

**United States Department of the Interior
Bureau of Land Management**

**Decision Record
Environmental Assessment
DOI-BLM-UT-Y020-2016-0031 EA**

April 2017

**The Recapture Canyon ATV Trails System,
San Juan County, Utah**

Location: San Juan County, Utah

Applicant/Address: San Juan County
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P.O. Box 7
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DECISION

It is my decision to approve a mixed trail system that provides a wide range of recreational opportunities for ATVs and full size vehicles, mountain biking, horseback riding, hiking, and viewing and visiting cultural sites. Specifically, my decision is to allow the construction of trail segments 1, 3, 4, 5, 6, 7, 8, 9, and 10 as analyzed in Alternative C, and to manage segment 2 for non-motorized use as analyzed in Alternative E in the Recapture Canyon ATV Trails System Environmental Assessment (EA) (DOI-BLM-UT-Y020-2016-0031-EA) and to construct three trailheads. Under this decision, motorized use will be allowed in some areas, but there will be no motorized access or trail construction within the canyon south of the Canyon Bottom Trailhead. This decision includes the designation of 6.8 miles of motorized trail, 5.6 miles of which will be for ATV use and 1.2 miles of which will accommodate full size vehicles. The Monticello Field Office (MFO) Travel Management Plan will be amended to incorporate these designations.

The ATV trail segments (3, 4, 6, 7, and 10) will be for vehicles 65 inches wide. The full-size vehicle trail (segments 1, 5 and 8) will be 14 feet wide and the non-motorized trail (segment 9) will be 18-inches wide.

Three trailheads will be constructed: the Lems Draw Trailhead, the Canyon Bottom Trailhead and the Browns Canyon Trailhead. The trailheads would consist of parking and staging areas where people, vehicles, equipment, and material may assemble for trail use. Authorized trailhead development includes toilets, tables, benches, and kiosks which would provide trail maps, along with informational and interpretive material, and educational material on archeological site etiquette as well as restrictions on the collection of paleontological material.

This decision will allow the San Juan County Water Conservancy District to continue to use the pipeline access road for maintenance of the pipeline authorized under a right-of-way (BLM ROW UTU-42412) issued to the District in 1986.

Prior to, or as part of initial development or improvement to existing routes, the BLM will conduct restoration work on six cultural sites identified in a damage assessment report prepared in 2007 that evaluates the impact of unauthorized trail work undertaken in 2005. In addition, six sites outside the Project Area have been included in the Historical Properties Treatment Plan. Restoration will include surface stabilization treatment of the sites to slow or stop future natural or human caused impacts.

It is also my decision to lift the 1,871-acre closure order within Recapture Canyon following completion of the restoration work necessary both inside and outside the Project Area.

Erosion control measures will be applied along all segments of unauthorized trails, closed trails, or abandoned segments of trail associated with route relocation on a site-specific basis. Mitigation will be required for 0.03 acres of riparian habitat in the Lems Draw area that would be directly disturbed by trail construction. To mitigate the loss of habitat, the BLM will complete a one-to-one riparian mitigation project in the Lems Draw trail crossing area. Although this decision provides a mixed use trail system including motorized ATV use, it does not approve an ATV trail through Recapture Canyon south of the Canyon Bottom Trailhead. It also does not approve the construction or maintenance of a non-motorized trail through the canyon bottom, but the area would be open to hiking and equestrian use.

In addition, it is my decision to deny San Juan County's application for a right-of-way (ROW) for an ATV trail system under Title V of the Federal Land Policy and Management Act of 1976 (FLPMA). The BLM will be responsible for funding, constructing, signing, and monitoring use of the trail system. The BLM will encourage the County to enter into a partnership to provide technical and financial support and use of equipment to construct and maintain the authorized trail system. Most of the cultural resource sites that will be monitored under the Cultural Resources Programmatic Agreement (EA Appendix A) are within the canyon bottom. Because a Title V ROW will not be issued, the BLM rather than the County will have responsibility for the monitoring, reporting, and mitigation requirements of the Cultural Resources Programmatic Agreement. The BLM will encourage the County to partner with the BLM for the monitoring work associated with the routes that are approved.

The County and the State of Utah may hold valid existing rights-of-way in the Project Area pursuant to Revised Statute (R.S.) 2477, Act of July 28, 1866. Congress repealed R.S. 2477 through passage of FLPMA. R.S. 2477 rights are determined through a process that is entirely independent of the BLM's travel management planning process and this decision. This decision is founded on an independently determined purpose and need that is based on resource uses and associated access to public lands and waters. This decision is not intended to provide any evidence bearing on or addressing the validity of any R.S. 2477 claimed rights-of-way. Nothing in this decision extinguishes any valid rights-of-way, or alters in any way the legal rights the County or State may have to assert and protect R.S. 2477 rights or to challenge in federal court or other appropriate venue any use restrictions that it believes are inconsistent with its rights. At such time as an appropriate administrative determination acknowledges a right-of-way or a binding judicial decision confirms a right-of-way, the BLM will adjust the MFO Travel Management Plan accordingly if necessary.

