMP (REC-3), to implement management methods to protect special status species, including the Mexican Spotted Owl. Alternative A would also support the BLM Mission by sustaining the health, diversity and productivity of the ESA threatened Mexican spotted owl on 10,044 acres of prime and crucial habitats in Mineral and Hell Roaring canyons. Alternative A would further the enjoyment of wildlife among present and future generations of people.

Recreational activities may affect owls directly through disturbances caused by human activity or indirectly through alteration of habitats such as damage to vegetation, soil compaction, illegal user created trail tracks, and increased risk of wildland fires. Whether managed or unmanaged, development of new recreational facilities, destinations, and expansion of existing facilities may alter owl habitat. (USFWS 2012).

Currently, Hell Roaring Canyon is home to one nesting pair of Mexican spotted owls; the entirety of Mineral and Hell Roaring canyons offers prime expansion areas available for future nesting pairs as they disperse from one of the two nests in the area. With juvenile survival rates as low as 11%, it is vital to have suitable expansion habitats in the area.

According to Swarthout (2000), owl responses to hikers depend on a complex interaction of variables associated with the encounter and are most likely influenced by their previous experience with humans. Perch height, however, largely explained whether or not owls flushed in response to an approaching hiker; as owls perched higher, they were less likely to flush, a relationship identified in other raptors (Holmes et al. 1993, Steidl and Anthony 1996) and largely determined the distance at which adults flushed and the duration of their response as each of these responses increased with higher perch heights. Higher perches afford greater visibility of approaching disturbances at greater distances, which has been shown to increase flush response rate and flush distance in bald eagles (Steidl and Anthony 1996). Furthermore, female owls that nested in higher locations changed their activity budgets in response to hikers, more so than females that nested in lower locations (Swarthout 1999). Roped activities would be expected to create more frequent response and possible great distances of movement and longer periods of displacement as these activities bring human encroachment closer to roosts and nesting sites located high on the cliff walls where owls would otherwise not be directly impacted.

There are direct costs associated with responding to disturbance, such as energy demands of avoidance flight and time lost that would be allocated to other activities, such as incubation and tending to young. Mexican spotted owls have a narrow thermal neutral zone (Ganey et al. 1993) and consequently are found in cool microclimates (Rinkevich and Gutierrez 1996). Energetic demands of avoidance flights increase heat production, which may be exacerbated by flying during the day, and which could increase heat-related stresses. Flushed owls vacate their selected roosts and nest sites that likely meet their thermoregulation requirements, perhaps forcing them to occupy roosts that may not meet these demands as effectively or leaving eggs and juveniles unprotected and susceptible to exposure and predation.

Alternative A would create positive direct impacts to Mexican spotted owl by eliminating the potential for roped and aerial delivery activities to disturb Mexican spotted owl that occupy the area, ensuring their energetic demands are met and their eggs and young remain protected and energetic stress does not increase during the winter months when the known pair and their juveniles may further utilize this area. Indirect impacts would result in ensuring over 10,000 acres of prime Mexican spotted owl nesting habitats are managed so that recreation growth would not negatively impact the potential for Mexican spotted owls to expanded into suitable habitats in Mineral and Hell Roaring canyons.

3.2.2.2 Impacts of Alternative B – Year Round Management with the Issuance of Seasonal Climbing Permits for Selected Climbs

The impacts under Alternative B would be similar to those found in Alternative A, except some limited climbing use would be allowed seasonally in Hell Roaring Canyon.

As discussed in Alternative A, recreational use is limited in the project area; it is reasonable to assume that without proactive management, recreational use would expand into Mineral and Hell Roaring canyons.

Implementing seasonal climbing restrictions that limit permit location, numbers and group size to six specific climbing locations (Witch, Warlock, Gollum, Cauldron, North and South Kachina Spires) would create positive direct impacts to nesting Mexican spotted owls by eliminating the potential for climbing activities to disturb nesting Mexican spotted owl (because no permits would be issued during nesting season). Alternative B would eliminate additional or new roped and aerial delivery activities that also impact nesting Mexican spotted owls, as discussed in Alternative A. Alternative B does not preclude energetic stress during the winter months when the known pair and their juveniles may utilize this area.

Alternative B would reduce the potential for expansion of additional activities that could directly and indirectly impact nesting Mexican spotted owl habitats and the active nest, as discussed in Alternative A.

Alternative B would create positive direct impacts to nesting Mexican spotted owl by eliminating the potential for roped and aerial delivery activities to disturb nesting Mexican spotted owl that occupy the area, but does not preclude potential energetic stress from existing climbing activity during the winter months when the known pair and their juvenile may utilize this area. Given that the Mexican spotted owl juvenile survival rate can be as low as 11%, and high mortality is known to occur during the winter months, Alternative B provides less overall proactive management strategies then Alternative A and may result in direct and indirect impacts from the continuation of climbing use that may result in energetic stress during the winter months to the known pair or their juveniles that may remain in the area after fledging.

3.2.2.3 Impacts of the Alternative C – No Action Alternative

The No Action alternative would not facilitate proactive management strategies, as directed in the 2008 RMP (REC-3), for special status species and wildlife habitat. The project area currently receives minimal use except for the Green River corridor. It is reasonable to assume that the No Action alternative would result in the expansion of roped and aerial activities into Mineral and Hell Roaring canyons and thus into prime MSO habitats.

The No Action alternative would allow the continuation and expansion of roped and aerial activities into an area that currently sees relatively low levels of human pressure. Due to the minimal human activity in the area, habitats for Mexican spotted owls remain largely intact, which has resulted in occupied nesting of one Mexican spotted owl pair. This occupied nest is in the direct vicinity of several climbing locations (the Witch and the Warlock and Gollum). Human activity involving roped and aerial activities is expected to increase and expand into other areas that are also near the MSO nest.

As discussed in Affected Environment above, owl responses such as increased flush response rate and distance is likely influenced by their previous experience with humans and perch. Direct costs associated with responding to disturbance may result in decreased time incubating and tending to young, leaving eggs and juveniles unprotected and susceptible to exposure and predation as well as to increases in heat-related stresses from being flushed from cool microclimates to roosts that may not meet thermoregulation needs (Holmes et al. 1993, Steidl and Anthony 1996, Ganey et al. 1993, Rinkevich and Gutierrez 1996). The No Action alternative allowing roped and aerial

activities would be expected to create more frequent response and possibly greater distances of movement and longer periods of displacement as these activities bring human encroachment closer to roosts and nesting sites on cliffs and canyon walls where owls might otherwise not be directly impacted.

The No Action alternative would allow the continuation of several climbs and allow for the expansion of additional activities that would directly impact an active nest, resulting in a 'take' of an endangered species. Direct impacts to nesting Mexican spotted owl would include increasing avoidance flights in response to human activities, resulting in increased energetic demands, increased heat-related stresses, and increases in potential for nest failure due to exposure and predation. Given that the Mexican spotted owl juvenile survival can be as low as 11%, limiting nest success further reduces potential population growth. Winter is a period of energetic stress for many birds (e.g., Greenwood and others 1992, Newton 1998); the No Action alternative would allow for increased potential of energetic stress to the known pair or their juveniles that may remain in the area after fledging.

Indirect impacts of the No Action alternative would result in over 10,000 acres of prime Mexican spotted owl nesting habitats managed with no limitations on roped or aerial activities. Thus, human encroachment as a result of growing recreation activities would impact the potential for Mexican spotted owls to expand into the suitable habitats found in Mineral and Hell Roaring canyons.

The No Action alternative would not secure sensitive wildlife habitats in an area that currently functions as source habitat (high quality habitat that on average allows the population to increase). These important canyons currently are functional source habitats (high quality areas where birth rates were greater than death rates, causing the population to grow, resulting in emigration to other areas), but as habitat fragmentation and human disturbances increase, these areas could become a sink habitat (very low quality habitat that, on its own, would not be able to support a population). As a result, the species may become reduced or locally extirpated.

The No Action alternative does not support BLM policy directing the BLM to conserve ESA-listed species and the ecosystems on which they depend by utilizing its authorities in furtherance of the purposes of the ESA.

3.2.1.1. *Cumulative Impact*

Cumulative Impact Area (CIA) for Recreation and Wildlife (Same for all Alternatives)

The cumulative impact area (CIA) for Recreation and Wildlife is identified in Section 3.1.2.4 and the map is Appendix C (Map 4)

Past and Present Actions (Same for All Alternatives)

Past and present activities in the CIA for area is identified in Section 3.1.2.4.

Reasonably Foreseeable Action Scenario (Same for All Alternatives)

Section 3.1.2.4 identifies reasonably foreseeable future actions that would cumulatively affect the same resources in the CIA as the two action and the No Action alternatives.

Mexican Spotted Owl

As noted above, aerial and roped activities are expected to increase as proponents seek less crowded and novel alternatives. The entire CIA supports prime Mexican spotted owl nesting and foraging habitats.

Within the CIA, Alternative A would limit the expansion of roped and aerial activities on about 10,000 acres, where there is known nesting of Mexican spotted owls. Under Alternative A, vigilance and flight responses of Mexican spotted owls would be expected to be reduced; rates, energy budgets and caloric consumption would improve population fitness within the project area, resulting in continued genetic connectively and population dispersal throughout the CIA.

Within the CIA, Alternative B would seasonally allow climbing use at six specific locations and limit the expansion of roped and aerial activities outside of these climbing areas on about 10,000 acres. As discussed above, this area supports Mexican spotted owls. Under Alternative B, vigilance and flight responses of Mexican spotted owls would be expected to continue at current rates, energy budgets and caloric consumption would maintain population fitness resulting in continued genetic connectively and population dispersal throughout the CIA.

The No Action alternative would allow for roped and aerial activities to continue and expand into the remote areas of these two canyons. Extensive research, discussed previously, indicates that human activities increase vigilance and flight of Mexican spotted owls. As these activities expand into the remote areas of these two canyons, vigilance and flight response is expected to increase energy expenditures and reduce potential for caloric consumption, potentially reducing population fitness resulting in a loss of genetic connectively and population dispersal throughout the CIA.

3.3 Issue 3 - Golden Eagles and other Raptors

Raptors, including Golden Eagles – Issue 3	Golden Eagles are a species of concern; they nest in these canyons. This species is particularly sensitive to disturbances. Other raptors also utilize the canyons for nesting and foraging habitat. Roped and aerial activities directly impact the environment that raptors need for survival.

3.3.1 Affected Environment- Golden Eagles and Other Raptors

Each raptor nest, offspring, and supporting habitats are considered important to the long-term viability of raptor populations and are vulnerable to disturbance by many human activities (Romin and Muck 2002). The steep canyon walls, remote nature, and increased prey potential due to the proximity to the Green River make this area prime nesting and year-round habitat for a variety of raptors, including the golden eagle. Over 40 nests belonging to golden eagle, peregrine and prairie falcon, red-tailed hawk and great horned owl have been identified in the project area since 1998. Map 5 found in Appendix C illustrates nesting habitat within the Project Area. Beginning in 2008, additional monitoring efforts through the Raptor Inventory Nest Survey (RINS) program identified 70 additional raptor nest sites in Mineral Canyon; Hell Roaring has not yet had intensive RINS inventories but similar results are expected.

Overall, raptors display a high degree of fidelity to nest sites and nesting territories (Newton 1979). Certain physiographic features such as elevation, slope, aspect, habitat diversity, prey availability, nest height, and nest substrate have been measured in attempts to characterize site selection by nesting raptors (Murphy et al. 1969, Apfelbaum and Seelbach 1983, MacLaren 1986, Kirmse 1994). The majority of raptor species are firmly fixed on a special type of nest site according to a narrow genetical disposition (Kirmse 1994). There is a large body of evidence that supports

negative impacts to golden eagle productivity and nesting success from multiple type of recreational activities in occupied habitats.

In the spring 2016, a new golden eagle nest with one chick was identified in Mineral Canyon, approximately 759 yards across a small side canyon adjacent to the Fruit Bowl. The nest was monitored several times during the spring, with noticeable increased visitor and highlining activity at the Fruit Bowl as the weather warmed into spring on the rims across from the nest. In a mid-May monitoring visit, the chick appeared dead on the ledge near the nest and the adult birds were not seen tending to the nest. The nest was monitored for several days until the chick had been scavenged. Adults were not seen at the nest site, or on past perching areas near the nest; the chick appeared to have succumbed to exposure and starvation as the parents avoided the increased activity near the Fruit Bowl

Based on evidence from various studies that will be further discussed in the Environmental Impacts section below, increased visitation to the canyon rims approximate 0.25 miles across from the nest and in direct line of sight resulted in adults reducing attendance and feeding behaviors which led to excessive exposure and starvation of the eaglet.

Golden eagles and their habitats are protected under the Bald and Golden Eagle Protection Act (1963) (16 U.S.C. 668-668d) (Eagle Act) and the potential for human activities to violate Federal law by taking eagles exists under the prohibitions of the Eagle Act. The Eagle Act defines the ''take'' of an eagle to include a broad range of actions: ''pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.''

''Disturb'' is defined in regulations at 50 CFR 22.3 as: ''to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.'' (*Federal Register* /Vol. 74, No. 175 / Friday, September 11, 2009 /Rules and Regulations). Taking action to reduce disturbance to breeding and nesting eagles would help reduce likelihood that BLM, via actions that it allows, would cause a "take" of golden eagles as protected under the Eagle Act. This would include avoiding actions that might "disturb" eagles, as defined at 50 CFR 22.3.

Protecting golden eagle nesting habitat is consistent with BLM policy (BLM Manual 6500). Goal 4 – Raptor Habitat Management of BLM Manual 6500 directs the agency to "provide suitable habitat conditions for birds of prey through the conservation and management of essential habitat components, including habitat for prey species, especially in areas where birds of prey concentrate during some period of the year, or in important habitats where populations are suppressed."

Golden eagles are long-lived raptors that maintain nesting territories that may be occupied for a century or longer. Within occupied nesting territories there is one nest in which eagles lay their eggs in a given year (i.e., the used nest), but there are usually other nests within the area (i.e., alternative nests) (Millsap 2014).

Assessments of golden eagle populations in the western United States suggest stable or declining populations (Kochert and Steenhof, 2002; Hoffman and Smith, 2003; Millsap et al., 2013). Maintaining the quality of existing habitat has been deemed important to long-term population viability (Kochert et al., 2002). Golden eagles are considered to be sensitive to human disturbance (Kochert & Steenhof, 2002; Whitfield et al., 2004). Human disturbance has been implicated in

reduced eagle nesting productivity (Boeker & Ray, 1971). Maintaining habitat and populations in areas free from human disturbance is considered an important component of golden eagle conservation (Kochert & Steenhof, 2002).

Besides habitat loss and modification, human activities and development have frequently resulted in disturbances at wintering locations and aborted or reduced nesting attempts. Studies of human disturbances at winter roosting areas have mostly concerned bald eagle responses. Human disturbances may constitute a threat to wintering eagle populations by causing displacement to areas of lower human activity (Shea 1973, Servheen 1975, Stalmaster 1976, Stalmaster and Newman 1978, Brown and Stevens 1997). Human disturbances may also interfere with foraging behavior of eagles (Mathiesen 1968, Stalmaster 1976).

Human disturbance is a primary threat to raptor populations that may generate a range of adverse impacts to the fitness, occupancy, and population rates of golden eagles, Mexican spotted owls, and other raptors depending on the type of disturbance (Hansen et al. 2017, Romin and Muck 2002). It is documented that rockclimbing activities impact cliff-nesting raptors when activities are in close proximity to nests because of shouting and other noises involved with the activity, and the high sensitivity of birds to human activities occurring above them (Hansen et al. 2017). Other roped and aerial activities likely impart a similar level of impact to raptors when these activities occur in close proximity to nests (USFWS 2020).

In the Moab Field Office, golden eagles and other raptors commonly nest on canyon walls near areas that also attract various roped and aerial types of recreational activities. Steenhof et al. (2014) showed that the number of young eagles produced per nesting was significantly lower in areas with relatively higher trail density and off-road vehicle traffic compared to areas with fewer trails or less off road vehicle traffic.

Due to the current low recreational use in Mineral and Hell Roaring canyons, golden eagle and raptor habitats remain highly suitable for current and future use by these birds. The Utah Field Office of the U.S. Fish and Wildlife Service provides guidelines for raptor protection from human and land use disturbances (Romin and Muck, 2002). These guidelines recommend seasonal protective buffers for golden eagles from January 1 through July 31 and for most other raptors from March 1 through August 31. Furthermore, these guidelines indicate that protection of nesting, wintering and foraging activities are considered essential, and recommend spatial buffer zones for activities occurring proximal to raptor winter concentration areas from November through March.

