

April 26, 2021

Submitted through the BLM EPlanning Website on the BLM National NEPA Register, and via email

ATTENTION:

Moab Field Office

Canyon Country District

Bureau of Land Management

blm_ut_mb_comments@blm.gov

*RE: **Public Scoping Comments by Ride with Respect, Colorado Off Highway Vehicle Coalition and Trails Preservation Alliance** concerning the BLM's Labyrinth Rims/Gemini Bridges Travel Management Plan Environmental Assessment, DOI-BLM-UT-Y010-2020-0097-EA*

Dear Sir or Madame,

Introduction and Background of the Commenting Rider Groups

Ride with Respect (RwR), Colorado Off-Highway Vehicle Coalition (COHVO) and Trails Preservation Alliance (TPA) (collectively “the Rider Groups”), by and through their undersigned counsel, appreciate this opportunity to submit the following scoping comments in the above-referenced Labyrinth Rims/Gemini Bridges Travel Management Plan (TMP) environmental assessment (EA) process.

The Rider Groups have been involved in discussions regarding access to areas in the TMA for decades both in travel plans and resources management plans. COHVCO and TPA are signatories to the subject 2017 Utah Statewide TMP Court Settlement Agreement. They along with RwR have been active advocates in the Labyrinth Rims/Gemini Bridges TMA. Specifically within this area, since 2008 RwR has contributed several-thousand hours of high-quality trail work to assist BLM in implementing and refining its travel plan. With many volunteers who were also part of COHVCO and the TPA, RwR has blocked-off closed routes, delineated the open routes, repainted blazes on slickrock, and installed hundreds of signs, dozens of fences, and a half-dozen cattle guards. With grants from the Utah OHV Program, they implemented a dozen major reroutes to move trails away from sensitive resources with a design that

promotes sustainability, safety, and the satisfaction of various trail users. Reevaluating the whole travel plan has actually sidetracked the site-specific progress that we have made. However RwR intends to continue assisting the BLM, and the Utah OHV Program now offers five times more grant funding for trail work and related projects, which comes from the dedicated and reliable revenue stream of OHV registrations.

In the view of the Rider Groups, the Moab area continues to be a global destination for the motorized community. Given the significant restrictions to motorized usage throughout the Moab Field Office, combined with the significant expansion of visitation, there is a definite need to keep the existing motorized travel routes in the TMA open to public use.

Scoping Comments

I.

Rider Groups incorporate by reference the written scoping comments in this submitted April 25, 2021 by Off-Road Business Association, One Voice, United Four-Wheel Drive Association, and United Snowmobile Alliance, and reiterate the following points from those comments among others:

1. The EA should consider at the landscape level the many opportunities for solitude and non-motorized recreation that already exist throughout the Moab Field Office planning area, before considering whether any such additional areas should be designated within the Labyrinth Rims/Gemini Bridges TMA at the expense of existing motorized roads and trails already there.

2. Even in the immediate vicinity of the TMA, there are newly designated opportunities for the highest levels of solitude and quiet recreation by virtue of the newly designated 54,563 acre Labyrinth Canyon Wilderness area directly to the west of the TMA. The EA should take this into consideration.

3. The EA should also examine the extent of non-motorized recreational opportunities that exist in the two large national parks available on the Moab landscape. The 77,000 acre Arches National Park is immediately adjacent to the east of the planning area and 338,000 acre Canyonlands National Park is immediately adjacent to the south of the planning area. Of course motorized usage is entirely prohibited or heavily restricted by Federal law in these Parks. While there is motorized access *to* Canyonlands, this access is exceptionally limited as the Park expressly aims to provide a back-country experience on almost 90% of its acreage. The EA therefore should take into consideration the vast opportunities for non-motorized recreation in these two National Parks.

4. Portions of the Green River that bound the TMA to the west were designated by the Dingell Act of 2019 as a scenic segment or segments in the National Wild and Scenic River system. As such, the river shorelines are to be managed as largely primitive and undeveloped *though accessible by roads*. This is in contrast to a possible Wild designation in the Wild and Scenic River system, under which road access would have been prohibited. The BLM should take special care in scoping this EA to ensure an alternative to protect existing road access to the Green River in the TMA, especially when considering that existing motorized road access to the River is already significantly lower than historically provided.

