



U.S. Department of the Interior
Bureau of Land Management

Labyrinth Rims/Gemini Bridges Travel Management Plan

Moab Field Office

August 2021



SCOPING REPORT

1. INTRODUCTION

The Bureau of Land Management (BLM) Moab Field Office intends to prepare a travel management plan (TMP) and environmental assessment (EA) for the Labyrinth Rims/Gemini Bridges Travel Management Area north and west of Moab, Utah, as depicted on the map in Appendix A. The area covers approximately 303,993 acres in Grand County and has 1,232 miles of inventoried routes on BLM-managed lands. The TMP will offer a comprehensive framework for managing this portion of the Moab Field Office's travel network and transportation systems. All decisions made in the TMP would be tied to the goals, objectives, and management actions contained in the Moab Field Office Record of Decision and Approved Resource Management Plan (RMP), as amended.

The National Environmental Policy Act requires that the BLM offer full disclosure and open public participation in its decision making process. To initiate this public involvement process, the BLM held a scoping period to solicit input from the public on the issues, impacts, and potential alternatives that could be addressed in the EA. This Scoping Report summarizes the comments that were submitted by the public.

2. SCOPING

The public scoping process was initiated on March 24, 2021 and ended on April 26, 2021.

2.1 Outreach Methods

- A news release (Appendix B) was sent to local media outlets and interest groups on March 24, 2021.
- The comment period was posted on the BLM's ePlanning website on March 24, 2021.

2.2 Opportunities for Public Comment

All announcements for the public scoping period included information on the public scoping opportunities and methods for communicating the comments.

2.3 Comments Received

The BLM received over 9,100 comment letters during the 30-day public scoping period.

Table 1: Comments received during scoping.

Entity	Number
Government Agencies	5
Special Interest Groups	66
Individuals	9000+

Comment letters received from all agencies and some special interest groups are attached to this report, along with some additional individual sample letters in Appendix C. Letters were received mostly from the United States, with four other countries also represented (Canada, Italy, New Zealand, and Ukraine.)

2.4 Primary Issues Raised During Scoping

- The TMP should offer continued access to State of Utah-managed lands
- The BLM should provide for Off Highway Vehicle (OHV) recreation opportunities
- The BLM should keep OHV access and opportunities the same as they currently are under the Moab RMP, as amended
- The BLM must prepare the TMP pursuant to applicable statutes, regulations, BLM Utah Instruction Memorandum No. 2012-066, and the terms identified in paragraphs 16-24 of the Settlement Agreement
- The BLM should address routes that have no purpose or need and show signs of little to no use
- The BLM should address the needs of non-motorized users to recreate away from the road network
- The BLM should provide a reasonable range of alternatives
- The BLM should take a hard look at potentially impacted resources such as wildlife, soils, air quality, cultural resources, and wilderness characteristics
- The BLM should address engine noise impacts, as well as the upcoming trend towards electric motor usage which would reduce noise
- The BLM should continue to accommodate the elderly, disabled, veterans, young, ill, wounded, etc. who cannot walk or ride bicycles or horses. Utah already has millions of acres of protected wilderness that limits access to a small percentage of citizens who are able and willing to hike/backpack into these remote areas (Canyonlands, Arches, Book Cliffs, Labyrinth Canyon, Areas of Critical Environmental Concern, Wilderness Study Areas, etc.)

- The BLM should mark/re-mark trails to aid people in route finding to keep them from venturing cross-country

Multiple commenters also asked the BLM to add new OHV trails and trail systems; close all trails to motorized traffic; engage in more education of “tread lightly”, “leave no trace”, “don’t bust the crust”, etc.; increase fees for hikers/bicyclists; address the increase of trash and human waste; and, increase dispersed camping opportunities; however, these actions are outside the scope of the current Travel Planning effort. Thirty-three letters offered support for closing some or all routes to motorized travel; the remainder supported continued use of existing routes or increasing/connecting routes.

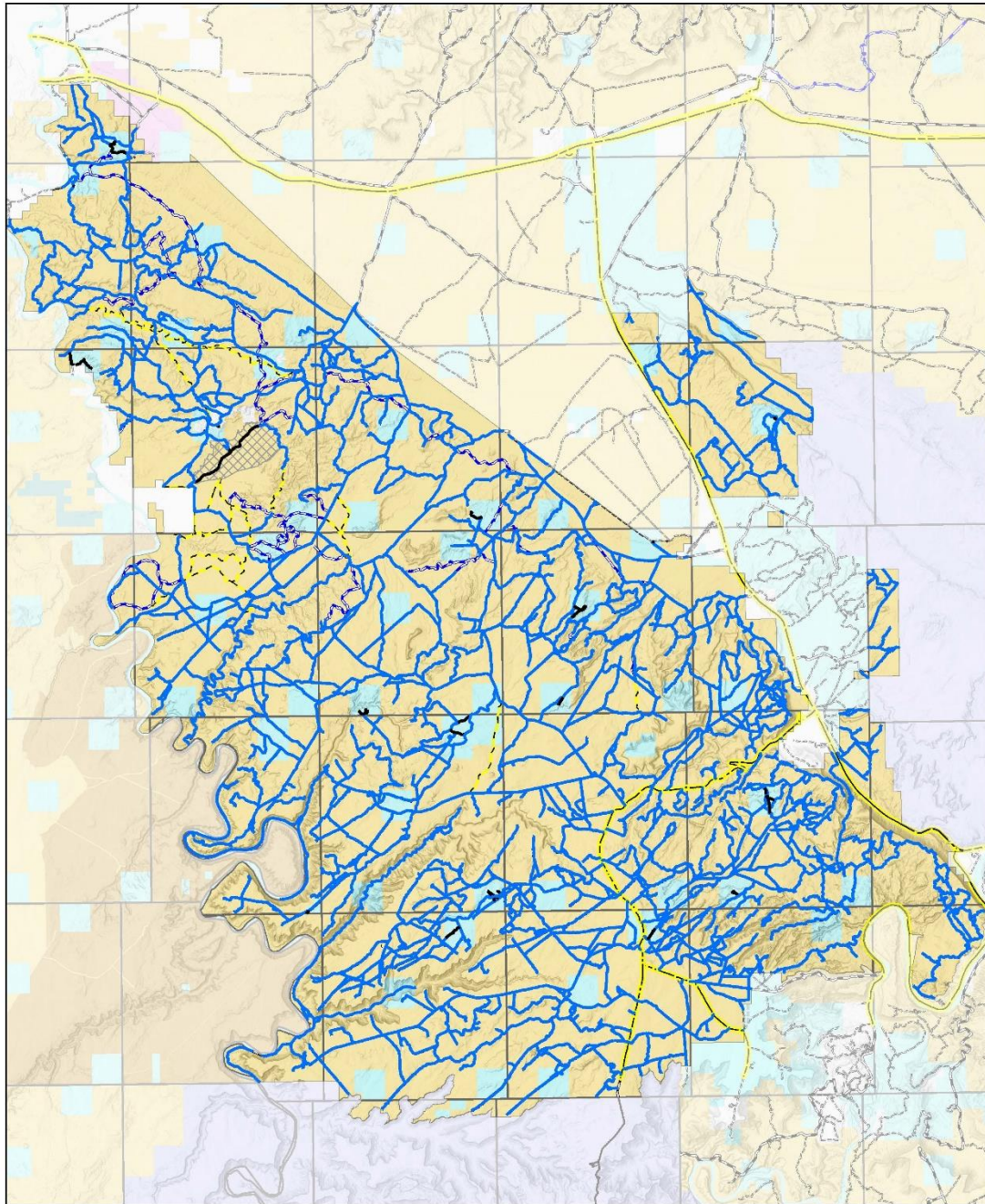
The issues presented in the forthcoming Draft TMP EA will also include issues raised by the BLM’s interdisciplinary team of resource specialists.

3. FUTURE STEPS

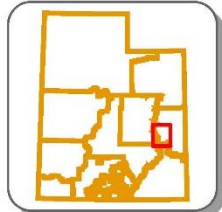
Scoping is the first public involvement opportunity in the planning process. In the fall of 2021, the BLM will make available to the public and stakeholders preliminary alternatives maps, preliminary route evaluation forms, this Scoping Report and the report on Lands with Wilderness Characteristics that is mandated by the Settlement Agreement. Additionally, the public will have a chance to review and comment on the Draft TMP EA in late 2021 or early 2022, before a decision is made by the authorized officer.

APPENDIX A – MAP

Map 1: General Location and Road Status

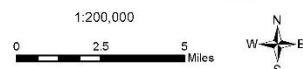


Location Map
Utah BLM Field Office Boundaries



Date: 7/27/2021

- Open
- Not Assessed
- Limited to Vehicles Under 90 Inches
- Limited to Motorcycle Only
- White Wash Sand Dunes Open OHV Area
- Bureau of Land Management (BLM)
- Military Reservations and Corps of Engineers
- National Park Service (NPS)
- Private
- State
- State Parks and Recreation



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

APPENDIX B – SCOPING NEWS RELEASE



News Release

BLM Utah Moab Field Office

Media Contact: Lisa Wilkolak (435) 259-2122 lwilkolak@blm.gov

March 23, 2021

BLM seeks input on motorized routes in the Labyrinth Rims/Gemini Bridges area

MOAB, Utah – Travel and transportation are integral to the use and enjoyment of public lands. The Bureau of Land Management (BLM) is initiating an Environmental Assessment (EA) analyzing motorized access of public lands in the Labyrinth Rims/Gemini Bridges Travel Management Area (TMA), which covers approximately 303,993 acres in Grand County and has 1,232 miles of inventoried routes on BLM-managed lands. The EA will help BLM to provide a motorized transportation network to serve visitors and local communities, while protecting and sustaining natural resources. The BLM is scoping for additional information, issues, or resource concerns in the Labyrinth Rims/Gemini Bridges area March 24, 2021 through April 26, 2021.

The BLM posted an interactive map of the TMA to seek public input regarding knowledge and use of roads in the Labyrinth Rims/Gemini Bridges area. Using this information, the BLM worked with state and county government representatives to complete route evaluations. The EA will address topics related to motorized travel, including recreation, cultural resources, wildlife and fisheries habitat, soils and water quality, and wilderness characteristics. The BLM is now seeking additional public input, which may be used in formulating issues and alternatives in the environmental review.

Information about the project, as well as an interactive map are available on the BLM’s ePlanning website: <https://go.usa.gov/xs57Y>. Feedback including new information or issues to be considered regarding specific routes is most helpful. Input may be mailed, emailed, or submitted through ePlanning:

ePlanning: Electronically through the ePlanning website at <https://go.usa.gov/xs57Y>.

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

Email: blm_ut_mb_comments@blm.gov with the subject line “Labyrinth Rims”

For more information, please visit BLM Utah’s travel management webpage at www.blm.gov/travel-and-transportation/utah or contact Todd Murdock at (435) 259-2100. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to leave a message or question. The FRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The agency’s mission is to sustain the health, diversity, and productivity of America’s public lands for the use and enjoyment of present and future generations. Diverse activities authorized on these lands generated \$111 billion in economic output across the country in fiscal year 2019—more than any other agency in the Department of the Interior. These activities supported more than 498,000 jobs.

-BLM-

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APPENDIX C – SAMPLING OF PUBLIC SCOPING COMMENTS

- Letter 1: Blue Ribbon Coalition**
- Letter 2: City of Green River**
- Letter 3: Colorado Motorcycle Trail Riders Association**
- Letter 4: Colorado Offroad Enterprise**
- Letter 5: Colorado Offroad Trail Defenders**
- Letter 6: Gipe**
- Letter 7: Grand County Commission**
- Letter 8: Great Old Broads for Wilderness**
- Letter 9: Maryland Ornithological Society**
- Letter 10: Moab Friends for Wheelin'**
- Letter 11: National Off Highway Vehicle Conservation Council**
- Letter 12: One Voice et al**
- Letter 13: State of Utah Public Lands Policy Coordinating Office**
- Letter 14: Public Access Preservation Association**
- Letter 15: Ride with Respect et al**
- Letter 16: State of Utah School and Institutional Trust Lands Administration**
- Letter 17: Southern Utah Wilderness Alliance**
- Letter 18: Town of Castle Valley**
- Letter 19: Utah Back Country Pilots Association**
- Letter 20: Utah Public Lands Alliance**

Letter 21: Blue Ribbon Coalition



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

April 26, 2021

Nicollee Gaddis-Wyatt, Field Office Manager, Moab Field Office
82 Dogwood Ave.
Moab, UT 84532

Dear Ms. Gaddis-Wyatt,

BlueRibbon Coalition/ShareTrails (BRC) is writing to provide scoping feedback for Labyrinth Rims/Gemini Bridges Travel Management Area (DOI-BLM-UT-Y010-2020-0097-EA). BRC is a national non-profit organization that champions responsible recreation and encourages a strong conservation ethic and individual stewardship. We champion responsible use of public lands and waters for the benefit of all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with natural resource managers and other recreationists.

Our members use motorized and non-motorized means of recreation, including OHV, horses, mountain bikes, and hiking to access and enjoy recreating upon state and federally managed lands throughout the United States, including those of the Bureau of Land Management.

Many of our members and supporters live in Utah or travel across the country to visit Utah and use motorized vehicles to access BLM managed lands throughout Utah, including the Labyrinth Rims/Gemini Bridges Travel Management Area. In addition to access travel itself, BRC members visit the lands mentioned herein for motorized recreation, sightseeing, photography, rockhounding, hunting, wildlife and nature study, camping, observing cultural resources, and other similar pursuits. BRC members and supporters have concrete, definite, and immediate plans to continue such activities in the future. Many of our members hold organized events that include guided rides in this area. A significant portion of the education mission of organizations like ours and the fundraising that supports organizations like ours comes from these organized events, and we see the continuation of these events as an integral expression of protected rights including freedom of speech and freedom of assembly. We support any additional comments that encourage the BLM to designate the maximum number of routes in this area as open. Many of our members are organizations with extensive on-the-ground experience. If any route specific comments are made which identify routes missing from the inventory, we support BLM adding these routes to the baseline inventory. We support comments submitted by Colorado Offroad Trail Defenders.

The Labyrinth Rims/Gemini Bridges Area is an incredibly popular area for off-highway use and dispersed camping. To the south of this area is Canyonlands National Park, to the east is Arches National Park, to the west is the Labyrinth Canyon Wilderness, and to the north are the roadless areas of the Book Cliffs. In other words, this travel area is completely surrounded by land managed with aggressive restrictions on motorized recreation, dispersed camping, and

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other forms of outdoor recreation, BLM should work to maximize OHV use in this area, since minimization of OHV related impacts occurs by land management designations in surrounding areas.

Not surprisingly, because this is one of the few areas of open multiple-use public land near Moab, UT, it is an incredibly popular destination. According to the Southern Utah Wilderness Alliance (SUWA), "This area has also experienced a dramatic increase in motorized recreation over the past decade, with ORV noise and dust disproportionately impacting the majority of public land users." We agree with SUWA that this area receives heavy use, and that each and every proposed mile of roads in the scoping map serves the purpose and need of off-road recreation, dispersed camping, mountain biking, and other forms of outdoor recreation.

We recognize that organized efforts to restrict recreation on public land often point to impacts such as noise and dust. Neither of these impacts rise to the level of requiring route closures at the travel management planning level, since they can be mitigated through other means. In the case of increased dust levels, we recommend the BLM rely on best available science which suggests the largest sources of dust pollution are burn scars from wildfires – not surface disturbance from OHV use. In their appeal of the San Rafael Desert TMP Record of Decision, SUWA complains that the acreage of surface disturbance caused by roads is 6,487 acres of an area 377,609 acres in size. As a percentage, the area of disturbance was 1.7% of the total area. We encourage the BLM to recognize the small percentage of the area that is subject to disturbance in preparing their alternatives. We also encourage the BLM to not base their decision on exaggerated claims of impact.

We also want to point out that in a recent exchange of letters with the Grand County Attorney concerning the county's adoption of a restrictive noise ordinance that limits noise allowed from vehicles at 92 dBA, that the Grand County Attorney said, "For example, 96 dBA may be a fine level on public lands where there is no impact to residential areas." We appreciate that the Grand County Attorney recognizes that higher tolerance for noise impacts should exist on public lands.

SUWA also claims, "Federal law requires the BLM to minimize impacts to natural and cultural resources when designating motorized vehicle routes. The agency's current travel plan—pushed through in the waning days of the George W. Bush administration—blanketed the area with ORV routes, prioritizing motorized recreation at the expense of all other public land uses. The high density of ORV routes in the Labyrinth Canyon and Gemini Bridges area means there are few areas to escape the whine of all-terrain vehicles (including the now ubiquitous "utility" models known as UTVs) and dirt bikes."

We believe the BLM can adopt a permissive travel management plan that minimizes impacts to natural and cultural resources without closures. Closure should be a last resort and only considered after a wide range of alternative mitigation measures have been documented with failure. Impacts that lead to closure must be objectively measured and present immediate and irreparable harm. BLM shouldn't close any routes based on speculative, subjective, or imagined harm.

BLM should also document how many users access this area with no use of a motorized vehicle. With the exception of the small, regulated number of users on the Green River, all other recreation users in this travel area use motorized access at some level. As a result, the prioritization of motorized recreation is made to the benefit of all other public land uses instead of at the expense of all other public land uses.

We appreciate SUWA documenting the high density of ORV routes in this area, and we encourage BLM to recognize that this high density of routes should preclude the area from ever being considered for potential designation as wilderness or wilderness study area. The high

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saturation of roads also suggest that none of this area should be recognized as having wilderness characteristics. Any attempt to close roads or suggestion that roads are reclaiming should be seen as an attempt to launder lands with no wilderness characteristics into potential wilderness inventories. Also, the Dingell Act prohibits the creation of buffer zones around wilderness, and it prohibits BLM from considering sight or sound impacts on wilderness from lands not included in wilderness. This area's proximity to the Labyrinth Canyon Wilderness qualifies this area to be managed by these prohibitions in the Dingell Act.

We also must point out that those who wish to escape the exaggerated "whine of all-terrain vehicles and dirt bikes," in this area have numerous choices at their disposal. They can choose to recreate in the Labyrinth Canyon Wilderness, which will give them access to nearly identical landscape features with the protections of wilderness. SUWA and numerous other organizations united to prevent the allowance of OHVs on roads in National Parks, so there are two national parks adjacent to this area where users can escape off-road recreation. Each of these areas are vast and part of an even larger system of wilderness, wilderness study areas, designated roadless areas, and other National Parks. The claim that there are few areas to escape the noise of OHV recreation is false on its face. If anything, off-road recreationists and those who enjoy dispersed camping are the ones seeing decreasing access and limitations on areas of use. BLM should use this travel management process to protect these uses.

We strongly support the development of alternatives that leave as much of the existing routes open as possible while also adding any new routes that are identified during the scoping process.

In the appeal to the recently completed San Rafael Desert TMP, we were concerned to see an effort to force BLM to restrict dispersed camping in that travel area. We are worried that similar justifications will be used to limit dispersed camping in this area. The popularity of dispersed camping has exploded in recent years as public land users of all ages and backgrounds have found great value in open, free, dispersed camping on multiple-use public land. Overlanding vehicles, camper vans, RVs, car camping, and dual sport adventure bikes are recreation activities that are attracting new users at record rates. The COVID-19 pandemic greatly increased the number of Americans who now work remotely. These factors have attracted many dispersed camping users to this area. It is common for hotels and reserved camping sites in and around Moab and Green River to fill up. Because this area is surrounded by so many other areas with restrictive management, Labyrinth Rims and Gemini Bridges will become an increasingly popular destination for those who want to camp in vehicle accessible areas. For this reason, BLM should be looking to expand dispersed camping in this area and other eligible areas while also working to educate users on how to minimize impacts. BLM should also consider that routes that might otherwise appear superfluous, redundant, or lacking in purpose and need are often used for dispersed camping.

Open riding areas are becoming increasingly rare on BLM lands, and we support BLM's decision to leave Whitewash Sand Dunes Open OHV Area status as an open travel area unchanged.

We want to add our voice to Colorado Offroad Trail Defenders in advocating that the BLM finally begin to reverse its decades-long systematic discrimination against those with mobility impairment-related disabilities:

On his first day in office, President Joe Biden issued an "Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government." This executive order established "an ambitious whole-of-government equity agenda" which focuses on addressing "entrenched disparities in our laws and public policies," and mandates a "comprehensive approach to advancing equity for all,

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including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”

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

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

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

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

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

Many of our members are also members of other groups. We have seen significant response from our community related to the travel-management scoping for this area. While not all users are fully informed on the processes of the Administrative Procedures Act and the National Environmental Policy Act, we understand that many of them commented about the need to keep the route networks in this area open. We support this general sentiment.

We also have many members who also represent their own organizations. It is our understanding that many of them have submitted detailed route evaluations. To the extent they

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advocate keeping the maximum number of trails open we support any route evaluations submitted by Colorado Offroad Trail Defenders, Ride with Respect, Trails Preservation Alliance, Sage Riders Motorcycle Club, COHVCO, Utah's Public Land Policy Coordinating Office, Utah Public Lands Alliance, and SITLA.

We strongly recommend keeping all trails included as part of Jeep Safari, commercial tour operations, and other permitted organized events be kept open.


We also hope BLM will use this travel management process to ensure that the entirety of Ten-Mile wash is opened to motorized recreation. BLM should consider other mitigation measures instead of closure for managing impacts to this route.

As recent events have shown with the San Rafael Desert Travel Management Plan, SUWA will not accept anything less than the total closure of all motorized routes in the area and will sue to challenge this travel plan no matter what the outcome. Rather than closing motorized routes in a futile effort to appease SUWA, the BLM should take this opportunity to officially designate as open all existing motorized routes in the TMA in a manner that will hold up in court.

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

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

Sincerely,



Spencer Gilbert
Executive Director
BlueRibbon Coalition
brspencer@sharetrails.org



Ben Burr
Policy Director
BlueRibbon Coalition
brben@sharetrails.org

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Letter 22: City of Green River

ePLANNING

Comment Submission

Project: DOI-BLM-UT-Y010-2020-0097-EA - Labyrinth Rims/Gemini Bridges Travel Management Area

Document: Press Release Labyrinth Rims Gemini Bridges TMP.pdf

Submission ID: LRGBTMA-1-500132376

Comment

Closing these trails would be a mistake. Green River City benefits greatly from the use of these trails. I work for the City as the Special Event Coordinator and I get calls every week about where people can go ride. People want to come here, they love our trails, If I would change anything about our trail system it would be to add more trails and signage, certainly not to close any existing trails.

Submitter(s)

Submitter 1

Name:Hunt, Robin

Address:Green River, Utah 84525

Phone Number: 435-820-0592

Group or Organization Name: City of Green River

Position: Special Event Coordinator

Disclaimer

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment - including your personal identifying information - may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Withhold my personally identifying information from future publications on this project) - *NO*

Letter 23: Colorado Motorcycle Trail Riders Association

RE: **BLM seeks input on motorized routes in the Labyrinth Rims/Gemini Bridges area**

MOAB, Utah – Travel and transportation are integral to the use and enjoyment of public lands. The Bureau of Land Management (BLM) is initiating an Environmental Assessment (EA) analyzing motorized access of public lands in the Labyrinth Rims/Gemini Bridges Travel Management Area (TMA), which covers approximately 303,993 acres in Grand County and has 1,232 miles of inventoried routes on BLM-managed lands. The EA will help BLM to provide a motorized transportation network to serve visitors and local communities, while protecting and sustaining natural resources. The BLM is scoping for additional information, issues, or resource concerns in the Labyrinth Rims/Gemini Bridges area March 24, 2021 through April 26, 2021.

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CMTRA Comments:

Our organization, *Colorado Motorcycle Trail Riders Association (CMTRA)*, consists of over 100 active members as well as hundreds of inactive members and friends of the association. Our members and friends actively ride off-road trail systems throughout Colorado and Utah. Many have ridden the designated trails in the **Labyrinth Rims/Gemini Bridges** area for 20-30 years or longer. The trails/roads there are not new, and have been well established for many years. Many of the roads were established in the area for mining purposes, a very long time ago. Thus, it seems redundant to evaluate these roads and trails for any reason involving opposing their motorized use, since they have been used for that purpose for such a long time.

In case the BLM is not familiar with the road/trail system in this area, might we suggest obtaining a copy of this book, **Guide to Moab, UT Backroads & 4-Wheel-Drive Trails 3rd Edition**. This book has, several times now, been the number one best seller on Amazon in the category of mountain west travel guides. Review the roads/trails listed in this book and begin there. There should be no future motorized restrictions on **any** of those roads/trails. They have all become a tradition and mainstay of OHV activity in the area.

Furthermore, there are a number of motorcycle only trails designated in what is commonly referred to as the **White Wash** area. These trails are also historically significant and admired by the motorcycling community. There should be no future motorized restrictions on those roads/trails as well.

The entire area in question has become a mecca for motorized off-highway vehicle use. People do not come to these areas to hike. They come here to enjoy the off-highway vehicle experience this unique landscape offers. A very large portion of the Moab and Green River economies come from these visitors. Any future motorized restrictions can only have a significant negative impact on both towns.

CMTRA opposes ANY additional restrictions to motorized travel in the **Labyrinth Rims/Gemini Bridges** area. We believe all the existing motorized routes should be left as is.

Sincerely,

Mark Reimler
President, CMTRA

Bret Williamson
Vice President, CMTRA

Comment Regarding the Labyrinth Rims/Gemini Bridges TMA Scoping Process

Marcus Trusty
President, Colorado Offroad Enterprise (CORE)
April 25, 2021

I. Introduction

I am an offroad enthusiast from Buena Vista, Colorado. I am the founder and president of Colorado Offroad Enterprise (CORE). CORE was created to partner with land managers to engage in trail adoption, trail work, stewardship, and offroad ethics. We have 15 adopted trails in Central Colorado. We work closely with BLM and The Forest Service in Colorado to keep our prized offroad and backcountry roads and trails open for the continued enjoyment of multi-use backcountry recreation. I have personally been visiting the BLM lands around Moab for more than two decades.

I have submitted these comments on behalf of our 200 members from around the country who regularly visit the Moab area. We present these comments to request that the BLM's travel management plan for this area preserve the maximum number of opportunities for motorized recreation, notably for full-size 4x4 vehicles. Additionally, we also support the comments made by Blue Ribbon Coalition, Trails Preservation Alliance, COHVCO, Ride with Respect, and the Colorado Offroad Trail Defenders.

II. General Comments

A. Area Overview

The BLM land surrounding Moab is some of the most cherished offroad 4x4 routes in the entire United States. Users come from all over the country each year to enjoy this area. Moab boasts some of the most diverse events highlighting the surrounding BLM lands for recreation. Motorized recreation, including 4x4s, side-by-sides, ATVs, and Motos, is a significant contributor to the Moab and the surrounding counties' economy. Additionally, all the roads and trails in this TMA form an access network for multi-use, multi-day activities. While many groups specifically drive these routes to enjoy driving the routes, there are other groups with 4x4 vehicles, which use these routes to access scenic overlooks, dispersed camping, rock climbing, and the remote ruggedness panoramic exploration in this region.

The most famous 4x4 trails in this TMA include Poison Spider Mesa, Golden Spike, Gold Bar Rim, Rusty Nail, Where Eagles Dare, Metal Masher, Gemini Bridges, Bull Canyon, Little Canyon, Mineral Point, Day Canyon Point, Mineral Bottom, Rainbow Terrace, Crystal Geyser, Whitewash Sand Dunes, Hey Joe Canyon, Seven Mile Rim, 3D, The Pickle, Mashed Potatoes, Hellroaring Canyon, Hellroaring Rim, Secret Spire, and Klondike Bluffs. I have personally visited all of these areas, and any loss in 4x4 access to these trails would result in an absolute negative for 4x4 users.

B. Previous Actions

We are commenting on all of the routes in the TMA. However, our steadfast position that all the routes in the Labyrinths Rims/Gemini Bridges TMA are already being managed effectively since the 2008 travel plan, and we recommend that the current existing management of these routes continue.

It should also be stressed in the 2008 travel plan; the BLM closed some 2,500 miles of inventoried motorized routes across the Moab Field Office. That results in a 40% reduction in all motorized routes, which existed before the 2008 decision. All the routes open today are the minimum viable route system necessary to preserve high-quality 4x4 recreation and the multi-use access for the entire TMA. Further route closures would result in significant harm to the motorized community. They would make management of this area increasingly difficult as the reduction in recreational options would not adequately serve the motorized community. **Motorized recreation is a legitimate use of BLM land, and motorized recreation and motorized access is a sufficient purpose and need to keep a given route open to motorized public use.** All routes in the TMA are necessary; all routes see motorized use, or they would cease to exist.

C. Lands with Wilderness Characteristics

It's essential to note the 2019 Dingell Act passed by Congress created the Labyrinth Canyon Wilderness Area immediately across the Green River from the Labyrinth Rims/Gemini Bridges TMA. Under the Dingell Act, all roadless land in the Labyrinth Canyon Area possessing true wilderness qualities was designated as Wilderness. Congress specifically chose not to establish land on the east side of the river to be managed for multi-use recreation. The Dingell Act also closed more than 80 miles of road on the west side of the canyon, and any additional closures in the TMA on the east side of the canyon would be unreasonable.

The Dingell Act also did not create a buffer for the Wilderness area. It expressly directed BLM not to create buffer zones or consider direct or sound impacts on the Wilderness from activities outside the Wilderness. Based on this, the BLM should not

consider closing motorized routes based on sight or sound effects on nearby Wilderness.

D. User Conflict

The BLM must define and distinguish between a conflict in recreational use and the emotional negativity from one user group toward another. Interpersonal use conflict is when a situation on a road or trail results in two uses being incompatible based on a specific problem. A social values conflict stems from an individual not approving of a form of recreational use. The BLM should only recognize interpersonal use conflict and, when present, should use mitigation techniques to mitigate the issue with closure of the route used only as a last resort. The BLM should not give in to emotional negativity and the social values conflict when a user group purely dislikes motorized use.

