



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



U.S. Department of Agriculture  
U.S. Forest Service

# Bears Ears National Monument: Proposed Monument Management Plans and Final Environmental Impact Statement Shash Jáa and Indian Creek Units Volume 2: Literature Cited, Glossary, and Appendices

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**BLM Mission**

It is the mission of the Bureau of Land Management to sustain health, diversity, and productivity of the public lands for use and enjoyment of present and future generations.

**USFS Mission**

The mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.

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## GLOSSARY

**Allotment:** An area of land where one or more livestock operators graze their livestock. Allotments generally consist of BLM lands but may also include other Federally-managed, State-owned, or private lands. An allotment may include one or more separate pastures. Livestock numbers and periods of use are specified for each allotment.

**American Indian Tribe:** Any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994 (Pub. L. 103-454; 108 Stat. 4791; 25 USC 479a-1.).

**Animal unit month (AUM):** A standardized measurement of the amount of forage necessary for the sustenance of one cow unit or its equivalent for 1 month. Approximately 800 pounds of forage.

**Area of Critical Environmental Concern (ACEC):** Areas within the public lands where special management attention is required to: (1) protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or (2) protect life and safety from natural hazards.

**Authorized Officer:** The Federal employee who has the delegated authority to make a specific decision.

**Avoidance areas:** Areas with sensitive resource values where rights-of-way or special use permits would be strongly discouraged. Authorization made in avoidance areas would have to be compatible with the purpose for which the area was designated and not is otherwise feasible on lands outside the avoidance area.

**Backpacking:** Backpacking refers to self-supported trips of one or more nights in the backcountry and away from vehicle support.

**Best management practices (BMP):** A suite of techniques that guide, or may be applied to, management actions to aid in achieving desired outcomes. Best management practices are often developed in conjunction with land use plans, but they are not considered a land use plan decision unless the land use plan specifies that they are mandatory. They may be updated or modified without a plan amendment if they are not mandatory.

**Big game:** Large species of wildlife that are hunted, such as elk, deer, bighorn sheep, and pronghorn antelope.

**Browse:** To browse (verb) is to graze; also, browse (noun) is the tender shoots, twigs, and leaves and shrubs often used as food by livestock and wildlife.

**Camping:** Unless otherwise specified, camping in this document refers to vehicle-supported camping, whether at developed or dispersed sites.

**Casual Use:** Any short term non-commercial activity which does not cause appreciable damage or disturbance to the public lands, their resources or improvements, and which is not prohibited by closure of the lands to such activities.

**Closed:** Generally denotes that an area is not available for a particular use or uses; refer to specific definitions found in law, regulations, or policy guidance for application to individual programs.

**Code of Federal Regulations (CFR):** The official, legal tabulation or regulations directing Federal government activities.

**Conformance:** That a proposed action shall be specifically provided for in the land use plan or, if not specifically mentioned, shall be clearly consistent with the goals, objectives, or standards of the approved land use plan.

**Contiguous:** Lands or legal subdivisions having a common boundary; lands having only a common corner are not contiguous.

**Cooperating agency:** Assists the lead Federal agency in developing an Environmental Analysis (EA) or Environmental Impact Statement (EIS). The Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act of 1969 (NEPA) defines a cooperating agency as any agency that has jurisdiction by law or special expertise for proposals covered by NEPA. Any tribe of Federal, State, or local government jurisdiction with such qualifications may become a cooperating agency through an agreement with the lead agency.

**Corridor:** A wide strip of land within which a proposed linear facility could be located.

**Council on Environmental Quality (CEQ):** An advisory council to the President of the United States established by NEPA of 1969. It reviews Federal programs for their effect on the environment, conducts environmental studies, and advises the president on environmental matters.

**Critical habitat:** For listed species, consists of (1) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features (constituent elements) (a) essential to the conservation of the species and (b) which may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act upon a determination by the Secretary that such areas are essential for the conservation of the species. Designated critical habitats are described in 50 CFR§ 17 and 226.

**Crucial habitat:** Habitat on which a species depends for survival because there are no alternative ranges or habitats available.

**Cryptobiotic (cryptogrammic) soils:** Biological communities that form a surface layer or crust on some soils. These communities consist of cyanobacteria (blue-green bacteria), micro fungi, mosses, lichens, and green algae and perform many important functions, including fixing nitrogen and carbon, maintaining soil surface stability, and preventing erosion. Cryptobiotic crusts also influence the nutrient levels of soils and the status and germination of plants in the desert. These crusts are slow to recover after severe disturbance, requiring 40 years or more to recolonize even small areas.

**Cultural resources:** A definite location of human activity, occupation, or use identifiable through field inventory (survey), historical documentation, or oral evidence. The term includes archaeological, historic, or architectural sites, structures, or places with important public and scientific uses, and may include definite locations (sites or places) of traditional cultural or religious importance to specified social and/or cultural groups. Cultural resources are concrete, material places and things that are located, classified, ranked, and managed through the system of identifying, protecting, and utilizing for public benefit. They may be but are not necessarily eligible for the National Register of Historic Places.

**Cultural site:** Any location that includes prehistoric and/or historic evidence of human use or that has important sociocultural value.

**Cumulative impact:** The impact on the environment that results from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

**Desired condition:** Description of those factors that should exist within ecosystems both to maintain their survival and to meet social and economic needs.

**Dispersed camping:** Vehicle accessed and supported camping occurring outside of developed campgrounds.

**Dispersed recreation:** Recreation activities of an unstructured type, which are not confined to specific locations such as recreation sites. Example of these activities may be hunting, fishing, off-road vehicle use, hiking, and sightseeing.

**Drought:** Drought is a protracted period of deficient precipitation resulting in extensive damage to crops, resulting in loss of yield.

**Endangered species:** A plant or animal species whose prospects for survival and reproduction are in immediate jeopardy, as designated by the Secretary of the Interior, and as is further defined by the Endangered Species Act.

**Environmental Impact Statement (EIS):** A detailed written statement required by the NEPA when an agency proposes a major Federal action significantly affecting the quality of the human environment.

**Erosion:** The wearing away of the land surface by running water, wind, ice, or other geological agents.

**Exclusion area:** Areas with sensitive resource values where rights-of-way would not be authorized.

**Extensive Recreation Management Area (ERMA):** An area where significant recreation opportunities and problems are limited and explicit recreation management is not required. Minimal management actions related to the BLM's stewardship responsibilities are adequate in these areas.

**Federal Land Policy and Management Act of 1976 (FLPMA):** Public Law 94-579. October 21, 1976, often referred to as the BLM's "Organic Act," which provides the majority of the BLM's legislated authority, direction, policy, and basic management guidance.

**Federal Register:** A daily publication that reports presidential and Federal agency documents.

**Fire management plan:** A plan that identifies and integrates all wildland fire management and related activities within the context of approved land/resource management plans. A fire management plan defines a program to manage wildland fires (wildfire and prescribed fire). The plan is supplemented by operational plans, including but not limited to, preparedness plans, preplanned dispatch plans, prescribed fire burn plans, and prevention plans. Fire management plans assure that wildland fire management goals and components are coordinated.

**Floodplain:** The relatively flat area or lowlands adjoining a body of standing or flowing water, which has been or might be covered by floodwater.

**Fossil:** Any remains, traces, or imprints of prehistoric non-human organisms preserved in or on the Earth's crust that provide information about the history of life on Earth.

**Goal:** A broad statement of a desired outcome. Goals are usually not quantifiable and may not have established time frames for achievement.

**Guidelines:** Actions or management practices that may be used to achieve desired outcomes, sometimes expressed as best management practices. Guidelines may be identified during the land use planning process, but they are not considered a land use plan decision unless the plan specifies that they are mandatory.

**Habitat:** A specific set of physical conditions that surround a species, group of species, or a large community. In wildlife management, the major constituents of habitat are considered to be food, water, cover, and living space.

**Habitat fragmentation:** The disruption (by division) of extensive habitats into smaller habitat patches. The effects of habitat fragmentation include loss of habitat area and the creation of smaller, more isolated patches of remaining habitat.

**Historic property:** Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register of Historic Places criteria (36 CFR 800.16(l)(1)).

**Impact:** A modification of the existing environment caused by an action. These environmental consequences are the scientific and analytical basis for comparison of alternatives. Effects may be either direct, which are caused by the action and occur at the same time and place, or indirect, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable, or cumulative.

**Implementation decisions:** Decisions that take action to implement land use plan decisions. They are generally appealable to Interior Board of Land Appeals.

**Implementation plan:** A site-specific plan written to implement decisions made in a land use plan. An implementation plan usually selects and applies best management practices to meet land use plan objectives. Implementation plans are synonymous with “activity” plans. Examples of implementation plans include interdisciplinary management plans, habitat management plans, and allotment management plans.

**Interdisciplinary team:** A group of individuals with different training, representing the physical sciences, social sciences, and environmental design arts, assembling to solve a problem or perform a task. The members of the team proceed to a solution with frequent interaction so that each discipline may provide insights to any stage of the problem and disciplines may combine to provide new solutions. The number and disciplines of the members preparing the plan vary with circumstances. A member may represent one or more disciplines or BLM program interests.

**Irretrievable:** An environmental effect caused by an action, or series of actions, that cannot be reversed or undone, until or unless the cause of the effect is removed or the effect is restored or rehabilitated (e.g., inundating a river canyon by construction of a dam, clear cut logging a forest). The loss of production of renewable resources during the life of a land use plan.

**Land use allocation:** The identification in a land use plan of the activities that are allowed, restricted, or excluded for all or part of the Planning Area, based on desired future conditions.

**Land use plan decision:** Establishes desired outcomes and the actions needed to achieve them. Decisions are reached using the BLM and USFS planning process. When they are presented to the public as proposed decisions, they can be protested to the BLM Director. They are not appealable to Interior Board of Land Appeals.

**Land use plan or resource management plan:** A set of decisions that establish management direction for land within an administrative area, as prescribed under the planning provisions of FLPMA and NFMA; an assimilation of land-use-plan-level decisions developed through the planning process, regardless of the scale at which the decisions were developed.

**Limited roads and trails designation:** Designated areas where the use of off-road vehicles is subject to restrictions, such as limiting the number or types of vehicles allowed, dates and times of use (seasonal restrictions), and limiting all use to designated roads and trails. Under the designated roads and trails designation, use would be allowed only on roads and trails that are signed for use. Combinations of restrictions are possible, such as limiting use to certain types of vehicles during certain times of the year.

**Management decision:** A decision made by the BLM to manage public lands. Management decisions are made on both land use plan decisions and implementation decisions.

**Management opportunities:** A component of the analysis of the management situation; actions or management directions that could be taken to resolve issues or management concerns.

**Mechanized travel:** Travel by use of a machine, either motorized or non-motorized.

**Minimize:** To reduce the adverse impact of an operation to the lowest practical level.

**Mitigation measures:** Methods or procedures that reduce or lessen the impacts of an action.

**Monument Management Plan (MMP):** A land use plan as prescribed by the Federal Land Policy and Management Act and National Forest Management Act which establishes, for a National Monument and given area of land, land-use allocations, coordination guidelines for multiple-use, objectives and actions to be achieved.

**Multiple use:** The management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the lands for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some lands for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including but not limited to, recreation, range, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the lands and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or greatest unit output.

**National Environmental Policy Act of 1969 (NEPA):** An act that encourages productive and enjoyable harmony between man and his environment and promotes efforts to prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; enriches the understanding or the ecological systems and natural resources important to the Nation, and establishes the CEQ.

**National Monument:** An area created from any land owned or controlled by the federal government for the protection of objects of historical, cultural, and/or scientific interest. National Monuments can be created by proclamation of the President of the United States or by Congress.

**Non-mechanized travel:** Travel by foot or on an animal.

**Non-wilderness study areas (WSA) lands with wilderness characteristics:** Undeveloped Federal land that has been inventoried and/or reviewed by a BLM interdisciplinary team and determined to possess wilderness characteristics such as those listed in section 2(c) of the Wilderness Act of 1964. These lands do not possess special management designations like Wilderness Study Areas (WSA).

**Noxious weeds:** A plant species designated by Federal or State law as generally possessing one or more of the following characteristics: aggressive and difficult to manage; parasitic; a carrier or host of serious insects or disease; or non-native, new, or not common to the United States.

**Objective:** A description of a desired condition for a resource. Objectives can be quantified and measured and, where possible, have established time frames for achievement.

**Off-highway vehicle (OHV) :** Any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) any nonamphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is expressly authorized by the Authorized Officer, or otherwise officially approved; (4) vehicles in official use; and (5) any combat or combat support vehicle when used in times of national defense emergencies.

**Open:** Generally denotes that an area is available for a particular use or uses. Refer to specific program definitions found in law, regulations, or policy guidance for application to individual programs.

**Paleontological resources (fossils):** Any fossilized remains, traces, or imprints of organisms, preserved in or on the Earth's crust, that are of paleontological interest and that provide information about the history of life on Earth.

**Paleontology:** The scientific study of prehistoric life based on the fossil record.

**Permitted Use:** Any use that requires a permit or other special authorization.

**Planning Area:** A geographical area, including all land ownerships, for which BLM land use and resource management plans (RMP) are developed and maintained for the BLM-administered lands within that geographical area.

**Planning criteria:** The standards, rules, and other factors developed by managers and interdisciplinary teams for their use in forming judgments about decision making, analysis, and data collection during planning. Planning criteria streamline and simplify the resource management planning actions.

**Prescribed fire:** Any fire intentionally ignited by management actions in accordance with applicable laws, policies, and regulations to meet specific objectives.

**Primitive and unconfined recreation:** Non-motorized, non-mechanized and undeveloped types of recreational activities.

**Public land:** Land or interest in land owned by the United States and administered by the Secretary of the Interior through the BLM or Secretary of Agriculture through the USFS, except lands located on the Outer Continental Shelf, and land held for the benefit of Indians, Aleuts, and Eskimos.

**Range development:** A structure, excavation, treatment, or development to rehabilitate, protect, or improve lands to advance range betterment.

**Rangeland:** Land used for grazing by livestock and big game animals on which vegetation is dominated by grasses, grass-like plants, forbs, or shrubs.

**Raptor:** Bird of prey with sharp talons and strongly curved beaks such as hawks, owls, vultures, and eagles.

**Record of decision (ROD):** A document signed by a responsible official recording a decision that was preceded by the preparing of an EIS.

**Relict:** A remnant or fragment of the vegetation of an area that remains from a former period when the vegetation was more widely distributed.

**Resource use:** Human uses of resources for the social and economic benefit of society, including mining, energy production, livestock production (grazing), recreation (motorized, non-motorized), forest production (timber, fire wood, fence posts), utility corridors (power lines, pipelines, roads), and communication sites. Land use plans identify allowable uses of the public lands and set goals and objectives for desired outcomes for resource uses.

**Resource:** The natural, biological, and cultural components of the environment, including air, soil, water, vegetation, wildlife, minerals, historic and prehistoric (cultural) sites and features, and fossils. Land use plans set goals and objectives for desired outcomes for management of the various resources in a planning area.

**Right-of-way (ROW):** A ROW grant is an authorization to use a specific piece of BLM-administered public land for a specific project. The grant authorizes rights and privileges for a specific use of the land for a specific period of time.

**Riparian area:** A form of wetland transition between permanently saturated wetlands and upland areas. Riparian areas exhibit vegetation or physical characteristics that reflect the influence of permanent surface or subsurface water. Typical riparian areas include lands along, adjacent to, or contiguous with perennially and intermittently flowing rivers and streams, glacial potholes, and the shores of lakes and reservoirs with stable water levels. Excluded are ephemeral streams or washes that lack vegetation and depend on free water in the soil.

**Route:** A linear line for motorized travel.



**Scenic byways:** Highway routes, which have roadsides or corridors of special aesthetic, cultural, or historic value. An essential part of the highway is its scenic corridor. The corridor may contain outstanding scenic vistas, unusual geologic features, or other natural elements.

**Scoping:** The process of identifying the range of issues, management concerns, preliminary alternatives, and other components of an EIS or land-use planning document. It involves both internal and public viewpoints.

**Section 106 compliance:** The requirement of Section 106 of the National Historic Preservation Act that any project funded, licensed, permitted, or assisted by the Federal government be reviewed for impacts to significant historic properties and that the State Historic Preservation Officer and the Advisory Council on Historic Preservation be allowed to comment on a project.

**Section 7 consultation:** The requirement of Section 7 of the Endangered Species Act that all Federal agencies consult with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service if a proposed action might affect a Federally listed species or its critical habitat.

**Sensitive species:** All species that are under status review, have small or declining populations, live in unique habitats, or need special management. Sensitive species include threatened, endangered, and proposed species as classified by the Fish and Wildlife Service and National Marine Fisheries Service.

**Significant:** An effect that is analyzed in the context of the proposed action to determine the degree or magnitude of importance of the effect, whether beneficial or adverse. The degree of significance can be related to other actions with individually insignificant but cumulatively significant impacts.

**Slope:** The degree of deviation of a surface from the horizontal.

**Special Recreation Management Area (SRMA):** Areas that require explicit recreation management to achieve recreation objectives and provide specific recreation opportunities.

**Special status species:** Includes proposed species, listed species, and candidate species under the Endangered Species Act; State listed species; and BLM State Director designated sensitive species (see BLM Manual 6840-Special Status Species Policy).

**Special use permit (SUP):** An SUP an authorization to use a specific piece of USFS-administered public land for a specific project. The SUP authorizes rights and privileges for a specific use of the land for a specific period of time.

**Stipulations:** Requirements that are part of the terms of a BLM or USFS land use approval. Some stipulations are standard on all approval. Other stipulations may be applied to the lease at the discretion of the surface management agency to protect valuable surface resources and uses.

**Surface disturbance:** Activities that normally result in more than negligible disturbance to public lands and that accelerate the natural erosive process. These activities normally involve use and/or occupancy of the surface, cause disturbance to soils and vegetation, and are usually caused by motorized or mechanical actions. Surface disturbance may result from activities using earth-moving equipment; off road vehicle travel; the use of pyrotechnics and explosives; and construction of facilities like power lines, pipelines, recreation sites, livestock facilities, wildlife waters, or new roads. Surface disturbance is not normally caused by casual use. Activities that are not typically surface-disturbing include, but are not limited to, proper livestock grazing, cross-country hiking, minimum impact filming and vehicle travel on designated routes.

**Sustainability:** The ability of an ecosystem to maintain ecological processes and functions, biological diversity, and productivity over time.

**Threatened species:** Any plant or animal species defined under the Endangered Species Act as likely to become endangered within the foreseeable future throughout all or a significant portion of its range; listings are published in the Federal Register.

**Undertaking: (54 USC 300320):** A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

**User day:** Any calendar day, or portion thereof, for each individual accompanied or serviced by an operator or permittee on the public lands of related waters; synonymous with passenger day or participant day.

**Utility corridor:** A parcel of land that has been identified by law, Secretarial order, through a land use plan or by other management decision as being the preferred location for existing and future ROW grants and suitable to accommodate one type of ROW or one or more ROWs which are similar, identical or compatible.

**Vegetation type:** A plant community with distinguishable characteristics described by the dominant vegetation present.

**Visual resources:** The visible physical features of a landscape (topography, water, vegetation, animals, structures, and other features) that constitute the scenery of an area.

**Water quality:** The chemical, physical, and biological characteristics of water with respect to its suitability for a particular use.

**Watershed:** All lands, which are enclosed by a continuous hydrologic drainage, divide and lay upslope from a specified point on a stream.

**Way:** A vehicle route within a Wilderness Study Area that was in existence and identified during the FLPMA Section 603-mandated wilderness inventory. The term is also used during wilderness inventory to identify routes that are not roads. The term developed from the definition of the term “roadless” provided in the Wilderness Inventory Handbook (September 27, 1978), as follows: “roadless refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road.”

**Wilderness characteristics:** Features of the land associated with the concept of wilderness that specifically deal with naturalness and opportunities for solitude and primitive and unconfined recreation. These characteristics may be considered in land use planning when BLM determines that those characteristics are reasonably present, of sufficient value (condition, uniqueness, relevance, importance), and need (trend, risk), and are practical to manage. Key characteristics of wilderness listed in section 2 (c) of the Wilderness Act of 1964 were used by BLM in conducting wilderness inventories. These characteristics are features of land associated with the concept of wilderness.

**Wilderness Study Area (WSA):** A roadless area or island of undeveloped Federal land that has been inventoried and found to possess wilderness characteristics described under Title VI, Section 603 of FLPMA and Section 2C of the Wilderness Act of 1964. These characteristics are: (1) generally appears to have been affected mainly by the forces of nature, with human imprints substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least 5,000 acres or is large enough to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historic value.

**Wilderness:** A Congressionally designated area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation that is protected and managed to preserve its natural conditions as described in Section 2A of the Wilderness Act of 1964.

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**Wildfire:** Unplanned ignition of a wildland fire (such as a fire caused by lightning, volcanoes, and unauthorized and accidental human-caused fires) and escaped prescribed fires.

**Wildland fire:** A general term describing any non-structure fire that occurs in the wildland.

**Woodland:** A forest community occupied primarily by noncommercial species such as juniper, mountain mahogany, or quaking aspen groves; all western juniper forestlands are classified as woodlands, since juniper is classified as a noncommercial species.

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## **APPENDIX A**

### **Resources, Objects, and Values Identified within the Bears Ears National Monument**





## NATIONAL MONUMENTS

The Antiquities Act of 1906 grants the President authority to designate national monuments to protect “objects of historic or scientific interest.” Since 1906, Presidents and Congress have designated more than 125 national monuments, 27 of which are maintained by the Bureau of Land Management (BLM). Since 1911, the Antiquities Act has also been used at least 18 times by Presidents to reduce the size of 16 national monuments. On December 28, 2016, President Barack Obama designated the Bears Ears National Monument (BENM) by Presidential Proclamation 9558. On December 4, 2017, President Donald J. Trump modified the BENM by Presidential Proclamation 9681. The text of both proclamations is provided within this appendix.

The BLM’s Monuments are managed as part of the National Landscape Conservation System; its mission is to conserve, protect, and restore nationally significant landscapes recognized by the President or Congress for their outstanding ecological, cultural, or scientific resources and values.

According to BLM policy (Manual 6220) and Federal court precedent, the Federal Land Policy and Management Act (FLPMA) mandate requiring the BLM to manage public lands for multiple use and sustained yield includes managing specially designated public lands for the purposes for which they were designated.

The BLM’s objectives in managing a National Monument are as follows:

- A. Comply with the presidential proclamations by conserving, protecting, and restoring the objects and values for which the Monument was designated for the benefit of present and future generations.
- B. Effectively manage valid existing rights and compatible uses within a Monument.
- C. Manage discretionary uses within a Monument to ensure the proper care and management of the objects and values for which the Monument was designated.
- D. Utilize science, local knowledge, partnerships, and volunteers to effectively manage a Monument.
- E. Provide appropriate recreational opportunities, education, interpretation, and visitor services to enhance the public’s understanding and enjoyment of a Monument.

The BLM is also required to inventory and monitor the objects and values for which a Monument was designated. Identification of the location and extent of such objects and values is critically important, as the BLM must ensure the compatibility of any uses within a Monument with the proper care and management of objects and values. A discussion of resources, objects, and values within the BENM can be found immediately following the Proclamations in this appendix.

## Proclamation 9558

### *Establishment of the Bears Ears National Monument by the President of the United States of America*

#### A PROCLAMATION

*Rising from the center of the southeastern Utah landscape and visible from every direction are twin buttes so distinctive that in each of the native languages of the region their name is the same: Hoon'Naqvut, Shash Jáa, Kwiyaḡatu Nukavachi, Ansh An Lashokdiwe, or "Bears Ears." For hundreds of generations, native peoples lived in the surrounding deep sandstone canyons, desert mesas, and meadow mountaintops, which constitute one of the densest and most significant cultural landscapes in the United States. Abundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe.*

*The area's human history is as vibrant and diverse as the ruggedly beautiful landscape. From the earliest occupation, native peoples left traces of their presence. Clovis people hunted among the cliffs and canyons of Cedar Mesa as early as 13,000 years ago, leaving behind tools and projectile points in places like the Lime Ridge Clovis Site, one of the oldest known archaeological sites in Utah. Archaeologists believe that these early people hunted mammoths, ground sloths, and other now-extinct megafauna, a narrative echoed by native creation stories. Hunters and gatherers continued to live in this region in the Archaic Period, with sites dating as far back as 8,500 years ago.*

*Ancestral Puebloans followed, beginning to occupy the area at least 2,500 years ago, leaving behind items from their daily life such as baskets, pottery, and weapons. These early farmers of Basketmaker II, and III and builders of Pueblo I, II and III left their marks on the land. The remains of single family dwellings, granaries, kivas, towers, and large villages and roads linking them together reveal a complex cultural history. "Moki steps," hand and toe holds carved into steep canyon walls by the Ancestral Puebloans, illustrate the early people's ingenuity and perseverance and are still used today to access dwellings along cliff walls. Other, distinct cultures have thrived here as well—the Fremont People, Numic- and Athabaskan-speaking hunter-gatherers, and Utes and Navajos. Resources such as the Doll House Ruin in Dark Canyon Wilderness Area and the Moon House Ruin on Cedar Mesa allow visitors to marvel at artistry and architecture that have withstood thousands of seasons in this harsh climate.*

*The landscape is a milieu of the accessible and observable together with the inaccessible and hidden. The area's petroglyphs and pictographs capture the imagination with images dating back at least 5,000 years and spanning a range of styles and traditions. From life-size ghostlike figures that defy categorization, to the more literal depictions of bighorn sheep, birds, and lizards, these drawings enable us to feel the humanity of these ancient artists. The Indian Creek area contains spectacular rock art, including hundreds of petroglyphs at Newspaper Rock. Visitors to Bears Ears can also discover more recent rock art left by the Ute, Navajo, and Paiute peoples. It is also the less visible sites, however—those that supported the food gathering, subsistence and ceremony of daily life—that tell the story of the people who lived here. Historic remnants of Native American sheep-herding and farming are scattered throughout the area, and pottery and Navajo hogans record the lifeways of native peoples in the 19th and 20th centuries.*

*For thousands of years, humans have occupied and stewarded this land. With respect to most of these people, their contribution to the historical record is unknown, but some have played a more public role. Famed Navajo headman K'aayéllí was born around 1800 near the twin Bears Ears buttes. His band used the area's remote canyons to elude capture by the U.S. Army and avoid the fate that befell many other Navajo bands: surrender, the Long Walk, and forced relocation to Bosque Redondo. Another renowned 19th century Navajo leader, "Hastiin Ch'ihaajin" Manuelito, was also born near the Bears Ears.*

*The area's cultural importance to Native American tribes continues to this day. As they have for generations, these tribes and their members come here for ceremonies and to visit sacred sites. Throughout the region, many landscape features, such as Comb Ridge, the San Juan River, and Cedar Mesa, are closely tied to native stories of creation, danger, protection, and healing. The towering spires in the Valley of the Gods are sacred to the Navajo, representing ancient Navajo warriors frozen in stone. Traditions of hunting, fishing, gathering, and wood cutting are still practiced by tribal members, as is collection of medicinal and ceremonial plants, edible herbs, and materials for crafting items like baskets and footwear. The traditional ecological knowledge amassed by the Native Americans whose ancestors inhabited this region, passed down from generation to generation, offers critical insight into the historic and scientific significance of the area. Such knowledge is, itself, a resource to be protected and used in understanding and managing this landscape sustainably for generations to come.*

*Euro-Americans first explored the Bears Ears area during the 18th century, and Mormon settlers followed in the late 19th century. The San Juan Mission expedition traversed this rugged country in 1880 on their journey to establish a new settlement in what is now Bluff, Utah. To ease the passage of wagons over the slick rock slopes and through the canyonlands, the settlers smoothed sections of the rock surface and constructed dugways and other features still visible along their route, known as the Hole-in-the-Rock Trail. Cabins, corrals, trails, and carved inscriptions in the rock reveal the lives of ranchers, prospectors, and*

early archaeologists. Cattle rustlers and other outlaws created a convoluted trail network known as the Outlaw Trail, said to be used by Butch Cassidy and the Sundance Kid. These outlaws took advantage of the area's network of canyons, including the aptly-named Hideout Canyon, to avoid detection.

The area's stunning geology, from sharp pinnacles to broad mesas, labyrinthine canyons to solitary hoodoos, and verdant hanging gardens to bare stone arches and natural bridges, provides vital insights to geologists. In the east, the Abajo Mountains tower, reaching elevations of more than 11,000 feet. A long geologic history is documented in the colorful rock layers visible in the area's canyons.

For long periods over 300 million years ago, these lands were inundated by tropical seas and hosted thriving coral reefs. These seas infused the area's black rock shale with salts as they receded. Later, the lands were bucked upwards multiple times by the Monument Upwarp, and near-volcanoes punched up through the rock, leaving their marks on the landscape without reaching the surface. In the sandstone of Cedar Mesa, fossil evidence has revealed large, mammal-like reptiles that burrowed into the sand to survive the blistering heat of the end of the Permian Period, when the region was dominated by a seaside desert. Later, in the Late Triassic Period more than 200 million years ago, seasonal monsoons flooded an ancient river system that fed a vast desert here.

The paleontological resources in the Bears Ears area are among the richest and most significant in the United States, and protection of this area will provide important opportunities for further paleontological study. Many sites, such as Arch Canyon, are teeming with fossils, and research conducted in the Bears Ears area is revealing new insights into the transition of vertebrate life from reptiles to mammals and from sea to land. Numerous ray-finned fish fossils from the Permian Period have been discovered, along with other late Paleozoic Era fossils, including giant amphibians, synapsid reptiles, and important plant fossils. Fossilized traces of marine and aquatic creatures such as clams, crayfish, fish, and aquatic reptiles have been found in Indian Creek's Chinle Formation, dating to the Triassic Period, and phytosaur and dinosaur fossils from the same period have been found along Comb Ridge. Paleontologists have identified new species of plant-eating crocodile-like reptiles and mass graves of lumbering sauropods, along with metoposaurus, crocodiles, and other dinosaur fossils. Fossilized trackways of early tetrapods can be seen in the Valley of the Gods and in Indian Creek, where paleontologists have also discovered exceptional examples of fossilized ferns, horsetails, and cycads. The Chinle Formation and the Wingate, Kayenta, and Navajo Formations above it provide one of the best continuous rock records of the Triassic-Jurassic transition in the world, crucial to understanding how dinosaurs dominated terrestrial ecosystems and how our mammalian ancestors evolved. In Pleistocene Epoch sediments, scientists have found traces of mammoths, short-faced bears, ground sloths, primates, and camels.

From earth to sky, the region is unsurpassed in wonders. The star-filled nights and natural quiet of the Bears Ears area transport visitors to an earlier eon. Against an absolutely black night sky, our galaxy and others more distant leap into view. As one of the most intact and least roaded areas in the contiguous United States, Bears Ears has that rare and arresting quality of deafening silence.

Communities have depended on the resources of the region for hundreds of generations. Understanding the important role of the green highlands in providing habitat for subsistence plants and animals, as well as capturing and filtering water from passing storms, the Navajo refer to such places as "Nahodishgish," or places to be left alone. Local communities seeking to protect the mountains for their watershed values have long recognized the importance of the Bears Ears' headwaters. Wildfires, both natural and human-set, have shaped and maintained forests and grasslands of this area for millennia. Ranchers have relied on the forests and grasslands of the region for ages, and hunters come from across the globe for a chance at a bull elk or other big game. Today, ecological restoration through the careful use of wildfire and management of grazing and timber is working to restore and maintain the health of these vital watersheds and grasslands.

The diversity of the soils and microenvironments in the Bears Ears area provide habitat for a wide variety of vegetation. The highest elevations, in the Elk Ridge area of the Manti-La Sal National Forest, contain pockets of ancient Engelmann spruce, ponderosa pine, aspen, and subalpine fir. Mesa tops include pinyon-

*juniper woodlands along with big sagebrush, low sage, blackbrush, rabbitbrush, bitterbrush, four-wing saltbush, shadscale, winterfat, Utah serviceberry, western chokecherry, hackberry, barberry, cliff rose, and greasewood. Canyons contain diverse vegetation ranging from yucca and cacti such as prickly pear, claret cup, and Whipple's fishhook to mountain mahogany, ponderosa pine, alder, sagebrush, birch, dogwood, and Gambel's oak, along with occasional stands of aspen. Grasses and herbaceous species such as bluegrass, bluestem, giant ryegrass, ricegrass, needle and thread, yarrow, common mallow, balsamroot, low larkspur, horsetail, and peppergrass also grow here, as well as pinnate spring parsley, Navajo penstemon, Canyonlands lomatium, and the Abajo daisy.*

*Tucked into winding canyons are vibrant riparian communities characterized by Fremont cottonwood, western sandbar willow, yellow willow, and box elder. Numerous seeps provide year-round water and support delicate hanging gardens, moisture-loving plants, and relict species such as Douglas fir. A few populations of the rare Kachina daisy, endemic to the Colorado Plateau, hide in shaded seeps and alcoves of the area's canyons. A genetically distinct population of Kachina daisy was also found on Elk Ridge. The alcove columbine and cave primrose, also regionally endemic, grow in seeps and hanging gardens in the Bears Ears landscape. Wildflowers such as beardtongue, evening primrose, aster, Indian paintbrush, yellow and purple beflower, straight bladderpod, Durango tumble mustard, scarlet gilia, globe mallow, sand verbena, sego lily, cliffrose, sacred datura, monkey flower, sunflower, prince's plume, hedgehog cactus, and columbine, bring bursts of color to the landscape.*

*The diverse vegetation and topography of the Bears Ears area, in turn, support a variety of wildlife species. Mule deer and elk range on the mesas and near canyon heads, which provide crucial habitat for both species. The Cedar Mesa landscape is home to bighorn sheep which were once abundant but still live in Indian Creek, and in the canyons north of the San Juan River. Small mammals such as desert cottontail, black-tailed jackrabbit, prairie dog, Botta's pocket gopher, white-tailed antelope squirrel, Colorado chipmunk, canyon mouse, deer mouse, pinyon mouse, and desert woodrat, as well as Utah's only population of Abert's tassel-eared squirrels, find shelter and sustenance in the landscape's canyons and uplands. Rare shrews, including a variant of Merriam's shrew and the dwarf shrew can be found in this area.*

*Carnivores, including badger, coyote, striped skunk, ringtail, gray fox, bobcat, and the occasional mountain lion, all hunt here, while porcupines use their sharp quills and climbing abilities to escape these predators. Oral histories from the Ute describe the historic presence of bison, antelope, and abundant bighorn sheep, which are also depicted in ancient rock art. Black bear pass through the area but are rarely seen, though they are common in the oral histories and legends of this region, including those of the Navajo.*

*Consistent sources of water in a dry landscape draw diverse wildlife species to the area's riparian habitats, including an array of amphibian species such as tiger salamander, red-spotted toad, Woodhouse's toad, canyon tree frog, Great Basin spadefoot, and northern leopard frog. Even the most sharp-eyed visitors probably will not catch a glimpse of the secretive Utah night lizard. Other reptiles in the area include the sagebrush lizard, eastern fence lizard, tree lizard, side-blotched lizard, plateau striped whiptail, western rattlesnake, night snake, striped whipsnake, and gopher snake.*

*Raptors such as the golden eagle, peregrine falcon, bald eagle, northern harrier, northern goshawk, red-tailed hawk, ferruginous hawk, American kestrel, flammulated owl, and great horned owl hunt their prey on the mesa tops with deadly speed and accuracy. The largest contiguous critical habitat for the threatened Mexican spotted owl is on the Manti-La Sal National Forest. Other bird species found in the area include Merriam's turkey, Williamson's sapsucker, common nighthawk, white-throated swift, ash-throated flycatcher, violet-green swallow, cliff swallow, mourning dove, pinyon jay, sagebrush sparrow, canyon towhee, rock wren, sage thrasher, and the endangered southwestern willow flycatcher.*

*As the skies darken in the evenings, visitors may catch a glimpse of some the area's at least 15 species of bats, including the big free-tailed bat, pallid bat, Townsend's big-eared bat, spotted bat, and silver-haired bat. Tinajas, rock depressions filled with rainwater, provide habitat for many specialized aquatic species,*

*including pothole beetles and freshwater shrimp. *Eucosma navajoensis*, an endemic moth that has only been described near Valley of the Gods, is unique to this area.*

*Protection of the Bears Ears area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans. The Bears Ears area has been proposed for protection by members of Congress, Secretaries of the Interior, State and tribal leaders, and local conservationists for at least 80 years. The area contains numerous objects of historic and of scientific interest, and it provides world class outdoor recreation opportunities, including rock climbing, hunting, hiking, backpacking, canyoneering, whitewater rafting, mountain biking, and horseback riding. Because visitors travel from near and far, these lands support a growing travel and tourism sector that is a source of economic opportunity for the region.*

*WHEREAS, section 320301 of title 54, United States Code (known as the "Antiquities Act"), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;*

*WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the Bears Ears lands;*

*NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Bears Ears National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 1.35 million acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.*

*All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.*

*The establishment of the monument is subject to valid existing rights, including valid existing water rights. If the Federal Government acquires ownership or control of any lands or interests in lands that it did not previously own or control within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.*

*The Secretary of Agriculture and the Secretary of the Interior (Secretaries) shall manage the monument through the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM), pursuant to their respective applicable legal authorities, to implement the purposes of this proclamation. The USFS shall manage that portion of the monument within the boundaries of the National Forest System (NFS), and the BLM shall manage the remainder of the monument. The lands administered by the USFS shall be managed as part of the Manti-La Sal National Forest. The lands administered by the BLM shall be managed as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities.*

*For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate. The Secretaries, through the USFS and the BLM, shall consult with other Federal land management agencies in the local area, including the National Park Service, in developing the management plan. In promulgating any management rules and regulations governing the NFS lands within the monument and developing the management plan, the Secretary of Agriculture, through the USFS, shall consult with the Secretary of the Interior through the BLM. The Secretaries shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with federally recognized tribes and State and local governments. In the development and implementation of the management plan, the Secretaries shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.*

*The Secretaries, through the BLM and USFS, shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of the management plan and, as appropriate, management of the monument. This advisory committee shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners.*

*In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, a Bears Ears Commission (Commission) is hereby established to provide guidance and recommendations on the development and implementation of management plans and on management of the monument. The Commission shall consist of one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe, designated by the officers' respective tribes. The Commission may adopt such procedures as it deems necessary to govern its activities, so that it may effectively partner with the Federal agencies by making continuing contributions to inform decisions regarding the management of the monument.*

*The Secretaries shall meaningfully engage the Commission or, should the Commission no longer exist, the tribal governments through some other entity composed of elected tribal government officers (comparable entity), in the development of the management plan and to inform subsequent management of the monument. To that end, in developing or revising the management plan, the Secretaries shall carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Commission or comparable entity. If the Secretaries decide not to incorporate specific recommendations submitted to them in writing by the Commission or comparable entity, they will provide the Commission or comparable entity with a written explanation of their reasoning. The management plan shall also set forth parameters for continued meaningful engagement with the Commission or comparable entity in implementation of the management plan.*

*To further the protective purposes of the monument, the Secretary of the Interior shall explore entering into a memorandum of understanding with the State that would set forth terms, pursuant to applicable laws and regulations, for an exchange of land currently owned by the State of Utah and administered by the Utah School and Institutional Trust Lands Administration within the boundary of the monument for land of approximately equal value managed by the BLM outside the boundary of the monument. The Secretary of the Interior shall report to the President by January 19, 2017, regarding the potential for such an exchange.*

*Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or the replacement or modification within the current authorization boundary, of existing utility, pipeline, or telecommunications facilities located within the monument in a manner consistent with the care and management of the objects identified above.*

*Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Indian tribe. The Secretaries shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and*

*provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites), including collection of medicines, berries and other vegetation, forest products, and firewood for personal noncommercial use in a manner consistent with the care and management of the objects identified above.*

*For purposes of protecting and restoring the objects identified above, the Secretaries shall prepare a transportation plan that designates the roads and trails where motorized and non-motorized mechanized vehicle use will be allowed. Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.*

*Laws, regulations, and policies followed by USFS or BLM in issuing and administering grazing permits or leases on lands under their jurisdiction shall continue to apply with regard to the lands in the monument to ensure the ongoing consistency with the care and management of the objects identified above.*

*Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Utah, including its jurisdiction and authority with respect to fish and wildlife management.*

*Nothing in this proclamation shall preclude low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation consistent with the care and management of the objects identified above.*

*Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.*

*Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.*

*Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.*

*IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.*

**BARACK OBAMA**

# Proclamation 9681

## *Modifying the Bears Ears National Monument by The President of the United States of America*

### A PROCLAMATION

*In Proclamation 9558 of December 28, 2016, and exercising his authority under section 320301 of title 54, United States Code (the “Antiquities Act”), President Barack Obama established the Bears Ears National Monument in the State of Utah, reserving approximately 1.35 million acres of Federal lands for the care and management of objects of historic and scientific interest identified therein. The monument is managed jointly by the Department of the Interior’s Bureau of Land Management (BLM) and the Department of Agriculture’s United States Forest Service (USFS). This proclamation makes certain modifications to the monument.*

*Proclamation 9558 identifies a long list of objects of historic or scientific interest. It describes cultural resources such as ancient cliff dwellings (including the Moon House and Doll House Ruins), Moki Steps, Native American ceremonial sites, tools and projectile points, remains of single-family dwellings, granaries, kivas, towers, large villages, rock shelters, caves, and a prehistoric road system, as well as petroglyphs, pictographs, and recent rock art left by the Ute, Navajo, and Paiute peoples. It also identifies other types of historic objects, such as remnants of Native American sheep-herding and farming operations and early engineering by pioneers and settlers, including smoothed sections of rock, dugways, historic cabins, corrals, trails, and inscriptions carved into rock, and the Hole-in-the-Rock and Outlaw Trails. It also describes landscape features such as the Bears Ears, Comb Ridge, Cedar Mesa, the Valley of the Gods, the Abajo Mountains, and the San Juan River, and paleontological resources such as the fossil remains of fishes, amphibians, reptiles, and mammals, as well as dinosaur trackways and traces of other terrestrial animals. Finally, it identifies several species, including animals like the porcupine, badger, and coyote; birds like the red-tailed hawk, Mexican spotted owl, American kestrel, and turkey vulture; and plants such as the Fremont cottonwood, Abajo daisy, western sandbar willow, and boxelder.*

*The Antiquities Act requires that any reservation of land as part of a monument be confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest to be protected. Determining the appropriate protective area involves examination of a number of factors, including the uniqueness and nature of the objects, the nature of the needed protection, and the protection provided by other laws.*

*Some of the objects Proclamation 9558 identifies are not unique to the monument, and some of the particular examples of these objects within the monument are not of significant scientific or historic interest. Moreover, many of the objects Proclamation 9558 identifies were not under threat of damage or destruction before designation such that they required a reservation of land to protect them. In fact, objects described in Proclamation 9558 were then—and still are—subject to Federal protections under existing laws and agency management designations. For example, more than 500,000 acres were already being managed to maintain, enhance, or protect their roadless character before they were designated as part of a national monument. Specifically, the BLM manages approximately 380,759 acres of lands within the existing monument as Wilderness Study Areas, which the BLM is required by law to manage so as not to impair their suitability for future congressional designation as Wilderness. On lands managed by the USFS, 46,348 acres are part of the congressionally designated Dark Canyon Wilderness Area, which, under the 1964 Wilderness Act, 16 U.S.C. 1131–1136, and the Utah Wilderness Act of 1984, Public Law 98–428, the USFS must manage so as to maintain or enhance its wilderness character. Approximately 89,396 acres of the USFS lands are also included in 8 inventoried roadless areas, which are managed under the USFS’s 2001 Roadless Rule so as to protect their wilderness character.*

*A host of laws enacted after the Antiquities Act provide specific protection for archaeological, historic, cultural, paleontological, and plant and animal resources and give authority to the BLM and USFS to condition permitted activities on Federal lands, whether within or outside a monument. These laws include the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa–470mm, National Historic*



*Preservation Act, 54 U.S.C. 300101 et seq., Bald and Golden Eagle Protection Act, 16 U.S.C. 668–668d, Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., Federal Cave Resources Protection Act of 1988, 16 U.S.C. 4301 et seq., Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq., Migratory Bird Treaty Act, 16 U.S.C. 703–712, National Forest Management Act, 16 U.S.C. 1600 et seq., Native American Graves Protection and Repatriation Act of 1976, 25 U.S.C. 3001 et seq., and Paleontological Resources Preservation Act, 16 U.S.C. 470aaa–470aaa–11. Of particular note, the Archaeological Resources Protection Act specifically protects archaeological resources from looting or other desecration and imposes criminal penalties for unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources. Federal land management agencies can grant a permit authorizing excavation or removal, but only when undertaken for the purpose of furthering archaeological knowledge. The Paleontological Resources Preservation Act contains very similar provisions protecting paleontological resources. And the Migratory Bird Treaty Act and Endangered Species Act protect migratory birds and listed endangered and threatened species and their habitats. Moreover, the BLM and the USFS were already addressing many of the threats to objects identified in Proclamation 9558 in their governing land-use plans before designation of the monument.*

*Given the nature of the objects identified on the lands reserved by Proclamation 9558, the lack of a threat of damage or destruction to many of those objects, and the protection for those objects already provided by existing law and governing land-use plans, I find that the area of Federal land reserved in the Bears Ears National Monument established by Proclamation 9558 is not confined to the smallest area compatible with the proper care and management of those objects. The important objects of scientific or historic interest can instead be protected by a smaller and more appropriate reservation of 2 areas: Shash Jáa and Indian Creek. Revising the boundaries of the monument to cover these 2 areas will ensure that, in accordance with the Antiquities Act, it is no larger than necessary for the proper care and management of the objects to be protected within the monument.*

*The Shash Jáa area contains the heart of the national monument: the iconic twin buttes known as the Bears Ears that tower 2,000 feet above the surrounding landscape and are considered sacred to the Native American tribes that call this area their ancestral home. Many of the significant objects described by Proclamation 9558 can be found throughout the Shash Jáa area. Ancestral Puebloan occupation of the area began during the Basketmaker II period at least 2,500 years ago, and it left behind objects such as pit houses, storage pits, lithic scatters, campsites, rock shelters, pictographs, and baskets, as well as manos and metates for grinding corn. Occupation dating to the Basketmaker III period, from approximately 500 to 750 C.E., left additional evidence of maize- and bean-based agriculture, along with pottery, bows and arrows, pit houses, kivas, storage rooms, and dispersed villages.*

*New waves of human settlement occurred around 900 C.E., when the Pueblo I period gave rise to large villages near Comb Wash, and 1050 C.E., when inhabitants from the Pueblo II period built expansive and complex multi-family dwellings. Around 1150 C.E., the dawn of the Pueblo III period, the area's inhabitants increasingly sought shelter in cliff dwellings and left behind evidence of an era of unrest. Several centuries later, the Ute, Paiute, and Navajo came to occupy the area.*

*East of the Bears Ears is Arch Canyon, within which paleontologists have found numerous fossils from the Permian and Upper Permian eras. Cliff dwellings are hidden throughout the canyon, and the mouth of the canyon holds the fabled Arch Canyon ruin, which spans the Pueblo II and III periods and contains pictographs and petroglyphs ranging from the Archaic to the historic periods.*

*Just south of Arch Canyon are the north and south forks of Mule Canyon. Five-hundred feet deep, 5 miles long, and decorated with alternating layers of red and white sandstone, these 2 striking canyons contain shelter-cliff dwellings and other archaeological sites, including the scenic and accessible House on Fire Ruin, which includes differing masonry styles that indicate several episodes of construction and use.*

*Perched high on the open tablelands above the south fork of Mule Canyon are the Mule Canyon ruins, where visitors can see exposed masonry walls of ancient living quarters and a partially restored kiva. The deep canyons and towering mesas of the Shash Jáa area are full of similar sites, including rock art,*

remains of single-family dwellings, granaries, kivas, towers (including the Cave Towers), and large villages primarily from the Pueblo II and III periods, along with sites from the Basketmaker and Archaic periods.

The Shash Jáa area also includes Comb Ridge, a north-south trending monocline that originates near the boundary of the Manti-La Sal National Forest, ends near the San Juan River, and contains remnants from the region's thousands of years of human habitation, including cliff dwellings, granaries, kivas, ceremonial sites, and the Butler Wash ruin, a world-famous Ancestral Puebloan ruin with multiple rooms and kivas. Comb Ridge also includes world-class examples of ancient rock art, such as the Butler Wash Kachina Panel, a wall-sized mural of San Juan Anthropomorph figures that dates to the Basketmaker period and is considered to be one of the Southwest's most important petroglyph panels for understanding the daily life and rituals of the Basketmaker people. Significant fossil sites have also been discovered in Butler Wash.

Just north of upper Butler Wash, the aspen-filled Whiskers Draw contains a series of alcoves that have sheltered evidence of human habitation for thousands of years, including Cave 7, the site where Richard Wetherill, as part of the Hyde Expedition in 1893, first identified what we know today as the Basketmaker people. The nearby Milk Ranch Point is home to a rich concentration of kivas, granaries, dwellings, and other evidence that Pueblo I farmers used this area to cultivate corn, beans, and squash.

The Shash Jáa area also contains the Comb Ridge Fossil site, which includes a trackway created by a giant arthropod (*Diplichnites cuithensis*), the first recorded instance of such a trackway in Utah. Also, the diverse landscape of the Shash Jáa area provides habitat for the vast majority of plant and animal species described by Proclamation 9558.

Finally, the Shash Jáa area as described on the accompanying map includes 2 non-contiguous parcels of land that encompass the Moon House Ruin, an example of iconic Pueblo-decorated architecture, which was likely the last occupied site on Cedar Mesa, as well as Doll House Ruin, a fully intact and well-preserved single room granary that is associated with an extensive agricultural area on the mesa top. These significant ruins are important examples of cultural resource objects that should remain within the monument's boundaries.

The Indian Creek area likewise contains objects of significance described in Proclamation 9558. At its center is the broad Indian Creek Canyon, which is characterized by sheer red cliffs and spires of exposed and eroded layers of Navajo, Kayenta, Wingate, and Cedar Mesa sandstone, including the iconic North and South Six-Shooter Peaks.

Also located within the Indian Creek area is the Canyonlands Research Center. Spanning lands managed by the National Park Service, BLM, USFS, and private landowners, this unique partnership works to increase our understanding of the complex natural systems on the landscape, providing their custodians with information they need to adapt to the challenges of a changing Colorado Plateau.

Newspaper Rock, a popular attraction in the Indian Creek area, is a roadside rock art panel that has been listed on the National Register of Historic Places since 1976. This site displays a significant concentration of rock art from multiple periods, etched into Wingate sandstone. The older art is attributed to the Ancestral Puebloan people who inhabited this region for 2,000 years, while the more recent rock art is attributed to the Ute people who still live in the Four Corners area.

In addition to Newspaper Rock, the Indian Creek area contains numerous other significant rock art sites, including the distinctive and well-preserved petroglyphs in Shay Canyon. The area also provides opportunities for cultural and scientific research and paleontological study. Dinosaur tracks in the bottom of the Shay Canyon stream bed are a unique visual reminder of the area's distant past. Additional paleontological resources can be found throughout the Indian Creek area, including vertebrate and invertebrate fossils, primarily in the Chinle Formation. The Indian Creek area also includes 2 prominent mesas, Bridger Jack Mesa and Lavender Mesa, which are home to relict plant communities, predominantly composed of pinyon-juniper woodland, with small, interspersed sagebrush parks, that exist only on these isolated islands in the desert sea and are, generally, unaltered by humans. These mesas provide the

*opportunity for comparative studies of pinyon-juniper woodland and sagebrush communities in other parts of the Colorado Plateau. Additionally, the Indian Creek area includes the exposed Chinle Formation, known for abundant fossilized flora and fauna, including pelecypods, gastropods, arthropods, fishes, amphibians, and reptiles (including dinosaurs). Finally, the area is well known for vertebrate trackways, including tetrapod footprints.*

*Some of the existing monument's objects, or certain examples of those objects, are not within the monument's revised boundaries because they are adequately protected by existing law, designation, agency policy, or governing land-use plans. For example, although the modified boundaries do not include the San Juan River or the Valley of the Gods, both of those areas are protected by existing administratively designated Areas of Critical Environmental Concern. Plant and animal species such as the bighorn sheep, the Kachina daisy, the Utah night lizard, and the Eucosma navajoensis moth are protected by the Endangered Species Act and existing land-use plans and policies protecting special-status species. Additionally, some of the range of these species falls within existing Wilderness Areas and Wilderness Study Areas. Finally, although Hideout Canyon is likewise not included within the modified boundaries, it is generally not threatened and is partially within a Wilderness Study Area.*

*The areas described above are the smallest compatible with the protection of the important objects identified in Proclamation 9558. The modification of the Bears Ears National Monument will maintain and protect those objects and preserve the area's cultural, scientific, and historic legacy.*

*WHEREAS, Proclamation 9558 of December 28, 2016, designated the Bears Ears National Monument in the State of Utah and reserved approximately 1.35 million acres of Federal lands for the care and management of the Bears Ears buttes and other objects of historic and scientific interest identified therein; and*

*WHEREAS, many of the objects identified by Proclamation 9558 are otherwise protected by Federal law; and*

*WHEREAS, it is in the public interest to modify the boundaries of the monument to exclude from its designation and reservation approximately 1,150,860 acres of land that I find are unnecessary for the care and management of the objects to be protected within the monument; and*

*WHEREAS, the boundaries of the monument reservation should therefore be reduced to the smallest area compatible with the protection of the objects of scientific or historic interest as described above in this proclamation;*

*NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim that the boundaries of the Bears Ears National Monument are hereby modified and reduced to those lands and interests in land owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. I hereby further proclaim that the modified monument areas identified on the accompanying map shall be known as the Indian Creek and Shash Jáa units of the monument, the latter of which shall include the Moon House and Doll House Ruins. These reserved Federal lands and interests in lands cumulatively encompass approximately 201,876 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected. Any lands reserved by Proclamation 9558 not within the boundaries identified on the accompanying map are hereby excluded from the monument.*

*At 9:00 a.m., eastern standard time, on the date that is 60 days after the date of this proclamation, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public and National Forest System lands excluded from the monument reservation shall be open to:*

- (1) entry, location, selection, sale, or other disposition under the public land laws and laws applicable to the U.S. Forest Service;*
- (2) disposition under all laws relating to mineral and geothermal leasing; and*
- (3) location, entry, and patent under the mining laws.*

*Appropriation of lands under the mining laws before the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law.*

*Nothing in this proclamation shall be construed to remove any lands from the Manti-La Sal National Forest or to otherwise revoke, modify, or affect any withdrawal, reservation, or appropriation, other than the one created by Proclamation 9558.*

*Nothing in this proclamation shall change the management of the areas designated and reserved by Proclamation 9558 that remain part of the monument in accordance with the terms of this proclamation, except as provided by the following 4 paragraphs:*

*In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, Proclamation 9558 established a Commission to provide guidance and recommendations on the development and implementation of management plans and on management of the monument, and to partner with Federal agencies by making continuing contributions to inform decisions regarding the management of the monument. In order to ensure that the full range of tribal expertise and traditional historical knowledge is included in such guidance and recommendations, paragraph 29 of Proclamation 9558 is hereby revised to provide that the Bears Ears Commission shall be known as the Shash Jáa Commission, shall apply only to the Shash Jáa unit as described herein, and shall also include the elected officer of the San Juan County Commission representing District 3 acting in that officer's official capacity.*

*Proclamation 9558 is hereby revised to clarify that, pending preparation of the transportation plan required by paragraph 34 thereof, the Secretaries of the Interior and Agriculture may allow motorized and non-mechanized vehicle use on roads and trails designated for such use immediately before the issuance of Proclamation 9558 and maintain roads and trails for such use.*

*Paragraph 35 of Proclamation 9558 governing livestock grazing in the monument is hereby revised to read as follows: "Nothing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation."*

*Proclamation 9558 is amended to clarify that, consistent with the care and management of the objects identified above, the Secretaries of the Interior and Agriculture may authorize ecological restoration and active vegetation management activities in the monument.*

*If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.*

*IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.*

**DONALD J. TRUMP**

## **IDENTIFICATION OF MONUMENT OBJECTS AND VALUES**

The Antiquities Act makes multiple references to “objects,” which include “objects of antiquity” and “objects of historic or scientific interest.” Objects are listed in the proclamation or enabling legislation and may include cultural artifacts or features, historic structures, paleontological or geological features, specific plant or animal species or habitats, and other resources. The BLM has generally interpreted objects as discrete physical items. A national monument may also have less tangible values, such as provision of opportunities for research.

The BLM is required to manage national monuments for the proper care and management of the objects of historic and scientific interest for which they were designated. Identifying the specific objects in a proclamation is critical to proper management of a national monument and to determine the management actions necessary to implement the law and manage monuments for the purposes for which they were designated. While deference is always given to the specific text in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, the BLM must clearly identify the objects for the agency to properly undertake land use planning or other analysis to ensure proper management of a national monument.

While not unlimited, courts have affirmed the BLM’s discretion to determine which items listed in a proclamation are the actual objects to be protected. The BLM has not established a process or policy for the identification of national monument objects; however, under standard agency practices, interdisciplinary teams analyze the proclamation and determine the objects, usually as part of a land use planning process or in advance of an analysis under the National Environmental Policy Act.

The text of Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, describes numerous objects, as well as supporting information about the values and opportunities within the Monument. The following themes have been identified as objects and/or values in BENM: archaeological, historic, and cultural resources; geological features and landscapes; paleontological resources; biological and ecological resources and processes; recreational opportunities; and economic opportunities.

## Archaeological, Historic, and Cultural Resources

Archaeological resources within BENM encompass both prehistoric and historic sites and include abundant rock writings, ancient cliff dwellings, ceremonial sites, and countless other sites and artifacts. Archaeological objects are restricted to those archaeological resources determined to be historic properties or archaeological resources either listed in or eligible for the National Register of Historic Places (also defined at 36CFR800.16(l)). In this document, these resources are referred to as “eligible” sites.

<b>Objects</b>
<p>Generally, objects within BENM include the following:</p> <ul style="list-style-type: none"> <li>• Eligible historic properties, including, but not limited to cliff dwellings, granaries, kivas, ceremonial sites, pit houses, storage pits, lithic scatters, prehistoric campsites, and other less visible sites; rockshelters, baskets, manos and metates, pottery, bows and arrows, footwear, storage rooms; tinajas; prehistoric road systems and Moki steps; evidence of the historic settlement of the region, including the Hole-in-the-Rock Trail, cabins, corrals, trails, and rock writings (including petroglyphs and pictographs).</li> </ul> <p>Specific cultural, archaeological, or historical objects noted in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, within BENM include the following:</p> <ul style="list-style-type: none"> <li>• Butler Wash Kachina Panel</li> <li>• Butler Wash Site</li> <li>• Arch Canyon Great House Complex</li> <li>• House on Fire</li> <li>• Arch Canyon Cultural Landscape</li> <li>• Texas Canyon Cultural Landscape</li> <li>• Butt Canyon Cultural Landscape</li> <li>• Mule Canyon Cultural Landscape</li> <li>• Whiskers Draw Cultural Landscape</li> <li>• Milk Ranch Point Cultural Landscape</li> <li>• Moon House</li> <li>• Doll House</li> <li>• Newspaper Rock</li> <li>• Shay Canyon Petroglyphs</li> <li>• Indian Creek Cultural Landscape</li> <li>• Bears Ears Buttes</li> <li>• Bears Ears Headwaters</li> <li>• Comb Ridge</li> <li>• Medicinal plants and plants for religious use</li> <li>• Hole-in-the-Rock Trail and San Juan Hill</li> <li>• American Indian sacred and religious sites</li> </ul>
<b>Values</b>
<p>Opportunities for archaeological research, interpretation, and protection</p> <p>Cultural landscapes</p> <p>Preservation of prehistoric, historic, and cultural values and objects</p> <p>Tribal expertise and traditional ecological and historical knowledge</p> <p>Areas of religious use</p> <p>Opportunities for American Indian and historic rural communities to conduct subsistence activities (hunting, gathering, wood cutting, etc.)</p> <p>Native stories and traditional historical knowledge (Long Walk, etc.)</p> <p>Opportunities to use traditional, ecological, and religious knowledge and practices</p> <p>American Indian and Euro-American livestock grazing, including old structures (e.g., log troughs)</p> <p>Opportunities for cultural and heritage tourism</p>

## Geological Features and Landscapes

The geological features of BENM provide stunning vistas and opportunities for scientific study.

<b>Objects</b>
<p>Specific objects noted in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, include the following:</p> <ul style="list-style-type: none"> <li>• Bears Ears Buttes</li> <li>• Comb Ridge</li> <li>• North and South Six-Shooter Peaks</li> <li>• North and South Forks of Mule Canyon</li> <li>• Indian Creek Canyon (geologic features and formations present within the Indian Creek Unit of the Monument)</li> <li>• Dark Canyon Wilderness</li> </ul>
<b>Values</b>
<p>Opportunities for geologic research, education, protection, and interpretation</p>

## Paleontological Resources

The paleontological resources in the BENM area are among the richest and most significant in the United States and provide important opportunities for further study.

<b>Objects</b>
<p>Generally paleontological objects within the BENM include the following:</p> <ul style="list-style-type: none"> <li>• Vertebrate, invertebrate, plant, and trace fossils</li> </ul> <p>Specific objects noted in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, include the following:</p> <ul style="list-style-type: none"> <li>• Vertebrate and invertebrate fossils within the Arch Canyon and Comb Ridge fossil sites, including pelecypods, gastropods, arthropods, fishes, amphibians, and reptiles in the exposed Chinle Formation</li> <li>• Dinosaur trackways, including, but not limited to, Shay Canyon fossil tracks and Butler Wash dinosaur tracksite</li> <li>• High potential fossil yield sites and sites of important discovery, such as Arch Canyon, Butler Wash, Comb Ridge, Indian Creek, and Shay Canyon</li> </ul>
<b>Values</b>
<p>Opportunities for paleontological research, interpretation, and protection</p> <p>Opportunities for paleontological education and outreach</p> <p>Opportunities for the public to visit paleontological resources in situ</p>

## Biological and Ecological Resources and Processes

BENM supports a broad diversity of plants, animal communities, and ecosystems.

Objects
<p>Specific objects noted in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, include the following:</p> <ul style="list-style-type: none"> <li>• Bridger Jack Mesa and Lavender Mesa, which are home to relict plant communities, provide the opportunity for comparative studies in other parts of the Colorado Plateau.</li> <li>• Water sources, including springs, seeps, tinajas, and their associated riparian habitat (e.g., hanging gardens)</li> <li>• Perennial and intermittent streams and riparian corridors</li> <li>• Special status plant and wildlife species habitats</li> </ul>
Values
<p>Continued opportunities for research and education, including via the Canyonlands Research Center</p> <p>Opportunities to protect headwaters and water supplies</p> <p>Diversity of wildlife species and associated habitats</p> <p>Diversity of native vegetation and habitats (including Elk Ridge, mesa tops, and canyons)</p> <p>Opportunities for ecological restoration and active vegetation management</p> <p>Opportunities to collect firewood</p> <p>Opportunities to collect plant materials and seeds</p> <p>Livestock grazing and associated management activities and structures as a tool to restore or maintain the health of watersheds and grasslands</p>

## Recreational Opportunities

BENM contains recreational resources that also support economic opportunities within local communities.

Values
<p>Managing lands for world-class outdoor recreational opportunities and to support a growing travel and tourism sector</p> <p>Opportunities for cultural and heritage tourism</p> <p>Opportunities for experiencing dark skies and natural quiet</p> <p>Opportunities for education and interpretation</p>

## Economic Opportunities

BENM contains resources that also support economic opportunities within local communities.

Value
Livestock grazing



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## **APPENDIX B**

### **Maps**



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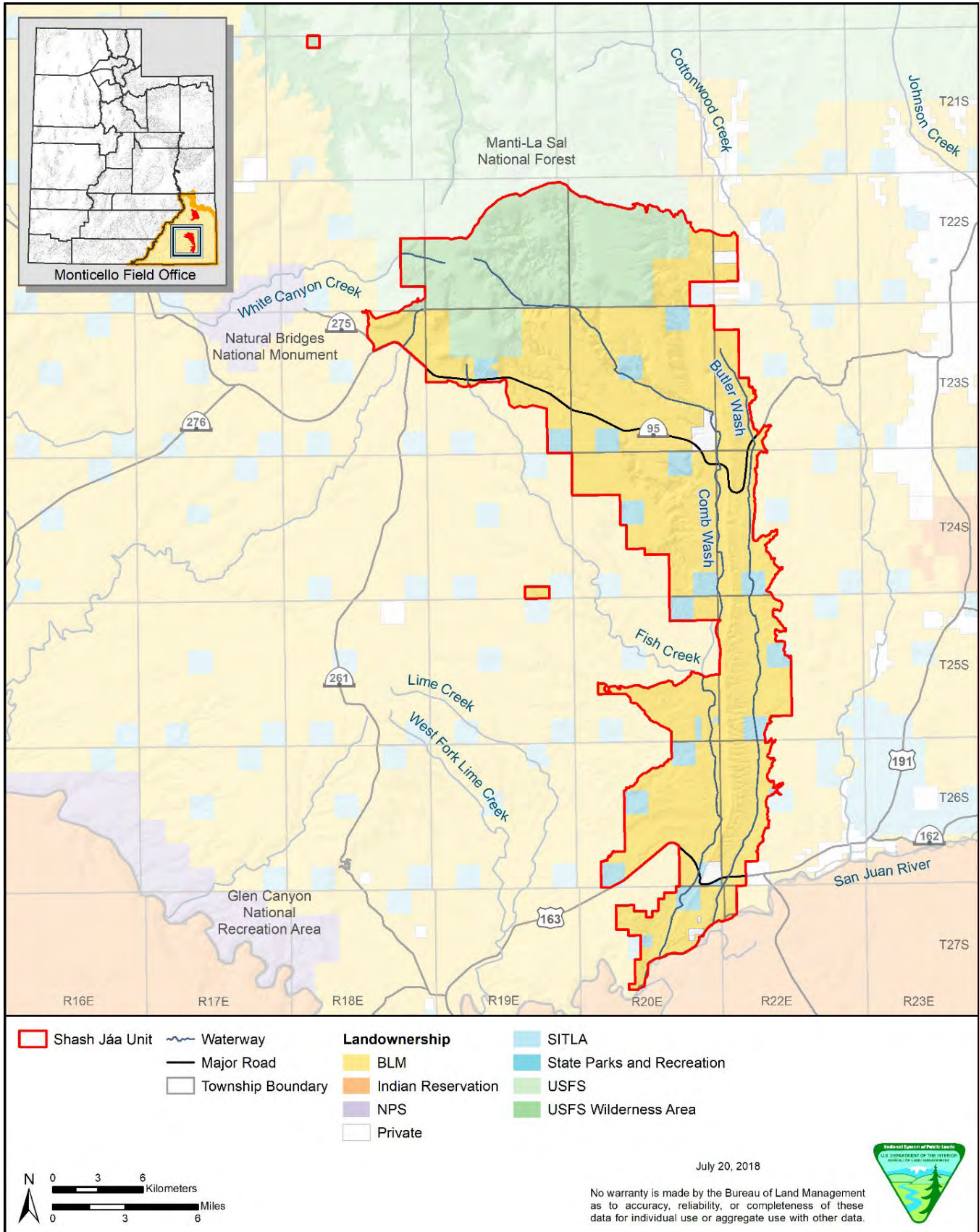
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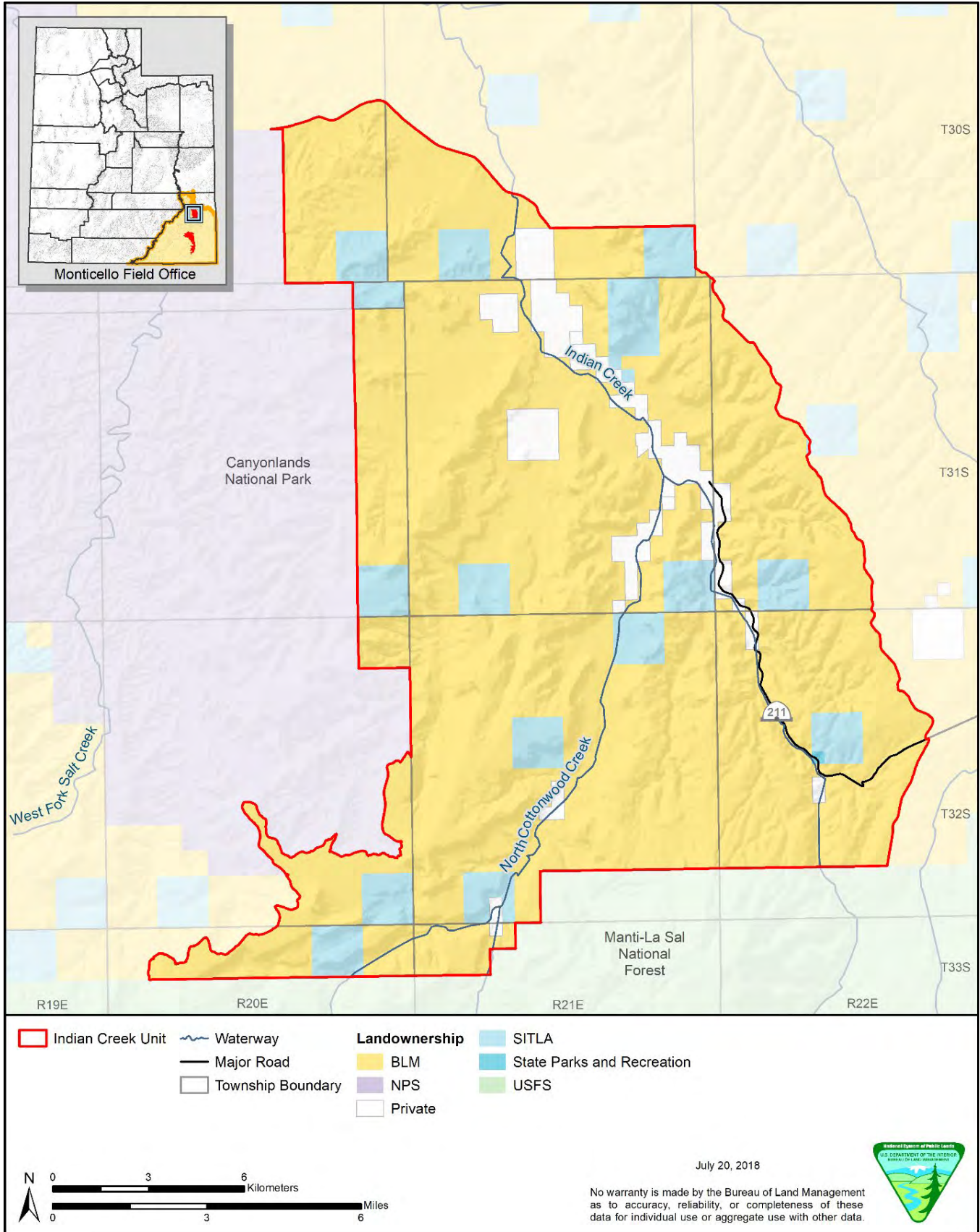
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**Map 1-1. Bears Ears National Monument - Shash Jáa Unit**

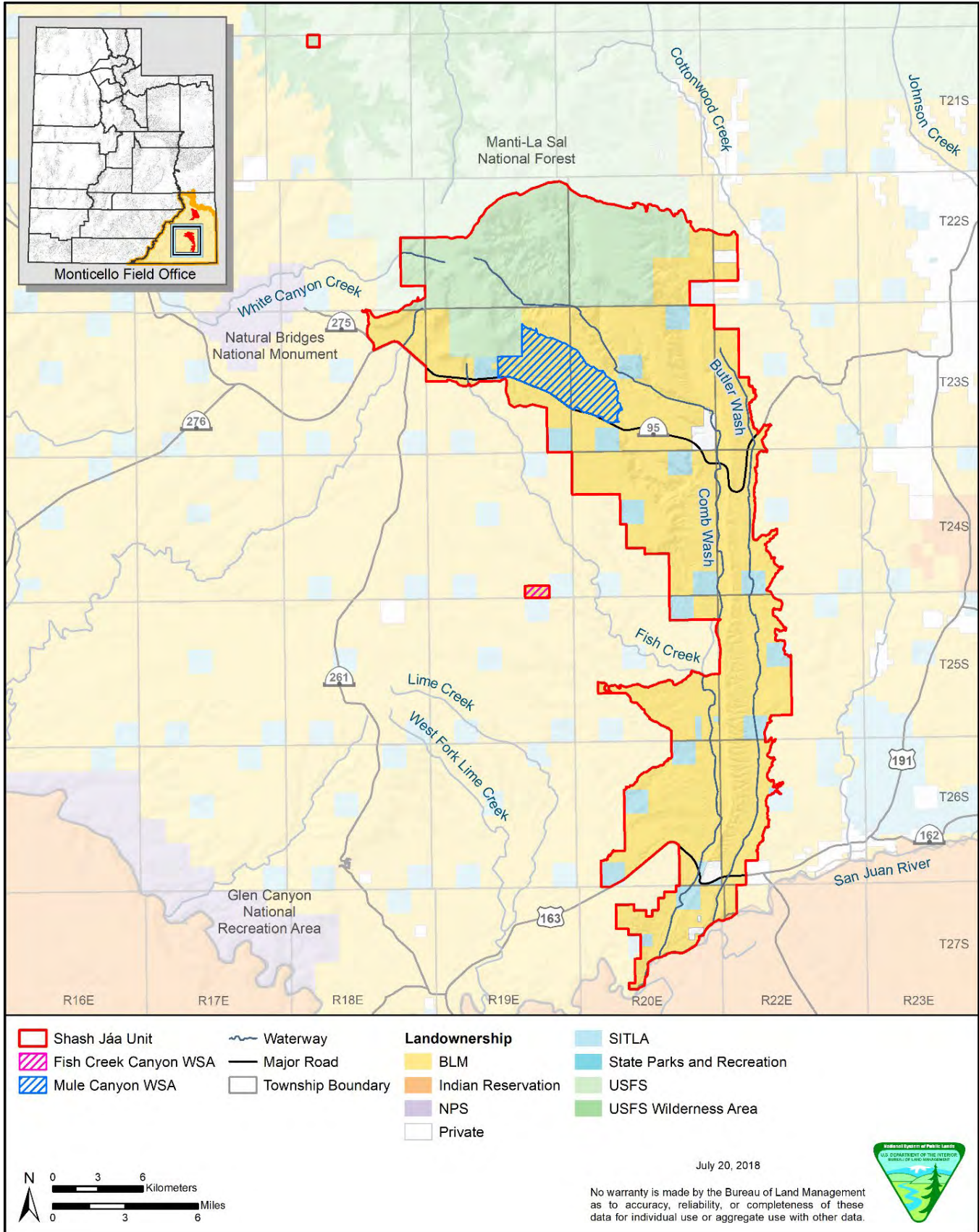


**Map 1-2. Bears Ears National Monument - Indian Creek Unit**

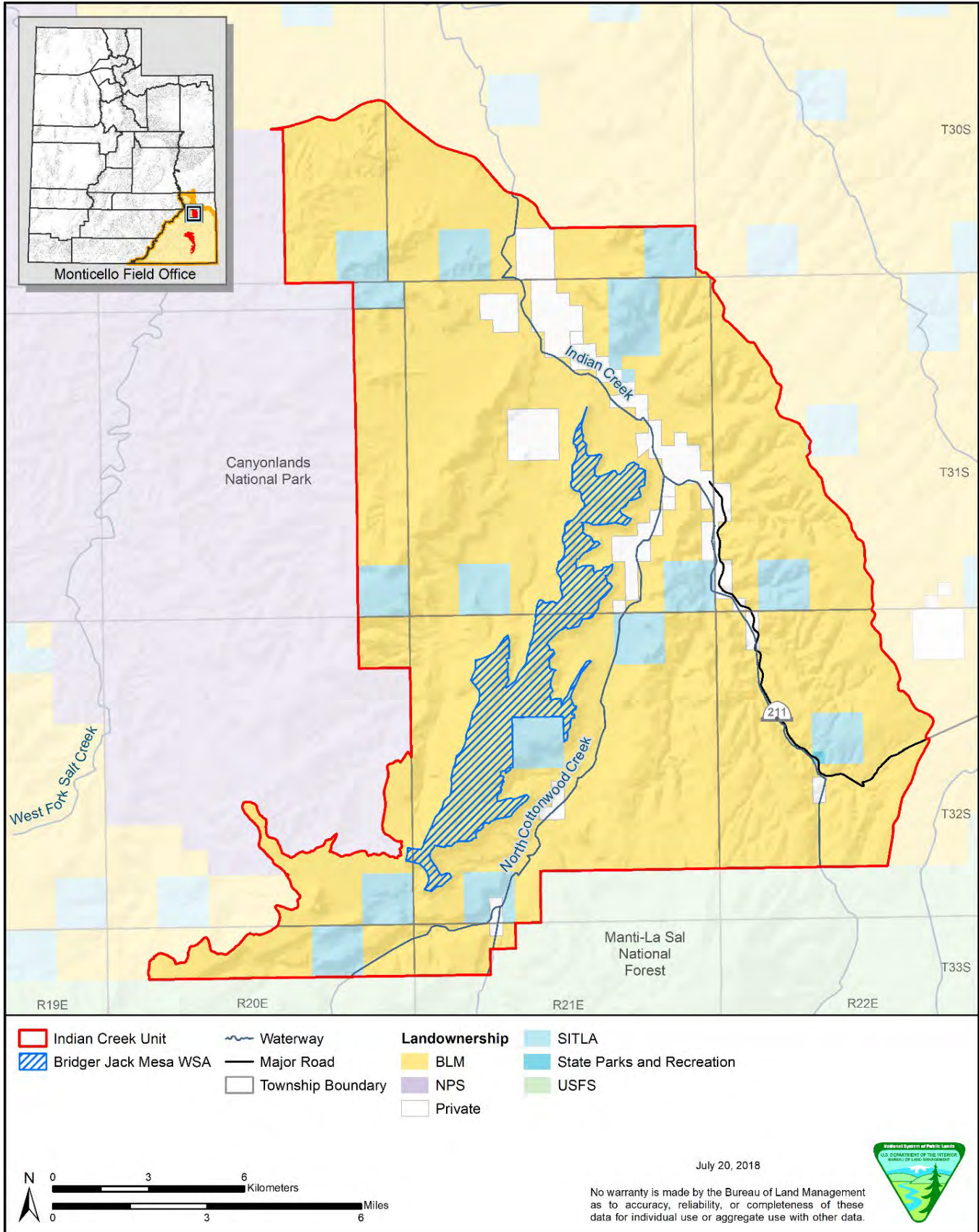




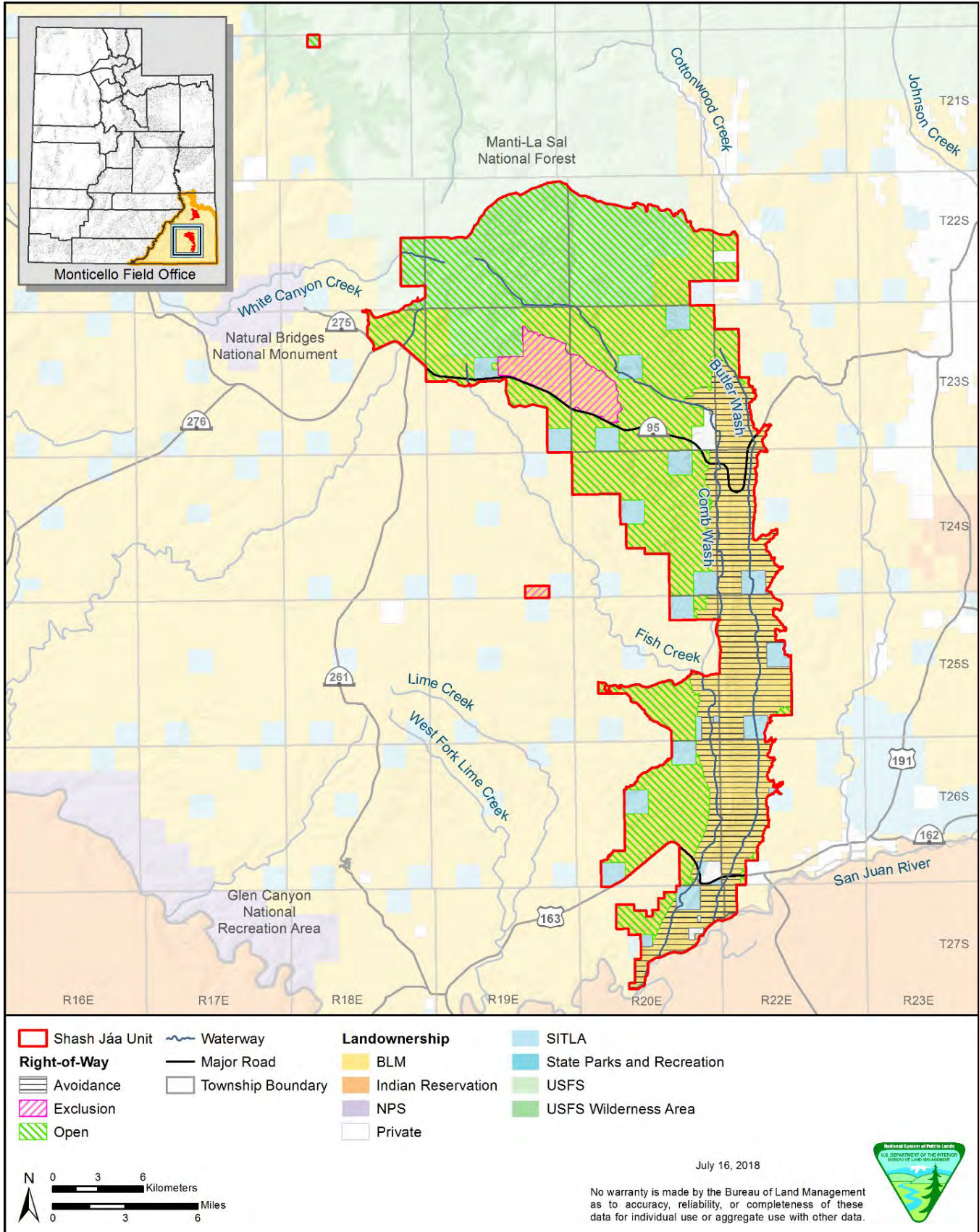
**Map 1-3. Shash Jaa Unit: Existing Wilderness Study Areas**



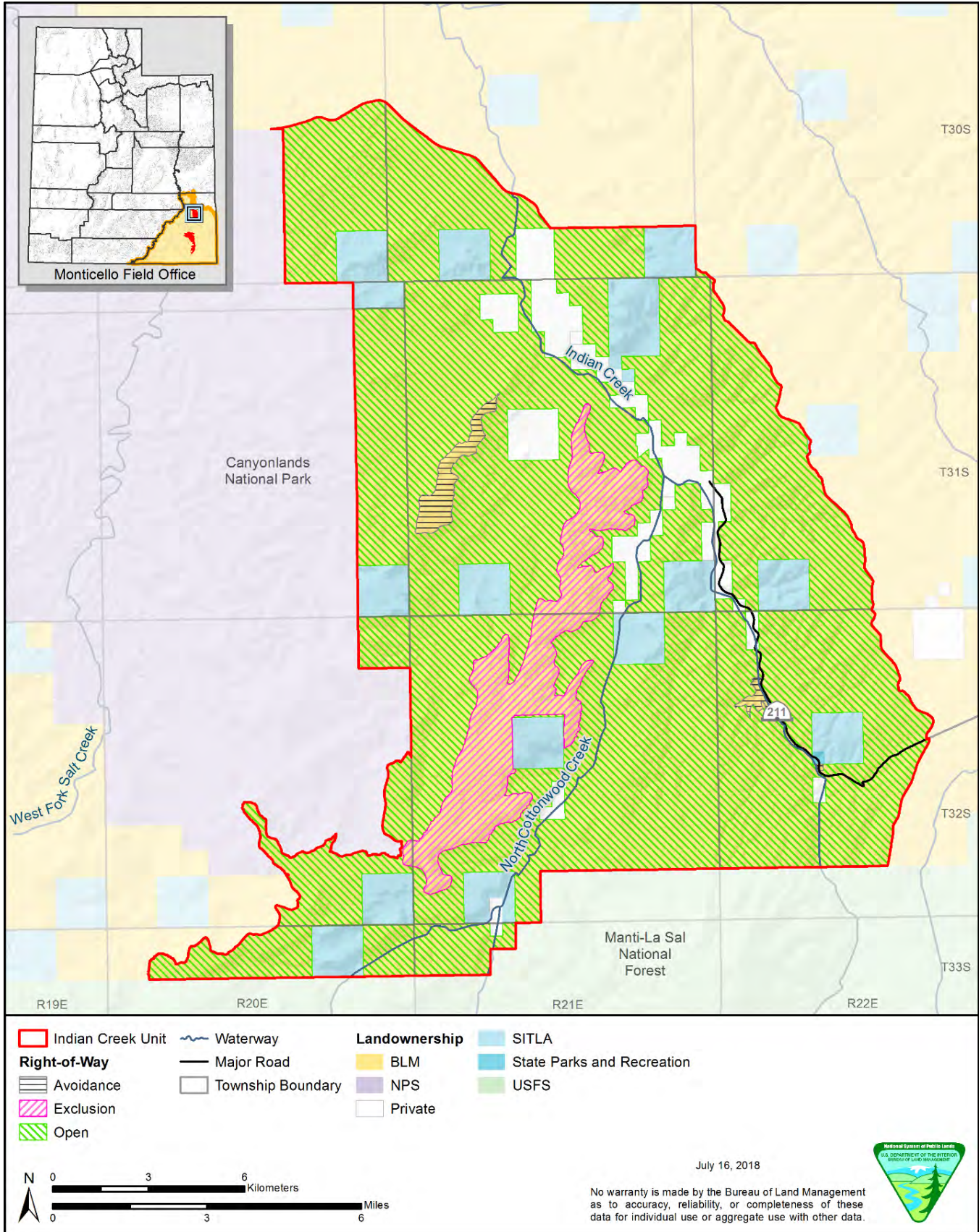
**Map 1-4. Indian Creek Unit: Existing Wilderness Study Areas**



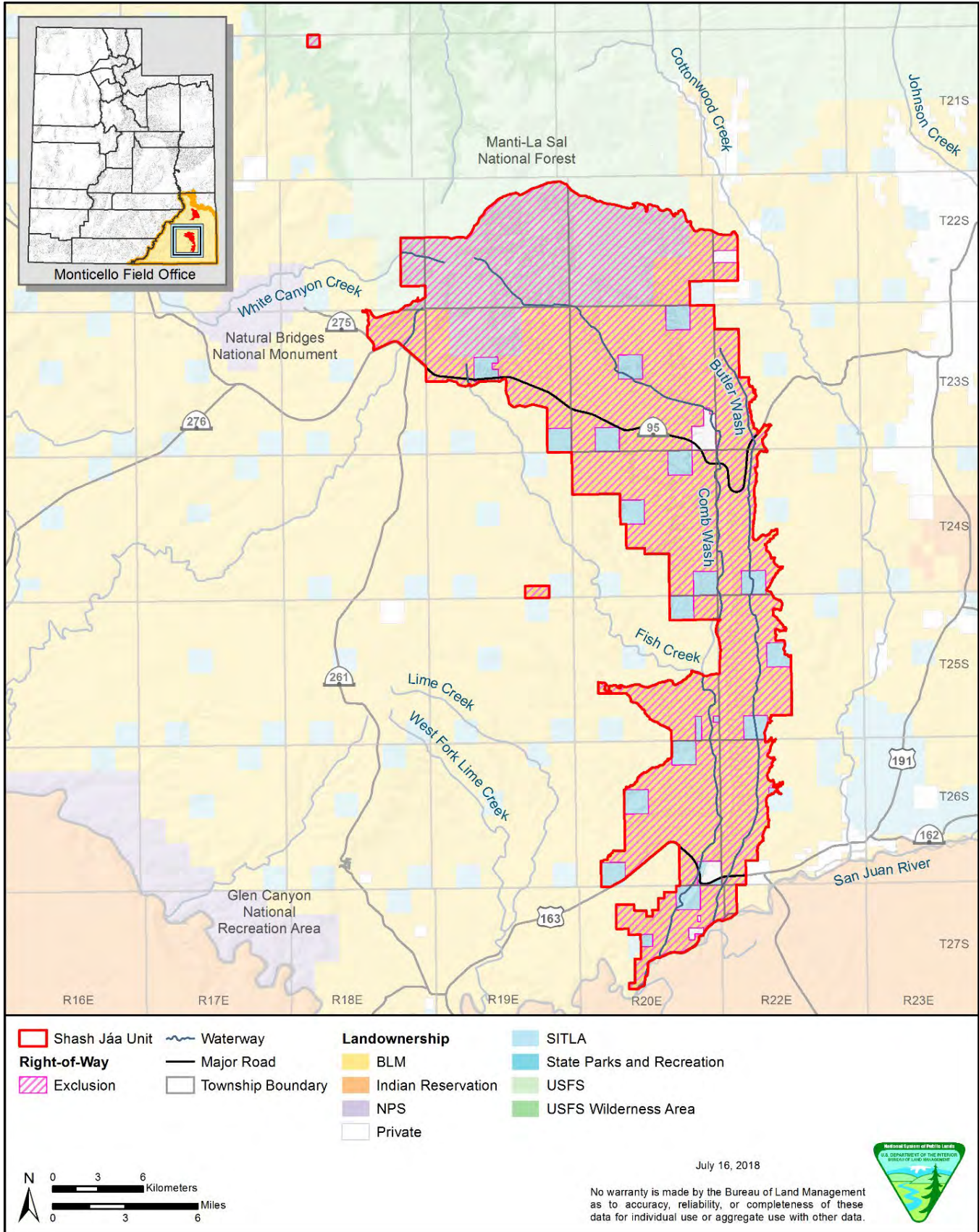
**Map 2-1. Shash Jaa Unit: Right-of-Way Avoidance and Exclusion Areas - Alternative A**



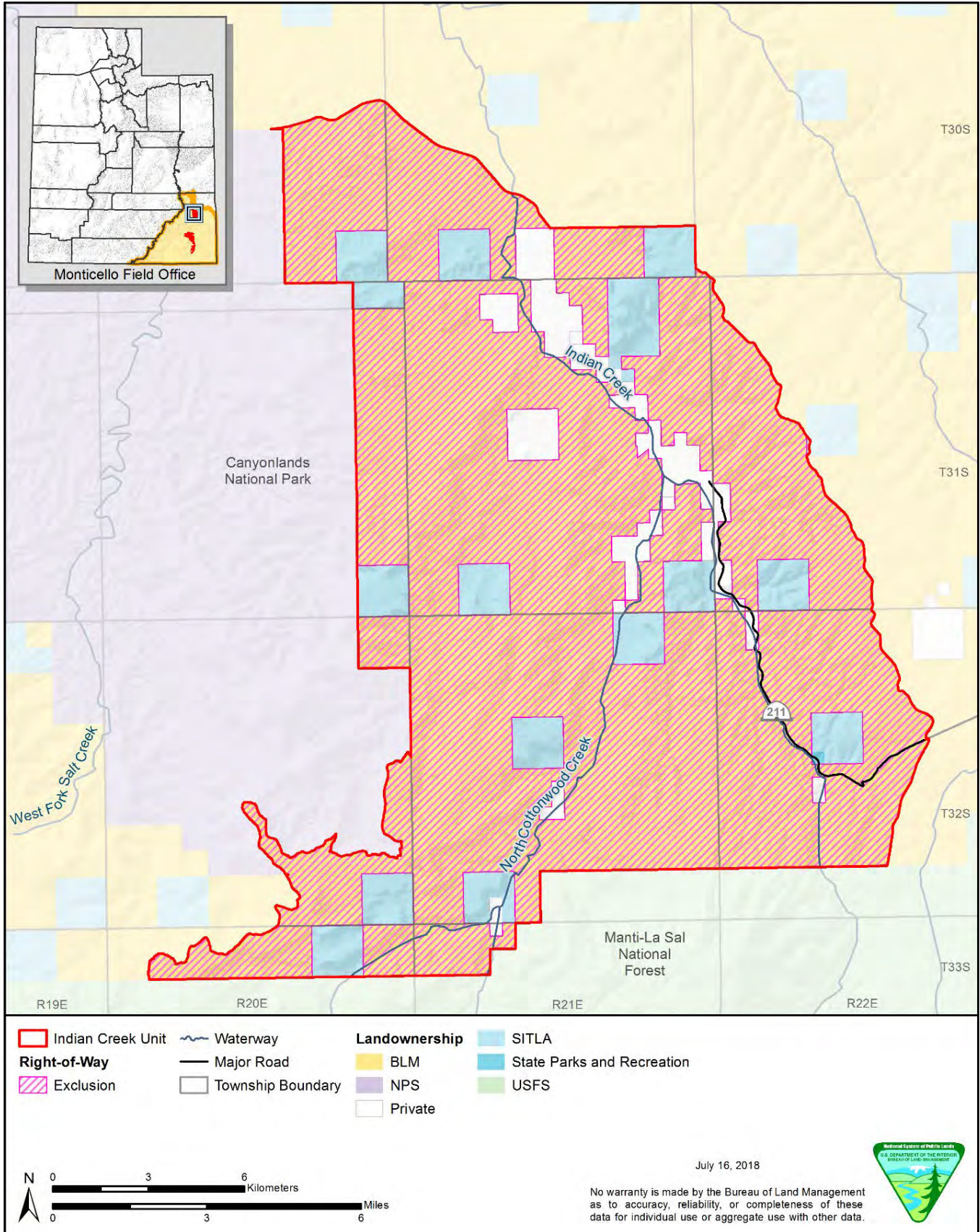
**Map 2-2. Indian Creek Unit: Right-of-Way Avoidance and Exclusion Areas - Alternative A**



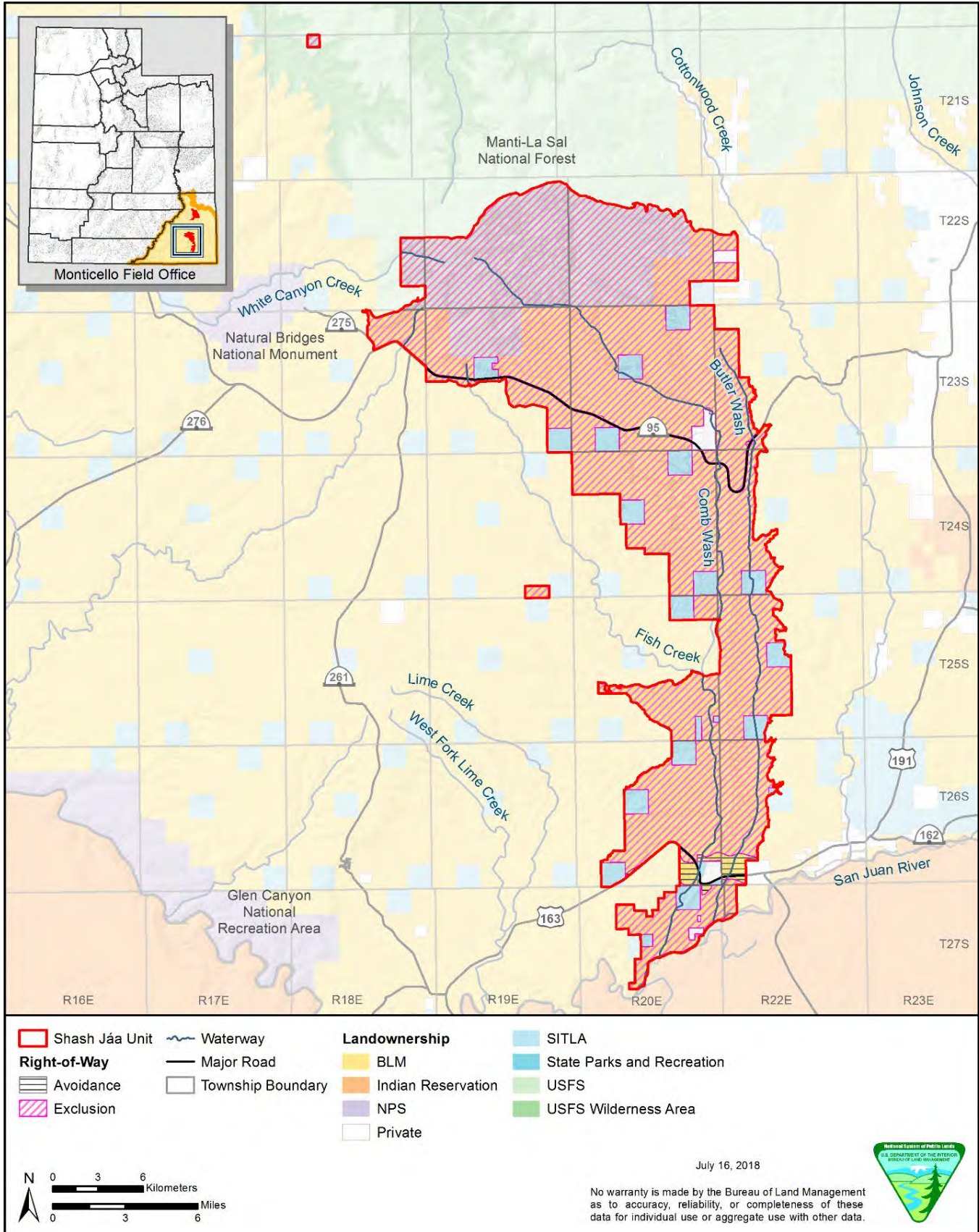
**Map 2-3. Shash Jaa Unit: Right-of-Way Avoidance and Exclusion Areas - Alternative B**



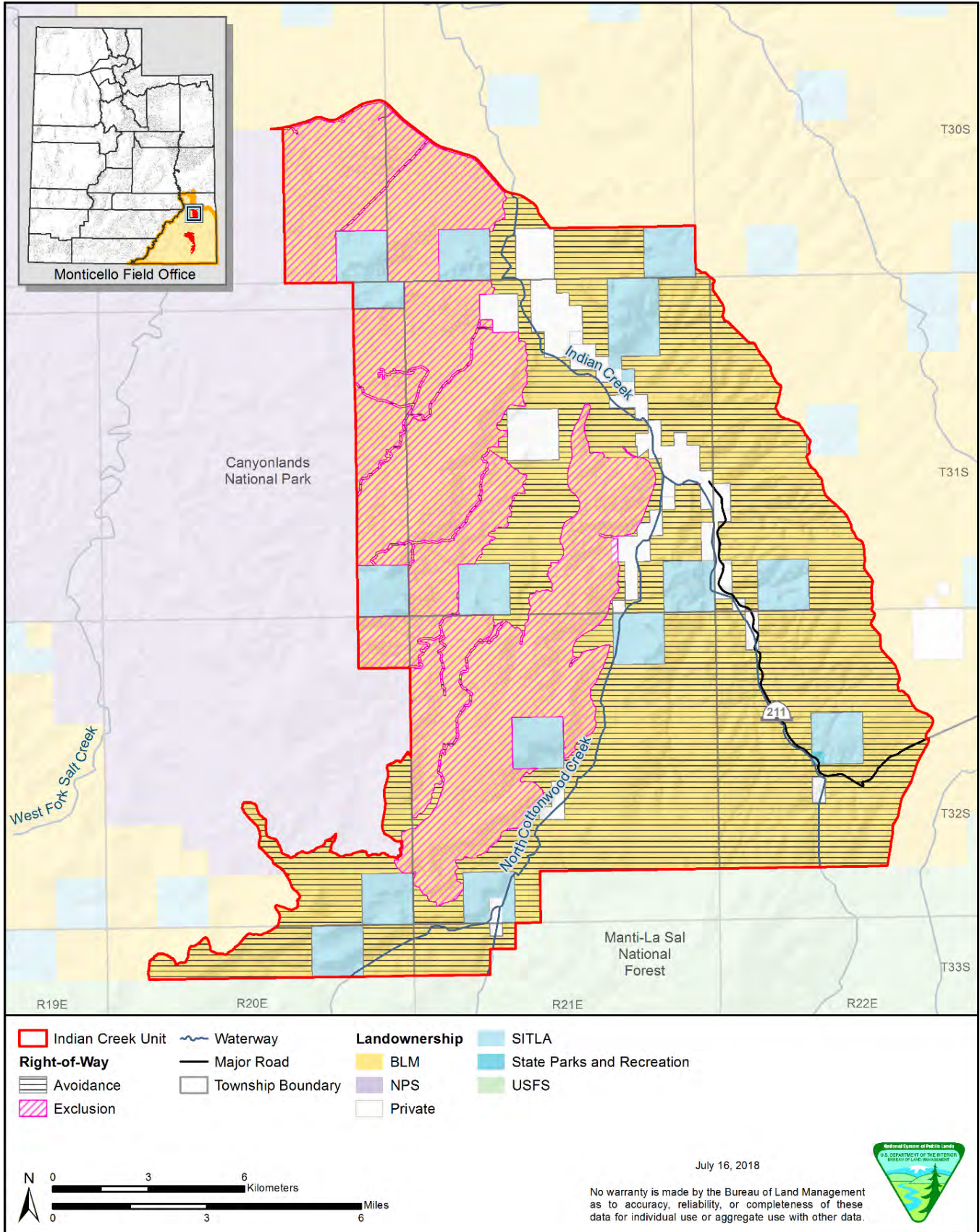
**Map 2-4. Indian Creek Unit: Right-of-Way Avoidance and Exclusion Areas - Alternative B**



**Map 2-5. Shash Jaa Unit: Right-of-Way Avoidance and Exclusion Areas - Alternative C**

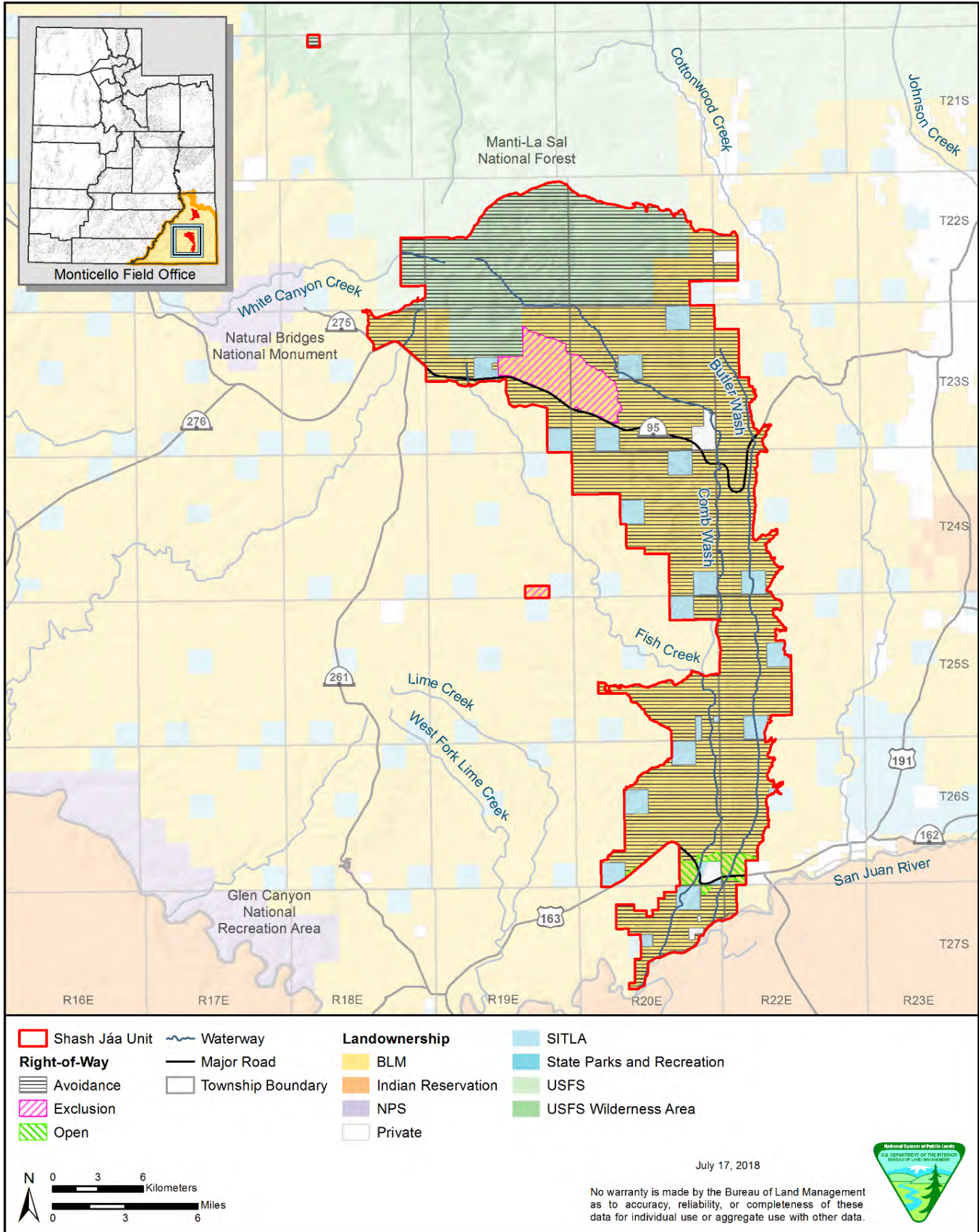


**Map 2-6. Indian Creek Unit: Right-of-Way Avoidance and Exclusion Areas - Alternative C**

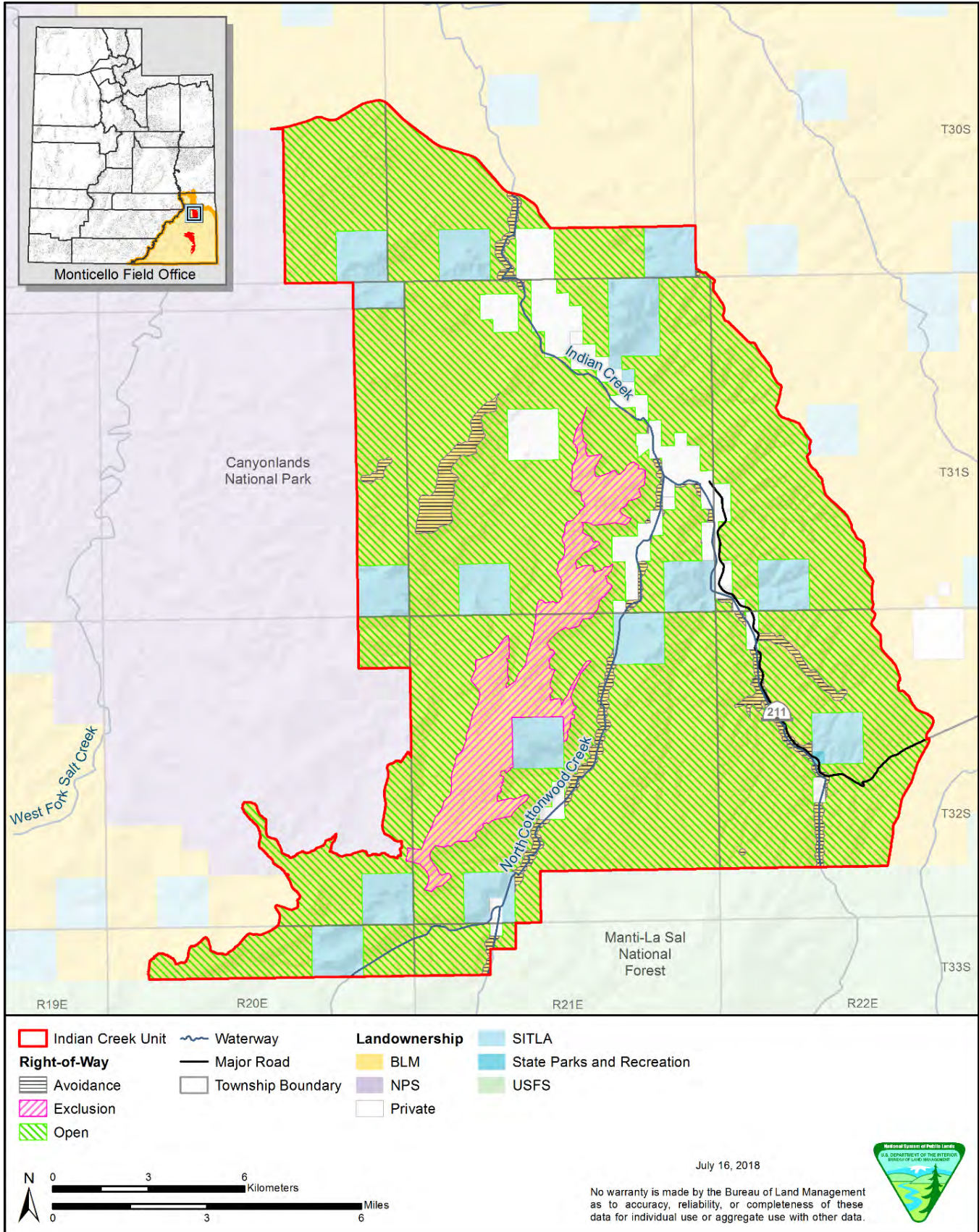




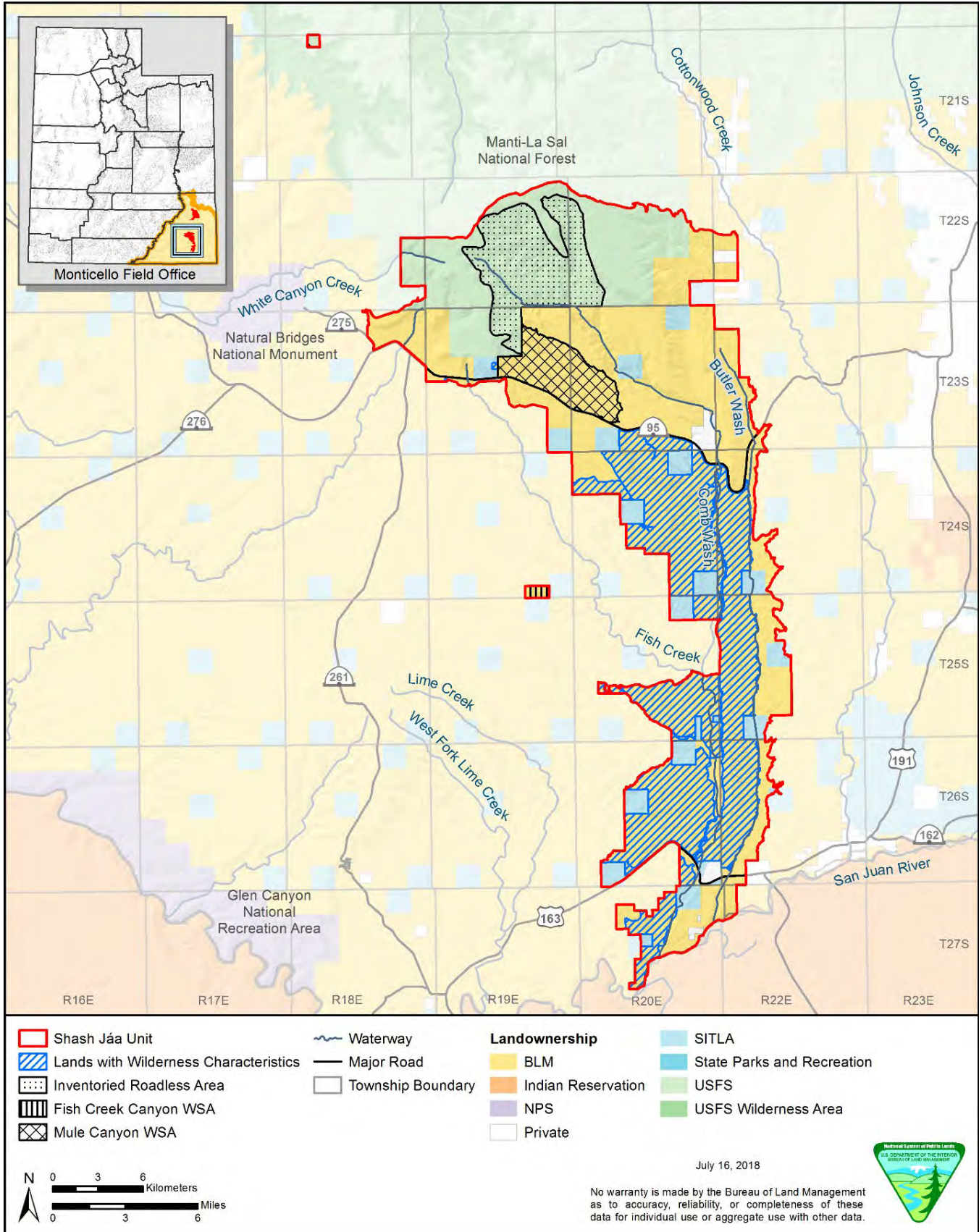
**Map 2-7. Shash Jaa Unit: Right-of-Way Avoidance and Exclusion Areas - Alternatives D and E**



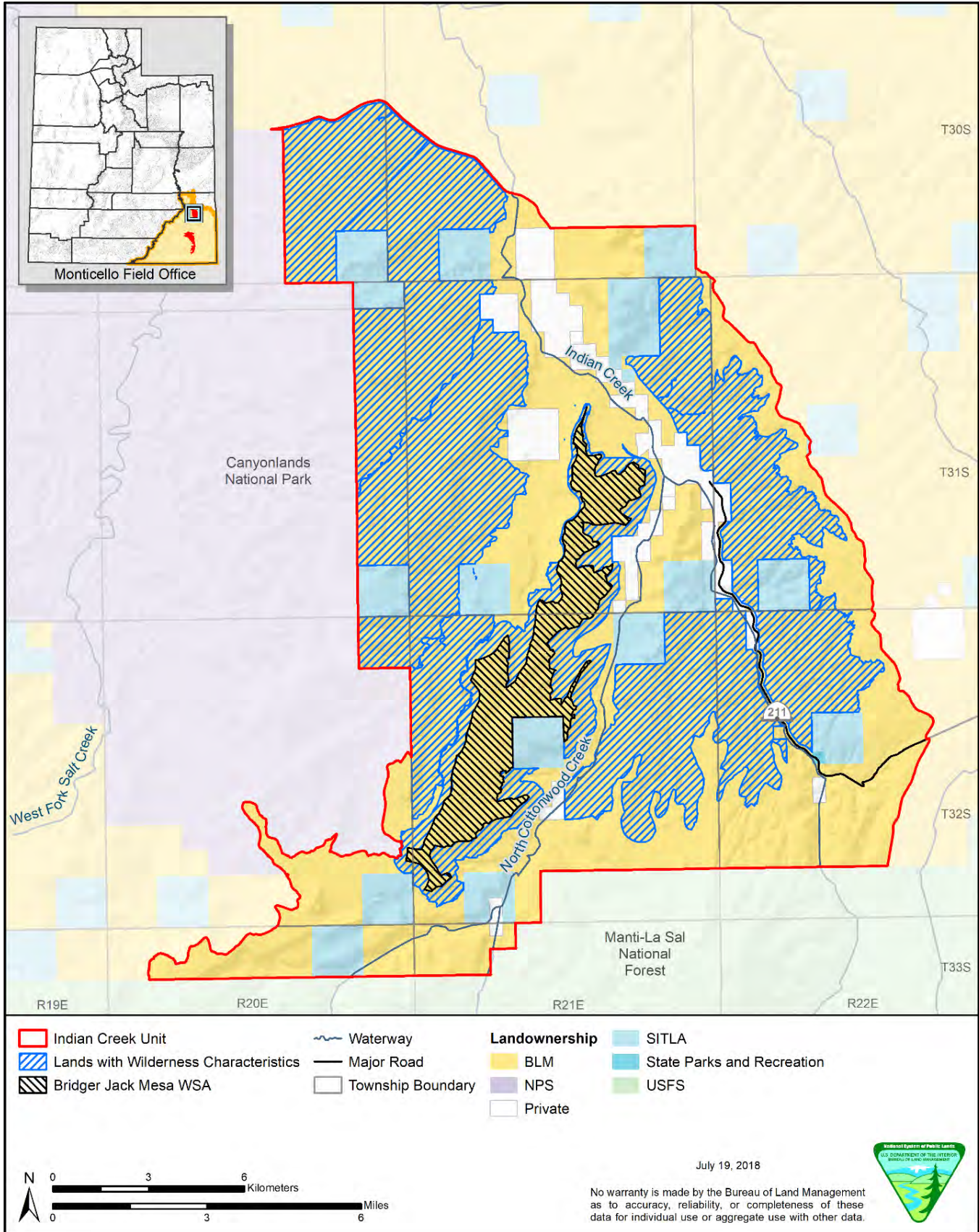
**Map 2-8. Indian Creek Unit: Right-of-Way Avoidance and Exclusion Areas - Alternatives D and E**



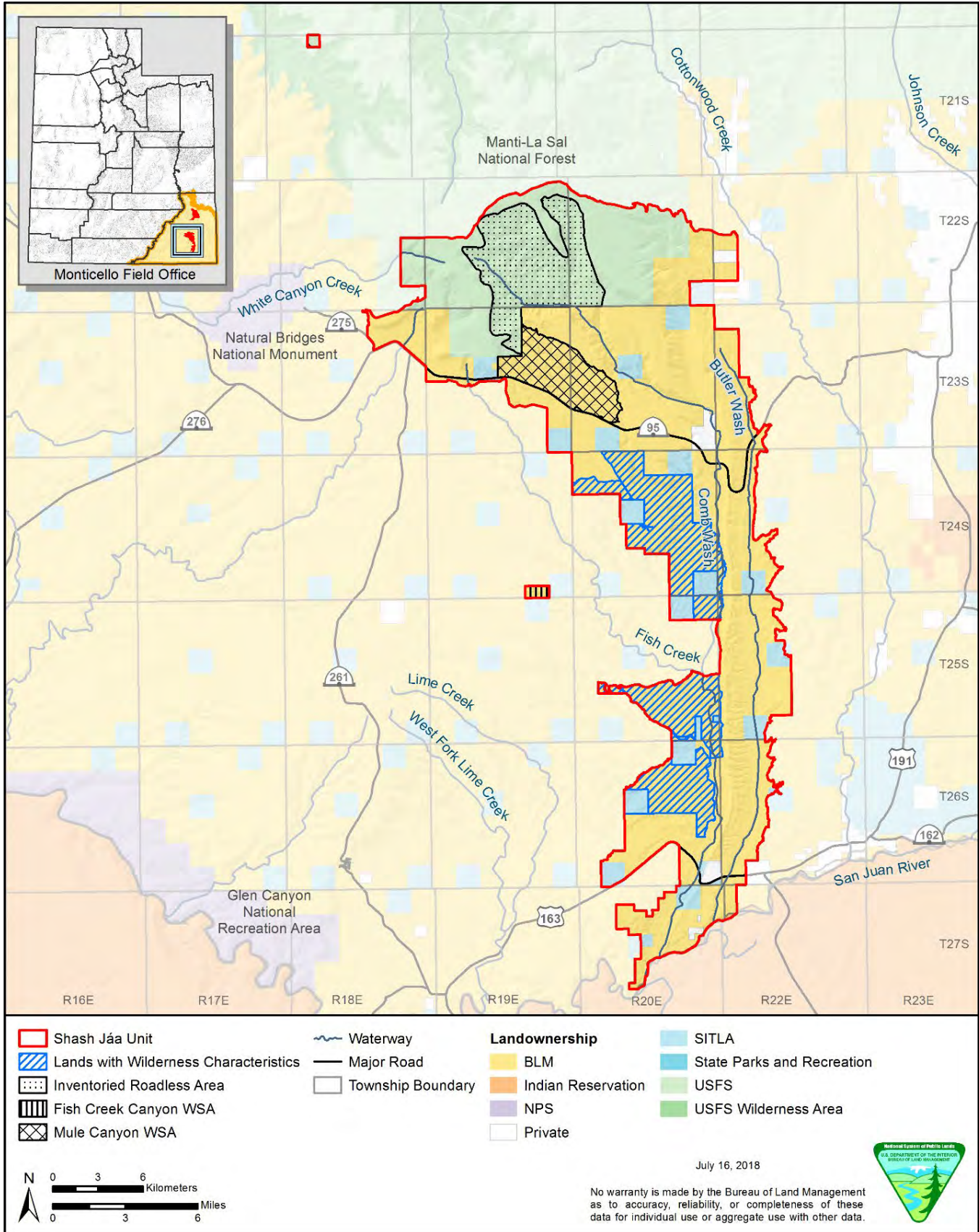
**Map 2-9. Shash Jaa Unit: Lands Managed to Protect their Wilderness Characteristics - Alternative B**



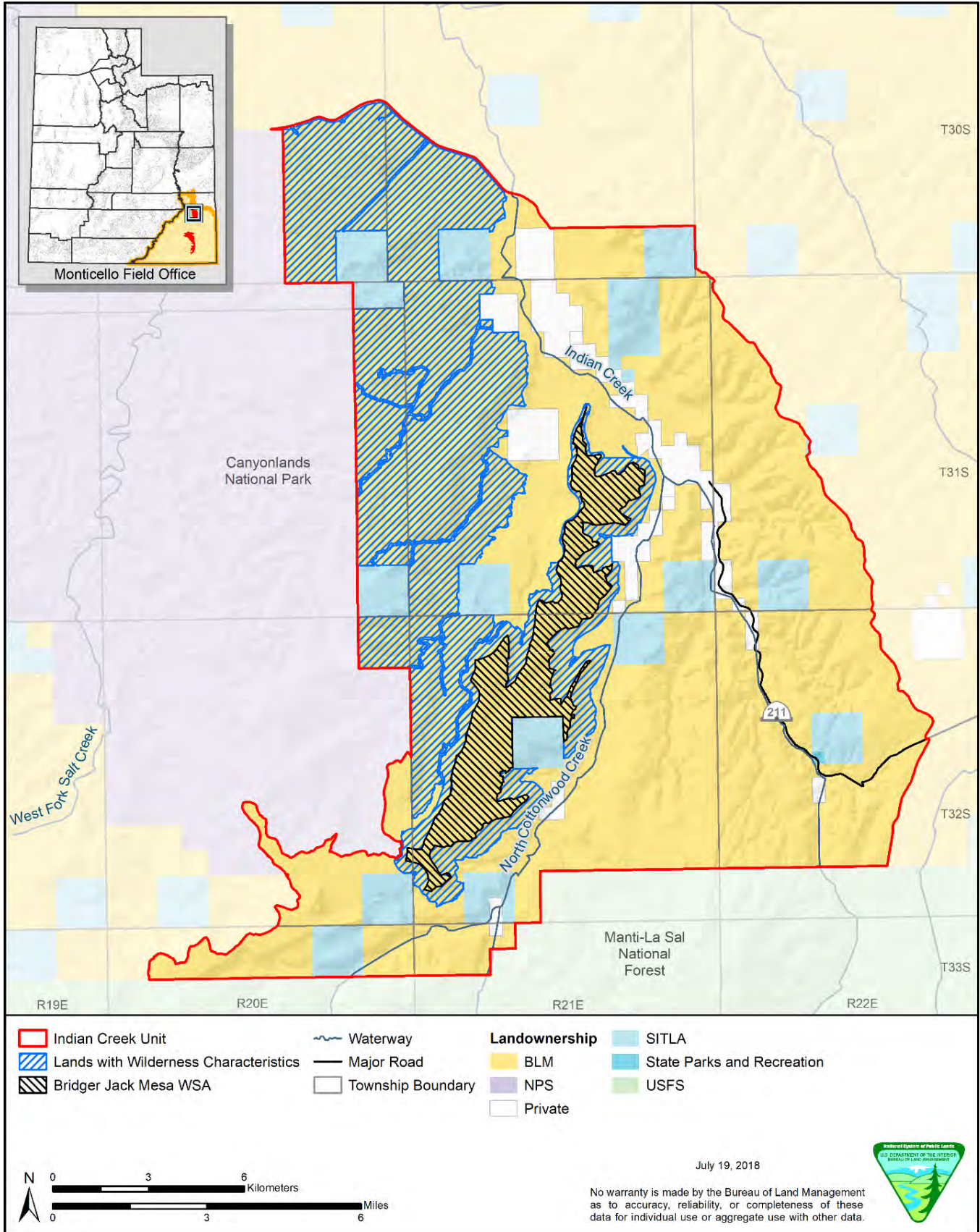
**Map 2-10. Indian Creek Unit: Lands Managed to Protect their Wilderness Characteristics - Alternative B**



