SAN RAFAEL DESERT TRAVEL MANAGEMENT PLAN: RECONSIDERATION OF ROUTES AS REQUIRED BY THE 2022 SETTLEMENT AGREEMENT

BACKGROUND

On August 21, 2020, the Bureau of Land Management’s (BLM) Price Field Office (PFO) released an Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Decision Record (DR) for the San Rafael Desert (SRD) Travel Management Area (TMA) Travel Management Plan (TMP). The 2020 SRD TMP DR designated 766.8 miles of routes as available to public off highway vehicle (OHV) use in the TMA. The 2020 SRD TMP DR was challenged in federal court, Case No. 2:21-cv-00091 (D. Utah), and on February 23, 2022, the BLM entered into a settlement agreement (2022 Settlement) resolving the litigation. The 2022 Settlement is included as Attachment A.

As detailed in Paragraph 3 of the 2022 Settlement, BLM committed to reconsider the OHV route designations for specific routes (which total approximately 195 miles) that the 2020 SRD TMP designated as available for public OHV use (the Settlement Routes). Under the 2022 Settlement, BLM retained sole discretion to determine the outcome of the reconsideration process, which pertains only to the Settlement Routes addressed in the February 2022 Settlement Agreement.

DECISION

After engaging in the reconsideration process described below it is my decision to amend the 2020 SRD TMP DR by changing the designations of approximately 120 miles of Settlement Routes to OHV-closed. The specific route segments subject to a designation change, as well as the rationale for those changes, are documented in Attachment B (Designation Change Rationales) and in Attachment C (Designation Change Maps).

Included in the approximately 120 miles of route that this Decision designates as OHV-closed are the approximately 35 miles of routes that were temporarily closed by the Temporary Closure Order that was signed January 12, 2022 (DOI-BLM-UT-G020-2022-0007-CX). Because this Decision will designate those approximately 35 miles of route as OHV-closed, the Temporary Closure Order will no longer be necessary. The BLM intends to formally rescind the Temporary Closure Order soon after this Decision takes effect.

What the Decision Does Not Provide

This Decision does not amend any portion of the 2020 SRD TMP DR that is not addressed above. For example, it does not change the designation of or have any legal consequence on the 75.3 miles of Settlement Routes not reflected in Attachments B and C. Those routes will retain their 2020 SRD TMP DR designations, unless those designations are changed through subsequent decisions.
Additionally, this Decision does not change the designation of or have any legal consequence on the routes in the SRD TMA that were not subject to reconsideration under the 2022 Settlement. Aside from the approximately 120 miles of designation changes previously described, all aspects of the 2020 SRD TMP DR remain in effect, including the Implementation Guide.

This Decision does not alter any OHV area designation decisions made in the 2008 RMP. Nor does this Decision authorize the construction of new routes. Any decisions authorizing the construction of new routes in the 2020 SRD TMA would be addressed in future implementation-level decisions and be subject to appropriate review pursuant to the requirements of the National Environmental Policy Act (NEPA).

This Decision does not affect existing or future authorized uses, which are excluded from the definition of OHV (43 CFR 8340.0-5(a)(3)). Authorized uses can include, but are not limited to, grazing permittees who need to use a route to access their grazing allotments or range improvements, private landowners who obtain a right-of-way to access their inholding, or various entities who obtain a right-of-way to access Utah School and Institutional Trust Land Administration (SITLA) parcels. BLM will continue to work with private landowners, the State of Utah, SITLA permittees, and other authorized users to ensure reasonable access to, among other things, range improvements, private lands, and SITLA parcels.

This Decision is not intended to provide evidence, bearing on, or address 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, in conducting this reconsideration process, the BLM did not consider any R.S. 2477-related evidence. The BLM bases travel management planning on purpose and need related to resource uses and associated access to public lands and resources. At such time as a decision is made on R.S. 2477 assertions, outside of any planning process, the BLM will adjust its travel routes accordingly (BLM Manual 1626).

**Reconsideration Process**

To reach this Decision, the BLM reviewed and relied on, among other sources of information, route-specific in-house route data and field work; public and cooperator feedback received during the development of the 2020 SRD TMP; and new information submitted by the public and stakeholders between July 12, 2022, and August 26, 2022 in response to the BLM’s preliminary assessments of the Settlement Routes.