5. The scope of the EA should include careful review and compliance with the 2008 BLM Moab Field Office Resource Management Plan (“RMP”). Simply put, the Labyrinth Rims/Gemini Bridges TMP should be a tool to apply existing RMP goals and objectives and are not the basis for significant landscape level changes that would conflict with the RMP. While the RMP closes 22% of the Moab Field Office planning area to motorized usage, the RMP specifically identifies the area covered by the present TMP rea as a *motorized expansion area*. Accordingly, the Labyrinth Rims/Gemini Bridges TMA general is the most appropriate in the Moab Field Office planning area for motorized use.

6. The scope of the EA should include the fulfillment of facilities goals and objectives for the Labyrinth Rims/Gemini Bridges Special Recreation Management Area (SRMA) set forth in the 2008 RMP. These SRMA goals and objectives are specifically identified in the RMP as follows:

“Potential Future Facilities:

- Bartlett Campground: camping in this area would be restricted to this campground.
- Big Mesa Campground: camping in this area would be restricted to this campground.
- Blue Hills Road OHV Trailhead.
- Courthouse Rock Campground, camping in this area would be restricted to this campground.
- Cowboy Camp Campground, camping in this area would be restricted to this campground.
- Monitor and Merrimac Bicycle and OHV Trailhead relocation.
- White Wash Sand Dunes OHV Parking and Camping Area.
- Gemini Bridges Parking Area and Trailhead.”¹

The Moab Field Office has made progress on some of these goals. The scope of the present EA should consider employing all means necessary to make progress toward completing all of these goals.

8. It should be noted that the foregoing facilities related goals of the RMP, for which the current EA’s scope should provide and include, are inconsistent with an imaginary need to convert the use of the TMA for solitude non-motorized recreation. To the contrary, in the 2008 RMP final environmental impact statement, recreational access for multiple use was highlighted as part of the overall strategy for the Moab Field Office as follows:

¹ See, Moab FO RMP FEIS 2008 at pg. 2-23

“3.11.2.5 DEMAND FOR FACILITY DEVELOPMENT

In the past 15 years, the MFO has constructed and maintained a variety of recreation infrastructure. However, the present level of facility development is still not sufficient to meet the needs of the recreating public, nor is it sufficient to protect resources from the recreating public. Areas within the Grand ERMA that are receiving heavy visitation and camping use will require facilities such as camping areas, toilets, information kiosks, marked routes and parking areas in the very near future. These areas include the Utah 313 corridor, the area northwest of Moab known as Labyrinth Rims/Gemini Bridges (including Ten Mile Canyon and White Wash Sand Dunes), the Bartlett Wash/Mill/Tusher Canyon areas, Klondike Bluffs, Bar M, areas south of Moab, Utah Rims, and Kane Creek Crossing area. It is reasonable to expect that, in the next 15 years, recreation facilities construction will continue to be needed, although the pace of construction is expected to lessen. With visitation to BLM administered public lands around Moab continuing to increase (and with the need for additional facilities already extant with the present visitation), facilities to provide for these visitors must keep pace in order to protect the land and to provide for human sanitation. Current use levels continue to produce degradation of resources, and additional facilities are needed to accommodate visitation and stabilize resource values. Examples of demand-driven development include: 1) providing camping facilities where dispersed camping activity exceeds capacity, or 2) providing marked OHV or bike routes when numbers and types of users change so that route marking can maintain public safety and protect resources. In addition, providing for vehicular users often requires building parking lots, trailheads and toilet facilities.”²

9. The scope of the EA should consider in detail how BLM’s ongoing management of existing roads and trails has significantly reduced conflicts between motorized use, and mechanized and non-motorized use. Documenting these historical facts in the EA, about how current management is generally working to resolve such

² See, Moab Field Office 2008 RMP FEIS at pg. 3-90.

conflicts, justifies the preservation if not the reasonable expansion of motorized routes and specific other motorized related access goals in the TMA.