CORE is entirely in support of the additional comments submitted by the Colorado Offroad Trail Defenders on this same subject, and I will not reiterate the exact science.

E. Dispersed Camping

One of the most common recreational uses of the Labyrinth Rims/Gemini Bridges TMA is dispersed camping. Dispersed camping is not specific to any one recreational group, and camping is the best option for many visitors in such a remote area. The BLM already has increased restrictions on dispersed camping in the TMA, and we oppose any additional rules on dispersed camping in the TMA. Additionally, the BLM should evaluate the purpose and need for dispersed camping on all routes in the TMA.

III. Route Specific Comments

It is critical, and we recommend the BLM keep open all inventoried 'B' routes and all routes used for Easter Jeep Safari (Safari routes). All 'B' routes provide connectivity and looping options between major trails and help create a 'trail system.' All Safari Routes are nationally known and recognized as some of the most desirable routes in the TMA.

We have provided an itemized list of routes that are important to motorized recreation. However, all routes in the TMA are essential, and if a route is not listed here, it does not mean the motorized community does not care about it. The fact is, ALL routes in the TMA are used weekly for dispersed recreation and should be kept open to allow recreation on an individual user scale to take place.

1. Poison Spyder Mesa – This trail system spans numerous routes and connects Potash Road with Gemini Bridges Road. The routes include D1567, D1574, D1575,

D1577, D1569, D1568, D1573, D1577, D1579, D1595, D1592, D1584, D1568, D1577, D1572. These routes are critical to the motorized community, and all should stay open for continued use.

2. Gemini Bridges and Day Canyon Point – This trail system spans numerous routes and connects several trails within the area. The routes include D1896, D1799, D1803, D1863, D1864, D1915, D1888, D1884, D1853, D1856, D1846, D0009, D1906, D1797, D1579, D1580, D1605, D1602, D1599, D1775, D1625, D1630, D1627. These routes are critical to the motorized community, and all should stay open for continued use.
3. Sevenmile Rim and Hidden Canyon – This trail system contains several unique geological features, access by the network of trails in the area. The routes include D2398, D2397, D2431, D2437, D2386, D2394, D2477, D2478, B343, D2375, D2376, D2379, D7217, D2436, D2388, D2393, D2417, D2416, B238, D2397, D2413, D2414, B238, B215, D2394, D2477, D2478, D2482, D2479, D2489, D2490, D8464, D2491, B341, D2561, D2564, D2565, D2571, D2569, D2566, D2560, D2557, D2556, D2524, D2508, D2554, B341, D2383, D2387, D2385, D2384, D2387, B341, D2554, D2393, D2562. These routes are critical to the motorized community, and all should stay open for continued use.
4. Horsethief Point, Mineral Point, and Hell Roaring Rim – This trail system offers amazing views, and many of the routes are used together to create multi-day offroad trips. The routes include B129, D1217, B129, D1019, D1855SJ, D1026, D5313SJ, D1042, D1853SJ, D1116, D1857SJ, D1168, D1186, D1191, D1193, D1195, D1199, D1167, D1164, D1207, D1164, D1291, D1299, B340, D1364, D1404, D1408 (need additional length added, route is short in inventory), D1395, D1399, D0004, D1402, D1382, D1357, D1404, D1364, D1385, D1411, D1416, D1438, D1439, D1432, D1429, D1433, D1450, D1453, D1454, D1265, D1262, D1264, D1255, D1459, D1460, D1465, D1468, D1470, D1473, D1488, D1489, D1484, D1454, D1437, D1441, D1446, D1440, D1433, D1434. These routes are critical to the motorized community, and all should stay open for continued use.
5. Hellroaring Canyon and Deadman Point – This trail system offers access and amazing views of Bowknot Bend and Labyrinth Canyon and has numerous connection options for single-day offroad trips and multi-day offroad trips. The routes include D1223, D1224, D1225, B129, D1497, D1503, D2014, D2016, D2018, D2020, D1504, D1506, D1509, D1510, B140, D1511, D1515, D6857, D6859, D1518, D1520, D5886. These routes are critical to the motorized community, and all should stay open for continued use.
6. Spring Canyon Point and Hey Joe Canyon – This area contains a spectacular scenic overlook and a delightful route along the Green River and up into Hey Joe Canyon. The routes include B338, D1533, D2678, D2686, D2685, D2680, D2653, D2674,

D2675, D6924, D2658, D2652, B140, D1527, D1529, D9138, B140, D1526, D1527. All of the routes are critical to the motorized community, and all should stay open for continued use.

7. Secret Spire Area – This area has numerous trails used for day offroad trips and multi-day offroad trips. Access to Secret Spire and other unique are features are cherished by motorized users. The routes include B137, B338, D2642, D2621, D2053, D2050, D2040, D6971, D2042, D2043, D2036, B362, B139, D2642, D2024, D2623, D2625, D2626. All of the routes are critical to the motorized community, and all should stay open for continued use.
8. Ten Mile Rim and Ten Mile Canyon – This area is super cool and highly used by motorized users, with one of the main routes being the Ten Mile Wash trail. The routes include D2759, D2840, D2848, D2846, B336, D2760, D2844, D2845, D2867, D7973, D2761, D7059, D2761, D2763, D2800, D2767, D2716, D2713, D2712, D2711, D2710, D2700, D2703, D2658, D2701, D2664, D2658. All of the routes are critical to the motorized community, and all should stay open for continued use.
9. Whitewash Sand Dunes and Crystal Geyser Area contain a great open riding area at Whitewash Sand Dunes. The trail network between the Dunes and the Crystal Geyser Area is spectacular. The routes include D2890, B336, D2885, D2888, D2996, D2998, D2997, B147, B148, D2972, D3178, B150, D3118, D3141, D3143, D3150, D3109, D3110, D3136 D3101 D3120, D3121, D3114, D3126, D3148, D3150, D3171, D2915, D2916, D7299, D7308, D7307, D7303, D2928, D7315, D2946, D2938, D2915, D2930, D8210. All of the routes are critical to the motorized community, and all should stay open for continued use.
10. Klondike Bluffs – The trails in this area offer the unique opportunity to take in the vistas of Arches to the south and access the Arches valley on the east side of the bluffs. These routes allow for looping day 4x4 trip options to traverse the bluffs and then use the 4x4 trails in Arches Park. Additionally, several dinosaur tracks are visible along the motorized routes. The routes include D3841, D3842, D3802, D3821, D3820, D3815, B143, D3913, D3931, D3932, D3906, D3918, D3916, D3906, D3923, D3924, D3805, D3802, D3844, D3845, D3852, D3856, D3853, D3854, D3853, D3870, D3860, D3859, D3866, D3831, D3872, D3882, D3881, D3879, D3878, D3877, D3876, D3569, D3565, D3551, D3571, D3589, D3590, D8400, D3547, B261, D3488, D3491, D3494, D3495, D3496, D349, D3498, D3499, D3559, D3560, D3500, D3501, D3503. All of the routes are critical to the motorized community, and all should stay open for continued use.

IV. Conclusion

We have discussed the main routes and areas vital to motorized recreation and our sought out by motorized users in the Labyrinth Rims/Gemini Bridges TMA. We ask the BLM to designate all of the individual routes discussed above as OHV open and to only close routes which have been verified on the ground as naturally reclaiming or impassable.

We ask the BLM to keep all routes open to the same vehicle classes and the same designations that are now open. We ask the BLM not to convert any of the existing routes to 50" limited routes. We ask the BLM to designate all routes on the ground officially and are currently being used for motorized recreation.

Thank you for your consideration.

Marcus Trusty
President, Colorado Offroad Enterprise (CORE)

Comment Regarding the Labyrinth Rims/Gemini Bridges TMA Scoping Process

Patrick McKay, Esq.
Vice President, Colorado Offroad Trail Defenders
April 24, 2021

I. Introduction

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

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

Accordingly, we submit these comments to request that the BLM's travel management plan for this area preserve the maximum number of opportunities for motorized recreation, particularly for full-size four-wheel-drive vehicles. We also support the scoping comments by the Blue Ribbon Coalition, and have consulted with them in the formulation of these comments.

II. General Comments

A. Area Overview

The BLM lands surrounding Moab have long been regarded as a Mecca for off-road four-wheel-drive recreation. Thousands of off-road enthusiasts from across the nation flock to Moab every year for the annual Easter Jeep Safari and other off-road events. Motorized recreation including full-size 4x4s, side-by-sides/UTVs, ATVs, and dirt bikes is a major contributor to the Moab economy and draws high numbers of tourists every year.

The Labyrinth Rims/Gemini Bridges TMA contains many world famous four-wheel-drive trails commonly run as part of Easter Jeep Safari (Safari routes), as well as hundreds of other trails that may not be as famous, but nevertheless enable high-quality scenic exploration and technical challenges for motorized recreation. This TMA includes the nationally famous Jeep trails on Poison Spider Mesa (Poison Spider, Golden Spike, Gold Bar Rim, Rusty Nail, and Where Eagles Dare), as well as Metal Masher, Day Canyon Point, Seven Mile Rim, 3D, Buttes and Towers, Secret Spire, Mineral Point, Deadman Point, Spring Canyon Point, Hey Joe

Canyon, Mineral Bottom, Hell Roaring Canyon, and many others. Many of these trails are featured in published guidebooks and online trail guides. This TMA also includes many of the most popular areas for dispersed camping near Moab.

Though I have only been off-roading for a few years, I have made two trips to the Moab area in the last three years, and have only been able to explore a fraction of the trails it has to offer. It is one of my favorite offroad destinations, and one I plan to return to many times in the future, including this coming Memorial Day.

B. Alternative Development

While it is impossible for us to comment on all or even most routes in the Labyrinth Rims/Gemini Bridges TMA, it is our position that the motorized route network in this area had largely been managed effectively under the 2008 travel plan and subsequent on-the-ground route management decisions, and that for the vast majority of routes, the existing management should continue.

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

Consequently, all action alternatives considered should make only minor changes to the existing travel plan, and should largely be the same as the no-action alternative. The no-action alternative should use the 2008 travel plan combined with any additions or subtractions made to the route network since then, as reflected on the current travel maps on the Moab Field Office website (last revised in 2017), as the baseline route inventory. It is critical that the no-action alternative reflect conditions as they exist on the ground today in order to avoid unfairly skewing the BLM's analysis of the action alternatives.

C. Purpose and Need

SUWA will no doubt stress in their comments the need to have an identified purpose and need for every route. Motorized recreation is a legitimate use of BLM lands, and **use for motorized recreation is *in itself* a sufficient purpose and need to keep a given route open to public motorized use.** The BLM does not need to find any additional use or purpose beyond motorized recreation in order to justify keeping specific routes open. To require such an additional purpose would be akin to requiring an additional purpose beyond hiking in order to keep hiking trails open, and would inherently deny any value in motorized recreation as an activity.

Though the TMA encompasses a vast area, there are very few motorized routes that do not see regular use, and nearly all of them serve a distinct recreational purpose, offering excellent opportunities for challenging off-road recreation, scenic driving, camping, and access to numerous hiking trailheads, scenic viewpoints, and historic mining and archaeological sites. The

BLM should ensure that the new travel plan keeps all of these routes open, while limiting closures to only those routes that are truly unneeded and verified on the ground as naturally reclaiming.

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

III. Lands With Wilderness Characteristics

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

It is important to note the Dingell Act specifically prohibited the BLM from creating buffer zones or from considering sight or sound impacts on the Wilderness from activities outside the Wilderness as reasons to prohibit those activities. Each of the Wilderness designations in the Dingell Act included the following language:

Adjacent Management.--

(1) In general.--Congress does not intend for the designation of the wilderness areas to create protective perimeters or buffer zones around the wilderness areas.

(2) Nonwilderness activities.--The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

In terms of motorized travel management, this Congressional language specifically prohibits the BLM from closing motorized routes based on sight or sound impacts to nearby Wilderness areas across the Green River from the Labyrinth Rims/Gemini Bridges TMA.

With the recent designations in the 2019 Dingell Act, all lands in Labyrinth Canyon region that are suitable for Wilderness status have now been designated. While the BLM has identified several areas within the TMA that are considered Lands With Wilderness Characteristics, these areas all have a high density of popular motorized routes and are entirely unsuitable for Wilderness designation. There are no Wilderness Study Areas within this TMA.

No lands within the TMA are included in any current Wilderness proposal before Congress that has any realistic chance of being adopted. The Southern Utah Wilderness Alliance's "America's Red Rocks Wilderness Act" (ARRWA) is not a credible basis to consider any lands "proposed

wilderness,” as this extreme proposal has been regularly introduced in Congress for some 30+ years without gaining any legislative traction.

We remind the BLM that in the Record of Decision for 2008 Moab Field Office Resource Management Plan, the BLM expressly rejected the SUWA backed “Red Rock Heritage Travel Plan Alternative” which would have closed virtually all motorized routes inside areas proposed for Wilderness designation in ARROW. As the BLM wrote in its decision:

The RRH plan's roadless polygons match almost identically with wilderness proposals submitted by Southern Utah Wilderness Alliance (SUWA) and/or other interest groups. To achieve this “roadlessness,” RRH has recommended for closure virtually all roads within these proposed wilderness polygons, without specific mention or regard for purpose and need. This results in several hundred miles of County “B” roads being recommended for closure. BLM has determined that these roads, which are constructed, regularly maintained by mechanical means, and serve specific purposes and needs, should be included in all alternatives of the BLM Travel Plan.¹

The BLM rejected SUWA's attempt to essentially create new Wilderness Study Areas through the travel management process, stating:

The RRH Travel Plan mirrors the Red Rock Wilderness proposal, which encompasses over 46 percent of public lands in the MPA. RRH assumes that if currently available motorized routes were eliminated, these areas would be eligible for the protection of their wilderness characteristics.

...

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

As the BLM found in 2008, it would be inappropriate for the BLM to close valuable motorized routes that were in existence long before the 1999 wilderness inventory in a misguided attempt to manufacture new “wilderness characteristics” in areas that currently lack them and are fundamentally unsuitable for Wilderness status due to the longstanding presence of motorized recreation. The 2008 RMP made the determination NOT to manage these areas for wilderness characteristics and to maintain motorized access to these areas, and that decision should continue to stand.

Accordingly, the BLM should not consider any alternatives that close motorized routes because of vague concepts of “wilderness characteristics” or potential for future Wilderness designation. To the extent that the BLM is mandated to consider such an alternative by the lawsuit settlement agreement, the BLM should only include one such alternative, and then should quickly dismiss it

¹ Moab Field Office RMP Record of Decision, 2008, p. 13.

² Id. at p. 14.

as it moves into the next phase of its analysis. If SUWA attempts to revive its failed “Red Rock Heritage” alternative from 2008, the BLM should summarily reject it from further consideration.

IV. User Conflict

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

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

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

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

For interpersonal conflict to occur, the physical presence or behavior of an individual or a group of recreationists must interfere with the goals of another individual or group.... Social values conflict, on the other hand, can occur between groups who do not share the same norms (Ruddell & Gramann, 1994) and/or values (Saremba & Gill, 1991), independent of the physical presence or actual contact between the groups.... When the conflict stems from interpersonal conflict, zoning incompatible users into different locations of the resource is an effective strategy. When the source of conflict is differences in values, however, zoning is not likely to be very effective. In the Mt. Evans study (Vaske et al., 1995), for example, physically separating hunters from nonhunters did not resolve the conflict in social values expressed by the nonhunting group. Just knowing that people hunt in the area resulted in the perception of conflict. For these types of situations, efforts designed to educate and inform the different visiting publics about the reasons underlying management actions may be more effective in reducing conflict.³

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

The travel management planning process did not directly assess the prevalence of on-site conflict between non-motorized groups accessing and using the yurts and adjacent motorized users.... The common definition of recreation conflict for an individual assumes that people recreate in order to achieve certain goals, and defines conflict as “goal interference attributed to another’s behavior” (Jacob & Schreyer, 1980, p. 369). Therefore, conflict as goal interference is not an objective state, but is an individual’s

³See, Carothers, P., Vaske, J. J., & Donnelly, M. P. (2001). Social Values versus Interpersonal Conflict among Hikers and Mountain Bikers; *Journal of Leisure Sciences*, 23(1) at p. 58.

appraisal of past and future social contacts that influences either direct or indirect conflict. It is important to note that the absence of recreational goal attainment alone is insufficient to denote the presence of conflict. The perceived source of this goal interference must be identified as other individuals.⁴

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

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

With social values / ideological conflict however, there often is no practical solution, as one group is so ideologically opposed to the other group's activity that its mere presence on public lands in any capacity is offensive. As the Carothers study described in reference to managing hunting on Mount Evans in Colorado, "Even though nearly all of the nonhunters did not physically observe any hunting-associated events (e.g., seeing hunters, seeing an animal being shot), many expressed a conflict in social values. Simply knowing that hunting occurred on the mountain was apparently sufficient to activate perceptions of conflict."⁵

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

We submit that when it comes to motorized recreation in the Labyrinth Rims/Gemini Bridges TMA, the vast majority of alleged user conflict consists of social values conflict rather than interpersonal conflict. On the whole, motorized and non-motorized recreation in the TMA are already well-separated, and there are relatively few instances of non-motorized and motorized users sharing the same routes in any significant numbers. The Gemini Bridges area especially has numerous dedicated hiking and mountain bike trails where motorized recreation is already prohibited, and new mountain bike trails are being built regularly in the area. While mountain bikers do share parts of the Gold Bar Rim trail with motorized users, the non-motorized trail quickly diverges from the motorized route and remains separate as it descends from Poison Spider Mesa.

While interpersonal conflict between motorized and non-motorized recreationists is rare, social values conflict is endemic in the area, as evidenced by the decades long battles over

⁴ See, Norling et al; Conflict Attributed To Snowmobiles In A Sample Of Backcountry, Non-motorized Yurt Users In The Wasatch-cache National Forest, Logan Ranger District; Utah State University; 2009 at p. 3.

⁵ Carothers, p. 48.

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

SUWA has been abundantly clear in their legal filings related to other travel management plans that they consider any amount of motorized recreation in the region to be offensive, wholly apart from any interpersonal conflicts occurring on specific routes. As SUWA stated in its appeal of the recent San Rafael Desert Travel Plan affecting the neighboring region on the west side of the Green River, "The San Rafael Desert travel plan adversely affects Appellants' members' health, recreational spiritual, educational aesthetic and other interests in the San Rafael Desert."⁶

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

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

B. Subjective preferences are an improper basis for route closures

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

The BLM's obligation to consider user conflicts in travel management is derived from the Executive Orders issued by Presidents Nixon and Carter. See, E.O. 11644, 11989; 42 Fed. Reg. 26959. The present-day interpretation by some special interests and land managers does not rationally interpret this language. The actual wording refers to conflicts between "uses" not "users." The historical context is relevant, as in the early 1970's off-highway vehicles were relatively new and largely unregulated. The EO's reflect a crude first step at the anticipated need to balance a new and developing use with the conservation efforts of the era reflected in contemporaneously adopted statutes like NEPA and FLPMA. In any event, it was not intended

⁶ Notice of Appeal and Petition For Stay, *SUWA v. BLM*, Re: San Rafael Desert Travel Management Plan, Interior Board of Land Appeals, Sept. 21, 2020, p. 3.

then, nor does it make sense now, to allow some quantum of subjective complaining by some class of “user” to exclude other users from public lands.

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

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

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

Proposing to allow motorized use on a route that some members of the public would prefer was reserved exclusively for hikers, however, has no such inherent conflict of uses. Hikers and motorized users share the same routes all the time, and every route on BLM land that is open to motorized vehicles is also open to hikers. That some people who choose to hike on a motorized route find motorized use of that route annoying and would prefer that motorized use be disallowed is merely subjective preference. Those who choose to hike on or near motorized routes have no one but themselves to blame if they are disturbed by motorized traffic. Someone who chooses to hike on a road open to motor vehicles has no right to complain that motor vehicles are using that road and demand that road be closed to improve their “quiet use experience.”

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

It would be highly unfair to exclude motorized users based solely on the attitudes and opinions of non-motorized users, punishing them for the intolerance of others. These kinds of manufactured user conflicts and claimed harm to quiet use recreation in areas that are designated for motorized use should not be used as a basis to close motorized routes.

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

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

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

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

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

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

We also note that the mere fact that noise from motorized activities may be heard in non-motorized areas does not constitute a conflict which justifies closing motorized routes. We oppose any efforts to create noise buffer zones around non-motorized trails by closing motorized routes within an arbitrary distance of them. Such buffer zones are typically prohibited by law even for Wilderness areas, and are certainly not justified in areas with no Wilderness.

V. Equity, Environmental Justice, and People With Disabilities

On his first day in office, President Joe Biden issued an “Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.”⁷ This executive order established “an ambitious whole-of-government equity agenda” which focuses on addressing “entrenched disparities in our laws and public policies,” and mandates a “comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”

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

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

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

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

⁷<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

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

VI. Dispersed Camping

One of the most popular activities in the Labyrinth Rims/Gemini Bridges TMA among all user groups is dispersed camping. If there is one commonality between off-roaders, hikers, mountain bikers, rock climbers, river rafters, and horseback riders, it is that all of them enjoy dispersed camping during their trips to the Moab region. In the more remote areas of the TMA, camping is the best option for most visitors, as the hotels and vacation rentals in Moab are too far away.

In their comments on other travel plans, SUWA has called on the BLM to put in place additional restrictions and prohibitions on dispersed camping, and we anticipate they will make similar comments on this travel plan.

The Moab Field Office already heavily restricts dispersed camping in the TMA, prohibiting it entirely or restricting it to a limited number of designated campsites in many of the areas closest to Moab. Broadly speaking, dispersed camping is already largely prohibited or heavily restricted east of Highway 313, while it is allowed in most areas west of it. We strongly oppose any additional restrictions on dispersed camping in the Labyrinth Rims/Gemini Bridges travel plan, and believe the existing regulations are sufficient.

If anything, dispersed camping is already too restricted in the Gemini Bridges area. The BLM would do well to open up additional areas where dispersed camping is allowed in order to better satisfy the demand for campsites which currently vastly exceeds the supply, leading to severe overcrowding in the few areas where camping is allowed. Expanding opportunities for dispersed camping would be preferable to further limiting people to designated campsites and official campgrounds.

For people who desire both the low cost and freedom of dispersed camping, paid campgrounds simply do not provide an acceptable camping experience. It is critical that the BLM designate a motorized route system that is adequate to support both current and future needs for dispersed camping throughout the TMA. Therefore, the BLM must consider dispersed camping in its evaluation of the purpose and need of individual routes.

Areas that have a high concentration of short routes that may appear redundant and unneeded on a map are likely popular areas for dispersed camping, and each small route provides access to a valuable campsite. We urge the BLM to carefully survey such areas and be sure that any routes proposed for closure are truly unneeded and do not serve as access routes to popular campsites. Where there are campsite access routes that exceed the legal limit from designated roads, the BLM should consider designating these access routes as official motorized routes, rather than simply closing them by default. We strongly urge the BLM to keep most if not all of

these routes open in all alternatives as they each serve as access routes to highly desirable dispersed campsites.

VII. Route-specific Comments

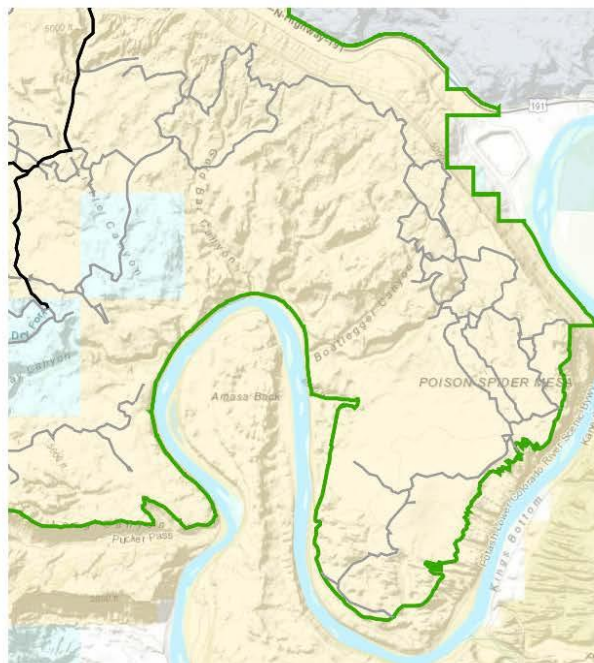
In general terms, it is critical that the BLM keep open all inventoried “B” routes, as well as all routes used for Easter Jeep Safari (Safari routes). “B” routes provide critical connectivity for basic transportation around the region, while the Safari routes are all nationally-renowned named 4x4 trails that exemplify the best the Moab region has to offer for motorized recreation. Many other inventoried “D” routes connect to the named Safari routes, providing alternate routes, bypasses around difficult obstacles, access to scenic overlooks, and rapid access for emergency vehicles to different parts of the main trails. All of these routes must be kept open to preserve the high-quality motorized recreation experience for which the Moab region is known.

Below we have listed by area a number of specific routes that are particularly important for motorized recreation within the Labyrinth Rims/Gemini Bridges TMA. We also fully support and endorse any route specific comments provided by other motorized advocacy groups.

While it is impossible to cover every route in the TMA in detail, the fact that a route is not mentioned here does not mean it is not an important route for motorized recreation. Indeed, lesser known and less popular routes serve a critical function of dispersing motorized users across a broader area, lessening concentration and overcrowding on the more popular trails. They also provide opportunities for motorized users to seek some degree of solitude. While solitude is a value more frequently associated with non-motorized recreation in Wilderness areas, motorized users also desire opportunities for solitude which can be found on more remote and less popular roads.

1. **Poison Spider Mesa**

The four-wheel-drive routes on Poison Spider Mesa are, without exaggeration, among the most famous off-road trails in the entire United States, second only to Hell’s Revenge in the Moab area and the Rubicon Trail in California. All of the routes in this area are Safari routes, run multiple times during Easter Jeep Safari. These routes include the famous “Moab Trifecta,” which consists of the **Poison Spider** (D1567, D1574, D1575, D1577, D1569, D1568), **Golden Spike** (D1573, D1577, southern parts of D1579), and **Goldbar Rim** (northern parts of D1579, D1595) trails. Poison Spider and Golden Spike are also both Jeep Badge of Honor trails. The



trail called **Where Eagles Dare** (western parts of D1579) branches off Golden Spike, offering steep climbs up and down slickrock domes reminiscent of Hell's Revenge, as well as views of Corona Arch. At the northern end of the mesa, drivers have the choice of taking either the Goldbar Rim trail or the more challenging **Rusty Nail** trail (D1592), which is known for difficult rock crawling and is also a Safari route. These both take drivers out to Gemini Bridges Road.

Together these trails exemplify some of the finest off-road trails in Moab, offering spectacular scenery and technical four-wheel-driving with a wide variety of terrain including rock ledges, sand dunes, and steep slickrock domes. Aside from the main trails, several connecting routes exist which allow drivers to jump between Poison Spider, Golden Spike, and Where Eagles Dare. There are also several spur routes branching off from Poison Spider out to scenic overlooks and an arch, including D1584, D1568, D1577, and D1572.

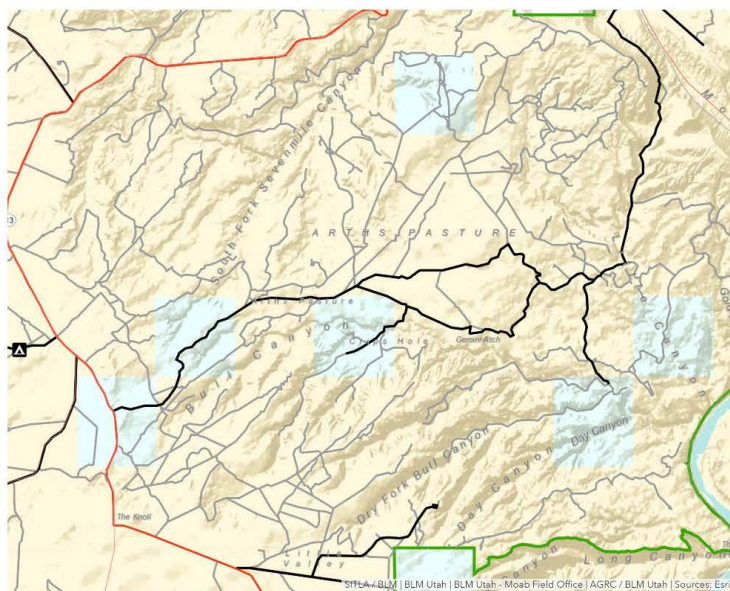
It is crucial that all routes on Poison Spider Mesa remain open to continued motorized use. Any closures in this area at all would be an incalculable loss to the motorized community. We are confident that the BLM is aware of the importance of these trails, and we know that it has managed them effectively for many years. No changes are needed to the route system in this area, and it should be left as-is.

While we acknowledge that the BLM has found the northern part of Poison Spider Mesa along Goldbar Rim to be Lands With Wilderness Characteristics (which includes portions of Where Eagles Dare, Golden Spike, Goldbar Rim, and Rusty Nail), the high density of popular motorized routes in this area renders it wholly inappropriate for Wilderness designation. The BLM should not use the alleged "wilderness characteristics" in this area to close the valuable motorized routes in this area, and should not consider any alternative that does so. If such an alternative is deemed to be required by the settlement agreement, that alternative should be quickly dismissed as patently unreasonable due to the extremely detrimental effects it would have on motorized recreation.

2. Gemini Bridges and Day Canyon Point

The Gemini Bridges area encompasses roughly everything inside of the broad loop created by highway 313 and Long Canyon Road, with Gemini Bridges Road running through the center. This area hosts a dense network of both motorized and non-motorized (primarily mountain biking) trails.

Gemini Bridges Road is a county B road and must remain open for basic transportation needs in the area. It provides access to



multiple trailheads for hiking and mountain biking trails, including the trailhead to the titular Gemini Bridges. The road up **Bride Canyon** (D1896) has the only designated dispersed campsites in the Gemini Bridges Road corridor.