3.3.2 Environmental Impacts

3.3.2.1 Impacts of the Alternative A – Year Round Management

Alternative A would utilize proactive management strategies, as directed in the 2008 RMP (REC-3), to implement management methods to protect golden eagles and other raptors during the nesting season and throughout the winter months, as recommended by U.S. Fish and Wildlife Service.

Golden eagles are considered to be more sensitive to human disturbance than many other raptor species. Maintaining habitat and populations in areas free from human disturbance is considered an important component of golden eagle conservation (Kochert & Steenhof, 2002). Protection of both occupied and unoccupied nests is important since not all raptor pairs breed every year or

utilize the same individual nest within a nesting territory (Scott 1985). Individual raptor nests left unused for a number of years are frequently reoccupied. For instance, non-use may occur over one prey fluctuation period (7 ± years) for species such as golden eagles or ferruginous hawks. Successful habitat management should be complemented by efforts to attain natural or pre-development nesting success of local raptor populations and protection of winter roosting activities. (Romin and Muck 2002)

Alternative A would create direct positive impacts to eagle and raptor habitats by ensuring the continuation of nesting opportunities for golden eagles and other raptors by precluding roped and aerial recreation, as well as precluding the installation of temporary structures or facilities. Outside of the Mineral Bottom BASEjumping Focus Area and the Fruit Bowl, no well-known climbing routes exist in Mineral Canyon. In Hell Roaring Canyon there are six climbing routes that are minimally used. Precluding roped and aerial activities, as well as temporary structures or facilities would eliminate current, low levels of human impact and allow to the Moab BLM to adequately manage an area that provides suitable, remote nesting, rearing and foraging areas for golden eagles and a variety of raptors. As other backcountry habitats for these species undergo growing human pressure, Mineral and Hell Roaring canyons would be able to maintain current nesting, foraging and winter and habitat potential that would secure populations of these species into the future.

The Tolerance in Raptors and the Associated Impacts of Leisure Sports (TRAILS) is an Individual-based models (IBMs) that offers a way to assess population-level, aggregate effects of disturbance on wildlife. IBM model that simulates interactions between recreationists and nesting raptors, assesses the effect of human disturbance on raptor populations and tests if changes in tolerance to disturbance could mitigate negative consequences. TRAILS modeling results suggests that human disturbance from increased recreational activity across the U.S. could have long-term, population-level effects on golden eagles in the absence of significant management actions to control disturbance (Pauli et al 2016). In Pauli et al (2016), a 1% annual increase in recreation resulted in negative population growth rates and substantially decreased eagle population size compared to no annual increases in recreation; a 3% annual increase in recreation resulted in the local extinction of eagles within 100 years in most simulations. Alternative A would create indirect impacts over time by insuring 10,044 acres of prime raptor habitats are managed so that recreation growth in the Moab area would not negatively impact current habitats and nesting territories.

3.3.2.2 Impacts of Alternative B- Year Round Management with the Issuance of Seasonal Climbing Permits for Selected Climbs

Alternative B would utilize seasonal proactive management strategies, as directed in the 2008 RMP (REC-3) and would also support the BLM Mission by sustaining the health, diversity and productivity of the golden eagles and other raptors in Mineral and Hell Roaring canyons.

As discussed in Alternative A, recreational use is currently limited in the project area and it is reasonable to assume that without proactive management, recreational use would expand into Mineral and Hell Roaring canyons.

Implementing seasonal climbing restrictions that limit permit location, numbers and group size to six specific climbing locations (Witch, Warlock, Gollum, Cauldron, North and South Kachina Spires) would create positive direct impacts to nesting eagles and raptors by eliminating the potential for climbing activities to disturb nesting eagles and raptors. Alternative B would also eliminate additional or new roped and aerial delivery activities, therefore reducing additional or new impacts to nesting eagles and raptors, as discussed in Alternative A. Alternative B does not

preclude climbing use at the aforementioned locations near nesting territories during the winter months when wintering and young of the year eagles and raptors may utilize this area.

Alternative B would reduce the potential for expansion of additional activities that could directly and indirectly impact nesting eagles and raptors habitats, as discussed in Alternative A.

Alternative B would create positive direct impacts to nesting eagles and raptors by eliminating the potential for new roped and aerial delivery activities and restricting current use to outside the nesting season, but does not preclude climbing activity at those six locations during the winter months. Alternative B provides fewer overall proactive management strategies then does Alternative A and may result in direct and indirect impacts from the continuation of climbing use during the winter months in permitted areas.

The impacts of Alternative B would be similar to the direct and indirect impacts discussed in Alternative A during the seasonally restricted periods. Outside of the seasonally restricted period the impacts would be similar but smaller in size, duration, and type than those discussed in the No Action Alternative.

3.3.2.3 Impacts of the Alternative C – No Action Alternative

The No Action alternative would not facilitate proactive management strategies, as directed in the 2008 RMP (REC-3), for special status species and wildlife habitat. The project area currently supports minimal recreation use except for the Green River corridor, the Mineral Bottom BASEjumping Focus Area and more recently at the Fruit Bowl. It is reasonable to assume that the No Action alternative would result in the expansion of roped and aerial activities into Mineral and Hell Roaring canyons.

The No Action alternative would allow the continuation and expansion of roped and aerial activities and delivery into an area that currently receives low levels of human pressure. Due to the minimal human activity in the area, habitats for golden eagles and other raptors remain largely intact. As recreation activities increase, major consequences to golden eagle and raptor populations are expected.

Within occupied territories, visitation by pedestrians during the early portion of the breeding season negatively influenced the likelihood of golden eagles laying eggs, resulting in some territories being occupied by eagles that made no detectable breeding attempt. Adverse responses to pedestrians and nonmotorized riders before the mean egg-laying date support the hypothesis that large raptors may be particularly vulnerable to disturbance at this crucial time (Watson, 2010).

At occupied territories in the Owyhee BLM Field Office, early season pedestrian use and other nonmotorized use reduced the probability of egg-laying. Pedestrians, who often arrived via motorized vehicles, were associated with reduced nest attendance, an important predictor of nest survival. (Spaul and Heath 2016). Nest–cliff height and the nest–trail height did not influence nest survival. This suggests that cliffs lying on lower rock outcrops are not less productive nesting sites than those lying on high cliffs or canyons. Furthermore, nesting sites that are vertically further from trails may be as susceptible to human disturbance as sites with less vertical separation. (Spaul and Health 2016).

In Spaul and Heath (2016), at occupied territories, pedestrian and other non-motorized traffic were negatively associated with the probability that an eagle pair would lay eggs. At territories where eagles laid eggs, nest survival was negatively associated with short-term peaks in motorized traffic.

Adult nest attendance during the incubation and brood rearing periods, an important predictor of nest survival, was negatively associated with pedestrian use (Spaul and Heath 2017). Studies of other eagle species suggest that type of human activity, season, and proximity may all influence the flushing probability and distance at which flushing occurs (Grubb and King 1991, Steidl and Anthony 1996, Gonazales et al. 2006). Taken together, these results suggest that disturbance from several forms of recreation may impact nesting success.

In Spaul and Heath (2017) three eagles in the study area flushed from nests due to recreational activity where no adult returned to the nest for more than 90 minutes, long enough to potentially contribute to reproductive failure because of reduced egg viability (Driscoll et al.1999), heat exposure (Beecham and Kochert 1975) or increased predation risk (Stien and Ims 2016). At one of these three nests, where the flushed eagle was feeding a nestling, that nestling subsequently died, though it is unclear whether disturbance was the direct cause of nest failure. Flushing in response to recreationists is consistent with a negative association between Golden Eagles' nest attendance and pedestrian activity, which could lead to reduced nest survival (Spaul and Heath 2016) or reduced productivity (Steenhof et al. 2014).

Golden eagles were more likely to flush when perched away from their nests than when at their nests (Spaul and Heath 2016). Previous studies suggest this trend occurs in many avian taxa (Livezey et al. 2016), and results are consistent with bald eagles in Arizona and Alaska that were less likely to flush while at the nest than while away from the nest (Grubb and King 1991, Steidl and Anthony 1996). If displaced from key hunting areas, the ability of golden eagles to forage effectively and provide for an incubating mate or nestlings may be negatively affected. The increased likelihood of eagles flushing when perched away from nests suggests that recreation disturbance occurs throughout eagle territories and not just at nest sites (Tarjuelo et al. 2015).

The Tolerance in Raptors and the Associated Impacts of Leisure Sports (TRAILS), an IBM model that simulates interactions between recreationists and nesting raptors, assesses the effect of human disturbance on raptor populations and tests if changes in tolerance to disturbance could mitigate negative consequences. TRAILS modeling suggests that human disturbance from increased recreational activity across the U.S. could have long-term, population-level effects on golden eagles in the absence of significant management actions to control disturbance (Pauli et al 2016). In Pauli et al (2016), a 1% annual increase in recreation resulted in negative population growth rates and substantially decreased eagle population size compared to no annual increases in recreation. Furthermore, a 3% annual increase in recreation resulted in the local extinction of eagles within 100 years in most simulations. Thus, even moderate growth in recreation activity can have major consequences on eagle populations. The No Action alternative would readily facilitate a 4% annual increase in recreation use in the project area; therefore, it is expected that local extinction of golden eagles within 100 years could occur in Mineral and Hell Roaring Canyons.

3.2.1.2. *Cumulative Impacts*

Cumulative Impact Area (CIA) for Recreation and Wildlife (Same for all Alternatives)

The cumulative impact area (CIA) for Recreation and Wildlife is identified in Section 3.1.2.4 and the map is Appendix C (Map 4)

Past and Present Actions (Same for All Alternatives)

Past and present activities in the CIA for area is identified in Section 3.1.2.4.

Reasonably Foreseeable Action Scenario (Same for All Alternatives)

Section 3.1.2.4 identifies reasonably foreseeable future actions that would cumulatively affect the same resources in the CIA as the two action and the No Action alternatives.

Golden Eagle and Raptors

As noted above, aerial and roped activities are expected to increase as those engaged in these activities seek less crowed and novel alternatives. The entire CIA supports high quality eagle and raptor nesting areas. Within the CIA, Alternative A would limit the expansion of roped and aerial activities on about 10,000 acres, where there is known nesting of eagle and raptors. This area also supports a large concentration of successfully productive eagles and raptors that provide population dispersal throughout the area. Under Alternative A, vigilance and flight responses of eagle and raptors would be expected to be reduced; rates, energy budgets and caloric consumption would improve population fitness within the project area, resulting in continued genetic connectively and population dispersal throughout the CIA.

Alternative A would ensure that Mineral and Hell Roaring canyons continue as a functional source population (high quality areas where birth rates are greater than death rates, causing the population to grow, and resulting in emigration to other areas), and allow for emigration into the CIA as well as throughout eagle and raptor habitats in the Moab Field Office. This emigration would support sink population areas where human activities may or have reduced habitat quality and small populations are facing local extirpation.

Within the CIA, Alternative B would seasonally allow climbing use at six specific areas and limit the expansion of roped and aerial activities outside of these climbing areas on about 10,000 acres. As discussed above, this area prime supports eagle and raptors habitats, facilitates genetic connectivity between subpopulations, and supports a large concentration of successfully productive eagles and raptors. Under Alternative B, vigilance and flight responses would be expected to continue at current rates, energy budgets and caloric consumption would maintain population fitness resulting in continued genetic connectively and population dispersal throughout the CIA.

The No Action alternative would allow for roped and aerial activities to continue and expand into the remote areas of these two canyons. Extensive research, discussed previously, indicates that human activities increase vigilance and flight to all mentioned species. As these activities expand into the remote areas of these two canyons, vigilance and flight response is expected to increase energy expenditures and reduce potential for caloric consumption, potentially reducing population fitness, resulting in a loss of genetic connectively and population dispersal throughout the CIA.

The No Action alternative would not ensure Mineral and Hell Roaring canyons would continue as a source population. Without emigration from this area, sink populations where human activities may or have reduced habitat quality and small populations may face local extirpation.

3.4 Issue 4 – Desert Bighorn Sheep

Desert Bighorn Sheep – Issue 4	The desert bighorn sheep herd in this area is of particular concern. Roped and aerial activities directly impact the environment that these sheep need for survival.

3.4.1 Affected Environment

Desert bighorn sheep (*Ovis canadensis nelson*) are a subspecies of bighorn sheep that are specifically adapted to an arid environment. Native American rock art dating back 2,000 to 4,000 years ago records the presence of desert bighorn sheep in the project area. European explorers in the late 1600s estimated more than two million desert bighorn once roamed the southwest. By the late 1800s however, bighorn sheep had almost disappeared in their historical habitats. Extremely vulnerable to diseases from European livestock, wild sheep populations were decimated by pathogens like scabies (an ear mite) and anthrax (a bacterial disease) introduced by domestic sheep. Bighorns were also hunted by early explorers, settlers and trophy hunters. Increased competition with domesticated livestock for food and water resources exacerbated the situation.

Through 1940s and 1950s, Utah's desert bighorn sheep populations struggled to survive as uranium exploration on the Colorado Plateau opened access to remote areas and drove desert bighorns from their traditional ranges. By the 1960s, only a small population of desert bighoms remained along the most remote portions of the Colorado and Green Rivers. This herd is known by two names: the Canyonlands herd (those animals within the National Park) and the Potash herd (those animals on BLM land north and east of the Park). This group of desert bighorn sheep is the only remaining native herd (that is, non-transplanted) in Utah and one of just a few throughout the west. Although the two herds have different names, they intermingle freely. Not only do these herds provide important genetic contributions to science and wildlife management, but they have persisted through the onslaughts of disease, competition with domestic livestock, and unregulated hunting over the past 100 years, thus resulting in superior genetics and providing today's recreationalist and wildlife enthusiast the rare treat of viewing the magnificent animals that have occupied the red rock canyons long before our ancestors explored these public lands.

When Canyonlands National Park was established in 1964, there were approximately 100 desert bighorn sheep remaining in the park and on the adjacent BLM lands. To protect these animals, grazing allotments within the park were phased out during the 1970s and BLM lands that border the park limited grazing leases to cattle only (cattle do not transmit diseases to native sheep). This was probably the most important step in preserving bighorn populations in the area at the time. In the early 1980s, biologists began relocating desert bighorn sheep from the growing population in Canyonlands National Park in order to establish new herds in areas such as the Arches National Park, Capitol Reef National Park, Glen Canyon National Recreation Area and the BLM's San Rafael Swell. Today desert bighorn populations in Utah are estimated at 3,000 animals and local bighorns have spread out from Canyonlands to over 300,000 acres of public lands in the Moab Field Office area to the north and east of the park. Currently there are roughly 350 desert bighoms in Canyonlands National Park (Canyonlands herd) and another 130 bighorns on adjoining BLM lands (Potash herd). In addition, over 214 desert bighorn sheep have been relocated from the Canyonlands herd and 91 have been relocated from Potash herd to other areas in Utah to help reestablish desert bighorn population within the state. These relocations started in 1984 with the most current relocation occurring in 2008.

Desert bighorn sheep herd distribution is associated with steep, rugged terrain as bighorn use their climbing abilities to escape predation and perceived threats. Evasion behavior of bighorn is dependent on escape terrain and the ability to visually detect danger at a distance. Therefore, preferred habitats include areas with high visibility, low vegetative density and within 300 meters (or bordered on both sides by 1,000 meters) of 27-85 degree slopes that they utilized as escape

terrain. Escape terrain provides desert bighorn sheep with the ability to evade predation, seek refuge from disturbances and offers thermal cover from summer heat and winter weather. Though historically bighorn utilized valley floors, mesa tops and other areas that provide nutritious and higher protein lower elevation grasses, bighorn now tend to reside and forage solely in escape terrain habitats due to human activity and domestic livestock pressures.

The talus slopes and cliffs of the canyon county in the Moab area provide preferred habitats and escape terrain and the canyon bottoms and mesa tops adjacent to this escape terrain offer valuable foraging grounds. There is a large body of evidence that desert bighorn sheep need remote habitats and genetic connectivity to persist. Studies have indicated behavior, movements, recruitment and lamb survival can be negatively affected by humans (Duncan 1960, DeForge 1972, MacArthur et al. 1982, Miller and Smith 1985) and bighorn habitats negatively altered (Schoenecker 2002).