Authorities: The authority for this decision to designate routes within an area limited to designated routes is contained in 43 CFR 8342 and FLPMA. The routes designated by this decision meet the designation criteria set forth in 43 CFR 8342.1, as demonstrated in the EA and Finding of No Significant Impact.

Compliance and Monitoring:

- The BLM will be responsible for cultural site monitoring in accordance with the Visitor Effects Study of the Cultural Resources Programmatic Agreement (EA

Appendix A). This includes a site visitor effects assessment of 21 cultural sites at intervals of six months, one year, three years, and five years.

- The BLM will assess trail conditions on an annual basis as well as respond to reports from users of problems with trail condition or use. Based on these assessments, the BLM will take necessary corrective action to prevent off-trail use and excessive soil erosion. Corrective actions may include blocking access, placement of trail closure signs, and water control structures. Should it become necessary to correct or repair locations on the trail where substantial washouts or rutting occurs, the BLM may use a trail cat and support ATVs on ATV-designated segments or a trail cat or road grader with a support pickup truck on full-sized vehicle trails to fill in washouts and install water control structures such as diversion berms or water bars.

Terms/Conditions/Stipulations: The EA identified several terms and conditions regarding the construction and management of the Recapture Canyon trails. This decision incorporates these terms and conditions, which are attached.

PLAN CONFORMANCE AND CONSISTENCY

The EA is tiered to the Final Environmental Impact Statement (FEIS) for the MFO Record of Decision/Resource Management Plan dated November 17, 2008 (BLM 2008b) (RMP). This decision is in conformance with and consistent with the RMP as the authorized actions are provided for in the programs and policies prescribed in that document.

The RMP establishes a system for designating routes on the public lands administered by the MFO. RMP Management Action TM-2 (RMP pg. 141) provides several categories for designated routes, such as mechanized and motorized, and it provides that “adjustments to these categories will be made based on recreational demand and potential conflict.”

The MFO Travel Management Plan, which is an implementation decision originally adopted in 2008 in association with the RMP, provides for changes to route designations. RMP Management Action TM-6 (RMP pg. 141) specifies, “Appendix O outlines the processes and procedures for making modifications to the Travel Plan designated route network.” RMP Appendix O.13, states, “Actual route designations can be modified without completing a plan amendment, although NEPA compliance is still required.” Page 19 of the RMP Record of Decision (ROD) states, “No routes have been designated in the Recapture Canyon area which has previously been closed to OHV use through a closure order. Consideration of such designation will be made in a future NEPA document specific to that area.”

The decision is also in conformance with the RMP because the authorized actions are provided for in the following RMP management decisions:

- 1) Cultural Resources Decision CUL-13, page 60. This provides that the BLM will work with local communities and other groups to foster heritage tourism throughout the MFO Planning Area.
- 2) Recreation, Goals and Objectives, page 88. This directs the BLM to provide for multiple recreational uses of the public lands and to sustain a wide range of recreation opportunities

and potential experiences for visitors and residents while supporting local economic stability and sustaining the recreation resource base and other sensitive resource values.

- 3) Recreation Management Action REC-5, page 89. This directs the BLM to develop new sites/facilities/trails in response to user demand, amenity value, and critical resource protection needs.
- 4) Travel Management Action TM-2, page 141. This provides that all non-motorized travel is allowed on designated routes unless otherwise prohibited.
- 5) Travel Management Action TM-3, page 141. This specifies that mechanized travel (including bicycles) is limited to designated roads and trails.

ALTERNATIVES CONSIDERED

The EA evaluated six alternatives in detail that are briefly described below.

Alternative A - Proposed Action

This alternative is San Juan County's Title V ROW application for an 11.67-mile ATV trail system in the canyon and on the upland mesa area to the west, near Blanding. This would allow use by ATVs, motorcycles, horses and hikers along all trail segments.

Alternative B

This alternative is similar to the County's Title V ROW application for an ATV trail system, but proposes additional realignment to further reduce impacts to cultural resources sites and impacts from construction on steep terrain. The alternative would include issuing the County an 11.63-mile Title V ROW.

Alternative C

This alternative describes a mixed-use trail system but it would not authorize the County's request for a motorized trail in the bottom of Recapture Canyon. Hiking, horseback riding, and biking would be allowed on Segment 2 (3.95 miles). The alternative would provide for other trails in addition to those proposed by the County for a total of 13.75 miles that the BLM would designate in the MFO Travel Management Plan. The BLM would be responsible for trail construction, maintenance and monitoring, and for implementing the Cultural Resources Programmatic Agreement if it remains in effect. A Title V ROW would not be issued.

Alternative D

Under this alternative the BLM would designate in the MFO Travel Management Plan 6.80 miles of trails on the upland mesa area west of Recapture Canyon as open to motorized use. One trail 0.70 mile in length would be designated for hiking. There would be no motorized or non-motorized trail construction or designations within Recapture Canyon; thus a Title V ROW would not be issued to the County. The BLM would be responsible for trail construction, maintenance and monitoring, and for implementing the Cultural Resources Programmatic Agreement if it remains in effect.