The rest of the Gemini Bridges area contains a high density of famous four-wheel-drive roads, including **Metal Masher**, **Little Canyon**, **Bull Canyon**, **Dry Fork Bull Canyon**, **Four Arches Canyon**, and **Day Canyon Point**. Most of these are Safari routes.

Metal Masher (D1799, D1803, D1863, D1864, D1915, D1888, D1887, D1884, D1853, D1856, D1846, D0009, D1906) is a broad loop around Arth's Rim that is known for spectacular scenery and difficult (though mostly optional) rock obstacles, including the famous "Widowmaker Hill." It is also a Jeep Badge of Honor trail. Inside this loop is a network of interconnecting roads which go out to scenic viewpoints along the mesa rim, provide alternate routes to bypass obstacles, provide direct access to points along the main trail for emergency vehicles, and provide many opportunities for motorized exploration beyond the main Safari route. **Arth's Pasture Road** (D1797) is one such road, which roughly bisects the main Metal Masher loop and provides easier access to the middle portion of the trail. According to the Moab Field Office camping restrictions map, dispersed camping is allowed in most of this area except the corridor immediately around Gemini Bridges Road, though we are uncertain how many campsites actually exist.

The **Little Canyon trail** (D1579, D1580) provides a scenic, moderately challenging loop route between the Gold Bar Rim trail and the Bull Canyon trail. Both the **Bull Canyon** (D1605) and **Dry Fork Bull Canyon** (D1602) trails are moderately challenging trails up scenic canyons. They also connect to the short trail to **Surprise Overlook trail** (D1599), which overlooks Day Canyon. Bull Canyon also provides access to a hiking trail to the bottom of Gemini Bridges. **Four Arches Canyon** (D1775) is another scenic trail up a side canyon.

Finally at the southern end the Gemini Bridges area is the **Day Canyon Point trail** (D1625, D1630, D1627), which is another Safari route. This is a moderate 4x4 road which descends to a scenic overlook of the Colorado River. It has two side spurs which provide access to overlooks of Long Canyon. The upper portion of the Day Canyon Point trail is an extremely popular dispersed camping area, and I have personally camped there twice. The overlook at the end of the trail is also a spectacular campsite. There are also a number of other roads between the intersection between Gemini Bridges Road and Highway 313 and the beginning of the Day Canyon Point trail which provide additional camping opportunities as well as access to some oil and gas sites.

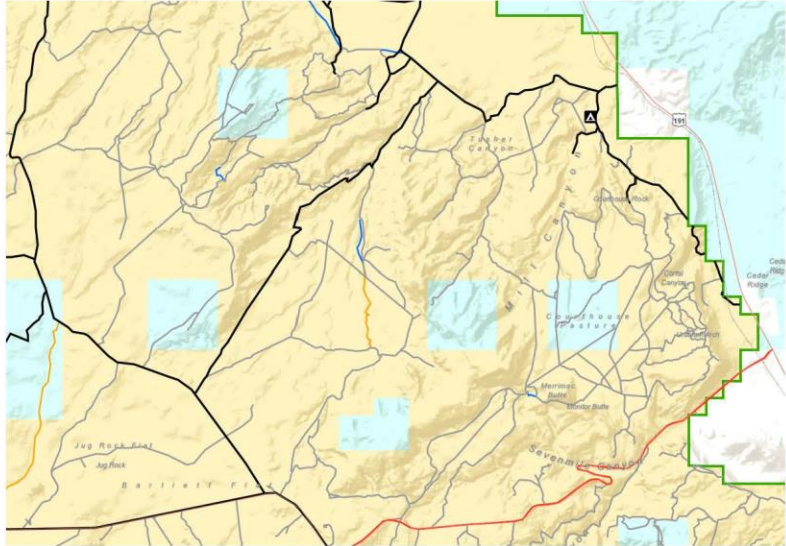
All of the four-wheel-drive trails in the Gemini Bridges area are extremely important for motorized recreation, and the BLM should keep almost every inventoried route in this area open. While there may be a handful of redundant or reclaiming routes in the Arth's Pasture area, most of the routes there are heavily used and serve a useful purpose as connecting trails between different parts of Metal Masher. Previous route closures have already created numerous non-motorized trails in this area, particularly the dense network of mountain bike trails descending from Highway 313.

While the Day Canyon Point area and parts of Dry Fork Bull Canyon are within Lands With Wilderness Characteristics, these routes predate the wilderness inventory, and the presence of these valuable routes makes this area unsuitable for Wilderness designation. We strongly

oppose closing either of these routes in order to “enhance wilderness values.” The BLM previously decided to keep these routes open, and they should remain open to motorized use.

3. Seven Mile Rim and Hidden Canyon

The Seven Mile Rim and Hidden Canyon areas contain numerous high value 4x4 trails, including **Seven Mile Rim, Wipeout Hill, Backwards Bill, Buttes and Towers, Courthouse Rock, Tusher Tunnel, Bartlet Overlook, Hidden Canyon / 3D,** and the **Pickle and Mash Potatoes** rock crawling trails. Most of these are Safari routes, and several overlap. Though there is a high density of routes in this area, nearly all of them are part of a named trail described in various authoritative sources and guidebooks.



The **Seven Mile Rim** trail (D2398, D2397, D2431, D2437, D2386, D2394, D2477, D2478, B343) follows a broad loop around the rim of Seven Mile Mesa. It is one of the most popular Safari routes, offering a wide variety of classic Moab terrain including sand, ledges, and slickrock, along with spectacular views of the surrounding valleys and canyons, Uranium Arch, and Monitor and Merrimac Buttes. The **Wipeout Hill** trail (D2375, D2376, D2379, D7217) connects to the southwestern part of the Seven Mile Rim trail but adds in a loop route to the south connecting with Highway 313 which includes the famous “Wipeout Hill” rock obstacle. The **Backwards Bill** trail combines half of the Wipeout Hill loop trail with the southeastern half of the Seven Mile Rim trail, and is another popular Safari route.

Buttes and Towers (D2436, D2388, D2393, D2417, D2416, B238) is another Safari route which goes more into the center of Courthouse Pasture and visits several of the large buttes and rock formations in the area. The **Courthouse Rock** trail (D2397, D2413, D2414, B238, B215) connects the two eastern ends of the Seven Mile Rim trail, running past Courthouse Rock to create a full circle. Another route that is described in the *Funtreks* guidebook, **Determination Towers** (D2394, D2477, D2478, D2482, D2479), partially coincides with the western leg of the Seven Mile Rim loop. A side trail (D2489, D2490, D8464, D2491) off of this section of the trail leads to the **Tusher Tunnel**, a natural sandstone tunnel.

The northwestern corner of the Seven Mile Rim loop connects to the dense trail system around Hidden Canyon. The Safari route called **3D** (B341, D2561, D2564, D2565, D2571, D2569, D2566, D2560, D2557, D2556, D2524, D2508, D2554) leads drivers on a broad tour through

this area, and overlaps with the **Hidden Canyon** (B341, D2383, D2387, D2385, D2384, D2387), **Bartlett Wash** (B341), and **Bartlett Overlook** (D2554) trails described in the *Funtreks* guidebook and TrailsOffroad website. These trails offer a wide variety of interesting and challenging terrain and spectacular scenery covering both canyon bottoms and rims. Also in this area are the difficult **Pickle** (D2393) and **Mashed Potato** (D2562) trails. The Pickle especially is known for challenging rock crawling and is mainly used by rock buggies. Mashed Potato is mostly moderate except for one optional rock obstacle that is more extreme.

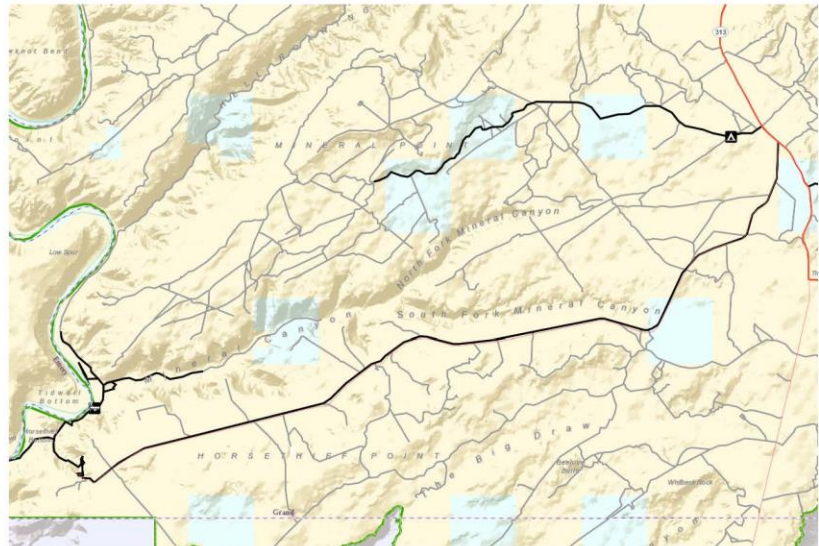
The off-road trails in the Seven Mile Rim and Hidden Canyon areas are some of the most valuable trails in the Moab region. As described above, this area hosts multiple popular routes used for Easter Jeep Safari, and the dense web of connecting trails allows drivers to choose their own adventure using numerous possible combinations of the routes described above. Though the density of the route network may cause some routes to appear redundant, each inventoried route in this area serves a valuable purpose such as providing access to different viewpoints and rock formations, as well as providing connections and loops between the various named trails in the area.

Any route closures in this area would severely harm the quality of the motorized recreation experience in this extremely popular area. There are no Lands With Wilderness Characteristics in this area, and the area has been managed effectively with no significant resource issues. The motorized route system in the Seven Mile Rim and Hidden Canyon areas should therefore be left as-is in all alternatives considered for this travel plan.

4. Horsethief Point, Mineral Point, and Hell Roaring Rim

In the southwestern corner of the TMA, on the eastern edge of the Green River and Labyrinth canyon, is the Horsethief Point and Mineral Point area. These two plateaus are separated by Mineral Canyon, and contain numerous highly valuable motorized routes.

The main B road accessing this area is **Mineral Bottom Road** (B129). It leads across Horsethief Point and down the famous switchbacks to Mineral Bottom, where it intersects and serves as the exit for



the White Rim Trail in Canyonlands National Park. It also accesses the Mineral Canyon backcountry airstrip, and the road up **Mineral Canyon** (D1217). This road is extremely valuable both for the scenery at the bottom of Mineral Canyon and because it allows for vehicle retrieval of base jumpers and paragliders who parachute down from the **Fruit Bowl** area on the rim of

Mineral Canyon. B129 also continues north along the Green River to the Hellroaring Canyon trail, which will be discussed in the next section of our comments.

South of Mineral Bottom Road (B129) are three trails that go to overlooks of branches of Taylor Canyon in Canyonlands National Park. These are the **Big Draw trail** (D1019, D1855SJ), **Taylor Canyon Rim trail** (D1026, D5313SJ), and the **Rough Canyon trail** (D1042, D1853SJ). Each of these trails is rated moderate and leads south across the Horsethief Point plateau to the boundary of Canyonlands National Park. The Big Draw trail and the Taylor Canyon Rim trail both lead directly to highly scenic overlooks of Taylor Canyon, while the Rough Canyon trail ends at the Canyonlands fence line and requires a 1.3 mile hike to reach the overlook at the canyon rim. All three of these roads also allow dispersed camping and have several scenic campsites. D1116/D1857SJ also leads to a scenic overlook of Taylor Canyon and campsite.

North of Mineral Bottom Road are several routes that go to overlooks on the rim of Mineral Canyon, including D1168, which accesses the SITLA parcel which contains the **Fruit Bowl** highline and base jumping area. With the BLM's recently adopted restrictions on aerial and roped activities in the Mineral and Hell Roaring Canyon areas, this is the only place in the area which still allows these activities. We note that the BLM's route inventory in this area appears incomplete, and is missing multiple roads on this SITLA parcel including the one actually leading to the Fruit Bowl itself. While the BLM does not have route designation authority on SITLA land, these roads should be added to the inventory for the sake of completeness.

Other spurs from Mineral Bottom Road to the Mineral Canyon Rim include D1186, D1191, D1193, D1195, D1199, D1167, and D1164. D1207 in particular accesses an extremely scenic campsite and overlook. There is also a system of roads leading out to a point in a split of Mineral Canyon, which culminates at overlooks on D1164, D1164, D1291, and D1299. All of these overlook routes are valuable for scenic viewing and camping and should be kept open.

North of Mineral Canyon is a whole system of routes on Mineral Point accessed from roads B340 and D1364. These include the routes leading to the two main viewpoints at Mineral Point, D1404 and D1408. D1408 is the route identified in the *Funtreks* guidebook as the main Mineral Point viewpoint, which provides this spectacular view of Labyrinth Canyon.



Of note, the BLM's inventory map shows D1408 ending short of its actual endpoint right on the edge of the cliff. The actual route continues a short distance further to the rocky area right at the cliff's edge, which is also a popular campsite. This is illustrated by the red arrow in the following image, which shows the approximate path from the end of the inventoried route to the cliff edge.



The following image shows a vehicle parked at this overlook and campsite.



We urge the BLM to correct its route inventory to reflect that D1408 ends at this point on the canyon rim, and to keep this spectacular trail (and all routes connecting to it) open in all alternatives. Though that route is the most scenic, there are many other routes nearby that also

lead to scenic campsites and overlooks of Mineral Canyon. These include D1395, D1399, D0004, D1402, D1382, D1357, and others.

Both Mineral Point and many of the routes to the northeast of it are part of the **Hell Roaring Rim Safari Route**. This route follows a path including D1404, D1364, D1385, D1411, D1416, D1438, D1439, D1432, D1429, D1433, D1450, D1453, D1454, D1265, D1262, D1264, D1255, D1459, D1460, D1465, D1468, D1470, D1473, D1488, D1489, and D1484. Spur routes D1454, D1437, D1441, D1446, D1440, and D1433/D1434 provide access to multiple scenic overlooks and campsites overlooking Hell Roaring Canyon.

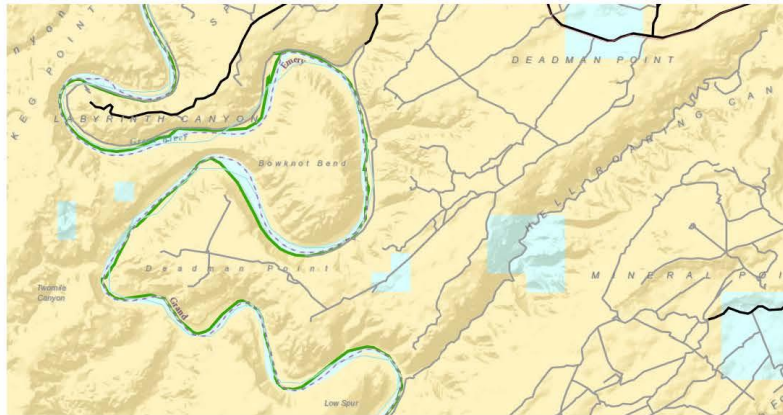
Besides the routes mentioned here, there are numerous other routes forming a dense web across the Mineral Point plateau. While many of these routes may appear redundant on a map, satellite imagery shows that they lead to a wide variety of dispersed campsites and canyon overlooks, and each one has value for motorized exploration of this beautiful area.

Though a number of areas along the Mineral Canyon and Hell Roaring Canyon rims are shown as Lands With Wilderness Characteristics, those lands are laced with cherry-stemmed motorized routes. The areas shown in BLM GIS data as having wilderness characteristics are so fragmented by roads that it would be impossible to manage this area as Wilderness without closing every road in the area, including county B roads. This makes this area completely unsuitable for Wilderness designation, and the BLM should not entertain any alternative that includes the mass closure of routes in this area in an attempt to “enhance wilderness character.”

Instead, the BLM should keep nearly every route in the Horsethief Point, Mineral Point, and Hell Roaring Rim areas open, and should consider designating additional routes throughout this area that are visible in satellite imagery but are not shown in the BLM's route inventory, of which there are many. As discussed earlier, motorized users also seek solitude. While the presence of so many motorized routes in this area eliminates the possibility of “Wilderness grade” solitude, the remote network of lesser known and less frequently traveled roads in this area provides excellent opportunities for vehicle-based solitude and remote dispersed camping.

5. Hellroaring Canyon and Deadman Point

The next focus area includes the north rim Hell Roaring Canyon out to Deadman Point, as well as Hell Roaring Canyon itself. This is an extremely scenic area in the Bowknot Bend region of Labyrinth Canyon, and has numerous high value motorized routes which we urge the BLM to keep open.



First and foremost is the **Hell Roaring Canyon road** (D1223, D1224, D1225). This road is accessed from B129 at Mineral Bottom, driving north along the eastern bank of the Green River.

Though the Hell Roaring Canyon road is extremely remote and lightly trafficked, it is nevertheless an extremely important route for motorized recreation. It starts out as a beautiful drive along the Green River, surrounded by the towering cliffs of the Labyrinth Canyon Rim.



Right where the road enters Hell Roaring Canyon, there is a BLM-placed interpretive sign commemorating an inscription on the cliff above from the 19th century explorer Denis Julien, which is located at 38.56361, -109.98389. The road then enters the wash at the bottom of Hell Roaring Canyon and continues up the canyon for approximately 8 miles.

Though the route from this point is considerably more challenging and there have been some reports of washouts making it impassable, we have confirmed with locals that the road is still passable up the canyon to the end of the motorized route. A prominent YouTuber drove a good

way up the canyon in October 2020, which can be seen in this video:

https://youtu.be/1Gy_giFg7yA?t=503. A screenshot from that video is below.



Approximately 8 miles into the canyon, the road forks, with one branch (D1224) going a short distance further up Dubinky Wash, and the other (D1225) looping back up onto a small plateau within the canyon. The branch up onto the plateau leads to what appear to be campsites. However, since the BLM limits camping within the canyon to designated sites, we are uncertain if those are legal or not.

There is also evidence in satellite imagery of a road continuing a ways further up Hell Roaring Canyon to the east of the junction, but that road does not appear in the BLM's inventory. We urge the BLM to add this route to its inventory and consider designating it for motorized access.

We are aware of the Moab Field Office's decision in November 2020 to restrict or prohibit rock climbing and other roped activities, as well as base jumping, paragliding, drone flying, and other aerial activities within Mineral and Hell Roaring Canyons.⁸ This was done primarily out of concern that excessive amounts of these activities were disturbing nesting raptors and desert bighorn sheep which live within the canyons.

We are concerned that the restrictions placed on other recreational activities around and within Hell Roaring Canyon signaled the BLM's future intent to prohibit motorized access to the Hell Roaring Canyon road as well. If that is the BLM's intent, we believe it to be a mistake. With the impacts from other recreational activities in these canyons already largely eliminated by the previous rulemaking, the impacts of continued motorized recreation on the Hell Roaring Canyon road should be minimal, and should not adversely affect wildlife in any significant manner.

⁸ See "Limiting Roped and Aerial Activities in Mineral and Hell Roaring Canyons", EA and FONSI, November 2020, https://eplanning.blm.gov/public_projects/1504945/200365762/20030255/2500366454/Min-HR%20EA_FONSI_DR%20Signed%2011.24.2020.pdf.

The road up Hell Roaring Canyon has existed for many decades and generally receives only light use by motorized vehicles. While the BLM could interpret its low use levels as a sign that it is a low value route, that is not the case. Rather, for the few motorized users that venture into the canyon, this route offers an extremely valuable opportunity for remote motorized exploration in relative solitude. As discussed previously, motorized users also seek and enjoy solitude, and this route epitomizes the kind of solitude that motorized users can find when venturing off the beaten track on less popular backcountry roads.

All told, from the point the county-maintained B road ends, the Hell Roaring Canyon road is approximately 10 miles long. As an out-and-back road, it therefore offers around 20 miles of challenging off-road exploration, which is easily a full day adventure. That opportunity for off-road exploration and adventure should be preserved.

The low levels of use also mean this road has minimal environmental impacts, as wildlife living in the canyon will only rarely experience any kind of disturbance from motorized users. Raptors nesting in the cliffs high above the road should not be significantly affected by use of the road on the canyon floor, while desert bighorn sheep living in the canyon have long grown accustomed to the infrequent motorized use that occurs there.

When evaluating the impacts of this road on wildlife, the BLM must consider actual impacts rather than purely theoretical ones. Unless the BLM determines that past motorized use on this road has severely adversely affected wildlife, that motorized use should be allowed to continue.

We note that in the 2008 Resource Management Plan, the BLM specifically decided NOT to manage the areas around Mineral Point, Deadman Point, and Hell Roaring Canyon for wilderness characteristics. And while the BLM noted the route up Hell Roaring Canyon was particularly controversial, it nevertheless decided that its strong overriding purpose merited keeping it open to motorized use. The 2008 RMP decision stated:

Other controversial routes that are designated in the Approved RMP include the Hey Joe route along the Green River and a route within Hellroaring Canyon. These two routes pose potential resource conflicts with non-motorized recreationists and riparian areas. However, the routes were determined to have an overriding purpose and need in that they are identified in guidebooks or are part of the Moab Jeep Safari route system. External groups also dispute the BLM's designation of routes in areas such as Deadman Point and Mineral Point, citing conflicts with non-motorized recreation and wilderness characteristics. In the Approved RMP, the BLM has chosen not to manage for these values which essentially remove the resource conflicts.⁹

The same overriding purpose that merited keeping this road open in 2008 still exists today, and the BLM should reaffirm its earlier decision to designate this route as open for OHV use. We urge the BLM to keep the full length of this road open in all action alternatives considered, with the only exception being the settlement-mandated alternative that closes all roads in areas with wilderness characteristics. If, however, the BLM is determined to close the Hell Roaring Canyon road, then it should at least remain open to the Denis Julian inscription at the mouth of Hell Roaring Canyon, where a parking lot and hiking trailhead could be established. A seasonal closure should also be considered in lieu of full closure.

⁹ Moab Field Office RMP Record of Decision, 2008, p. 19, https://eplanning.blm.gov/public_projects/lup/66098/80422/93491/Moab_Final_Plan.pdf.

Turning to the routes on the north rim of Hell Roaring Canyon on Deadman Point, there are multiple high-value motorized routes which are part of the **Deadman Point Safari Route**. These include D1497, D1503, D2014, D2016, D2018, D2020, D1504, D1506, D1509, and D1510. These routes lead from B140 out to Deadman Point, where there are multiple highly scenic overlooks of both Labyrinth Canyon and Hell Roaring Canyon, with views such as that pictured below, at the end of D1504.

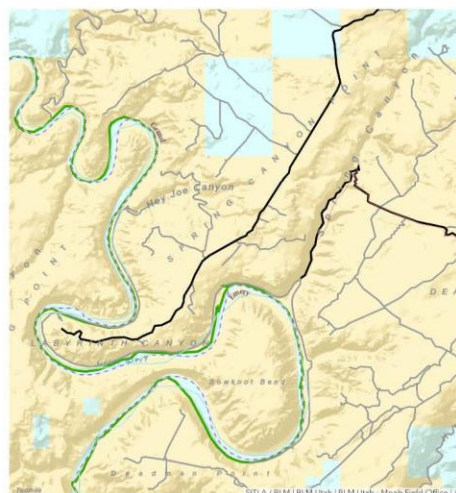


D1504 leads to an overlook of the mouth of Hell Roaring Canyon, while D1506, D1510, and D1509 lead to three different overlooks of the Green River from a junction at the center of Deadman Point. Further back from the main point is a network of roads including D1511, D1515, D6857, D6859, D1518, D1520, and D6886 that leads to multiple other viewpoints and dispersed campsites overlooking Bowknob Bend. All of these are highly valuable motorized routes, many of which are run in connection with Easter Jeep Safari.

We urge the BLM to keep all of the routes on Deadman Point open in all action alternatives considered, and only consider closing any of them if that is required by the settlement agreement. As noted above, the BLM specifically declined to manage the Deadman Point area for wilderness characteristics in the 2008 RMP, so those considerations should not be used to justify closing motorized routes now.

6. Spring Canyon Point and Hey Joe Canyon

Spring Canyon Point is another point jutting out into Labyrinth Canyon just north of Bowknob Bend. A county B road, B338, goes all the way to a spectacular scenic overlook at the end of the point. Numerous D roads



branch off of this road, leading to other scenic overlooks of Labyrinth Canyon and dispersed campsites. These include D1533, D2678, D2686, D2685, D2680, D2653, D2674, D2675, D6924, D2658, D2652, and others. All these are valuable scenic routes that must be kept open.

The main attraction in the Spring Canyon area is the **Hey Joe Canyon Safari Route**, which is accessed from Spring Bottom Road (B140) and consists of D1527, D1529, and D9138. The trail descends a steep series of switchbacks on a narrow shelf road on B140 down to Spring Canyon Bottom, where the road splits into two D routes. D1526 goes south along the banks of the Green River for 3.4 miles and then deadends. D1527 goes north and is the main Hey Joe Canyon trail. Much of the road is rocky and challenging, with sections of narrow shelf road immediately above the river (pictured below). The trail ultimately ends at the Hey Joe Mine site at the mouth of Hey Joe Canyon, where little remains except a few old ruined vehicles and other mining relics.



The Hey Joe Canyon trail is an extremely popular trail run as part of Easter Jeep Safari, and both it and the south branch of Spring Canyon Bottom Road (D1526) are highly valuable motorized routes that must be kept open.

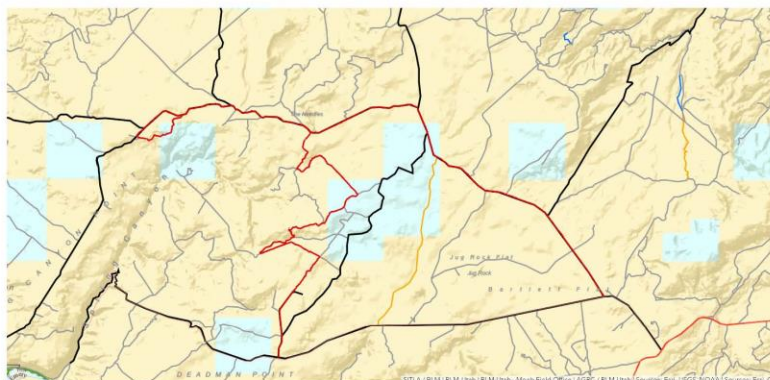
As with Deadman Point, Spring Canyon Point and Hey Joe Canyon are in areas where the BLM has found wilderness characteristics. However, here also the large number of roads, including county B roads, makes this area unsuitable for Wilderness designation, and thus wilderness characteristics should play no role in the BLM's route designation decisions.

7. Secret Spire Area

The Secret Spire area is northeast of Deadman Point, and is home to multiple important motorized routes. The main trail in this area is the **Secret Spire Safari Route**, highlighted in red on the map below. This consists of B137, B338, D2642, D2621, D2053, D2050, D2040, D6971, D2042, D2043, D2036, B362, and B139. It passes by the **Dellenbaugh Tunnel** trail (D2053),

which accesses a short hiking trail to a natural sandstone tunnel. The main attraction of the Secret Spire trail is the titular Secret Spire on D2642. This is a slender sandstone needle which is a popular site to see. All the trails in the Secret Spire area are rated easy to moderate and can be driven by any stock 4x4 vehicle.

Another important trail in this area is the **Deadman Springs** trail (D2024). This is an easy-moderate trail to a spring that was once a reservoir. The trail passes through a drainage system and covers slickrock, dirt and sand, as well as a few ledges. It includes views of the Twins, Queens Rock, and DMS Waterfall.



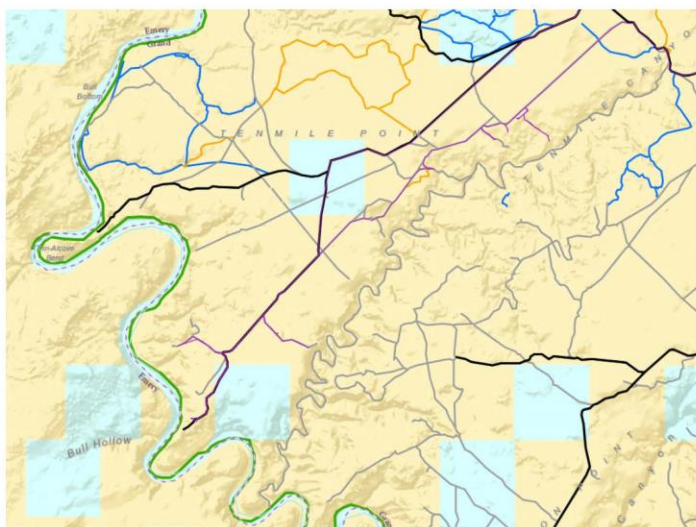
Finally, the **Rainbow Terrace** trail (D2623, D2625, D2626) is another easy to moderate 4x4 trail that winds through a scenic area with lots of interesting rock formations, buttes, washes, and canyons. It travels north from Tombstone Butte to the entrance of Ten Mile Wash.

Numerous other roads in this area access a number of scenic overlooks of various canyons and rock formations, as well as dispersed campsites in the areas where camping is allowed. There are no conflicts with wilderness characteristics or other issues in this area, and all of the roads in this area should be kept open to continued motorized use.

8. Ten Mile Rim and Ten Mile Canyon

The next focus area is the area around Ten Mile Canyon.

The most important route in this area is the **Ten Mile Wash** trail (D2759), which is a long route which travels down Ten Mile Canyon from Dripping Spring, remaining in the creek bottom the entire time. Though the BLM's current route inventory lists it as being 14.7 miles long, the 2008 RMP described it as 18 miles long. We are uncertain of the source of this discrepancy. This trail travels the entire length of Ten Mile Canyon until it ends at the Green River, and is especially popular with ATVers and dirt bikers.