When bighorn sheep are exposed to people at predictable locations and times, they are often able to tolerate some level of disturbance (Hicks and Elder 1979, Goodson et al. 1999, Papouchis 2001). However, when bighorn sheep are approached closely, at random times or in irregular locations, even sheep that are habituated to humans may flee and vacate the area (Papouchis et al. 2001). Bighorn sheep may respond to human disturbance by a temporary or permanent abandonment of the area (Wilson et al. 1980, DeForge 1981, Legg 1998, Papouchis et al. 2001, Keller and Bender 2007). These movements may displace bighorn to less optimal habitats, thereby decreasing foraging efficiency (Horejsi 1976, Hicks and Elder 1979, Legg 1998, Bailey 1999), increasing energy expenditures (MacArthur et al. 1982, Legg 1998), and increasing their risk of predation (DeForge 1981, Papouchis 2001). Human disturbance may also increase stress levels in bighorns (Legg 1998) and lower the resistance of sheep to disease (Spraker 1977, Foreyt and Jessup 1982, Spraker et al. 1984, Schwantje 1986). Disturbance can also interfere with breeding activities (Legg 1998, Papouchis et al. 2001). The net impacts of human disturbance could result in a decrease in survival and reproduction of bighorns (Campbell and Remington 1981, Miller and Smith 1985, Cassirer et al. 1992, Caslick 1993, Papouchis etal. 2001, Keller and Bender 2007).

In summary, increased human activity near bighorn herds causes these animals to become wary and flee, interrupting their daily activities, such as foraging, watering and resting. This behavior elevates stress levels, making them more susceptible to disease and predation. Ultimately, if disturbance levels become great enough, desert bighorn sheep will abandon an area. For the remaining herds to prosper, intensive management and conservation measures are necessary. The protection of undeveloped land is key to the species' survival.

From 2002 to 2010, the Moab Field Office, together with the Utah Division of Wildlife Resources (UDWR), Brigham Young University, the Wild Sheep Foundation, and Canyonlands National Park, implemented three 2-year GPS collar projects that tracked over 40 individual bighorn. These GPS collaring efforts have provided the Moab Field Office with valuable information that has facilitated mapping of critical habitats, migration corridors, and lambing grounds. These collars have also provided insights on the functioning importance of Mineral and Hell Roaring Canyons, as they provide corridors for genetic connectivity and dispersal of animals between the Canyonlands Herd and the Potash Herd. Data from these collars have also informed several unpublished master theses including the most recent research paper; *Desert bighorn sheep responses to human activity in south-eastern Utah and Alteration of Behavior by Desert Bighorn Sheep from Human Recreation (Sproat et al 2019)* and the recently published *Desert Bighorn Sheep Survival in Canyonlands National Park: 2002 – 2010* (Sproat et al 2012). In the winter of

2019, the UDWR collared 15 animals the same areas, fitting them with GPS collars that allow daily online tracking. Currently, Colorado State University is in the process of developing additional research work investigating recreational impact to these animals. Past radio collar projects that included the Potash Herd conducted in 1993 and 1994 resulted in the research paper *Responses of Desert Bighorn Sheep to Increased Human Recreation* (2001 Papouchis, Singer, Sloan).

Valuable information from the past collaring projects and the resultant research papers have allowed the Moab Field Office to develop and implement management measures to reduce the impacts of human activities in these specific crucial habitats. This information has also provided insight on how these animals expanded into other small bands throughout the area, how rams migrate to various ewe groups during the rut both in and outside of the Mineral and Hell Roaring Canyon areas, and the values of this population of desert bighorn in connecting the Canyonland herd with the Potash Herd (see Map 6 in Appendix C). Currently, expansion of extreme recreational uses may threaten the existence of this valuable native desert bighorn sheep herd.

Mineral and Hell Roaring Canyons offer local desert bighorn remote areas, fairly undisturbed by human activities, that provide ample foraging grounds surrounded by high quality escape terrain with four constructed and maintained water developments well-spaced throughout the area. These two canyons offer a unique situation, as the middle to upper reaches of these canyons have abundant thermal cover and escape terrain, foraging opportunity, springs that offer natural water source and no access from the canyon heads. Human activities at the mouths of the canyons and along the Green River seldom make their way up into the upper reaches of the canyons. However, any disturbance in or above the canyons becomes amplified due to the restrictive nature of the canyons.

From 2002 through 2012, UDWR surveys conducted in the fall of each year indicated that over 20% of the desert bighorn in the Potash Herd resided in Mineral and Hell Roaring canyons. In 2008, over 42% of the entire herd resided within these two canyons. From 2014 through 2017 there has been a slight decrease in the use of Mineral and Hell Roaring Canyons, with 14% to 18% of the animals residing in an area amounting to less than 8% of the crucial lambing and rutting habitat. This results in an area with concentrated, successful lambing, rearing of young and rutting activities. During lambing and rearing of young bighorn, ewes are more sensitive to disturbances that interrupt their daily foraging, watering and resting activities or cause them to flee. During the rutting season, as rams move through the area to various ewe groups, new disturbances may alter their seasonal routes. In the Moab area, lambing occurs early April through late June and the rutting season begins in early September and continues through December. Ewes with lambs at their heels are extremely sensitive during the extreme summer heat in areas where water sources are limited.

Unlike many bighorn herds throughout the west that seasonally migrate from winter to summer ranges, the mild winters and remote dissected canyons in the Moab and Canyonlands area allow the desert bighorn to remain in the area year-round. In areas with minimal human disturbances, some small movements or dispersal may occur within the canyon areas as bighorn groups seek seasonal thermal cover, water and more protected lambing area, as rams move through different ewe groups during the rut, or as groups of ewes expand into unoccupied suitable habitats.

3.4.2 Environmental Impacts

3.4.2.1 Impacts of the Alternative A- Year Round Management

Alternative A would utilize proactive management strategies, as directed in the 2008 RMP (REC-3), to implement management methods to protect wildlife habitat while enhancing recreation opportunities. Alternative A would also support the BLM Mission by sustaining the health, diversity and productivity of a variety of wildlife, including the native Potash bighorn herd on 10,044 acres of prime and crucial habitats in Mineral and Hell Roaring canyons. Alternative A would further the enjoyment of wildlife among present and future generations of people.

Between 1979 and 2000, human recreation has increased over 300% in areas occupied by desert bighorn sheep in southeastern Utah (Spoart et al 2012). There has been extensive research on impacts of human activities on bighorn; many studies have found that human disturbance can alter habitat use and activity patterns of bighorn sheep (Van Dyke et al. 1983, Miller and Smith 1985, King and Workman 1986, Etchberger et al. 1989, Papouchis et al. 2000). Population declines (Van Dyke et al. 1983, Etchberger et al. 1989, Harris 1992), shifts in habitat use (Van Dyke et al. 1983), and interruption of seasonal migration routes (Ough and deVos 1984), has been linked to human disturbance.

Human activities, including recreation, near bighorn sheep result in increased group and individual vigilance and flight, as bighorn equate humans as potential predator risk. Vigilance refers to an animal's examination of its surroundings in order to heighten awareness of predator presence and is an important behavior during foraging, as animals must often venture away from the safety of escape terrain to find food and water. Vigilance often leads to increased flight response, depending on the individual or group assessment of a perceived risk. However, being vigilant comes at the loss of time spent feeding and resting, resulting a trade-off between the two behaviors. The length of time animals devote to vigilance is dependent on many factors including predation risk and hunger. The more vigilant an individual is, the more time they spend in scanning their environment and the less time they spend foraging and resting. The more often that vigilance leads to flight further increases energy expenditures and reduces foraging and resting time. For example, if a 110 pound ewe flees 300 meters upslope, she burns an additional 132 calories in a few minutes (1 kg of body mass to move 1 meter on an incline of 21.5% increases expenditures of energy by 37 J/kg (Dailey and Hobbs, 1989)).

Several recent studies focusing exclusively on Moab's Canyonlands and Potash herds have concluded that desert bighorn sheep spent less time grazing (32%) and more time scanning (21%) in high human use areas (22% grazing, 29% scanning) than in low human use areas (54% grazing, 8% scanning) (Spoart et al 2012). This result is consistent with those of Papouchis et al (2001) who observed stronger reactions of bighorn sheep to disturbance in high-use areas than to the same types of disturbance in low-use areas. Papouchis (2001) found the higher sensitivity of sheep to hikers was due to the greater unpredictability of the locations of hikers because, unlike road traffic, nearly all hiker disturbances of sheep were off-trail and variable locations. Similarly, roped assisted and aerial activities and delivery occur in many new and non-predictable locations, on, in and above talus slopes, steep rock walls and cliffs, thus penetrating habitats that bighorn rely on for perceived safely within in their escape terrain.

.

There is conflicting evidence as to whether human activity disturbs bighorn sheep. In some studies sheep become acclimated to human activity (Hicks and Elder 1979, Hamilton et al. 1982) resulting in habituation. In other studies, behavior, movements, recruitment and lamb survival were negatively affected by humans (Duncan 1960, DeForge 1972, MacArthur et al. 1982, Miller and Smith 1985). Data from the Pusch Ridge Wilderness (PRW) in Arizona suggest that bighorn sheep habitat in PRW has been negatively altered by humans (Schoenecker 2002). Bighorn sheep coexist best with people when human activity in sheep habitat is predictable (Hamilton 1982). Although some bighorn may habituate to human presence (Papaouchis et al. 2001), even bighorn that demonstrate no outward response to human presence may still be under physiological stress (MacArthur et al 1979, Deforge 1981), resulting in reduced potential for caloric consumption. As noted in Spoart 2012, animals in high use areas, where habituation occurs, spent more on vigilance and flight from perceived threat (expending more calories) and less time grazing (consuming fewer calories); habituation results in lower fitness due to low overall caloric intake than in animals not impacted by human activities.

Alternative A would create direct beneficial impacts to desert bighorn sheep and their crucial habitats in Mineral and Hell Roaring canyons, by ensuring bighorn sheep populations continue to graze more and scan less, resulting in maintaining population fitness, high levels of individual and group energetics and overall good health. Alternative A would also ensure bighorn can continue to access water developments that have been installed; securing uninterrupted daily use during lambing and the hot summer months that follow. Precluding roped and aerial activities, as well as temporary structures or facilities would maintain the quality of year-round, lambing and rutting habitat. No high-use climbing routes exist in Mineral and in Hell Roaring Canyon there are only six climbing routes that are minimally used. Precluding these roped and aerial activities, as well as temporary structures or facilities would eliminate current, low levels of human impact in Hell Roaring Canyon and allow the BLM to adequately manage an area that provides high quality year-round, lambing and rutting habitats that is important to both genetic connectivity and population dispersal for the entire Canyonlands and Potash populations. As other backcountry habitats for these species incur growing recreational pressure, the Mineral and Hell Roaring canyons would be able to maintain bighorn habitats that would secure the Canyonlands and Potash bighorn herds into the future.

Alternative A would create indirect beneficial impacts over time by insuring 10,044 acres of crucial bighorn year-round, lambing and rutting habitats are managed so that recreation growth would not negatively impact crucial habitat and would continue to provide genetic connectivity and population dispersal to other bands of desert bighorn in both the Potash and Canyonlands areas as well as reliably protect lambing and rearing grounds.

3.4.2.2 Impacts of Alternative B – Year Round Management with the Issuance of Seasonal Climbing Permits for Selected Climbs

Alternative B would utilize seasonal proactive management strategies, as directed in the 2008 RMP (REC-3) and would also support the BLM Mission by sustaining the health, diversity and productivity of bighorn in Mineral and Hell Roaring canyons.

As discussed in Alternative A, recreational use is limited in the project area and it is reasonable to assume that without proactive management, recreational use would expand into Mineral and Hell Roaring canyons.

Implementing seasonal climbing restrictions that limit permit location, numbers and group size to six specific climbing locations (Witch, Warlock, Gollum, Cauldron, North and South Kachina Spires) would create positive direct impacts to bighorn by seasonally limiting climbing activities, thus limiting human disturbance to local bighorn. Alternative B would eliminate other known, additional or new roped and aerial delivery activities, therefore reducing additional or new impacts to bighorn in crucial habitats. Alternative B does not preclude climbing use at the aforementioned locations during the winter months when wintering bighorn may utilize this area.

Alternative B would reduce the potential for expansion of additional activities that could directly and indirectly impact bighorn habitats, as discussed in Alternative A.

Alternative B provides less overall proactive management strategies than does Alternative A and may result in direct and indirect impacts from the continuation of climbing use during the winter months in permitted areas.

Seasonal climbing activities in desert bighorn sheep habitats would lead to increased vigilance and flight response when permitted climbs occur. Seasonal permits would be allocated to ensure current climbing activity does not increase or expand and will not occur during the lambing, hot summer months and late winter. Papouchis (2001) found the higher sensitivity of sheep to off-trail hikers was due to the greater unpredictability of the locations of hikers because, unlike road traffic, nearly all hiker disturbances of sheep were off-trail and variable locations. Similarly, permitted climbing activities may result in sporadically increased vigilance and flight response.

Alternative B would seasonally create direct beneficial impacts to desert bighorn sheep and their crucial habitats in Mineral and Hell Roaring canyons, by ensuring bighorn sheep populations continue to graze more and scan less, during eight to ten months each year. Alternative B would also ensure that desert bighorn could continue to access water developments during the hot summer months. Seasonally precluding roped and aerial activities and delivery, as well as temporary structures or facilities, would ensure current, low levels of human impact in Mineral and Hell Roaring canyons to continue.

The impacts of Alternative B would be similarly to the direct and indirect impacts discussed in Alternative A during the seasonally restricted periods. Outside of the seasonally restricted period, the impacts would be similar but smaller in size, duration, and type then the No Action Alternative.

3.4.2.3 Impacts of the Alternative C – No Action Alternative

The No Action alternative would not facilitate needed proactive management strategies, as directed in the 2008 RMP (REC-3), for desert bighorn sheep habitat. The project area currently supports very minimal recreation use except for the Green River corridor. It is reasonable to assume that the No Action alternative would result in the expansion of roped and aerial activities into Mineral and Hell Roaring canyons. Expansion of these activities could result in extensive consequences to several important charismatic and native wildlife species, including desert bighorn sheep.

The No Action alternative would allow the continuation and expansion of roped and aerial activities into Mineral and Hell Roaring canyons, where current levels of human pressure are very minimal and where approximately 20% to 40% of the Potash herd resides. Currently desert bighorn sheep bands in this area are able to graze more and scan less, resulting in high levels of caloric consumption, individual and group energetics, population fitness and overall good health, due to the minimal human activity in the area. As roped and aerial activities expand into Mineral and Hell Roaring canyons behavior, movements, recruitment and lamb survival may be negatively

affected or altered as discussed above and according to Duncan 1960, DeForge 1972, MacArthur et al. 1982, Miller and Smith 1985 and Schoenecker 2002. Research also show that although some bighorn may habituate to human presence (Papaouchis et al. 2001), even bighorn that demonstrate no outward response to human presence may still be under physiological stress (MacArthur et al 1979, Deforge 1981), resulting in reduced potential for caloric consumption.

As noted in the Spoart 2019 study, animals in high use areas in the Moab area, where habituation occurs, spent more on vigilance and flight from perceived threat (expending more calories) and less time grazing (consuming fewer calories); habituation results in lower fitness due to low overall caloric intake than in animals not impacted by human activities.

As discussed in the section above, human activities, including recreation, near bighorn result in increased group and individual vigilance and flight, as bighorn equate humans as a potential predator risk. The No Action alternative would result in vigilance and flight increases, decreases in time spent feeding and resting, resulting in increased energy expenditures and decreased caloric consumption. As human activities increase and expand onto the remote regions of these two canyons, resident bighorn will experience increasing pressure that would result in increased vigilance and flight.

This conclusion is supported by several recent studies that have focused exclusively on Moab's Canyonlands and Potash herds. Spoart (2012) found that Moab's desert bighorn sheep spent less time grazing and more time scanning in high human use areas (22% grazing, 29% scanning) than in low human use areas (54% grazing, 8% scanning) (Spoart 2012). Results of Spoart (2019) are consistent with those of Papouchis et al. (2001), who observed stronger reactions of bighorn sheep to disturbance in high-use areas than to the same types of disturbance in low-use areas. In Spoart (2019), the results on the local bighorn sheep herd indicated differences in activity budgets of bighorn sheep occupying areas of high- and low-human activity, with animals in high-use areas expending more time being vigilant and less time grazing than those in low-use areas.

Papouchis (2001) found the higher sensitivity of desert bighorn sheep to hikers was due to the greater unpredictability of the locations of hikers because, unlike road traffic, nearly all hiker disturbances of sheep were off-trail and in variable locations. In MacArthur et al. 1982 bighorn sheep responses were most severe when exposed to hikers travelling cross-country, but animals also react in ways that are not readily apparent and detection of subtle differences in activity patterns requires specific investigatory methods. In Spoart (2019) the results pointed to differences in activity budgets of Moab's bighorn sheep occupying areas of high- and low-human activity, with animals in high-use areas expending more time being vigilant and less time grazing than those in low-use areas.