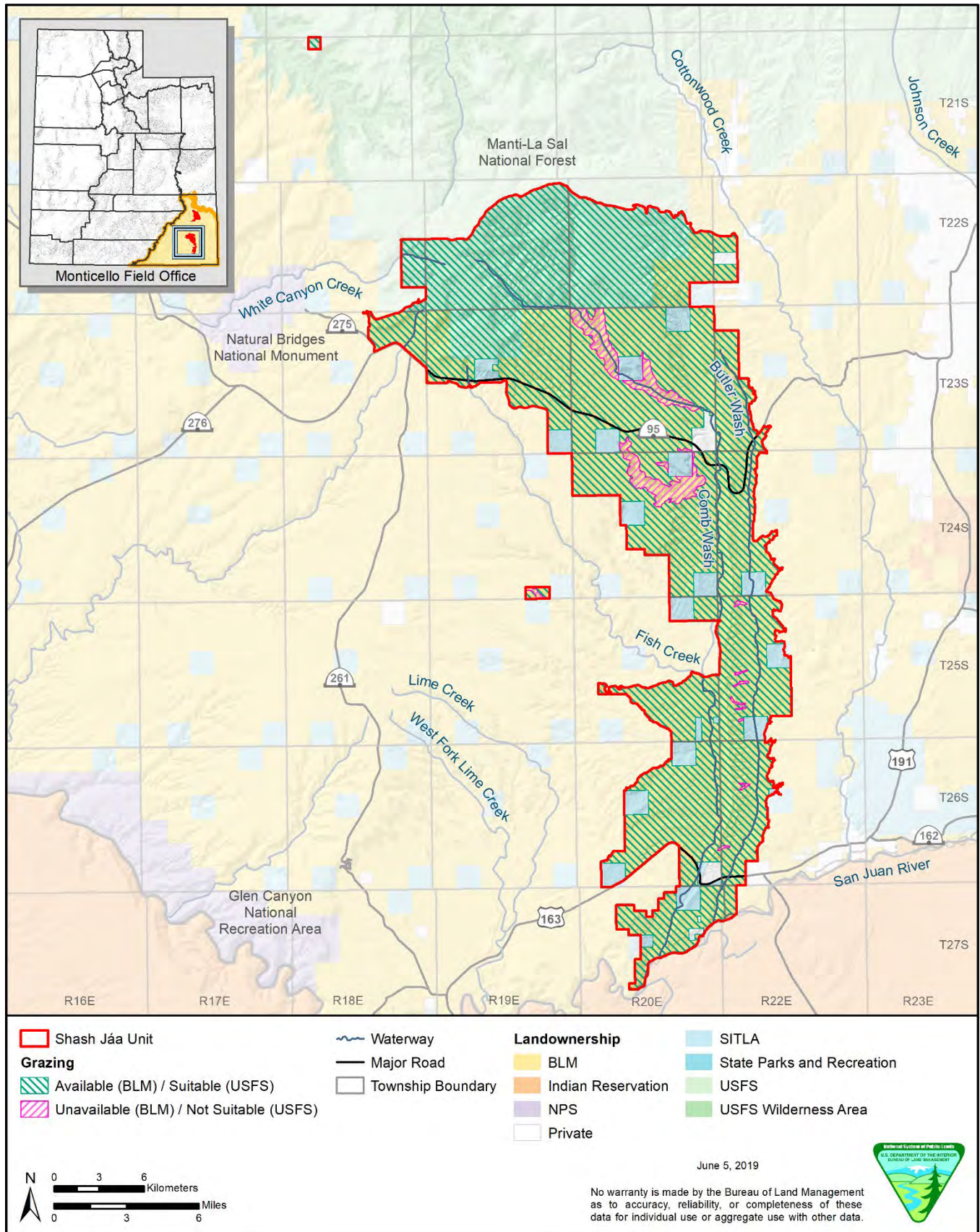
**Map 2-11. Shash Jáa Unit: Lands Managed to Protect their Wilderness Characteristics - Alternative C**



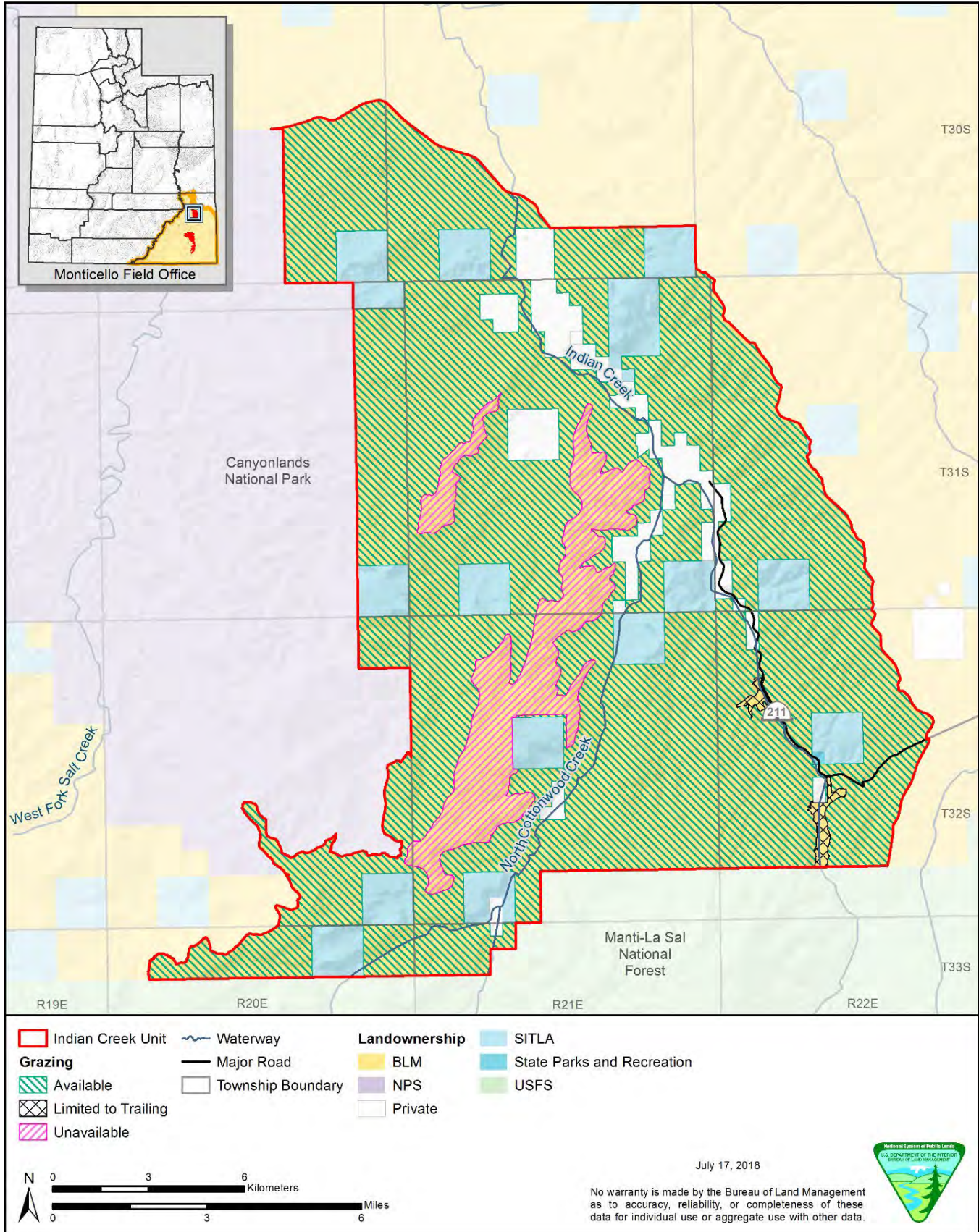
**Map 2-12. Indian Creek Unit: Lands Managed to Protect their Wilderness Characteristics - Alternative C**



**Map 2-13. Shash Jáa Unit: Areas Unavailable (BLM)/Not Suitable (USFS) for Grazing - Alternative A**

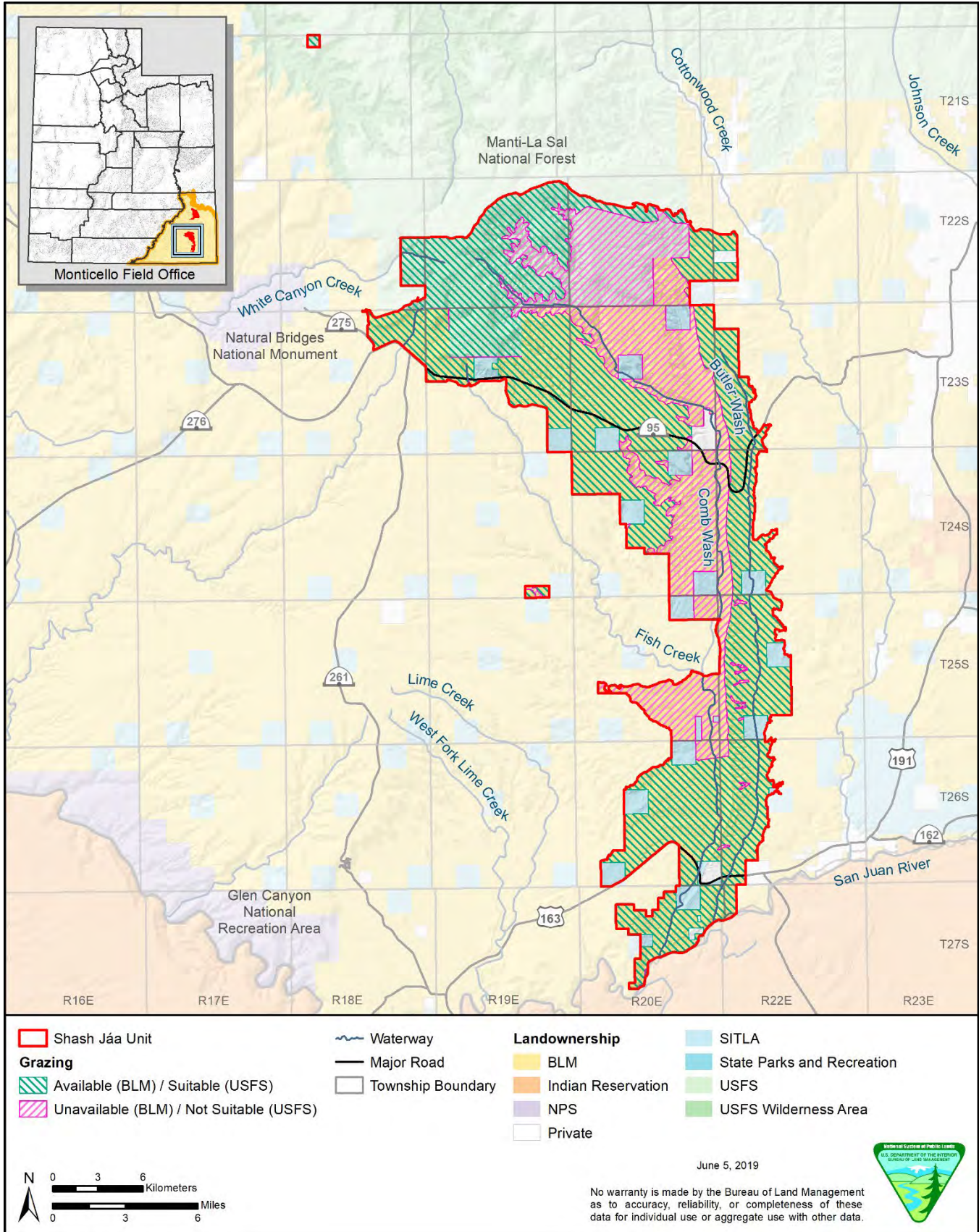


**Map 2-14. Indian Creek Unit: Areas Unavailable for Grazing - Alternative A**

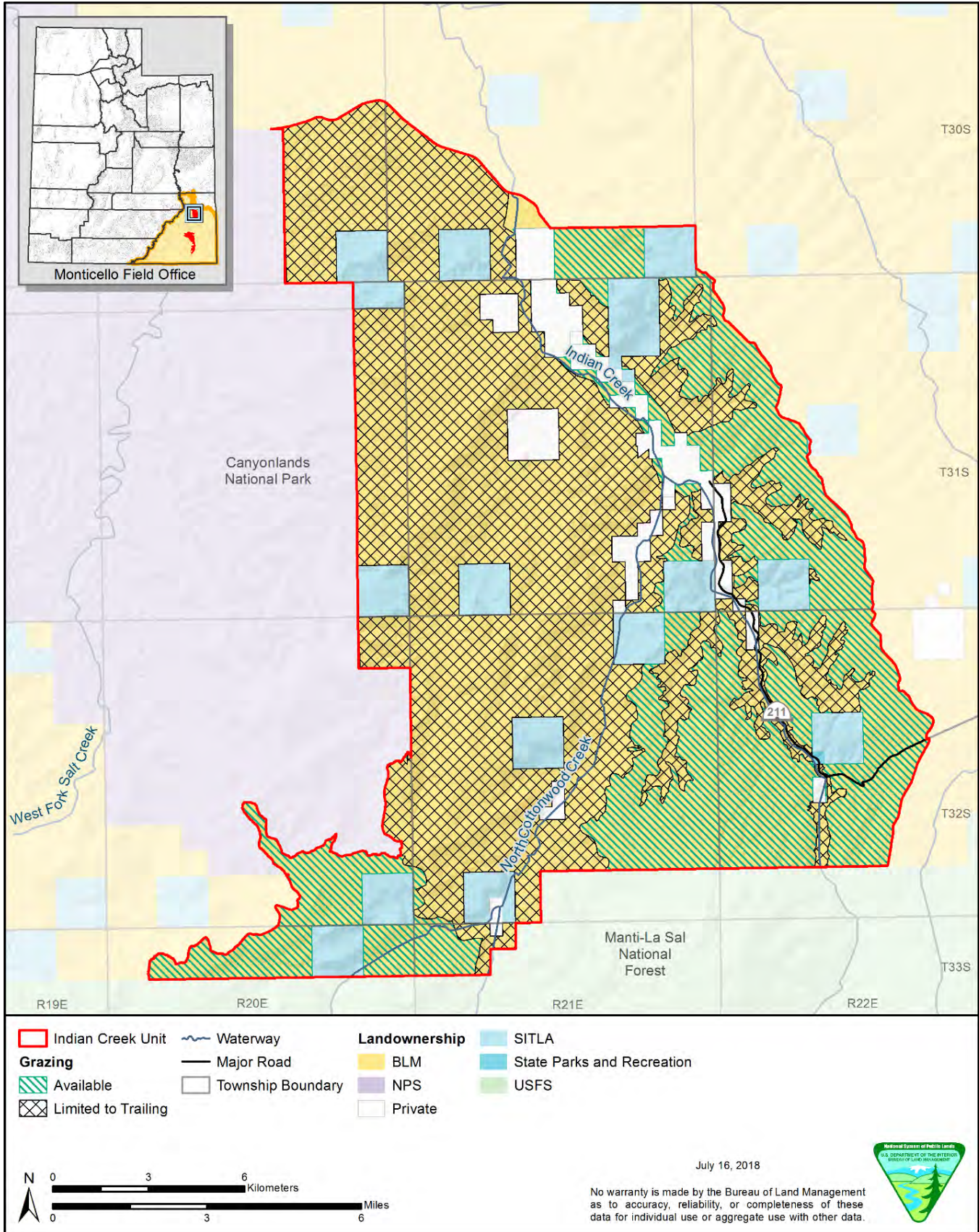




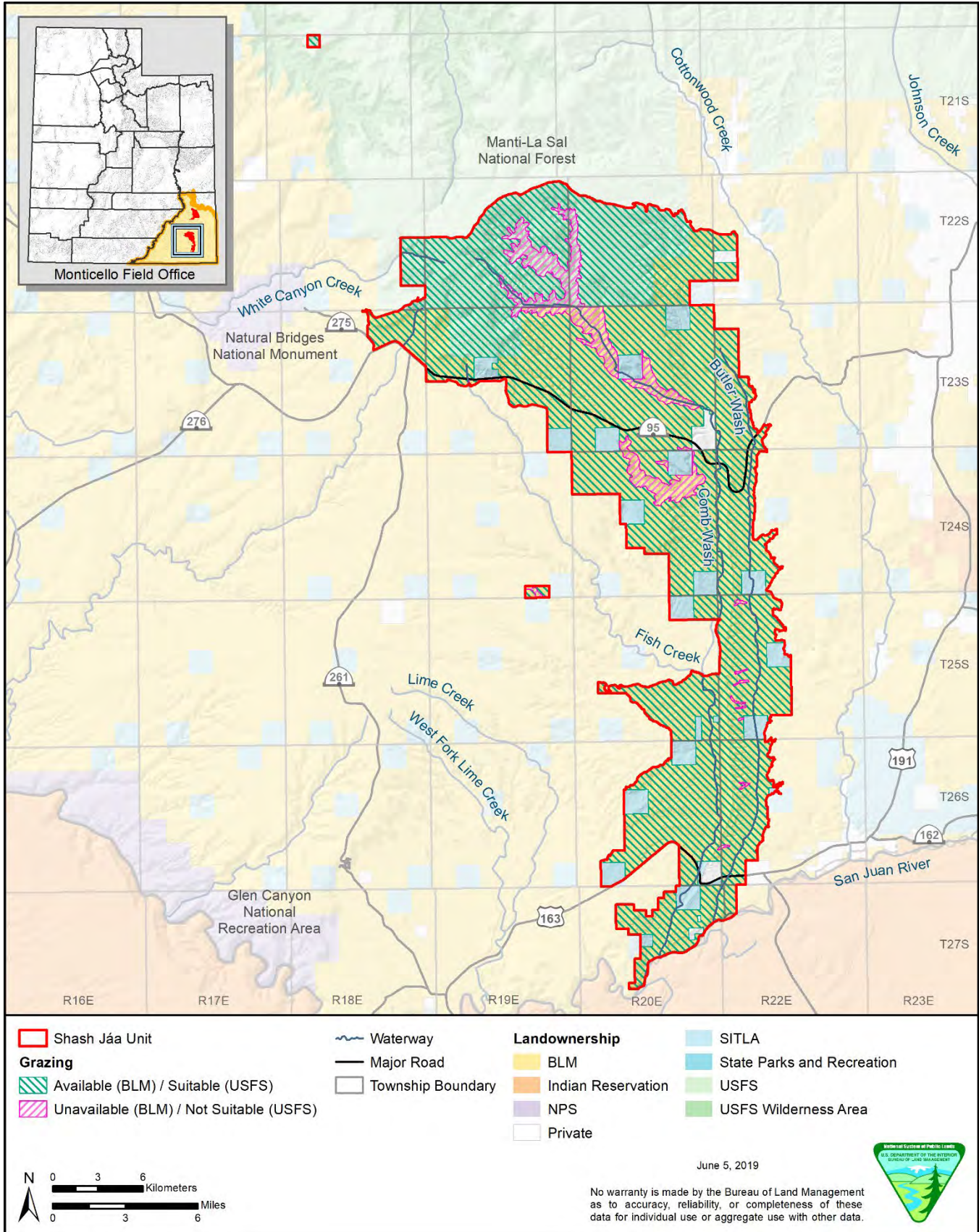
**Map 2-15. Shash Jáa Unit: Areas Unavailable (BLM)/Not Suitable (USFS) for Grazing - Alternative B**



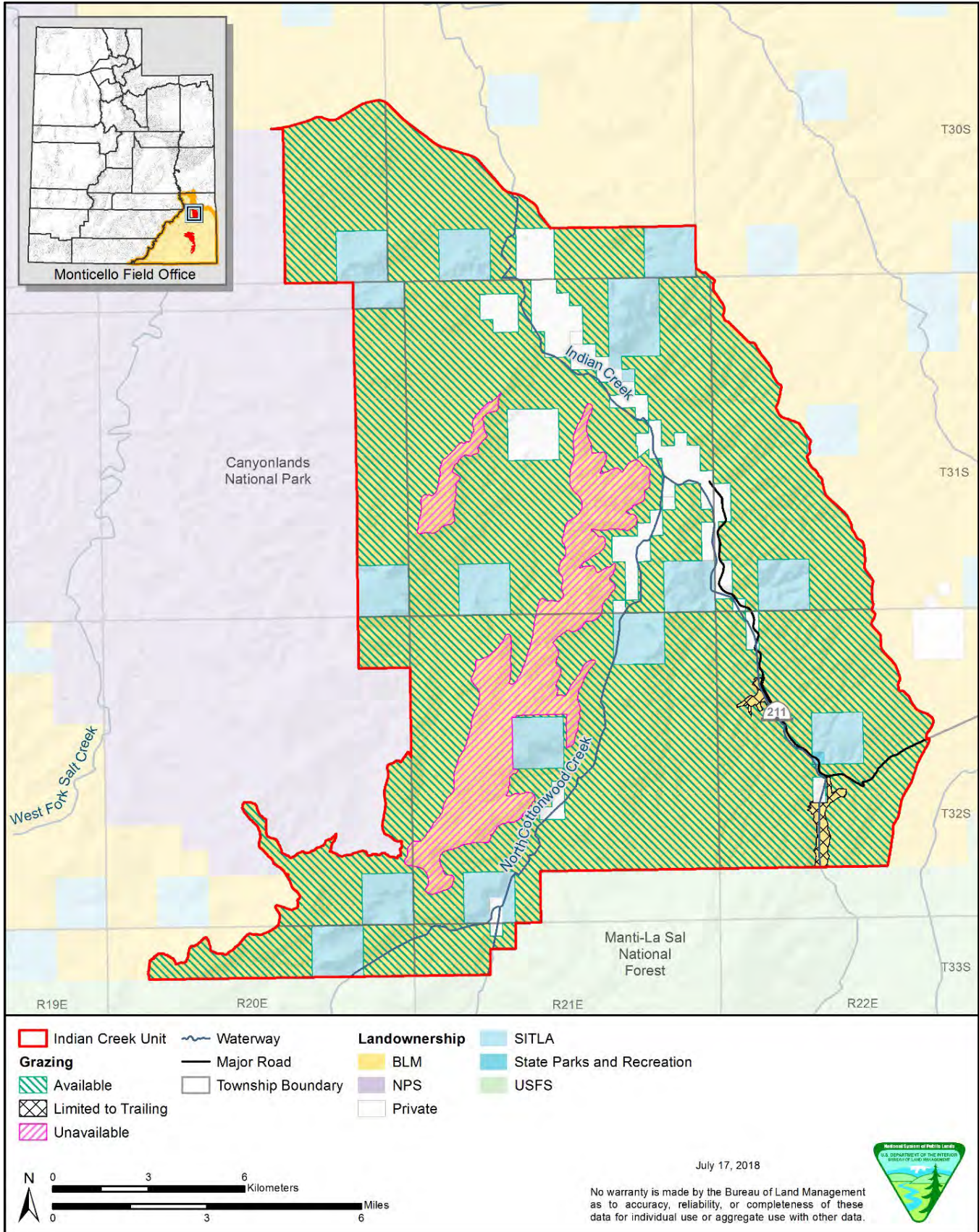
**Map 2-16. Indian Creek Unit: Areas Unavailable for Grazing - Alternative B**



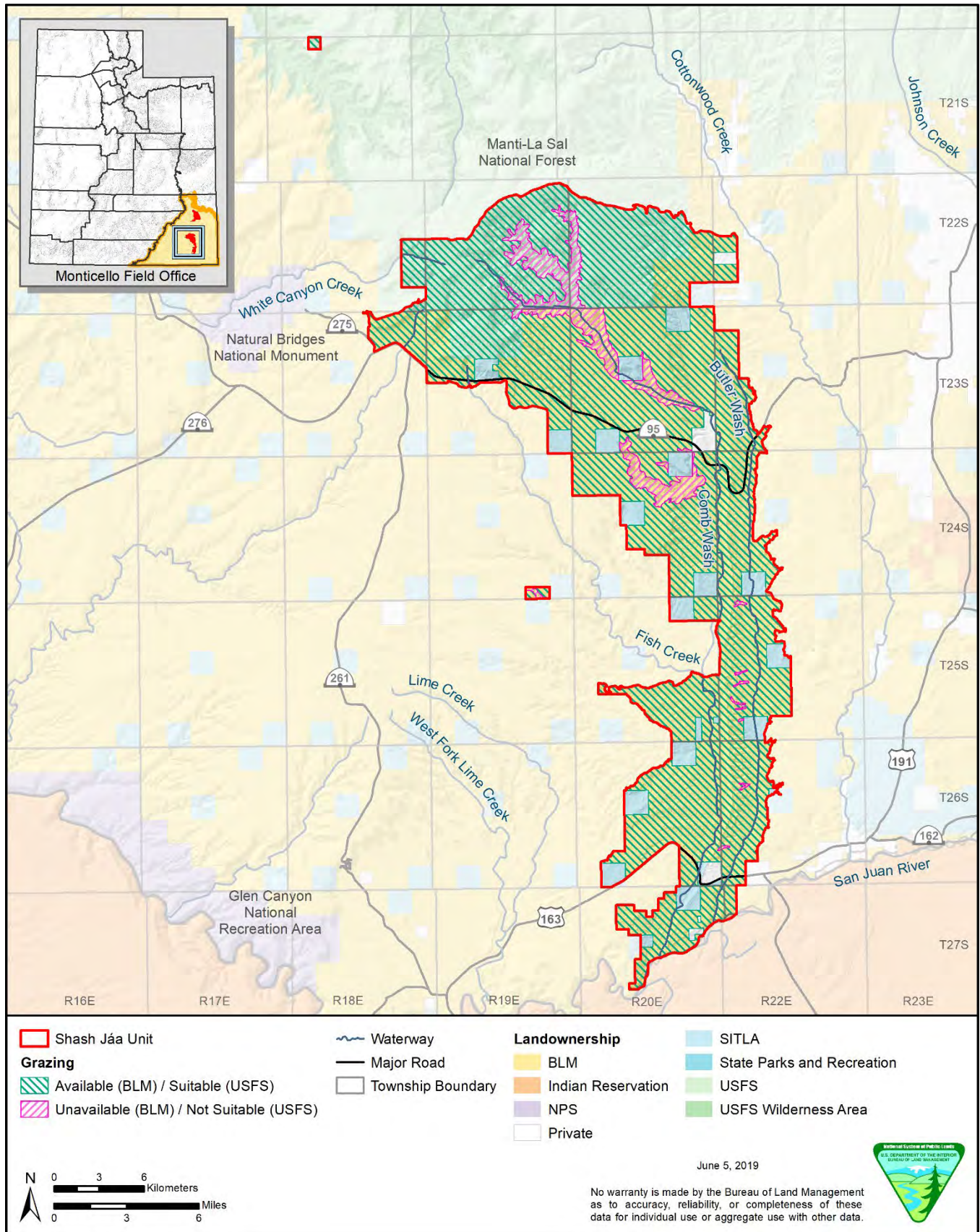
**Map 2-17. Shash Jáa Unit: Areas Unavailable (BLM)/Not Suitable (USFS) for Grazing - Alternative C**



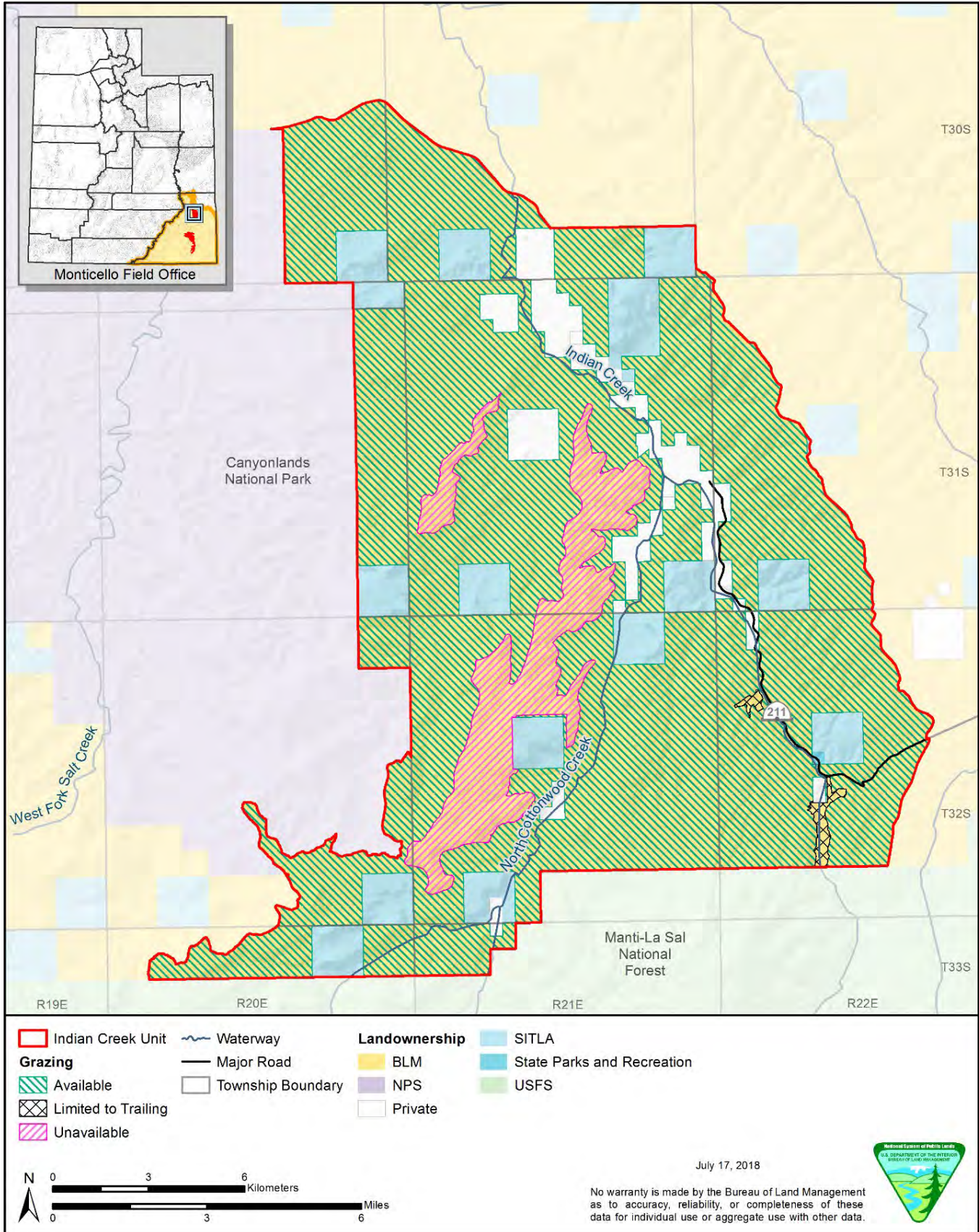
**Map 2-18. Indian Creek Unit: Areas Unavailable for Grazing - Alternative C**



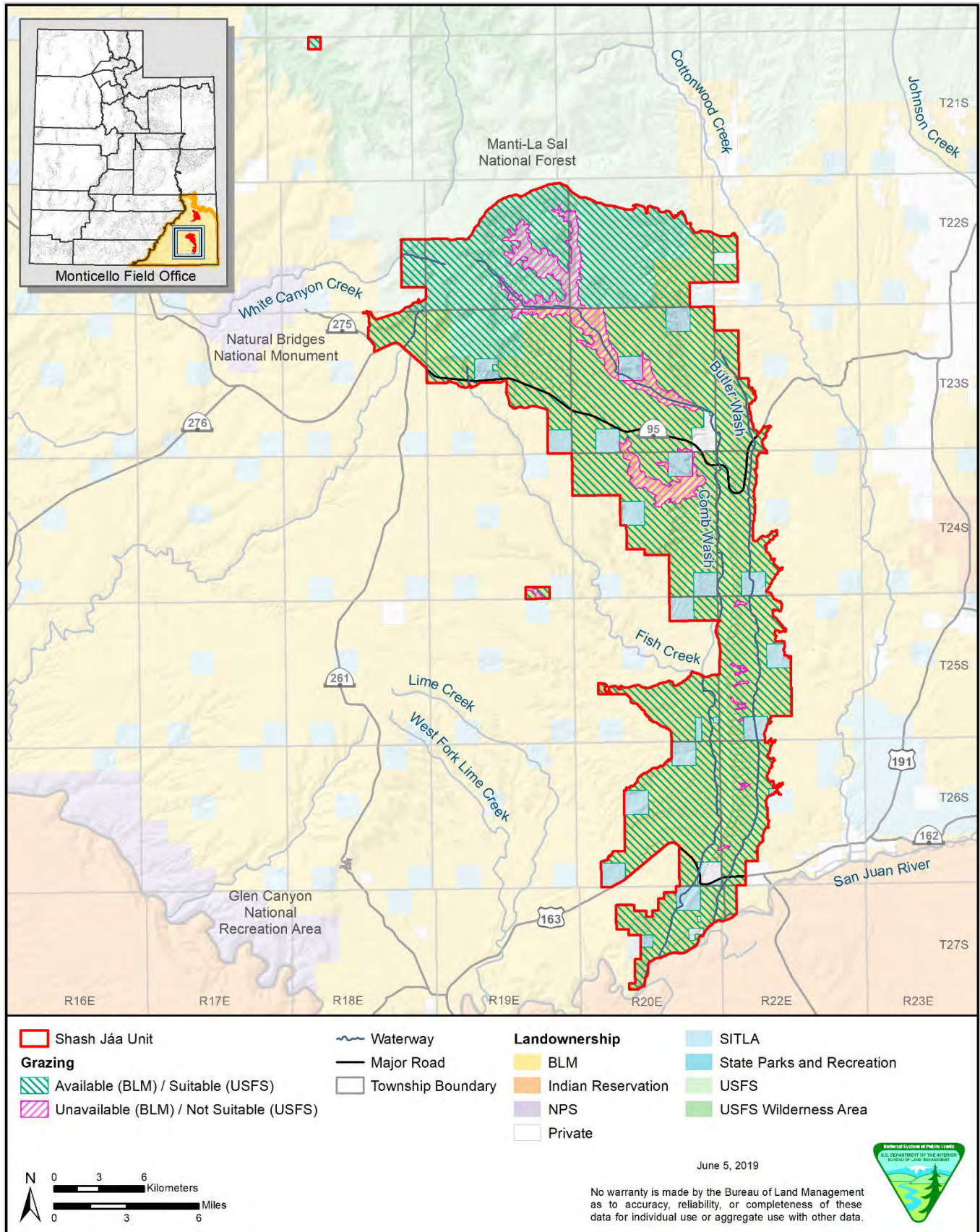
**Map 2-19. Shash Jáa Unit: Areas Unavailable (BLM)/Not Suitable (USFS) for Grazing - Alternative D**



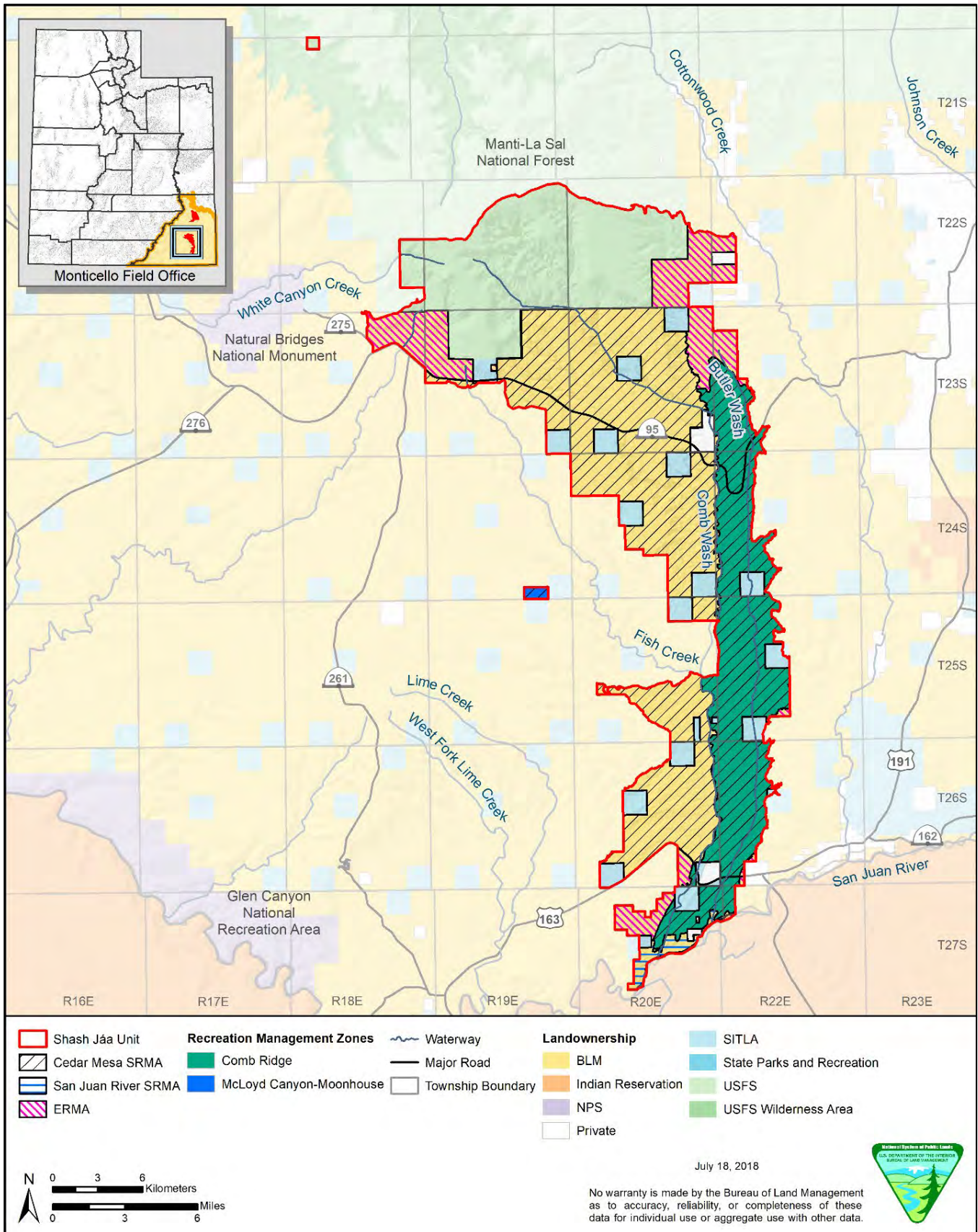
**Map 2-20. Indian Creek Unit: Areas Unavailable for Grazing - Alternatives D and E**



**Map 2-21. Shash Jáa Unit: Areas Unavailable (BLM)/Not Suitable (USFS) for Grazing - Alternative E**

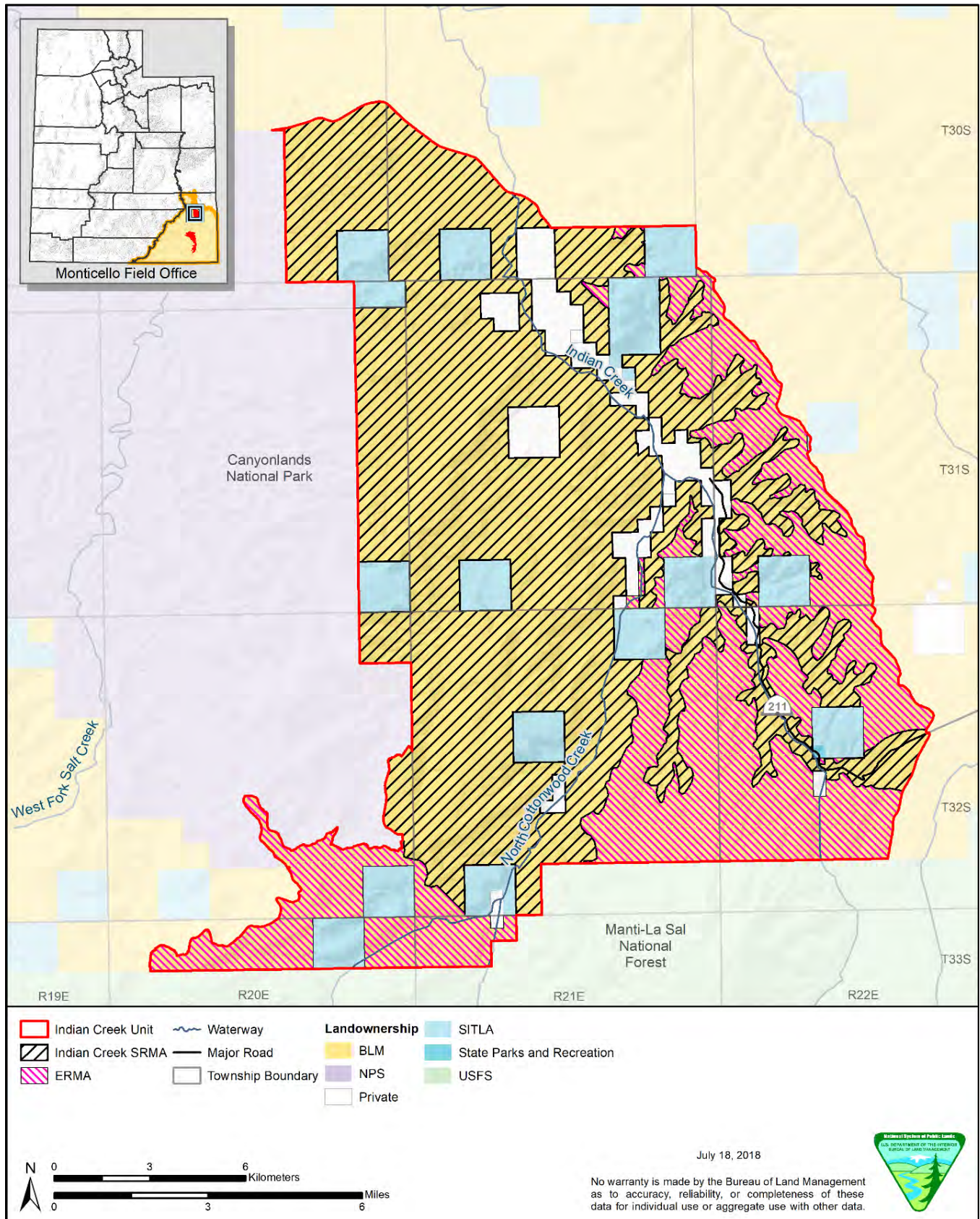


**Map 2-22. Shash Jáa Unit: Special Recreation Management Areas and Recreation Management Zones - Alternative A**



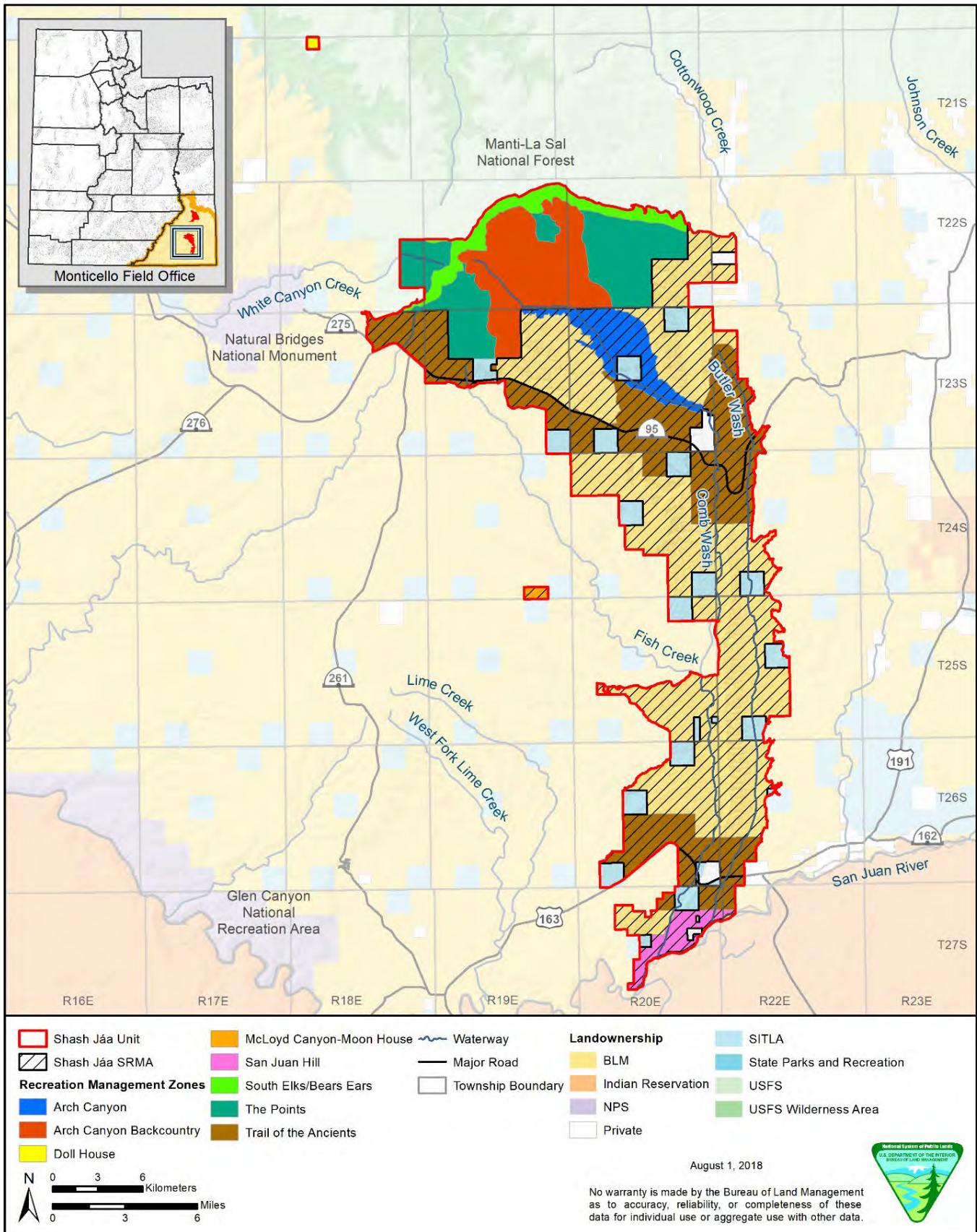


**Map 2-23. Indian Creek Unit: Special Recreation Management Areas and Recreation Management Zones - Alternatives A, B, C, D, and E**

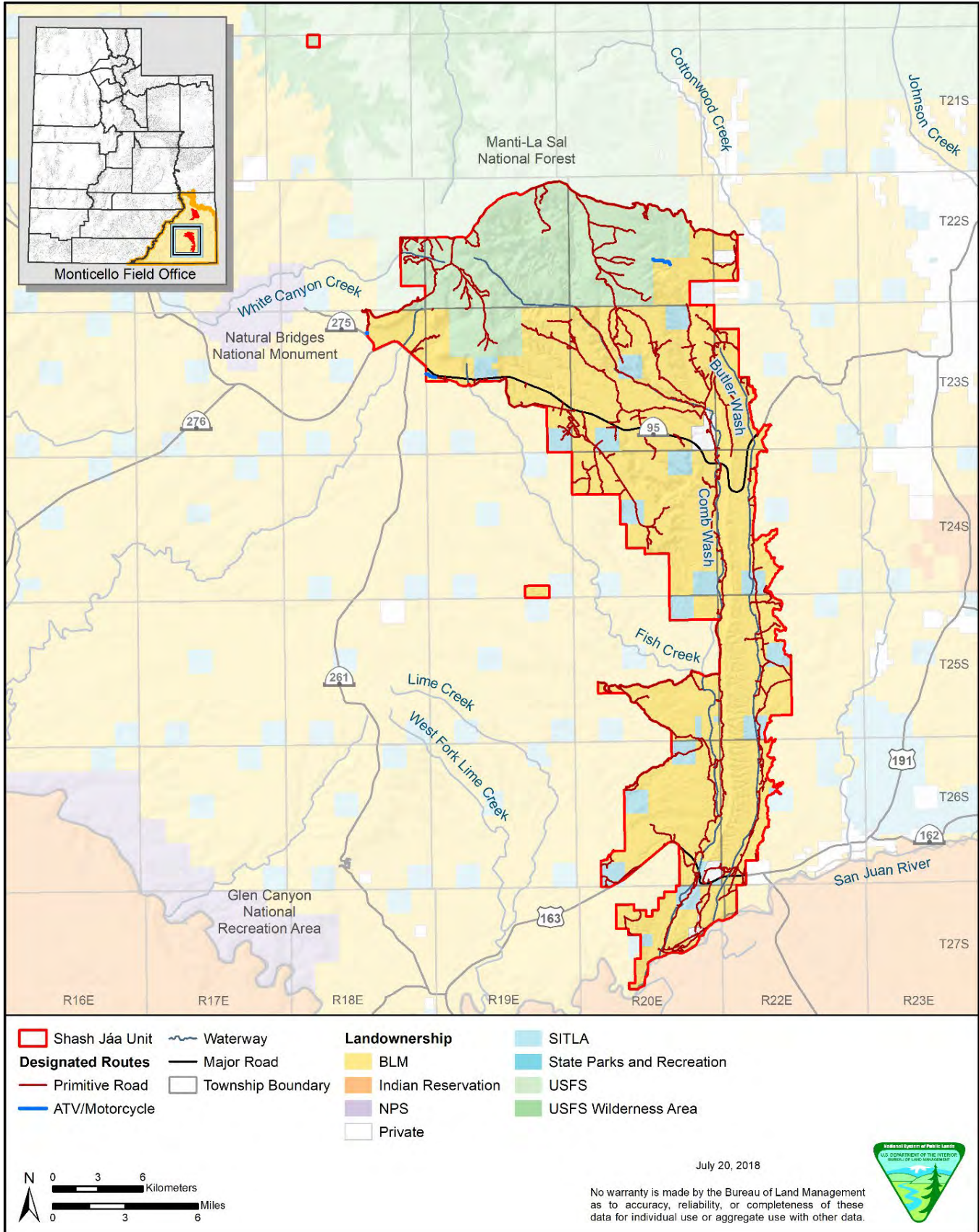


Note: Indian Creek SRMA and Indian Creek ERMA boundaries under Alternatives B-D are the same as the Indian Creek SRMA and Monticello ERMA boundaries under Alternative A; the only difference is the name of the ERMA under Alternative A.

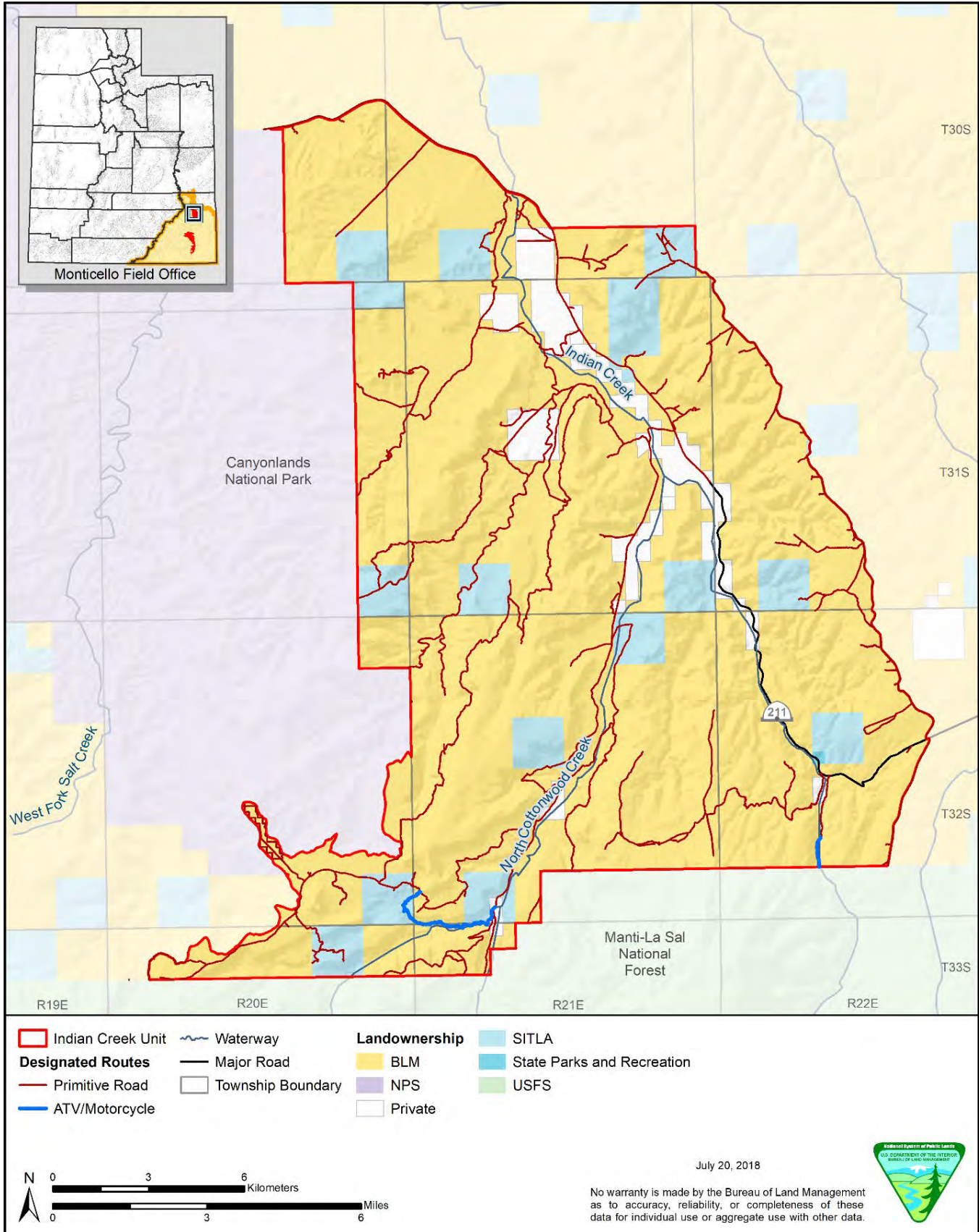
**Map 2-24. Shash Jáa Unit: Special Recreation Management Areas and Recreation Management Zones - Alternatives B, C, D, and E**



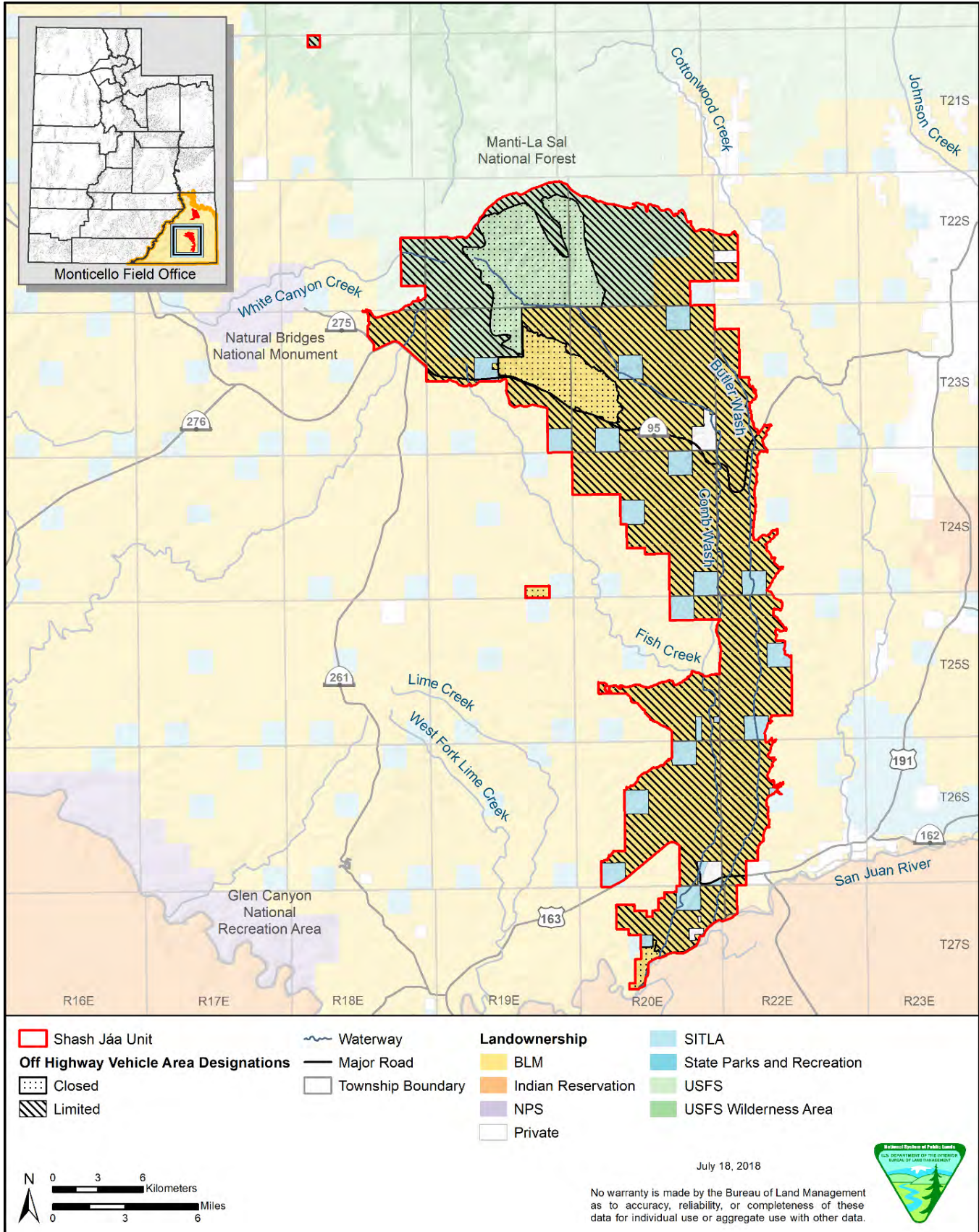
**Map 2-25. Shash Jáa Unit: Existing Designated Routes**



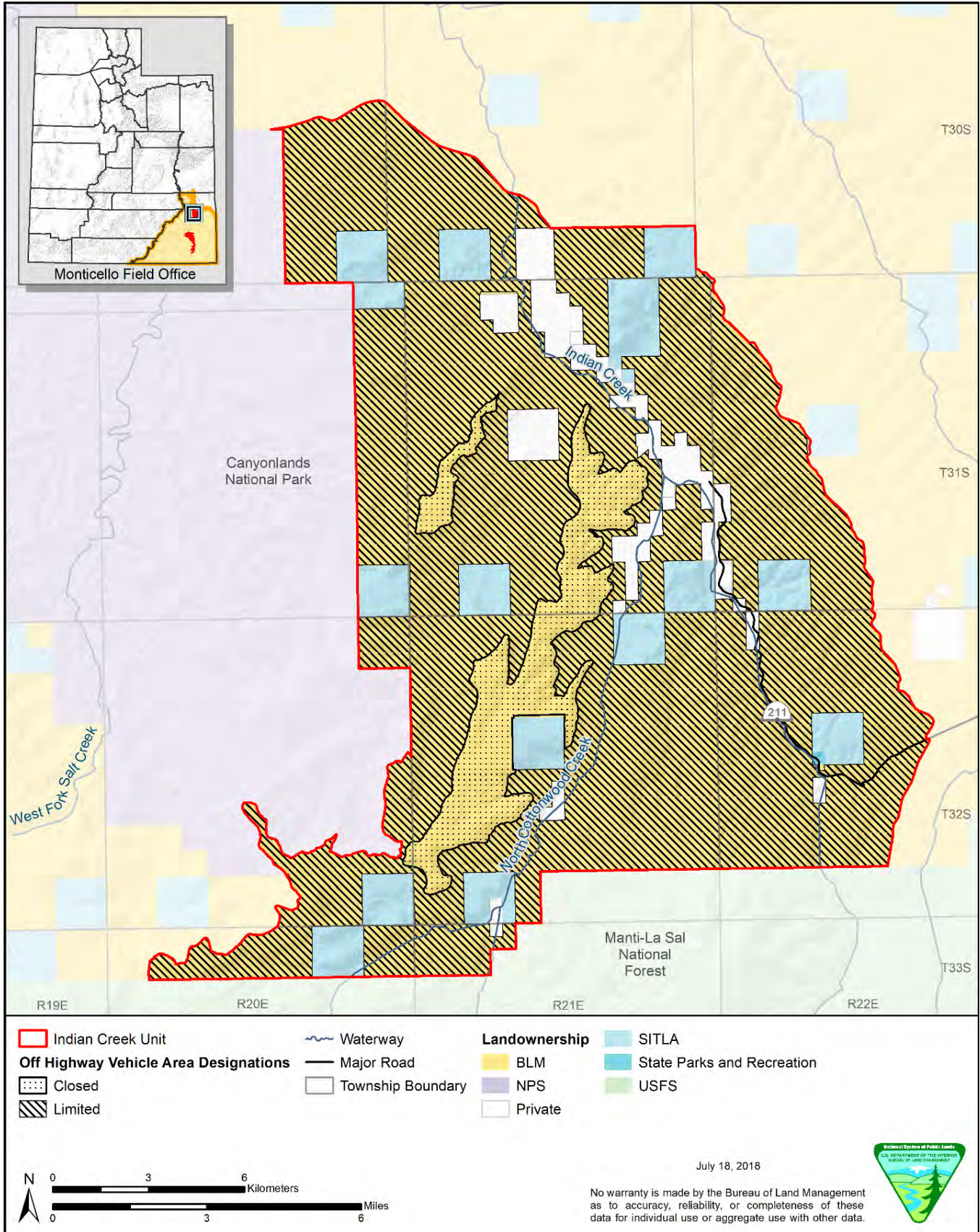
**Map 2-26. Indian Creek Unit: Existing Designated Routes**



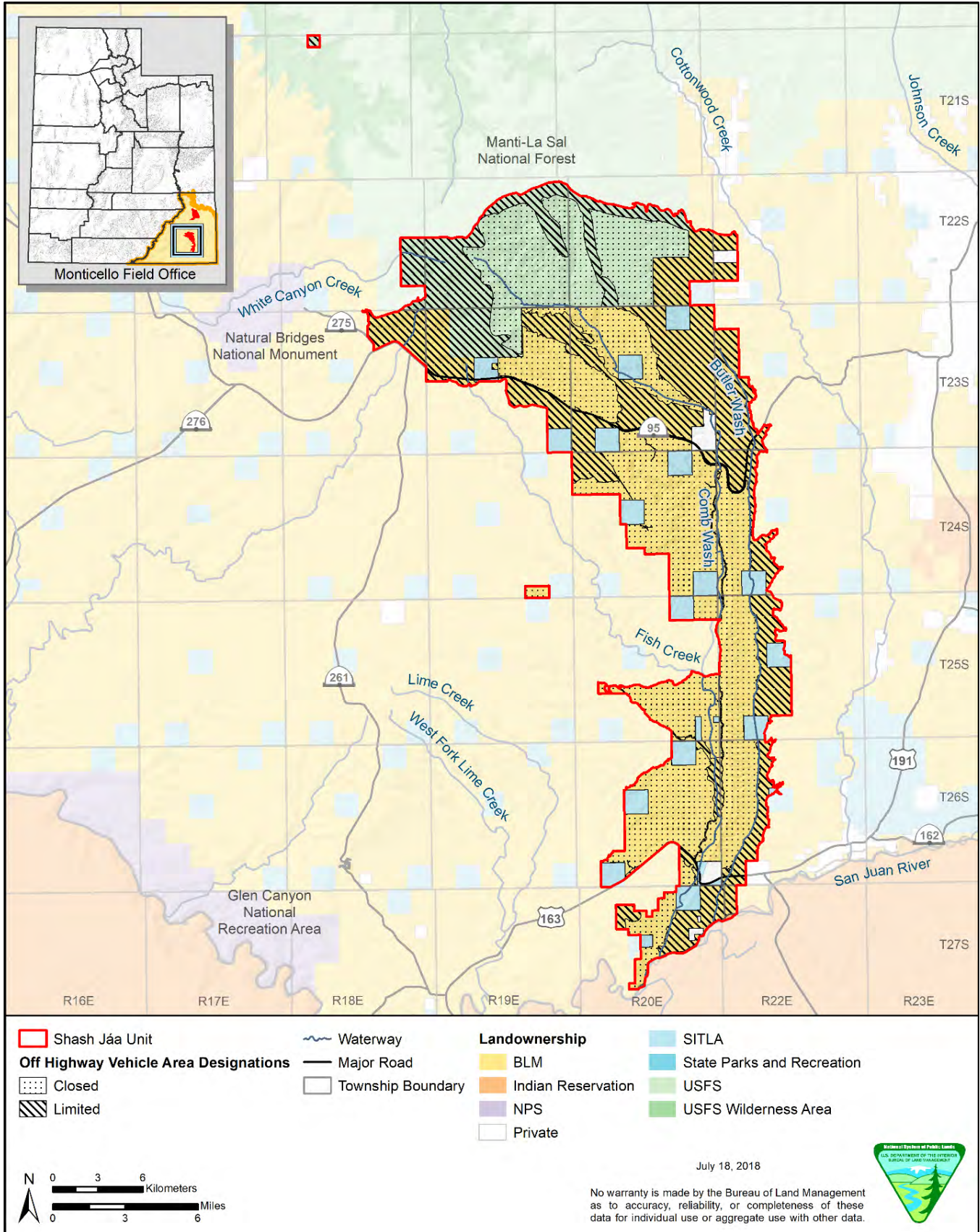
**Map 2-27. Shash Jaa Unit: Off-Highway Vehicle Area Designations - Alternatives A, C, D, and E**



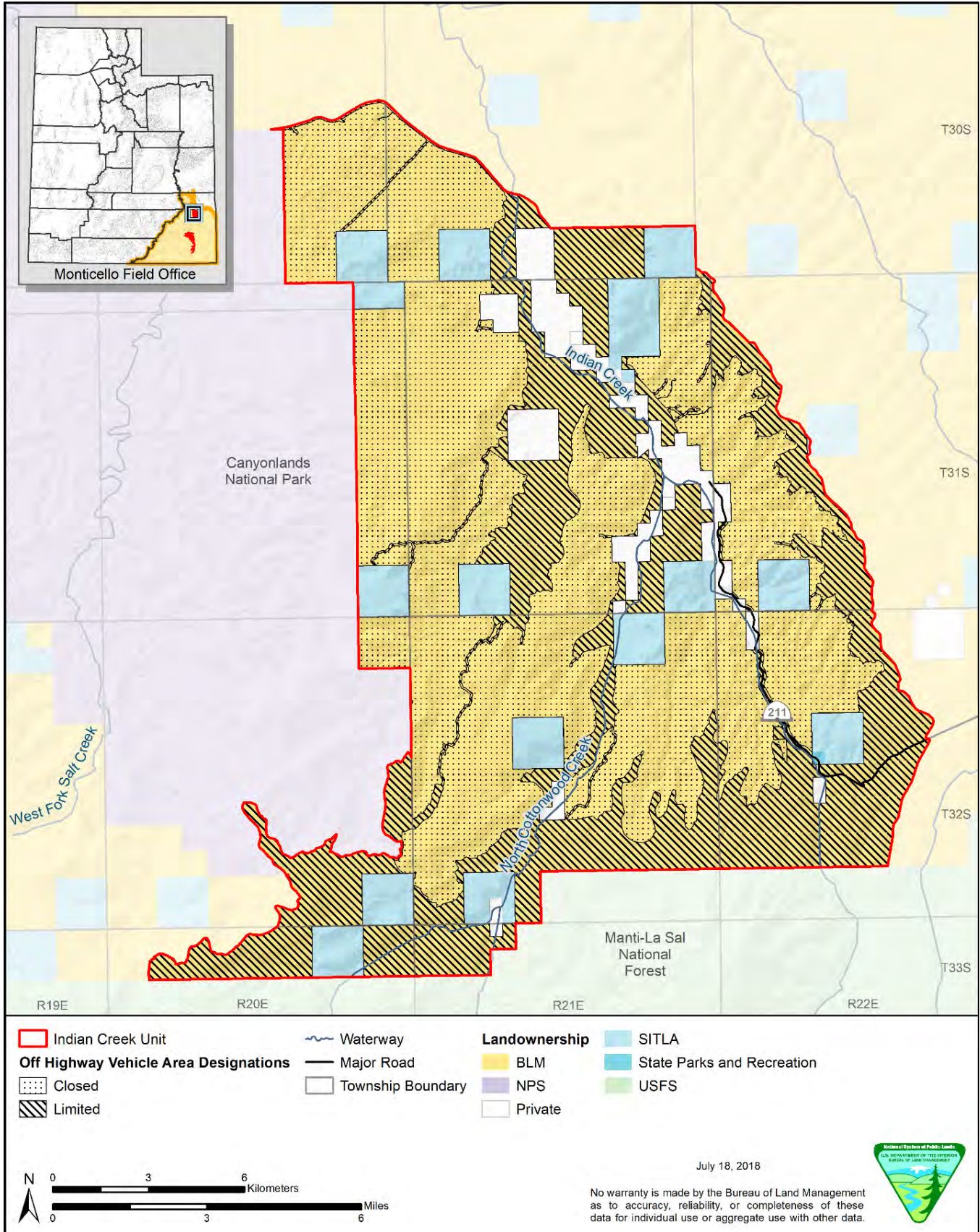
**Map 2-28. Indian Creek Unit: Off-Highway Vehicle Area Designations - Alternatives A, C, D, and E**



**Map 2-29. Shash Jaa Unit: Off-Highway Vehicle Area Designations - Alternative B**

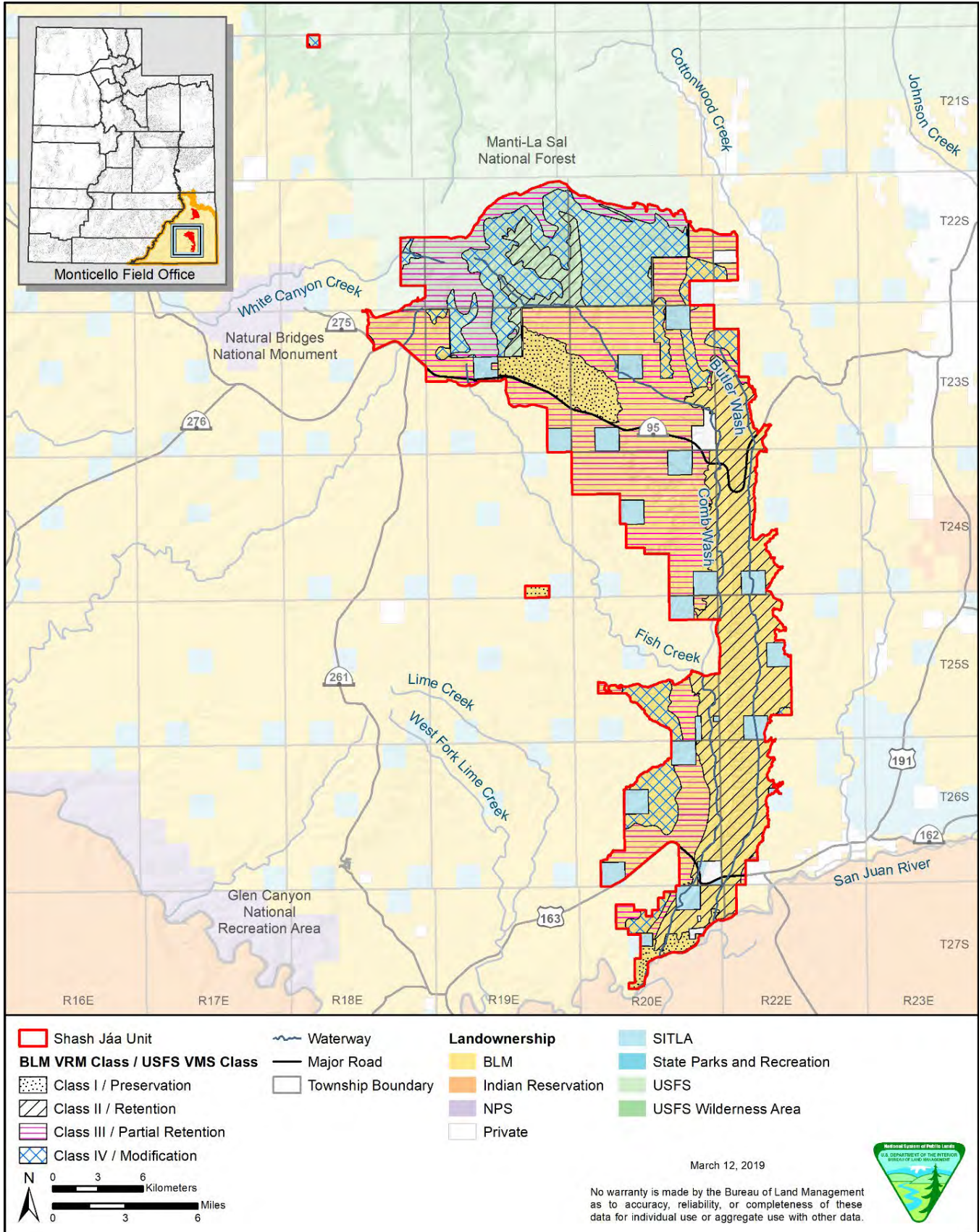


**Map 2-30. Indian Creek Unit: Off-Highway Vehicle Area Designations - Alternative B**

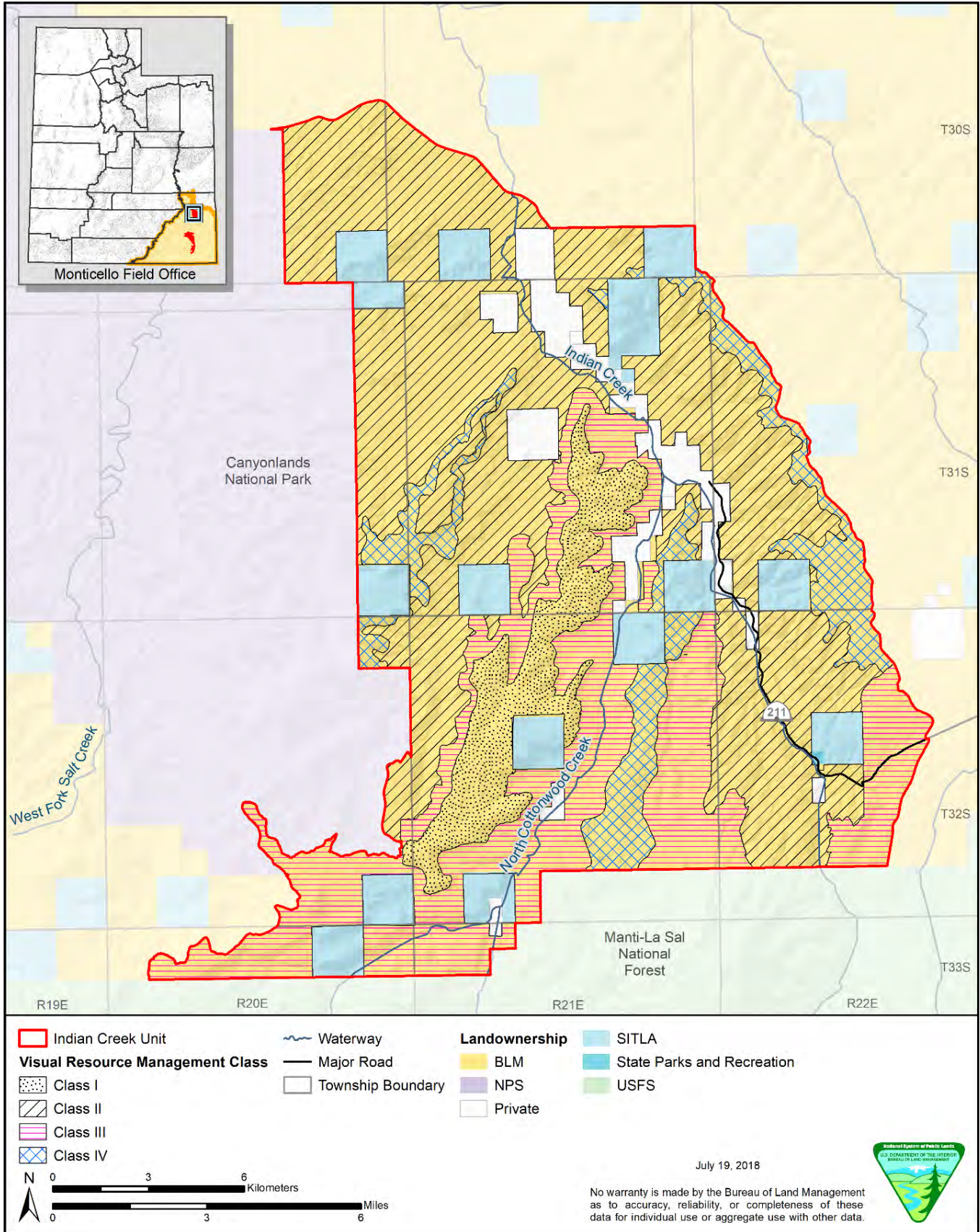




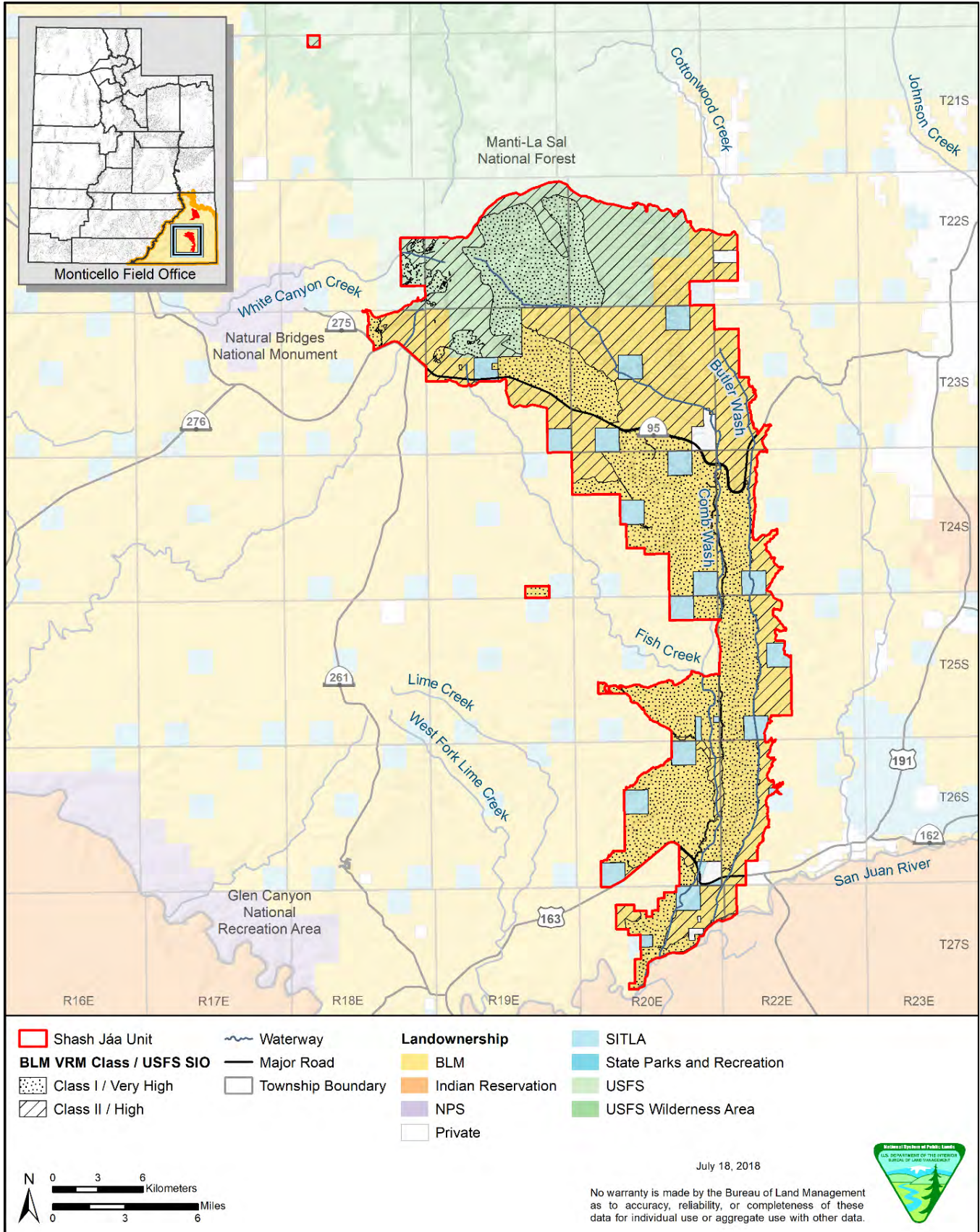
**Map 2-31. Shash Jáa Unit: Visual Resource Management - Alternative A**



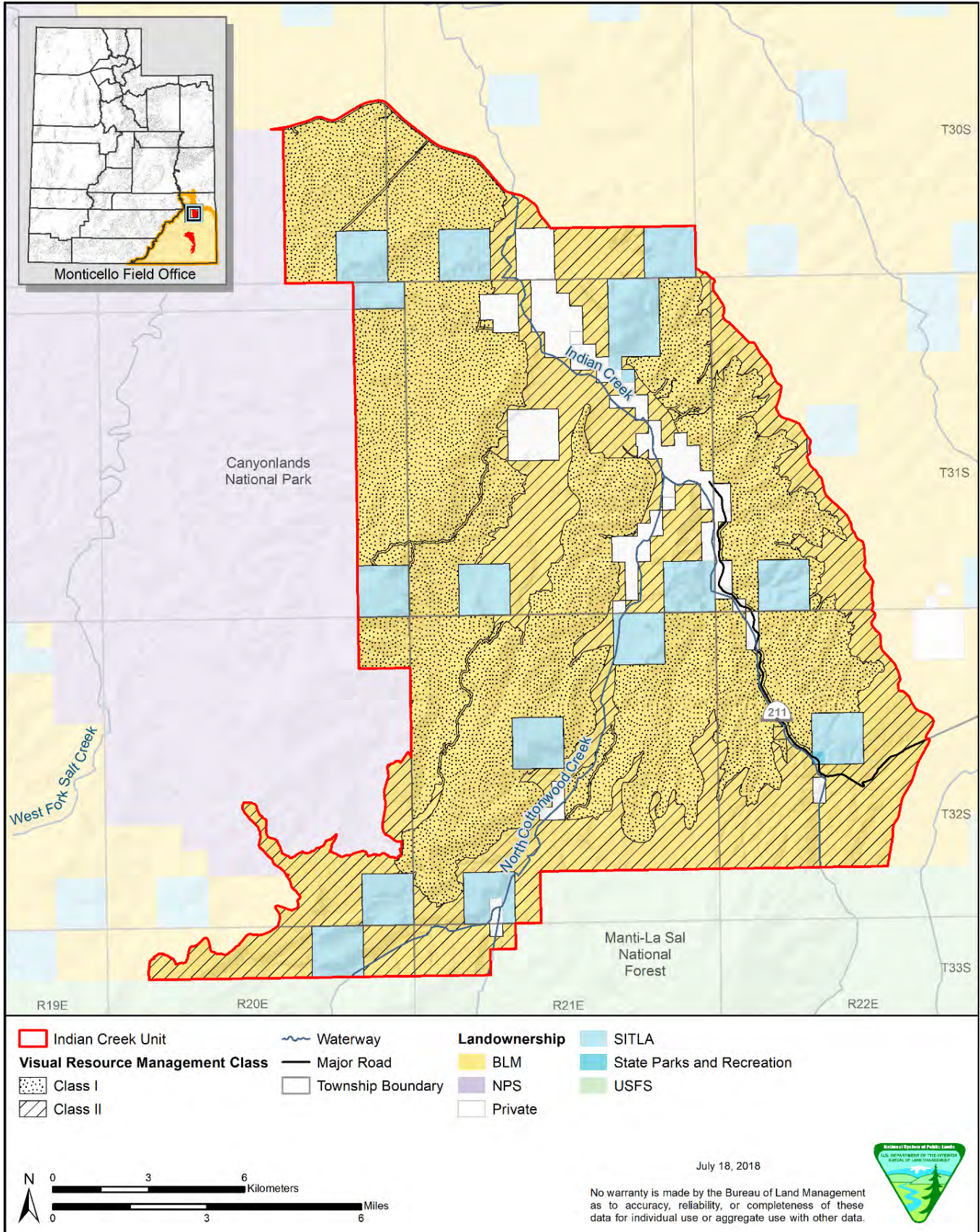
**Map 2-32. Indian Creek Unit: Visual Resource Management - Alternative A**



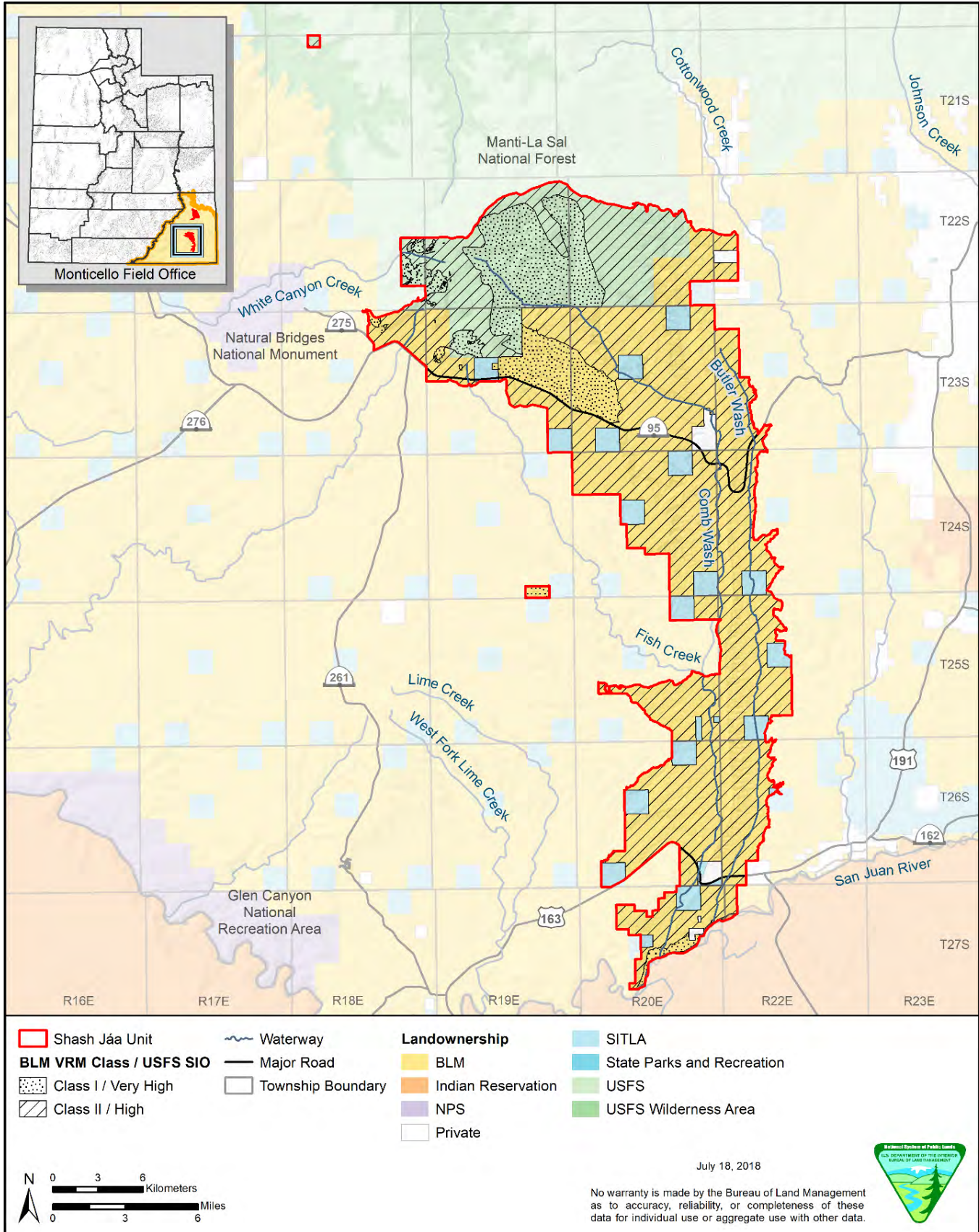
**Map 2-33. Shash Jáa Unit: Visual Resource Management - Alternative B**



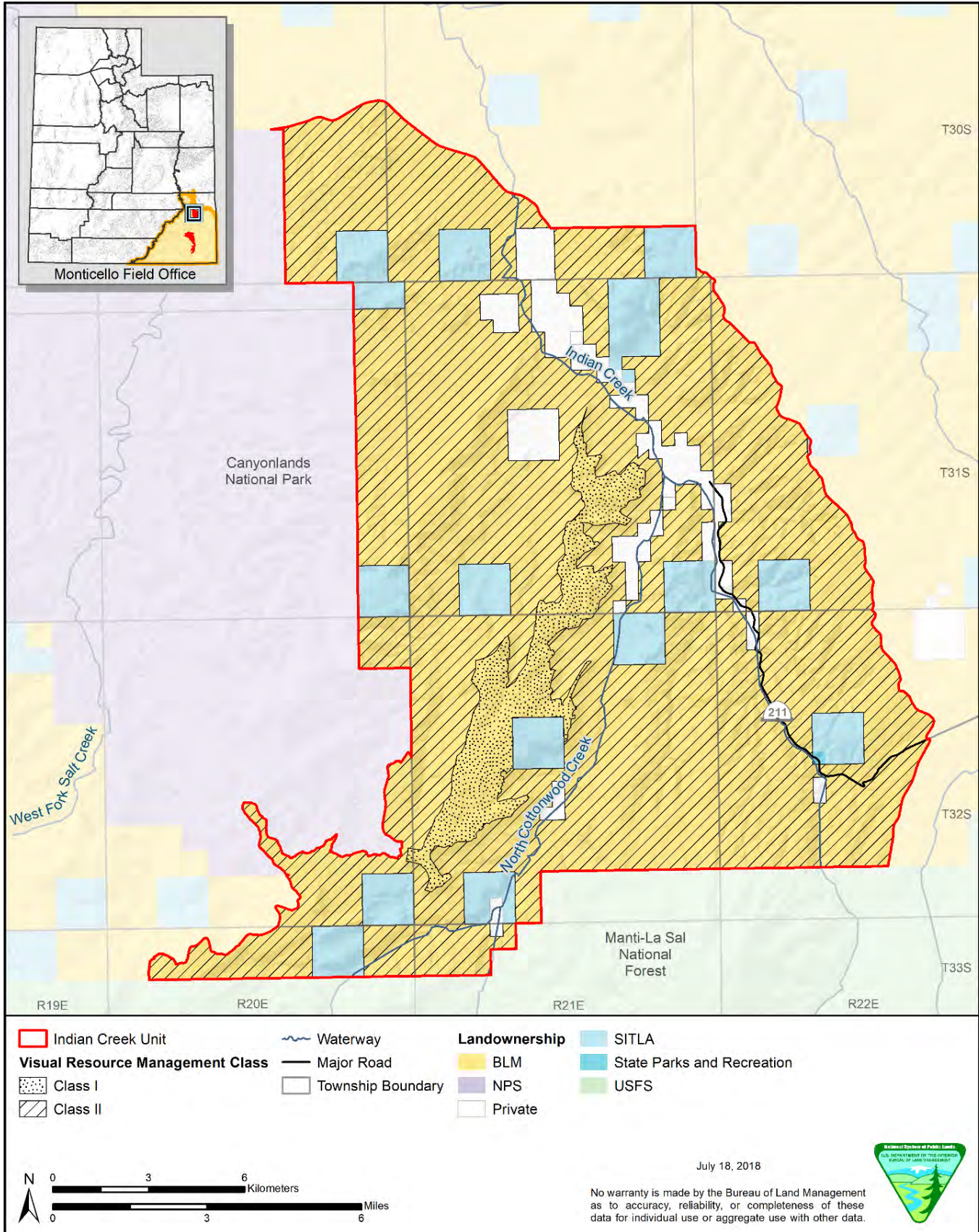
**Map 2-34. Indian Creek Unit: Visual Resource Management - Alternative B**



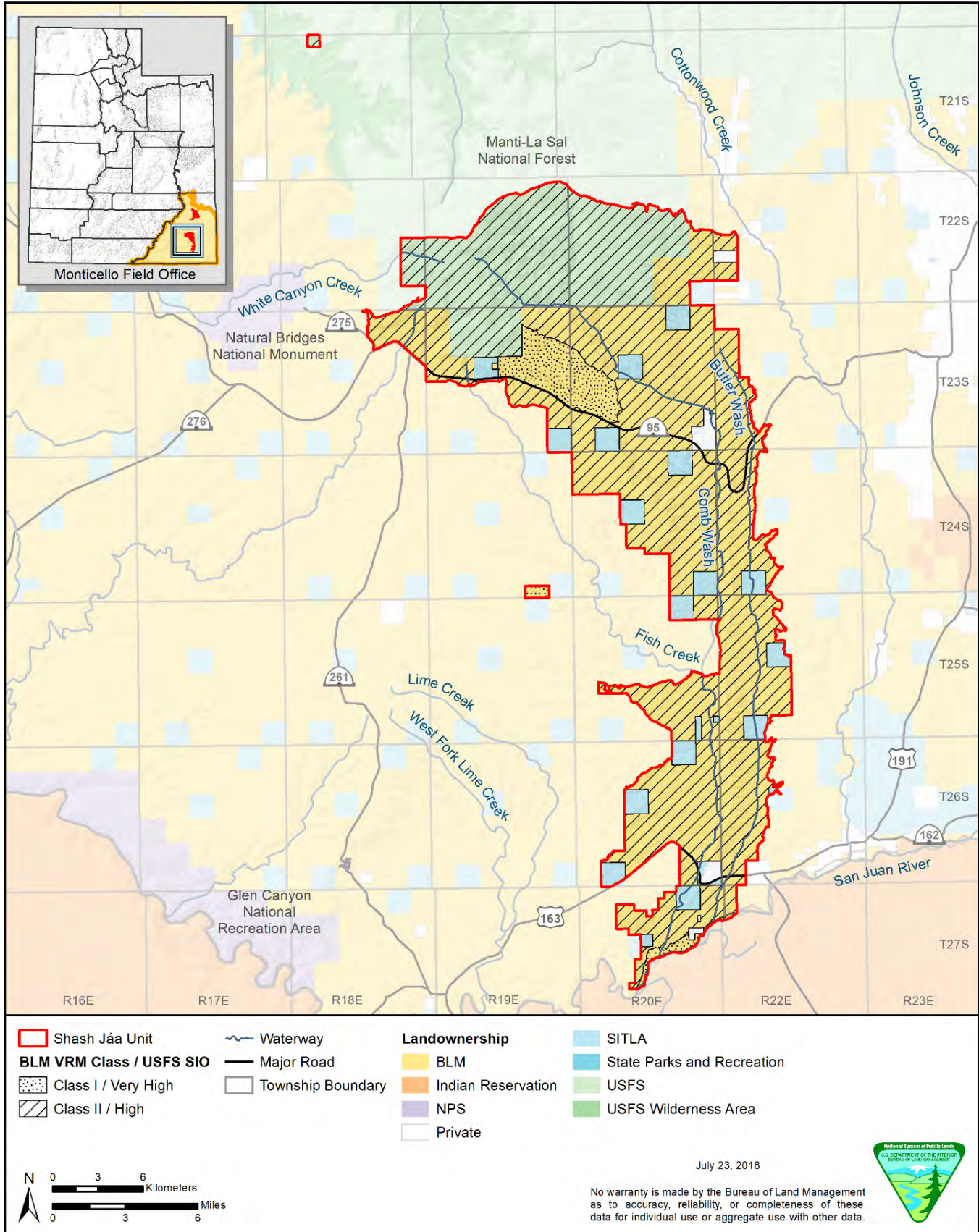
**Map 2-35. Shash Jáa Unit: Visual Resource Management - Alternative C**



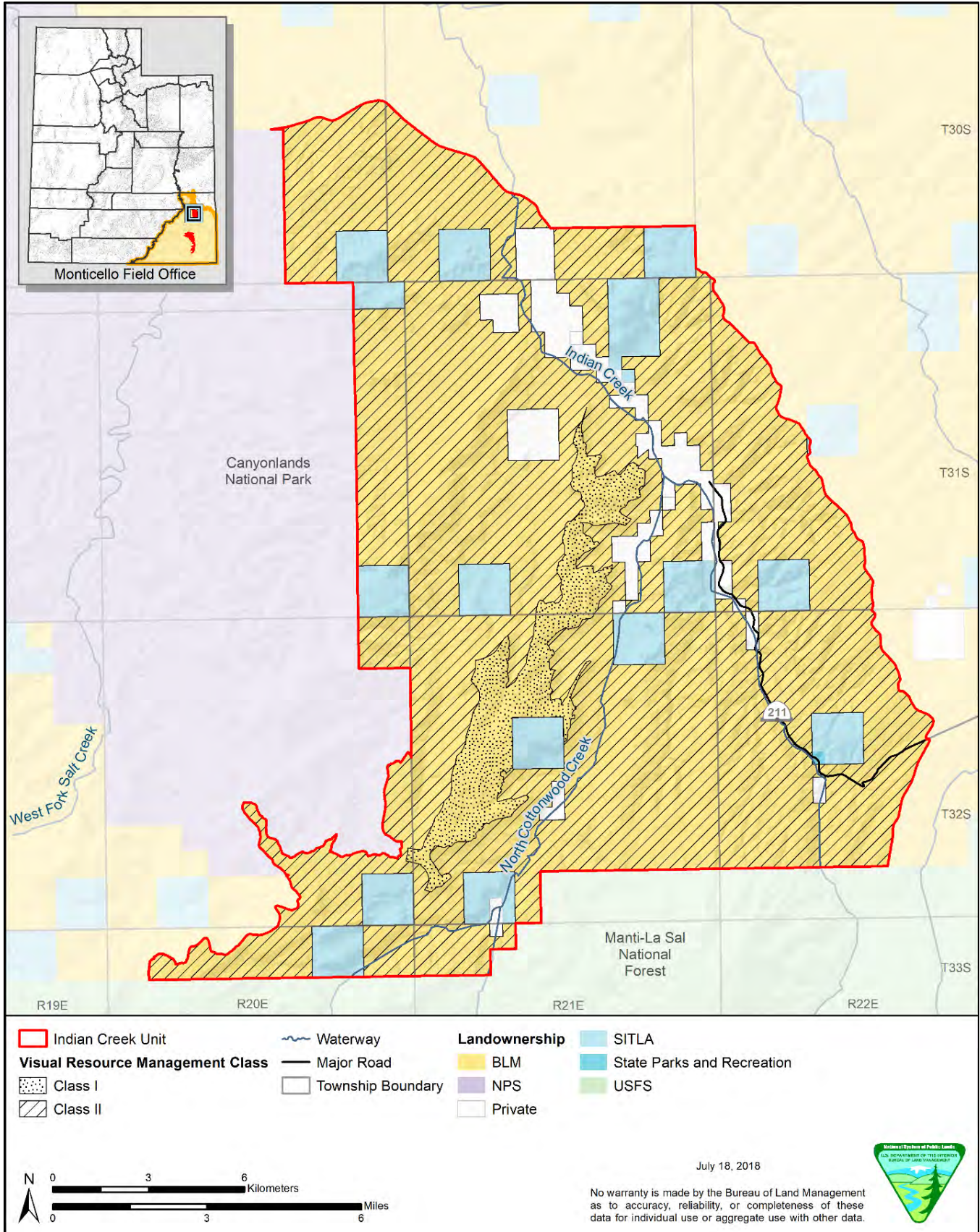
**Map 2-36. Indian Creek Unit: Visual Resource Management - Alternative C**



**Map 2-37. Shash Jáa Unit: Visual Resource Management - Alternative D**

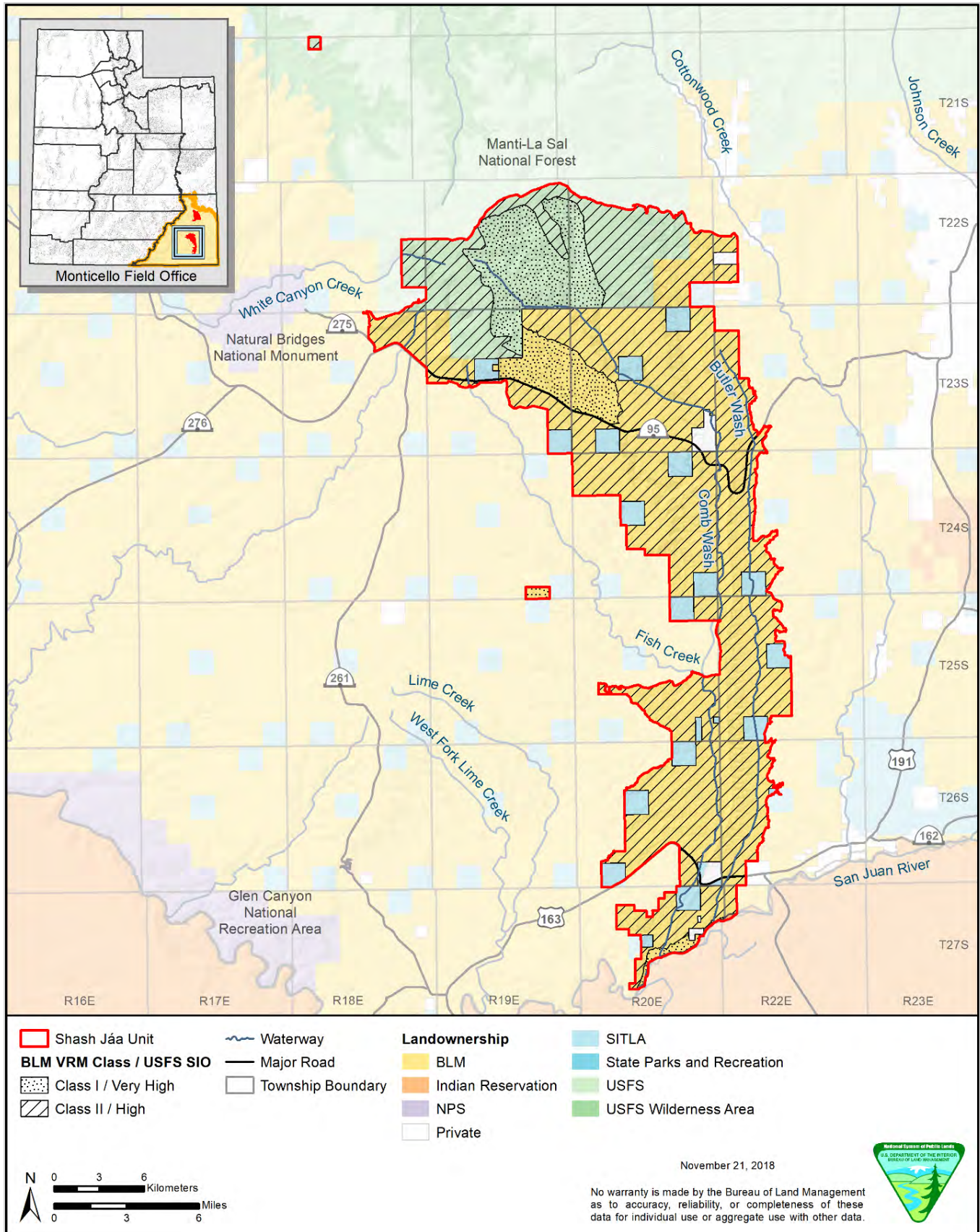


**Map 2-38. Indian Creek Unit: Visual Resource Management - Alternatives D and E**

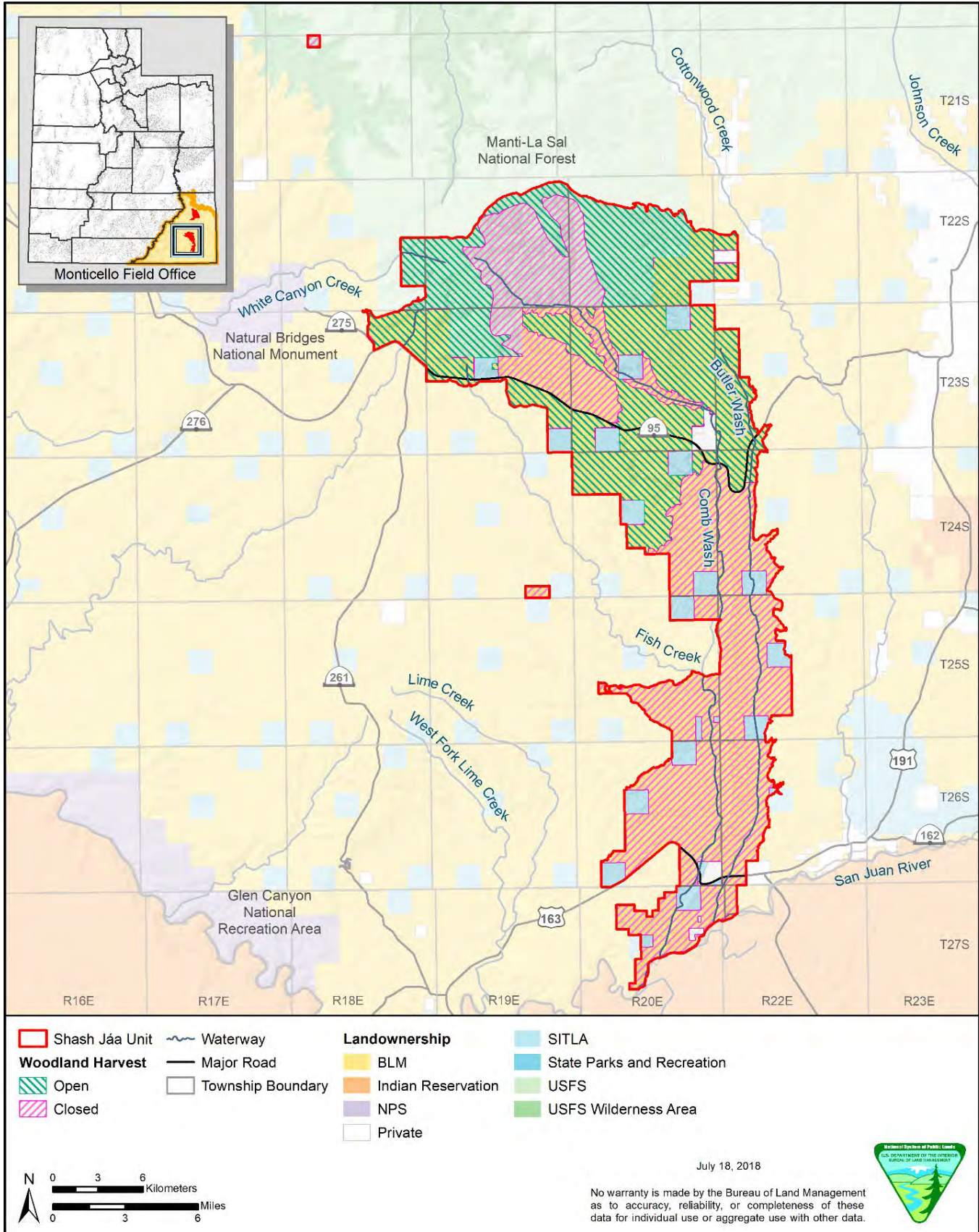




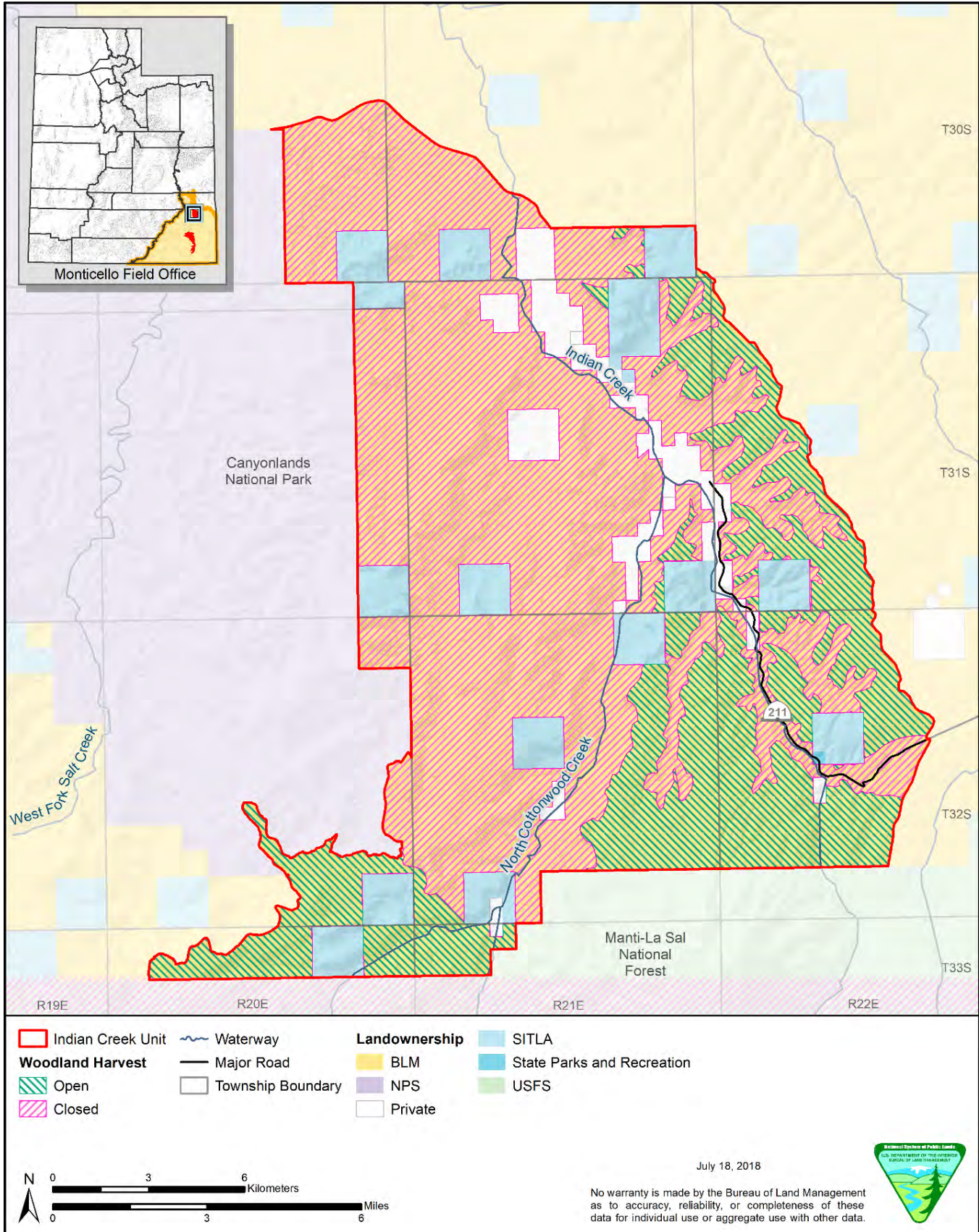
**Map 2-39. Shash Jáa Unit: Visual Resource Management - Alternative E**



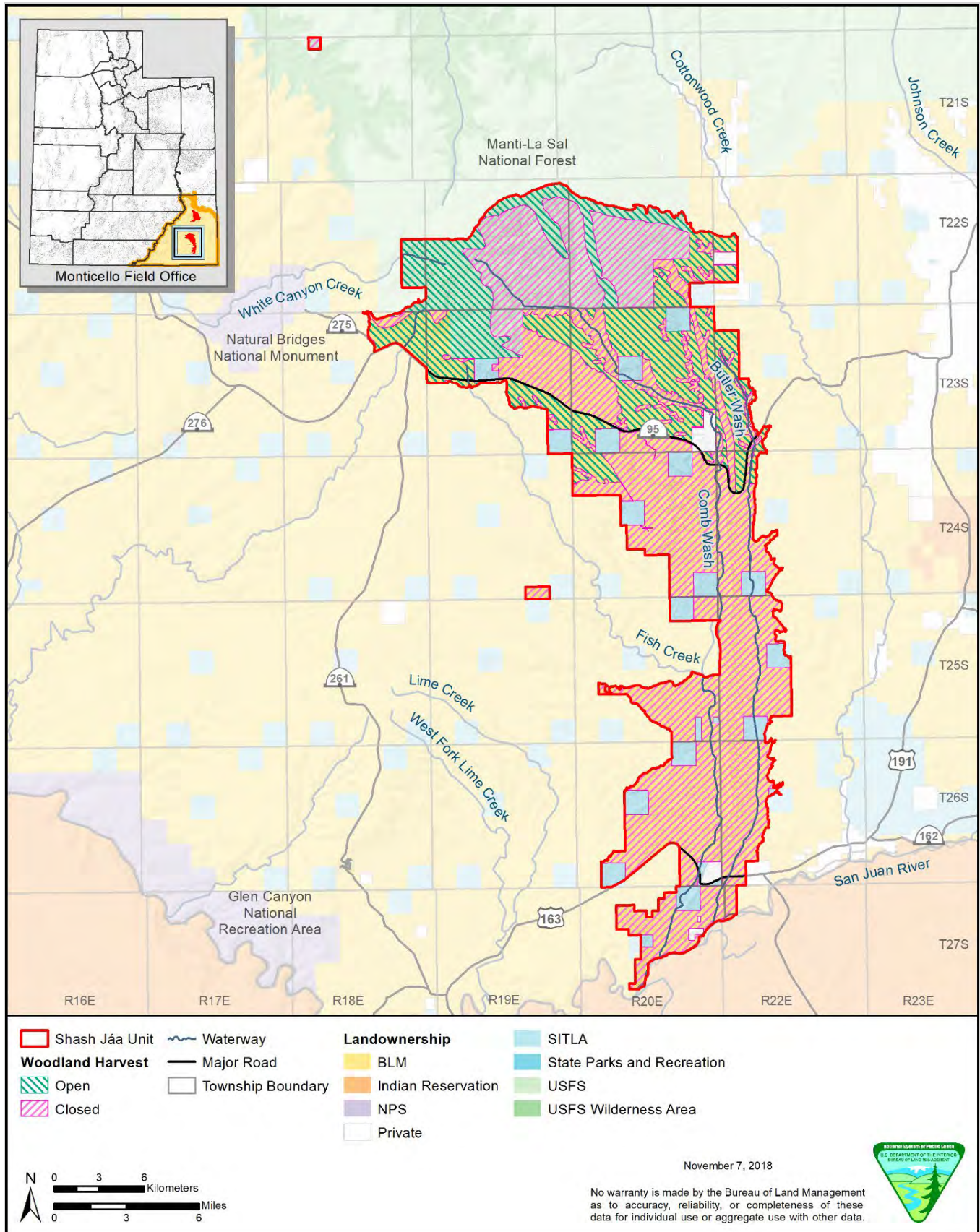
**Map 2-40. Shash Jáa Unit: Forestry and Woodlands - Alternatives A and E**



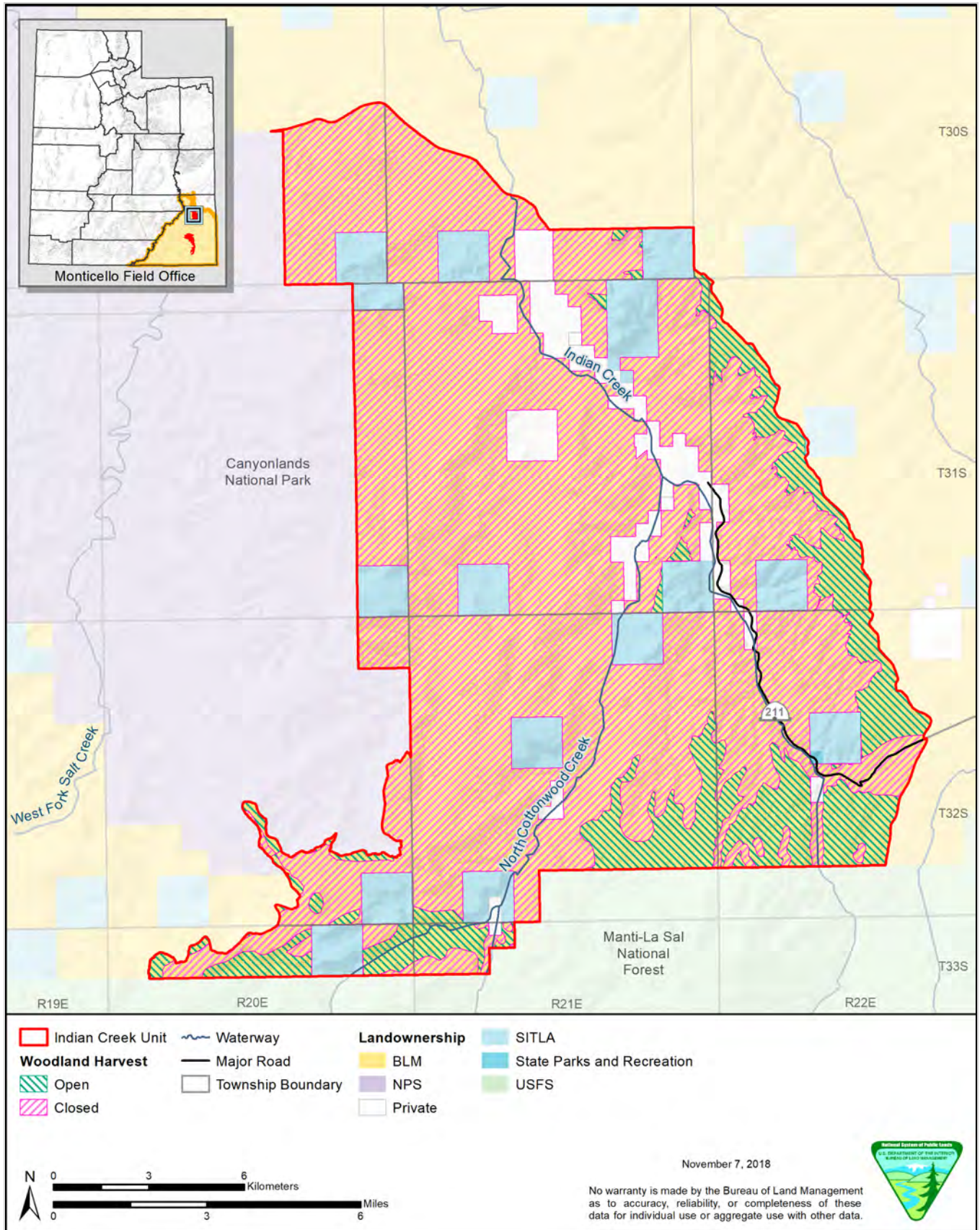
**Map 2-41. Indian Creek Unit: Forestry and Woodlands - Alternatives A and E**



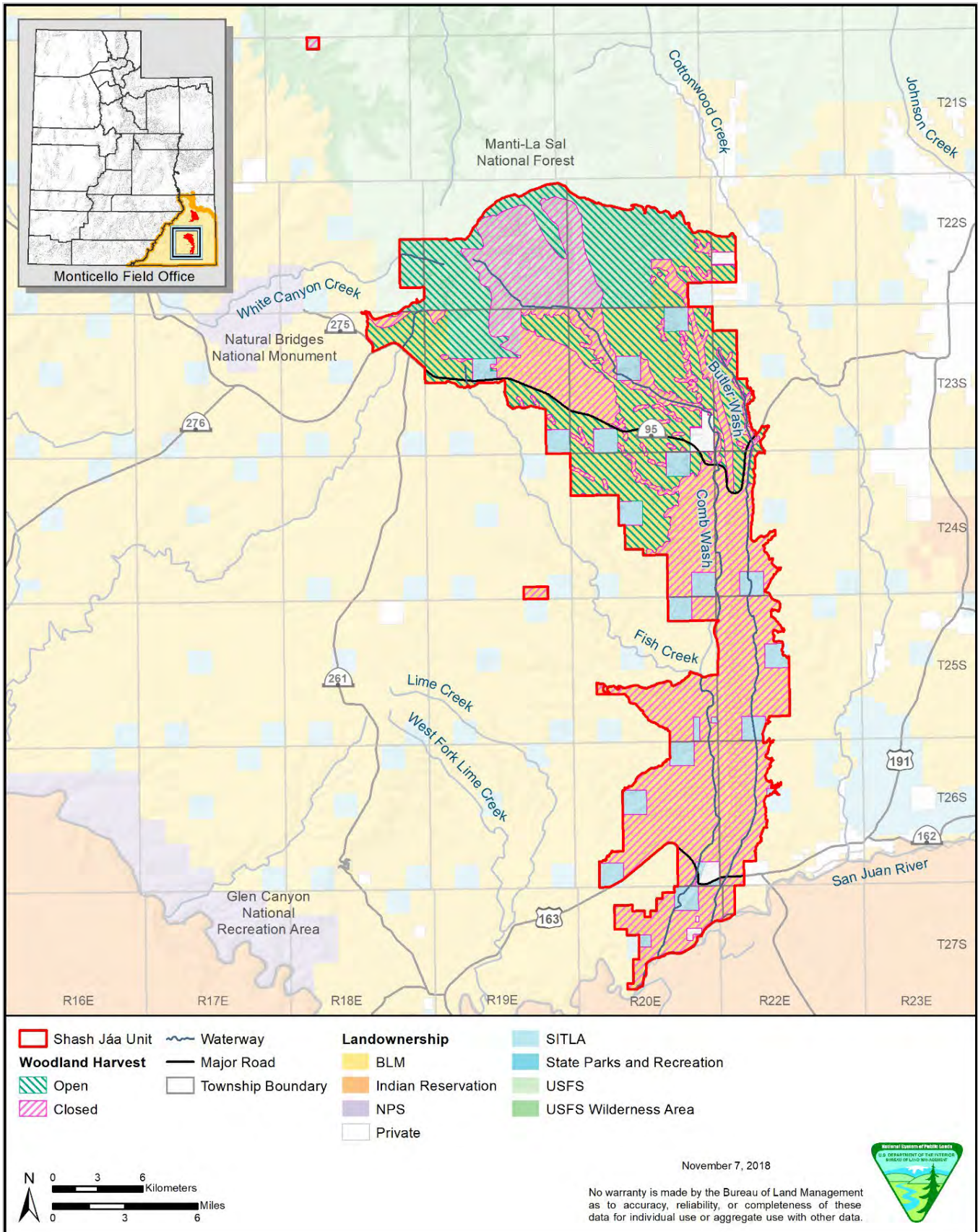
**Map 2-42. Shash Jaa Unit: Forestry and Woodlands - Alternative B**



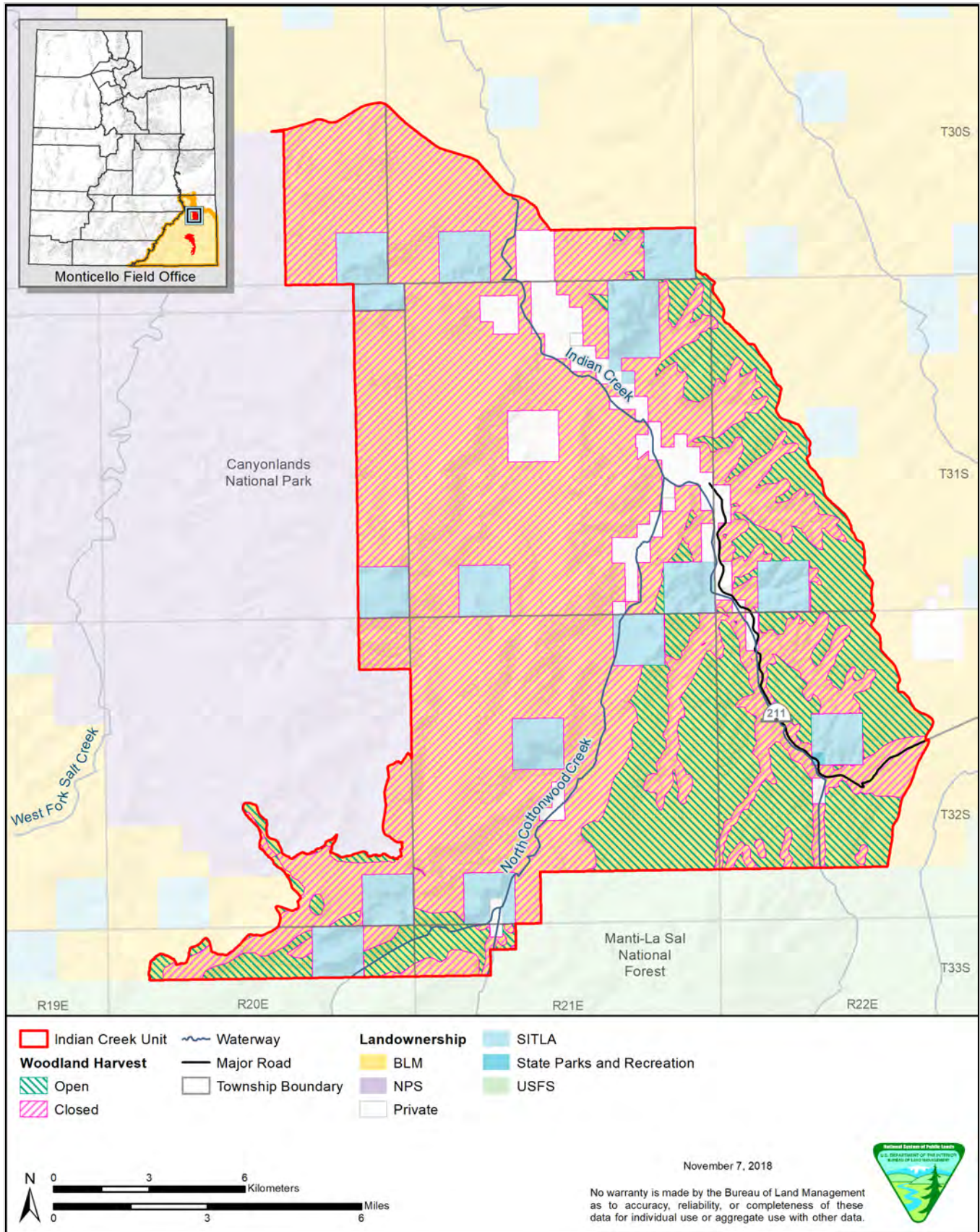
**Map 2-43. Indian Creek Unit: Forestry and Woodlands - Alternative B**