**RATIONALE**

As a result of the reconsideration process, the BLM determined that certain Settlement Routes lacked a purpose or need or did not sufficiently minimize damage to sensitive cultural, riparian, and biological resources and user conflicts in accordance with 43 CFR 8342.1. The Settlement Routes subject to a designation change as a result of reconsideration are reflected in Attachments B and C.

**Regulations and Policies**

This Decision responds to and complies with the requirements of the 2022 Settlement Agreement as documented in the “Background” section above.
This Decision complies with the requirements of BLM’s OHV regulations at 43 CFR Part 8340, BLM OHV policy in Manual 1626-Travel and Transportation Management and BLM Handbook H8342-Travel and Transportation, and Presidential Executive Orders 11644 and 11989. These regulations, policies, and orders direct the BLM to base OHV route designations 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.

This Decision complies with the requirements of NEPA. In accordance with the BLM Handbook H-1790-1 National Environmental Policy Act Handbook, the BLM reviewed the Decision for new circumstances and information to determine if the existing NEPA documents adequately cover the issues. The BLM determined that the route designation changes authorized by this Decision are features of the 2020 SRD TMP Alternative B (Section 2.4, analyzed in Chapter 3 of the SRD TMP EA). The BLM’s reconsideration process, including the field work, interdisciplinary reviews, and public comments, confirmed that the route specific affected environment, range of alternatives, and potential effects are the same as those previously documented in the 2020 SRD TMP EA. The BLM’s reconsideration process did not identify any new information suggesting that the designation changes authorized by this Decision would affect the quality of the human environment in a manner or to an extent that was not considered in the 2020 SRD TMP EA. As a result, the BLM determined that supplemental NEPA analysis for the approximately 120 miles of routes subject to a designation change was not necessary to clarify the significance of or inform the choice between the alternatives.

Additional Authorities
Additional authorities guiding this Decision include, but are not limited to, the following:

- 1976 Federal Land Policy and Management Act (FLPMA), which establishes public land policy, establishes guidelines for public land administration, and provides for the management, protection, development, and enhancement of the public lands.
- 2019 John D. Dingell, Jr. Conservation, Management, and Recreation Act which cherry-stemmed three of the Settlement Routes from designated wilderness areas.
- The BLM’s 2001 National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands, which guides on-the-ground solutions to motorized OHV recreation and access issues to ensure consistent and positive management of environmentally responsible motorized off highway vehicle use on public lands.

Land Management Plan Conformance and Consistency
This Decision is in conformance with applicable goals, objective, and management decisions reflected in the 2008 RMP, which provides overarching management requirements and objectives for travel planning within the SRD TMA. Some 2008 RMP decisions and goals to which this project conforms are listed in Section 1.5 of 2020 SRD TMP EA. This Decision supports the 2008 RMP goal of providing public OHV access and opportunities while providing protection for sensitive resources and non-motorized recreation users.

Public Involvement
During the process that culminated in the 2020 SRD TMP DR, BLM received extensive input on routes in the SRD TMA from the public and cooperating agencies. Many of these comments were
relevant to the Settlement Routes. BLM reviewed these prior comments as a part of this reconsideration process.

BLM held an informational meeting on July 7, 2022, which was attended by representatives from Emery County, SITLA, and the Utah Public Lands Policy Coordination Office (PLPCO).

BLM invited the public and stakeholders to submit new information focused on the Settlement Routes and BLM’s preliminary reconsideration assessments, including information about the routes’ purpose and need and resource considerations. BLM invited the public to provide this input between July 12, 2022, and August 26, 2022.

BLM received 13 public comment letters during this time. The BLM reviewed and considered all new information and comments pertaining to the Settlement Routes submitted by the public and stakeholders. The BLM reviewed and incorporated the relevant information into its reconsideration process.

CONSULTATION

A summary of previous consultation conducted for the 2020 SRD TMP is included in the 2020 SRD TMP EA and DR. The BLM conducted no new formal consultation efforts for this reconsideration effort.

National Historic Preservation Act (NHPA) Section 106
The reconsideration process constitutes an undertaking. However, because the reconsideration process was limited to considering whether to redesignate open routes as OHV-closed, the BLM determined that it was the type of activity that does not have the potential to cause effects on historic properties (36 CFR 800.3(a)(1)). The BLM therefore had no further obligations under Section 106.

