



Ride with Respect
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October 31st, 2022

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

Dear BENM RMP Project Manager:

We appreciate this opportunity to make scoping comments on the analysis of the management situation (AMS) for the Bears Ears National Monument (BENM) that has been expanded to 1.36 million acres of Bureau of Land Management (BLM) and U.S. Forest Service (USFS) land by Presidential Proclamation 10285.

1. Our organization has provided service work in the 1.36 million-acre area for decades.

Ride with Respect (“RwR”) was founded in 2002 to conserve shared-use trails and their surroundings. RwR has educated visitors and performed over twenty-thousand hours of high-quality trail work on public lands. Over 750 individuals have contributed money or volunteered time to the organization. RwR and its contributors have spent several-hundred hour maintaining trails designated for motorized use in the 1.36 million-acre planning area of BENM. Our education has promoted minimum-impact practices including the preservation of cultural sites given their nonrenewable nature and tremendous value to our nation, particularly to indigenous Americans.

2. Our organization has participated in agency planning in the 1.36 million-acre area for decades.

Prior to Presidential Proclamation 10285, RwR has spent several-hundred hours participating in all planning efforts since 2002, which includes the following:

Manti-La Sal National Forest Land Management Plan (LMP) revision process that started in 2004

Monticello Resource Management Plan (RMP) revision process that ended in 2008

Utah Public Lands Initiative legislative process from 2013 through 2016

BENM "listening session" administrative process on July 16th, 2016

BENM "review" administrative process throughout 2017

BENM MMP development from 2018 to 2020

Although some of these processes didn't incorporate our input, they should be utilized, as most of the work is entirely suitable to current circumstances.

3. Generations of motorized recreationists have utilized roads and trails across the 1.36 million-acre planning area.

In addition to all of RwR's planning participation and trail work, our contributors have enjoyed the fruits of their

labor, particularly via motorized trails in the BENM planning area. People have been operating motorcycles and automobiles over unimproved terrain since the dawn of the Industrial Revolution. It developed as a sport at the turn of the century, with the first International Six Days Enduro held in 1913. Ever since, "off roaders" have been drawn to many parts of the 1.36 million-acre planning area. The general public may think of BENM as the Cedar Mesa area that's renowned for its breadth and depth of cultural sites. However BENM extends north to within ten miles of RWR's base in Moab, encompassing every viewpoint of Canyon Rims SMRA from Anticline Overlook to Hatch Point and the end of many primitive roads in between, which present no significant impact upon the Lockhart Basin area below.

BENM also includes Chicken Corners Easter Jeep Safari route, which serves tens of thousands of motorized recreationists every year, including many tour guests and vehicle renters. The economic impact of that single route is surely over a million dollars annually. Chicken Corners has had little maintenance, and would respond well to basic delineation of the route, which could be funded partly by its major SRP and tax revenue.

The Lockhart Basin primitive road and all of its western spurs reaching overlooks of Canyonlands National Park are world-class destinations for recreationists seeking a more remote and long outing such as dual-sport motorcyclists and 4WD overlanders. Lockhart provides terrain that is distinct from White Rim in Canyonlands, and it avoid NPS rules, some of which are ill-conceived (e.g. a group-size limit of three vehicles including motorcycles).

South of UT-211, several motorized singletrack and ATV trails climb the Abajo Mountains to offer southeast Utah residents and visitors a respite from the summer heat, and a glimpse of the autumn foliage. More so than most old roads, these trails provide a sense of challenge, flow, exercise, and intimacy with the natural surroundings. The trail system includes Indian Creek singletrack (USFS Trail 021), Shay Mountain singletrack (098), Shay Ridge ATV trail (162), Starvation Point ATV trail (430), Vega Creek singletrack (164), Maverick Point ATV trail (008), Horse Mountain ATV loop (427 to 444), North Long Point ATV loop (423 to 425), and Gooseberry ATV loop (445 to 010). All of these trails can be ridden in a single day by an expert motorcyclist, and they provide a unique way to experience the mountains while viewing the desert, so it's vital to keep all of them open.