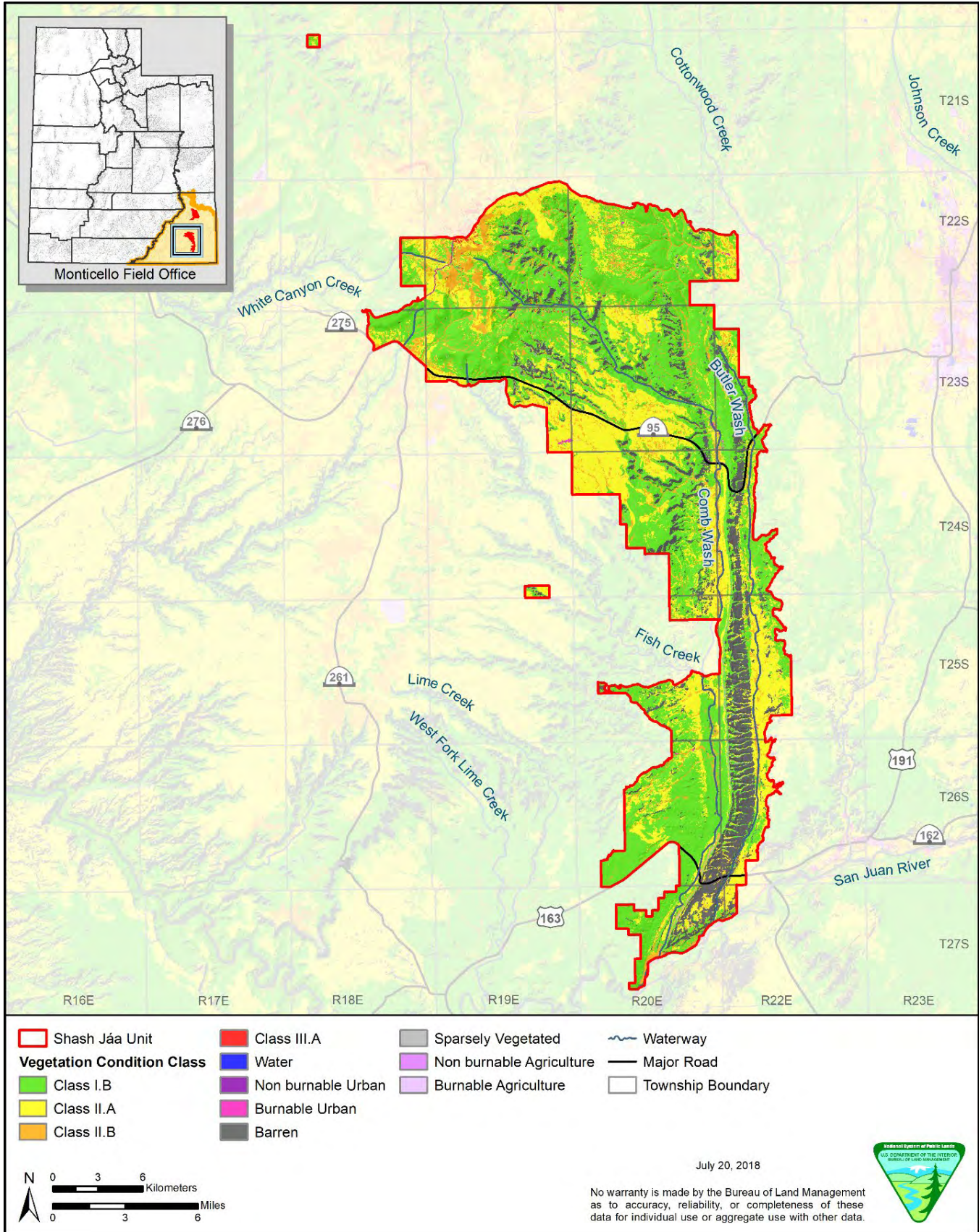
**Map 2-44 Shash Jáa Unit: Forestry and Woodlands - Alternatives C and D**



**Map 2-45. Indian Creek Unit: Forestry and Woodlands - Alternatives C and D**

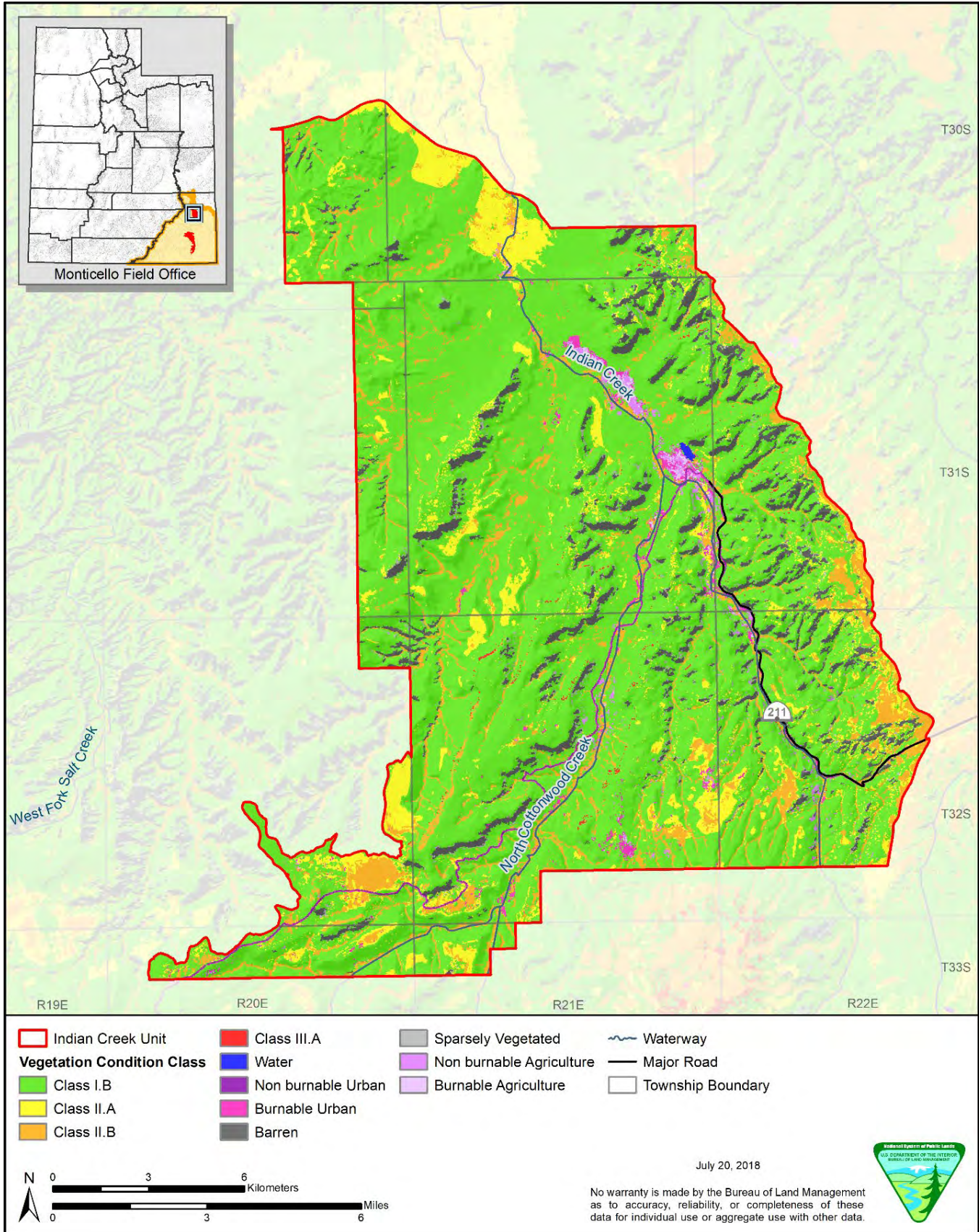


**Map FIRE-1. Shash Jáa Unit: Vegetation Condition Classes**

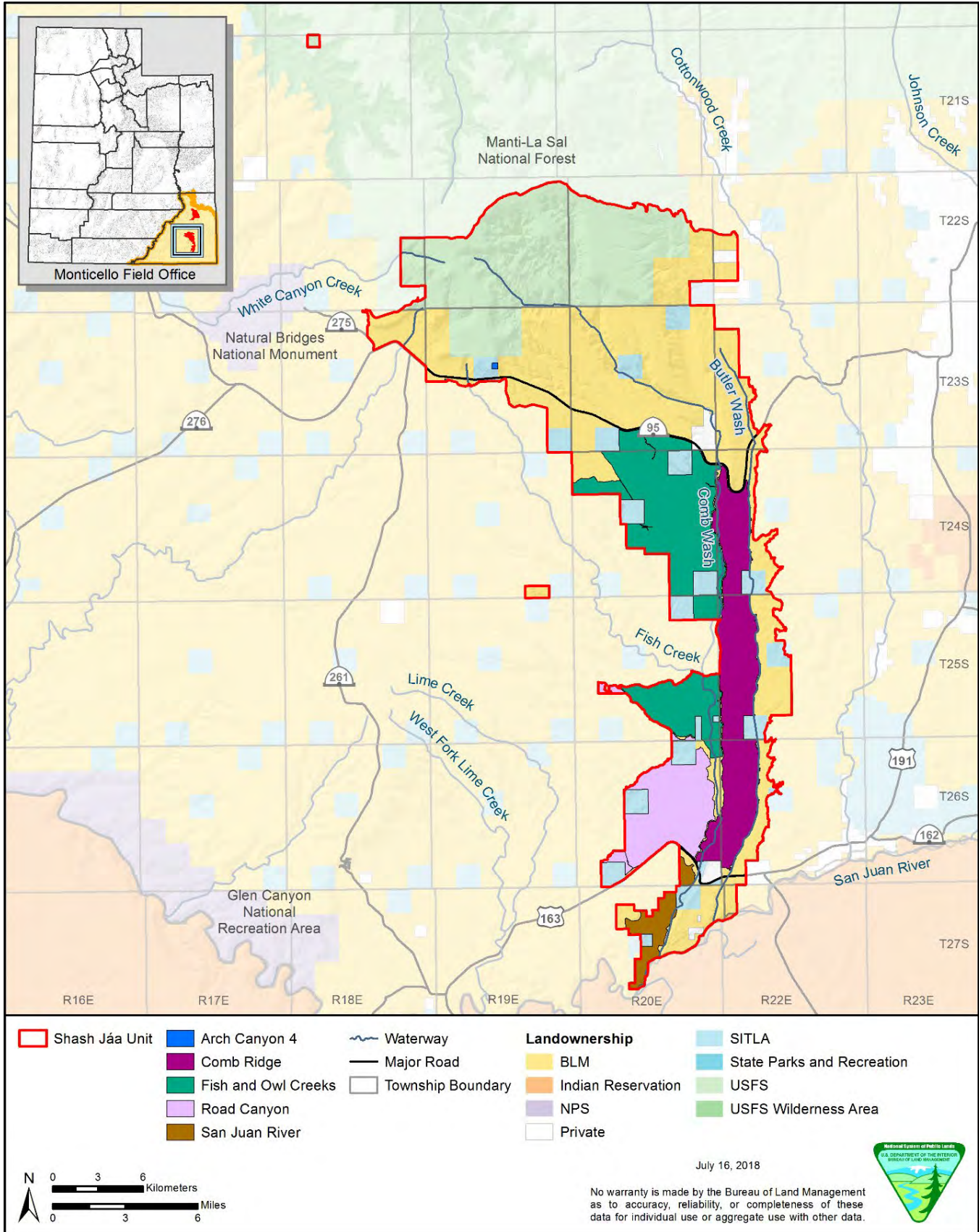




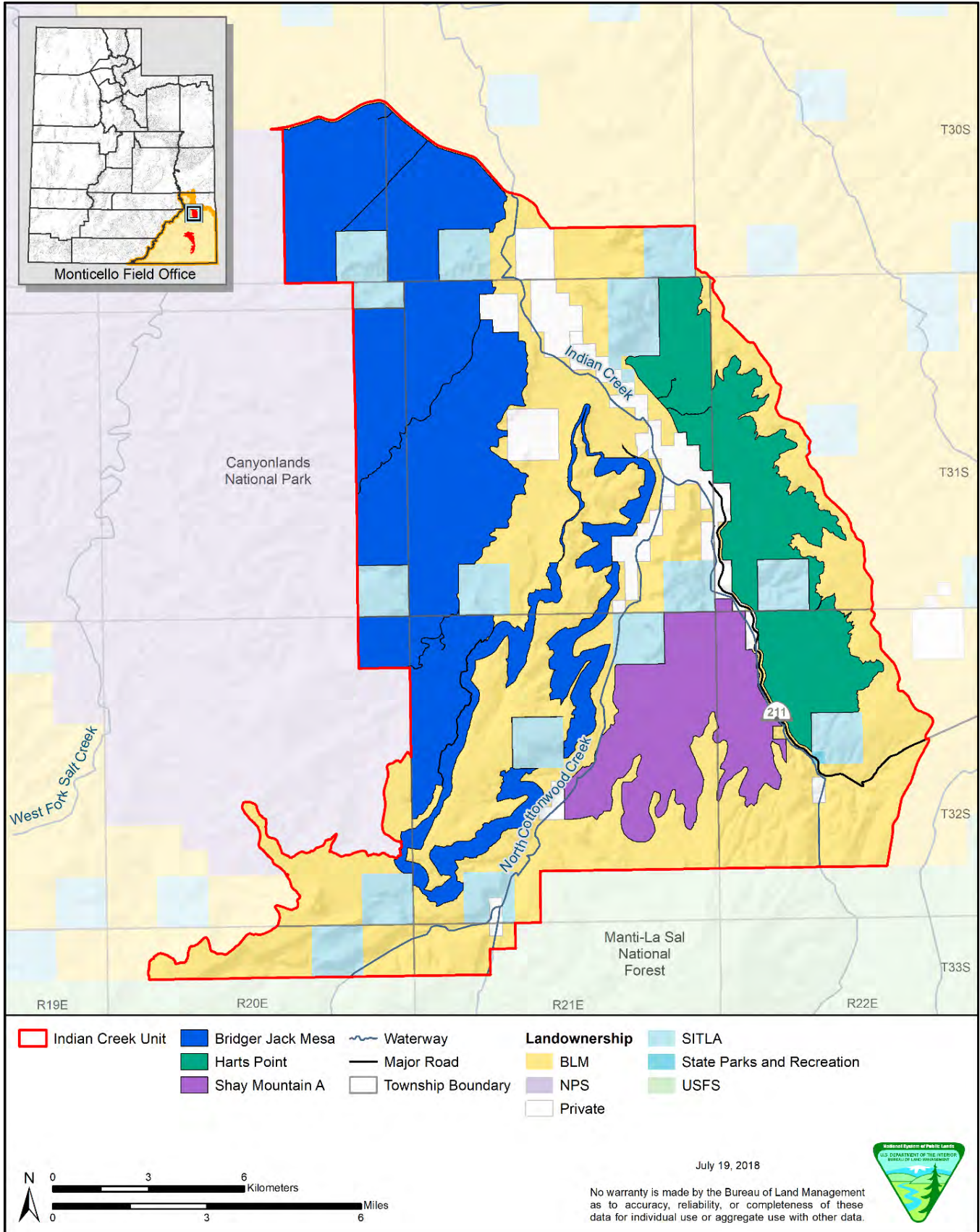
**Map FIRE-2. Indian Creek Unit: Vegetation Condition Classes**



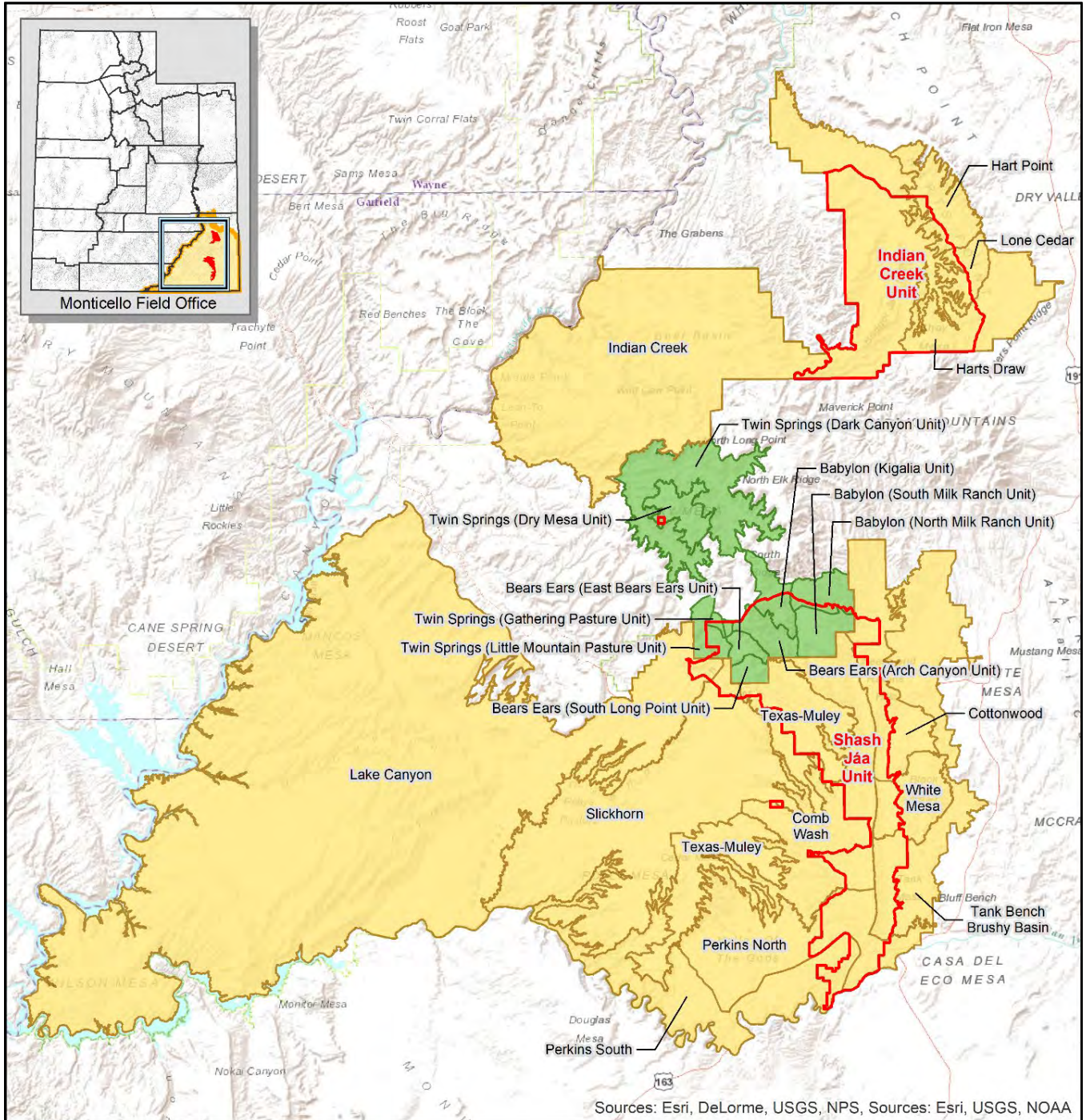
**Map LWC-1. Shash Jáa Unit: BLM-Administered Lands Inventoried and Found to Possess Wilderness Characteristics**



**Map LWC-2. Indian Creek Unit: BLM-Administered Lands Inventoried and Found to Possess Wilderness Characteristics**

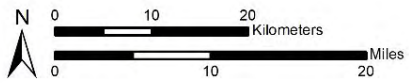


# Map LSG-1. Livestock Grazing Analysis Area



Sources: Esri, DeLorme, USGS, NPS, Sources: Esri, USGS, NOAA

- Planning Area
- BLM Grazing Allotments
- USFS Grazing Allotments

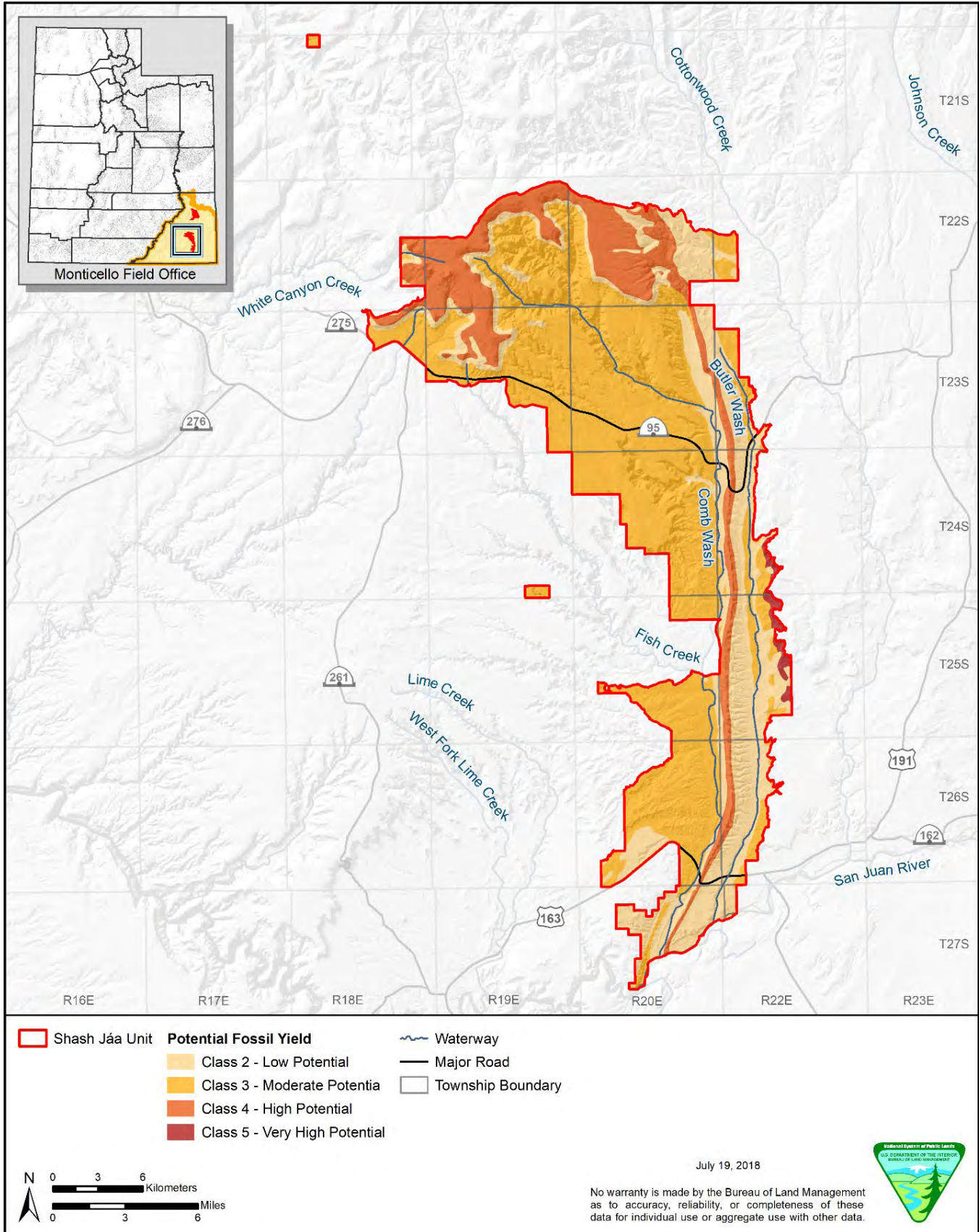


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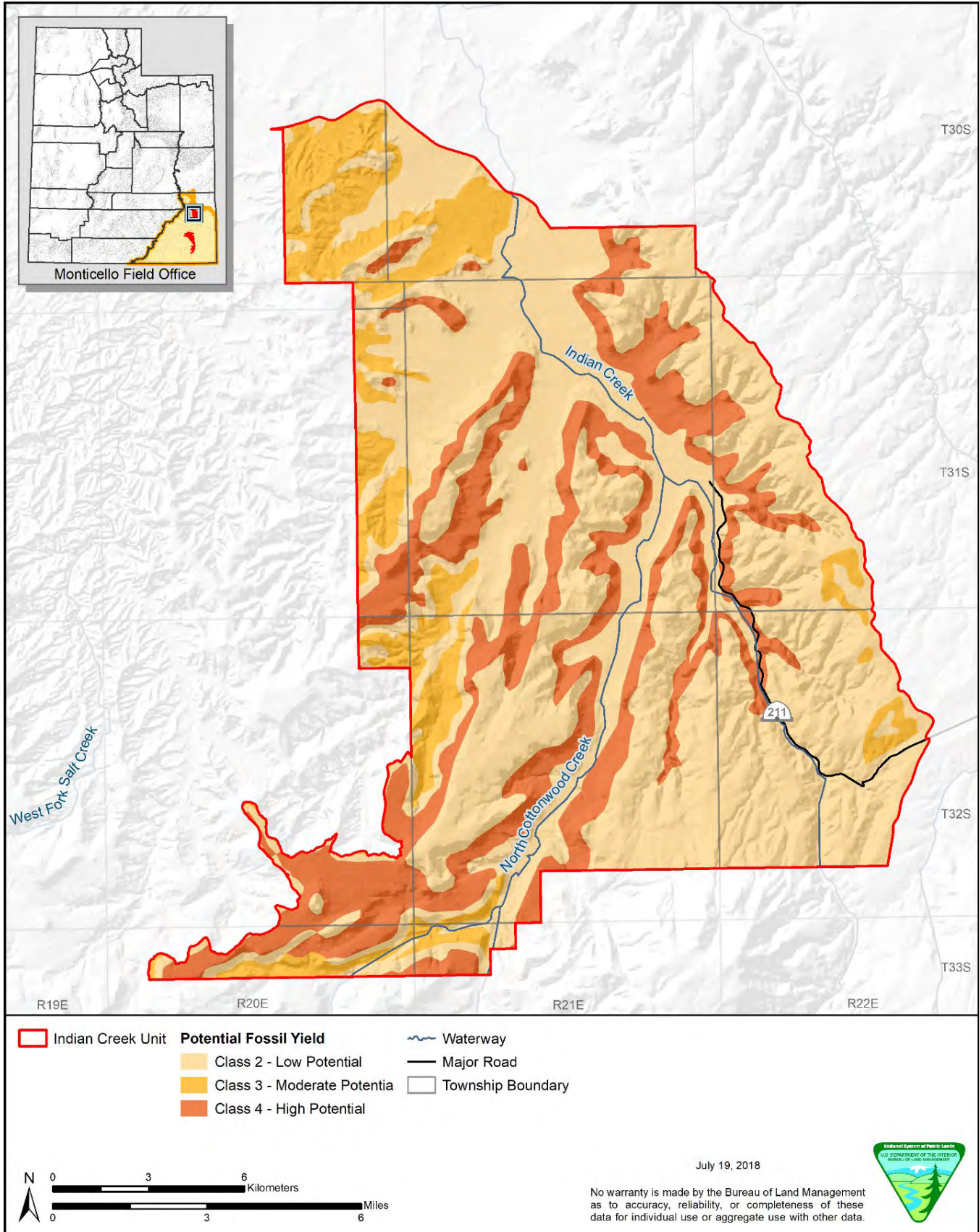
No warranty is made by the Bureau of Land Management as to accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.



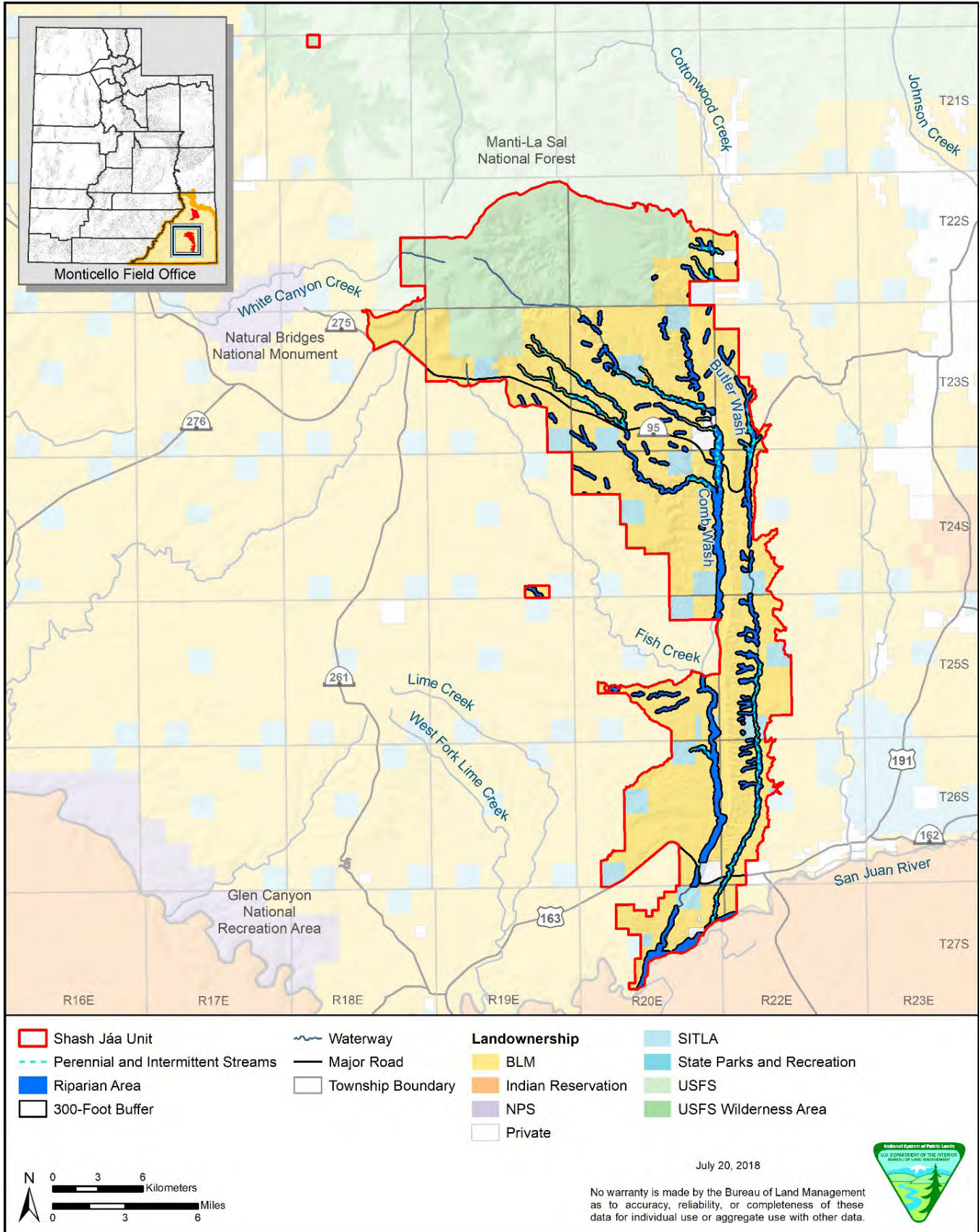
**Map PAL-1. Shash Jaa Unit: Potential Fossil Yield Classifications**



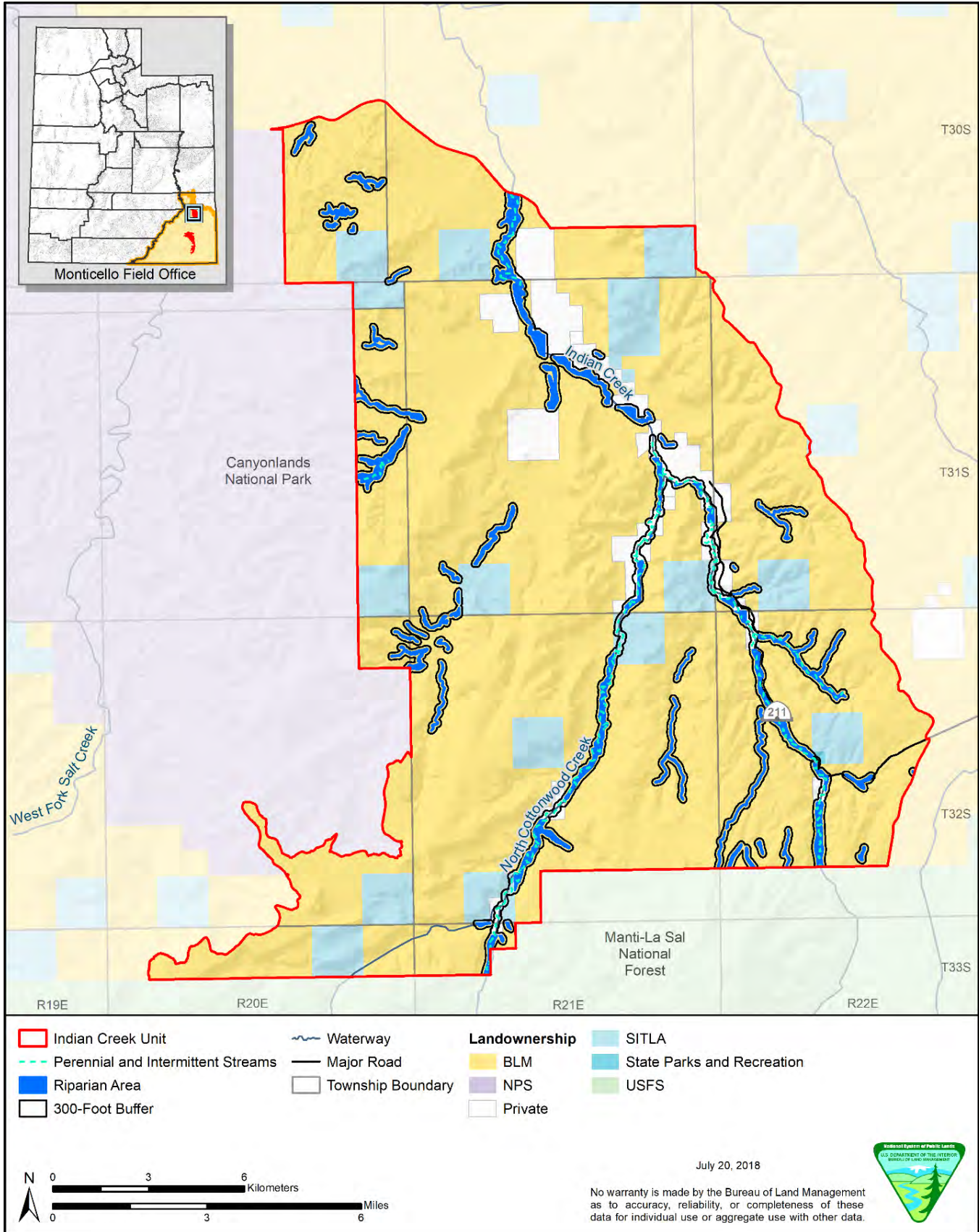
**Map PAL-2. Indian Creek Unit: Potential Fossil Yield Classifications**



**Map RIP-1. Shash Jáa Unit: Riparian Areas, Perennial and Intermittent Streams, and Other Waterways**

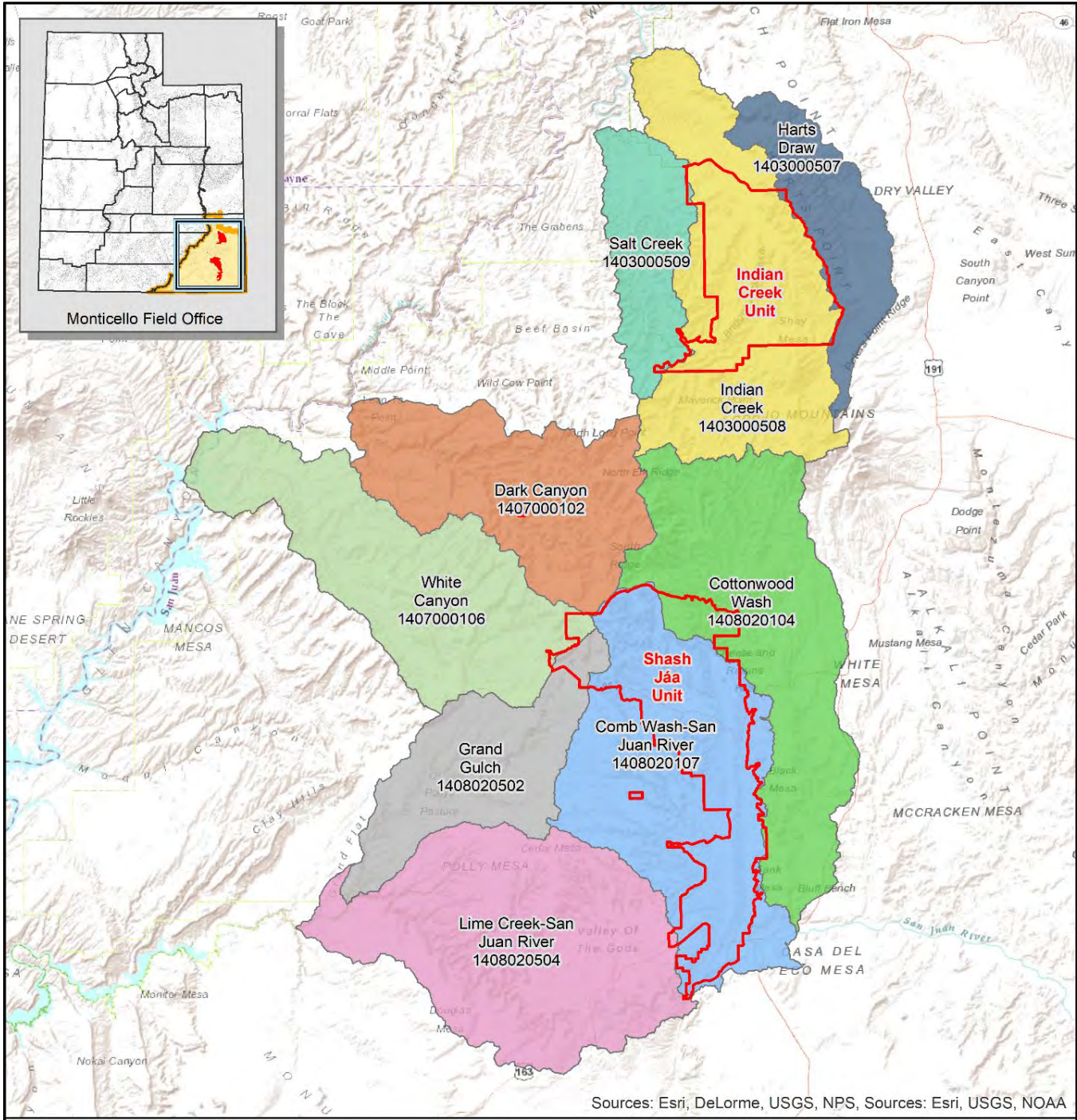


**Map RIP-2. Indian Creek Unit: Riparian Areas, Perennial and Intermittent Streams, and Other Waterways**

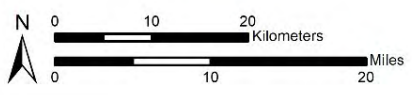




**Map RIP-3. HUC10 Watersheds in and near the Planning Area**



Planning Area	<b>Watersheds (HUC10)</b>	Harts Draw
Comb Wash-San Juan River	Indian Creek	Lime Creek-San Juan River
Cottonwood Wash	Salt Creek	White Canyon
Dark Canyon		
Grand Gulch		

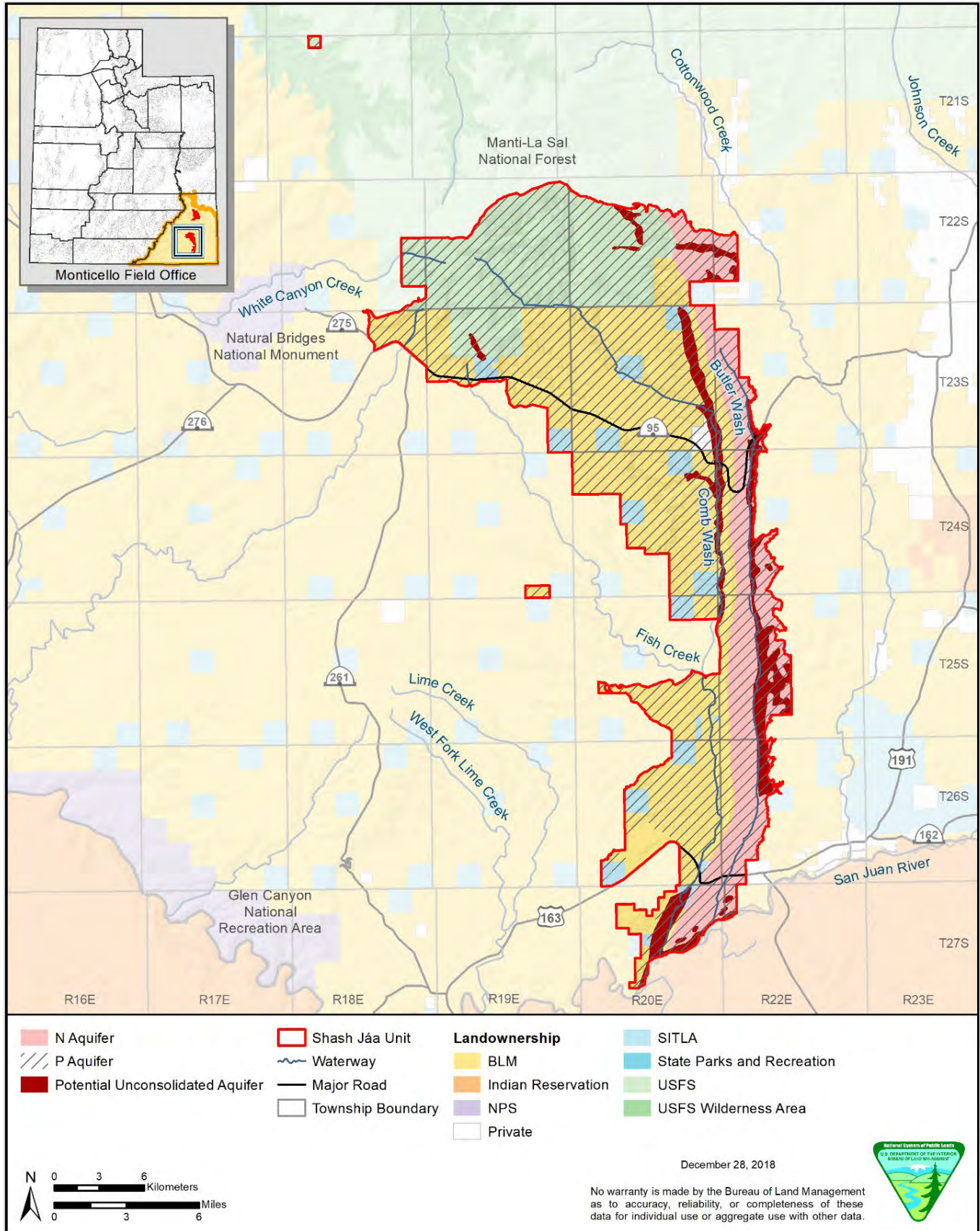


July 20, 2018

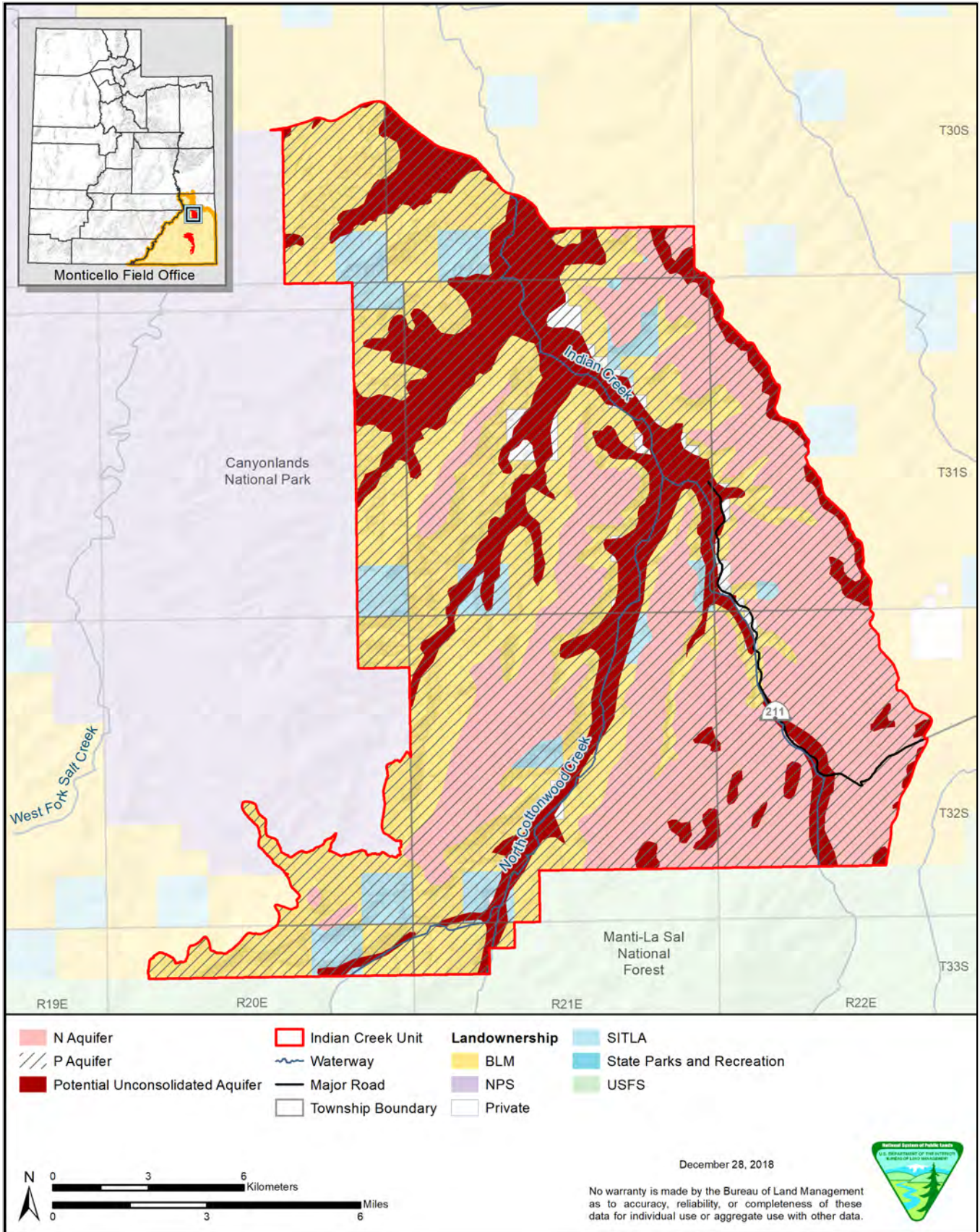
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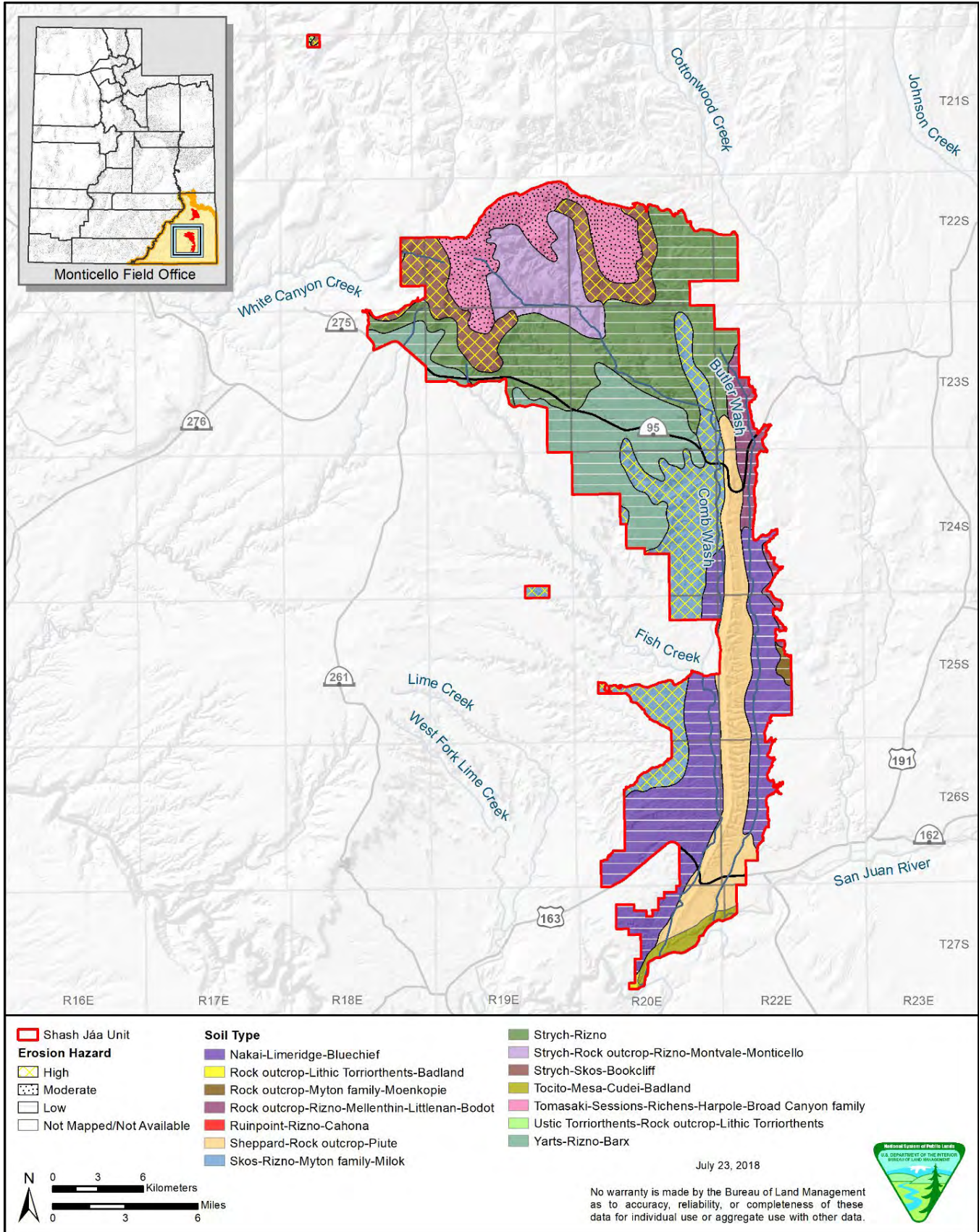
**Map RIP-4. Shash Jáa Unit: Groundwater Aquifers**



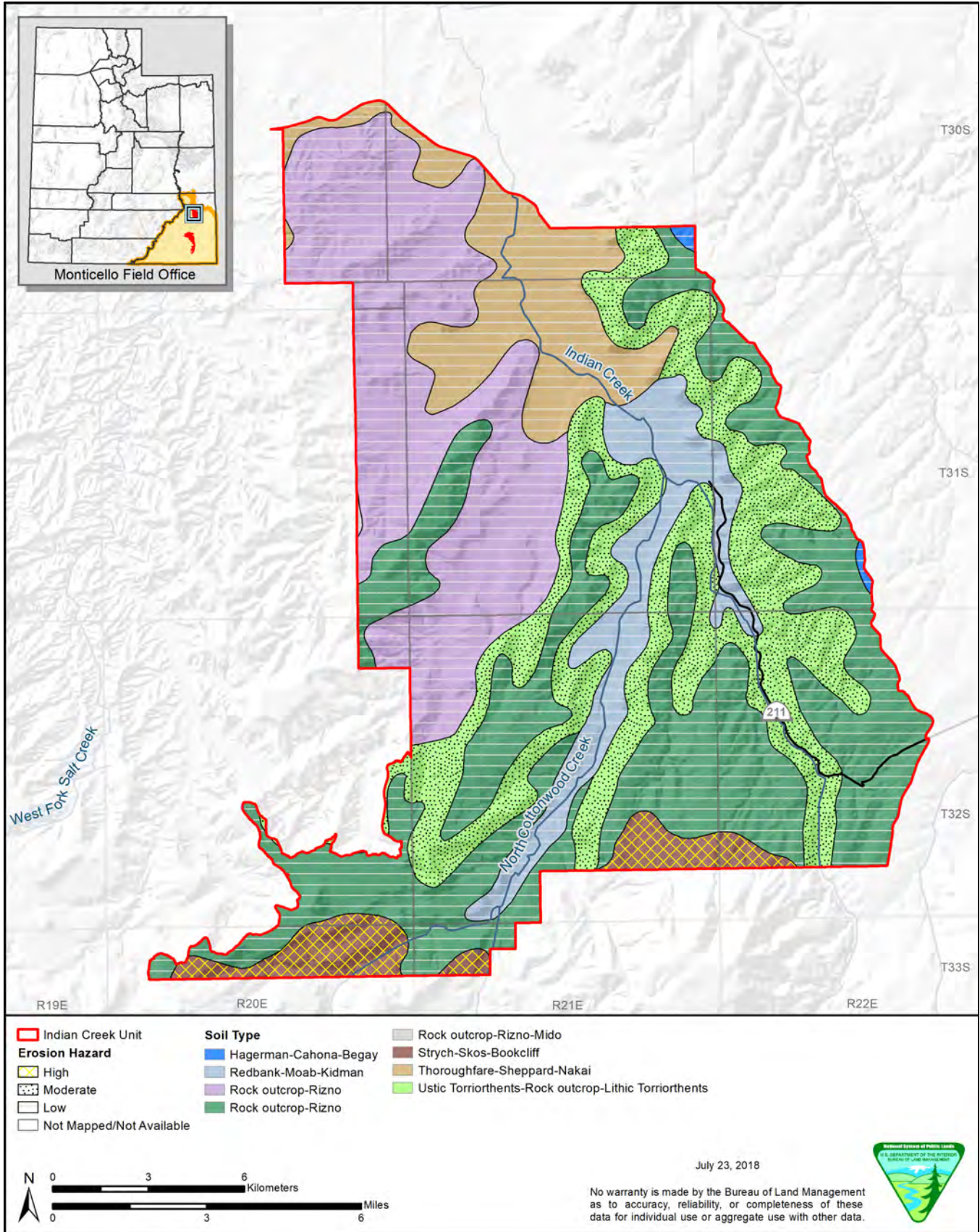
**Map RIP-5. Indian Creek Unit: Groundwater Aquifers**



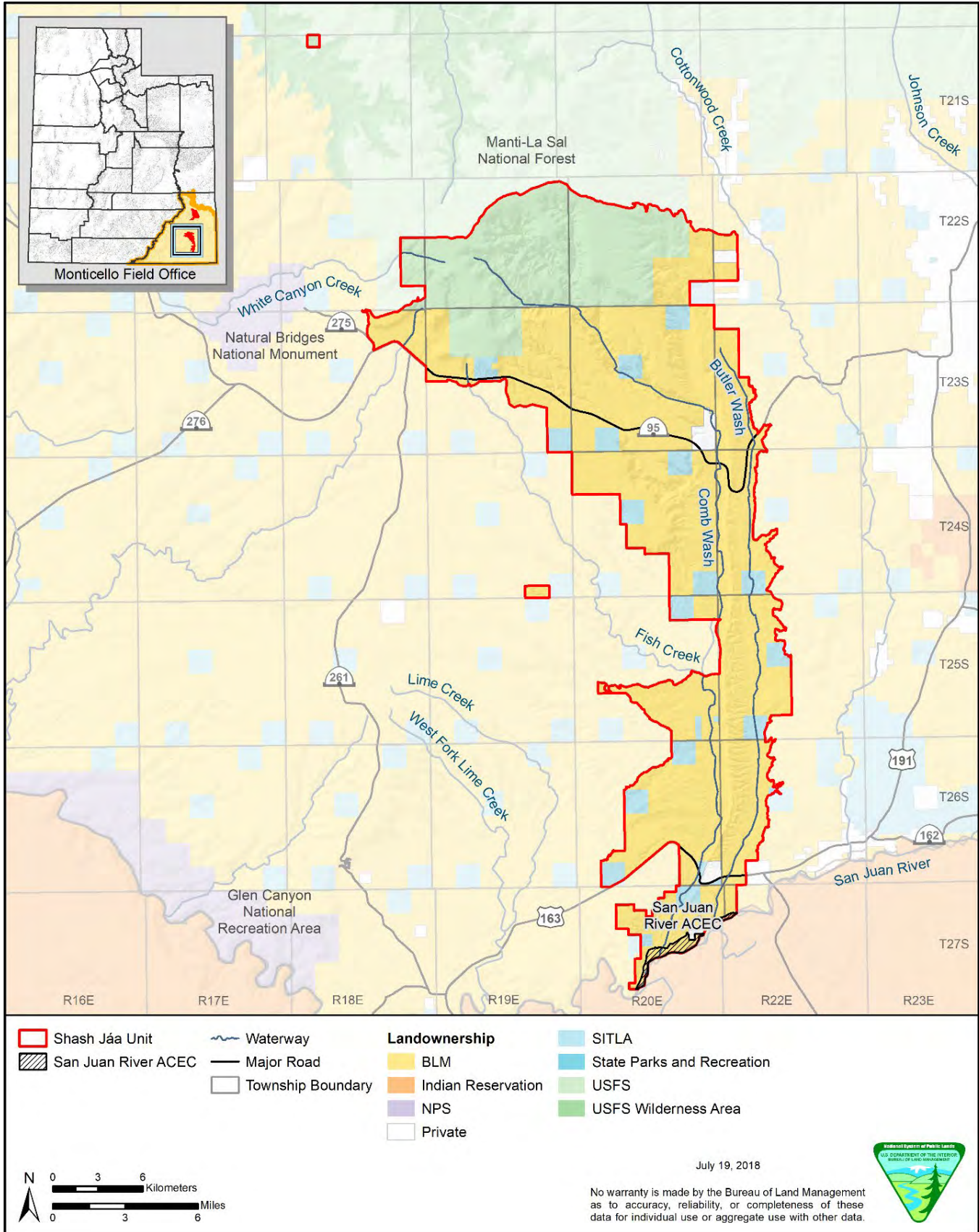
**Map SOI-1. Shash Jáa Unit: Water Erosion Hazard Groups and Soil Types**



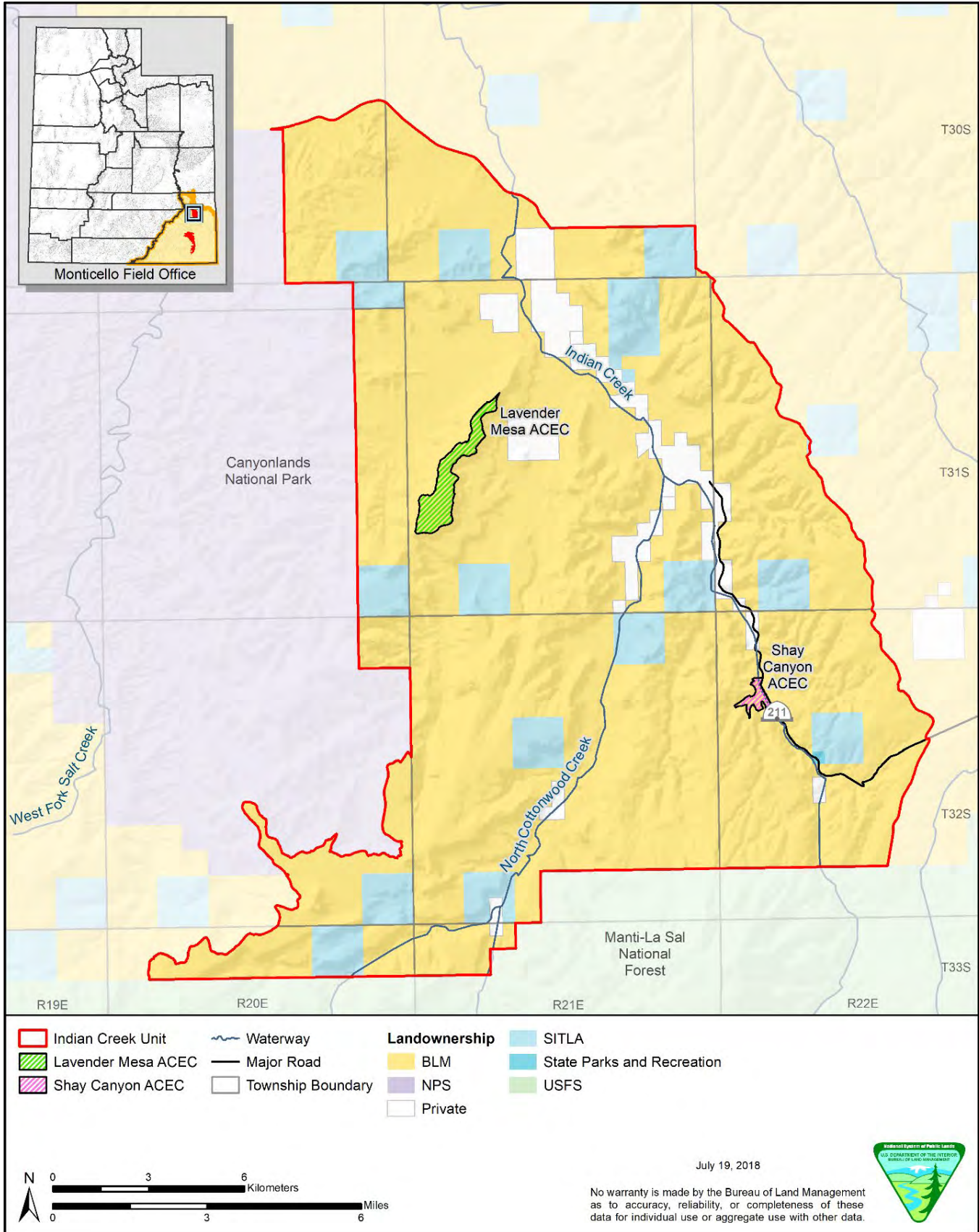
**Map SOI-2. Indian Creek Unit: Water Erosion Hazard Groups and Soil Types**



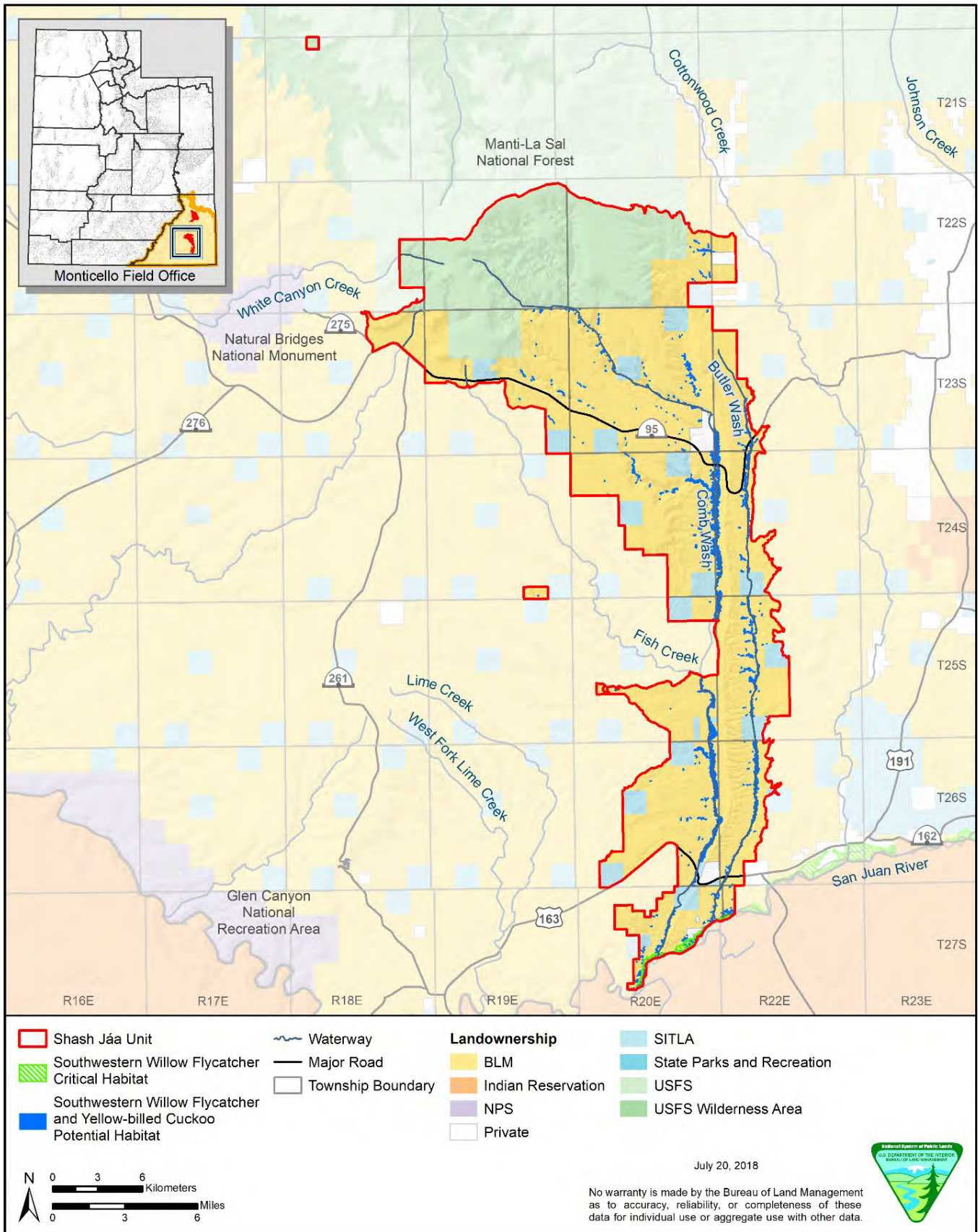
**Map ACEC-1. Shash Jáa Unit: Areas of Environmental Concern**



**Map ACEC-2. Indian Creek Unit: Areas of Environmental Concern**

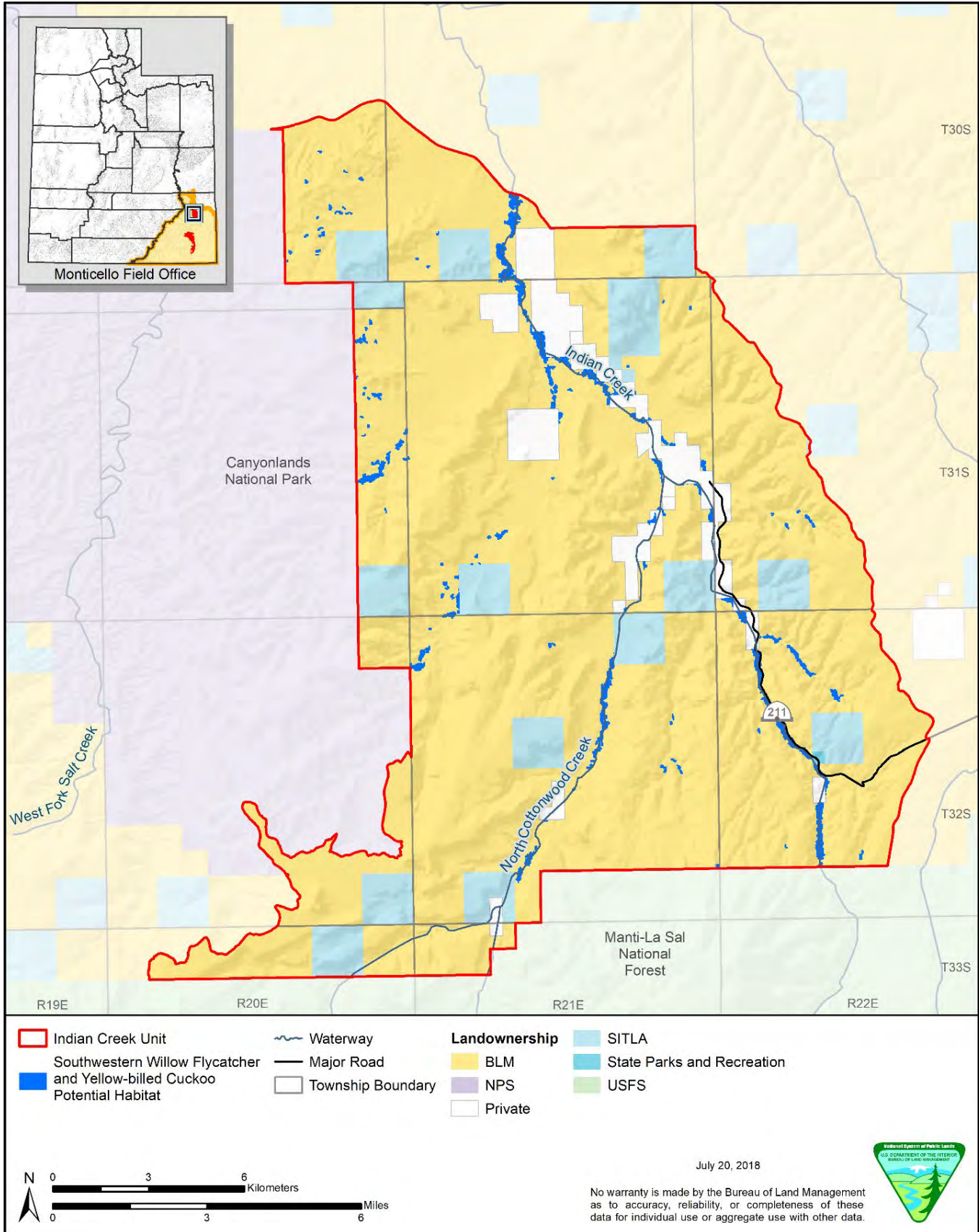


**Map SSS-1. Shash Jáa Unit: Southwestern Willow Flycatcher and Yellow-billed Cuckoo Potential Habitat and Designated Critical Habitat**

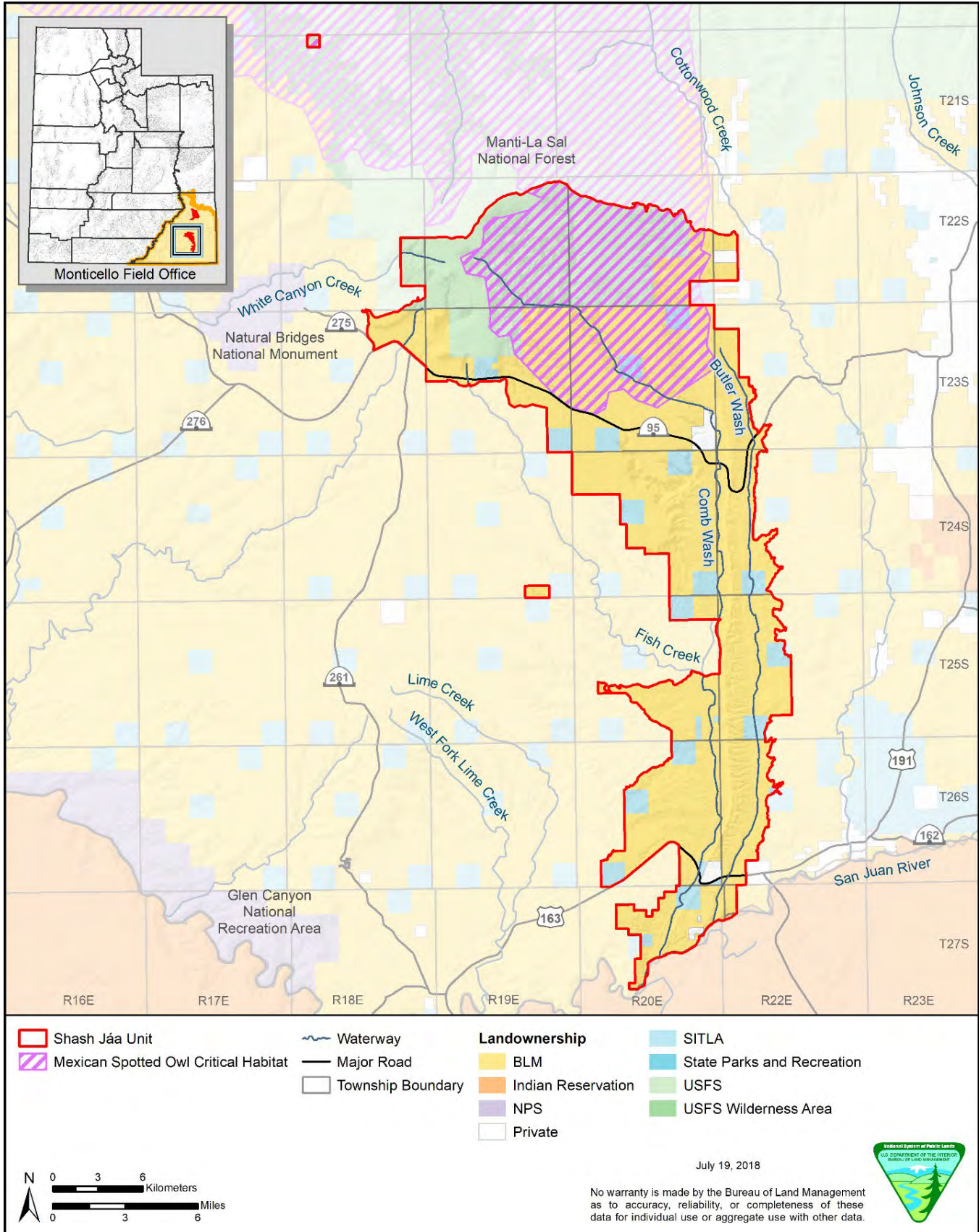




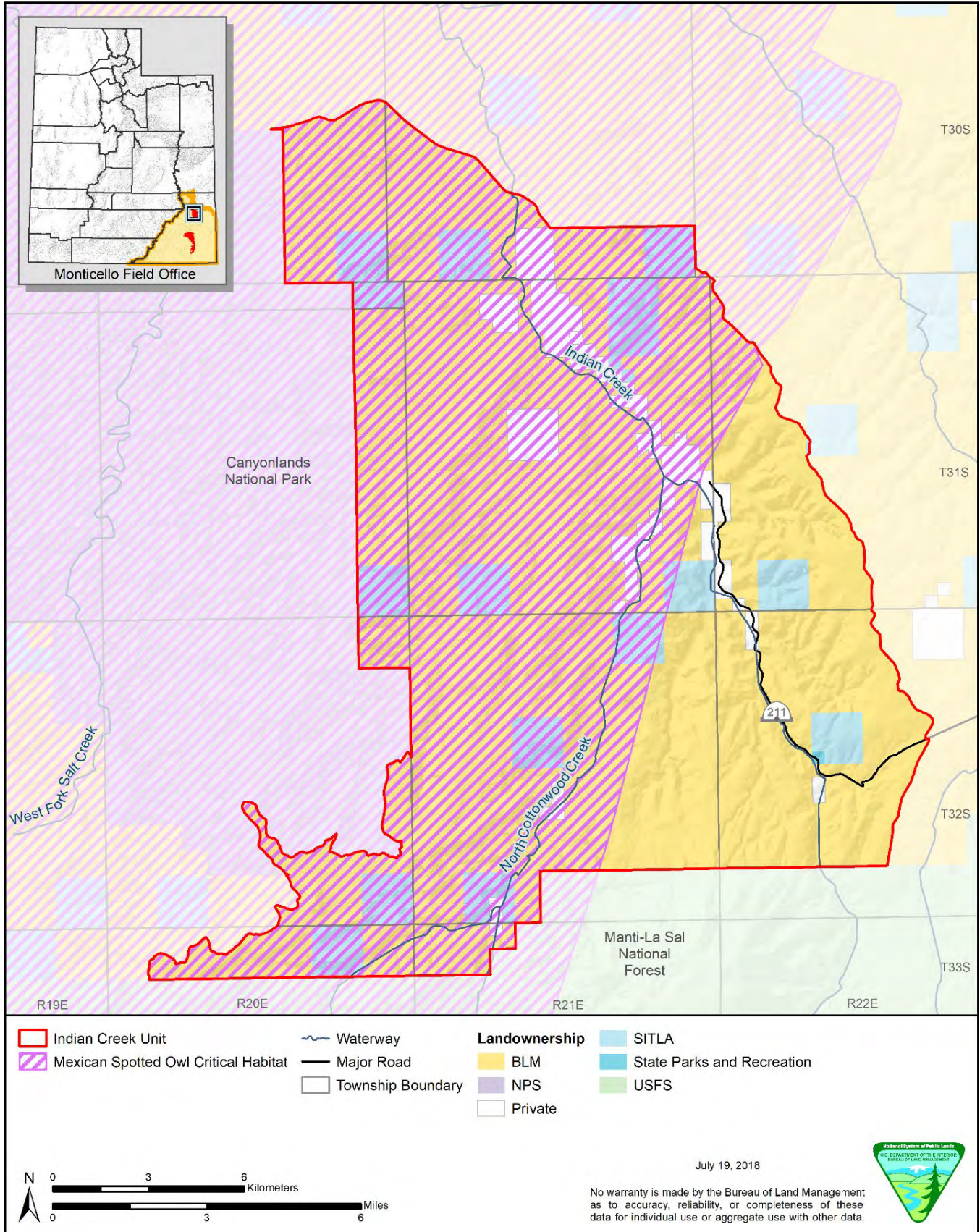
**Map SSS-2. Indian Creek Unit: Southwestern Willow Flycatcher and Yellow-billed Cuckoo Potential Habitat**



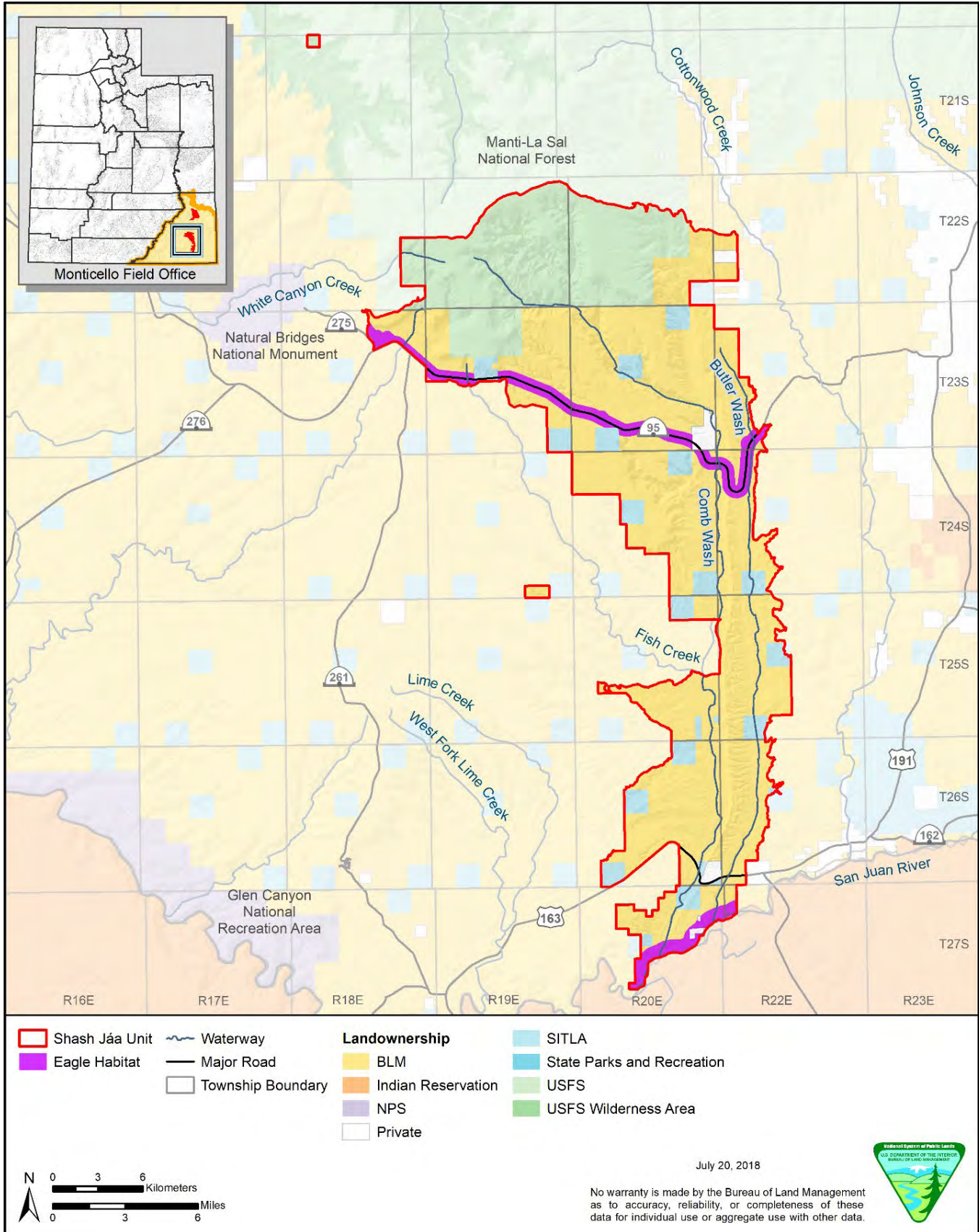
**Map SSS-3. Shash Jaa Unit: Mexican Spotted Owl Critical Habitat**



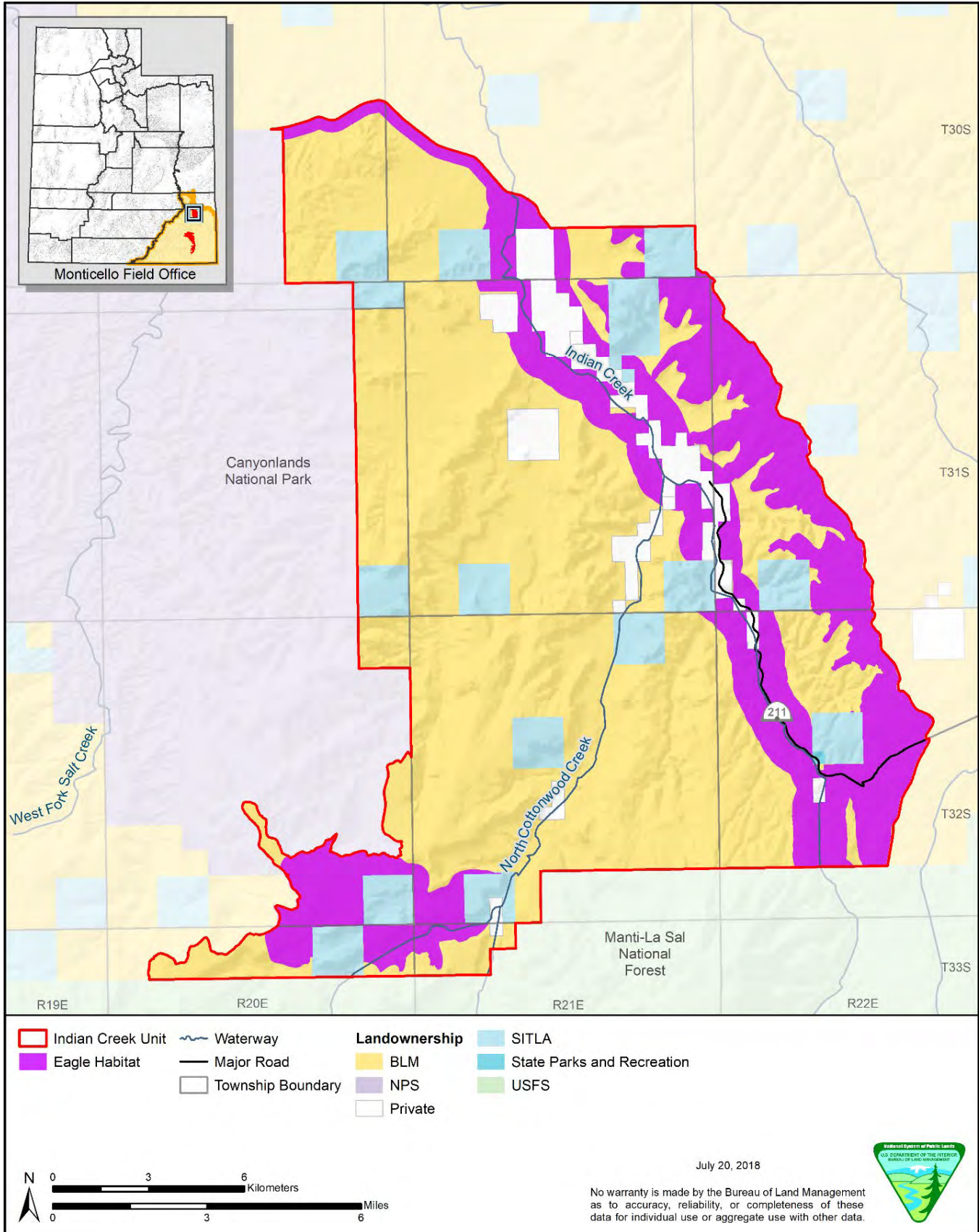
**Map SSS-4. Indian Creek Unit: Mexican Spotted Owl Critical Habitat**



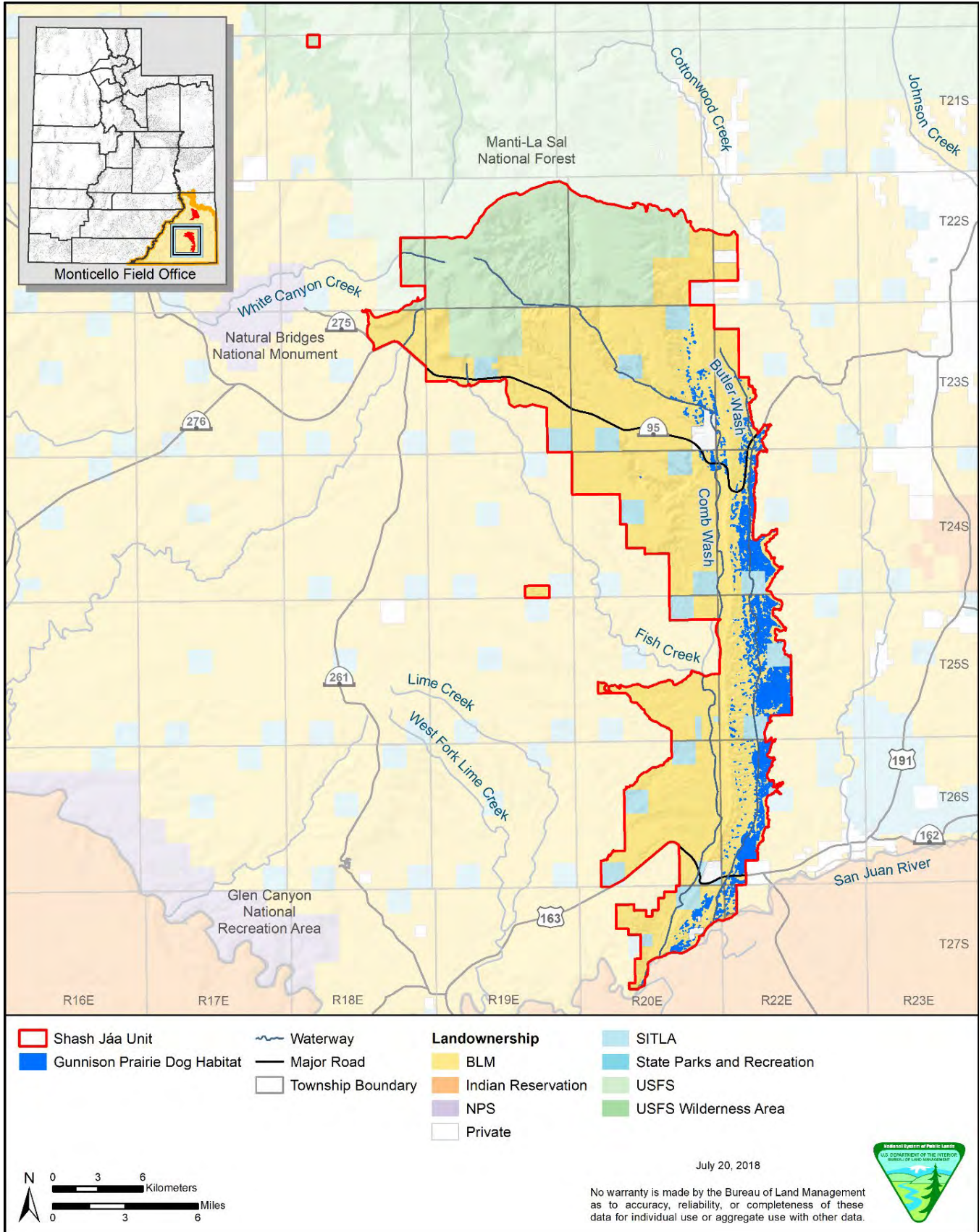
**Map SSS-5. Shash Jaa Unit: Bald Eagle Habitat**



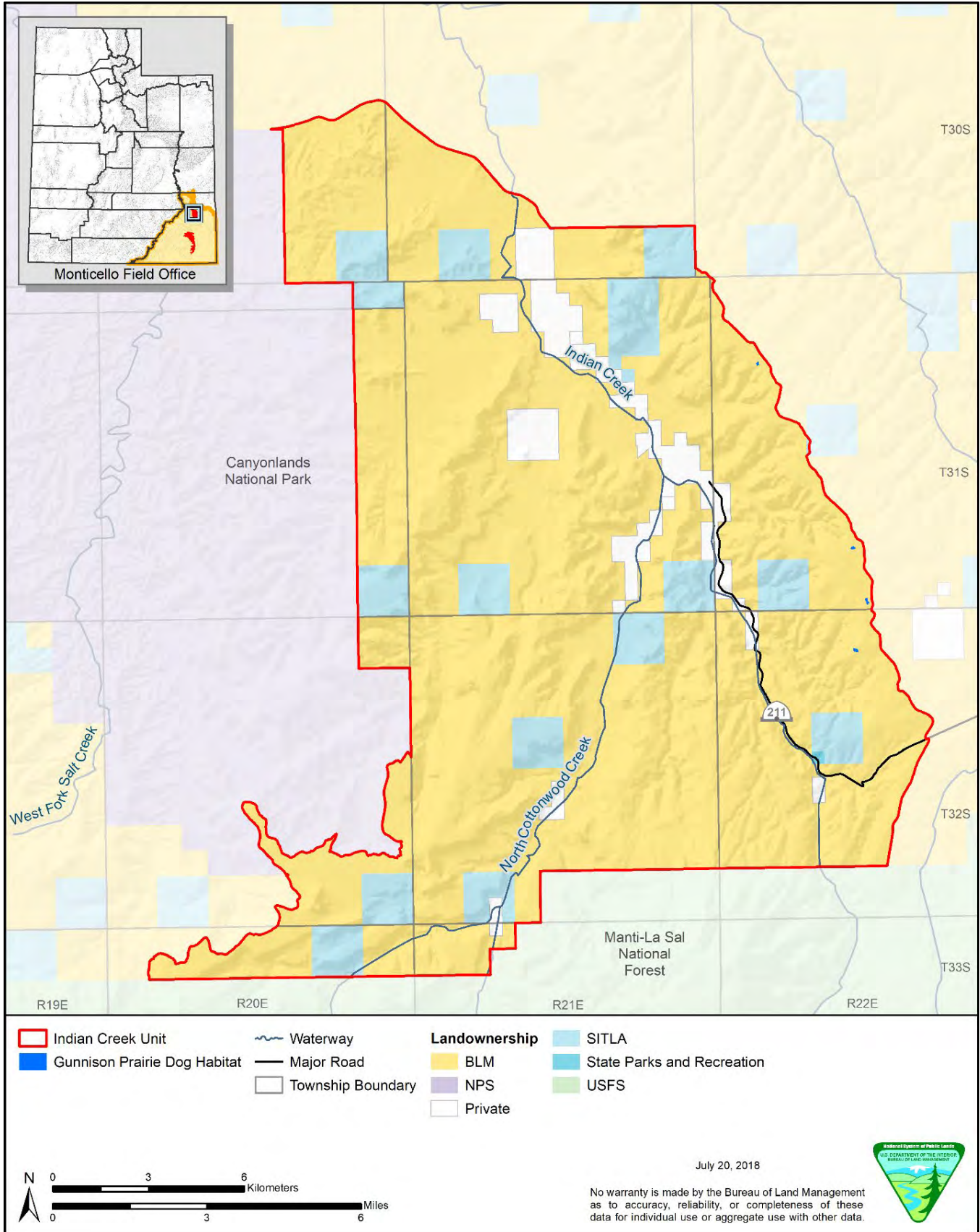
**Map SSS-6. Indian Creek Unit: Bald Eagle Habitat**



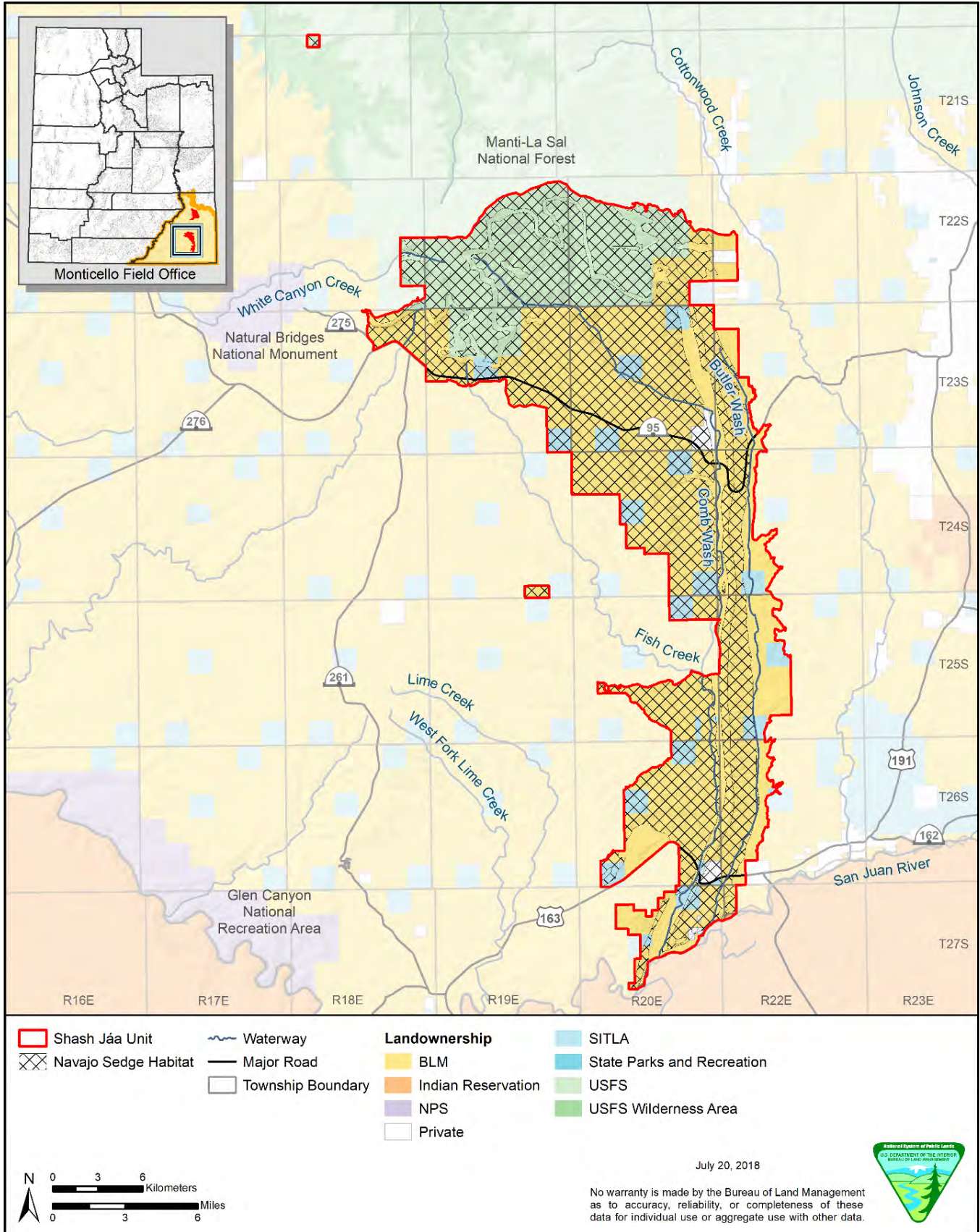
**Map SSS-7. Shash Jáa Unit: Gunnison Prairie Dog Habitat**



**Map SSS-8. Indian Creek Unit: Gunnison Prairie Dog Habitat**

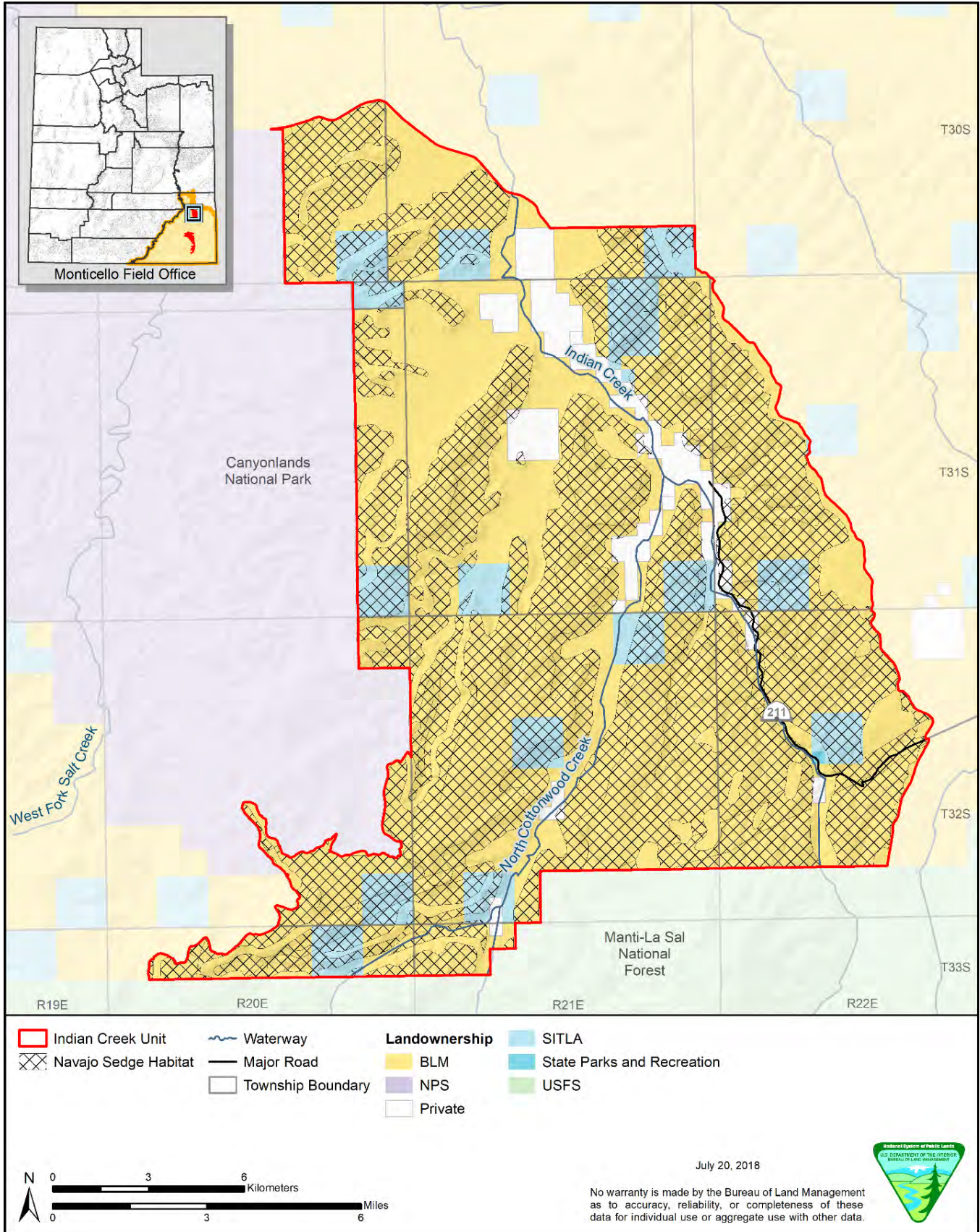


**Map SSS-9. Shash Jáa Unit: Navajo Sedge Habitat**

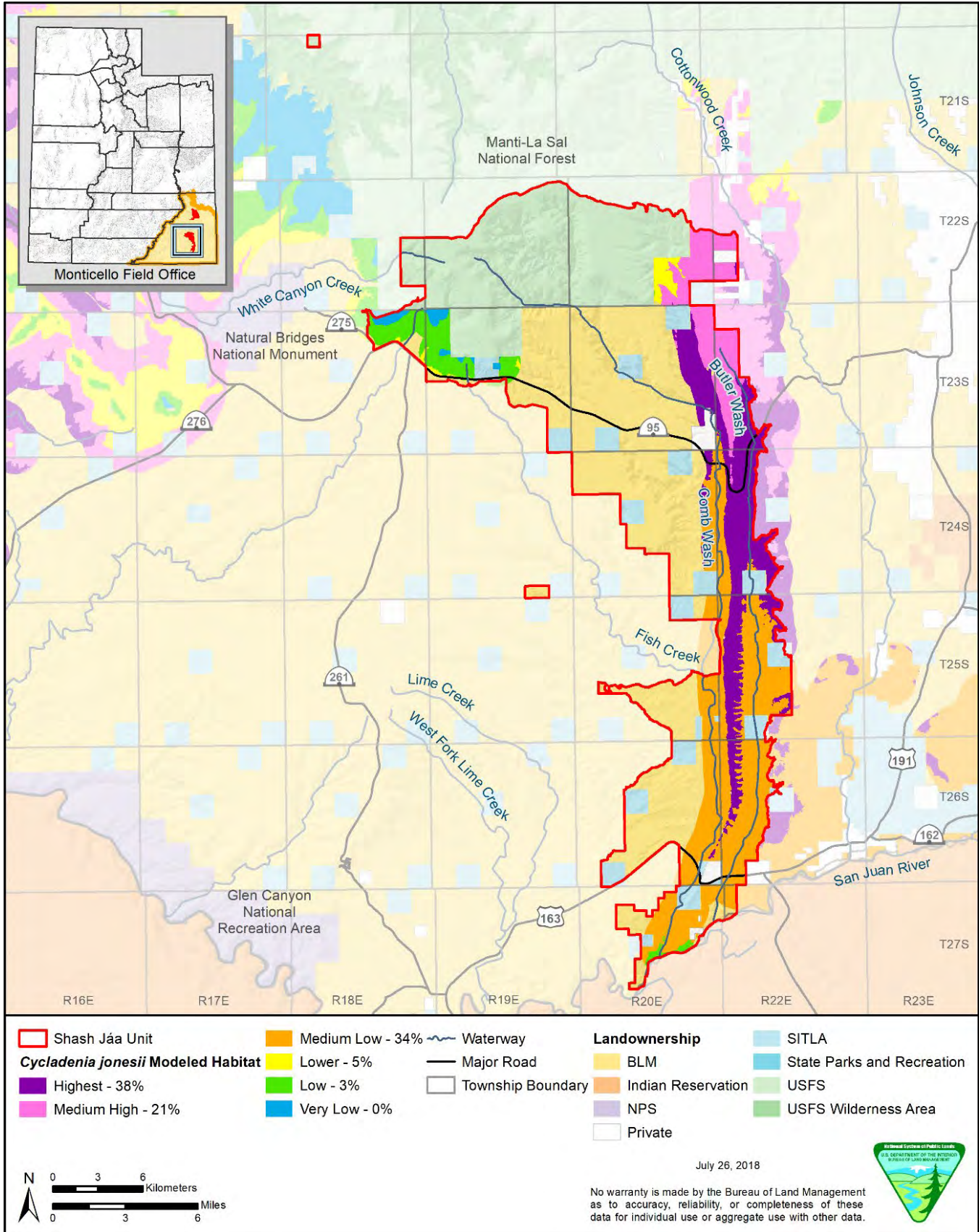




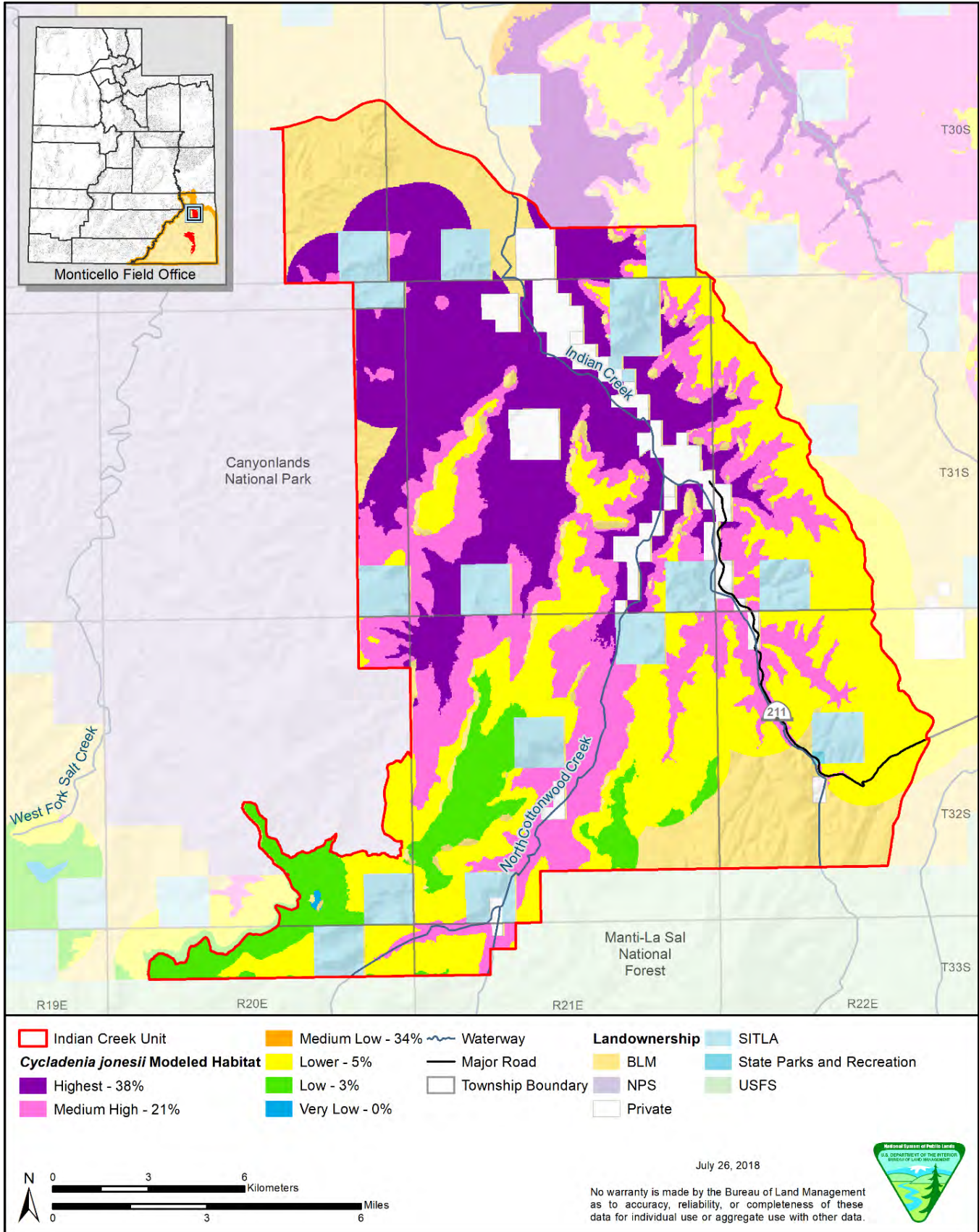
**Map SSS-10. Indian Creek Unit: Navajo Sedge Habitat**



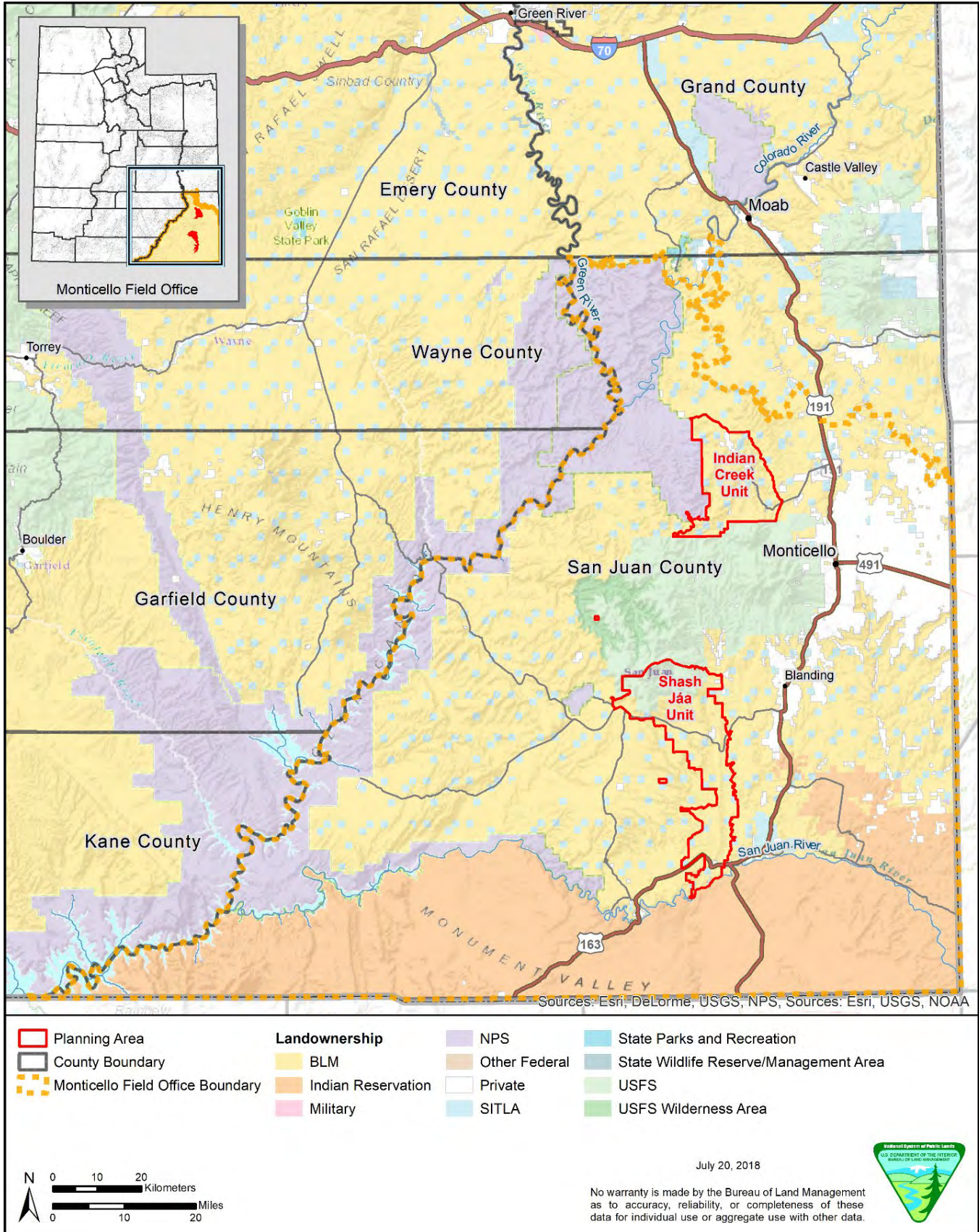
**Map SSS-11. Shash Jáa Unit: Jones Cycladenia Modeled Habitat**



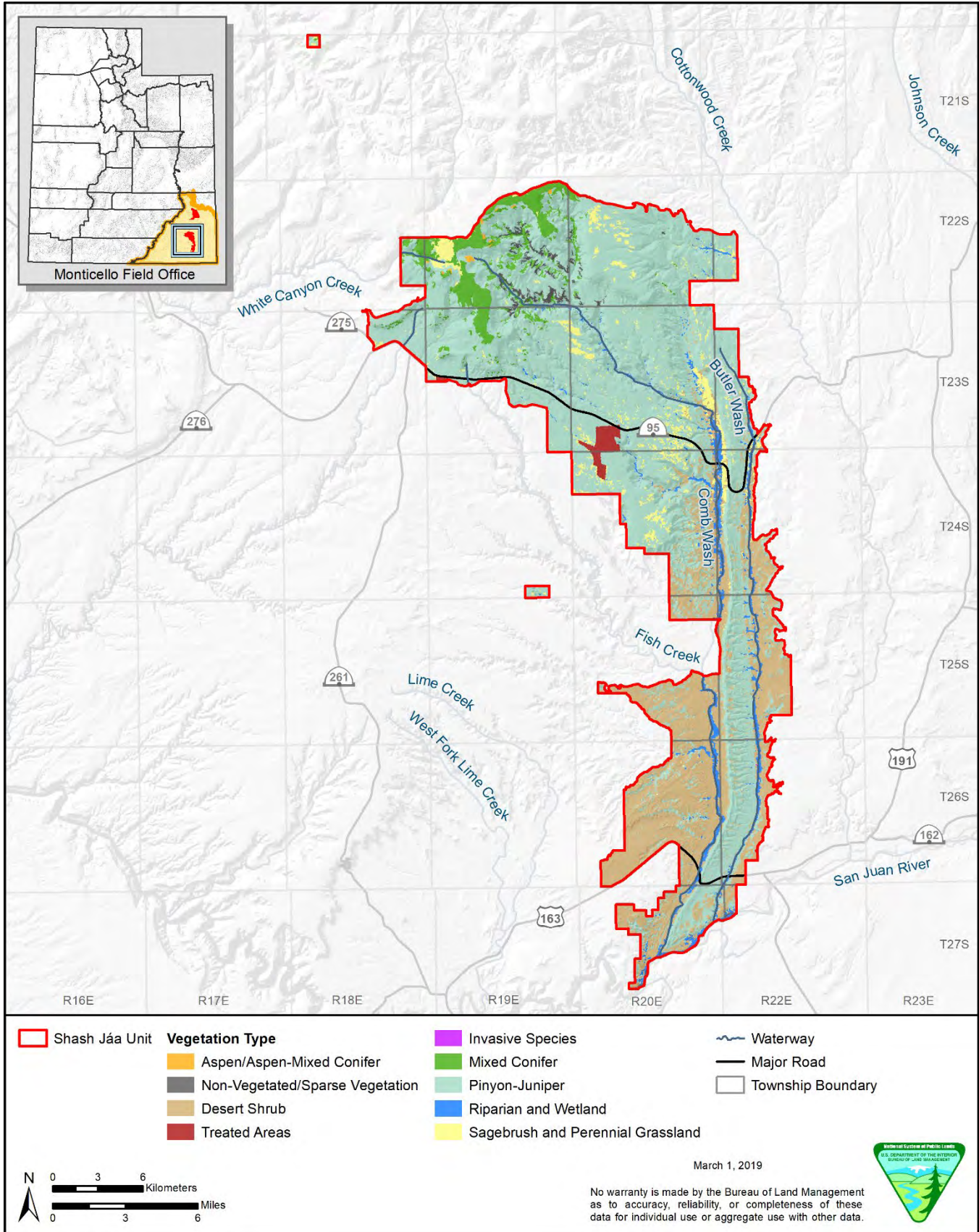
**Map SSS-12. Indian Creek: Jones Cycladenia Modeled Habitat**



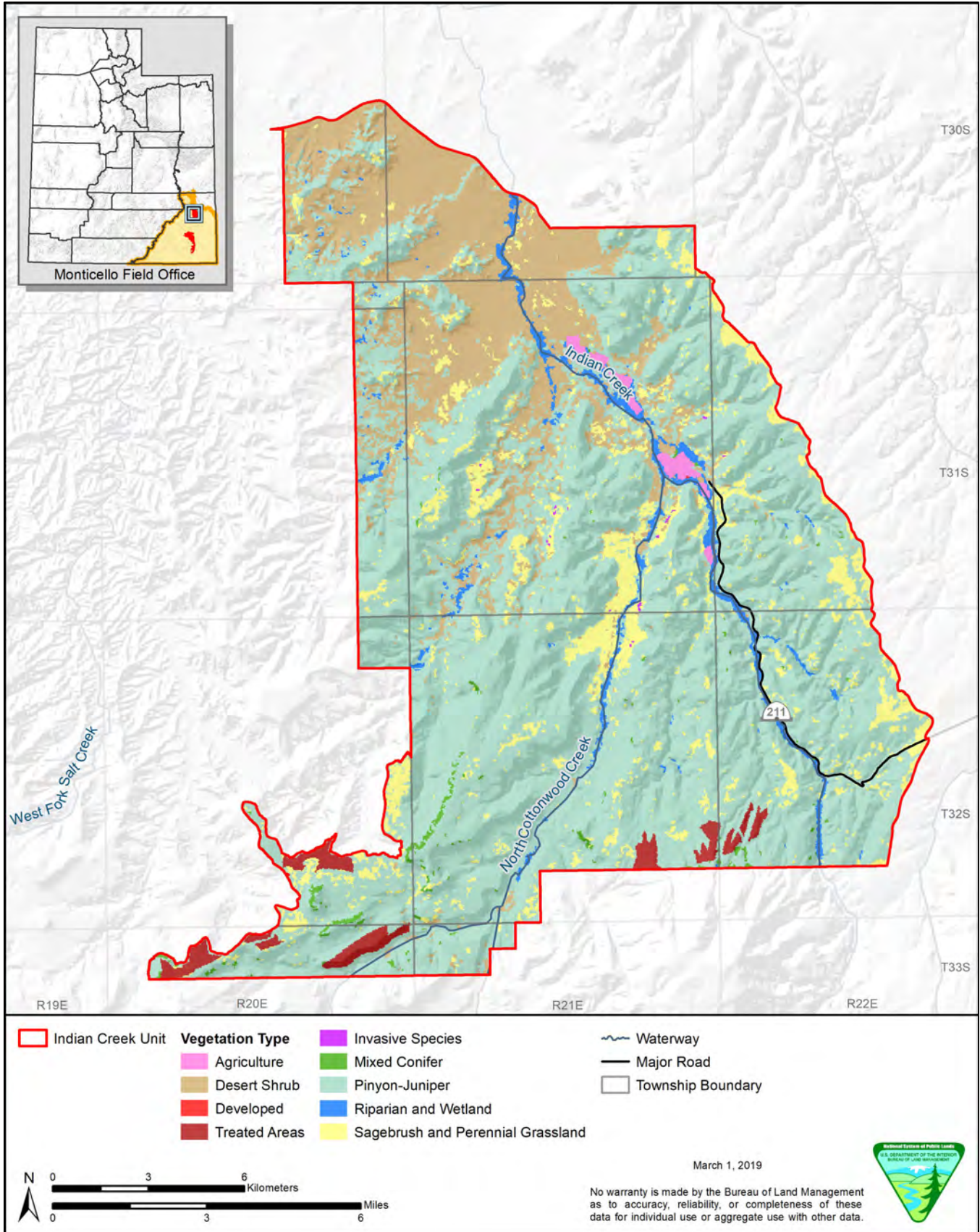
**Map SOC-1. Socioeconomics Analysis Area (San Juan County) and the Planning Area**



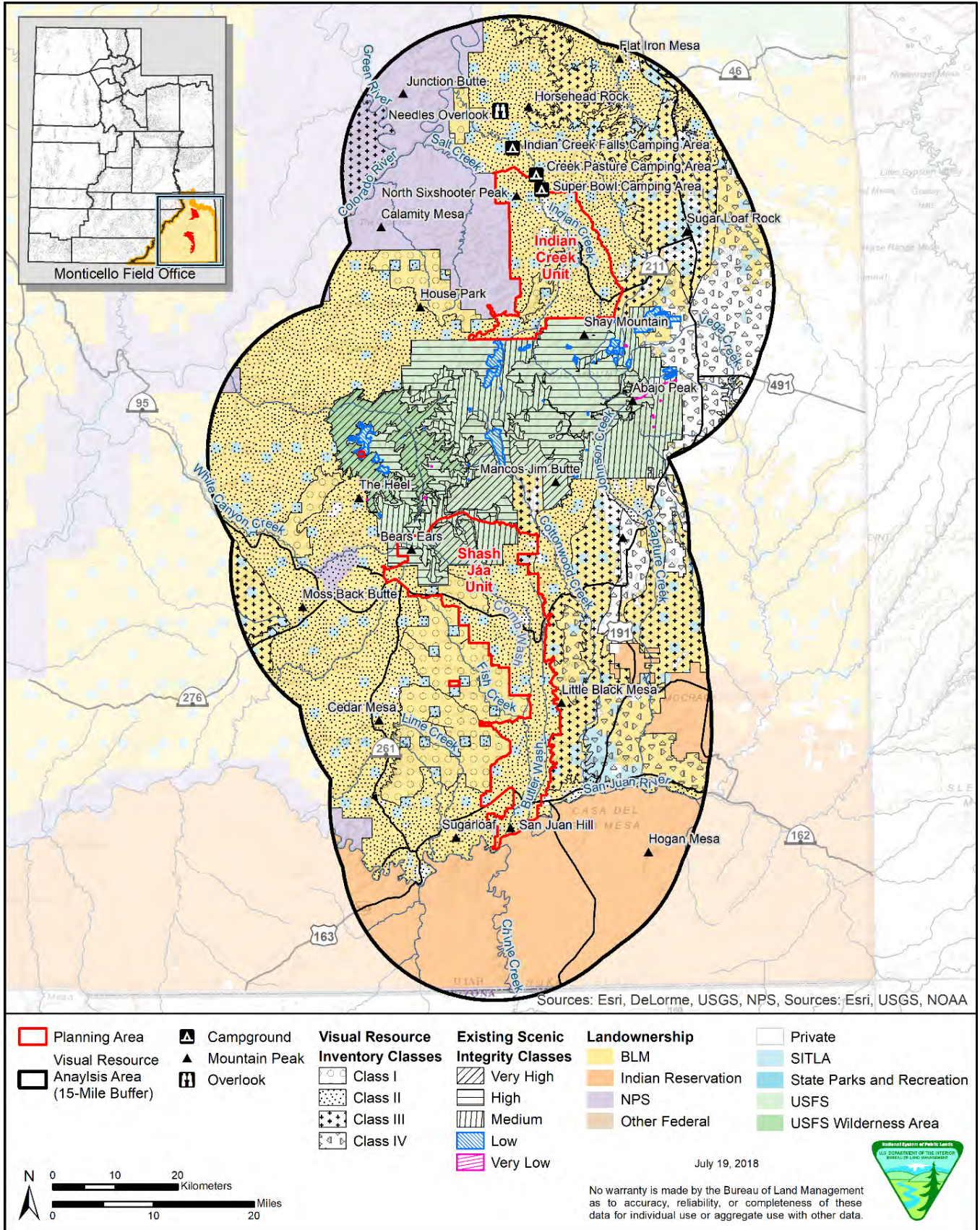
**Map VEG-1. Shash Jaa Unit: Vegetation Types**



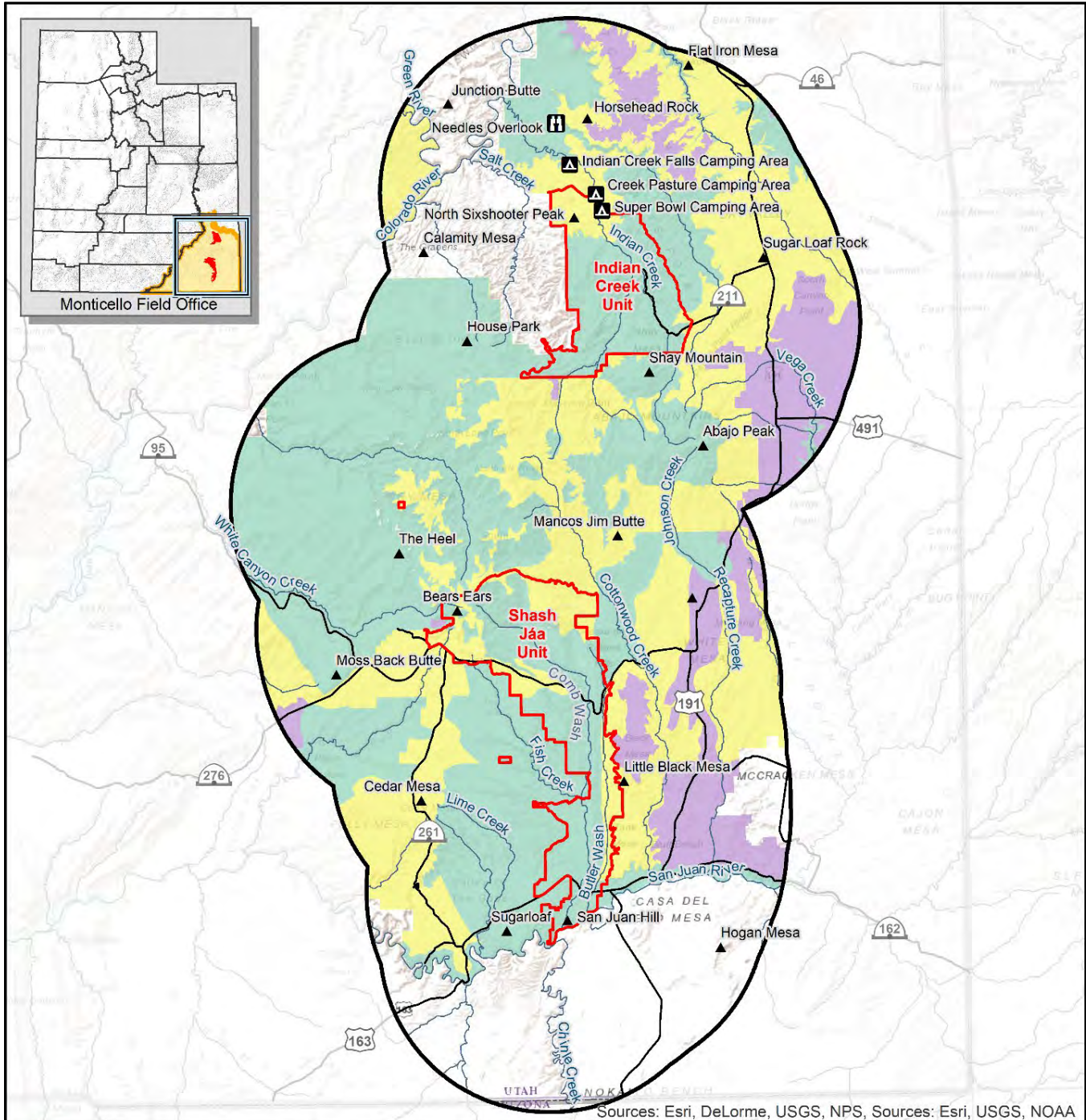
**Map VEG-2. Indian Creek Unit: Vegetation Types**



**Map VRM-1. Visual Resource Inventory Classes and Existing Scenic Integrity in the Visual Resource Analysis Area**



**Map VRM-2. Scenic Quality/Scenic Attractiveness Ratings in the Visual Resource Analysis Area**



Sources: Esri, DeLorme, USGS, NPS, Sources: Esri, USGS, NOAA

- |  |               |  |
|--|---------------|--|
| Planning Area                                  | Campground    | <b>BLM Scenic Quality Rating/<br/>USFS Scenic Attractiveness</b> |
| Visual Resource Analysis Area (15-Mile Buffer) | Mountain Peak | A  |
|  | Overlook      | B  |
|  |               | C  |
|  |               | Not Inventoried  |



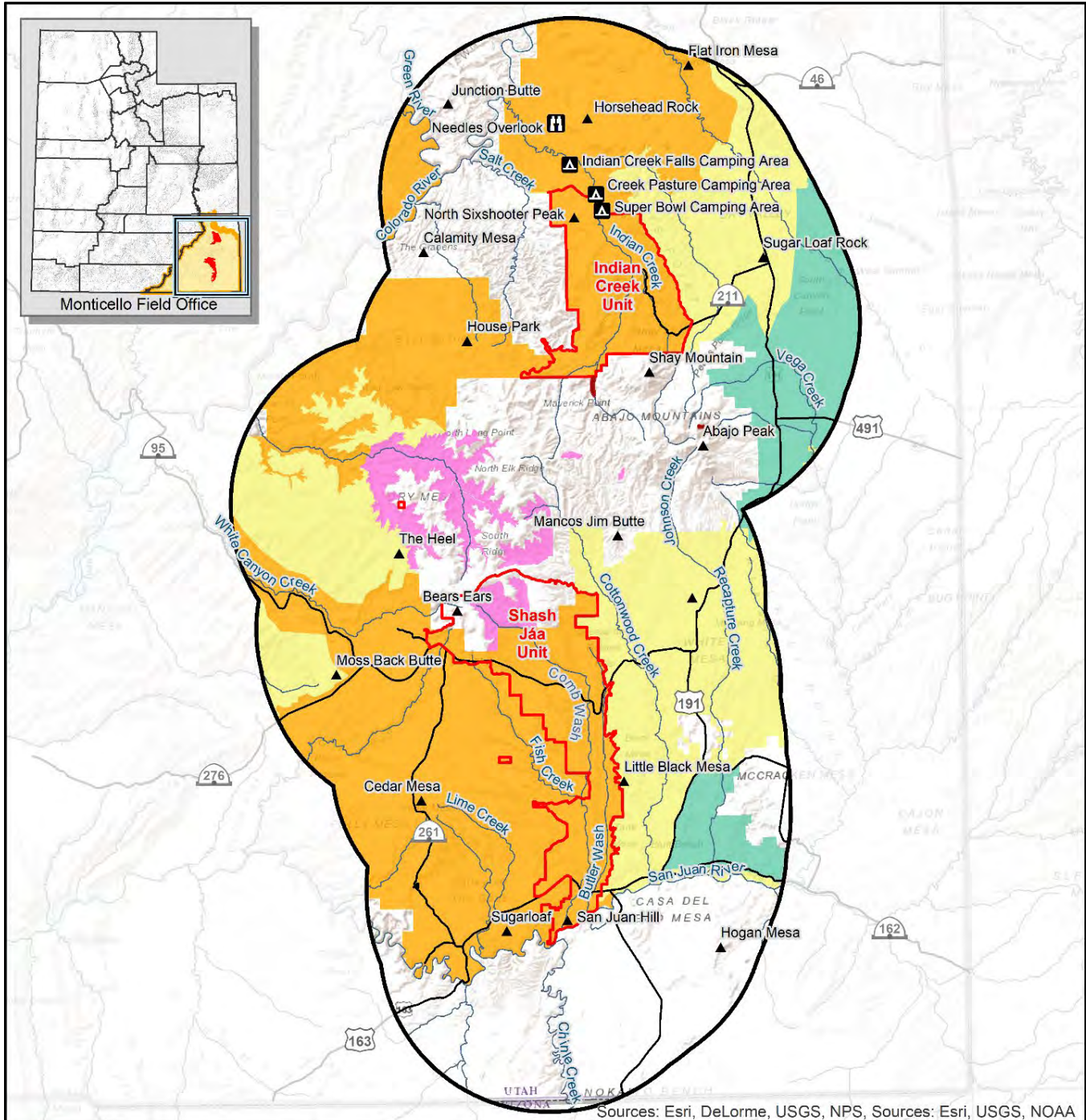
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No warranty is made by the Bureau of Land Management as to accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.





