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February 23rd, 2016

The Honorable Rob Bishop  
The Honorable Jason Chaffetz  
Attn: Fred Ferguson  
U.S. House of Representatives  
Washington, DC 20515

Dear Representatives Bishop and Chaffetz:

We appreciate the opportunity to comment on your discussion draft of the Utah Public Lands Initiative (PLI). It lays a great foundation to maximize the benefits and minimize the costs for conservation, recreation, and the development of industry where appropriate. In the Twenty-first Century, your proposal is the best attempt we've seen to actually resolve persistent controversies on public lands.

We hope that your next draft will address our concerns to promote responsible off-highway vehicle (OHV) recreation in the long term. Note that they are listed in the reverse order of the discussion draft because this roughly follows our priorities.

1. Long Term Land-Use Certainty (Div. B, Title XIII) - We would prefer that this title prohibit future national-monument proclamations within the seven counties. At minimum, it should prevent large-scale monuments from being proclaimed without endorsement from the state and affected counties. Doing so would prevent egregious overreach via the Antiquities Act, which was intended to protect "historic landmarks, historic and prehistoric structures, and other objects... which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected." In practice, national monuments have severely restricted OHV recreation across millions of acres. Excluding the seven counties from Sec. 2 of the Antiquities Act would still leave land managers with sufficient authority to protect cultural resources.

2. Long Term Travel Management Certainty (Div. B, Title XII) - We support the goal of granting Class B and Class D road claims to the state. To the extent that the road data should be refined, we hope that the PLI will establish an expedited process for the state and federal government to resolve claims. Securing access to Class D roads is important because these routes accommodate the majority of OHV riding.

Additionally, motorcycle singletrack and ATV trails are the most valuable routes to some OHV riders. To secure access to these non-road OHV routes, we suggest adopting a stronger "codification" of routes as proposed by BlueRibbon Coalition in 2013, or else the "no net loss" policy proposed by Grand County in 2015.

In lieu of those approaches, we suggest applying the "CLOSURE OR RELOCATION" language from the Red Rock Country OHV Trail (Div. B, Title IX, Sec. 902(B)) to the Canyon Country Recreation Zones (Div. B, Title VIII, Sec. 803-810).

Also, for consistency, the "CLOSURE OR RELOCATION" language from the Red Rock Country OHV Trail (Div. B, Title IX, Sec. 902(B)) should replace the "CLOSURE OR REROUTING" language from the National Conservation Areas and Special Management Areas (Div. A, Title II, Sec. 204(p)(2)(B) & Title III, Sec. 303(a)(2)(B)), including the Ashley Creek National Recreation and Special Management Area (Div. A, Title VII, Sec. 704(a)(2)(B)).

Finally, we suggest replacing references to "January 1st, 2016" with "date of enactment of this Act" instead, so that current BLM and county agreements to refine the travel management plans are included up to the legislation's date of adoption. The above detailed edits would more meaningfully secure access, provide adequate flexibility for effective land management, and protect against future misinterpretation of the statutory intent.

3. Red Rock Country OHV Trail (Div. B, Title IX) - We appreciate the designation of a long-distance OHV trail to connect Moab with Green River through the Dee Pass Recreation Zone, with Grand Junction through the Utah Rims Recreation Zone, and with Monticello through the Cameo Cliffs Recreation Zone. In particular, the construction of singletrack and doubletrack options would create a high-quality recreation and tourism opportunity for OHV and even non-motorized recreation. Our highest priority is to preserve the currently-designated routes, which are typically ridden as day loops. Nevertheless, overnight trips are increasingly popular, and new routes can be designed with the specific purposes of sustainability and satisfying a diversity of trail users.

4. Canyon Country Recreation Zones (Div. B, Title VIII) - We appreciate the designation of zones to preserve and promote all kinds of recreation.

For the Klondike Recreation Zone, we accept that a purpose can be to "provide for the construction of new non-motorized trails" even though it leaves out new motorized trails. That said, the zone's management should allow for the construction of new motorized trails (Div. B, Title VIII, Sec. 806(2)(D) & 806(3)(A)(iii)) so that a Red Rock Country OHV Trail can be designated away from the mountain bike trails, most likely west of Little Valley. Otherwise the route would utilize Little Valley Road, fostering needless crowding or conflict. Allowing for the construction of new motorized trails, without making it a purpose of the Klondike Recreation Zone, would provide managerial flexibility to the benefit of all kinds of recreation.