The Ten Mile Wash trail was one of the most controversial routes designated in the 2008 travel plan. The Record of Decision for the 2008 RMP stated:

The most controversial route is the 18 mile long Ten Mile Wash route, which is a designated route in the Approved RMP. Although very popular with motorized users, the route poses potential resource conflicts with cultural resources, wildlife, and riparian resources. The area has experienced off-route vehicle travel in the past which has resulted in impacts primarily to riparian and vegetation resources. The BLM has found that the resource impacts can be mitigated by clearly signing and flagging the desired route on the ground.¹⁰

Though this route was and is controversial, and SUWA will no doubt submit extensive comments claiming that motorized use is destroying vegetation and wildlife habitat in the canyon, we believe the same reasons that led the BLM to keep this route open to motorized use in 2008 also apply today. Mitigation measures should be employed to minimize negative impacts instead of closing the route to motorized use.

As best I have been able to tell, this route appears to be used almost exclusively by ATVs and dirt bikes. Parts of it are extremely narrow and are only passable to smaller vehicles, though full-size vehicles may be able to traverse parts of it. This trail could merit a width restriction to 50" and smaller vehicles if the BLM believes that is necessary, though we would urge the BLM to keep any sections that are passable to full-size vehicles open to all types of vehicles.

There are numerous other motorized routes on both the north and south rims of Ten Mile Canyon which we also believe should remain open. These include the **Ten Mile Rim trail**, which follows a path on the north rim of the canyon which includes roads D2840, D2848, D2846, B336, D2760, D2844, D2845, D2867, D7073, D2761, and D7059. This trail runs out along the Ten Mile Canyon rim to Ten Mile Point, where it ends at a scenic overlook of the Green River. It also visits multiple overlooks of Ten Mile Canyon and the Texas Bob Dugway. Several other routes including D2761, D2763, and D2800 run north from the Ten Mile Rim trail to other canyon overlooks and also connect to a system of designated ATV trails on the northern part of Ten Mile Point. D2767 accesses the midpoint of the Ten Mile Wash trail.

The south rim of Ten Mile Canyon also has numerous roads paralleling the canyon and leading to different scenic overlooks. These include D2716, D2713, D2712, D2711, D2710, D2700, D2703, D2658, D2701, D2664, and D2658. The last of these, D2658 leads out to a highly scenic overlook of Labyrinth Canyon. All of these should be kept open for motorized recreation as well.

Though the BLM does list a good portion of both the northern and southern rims of Ten Mile Canyon as Lands With Wilderness Characteristics, like every other such area along Labyrinth Canyon, the high number of roads in these areas makes them unsuitable to manage as Wilderness, and the BLM should refrain from using mass road closures to manufacture additional wilderness characteristics that have never existed before in these areas. The Ten Mile Wash and Ten Mile Rim routes are all extremely valuable routes that offer excellent opportunities for scenic motorized exploration, adventure, and remote dispersed camping. They should all continue to remain open in the future.

¹⁰ Moab Field Office RMP Record of Decision, 2008, p. 19, https://eplanning.blm.gov/public_projects/lup/66098/80422/93491/Moab_Final_Plan.pdf

9. Whitewash Sand Dunes and Crystal Geyser Area

In the far northern portion of the TMA is the White Wash Sand Dunes area, centered around the White Wash Sand Dunes Open OHV Area. While we understand that the BLM will not be making any changes to the open OHV area in this travel plan and will only be looking at the designated route network outside of it, it is important to note the existence of this OHV area. Its presence makes the surrounding area a popular destination for off-road recreation, and all routes surrounding it should be kept open.



We wish to note at the outset that the BLM's route inventory map omits the White Wash OHV area entirely. While this omission is likely intended to avoid confusion since this plan will not affect it, it actually adds confusion because the inventory does show several routes within the boundaries of the open OHV area such as D2890, which is the main route up White Wash in the middle of the open OHV area. The presence of these routes on the map while the open OHV area boundaries are not marked makes it appear as if the BLM is eliminating the open OHV area, which is not the case. We ask the BLM to make it clear on future maps that this travel plan will not affect the status of the White Wash Open OHV Area or any routes within it.

Just to the northwest of the White Wash Open OHV Area is the **Crystal Geyser 4x4 trail**. This is another Easter Jeep Safari route, which includes both the **Rainbow Terrace trail** discussed in section 7 of our comments and the **Dee Pass trail**. The northern section of this safari route is in this focus area. It begins off B336 and includes D2885, D2888, D2996, D2998, D2997, B147, B148, D2972, D3178, and B150. This is the northernmost Safari route and is a scenic trail through more open and desolate desert country which visits the eponymous Crystal Geyser. It is a hard-moderate difficulty trail, particularly the section over Dee Pass. This a highly important trail that must be kept open.

Most of the other named trails in this region are just south of I-70. The **Salt Washington North trail** (D3118, D3141, D3143, D3150) is an important loop route that goes out to the Green River and then follows along the Green River for a while before looping back to the east. D3109 and D3110 access another point along the Green River.

Salt Washington North connects to the **Salt Wash trail**, a moderate route consisting of D3136, D3101, D3120, D3121. This route follows a series of washes and has some good rock crawling. D3114 and D3126 connect this trail to Salt Washington North. The **Orange Trail** is near the northern end of Salt Washington North and consists of D3148, D3150, and D3171. It is a short but moderately challenging trail off the Crystal Geyser Safari route with interesting desert scenery. All of these roads should remain open.

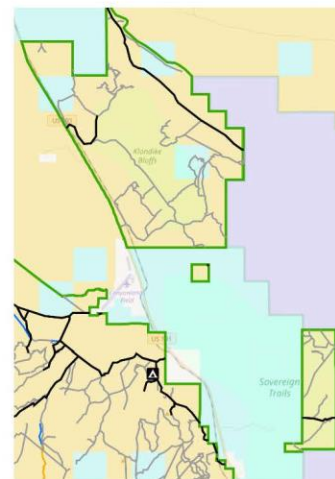
Further to the south, D2915, D2916, D7299, D7308, D7307, D7303, D2928, D7315, D2946, D2938, D2915, D2930, D8210 all lead to overlooks of the Green River and should be kept open.

Though the northern part of the TMA is not as popular as other areas closer to Moab, all of the routes in this area are nevertheless important for motorized recreation. The BLM inventory shows numerous ATV and motorcycle trails in this area, and it is generally more popular with that user group. We will defer to motorcycle groups such as Sage Riders for their expertise on those routes.

There are no areas with wilderness characteristics in this part of the TMA, and no other significant resource conflicts that we are aware of. Therefore, we request that the BLM keep all currently open routes in this area open under all alternatives.

10. Klondike Bluffs

The Labyrinth Rims/Gemini Bridges TMA strangely includes three non-contiguous areas (two are pictured in the map to the right) in the Klondike Bluffs area, sandwiched between Highway 191, several large SITLA parcels, and Arches National Park. Given how fragmented these areas are, it is absolutely critical that the BLM consider connectivity with areas outside of the TMA when evaluating these routes.



The largest of these non-contiguous areas includes the northern part of the Klondike Bluffs and Copper Ridge trail systems. There are also three large networks of mountain bike trails within and adjacent to these areas: the Klondike Bluffs Trails, the Moab Brands Trails, and the Sovereign Trails. Though the motorized trails and non-motorized trails are adjacent to each other in these areas, they are separate and there are no significant conflicts between them. Indeed, the motorized route network in these areas provides connectivity and allows mountain bikers to take vehicle shuttles to the top. Klondike Bluffs is also an extremely popular area for dispersed camping.

One of the most important motorized routes in the Klondike Bluffs area is the **Copper Ridge Safari Route** (D3841, D3842, D3802, D3821, D3820, D3815, B143, D3913, D3931, D3932, D3906, D3918, D3916). This trail is a combination of several roads north of Moab and near the western boundary of Arches National Park. It has many views of the Klondike Bluffs, a good view of Tower Arch, and some other arches are seen at a distance. The trail also offers a beautiful view of a pour-off into Seven Mile Canyon. The majority of this trail is on SITLA land south of the TMA area. Only the northern end of it is inside the TMA. This route is a popular trail run during Easter Jeep Safari and must remain open. There are several side spurs off this trail leading to additional scenic viewpoints including D3906, D3923, D3924, D3925, D3926, and D3927 which should also remain open.

Another extremely important route is the **Klondike Bluffs trail**, which consists of D3805, D3802, D3844, D3845, D3852, D3856, D3853, D3854, and a final **non-inventoried route segment** that connects to Salt Valley Road (B145). It has an alternate entrance coming into the TMA on D3802 via part of the Copper Ridge trail. The Klondike Bluffs trail serves as a scenic and moderately challenging 4x4 route into Arches National Park via Salt Valley Road. It also

visits a viewpoint of the Klondike Bluffs on D3856 and a dinosaur track at 38.78677, -109.70661.

The non-inventoried route segment at the end of this trail begins at the junction between D3853, D3655, and D3870 at 38.81351, -109.69778, and travels approximately 0.62 miles across an open field before ending at an intersection with Salt Valley Road at 38.81601, -109.68716. This segment is included in the trail called "Klondike Bluffs Escape via Baby Steps" on the TrailsOffroad website¹¹, which is included in the attached PDF of TrailsOffroad trail profiles. This road can be clearly seen in the satellite imagery in ArcGIS, shown below.



This segment is labeled as Arches Salt Wash on OpenStreetMaps based maps such as GaiaGPS, shown below.



¹¹ <https://www.trailsoffroad.com/trails/2305-klondike-bluffs-escape-via-baby-steps>.

While it would be possible to use D3655, D3655, and D3868 as an alternate route between the junction and Salt Valley Road using routes that are inventoried, this non-inventoried segment is the most direct route and the most commonly used. We ask that the BLM add this route segment to its inventory and designate it for motorized use in all alternatives. There is also a non-inventoried spur off D3655 leading to a campsite at 38.808592, -109.688265, which should be added. There is another non-inventoried camp spur just west of that starting at 38.811080, -109.691896.

A third important motorized route in this area is the **Baby Steps Trail** (D3860, D3859, D3866, D3831, D3831, D3872, D3882, D3881, D3879, D3878, D3877, D3876). This trail is a collection of smaller loops and side routes off of the Klondike Buttes and Copper Ridge trails that go to a number of additional viewpoints and scenic areas around Klondike Bluffs. It also provides access to the top of several mountain bike trails, such as Baby Steps North.

The next isolated portion of the TMA contains part of B378, Willow Springs Road, which is a scenic back route into Arches National Park. There are several side spurs off of it that connect to routes on adjacent SITLA land that must be kept open to preserve connectivity in the area. These include D3569, D3565, D3551, D3571, D3589, D3590, D3540, and D8400. D3547 is part of the Copper Ridge Trail and must be kept open to ensure continuity with the rest of this trail. All of the routes in this small area are valuable for motorized recreation in the southern part of Klondike Bluffs near the Sovereign Trails area, and should be left-as is to avoid disrupting connectivity with surrounding lands.

Finally, the last isolated parcel only includes a handful of inventoried routes off of B261. These include D3488, D3491, D3494, D3495, D3496, D349, D3498, D3499, D3559, D3560, D3500, D3501, and D3503. This area is right across Highway 191 from the entrance to Gemini Bridges Road, and is adjacent to Arches National Park. These roads access a number of mountain bike trails in the Moab Brands trail system such as Bar M and Circle O, portions of which are currently open to motorized vehicles. D3559 and D3498 both climb up into a slickrock area that appears highly scenic. While these roads are mixed in with mountain bike trails, we ask that all currently open motorized routes be kept open in all alternatives.

IX. Conclusion

These comments have attempted to discuss the main routes and areas which offer valuable opportunities for motorized recreation in the Labyrinth Rims/Gemini Bridges TMA. We urge the BLM to designate all of the individual routes discussed above as OHV open, and to only close routes which have been verified on the ground as naturally reclaiming or impassable.

We urge the BLM to keep all routes open to the same vehicle classes they are open now and refrain from designating additional 50" limited routes. With the advent of modern side-by-sides, the 50" user group is rapidly declining, having been largely supplanted by OHVs that are over 60" in width. These types of OHVs use the same routes as full-size four-wheel-drive vehicles, and are rapidly becoming the largest off-road vehicle user group. In order to ensure that the motorized route network in the TMA meets the needs of motorized users well into the future, the BLM should avoid restricting any current full-size routes to 50" or smaller vehicles. Only routes that are not physically wide enough to accommodate larger vehicles should be width restricted.

Beyond current designated routes, we also urge the BLM to consider officially designating as open all routes that exist on the ground and are currently being used for motorized recreation, even if they were not included in the 2008 travel management plan. The route inventory for this travel management process reflects only existing routes, and no truly new routes would be designated by this process. Maintaining those existing opportunities in no way constitutes prioritizing motorized recreation over other uses, but simply allows motorized recreation to continue in areas where it already is the primary use. The Moab area has always been a popular destination for motorized recreation, and maintaining similar levels of motorized access to that which already exists would in no way change the overall character of the region.

SUWA will no doubt claim that an excessive amount of land in the TMA is dedicated to motorized recreation and demand that the BLM close large numbers of motorized routes in order to create "quiet use" areas for non-motorized recreation. In support of this proposition, they will likely claim that only a small percentage of land within the TMA is further than one mile away from a motorized route, therefore it lacks opportunities for non-motorized recreation.

We wish to point out that the mere presence of motorized routes in an area is not incompatible with non-motorized trails in adjacent areas. While SUWA will likely raise noise as their main concern, the mere fact that the sound of nearby motorized activities is audible in non-motorized areas does not in itself constitute a conflict. None of these areas are Wilderness, and even Wilderness legislation typically prohibits agencies from creating buffer zones around Wilderness areas or prohibiting activities outside of Wilderness solely because they can be seen or heard from within adjacent Wilderness areas. The BLM should therefore not entertain any proposal to create noise buffer areas around non-motorized trails that are not even inside Wilderness areas.

Moreover, as discussed in the BLM's 2008 RMP record of decision, the varied topography of the region often produces much greater effective separation between routes than mere linear distance accounts for.¹² Though a motorized route on a canyon rim may be only a short linear distance from a hiking trail on the canyon floor, the significant vertical distance between them separates them quite thoroughly and lessens the amount of noise that can travel from one to the other. The same is true of routes on opposite sides of buttes or rock formations.

We also note that the BLM previously rejected SUWA's approach of setting arbitrary targets for the percentage of areas within the Moab Field Office that should be more than a mile away from motorized routes, and then arbitrarily closing motorized routes to reach that target. As the 2008 RMP stated:

BLM agrees that an equitable allocation between motorized and non-motorized use is a desirable outcome of the BLM travel plan. However, the BLM cannot justify using an arbitrary percentage to achieve this goal.¹³

The BLM has a duty to create a motorized travel management plan that is fair and balanced toward all users, including motorized users. There are already numerous opportunities for non-motorized recreation in the Labyrinth Rims/Gemini Bridges TMA, and additional opportunities for non-motorized recreation should not come at the expense of lost opportunities for motorized users. Motorized recreation inherently requires far more land and a much greater

¹² Id. at p. 13.

¹³ Id.

total route mileage than non-motorized recreation in order to provide a satisfactory experience. It is therefore inappropriate to judge "fairness" based solely on raw percentages of land allocation.

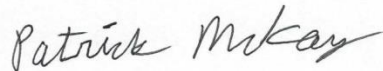
A fair allocation of recreational opportunities requires the BLM to equally weigh the needs of all user groups, rather than catering solely to the loudest voices from extremist environmental groups who have been quite clear that they oppose all forms of motorized recreation on public lands. There is no compromising with such groups.

As recent events have shown with the San Rafael Desert Travel Management Plan, SUWA will not accept anything less than the total closure of all motorized routes in the area, and will sue to challenge this travel plan no matter what the outcome. Rather than closing motorized routes in a futile effort to appease SUWA, the BLM should take this opportunity to officially designate as open all existing motorized routes in the TMA in a manner that will hold up in court.

At the very least, we ask that all action alternatives consider maintaining as many existing opportunities for motorized recreation as possible, with the ultimate goal of ***no net loss of motorized routes***. Anything less would be highly damaging to public access to public lands in the Labyrinth Rims/Gemini Bridges TMA, and would fail to meet the BLM's obligation to manage this area for multiple use recreation and the benefit of all users.

Thank you for your consideration.

Sincerely,



Patrick McKay, Esq.
Vice President, Colorado Offroad Trail Defenders

Attachments

To assist the BLM in making informed decisions regarding the numerous motorized routes in the Labyrinth Rims/Gemini Bridges TMA, we have provided the following attached documents. Due to file size limitations on the ePlanning website, some of these documents may be provided in separate submissions.

1. Compilation of motorized trail profiles from the website TrailsOffroad.com. These profiles provide a detailed description of many popular routes in the TMA, including their difficulty level, notable waypoints and obstacles, and dispersed camping opportunities.
2. Scans of relevant trail descriptions from the *Funtreks Guide to Moab, UT Backroads and 4-Wheel-Drive Trails* (3rd Edition, 2016) by Charles Wells.
3. Scans of relevant trail descriptions from *Utah Trails - Moab Region* by Peter Massey (2018).
4. Compilation of Safari Route descriptions from Red Rock 4-Wheelers, containing detailed trail descriptions for all of the Safari routes in the TMA.
5. PDF of the 2021 Easter Jeep Safari Magazine, describing routes run during the 2021 Easter Jeep Safari.

Letter 26: Gipe

[EXTERNAL] Moab

Greg Gipe <greggipe575@gmail.com>

Tue 4/20/2021 2:47 PM

To: Stevens, Kathleen (Katie - Moab) C <kstevens@blm.gov>

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I am a dirtbike rider. We make an annual trip to Moab with around 10 riders. We spend thousands of dollars during our stay and traveling to Utah. I find it extremely frustrating that certain groups can't find a way to enjoy the outdoors without stopping others from doing the same. I support keeping all areas open for shared use. Thank you Greg Gipe

Ps my group was responsible for 40k volunteer hours last year in our off road community

Letter 27: Grand County Commission



GRAND COUNTY COMMISSION
Mary McGann (Chair) · Gabriel Woytek (Vice Chair)
Evan Clapper · Jacques Hadler · Trish Hedin
Sarah Stock · Kevin Walker

May 18, 2021

Nicollee Gaddis-Wyatt
82 East Dogwood
Moab, UT 84532

Dear Ms. Gaddis-Wyatt,

Here are Grand County's preliminary comments on the Labyrinth Rims/Gemini Bridges travel planning process.

Public lands in Grand County, and more specifically in the Labyrinth/Gemini Bridges area, offer a wide variety of recreational opportunities. We think the top priority for the future travel plan is to make sure that there is a fair allocation of recreational opportunities amongst various groups, even as use numbers increase.

We hope that in the future, hikers, bikers, jeepers, UTVers, river rafters and others will all have ample recreational opportunities in the Laby/GB area. This will not happen by accident. It will require a careful "zoning" approach by the BLM.

In particular, it is important to provide opportunities for quiet forms of recreation, out of earshot of motorized trails. We think the travel plan should ensure that a reasonable percentage of the planning area is more than one mile from a road or motorized trail.

The present road network is not the result of a careful planning process that kept recreational opportunities in mind. Rather, it is largely the result of historical accident, with the location of old seismic lines and mineral exploration routes from decades ago playing a dominant role in where motorized routes are located today. The current planning process is an opportunity for BLM to implement a more rational travel plan that will serve us well decades into the future.

Here are some principles we hope the BLM will keep in mind when constructing the future travel plan. We realize that in some cases these principles will conflict.

- We would like to see a wide variety of motorized recreation opportunities available in the future.
- Areas where quiet recreation is popular should be separated from (i.e. out of earshot of) motorized routes. This includes canyon bottoms, canyon rims, and the Green River corridor.

Commission's Office · 125 E. Center St. · Moab, UT 84532 · (435) 259-1346 ·
www.grandcountyutah.net

Doc ID: 390d5cbb2878be9bbaf914604e424f0382fbeeef

- There are very few riparian areas in this semi-desert area, and we don't think it makes sense to place motorized routes in riparian areas.
- Habitat important to wildlife should be protected. This includes, specifically, bighorn sheep habitat.
- Areas with important archeological and cultural resources should be protected.
- The west side of Labyrinth Canyon is designated wilderness, and Grand County has endorsed wilderness for the east side in the past. We think the travel plan should be consistent with likely future wilderness designations in Labyrinth Canyon.

It is our understanding that with the current travel plan roughly 95% of the planning area is within half a mile of a motorized route and less than 1% is more than a mile from a motorized route. This does not seem balanced to us. We hope the new travel plan will result in 15% of the area more than a mile from a motorized route and 30% more than half a mile from a motorized route. We also request that each alternative be evaluated by this metric. In other words, for each alternative studied in detail the BLM should disclose what percentage of the planning area is more than 0.5, 1, or 2 miles from a motorized route. This will help the public and Grand County determine how well each alternative is doing in terms of a balanced allocation of recreational opportunities.

Grand County prides itself in offering a wide variety of public lands recreation opportunities. With careful travel planning, this wide variety can be preserved, despite rising use levels. At low use levels, hikers, bikers and jeepers can all use and enjoy the same trail. The users are not separated in space, but they are separated in time and rarely cross paths. At high use levels this sort of trail sharing no longer works and it becomes necessary to separate different types of use in space rather than time. In other words, it becomes necessary to "zone" the backcountry into non-motorized and motorized areas. If this is done carefully and fairly, then we can look forward to a future where Grand County continues to offer a wide variety of recreational opportunities.

Sincerely,



Mary McGann
Chair, Grand County Commission

Letter 28: Great Old Broads for Wilderness

ePLANNING

Comment Submission

Project: DOI-BLM-UT-Y010-2020-0097-EA - Labyrinth Rims/Gemini Bridges Travel Management Area

Document: Press Release Labyrinth Rims Gemini Bridges TMP.pdf

Submission ID: LRGBTMA-1-500132786

Comment

I wish to comment on the Labyrinth Rims project. My family has been visiting and recreating in this and many other parts of Utah public lands for twenty-one years, for weeks each year, to hike, view wild lands, wild vegetation, wildlife and birds and the outstanding natural features of the backcountry in Utah. We camp in tents, careful to limit our impacts. We stay on trails in order not to harm and crush the biological soil crust that holds together these fragile ecosystems. We just spent the last week in Paria Canyon hiking and camping. We were once again dismayed to see the incredible damage that the areas have suffered from extensive recreation by motorized vehicles as well as by cattle roaming the lands. Our campsite was full of cow manure, and cows and calves. The water in the river way was down to a dirty trickle, and the landscape was denuded of any vegetation. Due to recent years of climate-change induced drought, the few cottonwood trees remaining were only partially surviving. The cattle were chewing on the shrubbery to the point that one could not identify what type of bush the plant was, as only the main stem was left. The side branches and the tops of the shrubs were gone. There was no grass in evidence. Occasional tufts of grass stems were visible but every one had been cropped to soil level.

The 2017 suit by SUWA and others, including my own group Great Old Broads for Wilderness, was settled so that new travel management plans would be prepared for these delicate ecosystems. The BLM is required under "Travel network minimization alternatives" to..."explain in the NEPA document for each TMP how each proposed alternative route network will "minimize damage" to "resources of the public lands," 43 C.F.R. § 8342.1(a), including identified cultural resources and public lands with BLM-inventoried wilderness characteristics. For purposes of minimizing damage to public lands with BLM-inventoried wilderness characteristics, BLM will consider the potential damage to any constituent element of wilderness characteristics, including naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive and unconfined recreation, for each alternative route network. BLM will consider in the NEPA document at least one proposed alternative route network that would not designate for ORV use any route where BLM has determined that such use may "damage," 43 C.F.R. § 8342.1(a), BLM-inventoried wilderness characteristics."

I strongly support closing many existing roadways and trails in the subject area to off-road vehicles and mountain bikes, to allow restoration of badly degraded resources in areas that have been beaten up with unrestricted recreational use. With climate change, the arid lands of Utah will cease to function without modification of existing patterns of use to reduce the degradation of soils, plants and cultural resources.

Please count my support toward the most restrictive alternatives to preserve wilderness quality in these amazing lands.

Thank you.
Nancy Ostlie
Leader, Great Old Broads for Wilderness
Bozeman Broadband

Letter 29: Maryland Ornithological Society



MARYLAND ORNITHOLOGICAL SOCIETY

April 24, 2021

Bureau of Land Management
Canyon Country District Office
blm_ut_mb_comments@blm.gov
To the Bureau of Land Management:

The Maryland Ornithological Society (MOS) submits the following comments for scoping for the Labyrinth Rims/Gemini Bridges travel management plan. This BLM project addresses off-highway vehicle (OHV) routes on 303,993 acres of public lands, located immediately north of Canyonlands National Park and east of Labyrinth Canyon, between the towns of Green River and Moab, Utah. BLM will write an environmental assessment (EA) and several alternatives to be reviewed by the public in a later comment period.

MOS members have visited the project area. MOS has been participating in BLM resource management planning for this area since 2007. We participate because these public lands have outstanding values for bird habitat. The Maryland Ornithological Society is a statewide nonprofit organization established in 1945 and devoted to the study and conservation of birds. Currently we have 15 chapters and approximately 2,000 members. Some are scientists and naturalists, but our membership includes people of all ages and all walks of life, from physicists to firefighters, legislators to landscapers. Birding is one of the fastest growing types of outdoor recreation.

This planning area includes desert scrub habitat, cliffs, and riparian habitat along the Green River in Labyrinth Canyon. Some notable bird species found here are Golden Eagle, Ferruginous Hawk, Peregrine Falcon, Greater Sage-grouse, Burrowing Owl, Mexican Spotted Owl, Rock Wren and Canyon Wren. Notable mammals include pronghorn antelope, which have year-round habitat here, and desert bighorn sheep, which have lambing habitat as well as year-round habitat.

Role of Off-highway Vehicles

MOS is not opposed to OHVs in principle. We use them ourselves. Many MOS members own off-highway vehicles and use them to visit birding areas, which often are accessible only by rough roads. We rely on land-managing agencies like BLM to advise us, through regulations and closures, which routes are not suitable for OHVs because of potential damage to the land and to wildlife habitat. We want the agencies to place protection of the habitat as the highest priority.

While visiting public lands in Utah, MOS members have seen the impacts of OHVs against wildlife habitat. They saw riparian vegetation beaten down by the passage of OHVs. They

saw a stream polluted by engine oil where OHVs crossed and re-crossed the stream. In the Labyrinth/Gemini plan, BLM should be careful to guard against such impacts of OHVs.

Route Density

BLM should pay particular attention to the density of OHV routes. A dense network of routes would fragment the wildlife habitat into small units that can be unusable for certain species of birds and mammals. A BLM inventory has identified 1,232 miles of vehicle routes within the planning area. As BLM's online map shows, these routes form a dense network. One estimate finds that 94 percent of the lands in the planning area are within a half mile of a designated OHV route. That is a problem for wildlife, and it is also a problem for visitors who come seeking wild lands, but find the noises and dust from OHVs pervading the area. The TMP should include large areas of wild lands free of OHV routes.

Bird Habitat Values

The streamcourses, riparian habitat and dry washes are crucial for wildlife in this arid region. Bird observers in Utah have pointed to their importance for migratory species traveling through the Colorado Plateau region. Even where surface water is not present, a dry wash may have water several feet below the surface, and that water is tapped by deep-rooted plants, which serve birds as a source of food and cover. BLM should keep OHVs out of riparian areas and dry washes, so as to protect their value as wildlife habitat.

The EA for this project should list all bird and wildlife species recorded within the project area that are federally listed under the Endangered Species Act and other species listed by BLM as sensitive. BLM should analyze the mileage of OHV routes in habitats of these species under different alternatives.

Recreational Values

The EA should recognize that recreational values in this planning area go far beyond OHV activities. The area adjoins Canyonlands National Park and Arches National Park, which are important destinations for recreational visitors. In the years ahead, the crowded conditions in Canyonlands and Arches will increasingly lead visitors to seek more remote, wildland experiences in the adjoining BLM public lands. BLM should keep OHVs away from places that are popular for non-motorized recreation such as wildlife watching, photography, hiking, river running, canyoneering, climbing, and mountain biking. The EA should identify all such areas and describe how they would be managed under different alternatives to protect those recreational values from damage by OHVs.

Dispersed Camping

The EA should identify all places where dispersed camping, outside of designated campgrounds, is creating unacceptable impacts against wildlife habitat and recreational values. The alternatives should tell how BLM will curtail such impacts, either by closing areas to dispersed camping or by closing OHV routes that lead to abused areas, and how BLM will restore the damaged landscapes.

Compliance with Executive Orders

Every alternative presented in the EA should comply with the mandates of Executive Order 11644, issued by President Nixon in 1972.¹ Section 3 of that executive order directs agencies to: “minimize damage to soil, watershed, vegetation, or other resources,” “minimize harassment of wildlife or significant disruption of wildlife habitats,” and “minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands.”

Conclusion

In the years since BLM began writing this plan, the public has learned a lot more about the natural values of the deserts in southern Utah, and the Labyrinth Rims/Gemini Bridges area in particular, including their value as bird and wildlife habitat. BLM should be attentive to the changing demands and expectations of the public, both in Utah and nationally. The lands at stake in this planning area are national public lands that belong to all the people of the United States. They deserve careful stewardship as part of our national heritage of public lands.

Thank you for considering our comments, and please include them in the official record.