**Map VRM-3. Sensitivity Levels and User Concern Ratings in the Visual Resource Analysis Area**



Sources: Esri, DeLorme, USGS, NPS, Sources: Esri, USGS, NOAA

Planning Area	Campground	<b>BLM Sensitivity Levels</b>	<b>USFS User Concern Rating</b>
Visual Resource Analysis Area (15-Mile Buffer)	Mountain Peak	High	Level I
	Overlook	Moderate	Level II
		Low	
		Not Inventoried	

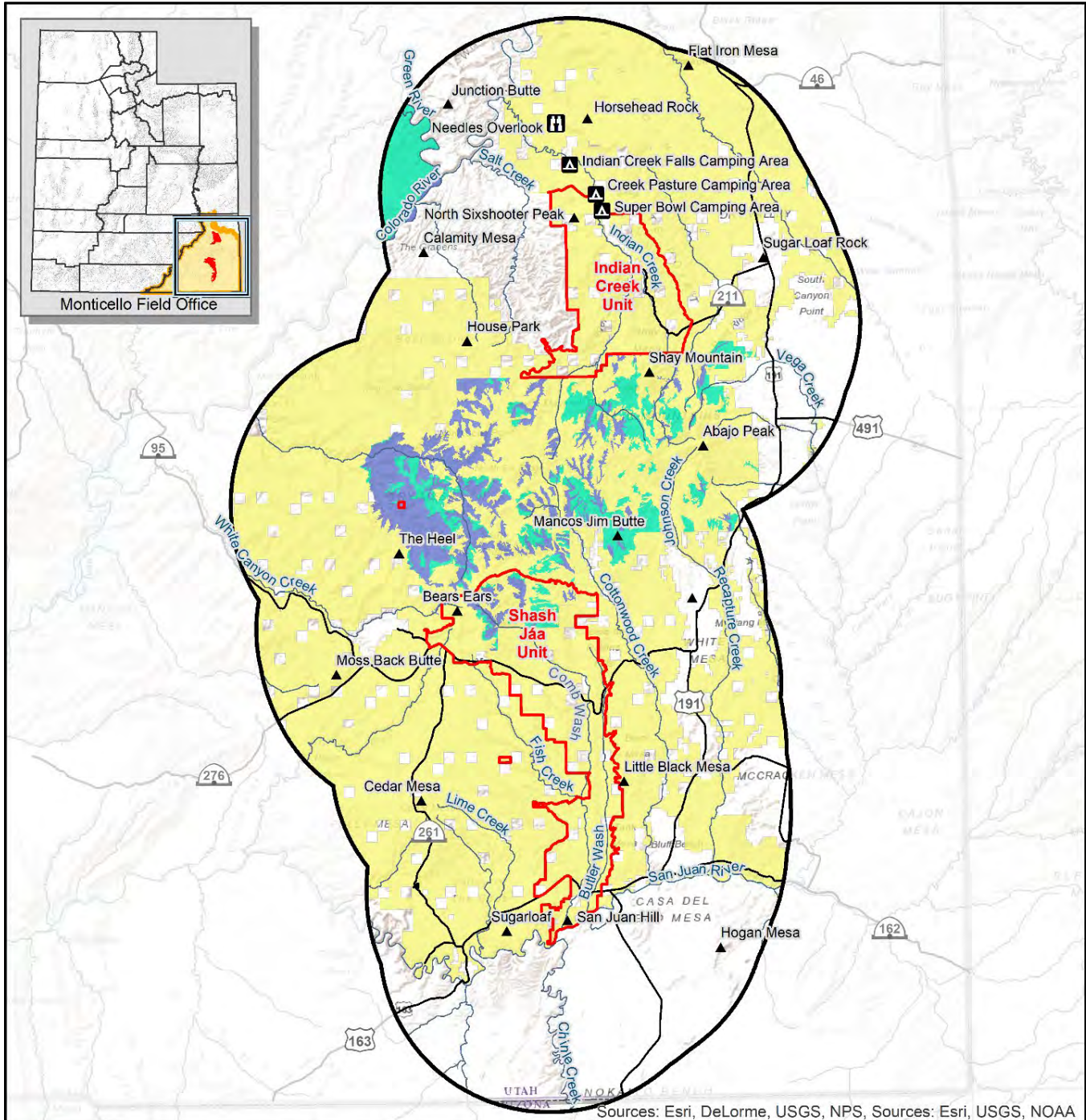


July 20, 2018

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

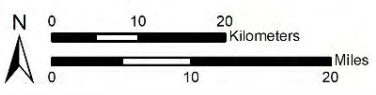


**Map VRM-4. Distance Zones in the Visual Resource Analysis Area**



Sources: Esri, DeLorme, USGS, NPS, Sources: Esri, USGS, NOAA

- |  |               |                                    |
|--|---------------|------------------------------------|
| Planning Area                                  | Campground    | <b>BLM and USFS Distance Zones</b> |
| Visual Resource Analysis Area (15-Mile Buffer) | Mountain Peak | Foreground-Midground               |
|  | Overlook      | Background                         |
|  |               | Seldom Seen                        |
|  |               | Not mapped                         |

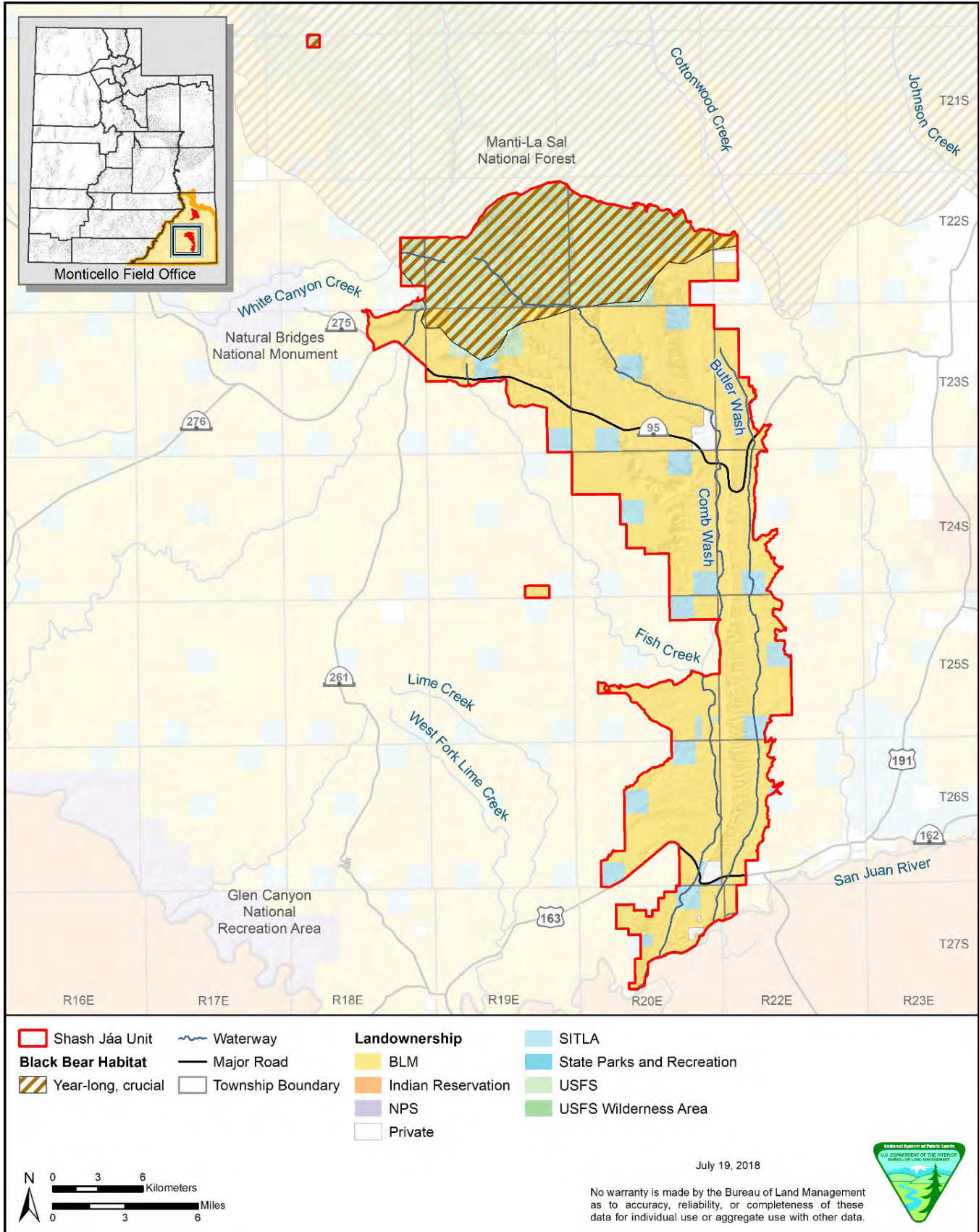


July 19, 2018

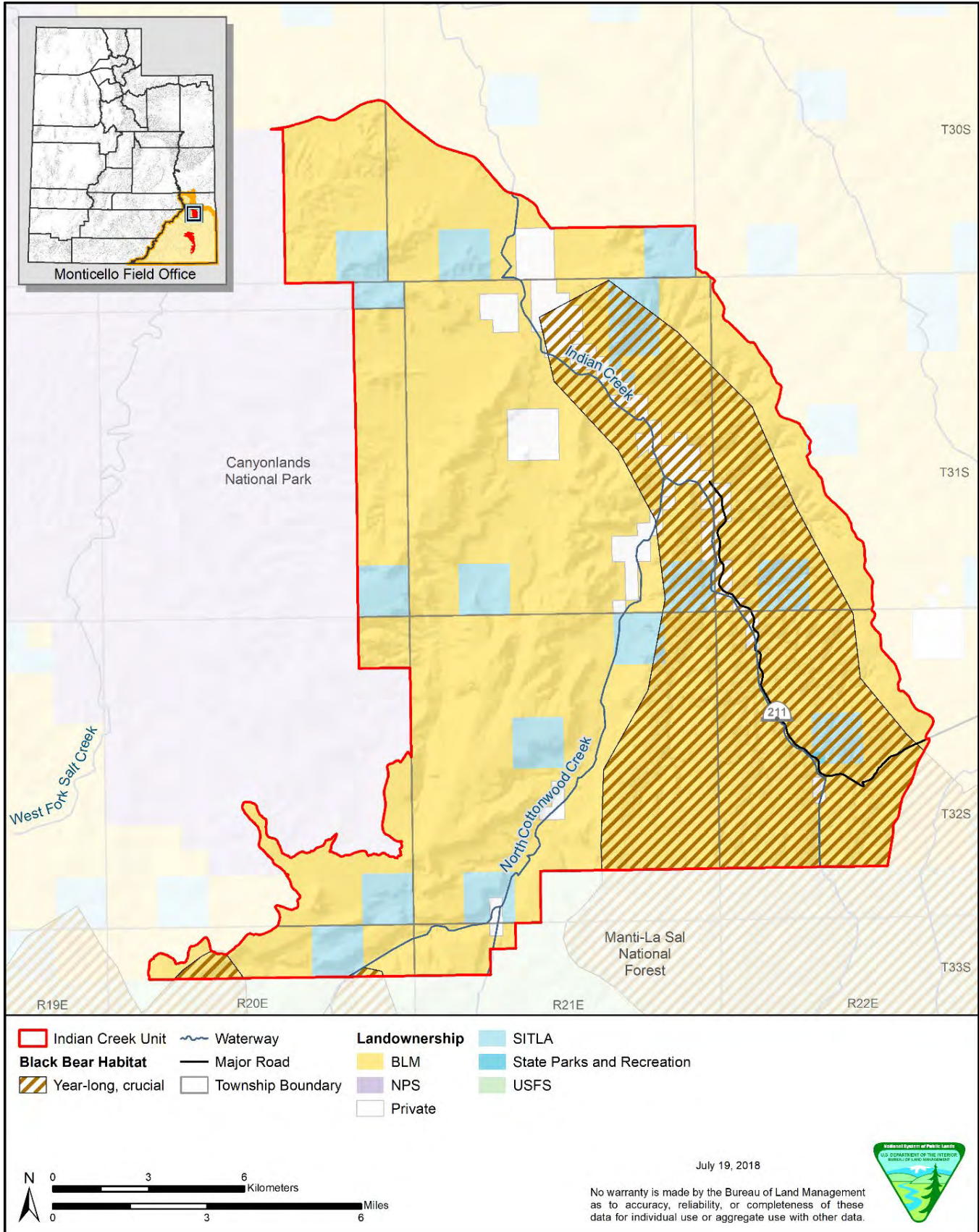
No warranty is made by the Bureau of Land Management as to accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.



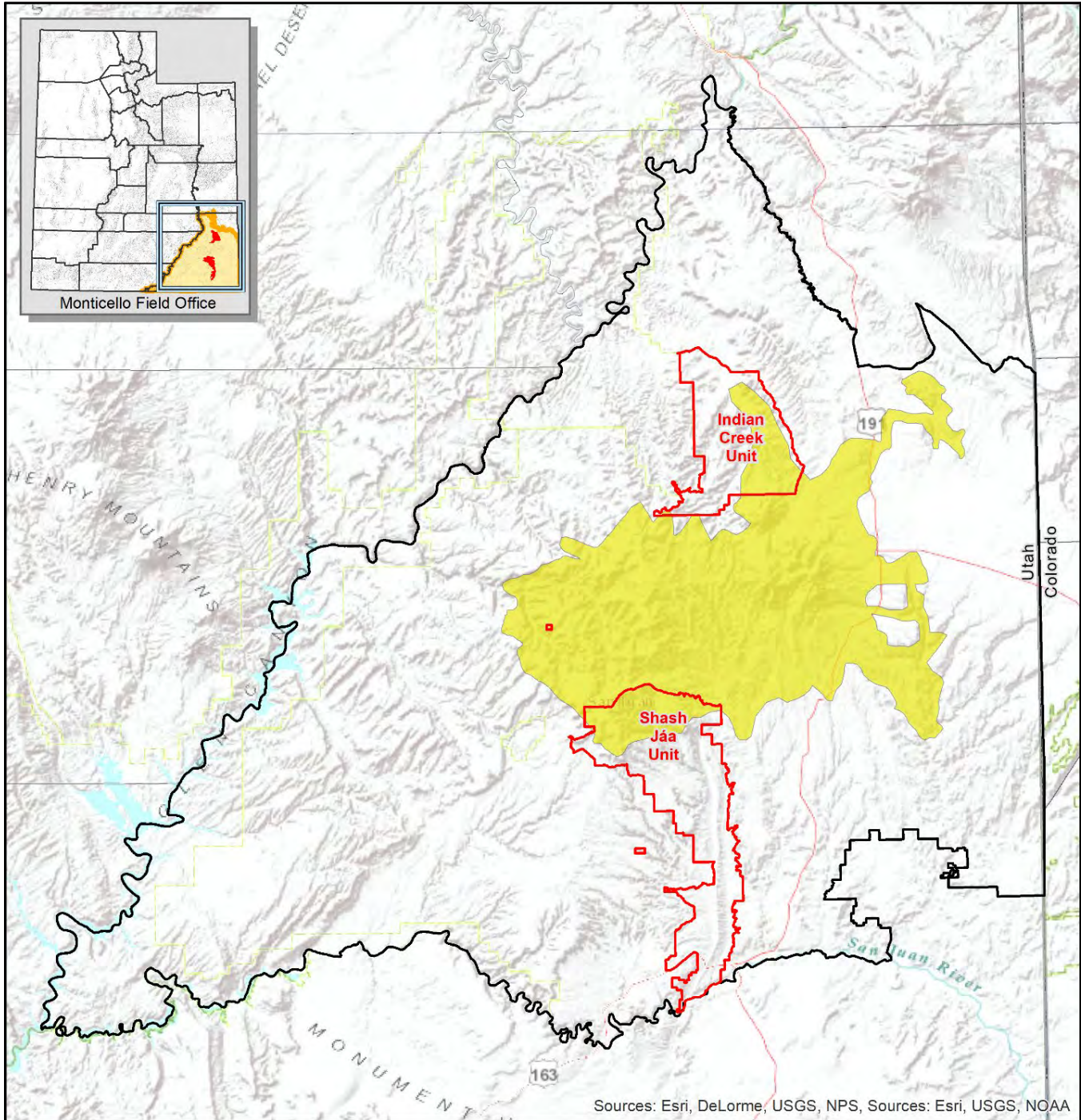
**Map WILD-1. Shash Jáa Unit: Black Bear Habitat**



**Map WILD-2. Indian Creek Unit: Black Bear Habitat**

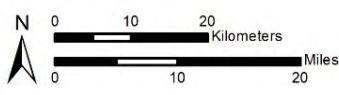


**Map WILD-3. Planning Area, Black Bear Habitat, and Hunt Units**



Sources: Esri, DeLorme, USGS, NPS, Sources: Esri, USGS, NOAA

- Planning Area
- Hunt Unit
- Black Bear Habitat
- Year-long, crucial

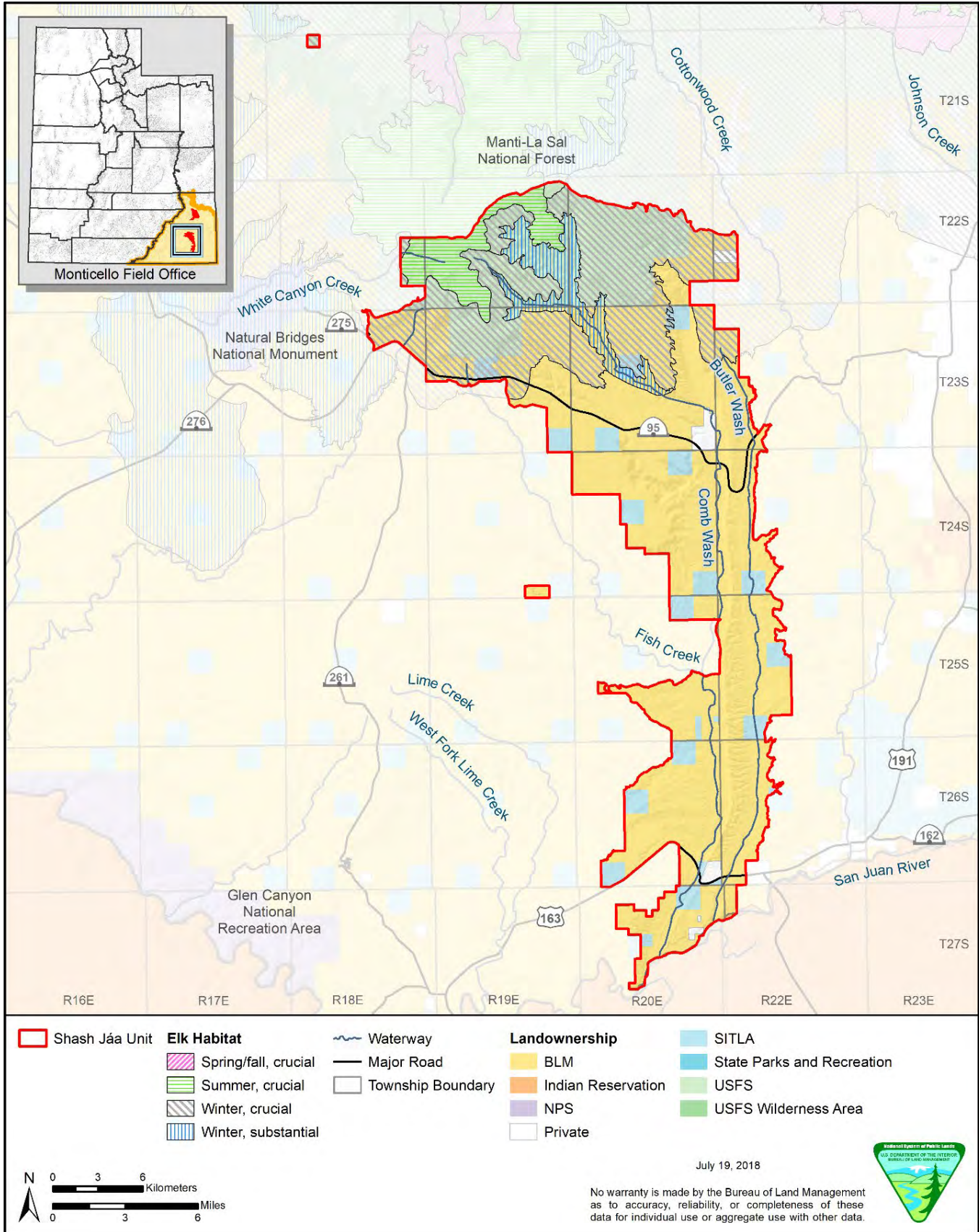


July 25, 2018

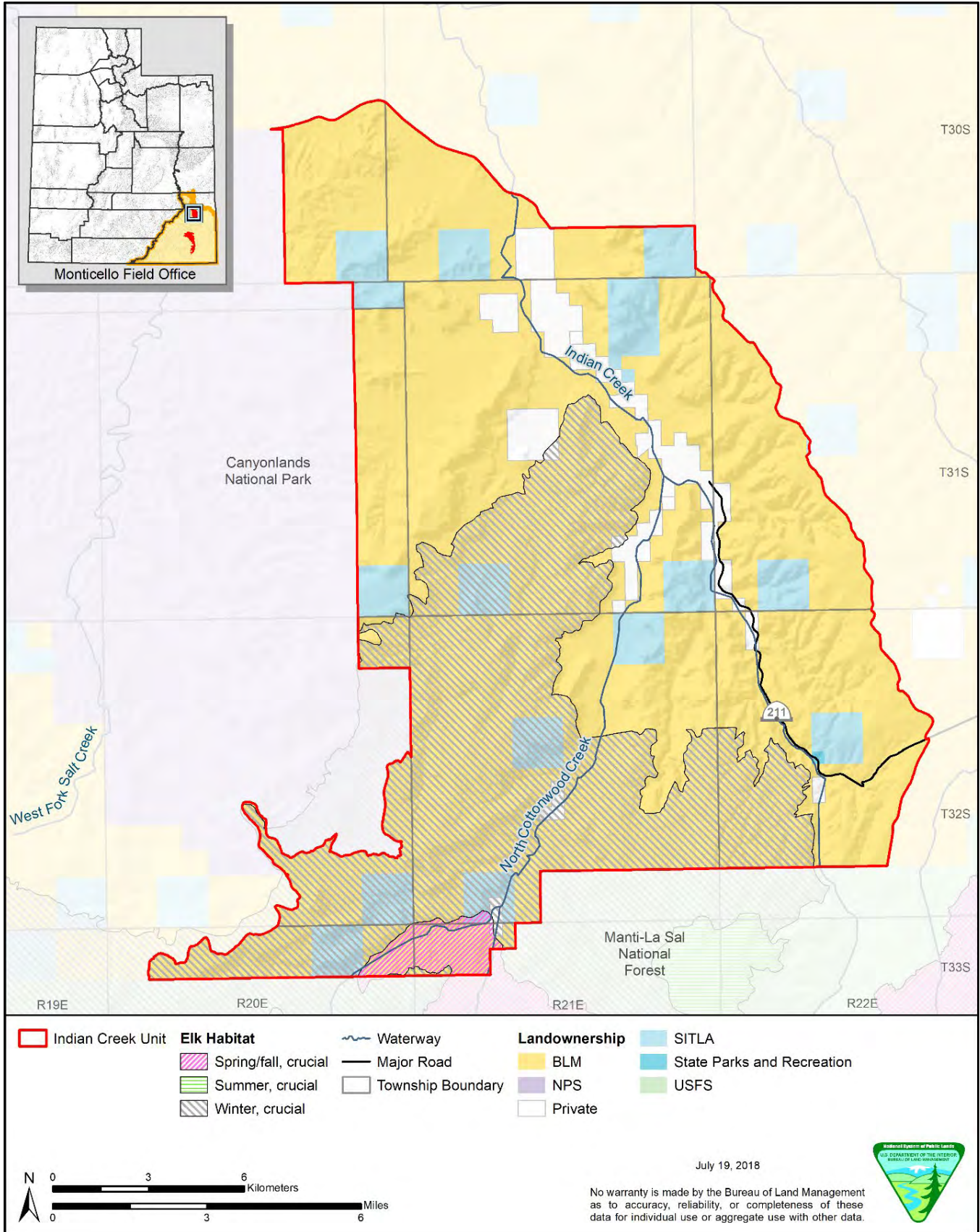
No warranty is made by the Bureau of Land Management as to accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.



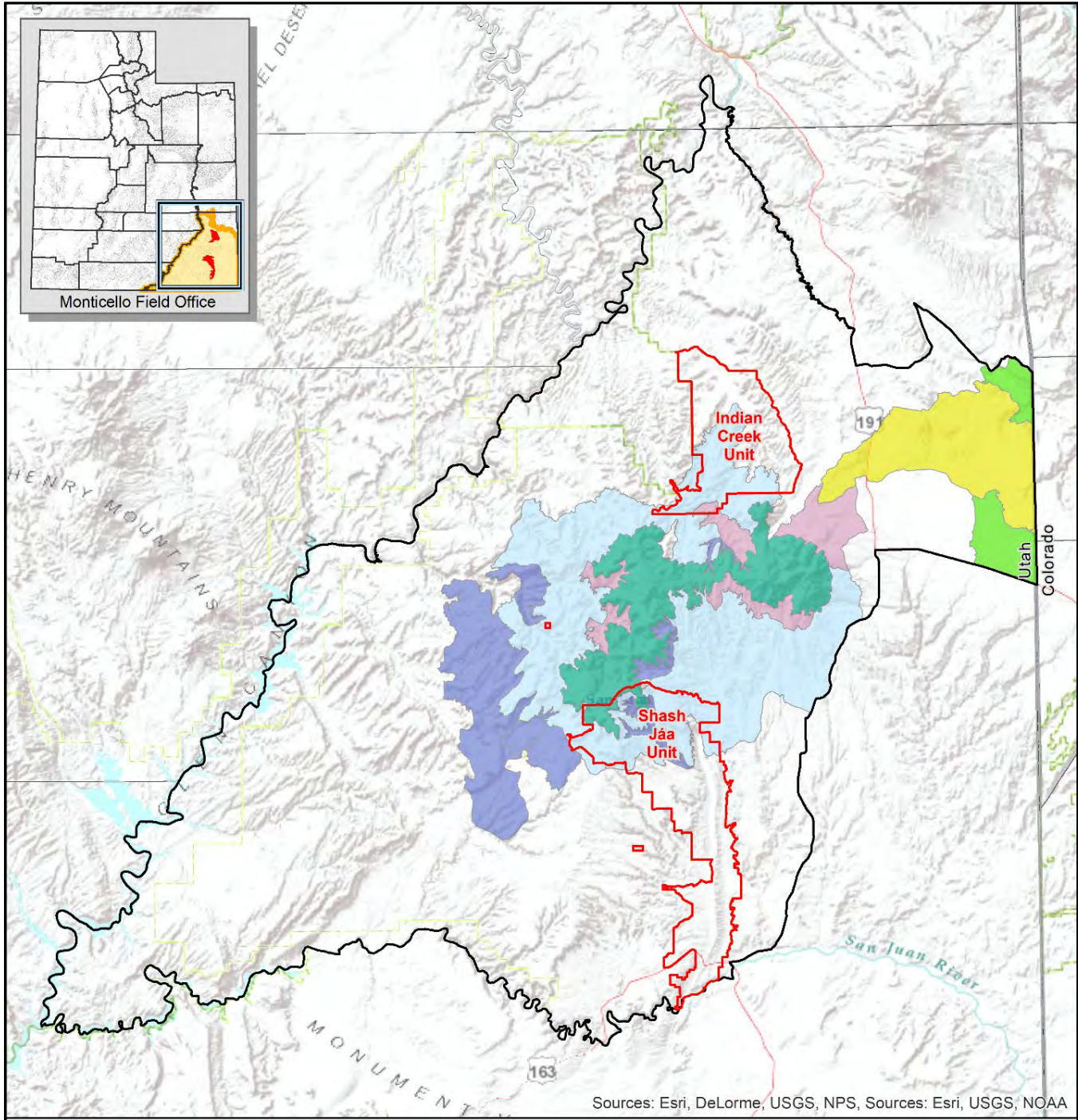
**Map WILD-4. Shash Jáa Unit: Elk Habitat**



**Map WILD-5. Indian Creek Unit: Elk Habitat**



**Map WILD-6. Planning Area, Elk Habitat, and Hunt Units**



- |               |                      |                        |
|---------------|----------------------|------------------------|
| Planning Area | <b>Elk Habitat</b>   | Winter, substantial    |
| Hunt Unit     | Spring/fall, crucial | Year-long, crucial     |
|               | Summer, crucial      | Year-long, substantial |
|               | Winter, crucial      |                        |



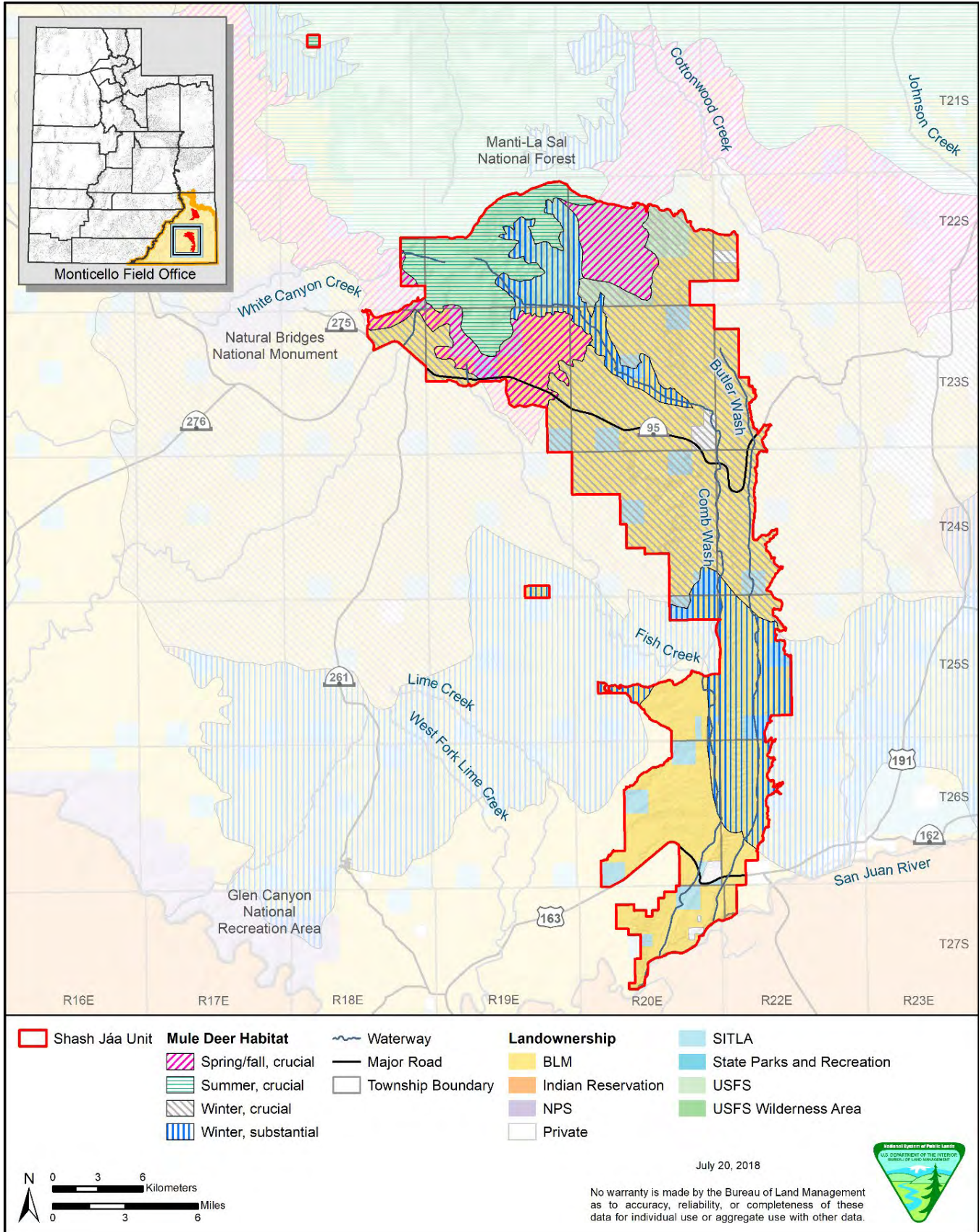
July 20, 2018

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

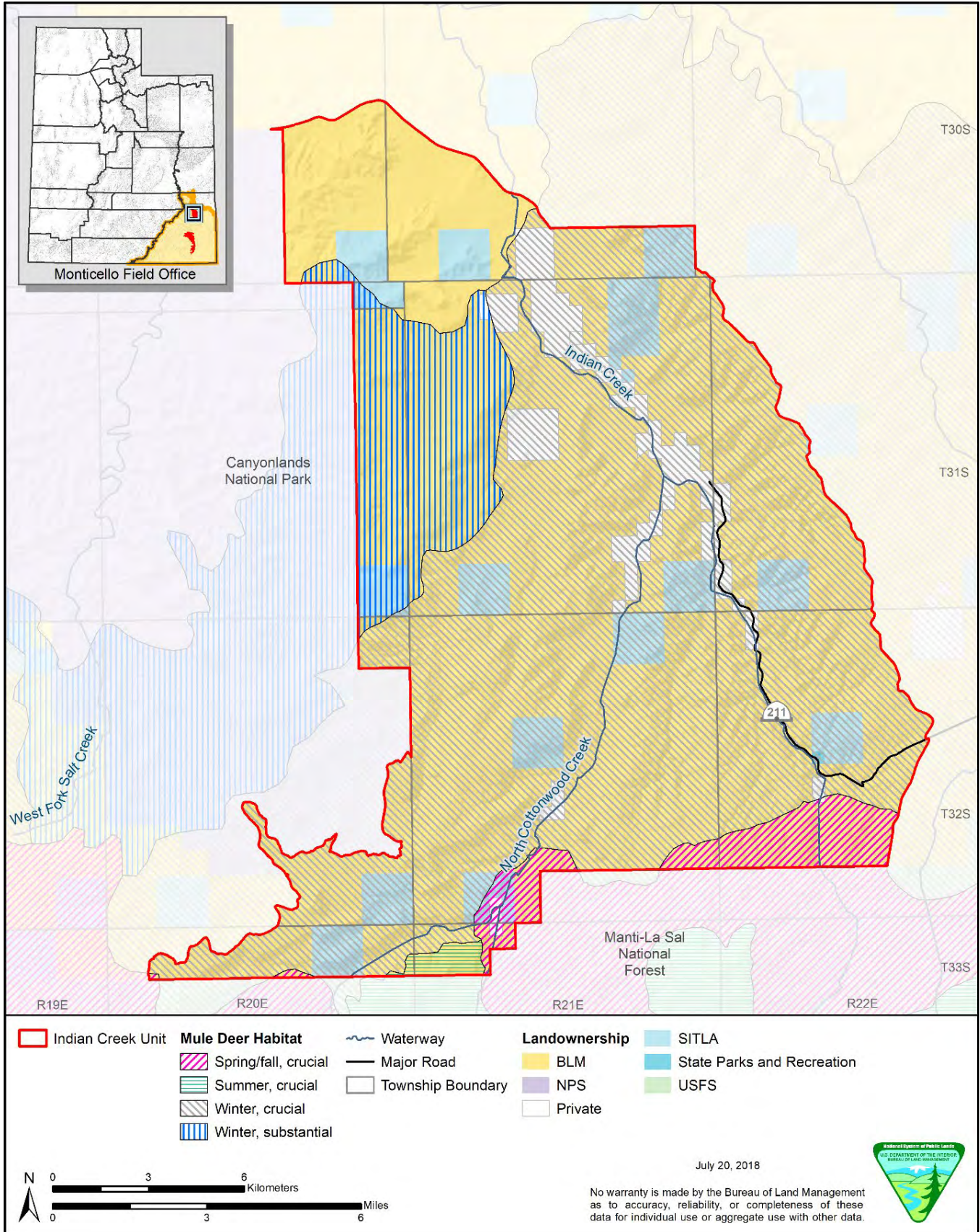




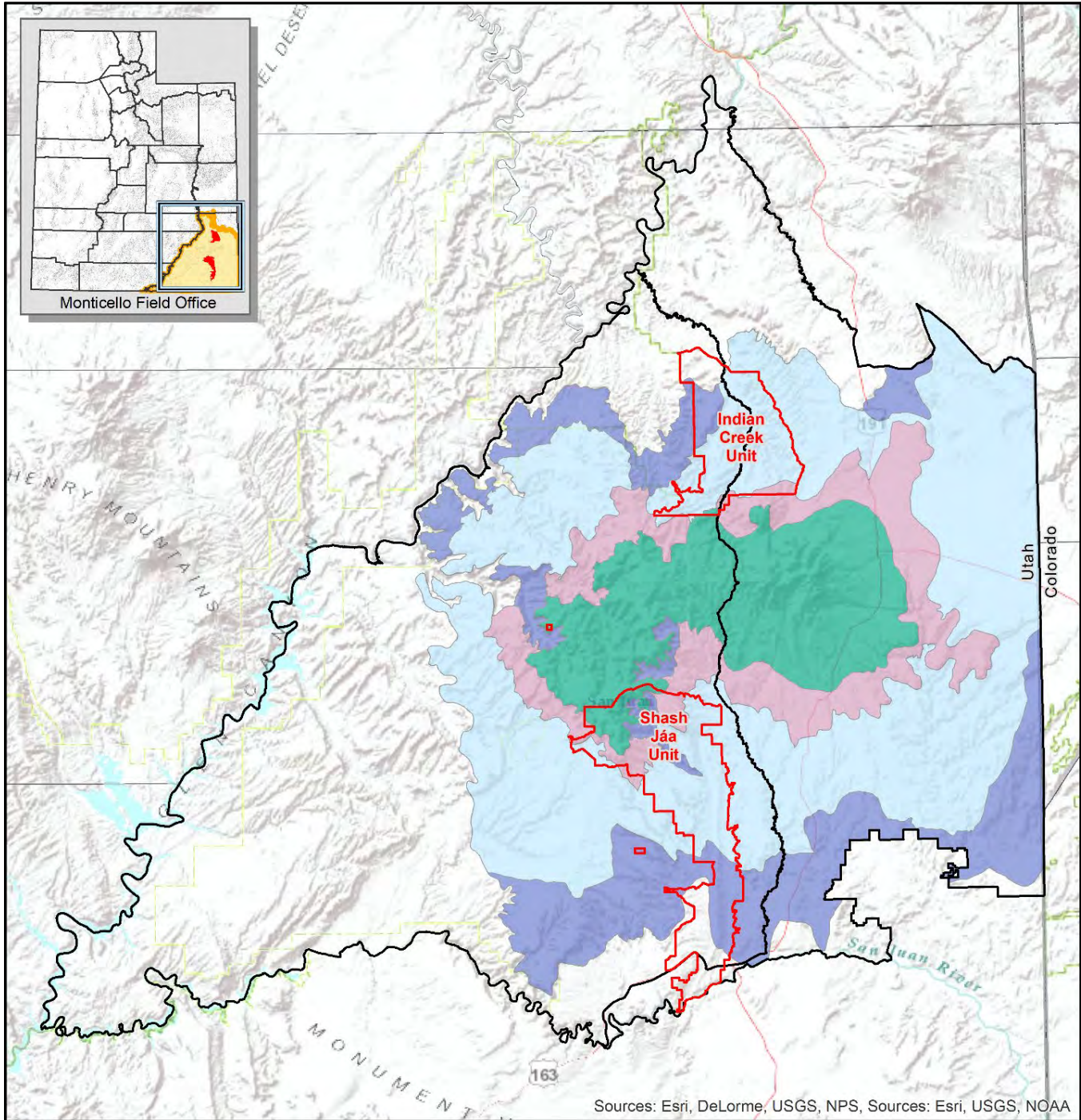
**Map WILD-7. Shash Jáa Unit: Mule Deer Habitat**



**Map WILD-8. Indian Creek Unit: Mule Deer Habitat**

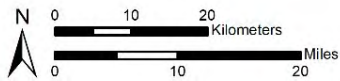


**Map WILD-9. Planning Area, Mule Deer Habitat, and Hunt Units**



Sources: Esri, DeLorme, USGS, NPS, Sources: Esri, USGS, NOAA

- |               |                        |                     |
|---------------|------------------------|---------------------|
| Planning Area | Spring/fall, crucial   | Winter, crucial     |
| Hunt Unit     | Summer, crucial        | Winter, substantial |
|               | Year-long, substantial |                     |



July 20, 2018

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



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## **APPENDIX C**

### **Laws, Regulations, Policies, and Plans Considered in the Development of the Monument Management Plans and Environmental Impact Statement**



# 1 INTRODUCTION

In addition to the state and local plans listed in Section 1.7, the BLM and USFS have considered and developed the Monument Management Plans (MMPs) and Environmental Impact Statement (EIS) to be consistent with applicable laws, regulations, policies, and plans including but not limited to those listed in this section.

# 2 FEDERAL LAWS

Administrative Procedure Act (Public Law 79-404)

Agriculture Risk Protection Act of 2000 (Plant Protection Act) (Public Law 106-224)

American Indian Religious Freedom Act (42 USC 1996)

Antiquities Act of 1906 (16 USC 431-433)

Archaeological Resources Protection Act of 1979 (16 USC 470aa to 470ee)

Bald and Golden Eagle Protection Act (16 USC 668-668d)

Carlson-Foley Act (43 USC 1241)

Clean Air Act of 1970, as amended (42 USC 7401)

Clean Water Act of 1972 (33 USC 1251 et seq.)

Endangered Species Act (ESA) (16 USC 1531 to 1544), as amended

Energy Independence and Security Act of 2007

Federal Cave Resources Protection Act of 1988

Federal Land Assistance, Management and Enhancement Act of 2009 (3 USC 1748)

Federal Land Policy and Management Act of 1976 (43 USC 1701), as amended

Federal Lands Recreation Enhancement Act of 2005 (Public Law 108-447)

Federal Land Transaction Facilitation Act of 2018, as amended 2018 (43 USC 2301 et seq.)

Federal Noxious Weed Act of 1974 (7 USC 2801 and 7 USC 2814)

Fish and Wildlife Act of 1956 (16 USC 742a et seq.), as amended

Fish and Wildlife Conservation Act of 1980 (16 USC 2901-2911)

Fish and Wildlife Coordination Act of 1934 (16 USC 661-667)

John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 (Public Law 116-9)

Land and Water Conservation Fund Act (16 USC 4601 et seq.)

Materials Act of 1947 (30 USC 601-604)

Migratory Bird Treaty Act of 1918 (16 USC 703-712)

Multiple-Use Sustained-Yield Act of 1960 (16 USC 528-531)

National Environmental Policy Act (NEPA) of 1969, as amended (42 USC 4321-4347)

National Forest Management Act of 1976 (16 USC 1600 et seq.)

National Forest Management Act of 1976, as amended (16 USC 1600 et seq.)

National Historic Preservation Act of 1966, as amended (54 USC 300101-307108)

Native American Graves Protection and Repatriation Act (25 USC 3001-3002)

Noxious Weed Control and Eradication Act of 2004, as amended (Public Law 108–412)  
Omnibus Public Land Management Act of 2009 (Public Law 111-11) Federal Regulations  
Paleontological Resources Preservation Act of 2009 (16 USC 470)  
Petrified Wood Act of 1962 (30 USC 611)  
Recreation and Public Purposes Act (43 CFR Part 2740)  
Rescissions Act of 1995 (Public Law 104–19, Section 504)  
Salinity Control Act of 1974 (Public Law 93-320)  
Taylor Grazing Act of 1934 (Public Law 73–482)  
Wild and Scenic Rivers Act, 1968 as amended (16 USC 1271 et seq.)  
Wilderness Act of 1964 (Public Law 88–577)

### **3 FEDERAL REGULATIONS**

DOI NEPA Regulations (43 CFR 46)

BLM Resource Regulations (generally 43 CFR Chapter II)

BLM Leases, Permits, and Easements Regulations (43 CFR 2920)

BLM Off-Road Vehicle Regulations (43 CFR 8340)

BLM Planning Regulations (43 CFR 1600)

BLM Rights-of-Way Regulations (43 CFR 2800 and 2880)

CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500)

USFS NEPA and Resource Regulations (generally 36 CFR 220 through 297)

USFS Planning Regulations (36 CFR 219)

USFS Roadless Rule (36 CFR 294)

### **4 FEDERAL POLICIES**

BLM Handbook H-1601-1 – Land Use Planning

BLM Handbook H-1740-2 – Integrated Vegetation Management

BLM Handbook H-1745 – Introduction, Transplant, Augmentation, and Reestablishment of Fish, Wildlife, and Plants

BLM Handbook H-1780-1 – Improving and Sustaining BLM-Tribal Relations

BLM Handbook H-2740-1 – Recreation and Public Purposes

BLM Handbook H-2930-1 – Recreation Permit and Fee Administration

BLM Handbook H-8270-1 – General Procedural Guidance for Paleontological Resource Management

BLM Handbook H-8320-1 – Planning for Recreation and Visitor Services

BLM Handbook H-8342 – Travel and Transportation Handbook

BLM Handbook H-9011-1 – Chemical Pest Control

BLM Handbook H-9014 – Use of Biological Control Agents of Pests on Public Lands

BLM Handbook H-9015 – Integrated Weed Management



**BLM IM 2009-112 – Updated Policy for Implementation of Federal Wildland Fire Management Policy**

**BLM IM 2016-013 – Managing for Pollinators on Public Lands**

**BLM Manual 1601 – Land Use Planning**

**BLM Manual 1613 – Areas of Critical Environmental Concern**

**BLM Manual 1626 – Travel and Transportation Management Manual**

**BLM Manual 1780 – Tribal Relations**

**BLM Manual 4100 – Grazing Administration**

**BLM Manual 5000 – Forest Management**

**BLM Manual 6100 – National Landscape Conservation System Management**

**BLM Manual 6220 – National Monuments, National Conservation Areas, and Similar Designations**

**BLM Manual 6310 – Conducting Wilderness Characteristics Inventory on BLM Lands**

**BLM Manual 6320 – Considering Lands with Wilderness Characteristics in BLM Land Use Planning Process**

**BLM Manual 6330 – Management of Wilderness Study Areas**

**BLM Manual 6340 – Management of Designated Wilderness Areas**

**BLM Manual 6500 – Wildlife and Fisheries Management**

**BLM Manual 6840 - Special Status Species Management**

**BLM Manual 7240 – Water Quality Manual**

**BLM Manual 7300 – Air Resource Management**

**BLM Manual 8100 – The Foundations for Managing Cultural Resources**

**BLM Manual 8110 – Identifying and Evaluating Cultural Resources**

**BLM Manual 8130 – Planning for Uses of Cultural Resources**

**BLM Manual 8140 – Protecting Cultural Resources**

**BLM Manual 8150 – Permitting Uses of Cultural Resources**

**BLM Manual 8400 – Visual Resource Management System**

**BLM Manual 8431 – Visual Resource Management System**

**BLM Manual 9011 – Chemical Pest Control**

**DOI Departmental Manual 517 DM 1 – Environmental Quality Programs: Pesticides, Integrated Pest Management Policy**

**DOI Departmental Manual 609 DM 1 – Policy and Responsibilities: Weed Control Program**

**BLM Manual and Handbook 8270 – Paleontological Resource Management**

**BLM NEPA Handbook (H-1790-1)**

**BLM IM-UT-2005-091 – Utah BLM Riparian Management Policy**

**Executive Order 11593 – Protection and Enhancement of the Cultural Environment**

**Executive Order 11988 – Floodplain Management**

**Executive Order 11990 – Protection of Wetlands**

**Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority and Low Income Populations**

**Executive Order 13007 – Indian Sacred Sites**

Executive Order 13084 – Consultation and Coordination with Indian Tribal Governments

Executive Order 13112 – Preventing the Introduction and Spread of Invasive Species, as amended by Executive Order 13751 – Safeguarding the Nation from the Impacts of Invasive Species

Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds

Federal Aviation Administration Civil Operations Part 107 - Small Unmanned Aircraft Regulations

Secretarial Order 3355 – Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”

Secretarial Order 3362 – Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors

Secretarial Order 3366 – Increasing Recreational Opportunities on Lands and Waters Managed by the U.S. Department of the Interior

Secretarial Order 3372 – Reducing Wildfire Risks on Department of the Interior Land Through Active Management

Secretarial Order 3373 – Evaluating Public Access in Bureau of Land Management Public Land Disposals and Exchanges

U.S. Department of the Interior Operational Procedures Memorandum (OPM)-11

USFS Handbook 1909.12 - Land Management Planning

USFS Handbook 2209.21 - Rangeland Ecosystem Analysis and Monitoring

USFS Handbook 2509.22 – Soil and Water Conservation Practices Handbook

USFS Handbook 5700 – Aviation Management

USFS Manual FSM 1500 – External Relations

USFS Manual FSM 1900 – Planning

USFS Manual FSM 2200 – Range Management

USFS Manual FSM 2300 – Recreation, Wilderness, and Related Resource Management

USFS Manual FSM 2400 – Timber Management

USFS Manual FSM 2500 – Watershed and Air Management

USFS Manual FSM 2600 – Wildlife, Fish, and Sensitive Plant Habitat Management

USFS Manual FSM 2700 – Special Uses Management

USFS Manual FSM 2900 – Invasive Species Management

USFS NEPA Handbook (FSH 1909.15)

## **5 FEDERAL PLANS**

Bonytail Recovery Plan (USFWS 2002)

Canyonlands National Park and Orange Cliffs Unit of Glen Canyon National Recreation Area Backcountry Management Plan (NPS 1995)

Canyonlands National Park General Management Plan (NPS 1979)

Canyonlands National Park Resource Management Plan (NPS 1996)

Canyonlands Wilderness Recommendation (NPS 1974)

Colorado Pikeminnow Recovery Goals (USFWS 2002)

Conservation and Management Plan for Three Fish Species in Utah: Addressing Needs for Roundtail Chub (*Gila robusta*), Bluehead Sucker (*Catostomus discobolus*), and Flannelmouth Sucker (*Catostomus latipinnis*) (UDWR 2006)

Conservation Agreement and Strategy for Colorado River Cutthroat Trout (*Oncorhynchus clarkii pleuriticus*) in the state of Utah (UDNR 1997)

Final Programmatic Environmental Impact Statement Vegetation Treatments Using Aminopyralid, Fluroxypyr, and Rimsulfuron on BLM Lands in 17 Western States (BLM 2016)

Final Programmatic Environmental Impact Statement Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States (BLM 2007)

Final Recovery Plan for the Southwestern Willow Flycatcher (USFWS 2002)

Humpback Chub Recovery Goals (USFWS 2002)

Mexican Spotted Owl Recovery Plan, First Revision (USFWS 2012)

Pollinator-Friendly Best Management Practices for Federal Lands (USDA and DOI 2015)

Razorback Sucker Recovery Plan (2002)

Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (USFWS 1987)

## **6 STATE PLANS**

Elk Herd Unit Management Plan, Elk Herd Unit # 14, San Juan (2016)

State of Utah Resource Management Plan (2018)

Utah Big Horn Sheep Statewide Management Plan (n.d.)

Utah Catastrophic Wildfire Reduction Strategy (n.d.)

Utah Division of Wildlife Resources/Utah Division of Oil, Gas and Mining Abandoned Mine Reclamation Program Memorandum of Understanding for the Conservation and Management of Bats in Abandoned Mines in Utah (2015)

Utah Elk Statewide Management Plan (n.d.)

Utah Forest Action Plan (2016)

Utah Mule Deer Statewide Management Plan (n.d.)

Utah Noxious Weed Act (Rule R68-9)

Utah Pollutant Discharge Elimination System, UAC R317-8

Utah Smoke Management Plan (1999, as revised)

Utah Strategic Plan for Managing Noxious and Invasive Weeds (2004)

Utah Wildlife Action Plan (2015)

Utah's List of Impaired Waters (303d) (2010)

Utah's Nonpoint Source Pollution Management Plan (2000)

Utah's State Comprehensive Outdoor Recreation Plan (2014)

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## **APPENDIX D**

### **Cultural Resources Monitoring Framework**



# 1 PURPOSE AND NEED

The desired outcome of adaptive management strategies for cultural resources is to provide for the proper care and management of objects identified in Proclamation 9558, as modified by Proclamation 9681, by preserving and maintaining those characteristics of culturally significant properties—including historic properties eligible for or listed in the National Register of Historic Places (NRHP), traditional cultural properties (TCPs), American Indian sacred sites, or cultural landscapes—that make them important. Effective adaptive management to meet expected outcomes requires that clear resource indicators be established that can be measured to assess any changes to those resources, thresholds for implementation of new management actions, methodologies for monitoring resource conditions relative to stated indicators to determine whether management action thresholds have been met, and a suite of management actions to be taken should a threshold be crossed. This document outlines a framework for developing site-specific monitoring plans for cultural resource localities within the Monument where adaptive management strategies are applied and ongoing location-specific monitoring is necessary. The completed implementation-level cultural resource monitoring and management plan(s) will include the site-specific resource indicators, thresholds, and adaptive management actions to be taken when thresholds are crossed.

## 2 CULTURAL RESOURCE INDICATORS

### 2.1 National Register of Historic Places Criteria

Indicators of resource conditions for cultural resources such as historic properties, archaeological sites, TCPs, American Indian sacred sites (when they are or contain resources that are eligible for inclusion in the NRHP), and cultural landscapes are those criteria established for inclusion of a property in the NRHP. These criteria are detailed in 36 Code of Federal Regulations (CFR) 60.4:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

- (a) that are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) that are associated with the lives of persons significant in our past; or
- (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) that have yielded, or may be likely to yield, information important in prehistory or history.

### 2.2 Types of Significance

The NRHP identifies four types of significance (36 CFR 60.4(a-d)). The National Park Service (NPS), which administers the NRHP, has provided guidance on the characteristics of properties that might meet one or more of these types of significance (NPS 1997:11–24). Table D-1 provides a summary of the definitions provided in that document for each type of NRHP significance criteria.

**Table D-1. Definitions of Types of Significance for National Register of Historic Places Properties**

Element of Integrity	Definition
Criterion A: Event	Properties can be eligible for the NRHP if they are associated with events that have made a significant contribution to the broad patterns of our history.
Criterion B: Person	Properties may be eligible for the NRHP if they are associated with the lives of persons significant in our past.
Criterion C: Design/construction	Properties may be eligible for the NRHP if they embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
Criterion D: Information potential	Properties may be eligible for the NRHP if they have yielded, or may be likely to yield, information important in prehistory or history.

## 2.3 Elements of Integrity

Of note among the criteria for considering the significance of a property for its inclusion in the NRHP are seven elements of integrity: location, design, setting, materials, workmanship, feeling, and association. The NPS (1997:44–45) has provided guidance that describes and better defines these elements of integrity. Definitions of each element of integrity as described by this guidance are summarized in Table D-2.

**Table D-2. Definitions of Elements of Integrity for National Register of Historic Places Properties**

Element of Integrity	Definition
Location	Location is the place where the historic property was constructed or the place where the historic event occurred.
Design	Design is the combination of elements that create the form, plan, space, structure, and style of a property.
Setting	Setting is the physical environment of a historic property.
Materials	Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
Workmanship	Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
Feeling	Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.
Association	Association is the direct link between an important historic event or person and a historic property.

## 2.4 Sacred Sites or Sites of Cultural or Religious Importance

Sacred sites or sites of cultural or religious importance may not exhibit characteristics amenable to evaluation of significance within the framework of NRHP eligibility. Such locations, however, can be of substantial cultural concern. Identification of these places occurs during consultation between American Indian Tribes, traditional communities, and the BLM and/or the U.S. Forest Service (USFS). Appropriate indicators to evaluate possible ongoing or emerging impacts to such sites will be determined on a case-by-case basis during the consultation process.

## 3 THRESHOLDS FOR MANAGEMENT ACTION

Archaeological sites in Utah, both historic and prehistoric, are currently being documented as they are discovered on a Utah Archaeology Site Form (UASF) (Interagency Heritage Resources Work Group 2018). This form also allows for site information to be updated or for the site to be completely re-recorded, as appropriate, during subsequent visits. Sites on USFS lands may be recorded using USFS archaeological site forms, which record comparable data. Previously recorded sites are documented on earlier versions of Utah archaeological site forms. These forms are designed to prompt the collection of a host of data for each locality relevant for researchers and for land managers tasked with protecting and preserving



significant historic localities. These forms prompt researchers to document a number of characteristics of a locality that are relevant to those indicators of resource conditions discussed above. Changes in condition at cultural resource sites that have already been documented on standard site forms can also be recorded on site monitoring forms. Particularly salient among those characteristics for which researchers document resource condition observations are impacting agents, site condition, retention of integrity, and NRHP status. Changes to the features of a significant historic property, TCP, American Indian religious site, or cultural landscape that make it eligible for inclusion on the NRHP are appropriate thresholds across which consideration of a change in management action would be appropriate.

### **3.1 Impacting Agents**

Impacting agents are those that may alter characteristics of a locality that make it eligible for listing on the NRHP, including those that may affect a site's type of significance or one or more elements of integrity. The UASF form provides a short list of common impacting agents that include erosion, livestock concentration, recreation, road/trail, vandalism/looting, none, and other. The form also provides a free-text entry portion, where researchers documenting a locality are expected to describe those agents impacting the site. Site monitoring forms contain similar impacting agents and text options. A change to a locality's impacting agents could be a threshold for consideration of new or increased management action if monitoring were to identify the addition of a new impacting agent or a change is observed in the relative effects of an already identified impacting agent.

### **3.2 Site Condition**

Site condition is determined on-site by a qualified person conducting a site documentation or site monitoring visit. The BLM and USFS will determine the qualifications of those individuals qualified to evaluate site condition as the monitoring plan is completed. Qualifications may vary based on site type and sensitivity. However, in most cases it would be a Utah-permitted archaeologist or monitors trained by a similarly qualified archaeologist. The agencies will apply confidentiality provisions, as appropriate, for sacred sites and other sensitive Tribal cultural resources, as well as consider the use of Tribal monitors for sensitive sites. The UASF (or site monitoring) form provides a list of site conditions that include stable, deteriorating, imminently threatened, and destroyed. A stable site is defined as one where impacting agents such as erosion, decay, or other forces of nature are affecting the locality, as would be expected from the antiquity of the site. A deteriorating site is one where, if current impacts continue, the site is in danger of significant loss of integrity in a 3- to 15-year time frame. An imminently threatened locality is one where, if current impacts continue, the locality is likely to lose significant elements of integrity in less than 3 years. A destroyed site is one where impacting agents have left a locality completely devoid of any physical evidence of its one-time presence or have damaged a site's characteristics to the point that it no longer meets the criteria for listing in the NRHP. Changes to the condition of a site that adversely affect those characteristics of the site that make it eligible for the NRHP are threshold events that would trigger a change in management action in consultation with Tribes

### **3.3 Retention of Integrity**

Integrity, as it relates to significant cultural resources such as historic properties, was described in Section 2.3. The UASF form asks researchers documenting a locality to assess which of the seven elements of integrity important for a site's NRHP eligibility are retained at a location. Deterioration of a locality such that an element of integrity once present at a site is lost is a threshold across which a management action would occur. Integrity for sacred sites or sites of cultural or religious importance to Tribes may not meet NRHP aspects of integrity.

## 3.4 National Register of Historic Places Status

NRHP status of a site refers to whether the site is currently listed in the register or whether the researcher documenting the site considers it to be eligible or not eligible for listing. Formal determinations of whether a site is eligible or not eligible for NRHP listing are made by agencies in consultation with the State Historic Preservation Officer during consultation required by Section 106 of the National Historic Preservation Act. NRHP eligibility can be reevaluated and changed by agencies in consultation with SHPO when better information is available on the elements of site integrity (see Table D-2). A change in the NRHP status of a locality is a threshold across which new management actions would occur. The BLM and USFS will consider eligibility of potential cultural and religious properties that are of importance to Tribes (as per 36 CFR 800).

# 4 CULTURAL RESOURCES MONITORING METHODOLOGIES

## 4.1 Location Selection

Known historic properties, archaeological sites, TCPs, American Indian sacred sites, or cultural landscapes for which adaptive management strategies are implemented will be subject to cultural resources monitoring. In addition, the agencies may select localities for monitoring if they determine that a particular location may be subject to impacts and management of that particular location necessitates monitoring site conditions. The agencies will also select localities for monitoring through government-to-government consultation with American Indian Tribes and, if applicable, Multi-Tribal Organizations, acknowledging that not all cultural sites are archaeological sites. Other consulting parties, as deemed appropriate, will be included in the location selection process.

## 4.2 Baseline Assessment

The initial step in establishing a site-specific monitoring program is to document the baseline conditions of the site so that any future changes to those conditions can be clearly identified. For newly discovered localities, the baseline assessment consists simply of a thorough documentation of the site on a current UASF form (or a USFS form), with careful attention given to a complete description of those aspects of the form relating to potential management action thresholds.

Localities that have been previously documented are not likely to have fully detailed descriptions of those site characteristics considered most critical when considering the adaptive management of a site. Nonetheless, providing important details about site condition allows relevant characteristics to be inferred. For baseline assessments of localities included in a monitoring program, these prior data will be carefully evaluated and considered. For each of these previously documented localities, the site will be visited and documented, incorporating information from prior documentation, as appropriate, to establish a baseline condition assessment. Baseline assessments will be updated as NRHP recommendations are updated, and the agencies will work with SHPO to formalize eligibility where applicable.

## 4.3 Cultural Resources Monitoring

Cultural resources monitoring of selected historic properties, archaeological sites, TCPs, American Indian sacred sites, or cultural landscapes will occur at a frequency determined by the agencies, in consultation with Tribes, as appropriate, that is appropriate to the management objectives of each monitored locality. A site may be subject to more frequent monitoring if impacts to the site are expected to occur, are observed to occur often, or are substantial. Less frequent monitoring may be appropriate where impacting agents are rare or have little impact. Monitoring will be conducted by agency personnel or by site stewards.

Documentation of site condition during monitoring will be conducted using protocols of the Utah Site Steward Program's electronic site monitoring system to record on-site observations for archaeological

sites. When significant changes are noted, the affected site's UASF form will be supplemented with relevant site photographs that show impacts from impacting agents and document any changes to the types or relative effect of impacting agents. Documentation of the condition of sacred sites, TCPs, and other locales of importance to Tribes will be monitored using criteria and methodologies developed in consultation with Tribes.

## 5 MANAGEMENT ACTIONS

Adaptive management strategies for historic or prehistoric properties, TCPs, American Indian sacred sites, or cultural landscapes establish a series of if-then actions—if monitoring shows that X is happening, then management action Y will be taken. Because such actions are determined on a site-specific basis and are dependent on the management objectives and the desired outcome for a particular locality, a comprehensive list of management actions to be taken should a threshold be crossed for one or more resource indicators described in this cultural resources monitoring framework is not possible. In many cases, however, appropriate management options for classes of site types allocated to one or more use classes can be presented. Appendix E, Cultural Resources Allocation Criteria and Management Strategies, describes management strategy options for different site types allocated for research, Traditional Use, and/or Public Use. The BLM and USFS are currently taking management actions of these kinds on historic properties within the Monument. Future management decisions that affect the physical conditions of sites will be done in consultation with Tribes.

## 6 LITERATURE CITED

Interagency Heritage Resources Work Group (IHRWG). 2018. Utah Archaeology Site Form Manual. Interagency Heritage Resources Work Group, Salt Lake City, Utah.

National Park Service (NPS). 1997. How to Apply the National Register Criteria for Evaluation. Rev. ed. *National Register Bulletin 15*. National Park Service Interagency Resources Division, National Register Branch, Washington, D.C.

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## **APPENDIX E**

### **Cultural Resources Allocation Criteria and Management Strategies**



# 1 PUBLIC USE SITE CRITERIA FOR DETERMINING ARCHAEOLOGICAL SITE SUITABILITY FOR DEVELOPED PUBLIC USE

The following are the criteria and processes to follow in determining whether an archaeological site would be suitable for Public Use within Bears Ears National Monument. Developed Public Use sites are those that are promoted to the public and prepared for visitation. They are generally identified in frontcountry recreation zones where their interpretation is consistent with the visitor experience goals of those zones. Undeveloped Public Use sites are not promoted to the public nor prepared for visitation, and are generally located in backcountry recreation zones where they contribute to the sense of discovery that is part of the visitor experience goal for those zones. Stabilization actions that would alter the natural condition of these sites are generally avoided, particularly when these sites are allocated to Traditional Use. Some sites have already been identified for Public Use (Developed) and are listed in Section 2.4.1.2 of the Environmental Impact Statement. Other sites may be added to the Public Use (Developed) allocation in response to changing conditions using the criteria listed below. Allocation of sites to Public Use (Developed) does not guarantee that these sites will be developed. Allocation of sites to Public Use means that the desired outcome for those sites is interpretation and long-term preservation (Bureau of Land Management Planning Handbook 1606-1), and that such use is consistent with the care and management of the Monument's objects as required by Presidential Proclamation 9558 as modified by Presidential Proclamation 9681. Similarly, U.S. Forest Service (USFS) sites can be allocated to the category of "enhancement," in which the interpretive and educational value of these cultural resources is balanced with protective and monitoring measures (USFS Manual 2309-12-30). In all cases, identifying appropriate site protective measures and monitoring to measure their effectiveness are part of any allocation of sites to Public Use.

These protective measures could include removing multiple social trails and establishing one foot trail; stabilizing architectural features using aboriginal techniques; subtly using natural materials (brush and stones) to route traffic through sites and protect site features (such as middens); installing buck and pole fences (to restrict livestock movement) and interpretive signs; backfilling site features and wall bases, etc.

Management of all sites within the Monument is ongoing per the BLM 2008 Monticello RMP and the USFS 1986 Manti-La Sal LRMP. Current management will continue until the BLM and USFS adopt the MMPs. Management of some sites may be altered through implementation-level planning. The protective measures noted above and in Table E-1 are being, and will continue to be, implemented on a site-by-site basis for the proper care and management of Monument objects and values. Allocation of cultural resources to Developed or Undeveloped Public Use includes two steps. The first is accomplished using existing information about sites in consultation with American Indian Tribes as detailed in Appendix F of the *Bears Ears National Monument: Monument Management Plans and Environmental Impact Statement Shash Jáa and Indian Creek Units*. The second occurs at the implementation level and involves a wider group of stakeholders.

1. The following questions will be used to assess whether or not a particular site might be appropriate for allocation to Public Use.
  - Are American Indian Tribes amenable to Public Use?
  - Is the site already seeing high levels of visitation, and are visitors going to go there anyway?
  - Can visitor impacts be mitigated in ways that do not adversely affect those characteristics that make the site eligible for the NRHP or alter its cultural value?
  - Does the site offer new and/or unique public education opportunities?
  - Can the site be managed within the current financial budgets and staff, including route maintenance?
  - Is the allocation to either Developed or Undeveloped Public Use appropriate, given the site's recreation management zone?
  - Has the site already been stabilized or otherwise prepared for visitation?

- Does legal public access currently exist, and, if not, can a right-of-way be obtained?
  - Do foot or off-highway vehicle trails already exist to the site?
  - Is a parking area already available for use by visitors to the site?
  - Will visitation at the site potentially affect other sites along its access trail or near parking?
  - Is the site suitable for group visits or for a larger number of visitors?
  - Is the site difficult to access?
2. The following specific steps will be completed as part of an environmental analysis before opening a site to the public:
- Consultation with appropriate American Indian Tribes regarding the suitability of site selection and public information content.
  - Techniques/methods may include all or part of the following:
    - Document the site prior to increased visitation
    - Updating site records
    - Completing Historic American Building Survey documentation of standing architecture or using 3-D scanning and photogrammetry
    - Mapping surface features and artifacts
    - Analyzing 100% of the surface artifacts or appropriate sample(s) in the field (in some cases, collecting materials that are likely to be stolen)
    - Testing/excavation
    - Preparing a site condition/preservation assessment
    - Consider alternative documentation techniques and mitigation measures in consultation with Tribes
  - Prepare a site-specific cultural resources management plan and/or interpretation plan. The plan(s) would detail how the site would be accessed and/or developed, physical alterations (such as trail development), site areas needing hardening, interpretation methods (such as signs, brochures, etc.), site monitoring and protection, maintenance, and/or staffing.
  - Complete actions for compliance with Section 106 of the National Historic Preservation Act. (Note: This could include mitigation recommendations, depending upon the determination of effect/impact results. Mitigation of impacts could include testing/data recovery on all or portions of the site, more detailed documentation of the site, and/or other measures determined on a case-by-case basis).
  - Complete National Environmental Policy Act analysis and the incorporation of actions identified above.

Table E-1 details allocations criteria and various potential management strategies for sites in the three allocation categories to be used with Monument cultural resources.



**Table E-1. Management Strategies per Cultural Allocations Criterion**

	<b>Common Management Strategies</b>	<b>Scientific Use Allocation – Management Strategies</b>	<b>Traditional Use Allocation – Management Strategies</b>	<b>Public Use Allocation – Management Strategies</b>
Prehistoric: sheltered residential, sheltered non-residential, and open architectural	<ul style="list-style-type: none"> <li>• Allocate prehistoric sheltered residential, sheltered non-residential, and open architectural sites that are eligible for or listed in the NRHP to Scientific Use.</li> <li>• Allocate prehistoric sheltered residential, sheltered non-residential, and open architectural sites that are eligible for or listed in the NRHP to Traditional Use in consultation with American Indian Tribes.</li> <li>• Consider prehistoric residential, sheltered non-residential, and open architectural sites that are eligible for or listed in the NRHP with evidence of public visitation to Public Use.</li> <li>• Allow emergency stabilization if natural or cultural threats are causing loss of integrity to standing architectural or archaeological features.</li> <li>• Encourage the use of site stewards for monitoring, such as the <u>Utah Heritage Stewardship Program</u>.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow scientific research subject to appropriate research design and Tribal input.</li> <li>• Permit surface collection of artifacts if there is a threat of loss or destruction.</li> </ul>	<ul style="list-style-type: none"> <li>• Document traditional and ongoing uses of prehistoric sheltered residential, sheltered non-residential, and open architectural sites; maintain the confidentiality of this information.</li> <li>• Encourage Traditional Use and visitation to prehistoric sheltered residential, sheltered non-residential, and open architectural sites.</li> <li>• Encourage site monitoring by traditional users.</li> <li>• Develop additional management actions as needed in consultation with American Indian Tribes.</li> </ul>	<ul style="list-style-type: none"> <li>• Stabilize or rehabilitate standing structures using traditional techniques, as appropriate and in consultation with Tribes, if there is a threat of loss or destruction via human-caused impacts.</li> <li>• Prepare management plans for all Public Use sites identified by the agency within the Monument. These would identify any resource protection needs and recommended actions (including, but not limited to, trail reroutes, feature backfilling, etc.) and interpretive needs (including, but not limited to, signs and interpretive kiosks). This includes site visitation etiquette and Archaeological Resources Protection Act (ARPA) penalties.</li> <li>• Establish fee sites at Public Use prehistoric sheltered residential, sheltered non-residential, and open architectural sites, as appropriate. Allow for fee waivers for traditional uses.</li> </ul>
Prehistoric: artifact/lithic scatter with features, artifact/lithic scatter, and lithic source/quarry	<ul style="list-style-type: none"> <li>• Allocate prehistoric artifact/lithic scatter with features, artifact/lithic scatter, and lithic source/quarry sites that are eligible for or listed in the NRHP to Scientific Use.</li> <li>• Allocate prehistoric artifact/lithic scatter with features, artifact/lithic scatter, and lithic source/quarry sites that are eligible for or listed in the NRHP to Traditional Use in consultation with American Indian Tribes.</li> <li>• Consider prehistoric artifact/lithic scatter with features, artifact/lithic scatter, and lithic source/quarry sites that are eligible for or listed in the NRHP with evidence of public visitation to Public Use.</li> <li>• Allow emergency stabilization if natural or cultural threats are causing a loss of integrity to archaeological features.</li> <li>• Encourage the use of site stewards for monitoring, such as the <u>Utah Heritage Stewardship Program</u>.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow scientific research subject to appropriate research design.</li> <li>• Permit surface collection of artifacts if there is a threat of loss or destruction.</li> </ul>	<ul style="list-style-type: none"> <li>• Document traditional and ongoing uses of prehistoric artifact/lithic scatter with features, artifact/lithic scatter, and lithic source/quarry sites; maintain the confidentiality of this information.</li> <li>• Encourage Traditional Use and visitation to prehistoric artifact/lithic scatter with features, artifact/lithic scatter, and lithic source/quarry sites.</li> <li>• Encourage site monitoring by traditional users.</li> <li>• Develop additional management actions as needed in consultation with American Indian Tribes.</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare management plans for sites to identify resource protection needs (including, but not limited to, trail reroutes and selected artifact surface collection) and interpretive needs (including, but not limited to, signs, interpretive kiosks, and driving guides). This includes site visitation etiquette and ARPA penalties.</li> <li>• Establish fee sites at Public Use prehistoric artifact/lithic scatter with features, artifact/lithic scatter, and lithic source/quarry sites, as appropriate. Allow for fee waivers for traditional uses.</li> </ul>

	<b>Common Management Strategies</b>	<b>Scientific Use Allocation – Management Strategies</b>	<b>Traditional Use Allocation – Management Strategies</b>	<b>Public Use Allocation – Management Strategies</b>
Prehistoric: rock writings	<ul style="list-style-type: none"> <li>Allocate rock writings eligible for or listed in the NRHP with no evidence of Public Use to Traditional Use and/or Scientific Use.</li> <li>Do not discharge NRHP-eligible or NRHP-listed rock writings from management.</li> <li>Conduct condition monitoring of rock writing on at-risk/threatened sites on a periodic basis.</li> <li>Limit livestock and human contact with rock writings through physical barriers (fences or natural barriers such as plantings or boulder placement).</li> <li>Allow emergency stabilization if natural or cultural threats are causing a loss of integrity to rock writings.</li> <li>Evaluate fire potential and remove fuels where there is a threat of loss.</li> <li>Encourage the use of site stewards for monitoring, such as the Utah Heritage Stewardship Program.</li> <li>Prioritize identification efforts at Traditional and Public Use sites.</li> </ul>	<ul style="list-style-type: none"> <li>Limit permitted surface collection of artifacts on non-rock writing portions of sites under ARPA, unless there is a threat of loss or destruction.</li> <li>Use the best and most accurate technologies available to photograph and gather locational information at all rock writings (for example, 3-D scanning).</li> <li>Take detailed measured drawings and sub-meter global positioning system locations of all panels.</li> <li>Allow Scientific Use that causes negligible physical damage to rock writings.</li> </ul>	<ul style="list-style-type: none"> <li>Document traditional and ongoing uses of rock writings; maintain confidentiality of this information.</li> <li>Encourage traditional use and visitation to rock writings.</li> <li>Where possible, provide accessible trails to rock writings.</li> <li>Encourage site monitoring by traditional users.</li> </ul>	<ul style="list-style-type: none"> <li>In consultation with American Indian Tribes, develop site-specific management plans for Public Use rock writing sites. This would identify site protection needs and recommended actions (including, but not limited to, delineated trails) and interpretive needs (including, but not limited to, trailhead signs).</li> <li>Establish fee sites at Public Use rock writing sites, as appropriate. Allow for fee waivers for traditional uses.</li> </ul>
Prehistoric linear features (great roads)	<ul style="list-style-type: none"> <li>Allocate prehistoric linear sites that are eligible for or listed in the NRHP to Scientific Use.</li> <li>Consider allocating prehistoric linear sites that are eligible for or listed in the NRHP with potential for public education to Public Use.</li> <li>Encourage the use of site stewards for monitoring, such as the Utah Heritage Stewardship Program.</li> </ul>	<ul style="list-style-type: none"> <li>Inventory corridor to identify associated sites and record their condition.</li> <li>Allow scientific research subject to appropriate research design.</li> <li>Prepare a historic context report for each resource.</li> </ul>	<ul style="list-style-type: none"> <li>Document archaeological context and relevant associations with descendant communities and/or events.</li> <li>Encourage site monitoring by traditional users/public interest groups.</li> </ul>	<ul style="list-style-type: none"> <li>Post informational signs at major intersections along Public Use sites, as appropriate.</li> <li>Prepare cultural resource project plans for Public Use sites to identify interpretive needs, including, but not limited to, signs, interpretive kiosks, and driving guides.</li> </ul>
Historic: architectural (residential, farming/ranching, mining, general industrial, community, and other), including historic American Indian farming/ranching sites	<ul style="list-style-type: none"> <li>Allocate historic architectural sites that are eligible for or listed in the NRHP to Scientific Use.</li> <li>Allocate historic architectural sites that are eligible for or listed in the NRHP with evidence for public visitation to Public Use.</li> <li>Evaluate fire potential and remove fuels where there is a threat of loss.</li> <li>Encourage the use of site stewards for monitoring, such as the Utah Heritage Stewardship Program.</li> </ul>	<ul style="list-style-type: none"> <li>Allow scientific research subject to appropriate research design.</li> <li>Permit surface collection of artifacts if there is a threat of loss or destruction, with input from American Indian Tribes.</li> <li>Prepare a historic context report for each resource.</li> </ul>	<ul style="list-style-type: none"> <li>Document historic context and relevant associations with historically important people and/or events.</li> <li>Encourage site monitoring by traditional users/public interest groups.</li> <li>Develop additional management actions, as needed, in consultation with American Indian Tribes.</li> </ul>	<ul style="list-style-type: none"> <li>Stabilize or rehabilitate standing structures, as appropriate, if there is a threat of loss or destruction.</li> <li>Prepare management plans for Public Use sites to identify preservation needs and recommended actions (including, but not limited to, trail reroutes) and interpretive needs (including, but not limited to, signs, interpretive kiosks, and driving guides).</li> <li>Consider completing NRHP nominations for Public Use sites.</li> <li>Consider preservation and reuse of historic buildings, as appropriate.</li> <li>Establish fee sites at Public Use historic architectural sites, as appropriate. Allow for fee waivers for traditional uses.</li> </ul>

	Common Management Strategies	Scientific Use Allocation – Management Strategies	Traditional Use Allocation – Management Strategies	Public Use Allocation – Management Strategies
Historic: artifact scatter and artifact scatter with features	<ul style="list-style-type: none"> <li>Allocate historic artifact scatter sites with or without features that are eligible for or listed in the NRHP to Scientific Use.</li> <li>Consider allocating historic artifact scatter sites with or without features that are eligible for or listed in the NRHP with evidence of public visitation to Public Use.</li> </ul>	<ul style="list-style-type: none"> <li>Allow scientific research subject to appropriate research design.</li> <li>Permit surface collection of artifacts if there is a threat of loss or destruction.</li> <li>Prepare a historic context report for each resource.</li> </ul>	<ul style="list-style-type: none"> <li>Document historic context and relevant associations with historically important people and/or events.</li> <li>Encourage site monitoring by traditional users/public interest groups, such as the Utah Heritage Stewardship Program.</li> </ul>	<ul style="list-style-type: none"> <li>Prepare management plans for Public Use sites to identify preservation needs and recommended actions (including, but not limited to, detailed in situ artifact identification) and interpretive needs (including, but not limited to, signs, interpretive kiosks, and driving guides).</li> <li>Establish fee sites at Public Use historic artifact scatter sites with or without features, as appropriate. Allow for fee waivers for traditional uses.</li> </ul>
Historic: inscriptions or dendroglyphs	<ul style="list-style-type: none"> <li>Allocate inscriptions or dendroglyphs eligible for or listed in the NRHP with no evidence of Public Use to Traditional Use and/or Scientific Use.</li> <li>Do not discharge NRHP-eligible or NRHP-listed inscriptions or dendroglyphs from management.</li> <li>Conduct condition monitoring of inscriptions or dendroglyphs on at-risk/threatened sites on a periodic basis.</li> <li>Limit livestock and human contact with inscriptions or dendroglyphs through physical barriers (fences or natural barriers such as plantings or boulder placement).</li> <li>Allow emergency stabilization if natural or cultural threats are causing a loss of integrity to inscriptions or dendroglyphs.</li> <li>Evaluate fire potential and remove fuels where there is a threat of loss.</li> <li>Encourage the use of site stewards for monitoring, such as the Utah Heritage Stewardship Program.</li> <li>Prioritize identification efforts at Traditional and Public Use sites.</li> </ul>	<ul style="list-style-type: none"> <li>Limit permitted surface collection of artifacts on non-rock writing portions of sites under ARPA, unless there is a threat of loss or destruction.</li> <li>Use the best and most accurate technologies available to photograph and gather locational information at all inscriptions or dendroglyphs (for example, 3-D scanning).</li> <li>Take detailed measured drawings and sub-meter global positioning system locations of all panels.</li> <li>Allow Scientific Use that causes negligible physical damage to inscriptions or dendroglyphs.</li> </ul>	<ul style="list-style-type: none"> <li>Document traditional and ongoing uses of inscriptions or dendroglyphs.</li> <li>Encourage traditional use and visitation to inscriptions or dendroglyphs.</li> <li>Where possible, provide accessible trails to inscriptions or dendroglyphs.</li> <li>Encourage site monitoring by traditional users.</li> </ul>	<ul style="list-style-type: none"> <li>Post informational signs on inscriptions or dendroglyphs etiquette and ARPA at Public Use sites.</li> <li>In consultation with American Indian Tribes, develop site-specific management plans that include preservation needs and recommended actions and interpretative plans for Public Use inscriptions or dendroglyphs.</li> <li>Consider installing at least one interpretative trail/footpath at each inscriptions or dendroglyphs Public Use site.</li> <li>Install visitor registers at all Public Use sites.</li> <li>Establish fee sites at Public Use inscription or dendroglyph sites, as appropriate. Allow for fee waivers for traditional uses.</li> </ul>
Historic: linear (trail/road, railroad, transmission)	<ul style="list-style-type: none"> <li>Allocate historic linear sites that are eligible for or listed in the NRHP to Scientific Use.</li> <li>Consider allocating historic linear sites that are eligible for or listed in the NRHP with potential for public education to Public Use.</li> <li>Encourage the use of site stewards for monitoring, such as the Utah Heritage Stewardship Program.</li> </ul>	<ul style="list-style-type: none"> <li>Inventory corridor to identify associated sites and record their condition.</li> <li>Allow scientific research subject to appropriate research design.</li> <li>Prepare a historic context report for each resource.</li> </ul>	<ul style="list-style-type: none"> <li>Document historic context and relevant associations with historically important people and/or events.</li> <li>Encourage site monitoring by traditional users/public interest groups, such as the Utah Heritage Stewardship Program.</li> </ul>	<ul style="list-style-type: none"> <li>Post informational signs at major intersections along Public Use sites, as appropriate.</li> <li>Prepare cultural resource project plans for Public Use sites to identify interpretive needs, including, but not limited to, signs, interpretive kiosks, and driving guides.</li> </ul>

	<b>Common Management Strategies</b>	<b>Scientific Use Allocation – Management Strategies</b>	<b>Traditional Use Allocation – Management Strategies</b>	<b>Public Use Allocation – Management Strategies</b>
Historic: industrial non-architectural (mining and water control)	<ul style="list-style-type: none"> <li>• Allocate historic industrial sites with no architecture that are eligible for or listed in the NRHP to Scientific Use.</li> <li>• Consider allocating historic industrial sites with no architecture that are eligible for or listed in the NRHP with potential for public education to Public Use.</li> <li>• Consider preparing a historic context report for each category of resource.</li> <li>• Encourage the use of site stewards for monitoring, such as the <u>Utah Heritage Stewardship Program</u>.</li> </ul>	<ul style="list-style-type: none"> <li>• Inventory sites to identify associated features and record their condition.</li> <li>• Allow scientific research subject to appropriate research design.</li> <li>• Permit surface collection of artifacts if there is a threat of loss or destruction.</li> <li>• Prepare a historic context report for each category of resource.</li> </ul>	<ul style="list-style-type: none"> <li>• Document historic context and relevant associations with historically important people and/or events.</li> <li>• Encourage site monitoring by traditional users/public interest groups, such as the <u>Utah Heritage Stewardship Program</u>.</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare recreation plans for Public Use sites to identify interpretive needs, including, but not limited to, signs, interpretive kiosks, and driving guides.</li> </ul>

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## **APPENDIX F**

### **American Indian Tribal Collaboration Framework**



# 1 IMPROVING AND SUSTAINING TRIBAL RELATIONSHIPS AT BEARS EARS NATIONAL MONUMENT

Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, recognizes the importance of the Bears Ears National Monument (BENM, or Monument) to American Indians and the importance of Tribal participation in the future management of the Monument, including the proper care and management of important cultural objects. This framework outlines the strategy that the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) will use for closely coordinating with American Indian Tribes as envisioned in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Section 1 of this document focuses on the establishment of relationships with the American Indian Tribes specifically identified in the Proclamations, although some of these measures may apply to other Tribal entities. Section 2 of this document outlines how the BLM and USFS will work with all American Indian Tribes that have spiritual connections to or cultural affiliation with the area, or that have an interest in the land management decisions related to the BENM.

The BLM and USFS have developed this document with the intent of creating an ongoing two-way dialogue with American Indian Tribes, specifically those named in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Changes will be made in response to American Indian comments or feedback.

## 1.1 Building and Maintaining Relationships with American Indian Tribes Identified in the Bears Ears National Monument Proclamations

The BLM and USFS recognize that beyond the formal and legal consultation responsibility the United States has with Tribal governments, the Federal government is committed to pursuing a goal of shared stewardship of lands managed within BENM. The BENM stands out from other monuments in that Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, recognizes the importance of Tribal participation in the development of a management plan and the subsequent management of the Monument to ensure the proper care and management of Monument objects. Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, notes the establishment of a commission or comparable entity composed of a designated officer from the Hopi Tribe, the Navajo Nation, the Ute Mountain Ute Tribe, the Ute Indian Tribe of the Uintah and Ouray, Zuni Pueblo, and one elected member from the Third District of the San Juan County Commission.

In striving to foster collaboration and cooperation with American Indian Tribes as directed in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, the BLM and USFS recognize the following:

- Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, envisions a new way of working together.
- The value of traditional knowledge and maintaining respectful relationships in furthering shared stewardship of BENM natural and cultural resources. The agencies are committed to working collaboratively with the commission or comparable entity consistent with Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, and law and policy, including Executive Order 13175 “Consultation and Coordination with Indian Tribes” (2000) and BLM Manual MS 1780.
- The importance of working closely with all Tribal governments that attach religious or cultural significance to the BENM or that are otherwise interested in actions occurring within BENM on a government-to-government consultation basis, consistent with consultation law and policy, including Executive Order 13175, the National Historic Preservation Act (NHPA) (54 United States Code [USC] 300101 et seq.), and the National Environmental Policy Act (NEPA) (42 USC 4321 et seq.).

- The value of working together with all interested members of the Tribes, including local American Indian residents, for example, Navajo chapter houses, and the members of the Ute Mountain Ute Tribe living at White Mesa.
- That many governmental entities, organizations, and individuals have an important role in the shared stewardship of the BENM including Federal, Tribal, State, and local governments; local American Indian residents; other Tribal members; other area residents; and public land users.
- That successful collaboration and integration of Tribal historical knowledge into future management of the BENM is contingent on the Federal government and the commission or comparable entity being equally willing to take part in Monument organization and administration.

## 1.2 Partnerships

Federal land managers and agency staff of the BENM should seek out opportunities for partnerships with American Indian Tribes and designated American Indian representatives. All federal employees of the BENM will work to ensure that the management of the Monument benefits from full engagement with the original stewards of the BENM through such means as cooperative agreements, interagency agreements, contracts, hires, and volunteers.

## 1.3 Collaborative Land Management

The BLM and USFS, in collaboration with the commission or comparable entity, should identify any programs, functions, services, and activities that self-governance Tribes can assume, as described in the Indian Self-Determination and Education Assistance Act of 1975 and later amendments, regulations, and agency policy associated with this act. Self-determination contracts, also known as “638 contracts,” and negotiated funding agreements to assume programs, functions, services, or activities for the benefit of American Indians because of their status as American Indians are available to use under the discretion of the manager.

The BLM and USFS should engage with Tribal partners to ensure access to and use of sacred sites, as defined in Executive Order 13007. The BLM and USFS should seek to enter into agreements to share capability, expertise, and insight into fostering the collaborative stewardship of sacred sites and other properties of traditional religious and cultural importance.

The BLM and USFS will collaborate with Tribes when developing site-specific protection and management plans that pertain to sacred sites or properties of traditional religious and cultural importance. Site-specific protection and management plans may include procedures for utilizing Tribal expertise and capabilities regarding stabilization, patrolling, interpretation, stewardship education, or ethnographic insights into site use and significance including identification of traditional cultural properties and culturally significant landscapes. Federal land managers and American Indian Tribes may formalize site-specific protection and management plans with the completion of an agreement document.

### 1.3.1 *Collaboration with the Commission or Comparable Entity*

The BLM and the USFS will work with the commission or comparable entity on the following list of projects, which will include, but are not limited to, the following:

- Execution of an annual or semi-annual BENM summit with the commission or comparable entity to discuss management direction, proposed and ongoing projects, agency and Tribal priorities, research proposals and findings, and other items of importance or significance.
- Routine and ongoing communication (including and as determined necessary weekly, bi-weekly, or monthly meetings) with Tribal leaders or their delegated representatives to discuss regular and continuing administration and management activities.



- Administration of permits for traditional uses, including group events and firewood and seed collecting.
- Development of confidentiality agreements allowing the Tribes to share sensitive cultural resource information that can be used when considering or evaluating projects.
- Identification and listing of traditional cultural properties and other properties on the National Register of Historic Places.
- Identification of culturally significant landscapes to be considered when evaluating projects.
- Access to and protection and use of American Indian sacred sites in accordance with Executive Order 13007.
- Protection of cultural objects currently under the care of the BLM (including in the Cerberus Collection and other BLM-administered collections), and/or USFS, and the development of interpretive and educational materials.
- Work with Tribal governments to establish a comprehensive agreement to assist with efficient repatriation of American Indian human remains and cultural items under the Native American Graves Protection and Repatriation Act (NAGPRA).
- Cooperative development of activity-level plans identified in the Monument Management Plans and Environmental Impact Statement including, but not limited to, such items as the cultural resource management plan, camping plan, travel management plan, and sign and interpretation plan.
- Review, prioritization, and input on the selection of research projects funded by the Federal government through various programs including the National Conservation Lands program and federal agency cultural programs.
- Internal review of all project proposals and associated environmental analysis to ensure that American Indian concerns are adequately addressed and that Tribal historical knowledge is adequately taken into consideration.
- Participation in internal scoping efforts, including early issues identification and project design.
- Development and management of volunteer and cooperative agreements with third-party organizations to assist with the implementation of on-the-ground projects, monitoring, and other public education and outreach activities.
- Collaboration with Tribes and agencies to maximize efficiencies for wildfire and fuels-reduction programs. This may include a partnership for initial fire attack and protecting structures, facilities, natural resources, and cultural resources through fuels-reduction projects.
- Review, prioritization, and input on the management of cultural resources including scientific, traditional, conservation, experimental, and public uses.
- Expansion and promotion of employment, volunteer, and internship opportunities for American Indians.
- Enhancement of on-the-ground experiential education and service opportunities for both Tribal and non-Tribal youth groups or organizations.
- Collaboration on issues of general administration, including items such as law enforcement, wildland fire, and the identification, location, and design of future facilities.
- Identification of shared office space, including the location of the commission or comparable entity staff in BENM facilities so there is full integration into Federal agency interdisciplinary teams.

## 1.4 Procurement

### 1.4.1 *Small Disadvantaged Businesses*

Federal officials should seek opportunities to utilize contracting opportunities for small business communities. Section 8(a) of the 1958 Small Business Investment Act (15 USC 14A) authorized the Small Business Administration to enter into prime contracts with Federal agencies and to subcontract the performance of the contract to small business concerns. Executive Order 11458, Prescribing Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise (34 Code of Federal Regulations [CFR] 4937), authorized the use of this provision to assist minority businesses and established the 8(a) Program, as it is commonly called. Federal officials should take advantage of Tribal businesses that are eligible as Small Disadvantaged Businesses, an 8(a) participant, or a Historically Underutilized Business Zone. The BLM and USFS should encourage American Indian Tribal firms to bid on upcoming agency contracts for which they qualify. The BLM and USFS may also utilize their discretionary authority to purchase products of Indian Country as outlined in the 1910 Buy Indian Act (25 USC 47) and the regulations found at 48 CFR 1401, 1452, and 1480.

### 1.4.2 *Contracting for Services, Expertise, or Products Needed for Decision Making*

The BLM and USFS may require land use applicants (e.g., special recreation permit holders) to obtain information from Tribes needed to comply with NEPA or the NHPA. Information may include knowledge about the management of natural resources or cultural resources, such as current or past land use practices, resource utilization, or distribution of natural resources. In addition, the BLM and USFS may contract or pay for Tribes and American Indian individuals to produce reports. The BLM's and USFS's ability to obtain this information may be impossible without the assistance of a Tribe or Tribal representative. Tribes have occupied lands near or utilized portions of the BENM for long periods of time. Their insights into past land conditions and the impacts of human use and occupation on this ecosystem extends back in time for hundreds of years. Thus, their knowledge of natural and human interactions on this landscape may be obtained by the BLM and USFS working in collaboration with the commission or comparable entity through the following methods:

- Studies on visitor use and the management of Monument objects
- Studies on utilizing traditional ecological knowledge for the management of Monument objects
- Studies on traditional, public, and scientific uses of Monument objects, including, but not limited to, prehistoric sites, rock writings, artifact scatters, sacred sites, **culturally significant landscapes**, and traditional cultural properties
- Studies on promoting access for religious and traditional uses
- Studies on sustainable firewood collection based on modern use and ethnographic accounts
- Studies on traditional building skills, technology, art, place names, and subsistence
- Ethnographic reports, National Register of Historic Places nominations, or other specific information regarding historic properties, trails, sacred sites, and **culturally significant landscapes**
- Studies on the location, habitat, condition, and trend of important plant and animal species including ethnobotanical species

## 1.5 Human Resources

The BLM and USFS will collaborate with the commission or comparable entity on the development of American Indian recruitment programs. Although the BLM and USFS do not utilize American Indian preference in hiring, the agencies do allow self-identification for employment statistics. Internship opportunities for Tribal youth and partnerships offer additional opportunities to bolster American Indian

employment while facilitating mutually supported projects. Providing educational opportunities and employment to Tribal members is a powerful demonstration of a Federal commitment to establishing positive, long-term working relationships with Tribes.

### ***1.5.1 Education***

The BLM and USFS will negotiate cooperative agreements with Tribes in the field of education and employment. The agencies will seek out partnerships with American Indian educational institutions to assist in the development of curricula or implementing cooperative education programs. Programs such as Project Archaeology would enable the agencies and Tribes to develop curricula and lesson plans that strengthen science competencies and interests that American Indian youth have in resource management careers. Agency officials may also seek out fully accredited Tribal colleges and universities to provide practical experiences and opportunities for their students. The BLM, USFS, and Tribal colleges can partner to establish research projects and facilitate involvement with land management issues of the BENM.

### ***1.5.2 Training Opportunities***

All Federal employees working in the BENM should complete the most recent training courses on Tribal relations. The BLM and USFS should invite Tribes to attend and participate in agency training courses related to NEPA, lands, rights-of-way, cadastral surveys, wildfire and fuels management, and heritage resources. Holding periodic joint training courses may familiarize BENM staff members with Tribal cultural and governmental structure, and familiarize Tribal leaders and staff members with the USFS's and BLM's legal authorities, missions, histories, and programs. Training courses should be tailored to address issues in the BENM. Both Federal employees and Tribes can benefit from a greater understanding of how Federal programs can be coordinated with Tribal government programs. As funding allows, the BLM and USFS may send Tribal staff to off-location trainings at locations such as the BLM's National Training Center. Access to BLM and USFS online training courses should be made known to Tribes. The dialogue and multicultural perspectives that result from such exchanges enhance relationships in the BENM.

Federal employees of the BLM and USFS should take advantage of cultural awareness training sponsored by Tribes when and where they are available. Such classes strengthen the staff's understanding and appreciation of Tribal traditional, cultural, and religious values, as well as treaties and other Tribally reserved rights on Federal lands. Managers should encourage BENM staff to attend gatherings sponsored by Tribal entities, Tribal consortiums, or nonprofit organizations offering specialized knowledge and addressing issues important to Tribes. The BLM and USFS may also co-host workshops with Tribes concerning Tribal relationships, traditional cultures, and consultation. Presentations may include traditional technologies and crafts, a mutual understanding of traditional use areas, cultural landscapes, and the full scope of Tribal interests.

### ***1.5.3 Financial Support for Tribal Participation in Monument Land Management Decision Making***

At the discretion of Authorized Officer (BLM)/Responsible Official (USFS), funding may be provided to Tribes to facilitate their participation in the NEPA and NHPA processes under several circumstances (see BLM Manual MS-1780, Section 1.6.B, and H-1780-1, Appendix 2; see also Forest Service Manual 1563.15). It should be noted that this compensation policy allows for compensation but does not mandate it. Such compensation for consultation is not legally required; however, the BLM and USFS have the authority to provide it directly under certain circumstances or require that the compensation needed to acquire information necessary for the agency to make decisions regarding land use applications or authorizations be provided by third parties. The agencies may utilize their own appropriated funds or cost-reimbursable accounts to reimburse Tribal members for travel expenses to attend meetings in connection with NEPA, the Federal Land Policy and Management Act, or NHPA Section 106 processes, or for time taken to discuss proposed projects, cultural resource site management, or traditional use areas. (See the Advisory Council on Historic Preservation Memorandum, [Guidance on Assistance to Consulting Parties in the Section 106](#)

### **1.5.4 Employee Performance**

Federal employees working in the BENM that are routinely engaged in collaborative management with the commission or comparable entity will be evaluated regarding their efforts to build Tribal relationships and carry out effective consultation. BLM and USFS managers and staff will do the following:

- Seek opportunities to develop ongoing partnerships with the Tribes to ensure that land use decisions reflect effective collaboration, including engagement of the commission or comparable entity, early in the decision making process. Decisions should include documentation on how Tribal issues and concerns were taken into account.
- Facilitate Tribal access for Tribal religious and traditional uses; maintain a professional staff that is capable of carrying out timely and effective collaboration and that seeks out and establishes educational, training, interpretive, contracting, fire, and cadastral programs of joint interest and benefit to Tribes and the agencies.
- Take steps to fully utilize information provided by Tribes regarding traditional uses, access concerns, and resource issues and protects such sensitive information to the extent allowed by law from public disclosure.
- Personally participate in discussions with the commission or comparable entity and establish professional relationships with Tribal governments, appointed delegates or representatives, and delegated Tribal staff in an effort to facilitate long-term, positive partnerships involving land management, resource protection, and economic development.

## **2 TRIBAL CONSULTATION GENERAL CONSIDERATIONS**

This section includes information on how the BLM and USFS will consult with American Indian Tribes not specifically identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. The BLM and USFS will also follow these general procedures when consulting with Tribes identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, as required by Federal laws requiring government-to-government consultation, such as the NHPA.

### **2.1 General Aspects of Consultation**

#### **2.1.1 Roles - Federal Official**

Government-to-government consultation requires the participation of the BLM and/or USFS manager and the Tribal chairperson or other representative official designated by the Tribal chair or council. The authority for consultation may be delegated through the BENM manager to the lowest practical level. However, the agency manager who delegates or re-delegates authority does not divest himself or herself of the power to exercise that authority, nor does the delegation or re-delegation relieve that official of the responsibility for actions taken pursuant to the delegation.

#### **2.1.2 Roles - Staff**

BLM and USFS program specialists and staff members play an invaluable role in gathering information and briefing the agency manager on issues affecting Tribal relations. They provide professionally sound information, recommendations, and advice regarding the Tribes' traditional and ongoing uses of public lands, practices and beliefs, locations and uses of importance on public lands, and other information necessary for consultation. They interact frequently with their Tribal counterparts within Tribal governments to facilitate compliance with laws and regulations requiring Tribal consultation and input into Federal decision making. Staff members often arrange consultation meetings and meet with Tribal staff to discuss

issues once the agency manager and Tribal officials decide it is time to consult on a matter. They obtain and share data needed for decision making. They may identify opportunities for cooperative agreements or other proactive relationships in the fields of education, outreach, and research with Tribes. They play key roles in contracting and managing sensitive information. Agency staff members cannot, however, represent the BLM or USFS in government-to-government interactions.

### **2.1.3 Roles - Third Parties**

Contractors cannot negotiate, make commitments, or otherwise give the appearance of exercising the BLM's or USFS's authority in consultations. Therefore, as a general rule, consulting firms working for land use applicants may be approved by the agency to carry out the following limited and restricted activities to facilitate consultation:

- Gathering and analyzing data
- Preparing reports
- Arranging meetings
- Facilitating field trip logistics
- Managing the compilation of data and records as part of the administrative record

Although these steps are helpful, the BLM and USFS ultimately retain the responsibility to consult with American Indian Tribes on a government-to-government basis. It cannot be transferred by the agencies to other entities.

### **2.1.4 Identifying Tribes for Consultation**

Specific consultation should focus on Tribes known to have concerns about the BENM area under consideration and the Monument objects, natural resources, cultural resources, and/or land uses involved. In addition, nonresident Tribes with historic ties should be given the same opportunities as resident Tribes to identify their selected contact persons and their issues and concerns regarding public lands.

### **2.1.5 Points of Contact within Tribes**

For each Tribe, the BLM and USFS should develop and maintain current lists of the following:

- Tribal officials (e.g., chairperson, president, council members, etc.)
- Appropriate staff contacts for specific programs and issues (e.g., energy development, natural resources, lands, cadastral surveys, economic development, Tribal Historic Preservation Offices, etc.)
- Traditional cultural or religious leaders
- Lineal descendants of deceased American Indian individuals whose remains are discovered on public lands or are in Federal possession or control

### **2.1.6 Multitribal Organizations**

Official Tribal consultation takes place as part of government-to-government relationships between the BLM and/or USFS and individual federally recognized Tribes. However, Tribal relationships can also be enhanced through the development of positive working relationships with Tribal consortiums.

## **2.2 Methods of Consultation**

Agency managers should determine Tribal preferences for information sharing and consultation. Agency managers and staff should consider meeting with Tribes in their areas after each agency office's annual

work plan has been prepared for the Monument. Regularly scheduled meetings can accomplish several important things:

- Agency managers and staff can identify and briefly explain actions planned for the coming year and can describe any additional land use proposals that are foreseeable on public lands or lands that may be affected by BENM decisions.
- A Tribe can identify proposed actions or geographical areas that it is concerned about and about which it would like to be consulted at a later date. The Tribe might also identify actions or geographical areas for which it feels no need to be consulted.
- For some proposed actions, agency managers and staff and the Tribe can agree to follow expedited or tailored consultation procedures to resolve scheduling conflicts, meet project time frames, or accommodate the special needs of the people involved.
- A Tribe can use the meeting as an opportunity to identify persons it recognizes as traditional leaders or religious practitioners. The Tribe can also identify specific proposed actions, kinds of actions, or geographical areas about which these individuals should be consulted.

Information coming out of these meetings may form the basis of consultation agreements or memoranda of understanding that can define the manner in which Tribes prefer that future consultation take place, areas or actions the Tribes wish to discuss in the future, or specific natural or heritage resources Tribes wish to be consulted about whenever proposed actions might affect them. Regular periodic meetings can be an effective means for maintaining a constructive ongoing intergovernmental relationship.

### 2.2.1 When and with Whom to Consult

Table 1 indicates the types of American Indian Tribal officials and/or individuals with whom the BLM and USFS are obligated to consult.

**Table 1. Tribal Consultation Guidance**

Whom to Consult	National Historic Preservation Act	Archaeological Resources Protection Act	Native American Graves Protection and Repatriation Act	Federal Land Policy and Management Act	National Environmental Policy Act	American Indian Religious Freedom Act	Executive Order 13007
Tribal representative whom the Tribal government has designated for this purpose	X	X	X <sup>1</sup>	X	X	X	X
Lineal descendant of an identified American Indian individual			X <sup>2</sup>				
Traditional religious leader			X <sup>3</sup>			X <sup>3</sup>	
Appropriately authoritative representative of an American Indian religion							X <sup>3</sup>

<sup>1</sup> American Indian Tribes also consulted.

<sup>2</sup> Lineal descendants (who need not be Tribal members) have legal precedence for repatriation and custody.

<sup>3</sup> A Tribal government may designate a “traditional religious leader” or an “authoritative representative” as the Tribe’s representative for consultation under the American Indian Religious Freedom Act or Executive Order 13007. Under NAGPRA, a traditional religious leader is a person recognized by Tribal members as responsible for performing certain cultural or religious duties or a leader of the Tribe or organization’s cultural, ceremonial, or religious practices, as defined in 43 CFR 10.2(d)(3).

### 2.2.2 Coordinating Consultation across Administrative and Jurisdictional Boundaries

The BLM and USFS managers responsible for the Monument should seek partnership opportunities to jointly meet with Tribes to discuss land management issues relevant to both agencies and multiple Tribes.

### **2.2.3 *Preparing and Initiating Tribal Consultation***

When it becomes apparent that the nature and/or location of an activity could affect American Indian Tribal issues or concerns, the BENM manager should initiate appropriate consultation with the potentially affected Tribes as soon as possible once the proposed project-specific land use decision has been developed. Although land use planning is the best time to identify landscape-scale issues and other broad Tribal concerns, the BLM and USFS must address Tribal concerns when approving specific land use authorizations and making other decisions, such as revising significant policies, rules, and regulations.

## **2.3 Consultation Guidelines for Selected Authorities**

### **2.3.1 *Consultation Guidelines for the National Historic Preservation Act***

The BLM and USFS responsibilities for compliance with Section 106 of the NHPA, including Tribal consultation, are triggered by a proposed undertaking. Tribal consultation as part of the Section 106 process is driven by and focused on a specific undertaking. While the agencies must conduct Tribal consultation as part of the Section 106 process, this consultation is focused on historic properties only and does not satisfy the agencies obligations to consult with Tribes on other issues potentially raised by a proposed action or program. Section 106 consultation will follow the requirements provided in 36 CFR 800.1 et seq.

### **2.3.2 *Consultation Guidelines for the National Environmental Policy Act***

For NEPA purposes, the agency manager consults with elected Tribal officials or Tribal representatives(s) whom the Tribal government has designated for this purpose. The purpose of consultation is to identify a proposed action's potential to conflict with Tribal members' uses of the environment for cultural, religious, and economic purposes and to seek alternatives that would resolve potential conflicts. Tribal consultation may begin before public notice, including when pre-application meetings occur. This early consultation may be initiated by providing Tribes the opportunity to add comments to the project-specific identification team NEPA checklists. Tribal consultation should continue throughout the NEPA process.

For Environmental Assessments and Environmental Impact Statements, consultation should occur at the formation of the proposed action, when alternatives are formulated, an assessment of impacts is projected, and analysis documents are published, before the final decision is rendered.

The NEPA document must fully disclose Tribal issues and provide a summary of Tribal consultation in order to demonstrate that Tribal concerns have been heard and their positions considered. As is fitting for the special Federal-Tribal relationship, Tribal issues and recommendations should be fully discussed and addressed in relevant sections of the text within the NEPA document rather than as an appendix to the discussion of cultural and archaeological resources. The following is a list of relevant sections where these discussions could occur:

- Scoping and issues. Include a specific discussion of scoping issues raised by Tribes.
- Affected environment. Include a section that introduces those Tribes with interests in the project and identifies resources or issues of significance to them.
- Alternatives. Discuss how Tribal issues shaped the alternatives considered.
- Environmental impacts. Address impacts, including cumulative effects, to Tribal concerns and refer to more detailed discussions in other sections, such as impacts to water or biological or botanical resources of Tribal significance.

If a categorical exclusion is completed, the agency should take care to consider whether or not the proposed action covered by the categorical exclusion involves "extraordinary circumstances" relating to impacts to American Indian religious concerns or impacts to resources of concern to American Indian Tribes. If, for any reason, a NEPA document will not be prepared, an appropriate non-NEPA document should be used to substantiate identification and consideration of American Indian Tribal concerns and

places of importance. Such non-NEPA documentation may consist of Federal-Tribal consultation logs, inventory reports, and data recovery reports, among others. These documents should be maintained and housed with the administrative record for the project.

A number of strategies should be discussed with Tribes during consultation associated with the NEPA process to protect resources and access issues of importance to the Tribes. Mitigation measures analyzed in the NEPA document may include, but are not limited to, the following:

- Attaching measures to use authorizations to protect resources of importance to Tribes and accommodate their use. For example, in certain situations, ceremonial places can be screened from view by planting vegetation or installing temporary visual barriers. Intrusive developments can be hidden or painted to blend with the environment.
- Moving competing uses. Conflicting activities and uses can be shifted to other areas or scheduled for other times.
- Removing incompatible facilities. Disturbed ground surfaces and vegetation can be restored. Vehicle use can be restricted. Livestock can be managed. Vandalism can be reduced by law enforcement patrols and site steward monitoring. Tribes can probably also suggest additional measures.
- Including Tribes in project planning and utilizing their input to design specifications for access, parking, trails, interpretive signs, and other visitor developments. Tribal consultation in several states has resulted in Tribal input into the text and artwork on interpretive signs at rock writing sites. Such consultation improves relationships with Tribes by partnering on the interpretation of a site reflecting their cultural traditions and enhances the interpretive experience of all visitors.
- Consulting with Tribal governments to collaboratively identify means of reducing or avoiding impacts.
- Issuing special use permits to address conflicts.
- Negotiating memoranda of understanding to facilitate access and use.
- Specifying the appropriate treatment of accidental finds such as archaeological sites or human remains resulting from project activities or natural erosion processes. This anticipation can include developing a comprehensive agreement or a plan of action related to NAGPRA.

Where Tribal concerns are appropriately addressed through the NHPA Section 106 process, as in the consideration of historic properties with traditional and religious significance, the NEPA document should reference the outcome of the Section 106 process.

### ***2.3.3 Consultation Guidelines for the American Indian Religious Freedom Act***

For the purposes of complying with the American Indian Religious Freedom Act, the BENM manager should consult with elected officials or Tribal representative(s) and/or American Indian traditional religious leaders whom the Tribal government has designated or identified for this purpose. The purpose of consultation is to identify the potential for land management procedures to conflict with American Indians' religious observances and to seek alternatives that would resolve the potential conflicts.

Case law has established that the American Indian Religious Freedom Act has an ongoing implementation requirement, obligating agencies to consult with Tribal officials and Tribal religious leaders when agency actions would abridge the Tribe's religious freedom by 1) denying access to sacred sites required in their religion, 2) prohibiting the use and possession of sacred objects necessary to the exercise of religious rites and ceremonies, or 3) intruding upon or interfering with ceremonies. The American Indian Religious Freedom Act focuses not just on religious places but also on religious practices, or religious activities, and it directs agencies to consider both places and practices before taking actions that could affect Tribes. The BENM manager must examine proposed actions and authorizations as well as routine management practices that could substantially restrict access or interfere with the free exercise of religion.



### **2.3.4 Consultation Guidelines for Executive Order 13007, Indian Sacred Sites**

For the purposes of complying with Executive Order 13007, the agency manager should consult with elected officials or Tribal representative(s) and/or appropriately authoritative representative of an American Indian religion whom the Tribal government has identified for this purpose. The purpose of consultation is to do the following:

- Determine whether proposed land management actions would
  - accommodate American Indian religious practitioners' access to and ceremonial use of American Indian sacred sites on Federal lands, and/or
  - avoid adversely affecting the physical integrity of American Indian sacred sites on Federal lands.
- Seek alternatives that would resolve potential conflicts.

Aside from a few exceptional cases where well-known physical markers are present, only Tribal representatives have the knowledge needed to identify a Tribe's sacred sites. A Tribe may name an appropriately authoritative representative of an American Indian religion to provide this information. Agency officials cannot know to accommodate access to and ceremonial use of American Indian sacred sites, and to avoid adversely affecting them, unless the Tribe identifies them. Identification can only occur by consultation. In some cases, a Tribe may be reluctant to tell the BLM and USFS where a site is located, because the agencies cannot protect that information or because the site may no longer be sacred if its location is revealed. In such cases, the agency manager should ask if there is a broader area that should be protected, within which there may be a sacred site.

### **2.3.5 Consultation Guidelines for the Native American Graves Protection and Repatriation Act**

For the purposes of NAGPRA consultation, the agency manager consults with lineal descendants, a culturally affiliated American Indian Tribe or Native Hawaiian organization, or an American Indian Tribe that aboriginally occupied the area (as determined by the Indian Claims Commission). For the purposes of NAGPRA collections, the BLM State Director conducts consultation. For the purposes of inadvertent discoveries or intentional excavation, the Authorized Officer (BLM)/Responsible Official (USFS) for the Monument conducts consultations.

For intentional excavations, the agency manager must take reasonable steps to determine whether a planned activity may result in the excavation of American Indian human remains and/or cultural items subject to NAGPRA from Federal lands. When an intentional excavation is planned, the agency manager must follow the procedures found at 43 CFR 10.3 and any applicable requirements of applicable State laws, as specified in statewide protocol agreements between the BLM and the State Historic Preservation Office. In addition, a cultural resource use permit (see BLM Manual 8150) or equivalent documentation is required, which ensures that the recovery is conducted in accordance with the Archaeological Resources Protection Act, as required by 43 CFR 10.3(b)(1).

The agency manager must notify and consult with American Indian Tribes before issuing authorizations when the agency anticipates that an activity may result in the discovery of American Indian human remains and/or cultural items. Consultation informs the development of the BLM's Plan of Action for the identification, treatment, recording, and disposition of American Indian human remains and/or cultural items. Plans of Action have a specific format, which is detailed in the regulations at 43 CFR 10.5(e). The agency manager signs the Plan of Action; consulting Tribes are provided a copy and may sign but do not have to sign.

Plans of Action address specific projects. On a more programmatic level, a Comprehensive Agreement is encouraged, following 43 CFR 10.5(f). These agreements are developed in consultation with American Indian Tribes, and the agency manager and Tribal officials sign.

An inadvertent discovery is a discovery of American Indian human remains and/or cultural items on public land when there is no Plan of Action. When American American human remains or other cultural items protected by NAGPRA are discovered on public land, BLM offices must handle this in the manner described in the inadvertent discovery procedures found at 43 CFR 10.4 and any applicable requirements of State laws, as specified in statewide protocol agreements between the BLM and the State Historic Preservation Office.

If the discovery occurs but no Plan of Action is in place, within 3 working days the agency manager must telephone, notify in writing, and initiate Tribal consultation. Work must cease at the location of the discovery, and the remains must be safeguarded for up to 30 days while the agency manager conducts Tribal consultation to determine next steps. If the human remains and/or cultural items must be removed, the BLM develops a Plan of Action to address their treatment, recording, and disposition, in accordance with 43 CFR 10.5(e).

To minimize chances of a 30-day work stoppage, when there is a reasonable likelihood that a project will result in the discovery of American Indian human remains and/or cultural items, the agency manager should consult with American Indian Tribes and develop Plan(s) of Action that will be implemented should discoveries occur.

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## **APPENDIX G**

### **Recreation and Visitor Services Management Framework**



# 1 INTRODUCTION

Outcome-focused management is an approach to recreation management that focuses on the positive outcomes gained from engaging in recreational experiences. The following tables outline the goals, objectives, and targeted outcomes that the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) intend for the Bears Ears National Monument (BENM, or Monument) Shash Jáa and Indian Creek Units (Planning Area).

## 2 SHASH JÁA SPECIAL RECREATION MANAGEMENT AREA<sup>1</sup>

### 2.1 Outcome-Focused Recreation Objectives

The following objectives apply to all alternatives analyzed in the MMPs/EIS.

- Provide world-class recreation opportunities while protecting the objects and values of BENM and supporting a growing travel and tourism economy in the region.
- Manage for the specific targeted outcomes—activities, experiences, and benefits—in Table 1, with 80% of visitors reporting realization of targeted experiences and benefits.
- Maintain and enhance a range of recreation settings, from primitive/backcountry<sup>2</sup> to rural/frontcountry.<sup>3</sup>
- Provide the opportunity for visitors to experience cultural resources within both a directed and interpreted setting, as well as an undeveloped setting to allow a sense of discovery.
- Interpret the objects and values of BENM as described by Presidential Proclamation 9558, as modified by Presidential Proclamation 9681: cultural resources, current cultural uses and the spiritual significance of the area, geology, paleontology, native plants, wildlife, and grazing.
- Manage recreation within the BENM Shash Jáa Unit as consistently and compatibly as possible between the agencies to provide a mostly seamless visitor experience.