Alternative E

Under this alternative no ATV trail system would be authorized. Cultural resource sites damaged by previous trail construction and use would be stabilized. The BLM would close and reclaim existing ATV and other vehicle routes; but would not affect the pipeline maintenance road. The closure (Recapture Canyon Travel Restrictions, 2007) would be lifted and the area managed for vehicular use as limited to routes designated in the 2008 MFO Travel Management Plan.

Alternative F - No Action

The BLM would continue to manage the Recapture Canyon portion of the Project Area for non-motorized use except for the previously approved Blanding to Bulldog ATV Trail. Other currently designated routes on the upland mesa area west of Recapture Canyon would remain open to motorized use, but no new designations would be made. The entire area would remain open for hiking and equestrian use.

Alternatives Considered - Not Analyzed in Detail

A number of other alternatives were considered in the EA but were not carried forward for detailed analysis. In general, these alternatives were either not consistent with the purpose and need for the proposed action or are incorporated or within the authorized office's discretion under one or more of the alternatives studied in detail. The following provides a brief description of each alternative:

Alternatives resulting from the County's original application were not analyzed. The County originally applied for a Title V ROW for an ATV trail system in the Recapture Canyon area on March 30, 2006. The County submitted a revision to its ROW application on September 16, 2008. As amended, the County's proposed trail system included about 18.3 miles of trail. After participation in the preparation of the Cultural Resources Programmatic Agreement, the County amended its ROW application on November 13, 2012 to eliminate about 3.41 miles of the originally proposed ATV trail network to avoid potential impacts on cultural resources. The alternative of granting a Title V ROW for the full 18.3 miles of trail was considered and eliminated from further analysis because the County dropped this proposal and it would have a greater potential for cultural resource impact than all other alternatives with minimal recreational benefit. The segments that were omitted from the proposed trail system include a trail that would have followed along the southern portion of Recapture Canyon and connected to County Road B206 (Perkins Ranch Road) and a trail that would have ascended from the bottom of Recapture Canyon to the eastern rim and connected to the western rim of Jenny's Canyon.

Alternatives providing for different types of approved uses of the trail system also were considered and eliminated from detailed analysis. Exclusive use of the proposed trails by ATVs was not considered further because, among other things, it would eliminate other uses such as hiking, horseback riding, and biking, and consequently would be unnecessarily inconsistent with the BLM's multiple use obligation.

An alternative restricting vehicles to 52 inches and under in width was considered but was not addressed as a separate alternative because it would unnecessarily restrict the kinds of ATVs that are commonly used by the off-road community on the type of trail system proposed by the County and in light of the generally larger width of existing trails in the Project Area. In addition, this alternative is within the range of alternatives addressed in detail and could be selected by the authorized officer.

The alternative of alternating days of ATV and non-motorized use in the bottom of Recapture Canyon (Segments 1 and 2) to reduce the potential for user conflicts was considered but was not addressed as a separate alternative because, rather than being an alternative to approval and construction of the trail system, the BLM considers this to be a management tool that could be used with any of the action alternatives to reduce recreational user conflicts or control use on the trail system. In addition, alternating days of ATV and non-motorized use is within the range of alternatives analyzed and could be applied by the BLM authorized officer.

The alternative of closing the canyon to all forms of recreation was considered but also was not analyzed in detail because it would not be in conformance with the RMP, consistent with the purpose and need for the proposed action, and the anticipated level of impacts on public land resources from the action alternatives and No Action Alternative are not great enough to require analysis of a full closure alternative.

A separate alternative addressing only restoration of six cultural resource sites that were damaged by the 2005 illegal trail work was suggested during scoping. However, only two of the six sites are along the trail system as proposed under Alternatives A, B, and C. Four damaged sites are south of the proposed trails and would not be affected by any of the action alternatives. One of the remaining two damaged sites is near the proposed trail system but would be avoided through trail realignment, and the site that would be crossed by a proposed trail would be padded with soil to protect the site and reduce the potential for additional erosion. Because all the alternatives studied in detail would avoid or prevent further vehicular damage to the sites damaged by the illegal trail work, a separate alternative was determined to be unnecessary. With or without authorization of the Recapture Canyon trail system (i.e., all alternatives except Alternative F, the No Action alternative), the BLM intends to take measures to repair the damaged sites, although this may require separate analysis and authorization depending on the alternative selected in this decision. A separate alternative only addressing site restoration also is inconsistent with the purpose and need for the proposed action.

During scoping it was also suggested that, given the uncertainty about the use of the trail system, rapid evolution of ATV technology and design, and the potential for resource damage, the BLM should consider an alternative to issue a ROW for a relatively short term rather than for a long or perpetual term. The County applied for a 30-year ROW. A shorter term for the ROW was not analyzed as a separate alternative because the authorized officer may offer a shorter-term ROW if circumstances warrant.

Another alternative was recommended that would create an interpretive non-motorized trail in Recapture Canyon, designate a dispersed camping area along County Road B206, designate one

or two picnic areas in the canyon, develop interpretive brochures, reassess grazing use, create a foot/equestrian trail on existing trails along the west rim, and close the area to firewood collection and fluid and minerals development. Aspects of this alternative have been incorporated into the alternatives studied in detail, but much of this alternative is outside the scope of the County's proposal and reasonable alternatives to the proposal and therefore was not analyzed separately.