Sincerely,
Kurt R. Schwarz
Conservation Chair
Maryland Ornithological Society
9045 Dunloggin Ct.
Ellicott City, MD 21042
410-461-1643
krschwa1@verizon.net

¹ <https://www.archives.gov/federal-register/codification/executive-order/11644.html>

Letter 30: Moab Friends for Wheelin'

ePLANNING

Comment Submission

Project: DOI-BLM-UT-Y010-2020-0097-EA - Labyrinth Rims/Gemini Bridges Travel Management Area

Document: Press Release Labyrinth Rims Gemini Bridges TMP.pdf

Submission ID: LRGBTMA-1-500132437

Comment

I am writing to ask that roads and trails used for years in the region under discussion be protected from closure. The experience of one user group, for example rafters, should not be given priority over all other user groups. Everyone who enjoys outdoor recreation should share access to our public lands. Efforts to create more wilderness and wilderness study areas and to close motorized routes and trails to the public will actually restrict thousands of citizens from accessing places in that TMA to a fraction of a percent. This is not in line with the mission of the BLM, which is stated to be 'to preserve the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations'. The trails in danger of being closed have existed in many cases for 20 to 50 years, some even longer. Closing trails for the express reason of protecting the experience of rafters from viewing other humans or humans in 4x4s or on motorcycles is a shocking abandonment of the the multiple user group principles public lands are managed for. Rafters will be past any motorized users in a matter of a few minutes, hardly an experience that would ruin a day on the river or a week on the river for a normal human being. Will the put ins and take outs be closed to motorized traffic, too? How will they handle the horror of Mineral Bottom, with vans and Land Cruisers and cars all over? Will mountain bike routes also have to go, so rafters don't have to see or hear them, either? Will they try to ban scenic flights or even airliners from intruding visually or audibly on their river trips once they've gotten rid of power boats, jet boats, cars and motorcycles? It sounds silly, doesn't it? As silly as telling a group of jeeps enjoying an overlook of the river that their presence has ruined the experience of the rafters drifting by below? What about the intrusion of the rafters on the experience of the jeepers, who might not want to see a bunch of brightly colored rafts marring the beauty of the river below them? The fact is that very few motorized recreationists would be bothered by the sight of the rafts in the wild landscape, because the motorized community has had to share access to its routes with multiple and hugely varying user groups for generations. Most of us would think the rafters going by were cool and we'd be glad they were on the river enjoying their drift. We are used to sharing and appreciating that others recreate in the same landscape we do, with most of them using our routes and trails at one point or another to get wherever they're going. It's time for everyone else to learn how to share as well.

Submitter(s)

Submitter 1

Name:

Address: Moab, Utah 84532

Group or Organization Name: Moab Friends for Wheelin'

Position:

Disclaimer

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment - including your personal identifying information - may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Letter 31: National Off Highway Vehicle Conservation Council ePLANNING

Comment Submission

Project: DOI-BLM-UT-Y010-2020-0097-EA - Labyrinth Rims/Gemini Bridges Travel Management Area

Document: Press Release Labyrinth Rims Gemini Bridges TMP.pdf

Submission ID: LRGBTMA-1-500135249

Comment

I am writing to urge the BLM to keep this area open to OHV use. This area has been open for a number of years and has been visited by out of state users as well. Not only does OHV recreation offer users to view this beautiful country first hand, it also offers opportunities for those of us that are out of state to see this beautiful area as well. It brings tourism dollars to the state and during this time of pandemic it also offers users the ability to GET OUTDOORS and experience the beauty that this country has first hand. OHV use in this area does not impact any wildlife or plant species. There is no reason to close this area and lock everyone out. The BLM working with the OHV community can maintain this area. We do not need to heed to environmental extremist demands. We actually need more riding areas in remote areas like this, not close what we have down and shut out basically the entire public.

Submitter(s)

Submitter 1

Name:Neil, Jesse

Address:4127 Country Drive, Bourg, Louisiana 70343

Email Address: jesse.neiljr@gmail.com

Phone Number: 9852262466

Group or Organization Name: National Off Highway Vehicle Conservation Council(NOHVCC)

Position: Louisiana State Partner

(Add me to the project mailing list) - YES

Disclaimer

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment - including your personal identifying information - may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Withhold my personally identifying information from future publications on this project) - **NO**

Letter 32: One Voice et al



April 25, 2021

BLM Moab Field Office
Att: Labyrinth Rims
82 East Dogwood
Moab, UT 84532

Re: Labyrinth Rims/Gemini Bridges Proposal

Dear Sirs:

Please accept this correspondence as the input on the Labyrinth Rims/Gemini Bridges Proposal of the Organizations identified above. Many of our partners have been involved in discussions around access to these areas for more than a decade, both in travel and resources management plans. Many of our local partners have intervened in defense with the BLM when legal challenges were brought and have continued to be involved with planning/travel efforts throughout the region that has resulted from the Settlement reached around this litigation. We have worked hard to support these efforts in many ways. We are intimately familiar with the difficulties that the BLM has encountered in the management of this area, but strongly assert that all recreational interests must be allowed access to the Moab area. Moving forward with the successful path that has been developed on for this area is the only way forward in the Organizations opinion.

Our general concerns center around providing a balanced a quality recreational experience for motorized usages in motorized areas and we submit that the Labyrinth Rim/Gemini Bridge area of the FO is one of the important multiple use areas remaining in the FO. The Organizations

vigorously assert that the value of each route in the planning area cannot be underestimated as the Moab area continues to be a global destination for the motorized community. The Moab area has already seen significant restrictions to motorized usage which combined with greatly expanded visitation means that expansion of opportunities in the area **must** be looked at as visitation has hugely increased and this need has already been repeatedly recognized in planning documents.

1. Who we are.

Prior to addressing the specific input of the Organizations on the Proposal, we believe a brief summary of each Organization is needed. The Off-Road Business Association ("ORBA") is a national not-for-profit trade association of motorized off-road related businesses formed to promote and preserve off-road recreation in an environmentally responsible manner. One Voice is a non-profit national association committed to promoting the rights of motorized enthusiasts and improving advocacy in keeping public and private lands open for responsible recreation through strong leadership, advocacy, and collaboration. One Voice provides a unified voice for motorized recreation through a national platform that represents the diverse off-highway vehicle (OHV) community. The United Snowmobile Alliance ("USA") is dedicated to the preservation and promotion of environmentally responsible organized snowmobiling and the creation of safe and sustainable snowmobiling in the United States. United Four-Wheel Drive Association ("U4WD") is an international organization whose mission is to protect, promote, and provide 4x4 opportunities world-wide. For purposes of this correspondence ORBA, One Voice, U4WD and USA will be referred to as "The Organizations". While we are aware it is unusual for a snowmobile group to comment on a planning effort without snowmobile opportunities, this is an area of global significance to the recreational community and an overwhelming percentage of the international snowmobile community participate in motorized recreation in the summer.

Many of our members and partner live in the Moab or have been actively involved in a wide range of recreational opportunities, as exemplified by the fact the ORBA Board of Directors as met annually at the Easter Jeep Safari for decades. The Organizations are making these comments in addition to comments submitted from our state and local partners, such as Ride

with Respect, COHVCO and TPA. These comments are fully endorsed by the Organizations even if they are not specifically reflected in this document.

2. Recreational opportunities on the landscape.

The Organizations are aware there has been a large push from some interests to create solitude and quiet recreational opportunities in the planning area based on an asserted lack of these opportunities in the Moab area. Any assertion of a lack of quiet recreational opportunities cannot be support when the extensive resources and planning in the Moab area to provide these opportunities is reviewed. While these opportunities and areas may technically be outside the specific scope of the planning area, their impacts to asserted needs cannot be overlooked. Prior to addressing the Proposal area directly, the Organizations believe it is important to look at **all** opportunities on the landscape as a landscape level review draws any assertion of a lack of factual basis for the asserted need in the planning area. While the Proposal area may be more 303k acres, and provide significant opportunities, this planning area is a small portion of the landscape, which has almost 50% more acres Congressionally designated for low intensity recreational opportunities. As a result, we must question the factual basis of any assertion of a lack of opportunities for this type of recreation.

The newest opportunities for the highest levels of solitude and quiet recreation have been provided by the newly designated 54,563 acre Labyrinth Canyon Wilderness area directly to the west of the Proposal area. There can be no argument that high levels of solitude and quiet recreational opportunities are available in this area. The Labyrinth Canyon area was designated in 2019 by Congress to permanently provide quiet recreational opportunities. While access may be limited to this area, the opportunities are available for those that are willing to work for them. It is significant to note that this Wilderness was designated significantly later than much of the analysis undertaken by the BLM in the Moab FO, and as a result quiet recreational opportunities and solitude are now provided at levels that could not have been envisioned in BLM planning.

For those that are seeking a non-motorized or lower footprint type of recreational experience two large national parks are also available on the Moab landscape. The 77k acre Arches National

Park is immediately adjacent to the east of the planning area and 338k acre Canyonlands National Park is to the south of the planning area. These parks are areas where motorized usage is entirely prohibited or heavily restricted by Federal law. While there is motorized access to Canyonlands, this access is exceptionally limited as the parks mission provides the following goal:

"Almost 90% of Canyonlands National Park is managed as back-country, including a system of historic roads that provides visitors with unique recreational opportunities in a remote national park setting. In the parks Foundation Document (2013), Canyonlands is characterized as "primarily a back-country park with limited accessibility," and "remote wildness and solitude" were identified as two of the parks fundamental values. Preservation of these fundamental values is critical to achieving the parks purpose and maintaining the parks significance."¹

This mission and vision for Canyonlands must be taken into account in landscape review, as functionally the park is closed to motorized, certainly all motorized use of the nature allowed in the Proposal area. Again, the adjacent National parks provide an opportunity area for solitude and quiet recreation that is larger in total acres than the Proposal area and must be taken into account in any assertion to create or expand solitude in the proposal area based on a lack of opportunity. Such an assertion simply lacks any factual credibility. Clearly these are areas where expansion of motorized access is functionally impossible.

Pursuant to the Dingell Act passed into law in 2019, the portions of the Green River in the planning area are a Nationally designated scenic river which does not preclude motorized but places a significant limitation on density of usage. Rather a scenic river is managed as follows:

"(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads."²

¹ A full version of this document is available here:
<http://parkplanning.nps.gov/projectHome.cfm?parkID=37&projectID=50620>
² See, 16 USC 1273 (b)(2).

While motorized access to the river and adjacent areas are protected, they are also at a much lower level than historically provided, and as a result higher levels of opportunity for solitude and quiet recreation have been provided. The Organizations submit that this designation is important as many wanted this portion of the river to be designated a Wild River which would have prohibited motorized access to the river and adjacent areas completely.

3. Moab Field Office RMP has balanced usages across BLM managed lands in the area.

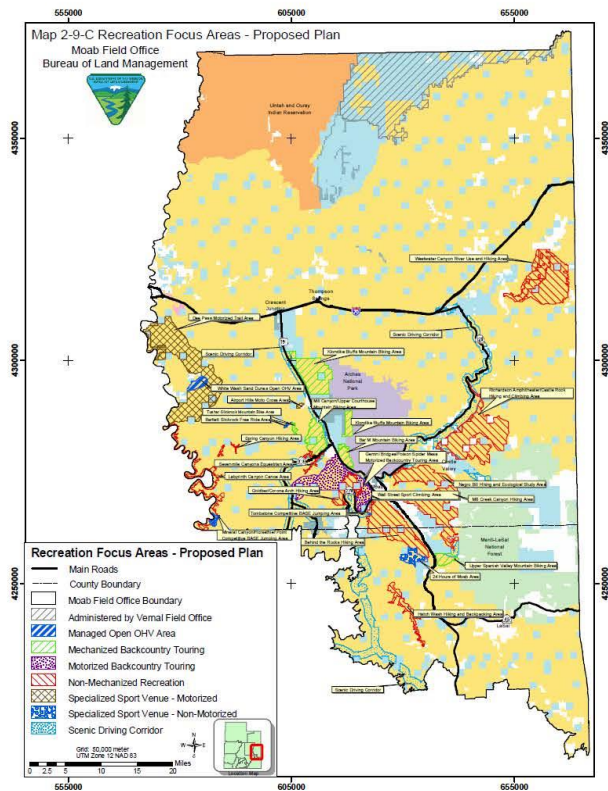
Generally, the balancing of usages within a Field Office and related traits such as solitude and motorized usage areas are issues for the Resource Management Plan (“RMP”), not the travel planning process. Travel plans are used as a tool to apply existing RMP goals and objectives and are not the basis for significant landscape level changes that would conflict with the RMP. The Moab Field Office RMP was finalized in 2008 and is highly relevant to the discussion. This is unlike many of the other Field Offices where RMP from the 1980s are still relied on for management and at best questionably relevant simply due to the passage of time. According to the RMP 334k acres of the FO is closed to all motorized usages or about 22% of the Field Office. Compared to the number of acres designated as open, this is a huge percentage of the FO planning area and even when comparing areas of the FO restricted to designated routes this represents a significant portion of the FO.

The Organizations strongly assert that national BLM Regulations require TMP processes to address the full spectrum of options under an RMP for any area under analysis. These regulations specifically state as follows:

“The following travel management process should be outlined in the RMP. Required products of the travel management planning process include:
g. Provisions for new route construction or adaptation/relocation of existing routes.”³

³ See, BLM Travel Management Handbook at pg. 24.

The Recreation focus area map provided the RMP provides the following allocation of recreational opportunities across the FO:



Within the FO, 22% of FO is closed to motorized usage. Again, this calls any assertion of a lack of quiet recreational opportunities in question and the Organizations believe it is also important to remember that the 2008 RMP closed multiple use opportunities on a significant portion of the planning area.

The Moab RMP specifically identifies the Proposal area as a motorized expansion area. The Organizations vigorously assert that based on the RMP guidance the Labyrinth Canyon/Gemini Bridge areas generally are the **most** appropriate area for moto use based on the entire field office and planning area more generally. If not here, where does expansion occur? The management

goals and objectives for the Labyrinth Rim/Gemini Bridges SRMA are generally discussed as follows in the 2008 RMP:

Compared to Alternative A, the Proposed Plan would be more beneficial to recreation for the reasons discussed under Alternative B: 1) more areas would be managed to reduce resource use conflicts, 2) more facilities would be proposed to accommodate the anticipated increase in recreational use and demand, and 3) more routes would be designated for motorized and mountain biking recreational use to meet the anticipated demand for these activities.⁴

The goals and objectives of the Labyrinth Rims/ Gemini Bridges SMRA in the RMP are specifically identified 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."⁵

The Organizations are aware the FO has made headway on several of these goals since the RMP was finalized but many are still incomplete, such as any expansions. The TMP for the area must be used as a tool to drive these goals and objectives forward, and this goal is vigorously supported by the Organizations. The Organizations must also note that none of these goals and objectives relate in any way to solitude or quiet recreation in the planning area. In the 2008 Final Environmental impact statement, recreational access for multiple use was highlighted as part of the overall strategy for the FO as follows:

"3.11.2.5 DEMAND FOR FACILITY DEVELOPMENT

⁴ See, Moab FO RMP FEIS 2008 at pg. 4-221

⁵ See, Moab FO RMP FEIS 2008 at pg. 2-23

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.”⁶

This strategy for the area cannot be overlooked. Since the finalization of the Moab FO RMP in 2008, BLM has periodically evaluated the RMP. The 2015 Moab Field Office RMP evaluation specifically addresses motorized usage as follows:

⁶ See, Moab Field Office 2008 RMP FEIS at pg. 3-90.

“2.8. Recreation and Travel Management Visitation has increased dramatically – especially motorized use – in the Moab Field Office since the RMP was completed in 2008. To address the increased pressure on existing areas, travel management and resource protection measures are being implemented at an enhanced rate, when staffing allows. **Construction of recreation facilities such as campgrounds, trailheads and trails is a priority.**”⁷

The 2015 Moab FO conclusion is hugely relevant as the Proposal area is the most logical place for this type of expansion and development to occur within the FO. We submit that expansion of access must be looked at for the area and large-scale closures of motorized routes in the area would be in direct conflict with the RMP, subsequent evaluations of the effectiveness of the RMP and must be avoided.

4a. BLM has found current management has been highly successful in mitigating user conflicts.

As we have detailed previously, throughout the RMP and related documents the Proposal area has been managed for addressing user conflicts mainly between motorized and mechanized usages and the RMP has specifically recommended increasing access in the Proposal area. We mention this for two reasons.

The first is that the BLM has concluded that management of the proposal areas since the RMP has reduced user conflicts, *significantly*. This management has occurred both in the Proposal area and throughout the Moab landscape and has significantly reduced conflicts between these groups. The effectiveness of the existing RMP provisions is reflected in the 2015 RMP evaluation undertaken by the BLM. While there was a large number of management decisions regarding the management of user conflicts and associated behaviors and the overwhelming decision made at this time was there should be “No change needed”. While some categories or usages did find a need to “modify decision” the Organizations have reviewed these changes and these changes

⁷ See, Moab FO RMP Evaluation September 2015 at pg. 7.

were minimal corrections or adjustments to existing management. No significant changes to current management were identified or recommended.

While a list of these specific standards that were reviewed is too long to list here, the Organizations would like to specifically address some of the recreational decisions that were not altered in the Evaluation. Only one standard of the eleven standards for the management of motorized usage was altered and this was to update the RMP to conform with new national BLM guidance on the management of WSA areas. An example of the highly relevant conclusions on user conflicts and the success of current management would be analysis of standard TRV-3, specifically targeting user conflicts which provides as follows:

“Provide opportunities for a range of motorized recreation experiences on public lands while protecting sensitive resources and minimizing conflicts between users.”⁸

As this standard specifically reviews user conflicts with motorized usages and recommended no change in management any assertion of conflicts that would warrant significant management changes must be strictly reviewed. It is also significant to note that user conflicts were also specifically reviewed regarding many other uses, such as hiking and mechanized usages and similar conclusions were reached.

The Organizations would strongly assert any assertion of conflict be strictly reviewed and management changes undertaken be exceptionally minimal as current management has been working in the FO. It appears that current management is generally working and the current course of management, which recommends expansion of routes and specific other access related goals be increased is continued.

4b. Minimization criteria are often incorrectly applied to address user conflicts.

There is a significant amount of information of questionable accuracy and significant pressure from a small vocal group being applied to planners undertaking any travel plan regarding the minimization criteria of the Travel Management Rule. This is exemplified by The Wilderness

⁸ See, Moab Field Office RMP Evaluation, September 2015 at pg. c-208.

Society documents 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."* We are aware that this document has been submitted in numerous forest planning efforts and as a result we are forced to assume that this document has been submitted to the Moab FO in response to this effort.

This document much be approached with a great deal of caution by planners, as it fails to address relevant decision documents and legislation in what appears to be an attempt to support a position that the USFS has never accepted. Rather than recognizing that the Forest Plan must set the goals and objectives for management of areas BEFORE minimizing any impacts, this document would reverse this relationship and require a complete minimization of impacts and Forest Plans then being tailored to this goal. All relevant versions of the Travel Rule clearly require minimization of possible impacts to achieve the goals and objectives of the Forest Plan. The most recent version of the Travel Management Rule EO 11644, clearly states as follows:

"Sec. 3. Zones of Use. (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following--

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use."

While the Wilderness Society documents attempt to provide a compelling legal argument that minimization criteria require minimization of all impacts, this simply is not the case and the USFS specifically declined to apply this standard in the 2005 Travel Rule. In the response to public comment to the 2005 Travel Rule the USFS planners clearly address this position as follows:

Response. The Department has retained the proposed language, "the responsible official shall consider effects on the following, with the objective of minimizing," in the final rule. The retained language is mandatory with respect to addressing environmental and other impacts associated with motor vehicle use of trails and areas. The Department believes this language is consistent with E.O. 11644 and better expresses its intent. It is the intent of E.O. 11644 that motor vehicle use of trails and areas on Federal lands be managed to address

environmental and other impacts, but that motor vehicle use on Federal lands continue in appropriate locations. **An extreme interpretation of “minimize” would preclude any use at all, since impacts always can be reduced further by preventing them altogether. Such an interpretation would not reflect the full context of E.O. 11644 or other laws and policies related to multiple use of NFS lands. Neither E.O. 11644, nor these other laws and policies, establish the primacy of any particular use of trails and areas over any other.** The Department believes “shall consider * * * with the objective of minimizing * * *” will assure that environmental impacts are properly taken into account, without categorically precluding motor vehicle use.

Section 212.55(c). This section of the rule contains specific criteria for designation of roads."

This is also a position that the USFS has litigated and won. In addition to completely failing to reflect relevant Executive Orders and related agency analysis, these documents frequently operate on the assumption that roads are the only threats on public lands and the only way to address an impaired stream is through route closure. Such a position is facially faulty as the position fails to answer a critical question, mainly "*Why is stream health impaired?*". These are foundational questions to developing a forest plan based on science. Too often on the Moab FO poor water quality is the result of mine related discharges, high levels of particulates resulting from the stream traveling over highly erosive soils or the proximity of the stream to an area that has been impacted by Wildfire. None of these challenges to water quality will be addressed with route closures, and closure of routes to mines in need of remediation may actually further impair basic maintenance and oversight of a compromised mine site.

4c. Best available science consistently concludes that poorly targeted management restrictions can create user conflicts.

The second reason we are compelled to address conflict is our experiences with travel management on a national level as it has been our experience that often areas can be successfully managed for decades with minimal to non-existent user conflicts. When there is the mention of

travel planning being updated immediately there are certain interests that start claiming conflicts are escalating and the only manner to reduce conflict is through closure. Often these user conflicts are asserted to be occurring at large levels between that user group and others despite the group using a planning area at only very limited scales or limited times of the year. The Organizations are always hesitant to even address user conflicts with management decisions and processes in this situation.

The Organizations believe that analysis of how best available science supports the management decisions and direction any proposal constitutes a critical part of the planning process, especially when addressing perceived user conflicts. This analysis will allow the public to understand the basis of alleged user conflicts and why travel management has been chosen to remedy the concern. Relevant social science has clearly found this analysis to be a critical tool in determining the proper methodology for managing and truly resolving user conflicts.

When socially based user conflict is properly addressed in the Proposal, the need for travel management closures will be significantly reduced. Researchers have specifically identified that properly determining the basis for or type of user conflict is critical to determining the proper method for managing this conflict. Scientific analysis defines the division of conflicts as follows:

“For interpersonal conflict to occur, the physical presence or behavior of an individual or a group of recreationists must interfere with the goals of another individual or group....Social values conflict, on the other hand, can occur between groups who do not share the same norms (Ruddell&Gramann, 1994) and/or values (Saremba& Gill, 1991), independent of the physical presence or actual contact between the groups.....When the conflict stems from interpersonal conflict, zoning incompatible users into different locations of the resource is an effective strategy. When the source of conflict is differences in values, however, zoning is not likely to be very effective. In the Mt. Evans study (Vaske et al., 1995), for example, physically separating hunters from nonhunters did not resolve the conflict in social values expressed by the nonhunting group. Just knowing that

people hunt in the area resulted in the perception of conflict. For these types of situations, efforts designed to educate and inform the different visiting publics about the reasons underlying management actions may be more effective in reducing conflict.”

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

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

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

The Organizations believe that understanding why the travel management plan was unable to resolve socially based user conflicts on the Wasache-Cache National Forest is critical in the Moab FO planning area. Properly understanding the issue to be resolved will ensure that the same errors that occurred on the Wasache-Cache are not implemented again to address problems they

simply cannot resolve. The Organizations believe that the Moab FO must learn from this failure and move forward with effective management rather than fall victim to the same mistakes again.

4d. Court decisions on user conflicts have reviewed management decisions closely.

The Organizations would like to note that Courts have reviewed generalized claims of user conflicts as the basis to alter existing site specific strategies for use and expansion of access in areas with concerns around user conflicts with some detail. This is exemplified by the 9th Circuit decision in the matter of Wild Wilderness v. Allen.⁹ A copy of this decision is attached as exhibit “1”. In this case, the USFS Deschutes NF had embarked on a long-term plan to reduce the user conflicts occurring on the forest between motorized and non-motorized users. The Organizations submit the USFS plan in the Deshutes RMP looks surprisingly similar to the provisions in the Moab FO RMP we have discussed above. Part of this plan was to expand motorized parking and access in several areas. In the site specific NEPA for the expansion of these areas, quiet users challenged the expansion of access for motorized usage asserting user conflicts would be increased. The USFS as able to demonstrate the success of existing planning in reducing user conflicts and that expanding motorized access would not reverse this trend. In the 24-page decision that confirmed the USFS decision, the 9th Circuit looked at assertions of conflict with a surprising level of detail. We believe this decision is highly relevant to the direction of the Labyrinth proposal and details how the BLM will need to document its management direction and any alteration of the management direction should there be a desire to do so. Such a change would need to be detailed with a high level of specificity.

5. Conclusion

The Organizations welcome discussions with Moab FO regarding the management and sustainability of trails on federal public lands and more importantly how to expand access for all forms of recreation in a more efficient and effective manner. Many of our partners have been involved in discussions around access to these areas for more than a decade, both in travel and resources management plans. Many of our local partners have intervened in defense with the

⁹ See, Wild Wilderness v. Allen; 871 F.3d 719 (2017)

BLM when legal challenges were brought and have continued to be involved with planning/travel efforts throughout the region that has resulted from the Settlement reached around this litigation. We have worked hard to support these efforts in many ways. We are intimately familiar with the difficulties that the BLM has encountered in the management of this area, but strongly assert that all recreational interests must be allowed access to the Moab area. Moving forward with the successful path that has been developed on for this area is the only way forward in the Organizations opinion.

Our general concerns center around providing a balanced a quality recreational experience for motorized usages in motorized areas and we submit that the Labyrinth Rim/Gemini Bridge area of the FO is one of the important multiple use areas remaining in the FO. The Organizations vigorously assert that the value of each route in the planning area cannot be underestimated as the Moab area continues to be a global destination for the motorized community. The Moab area has already seen significant restrictions to motorized usage which combined with greatly expanded visitation means that expansion of opportunities in the area must be looked at as visitation has hugely increased and this need has already been repeatedly recognized in planning documents.

If you have questions, please feel free to contact either Scott Jones, Esq. at 508 Ashford Drive, Longmont, CO 80504. His phone is (518)281-5810 and his email is scott.jones46@yahoo.com or Fred Wiley, ORBA's Executive Director at 1701 Westwind Drive #108, Bakersfield, CA. Mr. Wiley phone is 661-323-1464 and his email is fwiley@orba.biz .

Respectfully Submitted,



Scott Jones, Esq.
Authorized Representative of One Voice



Fred Wiley, ORBA President and CEO



Roger Wright,
President United Snowmobile

Letter 33: State of Utah Public Lands Policy Coordinating Office



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Office of the Governor
Public Lands Policy Coordinating Office

REDGE B. JOHNSON
Executive Director

April 26, 2021

Submitted via electronic mail: BLM's Eplanning and blm_ut_mb_comments@blm.gov

Todd Murdock
Bureau of Land Management
Moab Field Office
82 East Dogwood
Moab, UT 84532

Subject: **Labyrinth Rims/Gemini Bridges Travel Management Area Scoping**
DOI-BLM-UT-Y010-2020-0097-EA
RDCC Project No. 78743

Dear Mr. Murdock:

The state of Utah (State) values the opportunity to provide scoping comments and to have participated as a cooperating agency in reviewing the 1,232 miles of inventoried routes on BLM-managed lands. The internal scoping process which included identifying routes, documenting the purpose and need, and reviewing impacts was an important first step in coordination. A comprehensive motorized travel network that preserves access to and use of public lands is of the utmost importance to the State. The Grand County resource management plan also encourages the BLM to "address types and seasons of permitted uses, maintenance levels, public education strategies and enforcement."¹ Please incorporate these comments and the State and County resource management plans into your analysis.

Baseline Inventory

The public's need and desire to use public lands are constantly changing. Emerging technology, evolving energy and resource needs, and recreating trends make travel

¹ Grand County RMP, Page 17.

Labyrinth Rims/Gemini Bridges Travel Management Area Scoping

April 26, 2021

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management difficult. To meet the future needs of the American public most efficiently, the BLM should retain as much existing route infrastructure as possible. The inventory map produced as part of the March 23, 2021 news release appears to be an adequate baseline moving forward. However, this baseline inventory map cannot possibly anticipate every need for access that might exist. The State asks the BLM to be responsive to the public's comments addressing the need and desire for additional access for permit holders and the recreating public. Thorough analysis should be undertaken to accommodate requests for the designation of new routes that promote a complete and functional travel plan. Although the BLM, the State, and the County have jointly analyzed the inventory, new ideas generated by the public should be incorporated into alternative development.

Designation Criteria

The BLM should apply the designation criteria found in CFR § 8342.1 to each route individually *and* to the travel system as a whole to make the forthcoming Environmental Assessment (EA) and potential Decision Record defensible. Although this regulation requires BLM to minimize user conflicts and impacts to the environment, it does not require BLM to actually reduce the number of miles of roads currently used by the public.

In some cases, adding designated routes can also minimize negative impacts. For example, by authorizing access to some previously non-designated routes, BLM then has an opportunity to close adjacent unauthorized or redundant routes with a greater chance of actually stopping unauthorized use. This acknowledges the public's need and desire for access while establishing a practical and obtainable goal of signing or decommissioning unwanted routes. By including this sort of analysis, BLM can both meet the standards established in the designation criteria and meet the public's desire for access.

Access to SITLA Parcels

Many routes in the TMA provide primary access to SITLA parcels and should be designated as open. The Settlement Agreement between SUWA and the BLM does not require that routes to SITLA be closed under any alternative in the NEPA document, even if such routes are within BLM-inventoried lands with wilderness characteristics.² Even if the BLM determines that off-road vehicle (ORV) use of such routes may "damage" BLM-inventoried wilderness characteristics, the Cotter Decision allows the routes to remain open.³ Closure of such routes under any alternative is not required under the Settlement Agreement and is not appropriate when a route provides primary access to a SITLA parcel.

² Settlement Agreement between the Southern Utah Wilderness Alliance et al. and the U.S. Department of the Interior et al. (2:12-cv-257 DAK, entered into on January 13, 2017).

³ See *State of Utah v. Andrus*, 486 F. Supp. 995 (D. Utah 1979).

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The BLM must provide reasonable access to all SITLA parcels when needed, as per the Cotter Decision, including the construction of a new route if a route does not exist. However, the necessity of new route construction can impose severe burdens and delays on SITLA and SITLA's authorized permittees. Approval and NEPA analysis of new routes can take years to complete and impede the beneficial use of SITLA property. When there is an existing non-designated route that already accesses SITA property, that route should be designated as open.

Motorized Encroachment into Sensitive Resources

The majority of the traveling public follows rules and regulations while recreating on public lands. Route designation decisions should be made with the expectation that the public will abide by official route designations. Unauthorized activities by some users, such as illegal motorized encroachment on specially designated lands or disruption of archeological sites, are an enforcement and management issue that should be addressed through mitigation at the planning and implementation levels. Routes should not be designated as closed during the planning process simply for the fact that it contributes to unauthorized use. The BLM should mitigate conflicts with lands with wilderness character, wilderness study areas, or archaeological sites rather than eliminate access. To avoid unwanted conflicts, the BLM should consider creative solutions, such as reroutes or educational signage in lieu of eliminating access.