Surrounding the Abajo Mountains, the local ATV club SPEAR has adopted many primitive roads that are iconic for motorized recreation. These are just some of the routes that should remain open for OHV riders and for access to non-motorized recreation, camping, hunting, harvesting of wood and gathering of other renewable resources among the many uses of this area by the many components of our American culture.

4. Planning for the expanded BENM shouldn't be done until litigation is resolved.

While the State of Utah and other stakeholders are legally challenging the need and authority of proclaiming a monument that's larger than some other states, the BLM and USFS shouldn't be spending their limited resources on planning. For one thing, the state's case has merit, as Chief Justice John Roberts filed a statement on 3/22/2021 addressing limitations of Antiquities Act authority to "be confined to the smallest area compatible with the proper care and management of the objects to be protected." Critically the act limits protection to "objects of historic or scientific interest that are situated upon the lands," which shouldn't be interpreted to include things like mountain ranges or "cultural landscapes" because those things are the land itself, not "objects... situated upon the lands." Further, concepts like a "cultural landscape" or "spiritual landscape" don't even have discrete boundaries. The 1.36 million-acre boundary simply spans the 90 miles of San Juan County from the Colorado River to the San Juan River. Despite the fact that the Bears Ears Buttes are visible on the horizon from some of this boundary, and despite contorted interpretations of the Antiquities Act, the planning area isn't a distinct landscape, and it's not the smallest area compatible with the proper care and management of any object that congress intended to protect

when passing the Antiquities Act. For another thing, there is simply no imminent threat upon significant resources in the planning area that would depend upon designation of the 1.36 million-acre monument. The resources could use more and better basic management, including site development / maintenance, education, and law enforcement, none of which require overhauling land management plans, and all of which are shortchanged by an expensive planning process that is largely grasping at concepts that are legally dubious.

5. From the outset, scoping needs portray the current management accurately, and portray the affected area in sufficient detail for the public to meaningfully participate.

If the 1.36 million-acre planning area is upheld in court, then the BLM and USFS may commence scoping, but only by starting over rather than propagating the current AMS that incorrectly portrays the plans that are currently in place. Several major inaccuracies are addressed in Parts 8 through 10 of these comments. They give the public a false impression of the status quo, which undermines the planning process thus far, so it should start over. Also the AMS erroneously contends that Presidential Proclamation 10285 requires the agency to change its "no action" alternative, as addressed in Part 11 of these comments. Another reason for planners to go back to square one is because nothing in the ePlanning site adequately conveys the planning area in enough detail for the general public to recognize all of the routes and other resources affected, let alone the layers of management. In the modern era, scoping for an area from the outskirts of Moab to Mexican Hat that involves dozens of spatial layers of resource descriptions and managerial prescriptions should provide an interactive map with such layers, especially since the planning areas encompasses two federal agencies and the widest possible range of settings (from the region's major rivers to its talus slopes above tree line). Not only would developing a draft EIS based only on the current scoping period fail to comply with NEPA, but it would further erode public trust that has mired BENM since its inception over a decade ago as a campaign for Greater Canyonlands and Cedar Mesa national monuments.

6. Existing plans for the 1.36 million-acre area do not interfere with genuine interest to improve conservation.

When the Antiquities Act was established to give presidents the authority to more closely manage objects of antiquity, federal land managers didn't have well-staffed field offices or many other laws granting them sufficient authority. Since then, myriad laws have been created, including the National Environmental Policy Act, National Historic Preservation Act, Archaeological Resources Protection Act, Paleontological Resources Preservation Act, Federal Land Policy and Management Act, Endangered Species Act, and Native American Graves Protection and Repatriation Act to name a few. The USFS's 1986 Manti-La Sal National Forest LMP and the BLM's 2008 Monticello RMP added further protections and layers such as ACEC. The USFS and BLM travel management plans (TMPs) have already closed half of the motorized routes that existed in this planning area, and further restrictions would simply exacerbate management issues. Generally speaking, this planning area doesn't need more restrictions, it needs more basic management. It needs managers to expand and refine the engineering, education, and enforcement that are pillars of sustainable recreation. It's this unsung work, more so than sweeping proclamations or dramatic planning processes, that would actually protect the stated objects and values.

7. Planning for BENM should recognize that the State of Utah is increasing its support of trail work, education, and law enforcement in the planning area.