RATIONALE FOR DECISION

The EA identified the decision to be made as to whether or not to issue a ROW as proposed by the County, and if not, whether or not to designate the proposed recreational trails under the MFO Travel Management Plan.

Whether to Issue a ROW: The analysis of whether to issue a Title V ROW to San Juan County or to reject the County's ROW application and to designate recreational trails as part of the MFO Travel Management Plan stemmed in part from the public comments received that objected to issuing the County a ROW.

Although the decision provides for a mixed use trail system including motorized ATV use in the north end of and on the rim west of Recapture Canyon, it does not approve an ATV trail through Recapture Canyon south of the Canyon Bottom Trailhead as proposed by the County in its ROW application, nor does it provide for the construction and maintenance of a non-motorized trail in the canyon bottom. However, the canyon bottom will be open to hiking and horseback use. The decision consequently only provides for part of the recreational experience as proposed by the County, but it allows for more diverse recreational opportunities and less environmental impact than the County's ROW proposal. In addition, the BLM can construct and adequately administer the trail system and, if monitoring demonstrates that use of the trail system or surrounding area is causing adverse impacts, the BLM can take appropriate action to protect the affected public land resource. Therefore, a ROW is unnecessary.

Whether to designate the proposed recreational trails under the MFO Travel Management Plan (TMP): The BLM reviewed the alternatives addressed in the EA and determined which if any could be selected.

Alternative A and B were not selected for the following reason:

The potential impacts on cultural resources, soils, riparian resources, water quality, and wildlife within Recapture Canyon were greater when compared to the impacts presented in Alternative C, D or E.

Alternative C was not selected in its entirety for the following reasons:

Though Alternative C has fewer impacts to cultural resources, soils, riparian resources, water quality and wildlife than Alternatives A and B, it still allowed the construction of an 18-inch wide trail through the bottom of Recapture Canyon beyond the Canyon Bottom Trailhead along Segment 2. The proposed new trail construction along Segment 2 would have a greater degree of impact to cultural resources, riparian areas, water quality, and wildlife within the bottom of Recapture Canyon than the proposal for Segment 2 under Alternative E. Designation of Segment 2 would have allowed non-motorized mechanized (bicycle) use. By not selecting this aspect of

Alternative C, the potential for user conflict as well as environmental impact, especially wildlife and riparian impacts in the canyon bottom is reduced.

Alternative D was not selected for the following reasons:

For Segment 2 this alternative is similar to the decision in that it would not authorize any new trail construction in the canyon bottom south of the Canyon Bottom Trailhead, but it also does not provide motorized access to the Canyon Bottom Trailhead itself or provide an ATV trail loop connecting Segment 1 and Segment 6 with the Blanding to Bulldog ATV Trail which has fewer resource impacts than a trail in Segment 2.

Alternative E was not selected for the following reasons:

Alternative E by itself does not develop a trail system or provide for a variety of recreational opportunities that the decision allows and thus does not meet the purpose and need. The part of Alternative E applicable to Segment 2 was selected in combination with elements of Alternative C to better meet the purpose and need.

Alternative F - No Action was not selected for the following reasons:

Alternative F does not provide a range of recreational opportunities and does not provide for any cultural site restoration or non-designated trail restoration and does not meet the purpose and need for the proposed action.

Additional Rationale:

This decision approves a combination of portions of Alternative C and Alternative E. This combination balances competing interests and provides a wide range of recreational opportunities while lessening potential impacts on cultural and natural resources. Through review of the alternatives it was determined that it would be appropriate to designate some of the proposed recreational trails under the MFO TMP. In addition to the foregoing, the actions authorized by this decision were selected for the following reasons:

- The decision will provide multiple recreation and other opportunities including mechanized use of full size vehicle and ATVs, hiking on an improved pedestrian trail, parking and obtaining trail information from three new trailheads, equestrian use, mountain bike opportunities, and viewing and visiting cultural sites.
- A new ATV route (Segment 7) will be designated and constructed to provide access to Segment 5 of the trail system without the need for ATVs to travel through the blind curve on County Road B238, substantially reducing the potential for ATV accidents involving gravel trucks.
- Construction of a hiking trail around the cultural site on the western rim of Recapture Canyon, along with stabilization and interpretation of the cultural site, will provide for hiking access and cultural information and education. At the cultural site, the integrity of the site will be better preserved than the present situation in which the site is haphazardly accessed by the public without interpretation and stabilization.