Endangered Species Act Section 7
Because the reconsideration process was limited to considering whether to redesignate open routes as OHV-closed, the BLM determined that it did not have any potential to adversely affect listed species or destroy or modify critical habitat. Therefore, BLM determined there were no adverse effects and that it had no further obligation to consult, informally or formally, under Section 7.
Right to Appeal

This Decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations at 43 CFR Part 4. Detailed instructions for filing an appeal are contained on the attached Form 1842-1 (Attachment D).

Authorized Officer Signature and Dates

| KYLE BEAGLEY | Digitally signed by KYLE BEAGLEY  
|             | Date: 2022.10.28 15:48:40 -06'00' |
| Authorized Officer | Date |

Decision Record Page 5
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Attorneys for Defendants  

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION  

SOUTHERN UTAH  
WILDERNESS ALLIANCE, et al.,  

Plaintiffs,  

v.  

U.S. BUREAU OF LAND  
MANAGEMENT, et al.,  

Defendants,  

and  

BLUERIBBON COALITION, INC., et al.,  

Defendant-Intervenors.  

Case No. 2:21-cv-00091-DAK-JCB  

SETTLEMENT AGREEMENT  

Judge Dale A. Kimball  
Magistrate Judge Jared C. Bennett
This stipulated Settlement Agreement ("Agreement") is entered into by and between Plaintiffs Southern Utah Wilderness Alliance ("SUWA") and The Wilderness Society, and Defendants, the United States Bureau of Land Management ("BLM"), United States Fish & Wildlife Service, and United States Department of the Interior (collectively, the "Parties"), who, by and through their undersigned counsel, state as follows:

WHEREAS, on August 21, 2020, BLM released a Final Environmental Assessment ("EA"), Finding of No Significant Impact ("FONSI") and Decision Record ("DR") adopting the San Rafael Desert Travel Management Area ("TMA") Travel Management Plan (the "TMP"), which designated 766.8 miles of routes as open to motorized off-highway vehicle ("OHV") travel in the planning area;


WHEREAS, Plaintiffs further allege that the U. S. Fish and Wildlife Service ("Service") violated the Endangered Species Act ("ESA"), 16 U.S.C. § 1531 et seq., by failing to properly account for impacts to threatened and endangered species within the TMP project area;

WHEREAS, Defendants deny any violation of law; and

WHEREAS, the Parties have explored options for resolving this litigation, and have determined that the Agreement will allow BLM to reconsider certain route designations in a
portion of the TMA covered by the TMP, while conserving the resources of all parties to this
litigation, and the Court.

NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

1. BLM will voluntarily reconsider—and in its sole discretion will determine
whether to amend, ratify, rescind, or supersede with a new decision—the portions of its
August 21, 2020, DR identified in paragraph 3.

2. In the course of reconsidering the portions of the DR identified in paragraph 3,
BLM will comply with applicable law, to include but not necessarily be limited to, NEPA,
FLPMA, NHPA, ESA and BLM’s OHV regulations at 43 C.F.R. Part 8340.

3. BLM will reconsider designations on those routes that: (a) were not identified for
an OHV-Open or OHV-limited designation in SUWA’s proposed Alternative H, but were
designated OHV-Open or OHV-limited in the DR and (b) are: (i) located in BLM-
inventoryed lands with wilderness characteristics, or (ii) located within one mile on either
side of the San Rafael River or Green River and identified in Exhibit 1. BLM retains sole
discretion to determine whether to reconsider those routes or segments of routes that are not
located within lands with wilderness characteristics, but are continuous with routes located in
lands with wilderness characteristics that are subject to reconsideration, as described in the
prior sentence.

4. BLM will determine how to discharge its duties under NEPA, FLPMA, NHPA,
ESA, the OHV regulations, and other applicable law in relation to its reconsideration of the
portions of the DR identified in paragraph 3. Nothing in this Agreement shall be construed
to limit or modify the discretion accorded to Federal Defendants by any applicable federal
law or regulation, including the Administrative Procedure Act (“APA”), 5 U.S.C. § 501, et
seq., NEPA, FLPMA, NHPA, ESA, their implementing regulations, or general principles of administrative law with respect to either the procedures to be followed in making any determination required herein, or the substance of any determination.

5. If, as a result of its reconsideration of the portions of the DR identified in paragraph 3, BLM determines that it is appropriate to redesignate routes, then prior to making any such redesignations, BLM “shall consult with interested user groups, Federal, State, county and local agencies, local landowners, and other parties in a manner that provides an opportunity for the public to express itself and have its views given consideration” in accordance with 43 C.F.R. § 8342.2(a). If BLM receives new information regarding changes in resource conditions or usage levels regarding the portions of the DR identified in paragraph 3, it will compare that new information with the agency’s own information and with all information that was before the agency at the time the DR was signed.