Conclusion

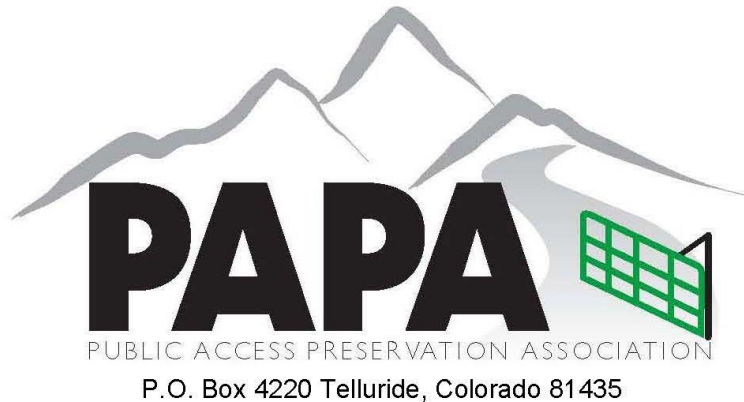
The State looks forward to working with the BLM and other cooperating agencies in developing a travel plan which balances the protection of natural resources and the continuation of motorized access for recreationists, landowners, hunters, livestock producers, and other public land users. Please direct any questions to the Public Lands Policy Coordinating Office at the number below.

Sincerely,



Redge B. Johnson
Executive Director

Letter 34: Public Access Preservation Association



To: Bureau of Land Management-Planning Team

Re: **Labyrinth Rims/Gemini Bridges Travel Management Area**

Esteemed Planning Team,

PAPA is concerned about effective motorized travel management and especially negating any lost motorized opportunities that presently exist in the prescribed area. For decades PAPA members have worked to maintain and establish designated routes in the **Labyrinth/Gemini** domain. Our members have partnered with Ride with Respect on numerous public land maintenance / construction projects in the Moab area.

The BLM Moab Field Office has witnessed an explosion of user growth in the last 20 years: Hikers, mountain bikes, campers, jeepers, off road motorcycles, and now E-bikes. Moab itself has grown, additional hotels, restaurants, and now, Utah State University campus. Motorized user group growth can be documented through OHV vehicle permit revenue.

Labyrinth / Gemini is a motorized area and should remain this way. Land closure and locked gates are not compromises. Solutions can be reached without the loss of established motorized trail and jeep routes. Tolerance.

Respectively submitted in the spirit of cooperation,

John Dourlet
President

Public Access Preservation Association is a non-profit 501-C3 organization, supporting responsible use and access to all public lands. PAPA promotes balanced and unbiased use of public lands with member interests in hiking, camping, mountain biking, hunting, horseback riding, cross-country skiing, trail motorcycling, paragliding, snowshoeing, snowmobiling, and ATV riding. PAPA advocates respect, education, and conservation of the environment.

Letter 35: Ride with Respect et al

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 Geysir. 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

Letter 36: State of Utah School and Institutional Trust Lands Administration



April 6, 2021

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

RE: Labyrinth Rims/Gemini Bridges Travel Management Plan Public Scoping Comments

Greetings:

This letter provides the public scoping comments of the State of Utah School and Institutional Trust Lands Administration (“SITLA”) in response to the Bureau of Land Management’s (“BLM”) invitation to the public to provide input on issues and concerns for consideration in the BLM’s development of the Labyrinth Rims/Gemini Bridges Travel Management Plan. SITLA appreciates your consideration of our comments.

SITLA is an independent state agency that manages lands granted in trust to the State of Utah by the United States for the financial support of enumerated beneficiaries, primarily Utah’s K-12 public education system. The State of Utah accepted this grant in its state Constitution and administers the grant through the statutory authority provided in the Utah Trust Lands Management Act, Utah Code Ann. § 53C-1-101 *et. seq.* Revenue from trust lands is deposited in a permanent endowment fund, which in turn distributes an annual dividend to every K-12 public and charter school in Utah.

SITLA manages approximately 3.4 million acres of state trust lands, together with an additional million acres of severed mineral estate. Many of these state trust lands are either held within or located near federal public lands managed by the BLM. Because of the intermingled nature of federal public lands and state trust lands, restrictions on the use and development of federal public lands, including restrictions on access, have a corresponding negative impact on Utah’s school trust.

The existing road and trail networks within the Labyrinth Rims/Gemini Bridges travel management planning area provide critical access to state trust lands. The State of Utah accepted these state trust lands from the United States in good faith and by solemn compact. For SITLA to maximize revenue for the financial benefit of our trust beneficiaries, as mandated by Congress, SITLA must have access to those lands.

SITLA strongly asserts its right of access to state trust lands across federal lands, regardless of federal designation, pursuant to *State of Utah v. Andrus*, 486 F. Supp. 995 (D. Utah 1979) (the “Cotter Decision”). In the Cotter Decision, the court concluded that “the state must be allowed access to the state school trust lands so that those lands can be developed in a manner that will provide funds for the common schools. Further, because it was the intent of Congress to provide these lands to the state so that the state could use them to raise revenue, *Lassen v. Arizona Highway Dept., supra*, the access rights of the state cannot be so restricted as to destroy the land’s economic value. That is, the state must be allowed access which is not so narrowly restrictive as to render the lands incapable of their full economic

development.” The BLM should strongly consider the Cotter Decision as various alternatives are developed in the travel management planning process.

In the development of the travel management plan alternatives the BLM should acknowledge the ongoing and future uses of school trust lands and historical routes that allow SITLA, its lessees, and the public to have reasonable access for all economic activities in conjunction with SITLA’s mission and mandate. The BLM should consider that restrictive access designations could impair marketability and decrease the value of trust assets, thus limiting the opportunity for their full economic development.

SITLA strongly opposes the closure of any of the State of Utah’s valid existing R.S. 2477 rights-of-way and asserts that any such closure would be an infringement on the State of Utah’s legal rights. These R.S. 2477 rights-of-way provide critical access to state trust lands and should remain open to the public.

SITLA appreciates the opportunity to submit these comments and looks forward to working closely with the BLM throughout the travel management planning process.

Sincerely,



Chris Fausett
Deputy Assistant Director

Cc: Michelle McConkie
Bryan Torgerson

Letter 37: Southern Utah Wilderness Alliance



April 26, 2021

Todd Murdock
Bureau of Land Management
Moab Field Office
82 East Dogwood
Moab, UT 84532

Letter submitted via email to blm_ut_mb_comments@blm.gov and via BLM's e-planning portal; attachments sent via USPS First Class Mail

Re: Labyrinth Rims/Gemini Bridges Travel Management Plan, DOI-BLM-UT-Y010-2020-0097-EA Scoping Comments

Greetings:

Please accept the following comments submitted by the Southern Utah Wilderness Alliance (SUWA) regarding BLM's forthcoming Environmental Assessment (EA) for the Labyrinth Rims/Gemini Bridges Travel Management Plan (TMP or "Travel Plan"), DOI-BLM-UT-Y010-2020-0097-EA.

In developing the EA, BLM must ensure that the Travel Plan complies with all aspects of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321-4370f; the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. §§ 1701-1785; the National Historic Preservation Act (NHPA), 54 U.S.C. §§ 300101-307108; the Clean Air Act, 42 U.S.C. §§ 7401-7671q; the minimization requirements for route designations set forth in FLPMA's regulations, and all other applicable federal regulations and agency guidance applying these laws and regulations. BLM also must comply with Executive Orders 13,990 and 14,008.

I. Background

The Labyrinth Rims/Gemini Bridges Travel Management Area (TMA) encompasses more than 300,000 acres of BLM-managed lands within the Moab field office. The Labyrinth Rims/Gemini Bridges area encompasses the internationally-recognized Labyrinth Canyon section of the Green River, as well as its many side canyons including Mineral, Hell Roaring, Spring and Ten Mile Canyons.

In 2008, the Moab field office finalized the Moab Resource Management Plan (RMP). Bureau of Land Mgmt., *Moab Field Office Record of Decision & Approved Resource Management Plan* (Oct. 2008) (Moab RMP). That plan blanketed the Moab field office with motorized vehicle routes, designating roughly 4,000 miles of routes, including 1,232 miles within the Labyrinth

Rims/Gemini Bridges TMA. *Id.* at 127; *see also id.* at 19 (acknowledging significant conflicts with other resource users on the Ten Mile Wash, Hey Joe and Hell Roaring Canyon routes as well as resource concerns).

Concerned about BLM's failure to comply with the NHPA, FLPMA, the Executive Orders and minimization criteria and other laws and regulations, SUWA and a coalition of conservation organizations challenged the Moab RMP and TMP—along with five other Utah field office RMPs and TMPs in court. A federal judge held that several aspects of the Richfield resource management plan and travel management plan violated environmental and cultural preservation laws. *See generally S. Utah Wilderness Alliance v. Burke*, 981 F. Supp. 2d 1099 (D. Utah 2013). In the wake of the court's Richfield RMP and travel plan decision, the SUWA-led groups, BLM and three OHV groups signed a settlement agreement that established a schedule and process for BLM to update thirteen travel plans across eastern and southern Utah. Settlement Agreement, *S. Utah Wilderness All. v. U.S. Dep't of the Interior*, No. 2:12-cv-257 (D. Utah Jan. 13, 2017) (Docket No. 513) (Settlement Agreement).

The Labyrinth Rims/Gemini Bridges TMP provides an opportunity to develop a reasonable, manageable and forward-thinking blueprint that ensures public access to the outdoors while preserving the backcountry and meeting BLM's duty to minimize damage to cultural and natural resources. Utah's public lands and natural resources are under increasing threat from the impacts of climate change and skyrocketing visitation. Precisely because of these challenges, thoughtful and deliberate travel planning is critical. The planning process is an opportunity to find a balance between motorized vehicle use, preservation of sensitive resources and opportunities for quiet recreation.

II. Moab RMP 2008 Travel Plan and Moab-Area OHV Use

BLM's 2008 RMP covered the Labyrinth Rims/Gemini Bridges TMA with more than 1,200 miles of motorized vehicle routes. Moab RMP at 157. The travel plan did not balance competing resource users and instead prioritized motorized recreation at the expense of other resource users, as well as wildlife, soils, habitat, vegetation and cultural resources. Under BLM's current travel plan, more than 94% of the lands within the TMA are within a half mile of a motorized vehicle route. *See* SUWA Map_Route Buffer Map (attached). Only five percent of the lands within the TMA are 1-2 miles from a designated route and less than .5% are two miles or more from a designated route. *Id.* In other words, it is incredibly difficult for non-motorized recreationists to escape the sights and sounds of motorized vehicles.

Since BLM published the 2008 travel plan, off-road vehicle (ORV) use within the Moab field office in general and the Labyrinth Rims/Gemini Bridges TMA in particular has exploded. *See, e.g.,* Bureau of Land Mgmt., *Moab Field Office Approved Resource Management Plan: Land Use Plan Evaluation Report 7* (Sept. 2015). That use has increased impacts on natural and cultural resources and has exacerbated conflicts between resource users. BLM's new travel plan must **significantly reduce** the density and mileage of motorized vehicle routes. BLM must re-balance the motorized use in this area to ensure opportunities for non-motorized resource users and to minimize damage to riparian areas, watersheds, wildlife habitat, soils, cultural resources and wilderness values.

III. Route Inventory and Baseline Data

BLM must establish accurate baseline conditions within the TMA. The regulations implementing NEPA require agencies to “describe the environment of the areas to be affected or created by the alternatives under consideration.” 40 C.F.R. § 1502.15. In *Half Moon Bay Fisherman’s Marketing Ass’n v. Carlucci*, the Ninth Circuit Court of Appeals stated that “without establishing . . . baseline conditions . . . there is simply no way to determine what effect [an action] will have on the environment, and consequently, no way to comply with NEPA.” 857 F.2d 505, 510 (9th Cir. 1988). The court further held that “[t]he concept of a baseline against which to compare predictions of the effects of the proposed action and reasonable alternatives is critical to the NEPA process.” *Id.* at 510.

BLM’s Travel and Transportation Handbook (H-8342) is clear that the “baseline” for travel and transportation planning does not include potential or future routes or features when these features do not currently exist on the ground in any form. “The GTLF [ground transportation linear features] geospatial database is the comprehensive baseline inventory of all transportation related routes, both motorized and non-motorized, that exist on the BLM managed lands for a particular planning area.” H-8342 Travel and Transportation Handbook § IV(A)(i), at 9-10 (2012). H-8342 describes these “ground transportation linear features” as “transportation (from motorized to foot) linear features *as they exist on the ground.*” App. 3, at 46 (emphasis added).

As BLM proceeds through this travel planning process, it should endeavor to create a travel system that directs use away from sensitive areas, resolves resources user conflicts, reduces route duplication and reduces the overall number of routes. *Id.* § V(H)(i), at 30. “Individual roads, primitive roads, and trails should be chosen with the transportation network goals in mind rather than just using all the inherited roads, primitive roads and trails.” *Id.*

IV. Executive Orders 13,990 and 14,008

Shortly after taking office, President Biden signed a series of executive orders highlighting the pressing threat of global climate change and directing federal agencies to help combat the climate crisis. On his first day in office, President Biden signed Executive Order (EO) 13,990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, 86 Fed. Reg. 7073 (Jan. 25, 2021), announcing a national commitment to “immediately commence work to confront the climate crisis.” EO 13,990 § 1. EO 13,990 establishes a national policy to, among other things, reduce greenhouse emissions and “bolster resilience to the impacts of climate change.” *Id.* It directs federal agencies to review all regulations, policies or similar agency actions that may be inconsistent with this mandate.

Executive Order 14,008 provides more detail regarding President Biden’s expectation that federal agencies will play a pivotal role in combating the climate crisis. EO 14,008, *Tackling the Climate Crisis at Home and Abroad*, 86 Fed. Reg. 7619 (Feb. 1, 2021). President Biden committed to “deploy the full capacity of [federal] agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change . . . [and] conserves our lands, waters, and biodiversity” *Id.* § 201. The EO also directs the Department of the Interior to

work with stakeholders to identify and recommend steps toward conserving 30 percent of U.S. lands and waters by 2030. *Id.* § 216.

OHV use on BLM-managed lands has significant impacts on lands and resources that relate to the climate crisis. Among other impacts with climate implications, OHV use causes soil compaction and erosion, degrades air and water quality, damages native vegetation, fragments plant and wildlife habitat and harasses wildlife. A changing climate only increases the vulnerability of resources and ecosystems to stressors like OHVs. Adam Switalski, *Off-highway vehicle recreation in drylands: A literature review and recommendations for best management practices*, 21 *J. of Outdoor Recreation & Tourism* 87, 88 (2018). On the other hand, large, intact landscapes protected from surface-disturbing activities provide climate refugia that aid in the effort to combat the climate crisis.

Because of the significant climate implications of travel planning, BLM must consider travel planning in light of EOs 13,990 and 14,008. The agency-preferred alternative must prioritize reducing climate change impacts from OHV route designation. Furthermore, every aspect of the travel planning process—including applying the Minimization Criteria under 43 C.F.R. § 8342.1 and analyzing environmental impacts pursuant to NEPA—must be evaluated against the Biden Administration’s stated goals of tackling the climate crisis.

V. Utah Resource Management Plan (RMP) Settlement Agreement

a. Applicable law and agency guidance

BLM must prepare the Labyrinth Rims/Gemini Bridges TMA:

pursuant to applicable statutes, regulations, BLM-Utah Instruction Memorandum No. 2012-066 (“BLM-Utah IM 2012-066”), and the terms identified in paragraphs 16-24 of the Settlement Agreement. In addition to BLM-Utah IM 2012-066, relevant existing guidance includes, but is not limited to: BLM-Utah Guidance for the Lands with Wilderness Characteristics Resource, Instruction Memorandum No. UT 2016-027 (September 30, 2016); BLM National Environmental Policy Act Handbook H-1790-1 (January 2008); BLM-Utah Handbook 8110, *Guidelines for Identifying Cultural Resources* (2002); BLM Handbook H-8342, *Travel and Transportation* (March 16, 2012); BLM Manual 1613, *Areas of Critical Environmental Concern* (September 29, 1988); BLM Manual 1626, *Travel and Transportation* (July 14, 2011); BLM Manual 6320, *Considering Lands with Wilderness Characteristics in BLM Land Use Planning* (March 15, 2012); BLM Manual 6330, *Management of BLM Wilderness Study Areas* (July 13, 2012), 6340, *Management of BLM Wilderness* (July 13, 2012); and BLM Manual 8110, *Identifying and Evaluating Cultural Resources on Public Lands* (December 3, 2004).

Settlement Agreement ¶ 15.

a. Documentation Requirements

BLM must adhere to the following documentation requirements in preparing the Labyrinth Rims/Gemini Bridges TMP:

- BLM must identify the purpose and need for each route, taking “into account information indicating if a route is no longer used by motorized vehicles, is revegetating or reclaiming, and/or is impassable to motorized vehicles. A route without an identified purpose and need will not be proposed as part of the dedicated route network in any action alternatives in the NEPA document.” Settlement Agreement ¶ 17a.
- BLM must identify “any public land resources . . . that may be affected by motorized vehicle use of the route.” Settlement Agreement ¶ 17b. These public land resources are set forth in 43 C.F.R. § 8342.1(a) and “include, but are not limited to, identified cultural resources and public lands with BLM-inventoried wilderness characteristics, regardless of whether BLM administers or manages the subject public lands to maintain or enhance those resources” as well as “soil, watershed, vegetation, or other resources of the public lands.” *Id.* ¶ 17c.
- “BLM will document in the route report how each alternative route designation will ‘minimize damage’ to affected [public land resources]. In each route report, BLM will include a brief narrative summary of how it has applied the designation criteria to the route for each alternative route designation.” Settlement Agreement ¶ 17d.
- “BLM will explain in the NEPA document for each TMP how each proposed alternative route network will ‘minimize damage’ to ‘resources of the public lands,’” including each of the wilderness-characteristics elements. Settlement Agreement ¶ 17e.
- BLM must “consider in the NEPA document at least one proposed alternative route network that would not designate for ORV use any route where BLM has determined that such use may ‘damage,’ 43 C.F.R. § 8342.1(a), BLM-inventoried wilderness characteristics,” unless “the use is authorized by an existing right-of-way or other BLM authorization or by law.” Settlement Agreement ¶ 17e.

b. Baseline Monitoring

BLM must complete a baseline monitoring report during the Labyrinth Rims/Gemini Bridges travel planning process “that will document visually-apparent unauthorized surface disturbances off routes as well as visually-apparent damage to public lands resources caused by motorized vehicle use within WSAs, Natural Areas, and/or lands with BLM-inventoried wilderness characteristics.” Settlement Agreement ¶ 20a. To create this report BLM must “physically inspect those portions of routes within the TMA that are within or constitute a boundary to a WSA, Natural Area, and/or lands with BLM-inventoried wilderness characteristics” and “document by site photography and written narrative each disturbance and damage site.” *Id.*

VI. Minimization Criteria

In the Labyrinth Rims/Gemini Bridges TMP EA, BLM must apply the “minimization criteria” set out in 43 C.F.R. § 8342.1.¹ Federal courts have made clear that federal agencies must meaningfully apply and implement—not just identify or consider—the minimization criteria when designating each area or trail, and to demonstrate in the record how they did so. *See, e.g., WildEarth Guardians v. U.S. Forest Serv.*, 790 F.3d 920, 929-32 (9th Cir. 2015); *Ctr. for Biological Diversity v. Bureau of Land Mgmt.*, 746 F. Supp. 2d 1055, 1071-81. Under the minimization criteria, all route designations “shall be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands.” In meeting these goals, BLM must comply with the following criteria:

- (a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.
- (b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.
- (c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.
- (d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic, or other values for which such areas are established.

43 C.F.R. § 8341.2.

BLM’s obligation to minimize impacts to natural resources applies both to the travel network as a whole as well as individual route designations. *WildEarth Guardians v. Mont. Snowmobile Ass’n*, 790 F.3d 920, 932 (9th Cir. 2015); *S. Utah Wilderness Alliance*, 981 F. Supp. 2d at 1104 (same, citing cases). Minimize refers “to the *effects* of route designations, i.e. the BLM is required to place routes specifically to minimize ‘damage’ to public resources, ‘harassment’ and

¹ *See also* Executive Order No. 11644 (1972), as amended by Executive Order No. 11989 (1977).

‘disruption’ of wildlife and its habitat, and minimize ‘conflicts of uses.’” *Ctr. for Biological Diversity*, 746 F. Supp. 2d at 1080 (emphasis in original).

VII. National Environmental Policy Act

a. Range of Alternatives

In drafting an EA, NEPA dictates that BLM consider a range of reasonable alternatives. “Consideration of reasonable alternatives is ‘the heart’ of the NEPA process.” *Wilderness Soc’y, Center for Native Ecosystems v. Wisely*, 524 F. Supp. 2d 1285, 1309 (D. Colo. 2007) (citing *Lee v. U.S. Air Force*, 354 F.3d 1229, 1238 (10th Cir. 2004)); 40 C.F.R. § 1502.14. “An agency’s obligation to consider reasonable alternatives is ‘operative even if the agency finds no significant environmental impact.’” *Greater Yellowstone Coal. v. Flowers*, 359 F.3d 1257, 1277 (10th Cir. 2004). Though less detailed than an EIS, an EA must demonstrate that the agency took a “hard look” at alternatives—a “thoughtful and probing reflection of the possible impacts associated with the proposed project” so as to “provide a reviewing court with the necessary factual specificity to conduct its review.” *Silverton Snowmobile Club v. U.S. Forest Serv.*, 433 F.3d 772, 781 (10th Cir. 2006) (quoting *Comm. to Preserve Boomer Lake Park v. Dep’t of Transp.*, 4 F.3d 1543, 1553 (10th Cir.1993)); see also 40 C.F.R. § 1508.9(a)(1).

The range of alternatives an agency must analyze in an EA is determined by a “rule of reason and practicality” in light of a project’s objective. *Davis v. Mineta*, 302 F.3d 1104, 1120 (10th Cir. 2002) (quoting *Airport Neighbors All., Inc. v. United States*, 90 F.3d 426, 432 (10th Cir. 1996)). “NEPA ‘does not require agencies to analyze the environmental consequences of alternatives it has in good faith rejected as too remote, speculative, or impractical or ineffective[.]’” *New Mexico ex rel. Richardson*, 565 F.3d at 708 (quoting *Colo. Envtl. Coal. v. Dombeck*, 185 F.3d 1162, 1174 (10th Cir. 1999)). But the number and nature of alternatives must be “sufficient to permit a reasoned choice of alternatives as far as environmental aspects are concerned.” *Id.* (quoting *Dombeck*, 185 F.3d at 1174).

i. The No Action Alternative Must Reflect the 2008 Resource Management Plan Motorized Route Determinations.

Under NEPA’s implementing regulations, BLM must fully consider a “No Action” alternative. 40 C.F.R. § 1502.14(d). The interpretation of what constitutes a No Action alternative depends on the type of action proposed. NEPA Handbook (Public), H-1790-1, 52 (January 2008). For land use planning decisions, such as travel planning or plan amendments, “[t]he No Action alternative is to continue to implement the management direction in the land use plan (*i.e.*, the land use plan as written). Any other management approach should be treated as an action alternative.” *Id.*²

² See also Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations, 46 Fed. Reg. 18,026, 18,027 (Mar. 23, 1981) (stating that, for actions such as updating a land management plan, the “‘no action’ is ‘no change’ from current management direction or level of management intensity” and that the no action alternative “may be thought of in terms of continuing with the present course of action until that action is changed.”).

ii. The Travel Plan EA Must Include an Alternative that Reflects the Minimum Network of Motorized Routes Necessary for Transportation

A range of reasonable alternatives in the Travel Plan EA must include the evaluation of an alternative that reflects the minimum network of motorized routes *necessary* for transportation. In determining the essential, necessary motorized route system, BLM must apply the minimization criteria discussed above. In doing so, BLM must analyze an alternative in the EA that reflects that minimal route network, free of any management considerations that fall outside of the designation criteria listed in 43 C.F.R. § 8342.1.

iii. The Travel Plan EA Must Include an Alternative that Protects Wildlife and Wildlife Habitat

Motorized routes fragment habitat and decrease habitat quality for numerous species. The Labyrinth Rims/Gemini Bridges EA provides habitat for desert bighorn sheep, mule deer, Mexican spotted owl, bald eagle, burrowing owl, Ferruginous hawk, Lewis woodpecker, Northern goshawk, Sharp-tailed grouse, Yellow-billed cuckoo, Fringed myotis, Kit fox and spotted bat, among other species.

In developing the Travel Plan EA, BLM must analyze an alternative that protects wildlife and wildlife habitat for all wildlife species, with specific regard to threatened, endangered or candidate species.

iv. SUWA-Proposed Alternative – Alternative to Protect Lands with Wilderness Characteristics

SUWA hereby proposes an alternative that would minimize impacts to wilderness-quality lands in the TMA. *See* SUWA MAP_SUWA Proposed Alternative (attached).³ The Labyrinth Rims/Gemini Bridges TMA contains important wilderness-quality lands, including those identified as possessing wilderness characteristics by BLM and those areas proposed for wilderness designation in America's Red Rock Wilderness Act. SUWA's alternative emphasizes reducing route density in the areas surrounding Labyrinth Canyon, Dead Horse State Park, Gold Bar Rim and the along the western boundary of Arches National Park. SUWA's proposed alternative recognizes the international significance of Labyrinth Canyon, a premier flatwater section of the Green River, by directing motorized use away from the river corridor. It also recognizes conservation as an important land management value. SUWA's alternative allows motorized recreation, but nevertheless reduces route density and increases opportunities for primitive recreation and experiences.

SUWA's alternative would re-balance motorized recreation within the TMA. Even with significant route reductions, in SUWA's proposed alternative, more than 76% of lands in the TMA would be within a half mile of a designated route and 14.6 % would be 1-2 miles away from a designated route. *See* SUWA MAP_SUWA Alternative Buffers (attached).

³ SUWA has also provided the GIS data underlying this map in the attachments sent via USPS First Class Mail.

While SUWA’s alternative is a starting point for reducing the excessive motorized route density in the Labyrinth Rims/Gemini Bridges TMA, it **focuses only on wilderness-quality lands**. It does not focus on the entire TMA. In this travel planning process, BLM must reduce route density and minimize damage to natural and cultural resources *throughout* the TMA. BLM should seek to balance motorized and non-motorized use in the entire Labyrinth Rims/Gemini Bridges area.

b. Hard Look

NEPA further dictates that agencies take a “hard look” at the environmental consequences of a proposed action and the requisite environmental analysis “must be appropriate to the action in question.” *Metcalf v. Daley*, 214 F.3d 1135, 1151 (9th Cir. 2000); *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989). “NEPA ‘prescribes the necessary process’ by which federal agencies must ‘take a “hard look” at the environmental consequences’ of the proposed courses of action.” *Pennaco Energy, Inc. v. U.S. Dept. of the Interior*, 377 F.3d 1147, 1150 (10th Cir. 2004) (quoting *Utahns for Better Transp. v. U.S. Dept. of Transp.*, 305 F.3d 1152, 1162—63 (10th Cir. 2002)) (citation omitted). The fundamental objective of NEPA is to ensure that an “agency will not act on incomplete information only to regret its decision after it is too late to correct.” *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 371 (1990) (citation omitted). In order to take the “hard look” required by NEPA, BLM must assess impacts and effects that include: “ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, *whether direct, indirect, or cumulative.*” 40 C.F.R. § 1508.8 (emphasis added).⁴

NEPA regulations define “direct effects” as those that “are caused by the action and occur at the same time and place.” *Id.* § 1508.8(a). The regulations define “indirect effects” as those that are:

[C]aused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects *related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.*

Id. § 1508.8(b) (emphasis added). “Cumulative impacts” are defined as:

[T]he impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other

⁴ Throughout these comments SUWA references the NEPA regulations in effect prior to September 14, 2020. Although the Council on Environmental Quality (CEQ) adopted new regulations implementing NEPA in July 2020, 85 Fed. Reg. 43304 (July 17, 2020), those regulations adopted in July 2020 have been challenged as illegal in numerous courts and are likely to be vacated. See *Environmental Justice Health Alliance v. CEQ*, Case 1:20-cv-06143 (S.D.N.Y. Aug. 6, 2020); *Wild Virginia v. CEQ*, Case 3:20-cv-00045-NKM (W.D. Va. July 29, 2020); *Alaska Community Action on Toxics v. CEQ*, Case 3:20-cv-05199-RS (N.D. Ca. July 29, 2020); *States of California et al. v. CEQ*, Case 3:20-cv-06057 (N.D. Cal. Aug. 28, 2020).

actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Id. § 1508.7 (emphasis added). Thus, NEPA requires that BLM engage in a high degree of analysis on the environmental effects of its actions, including the likely effects from other nearby projects— as well as ongoing and foreseeable uses of land, such as off-road vehicle (ORV) use and livestock grazing, and changes to land from other factors such as climate change.

Pursuant to NEPA, the Travel Plan EA must take a hard look at each alternative’s direct, indirect and cumulative impacts to natural and cultural resources, including wildlife, soils, watersheds, vegetation, wildlife and air quality. Cumulative and indirect impacts include those from nearby development projects, off-road vehicle use, domestic livestock grazing, and other foreseeable uses and impacts to the public lands managed by the Price and Richfield field offices.

VIII. Moab RMP

In the travel planning process, BLM must consider the goals and objectives for resource values and uses in the Moab RMP. *See* Settlement Agreement ¶ 16(c); BLM Manual 1626 § 4.1. The Moab RMP made a number of special management designations to guide land management objectives for particular areas within the Moab field office. There are several such areas within the Labyrinth Rims/Gemini Bridges TMA.

a. Ten Mile Wash ACEC

The Moab RMP designated Ten Mile Wash as an Area of Critical Environmental Concern (ACEC). ACECs are “areas within the public lands where special management attention is required . . . to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes.” *Id.* § 1702(a). According to BLM Manual 1613, *Areas of Critical Environmental Concern* (Sept. 29, 1988):

An ACEC designation is the principal BLM designation for public lands where special management is required to protect important natural, cultural and scenic resources . . . BLM managers will give precedent to the identification, evaluation, and designation of areas which required “special management attention” during resource management planning.