- The opportunity will continue for local residents and visitors who visit Recapture Canyon to experience a quiet setting.
- Fewer user conflicts and less displacement of non-motorized users will occur with the proposed trail in Recapture Canyon not being constructed.
- Impacts of dust and noise on one private residence located along the Browns Canyon Road will be less with this decision because the Browns Canyon Trailhead will be moved about one-quarter mile farther from the residence.
- Cultural sites damaged will be stabilized and the 2007 closure order presently affecting 1,871 acres will be lifted.
- The risk in the canyon bottom for impacts to paleontological resources by trail construction or theft will be reduced because construction will not occur and the canyon bottom will not be open to motorized or mechanized use.
- Impacts will be substantially less by not constructing a trail in the canyon south of the Canyon Bottom Trailhead. The risk in the canyon bottom for impacts to cultural resources by trail construction or theft will also be reduced for the reasons stated above. Under this decision, 19 cultural resource sites (15 eligible for listing on the National Register of Historic Places) will be crossed by or be immediately adjacent to trails and could be directly affected by trail construction and use as compared to 31 sites (26 eligible) with Alternative A, 32 sites (27 eligible) with Alternative B, and 33 sites (28 eligible) with Alternative C.
- Impacts will be substantially less to riparian and floodplain resources than the other action alternatives because no construction/improvement of trails will occur or motorized or mechanized use allowed below the rim of Recapture Canyon south of Canyon Bottom Trailhead. Stream sedimentation rates below the rim of the canyon and related impacts on riparian vegetation will be somewhere between sedimentation rates for existing conditions and rates under natural conditions.
- Impacts to riparian areas will be substantially less than Alternatives A, B and C. Under this decision, there will be no stream/drainage crossings and only 0.03 acres of direct disturbance to riparian areas (all above the rim) will occur compared to 16 stream/drainage crossings and 0.91 acres of disturbance associated with the existing undesignated trails; 13 stream/drainage crossings and 0.87 acres of disturbance under Alternative A; 13 stream/drainage crossings and 0.88 acres of disturbance under Alternative B; and 13 stream/drainage crossings and 0.67 acres of disturbance under Alternative C.
- Under this decision, direct disturbance to floodplains will be 0.47 acres as compared to 0.85 acres associated with the exiting undesignated trails, 1.06 acres under Alternative A, 1.05 acres under Alternative B, and 0.85 acres under Alternative C. Almost all of the floodplain disturbance under the decision is associated with the existing pipeline

maintenance road. The Canyon Bottom Trailhead and a short piece of Segment 6 would be placed in the floodplain, but they are a substantial distance away from the active channel.

- Under this decision, the long-term disturbance of wildlife habitat due to trail construction will be reduced to 0.03 acres as compared to 0.87 acres under Alternative A, 0.88 acres under Alternative B, and 0.67 acres under Alternative C.
- Because wildlife habitat in Segment 2 will not be affected by construction/improvement or noise from use of motorized vehicles, impacts to wildlife will be greatly reduced. By not allowing motorized use along Segment 2, noise and activity will be reduced especially during the spring when BLM anticipates that recreational use would be the greatest. Potential disturbance to nesting migratory birds and raptors would be reduced. Of particular note, Southwestern Willow Flycatcher (SWFL) has been documented within the project area. SWFL is listed as an endangered species under the Endangered Species Act. The reduction in noise and activity south of the Canyon Bottom Trailhead in the canyon would substantially reduce potential displacement of migrant SWFL from that area, thereby minimizing the risk of causing a “take” of individual birds and helping to ensure the project will not adversely affect the species. The disturbance to mule deer winter range would also be reduced.

PUBLIC PARTICIPATION

Initial analysis for the proposed trail system began in 2010. BLM involved the State Historic Preservation Office, the Advisory Council on Historic Preservation, tribal groups, special interest groups, and San Juan County as consulting parties in preparation of a cultural resource Programmatic Agreement for the proposed trail system. As a result of National Historic Preservation Act (NHPA) Section 106 consultation, it was decided that completion of the EA should be delayed until NHPA Section 106 compliance could be completed to be incorporated into the EA. As an outcome of Section 106 compliance, a Cultural Resources Programmatic Agreement was signed on November 13, 2013 and is incorporated into the EA as Appendix A.

The BLM and San Juan County responded to the issues raised in initial scoping by reconfiguring and reducing or eliminating segments from the proposed trail system to avoid or otherwise mitigate environmental consequences, primarily impacts on cultural resources and riparian vegetation, and to identify an alignment that would avoid some of the steep terrain and result in a more sustainable trail system.

A 40-day public scoping period on the proposed trail system was formally initiated by the BLM on December 18, 2013 by listing the proposed project on the Utah BLM Environmental Notification Bulletin Board (ENBB) and seeking scoping comments. The scoping period closed on January 26, 2014. In response to the ENBB posting and request for scoping comments, the received letters and e-mail input from numerous individuals and groups. The majority of the comments were form letters based on advertisement on a webpage of the Southern Utah Wilderness Alliance (SUWA) urging the BLM to deny San Juan County’s application and

maintain the current closure. Letters also were received that expressed support or opposition to the proposed trail system and/or provided scoping comments dealing with procedures and legal issues, the range and description of alternatives to be addressed, and specific resource issues for analysis.

Several who participated in scoping requested to be informed of further action and developments on the project. Those individuals were notified as to the availability of this EA for public comment. The general public was also notified as to the availability of this EA for public comment by posting on the BLM's ePlanning webpage, which replaced the ENBB as the BLM's primary method for notifying the public of its NEPA and planning efforts.