So long as routes are open to OHV use, they are eligible for increasing support, particularly from the State of Utah. The state's OHV Program currently provides several million dollars for trail work and education, funded by OHV registration fees, so it will keep pace with increases in use. Further the new DNR Division of Outdoor Recreation is

hiring staff to do more trail work and enforcement patrols specifically in southeast Utah. Further, Utah's new Off-Road Vehicle Safety Education Act will require (a) all OHV operators to complete an education course, (b) all ATVs to display license plates for easier identification, and (c) vehicle operators who are convicted of going off-trail to repair their damage through community service. With these additional resources, the BLM and USFS can more effectively implement the current plans and resolve any issues with the status quo.

8. The AMS factually misrepresents the actual ROS zoning in Manti-La Sal National Forest.

The AMS claims ROS categories and boundaries to be current USFS zones when in fact they are merely proposed zones from the 2020 Draft LMP. These draft zones would zone half of the national forest as non-motorized when in fact the current LMP zones only 10% of it as non-motorized. The fact that 90% of the national forest is zoned motorized is particularly relevant because, despite this being the case since 1986, motorized access in the national forest has slowly but steadily decreased. It demonstrates the fact that motorized ROS zones pose no threat to non-motorized recreation.

What's worse, the AMS claims the current ROS boundaries to be even more restrictive than the proposed zones from the 2020 Draft LMP. For example, the proposed ROS zones from 2020 Draft LMP provided a motorized corridor for Shay Mountain Singletrack (098), which is missing from the AMS.

On top of all that, the AMS claims the current ROS categories to be more restrictive than they actually are. Traditional definitions of the semi-primitive non-motorized ROS zone allow motorized routes to be present in a limited fashion, but the AMS definition would make non-motorized ROS zones entirely non-motorized in summer. RWR is prepared to accept the new definition provided that most of the forest remains in a motorized ROS zone, but first the AMS must accurately describe the status quo. Most areas ought to retain a motorized ROS zone because such zones typically have a low density of designated routes, so motorized access is limited to less than 1% of their acreage. In other words, motorized zones are 99% closed to motor vehicles as far as the footprint of designated routes, and non-motorized zones are 100% closed to motor vehicles. Proposal for new routes must survive great scrutiny on almost any federal lands, particularly in a national monument, so motorized ROS zones don't pave the way for motorized routes by any means. The merely leave flexibility for managers to consider their options to the extent that the many other layers of management allow.

This oversight disappoints us in the USFS and BLM alike. RWR has specifically addressed Shay Mountain singletrack and other open routes that would be summarily closed by the false ROS zones on numerous occasions, including:
Manti-La Sal National Forest Land Management Plan (LMP) scoping comments in 2004
Monticello Resource Management Plan (RMP) draft comments in 2008
Manti-La Sal National Forest Land Management Plan (LMP) draft comments in 2020
delivering a copy of the above comments to BENM manager on 11/16/2021

9. The AMS factually misrepresents the actual IRA policy in Manti-La Sal National Forest.

As with ROS, the AMS claims that current IRA policy prohibits motorized travel in the national forest, which contradicts the current LMP (as amended by the Roadless Rule) that's in place. In fact the 2001 "Roadless Area Conservation" rule did not intend to affect current motorized trails or new ones, nor to close the current roads, only to prevent new roads from being constructed in IRAs. Further many Inventoried Roadless Areas (IRAs) contain motorized trails (including ones that are currently designated for motorized use, ones that were historically motorized, and some potential for new ones that are suitable to the given location). For example, the majority of

motorized singletracks designated in the Abajo Mountains are in IRAs. This is entirely consistent with the Roadless Rule because IRAs are roadless, not motorless. As with ROS, the AMS misrepresentation of current ROS policy would summarily close designated routes such as Shay Mountain Singletrack (098). It's just one example of a route for which RWR has submitted comments and met with USFS and BLM staff for nearly two decades, yet the AMS claims that it's closed for multiple reasons, thereby straining the human capacity to continue participating in good faith.