6. BLM will utilize its best efforts to complete the aforementioned reconsideration of the portions of the DR identified in paragraph 3 within seven months of the date that this Agreement is fully executed, provided however, that failure to meet this timeframe shall not constitute a basis for seeking enforcement of this Agreement before the Court. The Parties acknowledge that completing reconsideration within the identified timeframe could require BLM-Utah to redirect resources and personnel being utilized on other travel planning projects and could result in delay of those other travel planning projects. Pending BLM’s completion of the aforementioned reconsideration of the portions of the DR identified in paragraph 3, the DR shall remain in effect and shall continue to constitute the governing TMP for the San Rafael Desert TMA.
7. Pending completion of the aforementioned reconsideration of the portions of the DR identified in paragraph 3, to the extent consistent with applicable law, BLM will not install new signs on or along the routes being reconsidered that would identify these routes as available for motorized use, nor will BLM direct the public to routes being reconsidered, publish or disseminate maps containing or depicting the routes being reconsidered. BLM will also promptly remove from its webpage any KMZ shapefiles for the TMP. Except in the case of an emergency, or as may be required by law, BLM also will not maintain, improve or authorize maintenance or improvement of any routes being reconsidered under this Agreement.

8. The sole remedy for any alleged violation of this Agreement shall be to seek administrative review or to file a new civil action seeking judicial review of BLM’s final agency action under the APA. In no event shall any term of this Agreement be construed as limiting any claims or defenses that any party may raise in any such subsequent proceedings. No term of this Agreement turns BLM’s actions into administratively or judicially-reviewable final agency action if they would not otherwise qualify for review under applicable agency rules or as final agency action within the meaning of the APA.

9. In exchange for the consideration set forth herein, Plaintiffs release Defendants, all other federal agencies, the United States, and all of their employees and officials from, and Plaintiffs covenant not to sue on, all claims, causes of action, obligations, or liabilities that they alleged or could have alleged in the above-captioned case based on facts that existed as of the date the Agreement is signed by the last party to sign the Agreement. The Parties do not waive any claims or defenses that they may have in any subsequent litigation or administrative proceedings initiated after that date, except as expressly stated herein.
10. No part of this Agreement shall have precedential value in any litigation or in representations before any court or forum or in any public setting. This Agreement is executed for the purpose of settling Plaintiffs’ Amended Complaint, and nothing herein shall be construed as precedent having preclusive effect in any other context.

11. Nothing in this Agreement shall be construed or offered as evidence in any proceeding as an admission or concession of any wrongdoing, liability, or any issue of fact or law concerning the claims settled under this Agreement or any similar claims brought in the future by any other party. Except as expressly provided in this Agreement, none of the Parties waives or relinquishes any legal rights, claims, or defenses it may have.

12. Nothing in this Agreement shall be interpreted as, or shall constitute, a requirement that Defendants are obligated to pay any funds exceeding those available or take any action in contravention of the Anti-Deficiency Act, 31 U.S.C. §§ 1341-1342, 1511-1519, or any other applicable appropriations law.

13. The Parties agree that this Agreement was negotiated in good faith and that it constitutes a settlement of claims that were disputed by the Parties. This Agreement contains all the terms of agreement between the Parties concerning the Amended Complaint, and is intended to be the final and sole agreement between the Parties with respect thereto. The Parties agree that any prior or contemporaneous representations or understanding not explicitly contained in this written Agreement, whether written or oral, are of no further legal or equitable force or effect.

14. The undersigned representatives of each party certify that they are fully authorized by the party or parties they represent to agree to the terms and conditions of this Agreement and do hereby agree to the terms herein. Further, each party, by and through its
undersigned representative, represents and warrants that it has the legal power and authority
to enter into this Agreement and bind itself to the terms and conditions contained in this
Agreement.

15. The Parties shall each bear their own costs and attorneys’ fees.

16. This Agreement, upon adoption by the Parties, shall serve as a basis for dismissal
of this action. The Parties will move the Court to dismiss this matter without prejudice in
accordance with FRCP 41 within seven days of the execution of this Agreement.

DATED this 23rd day of February, 2022.