Given that the Moab desert bighorn responded to an increase in the level of human activity by spending more time being vigilant and less time foraging, Spoart (2019) indicated that a ban on off-trail hiking activity in core bighorn habitat as recommended by Papouchis et al. (2001) seems warranted. The unpredictability associated with off-trail hikers, a lack of consistency in hiker behavior, and the potential for such activity to be perceived as less than benign by bighorn sheep encountered by hikers may account for such responses in bighorn sheep. While off-trail hiking in the project area is not common, unpredictable activity associated with roped and aerial activities and delivery is increasing in this area.

Extensive research throughout numerous areas in the western United States, as discussed in the section above, has documented that human disturbance can alter habitat use and activity pattems

of bighorn sheep (Van Dyke et al. 1983, Miller and Smith 1985, King and Workman 1986, Etchberger et al. 1989, Papouchis et al. 2000). Population declines (Van Dyke et al. 1983, Etchberger et al. 1989, Harris 1992), shifts in habitat use (Van Dyke et al. 1983), and interruption of seasonal migration routes (Ough and deVos 1984), has been linked to human disturbance. Chronic disturbance by humans can also affect habitat use; responses can vary from temporary avoidance to abandonment of habitat (Creel and Christianson 2008) and ultimately, disruption of metapopulation dynamics (Epps et al. 2005). Increases in human activity would reduce grazing time and increase vigilance and flight response, as bighorn react and move away from new and increasing human pressure. This in turn would result in decreases in individual caloric intake and reduced population fitness. Energetic cost of a standing bighorn is 26% greater than that for one lying down. For every one kg of body mass to move one meter on a slope of 21.5%, increases expenditures of energy by 37 J/kg (Dailey and Hobbs 1989). That is, if a 110 pound ewe flees 300 meters upslope she burns an additional 132 calories in a few minutes. If an animal flees multiple times a day rather than rests, caloric demands increase while foraging and resting opportunities decrease. Long-term, intense disturbance stimuli, such as increase vigilance and flight response, may cause habitat shifts that are often not detected until after habitat is lost (Longshore et al. 2013).

Water scarcity, often combined with heat stress, is a common challenge for many wildlife species in arid climates. Bighorn sheep typically range within two miles of free water (Geist 1971, Van Dyke et al. 1983) and are highly dependent upon reliable water sources especially during the hot season. Constant or frequent human use at or near water sources, particularly during the summer months, may adversely affect sheep and may cause them to abandon the water source in favor of less disturbed areas (Blong 1967, DeForge 1972, Cunningham 1982, Miller and Smith 1985). As aerial and roped activities increase in Mineral and Hell Roaring canyons, it is expected that consistent use of four developed water systems within the project area by desert bighorn may be negatively impacted, especially by lactating ewes with lambs during the hot, dry summer months.

As indicated in Spoart (2012), there may be a biological threshold that has not yet been crossed, allowing for desert bighorn to sustain themselves as a population in areas of increased human activity. As other backcountry habitats for these species incur growing recreational pressure, the No Action alternative would not adequately manage an area that not only provides high quality year-round, lambing and rutting habitats but a large concentration of animals that supports needed genetic connectivity and population dispersal for the entire Canyonlands and Potash populations. The No Action Alterative would not support BLM policy for sensitive species or ESA recommendations.

The No Action alternative would create indirect impacts over time, as indicated above, by allowing roped and aerial activities to expand into 10,044 acres of crucial desert bighorn year-round, lambing and rutting habitats. The expansion of these activities would negatively impact crucial habitat and future genetic connectivity and population dispersal to other bands of desert bighom in both the Potash and Canyonlands areas. The No Action alternative would not secure crucial protection of lambing and rearing grounds for a unique desert bighorn sheep herd.

3.2.1.3. *Cumulative Impacts*

Cumulative Impact Area (CIA) for Recreation and Wildlife (Same for all Alternatives)

The cumulative impact area (CIA) for Recreation and Wildlife is identified in Section 3.1.2.4 and the map is Appendix C (Map 4)

Past and Present Actions (Same for All Alternatives)

Past and present activities in the CIA for area is identified in Section 3.1.2.4.

Reasonably Foreseeable Action Scenario (Same for All Alternatives)

Section 3.1.2.4 identifies reasonably foreseeable future actions that would cumulatively affect the same resources in the CIA as the two action and the No Action alternatives.

Desert Bighorn Sheep

As noted above, aerial and roped activities are expected to increase as those engaged in these activities seek less crowed and novel alternatives. The entire CIA supports crucial bighorn lambing and rutting habitats. Within the CIA, Alternative A would limit the expansion of roped and aerial activities on about 10,000 acres, where there is a high consideration of year-round use by bighorn. This project area also provides invaluable genetic connectivity between the two groups of desert bighorn (Canyonland and Potash herds). Under Alternative A, vigilance and flight responses would be expected to be reduced; rates, energy budgets and caloric consumption would improve population fitness within the project area, resulting in continued genetic connectively and population dispersal throughout the CIA.

Alternative A would ensure that Mineral and Hell Roaring Canyons continue as a functional source population (high quality areas where birth rates are greater than death rates, causing the population to grow, and resulting in emigration to other areas), and allow for emigration into the CIA and throughout bighorn habitats in the Moab Field Office. This emigration would support sink population areas where human activities may or have reduced habitat quality and small herds are facing local extirpation.

Within the CIA, Alternative B would seasonally allow climbing use at six specific areas and limit the expansion of roped and aerial activities outside of these climbing areas on about 10,000 acres. As discussed above, this area supports bighorn habitats, facilitates invaluable genetic connectivity between subpopulations, and supports a large concentration of successfully productive desert bighorn. Under Alternative B, outside of the seasonal permitted uses, vigilance and flight responses would be expected to continue at current rates, energy budgets and caloric consumption would maintain population fitness resulting in continued genetic connectively and population dispersal throughout the CIA.

The No Action alternative would allow for roped and aerial activities and delivery to continue and expand into the remote areas of these two canyons. Extensive research, discussed previously, indicates that human activities increase vigilance and flight. As these activities expand into the remote areas of these two canyons, vigilance and flight response is expected to increase energy expenditures and reduce potential for caloric consumption, potentially reducing population fitness resulting in a loss of genetic connectively and population dispersal throughout the CIA.

The No Action alternative would not ensure Mineral and Hell Roaring Canyons would continue as a source population. Without emigration from this area, sink populations where human activities may or have reduced habitat quality and small herds may face local extirpation.

CHAPTER 4. PUBLIC INVOLVEMENT, CONSULTATION AND COORDINATION

4.1. Public Involvement

During preparation of this EA, the public was notified of the project by posting on the BLM's ePlanning website on April 7, 2020. A formal Scoping Period on the project was announced in a Press Release issued on May 29, 2020. The project was featured in a full page newspaper story in the *Salt Lake Tribune* on June 18, 2929. As a result, the BLM received 222 scoping comments. These comments are summarized in Appendix B.

A formal comment period on the EA was offered and announced in a Press Release issued on XX.

3.5 Consultation and Coordination

The BLM informally consulted with the U.S. Fish and Wildlife Service as well as the Utah Division of Wildlife Resources. These agencies provided input on the development of the EA.

4.2. List of Preparers

4.2.1. BLM Preparers

Name	Title	Responsible for the Following Section(s) of this Document
Katrina Diemer	NRS	Soil, Air Quality, Wastes,
Gabe Bissonette	Ecologist	Wetlands, Riparian, Floodplains,
Bill Stevens	Outdoor Recreation Planner	Socioeconomics, BLM Natural Areas, Wilderness/WSA, Lands with Wilderness Characteristics, Environmental Justice, Wild and Scenic Rivers
Pamela Riddle	Wildlife Biologist	T&E Animals, Wildlife, Migratory Birds, Utah BLM Sensitive Species, T & E Plants
Lori Hunsaker	Archeologist	Cultural, Native American
Katie Stevens	Outdoor Recreation Planner	Team Lead, Recreation, VRM, ACECs
Logan Lefevre	Rangeland Management Specialist	Invasive Species, Livestock Grazing, RHS, Vegetation, Woodlands
Josh Relph	Fuels	Fuels
David Pals	Geologist	Geology, Water Resources, Paleontology
Lisa Wilkolak	Realty Specialist	Lands

REFERENCES

Apfelbaum, S.I. and P. Seelbach. 1983. Nest tree, habitat selection and productivity of seven North American raptor species based on the Cornell University nest record card program. Raptor Research 17(4):97-113.

Bailey, J. 1999. Open discussion-what are 10 things that we do know about wild sheep habitat and effects of disturbance on wild sheep? Proceedings of the Biennial Symposium of the Northern Wild Sheep and Goat Council 12:139-149.

Beecham, J. J. and M. N. Kochert. 1975. Breeding biology of the Golden Eagle in southwestern Idaho. Wilson Bulletin 87:506–513.

Blong, B. and W. Pollard. 1968. Summer water requirements of desert bighorn in the Santa Rosa Mtns., Calif., in 1965. California Fish and Game 54 : 289-296.

Boeker, E.L. & Ray, T.D. (1971). Golden eagle population studies in the Southwest. Condor 73, 463–467.

Brambilla, M., D. Rubolini, and F. Guidali. 2004. Rock climbing and raven (*Corvus corax*) occurrence depress breeding success of cliff-nesting peregrines (*Falco peregrinus*). Ardeola 51:425–430.

Brown, B.T. and L.E. Stevens. 1997. Winter bald eagle distribution is inversely correlated with human activity along the Colorado River, Arizona. Journal of Raptor Research 31(1):7-10.

Buick, A. M. and D. C. Paton. 1989. Impact of off-road vehicles on the nesting success of Hooded Plovers *Charadrius rubricollis* in the Coorong region of South Australia. Emu 89:159–172.

Campbell, B., and R. Remington. 1981. Influence of construction activities on water-use patterns of desert bighorn sheep. Wildlife Society Bulletin 9:63-65.

Caslick, J. W. 1993. Bighorn sheep in Yellowstone: a literature review and some suggestions for management. 1993. Yellowstone National Park, WY, USA.

Cassirer, E. F., D. J. Freddy, and E. D. Ables. 1992. Elk responses to disturbance by cross-country skiers in Yellowstone National Park. Wildlife Society Bulletin 20:375-381.

Creel, S., J. Winnie, Jr., B. Maxwell, K. Hamlin, and M. Creel. 2005. Elk alter habitat selection as an antipredator response to wolves. Ecology 86: 3387–3397.

Cunningham and J.C. deVos. 1992. Mortality of mountain sheep in the Black Canyon area of northwest Arizona. Desert Bighorn Council Transactions 36 : 27-29.

Dailey, T.V. and Hobbs, N.T., 1989. Travel in alpine terrain: energy expenditures for locomotion by mountain goats and bighorn sheep. Canadian Journal of Zoology, 67:2368-2375

Deforge, J. R. 1972. Man's invasion into bighorn's habitat. Desert Bighorn Council Transactions 16: 112-116.

Driscoll, D. E., R. E. Jackman, W. G. Hunt, G. L. Beatty, J. T. Driscoll, R. L. Glinski, T. A. Gatz, and R. I. Mesta. 1999. Status of nesting Bald Eagles in Arizona. Journal of Raptor Research 33:218–226. Duncan, 0. E. 1960. Human encroachment on bighorn habitat. Desert Bighorn Council Transactions 4:35-37.

Epps, W. C., P. J. Palsbol, J. D. Wehausen, G. K. Roderick, R. R. Ramey, II, and D. R. McCullough. 2005. Highways block gene flow and cause a rapid decline in genetic diversity of desert bighorn sheep. Ecology Letters 8: 1029– 1038.

Etchberger, R. C., P. R. Krausman, and R. Mazaika. 1989. Mountain sheep habitat characteristics in the Pusch Ridge Wilderness, Arizona. Journal of Wildlife Management 53:902-907.

Ferna´ Ndez, C. and P. Azkona. 1993. Human disturbance affects parental care of marsh harriers and nutritional status of nestlings. Journal of Wildlife Management 57:602–608.

Ferna´ Ndez-Juricic, E. and J. L. Telleri´A. 2000. Effects of human disturbance on spatial and temporal feeding patterns of blackbird Turdus merula in urban parks in Madrid, Spain. Bird Study 47:13–21.

Foreyt, W. J., and D. A. Jessup. 1982. Fatal pneumonia of bighorn sheep following association with domestic sheep. Journal of Wildlife Diseases 18:163-168.

Frid, A. & Dill, L.M. 2002. Human-caused disturbance stimuli as a form of predation risk. Conserv. Ecol. 6, 11.

Geist, V. 1971. Mountain sheep: a study in behavior and evolution. The University of Chicago Press. Chicago and London. 383 pp.

Gill, J. A. and W. J. Sutherland. 2000. Predicting the consequences of human disturbance from behavioral decisions. Pages 51–64 in Behaviour and conservation. Gosling, L. M. and W. J. Sutherland (Editors). Cambridge University Press, Cambridge, United Kingdom.

González, L. M., Arroyo, B. E., Margalida, A., Sanchez, R., & Oria, J. 2006. Effect of human activities on the behaviour of breeding Spanish imperial eagles (*Aquila adalberti*): Management implications for the conservation of a threatened species. Animal Conservation., 9, 85–93.

Goodson, N. J., D. R. Stevens, K. McCoy, and J. Cole. 1999. Effects of river based recreation and livestock grazing on desert bighorn sheep on the Navajo nation. Proceedings of the Biennial Symposium of the Northern Wild Sheep and Goat Council 12:123-132.

Grubb, T. G. and R. M. King. 1991. Assessing human disturbance of breeding Bald Eagles with classification tree models. Journal of Wildlife Management 55:500–511.

Hamilton, K., S. A. Holl, C. L. Douglas. 1982. An evaluation of the effects of recreational activity on bighorn sheep in the San Gabriel Mountains, California. Desert Bighorn Council Transactions 26: 50-55.

Hansen, D.L., R.J. Spaul, B. Woodbridge, D. Leal, J.R. Dunk, J.W. Watson, and J. T. Driscoll. 2017. Human disturbance of breeding golden eagles (Aquila chrysaetos). Unpublished report prepared for the Western Golden Eagle Team, U.S. Fish and Wildlife Service. Available online at:. https://ecos.fws.gov/ServCat/Reference/Profile/112570

Harris, L. K. 1992. Recreation in mountain sheep habitat. Unpublished Ph.D. dissertation, The University of Arizona, Tucson. 156 pp.

Hayward, L. S., A. E. Bowles, J. C. Ha, and S. K. Wasser. 2011. Impacts of acute and long-term vehicle exposure on physiology and reproductive success of the Northern Spotted Owl. Ecosphere 2:65.

Hicks, L. L. and J. M. Elder. 1976. Human disturbance of Sierra Nevada bighorn sheep. Journal of Wildlife Management 43: 909-915.

Hoffman, S.W. & Smith, J.P. 2003. Population trends of migratory raptors in western North America, 1977–2001. Condor 105, 397–419.

Holmest, . L., R. L. Knightl, . Stegalla, and G. R. Craig. 1993. Responses of wintering grassland raptors to human disturbance. Wildlife Society Bulletin 21:461468.Ganey, J. L., R. P. Balda, and R. M. King. 1993. Metabolic rate and evaporative water loss of Mexican spotted and great horned owls. Wilson Bulletin 105:645-656.

Horejsi, B. 1976. Some thoughts and observations on harassment of bighorn sheep. Proceedings of the Biennial Symposium of the Northern Wild Sheep and Goat Council 4:149-155.

Keller, B. J., and L. C. Bender. 2007. Bighorn sheep response to road-related disturbances in Rocky Mountain National Park, Colorado. Journal of Wildlife Management 71:2329-2337.

King, M. M. 1984. Behavioral response of desert bighorn sheep to human harassment; a comparison of disturbed and undisturbed populations. Ph.D. thesis, Utah State University, Logan. 137 pp.

Kirmse, W. 1994. Raptor's plasticity of nest site selection. Pages 143-145 in B.U. Meyberg and R.D. Chancellor, eds. Raptor conservation today: world working group for birds of prey and owls. London

Kochert, M.N., Steenhof, K., McIntyre, C.L., Craig, E.H., 2002. Golden Eagle (*Aquila chrysaetos*). In: The Birds of North America Online. http://dx.doi.org/10. 2173/bna.684.

Kochert, M.N., Steenhof, K., McIntyre, C.L. & Craig, E.H. 2002. Golden eagle: Aquila chrysaetos. In The Birds of North America. Poole, A. & Gill, F. (Eds). Washington, DC: The Academy of Natural Sciences and the American Ornithologists' Union

Legg, K. L. 1998. A review of the potential effects of winter recreation on bighorn sheep. Proceedings of the Biennial Symposium of the Northern Wild Sheep and Goat Council 11:14-19.