For the Dee Pass, Utah Rims, Yellow Circle, and Cameo Cliffs recreation zones, a purpose should be to provide for energy and mineral leasing and development, rather than to promote it (Div. B, Title VIII, Sec. 809 & 810). While we agree that these recreation zones can accommodate both OHV recreation and resource development, they are key areas for non-road OHV trails. Relocating these trails can be done as needed for development to feasibly access the resources. However OHV use would be at risk of outright displacement by a stated purpose to promote energy and mineral leasing and development.

The Yellow Circle Recreation Zone could benefit multiple kinds of recreation, such as 4WD rock crawling around the Yellow Circle Mine and trials motorcycling around upper Kane Creek. To do so, the boundaries should be shifted approximately one mile north-northwest. (See enclosed map and shapefile.)

Likewise, the northern half Cameo Cliffs Recreation Zone should be shifted approximately one mile west-northwest. (See enclosed map and shapefile.) In both cases, this shift will bring the recreation zone closer to OHV staging areas and further away from private property without increasing the recreation-zone acreage.

5. Land Conveyances (Div. B, Title VI) - We appreciate the conveyance of Sand Flats Recreation Area (SFRA) to Grand County, as we are confident that the county could manage this area profitably without significantly raising the fees for casual recreation access or significantly impacting natural resources.

However, the conveyance should cover the entire Sand Flats Recreation Area as currently designated by the BLM. Primarily this means extending the boundary west to encompass Slickrock and Hell's Revenge Trails. Second this means extending the boundary north to encompass spurs of Fins And Things and Porcupine 4WD trails. Third this means extending the boundary south to maintain the potential for development of non-motorized trails. However, the quarter-section of SFRA that crosses Mill Creek Canyon may be designated as part of a Mill Creek Canyon Wilderness, which would reduce the total acreage of conveyance to 6,068.

If SFRA is not conveyed to Grand County, then it should be designated as another Canyon Country Recreation Zone. This recreation designation would be more appropriate than an NCA designation, due to the area's high concentration of popular OHV routes. Of course the area should continue to be conserved for its natural quality. Nevertheless, recreation is already SFRA's dominant use, and any area designation should reflect that fact.

6. Goblin Valley Cooperative Management Area (Div. B, Title II) - We support the cooperative agreement for Utah State Parks to manage recreation around Goblin Valley. Similar to Sand Flats Recreation Area, Goblin Valley hosts a high density of OHV trails and campsites that have become increasingly popular. Therefore the area of this Cooperative Management Area (CMA) should be left out of a San Rafael Swell NCA. Instead the area of this CMA could be designated in similar fashion to the Canyon Country Recreation Zones.

A purpose of the Goblin Valley Recreation Zone (or other name) should be to "promote outdoor recreation, such as off-highway vehicle use, mountain biking, rock climbing, and hiking." Utah State Parks should develop a management plan that "provides for recreational opportunities to occur within the Goblin Valley Recreation Zone including, biking, hiking, off-highway vehicle use, including motorcycling, ATV riding, and four-wheeling, and rock climbing" and that "provides for new route and trail construction for motorized and non-motorized use to further recreational opportunities." New routes are needed primarily to improve connectivity of the existing system of singletrack and doubletrack trails.

7. School Trust Land Consolidations (Div. B, Title I) - Particularly to motorcyclists, the Dee Pass Recreation Zone covers one of the most important OHV trail systems in all of Utah. Although our member clubs have developed a good working relationship with Utah's School and Institutional Trust Lands Administration (SITLA) on its existing properties, the agency's mandate maximizes revenue for its beneficiaries, which is not always in line with the public's recreational interests. For us to support SITLA trading into the Dee Pass Recreation Zone, the PLI should grant easements for the OHV trails to Utah State Parks. Likewise, we would prefer to make the same arrangements for SITLA trading into the Cameo Cliffs Recreation Zone.

The easements can be relocatable to provide SITLA with the flexibility needed to develop its property. However, relocations should create an equivalent recreational experience that provides (i) opportunities for scenic vistas, (ii) challenging terrain for off-highway vehicle travel, and (iii) connections to other existing trails. The easements should be permanent, and easement fees should be consistent with SITLA's current fee structure. Any use fees associated with this trail system should go toward maintenance or improvements of the trails and associated facilities, not toward law enforcement or administration. Finally, these same terms should

be available for future easements of new trail proposals, which SITLA should consider on a case-by-case basis.