Desired recreation settings include additional and enhanced visitor facilities within the Comb Ridge area of the Special Recreation Management Area (SRMA), resulting in a frontcountry physical setting. In addition, the desired operational setting is more frontcountry in the Comb Ridge area with increased visitor services and management controls to provide the opportunity for visitors to experience cultural resources in a more directed and interpreted setting. There is no desired change to recreation settings in other areas, which generally provide visitors with an undeveloped setting to experience cultural resources and allow for a sense of discovery.

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<sup>1</sup> Special Recreation Management Areas (SRMAs) apply to BLM-administered lands. The USFS-administered lands within the geographic boundaries of the Shash Jáa SRMA will be managed based on the desired Recreation Opportunity Spectrum class.

<sup>2</sup> On USFS-administered lands “backcountry” is defined as an area that lies beyond 0.25 mile of roads and bridges. In these areas, visitors are more interested in opportunities that feature solitude, self-reliance, a sense of remoteness, and a primitive setting. On BLM-administered lands, backcountry is not mapped.

<sup>3</sup> On USFS-administered lands “frontcountry” is defined as an area that lies within 0.25 mile of roads and bridges. These areas offer easy access to the national forest where visitors are more tolerant of interaction with others as long as at-one-time use does not overwhelm the natural setting or create high levels of crowding and congestion. On BLM-administered lands, frontcountry is not mapped.

**Table 1. Shash Jáa Special Recreation Management Area (areas outside of Recreation Management Zones and Wilderness Study Areas) Existing and Desired Recreation Settings**

<b>PHYSICAL – Qualities of the Landscape</b>		
	<b>Existing</b>	<b>Desired</b>
Remoteness	<b>Primitive to Frontcountry:</b> Areas range from more than 0.5 mile from motorized routes (primitive) to within a 0.5 mile of well-maintained, unpaved passenger vehicle routes (frontcountry).	<b>No change</b>
Naturalness	<b>Primitive to Middlecountry:</b> Natural landscapes range from undisturbed areas (primitive) to areas where the character of the natural landscape is retained but a few modifications including fences, stock ponds, and parking areas contrast with the character of the landscape (middlecountry).	<b>No change</b>
Visitor facilities	<b>Primitive to Middlecountry:</b> Some areas have no facilities (primitive) while others have maintained and marked trails and basic trailhead developments (middlecountry).	<b>No change</b> except for the Comb Ridge area where <b>Frontcountry</b> rustic facilities such as campsites, toilets, trailheads, and interpretive kiosks would be present.
<b>SOCIAL – Qualities Associated with Use</b>		
	<b>Existing</b>	<b>Desired</b>
Average contacts	<b>Primitive to Backcountry:</b> Contacts range from fewer than six encounters/day on travel routes on average (primitive) in some areas and 7–15 encounters/day on travel routes (backcountry) in other areas.	<b>Allow for increased visitor use; monitor for impacts and limit access to specific sites if necessary.</b>
Average group size	<b>Primitive to Backcountry:</b> Group sizes range from fewer than three people per group (primitive) in some areas to four to six people per group (backcountry) in other areas.	<b>Allow for increased visitor use; monitor for impacts and limit access to specific sites if necessary.</b>
Evidence of use	<b>Primitive to Middlecountry:</b> Evidence of use ranges from no alteration to natural terrain and rare sounds of people (primitive) to small areas of alteration where surface vegetation is showing wear or gone and the sounds of people can occasionally be heard.	<b>No change</b>
<b>OPERATIONAL – Conditions Created by Management and Controls over Recreation Use</b>		
	<b>Existing</b>	<b>Desired</b>
Public access	<b>Primitive to Frontcountry:</b> Access ranges from foot and horse access only (primitive) to 2WD passenger vehicles (frontcountry).	<b>No change</b>
Visitor services	<b>Primitive:</b> No maps or brochures available onsite and staff are rarely present to provide onsite assistance.	<b>No change</b> except for the Comb Ridge area where <b>Middlecountry</b> visitor services would be provided such as onsite area information and maps, staff occasionally present to provide on-site assistance
Management controls	<b>Middlecountry:</b> Some regulatory and ethics signs. There are moderate use restrictions and group size limits in some areas.	<b>Frontcountry:</b> Rules, regulations and ethics clearly posted. Use restrictions and limitations in sensitive areas.

**Table 2. Shash Jáa Special Recreation Management Area Objectives**

<b>Primary Activities</b>		
Cultural site visitation	OHV riding	Education and interpretation
Hiking	Backpacking	Heritage tourism
Camping		

<b>Experiences</b>	
<b>Visitor</b>	
Achievement/stimulation	Developing skills and abilities, gaining a greater sense of self-confidence, telling others about the trip
Autonomy/leadership	Enjoying exploring on own
Family/group togetherness	Enjoying the closeness of friends and family, group affiliation, and togetherness; meeting new people with similar interests; and participating in group outdoor events
Learning and teaching	Learning and teaching others about the specific cultural history of the area, current cultural uses and the spiritual significance of the area, the objects and values of BENM, and outdoor resource protection skills
Enjoying nature	Enjoying the total sensory (sight, sound, and smell) experience of a natural landscape; enjoying easy access to natural landscapes
Introspection	Enjoying the ability to be more contemplative, reflecting on own character and personal values, thinking about and shaping own spiritual values, contemplating humans' relationship with the land
Exercise/physical fitness	Enjoying physical exercise
Escaping personal/social/physical pressures	Releasing or reducing stress; escaping everyday responsibilities; enjoying solitude, isolation, and independence; enjoying an escape from crowds
<b>Community Resident</b>	
Lifestyle	Enjoying access to close-to-home outdoor opportunities, enjoying the peace and quiet of small-town communities, avoiding compromising the quality of life in the area
Sense of place	Feeling that the area is a special place to live; enjoying the cultural, spiritual, traditional, and familial connection to the natural and cultural landscapes
Interacting with people	Encouraging visitors to help safeguard residents' lifestyle and quality of life, sharing cultural heritage with new people, seeing visitors become excited about the area, communicating cultural heritage with those already living in the area
Stewardship and hospitality	Feeling good about the way the cultural heritage is being protected, how visitors are being managed, how natural resources and facilities are being managed, and how the area is being used and enjoyed
<b>Benefits</b>	
Personal	Better mental health and health maintenance, personal development and growth, personal appreciation and satisfaction, improved physical fitness and health maintenance
Household and community	Greater household and community awareness of and appreciation for cultural heritage, improved functioning of individuals in family and community, greater family bonding, more well-rounded childhood development, reduced numbers of at-risk youth, lifestyle improvement or maintenance, enhance lifestyle, greater interaction with visitors from different cultures, greater community valuation of its ethnic diversity
Economic	Reduced health maintenance costs, increased work productivity, improved local-regional economic stability, increased local job opportunities, increased local tourism revenue, greater diversification of local job offerings, greater fiscal capability to maintain and provide essential infrastructure and services
Environmental	Maintenance of the distinctive character of the recreation setting; improved maintenance of physical facilities; reduced looting and vandalism of historic/prehistoric sites; reduced negative human impacts such as litter, vegetative trampling, unplanned trails, and human waste; greater community ownership and stewardship of area; greater retention of distinctive cultural landscape; greater protection of area archaeological sites; sustainability of community's cultural heritage; increased awareness and protection of specific objects and values of BENM; general increased awareness and protection of cultural and natural landscapes

## 2.2 Trail of the Ancients Recreation Management Zone

### 2.2.1 Outcome-Focused Recreation Objectives

The following objectives apply to all alternatives analyzed in the MMPs/EIS.

- Manage for the specific targeted outcomes—activities, experiences, and benefits—listed in Tables 3 and 4, with 80% of visitors reporting realization of the targeted experiences and benefits.

Desired recreation settings include additional and enhanced visitor facilities within the Recreation Management Zone (RMZ), resulting in a more rural physical setting than the existing recreation setting. The desired operational setting is frontcountry, with increased visitor services and management controls to provide the opportunity for visitors to experience cultural resources in a more directed and interpreted setting.

**Table 3. Trail of the Ancients Recreation Management Zone Existing and Desired Recreation Settings**

<b>PHYSICAL – Qualities of the Landscape</b>		
	<b>Existing</b>	<b>Desired</b>
Remoteness	<b>Frontcountry/Rural:</b> Areas within 0.5 mile of passenger vehicle routes (frontcountry). Areas within 0.5 mile of highway (rural)	<b>No change</b>
Naturalness	<b>Frontcountry:</b> Character of the natural landscape partially modified but none overpower the natural landscape	<b>No change</b>
Visitor facilities	<b>Frontcountry:</b> Camping areas, developed trailheads, toilets, interpretive displays	<b>Rural:</b> Developed campgrounds, visitor contact station
<b>SOCIAL – Qualities Associated with Use</b>		
	<b>Existing</b>	<b>Desired</b>
Average contacts	<b>Backcountry:</b> Seven to 15 encounters/day on travel routes.	<b>Allow for increased visitor use; monitor for impacts and limit access to specific sites if necessary.</b>
Average group size	<b>Backcountry:</b> Four to six people in group.	<b>Allow for increased visitor use; monitor for impacts and limit access to specific sites if necessary.</b>
Evidence of use	<b>Frontcountry:</b> Many small areas of alteration where surface vegetation is showing wear or gone. Sounds of people regularly heard.	<b>No change</b>
<b>OPERATIONAL – Conditions Created by Management and Controls over Recreation Use</b>		
	<b>Existing</b>	<b>Desired</b>
Public access	<b>Frontcountry/Rural:</b> Two-wheel-drive vehicles and ordinary highway auto and truck traffic characteristic	<b>No change</b>
Visitor services	<b>Backcountry:</b> Basic brochure, staff infrequently present to provide on-site assistance	<b>Frontcountry:</b> Provide more on-site interpretive information materials and kiosks, staff present frequently to provide on-site assistance.
Management controls	<b>Middlecountry:</b> Some regulatory and ethics signs. Moderate use restrictions.	<b>Frontcountry:</b> Rules, regulations and ethics clearly posted. Use restrictions and limitations.

**Table 4. Trail of the Ancients Recreation Management Zone Objectives**

<b>Primary Activities</b>		
Cultural site visitation	Backpacking (Alternatives C, D, and E only)	Education and interpretation
Hiking	Camping	Heritage tourism
<b>Experiences</b>		
<b>Visitor</b>		
Achievement/stimulation	Developing skills and abilities, gaining a greater sense of self-confidence, telling others about the trip	
Family/group togetherness	Enjoying the closeness of friends and family, group affiliation, and togetherness; meeting new people with similar interests; and participating in group outdoor events	
Learning and teaching	Learning and teaching others about the specific cultural history of the area, current cultural uses and spiritual significance of the area, the objects and values of BENM, and outdoor resource protection skills	
Enjoying nature	Enjoying the total sensory (sight, sound, and smell) experience of a natural landscape, enjoying easy access to natural landscapes	
Introspection	Enjoying the ability to be more contemplative; reflecting on own character and personal values, thinking about and shaping own spiritual values, contemplating humans' relationship with the land	
Exercise/physical fitness	Enjoying physical exercise	
Escaping personal/social/physical pressures	Releasing or reducing stress, escaping everyday responsibilities	



<b>Community Resident</b>	
Lifestyle	Enjoying access to close-to-home outdoor opportunities, enjoying the peace and quiet of small-town communities, avoiding compromising the quality of life in the area
Sense of place	Feeling that the area is a special place to live; enjoying the cultural, spiritual, traditional, and familial connection to the natural and cultural landscapes
Interacting with people	Encouraging visitors to help safeguard residents' lifestyle and quality of life, sharing cultural heritage with new people, seeing visitors become excited about the area, communicating cultural heritage with those already living in the area
Stewardship and hospitality	Feeling good about the way cultural heritage is being protected, how visitors are being managed, how natural resources and facilities are being managed, and how the area is being used and enjoyed
<b>Benefits</b>	
Personal	Better mental health and health maintenance, personal development and growth, personal appreciation and satisfaction, improved physical fitness and health maintenance
Household and community	Greater household and community awareness of and appreciation for cultural heritage, improved functioning of individuals in family and community, greater family bonding, more well-rounded childhood development, reduced numbers of at-risk youth, lifestyle improvement or maintenance, enhance lifestyle, greater interaction with visitors from different cultures, greater community valuation of its ethnic diversity
Economic	Reduced health maintenance costs, increased work productivity, improved local-regional economic stability, increased local job opportunities, increased local tourism revenue, greater diversification of local job offerings, greater fiscal capability to maintain and provide essential infrastructure and services
Environmental	Maintenance of the distinctive character of the recreation setting; improved maintenance of physical facilities; reduced looting and vandalism of historic/prehistoric sites; reduced negative human impacts such as litter, vegetative trampling, unplanned trails, and human waste; greater community ownership and stewardship of area; greater retention of distinctive cultural landscape; greater protection of area archaeological sites; sustainability of community's cultural heritage; increased awareness and protection of specific objects and values of BENM; general increased awareness and protection of cultural and natural landscapes

## 2.3 Arch Canyon Recreation Management Zone

### 2.3.1 Outcome-Focused Recreation Objectives

The following objectives apply to all alternatives analyzed in the MMPs/EIS.

- Manage for the specific targeted outcomes—activities, experiences, and benefits—in Tables 5 and 6, with 80% of visitors reporting realization of the targeted experiences and benefits.
- Alternative B: Maintain non-motorized recreation use in the area and minimize conflict between recreation use and proper care and management of the objects and values of BENM.
- Alternative C: Maintain motorized and non-motorized recreation use in the area, excluding the final 0.5 mile of the current designated route, within 0.5 mile of the USFS boundary. In the 0.5-mile area, create an area closed to OHVs and rehabilitate the road to protect known Mexican spotted owl habitat.
- Alternative D: Maintain motorized and non-motorized recreation use in the area and minimize conflict between recreation use and proper care and management of the objects and values of BENM.
- Alternative E: Maintain motorized and non-motorized recreation use in the area and minimize conflict between recreation use and proper care and management of the objects and values of BENM.

Desired recreation settings include enhanced visitor facilities within the RMZ, resulting in a middlecountry physical setting. Under Alternative B, remoteness and public access would be primitive due to less motorized access. The desired operational setting is frontcountry, with increased visitor services and management controls. Desired visitor service enhancements are minimal, and this will generally maintain an undeveloped recreation setting for visitors to experience cultural resources and allow for a sense of discovery.

**Table 5. Arch Canyon Recreation Management Zone Existing and Desired Recreation Settings**

<b>PHYSICAL – Qualities of the Landscape</b>		
	<b>Existing</b>	<b>Desired</b>
Remoteness	<b>Middlecountry:</b> Within 0.5 mile of 4WD route	<b>No change (Alt C, D, and E)</b> <b>Primitive (Alt B)</b>
Naturalness	<b>Middlecountry:</b> Character of the natural landscape retained. A few modifications including fences and parking areas contrast with the character of the landscape	<b>No change</b>
Visitor facilities	<b>Backcountry:</b> Simple trailhead developments and information kiosks	<b>Middlecountry:</b> Maintained and marked trails, enhanced interpretive and information kiosks
<b>SOCIAL – Qualities Associated with Use</b>		
	<b>Existing</b>	<b>Desired</b>
Average contacts	<b>Primitive:</b> Fewer than six encounters/day on travel routes on average	<b>Allow for increased visitor use; monitor for impacts and limit access to specific sites if necessary.</b>
Average group size	<b>Backcountry:</b> Four to six people in group	<b>Allow for increased visitor use; monitor for impacts and limit access to specific sites if necessary.</b>
Evidence of use	<b>Middlecountry:</b> Small areas of alteration where surface vegetation is showing wear or gone, including motorized routes, social foot trails, and trailhead areas	<b>No change</b>
<b>OPERATIONAL – Conditions Created by Management and Controls over Recreation Use</b>		
	<b>Existing</b>	<b>Desired</b>
Public access	<b>Middlecountry:</b> 4WD vehicle, OHV, mechanized, foot, and equestrian access	<b>No change (Alternatives C, D, and E)</b> <b>Primitive (Alternative B)</b>
Visitor services	<b>Primitive:</b> No maps or brochures available onsite. Staff rarely present to provide onsite assistance	<b>Middlecountry:</b> Area information and maps onsite, staff occasionally present to provide on-site assistance
Management controls	<b>Middlecountry:</b> User regulations at key access points, some regulatory and ethics signs, camping and human waste restrictions	<b>Frontcountry:</b> Rules, regulations, and ethics clearly posted. Use restrictions and limitations

**Table 6. Arch Canyon Recreation Management Zone Objectives**

<b>Primary Activities</b>		
Cultural site visitation	OHV riding (Alternatives C, D, and E only)	Education and interpretation
Hiking (Alternative B only)	Backpacking (Alternative B only)	Heritage tourism
Camping		
<b>Experiences</b>		
<b>Visitor</b>		
Achievement/stimulation	Developing skills and abilities, gaining a greater sense of self-confidence, telling others about the trip	
Autonomy/leadership	Enjoying exploring on own	
Family/group togetherness	Enjoying the closeness of friends and family, group affiliation, and togetherness; meeting new people with similar interests; and participating in group outdoor events	
Learning and teaching	Learning and teaching others about the specific cultural history of the area, current cultural uses and spiritual significance of the area, the objects and values of BENM, and outdoor resource protection skills	

Enjoying nature	Enjoying the total sensory (sight, sound, and smell) experience of a natural landscape, enjoying easy access to natural landscapes
Introspection	Enjoying the ability to be more contemplative, reflecting on own character and personal values, thinking about and shaping own spiritual values, contemplating humans' relationship with the land
Exercise/physical fitness	Enjoying physical exercise
Escaping personal/social/physical pressures	Releasing or reducing stress; escaping everyday responsibilities; enjoying solitude, isolation, and independence; enjoying an escape from crowds
<b>Community Resident</b>	
Lifestyle	Enjoying access to close-to-home outdoor opportunities, enjoying peace and quiet of small-town communities, avoiding compromising the quality of life in the area
Sense of place	Feeling that the area is a special place to live; enjoying the cultural, spiritual, traditional, and familial connection to the natural and cultural landscapes
Interacting with people	Encouraging visitors to help safeguard residents' lifestyle and quality of life, sharing cultural heritage with new people, seeing visitors become excited about the area, communicating cultural heritage with those already living in the area
Stewardship and hospitality	Feeling good about the way cultural heritage is being protected, how visitors are being managed, how natural resources and facilities are being managed, and how the area is being used and enjoyed
<b>Benefits</b>	
Personal	Better mental health and health maintenance, personal development and growth, personal appreciation and satisfaction, improved physical fitness and health maintenance
Household and community	Greater household and community awareness of and appreciation for cultural heritage, improved functioning of individuals in the family and community, greater family bonding, more well-rounded childhood development, reduced numbers of at-risk youth, lifestyle improvement or maintenance, enhance lifestyle, greater interaction with visitors from different cultures, greater community valuation of its ethnic diversity
Economic	Reduced health maintenance costs, increased work productivity, improved local-regional economic stability, increased local job opportunities, increased local tourism revenue, greater diversification of local job offerings, greater fiscal capability to maintain and provide essential infrastructure and services
Environmental	Maintenance of the distinctive character of the recreation setting; improved maintenance of physical facilities; reduced looting and vandalism of historic/prehistoric sites; reduced negative human impacts such as litter, vegetative trampling, unplanned trails, and human waste; greater community ownership and stewardship of area; greater retention of distinctive cultural landscape; greater protection of area archaeological sites; sustainability of community's cultural heritage; increased awareness and protection of specific objects and values of BENM; general increased awareness and protection of cultural and natural landscapes

## 2.4 McLoyd Canyon-Moon House Recreation Management Zone

### 2.4.1 Outcome-Focused Recreation Objectives

The following objectives apply to all alternatives analyzed in the MMPs/EIS.

- The McLoyd Canyon-Moon House RMZ is based on its accessibility and the unique architecture of the Moon House site. From a scientific perspective, Moon House is world renowned—unique to the region—and is a significant cultural treasure. Restrictions and management prescriptions are intended to minimize conflicts between recreational use and proper care and management of the objects and values of BENM.
- Manage for the specific targeted outcomes—activities, experiences, and benefits—in Tables 7 and 8, with 80% of visitors reporting realization of the targeted experiences and benefits.

Desired recreation settings include enhanced visitor services to provide the opportunity for visitors to experience cultural resources in a more directed and interpreted setting.

**Table 7. McLoyd Canyon-Moon House RMZ Existing and Desired Recreation Settings**

<b>PHYSICAL – Qualities of the Landscape</b>		
	<b>Existing</b>	<b>Desired</b>
Remoteness	<b>Middlecountry:</b> Within 0.5 mile of 4WD route	<b>No change</b>
Naturalness	<b>Primitive:</b> Undisturbed natural landscape	<b>No change</b>
Visitor facilities	<b>Primitive:</b> Developed trail made mostly of native materials	<b>No change</b>
<b>SOCIAL – Qualities Associated with Use</b>		
	<b>Existing</b>	<b>Desired</b>
Average contacts	<b>Primitive:</b> Fewer than six encounters/day on travel routes on average	<b>No change</b>
Average group size	<b>Backcountry:</b> Four to six people in group	<b>No change</b>
Evidence of use	<b>Backcountry:</b> Areas of alteration uncommon. Surface vegetation showing wear or gone on foot trails.	<b>No change</b>
<b>OPERATIONAL – Conditions Created by Management and Controls over Recreation Use</b>		
	<b>Existing</b>	<b>Desired</b>
Public access	<b>Primitive:</b> Foot travel only	<b>No change</b>
Visitor services	<b>Middlecountry:</b> Staff occasionally present to provide on-site assistance.	<b>Frontcountry:</b> Provide more interpretive information materials, staff present frequently to provide on-site assistance.
Management controls	<b>Rural:</b> Regulations strict and ethics prominent. Use limited by a permit and reservation system.	<b>No change</b>

**Table 8. McLoyd Canyon-Moon House Recreation Management Zone Objectives**

<b>Primary Activities</b>	
Cultural site visitation	Education and interpretation
Hiking	Heritage tourism
<b>Experiences</b>	
<b>Visitor</b>	
Achievement/stimulation	Developing skills and abilities, gaining a greater sense of self-confidence, telling others about the trip
Family/group togetherness	Enjoying the closeness of friends and family, group affiliation, and togetherness; meeting new people with similar interests; and participating in group outdoor events
Learning and teaching	Learning and teaching others about the specific cultural history of the area, current cultural uses and the spiritual significance of the area, the objects and values of BENM, and outdoor resource protection skills
Enjoying nature	Enjoying the total sensory (sight, sound, and smell) experience of a natural landscape, enjoying easy access to natural landscapes
Introspection	Enjoying the ability to be more contemplative, reflecting on own character and personal values, thinking about and shaping own spiritual values, contemplating humans' relationship with the land
Exercise/physical fitness	Enjoying physical exercise
Escaping personal/social/physical Pressures	Releasing or reducing stress; escaping everyday responsibilities; enjoying solitude, isolation, and independence; enjoying an escape from crowds

<b>Community Resident</b>	
Lifestyle	Enjoying access to close-to-home outdoor opportunities, enjoying the peace and quiet of small-town communities, avoiding compromising the quality of life in the area
Sense of place	Feeling that the area is a special place to live; enjoying cultural, spiritual, traditional, and familial connection to natural and cultural landscapes
Interacting with people	Encouraging visitors to help safeguard residents' lifestyle and quality of life, sharing cultural heritage with new people, seeing visitors become excited about the area, communicating cultural heritage with those already living in the area
Stewardship and hospitality	Feeling good about the way the cultural heritage is being protected, how visitors are being managed, how natural resources and facilities are being managed, and how the area is being used and enjoyed
<b>Benefits</b>	
Personal	Better mental health and health maintenance, personal development and growth, personal appreciation and satisfaction, improved physical fitness and health maintenance
Household and community	Greater household and community awareness of and appreciation for cultural heritage, improved functioning of individuals in family and community, greater family bonding, more well-rounded childhood development, reduced numbers of at-risk youth, lifestyle improvement or maintenance, enhance lifestyle, greater interaction with visitors from different cultures, greater community valuation of its ethnic diversity
Economic	Reduced health maintenance costs, increased work productivity, improved local-regional economic stability, increased local job opportunities, increased local tourism revenue, greater diversification of local job offerings, greater fiscal capability to maintain and provide essential infrastructure and services
Environmental	Maintenance of the distinctive character of the recreation setting; improved maintenance of physical facilities; reduced looting and vandalism of historic/prehistoric sites; reduced negative human impacts such as litter, vegetative trampling, unplanned trails, and human waste; greater community ownership and stewardship of area; greater retention of distinctive cultural landscape; greater protection of area archaeological sites; sustainability of community's cultural heritage; increased awareness and protection of specific objects and values of BENM; general increased awareness and protection of cultural and natural landscapes

## 2.5 San Juan Hill Recreation Management Zone

### 2.5.1 Outcome-Focused Recreation Objectives

The following objectives apply to all alternatives analyzed in the MMPs/EIS.

- Manage for the specific targeted outcomes—activities, experiences, and benefits—in Tables 9 and 10, with 80% of visitors reporting realization of the targeted experiences and benefits.
- Manage for heritage tourism, traditional cultural values, and cultural site visitation while minimizing conflict between multiple recreation uses and between recreation use and proper care and management of the object and values of BENM.

Desired recreation settings include additional and enhanced visitor facilities within the RMZ, resulting in a middlecountry physical setting. The desired operational setting is middlecountry, with improved visitor services. Desired visitor facility and service enhancements are minimal and will generally maintain an undeveloped setting for visitors to experience cultural resources and allow for a sense of discovery.

**Table 9. San Juan Hill Recreation Management Zone Existing and Desired Recreation Settings**

<b>PHYSICAL – Qualities of the Landscape</b>		
	<b>Existing</b>	<b>Desired</b>
Remoteness	<b>Middlecountry:</b> Within 0.5 mile of 4WD route.	<b>No change</b>
Naturalness	<b>Middlecountry:</b> Character of the natural landscape retained. A few modifications including fences and	<b>No change</b>

<b>PHYSICAL – Qualities of the Landscape</b>		
	parking areas contrast with the character of the landscape.	
Visitor facilities	<b>Backcountry:</b> Simple trailhead developments and information kiosks.	<b>Middlecountry:</b> Maintained and marked trails, enhanced interpretive and information kiosks
<b>SOCIAL – Qualities Associated with Use</b>		
	Existing	Desired
Average contacts	<b>Primitive:</b> Fewer than 6 encounters/day on travel routes on average	<b>Allow for increased visitor use; monitor for impacts and limit access to specific sites if necessary.</b>
Average group size	<b>Middlecountry:</b> 7-12 people in group.	<b>Allow for increased visitor use; monitor for impacts and limit access to specific sites if necessary.</b>
Evidence of use	<b>Middlecountry:</b> Small areas of alteration where surface vegetation is showing wear or gone, including Motorized routes, social foot trails, and trailhead areas.	<b>No change</b>
<b>OPERATIONAL – Conditions Created by Management and Controls over Recreation Use</b>		
	Existing	Desired
Public access	<b>Middlecountry:</b> 4WD vehicle access, river access	<b>No change</b>
Visitor services	<b>Backcountry:</b> Basic brochure, staff infrequently present to provide on-site assistance	<b>Middlecountry:</b> Area information and maps onsite, staff occasionally present to provide on-site assistance
Management controls	<b>Middlecountry:</b> User regulations at key access points (river), some regulatory and ethics signs, camping and human waste restrictions	<b>No change</b>

**Table 10. San Juan Hill Recreation Management Zone Objectives**

<b>Primary Activities</b>		
Cultural site visitation	Camping	Education and interpretation
Hiking	OHV riding	Heritage tourism
<b>Experiences</b>		
<b>Visitor</b>		
Achievement/stimulation	Developing skills and abilities, gaining a greater sense of self-confidence, being able to tell others about the trip	
Autonomy/leadership	Enjoying exploring on own	
Family/group togetherness	Enjoying closeness of friends and family, group affiliation and togetherness, meeting new people with similar interests, and participation in group outdoor events	
Learning and teaching	Learning and teaching others about the specific cultural history of the area, current cultural uses and spiritual significance of the area, the objects and values of BENM, and outdoor resource protection skills	
Enjoying nature	Enjoying the total sensory (sight, sound, and smell) experience of a natural landscape, enjoying easy access to natural landscape.	
Introspection	Enjoying ability to be more contemplative; reflecting on own character and personal values; thinking about and shaping own spiritual values; contemplating human's relationship with the land	
Exercise/physical fitness	Enjoying physical exercise	
Escaping personal/social/physical pressures	Releasing or reducing stress; escaping everyday responsibilities	

<b>Community Resident</b>	
Lifestyle	Enjoying access to close-to-home outdoor opportunities; enjoying peace and quiet of small-town communities; avoiding compromising the quality of life in the area
Sense of place	Feeling that the area is a special place to live; enjoying cultural, spiritual, traditional, and familial connection to natural and cultural landscapes
Interacting with people	Encouraging visitors to help safeguard resident lifestyle and quality of life; sharing cultural heritage with new people; seeing visitors become excited about the area; communicating cultural heritage with those already living in the area
Stewardship and hospitality	Feeling good about the way cultural heritage is being protected, how visitors are being managed, how natural resources and facilities are being managed, and how the area is being used and enjoyed
<b>Benefits</b>	
Personal	Better mental health and health maintenance; personal development and growth; personal appreciation and satisfaction; improved physical fitness and health maintenance
Household and community	Greater household and community awareness of and appreciation for cultural heritage; improved functioning of individuals in family and community; greater family bonding; more well-rounded childhood development; reduced numbers of at-risk youth; lifestyle improvement or maintenance; enhance lifestyle; greater interaction with visitors from different cultures; greater community valuation of its ethnic diversity
Economic	Reduced health maintenance costs; increased work productivity; improved local-regional economic stability; increased local job opportunities; increased local tourism revenue; greater diversification of local job offerings; greater fiscal capability to maintain and provide essential infrastructure and services
Environmental	Maintenance of distinctive recreation setting character; improved maintenance of physical facilities; reduced looting and vandalism of historic/prehistoric sites; reduced negative human impacts such as litter, vegetative trampling, unplanned trails, and human waste; greater community ownership and stewardship of area; greater retention of distinctive cultural landscape; greater protection of area archaeological sites; sustainability of community's cultural heritage; increased awareness and protection of specific objects and values of BENM; general increased awareness and protection of cultural and natural landscapes

### 3 INDIAN CREEK SPECIAL RECREATION MANAGEMENT AREA

#### 3.1 Outcome-Focused Recreation Objectives

The following objectives apply to all alternatives analyzed in the MMPs/EIS.

- Provide world class recreation opportunities while protecting the objects and values of BENM and supporting a growing travel and tourism economy in the region.
- Manage for the specific targeted outcomes; activities, experiences, and benefits in Table 1 with 80% of visitors reporting realization of the targeted experiences and benefits.
- Maintain and enhance a range of recreation settings from primitive/backcountry to rural/frontcountry.
- Provide the opportunity for visitors to experience cultural resources within a directed and interpreted setting, as well as an undeveloped setting to allow a sense of discovery
- Interpret the objects and values of BENM as described by Presidential Proclamation 9558, as modified by Presidential Proclamation 9681: cultural resources, current cultural uses and spiritual significance of the area, geology, paleontology, native plants, wildlife, and grazing.

Desired recreation settings include additional and enhanced visitor facilities in the highway corridor area of the SRMA, resulting in a frontcountry or rural physical setting. In addition, the desired operational setting is frontcountry in the highway corridor area, with increased visitor services and management controls to provide the opportunity for visitors to experience cultural resources in a more directed and interpreted setting. There is no desired change to recreation settings in other areas, which generally provide visitors with an undeveloped setting to experience cultural resources, to allow for a sense of discovery.

**Table 11. BENM-Indian Creek Special Recreation Management Area Existing and Desired Recreation Settings**

<b>PHYSICAL – Qualities of the Landscape</b>		
	<b>Existing</b>	<b>Desired</b>
Remoteness	<b>Primitive to Rural:</b> Areas range from more than 0.5 mile from motorized routes (primitive) to within a 0.5 mile of highways (rural)	<b>No change</b>
Naturalness	<b>Primitive to Frontcountry:</b> Natural landscapes range from undisturbed areas (primitive) to areas where the character of the natural landscape is partially modified but modifications don't overpower the natural landscape	<b>No change</b>
Visitor facilities	<b>Primitive to Rural:</b> Some areas have no facilities (primitive) while others have campgrounds, toilets, information kiosks, and parking areas.	<b>No change</b> except that additional frontcountry and rural level visitor facilities would be provided in the highway corridor area and additional frontcountry facilities (rustic toilets, campsites) would be provided in Cottonwood Wash area.
<b>SOCIAL – Qualities Associated with Use</b>		
	<b>Existing</b>	<b>Desired</b>
Average contacts	<b>Primitive to Frontcountry:</b> Contacts range from fewer than 6 encounters/day on travel routes on average (primitive) in some areas and 30 or more encounters/day on travel routes (frontcountry) in other areas.	<b>Allow for increased visitor use; monitor for impacts and limit access to specific sites if necessary.</b>
Average group size	<b>Primitive to Backcountry:</b> Group sizes range from fewer than 3 people per group (primitive) in some areas and 4-6 people per group (backcountry) in other areas	<b>Allow for increased visitor use; monitor for impacts and limit access to specific sites if necessary.</b>
Evidence of use	<b>Primitive to Frontcountry:</b> Evidence of use ranges from no alteration to natural terrain and sounds of people rare (primitive) to small areas of alteration prevalent where surface vegetation is showing wear or gone and the sounds of people can regularly be heard.	<b>No change</b>
<b>OPERATIONAL – Conditions Created by Management and Controls over Recreation Use</b>		
	<b>Existing</b>	<b>Desired</b>
Public access	<b>Primitive to Frontcountry:</b> Access ranges from foot and horse access only (primitive) to 2WD passenger vehicles (frontcountry)	<b>No change</b>
Visitor services	<b>Primitive to Frontcountry:</b> Visitor services range from no maps or brochures available onsite and staff rarely present to provide onsite assistance (primitive) to information materials describe recreation areas and activities and staff periodically present.	<b>No change:</b> additional Frontcountry level visitor services would be provided in the highway corridor area
Management controls	<b>Middlecountry:</b> Some regulatory and ethics signs. Moderate use restrictions (e.g. camping, human waste) in some areas.	<b>Frontcountry:</b> Rules, regulations and ethics clearly posted. Use restrictions and limitations in sensitive areas

**Table 12. BENM - Indian Creek SRMA Objectives**

<b>Primary Activities</b>		
Rock climbing	OHV riding	Education and interpretation
Cultural site visitation	Hiking	Heritage tourism
Camping	Sightseeing	



<b>Experiences</b>	
<b>Visitor</b>	
Achievement/stimulation	Developing skills and abilities; gaining a greater sense of self-confidence; being able to tell others about the trip
Autonomy/leadership	Enjoying exploring on own
Family/group togetherness	Enjoying closeness of friends and family, group affiliation and togetherness, meeting new people with similar interests, and participation in group outdoor events
Learning and teaching	Learning and teaching others about the specific cultural history of the area; current cultural uses and spiritual significance of the area; the objects and values of BENM; and outdoor resource protection skills
Enjoying nature	Enjoying the total sensory (sight, sound, and smell) experience of a natural landscape; enjoying easy access to natural landscapes
Introspection	Enjoying ability to be more contemplative, reflecting on own character and personal values, thinking about and shaping own spiritual values, contemplating human's relationship with the land
Exercise/physical fitness	Enjoying physical exercise
Escaping personal/social/physical pressures	Releasing or reducing stress; escaping everyday responsibilities; enjoying solitude, isolation, and independence; enjoying an escape from crowds of people
<b>Community Resident</b>	
Lifestyle	Enjoying access to close-to-home outdoor opportunities, enjoying peace and quiet of small-town communities, avoiding compromising the quality of life in the area
Sense of place	Feeling that the area is a special place to live; enjoying cultural, spiritual, traditional, and familial connection to natural and cultural landscapes
Interacting with people	Encouraging visitors to help safeguard resident lifestyle and quality of life, sharing cultural heritage with new people, seeing visitors become excited about the area, communicating cultural heritage with those already living in the area
Stewardship and hospitality	Feeling good about the way cultural heritage is being protected, how visitors are being managed, how natural resources and facilities are being managed, and how the area is being used and enjoyed
<b>Benefits</b>	
Personal	Better mental health and health maintenance, personal development and growth, personal appreciation and satisfaction, improved physical fitness and health maintenance
Household and community	Greater household and community awareness of and appreciation for cultural heritage, improved functioning of individuals in family and community, greater family bonding, more well-rounded childhood development, reduced numbers of at-risk youth, lifestyle improvement or maintenance, enhance lifestyle, greater interaction with visitors from different cultures, greater community valuation of its ethnic diversity
Economic	Reduced health maintenance costs, increased work productivity, improved local-regional economic stability, increased local job opportunities, increased local tourism revenue, greater diversification of local job offerings, greater fiscal capability to maintain and provide essential infrastructure and services
Environmental	Maintenance of distinctive recreation setting character; improved maintenance of physical facilities; reduced looting and vandalism of historic/prehistoric sites; reduced negative human impacts such as litter, vegetative trampling, unplanned trails, and human waste; greater community ownership and stewardship of area; greater retention of distinctive cultural landscape; greater protection of area archaeological sites; sustainability of community's cultural heritage; increased awareness and protection of specific objects and values of BENM; general increased awareness and protection of cultural and natural landscapes

## 4 INDIAN CREEK EXTENSIVE RECREATION MANAGEMENT AREA

### 4.1 Outcome-Focused Recreation Objectives

The following objectives apply to all alternatives analyzed in the MMPs/EIS.

- Support and sustain principle recreation activities, including the following:
  - Camping
  - Cultural site visitation
  - OHV riding
  - Hiking
  - Hunting
  - Sightseeing

- Protect the objects and values of BENM.
- Maintain undeveloped physical and operational recreation settings.
- Provide minimal facilities when necessary for proper care and management of objects and values and for visitor health and safety.

## **5 U.S. FOREST SERVICE RECREATION MANAGEMENT ZONES DESIRED FUTURE CONDITIONS**

### **5.1 Arch Canyon Semi-Primitive Non-Motorized Area**

The following desired future conditions apply to all alternatives analyzed in the MMPs/EIS.

- The zone is managed for non-motorized use. Uses include hiking and equestrian trails. Any facilities would be small scale and rustic in nature. The zone is managed to provide opportunities for exploration, challenge, and self-reliance and opportunities to experience dark skies and quiet areas.
- Ecological processes such as fire, insects, and disease are the primary factors affecting landscape patterns within these areas.
- Seasonal or permanent restrictions on human use may be applied to provide for the protection of physical, biological, or social resources.
- Resource management activities such as timber harvest, livestock grazing, wildlife habitat improvement, vegetative treatments, and special uses may occur as long as they meet Scenery Management System (SMS) objectives and maintain a high quality semi-primitive non-motorized recreation opportunity.
- Sounds of motorized use are generally not heard from the core of semi-primitive non-motorized areas.
- The zone contains the Arch Canyon Inventoried Roadless Area, which will be managed consistent with the 2001 Roadless Rule.

### **5.2 The Points Semi-Primitive Motorized Areas**

The following desired future conditions apply to all alternatives analyzed in the MMPs/EIS.

This zone is a backcountry area used by motorized users on designated routes. Roads are maintained for high-clearance vehicles. The zone offers motorized opportunities for exploration, challenge, and self-reliance. Any facilities are small scale and rustic in nature. This area provides a portal into the adjacent Arch Canyon Semi Primitive Non-Motorized Area.

### **5.3 The South Elks/Bears Ears Roded Natural Zone**

The following desired future conditions apply to all alternatives analyzed in the MMPs/EIS.

This zone is a frontcountry recreation area that is accessed by open system roads that can accommodate sedan travel. Facilities are less rustic and more developed (campgrounds, trailheads, on-site interpretation of cultural sites, etc.). Recreation development in the Monument on USFS lands would be focused here. This zone provides an access point for the adjacent Semi-Primitive Motorized setting found in the Points Semi-Primitive Motorized Areas.

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## **APPENDIX H**

### **Best Management Practices for Raptors and Their Associated Habitats in Utah**



# 1 INTRODUCTION

Raptors, or birds of prey, are found on public lands throughout Utah. Approximately 31 species of raptors utilize public lands for at least a portion of their life cycle. These include 20 diurnal raptors, including the eagles, hawks, falcons, osprey, turkey vulture, and California condor, and 11 mostly nocturnal owl species. At least 16 of the diurnal raptors are known to nest, roost, and forage on public lands while two others are probable nesters within the southern part of the State. The California condor is known to utilize public lands for roosting and foraging but is not currently known to nest within the State. The rough-legged hawk is a winter resident that uses public lands for foraging. All of the owl species nest, roost, and forage on public lands in Utah.

Some of Utah's raptors are considered to be Special Status Species by the Bureau of Land Management (BLM) or U.S. Forest Service (USFS) and currently receive enhanced protection, in addition to the regulatory authority provided by the Migratory Bird Treaty Act (MBTA), which covers all raptor species. The Mexican spotted owl is Federally listed as a threatened species and is afforded the protection, as well as the Section 7 consultation requirements, of the Endangered Species Act (ESA). Both the bald eagle and golden eagle are protected by the provisions of the Eagle Protection Act. The California condor is Federally listed as an endangered species; however, the birds found in southern Utah are part of an Experimental Non-essential Population reintroduced to northern Arizona under Section 10(j) of the ESA. The BLM and USFS are required to treat the condor as a species proposed for listing for Section 7 purposes of the ESA. The northern goshawk is managed by a multi-agency Conservation Agreement and is also a USFS-sensitive species. The ferruginous hawk, short-eared owl, and burrowing owl are listed as Wildlife Species of Concern by the Utah Division of Wildlife Resources (UDWR) (2015), and they are therefore recognized as BLM sensitive species under the BLM's 6840 Manual. The BLM's 6840 Manual states that the "*BLM shall. . .ensure that actions authorized, funded, or carried out. . .do not contribute to the need for the species to become listed.*" USFS Manual 2670 directs the USFS to "*Develop and implement management practices to ensure that species do not become threatened or endangered because of Forest Service actions.*"

Future raptor management on BLM and USFS lands in the BENM will be guided by the use of these best management practices (BMPs), which are BLM-specific recommendations for implementation of the U.S. Fish and Wildlife Service (USFWS) Utah Field Office's "*Guidelines for Raptor Protection from Human and Land Use Disturbances*" (Guidelines) (USFWS 2002). The Guidelines were originally developed by the USFWS in 1999 and were updated in 2002 to reflect changes brought about by court and policy decisions and to incorporate Executive Order 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*. The Guidelines were provided to the BLM and other land management agencies in an attempt to provide raptor management consistency while ensuring project compatibility with the biological requirements of raptors and encouraging an ecosystem approach to habitat management.

These BMPs, or specific elements of the BMPs that pertain to a proposal, should be attached as Conditions of Approval (COA) to all BLM and USFS use authorizations that have the potential to adversely affect nesting raptors or would cause occupied nest sites to become unsuitable for nesting in subsequent years.

Raptor management is a dynamic and evolving science and, consequently, as the science evolves these BMPs will undergo subsequent revision. As more information becomes available through implementation of these raptor BMPs and as our knowledge of raptor life cycle requirements increases, findings will be incorporated into future revisions of the BMP document. Additionally, the BLM and the Department of Energy are initiating a 3-year raptor radii study that will test traditional spatial and seasonal nest buffers during actual oil and gas development activities for a select suite of species. Study results would be incorporated into new BMP revisions as well.

To adequately manage raptors and their habitats, and to reduce the likelihood of a raptor species being listed under the ESA, BLM- and USFS-authorized or proposed management activities and/or land-disturbing actions would be subject to the criteria and processes specified within these BMPs. The implementation of raptor spatial and seasonal buffers under the BMPs would be consistent with Table 2 of the Guidelines, included here as Attachment 2. As specified in the Guidelines, modifications of spatial and seasonal buffers for BLM- and USFS-authorized actions would be permitted, so long as protection of nesting raptors was

ensured. State- and/or Federally listed, proposed, and candidate raptor species, as well as BLM-sensitive raptor species, should be afforded the highest level of protection through this BMP process; however, all raptor species would continue to receive protection under the MBTA. Modification of the buffers for threatened or endangered species would be considered pending results of Section 7 consultation with the USFWS.

As stated in the Guidelines, spatial and seasonal buffers should be considered as the best available recommendations for protecting nesting raptors under a wide range of activities State-wide. However, they are not necessarily site-specific to proposed projects. Land managers should evaluate the type and duration of the proposed activity, the position of topographic and vegetative features, the sensitivity of the affected species, the habituation of breeding pairs to existing activities in the proposed project area, and the local raptor nesting density when determining site-specific buffers. The BLM and USFS would be encouraged to informally coordinate with the UDWR and USFWS any time a site-specific analysis shows that an action may have an adverse impact on nesting raptors. The coordination would determine if the impact could be avoided or must be mitigated, and if so, to determine appropriate and effective mitigation strategies.

Potential modifications of the spatial and seasonal buffers identified in the Guidelines may provide a viable management option. Modifications would ensure that nest protection would occur while allowing various management options that may deviate from the suggested buffers within the Guidelines, which, if adequately monitored, could provide valuable information for incorporation into future management actions.

Seasonal raptor buffers from Attachment 2 should be reviewed by local raptor nesting authorities who are knowledgeable of raptor nesting chronologies within their local area. For those nesting raptors for which local nesting chronologies remain uncertain, the seasonal buffers provided in Attachment 2 should serve as the default. However, for those raptor species whose known nesting chronologies differ from the seasonal buffers provided in Attachment 2, the local seasonal buffers may be utilized as a modification of the Guidelines.

Criteria that would need to be met prior to implementing modifications to the spatial and seasonal buffers in the Guidelines would include the following:

- Completion of a site-specific assessment by a wildlife biologist or other qualified individual. See example (Attachment 1).
- Written documentation by the BLM Field Office or USFS Ranger District Wildlife Biologist, identifying the proposed modification and affirming that implementation of the proposed modification(s) would not affect nest success or the suitability of the site for future nesting. Modification of the Guidelines would not be recommended if it is determined that adverse impacts to nesting raptors would occur or that the suitability of the site for future nesting would be compromised.
- Development of a monitoring and mitigation strategy by a BLM or USFS biologist or other raptor biologist. Impacts of authorized activities would be documented to determine if the modifications were implemented, as described in the environmental documentation or COAs, and were adequate to protect the nest site. Should adverse impacts be identified during monitoring of an activity, the BLM would follow an appropriate course of action, which may include cessation or modification of activities that would avoid, minimize, or mitigate the impact or, with the approval of the UDWR and USFWS, the BLM could allow the activity to continue while requiring monitoring to determine the full impact of the activity on the affected raptor nest. A monitoring report would be completed and forwarded to the UDWR for incorporation into the Natural Heritage Program (NHP) raptor database.

In a further effort to provide additional support and expertise to local BLM and USFS field biologists, a network of biologists from various agencies with specific expertise in raptor management has been identified and included as Attachment 3. The personnel identified have extensive backgrounds in raptor management issues and are available, upon request, to assist BLM and USFS field biologists on a case-by-case basis. Field biologists are encouraged to use this network, via informal conference, with one or more

of the individuals identified. This coordination should be clearly distinguished from the consultation process required under Section 7 of the ESA. Individuals on the expert panel should not be expected to provide formal advice but should serve as a sounding board for discussing potential effects of a proposal, as well as potential mitigation measures on specific projects which may be useful to BLM and USFS biologists.

## 2 Habitat Enhancement

As recommended in the Guidelines, raptor habitat management and enhancement, both within and outside of buffers, would be an integral part of these BMPs, with the understanding that in order for raptors to maintain high densities and maximum diversity, it is necessary that the habitat upon which they and their prey species depend be managed to promote healthy and productive ecosystems. Habitat loss or fragmentation would be minimized and/or mitigated to the extent practical and may include such measures as drilling multiple wellheads per pad, limiting access roads and avoiding loop roads to well pads, effective rehabilitation or restoration of plugged and abandoned well locations and access roads that are no longer required, rehabilitation or restoration of wildland fires to prevent domination by non-native invasive annual species, vegetation treatments and riparian restoration projects to achieve Rangeland Health Standards, etc.

In some cases, artificial nesting structures, located in areas where preferred nesting substrates are limited but where prey base populations are adequate and human disturbances are limited, may enhance some raptor populations or may serve as mitigation for impacts occurring in other areas.

## 3 Protection of Nest Sites and Buffer Zones

As stated in the Guidelines, protection of both occupied and unoccupied nests is important since not all raptor pairs breed every year, nor do they always utilize the same nest within a nesting territory. Individual raptor nests left unused for a number of years are frequently reoccupied, if all the nesting attributes which originally attracted a nesting pair to a location are still present. Nest sites are selected by breeding pairs for the preferred habitat attributes provided by that location.

Raptor nest buffer zones are established for planning purposes because the nest serves as the focal point for a nesting pair of raptors. The buffer should serve as a threshold of potential adverse effect to nest initiation and productivity. Actions proposed within these buffer zones are considered potentially impacting and therefore trigger the need for consideration of site-specific recommendations.

Seasonal (temporal) buffer zones are conservation measures intended to schedule potentially impacting activities to periods outside of the nesting season for a particular raptor species. These seasonal limitations are particularly applicable to actions proposed within the spatial buffer zone of a nest for short-duration activities such as pipeline or power line construction, seismic exploration activity, vegetative treatments, fence or reservoir construction, permitted recreational events, etc., where subsequent human activity would not be expected to occur.

Spatial buffer zones are those physical areas around raptor nest sites where seasonal conservation measures or surface occupancy restrictions may be applied, depending on the type and duration of activity, distance and visibility of the activity from the nest site, adaptability of the raptor species to disturbance, etc. Surface occupancy restrictions should be utilized for actions which would involve human activities within the buffer zone for a long duration (more than one nesting season) and which would cause an occupied nest site to become unsuitable for nesting in subsequent years.

### 3.1 Unoccupied Nests

**All Activities, Including All Mineral Leases:** Surface-disturbing activities occurring outside of the breeding season (seasonal buffer) but within the spatial buffer would be allowed during a minimum 3-year nest monitoring period, as long as the activity would not cause the nest site to become unsuitable for future

nesting, as determined by a wildlife biologist. Facilities and other permanent structures would be allowed, if they meet the above criteria. Occupied and unoccupied eagle nests are protected under the Bald and Golden Eagle Protection Act. Occupied and unoccupied eagle nests cannot be legally removed unless a permit is issued by the USFWS.

Some examples of typical surface-disturbing actions occurring outside of the seasonal buffer, which may not be expected to affect nest production or future nesting suitability, would include pipelines, power lines, seismographic exploration, communication sites, an oil or gas well with off-site facilities which does not require routine visitation, recreation events, fence or reservoir construction, vegetative treatments, and other actions with discrete starting and ending times and for which subsequent human activity or heavy equipment operation within the spatial buffer would not be expected to occur, or could be scheduled outside of the seasonal buffer in subsequent years.

Surface-disturbing activities that would be expected to potentially affect nest production or nest site suitability include oil and gas facilities requiring regular maintenance, sand and gravel operations, road systems, wind energy projects, mining operations, other actions requiring continual, random human activity, or heavy equipment operation during subsequent nesting seasons.

A nest site which does not exhibit evidence of use, such as greenery in the nest, fresh whitewash, obvious nest maintenance, or the observed presence of adults or young at the nest, for a period of 3 consecutive years (verified through monitoring), would be deemed abandoned, and all seasonal and spatial restrictions would cease to apply to that nest. All subsequent authorizations for permanent activities within the spatial buffer of the nest could be permitted. If the nest becomes reoccupied after authorized activities are completed, conservation measures would be considered to reduce potential adverse effects and to comply with the MBTA and the Eagle Protection Act.

The 3-year non-use standard varies from the Guidelines suggested 7-year non-use standard before declaring nest abandonment. This variation is based upon a similar standard which has been applied for over 20 years in two administrative areas within Utah. Empirical evidence would suggest that the 3-year non-use standard has been effective in conserving raptor species. The 3-year standard has been applied without legal challenge or violation of “take” under the MBTA or the Eagle Protection Act.

Because prey base populations are known to be cyclic, and because raptor nest initiation or nesting success can be affected by drought and other random natural events, care should be taken when applying the 3-year non-activity standard. The 3-year nest occupancy monitoring requirement should be viewed as a minimum time period during those years of optimal raptor nesting conditions. During suboptimal raptor nesting years, when nesting habitat may be affected by drought, low prey base populations, fire, or other events, the monitoring standard should be increased to allow raptors the opportunity to reoccupy nesting sites when nesting conditions become more favorable.

## **3.2 Occupied Nests**

**All Activities:** Land use activities which would have an adverse impact on an occupied raptor nest, would not be allowed within the spatial or seasonal buffer.

## **4 Consideration of Alternatives and Mitigation Measures**

Alternatives, including denial of the proposal, should be identified, considered, and analyzed in a National Environmental Policy Act (NEPA) document any time an action is proposed within the spatial buffer zone of a raptor nest. Selection of a viable alternative that avoids an impact to nesting raptors should be selected over attempting to mitigate those impacts. If unavoidable impacts are identified, mitigation measures should be applied as necessary to mitigate adverse impacts of resource uses and development on nesting raptors. Monitoring of the effectiveness of the mitigation measures should be mandatory and should be included as a COA.



## **5 Specific Strategies to Be Implemented Regarding Other Resource Uses**

The following are management strategies designed to reduce or eliminate potential conflicts between raptors and other resource uses. This is a list of examples and is not intended to be an all-inclusive list. In all cases, when an activity on BLM or USFS lands is proposed, and a NEPA document developed, the site-specific analysis process identified in Attachment 1 may be implemented to identify and either avoid or mitigate impacts to raptors from the proposal. These strategies apply to BLM-, USFS-, and applicant-generated proposals.

### **5.1 Cultural Resources**

Excavation and studies of cultural resources in caves and around cliff areas should be delayed until a qualified biologist surveys the area to be disturbed or impacted by the activity for the presence of raptors or nest sites. If nesting raptors are present, the project should be rescheduled to occur outside of the seasonal buffer recommended by the Guidelines.

### **5.2 Forestry and Harvest of Woodland Products**

Timber harvest would be subject to NEPA analysis and would be conducted in a manner that would avoid impacts to raptor nests. This could also apply to areas identified for wood gathering and firewood sales.

### **5.3 Hazardous Fuel Reduction/Habitat Restoration Projects**

Hazardous fuel reduction projects and shrub-steppe restoration projects should be reviewed for possible impacts to nesting raptors. Removal of trees containing either stick nests or nesting cavities, through prescribed fire or mechanical or manual treatments, should be avoided.

It is important to note that certain raptor species are tied to specific habitat types, and that consideration must be made on a site-specific basis when vegetation manipulation projects are proposed, to determine which raptor species may benefit and which may be negatively affected by the vegetation composition post-treatment.

### **5.4 Livestock Grazing**

Rangelands and riparian areas should be managed in a manner that promotes healthy, productive rangelands and functional riparian systems. Rangeland Health Assessments should be conducted on each grazing allotment, and rangeland guidelines should be implemented where Rangeland Health Standards are not being met, to promote healthy rangelands.

Locations of sheep camps and other temporary intrusions would be located in areas away from raptor nest sites during the nesting season. Placement of salt and mineral blocks would also be located away from nesting areas.

Season of use, kind of livestock, and target utilization levels of key species affect vegetative community attributes (percent cover, composition, etc.) and influence small mammal and avian species diversity and density. While not all raptor species would be affected in the same way, livestock management practices which maintain or enhance vegetative attributes, will preserve prey species density and diversity which will benefit the raptor resource.

## **5.5 Off-Highway Vehicle Use**

Special Recreation Management Areas (SRMA) that are developed for off-highway vehicle (OHV) use would not be located in areas that have important nesting, roosting, or foraging habitat for raptors.

OHV use would be limited to designated roads, trails, and managed open areas. Lands categorized as “Open” for OHV use should not be in areas important to raptors for nesting, roosting, and foraging.

When proposals for OHV events are received, the area to be impacted would be surveyed by a qualified wildlife biologist to determine if the area is utilized by raptors. Potential conflicts would be identified and either avoided or mitigated prior to the issuance of any permit.

## **5.6 Realty**

Lands proposed for disposal which includes raptor nesting, roosting, or important foraging areas would be analyzed and evaluated for the relative significance of these resources before a decision is made for disposal or retention.

A priority list of important raptor habitat areas, especially for Federally listed or State sensitive raptor species, on State and private lands should be developed and utilized as lands to be acquired by the BLM or USFS when opportunities arise to exchange or otherwise acquire lands.

Lands and realty authorizations would include appropriate conservation measures to avoid and/or mitigate impacts to raptors.

## **5.7 Recreation**

Development of biking trails near raptor nesting areas would be avoided.

Rock climbing activities would be authorized only in areas where there are no conflicts with cliff-nesting raptors.

In high recreation use areas where raptor nest sites have been made unsuitable by existing disturbance or habitat alteration, mitigation should be considered to replace nest sites with artificial nest structures in nearby suitable habitat, if it exists, and consider seasonal protection of nest sites through fencing or other restrictions.

Dispersed recreation would be monitored to identify where this use may be impacting nesting success of raptors.

## **6 BLM Inventory and Monitoring**

Each Field Office should cooperatively manage a raptor database, with the UDWR and USFWS, as part of the BLM Corporate database. Raptor data should be collected and compiled utilizing the Utah Raptor Data Collection Standards developed by the Utah State Office, so that personnel from other agencies can access the data. Appropriate protocols for survey and monitoring should be followed, when available. This database should be updated as new inventory and monitoring data becomes available. The data should also be forwarded to the UDWR and the NHP, which has been identified as the central repository for raptor data storage for the State of Utah.

Use of seasonal employees and volunteers, as well as Challenge Cost Share projects, should be utilized to augment the inventory and monitoring of raptor nests within a Planning Area, with the data entered into the abovementioned databases at the close of each nesting season. Project proponents, such as energy development interests, would be encouraged to participate and help support an annual raptor nest monitoring effort within their areas of interest.

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Active nest sites should be monitored during all authorized activities that may have an impact on the behavior or survival of the raptors at the nest site. A qualified biologist would conduct the monitoring and document the impacts of the activity on the species. A final report of the impacts of the project should be placed in the Environmental Assessment file, with a copy submitted to the NHP. The report would be made available for review and should identify what activities may affect raptor nesting success and should be used to recommend appropriate buffer zones for various raptor species.

As data are gathered, and impact analyses are more accurately documented, adaptive management principles should be implemented. Authorization of future activities should take new information into account, better protecting raptors while potentially allowing more development and fewer restrictions, if data indicates that current restrictions are beyond those necessary to protect nesting raptors, or conversely indicates that current guidance is inadequate for protection of nesting raptors.

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# ATTACHMENT 1—SITE SPECIFIC ANALYSIS DATA SHEET

Observer(s) \_\_\_\_\_

Date \_\_\_\_\_

**1. Conduct a site visit to the area of the proposed action and complete the raptor nest site data sheet according to BLM data standards.**

**2. Area of Interest Documentation (Bold items require completion, other information is optional).**

**State** \_\_\_\_\_ **Office** \_\_\_\_\_ **Management Unit** \_\_\_\_\_

**Project ID#** \_\_\_\_\_

**Location (Description)**

Legal T \_\_\_\_\_, R \_\_\_\_\_, Sec. \_\_\_\_\_, 1/4, \_\_\_\_\_ 1/4, \_\_\_\_\_ or UTM Coordinates

Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

**Photos Taken** Y( ) N( )

Description of photos:

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**Raptor Species** \_\_\_\_\_

Confirmed \_\_\_\_\_ Unconfirmed \_\_\_\_\_

**Distance From Proposed Disturbance to:**

**Nest** \_\_\_\_\_

**Perch** \_\_\_\_\_

**Roost** \_\_\_\_\_

**Line of Site Evaluation From:**

**Nest** \_\_\_\_\_

**Perch** \_\_\_\_\_

**Roost** \_\_\_\_\_

**Extent of Disturbance:** Permanent \_\_\_\_\_ Temporary \_\_\_\_\_

Distance from Nest/Roost \_\_\_\_\_ Acreage \_\_\_\_\_

Length of Time \_\_\_\_\_ Timing Variations \_\_\_\_\_ Disturbance Frequency \_\_\_\_\_

**Other Disturbance Factors:** Yes \_\_\_ No \_\_\_ (If yes, explain what and include distances from nest to disturbances)

**Approximate Age of Nest:** New \_\_\_ **Historical:** (Number of Years) \_\_\_\_\_

**Evidence of Use (Describe):**

**Habitat Values Impacted:**

**Proportion of Habitat Impacted** (Relate in terms of habitat available):

**Estimated Noise Levels of Project (db):** \_\_\_\_\_

**Available Alternative(s)** (e.g., location, season, technology):

**Associated Activities:**

**Cumulative Effects of Proposal and Other Actions in Habitat Not Associated With the Proposal:**

**Potential for site Rehabilitation:** High \_\_\_ Low \_\_\_

Notes/Comments:

**Summary of Proposed Modifications:**

Possible modifications to the spatial and seasonal buffers within the USFWS “Guidelines” include the following:

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Rationale:

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**Summary of Proposed Mitigation Measures:**

Possible mitigation measures related to the proposal include the following:

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Rationale:

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Summary of Alternatives Considered:  
Possible alternatives to the proposal include the following:

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Rationale:

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**Recommendation to Field Office Manager Based on Above Findings:**

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Field Office Wildlife Biologist

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Date



## ATTACHMENT 2—NESTING PERIODS AND RECOMMENDED BUFFERS FOR RAPTORS IN UTAH

Species	Spatial Buffer (miles)	Seasonal Buffer	Incubation, # Days	Brooding, # Days Post-Hatch	Fledging, # Days Post-Hatch	Post-fledge Dependency to Nest, # Days <sup>1</sup>
Bald eagle	1.0	1/1-8/31	34-36	21-28	70-80	14-20
Golden eagle	0.5	1/1-8/31	43-45	30-40	66-75	14-20
N. Goshawk	0.5	3/1-8/15	36-38	20-22	34-41	20-22
N. Harrier	0.5	4/1-8/15	32-38	21-28	42	7
Cooper's hawk	0.5	3/15-8/31	32-36	14	27-34	10
Ferruginous hawk	0.5	3/1-8/1	32-33	21	38-48	7-10
Red-tailed hawk	0.5	3/15-8/15	30-35	35	45-46	14-18
Sharp-shinned hawk	0.5	3/15-8/31	32-35	15	24-27	12-16
Swainson's hawk	0.5	3/1-8/31	33-36	20	36-40	14
Turkey vulture	0.5	5/1-8/15	38-41	14	63-88	10-12
California condor	1.0	NN yet	56-58	5-8 weeks	5-6 months	2 months
Peregrine falcon	1.0	2/1-8/31	33-35	14-21	35-49	21
Prairie falcon	0.25	4/1-8/31	29-33	28	35-42	7-14
Merlin	0.5	4/1-8/31	28-32	7	30-35	7-19
American kestrel	NN <sup>2</sup>	4/1-8/15	26-32	8-10	27-30	12
Osprey	0.5	4/1-8/31	37-38	30-35	48-59	45-50
Boreal owl	0.25	2/1-7/31	25-32	20-24	28-36	12-14
Burrowing owl	0.25	3/1-8/31	27-30	20-22	40-45	21-28
Flammulated owl	0.25	4/1-9/30	21-22	12	22-25	7-14
Great horned owl	0.25	12/1-9/31	30-35	21-28	40-50	7-14
Long-eared owl	0.25	2/1-8/15	26-28	20-26	30-40	7-14
N. saw-whet owl	0.25	3/1-8/31	26-28	20-22	27-34	7-14
Short-eared owl	0.25	3/1-8/1	24-29	12-18	24-27	7-14
Mex. Spotted owl	0.5	3/1-8/31	28-32	14-21	34-36	10-12
N. Pygmy owl	0.25	4/1-8/1	27-31	10-14	28-30	7-14
W. Screech owl	0.25	3/1-8/15	21-30	10-14	30-32	7-14
Common Barn-owl	NN <sup>2</sup>	2/1-9/15	30-34	20-22	56-62	7-14

<sup>1</sup> Length of post-fledge dependency period to parents is longer than reported in this table. Reported dependency periods reflect the amount of time the young are still dependent on the nest site; i.e. they return to the nest for feeding. <sup>2</sup> Due to apparent high population densities and ability to adapt to human activity, a spatial buffer is not currently considered necessary for maintenance of American kestrel or Common barn-owl populations. Actions resulting in direct mortality of individual bird or take of known nest sites is unlawful.

# ATTACHMENT 3—UTAH RAPTOR MANAGEMENT EXPERTS FROM VARIOUS AGENCIES

The following list of personnel from various agencies in Utah, are recognized experts in the field of raptor ecology or have extensive field experience in managing raptor resources with competing land uses. The list is provided to inform BLM field biologists and managers of this network of specialized expertise that may be able to assist, as time permits, with specific raptor management issues. Individuals in this Utah Raptor Network, also have well established contacts with an informal extended network of highly qualified raptor ecologists outside the State (i.e., United States Geological Service, State Wildlife Agencies, Universities, etc.) which could provide an additional regional perspective.

It should be pointed out that this list is not intended to replace or interfere with established lines of communication but rather supplement these lines of communication.

<b>Utah BLM</b>	<b>David Mills</b>	<b>david_mills@blm.gov</b>	<b>435-896-1571</b>
<b>Utah UDWR</b>	<b>Dr. Jim Parrish</b>	<b>jimparrish@utah.gov</b>	<b>801-538-4788</b>
<b>Utah UDWR (NERO)</b>	<b>Brian Maxfield</b>	<b>brianmaxfield@utah.gov</b>	<b>435-790-5355</b>
<b>USFWS</b>	<b>Laura Romin</b>	<b>laura_romin@usfws.gov</b>	<b>385-285-7924</b>
<b>USFWS</b>	<b>Stephanie Graham</b>	<b>stephanie_graham@usfws.gov</b>	<b>385-285-7914</b>
<b>USFS</b>	<b>Chris Colt</b>	<b>ccolt@fs.fed.us</b>	<b>208-236-7506</b>
<b>HawkWatch Intl.</b>	<b>Jeff Smith</b>	<b>jsmith@hawkwatch.org</b>	<b>801-484-6808</b>

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## **ATTACHMENT 4—REFERENCES CITED**

Bureau of Land Management. 1997. *Standards for Rangeland Health and Guidelines for Grazing Management*. U.S. Department of Interior, Bureau of Land Management.

Code of Federal Regulations; 43 CFR 3101.1-2, Leasing Regulations.

Endangered Species Act (ESA); 16 U.S.C. 1513-1543.

Migratory Bird Treaty Act (MBTA); 16 U.S.C. 703-712.

Romin, Laura A. and James A. Muck. 2002. *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances*. U.S. Department of Interior, U.S. Fish and Wildlife Service, Utah Field Office, Salt Lake City, Utah.

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## **APPENDIX I**

### **Best Management Practices**



# 1 BEST MANAGEMENT PRACTICES

Best management practices (BMPs) are land and resource management techniques determined to be the most effective and practical means of maximizing beneficial results and minimizing conflicts and negative environmental impacts from management actions. BMPs can include structural and nonstructural controls, specific operations, and maintenance procedures. To reduce or eliminate negative environmental impacts, BMPs can be applied before, during, and after activities. BMPs are not one-size-fits-all solutions; they should be selected and adapted through interdisciplinary analysis to determine which management practices are necessary to meet the goals and objectives of the Monument Management Plans (MMPs). The best practices and mitigation measures for a particular site are evaluated by considering site-specific conditions, local resource conditions, and a suite of techniques that guide or may be applied to management actions to aid in achieving desired outcomes. BMPs are often developed in conjunction with land use plans, but they are not considered a land use plan decision unless the land use plan specifies that they are mandatory. They may be updated or modified without a plan amendment if they are not mandatory.

This appendix does not provide an exhaustive list of BMPs; additional BMPs may be identified during an interdisciplinary process when evaluating site-specific management actions. BMPs may also be updated as new technology emerges. The applicant may also suggest alternate practices that could accomplish the same intended result. The implementation and effectiveness of BMPs must be monitored to determine whether the practices are achieving the MMPs' goals and objectives. Adjustments could be made, as necessary, to ensure that goals and objectives are met and to conform to changes in Bureau of Land Management (BLM) and/or U.S. Forest Service (USFS) regulations, policy, direction, or new scientific information.

## 1.1 Air Resources

1. All site-specific proposals would be reviewed for compliance with existing laws and policies regarding air quality and would be designed not to degrade existing quality. Specific procedures would include the following:
  - a. Coordinate with the Utah Department of Environmental Quality if an emission permit is required.
  - b. Prescribed fires would comply with the State of Utah Interagency Memorandum of Understanding requirements to minimize air quality impacts from resulting particulates. This procedure requires obtaining an open burning permit from the State prior to conducting a management-ignited fire (Utah Division of Air Quality 2006).
2. Fugitive dust
  - a. Water or alternative dust suppressants (i.e., surfactants or other erosion-control materials) would be utilized to minimize fugitive dust during construction and applied on material (sand, gravel, soil, minerals, or other matter that may create fugitive dust) piles.
  - b. Vehicles are not to exceed a speed of 20 miles per hour on any unpaved road to discourage the generation of fugitive dust.
  - c. Enclose, cover, water, or otherwise treat loaded haul trucks to minimize loss of material to wind and spillage.
  - d. Cover, enclose, or stabilize excavated or inactive material piles after activity ceases.
  - e. Use chip-seal or asphalt surface for long-term access.
  - f. Train workers to handle construction materials and debris to reduce fugitive emissions.
3. Surface disturbance
  - a. Minimize the period of time between initial disturbance of the soil and revegetation or other surface stabilization. Utilize interim reclamation procedures.

- b. Minimize the area of disturbed land.
  - c. Prompt revegetation of disturbed lands.
  - d. Revegetate, mulch, or otherwise stabilize the surface of all disturbed areas adjoining roads.
4. Engine exhaust
- a. All vehicles and construction equipment would be properly maintained to minimize exhaust emissions.
  - b. Utilize carpooling to and from sites to minimize vehicle-related emissions.
  - c. Reduce unnecessary idling.
  - d. Reduce elemental carbon, particularly from diesel-fueled engines, by utilizing controls such as diesel particulate filters on diesel engines or by using lower emitting engines (e.g., Tier 2 or better).
  - e. Opportunities to reduce nitrogen oxides (NOX), particularly from internal combustion engines, should be pursued to control impacts related to deposition and visibility in nearby Class 1 areas. This may include the use of lower-emitting engines (e.g., Tier 2 or better for mobile and non-road diesel engines) and/or add-on controls (e.g., selective catalytic reduction) where appropriate.
  - f. Use of ultra-low sulfur diesel in engines when available.
  - g. Stationary internal combustion engine standard of 2 grams NOX/brake horsepower-hour (bhp-hr) for engines 300 horsepower and 1 gram NOX/bhp-hr for engines more than 300 horsepower.

## 1.2 Cultural Resources

1. Evaluation of all BLM activities and BLM authorized activities shall be made in compliance with BLM Manual 8100, *The Foundations for Managing Cultural Resources*, and subsequent 8100 series manuals; the *Handbook of Guidelines and Procedures for Inventory, Evaluation, and Mitigation of Cultural Resources*.
2. When possible, locate projects in areas that are previously disturbed. To comply with the National Historic Preservation Act, the BLM and USFS must identify eligible cultural resources. Under the current regulations and guidelines, the BLM and USFS may decide that no inventory needs to be conducted because the proposed action is located in an environment where ground disturbance has modified the surface so extensively that the likelihood of finding intact cultural resources is negligible.
3. When a NEPA document specifically stipulates the need for an archaeological monitor during construction or a project is located in areas that require an archaeological monitor to be present, it is the applicant's responsibility to contract an archaeological consultant that holds a current Utah BLM or USFS permit (as applicable) and that is authorized to work in the BENM. Fieldwork authorizations are required prior to any construction monitoring.
4. Where proposed projects or development will adversely affect a cultural resource, testing, data recovery or full excavation to recover scientific information may be required as mitigation. The applicant or operator bears the full cost of mitigation and is encouraged to consider avoiding adverse effects through project relocation or redesign rather than mitigating adverse effects. The applicant or operators will also be responsible for the costs of consultation with Tribal cultural advisors in addition to contract archaeologists. The agencies will consult with the Tribes prior to cultural resources testing or data recovery consistent with existing agency policy.
5. A cultural resource must be allocated by appropriate analysis prior to a) authorizing or implementing any heritage tourism project, b) when special recreation permits are issued that will use a cultural resource, or c) a BLM recreation project is proposed that involves the use or interpretation of a cultural resource.



6. The National Historic Preservation Act as amended, requires that if newly discovered historic or archaeological materials or other cultural resources are identified during project implementation, work in that area must stop and the Authorized Officer (BLM)/Responsible Official (USFS) must be notified immediately. Within 5 working days the Authorized Officer (BLM)/Responsible Official (USFS) will inform the proponent as to:
  - a. Whether the materials appear eligible for the National Register of Historic Places;
  - b. The mitigation measures that will likely have to undertake before the site could be used (assuming in situ preservation is not practicable), (36 CFR 800.13);
  - c. A time frame for the Authorized Officer (BLM)/Responsible Official (USFS) to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Office, that the Authorized Officer's (BLM)/Responsible Official's (USFS) findings were correct and mitigation was appropriate.
7. A standard education/discovery stipulation for cultural resource protection shall be attached to the land use authorization. The operator or its contractor is responsible for informing all persons who are associated with the project operations that Federal laws protect archaeological resources and they will be subject to prosecution for disturbing or destroying any historic or archaeological sites, or collecting any cultural objects, prehistoric or historic, from Federal lands.
8. Any companies, individuals, or their subcontractors to which the BLM issues a land use authorization will strictly adhere to the confidentiality of information provided by the BLM or USFS that pertains to the nature and location of archaeological resources (Archaeological Resource Protection Act, 16 US Code 470hh).
9. If any previously unidentified cultural resources or human remains are discovered all activity in the vicinity of the discovery will cease and will be immediately reported to the BLM Field Office. Work may not resume at that location until it is approved by the Authorized Officer (BLM)/Responsible Official (USFS).
10. Use visual resource BMPs to avoid, minimize, or mitigate potential adverse effects to historic properties.
11. The Canyon Country Fuels Program utilizes design features during vegetation projects to protect cultural resources. These design features are developed through the Section 106 process in consultation with the State Historic Preservation Office (SHPO) and generally include, but are not limited to:
  - a. Buffering the sites (generally 15 meters)
  - b. Include cultural sites within the feathered edges of treatments
  - c. Leave faux islands for wildlife habitat purposes
  - d. Treat the site
  - e. Leave site untreated
  - f. Method of treatment (hand, mechanized, rubber tire or tracked, etc.)
  - g. Time of year (frozen/dry preferred)
  - h. Evaluate, protect, and monitor all National Register-eligible sites. These sites will be avoided during mechanized treatments or managed as agreed through SHPO consultation.

## 1.3 Construction

1. When necessary to promote soil permeability and infiltration rates, construction may not be conducted during wet conditions when soils are saturated.
2. Drainage from disturbed areas will be confined or directed so as to not cause erosion in undisturbed areas.
3. Construction of access roads on steep hillsides and near water courses will be avoided where alternate routes provide adequate access.

4. Activities on slopes over 21% will be avoided to the extent possible.
5. Access roads requiring construction with cut and fill will be designed to minimize surface disturbance; and will take into account the character of the landform, natural contours, cut material, depth of cut, where the fill material will be deposited, resource concerns, and visual contrast. Roads will follow the contour of the land where practical.
6. Fill material will not be cast over hilltops or into drainages. Cut slope ratios should normally be no steeper than 3:1 and fill slopes no steeper than 2:1.
7. Placement of facilities on hilltops and ridgelines will be avoided. Facility layout should take into account the character of the topography and landform.
8. Burning of trash will not be allowed on the site.
9. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste-disposal site. "Waste" means all discarded matter, including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
10. Trash will be retained in portable trash containers and hauled to an authorized disposal site.
11. Cattle guards will be installed and maintained whenever access roads go through pasture gates or Fences as practicable. Maintenance includes cleaning out under cattle guard bases when needed.
12. Only the minimum amount of vegetation necessary for the construction of structures and facilities shall be removed. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
13. Stockpile all brush, limbs, crushed stumps, and other woody material separately from topsoil. Use the stripped vegetation for reclamation.
14. During reclamation, apply certified weed free mulch or other suitable materials and crimp or tackify to remain in place to reclaim areas for seed retention.
15. In areas where grading is necessary, the disturbed area shall be recontoured and all earthwork obliterated by removing embankments, backfilling excavation, and grading to reestablish the approximate original contours of the land on the right-of-way.
16. After site restoration, right-of-way holders shall construct waterbars along graded areas of the right-of-way as required by the Authorized Officer (BLM)/Responsible Official (USFS).

## **1.4 Fire Management**

1. Maintain organic groundcover, where possible, to minimize the formation of pedestals, rills, and/or surface runoff.
2. Do not build fire-lines in or around wetlands unless they are needed to protect life, property, and/or wetland resources. Use natural features as preferred fire-breaks over constructed fire-lines. When possible, use hand crews to construct fire-lines within, or adjacent to, wetlands and/or riparian areas.
3. Retain organic groundcover in filter strips during prescribed fires. As a fire-break, build fire-lines outside of filter strips, unless they are tied into a stream and/or wetlands.
4. Build fire-lines with rolling grades and minimum downhill convergence, where practicable. Out-slope or back-blade, permanently drain, and revegetate fire-lines shortly after the burn. Use certified local native plants, where practicable, to revegetate burned areas.
5. Conduct prescribed fires in a manner that minimizes the residence time on the soil, while at the same time conducting them in a manner that meets the burn objectives (such as when soils are moist).
6. Use broadcast burning, where appropriate, rather than dozer piles, during prescribed fire operations to prevent excessive heat transfer to the soil.

7. Resource Coordinators on Incident Overhead Teams and Fire Rehabilitation Teams will consider weed-risk factors and weed-prevention measures when developing resource protection recommendations
8. Locate temporary labor, spike, logging, and/or fire camps in a manner that protects surface and subsurface water resources. Consideration should be given to the disposal of human waste, wastewater, garbage, and/or other solid wastes.
9. Fuels treatment projects would avoid old growth pinyon-juniper using visual characteristics criteria.
10. Apply a 300-foot buffer from the streambank for the application of fire retardant.

## 1.5 Livestock Grazing

1. Grazing management practices will be implemented that do the following:
  - a. Maintain sufficient residual vegetation and litter on both upland and riparian sites to protect the soil from wind and water erosion and support ecological functions
  - b. Promote attainment or maintenance of proper functioning condition riparian/wetlands areas, appropriate stream channel morphology, desired soil permeability and infiltration, and appropriate soil conditions and kinds and amounts of plants and animals to support the hydrologic cycle, nutrient cycle and energy flow
  - c. Meet the physiological requirements of desired plants and facilitate reproduction and maintenance of desired plants to the extent natural conditions allow
  - d. Maintain viable and diverse populations of plants and animals appropriate for the site
  - e. Provide or improve, within the limits of site potentials, habitat for Threatened or Endangered species
  - f. Avoid grazing management conflicts with other species that have the potential of becoming protected or special status species
  - g. Encourage innovation, experimentation, and the ultimate development of alternatives to improve rangeland management practices
  - h. Give priority to rangeland improvement projects and land treatments that offer the best opportunity for achieving the *Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah* (BLM 1997) or *USFS Rangeland Ecosystem Analysis and Monitoring Handbook* (USFS 2005).
2. Any spring and seep developments will be designed and constructed to protect ecological process and functions and improve livestock, and wildlife distribution.
3. New rangeland projects for grazing will be constructed in a manner consistent with the *Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah* (BLM 1997) or *USFS Rangeland Ecosystem Analysis and Monitoring Handbook* (USFS 2005). Considering economic circumstances and site limitations, existing rangeland projects and facilities that conflict with the achievement or maintenance of the Standards will be relocated and/or modified.
4. Livestock salt blocks and other nutritional supplements will be located away from riparian/wetland areas or other natural water sources. It is recommended that the locations of these supplements be moved, as needed, to reduce resource impacts.
5. The use and perpetuation of native species will be emphasized. However, when restoring or rehabilitating disturbed or degraded rangelands, non-intrusive, non-native plant species are appropriate for use where native species (a) are not available, (b) are not economically feasible, (c) cannot achieve ecological objectives as well as non-native species, and/or (d) cannot compete with already established non-native species.
6. When rangeland manipulations are necessary, the BMPs, including biological processes, fire, and intensive grazing, will be utilized prior to the use of chemical or mechanical manipulations.
7. When establishing grazing practices and rangeland improvements, the quality of the outdoor recreation experience is to be considered. Aesthetic and scenic values, water, campsites and opportunities for solitude are among those considerations.

8. Feeding of hay and other harvested forage (which does not refer to miscellaneous salt, protein, and other supplements), for the purpose of substituting for inadequate natural forage will not be conducted on BLM lands other than in (a) emergency situations where no other resource exists and animal survival is in jeopardy, or (b) situations where the Authorized Officer (BLM)/Responsible Official (USFS) determines such a practice will assist in meeting a standard or attaining a management objective.
9. To eliminate, minimize, or limit the spread of noxious weeds, (a) only hay cubes, hay pellets, or certified, weed-free hay will be fed on BLM lands, and (b) reasonable adjustments in grazing methods, methods of transport, and animal husbandry practices will be applied.
10. On rangelands where a standard is not being met, and conditions are moving toward meeting the standard, grazing may be allowed to continue. On lands where a standard is not being met, conditions are not improving toward meeting the standard or other management objectives, and livestock grazing is deemed responsible, administrative action with regard to livestock will be taken by the Authorized Officer (BLM)/Responsible Official (USFS) pursuant to CFR 4180.2(c).
11. Where it can be determined that more than one kind of grazing animal is responsible for failure to achieve a standard and adjustments in management are required, those adjustments will be made to each kind of animal, based on interagency cooperation as needed, in proportion to their degree of responsibility.
12. Rangelands that have been burned, reseeded or otherwise treated to alter vegetative composition will be closed to livestock grazing as follows: (1) burned rangelands, whether by wildfire or prescribed burning will be left ungrazed for a minimum of one complete growing season following the burn; and (2) rangelands that have been reseeded or otherwise chemically or mechanically treated will be left ungrazed for a minimum of two complete plant growing seasons following treatment.
13. Monitor livestock use and resulting levels of utilization on forage to help determine the proper carrying capacity of allotments.
14. Mitigate specific archaeological sites that have the potential for adverse impacts from livestock, as necessary and practicable. Continue to perform site-specific clearances on range improvements.

## **1.6 Soil/Water/Riparian**

1. In areas of identified biological soil crusts, the top 2 to 5 inches of topsoil, inclusive of the biological soil crusts, shall be carefully stripped and stockpiled separately from all other soil materials where practicable. Organic matter and debris may be retained in the piles to help sustain biological activity and increase the effectiveness of respreading the crust material. Storage piles should be shallow to preserve microorganisms and seeds. Respread the soil crust during interim and final reclamation. During reclamation, reestablish mounds on the surface prior to reapplying the biological soil crusts. Stabilize topsoil stockpiles by 1) spraying with water to establish crust, and 2) covering with biodegradable product.
2. Regular monitoring of revegetated and reclaimed areas will be conducted with regular maintenance or reseeded as needed until the BLM determines that the revegetation is successful.
3. Topsoil will be segregated and stored separately from subsurface materials to avoid mixing during construction, storage, and interim and final reclamation. Subsurface materials will never be placed on top of topsoil material at any point in the operation. Stockpiles will be located and protected so that wind and water erosion are minimized and reclamation potential is maximized. Ensure that the topsoil is spread evenly over the reclaimed area.
4. No new surface-disturbing activities are allowed within active floodplains or within 100 meters of riparian areas, springs, or water sources unless it can be shown that: a) there is no practical alternative, b) all long-term impacts can be fully mitigated, or c) the activity will benefit and enhance the riparian area or water resources.
5. Locate and construct all structures crossing intermittent and perennial streams and 100 year floodplains such that they do not decrease channel stability or increase water velocity.
6. Any activity that includes water production should be managed to ensure maintenance or enhancement of riparian habitat.

7. Avoid loss or degradation of large cottonwood gallery riparian habitats.
8. All areas of surface disturbance within riparian areas and/or adjacent uplands should be revegetated with native species.
9. To avoid contamination of water sources and inadvertent damage to non-target species, aerial application of pesticides within 100 feet of a riparian wetland area or water source unless the product is registered for such use by the Environmental Protection Agency.
10. On USFS-administered lands, follow guidelines in Forest Service Handbook 2509.22 – Soil and Water Conservation Practices.
11. Avoid loss or degradation of side channel, backwater, or other off-channel habitats; avoid increasing surface roughness in these locations. Do not pile woody slash from restoration activities. Consider effects of seeding/planting on surface roughness and side channel resilience/persistence.
12. When conducting vegetation treatments to remove nonnative invasive species in Southwestern willow flycatcher nesting habitat, avoid reducing patch size beyond that which is sufficient for nesting (>0.25 acre).

## **1.7 Recreation Activities**

### **1.7.1 *Camping***

1. Cans, rubbish, and other trash shall not be discarded, buried, or dumped on public lands or related waters. Wet garbage such as egg shells, orange peels, leftover solid food, bones, melon rinds, etc., must be carried out. Trash cleanup at campsites and day use areas will include all litter or discarded items including small items such as bottle caps and cigarette butts.
2. Camping would not be allowed within historic and prehistoric structures.
3. No camping is permitted within 200 feet of a water source other than perennial streams unless within a developed campground or with prior authorization from the authorizing officer or within a developed campground.
4. Where human waste pack out is not required and toilet facilities are not present, disposal of human waste is not permitted within 200 feet of a water source, trail, or campsite. Human waste will be deposited in a cat hole (6 inches deep) and covered with soil. Washing or bathing with soap is not permitted in tributary streams, springs, or other natural water sources. Dishwater must be strained prior to dispersal. Dishwater and bathwater may not be dumped within 100 feet of streams, springs, or other natural water sources. Only biodegradable soap may be used. No climbing or rappelling is allowed over petroglyphs, pictographs, or historic inscriptions.

### **1.7.2 *Outfitting / Recreation Pack and Saddle Stock Use***

1. Allow only certified weed-free hay/feed on BLM- and USFS-administered lands.
2. Inspect, brush, and clean animals (especially hooves and legs) before entering public land.
3. Inspect and clean tack and equipment.
4. Regularly inspect trailheads and other staging areas for backcountry travel.
5. Alternate locations where livestock is tied or contained to minimize impacts on vegetation.
6. Educate and encourage outfitters to look for and report new weed infestations.
7. Riding and pack animals may not be tied to live trees under 6 inches diameter breast height in size. Using hobbles, picket lines, and highlines is preferable to hard tying to individual trees.
8. Livestock shall not be tied or picketed for more than 1 hour within 300 feet of a natural water source other than perennial streams. All animals will be under control en route and in camp to protect wildlife, other livestock, and range forage.
9. Corrals located on public lands are not available for public or recreational permittee use. Prior authorization is required for the use of such corrals.

### **1.7.3 Permitted Activities**

1. Permittees may not leave unattended personal property on public lands administered by the BLM for a period of more than 48 hours without written permission of the Authorized Officer (BLM)/Responsible Official (USFS), with the exception that vehicles may be parked in designated parking areas for up to 14 consecutive days. Unattended personal property is subject to disposition under the Federal Property and Administrative Services Act of 1949, as amended.

### **1.7.4 Visiting Cultural and Historic Sites**

1. No surface collection or digging for artifacts.
2. No standing, sitting, or leaning on walls or other architectural features.
3. Do not touch petroglyphs and pictographs. Taking rubbings of petroglyphs or historic inscriptions is not allowed.

## **1.8 Vegetation/Weeds**

1. Avoid or minimize the loss of sagebrush/steppe and blackbrush habitat.
2. In sagebrush/steppe habitat reclamation, use only mixes containing seed that is native to the sagebrush steppe.
3. Operations conducted in sagebrush/steppe habitat will focus on maintaining large blocks of sagebrush habitat.
4. Reseed or plant disturbed areas with desirable vegetation when the native plant community cannot recover and occupy the site sufficiently.
5. Seeding performed as part of reclamation operations will take place in the fall from mid-October until mid-December when the ground surface is not frozen.
6. Prior to commencing operations, all equipment and vehicles will be cleaned to remove seeds and soil that may contain seeds to avoid the spread of noxious weeds and invasive species.
7. Develop a Weed Management Plan.
8. Treatment to prevent the introduction or spread of invasive/noxious plants would conform to the guidelines in the MMP and follow BLM protocol.
9. Control noxious and invasive plants that become established along roads or adjacent to facilities.
10. Clean and sanitize all equipment brought in from other regions.
11. Use portable washing stations to periodically wash down equipment entering and leaving well field areas, especially during muddy conditions. Seeds and propagules of noxious plants are commonly transported on equipment and mud clinging to equipment.
12. Maintain trailheads, campgrounds, visitor centers, picnic areas, roads leading to trailheads, and other areas of concentrated public use in a weed-free condition. Consider high-use recreation areas as high-priority sites for weed and invasive plant eradication.
13. Sign trailheads and access points to educate visitors on noxious and invasive weeds and the consequences of their activities.
14. Inspect and document travel corridors for weeds and treat as necessary.
15. Encourage backcountry horsemen and hunters to use pelletized feed. Pelletized feed is unlikely to contain weed seed. Inspect and clean mechanized trail vehicles of weeds and weed seeds.
16. Wash boots and socks before hiking into a new area. Inspect and clean packs, equipment, and bike tires.
17. Avoid hiking through weed infestations whenever possible.
18. Keep dogs and other pets free of weed seeds.
19. Avoid picking unidentified "wildflowers" and discarding them along trails or roadways.

20. Frequently and systematically inspect and document riparian areas and wetlands for noxious weed establishment and spread. Eradicate new infestations immediately since effective tools for riparian-area weed management are limited.
21. Promote dense growth of desirable vegetation in riparian areas (where appropriate) to minimize the availability of germination sites for weed seeds or propagules transported from upstream or upslope areas.

## **1.9 Visual Resources/Noise/Night Skies/Soundscape**

1. Use natural or artificial features, such as topography, vegetation, or an artificial berm to help screen facilities. Design roads and other linear facilities to follow the contour of the landform or mimic lines in the vegetation. Avoid a straight road that will draw the viewer's eye and attention straight toward the facility at the end of the road.
2. If electricity is used to power a facility, electric lines will be buried in and solar panels will be placed out of view of the casual observer.
3. Semi-gloss paints should be used rather than flat paints; the selected paint color should be one or two shades darker than the background.
4. During reclamation, replace soil, brush, rocks, shrub/tree debris, etc., over disturbed earth surfaces, which allows for natural regeneration rather than introducing an unnatural looking grass cover.
5. Place infrastructure within or near previously disturbed locations.
6. Post night time quiet hours at developed campgrounds.
7. Limit the use of artificial lighting during nighttime operations to only those lights that are determined necessary for the safety of operations and personnel.
8. Utilize shielding and aiming techniques and limit the height of light poles to reduce glare and avoid light shining above horizon(s).
9. Use lights only where needed, use light only when needed, and direct all lighting onsite.
10. Use motion sensors, timers, or manual switching for areas that require illumination, but are seldom occupied.
11. Reduce lamp brightness and select lights that are not broad spectrum or bluish in color.
12. Require a Lightscape Management Plan where an extensive amount of long-term lighting is proposed.
13. Quiet hours would be posted at developed recreation sites (i.e., campgrounds).

## **1.10 Wildlife and Fisheries**

1. Identify important, sensitive, and unique habitats, fish, and wildlife in the area. Incorporate mitigation practices that minimize impacts to these habitats.
2. If migration corridors and unique habitats are identified, mitigation practices to minimize impacts would be implemented.
3. Place infrastructure within or near previously disturbed locations to avoid new impacts to fish and wildlife habitat.
4. Seasonal restrictions on public vehicular access will be evaluated where there are fish and wildlife conflicts or road damage/maintenance issues.
5. To the extent possible, avoid activities and facilities that create barriers to the seasonal big game crucial habitats including any identified transitional and stopover routes.
6. Advise project personnel regarding appropriate speed limits to minimize wildlife mortality due to vehicle collisions. Roads would be reclaimed as soon as possible after they are no longer required.
7. To limit impacts to mule deer and elk, avoid using aggressive non-native grasses and shrubs in mule deer and elk habitat restoration projects.

8. Promptly report observations of potential wildlife problems to the regional office of the Utah Division of Wildlife Resources and, as applicable, to the U.S. Fish and Wildlife Service .
9. Abandoned mine lands would be monitored and surveyed prior to reclamation. If bats are present, bat gates would be installed unless human safety is at risk.
10. Where practicable, follow *Pollinator-Friendly Best Management Practices for Federal Lands* (USFWS 2015).

## **2 LITERATURE CITED**

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## **APPENDIX J**

### **Stipulations Applicable to Surface-Disturbing Activities**



# 1 STIPULATIONS APPLICABLE TO SURFACE-DISTURBING ACTIVITIES

This appendix identifies stipulations for all surface-disturbing activities for the Bears Ears National Monument (BENM) Monument Management Plans (MMPs)/Environmental Impact Statement (EIS). The stipulation language (ex. no surface occupancy) used in this appendix typically describe limitations on oil and gas development. However, Proclamation 9558, as modified by Proclamation 9681, withdrew all Federal lands within the BENM from location and entry under the Mining Law of 1872 and from the disposition of leasable and salable minerals under the Mineral Leasing Act of 1920 and all other applicable laws. The agencies adopted the stipulation language as a clear way to express specific expectations as to how the Monument objects and other resources would be protected from future surface-disturbing activities. Stipulations are generally applied to applicant-driven land use authorizations and permits issued on BLM- and USFS-administered lands. However, the agencies would take these stipulations into consideration and apply them when authorizing internally driven projects that would require surface disturbance. As appropriate, this appendix also identifies exceptions, modifications, and waivers for these stipulations.

Surface-disturbing activities are actions that mechanically alter the vegetation, surface/near-surface soil resources, and/or surface geologic features, beyond natural site conditions and on a scale that affects other public land values. Surface-disturbing activities may include operation of heavy equipment to construct power lines, roads, and campgrounds. Surface-disturbing activities would typically not include such activities as livestock grazing, cross-country hiking, driving on designated routes, and minimum impact filming.

Although some activities would not require use or occupation of the surface, stipulations may still be applied if the activity requires Bureau of Land Management (BLM) or U.S. Forest Service (USFS) authorization and it is determined that the activity may result in more than negligible resource impacts. One example would be activities that require the use of low-flying aircraft in crucial wildlife areas, so a timing limitation would be applied. Identification of appropriate measures to reduce potential impacts resulting from new range improvements would be handled at the implementation level and through the application of appropriate best management practices.

## 1.1 Description of Stipulations

Table 1-1 shows resources of concern and stipulations including exceptions, modifications, and waivers. Three types of stipulations could be applied to land use authorizations: 1) No Surface Occupancy (NSO), 2) Timing Limitations (TL), and 3) Controlled Surface Use (CSU). Although not a stipulation, areas that are closed to oil and gas leasing and other surface-disturbing activities are also identified in Table 1-1.

Areas identified as NSO are closed to surface-disturbing activities with the exception of vegetation/fuels treatments. The NSO areas would be avoidance areas for rights-of-way; no rights-of-ways would be granted in NSO areas unless there are no feasible alternatives. Areas identified as TL would be closed to surface-disturbing activities during identified time frames. This stipulation would not apply to operation and maintenance activities, including associated vehicle travel, unless otherwise specified. Areas identified as CSU would require that proposals for surface-disturbing activities be authorized according to the controls and constraints specified.

## 1.2 Exceptions, Modification, and Waivers

Stipulations could be excepted, modified, or waived by the Authorized Officer (BLM)/Responsible Official (USFS). An exception exempts the holder of the land use authorization document from the stipulation on a one-time basis. A modification changes the language or provisions of a surface stipulation, either temporarily or permanently. A waiver permanently exempts the surface stipulation. The documented

environmental analysis for site-specific proposals would need to address proposals to exempt, modify, or waive a surface stipulation. Exceptions, waivers, and modifications would be considered when the agency conducts site-specific analysis. The Authorized Officer (BLM)/Responsible Official (USFS) may require surveys, mitigation, environmental analysis, or consultation with other government agencies when making this determination. Table 1-1 specifies the circumstances under which the general exceptions, modifications, and waivers would apply. The general exceptions, modifications, and waivers that commonly apply to many stipulations are as follows:

**Exception** – The Authorized Officer (BLM)/Responsible Official (USFS) may grant an exception to a stipulation if it is determined that the factors leading to its inclusion as stipulation have changed sufficiently such that the protection provided by the stipulation is no longer necessary to meet resource objectives established in the MMPs.

**Modification** – The Authorized Officer (BLM)/Responsible Official (USFS) may modify a stipulation as a result of new information if: 1) the protection provided by the stipulation is no longer necessary to meet resource objectives established in the final MMPs, or 2) the protection provided by the stipulation is no longer sufficient to meet resource objectives established in the final Resource Management Plans. The modification may be subject to public review for at least a 30-day period.

**Waiver** – The Authorized Officer (BLM)/Responsible Official (USFS) may waive a stipulation if it is determined that the factors leading to its inclusion as a stipulation no longer exist. The waiver may be subject to public review for at least a 30-day period.

When no exceptions, modifications and waivers can be granted under a specific resource or resource use (e.g., the general exceptions, modifications, and waivers do not apply for the resource), then the table will state “none.” Specific exceptions, modifications, and waivers have also been developed for some surface-disturbing activities and are provided in Table 1-1.

**Table 1-1. Stipulations including Exceptions, Modifications, and Waivers by Alternative**  
**(Stipulations apply to both units of the Monument, unless specifically noted.)**

Resource	Stipulation*	Applicable Area/Resource	Alternative					Stipulation Description
			A	B	C	D	E	
Cultural Resources	CSU	Historic Properties	X	X	X	X	X	Cultural properties eligible for or listed in the National Register of Historic Places would be surrounded by an avoidance area, identified at the time of consultation, sufficient to avoid impacts. <b>Purpose:</b> Protect and preserve cultural resources and/or sites of religious significance to American Indians. <b>Exceptions:</b> An exception could be granted if the Authorized Officer (BLM)/Responsible Official (USFS) determines that avoidance of direct and indirect impacts to historic properties is not feasible (e.g., avoidance may cause unacceptable damage to other public land resources or affect valid existing rights). <b>Modification:</b> General modification applies <b>Waiver:</b> General waiver applies
Cultural Resources	CSU	Cultural Resources	X	X	X	X	X	Surveys and monitoring (where appropriate) are required for all surface-disturbing activities. Where monitoring encounters cultural resources, all operations must cease until the Authorized Officer (BLM)/Responsible Official (USFS) determines whether the site can be avoided, protected, or fully excavated. <b>Purpose:</b> Protect and preserve cultural resources and/or sites of religious significance to American Indians. <b>Exception:</b> General exception applies <b>Modification:</b> General modification applies <b>Waiver:</b> General waiver applies
Lands and Realty	NSO	Right-of-Way (ROW) Avoidance Areas – Objects and Values			X		X	ROWs within ROW avoidance area would not be authorized. <b>Purpose:</b> To minimize impacts to resource objects and values <b>Exception:</b> An exception may be granted if the applicant can demonstrate that there is no practicable route outside of the unit, and the proposed ROW would be consistent with the objects and values of the BENM. Additionally, ROWs may be issued for maintenance and improvement of existing roads and, where necessary, to access non-Federal in-holdings so long as impacts to Monument objects can be avoided or mitigated. <b>Modification:</b> None <b>Waiver:</b> None
Lands with Wilderness Characteristics	NSO	Lands with Wilderness Characteristics (LWCs)			X			<b>Purpose:</b> To protect the size, naturalness, and outstanding opportunities for solitude and/or primitive and unconfined recreation <b>Exception:</b> On routes within and adjacent to these LWCs, an exception would be made to include a 100-foot setback from designated route centerlines to allow for road maintenance and events, as needed. <b>Modification:</b> None <b>Waiver:</b> None
Paleontological Resources	CSU	Within Potential Fossil Yield Classification (PFYC) Class 5 Areas	X					Surveys and monitoring (where appropriate) are required for all surface-disturbing activities in PFYC Class 5 areas. Where monitoring encounters vertebrate and vertebrate trace fossils during activities, all operations must cease until the Authorized Officer (BLM)/Responsible Official (USFS) determines whether the site can be avoided, protected, or fully excavated. <b>Purpose:</b> To protect paleontological resources <b>Exception:</b> General exception applies <b>Modification:</b> General modification applies <b>Waiver:</b> General waiver applies
Paleontological Resources	CSU	Within Potential Fossil Yield Classification (PFYC) Class 4 and 5 Areas				X	X	Conduct on-site surveys for paleontological resources prior to implementing any surface-disturbing activities in all PFYC Class 4 and 5 areas. Surface-disturbing activities would avoid or minimize impacts to paleontological resources to the degree practicable. Where avoidance is not practicable, appropriate mitigation to reduce impacts would be developed based on site-specific survey information. <b>Purpose:</b> To protect paleontological resources <b>Exception:</b> General exception applies <b>Modification:</b> General modification applies <b>Waiver:</b> General waiver applies
Paleontological Resources	CSU	Within Potential Fossil Yield Classification (PFYC) Class 3, 4, and 5 Areas			X			Conduct on-site surveys for paleontological resources prior to implementing any surface-disturbing activities for all PFYC Class 3, 4, and 5 areas. Surface-disturbing activities would avoid or minimize impacts to paleontological resources to the degree practicable. Where avoidance is not practicable, appropriate mitigation to reduce impacts would be developed based on site-specific survey information. <b>Purpose:</b> To protect paleontological resources <b>Exception:</b> General exception applies <b>Modification:</b> General modification applies <b>Waiver:</b> General waiver applies
Paleontological Resources	CSU	Within Potential Fossil Yield Classification (PFYC) Class 3, 4, and 5 Areas		X				Conduct on-site surveys for paleontological resources prior to implementing any surface-disturbing activities for all PFYC Class 3, 4, and 5 areas. Surface-disturbing activities would avoid significant paleontological resources or would mitigate those impacts below the level of significance. This mitigation would be developed based on site-specific survey information. <b>Purpose:</b> To protect paleontological resources <b>Exception:</b> General exception applies <b>Modification:</b> General modification applies <b>Waiver:</b> General waiver applies
Riparian and Wetland Resources	NSO	Riparian Areas along Perennial Streams, Springs, and Active Floodplains	X					With the exception of vegetation treatments designed to improve habitat condition, no new surface-disturbing activities are allowed within active floodplains or within 100 meters (approximately 330 feet) of riparian areas along perennial and intermittent streams and active floodplains. <b>Purpose:</b> Protect and conserve riparian areas and floodplains and associated vegetation <b>Exception:</b> An exception could be authorized if: a) there are no practical alternatives, b) impacts could be fully mitigated, and/or c) the action is designed to enhance the riparian resource values. <b>Modification:</b> None <b>Waiver:</b> None

Resource	Stipulation*	Applicable Area/Resource	Alternative					Stipulation Description
			A	B	C	D	E	
Riparian and Wetland Resources	NSO	Riparian Areas along Perennial and Intermittent Streams and Springs				X	X	<p>With the exception of vegetation treatments designed to improve habitat condition, no new surface-disturbing activities would be allowed within active floodplains or within 100 meters (approximately 330 feet) of riparian areas along perennial and intermittent springs.</p> <p><b>Purpose:</b> Protect and conserve riparian areas, springs, and floodplains and associated vegetation</p> <p><b>Exception:</b> An exception could be authorized: a) to buffer for vegetation treatments, b) to buffer to allow development of recreational infrastructure, c) if impacts could be fully mitigated, or d) if the action is designed to enhance the riparian resource values (Alternative D).</p> <p>An exception could be authorized: a) to buffer to allow development of recreational and range infrastructure, b) if impacts could be mitigated to a level that allows for the proper care and management of Monument objects and values or, c) if the action is designed to enhance the riparian resource values, or d) It can be shown that there are no practical alternatives (Alternative E).</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>
Soil and Water Resources	NSO	Riparian Areas along Perennial and Intermittent Streams and Springs				X	X	<p>With the exception of vegetation treatments designed to improve habitat condition, no new surface-disturbing activities would be allowed within active floodplains or within 100 meters (approximately 330 feet) of riparian areas along perennial and intermittent springs.</p> <p><b>Purpose:</b> Protect and conserve riparian areas, springs, and floodplains and associated vegetation</p> <p><b>Exception:</b> An exception could be authorized: a) to buffer for vegetation treatments, b) to buffer to allow development of recreational infrastructure, c) if impacts could be fully mitigated, or d) if the action is designed to enhance the riparian resource values (Alternative D).</p> <p>An exception could be authorized: a) to buffer to allow development of recreational and range infrastructure, b) if impacts could be mitigated to a level that allows for the proper care and management of Monument objects and values or c) if the action is designed to enhance the riparian resource values, or e) it can be shown that there are no practical alternatives (Alternative E).</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>
Soil and Water Resources	CSU	Steep Slopes 21% to 40%	X	X	X	X	X	<p>New surface disturbance/construction on slopes between 21 and 40% would require an erosion control strategy and Reclamation and Site Plan with a design approved by the Authorized Officer (BLM)/Responsible Official (USFS) prior to construction and maintenance.</p> <p><b>Purpose:</b> Protect soils and avoid erosion on sloped embankments</p> <p><b>Exception:</b> General exception applies</p> <p><b>Modification:</b> General modification applies</p> <p><b>Waiver:</b> General waiver applies</p>
Soil and Water Resources	NSO	Steep Slopes 40%	X	X	X	X	X	<p>New surface-disturbing activities are not allowed on slopes greater than 40%.</p> <p><b>Purpose:</b> Protect soils, avoid erosion, and maintain public health and safety in sloped embankments</p> <p><b>Exception:</b> If, after an analysis, the Authorized Officer (BLM)/Responsible Official (USFS) determines that it would not cause undue or unnecessary degradation and that other placement alternatives are not practicable, surface occupancy in the NSO may be authorized. An Erosion Control Plan would be required for review and approval by Authorized Officer (BLM)/Responsible Official (USFS) prior to construction and maintenance.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>
Water	CSU	Seeps and Springs		X	X	X	X	<p>Require a hydrologic study for all proposed groundwater withdrawals and new wells. Do not authorize land uses for water withdrawals that could negatively affect groundwater for seeps and springs (Alternative B).</p> <p>Requirements for a hydrologic study would be determined at the implementation level based on groundwater levels and geologic conditions (Alternative C).</p> <p>Require a hydrologic study for all proposed groundwater withdrawals and new wells within 0.5 mile of seeps and springs. Do not authorize land uses for water withdrawals that could negatively affect groundwater for seeps and springs (Alternative D).</p> <p>Requirements for a hydrologic study would be determined at the implementation level based on groundwater levels and geologic conditions. Do not authorize land uses for water withdrawals that could negatively affect groundwater for seeps and springs (Alternative E).</p> <p><b>Purpose:</b> To protect seep and spring areas</p> <p><b>Exception:</b> General exception applies</p> <p><b>Modification:</b> General modification applies</p> <p><b>Waiver:</b> General waiver applies</p>
Water	NSO	Floodplains and Surface Water Resources				X	X	<p>With the exception of vegetation treatments designed to improve habitat condition, no new surface-disturbing activities would be allowed within active floodplains or within 100 meters (approximately 330 feet) of riparian areas along perennial and intermittent springs and streams.</p> <p><b>Purpose:</b> To protect springs, floodplains, and surface water resources</p> <p><b>Exception:</b> The Authorized Officer (BLM)/Responsible Official (USFS) would grant an exception to buffer to allow development of recreational infrastructure for vegetation treatments when it can be shown that all long-term impacts can be fully mitigated, and when the activity would benefit the riparian area (Alternative D).</p> <p>An exception could be authorized: a) to buffer for vegetation treatments, b) to buffer to allow development of recreational infrastructure, c) if impacts could be fully mitigated, d) if the action is designed to enhance the riparian resource values, or e) It can be shown that there are no practical alternatives (Alternative E).</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>
Water	NSO	Floodplains and Surface Water Resources		X				<p>With the exception of vegetation treatments and recreational infrastructure, preclude surface-disturbing activities within the following:</p> <ul style="list-style-type: none"> <li>Public water reserves</li> <li>Active floodplains</li> <li>100-year floodplain of the San Juan River</li> <li>500 feet of intermittent and perennial streams, rivers, riparian areas, wetlands, and springs</li> </ul> <p><b>Exception:</b> General exception applies</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>

Resource	Stipulation*	Applicable Area/Resource	Alternative					Stipulation Description
			A	B	C	D	E	
Special Designations: Shay Canyon ACEC (Indian Creek Unit)	NSO	Cultural and Paleontological Resources	X	X	X	X	X	No surface-disturbing activities allowed. <b>Purpose:</b> Maintain the relevant and important cultural, historic, and paleontological resource values <b>Exceptions:</b> An exception could be granted if, after an analysis, the Authorized Officer (BLM)/Responsible Official (USFS) determines that the project would not impair or could benefit the Monument's relevant and important values. <b>Modification:</b> None <b>Waiver:</b> None
Special Designations: Lavender Mesa ACEC	NSO	Relict Vegetation and Visual Resources	X	X	X	X	X	Surface-disturbing activities are not allowed on the mesa top. <b>Purpose:</b> Protect relevant and important vegetation and visual values <b>Exceptions:</b> An exception could be granted for test plots and facilities necessary to study the plant communities, restoration, and reclamation activities if, after an analysis, the Authorized Officer (BLM)/Responsible Official (USFS) determines that the project would not impair or could benefit the Monument's relevant and important values. <b>Modification:</b> None <b>Waiver:</b> None
Special Designations: San Juan River ACEC	NSO	Relict Vegetation and Visual Resources	X	X	X	X	X	No surface-disturbing activities are allowed. <b>Purpose:</b> Protect relevant and important scenic, cultural and wildlife values <b>Exception:</b> An exception could be granted if activities are short term or, after an analysis, the Authorized Officer (BLM)/Responsible Official (USFS) determines that the project would benefit the Monument's relevant and important values. Small signs, kiosks, route designators, etc. used to manage activities or resources could also be allowed. <b>Modification:</b> None <b>Waiver:</b> None
Special Designations: Wilderness Study Areas	NSO	Bridger Jack Mesa WSA and Mule Canyon WSA	X	X	X	X	X	No surface-disturbing activities <b>Purpose:</b> To protect wilderness values <b>Exception:</b> An exception could be granted if the activity meets the non-impairment standard and/or enhances wilderness values. <b>Modification:</b> None <b>Waiver:</b> None
Special Status Species	TL	Northern Goshawk Habitat	X	X	X	X	X	Prohibit forest vegetation manipulation within active nest areas during the active nesting period (March 1 to September 30). <b>Purpose:</b> To minimize disturbance to nesting northern goshawk <b>Exception:</b> None <b>Modification:</b> None <b>Waiver:</b> None
Special Status Species: Kit Fox	NSO	Kit Fox Habitat	X	X	X	X	X	No surface disturbances would be allowed within 660 feet (200 meters) of an occupied natal kit fox den. <b>Purpose:</b> To avoid disturbance to active natal kit fox dens <b>Exception:</b> An exception could be granted if protocol surveys determine that kit fox dens are not present. <b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the stipulation area if portions of the area do not contain habitat. <b>Waiver:</b> A waiver may be granted if it is determined that the habitat no longer exists.
Special Status Species: Mexican Spotted Owl (MSO)	CSU/TL	MSO Designated Critical Habitat and Suitable Habitat	X	X	X	X	X	To protect MSO habitat and avoid negative impacts to the species, actions would be avoided or restricted that may cause stress and disturbance during nesting and rearing of their young. Appropriate measures would depend on whether the action is temporary or permanent and whether it occurs within or outside the owl nesting season: a) a temporary action is completed prior to the following breeding season, leaving no permanent structures and resulting in no permanent habitat loss; b) a permanent action continues for more than one breeding season and/or causes a loss of owl habitat or displaces owls through disturbances (i.e., creation of a permanent structure). Current avoidance and minimization measures include the following: <ul style="list-style-type: none"> <li>• Within potential MSO habitat, surveys would be required prior to implementation of the proposed action. All surveys must be conducted by qualified individual(s) acceptable to the agencies. Assess habitat suitability for both nesting and foraging using accepted habitat models in conjunction with field reviews. Apply the conservation measures below if project activities occur within suitable owl habitat. Determine potential effects of actions to owls and their habitat.</li> <li>• Document the type of activity, acreage and location of direct habitat impacts and type and extent of indirect impacts relative to location of suitable owl habitat. Document whether the action is temporary or permanent. Activities may require monitoring throughout the duration of the project. To ensure desired results are being achieved, minimization measures would be evaluated and, if necessary, Section 7 consultation reinitiated. Any activity that includes water production should be managed to ensure that enhancement of riparian habitat is maintained.</li> </ul> For all temporary actions that may impact owls or their suitable habitat: <ol style="list-style-type: none"> <li>1. If the action occurs entirely outside of the owl breeding season from March 1 through August 31 and leaves no permanent structure or permanent habitat disturbance, the action can proceed without an occupancy survey.</li> <li>2. If the action would occur during a breeding season, a survey for owls is required prior to commencing the activity. If owls are found, the activity should be delayed until outside of the breeding season.</li> <li>3. Rehabilitate access routes created by the project through such means as raking out scars, revegetation, gating access points, etc.</li> </ol> For all permanent actions that may impact owls or suitable habitat: <ol style="list-style-type: none"> <li>1. Survey two consecutive years for owls, according to accepted protocol, prior to commencing activities.</li> <li>2. If owls are found, no disturbing actions would occur within 0.5 mile of an identified site. If nest site is unknown, no activity would occur within the designated current and historic Protected Activity Center.</li> <li>3. Avoid permanent structures within suitable habitat unless it is surveyed and not occupied.</li> <li>4. Reduce noise emissions (e.g., use hospital-grade mufflers) to 45 dBA at 0.5 mile from suitable habitat, including canyon rims. Placement of permanent noise-generating facilities should be contingent upon a noise analysis to ensure noise does not encroach upon a 0.5 mile buffer for suitable habitat, including canyon rims.</li> <li>5. Limit disturbances to and within suitable habitat by staying on designated and/or approved routes.</li> <li>6. Limit new access routes created by the project.</li> </ol> Additional measures to avoid or minimize effects to the species may be developed and implemented in consultation with the U.S. Fish and Wildlife Service (USFWS) to ensure continued compliance with the Endangered Species Act (ESA). <b>Purpose:</b> To minimize effects to the MSO <b>Exception:</b> An exception may be granted by the Authorized Officer (BLM)/Responsible Official (USFS) if authorization is obtained from USFWS (through applicable provisions of the ESA). The Authorized Officer (BLM)/Responsible Official (USFS) may also grant an exception if an analysis indicates that the nature or the conduct of the actions would not impair the primary constituent element determined necessary for the survival and recovery of the MSO, and the USFWS, through consultation, concurs with this determination. <b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if an analysis indicates and the USFWS (through applicable provisions of the ESA) determines a portion of the area is not being used as Critical Habitat. <b>Waiver:</b> A waiver may be granted if the MSO is delisted and the Critical Habitat is determined by the USFWS as not necessary for the survival and recovery of the MSO.