10. The scope of the EA should ensure that minimization criteria are applied correctly to address user conflicts. In particular, for the reasons stated in the April 25, 2021 scoping comments submitted in this matter by Off-Road Business Association, One Voice, United Four-Wheel Drive Association, and United Snowmobile Alliance, the BLM should eschew the incorrect interpretation of minimization criteria foisted by the Wilderness Society in its publication entitled, *“Achieving Compliance with the Executive Order “Minimization Criteria” for Off-Road Vehicle Use on Federal Public Lands: Background, Case Studies, and Recommendations and Travel Analysis Best Practices: A Review of Completed Travel Analysis Process Reports.”*

11. The scope of the EA should include and provide for multiple alternatives for addressing and minimizing user conflicts, requiring that any assertions of user conflicts be documented in the scientific process; instead of just accepting wholesale assertions of conflicts and applying a simple closure/no closure binary alternative and analysis for addressing such conflicts. More details on the science of imagined user conflicts and ways to address them are set forth in the above-referenced scoping comments of Off-Road Business Association, One Voice, United Four-Wheel Drive Association, and United Snowmobile Alliance.

II.

Rider Groups submit the following additional scoping comments:

12. Labyrinth Rims/Gemini Bridges may be the most high-profile TMA of the 2017 Court settlement agreement because it includes Easter Jeep Safari routes like Rusty Nail, Where Eagles Dare, and Hey Joe Canyon along with less-popular 4WD routes that provide a more primitive opportunity. The prized network of motorized singletrack includes Cow Freckles Trail, Dead Cow Loop, upper Red Wash routes, and a couple singletracks that reach Crystal Geyser. Local leaders support improving OHV links to

Green River for tourism. Careful consideration toward preserving motorized use of these areas should be included in the scope of the EA.

13. Another important scoping aspect is to include in the EA, consideration of all existing routes on the ground in addition to all currently-designated routes. Consideration of all existing routes on the ground should not be delayed or postponed. Otherwise it may be unduly difficult for the BLM to demonstrate minimization when their baseline is the current designated routes as opposed to all the existing routes, which is essentially what the baseline was in 2008 prior to approval of the current travel plan.

14. To put the roads and trails baseline point more specifically, the Labyrinth Rims/Gemini Bridges Rims EA should define its baseline as all the routes inventoried and analyzed by the 2008 RMP (including the 2003 Trails of Dubinky map by Bookcliff Rattlers Motorcycle Club (BRMC)) in addition to routes submitted by RwR but not analyzed by the BLM.³

15. In support of the foregoing point, the 2017 court settlement agreement states that the existing TMPs will remain in effect until the BLM issues new TMPs for the twelve TMAs. However it does not state that the existing TMPs will become the baseline for analysis of the new TMPs. Since the 2017 settlement agreement essentially directs the BLM to revisit eleven parts of the 2008 TMPs, the appropriate baseline would

³ In 2003 RwR submitted the Copper Ridge Motorcycle Loop, but the BLM rejected the data as being redundant with the BRMC data despite the fact that the BRMC data was entirely west of U.S. 191 while the RwR data was entirely east of U.S. 191. In 2007 RwR submitted several more Dubinky routes that the BRMC data had missed in 2003. After all, the BLM had provided only two months—November and December of 2003—for the public to submit route data across the entire field office, most of which was covered in snow during the second month. The routes submitted by RwR in 2003 and 2007 were never considered for designation by the BLM; they deserve consideration in the Labyrinth Rims/Gemini Bridges Rims EA. At the very least, they should be part of the baseline for analysis in the Labyrinth Rims/Gemini Bridges Rims, as all of them existed prior to the area being limited to designated routes.

be the one that was used to develop the 2008 TMPs in the first place, which is the No Action Alternative of the 2008 FEIS. In other words, to revisit the eleven parts of the 2008 TMPs, we must consider the motorized-travel policies that existed prior to the 2008 RODs.

16. Consistent with the two previous points, the EA should provide for one alternative to include all the existing routes (or at least all of the ones considered prior to the 2008 travel plan). That would amply show how much minimization the BLM has already done through the closure decisionmaking done as part of the 2008 ROD. At the very least, the EA should acknowledge the amount of routes inventoried by the BLM and others like RwR prior to 2008.

17. The EA should be properly scoped to recognize that the 2019 Dingell Act prohibits buffering wilderness areas. Accordingly, even though Labyrinth Canyon Wilderness is close to the Labyrinth Rims TMA, its proximity does not justify further restrictions in TMA areas adjacent to the Wilderness area. This anti-buffering legislative purpose would be improperly undercut were the BLM to give into pressure to curtail public motorized in the TMA adjacent to the Labyrinth Canyon Wilderness.