10. The AMS factually misrepresents the actual LWC policy in the Monticello Field Office.

The AMS misrepresents current BLM policy for lands with wilderness characteristics (LWC) that are NOT managed for wilderness characteristics (MWC) to be "managed to minimize impacts on wilderness characteristics while still allowing discretionary uses." Actually neither the 2008 RMP nor the 2020 MMP direct the BLM to minimize impacts to wilderness characteristics in areas that were found to be unsuitable as MWC.

11. The AMS makes baseless claims that Presidential Proclamation 10285 requires changing the "no action" alternative.

The "no action" alternative should live up to its name. First of all, it's required as a baseline for analysis. Second, Presidential Proclamation 10285 doesn't compel such changes. For example, the proclamation doesn't address wilderness characteristics in areas previously deemed unsuitable for MWC. Therefore LWC should be managed as is in the "no action" alternative and, frankly, at least one action alternative since wilderness characteristics ostensibly have nothing to do with monument proclamation.

12. Conclusion

This letter highlighted RWR's greatest concerns but, for more details, please see our addendum.

Sincerely,

A handwritten signature in blue ink that reads "Clif Koontz". The signature is written in a cursive, flowing style.

Clif Koontz
Executive Director

ADDENDUM

Listed above this addendum are Ride with Respect's most urgent concerns about the AMS for BENM, such as the prematurity of a planning process to commence during litigation, which actually undermines the defense of this expansion to 1.36 million-acres when each step of the process seems to forge ahead with additional restrictions at the expense of pragmatic measures that could be taken independent of monument status.

Another urgent concern is the prevalence of glaring inaccuracies in the AMS description of current plans in place, such as ROS, IRA, and LWC policies. It's one thing to propose all of these changes, but it's another to surreptitiously change them and claim that it's been that way since 1986, 2001, or 2008, which dishonors the working relationship that you've built with OHV groups and the State of Utah among others. The inaccuracies have contaminated the current scoping process, and any further planning should start scoping over again.

Yet another urgent concern is the AMS contention that Presidential Proclamation 10285 irrefutably compels the BLM and USFS to make sweeping policy changes before the management plan for the expanded monument is even developed. While the agencies could and should consider changes if the expanded monument is upheld, it should not assume any immediate changes are needed, as a prevailing argument for monument proclamation is often that it simply gives existing protections a higher level of authority and attention.

Indeed, based upon RWR's decades of assisting land managers to gain visitor compliance of the current policies, we sincerely believe that only by resisting the demands of wilderness-expansion groups and their proxies to restrict recreation much further can the BLM and USFS actually improve outcomes. Toward this constructive end, please closely review RWR's additional concerns, which are less urgent yet critical to resolving conflicts.

12.A. The 1.36 million-acre planning area has essentially reached a threshold of the minimum motorized access needed to effectively manage diverse recreation opportunities.

In some cases, route closure is truly warranted, and RWR has assisted federal and state agencies to plan and implement many route closures. However on most public lands where travel is limited to designated routes, including this planning area, the route network has been whittled down to bare bones over the past half-century. Some land managers default to closure as a convenient solution, when in fact excessive closures make it harder to gain compliance and harder to maintain the remaining routes, often displacing issues outside of the planning area. What's more, excessive route closures often undermine education, as recreation is a gateway to learning about and developing appreciation for the surrounding resources.

Reflexive closure isn't management, and no amount of closures would prevent deterioration of cultural sites, as the geographic extent of access or amount of use is rarely an inherent problem. Many routes need to be delineated, and others ought to be rerouted. Mostly they just need the many new users to understand the basics of their chosen activity, the social setting, and natural resources. A few bad apples need law enforcement, but a little law enforcement goes a long way, as news can travel fast in the age of social media. Positive peer pressure and public presence can also be effective, as criminals know that more visitation means more chance of getting caught. Anyone interested in deliberately harming cultural sites would think nothing of breaking rules about motorized travel to reach a site away from other motorized use, but they would think twice about breaking rules where there's a greater chance of someone else coming around the corner, so access can actually protect sites that are actively managed and frequented by an educated public.

12.B. The "closed" OHV area designation is not warranted outside of designated wilderness areas and WSAs in the 1.36 million-acre planning area.