The public comment period was held on the EA and comments were accepted throughout a 45-day period, September 9, 2016 through October 24, 2016. During this period 945 comments were received. Commenters ranged from individuals to non-governmental organizations to government agencies. 804 of the comments were form letters generated from a SUWA website. A total of 95 substantive comments were extracted. A large percentage of the comments were addressing concerns about cultural resources and motorized or non-motorized access. A smaller percentage addressed concerns about riparian, user conflicts, wildlife, NEPA process and alternatives.

RIGHT TO APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary (IBLA), in accordance with the regulations contained in 43 CFR Part 4. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at Monticello Field Office, P.O. Box 7, Monticello, Utah 84535. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, Virginia 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

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 irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

/s/ Donald K Hoffheins
Donald K. Hoffheins, Field Manager

4/10/2017
Date

Attachments:

Attachment 1: Recapture Decision Map

Attachment 2: Terms and Conditions

Attachment 1: Recapture Decision Map

**ATTACHMENT 2
TERMS AND CONDITIONS
RECAPTURE CANYON TRAILS SYSTEM**

1.0 Trail Construction

ATV trail sections will be constructed with the use of a trail cat. Full-sized vehicle trails (Segments 1, 5, and 8) also will be constructed with the use of a trail cat and if necessary heavier equipment such as a road grader and pickup trucks. Non-motorized segment (Segment 9) will be constructed by hand without the use of a trail cat or motorized equipment. Segments 8 and 9 that will provide access to Moqui Island will be constructed only after approval of a Cultural Resources Project Plan (CRPP) for stabilization and interpretation of the Moqui Island cultural sites including completion of cultural resource consultation and NEPA requirements for the CRPP.

1.1 Trail Construction Procedures

BLM rather than Sand Juan County will have the responsibility to construct, maintain and administer the trail system. Trails will be constructed of native materials so that the tread will be continuous and discernible and obstacles will be removed. All trail improvements will be conducted under the oversight of the BLM utilizing BLM Manual and Handbook sections 9113 and 9115 and the United States Department of Agriculture Trail Construction and Maintenance Notebook, 2007 Edition as a guide. Prior to earth moving activity, the routes will be flagged along with locations for erosion control structures such as water bars, water turnouts, and log bars.

Construction/improvement of ATV trails (Segments 3, 4, 6, 7 and 10) will involve the use of a trail cat, ATVs, and hand labor crews.

The trail cat will be used for clearing the trail of rocks, debris, and vegetation along with pushing soil and material to level the trail surface and fill in ruts or washouts. The trail cat and support ATVs also will be used to deliver materials such as gravel, fencing, and cattle guards and to install water control structures such as diversion berms or water bars. Hand crews will use hand tools for: 1) sawing and trimming trees and vegetation from the trails, 2) spreading debris from trail clearing onto closed segments, 3) filling in ruts, 4) building water drainage controls on steep slopes to prevent erosion which may include water dips and run out ditches and the ditches may extend a short distance outside the proposed ROW and 5) installing trail markers and signs identifying allowed methods of travel.

Restoration will include padding of the cultural sites. Padding entails the construction of a protective layer or “cap” over cultural resource sites or features to slow or stop impacts from continued use of such roads or trails. Padding may consist of the placement of geotextile and/or other barrier materials, as well as a gravel and/or culturally sterile soil over archaeological features or sites.

ATVs will be transported to and unloaded at the Browns Canyon, Lem’s Draw, and Canyon Bottom trailheads. The trail cat will either remain at work locations on the trails overnight or be

walked back to the trailheads at the end of a work day. On these segments fuel for the trail cat will be transported in a five gallon container on a support ATV.

Limited construction activity will be required for segments designated and designed for full-sized vehicles (Segments 1, 5, and 8) because they already exist. Equipment will be used on most segments including on portions of the BBT and Segment 1. These segments as well as the Canyon Bottom Trailhead will be constructed with a trail cat supported by full-sized vehicles such as a road grader and pickup trucks. On non-motorized segments (Segment 9), all work will be done with the use of hand tools. Crews will hike to the work location and will carry in all hand tools. Chainsaws may be used for clearing of vegetation. All existing trails along the segments that are not otherwise designated will be blocked, signed as closed, raked out, and covered with rocks and/or vegetation (slash) collected or cut from the surrounding area for at least the first 100 feet. Live vegetation will be cut from adjoining woodlands to provide additional biomass as needed to close these trails.

1.2 Construction Schedule

Construction will require about eight weeks. Preconstruction field visits by BLM personnel to flag, identify, and stake locations for water bars, check dams, and other erosion control features is estimated to take about a week. Initial trail construction is estimated to take about six weeks; each week consisting of five 12-hour days during the work week. Volunteer work to finish hand labor construction such as cutting/limbing of trees and other vegetation, hand placement of rock and other material, dispersal of cleared debris, and installation of cattle guards and trail signing will occur over a period of several weeks with concentrated efforts usually on Saturdays. Construction will occur when soils are sufficiently dry so that ruts from the trail cat and/or support ATVs do not form. In order to avoid impacts to nesting birds and wintering mule deer and elk, the planned timing of construction will be September 1 to November 14, unless exceptions to restrictions for protection of raptors, listed threatened and endangered bird species, and migratory birds, elk, and deer are granted by the BLM authorized officer.