Given these easements, we generally agree on the SITLA exchange locations, with three exceptions. First, the area of Lost World Butte and Tombstone Rock is remarkable for its rock climbing, iconic scenery, and springs that feed Tenmile and Spring canyons. Since it's less suitable for development, at least six sections should be excluded from SITLA trade-in.

Similarly, the northwest corner of the Klondike Recreation Zone is an area where Grand County and the BLM have constructed bicycling trails and related facilities. Due to these significant investments for mountain biking, at least three sections should be excluded from SITLA trade-in.

Finally, the Sovereign Trail System offers the only actual ATV trails or motorized singletrack within twenty miles of Moab. Currently the state is managing it well, but if Utah proposes to trade out of most of Sovereign Trail, then we would prefer that Utah trade out of all of it so that management will remain consistent across the trail system. Excluding the U.S. 191 corridor up to a half-mile eastward, which SITLA can retain for real-estate development, at least seven sections should be added to the SITLA trade-out.

8. Arches National Park Expansion (Div. A, Title IV) - The proposed park expansion would cover five 4WD routes of particular importance, which are Klondike Bluffs, Dry Mesa, Winter Camp Ridge (to the overlook of Salt Wash), The Highlands (pipeline to the overlook of Salt Wash), and The Eagle's Nest (from reservoir northwest of Long Valley to overlook of Salt Valley). (See enclosed map and shapefile.) Legislation should direct NPS to permit motorized use of these routes by the general public. Further, the NPS currently prohibits OHV use of any motorized routes in Arches, even if the OHVs are "street legal." Therefore we would prefer that legislation direct NPS to permit OHV use of these routes by the general public.

9. Special Management Areas & National Conservation Areas (Div. A, Title III & II) - We appreciate the inclusion of motorized recreation as a purpose of the SMAs and NCAs (Div. A, Title III, Sec. 302(A) & Title II, Sec. 203(a) & 206(b)). However, the term "motorized" should be replaced with "off-highway vehicle" so that it's not misinterpreted to mean only automobiles and motorcycles, or only improved roads.

To further ensure the inclusion of OHV recreation as a purpose in the SMAs and NCAs, their resource advisory councils should include positions for an OHV representative. This representation is particularly important for the Bears Ears, Labyrinth Canyon, and San Rafael Swell NCAs.

It should be noted that OHV routes designated in the San Rafael Swell stem not only from the 2008 Price Field Office RMP, but from the 2003 San Rafael Swell Route Designation Plan, which actually began in 1992. This exhaustive decade-long process is the reason why a San Rafael Swell NCA should adopt the BLM's current "travel management plan" rather than rehashing the issue. Further, within a San Rafael Swell NCA, there are three OHV routes that would be bound by wilderness designated on both sides. The Eva Conover Road, Devil's Racetrack, and Fix-It Pass should be specified as priority trails, which shall remain open for OHV use.

While it may be a fair generalization that new roads should not be constructed in SMAs or NCAs, these designations should not prohibit road construction outright (Div. A, Title III, Sec. 303(c) & Title II, Sec. 204(p)(3)). For example, to reduce the negative impacts of dispersed camping, managers often install a vault toilet and develop campsites in close proximity. Technically, the resulting campground loop is a road, which would be prohibited by the PLI draft language. This rigidity would be especially problematic due to the large size of NCAs such as Bears Ears, which would stretch from the Arizona border to within five miles of Moab.

Likewise, while mitigating negative impacts of OHV routes is an important responsibility of land managers and trail users, SMA or NCA designation should not require management that "minimizes conflict with sensitive habitat or cultural or historical resources" (Div. A, Title VII, Sec. 704(a)(2)(ii) & Title III, Sec. 303(a)(2)(A)(ii) & Title II, Sec. 203(p)(2)(B)(ii)). There has been a flurry of litigation focusing on the "minimization duty" originally described in Executive Orders issued during the Nixon and Carter administrations, and we believe it would be unwise and unnecessary to create a perceived connection to that terminology. Preservation advocates have broadly interpreted "minimization" in a manner that has unfortunately been embraced in at least some courts, hamstringing effective OHV management, threatening route closure, and adversely impacting public access. Therefore we suggest replacing the minimization language with that of the Canyon Country Recreation Zone (Div. B, Title VIII), which states "allows for adjustment to the travel management plan within the regular amendment process."