A Nixon executive order directed managers to designate areas as OHV open, limited or closed. Unfortunately the Monticello Field Office and Manti-La Sal National Forest have already eliminated all OHV open areas, despite that some settings like sand dunes and slickrock are suitable for such use, and open areas provide a sort of 'relief valve' for the vast majority of public lands that are limited. Even in areas that are limited, the routes typically occupy a fraction of 1% of the land and they have no quota for access, so they allow managers to close routes without having to designate the area as OHV closed.

On top of these things that apply to most public lands, the original BENM proclamation states "Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects." Since motorized routes would only be added for the purpose of safety or protection of monument objects, why would planners choose to preempt such options by designating an area as OHV closed? Granted, the designated wilderness areas and WSAs in this planning area already prohibit route construction, so it's fine to designate these areas as OHV closed provided that such designation avoids the many motorized routes that are cherry-stemmed out of the wilderness areas and WSA's. For the remaining areas, though, there is simply no compelling reason to designate them as OHV closed. Few routes have been added to the 1991 USFS TMP and 2008 BLM TMP, and it's safe to assume that few routes would be added under monument designation, but rare exceptions could be a critical tool for managers in future.

Remember that motorized route additions could simply comprise of an electric bicycle trail or a slight extension of a road to facilitate ingress and egress or access for the many people with mobility limitations. In an urban setting, disability access is often thought of in terms of wheel chairs. In more remote and rugged settings, motor vehicles are often the only mobility device that's practical, and providing vehicle access eliminates the need to verify who qualifies. These are important legal and ethical factors, and they may not result in any additional routes in IRAs or MWCs, but they should not be made dead-on-arrival by an overzealous RMP.

It would be simply unproductive to categorically prohibit additional routes beyond the designated wilderness areas and WSAs, particularly the laundry list of areas found in preliminary Alternative D of the AMS, which would automatically designate IRA, MWC, or LWC areas as OHV closed. Even worse, Alternative D would designate the following areas as OHV closed:

- i. Areas where OHV use has damaged or is a current or foreseeable future risk to the protection, restoration, and resiliency of BENM objects and values
- ii. Areas where OHV use affects traditional use and cultural setting
- iii. With the exception of existing designated routes, areas within 300 feet of riparian habitat, perennial springs, and other perennial aquatic ecosystems.

It would be impossible to map such areas, or even to interpret such criteria, as they are extremely vague and yet strict. How could managers be expected to objectively decide in which areas OHV use may in future pose a risk (in contrast to existing policies such as "will cause adverse effects") or may affect a "cultural setting" (in contrast to the discrete nature of archaeological sites that are listed on the NRHP)? Couldn't one argue that any area may meet these criteria, rendering them meaningless? When adding motorized routes, avoiding riparian habitats is a great rule of thumb. However, to maintain a low grade for sustainability, motorized routes generally ought to contour hillsides, which often requires crossing riparian areas. Provided that routes cross riparian areas in the most suitable locations and utilize structures like hardened fords or culverts as needed, they don't significantly degrade the area, and in fact the crossings can foster an awareness and sense of stewardship of riparian resources. Also for an RMP to prohibit such additions with a 300-foot buffer at the outset, particularly when the monument

proclamation already requires that such additions improve safety or protection of monument objects, would simply not help future planners who will need to contend with circumstances that cannot be known decades in advance.

12.C. As with OHV area designations, any alternatives developed for an RMP should avoid limiting the addition of motorized routes beyond the severe limitations already made by presidential proclamation.

Of the preliminary action alternatives in the AMS, even the most flexible one still unduly restricts the consideration of adding motorized routes. Preliminary Alternative B states "Future implementation-level travel planning would allow additional travel routes only in frontcountry and semi-primitive roaded zones, and only if the primary purpose is the protection, restoration, and/or increased resiliency of BENM objects and values or for public safety." Even in a backcountry setting, if a route addition might improve public safety or the protection of monument objects, it should be eligible for consideration without having to amend the RMP. RMPs and LMPs are rarely amended to facilitate the planning of a single route, so the compounding effect of all these limitations to travel planning would essentially stunt proactive planning for the life of the RMP.

12.D. Planning for BENM should not reduce the concept of a backcountry setting to mean primitive or non-motorized.