Resource	Stipulation*	Applicable Area/Resource	Alternative					Stipulation Description
			A	B	C	D	E	
Special Status Species: Southwestern Willow Flycatcher (SWFL)	CSU/TL	SWFL Habitat (riparian areas)	X	X	X	X	X	<p>To protect SWFL habitat and avoid negative impacts to the species, actions would be avoided or restricted that may cause stress and disturbance during nesting and rearing of their young. Appropriate measures would depend on whether the action is temporary or permanent, and whether it occurs within or outside the nesting season: a) a temporary action is completed prior to the following breeding season, leaving no permanent structures and resulting in no permanent habitat loss; b) a permanent action continues for more than one breeding season and/or causes a loss of habitat or displaces flycatchers through disturbances, i.e., creation of a permanent structure. Current avoidance and minimization measures include the following:</p> <ol style="list-style-type: none"> <li>1. Surveys would be required prior to operations unless species occupancy and distribution information is complete and available. All surveys must be conducted by qualified individual(s) and be conducted according to protocol.</li> <li>2. Activities would require monitoring throughout the duration of the project. To ensure that desired results are being achieved, minimization measures would be evaluated and, if necessary, Section 7 consultation reinitiated.</li> <li>3. Water production would be managed to ensure maintenance or enhancement of riparian habitat.</li> <li>4. Activities would maintain a 330-foot buffer from suitable riparian habitat year long.</li> <li>5. Activities within 0.25 mile of occupied breeding habitat would not occur during the breeding season of April 15 to August 15.</li> <li>6. Noise emissions within 0.25 mile of suitable habitat for the SWFL will not exceed baseline conditions during the breeding season of April 15 to August 15.</li> <li>7. Ensure that water extraction or disposal practices do not result in change of hydrologic regime that would result in loss or degradation of riparian habitat.</li> <li>8. Revegetate with native species all areas of surface disturbance within riparian areas and/or adjacent land.</li> <li>9. Avoid loss or disturbance of riparian habitats.</li> </ol> <p>Additional measures to avoid or minimize effects to the species may be developed and implemented in consultation with the USFWS to ensure continued compliance with the ESA.</p> <p><b>Purpose:</b> To minimize effects to the SWFL</p> <p><b>Exception:</b> An exception may be granted by the Authorized Officer (BLM)/Responsible Official (USFS) if authorization is obtained from USFWS (through applicable provisions of the ESA). The Authorized Officer (BLM)/Responsible Official (USFS) may also grant an exception if an environmental analysis indicates that the nature of the conduct of the actions, as proposed or conditioned, would not impair the primary constituent element determined necessary for the survival and recovery of the SWFL and USFWS concurs with this determination.</p> <p><b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if an environmental analysis indicates and USFWS (through applicable provisions of the ESA) determines that a portion of the area is not being used as SWFL habitat.</p> <p><b>Waiver:</b> May be granted if the SWFL is delisted and the Critical Habitat is determined by the USFWS as not necessary for the survival and recovery of the SWFL</p>
Special Status Species: Western Yellow-Billed Cuckoo (YBCU)	CSU/TL	YBCU Habitat (riparian areas)	X	X	X	X	X	<p>Avoidance or use restrictions may be placed on any proposed project. Application of appropriate measures will depend whether the action is temporary or permanent and whether it occurs within or outside the breeding and nesting season: a) a temporary action is completed prior to the following breeding season, leaving no permanent structures and resulting in no permanent habitat loss; b) a permanent action could continue for more than one breeding season and/or cause a loss of habitat or displace western YBCU through disturbances. The following avoidance and minimization measures have been designed to ensure activities carried out are in compliance with the ESA. Integration of and adherence to these measures will facilitate review and analysis of any submitted project proposal. Following these measures could reduce the scope of ESA, Section 7 consultation at the permit stage. Avoidance and minimization measures include the following:</p> <ol style="list-style-type: none"> <li>1. Habitat suitability within the parcel and/or within a 0.5 mile buffer of the parcel will be identified prior to project authorization to identify potential survey needs. Habitat suitability should be determined in accordance with Guidelines for the Identification of Suitable Habitat for WYBCU in Utah.</li> <li>2. Protocol Breeding Season Surveys will be required in suitable habitats prior to operations unless species occupancy and distribution information is complete and available. All surveys must be conducted by permitted individual(s) and be conducted according to protocol.</li> <li>3. For all temporary actions that may impact YBCU or suitable habitat: <ol style="list-style-type: none"> <li>a. If the action occurs entirely outside of the cuckoo breeding season (June 1 to August 31) and leaves no structure or habitat disturbance, the action can proceed without a presence/absence survey.</li> <li>b. If the action is proposed between June 1 to August 31, a presence/absence surveys for YBCU will be conducted prior to commencing activity. If YBCU are detected, activity should be delayed until September 1.</li> <li>c. Eliminate access roads created by the project through such means as raking out scars, revegetation, gating access points, etc.</li> </ol> </li> <li>4. For all permanent actions that may impact cuckoo or suitable habitat: <ol style="list-style-type: none"> <li>a. Protocol level surveys by permitted individuals will be conducted prior to commencing activities.</li> <li>b. If cuckoos are detected, no activity will occur within 0.25 mile of occupied habitat.</li> <li>c. Ensure that noise levels at 0.25 mile from suitable habitat do not exceed baseline conditions. Placement of permanent noise-generating facilities should be determined by a noise analysis to ensure that noise does not encroach upon the 0.25-mile buffer for suitable habitat.</li> </ol> </li> <li>5. Temporary or permanent actions will require monitoring throughout the duration of the project to ensure that western YBCU or its habitat is not affected in a manner or to an extent not previously considered. Avoidance and minimization measures will be evaluated throughout the duration of the project.</li> <li>6. Ensure that water extraction or disposal practices do not result in a change of hydrologic regime that would result in loss or degradation of riparian habitat</li> <li>7. Revegetate with native species all areas of surface disturbance within riparian areas and/or adjacent uplands.</li> </ol> <p>Additional measures to avoid or minimize effects to the species may be developed and implemented in consultation with the USFWS to ensure continued compliance with the ESA.</p> <p><b>Purpose:</b> To minimize effects to the YBCU</p> <p><b>Exception:</b> An exception may be granted by the Authorized Officer (BLM)/Responsible Official (USFS) if authorization is obtained from USFWS (through applicable provisions of the ESA). The Authorized Officer (BLM)/Responsible Official (USFS) may also grant an exception if an environmental analysis indicates that the nature of the conduct of the actions, as proposed or conditioned, would not impair the primary constituent element determined necessary for the survival and recovery of the YBCU and the USFWS concurs with this determination.</p> <p><b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if an environmental analysis indicates and the USFWS (through applicable provisions of the ESA) determines that a portion of the area is not being used as YBCU habitat.</p> <p><b>Waiver:</b> May be granted if the YBCU is de-listed and if USFWS determines it is not necessary for the survival and recovery of the western YBCU.</p>



Resource	Stipulation*	Applicable Area/Resource	Alternative					Stipulation Description
			A	B	C	D	E	
Special Status Species: California Condor	CSU/TL	California Condor Potential Habitat	X	X	X	X	X	<p>Avoidance or use restrictions may be placed on portions of areas known or suspected to be used by California condors. Application of appropriate measures would depend on whether the action is temporary or permanent, and whether it occurs within or outside potential habitat: a) a temporary action is completed prior to the following important season of use, leaving for habitat functionality; b) a permanent action continues for more than one season of habitat use and/or causes a loss of condor habitat function or displaces condors through continued disturbance (i.e., creation of a permanent structure requiring repetitious maintenance or emits disruptive levels of noise).</p> <p>Current avoidance and minimization measures include the following:</p> <ol style="list-style-type: none"> <li>The Peregrine Fund will be contacted early and throughout project design and implementation to determine and monitor the locations and status of California condors in or near the project area.</li> <li>Surveys would be required prior to operations in suitable habitat, unless species occupancy and distribution information is complete and available. All surveys must be conducted by qualified individual(s) approved by the agencies and must be conducted according to approved protocols.</li> <li>All workers will be informed about potential condor presence.</li> <li>If condors are present within the project area, the Peregrine Fund will be contacted. If there is any potential that the project will affect condors, the USFWS will be contacted immediately.</li> <li>The project area will be kept clean (e.g., trash disposed of, tools and materials picked up) to minimize the possibility of condors accessing inappropriate materials.</li> <li>To prevent water contamination and potential condor poisoning, a hazardous material (including vehicle fluids) leakage and spill plan will be developed and implemented. The plan will include provisions for immediate clean-up of any hazardous substance and will outline how each hazardous substance will be treated in case of leakage or spill. The plan will be reviewed by the district biologist to ensure that condors are adequately addressed.</li> <li>If surveys result in positive identification of condor use, all surface-disturbing activities would require monitoring throughout the duration of the project to ensure desired results of applied mitigation and protection. Minimization measures would be evaluated during development and, if necessary, Section 7 consultation may be reinitiated.</li> <li>Temporary activities within 1.0 mile of nest sites would not occur during the breeding season.</li> <li>Temporary activities within 0.5 mile of established roosting sites or areas would not occur during the season of use, which is from August 1 to November 30, unless the area has been surveyed according to protocols consulted on with the USFWS and determined to be unoccupied.</li> <li>No permanent infrastructure would be placed within 1.0 mile of nesting sites.</li> <li>No permanent infrastructure would be placed within 0.5 mile of established roosting sites or areas.</li> <li>Remove big game carrion to 100 feet from roadways occurring within foraging range.</li> <li>Re-initiation of Section 7 consultation with the USFWS would be sought immediately if mortality or disturbance to California condors is anticipated as a result of project activities. Additional site-specific measures may also be employed to avoid or minimize effects to the species. These additional measures would be developed and implemented in consultation with the USFWS to ensure continued compliance with the ESA.</li> </ol> <p>Additional measures to avoid or minimize effects to the species may be developed and implemented in consultation with the USFWS to ensure continued compliance with the ESA.</p> <p><b>Purpose:</b> To minimize effects on the California condor</p> <p><b>Exception:</b> An exception may be granted by the Authorized Officer (BLM)/Responsible Official (USFS) if authorization is obtained from the USFWS (through applicable provisions of the ESA). The Authorized Officer (BLM)/Responsible Official (USFS) may also grant an exception if an analysis indicates that the nature of the conduct of the actions, as proposed or conditioned, would not impair the primary constituent element determined necessary for the survival and recovery of the California Condor and the USFWS concurs with this determination.</p> <p><b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if an analysis indicates and USFWS (through applicable provisions of the ESA) determines that a portion of the area is not being used as California Condor nesting or roosting territory.</p> <p><b>Waiver:</b> May be granted (through applicable provisions of the ESA) if there is no reasonable likelihood of site occupancy over a minimum 10-year period</p>
Special Status Species: Fish	Moderate (CSU)	Special Status Fish Species Habitat	X	X	X	X	X	<p>With the exception of habitat improvement projects (e.g., vegetation treatments, side channel restoration), avoid surface-disturbing and disruptive activities within 330 feet of current special status fish species habitat.</p> <p><b>Purpose:</b> To protect special status fish habitat</p> <p><b>Exception:</b> Any activities or exceptions would require site-specific analysis and consultation with USFWS.</p> <p><b>Modification:</b> General modification applies</p> <p><b>Waiver:</b> General waiver applies</p>
Special Status Species: Endangered Colorado River Fishes	NSO	San Juan River and All Associated Backwaters	X	X	X	X	X	<p>Surface-disturbing activities within the 100-year floodplain of the San Juan River would not be allowed. Other avoidance and minimization measures include the following:</p> <ol style="list-style-type: none"> <li>Surveys will be required prior to operations unless species occupancy and distribution information is complete and available. All surveys must be conducted by qualified individuals.</li> <li>Surface-disturbing activities will require monitoring throughout the duration of the project. To ensure that desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.</li> <li>Water production will be managed to ensure maintenance or enhancement of riparian habitat.</li> <li>Avoid loss or disturbance of riparian habitats.</li> <li>Conduct watershed analysis for surface-disturbing activities in designated critical habitat and overlapping major tributaries to determine toxicity risk from permanent facilities.</li> </ol> <p><b>Purpose:</b> To protect critical habitat of the endangered Colorado River fishes</p> <p><b>Exception:</b> An exception may be granted by the Field Manager if: There are no practical alternatives, and the development would enhance riparian/aquatic values. This exception would require consultation with the USFWS. The Field Manager may also grant an exception if an environmental analysis indicates that the nature or the conduct of the actions, as proposed or conditioned, would not impair the primary constituent element determined necessary for the survival and recovery of the endangered Colorado River fishes.</p> <p><b>Modification:</b> The Field Manager may modify the boundaries of the stipulation area if an environmental analysis indicates and the USFWS (through applicable provisions of the ESA) determines that a portion of the area is not being used as Critical Habitat.</p> <p><b>Waiver:</b> A waiver may be granted if the endangered Colorado River Fishes are delisted and the Critical Habitat is determined by the USFWS as not necessary for the survival and recovery of the endangered Colorado River fishes.</p>
Special Status Species: Colorado Cutthroat Trout	CSU	Within Special Status Fish Species Habitat	X	X	X	X	X	<p>With the exception of habitat improvement projects (e.g., vegetation treatments, side channel restoration), avoid surface-disturbing and disruptive activities within 330 feet of current special status fish species habitat.</p> <p><b>Purpose:</b> To protect special status fish habitat</p> <p><b>Exception:</b> Any activities or exceptions would require site-specific analysis and consultation with USFWS.</p> <p><b>Modification:</b> General modification applies</p> <p><b>Waiver:</b> General waiver applies</p>
Special Status Species: Navajo Sedge	CSU	Potential, Suitable, and Occupied Habitats	X	X	X	X	X	<p>To minimize effects to the Federally threatened Navajo sedge, the agencies, in coordination with the USFWS, have developed the following avoidance and minimization measures. Implementation of these measures will help ensure the activities carried out comply with the ESA.</p> <p>For the purposes of this document, the following terms are so defined: <i>Potential habitat</i> is defined as areas that satisfy the broad criteria of the species habitat description, usually determined by preliminary, in-house assessment. <i>Suitable habitat</i> is defined as areas that contain or exhibit the specific components or constituents necessary for plant persistence, determined by field inspection and/or surveys. Habitat descriptions can be found in the Federal Register Notice and species recovery plan links at: <a href="http://www.fws.gov/endangered/species/">http://www.fws.gov/endangered/species/</a>. <i>Occupied habitat</i> is defined as areas currently or historically known to support Navajo sedge and is synonymous with "known habitat."</p> <p>The following avoidance and minimization measures should be included in the plan of development:</p> <ol style="list-style-type: none"> <li>Pre-project habitat assessments will be completed across 100% of the project disturbance area within potential habitat prior to any ground-disturbing activities to determine if suitable Navajo sedge habitat is present.</li> <li>Species surveys will be conducted within suitable habitat to determine occupancy. Where standard surveys are technically infeasible and otherwise hazardous due to topography, slope, etc., suitable habitat will be assessed and mapped for avoidance (hereafter, "avoidance areas"). In such cases, a) 300-foot buffers will be maintained between surface disturbance and avoidance areas, or b) 1.25 mile buffers will be maintained between avoidance areas and subsurface disturbance activities, water depletions, or other actions that may result in changes to the local hydrology and avoidance areas. However, site-specific distances will need to be approved by USFWS and the agencies when surface disturbance will occur upslope of habitat. Where conditions allow, surveys: <ol style="list-style-type: none"> <li>Must be conducted by a qualified botanist(s), and according to the agencies and USFWS accepted survey protocols (USFWS 2011); outside contractors must be considered a Carex spp. expert and approved by the agencies and USFWS</li> </ol> </li> </ol>

Resource	Stipulation*	Applicable Area/Resource	Alternative					Stipulation Description
			A	B	C	D	E	
								<p>b. Will be conducted in suitable habitat for all areas proposed for surface disturbance prior to initiation of project activities and within the same growing season, at a time when the plant can be positively identified (usually June 1st to September 30th; however, surveyors should verify that the plant is flowering by contacting an agency or USFWS Carex spp. expert or demonstrating that the nearest known population is in flower)</p> <p>c. Will occur within 300 feet from the edge of the proposed right-of-way and/or project disturbance for surface pipelines, roads, well pads, and other facilities requiring removal of vegetation</p> <p>d. Will occur within 1.25 miles of proposed water depletions or other actions that will result in changes to the local hydrology</p> <p>e. Will include but not be limited to plant species lists and habitat characteristics</p> <p>f. Will be valid until June 1 of the following year</p> <p>g. Electronic copies of clearance survey reports (included appendices) and geographic information system shape files will be sent no later than December 31st to each of the following:</p> <ul style="list-style-type: none"> <li>▪ Utah Natural Heritage Program (with copies of Natural Heritage Program field survey forms);</li> <li>▪ Applicable/affected land owners and/or management agencies; and</li> <li>▪ USFWS Utah Field Office (mailing address: 2369 West Orton Circle, Suite 50, West Valley City, Utah 84119).</li> </ul> <p>3. Design project infrastructure to minimize impacts within suitable habitat where surveys are technically infeasible.</p> <p>a. For surface-disturbing activities: Infrastructure and activities will avoid all suitable habitat (avoidance areas) and incorporate 300-foot buffers; however, site-specific buffer distances will need to be approved by the USFWS and the agencies when disturbance will occur upslope of habitat.</p> <p>b. For subsurface activities (including drilling), water depletions, or hydrologic alteration activities: Infrastructure and activities will avoid all suitable habitat (avoidance areas) and incorporate 1.25 mile surface and subsurface buffers; however, site-specific buffer distances will need to be approved by the USFWS and the agencies when disturbance will occur upslope of habitat.</p> <p>c. Ensure that water extraction or disposal practices do not result in change of hydrologic regime.</p> <p>d. Ensure that aboveground contaminants and byproducts are contained and properly managed.</p> <p>e. Ensure that any casings near or in aquifers are properly sealed and managed.</p> <p>f. Reduce well pad size to the minimum needed without compromising safety.</p> <p>g. Roads and utilities should share common ROWs where possible.</p> <p>h. Reduce the width of ROWs and minimize the depth of excavation needed for the road bed; where feasible, use the natural ground surface for the road within Navajo sedge habitat.</p> <p>i. Place signing to limit off-road travel in sensitive areas.</p> <p>j. Existing roads will be graveled within 300 feet of suitable habitat; the operator is encouraged to apply water for dust abatement to such areas and within 300 feet of suitable habitat from June 1 to September 30 (flowering and fruit set period); dust abatement applications will be comprised of water only.</p> <p>k. Place signing to reduce vehicle speed to 15 mph or lower on dirt or gravel roads within 300 feet of suitable habitat and 25 mph or lower in the project area.</p> <p>l. Stay on designated routes and other cleared/approved areas.</p> <p>m. Minimize the area disturbed by facility construction operations. Reclaim all areas of surface disturbance that are not required for facility operations.</p> <p>n. Postconstruction monitoring for invasive species will be required.</p> <p>4. Where there is occupied habitat, project infrastructure will be designed to avoid direct disturbance and indirect impacts to populations and to individual plants:</p> <p>a. For surface-disturbing activities: Infrastructure and activities will avoid all occupied habitat and incorporate 300-foot buffers; however, site-specific buffer distances will need to be approved by the USFWS and the agencies when disturbance will occur upslope of habitat.</p> <p>b. For subsurface activities (including drilling), water depletions, or hydrologic alteration activities: Infrastructure and activities will avoid all suitable habitat (avoidance areas) and incorporate 1.25 mile buffers; however, site-specific buffer distances will need to be approved by the USFWS and the agencies when disturbance will occur upslope of habitat.</p> <p>c. To avoid water flow and/or sedimentation into occupied habitat and avoidance areas, silt fences, hay bales, and similar structures or practices will be incorporated into the project design; appropriate placement of fill is encouraged.</p> <p>d. Ensure that water extraction or disposal practices does not result in change of hydrologic regime.</p> <p>e. Ensure that above ground contaminants and byproducts are contained and properly managed.</p> <p>f. Ensure that any casings near or in aquifers are properly sealed and managed.</p> <p>g. Reduce well pad size to the minimum needed without compromising safety.</p> <p>h. Limit new access routes created by the project.</p> <p>i. Roads and utilities should share common ROWs where possible.</p> <p>j. Reduce the width of ROWs and minimize the depth of excavation needed for the road bed; where feasible, use the natural ground surface for the road within habitat.</p> <p>k. Place signing to limit off-road travel in sensitive areas.</p> <p>l. Construction of roads will occur such that the edge of the ROW is at least 300 feet from: 1) any plant, 2) the outer boundary of occupied habitat, and 3) avoidance areas.</p> <p>m. Existing roads will be graveled within 300 feet of occupied habitat; the operator is encouraged to apply water for dust abatement to such areas and within 300 feet of occupied habitat from June 1 to September 30 (flowering and fruit set period); dust abatement applications will comprise water only.</p> <p>n. Place signing to reduce vehicle speed to 15 mph or lower on dirt or gravel roads within 300 feet of occupied habitat and 25 mph or lower in the project area.</p> <p>o. Stay on designated routes and other cleared/approved areas.</p> <p>p. The edge of the disturbance should be located at least 300 feet away from plants and avoidance areas, in general; however, site-specific distances will need to be approved by the USFWS and the agencies when disturbance will occur upslope of habitat.</p> <p>q. Surface pipelines will be laid such that a 300-foot buffer exists between the edge of the ROW and plants and 300 feet between the edge of ROW and avoidance areas; use stabilizing and anchoring techniques when the pipeline crosses suitable habitat to ensure that pipelines don't move toward the population. Site-specific distances will need to be approved by the USFWS and the agencies when disturbance will occur upslope of habitat.</p> <p>r. Construction activities will not occur within occupied habitat.</p> <p>s. Before and during construction, areas for avoidance should be visually identifiable in the field (e.g., flagging, temporary fencing, rebar).</p> <p>t. A qualified botanist will be on-site during construction to monitor the surface-disturbance activity and assist with implementation of applicable conservation measures (USFWS 2011).</p> <p>u. Place water, condensate tanks, and any other by-products in centralized locations, away from occupied Navajo sedge habitat.</p> <p>v. Minimize the area disturbed by facility construction operations. Reclaim all areas of surface disturbance no longer required for facility operations.</p> <p>w. Postconstruction monitoring for invasive species will be required.</p> <p>5. For projects that cannot implement the measures or avoidance buffers identified above, site-specific conservation measures will be developed in coordination with the USFWS. Occupied Navajo sedge habitats within: 1) 300 feet of the edge of the surface pipeline ROWs; 2) 300 feet of the edge of the road ROWs; 3) 300 feet from the edge of the development areas; and 4) 1.25 miles of subsurface activities (including drilling), water depletions, or other hydrologic-alteration activities shall be monitored for a period of 3 years after ground-disturbing activities. Monitoring will include annual plant surveys to determine plant and habitat impacts relative to project facilities. Annual reports shall be provided to the agencies and the USFWS. To ensure that desired results are being achieved, minimization measures will be evaluated and may be changed after a thorough review of the monitoring results and annual reports during annual meetings between the agencies and the USFWS.</p> <p>6. The power washing of equipment used for permitted or administrative uses would be required in areas with known weed populations or vectors to known weed populations, or prior to use within 300 feet of Navajo sedge occupied habitat to help control noxious weeds.</p> <p>7. Reinitiation of Section 7 consultation with the USFWS will be sought immediately if any loss of plants or occupied habitat for the Navajo sedge is anticipated as a result of project activities. Additional site-specific measures may also be employed to avoid or minimize effects to the species. These additional measures will be developed and implemented in consultation with the USFWS to ensure continued compliance with the ESA.</p> <p><b>Purpose:</b> To minimize effects to the Federally listed, threatened Navajo sedge</p> <p><b>Exception:</b> An exception may be granted by the Authorized Officer (BLM)/Responsible Official (USFS) if authorization is obtained from the USFWS (through applicable provisions of the ESA). The Authorized Officer (BLM)/Responsible Official (USFS) may also grant an exception if an environmental analysis indicated that the nature of the conduct of the actions, as proposed or conditioned, would not impair the survival and recovery of the Navajo sedge and the USFWS concurs with this determination.</p> <p><b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if an environmental analysis indicates and the USFWS (through applicable provisions of the ESA) determines that a portion of the area is no longer suitable habitat for Navajo sedge.</p> <p><b>Waiver:</b> May be granted if the Navajo sedge is delisted and the USFWS determines it is not necessary for the survival and recovery of the Navajo sedge.</p>

Resource	Stipulation*	Applicable Area/Resource	Alternative					Stipulation Description
			A	B	C	D	E	
Special Status Species: Jones Cycladenia	CSU	Potential, Suitable, and Occupied Habitats	X	X	X	X	X	<p>To minimize effects to the Federally threatened Jones cycladenia (<i>Cycladenia humilis</i> var. <i>jonesii</i>), the agencies (BLM and USFS), in coordination with the USFWS, have developed the following avoidance and minimization measures. Implementation of these measures will help ensure that the activities carried out comply with the ESA. For the purposes of this document, the following terms are so defined: Potential, suitable, and occupied habitat are defined as follows: <i>Potential habitat</i> is defined as areas which satisfy the broad criteria of the species habitat description; usually determined by preliminary, in-house assessment. <i>Suitable habitat</i> is defined as areas which contain or exhibit the specific components or constituents necessary for plant persistence; determined by field inspection and/or surveys; may or may not contain Jones cycladenia; habitat descriptions can be found in Federal Register Notice and species recovery plan links at <a href="http://www.fws.gov/endangered/wildlife.html">http://www.fws.gov/endangered/wildlife.html</a>. <i>Occupied habitat</i> is defined as areas currently or historically known to support Jones cycladenia; synonymous with "known habitat." Current avoidance and minimization measures include the following:</p> <ol style="list-style-type: none"> <li>Pre-project habitat assessments will be completed across 100% of the project disturbance area within potential habitat prior to any ground-disturbing activities to determine if suitable Jones cycladenia habitat is present.</li> <li>Species surveys will be conducted within suitable habitat to determine occupancy. Where standard surveys are technically infeasible and otherwise hazardous due to topography, slope, etc., suitable habitat will be assessed and mapped for avoidance (hereafter, "avoidance areas"); in such cases, in general, 300-foot buffers will be maintained between surface disturbance and avoidance areas. However, site specific distances will need to be approved by USFWS and BLM when disturbance will occur upslope of habitat. Where conditions allow, surveys: <ol style="list-style-type: none"> <li>Must be conducted by qualified individual(s) and according to BLM, USFS, and USFWS accepted survey protocols.</li> <li>Will be conducted in suitable and occupied habitat for all areas proposed for surface disturbance prior to initiation of project activities and within the same growing season, at a time when the plant can be detected (usually April 15 to June 5; however, surveyors should verify that the plant is flowering by contacting a BLM, USFS, or USFWS botanist or demonstrating that the nearest known population is in flower).</li> <li>Will occur within 300 feet from the centerline of the proposed right-of-way for roads and other facilities requiring removal of vegetation.</li> <li>Will include, but not be limited to, plant species lists and habitat characteristics.</li> <li>Will be valid until April 15 the following year.</li> <li>Clearance surveys in occupied habitat will be combined with historic plant location data for that particular site to delineate the outer boundary of occupied habitat. The 300-foot avoidance buffer will then be applied to the outer boundary of occupied habitat for that site. This evaluation will occur in coordination with the BLM and the USFWS to ensure that the appropriate buffer is applied to protect both active and dormant Jones cycladenia plants in occupied habitat.</li> <li>Electronic copies of clearance survey reports (included appendices) and GIS shape files will be sent no later than December 31st to each of the following: <ul style="list-style-type: none"> <li>Utah Natural Heritage Program (with copies of NHP field survey forms);</li> <li>Applicable/affected land owners and/or management agencies; and</li> <li>USFWS Utah Field Office (mailing address: 2369 West Orton Circle, Suite 50, West Valley City, Utah 84119).</li> </ul> </li> </ol> </li> <li>Design project infrastructure to minimize impacts within suitable habitat: <ol style="list-style-type: none"> <li>Where standard surveys are technically infeasible, infrastructure and activities will avoid all suitable habitat (avoidance areas) and incorporate 300-foot buffers, in general; however, site-specific distances will need to be approved by the USFWS and agencies when disturbance will occur upslope of habitat.</li> <li>Limit new access routes created by the project.</li> <li>Roads should share common rights-of-way where possible.</li> <li>Reduce the width of rights-of-way and minimize the depth of excavation needed for the roadbed; where feasible, use the natural ground surface for the road within habitat.</li> <li>Place signing to limit off-road travel in sensitive areas.</li> <li>Stay on designated routes and other cleared/approved areas.</li> <li>All disturbed areas will be revegetated with species native to the region, or seed mixtures approved by the action agency and USFWS.</li> </ol> </li> <li>Where there is occupied habitat, project infrastructure will be designed to avoid direct disturbance and minimize indirect impacts to populations and to individual plants: <ol style="list-style-type: none"> <li>Follow the above recommendations (#3) for project design within suitable habitats.</li> <li>To avoid water flow and/or sedimentation into occupied habitat and avoidance areas, silt fences, hay bales, and similar structures or practices will be incorporated into the project design; appropriate placement of fill is encouraged.</li> <li>Construction of roads will occur such that the edge of the right-of-way is at least 300 feet from 1) any plant, 2) the outer boundary of occupied habitat, and 3) avoidance areas.</li> <li>Existing roads will be graveled within 300 feet of occupied habitat; the operator is encouraged to apply water for dust abatement to such areas from April 1st to July 31st (active growing period); dust abatement applications will be comprised of water only.</li> <li>Construction activities will not occur within occupied habitat.</li> <li>Before and during construction, areas for avoidance should be visually identifiable in the field, e.g., flagging, temporary fencing, rebar, etc.</li> <li>A qualified botanist will be onsite during construction to monitor the surface disturbance activity and assist with implementation of applicable conservation measures.</li> </ol> </li> <li>Dust abatement and reduced speed limits will be applied during flowering dates (April 15 through June 5) within 300 feet of suitable and occupied habitat, including unoccupied suitable habitat.</li> <li>For projects that cannot implement the measures or avoidance buffers identified in #5 above, site-specific conservation measures will be developed in coordination with the USFWS. Occupied Jones cycladenia habitats within 300 feet of the edge of the roads' rights-of-way will be monitored for a period of 3 years after ground-disturbing activities. Monitoring will include annual plant surveys to determine plant and habitat impacts relative to project facilities. Annual reports will be provided to the BLM and USFWS. To ensure desired results are being achieved, minimization measures will be evaluated and may be changed after a thorough review of the monitoring results and annual reports during annual meetings between the BLM and USFWS.</li> <li>The power washing of equipment used for permitted or administrative uses would be required in areas with known weed populations or vectors to known weed populations, or prior to use within 300 feet of Jones cycladenia occupied habitat to help control noxious weeds.</li> <li>Reinitiation of Section 7 consultation with the USFWS will be sought immediately if any loss of plants or occupied habitat for the Jones cycladenia is anticipated as a result of project activities. Additional site-specific measures may also be employed to avoid or minimize effects to the species. These additional measures will be developed and implemented in consultation with the USFWS to ensure continued compliance with the ESA.</li> </ol> <p><b>Purpose:</b> To minimize effects to the Federally listed, threatened Jones cycladenia.</p> <p><b>Exception:</b> An exception may be granted by the Authorized Officer (BLM)/Responsible Official (USFS) if authorization is obtained from the USFWS (through applicable provisions of the ESA). The Authorized Officer (BLM)/Responsible Official (USFS) may also grant an exception if an environmental analysis indicated that the nature of the conduct of the actions, as proposed or conditioned, would not impair the survival and recovery of the Jones cycladenia and the USFWS concurs with this determination.</p> <p><b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if an environmental analysis indicates and the USFWS (through applicable provisions of the ESA) determines that a portion of the area is no longer suitable habitat for Jones cycladenia.</p> <p><b>Waiver:</b> May be granted if the Jones cycladenia is delisted and the USFWS determines it is not necessary for the survival and recovery of the Jones cycladenia.</p>
Special Status Species: Plants	CSU	Special Status Species Plant Habitat	X	X	X	X	X	<p>Allow surface-disturbing activities within 330 feet or habitat fragmenting activities within 660 feet of potential, suitable, and occupied special status plant habitat only if 1) the activity is consistent and compatible with protection, maintenance, or enhancement of the habitat and populations as outlined in recovery and conservation plans and when such actions would not lead to the need to list the plant, or 2) the activity is relocated or redesigned to eliminate or reduce detrimental impacts to acceptable limits.</p> <p><b>Purpose:</b> To protect Special Status Species plants</p> <p><b>Exception:</b> An exception could be authorized if: 1) the activity is consistent and compatible with protection, maintenance, or enhancement of the habitat and populations as outlined in recovery and conservation plans and when such actions would not lead to the need to list the plant, or 2) the activity is relocated or redesigned to eliminate or reduce detrimental impacts to acceptable limits.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>

Resource	Stipulation*	Applicable Area/Resource	Alternative					Stipulation Description
			A	B	C	D	E	
Special Status Species: Plants	CSU/TL	Within Federally Listed Plant Species Occupied and Suitable Habitats	X	X	X	X	X	<p>Suitable habitat for Federally listed plant species under the ESA. The following avoidance and minimization measures have been developed to facilitate review and analysis of any submitted applications for surface-disturbing activities:</p> <ol style="list-style-type: none"> <li>Site inventories: <ol style="list-style-type: none"> <li>Must be conducted to determine habitat suitability</li> <li>Are required in known or potential habitat for all areas proposed for surface disturbance before initiating project activities, at a time when the plant can be detected, and during appropriate flowering periods</li> <li>Should include documentation on individual plant locations and suitable habitat distributions</li> <li>Must be conducted by qualified individuals</li> </ol> </li> <li>Surface-disturbing activities will require monitoring throughout the duration of the project. To ensure that desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.</li> <li>Project activities must be designed to avoid direct disturbance to populations and to individual plants: <ol style="list-style-type: none"> <li>Designs will avoid concentrating water flows or sediments into plant occupied habitat.</li> <li>Construction will occur downslope of plants and populations where feasible; if well pads and roads must be sited upslope, buffers of 100 feet (minimum) between surface disturbances and plants and populations will be incorporated.</li> <li>Where populations occur within 200 feet of well pads, a buffer or fence will be established between the individuals or groups of individuals and the well pads during and postconstruction.</li> <li>Areas for avoidance will be visually identifiable in the field (e.g., flagging, temporary fencing, rebar).</li> <li>For surface pipelines, a 10-foot buffer will be used from any plant locations:</li> <li>If on a slope, stabilizing construction techniques will be used to ensure that the pipelines do not move toward the population(s).</li> </ol> </li> <li>For riparian/wetland-associated species (e.g., Ute ladies'-tresses), avoid loss or disturbance of riparian habitats: <ol style="list-style-type: none"> <li>Water extraction or disposal practices will not result in change of hydrologic regime.</li> </ol> </li> <li>Disturbances to and within suitable habitat will be limited by staying on designated routes.</li> <li>New access routes created by the project will be limited.</li> <li>To limit OHV travel in sensitive areas, signing will be placed appropriately.</li> <li>Dust abatement practices will be implemented near occupied plant habitat.</li> <li>All disturbed areas will be revegetated with native species composed of species indigenous to the area.</li> <li>Postconstruction monitoring for invasive species will be required.</li> <li>Surface-disturbing activities will require monitoring throughout the duration of the project. To ensure that desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.</li> </ol> <p>Additional measures to avoid or minimize effects to the species may be developed and implemented in consultation with the USFWS prior to surface-disturbing activity to ensure continued compliance with the ESA.</p> <p><b>Purpose:</b> To avoid and minimize disturbances within Federally listed plant species' occupied and suitable habitat</p> <p><b>Exception:</b> None</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>
Visual Resources	CSU	Visual Resources			X	X	X	<p>All areas not managed as Visual Resource Management (VRM) Class I (on BLM-administered lands) or Scenic Integrity Objective (SIO) Very High (on USFS-administered lands) under this alternative would be managed as VRM Class II (on BLM-administered lands) and SIO High (on USFS-administered lands).</p> <p><b>Exception:</b> An exception to VRM Class II would be allowed for recreation infrastructure when this infrastructure is consistent with <b>proper care and management</b> of Monument objects and values (Alternatives B and C). No exceptions would be authorized (Alternative D).</p> <p>An exception to VRM Class II would be allowed for recreation infrastructure, such as trailheads, campgrounds, contact stations, and toilet facilities, when this infrastructure is consistent with <b>proper care and management</b> of Monument objects and values. Exception areas would be managed to VRM Class III objectives (Alternative E).</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>
Wildlife and Fisheries: Bald Eagle	CSU/TL	Nest Sites and Winter Roost Areas within Bald Eagle Habitat	X	X	X	X	X	<p>To protect bald eagle habitat and avoid negative impacts on the species, actions would be avoided or restricted that may cause stress and disturbance during nesting and rearing of their young. Appropriate measures would depend on whether the action is temporary or permanent, and whether it occurs within or outside the bald eagle breeding or roosting season: a) a temporary action is completed prior to breeding or roosting season, leaving no permanent structures, and resulting in no permanent habitat loss; b) a permanent action continues for more than one breeding or roosting season and/or causes a loss of eagle habitat or displaces eagles through disturbances (i.e., creation of a permanent structure). Current avoidance and minimization measures include the following:</p> <ol style="list-style-type: none"> <li>Surveys would be required prior to operations, unless species occupancy and distribution information is complete and available. All surveys must be conducted by qualified individual(s) and be conducted according to protocol.</li> <li>Surface-disturbing activities would require monitoring throughout the duration of the project.</li> <li>To ensure that desired results are being achieved, minimization measures would be evaluated.</li> <li>Water production would be managed to ensure maintenance or enhancement of riparian habitat.</li> <li>Temporary activities within 1.0 mile of nest sites would not occur during the breeding season, which lasts from January 1 to August 31, unless the area has been surveyed according to protocol and determined to be unoccupied.</li> <li>Temporary activities within 0.5 mile of winter roost areas, (e.g., cottonwood galleries) would not occur during the winter roost season of November 1 to March 31, unless the area has been surveyed according to protocol and determined to be unoccupied.</li> <li>No permanent infrastructure would be placed within 1.0 mile of nest sites.</li> <li>No permanent infrastructure would be placed within 0.5 mile of winter roost areas.</li> <li>Remove big game carrion to 100 feet from roadways occurring within bald eagle foraging range.</li> <li>Avoid loss of or disturbance to large cottonwood gallery riparian habitats.</li> <li>All areas of surface disturbance within riparian areas and/or adjacent uplands should be revegetated with native species.</li> </ol> <p><b>Purpose:</b> To protect bald eagle habitat and avoid negative impacts to the species</p> <p><b>Exception:</b> An exception may be granted by the Authorized Officer (BLM)/Responsible Official (USFS) if authorization is obtained from the USFWS/Utah Division of Wildlife Resources (UDWR). The Authorized Officer (BLM)/Responsible Official (USFS) may also grant an exception if an analysis indicates that the nature of the conduct of the actions, as proposed or conditioned, would not impair the habitat and physical requirements determined necessary for the survival of the bald eagles.</p> <p><b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if an analysis indicates, and USFWS/UDWR determines, that a portion of the area is not being used as bald eagle nesting or roosting territories or if additional nesting or roosting territories are identified.</p> <p><b>Waiver:</b> May be granted if there is no reasonable likelihood of site occupancy over a minimum 10-year period</p>

Resource	Stipulation*	Applicable Area/Resource	Alternative					Stipulation Description
			A	B	C	D	E	
Wildlife and Fisheries: Golden Eagle	CSU/TL	Golden Eagle Nest Sites and Territories	X	X	X	X	X	<p>To protect the golden eagle habitat, nest sites, and nesting territories, actions would be avoided or restricted that may cause stress and disturbance during nesting and rearing of their young. Appropriate measures would depend on whether the action is temporary or permanent and whether it occurs within or outside the golden eagle breeding season: a) temporary action is completed prior to the following breeding or roosting season, leaving no permanent structures and resulting in no permanent habitat loss; b) a permanent action continues for more than one breeding or roosting season and/or causes a loss of eagle habitat or displaces eagles through disturbances (i.e., creation of a permanent structure). Current avoidance and minimization measures include the following:</p> <ol style="list-style-type: none"> <li>1. Surveys would be required prior to operations unless species occupancy and distribution information is complete and available. All surveys must be conducted by qualified individual(s), and be conducted according to protocol.</li> <li>2. Surface-disturbing activities would require monitoring throughout the duration of the project.</li> <li>3. To ensure desired results are being achieved, minimization measures would be evaluated.</li> <li>4. Temporary activities within 0.5 mile of nest sites would not occur during the breeding season from January 1 to August 31, unless the area has been surveyed according to protocol and determined to be unoccupied.</li> <li>5. No permanent infrastructure would be placed within 0.5 mile of nest sites.</li> <li>6. Remove big game carrion to 100 feet from roadways occurring within golden eagle foraging range.</li> </ol> <p><b>Purpose:</b> To protect golden eagle habitat, nest sites, and nesting territories  <b>Exception:</b> An exception may be granted by the Authorized Officer (BLM)/Responsible Official (USFS) if authorization is obtained from USFWS and UDWR. The Authorized Officer (BLM)/Responsible Official (USFS) may also grant an exception if an environmental analysis indicates that the nature or the conduct of the actions, as proposed or conditioned, would not impair the primary constituent element determined necessary for the survival and recovery of the golden eagle.  <b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if an environmental analysis indicates, and USFWS and UDWR determine, that a portion of the area is not being used as golden eagle nesting territory.  <b>Waiver:</b> A waiver may be granted if an individual golden eagle nest has been inactive (unoccupied) for at least a period of 3 years. Nest-monitoring data for a 3-year period would be required before the waiver could be granted.</p>
Wildlife and Fisheries: Raptors	CSU/TL	Raptors	X	X	X	X	X	<p>Appropriate seasonal and spatial buffers shall be placed on all known raptor nests in accordance with the <i>Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances</i> (USFWS 2002) and <i>Best Management Practices for Raptors and their Associated Habitats in Utah</i> Appendix H of this EIS. All construction-related activities will not occur within these buffers if preconstruction monitoring indicates the nests are active, unless a site-specific evaluation (survey) for active nests is completed prior to construction and if an agency wildlife biologist, in consultation with the USFWS and UDWR, recommends that activities may be permitted within the buffer. The agencies will coordinate with the USFWS and UDWR and have a recommendation within 3 to 5 days of notification. Any construction activities authorized within a protective (spatial and seasonal) buffer for raptors will require an on-site monitor. If there is any indication that activities are adversely affecting the raptor and/or its young, the on-site monitor will suspend activities and contact the Authorized Officer (BLM)/Responsible Official (USFS) immediately. Construction may occur within the buffers of inactive nests. Construction activities may commence once monitoring of the active nest site determines that fledglings have left the nest and are no longer dependent on the nest site.</p> <p><b>Purpose:</b> To minimize stress and disturbance to raptors during nesting season  <b>Exception:</b> None  <b>Modification:</b> None  <b>Waiver:</b> None</p>
Wildlife and Fisheries: Migratory Birds	CSU/TL	Migratory Bird Habitat	X	X	X	X	X	<p>Surveys for nesting migratory birds may be required during migratory bird breeding season (April 1 to July 31) whenever surface disturbances and/or occupancy is proposed in association with any surface-disturbing activity or occupancy within priority habitats. Surveys should focus on identified priority bird species in Utah. Field surveys will be conducted as determined by the Authorized Officer (BLM)/Responsible Official (USFS). Based on the result of the field survey, the Authorized Officer (BLM)/Responsible Official (USFS) will determine appropriate buffers and timing limitations.</p>
Wildlife and Fisheries: Migratory Birds	TL	Migratory Bird Nesting Habitats	X	X	X	X	X	<p>During nesting season for migratory birds (April 1–July 31), avoid or minimize surface- disturbing activities and vegetative-altering projects and broad-scale use of pesticides in identified occupied priority migratory bird habitat.</p> <p><b>Purpose:</b> To minimize stress and disturbance to migratory birds during nesting season  <b>Exception:</b> None  <b>Modification:</b> None  <b>Waiver:</b> None</p>
Wildlife and Fisheries: Ferruginous Hawk and Burrowing Owl	TL	Ferruginous Hawk and Burrowing Owl Habitats	X	X	X	X	X	<p>No surface disturbances would be conducted during the breeding and nesting season (March 1 to August 31 for burrowing owl and March 1 to August 1 for ferruginous hawk) within spatial buffers (0.25 mile for burrowing owl and 0.5 mile for ferruginous hawk) of known nesting sites.</p> <p><b>Purpose:</b> To minimize stress and disturbance to ferruginous hawks and burrowing owls during breeding and nesting season  <b>Exception:</b> No surface disturbances or occupancy will be conducted during the breeding and nesting season (March 1 to August 31 for burrowing owl and March 1 to August 1 for ferruginous hawk) within spatial buffers (0.25 mile for burrowing owl and 0.5 mile for ferruginous hawk) of known nesting sites.  <b>Exception:</b> An exception would be granted if protocol surveys determine that nesting sites, breeding territories, and winter roosting areas are not occupied.  <b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if portions of the area do not include habitat or are outside the current defined area, as determined by the agencies.  <b>Waiver:</b> May be granted if it is determined the habitat no longer exists or has been destroyed</p>
Gunnison Prairie Dog	NSO	Gunnison Prairie Dog Habitat	X	X	X	X	X	<p>No surface-disturbing activities within 660 feet (200 meters) of active prairie dog colonies identified within prairie dog habitat would be allowed. No permanent aboveground facilities are allowed within the 660-foot buffer.</p> <p><b>Purpose:</b> To minimize stress and disturbance to active prairie dog colonies  <b>Exception:</b> An exception may be granted by the Authorized Officer (BLM)/Responsible Official (USFS) if the applicant submits a plan that indicates that impacts of the proposed action can be adequately mitigated or, if due to the size of the town, there is no reasonable location for the surface-disturbing activity and colonies cannot be avoided, the Authorized Officer (BLM)/Responsible Official (USFS) will allow for loss of prairie dog colonies and/or habitat.  <b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if portions of the area do not include prairie dog habitat or active colonies are found outside the current defined area, as determined by the agencies.  <b>Waiver:</b> May be granted if it is determined that the habitat no longer exists</p>

Resource	Stipulation*	Applicable Area/Resource	Alternative					Stipulation Description
			A	B	C	D	E	
Wildlife and Fisheries: Deer	TL	Deer Winter Range	X	X	X	X	X	<p>No surface-disturbing activities from November 15 to April 15</p> <p><b>Purpose:</b> To minimize stress and disturbance to deer during crucial winter months</p> <p><b>Exception:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may grant an exception if, after an analysis, the Authorized Officer (BLM)/Responsible Official (USFS) determines that the animals are not present in the project area or the activity can be completed so as to not adversely affect the animals. Routine operation and maintenance are allowed.</p> <p><b>Modification:</b> The Authorized Officer (BLM)/Responsible Official (USFS) may modify the boundaries of the stipulation area if a portion of the area is not being used as deer winter range.</p> <p><b>Waiver:</b> May be granted if the deer winter range is determined to be unsuitable or unoccupied and there is no reasonable likelihood of future use of the deer winter range</p>
Wildlife and Fisheries: Elk	TL	Elk Winter Range	X	X	X	X	X	<p>No surface-disturbing activities from November 15 to April 15</p> <p><b>Purpose:</b> To minimize stress and disturbance to elk during crucial winter months</p> <p><b>Exception:</b> The Field Manager may grant an exception if, after an analysis, the Authorized Officer (BLM)/Responsible Official (USFS) determines that the animals are not present in the project area or the activity can be completed so as to not adversely affect the animals. Routine operation and maintenance is allowed.</p> <p><b>Modification:</b> The Field Manager may modify the boundaries of the stipulation area if a portion of the area is not being used as elk winter range.</p> <p><b>Waiver:</b> May be granted if the elk winter range is determined to be unsuitable or unoccupied and there is no reasonable likelihood of future use of the elk winter range.</p>

\* CSU = controlled surface use, NSO = no surface occupancy, TL = timing limitations

## 2 LITERATURE CITED

U.S. Fish and Wildlife Service (USFWS). 2011. *U.S. Fish and Wildlife Service (USFWS) Utah Field Office Guidelines for Conducting and Reporting Botanical Inventories and Monitoring of Federally Listed, Proposed and Candidate Plants*. August 31, 2011.

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## **APPENDIX K**

**Comparison of Forest Products Removal between  
U.S. Forest Service and Bureau of Land Management on  
Lands Falling under the Boundary of the Bears Ears National Monument,  
May 2018**



Proclamation 9558 (December 28, 2016): “Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Indian tribe. The Secretaries shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites), including collection of medicines, berries and other vegetation, forest products, and firewood for personal noncommercial use in a manner consistent with the care and management of the objects identified above.”

Proclamation 9681 (December 4, 2017) states that “Proclamation 9558 is amended to clarify that, consistent with the care and management of the objects identified above, the Secretaries of the Interior and Agriculture may authorize ecological restoration and active management activities in the monument.”

Terms and conditions for product removal will be exclusive to the product plans for each individual agency’s landownership (i.e., There is no overreaching forest products removal plan for the entire Bears Ears National Monument).

Both the U.S. Forest Service and the Bureau of Land Management have administrative maps that are issued with the forest products permit that highlight areas where no product removal is allowed. These are either permanent exclusion areas or sites that may change from year to year in response to current management issues (e.g., wood cutting excluded in areas of current active timber sales).

Distances for collection of other forest products vary and are typically denoted in the permit. Permit prices vary for each type of forest product removal.

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**APPENDIX L**  
**Air Quality Baseline**



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## Abbreviations

°F	degrees Fahrenheit
µg/m <sup>3</sup>	micrograms per cubic meter
AQRVs	Air Quality Related Values
BLM	Bureau of Land Management
BTEX	benzene, toluene, ethyl benzene, isomers of xylene
CASTNET	Clean Air Status and Trends Network
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CO <sub>2e</sub>	carbon dioxide equivalents
dv	deciview
EPA	U.S. Environmental Protection Agency
GHG	greenhouse gas
GWP	global warming potential
IMPROVE	Interagency Monitoring of Protected Visual Environments
IPCC	International Panel on Climate Change
IUR	inhalation unit risks
Meq	milliequivalents
MMT	million metric tons
N <sub>2</sub> O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NADP	National Atmospheric Deposition Program
NCA4	Fourth National Climate Assessment
NOAA	National Oceanic and Atmospheric Administration
NO <sub>x</sub>	nitrogen oxides
PM <sub>2.5</sub>	particulate matter less than 2.5 microns in diameter
PM <sub>10</sub>	particulate matter less than 10 microns in diameter
ppb	parts per billions
ppm	parts per million
REA	Rapid Ecoregional Assessment
REL	reference exposure levels
RfC	reference concentrations
SIP	State Implementation Plan
SO <sub>x</sub>	sulfur oxides
UDAQ	Utah Division of Air Quality
DEQ	Utah Department of Environmental Quality
USFS	U.S. Forest Service
USGS	U.S. Geological Survey
VOCs	volatile organic compounds
WOE	weight of evidence

# 1 AIR RESOURCES DEFINED

The Bureau of Land Management (BLM) and U.S. Forest Service (USFS) air resources programs include climate and air quality. Climate includes an assessment of the existing climate, a qualitative description of climate change, and an analysis of the potential effects of climate change on BLM and USFS resources. Air quality includes air quality management, interagency coordination, smoke abatement for prescribed fire, and air quality impact assessment. The BLM and USFS are responsible for considering and incorporating climate and air quality into multiple-use programs for managing the public lands in a manner that will protect air quality and complying with applicable laws, statutes, regulations, standards, and/or implementation plans.

## 2 AIR QUALITY

### 2.1 Air Quality Indicators

Air quality is measured by the concentration of air pollutants and visual appearance within a geographic area. Wind, temperature, humidity, geographic features, vegetation, and wildfire are biological factors that have the potential to affect the resource. Indicators of impacts on air quality include both an inability to meet National Ambient Air Quality Standards (NAAQS) and a degradation of Air Quality Related Values (AQRVs).

### 2.2 Clean Air Act Description

The Clean Air Act is the primary Federal legislation and provides the framework for protecting air quality at the national, State, and local level. The act designates the U.S. Environmental Protection Agency (EPA) as the chief governing body of air resources in the United States but provides States, and in some cases, Tribal governments, management authority to implement their own air quality legislation, monitoring, and control measures.

### 2.3 National Ambient Air Quality Standards

Under the authority of the Clean Air Act, the EPA has set time-averaged NAAQS for six criteria air pollutants considered to be key indicators of air quality: carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone, sulfur dioxide (SO<sub>2</sub>), lead, and two categories of particulate matter (PM) (PM less than 10 microns in diameter [PM<sub>10</sub>] and PM less than 2.5 microns in diameter [PM<sub>2.5</sub>]). NAAQS consist of primary and secondary standards, with the former providing requirements for public health—particularly sensitive populations such as asthmatics, children, and the elderly—and the latter incorporating public welfare provisions such as the protection of visibility, wildlife, crops, vegetation, and buildings. The Utah Department of Environmental Quality (DEQ), Division of Air Quality (UDAQ) is responsible for ensuring compliance with the NAAQS within the State of Utah.

#### 2.3.1 *Attainment/Nonattainment Determination for the Planning Area*

The Clean Air Act requires each State to identify areas that have ambient air quality in violation of Federal standards using monitoring data collected through State monitoring networks. Areas that violate air quality standards are designated as nonattainment areas for the relevant criteria air pollutants. Areas that comply with air quality standards are designated as attainment areas for the relevant criteria air pollutants. Areas that have been redesignated from nonattainment to attainment are considered maintenance areas. Areas of uncertain status are generally designated as unclassifiable but are treated as attainment areas for regulatory purposes. All of the Planning Area is in attainment or unclassifiable for each of the NAAQS (EPA 2018a).

## 2.3.2 Compliance with the National Ambient Air Quality Standards

Based on monitoring data and the attainment/unclassifiable determination for the Planning Area, the Shash Jáa and Indian Creek Units are in compliance with the NAAQS.

## 2.3.3 Compliance with State Standards

The State of Utah has not developed State ambient air quality standards; the NAAQS are the applicable standards for the Shash Jáa and Indian Creek Units.

Table 1 shows the current NAAQS.

**Table 1. National Ambient Air Quality Standards**

Pollutant	Primary/Secondary	Averaging Time	Level	Form	
Carbon monoxide (CO)	Primary	8-hour	9 ppm	Not to be exceeded more than once per year	
		1-hour	35 ppm		
Lead	Primary and secondary	Rolling 3-month average	0.15 µg/m <sup>3a</sup>	Not to be exceeded	
Nitrogen dioxide	Primary	1-hour	100 ppb	98th percentile, averaged over 3 years	
	Primary and secondary	1-year	53 ppb <sup>b</sup>	Annual mean	
Ozone	Primary and secondary	8-hour	0.070 ppm <sup>c</sup>	Annual fourth-highest daily maximum 8-hour concentration, averaged over 3 years	
Particle pollution	PM <sub>2.5</sub>	Primary	1-year	12 µg/m <sup>3</sup>	Annual mean, averaged over 3 years
		Secondary	1-year	15 µg/m <sup>3</sup>	Annual mean, averaged over 3 years
		Primary and secondary	24-hour	35 µg/m <sup>3</sup>	98th percentile, averaged over 3 years
	PM <sub>10</sub>	Primary and secondary	24-hour	150 µg/m <sup>3</sup>	Not to be exceeded more than once per year on average over 3 years
Sulfur dioxide	Primary	1-hour	75 ppb <sup>d</sup>	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years	
	Secondary	3-hour	0.5 ppm	Not to be exceeded more than once per year	

Source: EPA 2018b.

Note: µg/m<sup>3</sup> = micrograms per cubic meter; ppb = parts per billion; ppm = parts per million.

<sup>a</sup> In areas designated nonattainment for the lead standards prior to the promulgation of the current (2008) standards, and for which implementation plans to attain or maintain the current (2008) standards have not been submitted and approved, the previous standards (1.5 µg/m<sup>3</sup> as a calendar quarter average) also remain in effect.

<sup>b</sup> The level of the annual NO<sub>2</sub> standard is 0.053 ppm. It is shown here in terms of ppb for the purposes of a clearer comparison to the 1-hour standard level.

<sup>c</sup> Final rule signed October 1, 2015, and effective December 28, 2015. The previous (2008) ozone standards additionally remain in effect in some areas. Revocation of the previous (2008) ozone standards and transitioning to the current (2015) standards will be addressed in the implementation rule for the current standards.

<sup>d</sup> The previous SO<sub>2</sub> standards (0.14 ppm 24-hour and 0.03 ppm annual) will additionally remain in effect in certain areas: 1) any area for which it is not yet 1 year since the effective date of designation under the current (2010) standards, and 2) any area for which an implementation plan providing for attainment of the current (2010) standard has not been submitted and approved and which is designated nonattainment under the previous SO<sub>2</sub> standards or is not meeting the requirements of a State Implementation Plan (SIP) call under the previous SO<sub>2</sub> standards (40 Code of Federal Regulations 50.4(3)). A SIP call is an EPA action requiring a State to resubmit all or part of its SIP to demonstrate attainment of the required NAAQS.

## 2.4 Air Pollutants of Concern

### 2.4.1 Major Emission Sources

There are no major emission sources within the Shash Jáa and Indian Creek Units. Major emission sources (large industrial sources and sources with Clean Air Act Title V operating permits) in San Juan County, Utah, include the Moab Compressor Station and Lisbon natural gas Processing Plant, located northeast of the Indian Creek Unit, and the Daneros Mine and Four Corners Compressor Station, located east of the Shash Jáa Unit. There are an additional 19 approved and permitted sources such as tank batteries, pump stations, aggregate plants, and pits northeast and east of the Units (Utah DEQ 2018).

## 2.4.2 Criteria Air Pollutants Emitted

The EPA prepares a national emissions inventory every 3 years to provide a comprehensive and detailed estimate of emissions from all air emission sources in the country. Emissions in the inventory are presented by County. Table 2 summarizes the 2014 emissions in San Juan County.

**Table 2. 2014 Emissions Inventory by Source (tons per year)**

County	Source	CO	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>	VOCs
San Juan	Area source	384.42	649.79	4,252.57	524.24	2.72	218.46
	Oil and gas	296.09	199.29	2.39	2.38	0.93	11,840.05
	Non-road mobile	1,718.66	103.03	21.12	19.67	0.42	535.85
	On-road mobile	1,551.00	747.70	239.52	78.86	2.89	153.20
	Point source	240.37	357.52	234.93	88.63	505.93	60.30
	Biogenics	15,795.81	0.00	0.00	0.00	0.00	72,896.61
	Wildfires	1.35	0.04	0.16	0.15	0.00	0.23
	<b>Total</b>	<b>19,987.71</b>	<b>2,057.37</b>	<b>4,750.69</b>	<b>713.93</b>	<b>512.89</b>	<b>85,704.71</b>

Source: EPA 2018c.

Note: No<sub>x</sub> = nitrogen oxides; So<sub>x</sub> = sulfur oxides; VOCs = volatile organic compounds.

## 2.4.3 Summary Tables of Regional Air Quality Monitoring Data

The UDAQ and Federal agencies manage the network of air monitoring stations in Utah that meet EPA's air monitoring requirements. There are no State air monitoring stations (UDAQ 2017) and two Federal air monitoring stations (EPA 2018d) in or near the Planning Area. The USFS operates an air monitoring station in the Manti-La Sal National Forest, between the Indian Creek and Shash Jáa Units, that monitors ozone concentrations. The National Park Service (NPS) operates an Interagency Monitoring of Protected Visual Environments (IMPROVE) air monitoring station in Canyonlands National Park, approximately 20 miles northwest of the Indian Creek Unit. Data from these monitoring stations for the most recent 3 years of data and the 3-year average concentration compared with the NAAQS, are shown in Table 3. These data show that recent ozone concentrations remain below but are approaching the NAAQS for ozone.

**Table 3. Air Quality Monitoring Values**

Pollutant	Averaging Time	2014	2015	2016	3-Year Average	NAAQS	Percent of NAAQS
<b>National Park Service: Canyonlands National Park, San Juan County, Utah</b>							
Ozone	8-hour	0.064 ppm	0.065 ppm	0.064 ppm	0.0643 ppm	0.070 ppm	92
<b>U.S. Forest Service: Dark Canyon, San Juan County, Utah</b>							
Ozone	8-hour	0.065 ppm	0.065 ppm	0.057 ppm	0.0623 ppm	0.070 ppm	89

Source: EPA 2018e.

## 2.4.4 Hazardous Air Pollutants

The Clean Air Act regulates toxic air pollutants, or hazardous air pollutants (HAPs), that are known or suspected to cause cancer or other serious health effects or adverse environmental impacts. The hazardous air pollutant regulatory process identifies specific chemical substances that are potentially hazardous to human health and sets emission standards to regulate the amount of those substances that can be released by individual facilities or by specific types of equipment. Controls are usually required at the source to limit the release of these air toxics into the atmosphere.

Although HAPs do not have Federal air quality standards (exposure thresholds do exist), some States have established “significance thresholds” to evaluate human exposure for potential chronic inhalation illness and cancer risks. There are no applicable Federal or State of Utah ambient air quality standards for assessing potential hazardous air pollutant impacts to human health, and monitored background concentrations are rarely available. Therefore, reference concentrations (RfC) for chronic inhalation exposures and reference exposure levels (REL) for acute inhalation for non-cancer health effects, EPA weight of evidence (WOE) for carcinogenicity (under 1986 and 2005 EPA cancer guidelines), and inhalation unit risks (IUR) for cancer health effects are applied as significance criteria.

HAPs associated with the oil and gas industry include formaldehyde, benzene, toluene, ethyl benzene, isomers of xylene (BTEX) compounds, and normal-hexane (n-hexane). Table 4 provides the RfCs, RELs, WOE, and IURs for these pollutants.

**Table 4. Hazardous Air Pollutant Significant Thresholds**

HAP	REL (1-hour Average) (µg/m <sup>3</sup> )	RfC <sup>a</sup> (Annual Average) (µg/m <sup>3</sup> )	EPA WOE <sup>e</sup>	IUR (1/µg/m <sup>3</sup> )
Benzene	1,300 <sup>a, b</sup>	30 <sup>b</sup>	CH	0.0000078
	160,000 <sup>d</sup>	-		
Toluene	37,000 <sup>a</sup>	5,000	Inl	-
Ethyl benzene	350,000 <sup>c</sup>	1,000	D	0.0000025
Xylenes	22,000 <sup>b</sup>	100	Inl	-
n-Hexane	390,000 <sup>c</sup>	700	Inl	-
Formaldehyde	94 <sup>a</sup>	9.8	B1	0.000088

<sup>a</sup> EPA Chemical-Specific Reference Values (EPA 2012a, b, c).

<sup>b</sup> REL for benzene is for a 6-hour average.

<sup>c</sup> National Institute for Occupational Safety and Health Immediately Dangerous to Life or Health, because no REL is available.

<sup>d</sup> EPA WOE: B1 = probable carcinogen; CH = carcinogenic to humans; D = not classifiable; Inl = inadequate information to assess carcinogenic potential.

## 2.4.5 Volatile Organic Compounds

Volatile organic compounds (VOCs) are regulated by the EPA to prevent the formation of ozone, a constituent of photochemical smog. Ground-level ozone is not emitted directly into the air but is created by chemical reactions between VOCs and NO<sub>x</sub> in the presence of sunlight. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NO<sub>x</sub> and VOCs. VOCs are also emitted from natural (or biogenic) sources, such as trees and plants.

## 2.4.6 Prevention of Significant Deterioration

The Prevention of Significant Deterioration (PSD) program of the Clean Air Act ensures that air quality in areas with clean air does not significantly deteriorate, while maintaining an allowable margin for future industrial growth. Under the PSD provisions of the Clean Air Act, incremental increases of specific pollutant concentrations are limited above a legally defined baseline level (Table 5). Many National Parks and Wilderness Areas are designated as Class I areas. The PSD program protects air quality within these areas by allowing only slight incremental increases in pollutant concentrations. Areas of Utah not designated as PSD Class I are classified as Class II. For Class II areas, greater incremental increases in ambient pollutant concentrations are allowed as a result of controlled growth. While the Clean Air Act allows for Class III designations, none have been designated.

**Table 5. Prevention of Significant Deterioration Classifications**

Class	Maximum Allowable Increase (µg/m³)							
	PM				SO <sub>2</sub>			NO <sub>2</sub>
	PM <sub>10</sub> Annual Arithmetic Mean	PM <sub>10</sub> 24-Hour Maximum	PM <sub>2.5</sub> Annual Arithmetic Mean	PM <sub>2.5</sub> 24-Hour Maximum	Annual Arithmetic Mean	24-Hour Maximum	3-Hour Maximum	Annual Arithmetic Mean
Class I	4	8	1	2	2	5	25	2.5
Class II	17	30	4	9	20	91	512	25
Class III	34	60	8	18	40	182	700	50

## 2.5 Air Quality Related Values

Air quality related values (AQRVs) are defined as resources that may be impaired by changes in air quality. The most notable examples of AQRVs are visibility and atmospheric deposition that can affect the scenic, cultural, physical, biological, ecological, and/or recreational areas of a region.

### 2.5.1 Closest Class I Areas and Distances to Planning Area Boundary

As described under the PSD program, the Clean Air Act gives special air quality and visibility protection to National Parks larger than 6,000 acres and Wilderness Areas larger than 5,000 acres that were in existence when the act was amended in 1977, or additional areas such as National Monuments and wildlife refuges that have since been designated by Federal regulation. Class I areas within 62 miles (100 kilometers) of the Planning Area boundary are shown in Table 6.

**Table 6. Class I Areas**

Class I Area	Federal Land Manager	Approximate Distance to Planning Area Boundary
Canyonlands National Park, Utah	NPS	0 mile
Arches National Park, Utah	NPS	30 miles
Mesa Verde National Park, Colorado	NPS	60 miles

Source: 40 Code of Federal Regulations 81.43.

### 2.5.2 Nearest Sensitive Class II Areas and Distances to Planning Area Boundary

Class II areas are the remaining areas in the United States (outside of nonattainment and maintenance areas) that are not Class I. Federal land managers may identify Class II lands under their jurisdiction that are sensitive to the effects of air pollution. These areas are referred to as sensitive Class II areas and may include Wilderness Areas, National Wildlife Refuges, National Monuments, National Historical Parks, and National Recreation Areas that were not formally designated as Class I areas. Sensitive Class II areas have not been identified by Federal land managers for the Bears Ears Monument Plan and Environmental Impact Statement; however, potential sensitive Class II areas within 62 miles (100 kilometers) of the proposed Bears Ears National Monument are shown in Table 7.

**Table 7. Sensitive Class II Areas**

Class I Area	Federal Land Manager	Approximate Distance to Planning Area Boundary
Dark Canyon Wilderness Area, Utah	USFS	0 mile
Natural Bridges National Monument	NPS	4 miles
Glen Canyon National Recreation Area, Utah	NPS	20 miles

<b>Class I Area</b>	<b>Federal Land Manager</b>	<b>Approximate Distance to Planning Area Boundary</b>
Hovenweep National Monument, Utah	NPS	25 miles
Canyons of the Ancients National Monument, Colorado	BLM	25 miles

Source: 40 Code of Federal Regulations 81.43.

### **2.5.3 Visibility**

Visibility is the clarity with which distant objects are perceived and is affected by pollutant concentrations, plume impairment, regional haze, relative humidity, sunlight, and cloud characteristics.

Visibility can be expressed in terms of deciviews (dvs), a measure for describing perceived changes in visibility. One dv is defined as a change in visibility that is just perceptible to an average person, about a 10% change in light extinction. To estimate potential visibility impairment, monitored aerosol concentrations are used to reconstruct visibility conditions for each day monitored. These daily values are then ranked from clearest to haziest and divided into three categories to indicate: 1) the mean visibility for all days (average); 2) the 20% of days with the clearest visibility (20% clearest); and 3) the 20% of days with the worst visibility (20% haziest).

Visibility in Federal Class I areas is monitored through the Interagency Monitoring for the Protection of Visual Environments (IMPROVE) monitoring program. This program evaluates current visibility conditions and identifies chemical species and emission sources responsible for visibility impairment in Federal Class I areas. The IMPROVE network has operated a monitor in Canyonlands National Park, northwest of the Indian Creek Unit, since 1988.

### **2.5.4 Mean Visual Range**

Without the effects of human-made air pollution, a natural visual range would be nearly 140 miles in the western United States, while the current visual range is 35 to 90 miles (EPA 2018f).

### **2.5.5 Deposition**

Atmospheric deposition refers to the processes by which air pollutants are removed from the atmosphere and deposited on terrestrial and aquatic ecosystems and is reported as the mass of material deposited on an area (kilogram per hectare) per year. Atmospheric deposition can cause acidification of lakes and streams. One expression of lake acidification is a change in acid neutralizing capacity, the lake's capacity to resist acidification from atmospheric deposition. Acid neutralizing capacity is expressed in units of micro-equivalents per liter.

Wet deposition refers to air pollutants deposited by precipitation, such as rain and snow. One expression of wet deposition is precipitation pH, a measure of the acidity or alkalinity of the precipitation. There are five National Atmospheric Deposition Program (NADP) stations in Utah: Logan, Murphy Ridge, Green River, Bryce Canyon National Park, and Canyonlands National Park. The NADP stations in Bryce Canyon National Park and Canyonlands National Park have assessed precipitation chemistry since 1985 and 1997, respectively.

Dry deposition refers to the transfer of airborne gaseous and particulate material from the atmosphere to the Earth's surface. The Clean Air Status and Trends Network (CASTNET) has measured dry deposition of ozone, sulfur dioxide, nitric acid, sulfate, nitrate, and ammonium, in the United States since the late 1980s. There is one CASTNET station in Utah at Canyonlands National Park.



## 2.6 Current Conditions

### 2.6.1 *Criteria Pollutants Defined*

**Carbon monoxide.** CO is a colorless, odorless gas that can be harmful when inhaled in large amounts. The greatest sources of CO to outdoor air are cars, trucks, and other vehicles or machinery that burn fossil fuels. Breathing air with a high concentration of CO reduces the amount of oxygen that can be transported in the bloodstream to critical organs like the heart and brain. Very high levels of CO are not likely to occur outdoors. However, when CO levels are elevated outdoors, they can be of concern for people with some types of heart disease (EPA 2018g).

**Nitrogen dioxide.** NO<sub>2</sub> is one of a group of highly reactive gases known as oxides of nitrogen or nitrogen oxides (NO<sub>x</sub>). NO<sub>2</sub> is used as the indicator for the larger group of NO<sub>x</sub>. NO<sub>2</sub> and other oxides of nitrogen react with chemicals in the air to form both PM and ozone. NO<sub>2</sub> occurs primarily in the air from the burning of fuel; it forms from emissions from cars, trucks and buses, power plants, and off-road equipment. Breathing air with a high concentration of NO<sub>2</sub> can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases—particularly asthma—leading to respiratory symptoms. Longer exposures to elevated concentrations may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. People with asthma, as well as children and the elderly, are generally at greater risk for the health effects of NO<sub>2</sub> (EPA 2018g).

**Ozone.** Ground-level ozone is not emitted directly into the air but is created by chemical reactions between nitrogen oxides and volatile organic compounds in the presence of sunlight. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NO<sub>x</sub> and VOCs. Breathing ozone can trigger a variety of health problems, particularly for children, the elderly, and people of all ages who have lung diseases such as asthma. Ground level ozone can also have harmful effects on sensitive vegetation and ecosystems (EPA 2018g).

**Sulfur Dioxide.** The NAAQS for SO<sub>2</sub> are designed to protect against exposure to the entire group of sulfur oxides (SO<sub>x</sub>). SO<sub>2</sub> is the component of greatest concern and is used as the indicator for the larger group of gaseous SO<sub>x</sub>. Emissions that lead to high concentrations of SO<sub>2</sub> generally also lead to the formation of other SO<sub>x</sub>. The largest sources of SO<sub>2</sub> emissions are from fossil fuel combustion at power plants and other industrial facilities. Other sources include industrial processes such as extracting metal from ore; natural sources such as volcanoes; and locomotives, ships, and other vehicles and heavy equipment that burn fuel with a high sulfur content. Short-term exposures to SO<sub>2</sub> can harm the human respiratory system and make breathing difficult. Children, the elderly, and those who suffer from asthma are particularly sensitive to these effects (EPA 2018g).

**Lead.** Sources of lead emissions vary from one area to another. At the national level, major sources of lead in the air are ore and metals processing and aircraft operating on leaded aviation fuel. Other sources are waste incinerators, utilities, and lead-acid battery manufacturers. The highest air concentrations of lead are usually found near lead smelters. Once inhaled or ingested, lead distributes throughout the body in the blood and is accumulated in the bones. Depending on the level of exposure, lead can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems, and the cardiovascular system. The lead effects most commonly encountered in current populations are neurological effects in children and cardiovascular effects in adults. Infants and young children are especially sensitive to even low levels of lead. Levels of lead in the air decreased by 98% between 1980 and 2014 as a result of regulatory efforts, including the removal of lead from motor vehicle gasoline (EPA 2018g).

**PM<sub>10</sub> and PM<sub>2.5</sub>.** PM includes a mixture of solid particles and liquid droplets found in the air. These particles come in many sizes and shapes and can be made up of hundreds of different chemicals. Some are emitted directly from a source, such as construction sites, unpaved roads, fields, smokestacks, or fires. Most particles form in the atmosphere as a result of complex reactions of chemicals such as SO<sub>2</sub> and NO<sub>x</sub>, which are pollutants emitted from power plants, industries, and automobiles. Ammonia is one such chemical

that reacts with SO<sub>x</sub> and NO<sub>x</sub>, creating ammonium sulfate and ammonium nitrate, and is a leading contributor to PM nonattainment in parts of Utah and Idaho. The primary source of ammonia is agriculture, where it is used as a fertilizer and is also results from animal waste. PM contains microscopic solids or liquid droplets that can be inhaled and cause serious health problems. Particles less than 10 micrometers in diameter pose the greatest problems because they can get deep into your lungs, and some may even get into your bloodstream. Fine particles (PM<sub>2.5</sub>) are the main cause of reduced visibility (haze) in parts of the United States, including areas that are valued for their pristine nature, such as National Parks and Wilderness Areas (EPA 2018g).

### **2.6.2 Hazardous Air Pollutants Defined**

The U.S. Congress amended the Federal Clean Air Act in 1990 to address a large number of air pollutants that are known to cause or may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects. Congress initially identified 188 specific pollutants and chemical groups as HAPs and has modified the list over time.

The Clean Air Act requires control measures for HAPs. National emissions standards for HAPs are issued by the EPA to limit the release of specified HAPs from specific industrial sectors. These standards are technology based, meaning that they represent the maximum achievable control technology that is economically feasible for an industrial sector.

The Clean Air Act defines a major source for HAPs to be one emitting 10 tons per year of any single hazardous air pollutant or 25 tons per year of any combination of HAPs.

### **2.6.3 Volatile Organic Compounds Defined**

VOCs are any compound of carbon, excluding CO, CO<sub>2</sub>, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

### **2.6.4 Airsheds**

Airsheds are geographic areas that, because of topography, meteorology, and/or climate, are frequently affected by the same air mass. Additionally, airsheds are areas subject to similar air pollution conditions. The vertical extent of an airshed typically extends from ground level upwards to the boundary layer, although variations in the temperature profile, topography, and vertical mixing may alter the height of an airshed. The airshed concept is a means for evaluating the local and regional air quality effects of an air pollutant source.

### **2.6.5 Emissions Sources Identified**

Regional air quality is influenced by a combination of factors, including climate, meteorology, the magnitude and spatial distribution of local and regional air pollution sources, and the chemical properties of emitted pollutants. Within the lower atmosphere, regional and local scale air masses interact with regional topography to influence atmospheric dispersion and the transport of pollutants.

The BLM Canyon Country District has existing sources of air pollution that emit ozone precursor gases and PM, the two primary pollutants of concern near the Shash Jáa and Indian Creek Units. Ozone is a regional problem typical in the western States, as precursor gases (NO<sub>x</sub> and VOCs) from forest fires, shipping lanes, electric power generation, oil and gas production, and a conglomerate of other sources combine under certain meteorological conditions to form ozone. PM is another issue during dust storms or when kicked up from other activities in this dry region and is the major contributor to the PM issue as emissions shown in Table 2.

Prescribed fire and naturally caused fires are sources of air pollutants in the Planning Area. Prescribed burning is a useful tool for resource management and may be used to achieve a variety of objectives, such as restoring a fire-dependent ecosystem, enhancing forage for cattle, improving wildlife habitat, preparing sites for reforestation, or reducing hazardous fuel loads. However, fire, for any of these reasons, will produce smoke and other air pollutants.

Short-term effects on air quality from prescribed burns include a general increase in PM and ozone precursor emissions. Land managers recognize that smoke management is critical to avoid air quality intrusions over sensitive areas or visibility problems. Vegetation management is an active part of fire management techniques, and long-term effects of prescribed burning include a reduction in PM and ozone precursor emissions specific to wildfire. As a result of careful management, there is usually less smoke from a prescribed fire than from a wildfire burning over the same area.

Any smoke emissions resulting from prescribed burning projects or treatments in the Shash Jáa and Indian Creek Units are managed in compliance with guidelines in the Utah Smoke Management Plan and interagency group program. Active group participants include various Federal and State agency land managers and the UDAQ. The purpose of this program and the Utah Smoke Management Plan is to ensure the implementation of mitigation measures to reduce the impacts on public health and safety and visibility from prescribed fire and wildland fire used for resource benefits. Compliance with the Utah Smoke Management Plan is the primary mechanism for land managers to implement prescribed burns while ensuring compliance with the Clean Air Act.

Regional PM<sub>10</sub> and PM<sub>2.5</sub> levels are likely a result of fugitive dust sources. The BLM regularly authorizes projects that, without adequate mitigation measures applied, would have the potential to raise levels of fugitive dust. Locations vulnerable to decreasing air quality include the immediate operation areas around surface-disturbing activities such as energy and mineral development, construction of major rights-of-way (ROW) projects, farm tilling, and local population centers affected by residential and light industrial emissions. Fugitive dust is likely to occur naturally across the Planning Area during high-wind events. Areas such as dry lakebeds, deserts, dunes, and recovering wildfire areas are prone to high-wind dust events.

### ***2.6.6 Attainment/Nonattainment/Maintenance Areas***

As described in Section 2, all of the Planning Area is in attainment or unclassifiable for each of the NAAQS.

### ***2.6.7 Conformity Analysis***

Section 176(c) of the Clean Air Act requires that Federal actions conform to the appropriate State Implementation Plan (SIP). A SIP is a plan developed at the State level that provides for the implementation, maintenance, and enforcement of NAAQS and is enforceable by the EPA. The EPA has promulgated rules establishing conformity analysis procedures for transportation-related actions and other general Federal agency actions (40 Code of Federal Regulations Parts 6, 51, and 93). The EPA general conformity rule requires preparation of a formal conformity determination document for Federal agency actions that are undertaken, approved, or funded in Federal nonattainment or maintenance areas when the total net change in direct and indirect emissions of nonattainment pollutants (or their precursors) exceed specified thresholds. Because the Planning Area is not in a maintenance or nonattainment area, Clean Air Act conformity guidelines do not apply.

### ***2.6.8 Air Pollutant Concentration Monitoring***

Air pollutant concentration monitoring for the Planning Area was included as Table 3. The UDAQ issues annual air pollutant concentration monitoring reports.

## 2.6.9 Prevention of Significant Deterioration

### 2.6.9.1 NEARBY CLASS I AREAS

Class I areas were included as Table 6.

### 2.6.9.2 SENSITIVE CLASS II AREAS

Sensitive Class II areas were included as Table 7.

## 2.6.10 Locations of Sensitive Air Quality Areas within and Outside the Planning Area

Sensitive air quality areas include Canyonlands National Park, adjacent to the Indian Creek Unit to the west; the Dark Canyon Wilderness Area, in the Manti-La Sal National Forest between the Shash Jáa and Indian Creek Units; the Glen Canyon National Recreation Area, located west of Canyonlands National Park; Hovenweep National Monument, located approximately 25 miles east of the Indian Creek Unit; and Natural Bridges National Monument, located west of the Shash Jáa Unit, west of the Manti-La Sal National Forest.

### 2.6.11 Sensitive Populations

Populations that may be sensitive to air quality include children, the elderly, and people with asthma or other cardiovascular issues. There are no sensitive populations who reside in the Planning Area. Nearby sensitive populations may be found in the communities surrounding the Planning Area, and sensitive populations may visit the Planning Area. Trends

Federal agencies have collected data near the Shash Jáa and Indian Creek Units related to pollution concentrations, visibility, and atmospheric deposition. Trends data is provided for each of these areas below.

### 2.6.12 Air Pollutant Concentration Monitoring

Data collected at Canyonlands National Park, Zion National Park, and Mesa Verde National Park show that recent ozone concentrations near the Planning Area remain below the NAAQS (Figure 1).

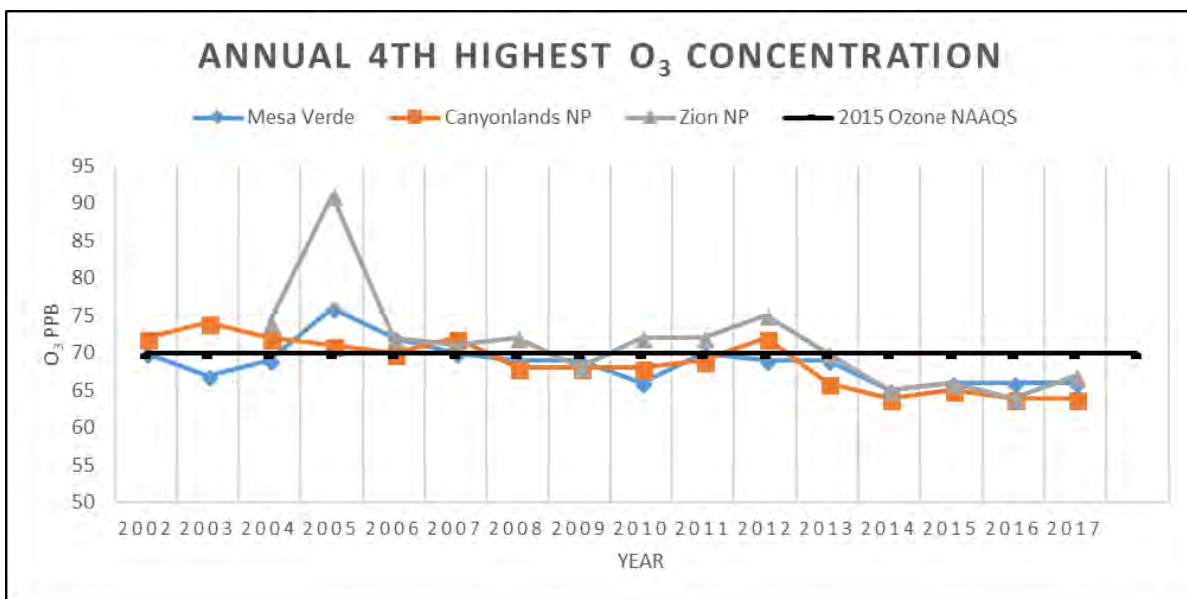


Figure 1. Regional ozone concentrations and 2015 8-hour ozone National Ambient Air Quality Standards.

The trend from 2002 through 2017 shows a decrease in ozone concentrations at these National Parks. However, while current ozone concentrations are below the NAAQS, they are still near the standard, and the historic data record shows concentrations that would exceed the current ozone standard.

No other criteria pollutant concentrations are monitored in or near the Planning Area.

### 2.6.13 Air Quality and Air Quality Related Values

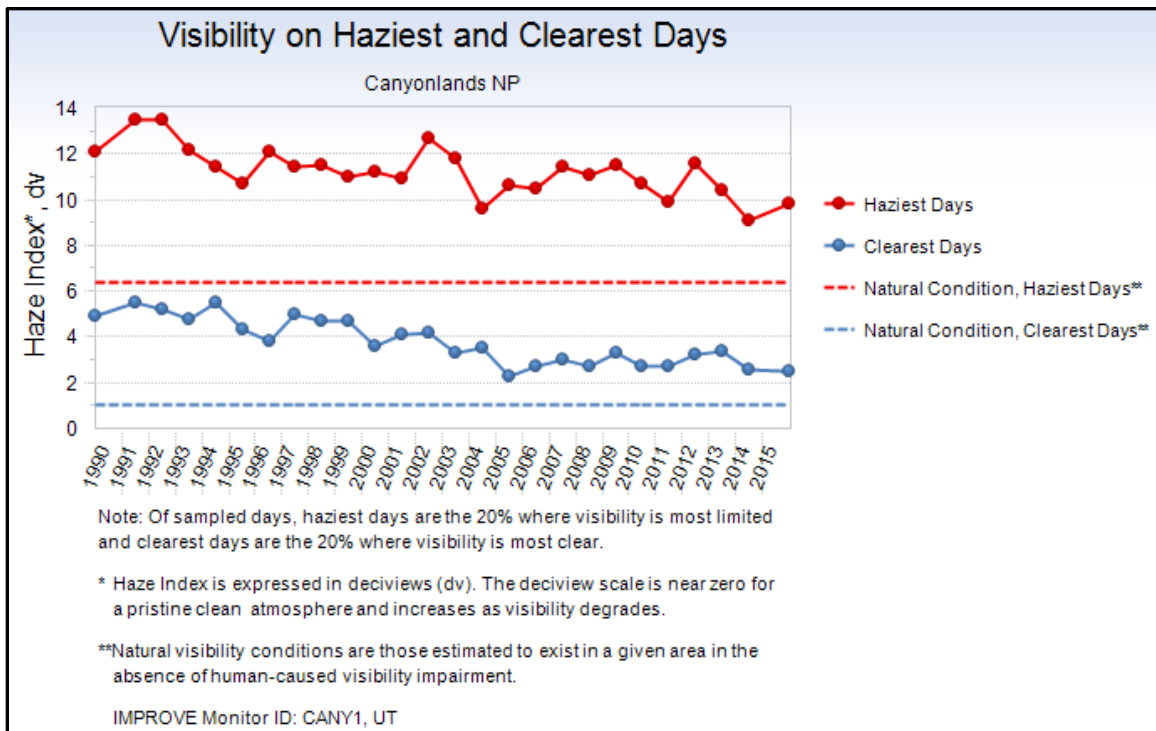
**Visibility.** Visibility trends data are available from the NPS for Canyonlands National Park, adjacent to the Planning Area. For 1988–2015, the trend in visibility at Canyonlands National Park improved on both the 20% clearest days and the 20% haziest days (Table 8, Figure 2). The Clean Air Act visibility goal requires visibility improvement on the 20% haziest days, with no degradation on the 20% clearest days.

While some visibility impairments are the result of natural sources such as windblown dust and soot from wildfires, which cannot be controlled, human-made sources of pollution can also impair visibility. These include motor vehicles (organic carbon), electric utility and industrial fuel burning (sulfates and particulates), and manufacturing operations (sulfates and fine PM [i.e., dust]). Visibility in Canyonlands National Park is most influenced by sulfates, fine PM, and organic carbon (NPS 2018). The visibility improvements seen over the past decades are the result of implementing State and Federal stationary and mobile source regulations.

**Table 8. Long-term Trends in Annual Deciview (dv) on Clearest and Haziest Days**

Park	Clearest Days		Haziest Days		Number of Valid Years	First Year of Data	Last Year of Data
	Slope (dv/year)	Statistically Significant	Slope (dv/year)	Statistically Significant			
Canyonlands National Park	-0.12	Yes	-0.10	Yes	25	1990	2015

Source: NPS 2018.



**Figure 2. Canyonlands National Park visibility trends (1998–2015).**

**Atmospheric Deposition.** Total deposition refers to the sum of airborne material transferred to the Earth's surface by both wet and dry deposition. The primary gases involved with inorganic nitrogen deposition include ammonia, NO<sub>x</sub>, and nitric acid, while the primary particles are nitrate and ammonium. Total nitrogen deposition is calculated by summing the nitrogen portion of the wet and dry deposition of nitrogen compounds, and total sulfur deposition is calculated by summing the sulfur portion of the wet and dry deposition of sulfur compounds.

Total deposition has been measured at Canyonlands National Park from 1995 through 2009. Total nitrogen deposition has ranged from 1.7 to 2.2 kilograms/hectare-year since 1996. Total nitrogen deposition of 3 kilograms/hectare-year represents the total pollution loading where acidification is unlikely and “below which a land manager can recommend a permit be issued for a new source unless data are available to indicate otherwise” (Fox et al. 1989).

Table 9 provides long-term trends in wet-deposition concentration. Nitrate deposition to terrestrial systems can cause chemical alterations to soil, affecting microorganisms and native vegetation. Ammonium concentrations for Canyonlands National Park indicates a statistically significant degrading trend. Nitrate deposition at the park shows a statistically significant improvement. Canyonlands National Park also indicates a statistically significant improving air quality trend for sulfate concentrations.

**Table 9. Long-term Trends in Deposition**

Park	Ammonium		Nitrate		Sulfate		Date Range
	Slope (meq/liter/yr)	Significant	Slope (meq/liter/year)	Significant	Slope (meq/liter/year)	Significant	
Canyonlands National Park	0.33	Yes	-0.6	Yes	-0.28	Yes	1998-2015

Source: NPS 2018.

Note: Meq/liter/yr = milliequivalents per liter per year.

## 2.7 Forecast

### 2.7.1 Air Quality and Air Quality Related Values

Currently, air quality is good within the Planning Area; however, because the EPA is continually reassessing air quality standards, compliance may be harder to achieve in the future, making constant and effective planning and management for the control of specific project pollutant emissions more challenging.

The forecast for the Planning Area is for increased tourism and recreation. The increased travel to the area will result in increased fuel consumption, with the trend for increased levels of VOCs, CO, ground-level ozone, and sulfur oxide emissions. With increased vehicular recreation in the region and demand for utility-scale ROWs, fugitive dust will likely increase across the Planning Area. Fugitive dust will also increase if climate change yields warmer and drier conditions. If, as some predict, increased precipitation accompanies climate change, the increase in precipitation might help to mitigate temperature increases, resulting in a less radical increase in fugitive dust.

### 2.7.2 Agency Activities

Two primary features related to air quality in the Planning Area are ozone and fugitive dust. While ozone concentration levels are currently below the NAAQS and trending downward, they have in the past exceeded the current NAAQS of 0.07 ppm. The planning area is prone to high winds from the south and southwest in the spring and summer seasons. Fugitive dust from wildfire areas is also a concern.

The BLM and USFS regularly authorize projects that have the potential to raise levels of fugitive dust, PM<sub>10</sub>, and PM<sub>2.5</sub>. Locations vulnerable to decreasing air quality include the immediate operation area around surface-disturbing activities such as energy and minerals development, the construction of major ROW

projects, farm tilling, and local population centers affected by residential and light industrial emissions. Avoiding areas with sensitive soils prone to blowing and identifying and implementing best management practices and other mitigation measures are key to minimizing fugitive dust.

Another key feature for air quality are areas that have been designated as Class I or sensitive Class II under the PSD program. There is one Class I area near the Planning Area (Canyonlands National Park, under the administration of the NPS) and three sensitive Class II areas (Natural Bridges National Monument, under the administration of the NPS; Dark Canyon Wilderness Area, under the administration of the Manti-La Sal National Forest; and Hovenweep National Monument, under the administration of the BLM).

## **3 CLIMATE, CLIMATE CHANGE, AND METEOROLOGY**

### **3.1 Climate Indicators**

#### ***3.1.1 Climate***

Climate is the composite of generally prevailing weather conditions of a particular region throughout the year, averaged over a series of years. A region's climate is affected by its latitude, terrain, and altitude, as well as nearby waterbodies and their currents. Climate is both a driving force and a limiting factor for biological, ecological, and hydrologic processes, as well as for resource management activities such as disturbed site reclamation, wildland fire management, drought management, rangeland and watershed management, and wildlife habitat administration.

#### ***3.1.2 Climate Change***

Climate change is defined by the Intergovernmental Panel on Climate Change (IPCC) as "a change in the state of the climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or the variability of its properties, and persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external forcing such as modulations of the solar cycles, volcanic eruptions and persistent anthropogenic changes in the composition of the atmosphere or in land use" (IPCC 2013).

#### ***3.1.3 Greenhouse Gases and the Greenhouse Effect***

Greenhouse gases (GHGs) are chemical compounds in the Earth's atmosphere. Through complex interactions on a regional and global scale, these GHG emissions cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy radiated by the Earth back into space.

Some GHGs occur both naturally and through human activities, while others are created and emitted solely through human activities. Naturally occurring GHG compounds are carbon dioxide (CO<sub>2</sub>), methane, nitrous oxide (N<sub>2</sub>O), ozone, and water vapor. CO<sub>2</sub>, methane, and N<sub>2</sub>O are produced naturally by the following processes:

- Respiration and other physiological processes of plants, animals, and microorganisms
- Decomposition of organic matter
- Volcanic and geothermal activity
- Naturally occurring wildfires
- Natural chemical reactions in soil and water

CO<sub>2</sub>, methane, and N<sub>2</sub>O are also produced by industrial processes, motor vehicles and other transportation sources, urban development, agricultural practices, and other human activities.

## 3.2 Current Conditions

### 3.2.1 *Climate of the Ecoregion and Planning Area*

**Climate of the Colorado Plateau Ecoregion.** Ecoregions are large areas of similar climate where ecosystems recur in predictable patterns. The Planning Area is within the Colorado Plateau ecoregion. The Colorado Plateau ecoregion covers the southeastern half of Utah, western Colorado, northern New Mexico, and northwestern Arizona. A Rapid Ecoregional Assessment (REA) has been completed for the Colorado Plateau. The REA is important because it is the primary source of climate change assessment information related to the Planning Area.

The climate of the Colorado Plateau varies from north to south and from low to high elevations. In the north, the climate is closely tied to that of the Great Basin. Summers are hot with infrequent afternoon thunderstorms that tend to focus mostly on higher elevation areas. In the south, peak precipitation occurs in the winter and again in the summer because of moisture from southern monsoonal weather patterns. Spring and fall are generally the driest periods. Annual precipitation amounts are less than 10 inches at the middle and lower elevations, while areas above 8,000 feet receive over 20 inches of precipitation. The few and highly scattered mountains that reach elevations near or over 11,000 feet can receive nearly 36 inches of precipitation. Temperatures also vary considerably in the ecoregion. In the southern and lower elevations, temperatures range from approximately 20 to 25° F in the winter to approximately 95° F in the summer. At middle and upper elevations, temperatures range from the low 60s and 70s in the summer, to the single digits and low teens in the winter.

**Climate of the Planning Area.** The Shash Jáa and Indian Creek Units are located in the Colorado Plateau physiographic province, which is located in southeastern Utah.

### 3.2.2 *Precipitation (Rainfall and Snowfall)*

The average annual precipitation of the Planning Area is 13.9 inches, with higher elevations receiving more precipitation. In the higher elevations, precipitation comes in the form of snow, with large accumulations in the late fall and winter. Snowmelt in the higher elevations is generally complete by mid- to late June. Afternoon thunderstorms, often resulting in flash flooding, are common from late spring through early fall. Across the Planning Area, summer precipitation is often in the form of short, intermittent thunderstorms, while winter precipitation results in an accumulated snowpack that infiltrates the soil and recharges aquifers. Precipitation data collected from 1889 through 2012 for four locations in the Planning Area are displayed in Table 10 (WRCC 2018).

**Table 10. Precipitation Data for Five Locations in the Region**

Station	Mean Winter	Mean Spring	Mean Summer	Mean Fall	Annual Mean	Annual High	Annual Low	Snowfall Annual Mean
Moab	2.0	2.3	2.1	2.6	9.0	16.4	4.3	10.0
Monticello	3.8	3.0	4.1	4.3	15.2	23.1	6.6	62.7
Blanding	4.0	2.6	3.0	3.8	13.3	24.4	4.9	38.3
Bluff	2.2	1.5	1.8	2.4	7.8	15.7	3.0	8.2
Natural Bridges National Monument	2.8	2.6	3.3	3.7	12.4	19.8	6.5	40.1

Note: Precipitation in inches.



### 3.2.3 Topography

The Shash Jáa Unit is generally bounded by the cliff rim just east of the Butler Wash Road (Road B262), the San Juan River to the south, the Wilderness Study Areas of Cedar Mesa to the west, the Bears Ears Buttes to the northwest, and South Long Point and Milk Ranch Point to the north. The Indian Creek Unit is bounded in general terms by the Abajo Mountains to the south, Canyonlands National Park to the west, Lockhart Basin to the north, and the Harts Point Road (B121) to the east. Elevations range from 4,200 feet at the San Juan River to 9,008 feet on the East Butte of the Bears Ears Buttes, located on the Manti-La Sal National Forest.

### 3.2.4 Seasonal Temperatures

The two Units experience wide temperature variations between seasons; temperatures also vary widely with altitude. Summer high temperatures in the upper elevations often reach 85 °F, with lows in the 50s. Lower elevation high temperatures can reach over 100 °F. Winters are cold, with highs averaging 30 °F to 50 °F, and lows averaging 0 °F to 20 °F. Precipitation data collected from 1889 through 2012 for four locations in the Planning Area are displayed in Table 11 (WRCC 2018).

**Table 11. Temperature (°F) Data for Five Locations in the Region**

Station	General Location	Elevation (feet)	Summer Mean High	Summer Mean Low	Winter Mean High	Winter Mean Low	Extreme High	Extreme Low
Moab	Northeast of Indian Creek	4,025	95.4	60.1	45.9	21.1	114.0	-24.0
Monticello	Southeast of the Indian Creek Unit and northeast of the Shash Jáa Unit	6,820	80.9	50.5	37.6	16.1	101	-22.0
Blanding	East of the north end of the Shash Jáa Unit	6,040	86.2	55.2	41.8	19.7	110	-23
Bluff	East of the south end of the Shash Jáa Unit	4,318	93.5	59.1	45.9	20.4	109	-22
Natural Bridges National Monument	West of the Shash Jáa Unit	6,510	86.4	56.5	41.6	20.3	103	-14.0

### 3.2.5 Prevailing Wind Speed and Direction

Prevailing wind speeds for the Shash Jáa and Indian Creek Units rarely exceed 5 meters per second and vary seasonally in direction. Wind direction closer to Monticello is highly influenced by the local terrain; in the City of Monticello, located on the flanks of the Abajo Mountains, the winds predominately blow from the south or southwest. Because wind patterns in the area vary widely by seasons and the local terrain, the dispersion and transport of air pollutants varies in this region, depending on the location. Table 12 contains the average wind speed and prevailing wind direction by month for Moab's Canyonlands Field Airport in Grand County, approximately 40 miles north of the Indian Creek Unit.

**Table 12. Average Wind Speed (miles per hour) and Prevailing Wind Direction**

Station	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
Moab Canyonland Airport (1998-2006)	4.0	5.2	6.9	9.2	8.9	8.7	7.2	6.8	6.3	5.4	4.4	3.7	6.3
Canyonlands Field Airport	NW	W	W	W	W	SW	SE	E	W	W	W	NW	W

Source: Midwestern Regional Climate Center (MRCC) 2018.

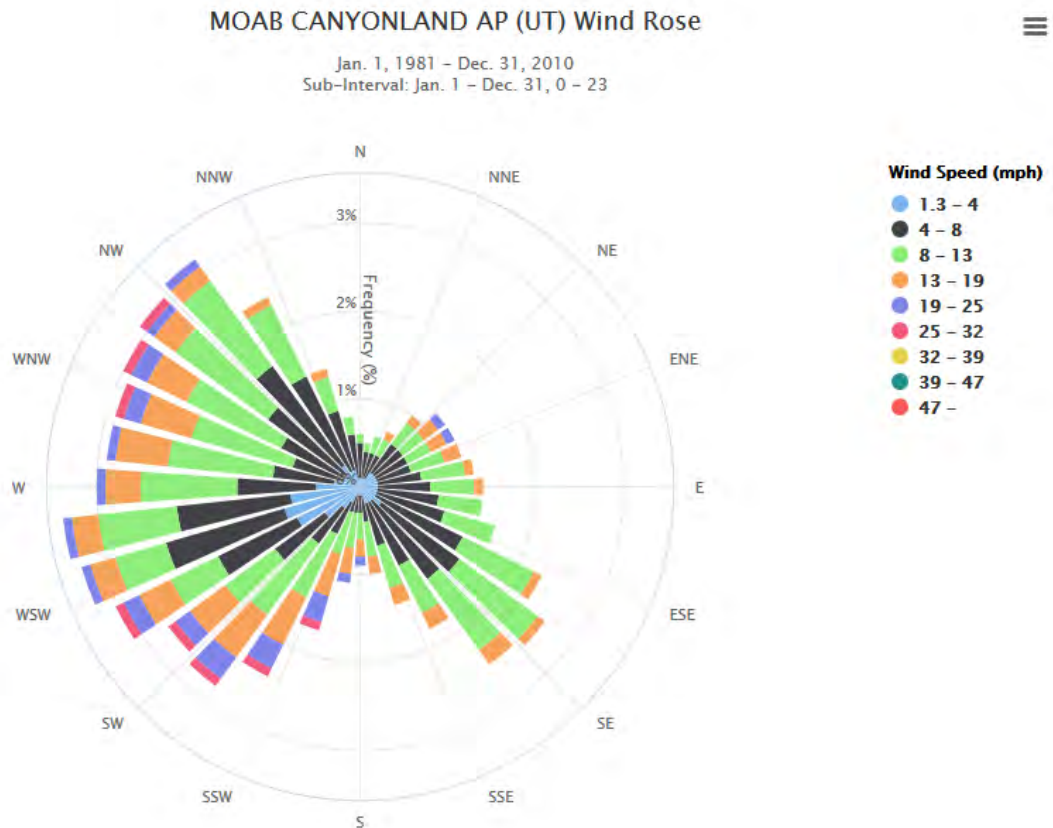
Note: E = east; NW = northwest; SE = southeast; SW = southwest; W = west.

### 3.2.6 Long-Term Climate Record Tables for Nearby Stations

Tables 10 and 11 provide information on precipitation and temperatures near the Planning Area for the period of record for those stations.

### 3.2.7 Wind Roses of Local Stations

A wind rose is a graphical representation of how wind speed and direction are typically distributed at a particular location. The wind rose for Canyonlands Field Airport, the nearest station location to the Planning Area for which wind data are available, is shown in Figure 3 (MRCC 2019).



**Figure 3. Canyonlands Field Airport wind rose.**

### **3.2.8 Climate Change Synopsis**

The consensus of scientific research is that increasing levels of GHG emissions are affecting global climate. Through a complex set of interactions, both on a regional and global scale, GHGs in the atmosphere have been known to cause a net warming effect of the atmosphere by decreasing the amount of heat energy radiating back to Earth from space. GHG levels have varied for millennia but have increased along with variations in climatic conditions as a result of the burning of fossil fuel from sources associated with human-made industrial processes.

Climate change can contribute to effects such as a rise in sea levels; changes in regional temperature and historic rainfall patterns; and changes in the frequency, severity, and duration of weather events. Observed climate change has impacted natural and human systems regardless of cause, implicating the sensitivity of natural and human systems to changing climate (IPCC 2013).

The *Fourth National Climate Assessment (NCA4)* was published in November 2018 (U.S. Global Change Research Program 2018). The NCA4 was written to help inform decision makers, utility and natural resource managers, public health officials, emergency planners, and other stakeholders by providing a thorough examination of the effects of climate change in the United States. The National Oceanic and Atmospheric Administration (NOAA) summarizes some of the key findings of the report by stating that the United States is increasingly vulnerable to climate change, and, although societal responses to climate change have expanded, they are not yet at the scale needed to avoid substantial impacts (NOAA 2018). Compared to previous reports, the NCA4 provides greater detail on regional scales because impacts and adaptation tend to be realized at a more local level.

The Southwest region (Arizona, California, Colorado, New Mexico, Nevada, and Utah) encompasses diverse ecosystems, cultures, and economies, reflecting a broad range of climate conditions including the hottest and driest climate in the United States. The average annual temperature of the Southwest increased 1.6° F (0.9°C) between 1901 and 2016. Moreover, the region recorded more warm nights and fewer cold nights between 1990 and 2016, including an increase of 4.1° F (2.3° C) for the coldest day of the year. Each national climate assessment report has consistently identified drought, water shortages, and loss of ecosystem integrity as major challenges that the Southwest confronts under climate change. Since the last assessment, published field research has provided even stronger detection of hydrological drought, tree death, wildfire increases, sea level rise and warming, oxygen loss, and acidification of the ocean that have been statistically different from natural variation, with much of the attribution pointing to human-caused climate change (U.S. Global Change Research Program 2018).

### **3.2.9 Sources of Greenhouse Gas Emissions**

In the Planning Area, as in most of the United States, GHG emissions (primarily CO<sub>2</sub> and N<sub>2</sub>O) result mainly from the combustion of fossil fuels in energy use. Energy use is largely driven by economic growth, with short-term fluctuations in its growth rate created by weather patterns that affect heating and cooling needs and changes in the fuel used in electricity generation. Another GHG, methane, comes from landfills, coal mines, oil and natural gas operations, and agricultural operations, including livestock grazing. The breakdown of GHG emissions by source is shown in Figure 4 (EPA 2018h).

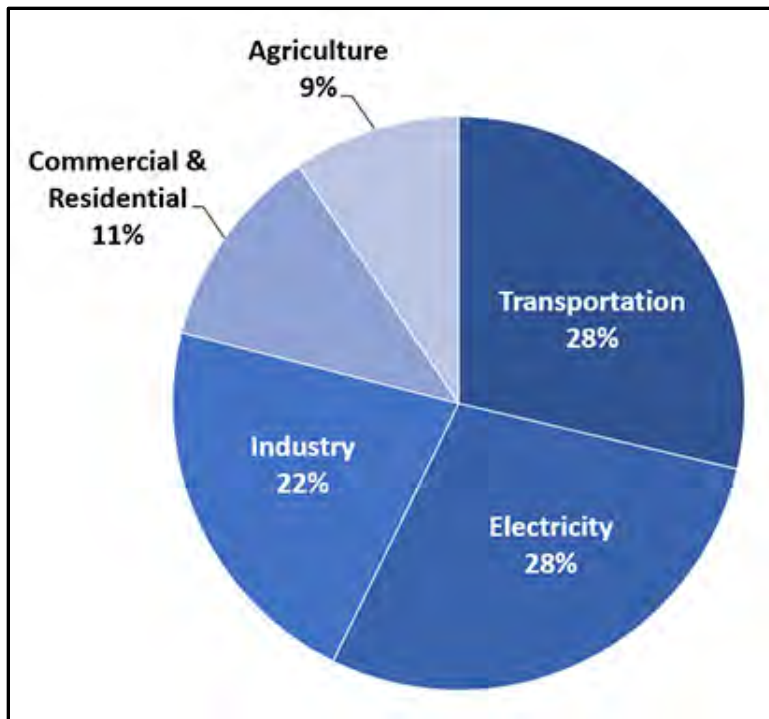


Figure 4. Total U.S. greenhouse gas emissions by economic sector in 2016.

Activities in the Planning Area that generate emissions of GHGs include the recreational use of combustion engines and seasonal wildfires that can produce large amounts of CO<sub>2</sub> and methane.

In contrast, other activities can help sequester carbon emissions through the management of native vegetation, favoring perennial grasses that increase vegetative cover, reducing fuels from fire, and building organic carbon in the soil that act as carbon sinks.

### 3.2.10 Global Warming Potential

Global warming potential (GWP) was developed to allow comparisons of the global warming impacts of different GHGs (EPA 2018h). Specifically, it is a measure of how much energy the emissions of 1 ton of a GHG will absorb over a given period of time, relative to the emissions of 1 ton of CO<sub>2</sub>. GHGs are presented using the unit of metric tons of CO<sub>2</sub> equivalent (MT CO<sub>2e</sub>), a metric to express the impact of each different GHG in terms of the amount of CO<sub>2</sub>, making it possible to express GHGs as a single number. The GWP accounts for the intensity of each GHG's heat-trapping effect and its longevity in the atmosphere. The GWP provides a method to quantify the cumulative effects of multiple GHGs released into the atmosphere by calculating CO<sub>2e</sub> for the GHGs.

The GWP of each GHG is shown in Table 13 (IPCC 2013).

Table 13. Greenhouse Gases and Their Global Warming Potential Values (100-year time horizon)

GHG	CO <sub>2</sub>	Methane	N <sub>2</sub> O	Hydrofluoro-carbons	Perfluoro-carbons	Sulfur Hexafluoride
GWP	1	28	265	Up to 12,400	7,190–11,100	23,500

According to the IPCC, GWP values typically have an uncertainty of ±35%. GWP values may be updated in the future as new science reduces the uncertainty. GWPs have been developed for several GHGs over different time horizons, including the 20-year, 100-year, and 500-year horizons. The choice of emission metric and time horizon depends on type of application and policy context; hence, no single metric is

optimal for all policy goals. The 100-year GWP was adopted by the United Nations Framework Convention on Climate Change and its Kyoto Protocol and is now used widely as the default metric. In addition, the EPA uses the 100-year time horizon in its Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2016 GHG Reporting Rule requirements under 40 CFR Part 98 Subpart A.

### 3.2.11 Greenhouse Gas Emissions Estimates by U.S. State (percent of national carbon dioxide equivalent)

Global, U.S., and Utah emissions are shown in Table 14.

**Table 14. 2014 Global, U.S., and Utah Emissions (MT CO<sub>2e</sub>)**

	2014 GHG Emissions
Global	45,740.70
National	6,371.10
Utah	77.58
% of National Emissions	1.22

Source: CAIT Climate Data Explorer 2015.

### 3.2.12 Greenhouse Gas Emissions and Carbon Sequestration on Federal Lands

In November 2018, the U.S. Geological Survey (USGS) published a report on GHG emissions and sinks (carbon storage) on Federal lands (USGS 2018).

In 2014, fossil fuel extraction and combustion on Federal land nationally produced emissions of 1,279.0 million metric tons (MMT) CO<sub>2e</sub> of CO<sub>2</sub>, 47.6 MMT CO<sub>2e</sub> of methane, and 5.5 MMT CO<sub>2e</sub> of N<sub>2</sub>O. GHG emissions from fossil fuel extraction and combustion on Federal lands in Utah were 43.1 MMT CO<sub>2e</sub> of CO<sub>2</sub> and 3.5 MMT CO<sub>2e</sub> of methane (USGS 2018).

In 2014, carbon storage on Federal lands in the conterminous United States (not including Alaska and Hawaii) was 83,600 MMT CO<sub>2e</sub>. Soils stored 63% of carbon, with vegetation and dead organic matter storing 26% and 11%, respectively. The rate of net carbon uptake ranged from a sink (sequestration) of 475 MMT tons of CO<sub>2e</sub>/yr to a source (emission) of 51 MMT CO<sub>2e</sub>/yr due to changes in climate/weather, land use, land cover change, wild fire frequency, and other factors. Terrestrial ecosystems on Federal lands sequestered an average of 195 MMT CO<sub>2e</sub>/yr nationally between 2005 and 2014. In Utah, the annual average sequestration over the 10-year period was 8.6 MMT CO<sub>2e</sub>/yr (USGS 2018). By ratioing the acres of Federal lands in Utah (34,202,920 acres) (Congressional Research Service 2017) to the acres of federal land in the Monument (201,876 acres), Monument lands are assumed to sequester approximately 0.05 MMT CO<sub>2e</sub>/yr.

The 2014 net emissions of GHG for Federal lands in Utah was 25.2 MMT CO<sub>2e</sub>/yr, indicating that more GHGs were emitted than were sequestered.

## 3.3 Trends

### 3.3.1 Climate and Climate Change

GHGs are necessary to life because they keep Earth's surface warmer than it otherwise would be. However, as the concentrations of these gases continue to increase in the atmosphere, Earth's temperature is climbing above past levels. Continuing a long-term warming trend, globally averaged temperatures in 2017 were 0.90°C (1.62°F) warmer than the 1951 to 1980 mean (National Aeronautics and Space

Administration, Goddard Institute for Space Studies 2018), and second only to global temperatures in 2016. Global temperatures in 2017 (for the third consecutive year) were also more than 1.0°C (1.8°F) above late nineteenth-century levels. The IPCC concluded that “warming of the climate system is unequivocal” and “[i]t is extremely likely that more than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increases in greenhouse gas concentrations and other anthropogenic forcings together” (IPCC 2013). Other aspects of the climate, such as rainfall patterns, snow and ice cover, and sea level, are also changing.

### 3.3.2 Annual Mean Temperature Change

The EPA’s 2016 report Climate Change Indicators in the United States (EPA 2016a) includes a map of temperature changes in the United States over the last century (Figure 5). As shown in this figure, the Planning Area has seen an average temperature increase of over 2.5 °F since 1901.

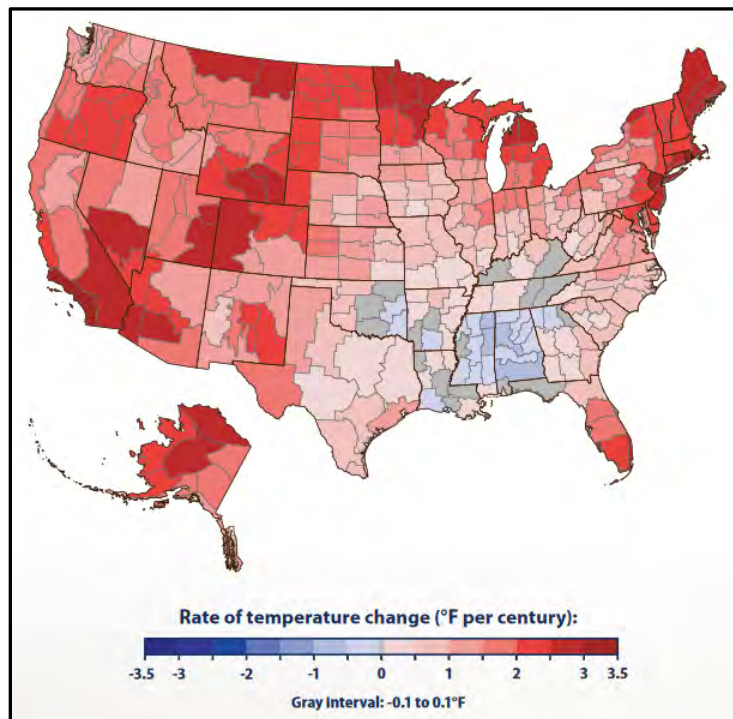


Figure 5. Rate of temperature change in the United States, 1901–2015 (EPA 2016a).

### 3.3.3 Precipitation

The EPA’s 2016 report Climate Change Indicators in the United States report (EPA 2016a) includes a map of precipitation changes in the United States over the last century (Figure 6). As shown in this figure, the Planning Area has seen an average decrease in precipitation of between 2 and 10% since 1901.

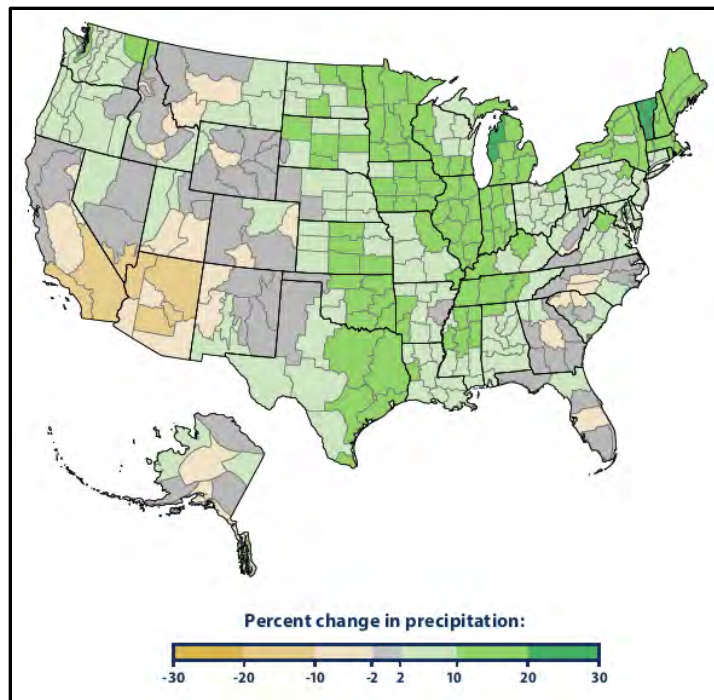


Figure 6. Change in precipitation in the United States, 1901–2015 (EPA 2016a).

The EPA’s 2016 fact sheet What Climate Change Means for Utah (EPA 2016b) includes a map of snowpack changes in Utah over the last half century (Figure 7). As shown in this figure, the Planning Area has seen a decrease in snowpack since 1955.

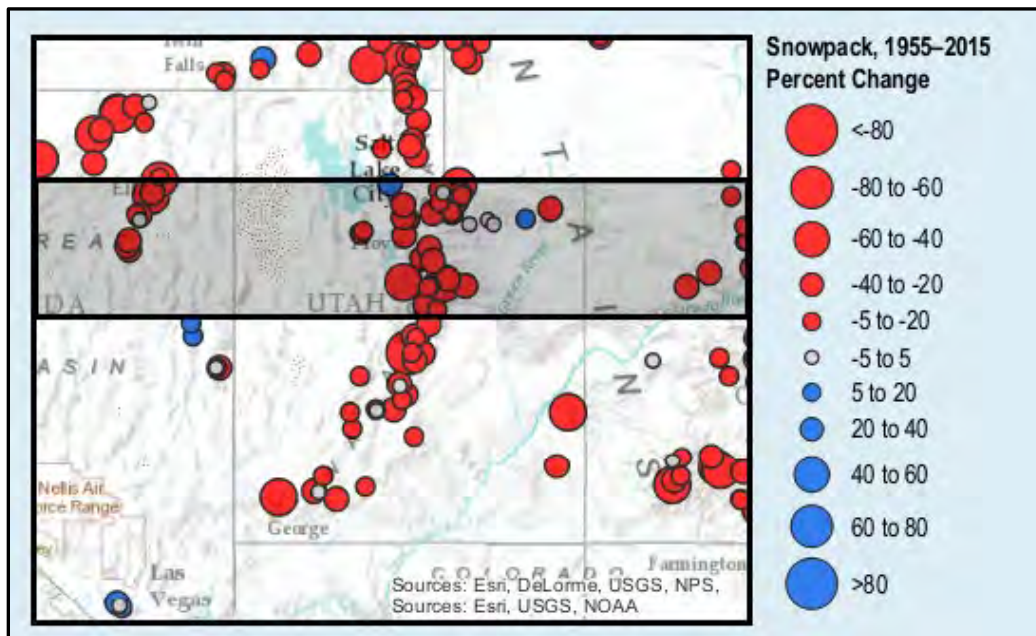


Figure 7. Percent change in April snowpack, 1955–2015 (EPA 2016b).

### 3.3.4 Agency Activities

There are no trends data available on climate, climate change, or GHG emissions specific to the Indian Creek and Shash Jáa Units. Trends in and near the Planning Area are described above.

## 3.4 Forecast

### 3.4.1 *Climate and Climate Change*

Climate change modeling predictions show that the ecoregion is expected to undergo general warming over the entire region, with the greatest warming occurring in the southern portion of the ecoregion, with average winter temperatures increasing more than average summer temperatures (Bryce et al. 2012). Climate change modeling predicts up to a 0.6 °C increase (2015–2030) and 1 °C increase (2045–2060) in average summer temperatures in the northern portion of the ecoregion and up to a 0.8 °C increase (2015–2030) and 1.2 °C increase (2045–2060) in the southern portion of the ecoregion (Bryce et al. 2012).

Precipitation is expected to decline throughout much of the year during the 2015 to 2030 time period (with the exception of several months in the fall), with severe drought likely to occur in some areas. The 2045 to 2060 time period remains drier (or comparable to historic conditions) during most of the year, but sporadic wetter months (e.g., February, June, and October) could result in overall increases in annual precipitation in some areas (Bryce et al. 2012).

Figures 8 and 9 show the long-term potential for climate change within the Indian Creek and Shash Jáa Units, respectively. The Indian Creek Unit shows primarily a very low to moderate potential for long-term climate change, with the exception of the southern portion of the Unit showing a very high potential. The climate change potential in the Shash Jáa Unit ranges from moderate to very high.

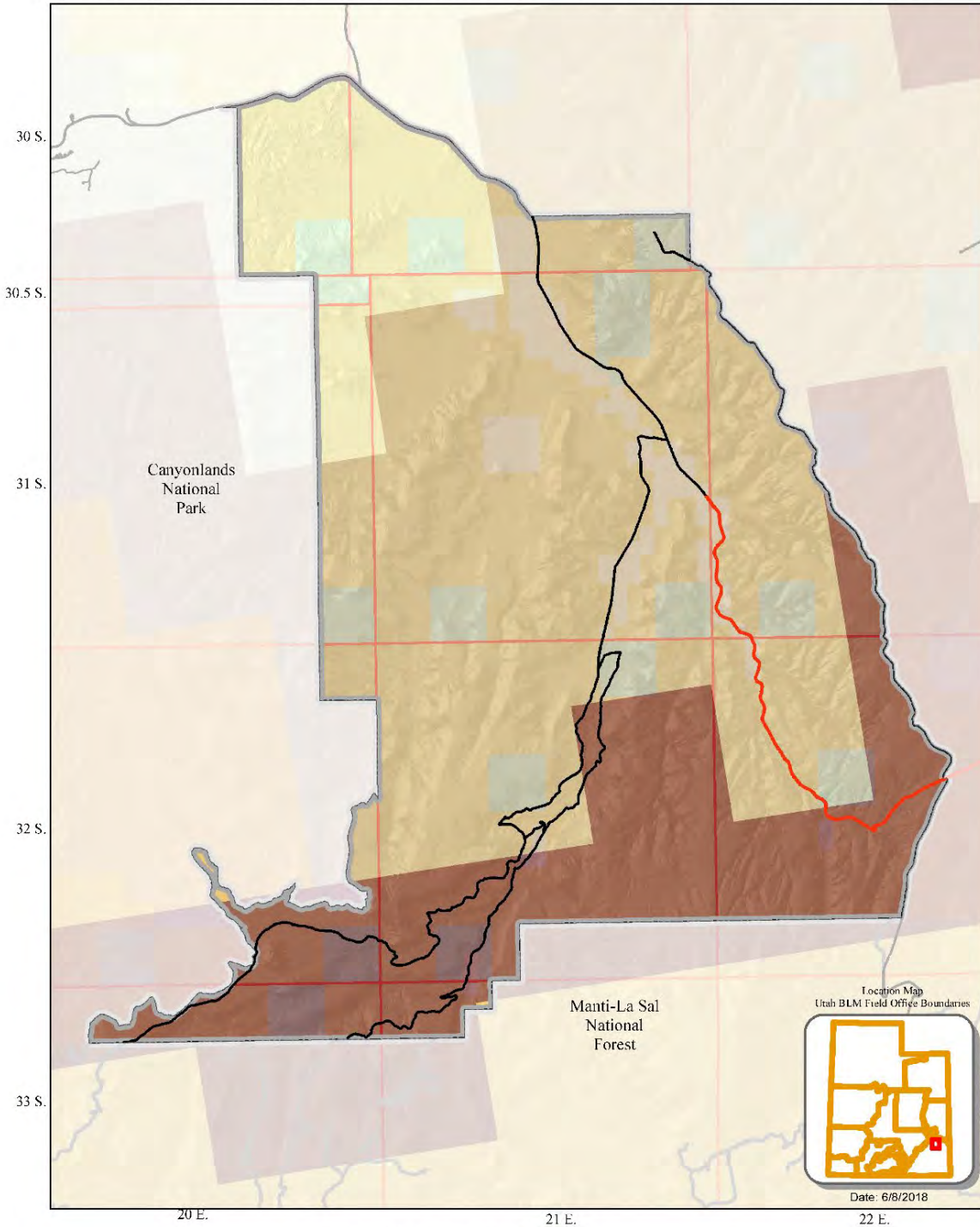
Overall, the southern portion of the ecoregion is expected to experience more extreme long-range climate change effects than the northern portion of the ecoregion. This is because the northern portion of the ecoregion is north of the influence of the summer monsoon; it may also be considered transitional to the mid- and northern latitudes, where climate change predictions may differ from those for the southwestern region (Bryce et al. 2012). Some models predict that winters in middle latitudes will be wetter as well as warmer (Miller et al. 2011).

### 3.4.2 *Agency Activities*

Climate change is an aspect that is difficult to address on a regional or national level, let alone at a local level, such as in the Planning Area. Key features of the Planning Area are vegetation, wildlife, soil resources, water resources, and potential resource development. The BLM and USFS should make a constant and consistent effort to maintain vegetative and soil communities in good health. Healthy soils and vegetation—particularly woodlands and forests—are important in storing carbon and preventing its release into the atmosphere. Unhealthy soils and plant communities, with large amounts of vegetation that is either overused and lacking productivity or, conversely, underused and high in oxidized material, cannot store but will release carbon into the atmosphere. A second aspect to maintaining healthy vegetative communities is their inherent resistance to catastrophic wildfires. Resource activities such as mining or oil and gas development may contribute to climate change.



Rapid Ecoregional Assessment (REA) Long-Term Potential for Climate Change -- Indian Creek Unit



<ul style="list-style-type: none"> <li> Bears Ears National Monument Boundary</li> <li> State and Federal Highways</li> <li> Roads</li> </ul>	<p><b>Long-Term Potential For Climate Change</b></p> <ul style="list-style-type: none"> <li> Very High</li> <li> Moderately High</li> <li> Moderate</li> <li> Moderately Low</li> <li> Very Low</li> </ul>	<p><b>Land Status</b></p> <ul style="list-style-type: none"> <li> Bureau of Land Management</li> <li> US Forest Service</li> <li> National Park Service</li> <li> State</li> <li> State Parks and Recreation</li> <li> Private</li> </ul>	<p><b>Location Map</b> Utah BLM Field Office Boundaries</p> <p>Date: 6/8/2018</p>
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*This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers. No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.*



Figure 8. Rapid Ecoregional Assessment long-term potential for climate change – Indian Creek Unit.

Rapid Ecoregional Assessment (REA) Long-Term Potential for Climate Change -- Shash Jaá Unit

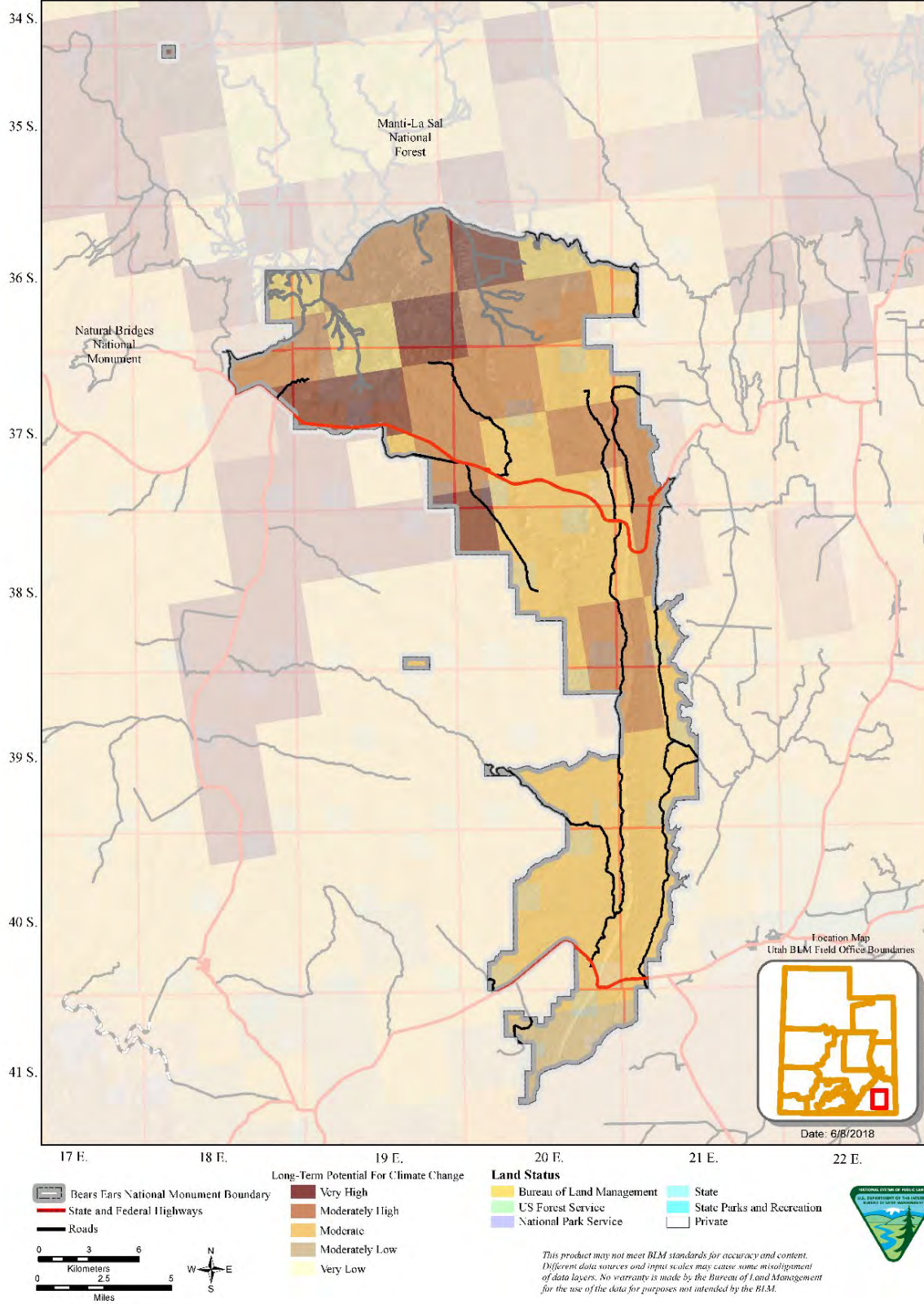


Figure 9. Rapid Ecoregional Assessment long-term potential for climate change – Shash Jáa Unit.

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**APPENDIX M**  
**Monitoring Strategy**



# 1 MONITORING STRATEGY

## 1.1 Introduction

This appendix provides an overview of the Bears Ears National Monument (BENM) monitoring protocol to meet the established objectives of the Monument Management Plans (MMPs) for resources, objects, and values within BENM. Land use plan monitoring is the process of 1) tracking the implementation of land use planning decisions (implementation monitoring), and 2) collecting the data/information necessary to evaluate the effectiveness of land use planning decisions (effectiveness monitoring). Monitoring documents the Bureau of Land Management's (BLM's) and U.S. Forest Service's (USFS's) progress toward full implementation of the land use plan and the achievement of desired outcomes.

Conditions may change over the life of the land use plans, and such changes may require adaptive management to protect resources and minimize resource conflicts. To address changing conditions and provide management flexibility that incorporates best management practices (BMPs) (see Appendix I: Best Management Practices), the BLM and USFS review the effectiveness of management actions, assess the current resource conditions, and, if needed, alter management actions.

The regulations in 43 CFR 1610.4-9 require that land use plans establish intervals and standards for monitoring and evaluations based on the sensitivity of the resource decisions involved. Additionally, BLM Manual 6220 requires that land use plans for National Monuments analyze and consider measures to ensure that objects and values are conserved, protected, and restored. Specifically, plans must include a monitoring strategy that identifies indicators of change, methodologies, protocols, and time frames for determining whether desired outcomes are being achieved.

Giving consideration to staffing and funding levels, monitoring will be prioritized consistent with the goals and objectives of the BENM MMPs in cooperation with local, State, other Federal agencies, and the Monument Advisory Committee.

## 1.2 Data Collection

In cooperation with local, State, other Federal agencies, scientific academia, nongovernmental agencies, and volunteers, the BLM and USFS will collect, analyze, and report monitoring data that allow for the determination of cause and effect, conditions, trends, and predictive modeling of land use authorizations. Monitoring methods are implemented to collect data that establish current conditions and reveal any change in the indicators. Monitoring techniques consider when, where, and frequency. The data collected through monitoring provide a variety of information applicable to one or more resource uses. The Resource Monitoring section of this document (Section 1.5) contains additional information on protocols for resources. To increase effectiveness and efficiency and eliminate duplication, monitoring methods will address as many resources as possible. The BLM and USFS will collaborate with cooperating agencies and permittees to collect and share data.

## 1.3 Data Analysis

Data collected through this monitoring strategy will be analyzed to determine whether changes occur as a result of management actions. Data analysis will be conducted according to the suggested frequency for each resource, subject to time and funding. Data will be assessed to determine whether the resource conditions are meeting the goals identified in the MMP; whether a change has occurred and, if so, identifying the cause; and which appropriate action should be taken to achieve the desired outcome if the goal or objective is not being met. New technology and management methods will be reviewed to determine their applicability in modifying or replacing current management actions. The BLM and USFS will collaborate with cooperating agencies to assist in or perform this data analysis, as appropriate.

## 1.4 Adaptive Management and Plan Maintenance

If data collection and analysis conclude that the desired outcome is not being achieved, the causal factors must be documented. A change or modification to management actions or agency actions at the implementation-level (e.g., adding additional avoidance or minimization measures to a site-specific action) may be warranted to address these causes. The MMPs include adaptive management that would be implemented as part of the approved plan. This adaptive management provides for indicators that will be monitored, and, if thresholds for those indicators are exceeded, additional management that would be instituted. If those indicators, thresholds, and the subsequent management are identified in the MMPs, implementation of this adaptive management would not require a plan amendment. However, the BLM and USFS will also develop recommendations to be considered by management for continuation, modification, or replacement of MMPs management actions, subject to NEPA and land use planning regulations. Adoption of new adaptive management that is not analyzed and disclosed through the MMPs/EIS process would require a plan amendment with accompanying NEPA analysis. Because adoption of a new management action may also require changes in the monitoring plan, the BLM and USFS will also evaluate the effectiveness of the monitoring and data collection methods and recommend continued use, modification, or elimination of the methods proposed in this appendix. New technologies or a better understanding of information may also result in changes to this monitoring strategy.