We appreciate the attempt to release NCA and Recreation Zone lands from perpetual wilderness review (Div. A, Title II, Sec. 204(n) & Div. B, Title VIII, Sec. 803(n)). Thus far, these reviews have changed forms as agencies develop new ways to manage areas as wilderness by another name. Please consider adding another part to both of these subsections, which would affirmatively state that NCA and Recreation Zone lands shall be managed for multiple uses, including OHV recreation. Also we request that you add a similar "WILDERNESS REVIEW" subsection to the general provisions of SMAs (Div. A, Title III, Sec. 303).

10. Wilderness (Div. A, Title I) - Wilderness designation is often not the most effective tool to conserve recreation opportunities or even natural resources. However, in the spirit of compromise, we will suggest modest adjustments to the PLI draft's wilderness boundaries. First and foremost, Labyrinth Canyon was not proposed as wilderness by the Grand County Council in 2014 or 2015. If Labyrinth must include wilderness, it should be south of Spring Canyon Road. Rather than having a wilderness boundary that's one mile from the Green, the boundary should follow currently-designated routes. Most of these routes should be excluded from the wilderness, but we are open to discussing specific route closures such as the route downstream of Spring Canyon and the route up Hell Roaring Canyon, which are currently proposed for seasonal closure (Div. B, Title XII).

Also regarding the seasonal closures, the PLI draft's GIS data for Dead Cow Loop should not include the northern and southern spurs, as our member clubs have already worked with the BLM to plan and implement the closure of these routes. The PLI map also appears to close lower Tenmile Canyon year-round. We request that it remain open, at least from Labor Day to Memorial Day, as is proposed for Dead Cow Loop and Hey Joe Canyon. Note that, north of Spring Canyon Road, Labyrinth Canyon and its major tributaries could be designated as an NCA. However, as with any wilderness boundary south of Spring Canyon Road, an NCA north of Spring Canyon Road should not have a boundary that's one mile from the Green. Rather it should follow currently-designated routes, which would reduce the area of protective designation by only a few-hundred acres at the north end (near Dead Cow Loop).

There is no other part of Grand County that's more valuable for OHV recreation than the east side of Labyrinth Canyon. Seasonally restricting routes along the river, designating wilderness south of Spring Canyon Road, and designating an NCA north of Spring Canyon Road represents the limit of what OHV riders would accept.

Likewise, for OHV riders to accept a Beaver Creek Wilderness, the boundary would need to be drawn around three valuable routes south of the Dolores, which are South Beaver Mesa, Polar Mesa, and Sevenmile Mesa (to the overlook of Dolores River). (See enclosed map and shapefile.) That way, OHV riders could follow relatively-primitive routes to view a Beaver Creek Wilderness from all of its sides.

Also we request that the boundary of a Desolation Canyon Wilderness be drawn along the north side of Left Hand Tusher Canyon and the 4WD road that overlooks Swasey's Rapid. (See enclosed map and shapefile.) This would exclude the roughly seven-thousand acres that lie south of these routes from wilderness designation, but these areas are not currently WSA's or managed for wilderness characteristics. Doing so would allow continued use of Left Hand and the overlook of Swasey's Rapid, which are some of the only Bookcliff routes in Grand County that offer OHV riders a trail-like opportunity. Further, the small areas south of these routes could accommodate non-motorized trail development, which would provide a positive economic impact to the city of Green River.

Since Arches and Canyonlands national parks are not developed any more than the surrounding BLM lands, we see no reason why the parks should be exempt from wilderness designation. However, as with BLM land, wilderness boundaries within parks should avoid developments such as roads and trails that require mechanized use for maintenance. Further, wilderness boundaries should avoid potential corridors for future transportation or recreation needs to meet the dual-mandate of the NPS Organic Act.

In response to the PLI discussion draft, preservation advocates have criticized the wilderness, NCA, and SMA language that they argue would create loopholes for industrial use. We understand that much of this language is intended simply to ensure effective management of wildfire, wildlife, and similar resource concerns. Nevertheless we hope that you can refine this language to be compatible with the principles of a given area designation.

Although agreement among all stakeholders has yet to be reached, we commend the Utah delegation for coming a long way toward whittling previously-insurmountable issues into details that can be worked through. Please feel free to discuss these recommendations with us. We consider this effort a top priority, and we will take all necessary means to provide timely feedback and support to advance a PLI consistent with our above-stated discussion.

Sincerely,



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Yellow Circle and Cameo Cliffs recreation zones [map]  
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Arches-Desolation-BeaverCreek OHV routes [map]  
Arches-Desolation-BeaverCreek OHV routes [shapefile]