Livezey, K. B., E. Ferna´ Ndez-Juricic, and D. T. Blumstein. 2016. Database of bird flight initiation distances to assist in estimating effects from human disturbance and delineating buffer areas. Journal of Fish and Wildlife Management 7:181–191.

Longshore, K, C. Lowery, D.B. Thompson. 2013. Detecting short-term responses to weekend recreation activity: Desert bighorn sheep avoidance of hiking trails.

Macarthur, R. A., R. H. Johnson, and V. Geist. 1979. Factors influencing heart rate in free ranging bighorn sheep: A physiological approach to the study of wildlife harassment. Canadian Journal of Zoology 57:2010-2021.

MacArthur, R. A. , V. Geist, and R. H. Johnston. 1982. Cardiac and behavioral responses of mountain sheep to human disturbance. Journal of Wildlife Management 46:351-358.

Mason, J. T., C. J. W. Mcclure, and J. R. Barber. 2016. Anthropogenic noise impairs owl hunting behavior. Biological Conservation 199:29–32.

MacLaren, P. 1986. Resource partitioning in an assemblage of breeding raptors from southeastern Wyoming. MS Thesis. Univ. Wyoming, Laramie. 64pp.

Mathisen, J.E. 1968. Effects of human disturbance on nesting bald eagles. Journal of Wildlife Management. 32:1-6.

Mountain Project. 2020. Adventure Projects Inc. and REI. https://www.mountainproject.com. Accessed July 29, 2020

Miller, G, and E. L. Smith. 1985. Human activity in bighorn sheep habitat: What disturbs sheep? Desert Bighorn Council Transactions 29:4-7.

Millsap, B.A., Zimmerman, G.S., Sauer, J.R., Nielson, R.M., Otto, M., Bjerre, E. & Murphy, R. (2013). Golden eagle population trends in the western United States: 1968–2010. J. Wildl. Mgmt. 77, 1436–1448.

Murphy, J.R., F.J. Camenzind, D.G. Smith, and J.B. Weston. 1969. Nesting ecology of raptorial birds in central Utah. Brigham Young Univ. Sci. Bull. Biol. Serv. 10(4):1-36.

Ough, W. D. and J. C. deVos. 1984. Intermountain travel corridors and their management implications for bighorn sheep. Desert Bighorn Council Transactions 28: 32-36.

Palacios, E. And E. Mellink. 1996. Status of the Least Tern in the Gulf of California. Journal of Field Ornithology 67:48–58.

Papouchis, C M., Francis J. Singer and William B. Sloan. 2001. Responses of Desert Bighorn Sheep to Increased Human Recreation. The Journal of Wildlife Management, Vol. 65, No. 3 (Jul. 2001), pp. 573-582.

Papouchis, C. M., F. J. Singer, and W. Sloan. 2000. Effects of increasing recreational activity on desert bighorn sheep in Canyonlands National Park, Utah. Pages 364 - 391 in Singer, F. J. and M. A. Gudorf. Restoration of bighorn sheep metapopulations in and near 15 national

parks: conservation of a severely fragmented species. USGS Open File Report 99-102, Midcontinent Ecological Science Center, Fort Collins, CO.

Pauli, B. P., R. J. Spaul, and J. A. Heath. 2017. Forecasting disturbance effects on wildlife: tolerance does not mitigate effects of increased recreation on wildlands. Animal Conservation 20:251–260. doi:10.1111/acv. 12308

Rinkevich, S. E., and R. J. Gutiérrez. 1996. Mexican spotted owl habitat characteristics in Zion National Park. Journal of Raptor Research 30:74-78.

Romin, Laura A and James A. Muck. 2002. Utah Field Office guidelines for raptor protection from human and land use disturbances. U.S. Fish and Wildlife Service, Utah Field Office Salt Lake City

Schwantje, H. M. 1986. A comparative study of bighorn sheep herds in southeastern British Columbia. Proceedings of the Biennial symposium of the Northern Wild Sheep and Goat Council 5:231-252.

Schoeneckeri, K and P. Krausman. 2002. Human disturbance in bighorn sheep habitat, Pusch Ridge Wilderness, Arizona School of Renewable Natural Resources, The University of Arizona, Tucson AZ 85721; Current address: U.S. Geological Survey, Biological Research Division, 4512 McMurry Ave, Fort Collins CO 80525

Servheen, C.W. 1975. Ecology of the wintering bald eagles on the Skagit River, Washington. M.S. Thesis. University of Washington, Seattle. 96pp.

Shea, D.S. 1973. A management-oriented study of bald eagle concentrations in Glacier National Park. M.S. Thesis. University of Montana, Missoula. 78pp.

Spaul., R.J., Julie A. Heath. 2016. Nonmotorized recreation and motorized recreation in shrub-steppe habitats affects behavior and reproduction of golden eagles (*Aquila chrysaetos*). Raptor Research Center, Boise State University, Boise, ID, USA. Ecology and Evolution 2016; 6: 8037–8049

Spaul., R.J., Julie A. Heath. 2017. Flushing Responses of Golden Eagles (*Aquila chrysaetos*) In Response To Recreation. The Wilson Journal of Ornithology, 129(4):834-845.

Spraker, T. R. 1977. Fibrinous pneumonia of bighorn sheep. Desert Bighorn Council Transactions 24:17- 18.

Spraker, T. R., C. P. Hibler, G. G. Schoonveld, and W. S. Adney. 1984. Pathologic changes and microorganisms found in bighorn sheep during a stress-related die-off. Journal of Wildlife Diseases 20:319-327.

Sproat, Kanalu K., N. R. Martine, T. S. Smith, W. B. Sloan, J. T. Flinders, J. W. Bates, J. G. Cresto and V. C. Bleich. 2019. Alteration of behavior by desert bighorn sheep from human recreation. Wildlife Research, 47(1): 16-24.

Sproat, Kanalu K. 2012. Desert Bighorn Sheep Survival in Canyonlands National Park: 2002 - 2010. All Theses and Dissertations. 3916.

Stalmaster, M.V. 1976. Winter ecology and effects of human activity on bald eagles in the Nooksak River valley, Washington. M.S. Thesis. Western Washington University, Bellingham. 100pp.

Stalmaster, M.V. 1983. An energetics simulation model for managing wintering bald eagles. Journal of Wildlife Management. 47:349-359.

Stalmaster, M.V. and J.R. Newman. 1978. Behavioral responses of wintering bald eagles to human activity. Journal of Wildlife Manaement. 42(3):506-513.

Steidl, R. J. and R. G. Anthony. 1996. Responses of Bald Eagles to human activity during the summer in interior Alaska. Ecological Applications 6:482–491.

Steidl, R. J., Kozie, K. D., Dodge, G. J., Pehovski, T., & Hogan, E. R. 1993. Effects of human activity on breeding behavior of golden eagles in Wrangell-St. Elias National Park and Preserve, a preliminary assessment. National Park Service, Wrangell-St. Elias National Park and Preserve, Copper Center, Alaska, WRST Research and Resource Report; no.93-3.

Stien, J. and R. A. Ims. 2016. Absence from the nest due to human disturbance induces higher nest predation risk than natural recesses in Common Eiders *Somateria mollissima*. Ibis 158:249–260.

Strasser, E.H. & Heath, J.A. 2013. Reproductive failure of a human-tolerant species, the American kestrel, is associated with stress and human disturbance. J. Appl. Ecol. 50, 912–919.

Steenhof, K., Brown, J.L. & Kochert, M.N. 2014. Temporal and spatial changes in golden eagle reproduction in relation to increased off highway vehicle activity. Wildl. Soc. Bull. 38, 682–688.

Steidl, R. J. and R. G. Anthony. 2000. Experimental effects of human activity on breeding Bald Eagles. Ecological Applications 10:258–268.

Swarthout, Elliott Clifford Hunt. 1999. Effects of backcountry recreation on Mexican spotted owls. The University of Arizona. http://hdl.handle.net/10150/278707

Swarthout, Elliott .H and R. J Steidl. 2000. Flush responses of Mexican spotted owls to recreationists. Journal of Wildlife Management 65(2):312-317

Tarjuelo, R., I. Barja, M. B. Morales, J. Traba, A. Beni´Tez-Lo´ Pez, F. Casas, B. Arroyo, M. P. Delgado, and F. Mougeot. 2015. Effects of human activity on physiological and behavioral responses of an endangered steppe bird. Behavioral Ecology 26:828–838.

U.S. Fish and Wildlife Service. 1995. Recovery plan for the Mexican spotted owl: Volume I. Albuquerque, New Mexico, USA.

U.S. Fish and Wildlife Service. 2012. Final Recovery Plan for the Mexican Spotted Owl (Strix occidentalis lucida), First Revision. U.S. Fish and Wildlife Service. Albuquerque, New Mexico, USA. 413 pp.

U.S. Fish and Wildlife Service. 2020. Disallowing Roped and Aerial Activities in Mineral and Hell Roaring Canyons Scoping. U.S. Fish and Wildlife Service, Utah Field Office Salt Lake City.

Van Den Akker, J. B. 1960. Human encroachment on bighorn habitat. Desert Bighorn Council Transactions 4:38-40.

Van Dyke, W. A., A. Sands, J. Yoakum, A. Polenz, and J. Blaisdell. 1983. Wildlife habitats in managed rangelands - the Great Basin of southeastern Oregon: bighorn sheep. USDA Forest Service and USDI Bureau of Land Management General Technical Report PNW-159. 37pp

Watson, H., M. Bolton, and P. Monaghan. 2014. Out of sight but not out of harm's way: human disturbance reduces reproductive success of a cavity-nesting seabird. Biological Conservation 174:127–133.

Webber, A. F., J. A. Heath, and R. A. Fischer. 2013. Human disturbance and stage-specific habitat requirements influence Snowy Plover site occupancy during the breeding season. Ecology and Evolution 3:853– 863.

Wiedmann, B. P. and V. C. Bleich. 2014. Demographic responses of bighorn sheep to recreational activities: a trial of a trail. Wildlife Society Bulletin 38:773–782.

Whitfield, D.P., Fielding, A.H., McLeod, D.R.A. & Haworth, P.F. 2004. Modelling the effects of persecution on the population dynamics of golden eagles in Scotland. Biol. Conserv. 119, 319–333

APPENDICES

Appendix A: Interdisciplinary Team Analysis Record Checklist

Appendix B: Scoping Comments and BLM Responses

Appendix C: Maps:

Map 1: Proposed Restriction Area in Mineral and Hell Roaring Canyons

Map 2: Named Climbs within the Project Area

Map 3: Detailed Map of Proposed Exclusion Area at the Fruit Bowl

Map 4: Cumulative Impact Area

Map 5: Nesting areas of Raptors, including the Mexican Spotted Owl within the Proposed Restriction Area

Map 6: Crucial Lambing and Rutting Habitat for Desert Bighorn Sheep

Appendix A: Interdisciplinary Team Analysis Record Checklist

Project Title: Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons

NEPA Log Number: DOI BLM-UT-Y010-2020-0068-EA

Project Leaders: Pam Riddle/Katie Stevens

DETERMINATION OF STAFF: ***(Choose one of the following abbreviated options for the left column)***

NP = not present in the area impacted by the proposed or alternative actions

NI = present, but not affected to a degree that detailed analysis is required

PI = present with potential for relevant impact that need to be analyzed in detail in the EA

The following elements are not present in the Moab Field Office and have been removed from the checklist: Farmlands (Prime or Unique), Wild Horses and Burros.

Determi-nation	Resource	Rationale for Determination*	Specialist	Date	Initials
RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)					
NI	Air Quality Greenhouse Gas Emissions		Katherina Diemer	4/15/20	KD
NI	Floodplains	There are floodplains within the project area. The action alternatives would not negatively impact floodplain morphology, function, or connectivity.	Gabe Bissonette	4/15/20	GJB
NI	Soils	There are some soils in the project area, though much of the area is hard rock. The action alternatives would not negatively impact soils.	Katherina Diemer	4/15/20	KD
NI	Water Resources/Quality (drinking/surface/ground)		Dave Pals	4/14/2020	DP
NI	Wetlands/Riparian Zones	There are riparian areas within the project area. The action alternatives would not negatively impact these habitats.	Gabe Bissonette	4/15/20	GJB
NP	Areas of Critical Environmental Concern	There are no ACECs within the project area. See 2008 Moab Resource Management Plan.	Katie Stevens	4/7/20	KS
PI	Recreation	The proposal would negatively impact certain types of recreation activity in the project area; these impacts are analyzed in full in the EA.	Katie Stevens	4/7/20	KS
NI	Wild and Scenic Rivers	The adjacent Green River is a designated Wild and Scenic River. The proposed restrictions would not impact the Outstandingly Remarkable Values for which it was designated.	Bill Stevens	4/7/20	BS
NI	Visual Resources	The project area is largely managed as VRM Class II. The activities proposed for restriction are temporary. While limiting roped and aerial activity could benefit visuals, there would also be fewer people present to enjoy the visual resources of the area.	Katie Stevens	4/7/20	KS
NP	BLM Natural Areas	See 2008 Moab Resource Management Plan.	Bill Stevens	4/7/20	BS

Determi-nation	Resource	Rationale for Determination*	Specialist	Date	Initials
NI	Socio-economics	Minimal impact on local area economy. Although almost every visitor to Grand County makes some contribution to the local economy, the marginal impact of any one visitor or even a large group of visitors is small compared to the overall County economy. BLM does not have exact visitation numbers to the project area, making it impossible to quantify this minor impact.	Bill Stevens	4/14/20	BS
NP	Wilderness/WSA	See 2008 Moab Resource Management Plan.	Bill Stevens	4/7/20	BS
NI	Lands With Wilderness Characteristics	Portions of the proposed restriction area are in lands identified by BLM as possessing wilderness characteristics. The prosed restrictions could enhance the wilderness characteristics of solitude and primitive recreation and help maintain naturalness.	Bill Stevens	4/14/20	BS
NI	Cultural Resources	The proposed closures would not negatively impact cultural resources.	Lori Hunsaker	4/13/20	LAH
NI	Native American Religious Concerns	The proposed closures would limit or restrict access to areas of cultural or traditional significance.	Lori Hunsaker	4/13/20	LAH
NI	Environmental Justice	There are no identified EJ populations in the planning ears who would be disproportionately adversely impacted by the action alternatives.	Bill Stevens	4/14/20	BS
NI	Wastes (hazardous or solid)	There are no wastes in or associated with the action alternatives	Katherina Diemer	4/15/20	KD
PI	Threatened, Endangered or Candidate Animal Species	Suitable habitats and known occupancy for Mexican spotted owls in project area with potential for relevant positive impacts that will be analyzed in detail in the EA	Pamela Riddle	4/7/20	PR
PI	Migratory Birds	Suitable habitats and known occupancy for several raptor species in project area with potential for relevant positive impacts that will be analyzed in detail in the EA	Pamela Riddle	4/7/20	PR
NI	Utah BLM Sensitive Species	Suitable habitats and known occupancy for several BLM sensitive species in project area. The action alternatives would not negatively impact habitat or occupancy potential; therefore, sensitive species would not be affected to a degree that detailed analysis is required	Pamela Riddle	4/22/20	PR
PI	Fish and Wildlife Excluding USFW Designated Species	Crucial desert bighorn sheep lambing, rutting, migration and year-round habitats in project area with potential for relevant positive impacts that will be analyzed in detail in the EA	Pamela Riddle	4/7/20	PR
NI	Threatened, Endangered or Candidate Plant Species	Suitable geology associated with seeps/spring habitats is found in the project area; Navajo sedge occurrences not known in the area. The action alternatives would not negatively limit habitat potential; Navajo sedge potential would not be affected to a degree that detailed analysis is required	Pam Riddle	4/7/20	PR

Determi-nation	Resource	Rationale for Determination*	Specialist	Date	Initials
NI	Livestock Grazing	Actions would not diminish current livestock grazing resources	Aaron Vollmer	4/28/20	AV
NI	Rangeland Health Standards	Would not impact rangeland health standards	Aaron Vollmer	4/28/20	AV
NI	Invasive Species/Noxious Weeds	No impact on the spread of noxious weeds and invasive species.	Logan Lefevre	5/4/20	LL
NI	Vegetation Excluding USFW Designated Species	The action alternatives would limit recreational activity; thus, the impact to adjacent plant groups is minimal to no impact.	Aaron Vollmer	4/28/20	AV
NI	Woodland / Forestry	No trees would be harmed by the action alternatives.	Aaron Vollmer	4/28/20	AV
NI	Fuels/Fire Management	The action alternatives would not impact fire/fuels to the degree that would require a detailed analysis.	Josh Relph	4/29/20	JR
NI	Geology / Mineral Resources/Energy Production	The area is managed as NSO under the Moab RMP.	Dave Pals	4/14/2020	DP
NI	Lands/Access	Subject to valid, existing rights.	Lisa Wilkolak	4/9/2020	LW
NI	Paleontology	Not surface disturbing	Dave Pals	4/14/2020	DP

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
Environmental Coordinator			
Authorized Officer			

Appendix B: Scoping Comments Received on the Proposal

The BLM received 222 comment letters during the Scoping Period on the proposal, which was held from June 1 to June 30, 2020. The chart below lists the comment, the number of persons making that comment, and the BLM response to the comment. (Commenters often submitted more than one comment). Organizations and agencies commenting on the proposal are listed by name; private individuals are not listed by name.