The term backcountry has traditionally been used to convey a less developed setting that requires more self-reliance, but it has not necessarily meant an absence of all development or motorized travel. After all, people have been riding motorcycles and driving Jeeps in backcountry settings for over a century, and quite commonly ever since World War II. If backcountry were meant to be synonymous with the primitive ROS class, then it would simply be called a primitive area, but backcountry is meant to include the semi-primitive motorized ROS class. Backcountry is a useful way of covering all semi-primitive and primitive zones, and we believe that most of it should be zoned motorized, as the majority of acreage in a motorized zone will be non-motorized in practice if current agency plans are any indication.

12.E. The AMS incorrectly portrays the San Juan RMZ area to be currently designated as OHV closed when in fact it's designated as OHV limited, and it should remain so, as OHV limited is consistent with presidential proclamations.

Representation of the San Juan Recreation Management Zone (RMZ) appears to be yet another area in which the AMS has a major factual error. While it's true that the 2020 MMP designated the southwest corner of the San Juan RMZ as OHV closed, it designated the majority of the San Juan RMZ as OHV limited, and this area has several motorized routes that provide prized access to the river. Therefore the "no action" alternative and in fact all the other alternatives should designate most if not all of the San Juan RMZ as OHV limited. After all, there will be plenty of opportunities to close one or more motorized routes there during processes like a monument-wide TMP and any subsequent amendments that are specific to the San Juan RMZ.

By the way, the AMS at one point defines "RMZ" as "resource management zone," but the current definition is "recreation management zone" per the 2020 MMP. Also the 2020 draft LMP uses the acronym "RMZ" to mean "riparian management zone," so any future planning that combines BLM and USFS terminology probably ought to distinguish these terms.

12.F. Minimizing the density of motorized routes, in and of itself, is not an appropriate goal in RMPs.

While the density of motorized routes may correlate with the condition of other resources in some cases, other factors like trail design are much more significant to resource conditions, so RMPs should be developed accordingly. Further, in the 1.36 million-acre planning area, route density is already low, particularly when you consider that routes are typically:

- i. Travelled at speeds much lower than modern highways,
- ii. Used at frequencies much lower than modern highways,
- iii. Narrower than modern highways,
- iv. Screened by topographic features,
- v. Screened by vegetation, and
- vi. Possessing other characteristics that minimize their impact on surrounding areas.

If minimizing route density involves closing routes, it will probably prove costly and ineffective at improving resource conditions. Even if it involves capping the route density, this would prevent rerouting to avoid cultural sites or wildlife habitat since routes tend to be lengthened by reroutes, especially ones to reduce erosion caused by steep and sustained grades. Capping the route density could also hamper the designation of campsites, especially when campsites are clustered for proximity to a toilet, which often calls for a short loop road to be developed. In the AMS, preliminary Alternative D states:

"In OHV limited areas, road density would be minimized, and siting criteria would be identified, especially in important resource areas, to ensure the protection, restoration, and/or increased resiliency of BENM objects and values. Future implementation-level travel planning would not allow designation of additional routes but would focus on refining (as needed) the existing designated route network."

Directing the minimization of route density is a bad idea, as route density is already low, and further reductions just to meet a density goal tend to cause more problems than they solve. Further, Alternative D's sweeping ban adding motorized routes anywhere in the planning area for any reason is dangerously rigid for a general plan that may be in place for decades, given our points in Parts 12.A through 12.C.

12.G. Planning for BENM should not rely on past planning processes that bypass NEPA and clearly lack a willingness or ability to manage for the primary type of motorized travel.

The AMS states "In its 2015 Travel Analysis Report for Subpart A Manti-La Sal National Forest, the USDA Forest Service found that approximately 37 roads (approximately 21 miles) were identified as "likely not needed" in BENM (USDA Forest Service 2015)." USFS and BLM planners must realize that this internal planning process failed to provide public participation, and this failure exposed the agency's lack of willingness or ability to adequately provide for motorized recreation opportunities. By and large, the current TMP across Manti-La Sal National Forest is barely adequate. In many parts of the forest, the agency has wisely ignored non-compliance ever since the TMP was approved in 1991, as the TMP process overlooked existing routes that continue to be important without causing problems. There isn't much mileage for motorized use, particularly off of improved roads, so virtually all primitive roads are of significant value. The 2015 Travel Analysis claims otherwise, so public input is clearly needed, and public input should not be eclipsed by premature use of internal planning documents.