TODD KIM
Assistant Attorney General
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EXHIBIT 1

SUWA v. BLM, Case No. 2:21-cv-00091-DAK-JCB (D. Utah)
Settlement Agreement ¶ 3(b)(ii)
San Rafael and Green Rivers Routes (approximate distances)

San Rafael River:
- SD686  0.33 miles
- SD690  0.24 miles
- SD698  0.62 miles
- SD703  0.06 miles
- SD764a 0.06 miles
- SD981  0.39 miles
- SD985  0.70 miles
- SD1099 0.30 miles
- SD1100 0.12 miles

Green River:
- SD800  0.12 miles
- SD802  0.12 miles
- SD817  1.40 miles
- SD1036 0.11 miles
- SD1038 0.48 miles
- SD1039 0.36 miles
- SD1303 0.83 miles
- SD1308 0.16 miles
- SD1309 0.83 miles
- SD1310 0.16 miles
- SD1311 0.95 miles
- SD1314 0.49 miles
- SD1315 0.36 miles
- SD1336 2.21 miles
- SD1340 0.86 miles

Total  12.26 miles
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<td>20201</td>
<td>2021</td>
<td>1.2.1</td>
<td>Preliminary</td>
<td>Change SD050 Route Designation to OHV</td>
<td>In Rafael desert, all of the routes are designated as OHV (Public). This includes the routes on the BLM desert. Because the route is largely unaffected, the OHV use of the road will result in increased disturbance which does not result in vegetation, wildlife, or ecosystem impacts. Therefore, the route is designated as OHV.</td>
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<td>1.2.1</td>
<td>Preliminary</td>
<td>Change SD073 Route Designation to OHV</td>
<td>In the Rafael desert, all of the routes are designated as OHV (Public). This includes the routes on the BLM desert. Because the route is largely unaffected, the OHV use of the road will result in increased disturbance which does not result in vegetation, wildlife, or ecosystem impacts. Therefore, the route is designated as OHV.</td>
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<td>Change SD052 Route Designation to OHV</td>
<td>In the Rafael desert, all of the routes are designated as OHV (Public). This includes the routes on the BLM desert. Because the route is largely unaffected, the OHV use of the road will result in increased disturbance which does not result in vegetation, wildlife, or ecosystem impacts. Therefore, the route is designated as OHV.</td>
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<td>Preliminary</td>
<td>Change SD051 Route Designation to OHV</td>
<td>In the Rafael desert, all of the routes are designated as OHV (Public). This includes the routes on the BLM desert. Because the route is largely unaffected, the OHV use of the road will result in increased disturbance which does not result in vegetation, wildlife, or ecosystem impacts. Therefore, the route is designated as OHV.</td>
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**Note:** This table provides a summary of the decisional recommendations for route designations in the Rafael desert. The recommendations are based on the current conditions and the potential impacts associated with each route. The decision-making process involves an analysis of the route's characteristics, including its location, accessibility, and potential for disturbance. The recommendations are intended to minimize environmental impacts and to ensure that the desert's unique ecosystems are protected.
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Because the route is largely isolated, OHV use of the route will result in new surface disturbance which displaces native vegetation foraging, security, and working for managed and special status species. Changing this designation in OHV closed will help minimize damage to new surface disturbance habitat and other damage to surrounding vegetation (this route report in the area jg. habitat for managed and special status species, wildrness character). SD151 designation to Closed 2020 and 2020 will continue to provide access to the area and wilderness front.

Because the route is largely isolated, OHV use of the route will result in new surface disturbance which displaces native vegetation foraging, security, and working for managed and special status species. Changing this designation in OHV closed will help minimize damage to new surface disturbance habitat and other damage to surrounding vegetation (this route report in the area jg. habitat for managed and special status species, wilderness character). SD151 designation to Closed 2020 and 2020 will continue to provide access to the area and wilderness front.

Because the route is largely isolated, OHV use of the route will result in new surface disturbance which displaces native vegetation foraging, security, and working for managed and special status species. Changing this designation in OHV closed will help minimize damage to new surface disturbance habitat and other damage to surrounding vegetation (this route report in the area jg. habitat for managed and special status species, wildrness character). SD236_Seg2 designation to Closed 2020 and 2020 will continue to provide access to the area and wilderness front.
Improved connectivity, primarily via OHV use, and better habitat for sensitive and other species, are crucial in this regional network of unique OHV opportunity. For example, the route has a large proportion of managed and special status species managed in special status species. Additionally, the route has a variety of sensitive and other species. The route is largely closed for OHV use, and the route is largely closed for OHV use.