## 1.5 Resource Monitoring

Table 1 identifies the indicators that will be monitored to detect change in resource conditions, the method or technique of monitoring, the locations for monitoring, the unit of measurement for monitoring, the frequency (i.e., timeframes) for monitoring, and the action triggers that indicate the effectiveness of the management action. Resources or programs within the table that apply to or include identified objects within BENM are highlighted in green. During implementation, BLM and USFS will rely on the indicators, methods, and frequencies listed below to demonstrate that objects within BENM are conserved, protected, and restored. Refer to Appendix A of the AMS for a detailed description of objects and values. Footnotes in Table 1 indicate monitoring activities that are also generally conducted by stakeholders or cooperating agencies.



**Table 1. Resource Monitoring Activities**

Resource	Record No.	Indicator	Method or Technique	Location	Unit of Measure	Frequency	Action Triggers
Air quality <sup>1</sup>	M-1	Air quality	Ambient air sampling and air quality modeling	Established monitoring stations	Parts per million	Hourly to 24-hour samples in accordance with standards	Samples violating National Ambient Air Quality Standards
	M-2	Gaseous and particulate critical air pollutants	Emission inventory	Established monitoring stations	Pounds per hour and tons per year	Annually	Samples exceeding levels of concern or screening thresholds (included in the 2010 FLAG Report [U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service 2010])
	M-3	Climate	Weather stations	Representative sample to detect weather patterns	Degrees, miles per hour, inches of precipitation, mb	Monthly and annually	Establish trends and use to correlate monitoring and research variables
Cultural resources <sup>2</sup> (see Cultural Resources Monitoring Plan for specific information)	M-4	National Register of Historic Places eligible sites, including archaeological, historic, or cultural objects within BENM	Site inspection	Planning Area wide	Number and types of incidents of damage to cultural resources	Case-by-case basis	Disturbance as a result of land uses or vandalism, fire, and severe weather events such as flooding and erosion
Cultural resources <sup>2</sup> (See Cultural Resources Monitoring Plan for specific information)	M-5	Vulnerable sites and archaeological, historic, or cultural objects within BENM	Comprehensive monitoring utilizing archaeologists, law enforcement, rangers, and site stewards	Cultural sites that have been previously identified as being impacted; cultural sites identified on maps, brochures, or other media that bring the site into public awareness; sites that are known to be popular for public visitation; a representative sample of sites known to be prone to impacts from predictable sources	Number and types of incidents of damage to cultural resources	Case-by-case basis	Disturbance (e.g., from vandalism, erosion, grazing, recreation, or other)
Fish and wildlife <sup>3</sup>	M-6	Big game seasonal habitat	Aerial and field inspections	Crucial wildlife habitat areas	Numbers during occupancy periods	Annually	A change in numbers beyond the normal fluctuations
	M-7	Special status species occupancy and productivity	Aerial and field inspections. For fish: electrofishing, Passive Integrated Transponder (PIT) tags, and/or netting	Habitat areas and established buffer zones	Numbers during occupancy periods	Annually or biennially (fish)	A decline in numbers beyond the normal fluctuations
	M-8	Threatened and endangered species occupancy and productivity	Aerial and field inspections. For fish: electrofishing, PIT tags, and/or netting	Habitat areas and established buffer zones	Numbers during occupancy periods	Annually or biennially (fish)	A decline in numbers beyond the normal fluctuations
	M-9	Macroinvertebrate species and communities	Collect macroinvertebrates samples following National Aquatic Monitoring Center sampling protocols. At aquatic Assessment, Inventory, and Monitoring (AIM) sites using reach-wide or targeted riffle methods	Perennial stream reaches and spring-fed pools	Species and condition of macroinvertebrate communities, observed versus expected (O/E) ratios of macroinvertebrate species, etc., as determined by UDWQ staff in relation to state water quality standards	Sample in midsummer every 1 to 5 years	Declining presence or absence of macroinvertebrates that indicate good water quality in the stream; low or declining observed values versus expected values; presence of invasive species; stream not meeting state water quality standards, particularly the aquatic habitat parameters
	M-10	Neo-tropical bird habitat	Site visit	Planning Area wide	Numbers during occupancy period	As needed	Declining trend in habitat occupancy
	M-11	Raptors	Site visit	Planning Area wide	Nest occupancy rate	As needed	Declining trend in nest site occupancy
	M-12	Special status species	Site inspection	Special status species habitats	Population and trend	As needed	Declining trend in populations
	M-13	Bald eagle	Survey	Suitable bald eagle nesting habitat or identified concentration areas	Detection of bald eagle presence	As needed	Declining trend in nest site or habitat occupancy
	M-14	Mexican spotted owl	Survey	Designated critical habitat, identified protected activity centers, or breeding habitats where it has been determined that there is a potential for take	Detection of Mexican spotted owl presence	As needed	Adverse impacts on individuals or habitat Detection of Mexican spotted owl
	M-15	Southwestern willow flycatcher and western yellow-billed cuckoo	Surveys conducted by agency-approved personnel	Within habitat	Species occupancy data and distribution information	As needed	Adverse effects on southwestern willow flycatcher and habitat from ground-disturbing activities, including, but not limited to, recreation, mining, and oil and gas activities Species occurrence is verified Any level of anticipated take or incidental take
Geology	M-16	Geological objects within BENM	Survey	Planning Area wide	Acres of inventoried objects	As needed	Loss or damage to geologic objects as a result of human or natural causes
Lands with wilderness characteristics	M-17	Presence or absence of wilderness characteristics	Inventory in accordance with BLM Manual 6310	Planning Area wide	Acres of inventoried lands	Per BLM Manual 6310 guidance	Loss of acres of lands with wilderness characteristics that are managed for protection of wilderness characteristics
Lands recommended for wilderness on USFS-administered lands	M-18	Impacts to existing wilderness character	Field monitoring	Units recommended for wilderness	Acres of lands recommended for wilderness	Annually	Loss of acres of lands with wilderness characteristics that are managed for protection of wilderness characteristics
Paleontological resources	M-19	Significant paleontological resources and paleontological objects within BENM	Site inspection	Site	Degradation or loss of significant fossil resources	As needed	Loss or damage to significant fossil resources as a result of human or natural causes

Resource	Record No.	Indicator	Method or Technique	Location	Unit of Measure	Frequency	Action Triggers
Soil resources	M-20	SRH Standard 1	Upland soils exhibit permeability and infiltration rates that sustain or improve site productivity, considering the soil type, climate, and landform. Soil stability tests indicate surface soil conditions.	Planning Area-wide where land use activities are occurring, especially on sensitive soil units or steeper slopes	Permeability rates, infiltration rates, soil stability classes	As required by the SRH	When monitoring and assessment indicate Standard 1 is not being met
Water resources	M-21	Surface water quality <sup>4</sup>	Water chemistry sampling, bacteriological sampling, macroinvertebrate sampling following Utah Division of Water Quality (UDWQ) protocols for assessing water quality conditions. Aquatic AIM protocols can be used as indicators of water quality conditions for temperature, pH, specific conductance, total nitrogen/phosphorus, and macroinvertebrates.	All surface waters, including streams and springs	UDWQ parameters for state water quality standards, including milligrams/ liter tons per day, O/E macroinvertebrate communities, aquatic AIM reaches - O/E macroinvertebrates, temperature, pH, specific conductance, total nitrogen/phosphorous	Sampling in coordination with the UDWQ at priority sites, conducted on a monthly basis for a minimum of 1 year at a time; less frequent sampling can indicate impairment of state water quality standards. Aquatic AIM sites sampled once by the BLM every 5 years can be indicators of water quality conditions.	Water quality does not meet state standards
	M-22	Groundwater quality <sup>4</sup>	Groundwater sampling	Water wells and piezometers	Water chemistry parameters, including specific conductivity and total dissolved solids (TDS)	Using either continuous loggers in wells or seasonal testing	Water quality conditions are degrading (i.e., increased conductivity or TDS levels)
	M-23	Stream channel geometry	Stream channel cross sections, Multiple Indicator Monitoring (MIM), long-term photo points; aquatic AIM protocols include measurements of bankfull height, floodplain height, floodplain connectivity, wetted width, bank angle, residual pool depth/length, slope, and bank stability.	Intermittent and perennial stream reaches, 100-year floodplains; aquatic AIM sample design reaches on perennial streams	Changes in stream channel characteristics (width, depth, sinuosity, streambank characteristics [e.g., bank sloughing]); change in Rosgen stream channel type	Stream channel cross sections or MIM studies would be repeated every 1 to 3 years; aquatic AIM sites sampled once by the BLM every 5 years	Conditions are moving away from proper functioning condition, conditions determined by MIM to be degrading or impaired (i.e., quantifiable changes in stream channel characteristics, including floodplain width-depth ratios, stream channel width, depth, sinuosity, longitudinal characteristics [pools versus riffles], etc.)
	M-24	Ground and surface water quantity	Water well levels and stream flow measurements; aquatic AIM protocols include measuring wetted width, pool length, depth, and thalweg depth profile	Water wells and shallow water wells (piezometers), perennial and intermittent streams, springs and seeps; AIM sample design reaches on perennial streams	Ground and surface water quantities measured in gallons per minute (gpm) or cubic feet per second (cfs)	On a monthly basis over the course of a full water year (October 1 to September 30)	Decreased stream or spring flows either seasonally or annually, decreased peak flows in spring, decreased water levels in water wells, decreased size of wetlands or riparian areas Adequacy for BLM- and USFS-administered resources and cultural/traditional uses; loss of aquatic refugia for aquatic species
	M-25	Water sources and streams identified as objects within BENM	Water quality sampling, water quantity measurements	Where present within BENM	Parameters described by UDWQ state water quality standards, streamflows (cfs or gpm), spring discharges (cfs or gpm), depth to groundwater in water wells or piezometers from surface	Monthly or seasonally	Any changes to water sources and streams, including water quality conditions, streambank stability, or channel geometry; any changes to water-dependent vegetation, including in hanging gardens and adjacent to seeps, and in riparian areas
	M-26	Precipitation	Weather stations	Representative sample to detect precipitation patterns	Inches of precipitation	Monthly, quarterly, and/or annually	Drought (periods of abnormally low rainfall)

Resource	Record No.	Indicator	Method or Technique	Location	Unit of Measure	Frequency	Action Triggers
Vegetation	M-27	Noxious weed and invasive plant trends <sup>5</sup>	Remote sensing or site visit; terrestrial AIM plots	Priority areas; terrestrial AIM random sample design	Acres of established weeds and potential habitat areas. Terrestrial AIM - percent cover of invasive species, number of plots with high invasive species cover	Annually; terrestrial AIM sites every 5 years	Spreading or establishment of invasive species in new areas
	M-28	Wetland/riparian areas	Proper functioning condition; aquatic and terrestrial AIM protocols	All wetlands/riparian areas; aquatic AIM sample design	Riparian miles (lotic) or riparian acres (lentic); number of reaches with biological, physical, or chemical impairments	As-needed basis; aquatic AIM sites every 5 years, funding permitting	Not achieving proper functioning condition or not exhibiting movement toward achievement
	M-29	Vegetation treatments and large-scale invasive plant treatments	Pre- and post-treatment and controls monitoring per established USFS protocols	Within vegetation treatment areas	Effectiveness of vegetation treatments and large-scale invasive plant treatments	Pre- and post-implementation	Ability to meet objectives prescribed for treatment
	M-30	Vegetation condition	Nested Plot Frequency and/or terrestrial and aquatic AIM methods	Key areas and/or representative samples; terrestrial and aquatic AIM sample designs	Plant frequency, percent ground cover, trend; for AIM sites, compare against ecological site or other benchmark	Every 3 to 5 years; for AIM sites, once every 5 years, funding permitting	Downward trend
	M-31	Riparian areas within BENM	Proper functioning condition or Greenline/MIM, where applicable	Functioning at-risk and non-functioning riparian areas	Area (acres per linear feet)	As needed	Effects from surface-disturbing activities
	M-32	Desired species are maintained at a level appropriate for the site and species involved	Rangeland Health Assessment (Standard #3); terrestrial AIM protocol	Grazing allotment; terrestrial AIM sample design	Acres; terrestrial AIM sites - number of plots; individual plot cover estimates	As needed	When assessments indicate Standard 3 is not achieved nor progress being made toward achievement
	M-33	Springs, seeps, tinajas, and hanging gardens within BENM	Water quality sampling, water quantity measurements	Where present within BENM	Water quality parameters as described in UDWQ water quality standards, including specific conductivity, pH, temperature, etc.; water quantity measurements in gpm or cfs	Monthly or seasonally	Changes in water quantity or flows, decreasing water-dependent vegetation (species richness or overall density or aerial extent, encroachment of upland or invasive plant species, changes in water quality, including total dissolved solids, specific conductivity, temperature, etc.)
	M-34	Special status plant species – , relict, and rare and endemic plants	Site inspection on USFS Threatened, Endangered and Sensitive Plant Element Occurrence Protocol	Plant habitats	Population and trend	Annually	A declining trend in populations
	M-35	Threatened and endangered plant species	Surveys conducted by agency-approved and USFWS-approved personnel	Habitat areas	Population abundance, life stage, reproductive success, and distribution information	As needed; known populations may be monitored annually or biennially	Adverse impacts to individuals or habitat conditions
Fire	M-36	Fire fuels	Site inspection or Landfire	Wildland-urban interface and industrial interface areas	Acres	Annually or biennially	Presence of fire fuels that present a risk to communities and industrial sites
	M-37	Vegetation condition	Ecological site condition and trend studies or Landfire	Vegetation types where there is a history of fire in the ecosystem	Representative sample	Annually or biennially	Vegetation growth trend is moving away from desired conditions for the vegetation type
	M-38	Resource and property damage	Fire behavior	Individual fire	Fire temperature, flame length, burn rate, and acres burned	While the fire is burning	Acres burned and fire intensity that exceed the prescription
Visual resource management	M-39	Project conformance with VRM class objectives	Remote sensing or site visit; visual resource contrast rating from key observation points; visual simulations	Class I and II, areas on BLM-administered lands; Very High, High, Moderate, and Low scenic objective areas on USFS-administered lands	Measure the degree of contrasting elements against the surrounding natural elements of the landscape (color, form, line, etc.) before and after implementation of an action	Visual contrast ratings will be prepared for projects in visually sensitive areas; comparison of pre- and post-implementation data will evaluate the sufficiency of project design features in meeting VRM class objectives.	Project elements that exceed thresholds for meeting VRM and SMS class objectives
Forestry and woodland products	M-40	Forest health	Ecological site condition and trend	Forested lands	Representative sample area	Every 3 to 5 years	Disease, insect infestation, or encroachment of undesirable plant species threatens forest health
	M-41	Timber stands	Timber stand examination	Commercial forested areas	Board feet, age class, and damages	Every 10 to 20 years	Basal area growth does not meet timber type standards
Lands and realty	M-42	Realty authorization compliance	Site compliance inspection	Entire Planning Area	Number of site inspections	Annually	Noncompliance or nonuse
Livestock grazing	M-43	Vegetation condition	BLM- and USFS-approved monitoring methods (e.g., nested plot frequency); terrestrial and aquatic AIM protocols	Key areas in locations available to livestock grazing; terrestrial and aquatic AIM sample designs	Representative sample in grazing allotments; AIM - compare against ecological site or other benchmark	Every 3 to 5 years, as time and funding allow; AIM sites, once every 5 years, funding permitting	Conditions are not meeting goals and objectives for vegetation due specifically to livestock grazing management
	M-44	Livestock use	Monitor the intensity, duration, and timing of grazing use	Varies by allotment	Percent utilization and GRI score	Annual indicator (would not be done every year everywhere)	
	M-45	Standards for rangeland health	Rangeland health assessment (applicable standards Nos. 1-4)	Allotment	Acres	Every 10 years, as time and funding allow	When assessments indicate a standard is not achieved, nor progress being made toward achievement, and livestock grazing is a causal factor

Resource	Record No.	Indicator	Method or Technique	Location	Unit of Measure	Frequency	Action Triggers
Recreation	M-46	General recreation use; realization of desired beneficial outcomes	On-site inspection, visitor use data, surveys; document user conflicts or complaints. National Visitor Use Monitoring (NVUM) on USFS lands	Planning Area-wide with emphasis on Special Recreation Management Areas (SRMAs) and Extensive Recreation Management Areas (ERMAs) with high visitation	Changes to desired recreation setting characteristics; changes in experiences and realized desired beneficial outcomes; changes in types, seasons, or levels of use. Consistent with ROS Classes on USFS-administered lands.	Prioritize areas and monitor higher priority areas: SRMAs, every 1 to 3 years and ERMAs with high visitation every 3 to 5 years NVUM every 5 years	When visitor surveys or public comments indicate that recreation area management objectives or recreation opportunity settings are not met; when desired settings, experiences, and beneficial outcomes are not realized; when change is causing undue or unnecessary degradation of the site or area; when change is causing goal interference and conflicts
	M-47	Developed/Concentrated recreational use	Inspect developed recreation sites and facilities; monitor developed sites to determine they are being managed to the standard on USFS lands	Recreation site	Condition of recreation sites, facilities, visits and visitor days	Annually	When change is causing undue or unnecessary degradation of facilities and use areas; public complaints
	M-48	Compliance with commercial authorization	Administrative review, site inspection	Activity site	Permit stipulations, resource conditions, and site restoration	During and after an event; annually for other commercial users	When noncompliance is determined or degradation of resources is occurring
Transportation	M-49	Roads and trails <sup>6</sup>	Route management categories and maintenance levels; on-site inspection or remote sensing; traffic counter data; Tracs surveys for USFS system trails	Planning Area wide	Miles.	Per facility asset management system Condition Assessment Plans; Tracs survey every 5 years for USFS system trails	Conditions represent a hazard to life and property; route conditions do not meet identified road or trail standards
	M-50	Seasonal closures <sup>3</sup>	Aerial and field inspections	Travel management areas with seasonal closures for wildlife	Acres.	Every 5 years	Changes in use of seasonal habitat requiring closure
	M-51	Off-highway vehicle disturbance; establishment of unauthorized vehicle routes	Remote sensing or site visit; traffic counter data	Travel management area; site-specific to area of disturbance	Miles of routes; acres of disturbance	Prioritize areas and monitor higher priority areas every 1 to 3 years and lower priority areas every 2 to 4 years	Disturbance is exceeding the baseline, accelerated soil erosion is occurring, and vegetation is being removed
Areas of Critical Environmental Concern	M-52	See other resource sections for relevant and important values (e.g., cultural, wildlife, etc.)	As prescribed for affected resource	Designated Areas of Critical Environmental Concern	As prescribed for affected resource	During 5-year evaluations	Undue or unnecessary degradation or loss of relevant and important resources as a result of human or natural causes
Wilderness Study Areas	M-53	Wilderness characteristics (size, naturalness, outstanding opportunities for primitive and unconfined recreation or solitude, supplemental values)	Site visits; aerial monitoring	Wilderness Study Areas	Miles of linear human intrusions; acres disturbed; impacts to wilderness characteristics identified by on-site visit or public comment	Monthly, unless an alternative monitoring strategy is adopted	Failure to meet the non-impairment standard or other objectives outlined in BLM Manual 6330
Inventoried roadless areas	M-54	Roadless character (absence of roads, size, outstanding opportunities for primitive and unconfined recreation or solitude, supplemental values)	Site visits; aerial monitoring	Arch Canyon IRA	Miles of linear human intrusions; acres disturbed; impacts to wilderness characteristics identified by on-site visit or public comment.-	Annually	Failure to meet the 2001 Roadless Rule

<sup>1</sup> Utah Division of Air Quality conducts data collection.

<sup>2</sup> The State Historic Preservation Officer conducts data collection.

<sup>3</sup> Utah Division of Wildlife Resources conducts data collection.

<sup>4</sup> Utah Division of Water Resources conducts data collection.

<sup>5</sup> Utah Department of Agriculture and Food conducts data collection.

<sup>6</sup> The county with jurisdiction conducts data collection.

In order to determine the effectiveness of the MMPs and the ability of the BLM and USFS to meet the goals and objectives (see the goals and objectives for each resource in Chapter 2 of the MMPs document), the standard protocols listed below will be used.

## **1.6 Cultural Resources**

- Site stewards (i.e., citizens performing site stewardship) will be trained by an agency archaeologist or a partner organization that is certified by an agency archeologist to conduct such training. Cultural sites that are relevant and important values in Areas of Critical Environmental Concern and other selected sites will be monitored by the agency or site stewards at least annually. Sites with heavier traffic will have a goal of four visitations per year.
- Sites that are prone to vandalism and/or unauthorized camping will receive regular patrols and agency law enforcement rangers.

## **1.7 Fish and Wildlife**

### ***1.7.1 Big Game***

- In conjunction with other Federal, State, or private agencies, will continue to monitor wildlife populations and habitats in the Planning Area. This will be done for individual species such as mule deer, elk, bighorn sheep, and pronghorn; and groups of species associated with source habitats such as sagebrush-steppe, juniper, and mixed conifer forest.

### ***1.7.2 Raptors***

- For raptors, nest site detection and monitoring will be conducted near high-use sites and near surface-disturbing projects, primarily with volunteers and as time and funding allow.

### ***1.7.3 Special Status Species – Wildlife***

- Follow U.S. Fish and Wildlife Service (USFWS) protocol for threatened and endangered species surveys/monitoring.
- Follow USFS protocol for a northern goshawk territory survey, inventory, and monitoring.
- As required by the Endangered Species Act, monitoring, using approved protocol, would be required on listed and non-listed special status species and their habitat that may be affected by agency authorization of any activities within that habitat.
- Monitor and protect known protected activity center sites according to USFWS recommendations and the Mexican spotted owl recovery plan.
- Monitor and protect known nesting sites according to USFWS recommendations and southwestern willow flycatcher recovery plan.
- Monitor and protect known nesting sites according to USFWS recommendations and yellow-billed cuckoo recovery plan.

## **1.8 Geological and Paleontological Resources:**

- Review proposed activity plans/projects and associated maps.
- Determine location and cross reference existing geologic maps to determine the Potential Fossil Yield Classification of underlying bedrock. Note if known paleontological resource localities exist near the proposed activity.
- If the Potential Fossil Yield Classification of underlying bedrock is 4–5, a site survey must be completed by an agency official or agency-permitted paleontologist where the ground will be disturbed, with a 25-meter buffer surrounding the proposed disturbance. If fossils are found, locality forms should be filed with the UTSO and BENM or the Canyon Country District with all information that can be

determined about the fossil (location, rock formation, type of fossil, description, map, and photographs, if possible).

- If no significant fossils are discovered in survey, a stipulation for inadvertent discovery should be added to the proposal (basically, if the fossil is uncovered during the proposed action, all activity must cease until an agency official or agency-permitted paleontologist can travel to the site and determine what and if any mitigation must occur; once mitigation is completed, activity can resume).
- If significant fossil(s) are discovered in survey, an agency official and/or agency-permitted paleontologist will determine what and if any mitigation must occur and begin mitigation. This can include rerouting trails/roads/other infrastructure or collection/excavation of the resource.
- All paleontological surveys will be documented regardless of whether or not a fossil is found.

## **1.9 Soil Resources, Vegetation, Special Status Species Plants, and Fire and Fuels**

- Assessment, Inventory, and Monitoring (AIM) methods (MacKinnon et al. 2011) and/or upland trend monitoring for upland rangelands will be implemented for soil, vegetation, special species plants, and post-fire monitoring.
- The agencies will follow standard monitoring protocols and methods for measuring vegetation.
- Rangeland Health Assessments will be conducted as required in the *Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah* (BLM 1997).
- Soil stability testing protocol can be found in Herrick et al. (2005).

## **1.10 Water**

- Water quality sampling will be conducted as part of the Cooperative Program with the State of Utah Division of Water Quality (UDWQ), and data will be used to assess whether a stream is meeting state water quality standards.
- Macroinvertebrate sampling will be conducted to assess water quality conditions based on the observed versus expected ratio determined by the UDWQ following protocols described by the National Aquatic Monitoring Center.
- The AIM National Aquatic Monitoring Framework: Introducing the Framework and Indicators for Lotic Systems, Technical Reference 1735-1 (BLM 2015a), and AIM National Aquatic Monitoring Framework: Field Protocol for Wadeable Lotic Systems, Technical Reference 1735-2 (BLM 2015b), will be used to collect hydrological data as a one-time indicator of macroinvertebrates, nutrient levels, pH, specific conductance, temperature, wetted width, and thalweg depth.
- Multiple Indicator Monitoring (MIM) of stream channels and streamside vegetation (BLM Tech Reference 1737-23) will be conducted to assess conditions that may affect water quality conditions (i.e., streambank stability versus sediment loading). Establish MIM long term, and conduct monitoring every 3 to 5 years.
- Stream flow measurements will be collected to determine trends in water quantity following USGS protocols. Water levels in water wells will be monitored to assess trends in water quantity using calibrated measuring devices such as piezometers.
- Spring inventory and sampling procedures will follow the Springs Ecosystem Inventory Protocols and Springs Ecosystem Assessment Protocol (as described by Stevens et al. 2016).
- Establish long-term stream channel cross section study sites and repeat surveys every 3 to 5 years using *Stream Channel Reference Sites: An Illustrated Guide to Field Technique* (Harrelson et al. 1994).

## **1.11 Visual Resources**

- Visual contrast ratings (BLM Form 8400-4) will be documented for projects in VRM Class I, II, III, and IV areas to monitor how visual resource inventory's scenic quality factor ratings are affected and update

the inventory. Scenic integrity monitoring will be conducted for all proposed projects on USFS-administered lands.

## **1.12 Forestry & Woodland Products**

- Reforestation surveys (typically in the first, third, and fifth years) will be conducted in artificial and natural regeneration treatments per the National Forest Management Act of 1976. Small-sale public use permits will be monitored to ensure compliance.
- Areas where woodland harvest is prohibited will be monitored to ensure compliance.

## **1.13 Riparian/Wetlands**

- Proper functioning condition assessments will be conducted in riparian and wetland areas.
- Aquatic AIM data (MacKinnon et al. 2011) will be conducted.
- Rangeland Health Assessments will be conducted to determine if riparian and wetland areas are meeting Standard 2 (i.e., are they in properly functioning condition; are stream channel morphology and functions appropriate to soil type, climate, and landform).
- Long-term MIM study sites will be established, and monitoring will be conducted every 3 to 5 years, as time and funding allow.

## **1.14 Livestock Grazing/Rangeland Management**

- To determine long-term trends in vegetation, BLM and USFS monitoring protocols (e.g., nested plot frequency or upland trend monitoring, respectively) and/or AIM core methods (MacKinnon et al. 2011) will serve as baseline monitoring methods.
- Monitoring associated with livestock management will be prioritized by resource issue and the need to complete a land health assessment and/or permit renewal, as time and funding allow.
- AIM core methods (MacKinnon et al. 2011) may be collected at additional points according to an intensified design or at targeted sites when overarching AIM sites are not sufficient for local data needs.
- AIM points will be chosen by a stratified random design to meet local data needs.
- Allotment monitoring will be prioritized by designated Improve, Custodial, and Maintain (ICM) categories, land health assessments, permit renewals, and existing data and completed as time and funding allows.
- To determine short-term utilization of the proportion or degree of the current year's forage production that is consumed or removed by animals, the Key Species Method (BLM 1999) will be used.
- Utilization monitoring will be conducted at each allotment within the Planning Area, as funding and staff time allow.
- Compliance inspections on allotments will be periodically conducted. Frequency of compliance checks will be determined primarily on past noncompliance, climatic conditions, designated ICM category, and/or allotment prioritization.

## **1.15 Recreation and Travel Management**

- Campsite monitoring, traffic counter data collection, visitor use surveys, and the sign inventory will be conducted, as time and funding allow.
- Visitor and site data collected for recreational sites will be entered into RMIS for the BLM and INFRA for the USFS.
- Information collected at visitor facilities will be entered into the Facilities Assessment Management System, Inventory and Deferred Maintenance Report.
- Social trail monitoring will be targeted for every 5 years, as time and funding allow.

- A baseline route inventory will be completed as part of the Travel Management Plan (TMP) process. Once vetted, this baseline will serve as the basis for comparison to determine future social or unauthorized use.
- A percentage of road condition surveys will be performed annually and inputted into the USFS database.
- Road maintenance will be performed on main access roads to the BENM site, as time and funding allow.

## **1.16 Wilderness Study Areas**

- WSAs are required to be monitored at least once per month during the months the area is accessible by the public (BLM Manual 6330), unless an alternative monitoring strategy is adopted.



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## **APPENDIX N**

### **Socioeconomics Analysis**



# 1 SOCIAL AND ECONOMIC EFFECTS ANALYSIS

This appendix provides supplemental information regarding the assessment of the social and economic effects of the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) management alternatives for the Bears Ears National Monument (BENM, or Monument).

## 1.1 Assumptions

A socioeconomic baseline report was prepared for the *Bears Ears National Monument: Monument Management Plans and Environmental Impact Statement, Shash Jaa and Indian Creek Units, Analysis of the Management Situation* (hereafter referred to as the AMS) (BLM 2018a), and was included as Appendix C of that document. Appendix C of the AMS defines the analysis area for the social and economic effects analysis as San Juan County, Utah. The analysis area is economically tied to other counties in the surrounding area, including portions of both southeastern Utah and southwestern Colorado, so additional economic and social effects could occur in those areas. However, given the scale of the social and economic effects estimated within the San Juan County analysis area described in this appendix, it is not likely that spillover effects into surrounding counties would be substantial relative to the scale of their existing economic and demographic characteristics.

Based on comments received during public scoping and the effects analyses for other resources, the primary social and economic concerns regarding the management alternatives are related to recreation use and cultural resources. Differences in the availability of areas within the BENM for livestock grazing between the alternatives could affect individual livestock grazing permit holders, but the differences between the alternatives would have minimal effects on regional economic conditions. All alternatives, including the No Action Alternative, would support between 125 and 140 regional jobs related to livestock grazing on the BENM.

## 1.2 Methods of Analysis

Recreation-related economic effects were estimated quantitatively; social and economic effects related to cultural resources were evaluated qualitatively.

Direct and indirect economic effects of the management alternatives from changes in recreation visitation were estimated using the IMPLAN model (IMPLAN 2016). The IMPLAN model was originally developed by the U.S. Forest Service and is commonly used by the BLM and many other government and private sector organizations to estimate the total economic impacts of various activities, actions, and policies. The model tracks inter-industry and consumer spending in a local or regional economy, allowing estimation of indirect and induced economic impacts within the economy that result from the original economic activity or change associated with the management alternatives. Indirect impacts refer to the secondary economic impacts that result from the re-spending of labor income within the local or regional economy, or purchases from other local businesses by directly affected sectors.

The social and economic effects analysis used 2016 IMPLAN data for San Juan County, the most recent data available at the time of the analysis. Direct effects inputs to the model included average daily visitor expenditure profiles provided by the BLM (in 2016 dollars). The BLM provided the daily visitor expenditure profiles specifically for this analysis. Economic effects results in this Environmental Impact Statement (EIS) are reported in 2018 dollars, using the IMPLAN gross domestic product deflator.

Consistent with the approach taken in the Moab Master Leasing Plan and Proposed Resource Management Plan Amendments/Final Environmental Impact Statement for the Moab and Monticello Field Offices (Moab Master Leasing Plan EIS) (BLM 2016), quantitative economic effects from changes in recreation activity are reported in terms of projected average jobs and the projected net present value of cumulative dollar-denominated economic metrics (such as labor income, value added, and economic output) over the 15-year period following implementation of the management alternative. For purposes of

discounting future dollar-denominated metrics to their present value, the study team used a 0.2% real discount rate. While this discount rate is unusually low by historical standards, it is the current recommended real discount rate for a 20-year future period based on OMB Circular A-94, Appendix C (November 2017).

Fiscal effects (changes in local, State, and Federal tax revenues associated with the management alternatives) were also estimated using the results from the IMPLAN modeling of recreation-related economic effects.

## **1.3 Economic and Fiscal Effects**

Current economic and fiscal conditions in the social and economic analysis area were described in Appendix C of the AMS. The following information describes projected changes in those conditions resulting from the management alternatives. Alternative A is the No Action Alternative. Alternatives B, C, D, and E reflect differing management strategies to protect the objects and values of the BENM.

### **1.3.1 Recreation-Related Effects**

Currently, BLM data suggest approximately 225,000 people visit the areas which have been designated as BENM on an annual basis, including an estimated 187,511 visits to the Indian Creek Unit and an estimated 36,994 visits to the Shash Jáa Unit (Appendix C of the AMS). The largest proportion of these visitors (37%) camp in the area, while an estimated 30% camp outside the area, 22% stay in motels outside the area, 4% are day visitors from outside the area, and 7% are visitors who reside locally within the analysis area (BLM 2018b). For purposes of the economic effects analysis, it is useful to convert these visits into visitor days, since visitors who stay overnight spend more than 1 day in the area while day visitors may spend only a portion of the day in the area. Current visitation to the two Units is estimated at 151,736 visitor days.

Different types of visitors also spend money differently in the analysis area. The BLM estimates that the average expenditures per visitor day range from \$12.83 for local day visitors to \$90.96 for visitors who stay in motels in the analysis area (BLM 2018b). For purposes of this analysis, the study team used the average daily expenditures for visitors of all types, weighted by their proportion of total visitor days (\$42.27 in 2016 dollars).

Based on current visitation by type of visitor and the estimated local daily expenditures of each visitor type, recreation visits to the two Units currently support about \$4.8 million in annual output (sales), \$2.2 million in annual labor income, and 65 jobs in the analysis area (IMPLAN 2016).

#### **1.3.1.1 FUTURE VISITATION**

To estimate the potential visitation impacts of managing the BENM, post-designation changes in visitation at five recently designated National Monuments were examined: Canyons of the Ancients, Carrizo Plain, Kasha-Katuwe Tent Rocks, Sonoran Desert, and Upper Missouri River Breaks. The BLM manages each of these Monuments located in the American West, all of which were designated between June 2000 and January 2001. These Monuments were selected based on their location, year of designation, management by the BLM, and availability of visitor data. Most importantly, both pre-designation and post-designation visitation data were available for every site.

Evidence from previous Monument designations suggests that managing public land as a National Monument raises the profile of the area to potential visitors and increases visitation and visitor spending in the region (BBC 2016). The post-designation visitor growth rate analysis focused on the first 6 years after designation, after which time the effects of Monument designation on growth in visitation appear to taper off and are difficult to parse from other effects. The growth rates for each of the five Monuments during the first 6 years following their designation and determined the median annual cumulative growth rate in post-designation visitation was 15.5% (BBC 2016). This annual growth rate was used in this effects analysis to represent the high-growth scenario for visitation to BENM under all alternatives. Given the differing post-

designation growth experience among the five Monuments examined by the study team, a medium-growth scenario was also developed. To establish the medium-growth scenario, visitation data for all five Monuments was aggregated for each year, which weights the Monuments relative to size and visitation numbers and mitigates some of the extreme visitor variation seen at smaller Monuments. Aggregate growth across all five Monuments occurred at cumulative annual growth rate of 7.1%.

A low growth scenario was estimated assuming that visitation in the BENM would continue to grow at rates similar to the growth observed prior to designation, which is approximately 3.1% per year (Section 4.12 of the Moab Master Leasing Plan EIS [BLM 2016]).

In both the high- and medium-growth scenarios, the study team assumed that after 6 years post-designation, annual visitation growth rates would return to the baseline annual BLM visitation growth rate of 3.1% projected in the Moab Master Leasing Plan EIS (BLM 2016).

Table 1 shows projected future visitation under the three growth scenarios. Over the 15-year analysis period, the annual number of visitor days is projected to increase from approximately 152,000 at present to approximately 240,000 under the low growth scenario, 301,000 (medium scenario), and 475,000 (high scenario). While there would be some differences in recreation management under the action alternatives (see Recreation-Related Effects, Section 1.3.1), the study team believes the primary effects on visitation would result from the higher profile associated with managing the area as a National Monument, together with possible improvements to recreation-related infrastructure. Insufficient information is available to estimate any differences in future visitation between Alternatives A, B, C, D, and E.

**Table 1. Projected Future Recreation Visitation**

Projected Annual Recreation Visitor Days									
Time Frame	Low Growth (continue at 3.1%)			Medium Growth (first 6 years at 7.1%)			High Growth (first 6 years at 15.5%)		
	Indian Creek	Shash Jáa	Total	Indian Creek	Shash Jáa	Total	Indian Creek	Shash Jáa	Total
Current	115,593	36,143	151,736	115,593	36,143	151,736	115,593	36,143	151,736
Year 1	119,176	37,263	156,440	123,790	38,706	162,496	133,561	41,761	175,322
Year 2	122,871	38,419	161,289	132,568	41,451	174,018	154,323	48,253	202,575
Year 3	126,680	39,610	166,289	141,968	44,390	186,358	178,311	55,753	234,064
Year 4	130,607	40,837	171,444	152,035	47,538	199,573	206,029	64,420	270,448
Year 5	134,656	42,103	176,759	162,816	50,908	213,725	238,054	74,434	312,488
Year 6	138,830	43,409	182,239	174,361	54,518	228,880	275,059	86,004	361,063
Year 7	143,134	44,754	187,888	179,767	56,208	235,975	283,585	88,670	372,255
Year 8	147,571	46,142	193,713	185,339	57,951	243,290	292,377	91,419	383,795
Year 9	152,146	47,572	199,718	191,085	59,747	250,832	301,440	94,253	395,693
Year 10	156,862	49,047	205,909	197,009	61,600	258,608	310,785	97,175	407,960
Year 11	161,725	50,567	212,292	203,116	63,509	266,625	320,419	100,187	420,606
Year 12	166,738	52,135	218,873	209,412	65,478	274,890	330,352	103,293	433,645
Year 13	171,907	53,751	225,658	215,904	67,508	283,412	340,593	106,495	447,088
Year 14	177,236	55,417	232,654	222,597	69,601	292,198	351,152	109,796	460,948
Year 15	182,731	57,135	239,866	229,498	71,758	301,256	362,037	113,200	475,237

### 1.3.1.2 RECREATION-RELATED ECONOMIC EFFECTS

Future changes in recreation visitation would lead to corresponding changes in the economic contribution from recreation within the analysis area. As shown in Table 2, with projected baseline growth in visitation under the low growth scenario, recreation activity in the Indian Creek and Shash Jáa Units is projected to

support an annual average of 95 local jobs. The cumulative net present value of recreation-related labor income and economic output (sales) over the 15-year period under the low-growth scenario are estimated at approximately \$47 million and \$111 million, respectively.

Under the medium and high growth scenarios, average annual recreation-related employment is projected to increase to between 119 and 178 jobs. These alternatives are also projected to increase the net present value of labor income over the 15-year analysis period to between \$57 million and \$85 million and the net present value of recreation-related output (sales) to between \$135 million and \$202 million.

Because future recreation visitation numbers are inherently uncertain, Table 2 also shows the average employment and cumulative net present value contributed to the regional economy per 10,000 average annual visitor days. IMPLAN outputs are strictly linear, so any changes resulting from higher or lower visitation can be readily extrapolated.

**Table 2. Projected Future Economic Effects Related to Recreation**

Alternative/Effect	15-Year Average Employment/Present Value of Cumulative Dollars		
	Employment	Labor Income	Output
<b>3.1% Annual Visitation Growth</b>			
Direct effect	81	\$40,992,080	\$87,744,544
Indirect effect	6	\$2,521,461	\$8,563,439
Induced effect	8	\$3,218,206	\$14,549,360
<b>Total effect</b>	<b>95</b>	<b>\$46,731,747</b>	<b>\$110,857,344</b>
<b>7.1% Annual Visitation Growth First 6 Years</b>			
Direct effect	101	\$49,939,449	\$106,896,605
Indirect effect	8	\$3,071,822	\$10,432,587
Induced effect	10	\$3,920,645	\$17,725,059
<b>Total effect</b>	<b>119</b>	<b>\$56,931,917</b>	<b>\$135,054,251</b>
<b>15.5% Annual Visitation Growth First 6 Years</b>			
Direct effect	151	\$74,789,637	\$160,089,036
Indirect effect	12	\$4,600,380	\$15,623,908
Induced effect	15	\$5,871,584	\$26,545,161
<b>Total effect</b>	<b>178</b>	<b>\$85,261,601</b>	<b>\$202,258,105</b>
<b>Economic Effects per 10,000 Annual Visitor Days</b>			
Direct effect	4.3	\$2,100,214	\$4,495,560
Indirect effect	0.3	\$129,186	\$438,745
Induced effect	0.4	\$164,884	\$745,431
<b>Total effect</b>	<b>5.0</b>	<b>\$2,394,284</b>	<b>\$5,679,736</b>

### 1.3.1.3 RECREATION-RELATED FISCAL EFFECTS

Currently, economic activity directly and indirectly supported by recreation visits to the two Units produces an estimated \$360,000 in annual State and local tax revenues and an estimated \$468,000 in annual Federal tax revenue (IMPLAN 2016).

Under the low growth scenario, the cumulative net present value of State and local tax revenues produced by recreation visits to the two Units over the 15-year analysis period is projected to be approximately \$7.2 million. Under the medium or high growth scenario, the cumulative net present value of State and local tax revenues is projected to increase to between \$8.7 million and \$12.8 million.



Under the medium or high growth scenario, the cumulative net present value of Federal tax revenue produced by recreation visits to the two Units over the 15-year analysis period is projected to be approximately \$8.9 million. Under the medium or high growth scenario, the cumulative net present value of Federal tax revenue is projected to increase to between \$10.8 million and \$16.2 million.

Given the uncertainty regarding the number of future visitors, it is also useful to consider effects on recreation-related tax revenues if visitation is higher or lower than estimated in the scenarios identified previously. Each 10,000 average annual visitor days corresponds to a cumulative net present value of \$373,000 in state land local tax revenues over the 15-year analysis period and \$455,000 in federal tax revenues.

## 1.4 Effects on Non-market Values

As described in Appendix C of the AMS, non-market values represent economic values associated with BLM and USFS activities that either do not have a market or do have a market but are difficult to quantify. Three of the many types of non-market values that are most relevant to this evaluation, and which may differ between the management alternatives, include the economic benefits to local communities from the amenity values provided by open space and scenic landscapes; the economic benefits to individuals, such as the unpriced value recreationists and visitors experience; and ecosystem service values, which refers to the ways that healthy ecosystems support, enable, or protect human activity.

As indicated above, the Presidential action of designating the BENM is expected to lead to increased visitation to the area. The aggregate economic benefit received by visitors (which is based on estimates of the consumer surplus associated with the activities they undertake during their visit and is distinct and separate from the trip expenditures discussed in Section 1.3.1.2) would increase correspondingly with higher visitation. As shown in Table 5-13 in Appendix C of the AMS, the estimated economic benefits from recreation activities common to the two Units—such as camping, hiking, and rock climbing—ranges from about \$22 per visitor day to about \$66 per visitor day. With the action alternatives anticipated to lead to between 60,000 and 235,000 more visitors per year to the area by the end of the 15-year analysis period (see Table 1), the annual increase in the non-market benefits associated with recreation at the two Units would be several million dollars per year.

## 1.5 Social Effects

The EIS for the Moab Master Leasing Plan identified two major categories of social effects associated with BLM management of public lands in the area (BLM 2016). Social impacts driven by economic effects can result from substantial changes in employment and population related to public land management. Other social effects are more purely social and cultural in nature and often can be usefully evaluated by considering the generalized perspectives of different stakeholder groups.

The differing management strategies under the alternatives considered in this EIS are unlikely to lead to substantial social effects purely based on their economic effects. Simply put, the differences in recreation-related employment—even under the high scenario for future visitation growth—are small enough to have relatively little impact on the overall economy and social makeup of the analysis area. As described in Appendix C of the AMS, there are currently about 6,400 jobs in the analysis area (San Juan County). The action alternatives are projected to lead to no more than 85 additional recreation-related jobs over the next 15 years (on average), which would be less than a 2% increase in county employment.

Appendix C of the AMS identified and defined five categories of stakeholders for this EIS:

- Habitat and resource conservation stakeholders
- Recreation stakeholders
- Mineral development and production stakeholders

- Visual resource stakeholders
- Cultural resource Stakeholders

Habitat and resource conservation stakeholders are likely to find Alternative A, under which management of BENM would continue as outlined in the current Monticello RMP (BLM 2008) and Manti-La Sal Land and Resource Management Plan (USFS 1986), the least satisfactory. These stakeholders would prefer any of the proposed action alternatives but would likely prefer Alternative B, which would offer the most stringent protection of habitat and natural resources, and least prefer Alternative D and Alternative E, which could be seen as offering less assurance of future habitat and resource conservation.

Recreation stakeholders are generally likely to support any of the action alternatives that would lead to potential improvements in access and recreation infrastructure. There may be a subset of these stakeholders that will be concerned about the additional popularity this could create and the potential for more crowding. Among the action alternatives, stakeholders purely focused on recreation opportunities would likely prefer Alternative D and Alternative E, which offer the most unlimited recreation access and opportunity, and least prefer Alternative B, which is more restrictive in terms of recreation.

Mineral development and production stakeholders may find any of the alternatives unsatisfactory, as Proclamation 9558 withdrew all Federal lands within the BENM from location and entry under the Mining Law of 1872 and from the disposition of leasable and salable minerals under the Mineral Leasing Act of 1920 and all other applicable laws. Although there is little or no commercial development potential for mineral resources in the area, these stakeholders may be concerned about the precedent of applying additional management restrictions on Federal lands.

Visual resource stakeholders are likely to be affected by the alternatives in much the same way as habitat and resource conservation stakeholders.

Cultural resource stakeholders are also likely to share similar effects from the alternatives with habitat and resource conservation stakeholders and visual resource stakeholders. While cultural resource stakeholders will find the additional protection of cultural sites highly favorable, they may also be concerned about the likelihood for increased levels of visitation associated with the action alternatives.

## **1.6 Environmental Justice Impacts**

Definitions and methods for the analysis of potential environmental justice (EJ) issues are described in Appendix C of the AMS. In short, the socioeconomic study area was screened to identify communities with minority and low-income populations that qualify as potential EJ populations based on guidance for EJ analysis from the Council on Environmental Quality. The EJ screening analysis identified six Census Designated Places (CDPs) on the Navajo Reservation, two CDPs located off the reservation, and the City of Blanding for further screening based on their large proportions of minority residents (American Indians). The analysis also identified the Navajo Nation as a whole (as an American Indian Reservation) and San Juan County as a whole (based on its high proportion of American Indian residents) for further screening.

EJ impacts would occur if any of the areas described above were to experience disproportionately high and adverse public health or environmental impacts from any of the management alternatives. Adverse impacts to cultural resources would also likely represent an EJ impact. However, none of the proposed action alternatives is anticipated to result in any adverse public health or environmental impacts. Each of the action alternatives is likely to be more protective from a health and environmental standpoint than the continuation of current management under Alternative A.

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## **APPENDIX O**

**Responses to Public Comments on the Bears Ears National Monument,  
Draft Monument Management Plans and Environmental Impact Statement,  
Shash Jaa and Indian Creek Units**



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# 1 INTRODUCTION

The Bureau of Land Management (BLM) and U.S. Forest Service (USFS) published the Notice of Availability (NOA) of the Draft Monument Management Plans and Draft Environmental Impact Statement (Draft MMPs/EIS) for the Shash Jáa and Indian Creek Units of the Bears Ears National Monument (BENM) in the *Federal Register* on August 17, 2018. The publication of the NOA began a 90-day public comment period that ended on November 15, 2018.

Comments on the Draft MMPs/EIS were accepted by the BLM and USFS using U.S. Postal Service mail and email, and in hard copy at BLM and USFS offices during the 90-day public comment period. Additionally, the BLM and USFS hosted three open house-style public meetings to provide the public with an opportunity to speak with representatives of the BLM and USFS, ask questions, and submit comments on the Draft MMPs/EIS in writing or verbally. Verbal comments received at the public meetings were recorded by a court reporter. The meetings were held on October 2, 2018, in Blanding, Utah; on October 3, 2018, in Bluff, Utah; and on October 4, 2018, in Montezuma Creek, Utah. All comments were given equal consideration, regardless of method of submittal.

The BLM and USFS are required to assess and consider comments on the Draft MMPs/EIS both individually and collectively (40 Code of Federal Regulations [CFR] 1503.4(a)). This appendix summarizes the comments received during the 90-day public comment period and how the BLM and USFS addressed these comments in the development of the Proposed MMPs and Final EIS.

Consistent with 40 CFR 1503.4(b), this appendix focuses on substantive comments on the Draft MMPs/EIS. A high volume of non-substantive comments was also received by the agencies. In general, these non-substantive comments indicate other topics that are of interest to the public in relation to the development of the MMPs/EIS; therefore, the agencies summarized and responded to many of the non-substantive comments as well as comments that indicated public interest in issues that are beyond the scope of the development of the MMPs/EIS. The BLM National Environmental Policy Act Handbook defines substantive and non-substantive comments as indicated below.

Substantive comments do one or more of the following:

- Question, with reasonable basis, the accuracy of information in the EIS or Environmental Assessment (EA)
- Question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis
- Present new information relevant to the analysis
- Present reasonable alternatives other than those analyzed in the EIS or EA
- Cause changes or revisions in one or more of the alternatives

Comments that are not considered substantive include the following:

- Comments in favor of or against the proposed action or alternatives without reasoning that meet the criteria listed above (such as “we disagree with Alternative Two and believe the BLM should select Alternative Three”)
- Comments that only agree or disagree with BLM policy or resource decisions without justification or supporting data that meet the criteria listed above (such as “more grazing should be permitted”)
- Comments that do not pertain to the project area or the project (such as “the government should eliminate all dams,” when the project is about a grazing permit)
- Comments that take the form of vague, open-ended questions

In response to substantive comments, in accordance with 40 CFR 1503.4(a), the BLM and USFS could do the following:

- Modify alternatives, including the proposed action
- Develop and evaluate alternatives not previously given detailed consideration by the agencies
- Supplement, improve, or modify their analyses
- Make factual corrections
- Explain why the comments do not warrant further agency response, citing appropriate sources or authorities

Comments that merely express an opinion for or against an alternative or the development of the MMPs were generally not identified as requiring a response because they meet the BLM NEPA Handbook definition for a non-substantive comment.

## 2 SUBMISSION PROCESSING AND COMMENT CODING

The following sections describe the methods used to review and identify comments received during the 90-day public comment period.

### 2.1 Submission-Level Processing

The BLM and USFS received 250,484 submissions from the public during the 90-day public comment period. Duplicate submissions from the same sender made through more than one submission method were excluded from this total. Each submission received was entered into a database, assigned a unique submission number, and reviewed individually for substantive comments.

Submissions were categorized based on the content of the submission as unique; form letter (submissions that were identified as identical letters submitted by individuals as part of an organized letter writing campaign with no unique text); and form letter plus (submissions that were identified as part of an organized letter writing campaign that also contained unique text added to, embedded in, or altered from the form letter text).

All comments were given equal consideration, regardless of method of submittal. Of the 250,484 submissions, 4,075 were unique and 246,409 were part of organized letter writing campaigns (Table O-1).

**Table O-1. Submittal Summary by Type**

<b>Format</b>	<b>Number of Submissions</b>
Unique	4,075
Form letter	223,383
Form letter plus	23,026
<b>Total</b>	<b>250,484</b>

Each individual submission was also categorized based on the affiliation of the sender as submitted by individuals, stakeholder groups (e.g., environmental organizations and user group organizations), government agencies (including Federal, State, and local governments), and American Indian Tribes (Table O-2).

**Table O-2. Sender by Type**

<b>Format</b>	<b>Number of Submissions</b>
Individuals	250,424
Stakeholder Groups	50
Government Agencies	5
American Indian Tribes	5
<b>Total</b>	<b>250,484</b>

## 2.2 Comment-Level Coding

After the 250,484 submissions received during the public comment period were entered into a database and assigned a unique submission number, the content of the submissions was reviewed. Based on this review, individual substantive comments were identified. Each individual substantive comment was assigned a unique comment number based on the submission number and the number of comments identified in the submission. Each unique comment was also assigned a topic-based code according to the issue raised in the comment. For example, if a submission numbered 100 brought up four different issues, the submission text was parsed into four separate comments numbered 100-1, 100-2, 100-3, and 100-4, and each comment was assigned a code based on the topic of the unique comment. This parsing process resulted in approximately 3,479 individual comments, which were then coded according to the issues raised. Comments relevant to more than one issue were given secondary codes to ensure that they were captured under each issue. Comments were received on topics related to the planning process, public and stakeholder involvement, and almost every resource or resource use

The submissions received by the BLM and USFS also included comments about issues that are outside of the scope of the BLM's and USFS's current development of the MMPs for the BENM. Examples of comments that are outside the scope of the development of the MMPs and the BLM's and USFS's decision space include comments in support of or in opposition to Presidential Proclamations 9558 or 9681 and suggestions regarding management for lands outside the BENM. These comments are summarized in Section 4.

## 3 COMMENTS AND RESPONSES BY RESOURCE OR PLANNING TOPIC

The following sections list the individual substantive comments received during the 90-day public comment period and the BLM's and USFS's responses to those comments. All comments received have been incorporated into the project record and can be accessed by contacting the BLM Canyon Country District Office. As described in Sections 2.1 and 2.2, all individual comments were given a unique submission number-comment number code (e.g. A.47-76, 1456-1), comprised of submission and comment identification numbers.

Many commenters expressed similar or identical concerns. For these often-repeated concerns, summary public concern statements were drafted. Each public concern statement was given a unique code (e.g. AIR-1) and appears in bold in the first rows of each appropriate table. All public concern statements are included in this appendix and have appropriate responses. All individual comments summarized by the public concern statements herein are included in the project record.

## 3.1 Air Resources

Letter #-Comment # or Public Concern Statement #	Comment	Response
AIR-1	<p><b>The BLM and USFS should address potential impacts to air quality from BENM planning decisions.</b></p> <p>Sample comment: The air quality and other impacts on neighboring national parks must be addressed. Parks and monuments I visited as a child no longer have clear skies.</p> <p>Sample comment: I already feel the results of methane burnoffs from the Aneth oil fields and worry that with more extraction the atmosphere will become more toxic for all who breathe it.</p> <p>Sample comment: Any policy or action that promotes any fuel source other than 100% sustainable and clean sources such as solar and wind, is criminally negligent as it knowingly increases carbon emissions and there accelerates climate change and the degradation of current and future American's resources, health and prosperity.</p>	<p>Section 3.4.2 of the MMPs/EIS analyzes the potential impacts that planning decisions would have on air resources and greenhouse gas (GHG) emissions, including on neighboring Canyonlands National Park. The BLM and USFS must analyze the potential impacts that any proposed planning or policy actions regarding the BENM would have on air quality and greenhouse gas emissions. Appendix I, Section 1.1.1, describes potential air quality best management practices (BMPs), and the introduction to this appendix describes the methodology for applying them at the project-specific level to minimize impacts on air resources. Appendix M describes the monitoring strategy that will be used to monitor air quality conditions over the life of the MMPs and the adaptive management approach that will be taken to ensure that indicators of air quality are being met.</p>
A.47-76	<p>FCM is concerned that the DMMP does not offer air quality modeling or a new study. This approach is problematic for three reasons: (1) the development of unpatented mining claims and non-federal mineral resources within the reduced BENM—an area that exceeds 40 square-miles in size—could directly and indirectly impact air quality related values, (2) these impacts, together with recent leasing and development activity immediately east of the original monument boundary, will contribute to cumulative impacts to air quality related values, and (3) the DMMP recognizes the potential to violate NAAQS even without considering likely direct and indirect effects. As the DMMP concedes, "trends, based on past monitoring, indicate that cumulative air quality impacts have the possibility to cause NAAQS exceedances of ozone that could impact the Planning Area (BLM 2018a)." DMMP Vol. 1 at 3-107. The BLM and USFS cannot identify the "possibility of NAAQS exceedances," indicate that all of the action alternatives may contribute to those exceedances, fail to take a hard look at the issue, and fail to take steps that make a violation of the Clean Air Act more likely. This oversight is even more problematic in light of the decision to completely ignore mineral development in the DMMP. As the DMMP concedes, "oil and gas development" is one of two "main sources of pollutants in the airshed." (Vol.1 at 3-107.) Recommendations 1. Complete quantitative and qualitative air quality modeling. 2. Redo analysis to take a "hard look" at direct, indirect, and cumulative impacts on air quality.</p>	<p>As described in the responses to A.47-81 and A.76-10, development of the unpatented mining claims or State trust lands within the BENM is speculative. The agencies, in coordination with the Utah Air Resource Technical Advisory Group, which includes the Environmental Protection Agency (EPA), evaluated the need for a quantitative air analysis for the MMPs/EIS prior to document preparation and determined that a qualitative analysis was the appropriate level of analysis. The BLM and USFS examined emissions-generating sources within the Monument unit boundaries (livestock grazing, travel management, vegetation management, fire management, authorization of rights-of-way (ROWs), and mineral activity) and determined that there was low potential for development in the units over the life of the MMPs (e.g., ROW authorizations and mining claim development), limited emissions associated with the activity in the units (e.g., livestock grazing, vegetation management), insufficient data to quantify emissions (e.g., travel management), or activities were regulated by the state air agency (e.g., fire management). In addition, under all alternatives, BLM and USFS management actions would result in air pollutant emissions that would be less than emissions prior to Monument designation. As such, the proposed management actions evaluated in the MMPs/EIS would have limited direct and indirect impacts on air resources. Potential air quality BMPs and the methodology for applying them are included in Appendix I of the MMPs/EIS; these BMPs include measures for reducing engine exhaust emissions. The monitoring strategy that will be used to monitor air quality conditions over the life of the MMPs and the adaptive management approach that will be taken to ensure that indicators of air quality are being met is described in Appendix M. Reference to these appendices has been added to Section 3.4.2 of the Final EIS.</p> <p>Direct and indirect impacts from BLM-authorized oil and gas development activities in the areas outside the BENM units were disclosed in the Monticello RMP (BLM 2008), Moab Master Leasing</p>

Letter #-Comment # or Public Concern Statement #	Comment	Response
A.63-4	<p>It appears that no quantitative or qualitative air quality modeling was prepared for the DMMP/DEIS. This approach is problematic for three reasons: First, the development of unpatented mining claims and non-federal mineral resources within the reduced BENM could directly and indirectly impact air quality related values. Second, these impacts, together with recent leasing and development activity bordering the original monument boundary, will contribute to cumulative impacts to air quality related values. Third, the DMMP/DEIS recognizes the potential to violate National Ambient Air Quality Standards (NAAQS) even without considering these foreseeable direct and indirect effects. As the DMMP/DEIS concedes, “trends, based on past monitoring, indicate that cumulative air quality impacts have the possibility to cause NAAQS exceedances of ozone that could impact the Planning Area (BLM 2018a).” DMMP/DEIS at 3-107. The BLM/USFS cannot identify the “possibility of NAAQS exceedances,” indicate that all of the action alternatives may contribute to those exceedances, and then fail to take a hard look at the issue. This oversight is even more problematic in light of the decision to completely ignore mineral development. As the DMMP/DEIS concedes, “oil and gas development” is one of two “main sources of pollutants in the airshed.” DMMP/DEIS at 3-107.</p>	<p>Plan and RMP Amendment/EIS (BLM 2016a), and other site-specific NEPA documents for oil and gas leasing and development actions on BLM-administered surface lands and mineral estate. The current level of oil and gas activity authorized by the BLM is below the level analyzed by the reasonably foreseeable development scenario in these NEPA documents; thus, oil and gas activity in and near the Planning Area is covered by current NEPA analyses. Likewise, cumulative impacts on air resources from a combination of Federal and non-Federal actions were disclosed in the Moab Master Leasing Plan and RMP Amendment/EIS’s far field analysis (BLM 2016a).</p>
A.57-7	<p>In performing a full analysis of climate impacts, BLM must consider all potential sources of greenhouse gases, including, for example, the greenhouse gas emissions generated by transporting large amounts of water to the leasing site(s). Therefore, the EIS should include the following: (1) an estimate of the greenhouse gas (“GHG”) emissions associated with the proposed action; (2) qualitatively describe relevant climate change impacts; (3) analyze reasonable alternatives and/or practicable mitigation measures to reduce project-related GHG emissions; (4) address the appropriateness of incorporating GHG reduction measures and resilience to foreseeable climate change at the development stage.</p>	<p>See response to A.47-76. In addition, under all alternatives, BLM management actions would result in GHG emissions that would be less than emissions prior to Monument designation. New oil and gas authorizations in the BENM units are precluded, as the BENM is withdrawn from mineral entry and leasing by Presidential Proclamation; therefore, no GHG emissions from these activities would occur under any of the alternatives evaluated in the MMPs/EIS. The Draft MMPs/EIS provided a qualitative analysis of direct, indirect, and cumulative GHG emissions from the alternatives. Because the level of NEPA analysis is commensurate to the impacts to resources, the lack of an increase in GHG emissions made a more detailed analysis of the impacts associated with GHGs unnecessary. Also see response to A. 57-6.</p>
A.57-8	<p>The Draft EIS should include carbon and methane emissions inventory estimates for the action and all alternatives. The Draft EIS should also use the federal government’s Social Cost of Carbon toolkit to quantify the externalized cost of the emissions for which oil and gas development pursuant to the leases would be responsible. These estimates should include the end-use emissions of all oil and gas produced as a result of BLM’s decision to issue leases on the Coastal Plain, rather than simply the front-end emissions of producing the oil and gas. A separate category should be provided for methane.</p>	<p>See response to A.57-7.</p>

Letter #-Comment # or Public Concern Statement #	Comment	Response
A.57-3	<p>The EIS must consider current local air quality and the significant risk of additional impairment from the proposed project, associated transportation, and other cumulative projects. The EIS should disclose whether toxics emissions would result from project construction and operations, estimate emissions of criteria pollutants for the project area, and discuss the timeframe for release of these emissions over the lifespan of the project. The EIS should further discuss the cancer and non-cancer health effects associated with air toxics and diesel particulate matter and identify populations that are likely to be exposed to these emissions. In preparing the Draft EIS, BLM should document the approach used to analyze and predict air quality impacts. The protocol should describe the model(s) that will be used for analysis, including model parameters, modeling boundaries, and important model inputs such as meteorology, background data, and emission inventories. The BLM must adequately describe the baseline conditions and calculate the true impacts of the proposal on air quality including direct, indirect, and cumulative impacts. The EIS should clearly identify the air quality permits that will be required and the amount and type of data that will be needed for these permits. Furthermore, the EIS must also identify available methods for controlling air pollution emissions based on NEPA's requirement that the agency identify mitigation measures, 40 C.F.R. § 1508.25, and consider all reasonable alternatives.</p>	<p>The proposed Federal action is the approval of the MMPs and subsequent management of the Federal lands within the BENM subject to the approved MMPs, not the approval of a specific project with the potential to affect air quality. Appendix L, Air Quality Baseline, describes baseline air quality conditions in the Planning Area in detail. The agencies, in coordination with the Utah Air Resource Technical Advisory Group, which includes the EPA, evaluated the need for a quantitative air analysis for the MMPs/EIS prior to document preparation and determined that a qualitative analysis was the appropriate level of analysis. The BLM and USFS examined emissions-generating sources within the Monument unit boundaries (livestock grazing, travel management, vegetation management, fire management, authorization of ROWs, and mineral activity) and determined that there was low potential for development in the units over the life of the MMPs (ROW authorizations and mining claim development), limited emissions associated with the activity in the units (livestock grazing and vegetation management), insufficient data to quantify emissions (travel management), or activities were regulated by the state air agency (fire management). In addition, under all alternatives, BLM management actions would result in air pollutant emissions that would be less than emissions prior to Monument designation.</p> <p>Appendix I, Section 1.1, describes potential air quality BMPs and the introduction to this appendix describes the methodology for applying them at the project-specific level to minimize impacts on air resources. These BMPs include coordinating with the State air agency to determine if air emission permits are required, complying with prescribed burn requirements, limiting fugitive dust emissions, minimizing surface disturbance, and reducing engine exhaust emissions. Because the exact timing and location of many management actions are unknown at this planning level of analysis, impacts on air quality will be further evaluated when evaluating site-specific management actions.</p>
A.31-5	<p>Though proposing to leave extensive areas of the originally designated Bears Ears Monument open to coal leasing and oil and gas leasing, the Agencies have failed to take a hard look at the impacts of that decision on climate change. The Agencies must fully analyze the indirect effects and downstream impacts of keeping the lands in the areas excised from the monument available for the extraction of coal, oil, and gas. See <i>W. Org. of Res. Councils v. U.S. Bureau of Land Mgmt.</i>, No. CV 16-21-GF-BMM, 2018 WL 1475470, at *13 (D. Mont. Mar. 26, 2018) (“NEPA requires BLM to consider in the EIS the environmental consequences of the downstream combustion of the coal, oil and gas resources potentially open to development under these RMPs.”). The Agencies must assess how the existing management plans governing the excised areas surrounding excised lands allow fossil fuel leasing to occur on those lands, and what the foreseeable impacts of that leasing are. The Agencies must analyze how the ultimate combustion of the resources that will be extracted from the excised lands will contribute to climate change and the threats it poses to the viability and productivity of natural resources for current and future generations. This must include an analysis of the downstream emissions associated with continued extraction from the excised lands in light of the cumulative effect with other emissions from Agency decisions, and greenhouse gas emissions from other sectors.</p>	<p>See responses to OOS-10, A.47-76, and MIN-1.</p>

Letter #-Comment # or Public Concern Statement #	Comment	Response
	<p>Moreover, in executing its mandate under FLPMA, BLM must actually consider this analysis in explaining how keeping the excised lands open to extraction is rational in light of the urgent need to constrain carbon emissions to protect, inter alia, the continued viability of resources on public lands. Recent scholarship has calculated that a cessation of fossil fuel extraction on federally owned lands would reduce global carbon dioxide emissions by an estimated 280 million tons annually by 2030 and has provided analytical tools for the assessment of such supply-side restrictions which could be used to inform environmental review of the individual and cumulative impacts of federal leasing decisions. In particular, their analysis shows that cessation of coal leasing has an abatement cost that makes it a cost-effective way to reduce emissions. BLM must provide a rational explanation of how forsaking the opportunity for cost-effective emission reductions squares with the urgent need to reduce emissions to avoid catastrophic consequences for other resources on public lands, and to manage the lands in a manner that keeps those resources available for future generations.</p>	
A.75-77	<p>As mentioned above in Section IV(B), NEPA imposes “action forcing procedures ... requir[ing] that agencies take a hard look at environmental consequences.” Methow Valley, 490 U.S. at 350 (citations omitted) (emphasis added). These “environmental consequences” may be direct, indirect, or cumulative. 40 C.F.R. §§ 1502.16, 1508.7, 1508.8. BLM is required to take a hard look at those impacts as they relate to the agencies’ action.</p> <p>The Draft MMP acknowledges that the consensus of scientific research shows that increasing levels of greenhouse gas emissions are affecting global climate change. See Draft MMP, Appx. L-18. According to the Draft MMP, there are no trends data available on climate, climate change, or greenhouse gas emissions specific to the Indian Creek and Shash Jaa’ units. Id., Appx. L-22. The climate change potential in Indian Creek unit is estimated to be low to moderate, with the southern portion of the unit showing a very high potential. Id. at L-22. The Shash Jaa’ unit shows a moderate to very high potential. Id. Seemingly, to address this lack of information, the Draft MMP provides insight to trends within and near the area, including decreased snowpack, a decrease in average precipitation (between 2- 10%) since 1901, and an average temperature increase of over 2.5 degrees F since 1901 — all telltale signs of climate change. Id.</p> <p>To properly take a “hard look” at climate change impacts in the Planning Area, BLM and USFS must consider the direct, indirect, and cumulative environmental consequences that may occur as a result of the proposed management prescriptions. As the Draft MMP is currently written, the agencies fail to meet this standard.</p> <p>The Draft MMP directs the agencies to “make a constant and consistent effort to maintain vegetation and soil communities in good health” to combat climate change. Id., Appx. L-25. As discussed in Sections X and XIX above, this direction is sorely ignored. The Draft MMP acknowledges that “[r]esource activities such as mining or oil and gas development may contribute to climate change.” Id., Appx. L-22. Despite this, the agencies fail to take a hard look at the impacts that leaving extensive areas of the originally designated Bears Ears National Monument open to fossil fuel development will have on climate change. The Agencies must fully analyze the indirect effects and downstream impacts of keeping the lands in the areas excised from the monument available for the extraction of coal, oil, and gas. See W. Org. of Res. Councils v. U.S. Bureau of Land Mgmt., No. CV 16-21-GF-BMM, 2018 WL 1475470, at *13 (D. Mont. Mar. 26, 2018) (“NEPA requires BLM to consider in the EIS the environmental consequences of the downstream combustion of the coal, oil and gas resources potentially open to development under these RMPs.”). The Agencies must analyze how the ultimate combustion of the resources that will be extracted from the excised lands will contribute to climate change and the threats it poses to the viability and productivity of natural resources for current and future generations. This must include an analysis of the downstream emissions associated with continued extraction from the excised lands considering the cumulative effect with other emissions from Agency decisions, and greenhouse gas emissions from other sectors.</p>	See response to A.31-5.

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A.75-72	<p>Proclamation 9558 identifies at least three core Monument objects sensitive to air quality impacts: visibility, plant communities and, as recited above, water resources, including water quality. Moreover, good air quality is necessary to protect the health of Monument visitors and animals. Therefore, the agencies must ensure that air quality in the Monument is maintained or improved to safeguard visibility, plant communities and water resources, as well as public health and wildlife species.</p> <p>A. The agencies are compelled to adopt Alternative B or a more restrictive alternative to protect monument values sensitive to air quality. Because they are ultimately charged with safeguarding Monument values, including those sensitive to air.</p> <p>[The Monticello RMP and the Manti-La Sal LRMP] [b]oth ... allow for oil and gas development and OHV use, which are main sources of pollutants in the airshed. Cumulatively, these actions would continue to impact air quality with trends forecasted as described under Section 2.1.2 of the AMS (BLM 2018a). These trends, based on past monitoring, indicate that cumulative air quality impacts have the possibility to cause NAAQS exceedances of ozone that could impact the Planning Area (BLM 2018a). Draft MMP at 3-107. Importantly, EPA based the Secondary Ozone NAAQS, set at the same concentration as the Primary Ozone NAAQS, on inter alia, the adverse impacts that ozone has on plants, including trees. E.g., 80 Fed. Reg. 65292, 65369-372 (Oct. 26, 2015). Indeed, a strong body of evidence that supports the Secondary Ozone NAAQS comes from Forest Service research. Id. at 65370. Therefore, given that the agencies are charged with safeguarding Monument objects, encompassing the many plant species and communities, including trees, specifically identified in Proclamation 9558, they are duty bound to protect air quality in the Monument by reducing emissions of ozone precursors and the cumulative impacts of ozone concentrations in and around the Monument. To ensure ozone levels do not damage or injure Monument objects including plant communities, increasing emissions of ozone precursors in the area must be avoided.</p> <p>Alternative B, the most restrictive alternative, best meets this legal mandate. Similarly, the Proclamation identifies visibility and the opportunities to view the extraordinary scenic vistas of the area as Monument objects and values that the agencies are required to protect. At the same time, the agencies identify vehicle travel on unpaved roads as a significant source of visibility-reducing fugitive emission. E.g., Draft MMP 3-2 (“particulate emissions (fugitive dust) from travel on unpaved roads [is] a greater source of air quality impacts in the Planning Area.”); AMS 2-12 (“With increased vehicular recreation in the region and demand for utility scale ROW, fugitive dust will likely increase across the Planning Area.”); Draft MMP 3- 107. Fugitive emission also adversely impact public health, the environment and plants. E.g., 62 Fed. Reg. 38652 (July 18, 1997). The Draft MMP further confirms that “on-road mobile sources are the largest emitters of nitrogen oxides (AMS Section 2.1.2, Table 2-8).” Draft MMP 3-2. These conclusions underscore that at a minimum, the agencies are obligated to adopt Alternative B to appropriately protect Monument objects and values, including visibility. This is because of the alternatives presented, Alternative B will minimize visibility degradation and nitrogen deposition associated with vehicle travel, including off-road activity. For example, [f]ugitive dust from travel on unpaved roads and trails would continue to have localized impacts on air quality; these impacts may increase over time with expected increases in visitor use levels. Alternatives A, C, and D would make similar amounts of area available to OHV use, and, consequently, measurable impacts from particulate matter (dust) and vehicle emissions would be similar.</p> <p>Alternative B would close certain areas to OHV use compared with Alternative A. Approximately 13 miles of routes in the Indian Creek Unit (compared with 0 mile under Alternative A) and 54 miles in the Shash Jáa Unit (compared with 5 miles under Alternative A) would be located in areas closed to OHV use; fugitive dust related impacts would be reduced in closed areas as compared with Alternative A. Draft MMP at 3-4.</p> <p>Indeed, the agencies’ analysis of only minor differences in the impacts of the alternatives on fugitive dust emissions indicates that the agencies must derive and implement a management alternative that</p>	<p>See responses to ALT-1, ALT-4, and NMON-2. In developing the Proposed MMPs, the BLM and USFS decision-makers considered public comments on the Draft MMPs/EIS. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>



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	<p>does more to protect visibility and plant communities from fugitive dust by closing more areas to OHV use and thereby doing more to control dust emissions. Because there is little difference between the consequences of the management alternatives, the agencies are obligated to consider an alternative that further reduces fugitive emissions as representing the full range of alternatives NEPA requires. Only through the adoption of such an alternative can the agencies properly care for and manage Monument objects sensitive to air pollution.</p>	
A.54-1	<p>One area of concern in the current draft Monument Management Plant (MMP) is the need to more clearly address climate change and drought as a threat multiplier to sustainably managing resources under increasing temperatures and aridity across this region. Based on our collective scientific expertise, we can state with high confidence that the combined impacts of human activities such as historic livestock grazing, energy development, and recreation have degraded these lands, and these impacts may be greatly exacerbated under a future climate. We strongly encourage that a more in-depth analysis of climate and drought and how these may interact with current and future land use, using the most up to date climate projections, be included in the final EIS. An update from the National Integrated Drought Information System (NIDIS) early this fall, reported that from October 2017 through September 2018 the U.S. Southwest experienced below-normal to record-low precipitation resulting in an exceptional drought across much of this region (See <a href="https://www.drought.gov/drought/documents/el-ni%C3%B1o-southwest-droughtstatus-update-october-26-2018">https://www.drought.gov/drought/documents/el-ni%C3%B1o-southwest-droughtstatus-update-october-26-2018</a>). Across the State of Utah, it was the driest year on record resulting in below average water storage in reservoirs, a severe summer fire season, and significant impacts to the agricultural sector, especially to livestock producers who had to sell off livestock due to lack of forage. The BENM area has been particularly impacted by these drought conditions and falls within the record dry conditions category across the area (Fig. 1). Current predictions favoring El Niño conditions this winter suggest that drought may be expected to lessen in parts of the Southwest but may persist in other areas. The probability of reaching 100% normal precipitation for October 2017 through September 2019 are low. Thus, significant drought is expected to persist in Utah and Colorado and northern Arizona and New Mexico. Considering the implications of drought in the Monument Management Plant (MMP) is especially critical to sustainably managing these landscapes.</p>	<p>Ongoing drought conditions are addressed in the analysis of impacts on many resources in Chapter 3 of the MMPs/EIS. Climate change is discussed in detail in Appendix L, Section 3, of the MMPs/EIS, including climate indicators, current conditions, trends, and forecasts. The Draft EIS, Appendix M, includes a monitoring strategy and adaptive management approach that includes indicators of resource health and triggers for which management actions should be taken to improve these indicators. Through this approach, the BLM and USFS will address changing resource conditions resulting from a variety of factors, including climate change. A brief discussion of the monitoring strategy will be added to Section 3.4.2 of the Final EIS.</p>
A.57-6	<p>BLM must consider the potential direct, indirect, and cumulative impacts its proposed action and alternatives will have on the climate in order to comply with NEPA. BLM may not simply conclude that the proposed action will have a negligible effect on climate change without performing an analysis to support that conclusion. This analysis should be based on CEQ's December 2014 Revised Draft Guidance on the Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews (Climate Change Guidance).</p>	<p>The Draft MMPs/EIS provided a qualitative analysis of direct, indirect, and cumulative GHG emissions from the alternatives. The BLM and USFS examined emissions-generating sources within the Monument unit boundaries (livestock grazing, travel management, vegetation management, fire management, authorization of ROWs, and mineral activity) and determined that there was low potential for development in the units over the life of the MMPs, limited emissions associated with the activity in the units, or insufficient data to quantify emissions. Thus, GHG emissions are not expected to notably affect regional or global climate change. Impacts on changes to Monument resources from climate change or other factors would be mitigated through continued observation and adaptive management actions as outlined in Appendix M.</p>

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A.75-103	<p>The agencies should rely on up-to-date studies and analysis in analyzing nitrogen deposition. While acknowledging the critical role that air quality plays in safeguarding Monument objects, including the impact of nitrogen deposition on vegetation and soils, the agencies do not rely on recent information. E.g., AMS at 2-1.1 (stating “Total nitrogen deposition of 3 kg/hectare-year represents the total pollution loading where acidification is unlikely and ‘below which a land manager can recommend a permit be issued for a new source unless data are available to indicate otherwise’ (Fox 1989)). Rather than relying on “levels of concern” identified 30 years ago, the agencies would be well served to incorporate recent information about nitrogen-enrichment effects on vegetation and soils from atmospheric deposition such as: Sullivan TJ and Others.</p>	<p>The comment on the nitrogen deposition level of concern is noted by the BLM and USFS. The referenced statement in the <i>Bears Ears National Monument: Monument Management Plans and Environmental Impact Statement, Shash Jaa and Indian Creek Units, Analysis of the Management Situation (AMS)</i>, page 2-1.1, is provided for comparison purposes only to provide context for the measured deposition levels at Canyonlands National Park. Changes in deposition rates from management actions under all of the alternatives considered in the MMPs/EIS would be negligible based on the types and levels of emissions from allowable uses in the BENM.</p>

## 3.2 Alternatives

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ALT-1	<p><b>Alternative B should be selected for the management of BENM.</b></p> <p>Sample comment: As a concerned citizen of the great state of Utah, I am sending this email to declare my support for the Alternative B plan for the land management of the Indian Creek and Shash Jaa units of the Bears Ears National Monument. I support this plan as it is outlined in Table ES-3 and throw my support behind prioritizing the protection of Monument objects and values over other resource uses, especially any energy development or mineral extraction, which I am vehemently opposed to.</p> <p>Sample comment: Only the most conservation approach will achieve maximum sustainability and preservation for the future. We cannot let immediate gratification prevent our progeny from having the same opportunities we have. Therefore, Alternative B is the wisest choice. Even if Alternative B is not adopted, the "preferred" option of Alternative D is the worst possible plan and will do the least to preserve the values that BLM and USFS are committed to. Do not make this selection!</p> <p>Sample comment: As a concerned citizen of the great state of Utah, I am sending this email to declare my support for the Alternative B plan for the land management of the Indian Creek and Shash Jaa units of the Bears Ears National Monument. I support this plan as it is outlined in Table ES-3 and throw my support behind prioritizing the protection of Monument objects and values over other resource uses, especially any energy development or mineral extraction, which I am vehemently opposed to.</p> <p>Sample comment: Of the Alternatives proposed, I urge you to implement Alternative B which comes closest to the stated objective of providing “protection and the proper care and management” of the objects of antiquity and historic and scientific interest originally identified in the Presidential Proclamations (9558, 9681).</p>	<p>Alternative preferences are noted by the BLM and USFS. Any alternative or combination of alternatives selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
ALT-2	<p><b>Alternative C should be selected for the management of BENM.</b></p> <p>Sample comment: I fully support Alternative C and find it to be a flexible management plan that fully considers the future of the Monument, while also not being extremely restrictive in all areas.</p> <p>Sample comment: We believe that alternative C, maintaining a balance between protecting and conserving resources and objects while also providing for other multiple uses, is the best option to pursue. This alternative allows for the continuation of protection regarding resources and land use while also providing opportunities for uses like recreation to bring economic profit to the area.</p>	<p>See response to ALT-1.</p>

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	Approaching the management of the areas too passively could result in negative impacts that are not only difficult, but expensive to mitigate. Alternative C provides insight for both short term and long-term use of the land and is overall the most considerate of all parties involved.	
ALT-3	<p><b>Alternative D should be selected for the management of the BENM.</b></p> <p><i>Sample comment:</i> I feel like Section D is going to be the best option for San Juan County, where we have so many people that are involved in different things, whether it be mountain biking, motorcycling, jeeping, along with tourism that will be coming along with some of those areas. I felt like that was a good option that would allow them to have a little bit wider boundaries so that, as people bring their projects or ideas for moving forwards with things, they can evaluate those projects and not have such tight, narrow deadlines or requirements for those projects.</p> <p><i>Sample comment:</i> Overall, with suggested modifications, we think Alternative D provides the best mix of management prescriptions for protection of Monument objects and values while providing for authorized and customary uses important to San Juan County and its residents.</p>	See response to ALT-1.
ALT-4	<p><b>The BLM and USFS should create a new alternative that provides more protections for Monument objects and values.</b></p> <p><i>Sample comment:</i> None of the plan's alternatives, including the BLM's preferred alternative (Alternative D), fit with the requirement that monuments be managed in a way that protects "monument objects" and thus more protective alternatives are necessary.</p>	The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 makes it clear that the BLM and USFS have discretion in determining the appropriate management for lands within the BENM to provide for the proper care and management of Monument objects and values. Presidential Proclamation 9558 states, "For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate." Alternative E was developed in response to comments on the Draft MMPs/EIS and is analyzed in the Proposed MMPs/Final EIS.
57177-1	It seems that Alternative C, rather than the recommended Alternative D would provide for the best cooperation between preservation and recreation. Page 3-46 describes what appears to be a perfect mix of recreation and preservation with the opportunity for ongoing adaptive management, which seems fitting for an area that continues to provide historical artifacts. Preferred Alternative D goes too far at providing no management or preservation of the area. Alternatives A and B are much too stringent. This land should be open for recreation: hiking, backpacking, camping etc. Alternative C allows for this with the goal of continuing to adjust when new facts are presented. The goal should be to allow recreation until the time that artifacts are discovered in an area. Page 3-49 describes this dichotomy perfectly. Thank you for the opportunity to provide comment. I hope that you will seriously consider Alternative C as the best use for the recreational allowance to work with the historical preservation.	See responses to ALT-1 and REC-2.
A.11-1	Consistency with Proclamation: The revised Proclamation emphasizes the fact that many significant objects of scientific or historic interest can be found in the Shash Jáa unit. In fact, the revised Proclamation emphasizes that the original Bears Ears National Monument (BENM) included land that did not contain such objects, and that the purpose of revising the boundaries was to more narrowly focus on lands that do contain the objects identified in the original Proclamation. However, the preferred alternative – alternative D – actually reduces protection of those resources compared to existing RMPs as well as to Alternatives B and C. Although the Draft Management Plan euphemistically states that Alternative D provides "more flexibility" (p. 2-2), the management actions identified for Alternative D allow both new activities and increased visitation, without describing how these actions achieve the goal of protecting the objects whose existence justified creating BENM in the first place.	See response to ALT-1. The BLM and USFS have considered a range of management decisions related to pets within the BENM. The areas that are not appropriate for off-leash pets under each alternative were developed in consideration of potential impacts that could result from pet use, in consideration of current "Visit with respect" practices, and where appropriate, manageability considerations.  The No Action Alternative described in the EIS correctly states the BLM's current management of the Moon House Ruin, as identified in the 2008 Monticello RMP. The 2008 Monticello RMP (REC 117)

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	<p>For example, pets would no longer be required to be on leash outside of “standing structural cultural.” (p. 2- 15.) The existing requirement of being leashed at all times prevents dogs from inadvertently entering into ruins better than relying on voice control, as would be allowed under Alternative D. In addition, visitation to Moon House would be increased from 20 people per day to 36 people per day. (The drafted document erroneously states that Alternative A – current RMP – allows 36 people per day.) It is extremely difficult to see how increasing visitation will protect the resources at Moon House.</p>	<p>allows no more than 36 people to visit the Moon House Ruin per day but provides that the BLM may change those limitations based on on-site monitoring of the impacts of visitation. The BLM currently issues only 20 permits per day for this area. Alternatives D and E allow 36 visitors, but 16 have to be guided, unlike Alternative A. Specific management actions proposed in the MMPs/EIS may be less restrictive than Alternative A, but the overall proposed management analyzed in the MMPs/EIS would not be less restrictive than Alternative A.</p>
A.11-3	<p>Vagueness: The description of a number of the goals and management actions is so vague as to be unintelligible, making it impossible to evaluate the ability of any given alternative to meet the stated goals and objectives or the consistency of management actions with goals. For example, it is impossible for a member of the public to decipher the goal, “manage designated recreation areas in a manner that promotes desired use. . .” (p. 2-12.) It reads as though the policy is to promote the policy and no reader would be able to evaluate what policy the management actions are designed to implement.</p>	<p>Goals, objectives, and management actions are written to provide for future management of the BENM based on current planning issues, many of which are based on observed trends. Accordingly, these goals and management actions are flexible enough to respond to changes such as desired future use. The management actions are described at a level that allows for alternatives impacts comparison, as provided in Chapter 3 of the Draft MMPs/EIS.</p>
A.90-3	<p>Comment 2: Alternative B must become the preferred alternative, as it is the only alternative that enables and prioritizes fulfillment of existing BLM and USFS legal responsibilities. The Federal Land Policy and Management Act (FLPMA), affirms that BLM “shall manage the public lands under principles of multiple use and sustained yield ... except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law” (FLPMA, 43 U.S.C. § 1732 (a), italics added). This provision in FLPMA is directly relevant to the DMMP/EIS because presidential proclamations established BENM to protect specific objects and values. Proclamation 9558 further affirms that BLM lands within BENM “shall be managed as a unit of the National Landscape Conservation System.” The act establishing that system states that the Secretary (of the Interior) “shall manage the system—in a manner that protects the values for which the components of the system were designated.” The Bears Ears DMMP/EIS offers only one alternative, Alternative B, that prioritizes protection for the objects of the national monument in developing management guidelines and practices. Alternative C, calls only for “monitoring of resource impacts” that might then lead to “implementation of more restrictive management actions if resource impacts exceeded acceptable thresholds.” Rather than prioritizing monument objects, it requires underdefined but presumably substantial levels of sacrificial loss before triggering intervention planning. Alternative D, the currently preferred alternative, is even less protective than Alternative C. It would allow for “the continuation of multiple uses of public lands and maintain similar recreation management levels while protecting Monument objects and values.” Alternative D fails to provide any meaningful framework for monitoring the condition of BENM objects and values or for interventions to protect those. In its attempt to displace the protective focus of Proclamations 9558 and 9681 in favor of “multiple use” management, Alternative D runs afoul of FLPMA’s exception to mandates, cited above. BLM and USFS legal obligations require designation of Alternative B or an alternative that provides the same or greater protection for the BENM objects and values as the preferred alternative.</p>	<p>See response to ALT-1 and ALT-4. Additionally, as indicated in Section 2.4.17, all alternatives involve the implementation of a monitoring strategy (Appendix M) to monitor the impacts of land use plan decisions on Monument objects and values over the life of the plans. This strategy sets forth the process for tracking the implementation of land use planning decisions and collecting the data/information necessary to evaluate the effectiveness of land use planning decisions.</p>
A.11-5	<p>Range of Alternatives: Many of the alternative actions use either identical or similar language: for example, a comparison of Alternatives C &amp; D for cultural, paleontology, recreation, and riparian resources yields no significant differences. The management actions addressing tamarisk removal (under soil and water resources) contain only superficial differences. The management actions for livestock and grazing in Shash Jáa are also subject to only minor differences. As a result, the range of alternatives is unreasonably narrow. If the alternatives are all either the same or substantially similar, then they cannot reasonably be presented as alternatives to each other.</p>	<p>The BLM and USFS develop alternatives to examine trade-offs between resource management options in response to the purpose and need developed for a planning effort. A planning area such as the BENM, which encompasses 201,876 acres, contains uses and resources for which the BLM and USFS must make land use planning decisions that both are and are not specifically included as part of the purpose and need. Some of these uses and resources that are not included as part of the purpose and need still have cause and effect relationships that result in alternative management approaches being</p>

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A.11-10	Vagueness of Restrictions: Moreover, some of the restrictions that are identified are too vague to be enforceable. For example, under Alternatives C& D for Recreation and Visitor Services, target shooting would be prohibited within "localities listed or eligible for the NRHP." (p. 2-15.) How are visitors to know which areas are listed or eligible for listing? Similarly, what does "under voice control" mean for pets? (p. 2-15.) Restrictions designed to protect important resources should be specific enough that visitors know what is and isn't prohibited.	developed to better understand those relationships and how changes to management actions would change the agencies' ability to meet any goals or objectives. Other resources and uses do not have cause and effect relationships with the resources and uses in the purpose and need, and the BLM and USFS identifies management actions for these in response to management needs to support those differences being examined for other uses and resources in an alternative. As a result, management actions for resources and uses not responsive to or having a cause and effect relationship with the purpose and need may have limited differences to the management actions identified across the range of alternatives. BLM policy states "The range of alternatives explores alternative means of meeting the purpose and need for the action." (BLM Handbook H-1790-1, p. 49). The BLM and USFS are not required to create alternatives to explore wide ranges of different management approaches to resources or uses that are not part of or have no cause and effect relationship with a purpose and need.
A.35-1	If the "purpose of the MMPs is provide protection and the proper care and management of "objects[s] of antiquity" and "objects of historic or scientific interest" (1-1) then the preferred alternative should be the one that maximizes the number of sites protected. The DEIS repeatedly shows that Alternative B provides more protection to cultural resources than Alternative D, as B prevents impacts to known sites and sensitive areas where D, in general, responds to impacts after they have occurred.	See response to ALT-1. Presidential Proclamation 9558 makes it clear that the BLM and USFS have discretion in determining the appropriate management for lands within the BENM to provide for the proper care and management of Monument objects and values. Presidential Proclamation 9558 states, "For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate."
A.24-4	The preferred alternative 'D' has problems: (1) The monument has low rainfall, and the average rainfall is decreasing. It is already substantially grazed, adding more grazing is not indicated or sustainable. (2) Motorized recreation has very high impacts: It is very noisy, bothering the wildlife as well as other visitors, it causes damage to the vegetation, and it leaves marks on the land for decades. (3) Timber extraction on this elevation of land is not very profitable and is not sustainable.	See response to ALT-1. Potential impacts from livestock grazing, OHV use, and timber harvest are addressed in the MMPs/EIS.
A.24-6	Alternative 'A' needs two sub-sections. Presidential Proclamation 9681 may in fact be illegal, in which case, there should be a 'no action' alternative for the original area as defined by Presidential Proclamation 9558. The existing alternative 'A' does not clearly recognize the management structure as established in by Presidential Proclamation 9558. This management structure is much more collaborative in nature and engages the original native Americans and allows for consideration of their values.	See response to OOS-1. Alternative A – No Action represents the continuation of existing management under the existing Monticello 2008 RMP and 1986 Manti-La Sal LRMP (USFS 1986). Where there are conflicts with language included in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, and management decisions included in the Monticello RMP and Manti-La Sal LRMP, information from the Presidential Proclamations is included in Alternative A.

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A.48-4	<p>The BLM states that it considered but did not analyze in detail two management alternatives that the Navajo Nation contends should have been analyzed: (1) a larger planning area, and (2) restricting public visitation (see Section 2.3). The rationale offered for not analyzing each is hollow.</p> <p>First, as for a larger planning area that would include the full 1.35 million acres designated in President Obama's Proclamation 9558, BLM asserts that it would not meet the need for a new Monument Management Plan as required in the proclamations. That is false. Surely the BLM and Forest Service could handle a plan for the larger landscape and include a specific monument Management Plan; the agencies simply did not want to. Analyzing a management alternative that included the 1.35 million acres would have been proper considering the ongoing litigation and work the tribes have done to protect the greater Bears Ears landscape. As an example, there are two non-contiguous cultural sites that have very small monument land areas (see map 1-1, vol. 1, p. B-1) that are surrounded by BLM and state trust lands. These sites cannot be protected sufficiently without a protected landscape buffer and proper planning.</p> <p>Second, for restricting public visitation, BLM states that this alternative is inconsistent with "promoting the values associated with recreational use" of the Monument and, therefore, was not analyzed. But, the purpose of the management plans and DEIS was not to promote recreation, but the protection of "objects of antiquity." BLM should have examined an alternative that limited visitation because that would have fulfilled the protection purpose of the management plan and DEIS.</p>	<p>See response to OOS-1. Additionally, as described in the MMPs/EIS, Presidential Proclamation 9558 established recreation as a Monument value. Presidential Proclamation 9558 specifically calls out the "world class outdoor recreation opportunities, including rock climbing, hunting, hiking, backpacking, canyoneering, whitewater rafting, mountain biking, and horseback riding." It also notes the importance of these recreational activities on the regional economy. As such, the agencies sought to develop alternatives that would not provide Monument-wide restrictions on recreational visitation.</p> <p>The alternatives presented in the MMPs/EIS do restrict recreational access to certain areas or sites where other Monument objects and values are present, and the agencies determined that recreational visitation could cause a resource conflict that was best resolved by limiting visitation. In other areas, the agencies have considered designating and appropriately managing well-known cultural sites to focus future visitation on these areas, thereby providing additional protections for sites where recreational visitation was determined to not be appropriate.</p>
A.75-7	<p>The range of alternatives outlined in the Draft MMP is not reasonable. The range of alternatives is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. NEPA requires BLM to "rigorously explore and objectively evaluate" a range of alternatives to proposed federal actions. See 40 C.F.R. §§ 1502.14(a), 1508.25(c). "An agency must look at every reasonable alternative, with the range dictated by the nature and scope of the proposed action." <i>Nw. Env'tl. Defense Center v. Bonneville Power Admin.</i>, 117 F.3d 1520, 1538 (9th Cir. 1997). An agency violates NEPA by failing to "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed action. <i>City of Tenakee Springs v. Clough</i>, 915 F.2d 1308, 1310 (9th Cir. 1990) (quoting 40 C.F.R. § 1502.14). This evaluation extends to considering more environmentally protective alternatives and mitigation measures. See, e.g., <i>Kootenai Tribe of Idaho v. Veneman</i>, 313 F.3d 1094, 1122-23 (9th Cir. 2002) (and cases cited therein). The consideration of more environmentally protective alternatives is also consistent with the Bears Ears Proclamation and FLPMA's requirement that BLM "minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved." 43 U.S.C. §1732(d)(2)(a).</p> <p>NEPA requires that an actual "range" of alternatives is considered, such that the Act will "preclude agencies from defining the objectives of their actions in terms so unreasonably narrow that they can be accomplished by only one alternative (i.e., the applicant's proposed project)." <i>Col. Env'tl. Coal. v. Dombeck</i>, 185 F.3d 1162, 1174 (10th Cir. 1999), citing <i>Simmons v. U.S. Corps of Engineers</i>, 120 F.3d 664, 669 (7th Cir. 1997). This requirement prevents the EIS from becoming "a foreordained formality." <i>City of New York v. Dep't of Transp.</i>, 715 F.2d 732, 743 (2nd Cir. 1983). See also <i>Davis v. Mineta</i>, 302 F.3d 1104 (10th Cir. 2002). 1. The differences between the alternatives are negligible and the range of alternatives is not reasonable. In many cases, the differences between the various alternatives are negligible. The Draft MMP acknowledges this for recreation stating "[q]ualitatively, impacts from management decisions under Alternative B would be similar to those for Alternatives D and C." Draft MMP 3-45. Additionally, certain management prescriptions, such as travel management, the language and implications in each alternative is practically identical. See Draft MMP 2-24, Table 2.12. This is certainly not the "reasonable range of alternatives" that is required under NEPA. Additionally, in considering what constitutes a reasonable range of alternatives for a national monument, all alternatives must prioritize the protection of the monument objects, as described in further detail in Section I(A) above. <i>Western Watersheds Project v. Abbey</i> found that "BLM cannot ignore the Proclamation's goal of protecting Monument objects when it determines the 13 reasonable range of</p>	<p>See responses to ALT-4 and A.11-5.</p> <p>For recreation, the text cited was meant to indicate that the types of impacts would be similar between the alternatives (e.g., all alternatives could result in impacts on motorized recreation from closing areas to OHV use), but the degree/level of impact would vary. The text has been modified to clarify that the type of impacts on recreation would be similar among the alternatives, but the degree/level of impact would vary.</p> <p>For travel management, the agencies have considered a range of areas that would be designated as either OHV limited or OHV closed areas in the alternatives considered in the MMPs/EIS. All alternatives considered in the MMPs/EIS were developed to provide for the proper care and management of Monument objects and values. Site-specific conflicts between specific routes and other resources and resource uses could be addressed by the agencies in subsequent implementation-level travel planning.</p> <p>As described in the EIS, Alternative A represents the current management of lands within the BENM, as identified by the 2008 Monticello RMP and 1986 Manti-La Sal LRMP. All of the action alternatives considered in the MMPs/EIS would implement additional restrictions on resources and resource uses to provide for the proper care and management of Monument objects and values.</p>

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	<p>alternatives for NEPA review of site-specific actions . . . the agency's procedural efforts to explore alternatives in the EA did not satisfy NEPA." See 719 F.3d 1035, 1053 (9th Cir. Mont. 2013).</p> <p>The proposed alternatives fail to provide adequate protection for the Bears Ears landscape and the Monument's objects. Alternative A, the no action alternative, claims to adjust management prescriptions from the 2008 Monticello RMP to include language and protections from Proclamation 9558 "as modified by" Proclamation 9681. However, Alternative A does not appropriately consider the level of protection that is required for a national monument. As stated throughout these comments, Alternative D, the preferred alternative, completely undercuts the area's status as a National Monument, putting multiple uses upfront and ahead of protection of Monument values. Alternative D includes numerous provisions that will cause more harm to the Monument objects than allowed for by current management under the 2008 Monticello RMP and the Manti-La Sal National Forest Plan. Alternative C makes minor tweaks to the preferred alternative that provide additional management or protections, but still does not go far enough.</p> <p>For all of the reasons listed above, the range of alternatives presented in the Draft MMP is not reasonable.</p>	
A.51-3	<p>This section will explain why the statement of purpose and need accurately describes the BLM's responsibility under the proclamations, but why the preferred alternative does not meet those standards. iii. While the proclamations require management changes, Alternative D, by its own terms, contains no substantive modifications to the existing management scheme and instead focuses on "flexibility," though the Alternative does not indicate what that flexibility is, or why it is sufficient to protect the Monument Objects: Despite the fact that the draft MMP labels Alternative B as the alternative that would "prioritize protection of Monument objects," the draft nonetheless identifies Alternative D as the preferred alternative.<sup>27</sup> Alternative D's purpose is, in its own terms, to "continue multiple uses and similar recreation levels..." as compared to those that are currently allowed in the Monument area.<sup>28</sup> The justification for this choice is that Alternative D provides "more flexibility" in the management of the monument.<sup>29</sup> Flexibility is a principled goal, but the baseline for the management of the Monument should more faithfully adhere to the purposes for monument designation.<sup>30</sup> Given that Proclamation 9558, as modified by 9681 requires some change in management that prioritizes protection and restoration of monument objects, any flexibility should work from a conservative baseline. In reality, Alternative D as written does very little to that end. In a side-by-side comparison, Alternatives D (the "preferred alternative") and A (the "no action alternative") are essentially the same. First, it is important to note that the MMP indicates "[a]ll action alternatives include management actions designed to reduce or eliminate impacts to cultural resources ... however, certain alternatives provide more opportunities for multiple uses throughout the Monument..."<sup>31</sup> Ostensibly, then, the "no action" alternative includes management actions designed to reduce or eliminate impacts to cultural resources. But if that is so, those management actions are inadequate—again, that is evidenced by the BLM's 2015 Plan Evaluation. So, Alternative D's "management actions designed to reduce or eliminate impacts" must go further than Alternative A's in order to comply with the BLM's directive to prioritize protecting and restoring monument objects. But Alternatives A and D are remarkably similar. For example, travel management—which the 2015 Plan Evaluation identified as an area that needed improvement—is virtually identical in Alternatives A and D. Lands classified as "open," "limited," or "closed" to OHV use are the same between the two alternatives. Further, the Draft MMP indicates that implementation-level travel management decisions will "recognize and integrate" San Juan County's OHV route system to provide OHV users with "unique riding experiences." Implementation-level decisions would also "take into consideration" monument objects and values. Keeping in mind the 2015 Plan Evaluations observation that OHV use was threatening the cultural resources in the Monticello plan area, the draft MMP is conspicuously silent as to how travel management—at the planning or implementation level—will prioritize monument objects. All evidence points to a continuation of the current travel management plan.</p>	<p>See responses to ALT-1, A.11-5, and A.37-3. Additionally, note that management common to all action alternatives (which includes Alternative D), and each alternative individually, contains multiple management actions to provide for the proper care and management of Monument objects and values. Examples of these management actions include BMPs, a monitoring strategy, and Cultural Resources Monitoring Framework.</p> <p>The comment misrepresents the BLM's findings in the 2015 Monticello Plan Evaluation and the travel management decisions in the MMPs/EIS. The 2015 Monticello Plan Evaluation found that "OHV designations are still meeting resource objectives." The range of alternatives analyzed in the MMPs/EIS does not propose any OHV open areas. Some alternatives considered in the MMPs/EIS would designate similar OHV limited and OHV closed areas because the agencies determined that designating additional areas as OHV closed areas was not needed to provide for the proper care and management of Monument objects and values. Site-specific conflicts between specific routes and other resources and resource uses could be addressed by the agencies in subsequent implementation-level travel planning.</p>

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A.94-10	<p>Establishing clear and consistent mitigation, enforcement, and monitoring strategies would surely help to minimize environmental degradation by illegal OHV activity. An adaptive management strategy must be employed in order to adhere to the “unnecessary and undue degradation” standard.</p> <p>A. Specific plans for monitoring environmental degradation due to visitation, recreation, and OHV: 1. Regular photography of landscapes within BENM 2. Aerial image review to assess broad impacts and changes 3. Increased signage clarifying legal trails and rules 4. Signs instructing visitors on how to report illegal use by other visitors 5. Tracking of infractions by enforcement personnel 6. Hiring of additional personnel for monitoring and enforcement 7. Implementing a dust and air quality monitoring program.</p> <p>B. Specific plans for mitigating environmental degradation due to visitation, recreation, and OHV: 1. Close areas seasonally and/or periodically due to events such as species nesting and/or migration or increased rainfall and erosion (as needed) 2. Add fencing and gates to deter OHV from entering sensitive areas 3. Construct barriers (using man-made or natural materials) to block off social trails and to discourage OHV from departing from designated trails 4. Partner and cooperate with local, regional, and national OHV groups to improve relationships between OHV and agency officials 5. Partner and cooperate with local, regional, and national OHV groups to educate trail users on the sensitivity of arid environments. 6. Provide trail maps (as the USFS advocates for as a component of mitigation of illegal use) 7. Encourage use of digital maps by all visitors to increase compliance</p> <p>C. Adaptive management requires the incorporation of wisdom gained through monitoring and mitigation efforts into a revised strategy. 1. Convene management meetings annually (for up to 3 years) following implementation of this MMP to ensure that BLM, USFS, and involved tribes can share monitoring results and address the needs and strategies for mitigation. 2. Following the initial implementation, monitoring, and mitigation period, adapt the MMP as needed every 5 years.</p>	<p>Many of the strategies suggested by the commenter are incorporated into the MMPs/EIS. Specifically, many of these strategies are incorporated into the Monitoring Strategy (Appendix M). The Monitoring Strategy includes data collection, adaptive management, and resource monitoring, in conformance with agency standards. Specifically, the transportation section of the Monitoring Strategy includes monitoring of OHV disturbances using remote sensing or site visits, and it identified a desired frequency of monitoring higher priority areas every 1 to 3 years and lower priority areas every 2 to 4 years. The agencies’ ongoing consultation with American Indian Tribes in the implementation of the selected MMP would allow for the coordination suggested by the comment. The remedies to any OHV impacts discovered during monitoring suggested by the commenter are available to the agencies without being specifically called out in the MMPs/EIS. Specific suggestions in the comment are appropriate to implementation-level decisions that would be included as part of implementation-level travel planning.</p> <p>Suggestions made by the commenter that do not require a planning-level decision include regularly photographing landscapes in the BENM, reviewing aerial images, increasing signage, tracking infractions, hiring personnel, monitoring dust and air quality, mitigating environmental degradation, adding fencing and gates, constructing barriers, partnering with stakeholder groups, providing trail maps, encouraging use of digital maps, and convening management meetings.</p>
H.19-11	<p>Alternative D (the “preferred” alternative) does not fulfill the basic requirements for the management of national conservation lands. Protecting the original monuments cultural and archaeological resources should be a priority. “Enhanced” motorized recreation, deforestation, increased grazing, vegetation removal, and mineral/coal/tar sands/oil/gas exploration have no place in the reduced monument or in the areas once designated as monument. They should not be included in any alternative, they are not appropriate in this awe-inspiring landscape.</p>	<p>See responses to ALT-1, ALT-4, and MIN-1. None of the alternatives considered in the MMPs/EIS would allow motorized use in areas where motorized use is currently prohibited.</p>

### 3.3 Visual and Aesthetic Resources

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ASTH-1	<p><b>The BLM and USFS should limit impacts to visual resources in the BENM and surrounding landscape.</b></p> <p>Sample comment: The scenic and cultural values of the area are immense and would be irreparably hurt by energy development and rampant ORV use. It’s not worth it. Please protect this amazing place.</p> <p>Sample comment: Visual Resources will be damaged by adoption of any of these Alternatives thereby violating the primary objective of protecting them. Allowing for industrial and other commercial development both within the monument unit boundaries and on adjacent lands will significantly impair</p>	<p>The range of alternatives analyzed in the MMPs/EIS (Section 2.4.14) includes protections for visual resources. Also see responses to ALT-4, NMON-1, and NMON-2.</p>



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	<p>the sublime viewshed of Bears Ears. Industrial activities that result in emissions and stirring up of dust will significantly injure this quality that the region now enjoys.</p> <p>Sample comment: The effects of light and noise pollution cannot be undervalued! The cultural and recreational value of this place is lost when lights and noise of an oil drilling operation destroy the quite solitude.</p>	
ASTH-2	<p><b>The BLM and USFS should limit impacts to soundscapes in BENM.</b></p> <p>Sample comment: One Primary Issue missing from these Alternatives is the Soundscape of Bears Ears. The absence of man-made sounds in this region is profound, and one of its more compelling characteristics. It is a glaring omission of the MMA process to not credit the quiet Soundscape as worthy of consideration and protection. The Alternatives should be amended to consider and manage this increasingly rare and valuable resource.</p> <p>Sample comment: The effects of light and noise pollution cannot be undervalued! The cultural and recreational value of this place is lost when lights and noise of an oil drilling operation destroy the quite solitude.</p>	<p>Potential impacts on soundscapes in the BENM are addressed in the MMPs/EIS recreation analysis (Sections 3.11.1.3.1, 3.11.2.2.1, and 3.11.2.3). Potential noise impacts on special status species are also discussed in Section 3.15.2 of the MMPs/EIS. The range of alternatives contains management actions that would indirectly protect soundscapes (e.g., limitations on OHV use in certain areas). The following goal has been added to Chapter 2: “Manage the Monument to provide for the proper care and management of natural quiet that enhances recreational experiences.” Also see responses to ALT-4, NMON-1, and NMON-2.</p>
ASTH-3	<p><b>The BLM and USFS should address potential impacts to night skies and soundscapes in BENM.</b></p> <p>Sample comment: This entire Monument has pristine dark skies and viewsheds and should be managed to keep them as such.</p> <p>Sample comment: Essential qualities of the Bears Ears area include the Viewshed, Soundscape, and Dark Night Skies. None of these are adequately addressed under the proposed plans. These resources which are paramount to the experience of recreationists as well as other users, must be measured and monitored as part of any management plan. Any development or activities that impact these resources—including industrial activity outside the proposed Bears Ears boundaries, should be prevented.</p> <p>Sample comment: The area within the original borders of Bears Ears National Monument is scenic and enjoys unusually dark skies. Unmatched scenery and stargazing skies should be preserved in any management approach. Dark skies are a diminishing asset in the west and should be protected by not allowing development in the area or near it. A management plan for this unique expanse must meticulously study the cumulative impacts as well as direct and indirect impacts on the cultural resources and inherent values of the area.</p>	<p>All alternatives analyzed in the EIS include land use allocations and BMPs developed to protect visual resources, night skies, and soundscapes. These land use allocations and BMPs are described in Section 2.4.14 and Appendix I of the MMPs/EIS. Management decisions related to management actions outside the boundaries of the BENM are outside the scope of the MMPs. Cumulative impacts on these resources are analyzed in Section 3.22 of the MMPs/EIS. Also see response to ASTH-2.</p>
A.47-73	<p>We support VRM Class I or II designations for Bears Ears.</p>	<p>See response to ALT-1. The range of alternative analyzed in the MMPs/EIS includes alternatives that manage the BENM as VRM Classes I and II on BLM-administered lands and as Scenic Integrity Objective (SIO) High and SIO Very High on USFS-administered lands.</p>
A.47-74	<p>Agencies should re-inventory for visual resource characteristics since now that these lands are managed as part of the NCLS.</p>	<p>As described in Section 3.19 of the MMPs/EIS, the BLM Visual Resource Inventory (VRI) fieldwork was completed in 2012, and the VRI documentation for the BLM and USFS was completed in 2018. This inventory is considered accurate and sufficient to support the development of the MMPs/EIS.</p>
A.47-75	<p>We support dark sky management and BMPs (See Vol. 1 at 2.4.14) because they protect and preserve recreational, cultural, and spiritual values as called for in Proclamation 9558.</p>	<p>See response to ALT-1. The MMPs/EIS analyzes a range of management actions addressing night skies. These management actions include BMPs common to all alternatives listed in MMPs/EIS Section 2.4.14.2.</p>

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A.75-65	<p>The Colorado Plateau is a vast, wide, open landscape that affords incredible views, in some cases 360-degree views of undeveloped land for miles. As highlighted in the scoping report, viewsheds (as well as dark skies and soundscapes) from the Bears Ears Buttes are “critical to their traditional cultural and spiritual properties.” See Bears Ears National Monument Management Plans Scoping Report B-6. Additionally, the Monticello RMP identifies scenic quality as “a fundamental component of the recreational experience” in the area. See Monticello Proposed RMP, 4-320. Visual resources are pointed to in the Monument proclamation as values requiring protection. As such, it is vital that the landscape’s natural values are prioritized and conserved under clear management direction from the MMP. As mentioned in our scoping comments, the Shash Jaa’ and Indian Creek units should be re-inventoried for visual resource characteristics and re-classified in the context of its status as NCLs.</p> <p>As a national monument, there should be no alternative analyzed in the MMP that considers managing the area as VRM Class III and Class IV (as currently outlined in Alternative A)—managing an area as Class III and Class IV is wholly inconsistent with managing for the protection of monument objects, with few site-specific exceptions due to previously existing infrastructure. The MMP must make clear that compliance with VRM classes is not discretionary.</p> <p>In general, we support Alternative B as it relates to VRM because we believe the majority of the Monument should be managed as VRM Class I. At minimum, BLM and USFS must follow legal requirements and policy direction in determining VRM classes. For example, lands managed to preserve their natural values, such as primitive recreation areas and lands with wilderness characteristics, should be managed as VRM Class I per BLM Manual 6320. Additionally, all Wilderness Study Areas must be rated as VRM Class I per BLM policy. IM No. 2000-096 (2009). Additionally, viewsheds and entrance roads to NPS units, including the SR-275 corridor, should be designated as VRM Class I. At minimum, lands within popular and easily accessible vantage point should be managed as VRM Class II to “retain the existing character of the landscape,” including clear provisions dealing with human disturbance such as roads and rights-of-way. ACEC and other special management designations should protect scenic landscapes and lookout points with stipulations specifically addressing and managing human development impacts, including VRM Class I and Class II management as appropriate.</p>	<p>See responses to A.47.74 and ALT-1. All of the action alternatives analyzed in the MMPs/EIS would manage the BENM as Visual Resource Management (VRM) Classes I and II on BLM-administered lands, and as SIO High and SIO Very High on USFS-administered lands. The alternatives presented in the MMPs/EIS conform with the program-specific guidance in BLM Manual 6320 and IM No. 2000-096. The range of alternatives presented in the MMPs/EIS includes visual resource protections for the SR-275 corridor and ACECs.</p>
A.75-66	<p>We appreciate the inclusion of BMPs for VRM in the Draft MMP. We request the following changes (in red) be made: 1) Limit use of artificial lighting during nighttime operations to those only necessary for safety [any language about drilling requirements should be removed – because both units in the Planning Area are within the National Monument, and all Monument lands are withdrawn from mineral entry, location, and leasing per Proclamation 9558 and Proclamation 9558 “as modified by” Proclamation 6981, no consideration should be given to drilling practices. The Draft MMP must make this clear.] 3) Use lights only where needed, use light only when needed, and direct all lighting onsite. No permanent lighting will be allowed in VRM Class I areas. 4) Use motion sensors, timers, or manual switching for areas that require illumination but are seldom occupied. 5) Any authorized facilities will use the best technology available to minimize light emissions. 6) Reduce lamp brightness and select lights that are not broad spectrum or bluish in color. Use lamp types such as sodium lamps, which are less prone to atmospheric scattering. 7) Require a lightscape management plan where long-term permanent lighting is proposed.</p>	<p>Section 2.4.14.2 has been revised to remove references to drilling. The suggested revisions to BMPs have been made as appropriate.</p>
A.75-67	<p>The Monument Proclamation recognizes natural quiet as an important value that requires protection. See Draft MMP A-18. BLM has a statutory obligation to manage the public lands “in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition.” 43 U.S.C. § 1701(8). To fulfill this mandate, it is important for BLM to consider soundscapes, especially on those lands which are to be managed in their “natural condition,” including lands with wilderness characteristics and recreation areas prioritized for primitive values. The</p>	<p>The BLM and USFS have determined that specific soundscape management actions are not necessary, as the BENM soundscape can be adequately managed to provide for proper care and management of Monument objects and values related to soundscapes by managing other resource uses that may impact the soundscape.</p>

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	<p>Draft MMP acknowledges that soundscape decisions are affected by agency-authorized uses and can impact other resources as well, such as recreation and travel management. Id. 3-35.</p> <p>The Draft MMP suggests that noise levels would be acceptable if they were reduced to 50 dB at one-half mile from vehicle roads/trails. See Draft MMP 3-41 stating:</p> <p>OHV noise (about 101 dB) will attenuate to approximately half the noise (approximately 50 dB) with each 0.5 mile away from the noise source (NPS 2013) (see also discussion for potential noise impacts to wildlife). Accordingly, recreational users who are seeking non-motorized settings would experience impacts to natural quiet within 0.5 mile of designated routes (assuming no topographic obstruction). In other words, BLM contends that as long as those seeking quiet are more than .5 miles away from OHV roads and trails, their ability to enjoy natural silence would not be impaired. Id. However, as the Proclamation confirms, current soundscape conditions in the area are quite close to natural conditions and therefore well below 30 dB. See, <a href="https://www.nps.gov/subjects/sound/soundmap.htm">https://www.nps.gov/subjects/sound/soundmap.htm</a>. Thus, noise intrusions of 50 dB would represent a considerable increase in noise and would impermissibly destroy the one of the key values of Bears Ears – the opportunities for solitude and experiencing natural soundscapes.</p> <p>Additionally, those seeking primitive recreation experiences would have a negative impact from OHV use within 0.5 mi of designated trails. See Draft MMP Tables REC-2 and REC-4. According to our calculations using GIS analyses, there are 18,007 acres within the Indian Creek ERMA (compromising approximately 79% of the entire ERMA) and 3,617 acres within the Arch Canyon Backcountry RMZ that are within .5 miles of designated open routes. Under the Draft MMP’s assumption, cited above, that quiet users will be impacted if they are within 0.5 miles of designated routes, this is a substantial portion of recreation areas that are managed specifically for quiet and primitive recreation that are negatively impacted by BLM and USFS’s preferred alternative.</p> <p>The Monticello RMP does not include specific management prescriptions for soundscapes. See Draft MMP 3-39. As such, the MMP is a key opportunity for BLM and USFS fulfill the obligation to protect natural sounds. We would like to reiterate our recommendation made during scoping for BLM and USFS to manage soundscapes like visual resources, creating classifications for landscape-level management, ranging from Class I- Class IV and prioritize natural qualities within an area according to those classifications. Also highlighted in our scoping comments was the recommendation that the agencies use a GIS-based model based on SpreAD to predict the propagation of noise in all directions throughout the area of interest and determine which planning decisions could restore and enhance the natural soundscape. See Bears Ears National Monument Management Plans Scoping Report, A-43. The Wilderness Society can share this model by request. At minimum, soundscapes should be recognized as a separate and specific resource addressed in the MMP, as seen in Vermilion Cliffs National Monument. See Approved Vermilion Cliffs National Monument RMP at 2-50. The Vermilion Cliffs RMP includes a desired future condition that “[n]atural quiet and natural sounds will be preserved or restored, where practicable.” Id.</p> <p>Aside from supporting and enhancing quiet recreation and opportunities for solitude, soundscapes are crucial to maintaining the “living landscape” that is Bears Ears. As highlighted in the scoping report, soundscapes (as well as dark skies and viewsheds) from the Bears Ears Buttes are “critical to their traditional cultural and spiritual properties.” See Bears Ears National Monument Management Plans Scoping Report, B-6.</p> <p>Summary of comments: As a Monument object, natural quiet within the Planning Area and the greater Bears Ears landscape must be maintained at existing levels and safeguarding these levels must be a management priority. We recommend BLM and USFS manage soundscapes similarly to visual resources by classifying areas as Class I to Class IV to determine appropriate management to protect the natural qualities. At minimum, BLM and USFS must recognize soundscapes as a separate and specific resource in the MMP.</p>	<p>Potential impacts on soundscapes are addressed in the MMPs/EIS resource sections that would be affected by noise (recreation and wildlife). The analysis of impacts on soundscapes in the BENM overestimates potential impacts on soundscapes because it does not account for topography and vegetation, which would attenuate any potential impacts to soundscapes. Also, any impacts to soundscapes from OHV use would be temporary because of the transitory nature of OHV use. The text of the MMPs/EIS has been revised to clarify these points.</p> <p>All of the action alternatives in the MMPs/EIS would not authorize new noise causing activities in areas where they are currently prohibited. Additionally, the action alternatives would apply new BMPs and stipulations to activities that would impact soundscapes. Therefore, the agencies do not believe that soundscape modeling or classification of soundscapes are needed for analysis at the programmatic LUP. Sound modeling and/or monitoring in the BENM may be considered when making site-specific decisions at the implementation level.</p> <p>A new goal/objective has been added to the MMPs/EIS regarding proper care and management of natural quiet that enhances recreational experiences.</p>

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A.59-3	<p>Prioritize Quiet Recreational Opportunities Highlighted in the Executive Order 9558: NOLS is concerned that the preferred alternative moves away from managing for the quiet recreation activities described in Executive Order 9558 to favor large group activities, built infrastructure, and Off- Highway Vehicle (OHV) use. Specifically, Executive Order 9558 highlights the following activities in the creation of the monument. "The area...provides world class outdoor recreation opportunities, including rock climbing, hunting, hiking, backpacking, canyoneering, whitewater rafting, mountain biking, and horseback riding. Because visitors travel from near and far, these lands support a growing travel and tourism sector that is a source of economic opportunity for the region." (Proclamation 9558) It is notable that all of the "world class recreation opportunities" highlighted above used to justify the original creation of the monument have minimal visual and acoustic impacts to other users of this landscape and can co-exist harmoniously with the significant cultural and ecosystem values the monument was designed to protect. The preferred Alternative D would change this recreational landscape by expanding OHV access to designated primitive roads, recognizing the San Juan County OHV route system, and prioritizing motorized recreation opportunities over traditional non-motorized ones. In canyon country, where visitors frequently come to experience expansive views and a sense of immersion into a culturally significant and historical landscape, the expansion of OHVs will disrupt the activities of those seeking opportunities for "natural quiet and dark skies," which is one of the four stated values guiding the management of recreation on the Monument (DEIS A-18).</p>	<p>See response to A.75-67. The comment erroneously implies that the alternative considered in the MMPs/EIS would open additional areas to OHV use. None of the action alternatives considered in the MMPs/EIS would open areas to OHV use that are not available for that use based on current management, using the 2008 Monticello RMP and 1986 Manti-La Sal LRMP.</p>
A.53-12	<p>we encourage the agencies to complete sound modelling to assess noise impacts, including from OHV use, to monument and national park visitors as well as wildlife. Having better data on soundscape impacts from OHV use can help determine appropriate use levels and locations while preserving this important aspect of the monument as defined in the Proclamation as well as the adjacent national park landscape.</p>	<p>See response to A.75-67.</p>
A.53-13	<p>With regard to visual impacts to Natural Bridges National Monument and Canyonlands National Park, NPCA and the Coalition recommend that at a minimum, the viewsheds and entrance roads from both NPS units, including the SR-275 corridor, be designated VRM Class I with no exceptions.</p>	<p>The range of alternatives considered in the MMPs considers managing the viewshed from the entrance roads to the SR-275 corridor and Natural Bridges National Monument as VRM I. Because of existing uses of the BENM, including recreation management, the BLM has determined that managing the Indian Creek corridor along SR-211 as VRM Class I would not be consistent with Monument values managed for in this area. SR-211 is identified as a scenic byway by the State of Utah (Indian Creek Scenic Byway). The range of alternatives analyzed in the MMPs/EIS include alternatives that manage the BENM as VRM Classes I and II on BLM-administered lands, and as SIO High and SIO Very High on USFS-administered lands.</p>
A.53-14	<p>We appreciate that the agencies recognize the important night sky resource found within the Bears Ears National Monument and larger region and has included Best Management Practices (BMPs) for minimizing impacts to night skies (DMMP 2-25). Rather than including these provisions as unenforceable BMPs, however, we recommend they be incorporated as a requirement or stipulation to any development or activity requiring consistent lighting. In addition to the BMPs listed in the plan, we also recommend adding the following requirements: • limit the number of lights and lumen output of each (minimum number of lights and the lowest luminosity consistent with safe and secure operation of the facility) • utilize alternatives to lighting where feasible (retro-reflective or luminescent markers in lieu of permanent lighting) • consider fixture design (lights of the proper design, shielded to eliminate uplight, placed and directed to eliminate light spill and trespass to offsite locations) • identify any activities that may be restricted to avoid night-sky impacts • Identify a process for promptly addressing and mitigating complaints about potential lighting impacts.</p>	<p>The BLM and USFS believe that including the BMPs (Section 2.4.14.2 and Appendix I of the MMPs/EIS), as well as dark sky goals for specific Recreation Management Zones (RMZs) (Appendix G of the MMPs/EIS), is sufficient to protect night skies in the BENM at the planning-level. Decisions about specific night sky stipulations for development activities would be made on a case-by-case basis at the implementation level. As noted in Appendix I of the MMPs/EIS, BMPs are not one-size-fits-all solutions; they should be selected and adapted through interdisciplinary analysis to determine which management practices are necessary to meet the goals and objectives of the MMPs. The best practices and mitigation measures for a particular site are evaluated on a case-by-case basis by considering site-specific conditions, local resource conditions, and a suite of techniques that</p>

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A.75-100	<p>Recognized in both the Proclamation and the Draft MMP – Bears Ears, and the Colorado Plateau more broadly, is one of the last sanctuaries of preserved dark skies left in the world. See Draft MMP 3-85 &amp; A-18. Dark skies are listed as an important value in the Monument Proclamation, and, therefore, preservation of this value must be a priority. People visit places recognized for their dark sky status just to experience their dark night skies. Additionally, natural dark night skies play a critical role in natural resource processes and the evolution of species.</p> <p>As further outlined in our scoping comments, BLM has been given an explicit, obligatory mandate to manage the lands under its jurisdiction for their scenic and atmospheric values, which includes night skies. See FLPMA, 43 U.S.C. § 1701(a)(8) (stating that “. . . the public lands be managed in a manner that will protect the quality of the . . . scenic . . . [and] air and atmospheric . . . values . . .”); NEPA, 43 U.S.C. § 4331(b)(2) (requiring measures to be taken to “. . . assure for all Americans . . . esthetically pleasing surroundings. . .”); NHPA, 36 C.F.R. § 800.1(a) (requiring federal agencies to consider measures to avoid impacts on historic properties, including their “settings”).</p> <p>Other federal land-use management agencies, such as the National Park Service (NPS), have already recognized the importance of this fading resource. The Draft MMP acknowledges this important resource by including best management practices in Appendix I. However, we encourage the agencies to implement more thorough and proactive measures. As highlighted in our scoping comments, preservation of night skies is beneficial to the entire landscape and National Monument, and, as acknowledged in the Draft MMP “[m]anagement actions for maintaining dark skies would support the desired recreation setting for all recreational user groups.” Draft MMP 3-43. Further, as mentioned in the scoping report, dark skies surrounding the Bears Ears Buttes are “critical to their traditional cultural and spiritual properties, which should be considered the primary management issue.” See Bears Ears National Monument Management Plan Scoping Report B-6.</p>	<p>guide or may be applied to management actions to aid in achieving desired outcomes.</p> <p>See response to A.53-14.</p>
A.75-101	<p>Lastly, the International Dark Skies Association has designated four gold-tier dark-sky places within a 5 – 30-mile radius of the current Planning Area:</p> <ol style="list-style-type: none"> <li>1) Hovenweep National Monument – Dark sky protected heritage site 30 miles from Shash Jaa’ unit.</li> <li>2) Canyonlands National Monument – Dark sky park 14 miles from Indian Creek unit.</li> <li>3) Dead Horse State Park – Dark sky park 20 miles from Indian Creek.</li> <li>4) Natural Bridges National Monument – Dark sky park 5 miles from Shash Jaa’ unit.</li> </ol> <p>The International Dark Skies Association designates dark sky places following a rigorous application process, requiring applicants to demonstrate robust community support for dark sky protection and documentation of designation-specific program requirements. All designated areas receive regular status updates to ensure that the designated place continues its commitment to dark sky preservation. International dark sky places help enhance the visibility of designated locations and fosters increased tourism and local economic activity, in addition to preserving the area’s natural qualities. Because of the high standard for dark sky places, it is vitally important to maintain the dark sky qualities surrounding the areas as well. Bears Ears National Monument would likely qualify to be designated as an international night sky location, but to do so, must be held to a high standard for conservation of this invaluable and meaningful resource.</p>	<p>See response to A.53-14.</p>

## 3.4 Cultural Resources

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CUL-1	<p><b>Protect cultural resources in the BENM from looting and other destructive activities.</b></p> <p>Sample comment: The scenic and cultural values of the area are immense and would be irreparably hurt by energy development and rampant ORV use. It's not worth it. Please protect this amazing place.</p> <p>Sample comment: These sacred sites are automatically threatened when not regulated and protected. These sites must be protected for the indigenous people that have lived in these areas for many centuries. They're rights and treaties have been continuously broken by our government, and we must protect these areas that are so sacred for so many tribes in the area. Without federal protection, any of these 100,000+ archaeological sites are threatened to become destroyed, and that is something that simply cannot happen.</p> <p>Sample comment: All areas of the original park should be protected from artifact removal and stiff penalties should be enforced upon people or organizations that seek to remove any objects of historical or cultural significance.</p>	<p>Looting and other activities that may damage or destroy cultural resources within the BENM Planning Area are prohibited by law, including the Archaeological Resources Protection Act and the Native American Graves Protection and Repatriation Act. The range of alternatives analyzed in the MMPs/EIS (Section 2.4.1) includes adequate protections to provide for the care and management of objects within the boundaries of the BENM, including historic sites and other cultural resources.</p> <p>Management actions to protect cultural resources are also in the following appendices: Cultural Resources Monitoring Framework (Appendix D), Cultural Resources Allocation Criteria and Management Strategies (Appendix E), American Indian Collaboration Framework (Appendix F), Best Management Practices (Appendix I), and Stipulations Applicable to Surface-Disturbing Activities (Appendix J).</p>
CUL-2	<p><b>The BLM and USFS should complete a cultural resources inventory of the entire BENM and commit to ongoing inventory and management of cultural resources sites.</b></p> <p>Sample comment: These sites are continually being discovered or identified, and the BLM should not manage to protect only the currently surveyed sites but also commit to ongoing inventory and management.</p> <p>Sample comment: we urge the BLM to complete a Cultural Resource Inventory as soon as possible and collaborate with Native American tribes to better inform monument management decisions within the original monument boundaries, not just within the Shash Jaa unit as described in Proclamation 9681.</p>	<p>Ongoing inventory and management of cultural resources sites (both surveyed and non-surveyed) is a management action common to all alternatives analyzed in the MMPs/EIS (Section 2.4.1). Specifically, the BLM and USFS have identified priorities for ongoing cultural resources inventories in the BENM to support ongoing management. The analysis in the MMPs/EIS is based on the best available data that were applicable during the planning process. All sites within the BENM would be protected by the alternatives considered in the MMPs/EIS, regardless of whether they have been documented in a formal cultural resources inventory at the time the MMPs were developed. The agencies have prepared the MMPs/EIS and analyzed impacts on cultural resources using the site density potential for areas within the Planning Area drawn from the <i>Class I Cultural Resource Inventory of Lands Administered by the Bureau of Land Management, Monticello Field Office</i> (Cannon et al. 2017). This report includes known site locations and modeled site potential areas estimated using environmental factors known to influence site location and type. The Class I inventory includes a professional review of all previous cultural resources inventories, regardless of the party that completed them.</p>
CUL-3	<p><b>The BLM and USFS should implement cultural resources monitoring and management strategies immediately.</b></p> <p>Sample comment: Under the BLM and USFS's current plan, cultural resources are left at risk. The BLM's idea to develop cultural resource monitoring and management strategies two years down the road is not sufficient.</p> <p>Sample comment: This draft plan fails to meet basic standards, policies, and procedures established by your own agency for managing national monuments. Instead of laying out clear protections for important cultural resources, the plan indicates that cultural resource management will be handled at a later date. This just opens the gates for legal and illegal activities such as off trail OHV activity and mineral exploration that could irreparably harm unique cultural sites that are sacred to multiple sovereign Indian nations.</p>	<p>Under all alternatives, the BLM and USFS would immediately implement landscape-level management actions to provide further protection for cultural resources in accordance with Presidential Proclamation 9558, including those described in the selected alternative, the Cultural Resources Monitoring Framework (Appendix D), Cultural Resources Allocation Criteria and Management Strategies (Appendix E), American Indian Collaboration Framework (Appendix F), Best Management Practices (Appendix I), and Stipulations Applicable to Surface-Disturbing Activities (Appendix J). These measures would require cultural resources identification, evaluation, assessment of effects, and resolution of adverse effects prior to ground disturbance. Additionally, the planned future development of an activity-level</p>

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		cultural resources management plan within 2 years of the completion of the MMPs would allow for more detailed study of the management actions needed to protect cultural resources at a site-specific level and would allow for additional involvement by the public and American Indian Tribes in the development of this plan. Visitor management activities under the existing 1986 Manti-La Sal LRMP and 2008 Monticello RMP, which include measures to protect cultural resources, will remain in effect until the MMPs are approved.
CUL-4	<p><b>The BLM and USFS should manage and educate visitors about which cultural resources sites are appropriate to visit and proper etiquette when visiting cultural resources sites.</b></p> <p>Sample comment: Cultural resource protection will be best achieved by managing front country sites as a means of educating visitors while retaining a backcountry feel at other sites.</p> <p>Sample comment: Visitation to this area is skyrocketing and planning for directing tourists to sites that are appropriate is critical. There is too much information on the Internet and we should be proactively sending visitors to sites where there is interpretation, education about how to visit an archaeological site, and staff to assist. I have been to archaeological sites in the Bears Ears and have seen damage (both intentional and not intentional) so education on how to properly visit a site is critical.</p> <p>Sample comment: Crucial for protecting the cultural resources, is managing the crowds of people that are now descending on popular, easily reached areas. Decisions must be made to reduce the impact on sites and to reduce damage to the sites. With this in mind, several of the sites that are determined as "visible" and easily visited must be made ready for increased visitation like Monarch Cave, as an example. This means that some sites need more parking, more signage as reminders to visitors to visit with respect, restroom facilities, information about Leave no Trace, and sensitive areas fenced for protection.</p>	The MMPs/EIS allocation of cultural sites into four use categories—Public Use (Developed), Public Use (Undeveloped), Scientific Use, and Traditional Use—will guide decisions related to appropriate recreational site visitation. Sites considered for a Public Use (Developed) allocation are identified in Section 2.4.1 of the MMPs/EIS. Appendix E and Appendix G of the MMPs/EIS discuss the criteria used for determining archaeological site suitability for Public Use (Developed) allocations and address strategies for protecting sensitive cultural resources sites in the BENM from potential impacts from increased visitation. Decisions about more parking, signage, and restroom facilities at developed sites will be made through subsequent implementation-level planning.
24128-1	In completing a final plan, BLM should ensure it focuses on the following: There should be close coordination with Interior Dept. office of archeology and historic preservation to research, document and preserve sites.	The BLM and USFS have solicited input from professional archaeologists and cultural resources specialists associated with the Department of the Interior, the Department of Agriculture, American Indian Tribes, and members of the public during the BENM planning process.
103118-3	I'm thankful for the protections (albeit somewhat limited) at Newspaper rock, at least there is a partial barricade, although photography of possible trespassers would maybe be helpful.	Management strategies or the implementation of site-specific measures to reduce impacts at specific archaeological sites will be considered by the BLM and USFS in subsequent implementation-level planning actions.
236724-1	Highly lootable items such as the pots outside the new boundaries should have cameras on them at a minimum.	See responses to OOS-4 and 103118-3.
134747-17	There is numerous data missing from Chapter 3 of the proposed management plan, the in-availability of data and incomplete information is astounding. It is suggested to have more NEPA documents available for site specific data. In section 3.512, it was stated that only 8 % of cultural/archaeological resources in the BLM Shash Jaa unit has been surveyed for cultural resources and only 32% on USFS land. There is a high probability of cultural resources to be found in Shash Jaa Unit and further surveys should occur and be taken into account for future management. In section 3.5.1.2.2 the surveyed cultural resources have only been 14.7% for the Indian Creek Unit. This is only a fraction of what is still to be found and researched. Once we lose archaeological treasures, we will never get them back. The loss of "integrity" of these cultural values and resources will be astounding. Changes to access will occur with further	See response to CUL-2.