# of Comments	Scoping Comment	BLM Response
Comments Generally Opposing Any Restrictions		
144	State general disagreement with the Proposed Action; includes those comments stating that minerals, cattle, vehicles and other recreational uses are the problem and that roped and aerial activities are not the problem. Includes those comments asserting that the BLM has no scientific evidence for this proposal. Many commenters state the importance of their recreation activity to their well-being and how minimal their impacts are.	Other uses in the proposal area are already restricted, including minerals, grazing and motorized and non-motorized vehicle use. The EA delineates these restrictions in Section 1.1. The scientific literature regarding wildlife disturbance is detailed in the EA in Sections 3.2.2, 3.3.2 and 3.4.3. The BLM acknowledges the importance of these activities to the communities that participate in them. This importance is detailed in Section 3.1.2.2.
5	Aerial activities have no impact on wildlife	The scientific literature regarding wildlife disturbance is detailed in the EA in Sections 3.2.2, 3.3.2, and 3.4.2.
1	Mexican spotted owl, Golden Eagles and bighorn sheep are very abundant species and need no protection.	The Mexican spotted owl is listed as a threatened species under the Endangered Species Act by the U.S. Fish and Wildlife Service. Golden eagles are in decline across the west due to habitat loss. The desert bighorn sheep herd in question is unique in that it is the only herd that has survived the introduction of domestic sheep. More information concerning these species is found in Sections 3.2.1, 3.3.1 and 3.4.1
1	While paragliding (in fall) above the space net, birds were not disturbed.	Fall is not the nesting season for raptors, so the observation may not be typical of

		the behavior of raptors during nesting season.
1	Paragliding should not be targeted as it has no impacts.	Disturbances to wildlife are detailed in Section 3.2.2, 3.3.2 and 3.4.2.
1	Drones should not be included in the restricted activities. Any restrictions on launching drones from the canyon rims or flying them from the canyon floors would therefore be utterly ineffective at preventing drones from being flown over the canyons in question, as all a drone operator would need to do to avoid violating the restriction is launch and operate the drone a few hundred feet back from the rim on the Mineral Point or Deadman Point plateaus, where the restriction does not apply. The BLM does not control airspace, and would have no authority to prevent people from flying over the restricted canyons when operating from outside the restricted zone. Cites case law from NPS attempts to restrict drones To ban drones from a broad area of general BLM land that is neither Wilderness nor a Wilderness Study Area would be utterly unprecedented and unjustified by any claimed environmental impact. It would also be extremely difficult to enforce, given widespread motorized access to both the rim areas and the canyon floors and the difficulty of having rangers patrol such large areas looking for people flying drones. There is no evidence of drones causing stress to wildlife. If BLM wishes to adopt a rule that drones cannot harass wildlife, that would be considered. Motorized travel is allowed in the study area – drones are less annoying to wildlife than are motorized vehicles. The BLM cannot just assume that drones harm wildlife.	The BLM understands that the Federal Aviation Administration, and not the BLM, controls the airspace. The restriction would apply only to those drones that would have been launched from or land within the proposed limited area. The impacts to wildlife from human disturbance are detailed in Sections 3.2.2, 3.3.2 and 3.4.2. Drone disturbance is similar to other human disturbances. The BLM acknowledges the difficulty of enforcement. However, as the commenter notes, if aerial and roped activities are not to occur in the area, filming activities would also not be allowed, and drone use would most probably lessen. The Proposed Action restricts drones from taking off or landing within the proposed limitation area. The roads that people might wish to photograph using a drone include the Mineral Bottom switchbacks and the road along the Green River; both of these locations are not within the proposed restriction area.

	There is simply no evidence that drones are causing any serious impacts to wildlife in the canyons in the Hell Roaring Rim area, and broad restrictions on their use are unjustified and unnecessary, not to mention impractical and unenforceable. It seems to me drones are simply getting lumped in with other uses which the BLM is actually worried about impacts from, and that this harmless activity will suffer because of it. In truth, the vast majority of drones being operated in this area are likely being flown to film people engaging in the other activities this proposal is primarily concerned with (base jumping, slacklining, rope swings, etc.). If those activities are restricted, associated drone use will naturally decrease as well without the need for any specific restrictions on drones. The few remaining people flying drones in this area would likely be photographers filming vehicles driving on the roads or just flying to capture the beauty of this incredible area. Any specific problems drones are causing after other activities are restricted could be dealt with on a case by case basis using general rules against disturbing wildlife, etc. without the need for specific restrictions on drone flying within the broad areas outlined in this proposal.	
1	Restricting Mineral and Hell Roaring will mean more activity at the excluded areas (like the Fruit Bowl) and in other canyons (like Spring Canyon). Use will not diminish, but will rather be concentrated.	The purpose and need for the Proposed Action is to maintain currently low recreational use in high-quality breeding and year-round habitats. This area offers less than 4.5% of the desirable geology in the field office and currently supports less than 0.6% of the known climbs in the field office; increases in use concentration is not expected due to limited use and opportunity.

1	The established climbs (like the Witch and the Warlock) should be grandfathered in and not restricted.	These areas contain 0.6% of the 1,095 climbing routes in the Moab Field Office (listed on Mountain Project). A vast array of alternative climbing areas are available. The BLM has crafted an alternative that establishes a permit system with timing limitations for the established climbs, including the Witch and the Warlock
4	State the importance of the Fruit Bowl and asks that it be kept available.	The Fruit Bowl area, as permitted for GGBY in 2017, is excluded from the proposal.
1	Mineral Bottom is a favored spot for BASEjumping.	The Mineral Bottom BASEjumping Focus Area (which includes the Sweet Spot) is excluded from the proposal.
6	Suggests that enthusiasts be asked to voluntarily limit their presence during certain nesting times at certain locations. BLM should provide more educational information about potentially affected wildlife.	The BLM appreciates the suggestion of voluntary limitations and more information about wildlife.
9	The economy of Moab would suffer were this restriction on roped and aerial activities to occur	The BLM acknowledges that every visitor to Moab contributes to the economy. Information concerning the economic impact of visitation is detailed in the Checklist (Appendix A). Without exact visitation numbers to the restricted area, it is impossible to calculate the exact economic contribution of climbers and aerialists utilizing Mineral and Hell Roaring Canyons.
Comments Suggesting Specific Types of Possible Restrictions/Splitting Restrictions on Climbers vs. Aerialists/Excluding Some Specific Areas from Restrictions		
16	Mineral and Hell Roaring Canyons should be kept open for climbers, as they do not have the same impacts as aerialists. Climbers are quieter and recreate in smaller groups resulting in fewer impacts both to wildlife and other people. The numbers of climbers in these two canyons is small and very backcountry in nature. Their impacts are not the same as those of the aerialists.	The BLM acknowledges that there are differences between the two groups. Both aerialists and climbers, however, favor the talus slopes and cliffs that are the escape terrain for desert bighorn sheep and in which raptors nest. The scientific literature regarding wildlife disturbance is detailed in the EA in Sections 3.2.2, 3.3.2 and 3.4.3 and analysis assumptions as they relate to

		climbing activities can be found in Chapter 3.
2	If there must be restrictions, allow certain days of the week for activities to occur. For example, allow "X number of permits per day/week/month with a few blacked out months (perhaps around any breeding seasons)".	Restriction schemes that offer varying days of the week generally focus on impacts to other people. If, for instance, a person dislikes hiking on a trail with dogs, excluding dogs for two days of the week allows that person to choose a day for hiking a trail when dogs will not be on it. Animals are resident and the impacts upon animals will not be addressed by limiting certain activities to a set of days. The scientific literature regarding wildlife disturbance is detailed in the EA in Sections 3.2.2, 3.3.2 and 3.4.3 and analysis assumptions can be found in Chapter 3 .
10	Suggests seasonal limitations for climbers and aerialists as an alternative to a total ban.	These climbs constitute 0.6% of the 1,095 climbing routes in the Moab Field Office listed on Mountain Project; a vast array of alternative climbing areas are available. The BLM has presented an alternative that provides seasonal limitations (through a permit system) for the established climbs in Hell Roaring Canyon, including the Witch, the Warlock, the Cauldrons, the Gollum and Kachina Spires. See Section 2.3 for this alternative.
23	Suggest that seasonal limitations be imposed on climbers to protect nesting birds and/or bighorn lambing.	The BLM has presented an alternative (Alternative B) that provides seasonal limitations (through a permit system) for the established climbs in Hell Roaring Canyon, including the Witch, the Warlock, the Cauldrons, the Gollum and Kachina Spires. See Section 2.3 for this alternative.
3	Suggest that seasonal limitations *and* group size limits be imposed on climbers and other enthusiasts to protect wildlife.	The alternative offering seasonal limitations (through a permit system) for established climbs also sets a group size limit. See Section 2.2 for this alternative.

1 Access Fund, FOIC, SL Climbers' Alliance	States that the proposal is too broad. Gives reasons why climbers and highliners are two different types of user groups, especially when concerning backcountry "trad" climbs like the ones in question. "The BLM should not lump rock climbing into the general category "Roped Activities" because it is abundantly clear that different activities (that happen to use ropes) necessitate different management strategies and restrictions with regard to wildlife". Known climbs are in Hell Roaring Canyon: Witch, Warlock, North and South Kachina Spires, Gollum and Cauldron and Corner Tower. State that seasonal limitation are sufficient to protect raptors. Asks for any research that shows that desert bighorn sheep are susceptible to impacts from climbers. "With this in mind, we believe that the BLM should 1) not prescribe a blanket prohibition without a scoping period and draft Environmental Assessment, 2) conduct a site specific scientific analysis of wildlife and social conditions, and 3) develop management alternatives as per the National Environmental Policy Act before promoting an unsubstantiated management prescription without public input. As climbing advocacy and stewardship organizations, we strive to balance recreation access with resource protection. We encourage you to follow the 5 standards that have been in place for many years by following a science-based approach that protects sensitive habitat during sensitive times, versus a blanket closure."	These climbs constitute 0.6% of the 1,095 climbing routes in the Moab FO listed on Mountain Project; a vast array of alternative climbing areas is available. This area also supports important year-round, breeding and winter use for the species analyzed. The scientific literature regarding wildlife disturbance is detailed in the EA in Sections 3.2.2, 3.3.2, and 3.4.2. The Corner Tower has been excluded from the proposed restricted area. An alternative has been crafted that imposes seasonal limitations on the known climbs in Hell Roaring Canyon, including the Witch, the Warlock, the Cauldron, the Gollum and the two Kachina Spires. This alternative requires that climbers obtain a permit from the Moab Field Office; the permit would impose group size limits within the climbing season. The alternative is detailed in full in Section 2.2. Research on the effects of human activity on desert bighorn sheep are detailed in Section 3.4.2. The BLM has conducted a Scoping Period (June 1 – June 30, 2020) and presents this Environmental Assessment for public review. As a result of information received during Scoping, the BLM has crafted an alternative with seasonal restrictions on known climbs rather than a "blanket closure" on these climbs.
1	Suggest that seasonal limitations be imposed on all recreationists, if they are to be imposed for climbers.	Other recreation uses in Mineral and Hell Roaring canyons are very sparse. There are no designated routes in the majority of Mineral Canyon; the route in

		Hell Roaring Canyon is being considered as part of the Labyrinth Rims Travel Management Plan, which is on-going.
3	Suggest a permit system for climbers and/or aerialists.	The permit system comprising Alternative B is explained in Section 2.2.
2	Suggests allowing climbing as day-use only in Hell-Roaring Canyon.	The permit system comprising Alternative B is explained in Section 2.2.
15	Suggest seasonal limitations for aerial activities.	While known climbs are specific points, aerial activities are more far ranging. Seasonal limitations (with permits and a group size limit of 4) was formulated for six climbs in Hell Roaring Canyon. The highlining areas were not seen as amenable to this solution for Alternative B.
1	Suggests group size limitations on aerialists; do not allow dogs or the collection of firewood. Portable toilets should be required. Violations of rules should mean confiscation of gear.	The enactment of group size limits for aerialists was considered, but not seen as a viable alternative.
1	Supports the Access Fund's compromises on the proposal.	Alternative B attempts to represent the compromises proposed by the Access Fund.
1	Please find another way to protect the wildlife – see what other areas have done.	Protecting wildlife can take many forms. The BLM has already reduced grazing in the two canyons; oil and gas leasing is subject to a No Surface Occupancy Stipulation, and motorized users must stay on the designated roads (which are few). The current proposal attempts to proactively manage a relatively new form of recreation that is increasing in a very important wildlife area.
1	Allow climbing on the Kachina Towers, Witch, Warlock and Cauldrons unless it directly conflicts with nesting birds. Try to strike balance between needs of wildlife and climbing access. There are also some little known climbs in Mineral Canyon.	An alternative has been crafted that imposes seasonal limitations on the known climbs in Hell Roaring Canyon, including the Witch, the Warlock, the Cauldron, the Gollum and the two Kachina Spires. This alternative requires that climbers obtain a permit from the Moab Field Office; the permit would impose group size limits within the

		climbing season. The alternative is detailed in full in Section 2.2. The BLM received no specific information about climbs in Mineral Canyon.
1	Consider excluding 5 additional highlining areas in Hell Roaring Canyon and "several" in Mineral Canyon (no exact locations given).	Two highlining areas (Green River and Waterslide) have been excluded from the restriction area.
1 (Slackline US)	Institute needed seasonal closures in cooperation with the slacklining community. If this is not possible, at the very least please exclude the Highlands Bowl, the Green River area, the Colorado Bowl and the Waterslide from the proposed restrictions (maps provided. Slackline US understands that access is not guaranteed, but would like consideration given to the areas listed above. Our organization understands the importance of balance and wishes to work on the solution.	The Green River Area and the Waterslide were excluded from the proposed restrictions. The Highlands Bowl and the Colorado Bowl pose wildlife concerns that are not soluble with seasonal closures due to their location, size and the numbers of people who wish to use them.
1	Suggests closing the road along the Green River so that aerialists and climbers have to work harder to access their locations.	The road along the Green River is outside the restricted area; the BLM has been told that climbers access the climbs in Hell Roaring Canyon from the rim on the top. Aerialists also access their activities from the top, not from the road along the Green River.
Comments Generally Supporting Restrictions		
22	States general support for the Proposed Action. Many applaud the "proactive management proposal." Wildlife should be protected from the encroachment of impacting activities. Wildlife need protection and space. Recreationists do not have to inhabit every bit of wildlife habitat. Many commenters note the increase in recreation use and its encroachment into wildlife habitat. Cite the present effort as a good attempt to provide balance.	The impacts to various wildlife species as a result of the alternatives are detailed in sections 3.2.2, 3.3.2 and 3.3.4.