12.H. Planning for BENM must recognize congressional prohibition on buffering wilderness areas.

The AMS states:

"The Peavine Corridor is a narrow, motorized corridor around motorized trails #0089 and #5379 in a cherry-

stemmed section of Dark Canyon Wilderness. This corridor is excluded from the wilderness boundary; however, increased use levels of the corridor are creating impacts to the adjacent designated wilderness through increased erosion and other resource concerns."

Impacts to the adjacent wilderness cannot be used to restrict access given that the Dark Canyon Wilderness was established by the Utah Wilderness act of 1984, which states:

"PROHIBITION ON BUFFER ZONES SEC. 303. Congress does not intend that designation of wilderness areas in the State of Utah lead to the creation of protective perimeters or buffer zones around any wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area."

The USFS should not plan to close or restrict this route for the sake of adjacent wilderness character. Further, Peavine road issues may stem from unnecessarily rigid management of Dark Canyon Wilderness. The anti-buffer language and boundary setbacks are generally provided to allow for reasonable management of the road. Land managers are welcome to lean on its partners for education and maintenance projects to ensure sustainability of the Peavine road, but it must start with management providing reasonable latitude to fix the road in a cost-effective manner.

12.I. Planning for BENM must not automatically convert all LWC to MWC.

In the 1.36 million-acre planning area, MWC areas have been deemed suitable to manage for wilderness characteristics, while the other LWC areas have been deemed unsuitable. In the absence of further review and an extensive public process, the BLM shouldn't be suggesting a wholesale conversion of LWC to MWC. Yet preliminary Alternative D states "Lands with wilderness characteristics: All the lands in BENM that have been inventoried as having wilderness characteristics would be managed to maintain and protect those characteristics." It leaves us with the impression that the agency's suitability determination is subject to change on a whim, or on political pressures despite that none of the BENM proclamations direct the agency to manage for wilderness characteristics beyond what congress already requires. Wilderness characteristics are a questionable construct to begin with, and managing for them can interfere with effective management of forests among other resources, so they shouldn't be shoehorned into a planning process centered upon antiquities.

12.J. Planning for BENM should institute any new kinds of regulation sparingly, and recognize organized and commercial activities as opportunities for partnership.

The AMS preliminary Alternative D states:

"Recreation areas: Management actions would limit the intensity and density of recreational uses across BENM through prescriptive controls (e.g., group size limitations) to protect, restore, and/or increase resiliency of BENM objects and values. This alternative may incorporate requirements to obtain permits for recreational activities in specific situations (e.g., known recreational conflicts with BENM objects and values). Most SRPs would be prohibited."

Given that BENM has been expanded to 1.36 million acres of federal land, new controls should be applied to the most critical areas, not "across BENM." For example, the widespread interest among motorized and non-motorized recreationists in Arch Canyon may warrant some type of new controls, but such controls should not apply to the vast majority of routes across BENM.

The statement "most SRPs would be prohibited" is downright self-destructive. Since SRPs are more regulated, organized and commercial uses are often more responsible than casual uses. Mind you, casual use is still important for many experienced visitors and local residents, and commercial uses still need some regulation. But current SRP

policy is already quite regulated, and both the BLM and USFS should do a better job recognizing the SRP holders as partners. Organized and commercial activity is a key component to ensuring that the 1.36 million-acre planning area can contribute to the local economy in a sustainable manner.

12.K. Planning for BENM should utilize proactive recreation management to protect monument objects and values in the long term.

The AMS preliminary Alternative D states:

"Recreational facilities: Existing recreational facilities would be maintained and improved only as needed to protect, restore, and/or increase resiliency of BENM objects and values. No new recreational facilities would be allowed unless their primary purpose is the protection, restoration, and/or increased resiliency of BENM objects and values."