BLM Manual 1613.06. ACECs are afforded special management attention to ensure the protection of the relevant and important values of the ACEC. BLM Manual 1613.12.

BLM designated Ten Mile Wash ACEC “[t]o protect the relevant and important values of natural systems (riparian/wetlands), wildlife, cultural resources and natural hazards.” Moab RMP at 106. In its 2004 analysis of the Ten Mile Wash ACEC nomination, BLM determined that the canyon “contains perennial and intermittent flows which maintain ecological diversity in uplands and riparian/wetlands-dependent wildlife within extreme arid portions of the basin.” Bureau of Land Mgmt., *Relevance and Importance Evaluations of ACEC Nominations* 21 (Aug. 2004). BLM found that “Ten Mile Wash contains a rich mixture of riparian, wetland and hydrological

resources. Perennial segments support well-developed wetlands which are rare and unusual in arid regions.” *Id.* BLM also determined that the abundant cultural resources in Ten Mile Wash “are of more than local significance, and are fragile, rare and exemplary.” *Id.* at 21-22.

To protect the important resources of Ten Mile Wash, BLM committed to prioritize Class III cultural inventories and prioritize scientific research within the ACEC. Moab RMP at 106. BLM also committed to prioritize the area for riparian restoration. *Id.*

Despite BLM’s commitment to protect the riparian, wildlife and cultural resources of Ten Mile Wash, motorized travel on route D2759 is adversely affecting all of these important resources. BLM recognized as much in the 2008 RMP noting “the route has potential resource conflicts with cultural resources, wildlife, and riparian resources. The area has experienced off-route vehicle travel in the past which has resulted in impacts primarily to riparian and vegetation resources.” Moab RMP at 19. While BLM said it could mitigate impacts by clearly signing and flagging the designated route, those impacts have not in fact been mitigated. ORVs continue to destroy important riparian resources and habitat. ORVs also continue to damage important cultural sites, including through illegal excavations, site modifications, surface collecting, littering and graffiti. *See, e.g.,* Colo. Plateau Archaeological All., *Preliminary Report: Baseline Site Condition and Vandalism Assessments of Archeological Sites in Tenmile Canyon, Grand County, Utah* 114-115 (March 2008). BLM should close route D2759 as well as routes D2767, D2867, D2710, D2710 and D2664 to protect the Ten Mile Canyon ACEC’s relevant and important values.

b. Labyrinth Rims/Gemini Bridges Special Recreation Management Area

The Moab RMP designated much of the area within the Labyrinth Rims/Gemini Bridges TMA as a Special Recreation Management Area (SRMA). *See, e.g.,* Moab RMP at 89; *id.* at Map 17. The Management Goals for the SRMA include providing “quality river recreation experiences on Labyrinth Canyon” and BLM commits to “[m]aintain the scenic character of the Labyrinth SRMA to allow visitors to enjoy an unconfined experience.” Moab RMP App. M-4. With regard to river recreation, BLM’s targeted outcome is “enjoying an escape from the crowds of people.”

BLM must take the Labyrinth Canyon SRMA goals into account when designating ORV routes. BLM’s current route designations detract from the scenic character of Labyrinth Canyon and do not allow river runners to enjoy an escape from crowds of people. Instead, BLM’s current route designations create significant user-conflicts, allowing ORV and dirt bike use along the river corridor, side canyons and canyon rims. That use interferes with both the scenic character of Labyrinth Canyon and the ability to escape crowds of people.

Within the Labyrinth Rims/Gemini Bridges SRMA, the BLM also designated several “focus areas” to guide management of those areas. *See* SUWA Map_Focus Areas (attached). Those focus areas include the Goldbar Hiking Focus Area, Spring Canyon focus area and Labyrinth

Canyon Canoe focus area. Moab RMP at 90-91. BLM should ensure that its route designations do not interfere with the goals of those non-motorized focus areas.

IX. Cultural Resources

BLM has dual obligations when considering the impacts of its undertakings on cultural resources. Pursuant to Section 106 of the NHPA, BLM must “make a reasonable and good faith effort” to identify cultural resources that may be affected by an undertaking. 36 C.F.R. § 800.4(b)(1). Pursuant to NEPA, BLM must take a “hard look” at the effects of the proposed action. *Silverton Snowmobile Club v. U.S. Forest Serv.*, 433 F.3d 772, 781 (10th Cir. 2006). BLM must comply with both statutes when it undertakes travel planning.

a. BLM Must Consider Adverse Impacts of its Undertakings on Cultural Resources

Congress enacted the NHPA in 1966 to implement a broad national policy encouraging the preservation and protection of America’s historic and cultural resources. *See* 54 U.S.C. § 300101. The heart of the NHPA is Section 106, which prohibits federal agencies from approving any federal “undertaking” unless the agency takes into account the effects of the undertaking on historic properties that are included in or eligible for inclusion in the National Register of Historic Places. 54 U.S.C. §§ 306108, 300320; *see also Pueblo of Sandia v. United States*, 50 F.3d 856, 859 (10th Cir. 1995). Section 106 is a “stop, look, and listen provision” that requires federal agencies to consider the effects of their actions and programs on historic properties and sacred sites before implementation. *Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800, 805 (9th Cir. 1999).

To adequately “take into account” the impacts on archeological resources, all federal agencies must comply with binding Section 106 regulations established by the Advisory Council on Historic Preservation (Advisory Council). Under these regulations, the first step in the Section 106 process is for an agency to determine whether the “proposed [f]ederal action is an undertaking as defined in [Section] 800.16(y).” 36 C.F.R. § 800.3(a). Undertakings include any permit or approval authorizing use of federal lands. *Id.* § 800.16(y). If the proposed action is an undertaking, the agency must determine “whether it is a type of activity that has the potential to cause effects on historic properties.” *Id.* § 800.3(a). An effect is defined broadly to include direct, indirect, and/or cumulative adverse effects that might alter the characteristics that make a cultural site eligible for listing in the National Register of Historic Places. *See id.* § 800.5(a)(1); *id.* § 800.16(i); 65 Fed. Reg. 77,698, 77,712 (Dec. 12, 2000).

The agency next “[d]etermine[s] and document[s] the area of potential effects” and then “[r]eview[s] existing information on historic properties within [that] area.” 36 C.F.R. § 800.4(a)(1)-(2). “Based on the information gathered, . . . the agency . . . shall take the steps necessary to identify historic properties within the area of potential effects.” *Id.* § 800.4(b). “The agency shall make a reasonable and good faith effort to carry out appropriate identification efforts.” *Id.* § 800.4(b)(1).

If the undertaking is a type of activity with the potential to affect historic properties then the agency must determine whether in fact those properties “may be affected” by the particular undertaking at hand. *Id.* § 800.4(d)(2).⁵ Having identified the historic properties that may be affected, the agency considers whether the effect will be adverse, using the broad criteria and examples set forth in section 800.5(a)(1). Adverse effects include the “[p]hysical destruction of or damage to all or part of the property,” as well as “[i]ntroduction of visual, atmospheric or audible elements that diminish the integrity of the property’s historic significant historic features.” *Id.* § 800.5(a)(2)(i) & (2)(v). If the agency concludes that the undertaking’s effects do not meet the “adverse effects” criteria—that is, the agency concludes that there *may* not be an adverse effect from the undertaking—it is to document that conclusion and propose a finding of “no adverse effects.” *Id.* § 800.5(b), 800.5(d)(1).

If the agency official concludes that there *may be* an adverse effect, it engages the public and consults further with the state historic preservation officer, Native American tribes, consulting parties, and the Advisory Council in an effort to resolve the adverse effects. *Id.* §§ 800.5(d)(2), 800.6.

b. Reasonable and Good Faith Effort

As discussed above, BLM must “make a reasonable and good faith effort” to identify cultural resources. 36 C.F.R. 800.4(b)(1). To do so, the agency must “take into account past planning, research and studies . . . the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects.” *Id.*

To satisfy its reasonable and good faith identification efforts, BLM must – at the very least – analyze all of its existing cultural resource information. It has not done so here. BLM has recently completed field-office-wide Class I inventories with associated archaeological site predictive models in the Moab field office. *See* BLM, A Class I Cultural Resource Inventory of Lands Administered by the Bureau of Land Management, Moab Field Office (Aug. 2016). While archaeological models are far from perfect, they do provide information about the potential location of undiscovered sites. *Id.* The predictive model for the Moab field office is actually a series of different models—six site type models representing the most common in the field office and one composite model. *Id.* at 8-1, 8-9.

The individual site type models provide BLM detailed information about certain specified site types (Historic Architectural, Historic Artifact Scatter, Prehistoric Open Artifact Scatter, Prehistoric Open with Feature(s), Prehistoric Rock Art and Prehistoric Sheltered), which give BLM tools to assess potential adverse effects from travel planning. *Id.* As the Class I inventory notes, “the distribution of different types of cultural resource sites is likely to be influenced by different environmental factors.” *Id.* at 8-1. BLM is responsible for identifying and assessing effects regarding all site types.

⁵ The agency may also determine that there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them, at which point it consults with the State Historic Preservation Officer and notifies relevant Native American tribes of its conclusion. *Id.* § 800.4(d)(1).

Accordingly, BLM must use the site type models—and not the composite model—to identify those areas with a high potential for cultural resources. *See* Settlement Agreement ¶ 24c. Once it has identified those areas using the site type maps, BLM must conduct Class III inventories along all routes or portions of routes that are designated as open in those high potential areas. *Id.*

c. Hard Look

In addition to BLM's obligations under the NHPA, NEPA requires BLM to take a "hard look" at the environmental effects of a proposed action. *Silverton Snowmobile Club*, 433 F.3d at 781 (10th Cir. 2006). An EA must demonstrate "the agency's thoughtful and probing reflection of the possible impacts associated with the proposed project." *Id.* (quoting *Comm. To Preserve Boomer Lake Park v. Dep't of Transp.*, 4 F.3d 1543, 1553 (10th Cir. 1993)). "General statements about 'possible' effects . . . do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided." *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1380 (9th Cir. 1998). BLM must analyze all potential direct, indirect, and cumulative impacts to cultural resources.

X. Water Resources

The Labyrinth Rims/Gemini Bridges Travel Plan EA must analyze impacts to water resources. OHVs can have significant impacts on water resources, including by accelerating erosion and sedimentation and elevating levels of turbidity. *See* Douglas S. Ouren *et al.*, *Environmental Effects of Off-Highway Vehicles on Bureau of Land Management Lands: A Literature Synthesis, Annotated Bibliographies, Extensive Bibliographies, and Internet Resources*, USGS Open-File Report 2007-1353 25 (2007) (attached); *see also* Bureau of Land Mgmt., *Moab Field Office Proposed Resource Management Plan and Final Environmental Impact Statement 4-296* (Aug. 2008) (acknowledging that OHV use may decrease water quality). "Wheel cuts and tracks within [OHV travel] networks may serve as water conduits that channel and direct water flow containing sediments and contaminants into aquatic ecosystems." *Id.* OHV use can also impact water quality through spills and emissions. Douglas S. Ouren *et al.* at 25. "Spill or emission contaminants may include 1,3 butadiene, benzene and ethylbenzene, xylenes, and toluene." *Id.* The EA must analyze these potential impacts.

XI. Plants and Wildlife

Plants and wildlife are impacted by motorized travel in several ways. Motorized travel creates stress from noise disturbance, direct mortality by vehicle crushing and collisions, altered behavioral or population distributions, and fragmented habitat. *See* Douglas S. Ouren *et al.*, *supra* at 16-22. Beyond the physical impact from OHV use and OHV routes, "[n]oise from OHVs can travel miles in open landscapes and can negatively impact wildlife in a variety of ways including disturbance, avoidance, disruption of breeding habitat, reduction of migration routes, reduction of quality of habitat and loss of habitat." *See* Adam Switalski, *Off-highway vehicle recreation in drylands: A literature review and recommendations for best management practices*, *Journal of Outdoor Recreation and Tourism*, Vol. 21, 87-96 at 89 (2018). These

impacts can all lead to declines in local populations, and for some rare species, declines that impact their entire populations. *See* Douglas S. Ouren *et al.*, *supra* at 16-22

The Labyrinth Rims/Gemini Bridges TMA provides habitat for a number of special status species, including Mexican spotted owl, Bonytail, Colorado Pikeminnow, Humpback chub, Razorback sucker, bald eagle, burrowing owl, Ferruginous hawk, Lewis woodpecker, Northern goshawk, Sharp-tailed grouse, Yellow-billed cuckoo, Fringed myotis, Kit fox and spotted bat, among other species. BLM must fully analyze and minimize damage to plant and wildlife species and their habitats.

The Labyrinth Rims/Gemini Bridges TMA also encompasses “crucial” and “substantial” desert bighorn habitat (including lambing and rutting habitat) and substantial mule deer habitat. *See, e.g.*, SUWA Map_Desert Bighorn Habitat (attached). Big game “crucial” habitat is defined as “habitat on which the local population of a wildlife species depends on for survival because there are no alternative ranges or habitats available.” (Utah Division of Wildlife Resources 2019). With regard to desert bighorn sheep, human disturbance has rippling effects on desert bighorn sheep dispersion, which “may cause bighorn sheep to change use areas and abandon certain habitats because of those disturbances. Loss of preferred habitat can compel bighorns into habitats that reduce productivity, decrease survival rates, and increase risk of pathogen transmission.” Utah Div. of Wildlife Res., *Utah Bighorn Sheep Statewide Management Plan* 11 (2019). Within the TMA, densities of desert bighorn sheep are highest near river corridors and side canyons. Utah Div. of Wildlife Res., *Bighorn Sheep Unit Management Plan* 6 (Aug. 2019). Further, increased recreation in the area may have significant effects on desert bighorn. *Id.*

Despite the known impacts of human disturbance on desert bighorn sheep, there are currently more than 1,100 miles of designated motorized vehicle routes in desert bighorn habitat, including within critical lambing habitat. BLM’s new travel plan must minimize damage desert bighorn sheep and its habitat.

With regard to threatened and endangered species, BLM must engage in formal consultation with the U.S. Fish and Wildlife Service because the Labyrinth Rims/Gemini Bridges travel plan and its authorization of OHV use “may affect” listed species. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a).

Furthermore, BLM must ensure that it is complying with the conservation measures it committed to in the 2008 Moab RMP Biological Opinion. For instance, BLM committed to “[i]mplement management strategies that maintain or improve degraded riparian communities; protect natural flow requirements; protect water quality; manage for stable non-eroding banks; and manage for year-round flows.” U.S. Fish & Wildlife Serv., *Biological Opinion for BLM Resource Management Plan (RMP), Moab Field Office* 102 (Oct. 27, 2008). BLM also committed to “[m]anage riparian areas from a watershed perspective” and to “[e]nhance the protection of wetland functions by emphasizing the protection of natural wetland structure, composition, and ecological processes.” *Id.* at 102-103. With regard to the Mexican spotted owl and Southwestern willow flycatcher, BLM committed to minimize noise disturbance near suitable and potentially suitable habitats and restrict recreation to protect occupied and suitable habitats. *Id.* at 105-106.

BLM must comply with this Biological Opinion as it develops the travel plan and ensure that threatened and endangered species are protected.

XII. Air Quality and Climate Change

The Travel Plan EA must take a hard look at impacts to both air quality and climate change. The Travel Plan should model the impacts of travel management decisions on air quality in the planning area. NEPA, FLPMA and the Clean Air Act require BLM to prepare such analysis. Without preparing air quality analyses, BLM will not understand the effects of the pollutants generated by motorized use in the planning area, as required by NEPA. In addition, BLM must model pollutant concentrations to understand if Travel Plan decisions will comply with federal and state air quality standards, as required by FLPMA and the Clean Air Act.

FLPMA mandates that BLM manage the planning area in accordance with federal and state air quality standards. *See* 43 C.F.R. § 2920.7(b)(3) (requiring that BLM “land use authorizations shall contain terms and conditions which shall . . . [r]equire compliance with *air . . . quality standards* established pursuant to applicable Federal or State law”) (emphasis added); *see also* 43 U.S.C. § 1712(c)(8) (requiring BLM land use plans—which would therefore require implementation in daily management—to “provide for compliance with applicable pollution control laws, including State and Federal air . . . pollution standards or implementation plans”). These air quality standards include both NAAQS and the prevention of significant deterioration (PSD) increment limits.

Motorized travel has the potential to impact air quality by causing significant surface disturbance, which increases erosion and the generation of dust (both when being driven by vehicles and when wind blows across the disturbed landscape), adversely affecting the air and water. To comply with FLPMA, BLM must ensure that the alternatives under consideration would not violate any air quality standards, including NAAQS, and must demonstrate compliance in the EA.

Authorizing motorized travel on public lands has the potential to result in increased particulate matter pollution and ozone precursors (NO_x and VOCs). Because of the potential increase in pollutants, both directly and indirectly caused by authorizing motorized use, BLM must analyze these contributions through emission inventories and modeling. Furthermore, dirt roads and ORV routes may generate fugitive dust even when not being traveled by vehicles (e.g., by wind-blown dust). Thus, it is vital that the EA quantify all the surface-disturbing use that it is approving and estimate the rate at which it will generate fugitive dust as well as the generation of fugitive dust from areas disturbed by motor vehicles.

Fugitive dust suspended in the air has the potential to impact more total area than any other impact of roads (paved or unpaved), and it can have significant effects on ecosystems and wildlife habitat. Forman et al., *Road Ecology: Science and Solutions* (2003). Motorized vehicles create fugitive dust by travelling on unpaved roads and through cross country travel; it is then dispersed along roadsides or carried further afield via wind currents. An example of fugitive dust plumes caused by OHV traffic is documented in 1973 satellite photos. These photos show six dust plumes in the Mojave Desert covering more than 1,700 km² (656.2 mi²). These plumes were

attributed to destabilization of soil surfaces resulting from OHV activities. Nakata et al., *Origin of Mojave Desert dust plumes photographed from space* (1976). Fugitive dust emissions can also have serious implications for climate change.

A hard look at impacts from fugitive dust is necessary to understand and disclose to the public the likely contributions to regional climate change caused by this plan. In September 2009, Dr. Jayne Belnap of the United States Geological Survey gave a presentation to the Colorado Water Conservancy District. Dr. Belnap's presentation addressed the connection between increased temperature, disturbance, invasive species, and dust. This presentation focused much attention on the impacts from ORVs and noted the cycle of increasing temperatures, which increases dust, which is exacerbated by ORV use, which increases the effects of climate change (temperature increases), with the key indicator of these problems being earlier snowmelts. Of particular concern is the amount of dust that results from motorized routes, which settles upon snow pack and alters the melt rate which, in turn, alters the availability of warm season infusion of water into streams and lakes, when such water is critical to wildlife. For example, in 2005 and 2006, disturbed desert dust melted snow cover 18 to 35 days earlier in the San Juan Mountains. Painter et al., *Impact of disturbed soils on duration of snow cover*, *Geophysical Research Letters* 34 (2007). In 2009, disturbed desert dust melted snow cover 48 days earlier in the San Juans. See Painter et al., *Response of Colorado River runoff to dust radiative forcing in snow*, *PNAS* 107(40) (2010).

Neff et al. (2008) found that "dust deposition onto snow cover in the western United States has recently been shown to accelerate melt and reduce snow-cover duration by approximately one month, a finding that has broad implications for water resources in mountainous regions of the United States" See Painter, T. H. et al. *The impact of disturbed desert soils on duration of mountain snow cover*, *Geophys. Res. Lett.* 24 (2007).

BLM should analyze impacts from fugitive dust emissions that would result from recreation activities authorized in the TMP and adopt a final decision that minimizes and/or mitigates those impacts.

In summary, the TMP should model the impacts of travel management decisions on air quality in the planning area. BLM must ensure that the alternatives under consideration would not violate any air quality standards, including NAAQS, and must demonstrate compliance in the EA. BLM must analyze contributions to particulate matter pollution and ozone precursors (NOx and VOCs) from motorized use authorized in the TMP through emission inventories and modeling. The EA must quantify all the surface-disturbing use that it is approving and estimate the rate at which it will generate fugitive dust as well as the generation of fugitive dust from areas disturbed by motor vehicles.

XIII. Revised Statute 2477

In 2005, the U.S. Tenth Circuit Court of Appeals held that BLM does not have the authority to conclusively adjudicate R.S. 2477 claims. *S. Utah Wilderness Alliance v. Bureau of Land Mgmt.*, 425 F.3d 735, 757 (10th Cir. 2005). This decision was cited in another case at the Tenth Circuit

in 2009 where counties in southern Utah claimed that BLM illegally ignored their prior-existing R.S. 2477 rights in closing roads through a travel management plan.

To be sure, we recognized in *S. Utah* that the BLM possessed the authority to “determin[e] the validity of R.S. 2477 rights of way for its own purposes.” 425 F.3d at 757. But, importantly, nothing in federal law requires the BLM to do so. Thus, even though the County plaintiffs might prefer that the BLM informally adjudicate their purported rights-of-way, they may not, as the district court correctly concluded, “shift their burden as R.S. 2477 claimants or shortcut the existing processes for determining their unresolved R.S. 2477 claims by insisting that the BLM import its [internal and] preliminary road inventory work on unresolved R.S. 2477 claims in 1991 and 1993 [prior to this court’s decision in *S. Utah*] into its planning processes in formulating the 1999 Management Plan.

Kane Cnty. v. Salazar, 562 F.3d 1077, 1087 (10th Cir. 2009).

BLM Revised Manual 1626, § 6.2 provides clear language on consideration of R.S. 2477 claims in travel management planning:

Travel management planning is not intended to address the validity of any R.S. 2477 assertions. All RMPs and TMPs at a minimum should include the following statement with regard to R.S. 2477 assertions:

A travel management plan is not intended to provide evidence bearing on or addressing the validity of any R.S. 2477 assertions. R.S. 2477 rights are determined through a process that is entirely independent of the BLM's planning process. Consequently, [this RMP/TMP] did not take into consideration R.S. 2477 evidence. The BLM bases travel management planning on purpose and need related to resource uses and associated access to public lands and waters given consideration to the relevant resources. At such time as a decision is made on R.S. 2477 assertions, the BLM will adjust its travel routes accordingly.

BLM should neither make determinations regarding R.S. 2477 claims as part of this planning process nor permit those assertions to influence its decisions regarding permitting motorized use. As affirmed by the Tenth Circuit Court of Appeals, the BLM cannot make determinations as to the validity of R.S. 2477 claims—only a court of competent jurisdiction can make a final determination.

In sum, BLM must not consider R.S. 2477 assertions in the travel planning process and should make this limitation explicit throughout the process.

XIV. Area-Specific Issues

The following comments highlight several overarching problems with BLM’s current route designations. This list does not include all problems with BLM’s current travel plans, but rather focuses on several important areas.

a. Labyrinth Canyon

The Labyrinth Canyon section of the Green River provides a premier, highly sought-after flatwater river experience. *See, e.g.*, Moab RMP at 34; Utah.com, *Labyrinth Canyon River Rafting*, <https://utah.com/river-rafting/labyrinth>; Holiday River Expeditions, *Insiders Guide to Floating the Green River through Labyrinth Canyon*, <https://www.bikeraft.com/insiders-guide-to-floating-on-the-green-river-through-labyrinth-canyon/>. As the Green River winds through Labyrinth Canyon past soaring red rock cliffs and narrow canyons, river runners are transported into a beautiful and remote desert landscape. The canyon walls and alcoves display the area's rich history and include prehistoric rock art and historic inscriptions. Labyrinth Canyon and its side canyons provide myriad opportunities for canoeing, rafting, hiking, camping and other non-mechanized recreation. This river section is unique in that it is family-friendly and allows visitors with a wide range of experience get into the backcountry.

Just across the river from the Moab field office, the BLM-managed land within the Price field office is designated wilderness, limiting the sights and sounds of motorized vehicles. *See* John D. Dingell, Jr., Conservation, Management and Recreation Act Pub. L. 116-9, § 1231, 133 Stat. 580, 671-675 (2019). This section of the river is also designated as a Wild and Scenic River. *Id.*

BLM's current travel plan does not prioritize the protection of this unique landscape and does not minimize damage to the canyon's riparian resources and habitat. Instead, BLM's travel plan allows ORVs along the river corridor, up side canyons and along the many of the Labyrinth Canyon rims. Motorized travel on these routes creates noise and visual impacts to river runners. The whine of UTVs and dirt bikes reverberates through the canyon, detracting from the wilderness experience. These routes also fragment and damage vitally important wildlife habitat, impair sensitive soils and vegetation, and damage irreplaceable cultural resources. Some of the most problematic routes include the Dead Cow motorized loop, Hey Joe, Tenmile Canyon and Hell Roaring Canyon. *See also* SUWA, Route-Specific Comments (attached) (providing more information on individual ORV routes). BLM must ensure that the Labyrinth Rims/Gemini Bridges TMP protects this incredible landscape and its natural and cultural resources.

b. Ten Mile Wash

Ten Mile Wash is unique for its lush springs and deep dry alcoves teeming with cultural artifacts. This strip of verdant green in Utah's redrock canyon country is the only perennial water source flowing into Labyrinth Canyon. Ten Mile Wash also provides important wildlife habitat, including Desert bighorn sheep lambing and rutting habitat. *See* SUWA Map_Desert Bighorn Habitat (attached). Despite the significant resources within Ten Mile Wash, BLM has allowed motorized use to damage and degrade these resources since 2008. Cultural sites have been damaged and looted, riparian vegetation has been destroyed and motorized use has continued to expand beyond the designated route. *See also supra* § VIIIa. BLM should close this route to motorized vehicles.



Route widening and unacceptable impacts in Ten Mile Wash

c. Dead Cow Motorized Routes

The Dead Cow motorized loop, which includes routes DCC1, DCH1, DC2, DC3, DC4, DC5, DC6, DC7, should be closed to motorized vehicles. The routes create significant user-conflict issues with river users seeking a flatwater, wilderness experience. Dirt bikes using this route create both visual and noise impacts to non-motorized users. The route impacts significant riparian resources and habitat for desert bighorn sheep and mule deer, among other species. The routes damage sensitive soils and vegetation. There is also rampant illegal use along the routes. Motorized users have cut the wire intended to block further motorized use and continued to travel along the river corridor. Motorized users have also significantly widened the route through trail braiding and off-route travel. BLM should close these routes to motorized vehicles.



Route widening along the Dead Cow routes.



Cut wire and illegal use along Dead Cow routes

d. Upper Mineral Canyon

In the upper Mineral Canyon area of the TMA, there are a number of rarely-used, reclaiming routes that BLM should close to motorized vehicles. These duplicative routes contribute to an excessive density of motorized routes and impact wildlife habitat, soils, vegetation and other resource users. BLM should remove these routes from its travel plan. These routes include, but are not limited to: D1351, D1356, D1357, D1354, D1358, D1363, D1362, D1361, D1369, D1390, D1393, D1394, D1378, D1382, D1380, D1394, D1398, D1402, D1403, D0004, D1395, D1407.



Route D1360 – Reclaiming and barely visible on the ground.



Route D1394 – Not present on the ground

XV. Route-Specific Comments

Attached to these comments are Route Reports providing significant information on numerous routes within the Labyrinth Rims/Gemini Bridges TMA. This information includes photographs, geographic location coordinate data, observed route attributes, and narratives. These route photographs, their captions, narrative and associated attribute data must all be considered part of the comment record for every route segment mentioned.

These photosheets are accompanied by a map highlighting “priority routes” that BLM should remove from its travel management plan. *See* SUWA MAP_Labyrinth Rims TMA Priority Routes (attached). These “priority routes” are all within areas proposed for wilderness designation. While SUWA’s priority routes are focused on this limited area, BLM must go beyond these priority routes and reduce route density throughout the TMA.