1 (USFWS)	Details the impacts of human disturbance on raptors, including golden eagles and Mexican spotted owls. Summarizes the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, as well as the Mexican Spotted Owl Recovery Plan. States that: "*Human disturbance is a primary threat to raptor populations that may generate a range of adverse impacts to the fitness, occupancy, and population rates of golden eagles, Mexican spotted owls, and other raptors depending on the type of disturbance (Hansen et al. 2017, Romin and Muck 2002). It is documented that rock climbing activities impact cliff-nesting raptors when activities are in close proximity to nests because of shouting and other noises involved with the activity, and the high sensitivity of birds to human activities occurring above them (Hansen et al. 2017). Other roped and aerial activities likely impart a similar level of impact to raptors when these activities occur in close proximity to nests".* The Service concludes: "*The proposed action would help reduce the threat of roped and aerial recreational activities to Mexican spotted owls, golden eagles and raptor populations in the action area. The proposed action is also consistent with recovery actions (6.7.2 and 6.7.3) in the Mexican spotted owl 3 recovery plan (USFWS 2012). We believe the proposed action will maintain or improve the status of the Mexican spotted owl in the action area.*"	The BLM appreciates the research references provided by the U.S. Fish and Wildlife Service. In addition, the consistency of the proposal to the Mexican Spotted Owl Recovery Plan is noted.
1 -Utah Div. of Wildlife Resources via PLPCO	Desert bighorn are an iconic species. The area proposed for closure is within the UDWR's LaSal/Potash/South Cisco desert bighorn sheep management unit, which is at 74% of its population objective. Human disturbance results in habitat degradation and displacement; stress is especially impactful when ewes are giving birth to lambs or when combined with disease events. The State recommends no roped or	The BLM has noted the adherence of the proposal to the UDWR's statewide bighorn sheep plan, as well as to Utah's Wildlife Action Plan as Species of Greatest Conservation Need.

	aerial activities during lambing season. Working with federal agencies to protect bighorn habitat is recommended in UDWR's statewide bighorn sheep plan. The area also provides nesting habitat for multiple raptor species included in Utah's Wildlife Action Plan as Species of Greatest Conservation Need. These species include the Golden Eagle, Mexican Spotted Owl and Peregrine Falcon. The USFWS has documented the effects that human activities have on raptors. The State recommends no roped or aerial activities during critical nesting months, which go from January through July.	
1 (Wild Sheep Foundation)	Despite over 40 years of restoration efforts, Utah bighorn populations fall well short of historic numbers. In this fashion, bighorn sheep within the La Sal, Potash/South Cisco desert bighorn sheep management unit are currently at 74% of the desired population objective. The adverse impacts associated with human disturbance is well documented in the literature.	The BLM has acknowledged that the population objective of the desert bighorn sheep herd in the area has not been met.
2	These canyons are a stronghold for desert bighorns in our Potash herd. Many ewes will have and raise lambs in this area. This bighorn herd harbors a variety of pathogens including *M.ovi*, and has experienced respiratory disease events in the past. Considering the rapid increase in human recreation in this area, the UDWR supports the proposed restriction to reduce stress and displacement of the bighorns in this area.	The impacts to desert bighorn sheep from this type of activity are detailed in Section 3.4.2.
1 (Raptor Inventory Nesting Survey)	Notes that RINS has performed surveys for raptors in the project area. RINS as found 84 nest locations in Mineral and Hell Roaring Canyons (map provided). Nests have been recorded from the following species: Golden Eagle, Peregrine Falcon, Prairie Falcon, Great Horned Owl, and Red-tailed Hawk. RINS surveyors have witnessed the adverse effects of human presence on these nests. Most notable among these adverse impacts is the problems with	The BLM acknowledges the impacts of such activities to raptors. See Section 3.3.2.

	Golden Eagle nests in the vicinity of the Fruit Bowl. Human disturbance, even at a significant distance, can have a devastating impact on nesting raptors. It should be noted that the Golden Eagles that were nesting in the side canyon near the Fruit Bowl have never returned to the nest. Finally, the impact of human disturbance is not limited to the nesting season and human disturbance can disrupt raptor activity resulting in the total abandonment of an area. This proposal offers the BLM and opportunity to manage the Mineral and Hell Roaring Canyons with wildlife as the priority. There are many other areas that are suitable for recreation and entertainment and fewer and fewer that provide for wildlife. Statewide, we are witnessing the decline of raptor populations as a result of habitat loss. The impacts of visitors who come for the extraordinary landscapes, including the opportunity to view wildlife and specifically these magnificent birds, requires careful management or these opportunities will be lost.	
1 (SUWA)	Provides research on disturbances to bighom sheep from recreation activities. Notes the importance of the genetic diversity of the desert bighorn herd in question. Research shows that increased human activity causes bighorn populations to decline (research provided). Bighorn display increased vigilance when activities are present, leading to stress and decreased productivity.	The BLM appreciates the research provided by the commenter.
1 (SUWA)	Cites decisions in the 2008 Moab RMP that support the Proposed Action: • *Habitat Management Plans- WL-1:* Continue to implement and modify three Habitat Management Plans (HMPs) summarized in Appendix U: Hatch Point HMP, Dolores Triangle HMP, and the Potash-Confluence HMP. • • *WL-18:* Raptors will be managed under the auspices of Best Management Practices (BMPs; see Appendix R), which	The BLM acknowledges the guidance of the Moab Resource Management Plan (2009) in Section 2.5.

	will include implementation of spatial and seasonal buffers. These BMPs implement the USFWS's Guidelines for Raptor Protection From Human and Land-use Disturbances, with modifications allowed as long as protection of nests is ensured. Seasonal and spatial buffers are also listed in Appendix R. Cooperate with utility companies to prevent electrocution of raptors. Temporarily close areas (amount of time depends on the species) near raptor nest to rock climbers or other activities if the activity could result in nest abandonment. • • *Bighorn Sheep Habitat- WL-29:* Follow the recommendations found in the BLM Bighorn Sheep Rangeland Management Plan, as revised (1993b); the Utah BLM Statewide Desert Bighorn Sheep Management Plan, as revised (1986a); and the Revised Guidelines for the Management of Domestic Sheep and Goats in Native Wild Sheep Habitats (BLM 1998a). • • *Bighorn Sheep Habitat- WL-30:* Support the current bighorn sheep population and manage to increase desert bighorn population (prior stable numbers) on 330,892 acres… • • *REC-48:* All SRPs will contain standard stipulations appropriate for the type of activity and may include additional stipulations necessary to protect lands or resources, reduce user conflicts, or minimize health and safety concerns. • • *WL-18:* Raptors will be managed under the auspices of Best Management Practices, which will include implementation of spatial and seasonal buffers. These BMPs implement the USFWS's Guidelines for Raptor Protection From Human and Land-use Disturbances, with modifications allowed as long as protection of nests is ensured... Temporarily close areas (amount of time depends on the species) near raptor nest to rock climbers or other activities if the activity could result in nest abandonment.	

	• • *SSS-10:* As required by the Endangered Species Act, work with UDWR to implement the Utah Wildlife Action Plan (UDWR 2005a) to coordinate management actions that will conserve native species and prevent the need for additional listings. • • *SSS-15:* As required by the Endangered Species Act, plan and implement assessment and monitoring plans for T&E and BLM Sensitive species. • • *Mexican Spotted Owl (MSO)- SSS-20*: If BLM determines that a proposed action may affect MSO or its habitat, consultation with the USFWS will be initiated. Monitor and protect known Protected Activity Center (PAC) sites according to USFWS recommendations and MSO Recovery Plan. Manage habitat for MSO according to USFWS and UDWR recommendations and recovery plans. Develop cooperative agreements with other agencies and entities to inventory and monitor existing potential habitat and annually schedule assessment plans of MSO habitat to determine quality of habitat and presence of species. Protect occupied and potential habitat, including designated critical habitat for the MSO, by applying the standard terms and conditions developed in consultation with the USFWS for oil and gas leasing and other surface-disturbing activities (see Standard Terms and Conditions [Lease Notices] which are Required to Protect Special Status Species and to Comply with the Endangered Species Act, Appendix A). These stipulations will preclude temporary activities within designated critical habitat from March 1 through August 31. Permanent actions are prohibited year-round within 0.5 miles of a PAC. • • *Golden Eagle- SSS-29*: Known golden eagle nest sites will be protected according to the Bald and Golden Eagle Protection Act amended in 1978. Acquire lands with nest and roost sites through land	

	exchange or acquisition. Conduct assessments of wintering golden eagle habitat. Protect golden eagle nest sites and habitat (12,902 acres) by applying the standard terms and conditions developed in consultation with the USFWS for oil and gas leasing and other surface-disturbing activities (see Standard Terms and Conditions [Lease Notices] which are required to Protect Special Status Species and to Comply with the Endangered Species Act, Appendix A). These stipulations will preclude surface-disturbing activities within 0.5 miles of documented nest sites from February 1 to July 15. *Moab RMP, Appendix R*: Best Management Practices for Raptors and Their Associated Habitats in Utah	
1 (SUWA)	BLM must also consider these actions in the Range of Alternatives: • Prohibit takeoff and landing completely at the Mineral Bottom airstrip during rutting and lambing season to protect bighorn sheep. Closes Mineral and Hell Roaring Canyons and their rims to motorized use. Controls, restricts, or seasonally closes dispersed camping in Mineral and Hell Roaring Canyons and along their rims to protect bighorn sheep, raptors, and Mexican spotted owl nesting sites.	The Mineral Bottom Airstrip is not within the area of the Proposed Action. Motorized use in the area is under consideration in the court-mandated Travel Management Planning process that is currently underway. Dispersed camping in the Proposed Area is restricted to designated sites in the Supplementary Rules accompanying the 2008 Moab RMP. The BLM acknowledges that the on-the-ground marking could be improved.
1 (SUWA)	NEPA requires that BLM take a hard look at the impacts resulting from its proposal, including impacts to wilderness-quality lands; impacts to lands proposed for wilderness in America's Red Rock Wilderness Act; impacts to natural and cultural resources; and impacts to other users within the vicinity of areas subject to use under the proposal. This includes noise and visual impacts and the potential for harm to BLM's target outcomes for the Labyrinth Rim/Gemini Bridges SRMA—	The proposal would not impact visual resources or lands with wilderness characteristics. The beneficial impacts of the proposal on other types of recreation users are acknowledged in Section 3.1.2. The EA acknowledges that visitation is likely to grow, although it is impossible to project by how much; additionally, predicting the growth in any one type of recreation use is not possible without extensive survey data.

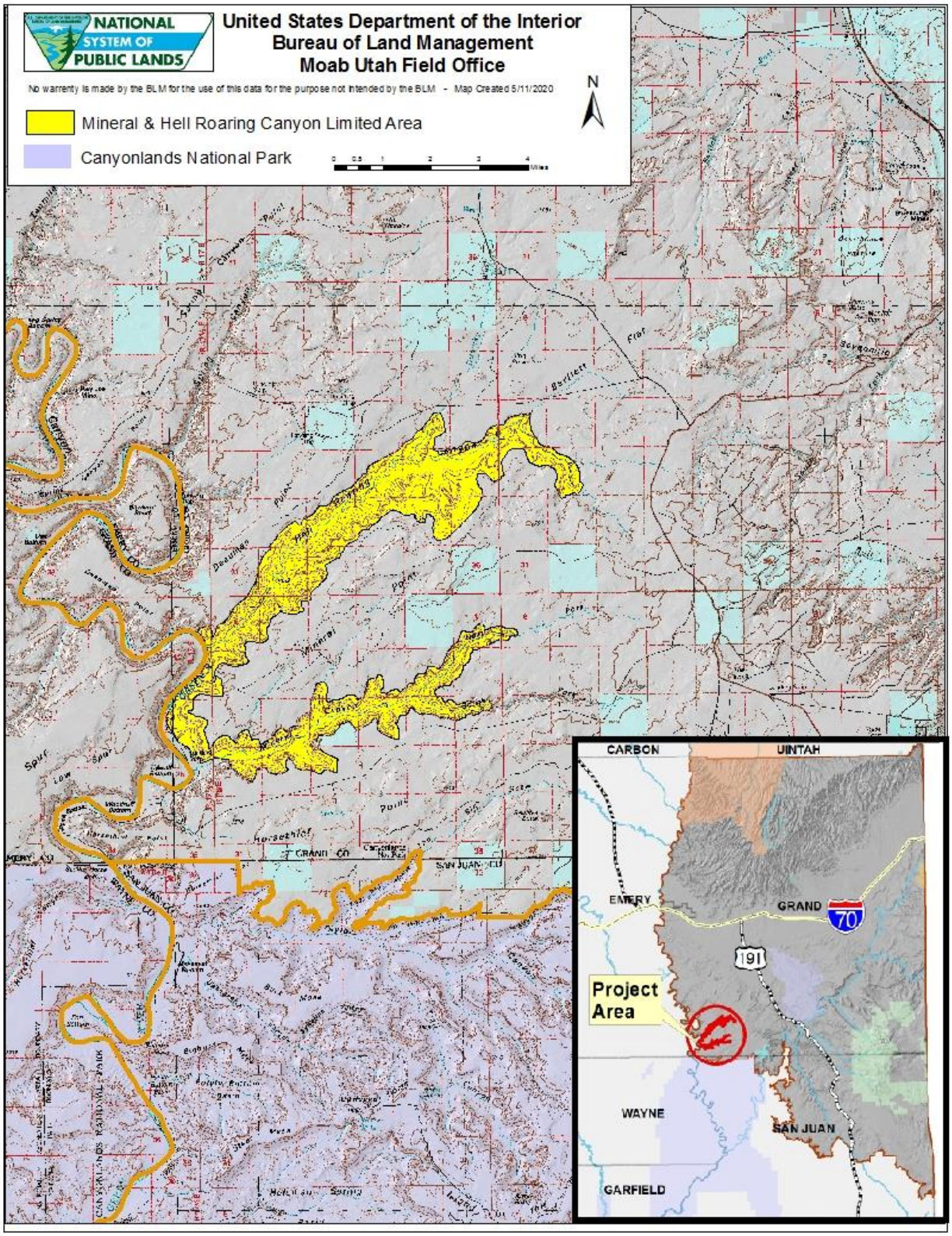
	which include quality experiences for visitors engaging in river recreation, camping, hiking, scenic driving, mountain biking and backcountry driving. Pursuant to NEPA, BLM must analyze indirect effects such as the growth in visitation, recreational impacts and use by both individual visitors and SRP holders, and future SRPs in the area. This analysis must include the potential for growth-inducing impacts—for example, that ongoing or future permitted activity in Mineral and Hell Roaring Canyons and on their rims will open the door to additional, similar use in the future by other commercial operators. BLM must take a hard look at other past, present, and reasonably foreseeable uses and management actions that may impact the environment, and analyze these impacts in light of the proposal. BLM must take a hard look at the adverse impacts to wildlife resulting from all manner of human recreational impacts, including motorized use, in an area that includes critical rutting, breeding, and migration habitat for several sensitive species including desert bighorn sheep, raptors, and Mexican spotted owl.	
1	Cites research done by Idaho Department of Fish and Game regarding impacts to bighorn. Provides long list of research studies. States importance of this particular bighorn herd, and notes that activities that herds habituate to are not as impactful as unexpected activity in their "space". Concludes by stating: "Mineral and Hell Roaring Canyons currently provide important, largely undisturbed, lambing and rutting habitat for the native Potash bighorn sheep herd. Based on an extensive literature, some of it cited in the passages above, it is clear that increased human activity in the canyon would likely impact bighorn survival	The BLM thanks the commenter for the research studies provided.

	and reproduction, negatively impacting the viability of the Potash herd. The current proposal to restrict roped and aerial activities in the two canyons, limiting additional disturbance of the bighorn sheep that use the canyon, is an important step in ensuring the long-term survival of this irreplaceable herd."	
1	Provides evidence and photographs of bighorn being disturbed by aerialists on rim above Mineral Canyon. Especially noteworthy because it was evident that the ewes in question were pregnant. States results of disturbance to bighorn pregnancy. Notes importance of this bighorn herd.	The BLM thanks the commenter for the anecdotal evidence provided of bighorn disturbance by aerialists.
1	Provides two scientific peer reviewed papers on bighorn population viability and aerial activities. One paper is in the journal *Conservation Biology* and the second in the journal *Biological Conservation*.	The BLM thanks the commenter for the research studies provided.
3	It is well known that both canyons provide many nesting sites for various species of raptors and a very important piece of habitat for a unique desert bighorn herd. There are other areas that recreationists can use for roped and aerial activities, but this area is THE habitat of this remnant herd of bighorn sheep.	Comment acknowledged.
1	Limiting use on only 10,000 acres (the best of the wildlife habitat) still leaves plenty of space for recreational activities.	Comment acknowledged.
1	As a RINS volunteer, I have found bolts in obscure locations that are very near raptor nests. I've observed that highlining often involves loud music, noise and other disturbances to wildlife. Allowing nearly every use everywhere diminishes the quality of experience for everyone. Limiting high angle/extreme sports to designated areas within Mineral and Hell Roaring Canyons, such as the original Fruit Bowl highline area and the Sweet Spot base jumping area makes sense.	The BLM acknowledges the comment.