1.3 Construction Workforce

The motorized segments of the trail system will be completed by the MFO Force Account Crew or a contracted crew. The workforce for initial trail construction of motorized segments will consist of the trail cat or grader operator (on full-sized vehicle trails), one to two laborers, and a construction supervisor. Additional volunteer personnel (up to a dozen or more) will be used for “finish” hand labor such as sawing and cutting trees and branches where necessary to provide clearance for trail vehicles, clearing and scattering this debris from the trail and placement of certain erosion control structures and trail markers (Carsonite posts). Volunteer labor and required resource monitors also will access work sites on motorized segments by ATVs or pick-ups (full-sized vehicle trails). The non-motorized segment (Segment 9) will be constructed by a professional trail crew hired by the MFO. Workers will be required to access non-motorized segments on foot, bicycle, or horseback.

1.4 Fueling and Hazardous Materials

Fueling of the trail cat or road grader on motorized segments will be done on the trail as necessary for continued operation. However, equipment will be fueled prior to transport to the work sites and generally will not need refueling on the worksites. On all segments, chainsaws needed for

cutting limbs and felling trees will be fueled as necessary on the worksite. Fuel spillage other than small quantities around the fuel tank and engine housing is not expected. If it should occur, fuel-stained soil will be shoveled into a container and disposed of in a dirty fuel disposal site. No other hazardous materials will be used in construction or maintenance.

1.5 Erosion and Sediment Control

Water bars, check dams and check logs, and cut debris will be used where appropriate to help retain soil and prevent accelerated erosion. Any existing route not authorized through the decision will be closed to motorized use and stabilized to reduce trail related erosion and sedimentation. Methods used to close and stabilize the unauthorized routes may include any or all of the following: placement of barricades; placement of closure signs; raking out OHV tracks; re-contouring; re-vegetation; covering the trail with rocks and vegetation collected or cut from the surrounding area.

2.0 Visitor Control, Signing, Interpretation and Enforcement

2.1 Visitor Control

The proposed trail system will be open for use on a yearlong basis, subject to restrictions or closures to protect human health and safety or to prevent unacceptable environmental impact. Effective barriers will be placed at appropriate access points to prevent use by motorized vehicles and access to abandoned trail sections will be blocked by placement of rocks or vegetative materials for at least the first 100 feet. Signs and markers (such as Carsonite posts) will be placed at trailheads, access points, segment junctions, and intersections with closed roads to clearly mark the trail and advise the public of authorized types of vehicles and the prohibition of off-trail riding and vehicle use on closed trails. BLM will monitor the trail system annually for evidence of off-trail and unauthorized use and will take appropriate steps such as blocking access and placement of additional signs to restrict motorized use to the designated trails.

2.2 Signing and Interpretation

Signs and kiosks with maps of the segments, interpretive information, and information on the proper use of the trail system will be placed at the Blanding Visitor Center, Browns Canyon, Lem's Draw, and Canyon Bottom trailheads, and at the junctions with the BBT and Highway 191 as well as the loop at the end of Segment 8. Signs will include a warning that motorized trail may be used by other users and vehicles must be operated at safe speeds. They also will provide law enforcement contact information for reporting violations as well as information on protection of cultural, paleontological, and other resources that may be encountered along the proposed trails. Additional signs and markers will be placed at segment junctions and intersections with closed roads to clearly mark the authorized and closed segments. Signs will be replaced and maintained as necessary.

Eight turnouts marked along the rim (Segment 3) and Segment 9 will provide sites for viewing cultural ruins on the east wall of Recapture Canyon. The trail system will provide access to facilitate education and interpretation of the archeological values of Recapture Canyon. Additionally, with Alternative C, cultural sites at Moqui Island may be stabilized and interpreted after completion of a CRPP.

2.3 Enforcement

BLM will be responsible for monitoring and enforcement to insure compliance with all federal laws and regulations. BLM will solicit volunteers and partnerships with San Juan County and special interest groups who will provide information to law enforcement officers for full monitoring and enforcement. Information on proper use of the trail system will be provided at key locations along with contact information for the public to use to report violations.

3.0 Public Health and Safety

3.1 Emergency Response

BLM will provide for emergency response for injuries to construction workers. As with other areas in the County, the San Juan County Search and Rescue and local volunteers will respond in the event of accidents involving users of the proposed trail system. BLM rather than San Juan County will be liable if third parties are injured or damages occur to private property on or near the trails. BLM's liability will be limited as provided in the Federal Tort Claims Act and other federal law.

3.2 Human and Solid Waste Handling and Disposal

Human waste is not expected to accumulate to a problem level. If accumulation of human waste from trail users becomes an issue, BLM will resolve the problem through methods such as placement of toilet facilities at the trailheads. Signs and kiosks will advise trail users of the "pack it in-pack it out" policy for handling of trash along the trails; trash cans will not be placed along the trails.