18. In any event, recreationists seeking solitude within the TMA can consistently find it in the undulating terrain of this canyon country. They may even find it on motorized routes, as protecting the resource of a high mileage of routes reduces the frequency of motorized use on any given route. Further Rider Groups have supported minimum-impact education and reasonable sound standards (such as a limit of 96 dB by SAE J1287 for off-highway motorcycles, which is already law in Colorado) to largely eliminate excessive sound.

19. Extending from Dubinky Well to the city of Green River is the Dubinky trail system, primarily composed of motorized singletrack. BLM-sanctioned motorcycle races that took place there throughout the 1970s and 1980s, and use has multiplied in each subsequent decade. This increased demand for trails warrants adjusting the scope of the EA to provide for increasing the supply of designated trails in the Dubinky trail

system, as decreasing the supply would only concentrate and exacerbate negative impacts.

20. The importance of adhering to the 2008 RMP and using the current EA as a tool to further implement the 2008 RMP, has already been stressed above. Here are some more particulars to include in the scope of the EA in the name of honoring the 2008 RMP:

- The 2008 RMP designated Labyrinth Rims/Gemini Bridges Rims as a SRMA, and it includes the OHV focus areas of Dee Pass Motorized Trail Area, White Wash Sand Dunes Open OHV Area, and Gemini Bridges / Poison Spider Mesa Backcountry Touring Area. The EA should be properly scoped to protect those RMP sanctioned uses.

- The 2008 RMP also rejected some pressure from wilderness-expansion groups to close hundreds of miles of routes in the Labyrinth Rims/Gemini Bridges Rims TMA that have been left open since then. The wilderness-expansion groups continue to pressure land managers, but their position generally continues to be unjustified. We ask the BLM to show more of its work as needed, but not to capitulate to the threat of sue-and-settle tactics, as Rider Groups stand ready to continue to defend travel plans that provide OHV opportunities.

21. The EA should be scoped to consider this important socio-economic resource value: OHV recreation is without question a major component of Moab's tourism industry, and OHV riders tend to spend more per day than other recreationists. Putting this important socio-economic value in context, the 2008 RMP's conversion of motorized recreation in the TMA from open cross-country or existing routes to designated routes (with the minor exception of White Wash Sand Dunes) means the surface impact to the land is less than 1% of the Labyrinth Rims/Gemini Bridges Rims TMA.

22. Comprehensive travel planning should obviously consider adding routes along with subtracting routes from the current TMP. Only when planners consider both options can they identify creative solutions. The 2017 settlement agreement does not direct the BLM to limit its scope to existing routes, let alone to currently-designated routes. If the BLM chooses to limit the Labyrinth Rims/Gemini Bridges Rims EA's scope to existing or currently-designated routes, as was done in the Canyon Rims EA, it should exercise great caution when considering the closure of any routes. Subsequent travel planning may determine that an existing route has potential value, for example, when an unremarkable spur route is extended to create a looping opportunity that organizes travel. Closing that spur in the interim would require field work to get compliance, followed by NEPA work to reopen it along with the extension, so it makes more sense to just leave the spur open on account of its potential use.

23. When it comes to routes that are currently designated open, the EA's scope should recognize that any lack of positive evidence of on-the-ground motorized use does not necessarily mean that:

a. The routes have received no OHV use in recent years (as some terrain is prone to disguising evidence of use),

b. The routes have no current value for OHV use (as a lack of use could be due to a lack of wayfinding signs),

c. The routes have no potential value for OHV use (as the amount and types of recreational use increases), or

d. Use of the routes would cause significant adverse impacts (as some routes are essentially innocuous).

24 Consistent with the two previous points, the EA's decision matrix should put the onus on requiring justification before closing any existing route, rather than requiring justification to keep an existing route open.

Sincerely,

/s/

Mark Ward, Legal Counsel
BALANCE RESOURCES

For and On Behalf Of:

Ride with Respect
A Utah Nonprofit Corporation

Colorado Off-Highway Vehicle Coalition and
Trails Preservation Alliance
Colorado Nonprofit Corporations and Signatories to
the 2017 Settlement Agreement