Requiring any kind of recreational development to have protection as its primary purpose would be a grim and ultimately doomed way to manage recreation across the 1.36 million-acre planning area. By prohibiting recreational developments that aren't primarily for protection even if they would have few negative impacts, it would keep managers in a reactive stance, leading to rampant displacement and a triage pattern of management. With or without monument designation, it's obvious that heavy development is not appropriate in most of the planning area, but recreation management often calls for development that has some negative impacts in the short term to reduce them in the long term. Such expertise is not only beneficial, it's key to getting a handle on 21st Century issues.

12.L. Planning for BENM must adequately assess the socio-economic benefits of motorized recreation, and how it would be affected by any alternatives.

As described in Part 3 of our comments, motorized recreation is a critical component of diverse recreation opportunities, and it must continue to be available across most of the 1.36 million-acre planning area given that it occupies most of San Juan County that's not already occupied by the Navajo Reservation, Canyonlands National Park, Glen Canyon National Recreation Area, or private land. Within motorized recreation, the full spectrum from trials motorcycling to RV camping is vital to the tourism economy and the quality of life among local residents. Wintertime activities are particularly important to support a year-round economy and lifestyle.

Since the 1.36 million-acre planning area covers most of the Abajo Mountains, particularly the part that's less prone to avalanches, it's essential for winter recreation by over-snow vehicles. Snowmobiles have become significantly quieter over the past couple decades, and OHVs are likely to follow in this path, making motorized recreation even more compatible with other uses. Motorized recreationists tend to spend significantly more money than their non-motorized counterparts, tend to be repeat visitors so education campaigns don't have to start from scratch, and tend to come from nearby states which often more than offsets their carbon footprint compared to nationwide or international travelers.

All preliminary alternatives of the AMS, even the so-called "no action" alternative, would hamper motorized recreation. The effects should be thoroughly analyzed, and less severe alternatives should be developed, plus a "no action" alternative that accurately reflects the status quo.

12.M. Collaborative efforts should remain faithful to the congressional directive of public lands to benefit the public as a whole.

The BENM proclamations encourage collaboration with indigenous Americans, which we support particularly when it comes to local voices such as the Aneth Chapter of the Navajo Nation, and especially in regard to cultural sites for which indigenous Americans have unique connections.

While the 1.36 million-acre planning area has literally thousands of cultural sites, the majority of it is not occupied by a site. When it comes to the LMP proposed by the Bears Ears Inter-Tribal Coalition on behalf of the Bears Ears Commission, we have several concerns that depend upon federal agencies to address.

The LMP proposal classifies recreation merely as a threat to monument resources rather than recognizing recreation as vital to all components of American culture and to the physical, mental, and spiritual health of individuals. Concepts like recreation, culture, spirituality, and traditional use overlap. For example, many people of the LDS faith rely on OHVs to experience historic, cultural, and spiritual aspects of Hole-in-The-Rock Trail.

The LMP proposal doesn't acknowledge that the USFS's 1991 TMP and BLM's 2008 TMP dramatically reduced the scope of negative impacts. It proposes to reduce artificial noise in the monument without defining artificial noise or spelling out how such noise would be reduced in the face of increasing use. RWR strongly supports common-sense measures like outfitting vehicles with effective mufflers, lowering engine speed when passing other people and animals, and separating popular campsites and trails by relocating one or the other. However these measures may be offset by continued growth in OHV recreation, in which case overall noise may not be reduced from current levels. Fortunately, we believe that the vast majority of the 1.36 million-acre planning area doesn't have a noise problem, in which case the goal should be to minimize the proliferation of noise rather than reducing it from the current levels in total. Likewise we are concerned about the LMP proposal's other austerity measures including:

- i. Prohibiting OHVs in and around riparian areas (as opposed to simply minimizing impacts),
- ii. Prohibiting new roads (as opposed to simply requiring that they have a protection or safety purpose),
- iii. Prohibiting camping within a half-mile of springs or water sources (as opposed to simply minimizing impacts),
- iv. Restricting bicycle use to motorized routes (as opposed to simply restricting bicycle use to designated routes),
- v. Restricting rock climbing to designated areas (as opposed to simply prohibiting rock climbing at cultural sites).

When wilderness-expansion groups, indigenous groups, and ultimately the presidential administration campaigned for a BENM leading up to the 2016 proclamation, they insisted that monument designation could accommodate OHV riding opportunities. We hope that all parties can work together to make that vision a reality.