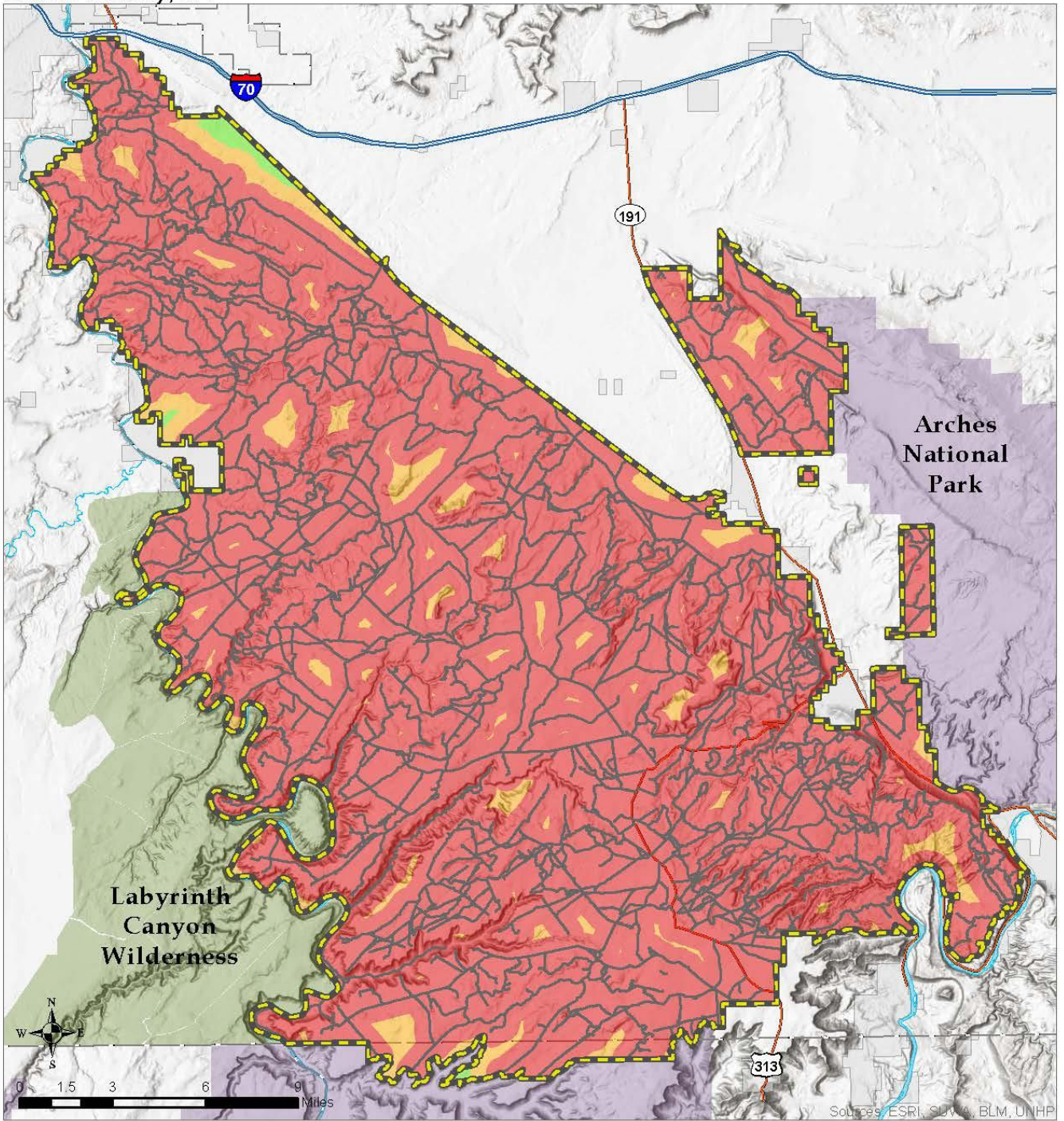
Conclusion


Thank you for your consideration of these comments. Please direct any questions and send any additional information to the undersigned points of contact.

Sincerely,

Laura Peterson
Staff Attorney
Southern Utah Wilderness Alliance
801-236-3762
laura@suwa.org

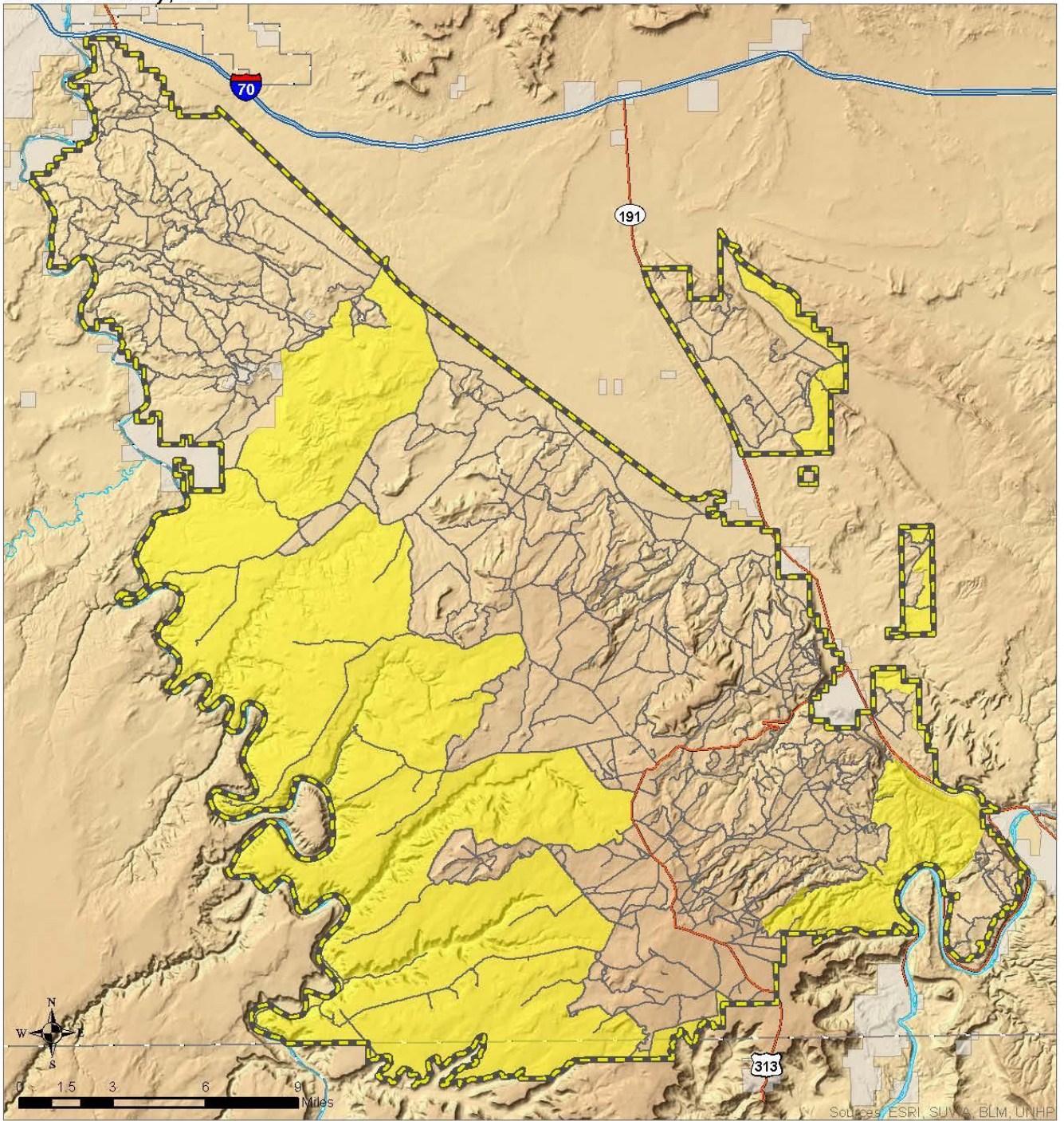
Labyrinth Canyon/Gemini Bridges Area Distance from Designated Routes Grand County, UT



<p>Moab BLM Travel Plan Distance from Designated Motorized Vehicle Route</p> <ul style="list-style-type: none"> 0.5 Mile (94.5 % of TMA Area) 1 Mile (5.01% of TMA Area) 2 Mile (0.45% of TMA Area) 	<ul style="list-style-type: none"> Labyrinth/Gemini Bridges TMA Boundary (337,115 Total Acres) Moab BLM Travel Plan Wilderness Area National Park 	
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Author: Creed M. Hook Document Path: P:\GIS\Projects\Travel_Management\Labyrinth_TMA\Labyrinth_TMA_Scope\Map\Labyrinth_TMA_BLM_Route_Distance

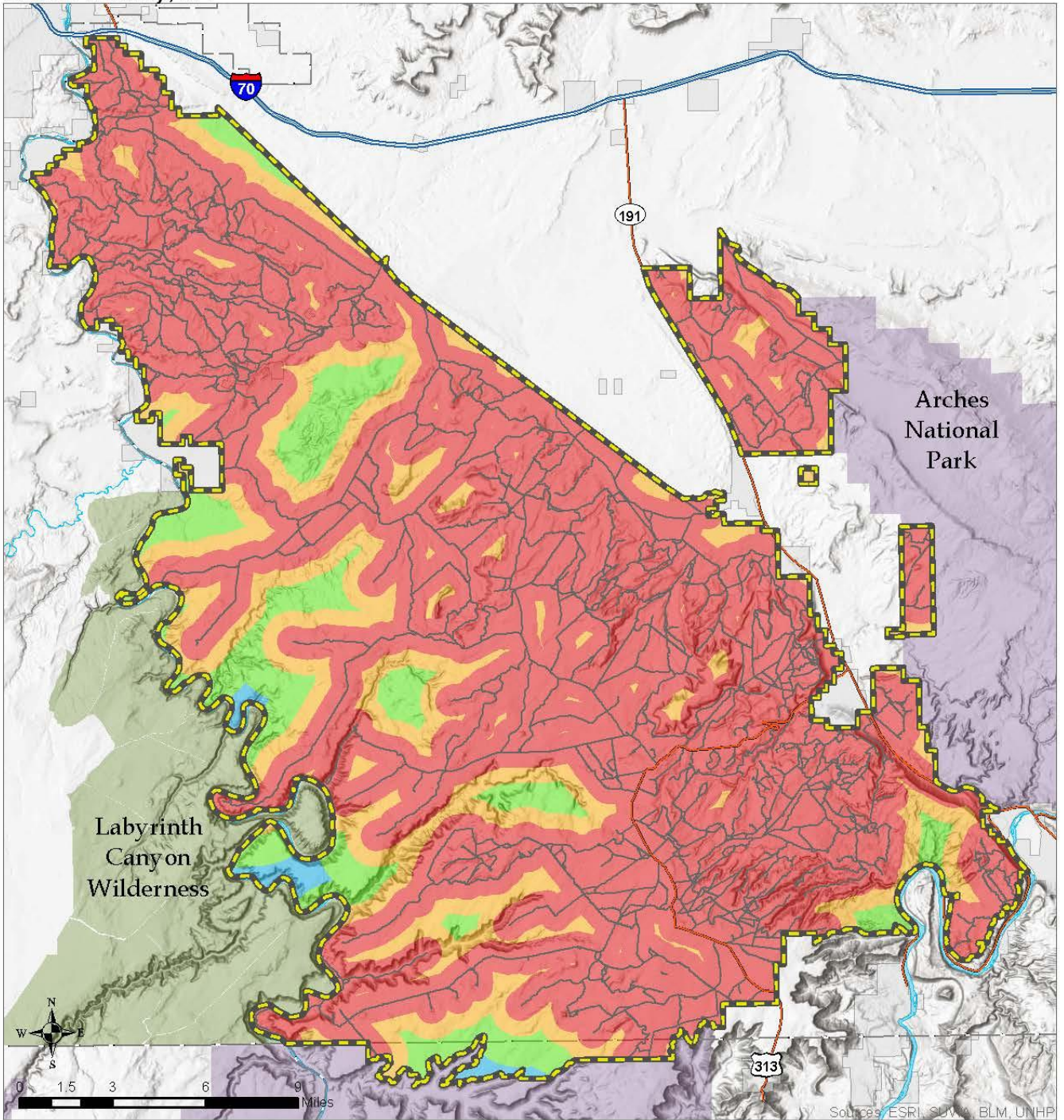
Labyrinth Canyon/Gemini Bridges TMA - SUWA Travel Alternative Grand County, UT



-  Labyrinth/Gamini Bridges TMA Boundary
-  ARRWA Lands
-  SUWA Travel Alternative



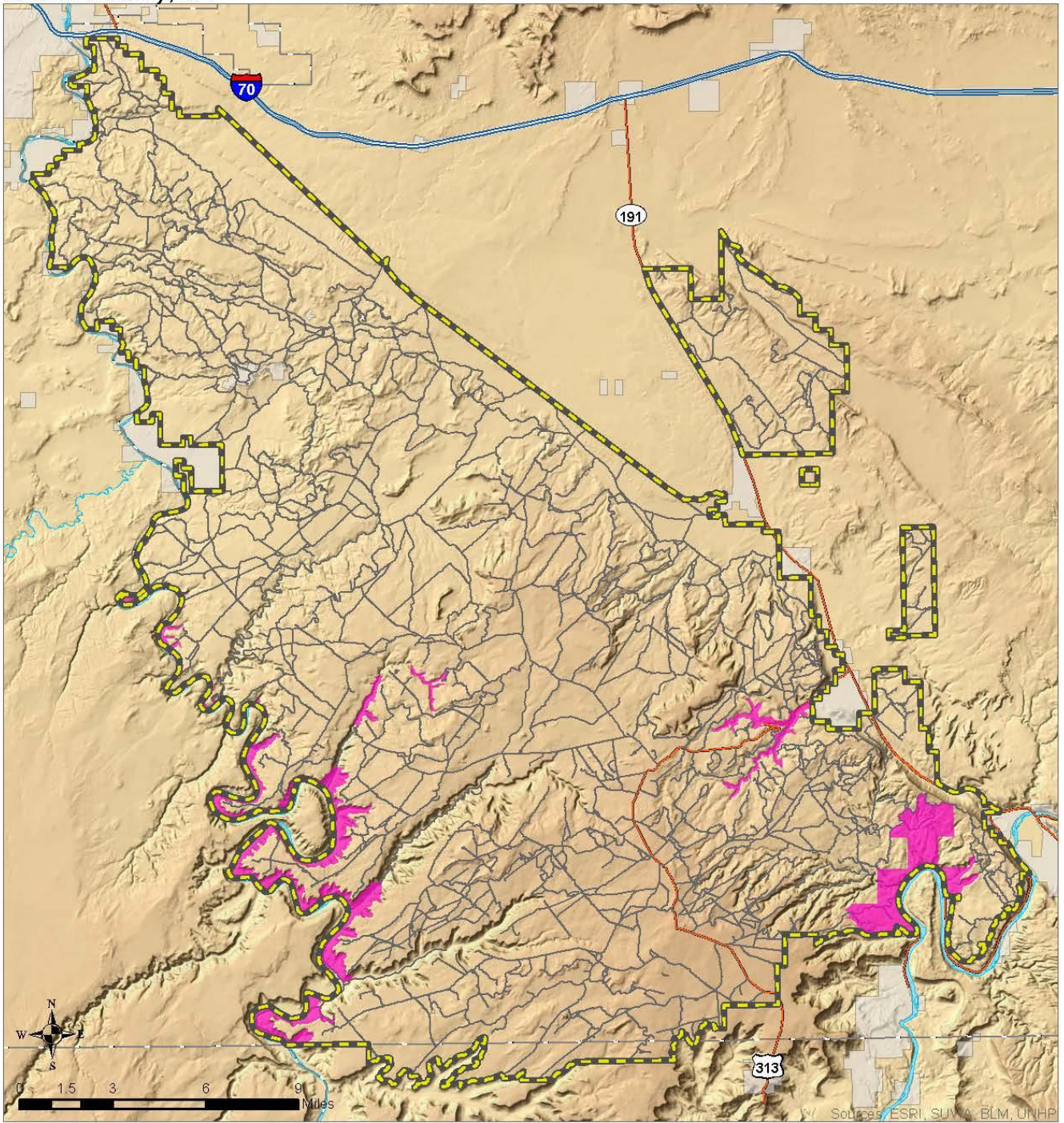
Labyrinth Canyon/Gemini Bridges TMA - SUWA Travel Alternative
 Grand County, UT






SUWA Proposed Alternative Travel Plan		Labyrinth/Gemini Bridges TMA Boundary	
Distance from Designated Motorized Vehicle Route		SUWA Proposed Alternative Travel Plan	
0.5 Mile (76.6 % of TMA Area)	Wilderness Area		
1 Mile (14.6 % of TMA Area)	National Park		
2 Mile (7.9 % of TMA Area)			
3 Miles (0.8% of TMA Area)			

Author: Ceed Minkoff Document Path: P:\GIS\Projects\11046\Management\TMA\Labyrinth_TMA_SUWA_Alt\ra\ra_0116.mxd

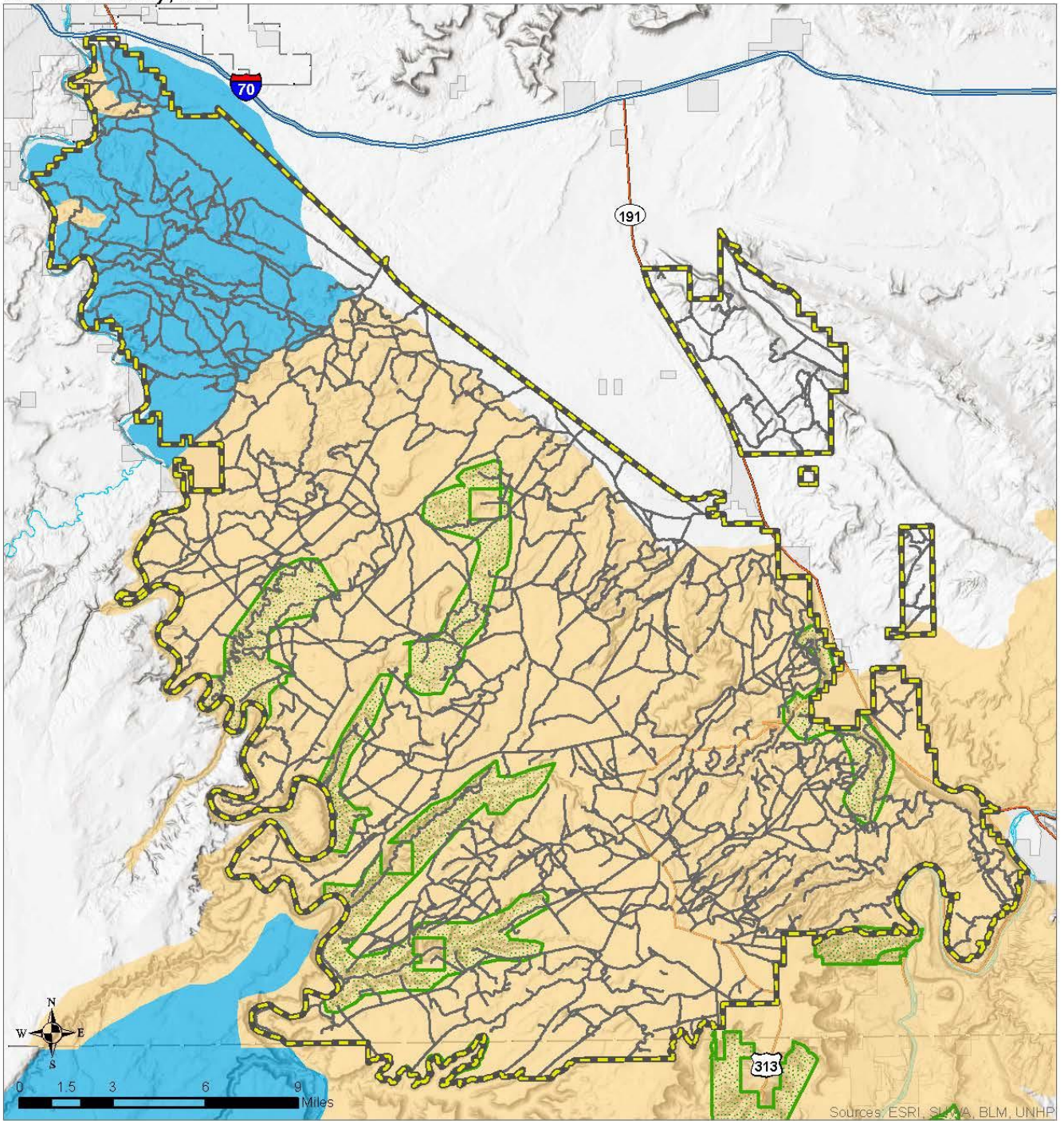
Labyrinth Canyon/Gemini Bridges TMA - Non-Motorized Focus Areas
 Grand County, UT



-  Labyrinth/Gemini Bridges TMA Boundary
-  Moab BLM Travel Plan
-  Moab BLM Non-Motorized Focus Areas (Hiking & Canoeing)



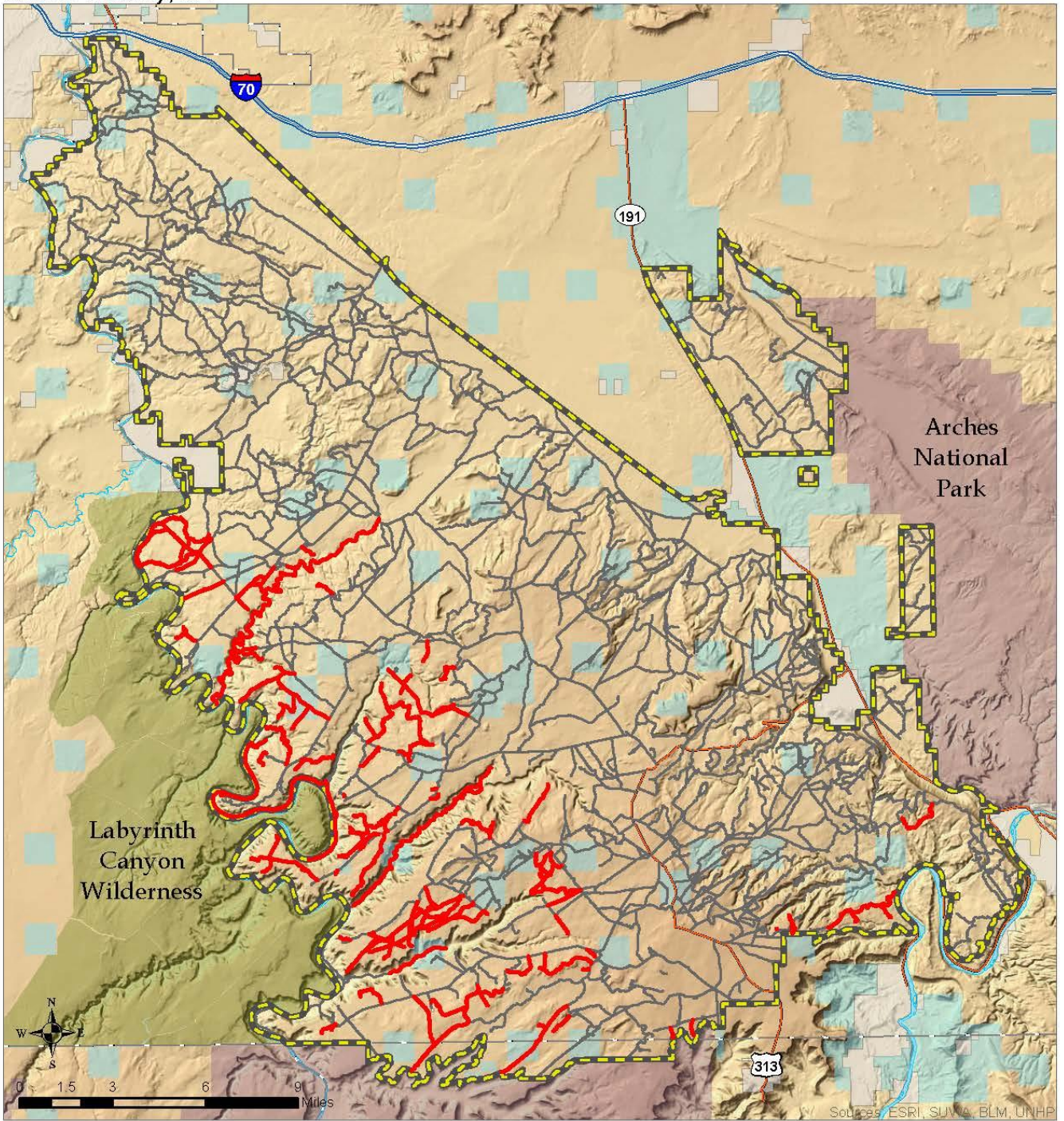
Labyrinth Canyon/Gemini Bridges TMA - Desert Bighorn Sheep Habitat
 Grand County, UT



- Desert Bighorn Sheep Habitat
 - crucial
 - substantial
 - Lambing and Rutting
- Labyrinth/Gemini Bridges TMA Boundary
- Moab BLM Travel Plan



Labyrinth Canyon/Gemini Bridges TMA - SUWA Priority Routes
 Grand County, UT



-  Labyrinth/Gemini Bridges TMA Boundary
-  Moab BLM Travel Plan
-  SUWA Priority Routes



Letter 38: Town of Castle Valley



TOWN OF CASTLE VALLEY

June 1, 2021

Nicollee Gaddis-Wyatt
82 East Dogwood
Moab, UT 84532

Dear Nicollee,

The Town of Castle Valley would like to offer our comments on the Moab BLM Travel Plan for Labyrinth Rims and Gemini Bridges area.

We appreciate that the BLM has worked cooperatively with the Town of Castle Valley in managing the motorized routes in the Castle Valley and Castleton Tower areas.

This careful planning and collaboration process has produced good results in the Castle Valley area, and we would like to see the same principles applied to the Labyrinth Rims and Gemini Bridges areas.

In Castle Valley and around Castleton Tower, ecologically sensitive routes, duplicate routes, and parallel routes were all closed. The work done in our area has resulted in resource protection and restoration and has increased the opportunities for solitude away from motorized travel, without affecting the quality of motorized recreation in the area.

Motorized vehicle traffic has a far higher impact on the environment than non-motorized uses. We would like to see a Moab Travel Plan that reduces that impact and prioritizes uses that protect plants, wildlife, cultural resources, quiet and solitude. Presently almost 95% of the area being evaluated is within a half of a mile of a designated motorized route. We hope that with careful planning, the motorized routes can be more laid out in a way that reduces the effect of motorized vehicles in this area.

While the Labyrinth Rims and Gemini Bridges areas are a fair distance away from Castle Valley, many of our residents visit that area for river rafting, hiking and motorized recreation. Please take a careful look at this area and apply some of the principles that are being used in managing the motorized routes in and around Castle Valley.

Thank you for your consideration.

Mayor and Town Council of Castle Valley

HC64 Box 2705 CASTLE VALLEY, UTAH 84532-9608 435-259-9828
FAX 435-259-9846 townclerk@castlevalleyutah.com

Letter 39: Utah Back Country Pilots Association



The Utah Back Country Pilots Association (UBCP) formally submits the following comments and suggestions to those tasked with drafting the Travel Management Plan for the Labyrinth Rims/Gemini Bridges Travel Management Area.

Backcountry aviation in the State of Utah has an extensive history that predates my own experience as an aviator. Airstrips such as those found in the affected area, Mineral Canyon, Big Flat, Deadman Point, Spring Canyon, and Hell Roaring Canyon, have provided access to our public lands to pilots that come from all around the world to partake in the beauty that is these areas. These airstrips, and others that may reside in the Labyrinth Rims/Gemini Bridges Travel Management Area, should be defined and included in the Management Plan for the following reasons:

1. Access. Airstrips provide unprecedented access to our public lands to more than the casual recreational user. Persons who may have a disability that prohibit them from the arduous journeys across rough roads and rougher trails can enjoy the same opportunities through the use of aircraft. Organizations like ours have worked in the past to provide these opportunities to the impaired, and in a post-COVID world, we hope to continue in these efforts. Besides recreational users, airstrips offer access to emergency aircraft, whether they are responding to a need on the ground, or aircraft overlying the area who may need to land as a precaution.
2. Impact. Many of these airstrips predate the Wilderness Act of 1964, and their creation has provided decades of access for pilots. If access to these airstrips were to be limited or removed entirely, the future creation of these airstrips would come at an immense cost in labor and capital, well above and beyond that of any other method of transportation in the backcountry. After this initial displacement was created, users of these airstrips, along with the help of organizations such as ours, have taken it upon themselves to provide the casual maintenance required to maintain these airstrips in a safe and working condition. These efforts come at no cost to users outside of backcountry pilots, and that ownership mentality that pilots have towards these airstrips carries forward in their respect for the lands they enjoy, taking accepted wilderness protocols such as "Leave no Trace" and "Pack it in / Pack it out" further than the general public. The aircraft themselves offer access with little to no impact on the lands as well, as wheels that are not driven like those found on UTVs and 4x4 trucks smoothly roll over semi-prepared ground leaving no trace above that of a common hiking boot.
3. Legacy. The airstrips that connect pilots from their homelands to the backcountry have an established history that leave an impression on those who have the opportunity to enjoy them. Much like a family's secret fishing spot, third-generation backcountry aviators are carrying on a tradition of safe, respectful, and responsible use of these lands and the machines that get them there. Airstrips like Mineral Canyon provide families and friends opportunities not found elsewhere in the United States, as we regularly cross paths with out of town (and out of country) pilots who purposely set their course to this area. And more than just the opportunities these airstrips present to them, the camaraderie and community that backcountry aviators have created has been the lifeblood of organizations like ours, where pilots and backcountry aviation enthusiasts regularly donate their time, their talents, and their hearts to preserve and protect these airstrips.

For these reasons and many more, the UBCP strongly suggests that the architects of this TMP be certain to address the need for continued access to the backcountry through the many airstrips within the Labyrinth Rims/Gemini Bridges Travel Management Area. Organizations such as ours should also be given access to these airstrips to provide the necessary maintenance to keep them in safe operating condition. And we offer the expertise, the experience, and the resources of our organization and its members to help continue the legacy that is backcountry aviation in our public lands.

Sincerely,

Roy Evans II, President

on behalf of the Members of the Utah Back Country Pilots Association and our many friends

Letter 40: Utah Public Lands Alliance ePLANNING

Comment Submission

Project: DOI-BLM-UT-Y010-2020-0097-EA - Labyrinth Rims/Gemini Bridges Travel Management Area

Document: Press Release Labyrinth Rims Gemini Bridges TMP.pdf

Submission ID: LRGBTMA-1-500132667

Comment

We hear that 330,000 acres of the Labyrinth Rim/Gemini Bridges SMA may be closed to motorized vehicle access.

This area is home to a large number of world famous OHV and Jeep trails. Literally hundreds of thousands of people come to the Moab region annually to challenge themselves and their vehicles on the most diverse and beautiful country on earth. They are THE backbone of the Moab economy. By and large, these visitors are safe, clean, reasonable people who love and respect our public lands.

Some land should be managed as wilderness or roadless. The Labyrinth Rim/Gemini Bridges area, while beautiful, is a recreational area, in the definition of "highest and best use". Recreation on this part of our PUBLIC lands has meant OHV and Jeep travel. I have personally travelled off road there since the 1980's.

To exclude motorized recreation from this area is patently unfair to Moab area businesses and to the public at large.

I urge you to leave these lands and trails as they are now.

Submitter(s)

Submitter 1

Name:Keller, Kevin
Address:PO Box 464, Soda Springs, Idaho 83276
Email Address: fatmanranch@yahoo.com
Group or Organization Name: Utah Public Lands Alliance
Position: Chair/CEO
(Add me to the project mailing list) - YES

Disclaimer

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment - including your personal identifying information - may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Withhold my personally identifying information from future publications on this project) - *NO*