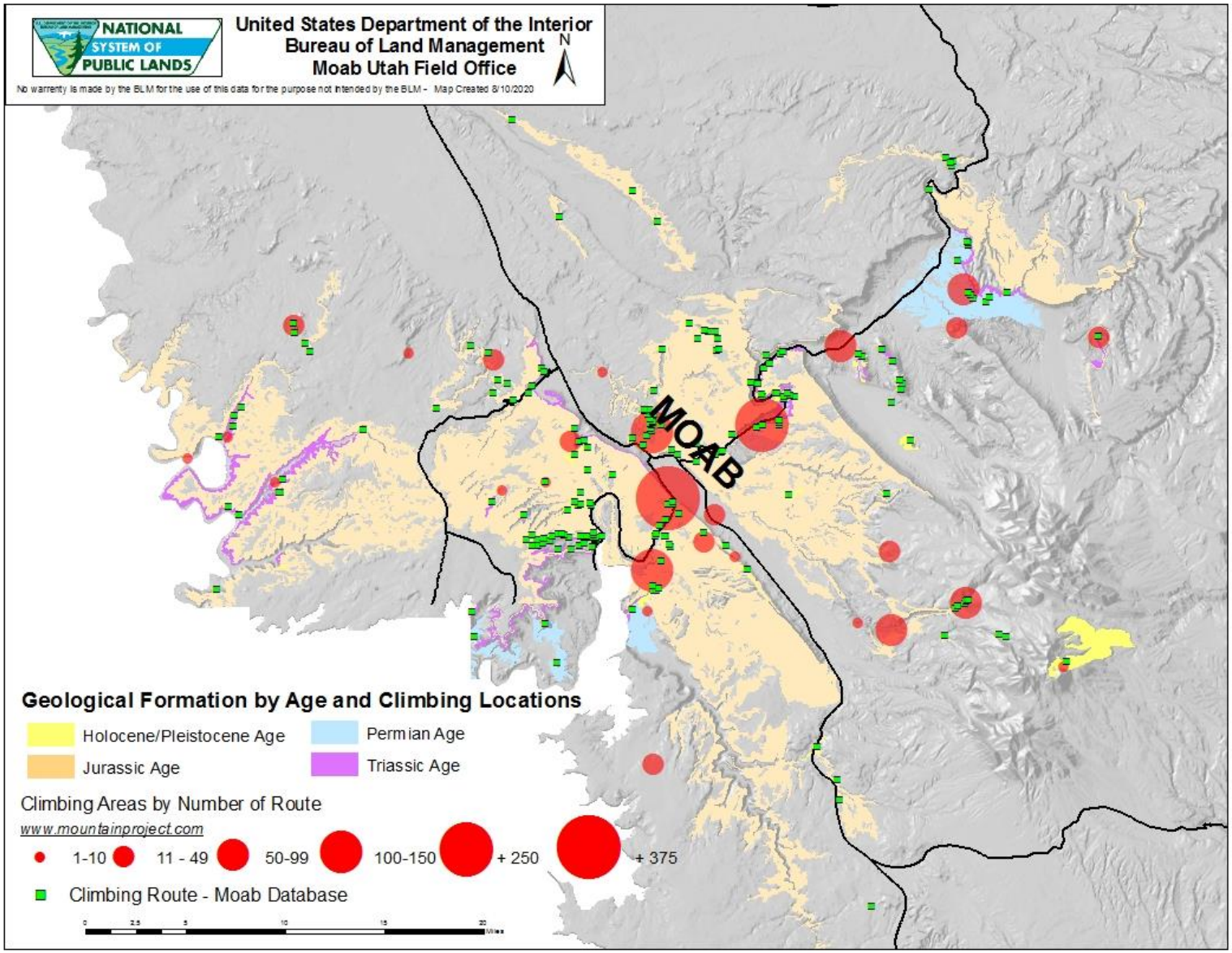
1	Climbing within these two canyon systems is not particularly popular. The routes are lesser-known and seldom used compared to others in the area. Mountain Project maintains lists of climbing routes throughout the US on their website (mountainproject.com). There are two climbing areas shown in Hell Roaring Canyon with a total of 6 routes (Witch/Warlock/Cauldrons and the Kachina Spires). There are none listed in Mineral Canyon. While a climber might be disappointed about 6 routes in these two canyons being closed to climbing, there are many other routes available nearby. Mountain Project lists a total of 2,846 climbing routes in the "Moab area" as well as 1,347 at Indian Creek, 60 in Castle Valley, and 52 at Fisher Towers. There are many other places on public lands in the Moab area where various roped and aerial activities are already taking place and are available for public use.	The six routes provided by the commenter have been noted in the EA. The BLM acknowledges the many other climbing opportunities available in the Moab area.
2	Limiting these activities would also benefit other quiet users such as hikers. Cites discovering "50 to 100 large, shiny slack-lining bolts spread out along roughly 50 yards of canyon rim -- a sort of mini "fruit bowl". This was an ugly mess and definitely detracted from my attempts to try to enjoy the natural scenery." Also cites the multiple trailing found around this and other highlining areas. Cites the need to close more roads in the area – including the road up Hell Roaring, in Mineral and along the Green River north of the airstrip.	The beneficial impacts to other recreation users is stated in Section 3.1.2. The issue of designating roads in the area is being considered in a court-mandated Travel Plan process for the entire Labyrinth Rims/Gemini Bridges SRMA. This process is on-going and should be concluded by the end of 2021.
1	Slacklining, ziplining, high-lining, rope swinging and aerial activities (including drone flying) should be restricted in the entire MFO, and allowed only in designated areas.	The BLM did consider an alternative restricting such activities in a larger area (110,000 acres),but did not carry this alternative forward. See Section 2.4.
1	Users should be required to clean up after themselves – and to pay for all their impacts to habitat.	Clean-up of use is already required by law.

Appendix C - Maps:

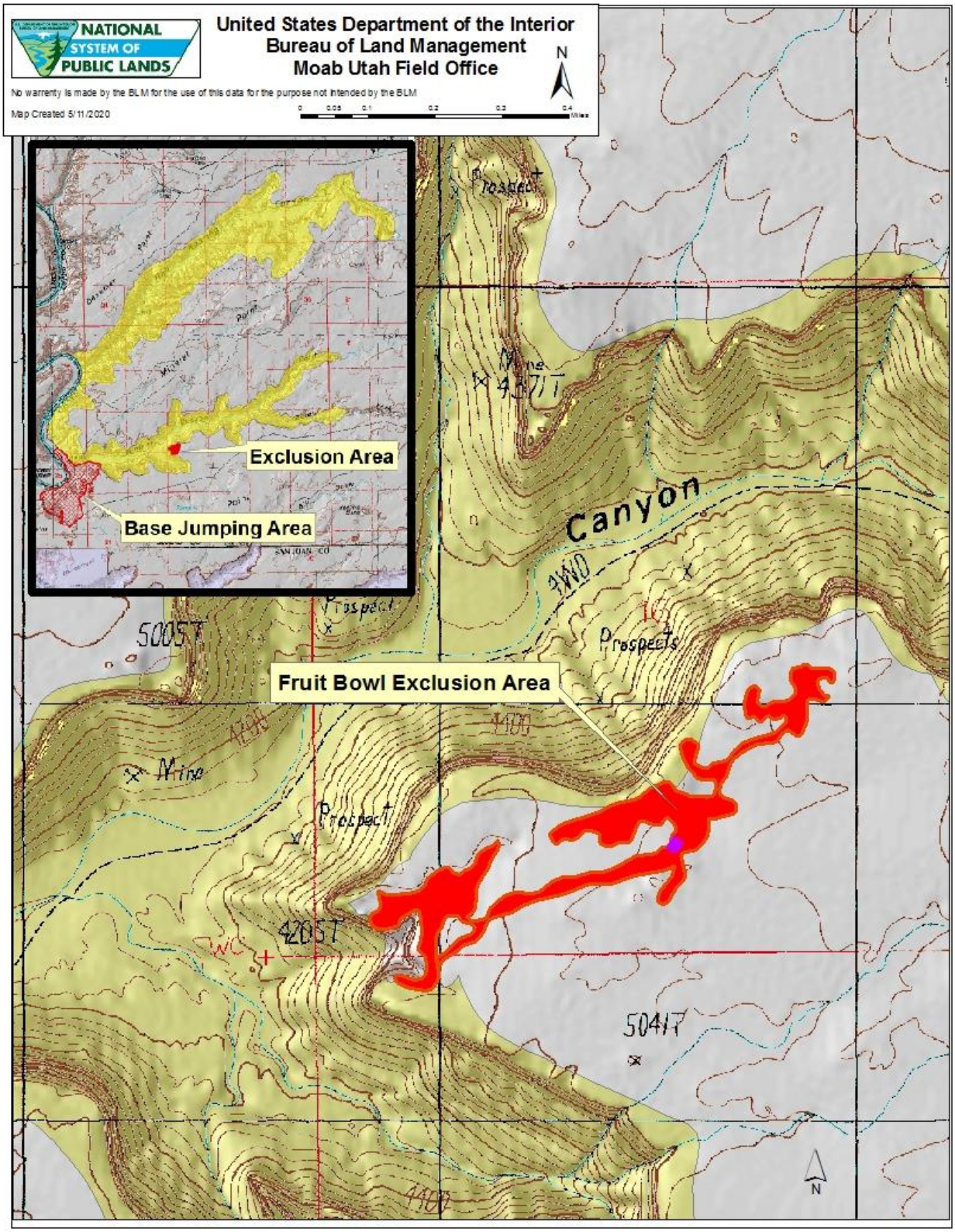
Appendix C: Map 1: Proposed Restriction Area in Mineral and Hell Roaring Canyons



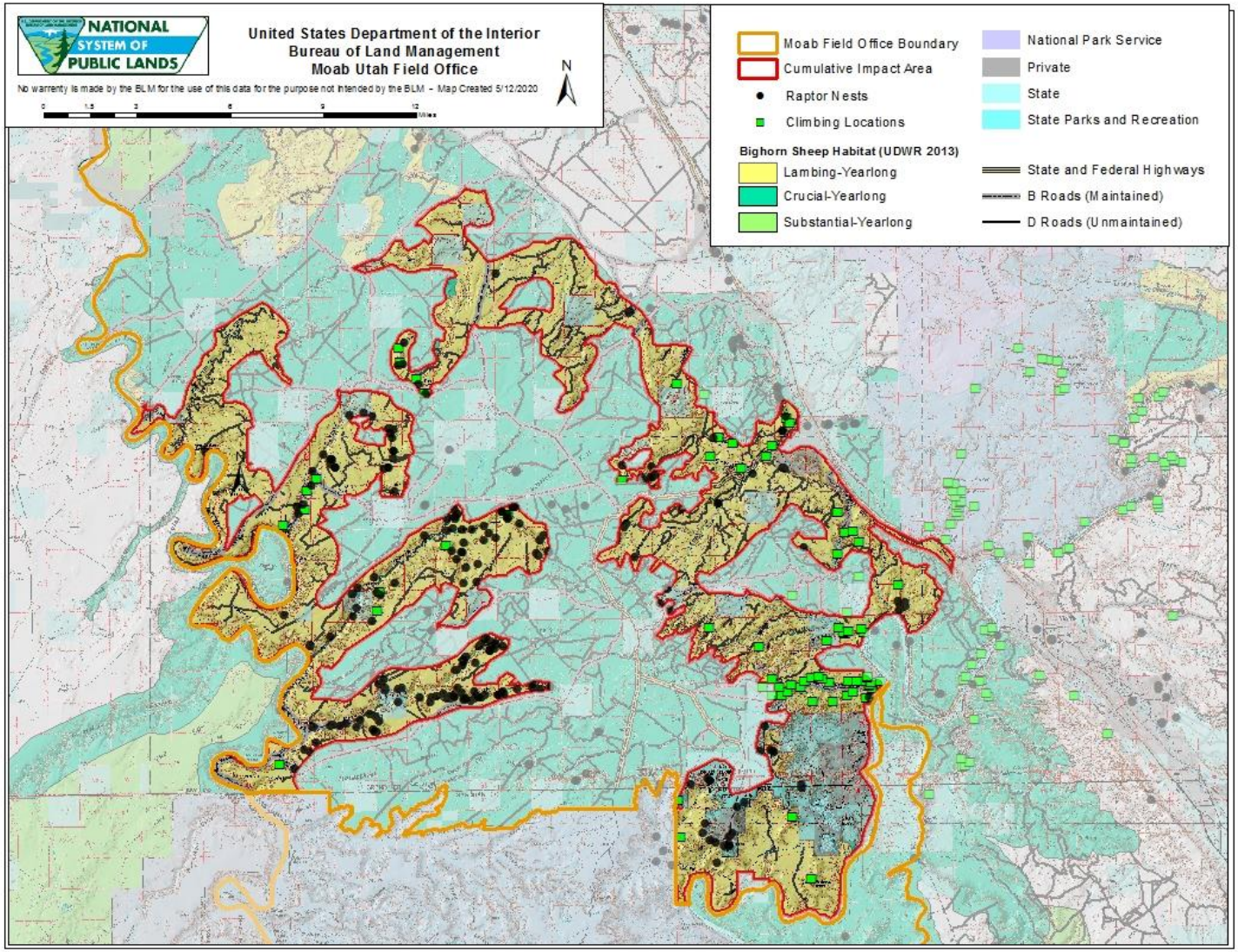
Appendix C: Map 2: Climbing areas and supporting Geology



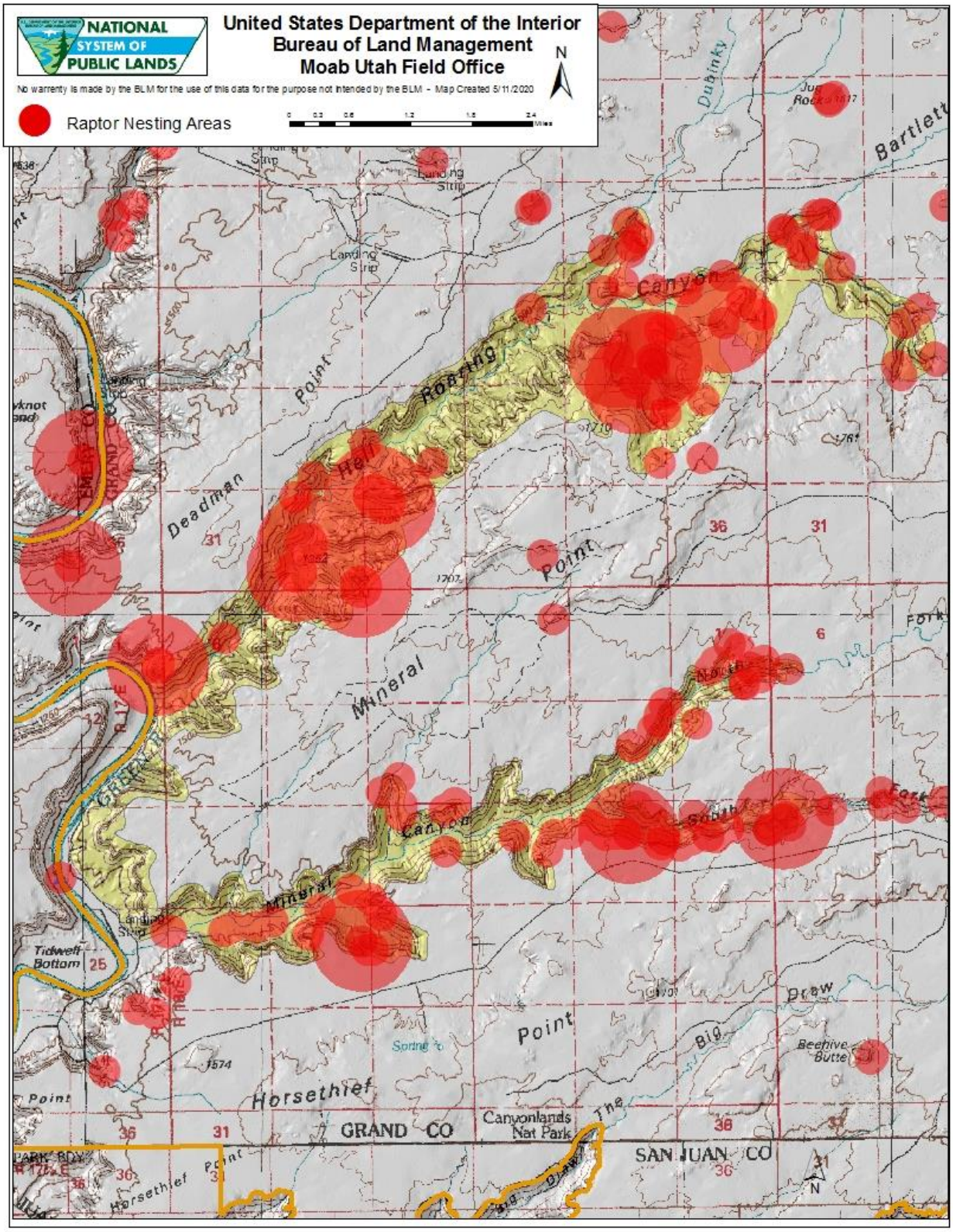
Appendix C: Map 3: Detailed Map of Proposed Exclusion Area at the Fruit Bowl



Appendix C: Map 4: Cumulative Impact Area



Appendix C: Map 5: Nesting areas of Raptors, including the Mexican Spotted Owl within the Proposed Restriction



Appendix C: Map 6: Crucial Lambing and Rutting Habitat for Desert Bighorn Sheep