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The road network in the area is largely redundant and does not contribute to habitat or road use in the national or unique OHV opportunity. Because the road is largely redundant, OHV use of the road route will result in some surface disturbance which disrupts native vegetation utilized for foraging, security, and other managed and special status species. Documenting this designation to OHV closed will help minimize the potential for habitat fragmentation and damage to other resources documented in the route report in the area. (e.g. habitat for managed and special status species, wildlife character).
This is the text of the page as it appears in the image.
SD955 1.11 OHV Open Preliminary

SD952 1.47 OHV Change designation to OHV.

SD985 0.70 OHV

Example, disturbance to OHV:

SD311 change designation from OHV to OHV.

Closed SD956

Other disturbance to OHV:

SD001

Changing this designation to OHV closed will help enhance the use of vegetation, damage to native pollinators, and other damage to resources documented in the route report in the area (e.g. habitat for managed and special status species, adjacent characterized)
ATTACHMENT C. DESIGNATION CHANGE MAPS
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. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.
San Rafael Desert
Reconsideration Routes

Map 1

Reconsideration Routes:

- No change made to designation in 2020 SRD TMP DR
- Change 2020 TMP designation to OHV Closed
- BLM Wilderness Area
- Bureau of Land Management (BLM)

Emery County
Wayne County

0 0.5 1 2 3 Miles

Price Field Office
125 S. 600 W.
Price, Utah 84501
435-636-3600

10/28/2022

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No change made to designation in 2020 SRD TMP DR
Change 2020 TMP designation to OHV Closed
BLM Wilderness Area
Bureau of Land Management (BLM)
Private
State
State Wildlife Reserve/Management Area

Map 4

San Rafael Desert
Reconsideration Routes

Price Field Office
125 S. 600 W.
Price, Utah 84501
435-636-3600

10/28/2022

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No change made to designation in 2020 SRD TMP DR
Change 2020 TMP designation to OHV Closed
BLM Wilderness Area
Bureau of Land Management (BLM)
Private
State
State Wildlife Reserve/Management Area

San Rafael Desert
Reconsideration Routes
Map 6

Price Field Office
125 S. 600 W.
Price, Utah 84501
435-636-3600

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INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS
1. This decision is adverse to you,

AND

2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that they wish to appeal. A person served with the decision being appealed must transmit the Notice of Appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a Notice of Appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL

Office of the Authorized Officer at 125 South 600 West, Price, Utah 84501

WITH COPY TO

SOLICITOR

Office of the Regional Solicitor, Intermountain Region, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180

3. STATEMENT OF REASONS

Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO

SOLICITOR

Office of the Regional Solicitor, Intermountain Region, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180

4. SERVICE OF DOCUMENTS

A party that files any document under 43 CFR Subpart 4, must serve a copy of it concurrently on the appropriate Office of the Solicitor under 43 CFR 4.413(c) and 4.413(d). For a notice of appeal and statement of reasons, a copy must be served on each person named in the decision under appeal and for all other documents, a copy must be served on each party to the appeal (including intervenors). Service on a person or party known to be represented by counsel or other designated representative must be made on the representative. Service must be made at the last address of record of the person or party (if unrepresented) or the representative, unless the person, party or representative has notified the serving party of a subsequent change of address.

5. METHOD OF SERVICE

If the document being served is a notice of appeal, service may be made by (a) Personal delivery; (b) Registered or certified mail, return receipt requested; (c) Delivery service, delivery receipt requested, if the last address of record is not a post office box; or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. All other documents may be served by (a) Personal delivery; (b) Mail; (c) Delivery service, if the last address of record is not a post office box; or (d) Electronic means, such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing.

6. REQUEST FOR STAY

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)
Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Grand Junction, CO and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----------- Alaska
Arizona State Office --------- Arizona
California State Office ------- California
Colorado State Office ------- Colorado
Eastern States Office -------- Arkansas, Iowa, Louisiana, Minnesota, Missouri and, all States east of the Mississippi River
Idaho State Office --------- Idaho
Montana State Office ------- Montana, North Dakota, and South Dakota
Nevada State Office--------- Nevada
New Mexico State Office ------ New Mexico, Kansas, Oklahoma, and Texas
Oregon State Office --------- Oregon and Washington
Utah State Office ---------- Utah
Wyoming State Office ------- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Headquarters Office, Bureau of Land Management, 760 Horizon Drive, Grand Junction, CO 81506.

(Form 1842-1, September 2020)