3.3 Fire Control

Wildfires or equipment fires are not expected during construction activities from construction vehicles as all engines will have approved exhaust and/or spark arrestor systems. Any fires inadvertently caused by construction personnel will be promptly suppressed by construction personnel using hand tools, or if this initial attack is not successful, a wildfire report will be made to the Moab Interagency Fire Center or 9-1-1. Standard wildfire reporting procedures to Moab Interagency Fire Center or 9-1-1 will be used to report any fire observed in the area after the construction period.

3.4 Noxious and Invasive Species Control

Equipment used in trail construction will be inspected and cleaned of any noxious weed seeds or plant debris prior to entering the work area. Any occurrence of noxious weeds along the trails reported by users or BLM personnel during inspections will be controlled by BLM through standard procedures involving the San Juan County Weed Department.

4.0 Monitoring and Maintenance

Because a ROW will not be issued, BLM rather than San Juan County will be responsible for cultural site monitoring in accordance with the "Visitor Effects Study of the Cultural Resources PA for the Recapture Trails ROW". This includes Site Visitor Effects Assessment of 21 cultural sites at intervals of six months, one year, three years, and five years.

BLM will assess trail conditions on an annual basis as well as respond to reports from users of problems with trail condition or use. Based on these assessments the BLM will take necessary corrective action to prevent off-trail use and excessive soil erosion. These actions could include blocking access, placement of trail closure signs, and water control structures. Should it become necessary to correct or repair locations on the trail where substantial washouts or rutting occurs, the BLM will use a trail cat and support ATVs on ATV designated segments or a trail cat or road grader with a support pickup truck on full-sized vehicle trails to fill in washouts and install water control structures such as diversion berms or water bars.

5.0 Post-Construction/Reclamation

Abandoned segments of the trail system will be allowed to reclaim naturally after installation of erosion control structures, rock, and placement of cut debris (slash) to prevent erosion. If required a soil and water protection plan would be prepared prior to construction. Water bars, check dams and check logs, and cut debris would be used where appropriate to help retain soil and prevent accelerated erosion.

Any existing route not authorized through the decision would be closed to motorized use and stabilized to reduce trail related erosion and sedimentation. Methods used to close and stabilize the unauthorized routes may include any or all of the following: placement of barricades; placement of closure signs; raking out OHV tracks; re-contouring; re-vegetation; covering the trail with rocks and vegetation collected or cut from the surrounding area.

6.0 Estimated Cost of Project and Bonding

Construction of the proposed trail system will require about eight weeks work over about six months. The estimated cost for BLM personnel and equipment will be \$25,000 to \$30,000. Additional work to be done by volunteers is estimated to value \$5,000 to \$6,000 in unpaid compensation. Cost of Carsonite sign posts installed with volunteer labor is estimated to be \$800 to \$1,200 (50 to 80 posts). The cost to prepare and gravel the relocated Browns Canyon Trailhead is estimated to be \$3,000 to \$5,000 including the cost of equipment, materials, transport, and finishing. The estimated cost of leveling and installing facilities at the Canyon Bottom Trailhead is also estimated to be \$3,000 to \$5,000.

The BLM MFO will initiate construction and marking of the trail system after acquiring funding for the project. BLM will request funding through our budget process which generally requires a minimum of two years. BLM may enter into cooperative agreements for cost sharing if funds are acquired from other willing parties such as San Juan County or the Utah Division of State Parks and Recreation. Because BLM will be responsible for monitoring and maintenance of the trail system, an increase in ongoing annual funding will be required. BLM could enter into partnerships for monitoring, reporting, maintenance and mitigation actions.

BLM as a unit of the Federal Government is exempt from bonding requirements.

7.0 Administration

The trail segments will be designated under the MFO Travel Management Plan for the described uses and a FLPMA Title V ROW will not be issued to San Juan County. The trail system will remain in place until such time that the BLM chooses to modify the Travel Management Plan (TMP) or amend the MFO Resource Management Plan (RMP), to close or change the authorized uses of the trails. Segment 1 will be administered to provide access to the San Juan County Water Conservation District pipeline for maintenance purposes and for BLM administrative use. If a segment is permanently closed, it will be reclaimed as directed by the TMP or RMP decision.

8.0 Additional Design Features and Environmental Protection Measures

For cultural sites that cannot be avoided, mitigation treatments will be applied per the historical properties treatment plan prior to or as part of any construction activities. The BLM rather than San Juan County will be responsible for implementation of the cultural resource Programmatic Agreement and other measures. If the BLM authorized officer determines that motorized vehicles pose a risk to public health or safety or are causing considerable adverse impacts to cultural or natural resources, the BLM may close or restrict such areas. The public will be notified and the BLM may impose limitations on types of vehicles allowed on specific segments of the proposed trail system if monitoring indicates that a particular type of vehicle is causing off-trail disturbance to the soil, wildlife habitat, cultural, or vegetative resources.

Construction periods will be timed to avoid or minimize impacts on wildlife; invasive species will be monitored and controlled; water bars or other sediment control strategies will be used; paleontological and cultural resources will be protected.

Ropes and climbing aides are not allowed to be used to access cultural sites or archaeological resources as defined in Archaeological Resources Protection Act, except for emergency or administrative needs.