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	development. It is imperative that cultural landscapes, TCP, sacred Indian sites that have currently not been documented, should be evaluated and included in the Monument management plan.	
A.37-70	Appendix I-Cultural Resources-1.2-I-3. Item #4 - The agency should be required to consult with tribes prior to conducting testing or data recovery. In some instances this may be viewed as invasive archaeology where the proper mitigation measure for the Pueblo of Acoma may be burial at the project location (or reburial elsewhere) of the objects, or other alternative mitigation measures. Many times the items concerned are interpreted as being required to remain where they are, instead of being removed and displayed in a museum, with their reclamation into the earth being the appropriate measure. Consultation can provide the agency guidance on the appropriate steps to be taken.	Appendix I of the MMPs/EIS has been revised to clarify that the agencies would consult with the Tribes prior to cultural resources testing or data recovery. Tribal consultation related to testing and data recovery will be consistent with agency policies.
A.11-2	Consistency with Proclamation: Of particular concern in the fact that the management actions for cultural resources contain NO concrete measures for protecting cultural resources except as a contingency. This plan to implement BENM increases the risk to the very objects the monument was designated to protect.	See responses to CUL-1 and CUL-3.
A.37-61	Chapter 3-Impacts from Forestry and Woodlands Management Actions-3.5.2.2.10-3-15. This paragraph contains several statements that are contrary to law and common sense. Planning such as an RMP should only take place after identification and NRHP eligibility determinations. Otherwise, the Plan fails because of lack of knowledge about the resources to be protected. This approach violates NHPA and FLPMA and results in ineffective NEPA efforts, easily subject to legal challenge.	See response to A.11-6.
A.37-62	Chapter 3-Impacts from Forestry and Woodlands Management Actions-3.5.2.2.10-3-15. All consultation with Tribes, particularly Pueblos, should be meaningful government to government consultation (Section 106 or otherwise), and should occur prior to any undertaking. These sections address consultation as a formality without defining the process to allow for actual consideration of tribal input. That process has been flawed and insufficient thus far.	As described in Section 4.4 of the MMPs/EIS, government-to-government consultation with interested American Indian Tribes has been initiated in accordance with Presidential Proclamation 9558 and with relevant law and agency policies, such as BLM Handbook H-1780-1 and BLM Manual MS-1780, and will continue throughout the MMPs/EIS process and throughout the continued management of the Monument (see responses to PUBL-1 and PUBL-2). Also, please see Appendix F of the MMPs/EIS. This framework is the first step in developing an improved Tribal consultation process to support the management of the BENM and will provide guidance for future site-specific consultations and involvement with American Indian Tribes in management of the BENM.
H.61-7	P. 3-13 3.5.2.2.8. Impacts from Travel Management Actions Revise the first sentence to read (additions italicized) "Impacts to cultural resources from travel management decisions may be a result of increased access to cultural resources and could include, but are not limited to, surface disturbance from excessive visitation and loss of site integrity because of potential vandalism and looting." Vandalism and looting are not given or assured results from visitation and are noted as potential impacts in 3.5.2.2.5 Impacts from Recreation Management Actions.	Sentence in question has been revised to state, "Potential impacts to cultural resources from travel management decisions may be a result of increased access to cultural resources and include, but are not limited to, surface disturbance from excessive visitation and loss of site integrity because of vandalism and looting." Adding "potential" to the beginning of the sentence makes it clear that the impacts discussed are not assured.
A.47-11	the cumulative impacts analysis on 3.22.3. Cultural Resources relies on an outdated RFD from 2008 (See Vol 1. 3-107). This same section does not incorporate fire and fuels management cumulative impacts on cultural resources, like "tree islands" and other impacts [...] Recommendations 1. Update Section 3.22.3 of DMMP to include cumulative impacts on cultural resources from fire and fuels management. 2. Complete an updated cumulative impacts analysis based on recent information including an updated RFD.	As noted in Sections 3.22.3 and 3.22.14 of the MMPs/EIS, actual oil and gas development in the Planning Area and surrounding region has been far less than what was predicted in Reasonably Foreseeable Development (RFD) scenarios completed in 2008 and 2012. Accordingly, the cumulative impacts analysis is conservative in that it actually overestimates potential cumulative impacts from oil and gas development.



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A.47-14	Manage cultural resources at the landscape-level, like Canyons of the Ancients RMP, which recognizes the interconnected relationships of cultural sites.	Section 3.5.2.2.2 of the MMPs/EIS has been revised to disclose the potential impacts of “tree islands” that result from fuels treatments.
A.47-15	Initiate interim planning for cultural resource and visitor management, especially determining a reasonable number of sites as “public” where visitors can be directed so that the area is being actively managed and visitation strategy is not left to Google.	Until the MMPs are completed, the interim management of Monument lands is being implemented as per the 2008 Monticello RMP and the 1986 Manti-La Sal LRMP, and as provided for by Presidential Proclamation 9558 and Presidential Proclamation 9681. These plans provide management protections to cultural sites, including management to address public visitation at the sites. Also note that the BLM and USFS have ongoing programs to monitor and protect cultural resources (e.g., site stewardship, ongoing site protection).
A.47-16	Bears Ears should be managed as a living cultural landscape through the outdoor museum ethic. The “Outdoor Museum ethic” has long been fostered in the Bears Ears cultural landscape and Four Corners region. This ethic, which relies on only the necessary amount of signage and site stabilization at cultural sites and encourages people to respectfully explore a cultural landscape with the same “sense of discovery” they would a museum, is well suited for a landscape where this “sense of discovery” is easily found in a backcountry setting. The BLM and USFS should formally adopt the Outdoor Museum Ethic approach, like what was done at the Canyons of the Ancients National Monument (CANM 2010 RMP). According to the DMMP, only 8% of BLM and 35% of USFS land in the Proclamation 9681 boundary has been surveyed. That said, the physical location of cultural sites as ascertained by a Class III survey is not always necessary to manage the land as a cultural landscape. That is why the Outdoor Museum Ethic and management as a living cultural landscape can be so important.	The current range of alternatives analyzed in the MMPs/EIS includes management common to all alternatives to allocate areas for Developed Public Use or Undeveloped Public Use to allow for a sense of discovery (see Section 2.4.1.2 of the Proposed MMPs/Final EIS). Nothing in the MMPs/EIS precludes the use of the Outdoor Museum Ethic approach. Further public involvement activities and American Indian Tribal consultation will be conducted as part of the finalization of the cultural resources management plan, during which additional site visitation management actions may be implemented.
A.47-17	We support the Draft MMP priorities for inventory as listed in Section 2-4. Within this structure of prioritization should be a process for developing an interim list of places with urgent, immediate needs that need to be inventoried in the next two years. A second list of long-term priorities updated through adaptive management should be aligned with the timelines and processes of the Cultural Resources Monitoring Framework and Allocation Strategy. However, this outline of priorities needs more teeth in order for it to be accomplished in a timely fashion and in a way that is strategic. We developed a suggested matrix that examines inventory needs, cultural site setting, and visitor use to help determine priorities for interim and long-term cultural resource management. Recommendations: 1. We request that the BLM combine and coordinate this prioritization with other timelines and processes of cultural resource management, including interim planning. 2. Plan for the development of a 2-year priority list strategically tied to interim planning for cultural resource and visitor impacts management. 3. Provide deadlines or more specific goals for this inventory priorities. 4. Agencies should use all Monticello Field Office site-type predictive models (including the composite and individual models) in order to prioritize areas needing survey. It is important to use all site-type models, not just the composite because that will better predict the areas where a certain type of cultural feature has a high probability of being located in an area of low survey coverage. 5. Update Class III cultural resource inventory priority groups to: a. Group 1: Areas that receive heavy public use and/or those that lack intensive inventory in relation to current standards (no changes) b. Group 2: Areas that need records clarification or updating (no changes) c.	All cultural resources inventories required to inform agency decision-making by law or agency policy would be conducted. The ability of the BLM and USFS to perform cultural resources surveys is limited by the availability of funding and staff. Commitments to survey specific areas within a defined timeline are beyond the scope of the development of the MMPs.  In an effort to inform agency decision-making, including the development of the activity-level cultural resources management plan, the BLM has already begun surveying cultural resources in areas of high recreational use. The USFS is also currently conducting similar cultural resources surveys in high recreational-use areas. Additionally, site-specific surveys will be conducted on a case-by-case basis, and survey decisions will be guided by the priorities listed in Section 2.4.1.2.  The commenter’s suggestions for survey prioritization could be implemented within the framework described in Section 2.4.1.2 of the MMPs/EIS. Additionally, the commenter’s suggestions will be

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	Group 3: Areas with little or no previous inventory d. Group 4: Areas needing more intensive inventory in relation to current standards.	considered as the agencies finalize Appendix D and Appendix E as implementation-level planning documents and during implementation-level project planning and consultation.
56505-1	Traditional activities should be allowed if they do not threaten the special qualities of the area. Adding and/or expanding specific new activities should be avoided.	See response to NMON-2. American Indian traditional uses are identified as a Monument value (see Appendix A of the MMPs/EIS). All action alternatives analyzed in the MMPs/EIS provide for American Indian traditional uses in the BENM consistent with the proper care and management of other Monument objects and values.
A.47-18	<p>1. Both the draft Monitoring Framework and Appendix E should be updated with an interim cultural resource protection plan. This would create options to responding to cultural resource emergencies in a non-permanent, non-ground disturbing way. 2. The Monitoring Framework could be improved with specifics on monitoring including deadlines because that will ensure monitoring leads to appropriate and responsive avoidance and/or mitigation of damage. 3. The Indicators in Appendix D-1 come from the National Register for Historic Places. NRHP criteria and elements of eligibility and integrity are policy that cannot be changed but we suggest the Monitoring Framework include a fourth indicator. This indicator would look for general effects that diminish the cultural value of areas important to Native American or other traditional communities. Section 3.5.2.1 of the DMMP says that agencies are not just considering effects that impact a site's eligibility for the National Register so there is precedent in the DMMP to look beyond NRHP-eligibility when considering "indicators" of effects on cultural resources. 4. Section 4.1 on Location Selection is a bit broad and does not include any level of prioritization. It includes consultation with American Indian Tribes and Multi-Tribal organizations but could also include Consulting Parties (or a similar form of stakeholder) to allow for more strategic input. This section lacks binding timelines. 5. Section 4.2 on Baseline Assessment could be improved. It mentions that previously documented cultural properties may not have full site characteristics detailed but it fails to mention that they may be lacking NRHP eligibility recommendations or may have outdated eligibility recommendations. A priority in a Baseline Assessment should be getting updated NRHP recommendations and working with SHPO to formalize eligibility. Additionally, it says each previously documented locality will be visited, documented and updated. However, this is a herculean task for which there is no timeline or prioritization. This section, like 4.1 Location Selection, needs more teeth: timeline, a system for prioritization, and planned update of strategic prioritization over time. 6. Section 4.3 on Cultural Resource Monitoring is once again vague. Monitoring "will occur at a frequency determined by agencies that is appropriate to management objectives at each monitored locality." Instead of each locality having its own objectives and frequency, localities should be grouped into strategic, prioritized categories that indicate shared management objectives and frequency of monitoring needs. This should be a part of the baseline assessment, a precursor to actual monitoring.</p>	<p>For item 1 of the comment, see response to A.47-15.</p> <p>For item 2, see response to CUL-3 regarding the time frame for completion of activity-level resource management plans. Also, note that the agencies are required to maintain flexibility in terms of time frames for monitoring, as monitoring can be subject to the availability of funding and staff. This is particularly important when considering the potential emergency situations the agencies are regularly subject to, such as the need to suppress wildfires. The determination on the timing of monitoring and resulting adaptive management will be determined on a site-specific level based on management needs and desired outcomes (see Section 5 of Appendix D).</p> <p>For item 3, Appendix D of the Proposed MMPs/Final EIS has been revised to clarify that the indicators encompass characteristics beyond just eligibility for the National Register of Historic Places (NRHP).</p> <p>For item 4, the agencies wish to maintain flexibility to prioritize according to site-specific conditions and management needs. However, Section 4.1 of Appendix D has been revised to include Consulting Parties, as deemed appropriate, in the location selection process.</p> <p>For item 5, Section 4.2 of Appendix D has been updated to address the commenter's concerns regarding updated NRHP eligibility recommendations and working with the State Historic Preservation Officer (SHPO). In terms of establishing timelines and prioritization, see responses for items 2 and 4 above.</p> <p>For item 6, see response to item 4 above.</p>
A.47-19	We support the approach to developing Public Use (developed) sites that are most common in the front country and to a lesser extent, in the middle and backcountry. The protective measures outlined in Appendix E-1 (removing multiple social trails and establishing one foot trail; stabilizing architectural features using aboriginal techniques; subtly using natural materials (brush and stones) to route traffic through sites and protect site features (such as middens); installing buck and pole fences (to restrict livestock movement) and interpretive signs; backfilling site features and wall bases, etc.) are low impact and align with the Outdoor Museum ethic and preservation ethic we have heard shared from Tribes and Pueblos. The process for allocating to a cultural, traditional or archaeological site to Public Use is first consulting with Tribes, then facilitating a stakeholder process at the implementation level. In light of the time it would take to approve a site for Public Use, agencies should develop an interim process for accomplishing 1) protective stabilization work (in line with Appendix E-1 measures) and 2) basic education at sites at risk of visitor damage in the years before the Allocation Strategy is completed. An	For items 1-3, as discussed in the responses to A.47-15 and CUL-3, until the MMPs are completed, cultural concerns will be addressed by management as prescribed by the 2008 Monticello RMP and 1986 Manti-La Sal LRMP and as provided for by Presidential Proclamations 9558 and 9681. Once the MMPs are approved, management according to the requirements of the MMPs will begin throughout the BENM, including at areas known to be at risk for visitation impacts. This management can include signage, visitor controls, waste solutions, and stabilization, as outlined in the MMPs alternatives described in Section 2.4.1 of the MMPs/EIS. The agencies believe these resources are best allocated to the timely completion of the final management and monitoring plans, and activity-level cultural

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	<p>interim process would not cause permanent, ground-disturbing activity that impacts cultural resources, nor would it affect whether a site becomes Public Use (Developed). This could be particularly helpful to cultural vicinities on Comb Ridge, where no Public Use sites currently exist but visitation is heavy. The bottom line is cultural areas, especially in more front country settings in the proposed Comb Ridge SRMA or Trail of the Ancients RMZ, cannot afford to wait multiple years with increasing visitation and little to no signage. Recommendations 1. Develop an interim visitor management matrix to help determine which cultural sites/areas/properties are in urgent need of attention in the interim. See the example below [see table on p. 11 of letter]. This will help determine inventory and interim management priorities.</p> <p>2. Based on the matrix, develop an interim strategy and plan within 6 months. Such a plan should include basic educational signage with Visit with Respect messaging and temporary human waste solutions. 3. Analyze whether it is possible to do a temporary/interim use allocation for places with heavy visitor use and no public sites, like Comb Ridge. 4. Update the Allocation Strategy to include specific timelines so it is a time-limited process with more "teeth" to it. 5. In Table E-1, the final selected alternative should add a management strategy for prehistoric linear features (great roads) as they need thoughtful management and are not reflected in the existing categories. 6. Add to lists of questions to assess public use suitability: Suitability for groups/larger # of visitors and difficulty of access. 7. The language in this section about monitoring should include the Utah Heritage Stewardship Program (the USSP is a branch of this).</p>	<p>resources management plan rather than developing an "interim management plan" or "interim management matrix."</p> <p>For item 4, see responses to CUL-3 and item 2 of A.47-18.</p> <p>For item 5, Appendix E has been updated to add prehistoric linear features.</p> <p>For item 6, Appendix E has been updated to add the suggested questions.</p> <p>For item 7, Appendix E has been updated to add the Utah Heritage Stewardship Program.</p>
A.47-20	<p>As is the case at Moon House, FCM believes that some sites cannot be properly protected without some limitations on access. We recommend the agency consider similar restrictions to the number of people who visit some important and sensitive sites that cannot handle unlimited visitation. Two such sites on USFS are Doll House and Lewis Lodge. Both of these sites are remote, difficult to access, and sensitive. Requiring a permit before visitation would limit numbers, allow the USFS to better manage the sites, and prevent damage from over visitation.</p> <p>In some cases, the Agencies should also consider making certain portions of sites off limits. One particular example would be the alcove and main structure at Monarch Cave. As such, we believe the MMP should specifically call out these two strategies (permitting and temporary/permanent closure of parts of sites) for minimizing site impacts and prioritize a process for determining where they will be employed.</p>	<p>The MMPs/EIS includes a full range of alternatives that includes both permitted visitation with limitations and closures as methods to address impacts to cultural sites (see Section 2.4.1.2 and Table 2-1 of the MMPs/EIS). The range of alternatives in the MMPs/EIS already includes such limitations on recreational access to Moon House Ruin and Doll House Ruin (Table 2-9). The agencies can also make these decisions in the activity-level cultural resources management plan. Additionally, restrictions similar to those suggested by the commenter could be applied to any site based on the results of monitoring and site-specific implementation-level planning (see Section 2.4.1.2 of the MMPs/EIS).</p>
A.11-6	<p>In order to evaluate the impact of the alternatives on the affected environment, a baseline of the existing conditions of the existing environment is required. However, the most recent cultural resources inventory of the affected environment is contained in the 2008 Monticello RMP. This creates two fundamental issues. First, a dramatic increase in visitation since 2008 – more than 200% for Moonhouse and 300% for Mule Canyon – has resulted in a multifold increase in the number of visitor contacts with cultural resources that is not captured in the baseline or in any of the alternatives effects relative to that baseline. As a result, it is impossible to determine the actual effect of any of the alternatives on cultural resources. Second, new sites are identified on a regular basis and the 2008 inventory does not identify all sites within the affected environment and does not accurately project the increase in sites found within the affected environment. Without an up-to-date cultural resources inventory, impacts of the proposed alternatives on cultural resources cannot be assessed. The lack of an accurate description of the current inventory and condition of cultural resources renders the document fatally flawed</p>	<p>The MMPs/EIS provides impacts analysis based on known cultural site locations, existing Class I survey data, and a predictive site-location model that provides for the likelihood of the presence of an archaeological site at any given location in the Planning Area (see Section 3.5.1.2.1 of the MMPs/EIS). The site-location model is used only for planning purposes and not as a management tool. These data combined with reasonably foreseeable visitation caused by proposed alternative planning decisions allows for an analysis of the relative impacts of the alternatives in the MMPs/EIS at a level that allows the Authorized Officer (BLM)/Responsible Official (USFS) to make an informed decision. Ongoing inventory and management of cultural sites is prioritized in the alternatives analyzed for the MMPs/EIS and will continue to be used to address site-specific management actions and management issues. See also responses to CUL-2 and CUL-3.</p> <p>The level of analysis in the MMPs/EIS is commensurate with the development of a landscape-scale Monument management plan. Appropriate site-specific surveys will be conducted on a case-by-case</p>

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A.71-5	Looting and trafficking, something that a bipartisan Congress has already condemned in the PROTECT Patrimony Joint Congressional Resolution, is already a significant problem in the Bears Ears National Monument. Protection of the Right of Tribes to Stop the Export of Cultural and Traditional Patrimony Resolution. H.Con. Res. 122 (“Federal agencies have a responsibility to consult with Native Americans to stop the theft, illegal possession or sale, transfer, and export of tribal cultural item”). An expedited and shoddy federal management planning process will directly harm these important cultural, environmental, and historic resources, as much-needed documentation and information regarding their proper care and management will not be gathered. In addition, vulnerable cultural resources will not be protected from looting and trafficking, despite the intent of Congress to maintain their protection in PROTECT Patrimony.	basis to inform subsequent agency management actions and will be guided by the priorities list in Section 2.4.1.2 of the MMPs/EIS.  The MMPs/EIS includes a full range of alternatives that provide for the proper care and management of cultural resources. The protections include education, limitations on visitation, limitations on motorized access, signage, and stabilization (see Section 2.4.1.2 and Table 2-1 of the MMPs/EIS). The adaptive management provisions included in the MMPs/EIS would allow the agencies to restrict public access to specific sites through further implementation-level planning, should those restrictions be determined necessary to provide for the proper care and management of Monument objects and values. Enforcement of all applicable laws and regulations regarding looting and vandalism of cultural resources, and consultation with American Indian Tribes in the enforcement of those laws, do not require a plan decision. The BLM and USFS will continue to consult with American Indian Tribes in the enforcement of applicable laws against looting and vandalism of cultural resources.
A.71-6	Utah Diné Bikéyah has collected a great quantity of tangible and intangible cultural heritage data (through agreements with the Navajo Nation) that informed Proclamation 9558. None of this important data was requested by BLM, USFS, DOI, or the White House prior to the issuing of Proclamation 9861. Because some of this data is confidential and owned by the Tribe, the federal agencies will need to identify data gaps and allow the Tribe adequate time to gather data and assure that confidential information is protected.	See response to A.71-19.
A.71-14	The Management Plan for Cultural Resources Is Unclear and Further Details Are Required. Several questions remain pertaining to the management of cultural resources in all alternatives. In particular, Section 2.4.1.2, which delineates twelve steps to be used in all alternatives, raises several relevant problems and questions, including: · In the agencies plan to divide sites listed or eligible for the National Register of Historic Places into “Developed Public Use” or “Undeveloped Public Use” categories, the agencies then specify fourteen specific sites to be designated for Developed Public Use. It is unclear whether this list is exhaustive, and why the agencies omitted other Monument objects described in Section 3.5.1.2.4 (“Cultural Resource Objects and Values”). Without tribal consultations, and proper cultural surveys and environmental reviews, it is unclear how the agencies made the predetermination. It is unclear why the promised cultural resources management plan proposed to be completed within two years (after the completion of the MMP) (see Section 3.5.2.2.1) focuses upon monitoring and interpretation only for the sites in a “Developed Plan Use” instead of also for the National Register-eligible sites in the “Undeveloped Public Use”.	The bullet immediately after the listed 14 sites in Section 2.4.1.2 of the MMPs/EIS indicates that the agencies would continue to consult with Tribes to add or remove sites. This indicates that the list is not fixed or exhaustive and that the agencies will continue to consult with the Tribes to modify that list as deemed necessary.  The cultural resources management plan would focus on monitoring and interpretation for Developed Public Use sites only because those are the sites where interpretation would occur to provide for anticipated public use. Undeveloped Public Use sites would not have interpretation but would remain undeveloped to provide for the “sense of discovery” (see the bullet immediately before the bullet for the listed 14 sites in Section 2.4.1.2 of the MMPs/EIS).  Section 2.4.1.2 of the MMPs/EIS also indicates that the lead agencies would continue to consult with American Indian Tribes in the determination of what sites would be allocated to Developed Public Use and which would be Undeveloped Public Use (or some other allocation).
A.71-16	BLM and USFS Must Consider an Alternative That Adequately Protects National Monument Objects, Cultural Resources, and the Protection of the Traditional Cultural Landscape: The Draft EIS fails to provide an alternative that will adequately protection the National Monument “objects” specified in the Proclamation (9558), which established the National Monument, and it does not propose an alternative that adequately protects cultural and environmental resources within the Traditional Cultural Landscape of the BENM. The Draft EIS would have to be supplemented with a more adequate alternative or set of	See responses to ALT-1, A.17-1, CUL-1, CUL-3, 24128-1, A.47-14, and MIN-1.

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	<p>alternatives that focus upon the protection of cultural resources. Such an alternative should include the following: • Tribal Consultations to determine how to manage and protection cultural resources within the BENM before the issuance of a second set of alternatives (tribes should always be meaningfully consulted early in the planning process); • A commitment to conduct cultural resources surveys and an inventory of the lands within the BENM in collaborative management partnership with American Indian tribes with ancestral, historic, and present ties to the Bears Ears National Monument; • The inclusion of explicit limitations on oil and gas development, which could cause significant harm to historic and cultural resources, and the environment within the BENM. In addition, BLM and USFS should not release any further oil and gas leases. Furthermore, inactive leases should be terminated. • Planning that will eliminate unused and unnecessary roads throughout the BENM, which could impact cultural resources and sacred places; restricting and limiting “off-road vehicle” use in BENM; and considering a plan to limit all activity that will adversely impact the historic places, sacred places, and cultural objects within the National Monument. • A thorough review of the prior submission of scoping comments from Utah Diné Bikéyah, which provides further guidance on the protection of cultural and environmental resources within the Bears Ears National Monument.</p>	
A.14-31	<p>Cultural Resources 1. The BLM will identify priority areas within NLCS units for nomination to the National Register of Historic Places, for cultural resource inventories, and for archaeological research consistent with the BLM 8100 manual series (Cultural Resources Management). Inventory priorities will be determined at least in part by resource values and the risk of disturbance, including loss of the resource to theft or erosion. 2. The BLM will monitor the condition of historic properties and traditional use areas within NLCS units for vandalism and other disturbances or changes. Again, the alternatives and proposed MMP fail to implement these requirements.</p>	<p>All alternatives evaluated in the MMPs/EIS contain provisions to address the concerns raised in the comment. Please see Section 2.4.1.2, Appendix D, Appendix E, and Appendix M of the MMPs/EIS.</p>
A.23-2	<p>In developing a new MMP, the BLM must: Explicitly incorporate traditional knowledge regarding cultural and historical resources.</p>	<p>See response to PUBL-2. American Indian Tribal expertise and traditional ecological and historical knowledge is identified as a Monument value (see Appendix A of the MMPs/EIS). As described in Section 4.4 of the MMPs/EIS, the BLM and USFS will engage with and incorporate American Indian Tribal traditional knowledge where applicable during the development and implementation of the MMPs in conformance with Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
A.23-3	<p>In developing a new MMP, the BLM must Delegate each of the tribes a collaborative co-management authority—beyond a mere advisory role—as provided in President Obama’s Bears Ears Proclamation.</p>	<p>See response to PUBL-11. The nature of American Indian Tribal involvement in management of the Monument was determined through Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Changing that management authority is outside of the legal scope of the agencies’ authority and outside the scope of the MMPs decision.</p>
A.23-4	<p>In developing a new MMP, the BLM must: Prioritize preservation of cultural, archeological and paleontological resources by considering: -Adverse impacts of recreation, especially motorized recreation. -Land-disturbance exclusions beyond the legal minimum of Wilderness and WSAs. -Strict protections for as-yet unsurveyed cultural resource areas. -Effects of activities beyond the recently-diminished boundary of the Monument on cultural resources within the monument.</p>	<p>See response to CUL-1, CUL-3, A.47-20, and DEC-1. Section 3.22.3 of the MMPs/EIS includes an analysis of cumulative impacts of reasonably foreseeable future management actions affecting cultural resources in the Monument, including impacts of management actions outside the Monument boundary if applicable.</p>
A.40-4	<p>Third, the agencies should work with these Tribes to develop and implement a plan to better inventory and manage cultural resources, including maintaining the option to close or reroute recreational trails when cultural resources are threatened. Under Section 106 of the National Historic Preservation Act (NHPA), BLM is required to identify historic properties affected by a proposed action and to develop measures to avoid, minimize, or mitigate any adverse effects on historic properties. According to the</p>	<p>See responses to CUL-3 and A.47-19. See also Appendix D and Appendix E of the MMPs/EIS.</p>

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	draft plans, only 8.2% of the BLM lands within the Shash Jaa' Unit, 34% of the USFS lands within the Shash Jaa' unit, and 14.7% of the BLM lands within the Indian Creek Unit have been surveyed for cultural resources. BLM and USFS should complete a more comprehensive cultural inventory before making decisions, such as designating additional motorized vehicle routes, that could potentially threaten currently uninventoried cultural resources.	
A.75-13	<p>The Bears Ears living landscape should be managed as an outdoor museum. As mentioned above, Bears Ears National Monument is a living landscape and is important to Native peoples since time immemorial. BLM and USFS must work closely, and in collaboration with, the Hopi, Zuni, Ute, Ute Mountain Ute, and Navajo Nation to identify areas within the Monument that should be more heavily managed by the federal government as well as areas that should be left mostly unmanaged. See Section IX on recreation zones and public use suitability for more information. Once areas are appropriately classified, the MMP should incorporate tools, again in collaboration with the interested Tribes, to educate visitors and support safe public access, while prioritizing respect and maintenance of the unmanaged backcountry nature and cultural significance of sites. BLM and USFS should consider using allocation techniques similar to Canyons of the Ancients National Monument and list sites according to the amount of management they should receive. For example, Canyons of the Ancients National Monument allocated sites as "Uses A-D," and further allocated "Use D" to be "D-developed" (i.e., promoted to the public) or "U-undeveloped" (i.e., sites not promoted to the public, but may be visited in a backcountry context). We encourage the agencies to use this outdoor museum concept to protect the natural setting of the Monument, while allowing primitive recreational experiences at the developed sites and providing unique opportunities to visit unique and unmanaged cultural resource sites in the backcountry. The outdoor museum concept should be incorporated into all public messages, contact opportunities, and interpretive/educational materials to mindfully communicate that Bears Ears is a living landscape and home to some of the densest and most preserved cultural resources in the world.</p> <p>Summary of comments: BLM and USFS must work in collaboration, and ideally in co-management, with the interested Tribes to identify areas within the Monument that should be managed more heavily and those that should be left mostly unmanaged. BLM and USFS should use allocation techniques similar to those used in Canyons of the Ancients National Monument to manage Bears Ears as an outdoor museum, promoting only certain frontcountry and backcountry sites to the public. The outdoor museum concept should be incorporated into all public messages and interpretive/educational materials, again in close collaboration with the interested Tribes.</p>	See responses to PUBL-1, PUBL-2, CUL-3, CUL-4, and A.47-16.
A.75-34	Approved recreational activities must be in line with the protection of Monument objects: Climbing Specific concerns listed in scoping report related to cultural resources: "new" climbing wall called Cave Wall & increases in visitation to Moon House, Doll House, Butler Wash areas such as House on Fire, Wolfman Panel, Target, and Ballroom Site, and the Tower Site.	The MMPs/EIS includes a range of alternatives to address potential recreational impacts on cultural resources (see Sections 2.4.1 and 2.4.7 of the MMPs/EIS).
A.70-9	The Conservancy supports protecting the region's significant cultural resources. For the Indian Creek Unit, the Conservancy supports alternative B that closes climbs, routes, trails, and other recreational sites that contain cultural resources.	See response to ALT-1.
A.45-3	None of the four alternative management strategies considered propose a sufficiently protective management strategy to assure proper care of the significant cultural resources in BENM. In the event BLM and USFS do not postpone the RMP process, we urge the agencies to issue a Supplemental Draft EIS to analyze an alternative that prioritizes the protection of monument objects over other uses and ensures that the agencies retain the authority to limit harm.	See responses to ALT-1, CUL-1, and CUL-3.
A.45-8	Shay Canyon: In Alternative D, the agencies have explicitly elected not to provide education or interpretation to protect sensitive cultural resources in Shay Canyon. Unlike Alternatives B or C,	See response to ALT-1. Shay Canyon is the focus of some proposed management actions because of known cultural resources in the

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	Alternative D would self-impose a limitation on the agencies' discretion to reroute or close trails, even in the event that users were damaging cultural resources.	area. The alternatives in the MMPs/EIS do not preclude the agencies from taking action to prevent damage to cultural resources should those management actions be necessary as indicated by monitoring.
A.45-10	The agencies plan to allocate sites listed on or eligible for the National Register of Historic Places into "Developed Public Use" or "Undeveloped Public Use" categories. The agencies then specify fourteen specific sites that would be designated for Developed Public Use. Is this an exhaustive list? Why have the agencies omitted other Monument objects described in Section 3.5.1.2.4 ("Cultural Resource Objects and Values")? How did BLM and USFS make this determination? The agencies pledge to develop a cultural resources management plan within two years of completing the MMPs (see also Section 3.5.2.2.1). This plan would focus monitoring and interpretation only for sites in a "Developed Public Use" category. Further explanation is needed as to why some sites would receive different treatment. The commitment reads as if all National Register-eligible sites in the "Undeveloped Public Use" category will be simply ignored.	See response to A.71-14.
A.45-11	Regarding prohibiting pack animals and domestic pets at National Register eligible sites, it is unclear how BLM and USFS intend to enforce this rule, since not all sites are marked (nor should they be). BLM and USFS should exercise more caution prior to making a blanket rule that pack animals and pets will be allowed into all areas and that users should be expected to know what constitutes a National Register-eligible site.	See response to A.11-10. Where problem areas occur regarding pack animals and domestic pets, the agencies will evaluate posting signs notifying visitors of restrictions and consider implementing supplemental rules. Section 2.4.1.2 of the Proposed MMPs/Final EIS has also been revised to clarify that casual use recreational use of pack animals and domestic pets would not be allowed at cultural resources locations listed on or eligible for the NRHP with the exception of historic roads and trails.
A.45-12	BLM and USFS promise to conduct Class III cultural resource inventories "as funding is available." This is not a new commitment, but a reiteration of the agencies' obligations under Section 110(a) of the NHPA, a requirement that has been in place since 1980. It provides the public no assurance that the agencies will adhere to their responsibilities to conduct proactive surveys.	The BLM and the USFS have an obligation under Section 110(a) of the NHPA to maintain a historic properties preservation program that ensures that historic properties under each agency's jurisdiction or control are identified, evaluated, and nominated to the NRHP. The agencies fulfill that obligation in a proactive manner as resources and funding are available. Variable funding and staffing levels continue to be factors that affect the agencies' cultural resources identification, evaluation, and nomination actions.
A.45-14	In the event that the agencies do not postpone this partial planning effort, it will be essential to supplement the Draft EIS in order to include a new alternative that incorporates the following commitments: Conduct cultural resource surveys, and inventory as much of the lands within the monuments as possible, as required by Section 110 of the NHPA and Section 202(c)(4) of FLPMA. Surveys should be completed, especially where the MMPs propose to allow for increased access and/or exposure to the risk of vandalism, destruction, or theft.	Section 2.4.1.2 of the MMPs/EIS addresses cultural resources survey priorities in the BENM, including the requirements established by NFMA and FLPMA. See also Appendices D and E of the MMPs/EIS.
A.24-5	The protection of cultural resources should be paramount. The creation of this Monument has already drawn more folks to visit. The protection of pictographs and fragile soils is an immediate need. Please provide protection of the land and its resources for the entire area designated under Presidential Proclamation 9558.	See responses to CUL-1, OOS-4 and NMON-2.
A.56-1	The MMP relies too heavily on a site location model developed for a much larger area than Bears Ears NM. The model, while robustly constructed, has never been field verified. Furthermore, issues of scalability of the model developed for a much larger, even more diverse area are not addressed.	See response to A.75-11. The MMPs/EIS cultural resources analysis is based on known cultural site locations, existing Class I survey data, and a predictive site-location model that provides for the probability of the presence of an archaeological site at any given location in the Planning Area (see Section 3.5.1.2.1 of the MMPs/EIS). The site-location model is used only for planning purposes and not as a management tool. Note that the site location model does account for

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		characteristics specific to the Monument, including physiographic properties and past survey information.
A.56-2	There is a general tendency throughout the document to treat impacts to cultural resources as something akin to the development of a well pad on BLM administered lands. All the treatments are reactionary and not proactive. There is very little management in the MMP regarding cultural resources.	See responses to CUL-1 and NMON-2. See also Section 2.4.1 of the MMPs/EIS, which includes proactive measures that would be taken to provide for the proper care and management of Monument objects and values.
A.56-3	[AMS Section 2.2] The document defines prehistoric and historic archaeological resources as "Prehistoric cultural resources are those materials deposited or left behind prior to the entry of non-Native American (i.e., Euro-American) explorers and settlers into an area. Historic cultural resources are those materials deposited or left behind after the European presence was permanently established." This language is problematic primarily because prehistory is defined temporally as "prior to the entry of non-natives" and the historic period as "after the European presence was permanently established". Clearly, there is a temporal gap between those two time periods. Euro-American, by-in-large, did not establish permanent presences as soon as they entered a place. This false dichotomy is dismissive of Indigenous history, especially during a period of substantial and dramatic culture change. These definitions should be re-worked to account for the entirety of the archaeological record.	The purpose of the public review period is largely to solicit substantive comments on the MMPs/EIS that would affect the comparative analysis of alternatives and the subsequent ability of the decision-maker to make an informed decision. The AMS has provided adequate information to inform the development of alternatives and the development of the affected environment for the MMPs/EIS and will not be revised. If a deficiency in the AMS negatively affects the analyses in the MMPs/EIS, the BLM will revise the NEPA documents accordingly.  The MMPs/EIS considers indigenous history in the development of alternatives and analysis of impacts on traditional uses and values. The agencies have reviewed the suggested changes to the AMS and determined that revising the AMS is not necessary at this time.
A.56-4	[AMS Section 2.2] cultural resources are defined as "archeological resources, historic architectural and engineering resources, and traditional resources". This definition diminishes culturally significant places (Traditional Cultural Properties). This terminology is also decidedly capitalistic and Euro-Centric in tone. The repetitive use of "resources" diminishes Indigenous (in particular, but not exclusively) perspectives on culturally valued materials and places	See response to A.56-3.
A.56-5	[AMS Section 2.2] Milk Ranch Point is comprised of over 100 archaeological sites that likely represent NRHP criteria beyond Criterion D.	See response to A.56-3.  The MMPs/EIS recognizes the high density of cultural sites at Milk Ranch Point and includes a range of alternatives to address potential impacts to the cultural resources there (see Sections 2.4.1 and 2.4.7 of the MMPs/EIS).
A.56-6	[AMS Section 2.2.1] The document does provide the caveat that the cultural overview is not intended as a "thorough recitation of the existing body of knowledge regarding past human activity..." this point, is well taken, however the history provided especially for the Formative Period is woefully insufficient especially considering the Formative cultural complexity of the areas, and the role these types of sites have within the monument.	See response to A.56-3.
A.56-7	[AMS Section 2.2.1.1.3] The term "Anasazi" should be removed from the Formative discussion and elsewhere in the document.	See response to A.56-3.  Use of the term "Anasazi" is within the current lexicon of archaeological scholarship.
A.56-8	[AMS Section 2.2.1.1.3] There is no discussion of Fremont peoples in the Formative Period overview. This should be remedied.	See response to A.56-3.  The presence of Fremont rock art is noted in the AMS; however, Fremont archaeological traditions are minimal across the Monument relative to Pueblo archaeological traditions. Accordingly, the summary provided by the AMS focused appropriately on Pueblo archaeology.



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A.56-9	[AMS Section 2.2.1.1.3] The citations throughout the Formative section are no more recent than 15 years, yet the northern Mesa Verde periphery has been the subject of a great deal of scholarly study, which could have better informed (and should better inform) on this section of the document.	See response to A.56-3.
A.56-10	[AMS Section 2.2.1.1.3] There is evidence of Kayenta and Chacoan cultures in the Shash Jaa Unit. The formative section as written only accounts for the San Juan Mesa Verde.	See response to A.56-3.
A.56-11	[AMS Section 2.2.1.1.8] The document reads “After an apparent episode of cultural doldrums in the middle A.D. 1100s...”. Northern San Juan Mesa Verde peoples were not slow to create cultural change because they were blue. This phrasing should be changed.	See response to A.56-3.
A.56-12	[AMS Section 2.2.1.1.9] The use of the term “Protohistory” is incorrect. This terminology was recently abandoned in the Utah archaeology site form to help diminish the misuse of that term. Protohistory is the period between Euro-American influence on indigenous peoples and contact. There are a number of acceptable and correct alternative terms including contact, post-contact, ethnohistoric, and historic indigenous. Please use different and correct terminology here. “Protohistory” has been used elsewhere in the document. Its use should be revisited throughout.	See response to A.56-3.
A.56-13	[AMS Section 2.2.1.2] The Old Spanish Trail was founded on indigenous travel routes, which were followed by the Dominguez and Escalante expedition.	See response to A.56-3. Although the AMS makes reference to the Old Spanish Trail, the trail is located several miles to the east and northeast of the BENM.
A.56-14	[AMS Section 2.2.1.4] The document reads: “Other than scattered rock imagery, there are few diagnostic indicators, such as distinctive pottery or wickiup sites, that provide proof of Ute occupation in the San Juan region of Utah and Colorado” (pg 2-29). This language is at a minimum is confusing, and beyond that, problematic. Is the document suggesting that Ute peoples were not in the monument units or were scarcely in the monument? Or is the document suggesting that a fragmentary archaeological record is more valued evidence than Ute history?	See response to A.56-3. The summary provided in this section of the AMS discusses archaeological evidence and simply notes that archaeological evidence of Ute occupation is sparse.
A.56-15	[AMS Section 2.2.2.1] NRHP collections of sites can also be historical landscapes or multiple property listings.	See response to A.56-3.
A.56-16	[AMS Section 2.10.4.2.1] UPAC is pleased to see the care with which the archaeological resources on Cedar Mesa are being managed. It is our hope that in the next few years the BLM would be willing to present to UPAC on the results of the Cedar Mesa Permit System, monitoring, and education regarding heavily visited sites in Shash Jaa (pgs 2-89 to 2-91).	See response to A.56-3. The BLM will continue to collaborate with stakeholders to the extent possible on existing conditions and education related to cultural resources in the Planning Area.
A.56-17	[AMS Section 2.13.1.4.2] See the point above for 2.2.1.1.3 regarding the lack of cultural overview for Fremont culture and the Fremont-Ancestral Puebloan interface.	See response to A.56-3.
A.56-18	[AMS Section 2.17.3] In 2014, Winston Hurst presented on the results of work at archaeological sites along Hwy 95 at the Pecos Archaeological Conference. One of the major take-home points of the presentation was that a large number of the sites that he worked at, which had been recorded and recommended ineligible for NRHP inclusion when Hwy 95 cut through Comb Wash, were actually eligible for NRHP inclusion.	See response to A.56-3.
A.56-19	[AMS Sections 3.2 and 4.2, Tables 3.3, 4-2] Planning Decision Number CUL-13: The decision number indicates that the BLM will work with “local communities and other groups” in heritage tourism issues. This should be spelled out with more detail including the types of sites which are suitable for recreation and interpretation, who the other groups are, the types of management protocols that will be put in place to monitor and protect those sites, etc.	See response to A.56-3. Appendix E of the MMPs/EIS discusses which types of sites are suitable for recreation and interpretation and what the process would be for the allocation of sites. Appendix D of the MMPs/EIS describes how cultural resources sites would be monitored.

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A.56-20	[AMS Section 3.2, Table 3-3] The Forest Service Planning decisions do not appear to include a specific plan for monitoring archaeological resources. Archaeological monitoring should be an integral part of the management plan for archaeological resources managed by the Forest Service within the monument boundaries.	See response to A.56-3.
A.56-24	Overall, the analysis methods are overly simplistic and rely too stringently on an unproven site location model. Known site distributions are disregarded in the analysis in favor of the model. The two data sets should be used in conjunction to strengthen the analysis.	See response to A.56-1. Known site distributions were not disregarded in the MMPs/EIS analysis. As explained in Section 3.5.2.1 of the MMPs/EIS, known site locations, existing Class I survey data, and the predictive model were used in the EIS analysis.
A.56-28	[MMPs/EIS Section 2.4.1.1] Bullet point 1: Since the preferred alternative does not limit visitation or recreation, cultural resources in all areas should be identified and evaluated.	The MMPs/EIS includes a full range of alternatives to address potential impacts to cultural resources, including alternatives that limit visitation, recreational access, and types of recreation (see Sections 2.4.1 and 2.4.7 of the MMPs/EIS). See also response to CUL-2.
A.56-30	[MMPs/EIS Section 2.4.1.1] Bullet point 5: Collection of cultural materials is partially addressed here, however the terms of collection would be a valuable contribution to the document, especially considering NAGPRA, tribal concerns, and public misunderstandings of archaeological collection—(i.e. address scientific excavation [management, academic, Sec. 106], surface collection of artifacts, collection of materials for dating or testing, etc.).	This bullet is meant to be a broad goal. The terms of collection referenced in the comment are encompassed within this broad goal and would be addressed by the agencies on a case-by-case basis as necessary when specific management actions related to collection are implemented.
A.56-31	[MMPs/EIS Section 2.4.1.2] Throughout this section, and elsewhere throughout the document, those historic and prehistoric cultural resources considered for protection, monitoring, etc., are those that are eligible for listing on the NRHP. There is an assumption that only eligible cultural resources are Monument objects worth protecting. The Antiquities Act, under which the monument was formed, does not specify that any one resource is more worthy of protection than any other. The Antiquities Act establishes that all resources pertaining to the designation of the monument are those resources that require protection. The use of the NHPA to delineate cultural resources as worthy or unworthy makes sense only in specific undertakings related to Section 106. Using NRHP criteria as a tool for management of resources protected under the Antiquities Act, which serves to protect all the resources, is inconsistent with monument designations.	Section 2.4.1.2 provides for general protection of cultural resources regardless of eligibility, as well as specific protections for sites that are listed or eligible for the NRHP. Appendix A of the MMPs/EIS provides the BLM and USFS interpretation of the Monument objects and values, as identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Text throughout the Proposed MMPs/Final EIS has been revised to clarify that management actions are meant to address cultural resources and archaeological resources, generally, and not just NRHP-eligible resources.
A.56-32	[MMPs/EIS Section 2.4.5.2] Will the 16 grazing allotments within BENM be prioritized for Sec. 110 cultural surveys to understand grazing impacts within allotments?	The determination of what areas would be prioritized for cultural resources surveys would be determined based on site sensitivity and level of use. Criteria for prioritization of cultural resources surveys are provided in Section 2.4.1.2 of the MMPs/EIS. At this time, the entirety of the allotments referred to in the comment are not prioritized for cultural resources surveys.
A.56-33	[MMPs/EIS Section 2.4.5.2] Within Indian Creek, shortly after the Nature Conservancy purchased Dugout Ranch, they performed a number cultural surveys and oral histories, particularly in connection with Salt Lake Community College field schools. This work was never fully completed, however may be of value to BENM. Sue Bellagamba with the Moab Office of the Nature Conservancy would be the point of contact to pursue this data.	The BLM and USFS are aware of these data and will work with the Nature Conservancy to review and use the data as appropriate in the development of the activity-level cultural resources management plan and during future implementation-level planning.
A.56-37	[MMPs/EIS Section 3.5] "The rationale for selecting the Planning Area as the cultural resource analysis area is that the management decisions analyzed would be applicable only to those resources found within the Planning Area boundaries." This statement is a logical fallacy; it is circular reasoning.	The cultural resources within the Planning Area are the only ones that would be impacted by management decisions pursuant to the MMPs. Therefore, the existing condition of those resources within the Planning Area sets the best baseline for establishing the context of MMPs impacts.

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A.56-38	[MMPs/EIS Section 3.5.1.1] Why bother defining the “cultural resource study area” as the “planning area boundaries” only to call it the cultural resources study area again? Terminology should be consistent.	Section 3.5.1.1 of the Proposed MMPs/Final EIS has been revised to clarify these definitions.
A.56-39	[MMPs/EIS Section 3.5.1.1.1] Current archaeological lexicon does not include a “Formative tradition.” The Ancestral Puebloan tradition may be more appropriate; however, other Formative period peoples were likely present in the BENM, albeit to a lesser degree. Fremont and potentially Gateway peoples likely visited the region. There are appreciable academic and grey literatures reflecting of Nuche and Dine archaeology in the area of Bears Ears. This portion of the archeological record is not given its proper consideration in this section.	“Formative tradition” revised to read “Formative period” to be consistent with culture historical classification nomenclature. Late prehistoric (i.e., Nuche and Diné) archaeology is considerably less common and accordingly addressed less in academic literature. Proportional to the abundance of Ancestral Puebloan archaeology present, the agencies believe that the length of the discussion of Late Prehistoric archaeology in this section of the MMPs/EIS is appropriate.
A.56-40	[MMPs/EIS Sections 3.5.1.2.1-3.5.1.2.2] Regarding the Model: This section overstates the reliability (especially considering the actual percentage surveyed [especially true in Shash Jaa]) of predictive models. While a helpful tool for management, they do not predict the “likelihood for the presence of an archaeological site at any given spot...” (3-6) and are not as effective as the language in this section suggests. This section should be reworked to better represent the value of predictive modeling. In addition, site density is extrapolated for the BLM portion of the Shash Jaa Unit, but not for the Forest Service portion. Further, the model referred to in this section is conceptual. Although it was rigorously developed, it has not been field verified so the actual utility of the model remains questionable.	See response to A.11-6.
A.56-41	[MMPs/EIS Section 3.5.1.2.1, Table CUL-1] Percentages should be included in the tables throughout Section 3.5. Percentages would provide a more valid means for the reader to compare the data presented.	The Proposed MMPs/Final EIS has been revised to include percentages in Section 3.5.
A.56-42	[MMPs/EIS Section 3.5.1.2.4] This section again refers to important resources as only those eligible to the NRHP. This is contrary to the reasons behind the designation of a national monument. Cultural landscapes, as discussed elsewhere in this section, by default would consist of individual cultural resources that would not necessarily be eligible to the NRHP. Since not all cultural landscapes have been defined, it is fallacious to assume only cultural resources eligible for the NRHP are important. Cultural landscapes are not defined as important cultural resources. Cultural Landscapes can be eligible to the NRHP.	See response to A.56-31. Section 3.5.1.2.3 discusses the importance of cultural landscapes. Section 3.5.1.2.4 has been revised to clarify that important cultural resources objects are not confined to those that are listed or eligible for listing on the NRHP. Appendix A of the MMPs/EIS provides BLM and USFS interpretation of the Monument objects and values, as identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.
A.56-43	[MMPs/EIS Section 3.5.2.1] Again in this section, NHRP eligibility is used as the primary standard for evaluating effects to cultural resources. This is problematic not only for the reasons previously stated but because it only takes into account those effects to known resources. Such effects cannot be adequately extrapolated in a qualitative manner to unknown individual cultural resources. Furthermore, the site location model does not predict the location of individual sites, rather it predicts areas that are projected to have a higher probability of containing such sites. The analysis of effects and integrity should be compared quantitatively with those areas with high probabilities with the types of cultural resources identified in this section.	See responses to A.56-31, A.56-42, and A.11-6. Please note that existing archaeological data and the predictive model are used to allow for a quantitative comparison between alternatives that the comment requests.
A.56-44	[MMPs/EIS Section 3.5.2.1] The section misrepresents the sample of archaeological sites used to construct the site location model. The section states that the model was developed using all available archaeological site data. The site location model was constructed using all available site data that was coded on the IMACS encoding forms. There is a substantial amount of data that exists that was not encoded on these forms. Furthermore, the model was generated for an area much greater than the BENM itself, which may reduce its usefulness at a finer scale. The issue of model scalability is not addressed in the document.	See response to A.11-6.

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A.56-45	[MMPs/EIS Section 3.5.2.2] The “benefits” of stabilization are over simplified.	The commenter did not provide specifics regarding what is incorrect or “oversimplified” about the discussion.
A.56-46	[MMPs/EIS Section 3.5.2.2.1] Given the limited amount of cultural resource inventory in the study areas, it is unclear how it will be possible to reduce fuels and similar impacts and mitigate those hazards to important cultural resources, particularly if the agencies don’t know where these resources are located and whether they are “important”.	Section 3.5.2.2.1 is qualitatively describing how reducing fuels loading at the landscape scale reduces risk to cultural resources by decreasing fire intensity and size. Prior to implementing a site-specific fuels treatment project, as appropriate, cultural surveys and Section 106 consultation would be conducted to address the specific locations and types of cultural resources that could be impacted.
A.56-47	[MMPs/EIS Section 3.5.2.2.1] 3.5.2.2.1, The USFS does not use Class I, II, and III terminology.	Class I-, Class II-, and Class III-level surveys are recognized by the SHPO and for the purposes of this management plan, these categories are applicable for surveys that may be conducted to address potential impacts on cultural resources resulting from Federal actions.
A.56-48	[MMPs/EIS Section 3.5.2.2.3] These tables are confusing, they are based on the predictive models and so extrapolate across the whole of the monument units, however, there are already developed areas (roads, trails, parking lots, infrastructure) that are incorporated into the extrapolation as opposed to being separated out. These numbers would likely significantly change if the undeveloped/underdeveloped areas were addressed separately from the areas of existing development.	Acreages provided in tables summarize the area in which the likelihood of locating archaeological sites is highly likely, moderately likely, or unlikely. These likelihoods are taken from a comprehensive site location model developed for the entirety of the BLM Monticello Field Office and are derived from known archaeological site locations and archaeological survey coverage. Further breaking out the analysis by developed versus undeveloped areas would not affect the acreages of each site location likelihood and would not affect the values presented in these tables.
A.56-49	[MMPs/EIS Section 3.5.2.2.4] “Impacts to cultural resources from improper livestock grazing...” (pg. 3-11). It is our understanding that there is no requirement for Sec. 106 clearance of grazing allotments, how can improper grazing be called out when it hasn’t been identified as an undertaking that may affect cultural resources? Impacts to cultural resources related to grazing go beyond trampling of artifacts and features. It is clear the agencies continue to ignore the scientific literature, albeit sparse, pertaining to grazing related impacts to cultural resources oversimplifying and underrepresenting grazing related impacts. Given the results of the site location model, the known distribution of cultural resources, the amount of grazing occurring in high and moderate probability areas, avoiding grazing conflicts with cultural resources would appear to be a futile exercise. The reactionary response to deal with impacts to cultural resources from grazing related activities is impractical. Limiting grazing related impacts requires much more proactive planning.	The MMPs/EIS includes a range of alternatives to address the potential impacts of livestock grazing on cultural resources (see Section 2.4.5 of the MMPs/EIS). The agencies are not proposing to implement improper grazing; this analysis is only included to provide an example of the types of impacts that may occur on cultural resources from livestock grazing. The alternatives also include specific monitoring and adaptive management provisions (refer to Appendices D and M of the MMPs/EIS) that can be used to reduce the impacts of livestock grazing on cultural resources.
A.56-50	[MMPs/EIS Section 3.5.2.2.8] The agencies provide evidence that OHV access is a significant risk factor to maintaining site integrity. Previously in the document (Section 3.5.2.1), site integrity is defined as the primary manner in which cultural resources convey their significance. Significant sites are considered, erroneously, as those sites that are important values and objects of the monument. The agencies have selected a preferred alternative that, by their own admission, significantly increases adverse effects to the Monument values and objects. The underlying logic here is seriously flawed. There is no consideration or information provided on how impacts to cultural resources will be evaluated, monitored, or mitigated in this section.	See responses to ALT-1, CUL-1, CUL-3, and 103118-3. The comment erroneously states that the alternatives considered in the MMPs/EIS would significantly increase adverse effects to the Monument values and objects while the analysis in the MMPs/EIS does not come to this conclusion.

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A.56-52	[MMPs/EIS Section 3.22.3] The first sentence of this section states that cumulative impacts are captured in Section 3.5.1. This referred section identifies a brief and antiquated cultural chronology, a brief description of frequencies of known cultural resources, and results of the BLM site location model, and descriptions of cultural resources. There is no discussion of cumulative impacts on cultural resources.	The first sentence of Section 3.22.3 states that the cumulative results of past and present actions are captured in the description of the affected environment. The impacts of past and present actions are correctly summarized cumulatively in the description of the affected environment section in Section 3.5.1 of the MMPs/EIS (see CEQ Guidance on the Consideration of Past Actions in Cumulative Effects Analysis, June 24, 2005). Section 3.22.3 of the MMPs/EIS provides the cumulative impacts on cultural resources of reasonably foreseeable future actions and the alternative MMPs.
A.56-53	[MMPs/EIS Appendix D, 3.1] The identified impact types and their documentation are extremely qualitative, subjective, and serve little utility for the types of management considered in the plan. How impact thresholds were determined from such weak data is not adequately explained. More quantitative data on the nature and extent of the impact types is warranted. Further, such frameworks within government agencies abound and should be easily accessible.	Appendix D of the MMPs/EIS is a framework for a monitoring plan that will guide cultural resources monitoring in the BENM. Section 3.1 of Appendix D describes the types of impacts that would be considered when prioritizing monitoring and resulting adaptive management. Collection of quantitative data and identification of specific applicable impact indicators and thresholds would be identified at the site-specific level when the monitoring plan is developed.
A.56-55	[MMPs/EIS Appendix D, 3.2] the data collected on these forms is extremely general, subjective, and qualitative. Site condition assessments need to be more rigorous, less subjective, and more quantitative in nature to be effective in the management of cultural resources.	The UASF form provides a list of conditions that allow a determination of site condition deterioration that would provide an effective trigger to adopt adaptive management to stop that deterioration and/or stabilize the site. In most cases, the determination of site condition does involve judgement by a professional based on observed site condition. This form merely helps standardize that approach.
A.56-56	[MMPs/EIS Appendix D, 3.2] What criteria makes one qualified to evaluate site condition? What training is available to monitors to teach them to evaluate condition, and what kind of oversight is applied to monitor collected data?	The BLM and USFS will determine the qualifications of those individuals qualified to evaluate site condition as the monitoring plan is completed. Qualifications may vary based on site type and sensitivity. However, in most cases it would be a Utah-permitted archaeologist or monitors trained by a similarly qualified archaeologist. Appendix D of the Proposed MMPs/Final EIS has been revised to clarify this.
A.56-57	[MMPs/EIS Appendix D, 3.3] Site type specific criteria should be established to determine the loss of integrity by element. These criteria should be quantifiable and independently verifiable to remove subjectivity.	Appendix D of the MMPs/EIS contains a Cultural Resources Monitoring Framework. Site-type specific criteria may be developed with additional public involvement and input from American Indian Tribes as the monitoring plan is completed.
A.56-58	[MMPs/EIS Appendix D, 4.1] This section assumes distribution of cultural resources is adequately known in all areas where impacts will occur. This is easily correct in the language provided: "Known historic properties, archaeological sites, TCPs, American Indian sacred sites, or cultural landscapes for which adaptive management strategies are implemented will be subject to cultural resources monitoring."	Appendix D of the Proposed MMPs/Final EIS has been revised to address this comment.
A.56-59	[MMPs/EIS Appendix D, 4.2] Baseline assessments need be quantitative and limit subjectivity; neither of these can be fulfilled using the existing documentation methods. It is erroneous to think that existing site documentation reflects adequate data from which to infer a baseline assessment. If the initial step in the process is establishing baseline conditions, why would those conditions have to be inferred?	The description of the baseline assessment process in Section 4.2 in Appendix D of the MMPs/EIS provides for documentation of baseline site conditions using established protocols. The reference to inferring baseline conditions is related to existing localities that have been previously documented where relevant characteristics are inferred as possible based on collection of prior data.

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A.56-60	[MMPs/EIS Appendix D, 4.2] This section indirectly refers only to known sites, how will undocumented sites be incorporated into the monitoring plan?	Undocumented sites will be incorporated once survey data and/or monitoring discovers those sites. Section 4.2, paragraph 1 of the Draft MMPs describes documentation of newly discovered sites that were previously undocumented.
A.56-61	[MMPs/EIS Appendix D, 5] The strategies referred to in this section and throughout the rest of the document are termed “adaptive”. More appropriately, these strategies are reactionary to impacts resulting from poor management decisions as detailed throughout the MMP. Proactive management and stewardship of the Monument’s values and objects would provide much more protection of the resources.	See response to NMON-2. See also Section 2.4.1 of the MMPs/EIS. The MMPs/EIS analyzes a range of management actions that includes proactive measures to ensure the proper care and management of cultural resources. These management actions include, but are not limited to, the site allocation process described in Appendix E, the requirement to create an activity-level cultural resources management plan, protection measures for cultural resources to be established and implemented in consultation with American Indian Tribes as described in Appendix F, and restrictions on camping, pets, target shooting, and livestock grazing that are meant to address potential impacts on cultural resources.
A.56-62	[MMPs/EIS Appendix E, 1] The document discusses the sites/types of sites that may be suitable for public interpretation based on visitor experience goals of recreation zones. This does not adequately address that many sites are not suitable for visitor use or interpretation based on management requirements, including adequate protection/preservation, and indigenous use/site sacredness.	The commenter is citing one sentence in the first paragraph of Appendix E, Section 1. Paragraph 3 of Appendix E, Section 1 includes multiple criteria of whether a site is suitable for Developed or Undeveloped Public Use, including whether American Indian Tribes are amenable to the designation and whether impacts to the site can be controlled or mitigated so site characteristics are not adversely impacted. In general, sites that are not designated as Developed Public Use are preserved in place and monitored; additional management actions are not necessary.
A.56-63	[MMPs/EIS Appendix E, 1] “These protective measures could include removing multiple social trails and establishing one foot trail...” (pg. E-1) This language does not clearly identify intent or process.	This sentence describes examples of removing sources of potential disturbance to cultural sites. It shows the broad scale goal/intent of reducing impacts to cultural sites. Implementation of management actions for actual sites would be identified and evaluated on a project-specific basis, at which point implementation-level environmental reviews would disclose both specific intent and process. See Appendix E, Section 1, bullet 3 of the MMPs/EIS.
A.56-64	[MMPs/EIS Appendix E, 1.1] “Can visitor impacts be mitigated in ways that do not adversely affect those characteristics that make the site eligible for the NRHP or alter its cultural value” (pg. E-1) See comments above regarding Monument objects, Sec. 106, and NRHP eligibility—this applies elsewhere in the Appendix. Further, will only NRHP eligible/listed sites be interpreted?	See response to A.56-31. Sites or areas that are not NRHP eligible may also be interpreted if they meet the criteria in Section 1 of Appendix E.
A.56-65	[MMPs/EIS Appendix E, 1.2] It is recommended that if surface artifacts are to be collected to prevent illegal collection, guidelines should be established to inform of what and how cultural should be collected.	The SHPO, USFS and BLM guidelines currently exist for the data recovery, collection, and archiving of cultural resources.
A.56-66	[MMPs/EIS Appendix E, Table E-1] “Encourage the use of site stewards for monitoring”. Volunteers for site stewardship programs, is a helpful tool, however any program that relies on volunteerism cannot fully expect reliable reporting, or consistency of commitment, particularly in a rural area. The BLM and USFS needs to commit resources to insure cultural resources are adequately protected.	The BLM and USFS funding and staffing levels are administrative decisions that are beyond the scope of the development of the MMPs. Volunteer site stewardship programs have been shown to be valuable assets to assist in the monitoring of cultural resources when BLM and USFS resources are limited. Site steward effectiveness is maximized by effective training and assignment of appropriate tasks to site stewards.

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A.56-67	[MMPs/EIS Appendix E, Table E-1] "Establish fee sites at Public Use prehistoric sheltered residential, sheltered non-residential, and open architectural sites, as appropriate." Requiring fees for accessing public lands disenfranchises people who cannot pay those fees to visit public lands and learn from and be enriched by the cultural landscape.	Use of fees will be determined on a site-specific basis, as appropriate. Any agency proposal to establish a fee site would require additional environmental review and public involvement. Fees are typically nominal to be within the means of visitors. Fees help provide funding to continue to manage sites so visitation can continue without degradation to the sites.
A.56-68	[MMPs/EIS Appendix E, Table E-1] BENM should work with tribes and State History to establish an MOU if emergency stabilization is expected.	The BLM and USFS will continue to consult with American Indian Tribes regarding the development and implementation of MMPs for the BENM. See also response to PUBL-2.
A.56-69	[MMPs/EIS Appendix E, Table E-1] "Take detailed measured drawings and sub-meter global positioning system locations of all panels." While GIS technologies continue to improve and are a standard tool for archaeologists, GPS signals can still be substantially limited in deep canyons.	GPS will be used to the extent technically and economically feasible to accurately map resources. If GPS signals are inaccessible, other appropriate mapping techniques would be used.
A.56-70	[MMPs/EIS Appendix E, Table E-1] "Where possible, provide accessible trails to rock writings." Not all rock art sites are suitable for public interpretation.	Appendix E Section 1 of the MMPs/EIS clearly states the criteria for consideration of areas for Developed Public Use.
A.56-71	[MMPs/EIS Appendix E, Table E-1] "Develop additional management actions, as needed, in consultation with American Indian Tribes." In regards to historic non-indigenous cultural resources, descendent communities should also be consulted.	Section 106 provides for such consultation as necessary. American Indian Tribal consultation is called out specifically because of the likelihood of impacting cultural resources and Traditional Cultural Properties of importance to American Indians.
A.55-4	Chapter 3, page 3-4, Section 3.5 Archaeological resources are defined as "areas where prehistoric or historic activity altered the earth or where deposits of physical remains are discovered." Traditional resources can include "archaeological resources, structures, topographic features, habitats, plants, wildlife, and minerals that American Indians or other groups consider essential for the preservation of traditional culture and traditional values." There is a disconnect here because many archaeological sites contain traditional resources (e.g. plants) and it may be a principle reason why the site is there and what its characteristics are, so management plans and actions should be comprehensive and include both archaeological and traditional resources.	See responses to CUL-1 and CUL-3. The range of alternatives analyzed in the MMPs/EIS include management for both archaeological resources and other American Indian traditional resources, such as culturally important vegetation.
A.55-5	Chapter 3, page 3-6, Section 3.5.1.2 How will the BLM and USFS determine the effects of environmental consequences at an archaeological site if their sensitivity model does not take into account traditional or natural resources (such as plants) that are integral parts of those sites?	The BLM and USFS take into account American Indian traditional and natural resources that are integral parts of cultural sites when conducting a site-specific impact analysis. The first paragraph of Section 3.5 of the MMPs/EIS describes American Indian traditional resources. At the time a site-specific management action is proposed, the agencies would complete the appropriate environmental review, including appropriate public involvement and American Indian Tribal consultation to identify potential cultural resources that may be affected by the management action.
A.55-6	Appendix E, page E-1, Section 1 In regards to Appendix E (Cultural Resources Allocations Criteria and Management Strategies), how will the BLM and USFS manage sites allocated as Public Use (Developed)? Management plans and actions must include protection and monitoring of natural resources surrounding an archaeological site. For example, one of the sites (House on Fire) that is listed as Public Use (Developed) (page 2-5) has a high number of culturally significant plant species. Yet in our 2017 surveys, we found extensive trails cutting into vegetation, foot traffic that trampled plants, livestock dung, etc. (Louderback et al. 2018) Sites designated as Public Use (Developed) should involve some sort of adaptive management process where all stakeholders (federal agencies, Native Tribes, recreational groups, etc.) decide which sites are appropriate for public use. For example, some of the archaeological sites listed on page 2-5 are so well known (because they are advertised in hiking guides	See responses to CUL-1 and CUL-3. The BLM and USFS have developed Appendices D and E of the MMPs/EIS as frameworks to specifically address the need to monitoring and adaptive management to address these concerns. As discussed in Appendix E of the MMPs/EIS, the site-allocation process includes an environmental analysis prior to sites being designated as Public Use (Developed). This process would include opportunities for public involvement and American Indian Tribal consultation for all

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	and on websites) that research must be done to determine how they will be managed and monitored (i.e., assessment of damage due to foot traffic). Furthermore, the BLM will need to establish their own database to store and archive site locations and associated data. *Louderback, L.A., B.M. Pavlik and B.F. Coddling. 2018. Archaeo-Ecosystems of the Four Corners: Ethnobotanical Surveys of Puebloan Sites in San Juan Co., Utah. Report to the USDI Bureau of Land Management, Monticello, UT. 95 pp.	stakeholders to provide input on decisions regarding identification and management of Public Use (Developed) sites.
H.12-5	Please don't give "lip service" as Bears Ears is managed. Really manage it, manage the visitors too. Have some sites to send everyone to and protect the other sites.	Please see responses to CUL-1, CUL-3, and PUBL-7. The alternatives considered in the MMPs/EIS include identifying specific sites as Public Use (Developed).
H.19-7	The proposal to create a cultural resource monitoring program in two years is insufficient to protect the valuable resources of the area. BLM must consult with interested Native Tribes to create ways to protect the area's cultural gems. A meaningful strategy and plan to protect cultural resources must be developed via meaningful consultation with interested Tribes, so it is ready when the management plan is completed. Putting off protection strategies for two years is inviting avoidable and irreparable damage.	See responses to PUBL-1, PUBL-3, CUL-1, A.71-5, and CUL-3.
H.19-8	Affected tribes in the area should have the option to close or reroute trails if they threaten cultural resources. Mere education of the public does not protect these sites as they deserve to be protected.	See responses to PUBL-1 and PUBL-3. Closing or rerouting trails are implementation-level management actions that would be considered when developing a comprehensive travel management plan for the BENM. American Indian Tribes and other stakeholders would be consulted during the development of this implementation-level plan.
A.10-3	Under the current plan, the cultural resources are left at great risk. The BLM must work with the tribes to create an interim management plan that recognizes and prioritizes the management of these resources until all legal challenges have been decided and the final monument boundaries are determined.	See responses to A.47-19 and DEC-1.
A.18-4	The DMMP leaves cultural resources at risk from looting, overuse, infrastructure development motorized recreation and delayed planning. Cultural resources and sacred sites are the reason Bears Ears was designated as a National Monument and they deserve real protection. The BLM must work with the tribes to create an interim plan to protect these resources. Furthermore, the DMMP fails to put forth a solution for skyrocketing visitation. As visitation to the Bears Ears area continues to increase, the draft plan procrastinates visitor management at least 2.5 years into the future. To preserve the region's cultural significance, the BLM must develop a plan to proactively direct tourists to visitor-ready sites equipped with signage, restrooms, trails, and interpretation and education.	See responses to A.47-19 and CUL-4.
A.17-1	While we agree with the objectives in Alternate D to educate visitors about their impact on the cultural resources we feel that there is an immediate need to analyze existing routes and trails and close or reroute those that impact cultural resources as provided for in Alternative B. Visitation is only going to increase with the Monument designation and many of these areas area already being heavily impacted.	See responses to CUL-3 and TRAV-4. The range of alternatives analyzed in the MMPs/EIS provides criteria for future analysis of routes and use of implementation-level travel planning as necessary to designate or close routes to protect cultural resources.
A.17-8	Prioritize cultural resource inventories in the Monument in order to have the best information available for planning for and managing cultural resources.	See Appendix D of the MMPs/EIS. See also responses to CUL-2 and CUL-3.
A.17-9	Develop a cultural resource management plan which recognizes the need for research and documentation and prioritizes protection of archeological features and rock art sites, including the landscape setting.	See responses to CUL-2, CUL-3, and CUL-4.
A.37-3	ES-Executive Summary -1.4.4-ES-5. This paragraph contains an erroneous statement as it does not provide sufficient protections to allow continual cultural practices. While seen as promoting flexibility, it actually limits it in favor of uses inconsistent with the purpose of the monument. "Flexibility" is not an accurate word to use in this context without more specific definition and examples. Alt. D is described	Text in the Executive Summary has been revised to clarify that, in general, Alternative B provides guidance on the requirements for subsequent site-specific management actions, which ensures consistency but would be more prescriptive than other action



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	as the most "flexible", though Alt. D is the least protective of cultural resources. A word other than "flexible" should be used to describe the lack of natural and cultural resource protections associated with this alternative. A claim of Alternative D providing "more flexibility" is not true unless Alternative D gives the agency the full breadth of management tools and options of Alternatives B&C across all resource topics. The alternative is not "flexible" if it does not contemplate the ability to offer the greatest protections.	alternatives regarding how uses and activities are managed at the site-specific implementation level. In addition to the cultural resources protections that it provides, Alternative D provides less planning-level restrictions which allows more flexibility to address the protection of cultural resources through site-specific implementation projects and associated Section 106 consultation. The tradeoff to this strategy is that this flexibility can mean additional requirements for project-specific implementation-level environmental reviews and Section 106 consultation.
A.37-7	Chapter 1-Planning Area/Sha Jaa Unit-1.3.1-1-2. Mentions "Doll House Ruin" and "Moon House Ruin" but fails to mention, or allow for the incorporation of, land identified as cultural resources to various tribes, including the Pueblo of Acoma, and sites for religious pilgrimages as a current land use (whereas recreational use is mentioned, for example)	Traditional uses and areas of spiritual significance were considered in development of the alternatives and in the resulting impacts analysis (see Section 3.5.2.2 of the MMPs/EIS). Section 1.3.1 of the Proposed MMPs/Final EIS has been revised to clarify this as a use of the Monument.
A.37-8	Section 1.3.1 and 1.3.2 use "rock writing" and "petroglyph" - are these different terms for different resources?	Text in Sections 1.3.1 and 1.3.2 has been revised to refer to "rock writing," which encompasses petroglyphs and pictographs. The use of the term "rock writing" was identified as the preferred term of American Indian Tribes during Tribal consultation.
A.37-9	Chapter 1-Planning Area/Indian Creek Unit-1.3.2-1-2. The section fails to mention, or allow for the incorporation of, identified specific sites as cultural resources to various tribes, including the Pueblo of Acoma, and sites for religious pilgrimages as a current land use (whereas recreational use is mentioned, for example).	See responses to A.37-7 and A.47-18.
A.37-10	Chapter 1-Issues Related to Topics Identified through scoping-1.4 Table 1-1-1-3. Should include in "cultural resource" topic that natural features (i.e. hoodoos, arches, canyons, etc.) may be identified as cultural resources by tribes and management of recreation, etc. will be harmonized with those cultural uses.	Text of Section 3.5 of the Proposed MMPs/Final EIS has been revised to acknowledge that natural features may be identified as cultural resources by Tribes, which may necessitate appropriate management actions.
A.37-11	Chapter 1-Introduction-1.6-1-5. Planning criteria number 1 & 7 are not fully inclusive of applicable federal laws. Planning criteria 1 should include the National Historic Preservation Act. Planning Criteria 7 should also include NHPA as well as listing the executive orders, such as those pertaining to sacred sites, obligating the agency to consult with tribal governments.	The section of the MMPs/EIS mentioned in the comment is not intended to be an exhaustive list of laws applicable to the planning process. Section 1.6, bullet 3 of the MMPs/EIS provides for inclusion of all applicable laws, included regulatory requirements such as Executive Orders. Section 4.1.3 of the MMPs/EIS discusses consultation under Section 106 of the NHPA in detail.
A.37-12	Chapter 2-Cultural Resources -2.4.1-2-4. This section should include the following additional goals and/or management actions: (1) Provide Tribes, including the Pueblo of Acoma, with the opportunity to survey the land extensively to determine all cultural resources and all Traditional Cultural Properties (per Section 106 NHPA) and weigh in on management action accordingly, and (2) Promote a sense of understanding and appreciation of places special to traditionally associated pueblos and tribes, and protect the traditional associations and values of the areas; all alternatives should allow for the option to restrict general visitor use in locations, considered especially sacred to tribes, including the Pueblo of Acoma. Access to these particularly identified locations would not be promoted (i.e., visitor maps, kiosks, etc.) in general.	The MMPs/EIS would not limit access for any American Indian Tribe to complete cultural resources inventories. Section 2.4.1.1., bullet 2 of the MMPs/EIS provides for collaboration with American Indian Tribes; bullet 7 provides for public education about cultural resources and Monument objects and values (which include traditional uses); and bullet 8 provides for management of traditional cultural properties in collaboration with Tribes. The agencies use cultural resources site designations as a tool to guide cultural resources locations that are appropriate for promoting to public visitation. The agencies process for making cultural resources site designations is contained in Appendix E of the MMPs/EIS.

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A.37-13	Chapter 2-Goals and Objectives-2.4.1.1-2-4. Goal should be amended to state "Identify and evaluate [historic properties, traditional cultural properties, and] cultural resources..."	The term "cultural resources" is used in the MMPs/EIS as a general term that encompasses historic properties and traditional cultural properties, as described in Section 3.5 of the MMPs/EIS.
A.37-14	Chapter 2-Goals and Objectives-2.4.1.1-2-4. Permitted collection of archaeological objects and museum curation should be done in consultation with affiliated Tribes.	As stated in Section 2.4.1.1 bullets 2, 8, and 10, management of cultural resources in the Monument would be done in collaboration with American Indian Tribes. This would also cover permitted collection of cultural items and museum curation.
A.37-15	Chapter 2-Cultural Resources -2.4.1.2-2-4. General management actions common to all alternatives: BLM should include timelines and interim management prescriptions to give teeth to monitoring and mitigation of cultural resource protection.	See responses to A.47-18 and A.47-19.
A.37-16	Chapter 2-Cultural Resources -2.4.1.3-2-4. This section outlines that the agencies would conduct Class III cultural resource inventories "as funding is available" in accordance with Section 110 of the NHPA and Section 14 of the Archaeological Resources Protection Act (ARPA). The agency's duties to comply with federal law exist regardless of funding. This section should be amended to state: "[The agencies shall] conduct Class III cultural resource inventories..."	See response to A.45-12. The management action as stated provides accurate disclosure. The lead agencies do not have the funding or staffing to immediately conduct cultural resources surveys of the entire Monument. This management action discloses the priorities for these surveys as the funding becomes available. This allows the BLM to best plan for protection of cultural resources in a real-world setting. Appropriate inventories would be completed to support analysis, public involvement, and American Indian Tribal consultation for all site-specific management actions authorized, funded, or carried out by the agencies.
A.37-17	Chapter 2-Cultural Resources -2.4.1.3-2-5. For any alternative considered, the agency should have the means to reroute or close trails that impact cultural resource integrity in Indian Creek and Shash Jaa units as basic NHPA compliance; hiking should be limited to designated trails.	See response to A.17-1. There currently are few existing designated hiking trails in the BENM. The agencies have considered limiting hiking to existing trails in the BENM and determined that this management action is not needed to protect cultural resources at this time.
A.37-23	Chapter 2-Recreation and Visitor Services: Management Actions Common to All Alternatives-2.4.7.2-2-12. Generally all alternatives should allow for the agency to limit activities as deemed necessary upon monitoring to protect cultural resources. This may include: Certain areas, as designated by Pueblo of Acoma and other tribes should be restricted from public visitation at requested times to preserve cultural integrity or the performance of cultural activities.	See response to A.71-5.
A.37-43	Chapter 3-Cultural Resources -3.5-3-4. Note that "sites" can include a "natural land features" to the definition of "resources"	Section 3.5.1.2.4 describes cultural landscape as a part of cultural resource objects and values.
A.37-44	Chapter 3-Affected Environment/Cultural History-3.5.1.1-3-4. The Pueblo of Acoma maintains its own history of ties to the four corners region, which may not be the same as other Pueblos. Therefore, not all Pueblos should be generalized and put into one category with respect to their history.	The Pueblo of Acoma is listed separately in this section as are other American Indian groups with regional connections.
A.37-45	Chapter 3-Historic Culture History-3.5.1.1.2-3-5. Should include history of the Native American/American Indian peoples in the area, and particularly, not just Spanish history. Acoma and other Pueblos have continuously used these cultural resources in the four corners region in the Historic Period to present.	Individual Tribal histories are beyond the scope of the brief summary required to inform this section of the MMPs/EIS.
A.37-46	Chapter 3-Current Conditions-3.5.1.1.2-3-6. Current Conditions for Shash Jaa and Indian Creek: Surveys of both units are incomplete, unless they incorporated qualified experts able to identify Pueblo of Acoma cultural resources. From both summaries of current conditions, it is unclear whether the survey used Pueblo of Acoma ethnographic information, or whether Pueblo of Acoma experts contributed to	The BLM and USFS will continue to collaborate and consult with American Indian Tribes in planning monitoring and survey requirements (see Appendix D and Appendix E of the MMPs/EIS). This

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	<p>the analysis of such surveys. Had the surveys included Pueblo of Acoma cultural experts, there is a likelihood that additional cultural resources important to the Pueblo of Acoma that archaeologists are not trained to identify or evaluate. For example, natural features with archaeological traces such as culturally modified trees, alluvial planes for traditional dry farming areas (referred by the Pueblo as na'baama areas), etc. are types of archaeological features often missed by Agency CRM teams (see Section 106 Consultations on the Roca Honda Uranium Mine - Cibola National Forest (NM)). Therefore, the agency should work with the Pueblo of Acoma and other tribes to incorporate Pueblo of Acoma cultural experts in future survey and in revisiting the findings of existing surveys. Likely, many archaeological site boundaries may be expanded after analysis by Pueblo of Acoma cultural experts. This section should note whether the Pueblo of Acoma (or other tribes) were consulted, or contributed to the findings of the surveys.</p>	<p>will include specific consultation with the Pueblo of Acoma as applicable. See also response to CUL-3.</p>
A.37-47	<p>Chapter 3-Ethnographic Resources-3.5.1.1.3-3-5. The section should describe tribally specific history, religious and cultural values rather than referring generally to "American Indian" people. It should also note that insufficient ethnographic studies have been done with Pueblo participants, thereby creating unsubstantiated analysis. Section referencing tribal affiliation should state: "Tribes that may ascribe religious or cultural values to the analysis area include[,but are not limited to,] ..." The BENM may be of importance to other Pueblos, as exemplified by All Pueblo Council of Governors' statements and resolutions.</p>	<p>Tribal-specific discussions are provided in the AMS. This EIS section has been revised to include a reference to the relevant AMS sections. Text revised to note that ethnographic studies provide an incomplete accounting of Tribal concerns. Text revised as suggested to read, "Tribes that may ascribe religious or cultural values to the analysis area include, but are not limited to, the Ute Indian Tribe...."</p>
A.37-48	<p>Chapter 3-Traditional Cultural Properties, American Indian Sacred Sites, and Cultural Landscapes-3.5.1.2.3-3-7. The first sentence should include the word "yet" at the end, with respect to formal designation of places of importance as TCPs or listings on the NRHP.</p>	<p>Section 3.5.1.2.3 of the Proposed MMPs/Final EIS has been revised to address the comment.</p>
A.37-49	<p>Chapter 3-Traditional Cultural Properties, American Indian Sacred Sites, and Cultural Landscapes-3.5.1.2.3-3-7. The section should note that the Pueblos have given information to the BLM and the agency should determine eligibility as required by federal law. The section should include Pueblo of Acoma's affinity with the area or subsequently identified cultural sites. American Indian Tribes is too generic of a term and the section seems very focused on Navajo Nation, given that a majority of archaeological sites are Ancestral Puebloan.</p>	<p>Text in Section 3.5.1.2.3 has been revised to note that several Pueblos have provided information to the BLM regarding culturally important prehistoric localities that were considered in the development of the MMPs and will be used to inform the ongoing management of the BENM.</p>
A.37-50	<p>Chapter 3-Direct and Indirect Impacts-3.5.2.2-3-9. Analysis of direct and indirect impacts should not be limited to site-specific consultation. As this draft has made clear, the area is of importance to a number of different tribes, some of which have specifically identified TCPs, while others like the Hopi example given on page 3-7, note that the exact location of a site is unimportant with their identification in later surveys being irrelevant towards diminishing its importance to the Hopi. Similarly, the Pueblo of Acoma may ascribe cultural significance to nearly all Ancestral Puebloan sites located within the BENM, even if they have yet to be identified by the agency or the Pueblo. With this understanding that the BENM exists on a significant and overlapping set of cultural landscapes; analysis should also look at the direct and indirect cumulative affect of management decisions upon the BENM. While site specific analysis is an important step, because of the values and resources meant to be protected by the BENM proclamations and the known ascription of cultural relevance the resources and landscape within the BENM; the agency must account for the cumulative effect on cultural resources by its management decisions.</p>	<p>Text has been added to Section 3.5.2.1 of the Proposed MMPs/Final EIS that acknowledges overlapping Tribal interests in the BENM landscape and how those interests would be addressed during implementation of site-specific management actions. In general, overlapping Tribal interests in the BENM landscape would be addressed through implementation of the monitoring and adaptive management approach described in Appendix D, the site allocation process described in Appendix E, and the consultation process and methods described in Appendix F. An analysis of the cumulative impacts on cultural resources from the MMP alternatives and other reasonably foreseeable future management actions is included in Section 3.22 of the MMPs/EIS.</p>
A.37-51	<p>Chapter 3-Impacts from Cultural Resources Management Actions-3.5.2.2.1-3-9. All alternatives considered should include the possibility of climbing route and trail closure in order to avoid impacts to cultural resources. "Education and self-regulation" is not sufficient for cultural resource protection. If there is evidence that "education and self-regulation" could be sufficient for cultural resource protection, it should be further described and the meaning of those terms should be clearly defined. In particular, Alternative D should allow for the agency to close climbing routes should it conclude that education of</p>	<p>No alternatives analyzed in the MMPs/EIS make the protection of cultural resources completely dependent upon education and self-regulation. All alternatives, including Alternative D, provide for closure or re-route to climbing routes or trails if impacts to cultural resources are occurring because of those trails or routes (see Table 2-1 in the MMPs/EIS).</p>

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	impacts to climbers on “tread lightly” principles do not yield results and cultural resources remained threatened. Alternative D being the flexible approach should give the agency the full breadth of tools to consider. Similarly, Alternative D should allow for the agency to close trails after monitoring yields doing so would protect cultural resources as appropriate.	Additionally, text in Table 2-1 has been revised to require the agencies to consult and resolve any identified adverse effects to historic properties, as per 36 CFR 800. See also response to A.17-1.
A.37-66	Appendix D-Site Condition-3.2-D-3. "Qualified person" is not defined or criteria set forth. How will the agency determine the site condition of identified sacred sites or natural features identified (or determined to be) eligible historic properties by tribes? This appendix section should set forth consultation with tribes for appropriate site monitoring and site condition evaluations for cultural resources identified by tribes or using tribal monitors for assessment. In addition, this section should describe appropriate confidentiality provisions for evaluations of identified sacred sites and other sensitive tribal cultural resources.	See response to A.56-56. Appendix D does reference the requirement to continue American Indian Tribal consultation as part of the monitoring and adaptive management process. Appendix D of the Proposed MMPs/Final EIS has been revised to clarify confidentiality provisions and the potential for use of Tribal monitors.
A.37-67	Appendix F-Partnerships-1.2-F-2. This should be amended to state: "seek out opportunities for partnerships with [American Indian Tribes and designated American Indian representatives]".	The Proposed MMPs/Final EIS has been revised as suggested.
A.37-68	Appendix F-Consultation Guidelines for the National Historic Preservation Act-2.3.1-F-10. This section should describe generally the elements of NHPA, including the important step of identifying historic properties that may be eligible for the National Register.	This section of Appendix F of the Proposed MMPs/Final EIS has been revised to note that Section 106 consultation follows the requirements provided in 36 CFR 800.1 et seq.
A.37-69	Appendix I-Cultural Resources-1.2-I-2. Item #3 - should require an applicant cover the costs of consultation with tribal cultural advisors in addition to contract archaeologists. As stated in previous comments, typical CRM archaeologists may have limited expertise in identifying Pueblo of Acoma, or other affiliated tribal cultural resources. Therefore the expert knowledge that may be contributed should be compensated at actual cost.	Appendix I of the Proposed MMPs/Final EIS has been revised to include this requirement.
A.96-4	In the process of developing and implementing a management plan the BLM should focus on the following: * Management for the protection of the entire Bears Ears landscape for cultural and paleontological resources—including ongoing inventory and management.	See responses to CUL-3 and A.47-14.
A.96-5	In the process of developing and implementing a management plan the BLM should focus on the following: * Maintaining the option to close or reroute social trails as necessary when cultural resources are threatened.	See response to A.37-51.
A.95-5	Additionally, we are concerned about impacts on science and objects of scientific importance from the following: • Cultural resources – Experts in the fields of archaeology, including Archaeology Southwest, have raised concerns with the proposed plans' reliance on reactive rather than proactive management. Additionally, we are concerned about the lack of consultation with the sovereign tribal nations of the Bears Ears Inter-Tribal Coalition – the Navajo, Hopi, Zuni, Ute and Ute Mountain Ute. Instead of rushing through this process, the BLM and the U.S. Forest Service (USFS) should work to meaningfully consult with the Tribes and follow the co-management authority provided in President Obama's Bears Ears Proclamation. This approach would better incorporate traditional knowledge and improve proactive management of cultural resources – benefitting both the Tribes, and researchers. The BLM and USFS should also incorporate the input of archaeological organizations into the development of final management plans.	See responses to CUL-1, PUBL-1, PUBL-2, PUBL-11, and CUL-3.

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A.57-10	<p>The Draft EIS should evaluate the historic extent and condition of the environment to adequately address impacts to cultural resources of concern to tribal governments. Potential impacts to resources of concern to the tribes may include, but are not limited to, impacts to cultural resource areas, archaeological sites, traditional cultural properties of landscapes, sacred sites, and environments with cultural resources significance. The Draft EIS should disclose the historical and traditional significance of the project area to native people.</p>	<p>Section 3.5.1 of the MMPs/EIS includes discussion of the cultural history of the Planning Area, including traditional cultural properties, American Indian sacred sites, and cultural landscapes (see Section 3.5.1.2.3). Section 3.5.2 of the MMPs/EIS includes an analysis of the potential impacts that proposed planning decisions would have on cultural resources in the Planning Area, including potential impacts on traditional cultural properties, American Indian sacred sites, and cultural landscapes.</p>
A.75-12	<p>BLM and USFS must manage cultural resources at the landscape-level.</p> <p>As stated in the 15-year Strategy for the National Conservation Lands, BLM will "[m]anage cultural resources within the context of the cultural landscape and adjoining lands to provide the greatest conservation benefit" See 15-Year Strategy, Goal2A(3). We encourage BLM to emphasize the management of cultural landscapes and its approach to this in more detail in the MMP.</p> <p>The Canyons of the Ancients National Monument RMP (Canyons RMP) contains one of the best examples of protecting cultural resources for BLM National Conservation Lands. The Canyons RMP begins by establishing the goal for cultural resources management as the protection of cultural resources in the monument at a "landscape-level," and recognizing the "integral and independent relationship between sites" See Canyons RMP, p. 2. The Canyons RMP implements this goal by identifying "settlement clusters" in the monument — places where numerous cultural sites are in proximity to each other — and prohibiting or restricting uses that may directly or indirectly harm those clusters. Canyons RMP, p. 3. Again, the intent of this approach is to protect the context and setting of cultural resources through landscape-level management.</p> <p>The Canyons RMP states the following:</p> <p>The term "landscape" in the [National Landscape Conservation System] title is a key element to how public lands within the [National Landscape Conservation System] are managed. The emphasis is on protecting entire landscapes for cultural and natural values, instead of preserving only isolated parcels and fragmented ecosystems. Therefore, for the Monument, management and protection is extended to settlement clusters and the surrounding natural resources (the "setting") in order to gain a better understanding of how people settled and used the land.</p> <p>Canyons RMP, p. 1. The Draft MMP acknowledges potential effects of "landscape-level management decisions," but fails to adequately plan for the protection of these decisions within the Planning Area. See Draft MMP 3-6. Table CUL-1 highlights that the majority of the Shash Jaa' unit falls within the "high probability" range of archaeological sensitivity, meaning the presence of sensitive archaeological sites throughout the majority of this area is high. Id.</p> <p>Additionally, the majority of the Indian Creek unit falls under "medium probability" range of sensitive archaeological sites. Id. Despite this probability, the agencies open both units to destructive uses such as widespread avoidance areas for ROWs and additional areas open for motorized use. The agencies should instead recognize the value in conserving the rare and significant landscape-level resources and significance that both the Shash Jaa' and Indian Creek units represent and manage them accordingly. Proper management for this area would be prioritizing the vast unknown cultural discoveries within the unit and conserving the landscape's entirety to preserve values left to be discovered. The Draft MMP acknowledges "[p]hysical locations . . . need not be known to be important." Id. at 3-7. We encourage the agencies to respect this concept and manage the Monument from a living landscape approach. Additionally, we recommend developing "settlement clusters" similar to the nearby Canyons of the Ancients National Monument, to conserve locations with a high density of cultural resources and prioritize gaining a better understanding of how the peoples who have called this landscape home since time immemorial settled and lived on the land.</p>	<p>See responses to A.47-14, A.58-13, and TRAV-1.</p>

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	<p>Summary of comments: Having a thorough inventory of cultural resources within the Bears Ears region is important, but the physical locations of the sites and resources need not be fully known if the agencies manage the area at a landscape-level, similar to Canyons of the Ancients National Monument. We recommend maintaining “settlement clusters” like those within Canyons of the Ancients National Monument to identify areas with high density of cultural sites. Because Bears Ears has some of the highest density of cultural resources in the United States, we encourage BLM and USFS to manage the Bears Ears region as a “living landscape,” protecting the untouched nature of the area and not providing availability for widespread rights-of-way, road infrastructure, and other development.</p>	
A.80-1	<p>Cultural resource damage due to hiking in BENM under Alternative D will be the greatest out of the four alternatives. Rather, to protect the cultural resources for which the monument was designated, BLM should adopt adaptive management such as that under Alternatives B and C in the MMP.</p>	<p>See response to ALT-1. Under all alternatives considered in the MMPs/EIS, the agencies would monitor impacts on cultural resources from visitation and could make adjustments or implement additional restrictions on site visitation to provide for the proper care and management of Monument objects and values, as needed.</p>
A.47-66	<p>Vol. 1. Section 3.5.2.2.8 on Impacts from Travel Management Actions does not include mention or analysis of the impact of illegal route proliferation/access to closed/illegal routes on cultural resources. Agencies should create criteria that commit them to analyze illegal route proliferation and the impacts of access to cultural resources via closed/illegal routes in implementation level planning.</p>	<p>The action alternatives would not impact illegal route proliferation in the Monument. Additionally, all action alternatives analyzed in the MMPs/EIS would restrict OHV use to designated routes within the Monument. Addressing illegal route proliferation is an enforcement issue that is not addressed through the development of the MMPs. In response to areas of identified illegal route proliferation, the agencies may restore areas where unauthorized OHV use is occurring, post signs, or install barriers to discourage unauthorized OHV use. Additionally, the BLM established supplemental rules in 2016 for the Moab and Monticello Field Offices to address this issue. Rule 5 of the supplemental rules addresses travel off of designated routes. The BLM may revise the supplemental rules as necessary to also be revised to improve enforcement of OHV use restrictions. These actions do not require a management action in the MMPs.</p>
A.11-8	<p>Impacts of Increases in Allowable Activities Not Identified: Significantly, the Draft Management Plan and EIS fail to acknowledge the affect recreation has on other resources areas. Although the Management Actions for Alternatives A, C, and D for Cultural Resources (which is limited to an extremely brief discussion of hiking and climbing) require education prior to closing routes that are creating impacts to cultural resources, there is no identification of the impacts on cultural resources that will result from the Management Actions identified for Recreation and Visitor Services.</p>	<p>The MMPs/EIS includes an analysis of the impacts of recreational uses on other resources, including cultural resources. Section 3.5 of the MMPs/EIS analyzes the impacts of all resources and resource uses addressed in the MMPs/EIS on cultural resources.</p>
A75-14	<p>Adaptive management must be implemented to ensure proper protection of cultural resources. As stated in the Draft MMP, “[c]onditions may change over the life of the land use plans, and such changes may require adaptive management to protect resources and minimize resource conflicts.” See Draft MMP M-1. Despite this, the agencies’ preferred alternative has “less monitoring, fewer limitations, and less adaptive management.” Id. at 3-47. In general, the best management practice stipulations provided in Appendix I are primarily reactive, rather than proactive. Id., Appx. I-3. Relying on best management practices upon discovering historic or archaeological resources leaves space for these resources to be damaged or destroyed prior to consideration of adaptive management techniques. We encourage the agencies to rely on proactive strategies such as using visual resource BMPs and site probability analyses to avoid, minimize, or mitigate potential adverse effects to cultural resources and historic properties. Effective adaptive management . . . requires that clear resource indicators be established that can be measured to assess any changes to those resources, thresholds for implementation of new management actions, methodologies for monitoring resource conditions relative to stated indicators to</p>	<p>See responses to ALT-1 and A.56-53. Adaptive management is included as a component of all of the MMP alternatives considered in the MMPs/EIS. Refer to Appendices D and M of the MMPs/EIS.</p>

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	<p>determine whether management action thresholds have been met, and a suite of management actions to be taken should thresholds be crossed.</p> <p>Draft MMP, Appx. D-1. The Draft MMP delays identifying site-specific resource indicators, thresholds, and adaptive management actions until the implementation-level planning phase. At minimum, BLM and USFS should implement prescriptions outlined in Alternative C that would provide opportunity to “implement monitoring, limitations, and adaptive management as needed to address resource degradation.” See Draft MMP 3-46. Alternative C provides similar prescriptions to Alternative D but adds “adaptive management and limitations” for most of its prescriptions. Id. Section 2, Alternatives. We do not support the lack of management direction outlined in either Alternative C nor Alternative D, but the adaptive management language in Alternative C makes clear that BLM and USFS are purposefully choosing a strategy that does not include adaptive management. Because “monitoring will be prioritized consistent with the goals and objectives of the BENM MMP” (Draft MMP M-1), it is vital for BLM and USFS to choose an alternative that prioritizes adaptive management and the ability to respond to changing conditions on the ground as needs arise.</p> <p>Summary of comments: The USFS and BLM must leave space for implementation of adaptive management techniques to properly respond to changing conditions and protect cultural resources. We encourage the agencies to rely on proactive strategies such as using visual resource BMPs and site probability analyses to avoid, minimize, or mitigate potential adverse impacts. At minimum, BLM and USFS should implement the prescriptions outlined in Alternative C that leave space for adaptive management as needed.</p>	
A.75-30	<p>Public use site suitability</p> <p>We support the use of designating areas as “frontcountry,” “middlecountry,” and “backcountry,” as it provides a simple way to identify a site’s accessibility. Additionally, we support the distinction in management within backcountry sites as either “scientific”, “traditional”, or “preservation use.” See Draft MMP, Appx. E.</p> <p>We request clarification on how the “developed” and “undeveloped” designation of sites falls into the categorization of RMZs (i.e., do “developed” and “undeveloped” sites only apply to frontcountry sites, or do the designations apply to middlecountry and backcountry as well?).</p> <p>We understand that Tribal consultation plays a role in the allocation of cultural resources to “developed” or “undeveloped” public use. See Draft MMP, E-1. However, we request clarification on the extent Tribal consultation impacts final management decisions. We encourage BLM and USFS to incorporate Tribal consultation to be a co-management determination, as originally intended in Proclamation 9558. Additionally, we assume, and would appreciate confirmation, that Tribal consultation will play a significant role in collaborating regarding the other designation classifications available for RMZs. This involvement should also be at the co-management level, where clear approval from the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe, and the Pueblo of Zuni is required to approve the designation of a site as developed/undeveloped, scientific/traditional/preservation, and public/not public use.</p> <p>Additionally, we are confused by the implementation strategy of the content in Table E-1. See Draft MMP, Appx. E-3. Our assumption is that the different management strategies will be determined at the implementation level with the forthcoming recreation implementation plan. However, we request clarification as to the process to 1) determine the appropriate management strategy for an area and 2) how these strategies will be implemented. BLM and USFS must have interim strategies in place to manage these sites and resources as they are under threat from increased visitation and current lack of management direction. Waiting multiple years (the Draft MMP estimates three years after the cultural resource implementation plan to implement a recreation implementation plan — i.e., 3+ years) is far too long, while these resources are currently at risk.</p>	<p>Appendix E outlines how the BLM and USFS will determine whether archaeological sites are allocated as Public Use, Traditional Use, or Scientific Use. The agencies have used the recreation-setting goals for individual RMZs as one factor that can inform the selection of Public Use (Developed) and (Undeveloped) sites; however, the use of RMZ recreation-setting goals were not used prescriptively in this manner.</p> <p>Tribal expertise and traditional ecological and historical knowledge is identified as a Monument value (see Appendix A of the MMPs/EIS). The BLM and USFS will incorporate Tribal traditional knowledge where applicable during the BENM planning and management processes, including the identification of Public Use (Developed) and (Undeveloped) sites.</p> <p>As described in Appendix E and Section 2.4.1.2 of the MMPs/EIS, specific management of sites allocated to Developed Public Use would be identified during the development of the activity-level cultural resources management plan. As described in Section 2.4.1.2 of the MMPs/EIS, the activity-level cultural resources management plan would be developed within 2 years of the completion of the MMPs.</p> <p>See also responses to CUL-3 and PUBL-11.</p>

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	<p>The agencies must clarify how archaeological sites will be classified as developed/undeveloped, scientific/traditional/preservation use, and public/not public use. Clarification is also needed for the extent of Tribal consultation and the influence that Tribal interests will have in the future management of the area. Tribal involvement should be at the co-management level, as intended in Proclamation 9558. Finally, the agencies must outline an interim management approach to addressing how the sites will be protected prior to the implementation-level plan.</p>	
A.75-85	<p>BLM and USFS must complete a more thorough inventory of cultural sites and resources throughout the Monument. The Analysis of the Management Situation (AMS) admits that “there are still large areas for which there is no current information regarding the numbers, types, and distribution of cultural resources, particularly on BLM managed lands.” See AMS 2-33. Despite this clear lack of baseline data, BLM has rushed forward with completing a Draft MMP for the Shash Jaa’ and Indian Creek units.</p> <p>According to the Draft MMP, only 8.2% of BLM-administered lands within the Shash Jaa’ unit have been surveyed for cultural resources. See Draft MMP 3-6. This small portion of the unit led BLM to its known site estimate of one cultural site every 8.1 acres, estimating over 12,000 sites on BLM-administered lands within the Shash Jaa’ unit. Id. With 91.8% of BLM-administered lands within the Shash Jaa’ unit left unsurveyed, this estimation is very likely grossly understated. Furthermore, only approximately 34% of the USFS-administered land within the Shash Jaa’ unit has been surveyed. More extensive surveying of cultural sites within the Shash Jaa’ unit is necessary to properly inform management prescriptions and protections for the area.</p> <p>The Draft MMP finds 23% of the known sites in the USFS Monticello Ranger District to be located within the Shash Jaa’ unit. As such, the Shash Jaa’ unit has a remarkable density of known cultural resource sites within the greater Bears Ears landscape and that is not taking into consideration the 66% of the USFS-administered land within the Shash Jaa’ unit that has not been surveyed. Additionally, only 14.7% of the Indian Creek unit has been surveyed. Both the Shash Jaa’ and Indian Creek unit must be protected from harmful development or damage from visitation, as these sites are irreplaceable, and their density is truly unknown. Additionally, as outlined in the Draft MMP, the physical locations of all sites “need not be known to be important.” See Draft MMP 3-7. Bears Ears National Monument was designated to protect the irreplaceable archaeological and cultural sites that exist within its boundaries. As such, development and other activities that may potential harm the sites must be minimized within the Monument. As previously stated in Section I(A) and IV(A)(1) of these comments, the current alternatives proposed by BLM do not satisfy that requirement.</p> <p>BLM must prioritize surveying more of both the Shash Jaa’ and Indian Creek unit to have a practical and more accurate understanding of the potential density of archaeological and cultural sites. We plan to hold BLM accountable to the timelines and interim management strategies outlined in the Draft MMP, as the agencies must prioritize giving teeth to monitoring and mitigation of cultural resource protection. The implementation-level plan is where site-specific resource indicators, thresholds, and adaptive management actions will be covered. The current draft outlines a framework for developing site-specific monitoring plans, where adaptive management strategies are applied, and ongoing location-specific monitoring is necessary. See Draft MMP, Appx. D-1.</p>	<p>See responses to CUL-2 and ALT-4. The MMPs/EIS includes the following management action that is common to all alternatives: As funding is available, the agencies would conduct appropriate site-specific cultural resources inventories in a manner that complies with Section 110 of the National Historic Preservation Act (NHPA) and Section 14 of the Archaeological Resources Protection Act (ARPA). Priorities for inventory include the following (in this order):</p> <ul style="list-style-type: none"> <li>• Group 1: Areas that receive heavy public use and/or those that lack intensive inventory in relation to current standards</li> <li>• Group 2: Areas that need records clarification or updating</li> <li>• Group 3: Areas with little or no previous inventory</li> </ul> <p>These inventory priorities may change in response to changing conditions; uses and input from researchers, educators, and Tribes; or other changed circumstances such as changes in travel management implementation guidelines. Inventory and site documentation would conform to the standards listed in BLM Manual 8100; the agencies would also allow the use of additional field recording protocols in response to research goals and designs, special management, and/or other needs as identified in the future.</p> <p>Section 3.5.2.1 of the MMPs/EIS also notes, “The requirements of the NHPA (Public Law 89-665 and 54 United States Code [USC] 300101 et seq., as amended) and its implementing regulations (typically referred to as the Section 106 process) would be used to identify historic properties, evaluate them for adverse effects, and resolve any adverse effects at an implementation-level (site-specific) basis for all lands in the Planning Area.”</p>
A.75-86	<p>Monitoring mechanisms for cultural resources within the Monument is not sufficient. Appendix D outlines the cultural resource monitoring framework and provides different descriptions for sites. The Draft MMP highlights these descriptions are determined based on monitoring of the site and the presence of specific conditions. However, the public is not provided with clear insight into the information used to inform the agencies’ analysis. Site condition is determined on-site by a “qualified person.” See Draft MMP, Appx. D-3. We are concerned that there is no identification of who would be conducting the site-specific inventory, nor the quantitative and qualitative specifics of the assessment. We request the agencies provide information to the public outlining triggers that result in change in site</p>	<p>See response to A.56-56.</p> <p>Appendix D of the MMPs/EIS has been revised to clarify what constitutes changes to site condition and what would trigger adaptive management actions. Additionally, Appendix D will be revised to clarify how indicators would capture impacts of areas important to American Indian Tribes and other traditional communities.</p> <p>At this time, the BLM and USFS can provide no specific details as to how data will be incorporated into monitoring and adaptive</p>



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	<p>condition, similar to the information provided in Appendix H, “Best management practices for raptors and their associated habitats in Utah.” See Draft MMP, Appx. H-9 – 12. Additionally, the cultural resource monitoring framework indicators are based off criteria established for inclusion of property in the National Register of Historic Places (NRHP). See Draft MMP, Appx. D-1. Section 3.5.2.1 clarifies that the agencies are not just looking at the effects that impact a site’s eligibility for the National Register, therefore, the monitoring framework should look beyond the NRHP. As such, we suggest for a fourth indicator to be added to capture general effects that are diminishing the cultural value of areas important to Native Americans or other traditional communities. In general, we are concerned with the lack of teeth in cultural resource monitoring requirements both for the monitoring framework and for cultural resource use allocation. We would like to see clear decision markers for the agencies’ decision in determining “a particular location may be subject to impacts” and that “management of that particular location necessitates monitoring site conditions.” See Draft MMP, Appx. D-4. We appreciate the challenges that exist from engaging in site-specific analyses but are concerned about the lack of detail provided at this phase to protect the Monument’s most important resources.</p> <p>Additionally, the Draft MMP indicates that prior data will be carefully considered and evaluated for sites, and that localities with previous impacts documented will be prioritized for visitation, but the document gives no sense of timing. We request more information as to how prior data will be incorporated into monitoring and adaptive management decisions.</p> <p>Summary of comments: We request more information on the monitoring mechanisms that will be used to determine the condition of cultural resource sites. We would like to see clear decision markers for how the agencies will determine whether a particular location may be subject to impacts and how information, including previously gathered data, will be incorporated into monitoring and adaptive management decisions.</p>	<p>management. Incorporation of existing data into monitoring and adaptive management is site-specific to proposed management actions and areas of potential affect. In some cases, there may be no existing data or data may not be relevant. The agencies will use existing data in the most effective way possible to inform further monitoring and adaptive management. How those data are used will be addressed during implementation-level cultural resources planning and/or during action-specific analysis.</p>
237348-3	<p>The cultural resource sections of the draft land management plan contain important goals and good management practices, but the scope and priority for their protection isn’t clear. There is mention of site probabilities, but they appear to be archaeological sites. There is a need for developing a traditional cultural properties inventory and strategy with Tribes and traditional practitioners. On-going research projects and tribal interviews are mentioned, but did the results inform the draft plan or will they even be available to be considered in the final plan and the Record of Decision? The agencies’ Preferred Alternative should prioritize protection of cultural resources or landscapes, but does not. The draft plan overall provides too much discretion to future management decisions on some of the most impactful activities on cultural resources from earth disturbing activities (see more details below). The draft Preferred Alternative allows too many adverse effects and should be modified to be more protective.</p>	<p>See response to ALT-4. The MMPs/EIS analysis takes into account existing archaeological data, input from the Tribes, and a predictive model. Appropriate site-specific surveys will be conducted at the implementation level. Appendix D of the MMPs/EIS describes how cultural resources in the BENM would be monitored and the adaptive management strategies that would be applied to provide for the proper care and management of these resources. Appendix F of the MMPs/EIS describes how the agencies would consult with American Indian Tribes during the implementation of the MMPs. The BLM and USFS have determined that all action alternatives analyzed in the MMPs/EIS provide for the proper care and management of Monument objects and values.</p> <p>The identification of a preferred alternative does not constitute a commitment or decision in principle. The identification of a preferred alternative may change between a draft EIS and a final EIS. Various parts of separate alternatives that are analyzed in a draft EIS can also be “mixed and matched” to develop a complete alternative in a final EIS, as was done for Alternative E in the Proposed MMPs/Final EIS.</p>
237348-4	<p>There are repeated references to permits for traditional gathering and more specifically for cottonwood and willow harvest. Why have a permit process for traditional uses? Is this consistent with the American Indian Religious Freedom Act? I appreciate the challenges the BLM and FS face, but the agencies need to meet their responsibilities for meaningfully collaboration and consultation with Tribes, and for protection of sacred sites, traditional cultural places and other resources, consistent with their trust responsibilities, the law and their policies. Taking the time to work with Tribes and organizations will</p>	<p>Traditional uses are identified as a Monument value and all action alternatives analyzed in the MMPs/EIS provide for the proper care and management of this value. A permitting system for cottonwood and willow harvest would ensure that Tribal traditional uses are provided for while also ensuring that other resources within the BENM, such as the proper functioning condition (PFC) of streams, are managed</p>

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	<p>result in a more viable land effective land management plan. Specific Comments Draft Executive Summary. Monument Management Plans and EIS Sash Ja'a and Indian Creek Units. Page ES-1 Options, not just identification of issues, should be done in collaboration with Tribes. Pg. ES-2 Table ES-1 Issues and Related Resource... Protection of cultural resources needs to be emphasized and it is not in this section. Pg. ES-6 Table ES-3 This table doesn't disclose how cultural resources will potentially be affected. Just comparing one alternative as relatively higher than another doesn't communicate the degree of future impacts. The monument resources are at risk and should be provided higher levels of protection. Pg. ES-7 Why are permits require for American Indian cottonwood and willow harvest? Does this affect access to and use of traditional or other uses (see American Indian Religious Freedom Act). Pg. ES-12 Table ES-4 Invited Cooperating Agencies and American Indian Tribes. I understand that there is ongoing litigation, but are there other barriers in how the agencies are approaching Tribes since none of them accepted the invitation? Can the agencies offer to go to Tribal Council meetings, Chapters, etc.? Page ES-13 See above. Draft MMPs and EIS Vol 1, Chapters 1-4 Page 1-2 The whole cultural landscape should be included in the Plan given the values and resources. Page 1-5 1.7 Relationship to other policies, plans... There were no tribal plans included; should there be? The agencies noted that despite receiving previous comments suggesting that BLM and FS should expand the planning area, the agencies decided not to carry this concept forward for a detailed analysis because it would not meet the agencies need to complete new MMPs. Development of a comprehensive plan would not conflict with the mandate to develop new direction for the reduced monument. As mentioned earlier, the old plan was done in 2008. It should be updated for the larger cultural landscape.</p>	<p>effectively. Any permitting system included in the MMPs would be consistent with the American Indian Religious Freedom Act, which requires governmental agencies to accommodate access to and use of religious sites to the extent that the use is practicable and is consistent with an agency's essential functions.</p> <p>Table ES-1 is not meant to emphasize one issue or resource topic over the others. The purpose of Table ES-1 is to summarize the issues and resource topics addressed in the MMPs/EIS, which includes cultural resources.</p> <p>Several rows of Table ES-3 summarize the potential impacts to cultural resources as analyzed in the MMPs/EIS. More detailed analysis of these potential impacts can be found in Section 3.5.2 of the MMPs/EIS.</p> <p>The BLM and USFS have invited Tribes to participate and provide input into the BENM planning process, as described in Chapter 4 of the MMPs/EIS. Tribal consultation and coordination will be ongoing throughout the development and implementation of the MMPs. Appendix F of the MMPs/EIS describes how the Tribal consultation and coordination process is intended to function during the implementation of the MMPs.</p> <p>The MMPs/EIS analysis addresses cultural resources across the entire BENM. See also response to OOS-4</p> <p>The BLM and USFS have identified no Tribal management plans for the BENM.</p> <p>See response to OOS-1. The need the BLM and USFS are addressing is the preparation of management plans for the BENM. Providing management for areas outside of the BENM is outside the scope of this planning process, as areas excluded from the BENM boundaries are already being managed under existing plans (the 2008 Monticello RMP and the 1986 Manti-La Sal LRMP). Thus, the Planning Area is defined by the boundary of the BENM.</p>
237348-8	<p>Appendix D: Cultural Resource Monitoring Framework. Did Tribes participate in the development of this? It isn't clear that sacred sites, TCPs, cultural landscapes, are amenable to the cultural resource monitoring methodologies. Shouldn't some areas/resources/sites be protected now instead of after change is detected? How will tribal concerns trigger management actions? Appendix E Public Use Site Criteria It's good that traditional use allocation and management strategies are included, but what if resources transcend a single category? Appendix F No mention of AIRFA and the need to work with traditional practitioners and tribal governments. It might be meant in the mention of working with all interested members of Tribes. The Partnership write-up is more aspirational than operational. Instead of "should seek", recommend "shall seek". 6. Pleased to see that there are tribal relations employee performance standards and training. 1.3.1 Collaboration with the Commission or Comparable Entity Why permits for traditional uses? Good to see reference to NAGPRA and assisting with efficient repatriation. Kudos for the identification shared office space with BENM facilities so full integration into federal agency IDTeams. 1.4.2 Contracting for Services, Expertise or Products needed for decision-making is a good inclusion 1.5 Human Resources. The emphasis on recruitment, education and employment may have mutual benefits. I support the planned tribal relations training of all federal employees working in the BENM and the joint training courses to familiarize all entities with each other.</p>	<p>Appendix D was drafted with Tribal input during the development of the MMPs. Currently, the BLM and USFS are actively managing cultural resources in the BENM to prevent and reduce impacts (e.g., site stewardship, ongoing site protection, site stabilization). Appendix D, Appendix E, Appendix F, and BMPs listed in the MMPs/EIS all are meant to ensure the proper care and management of cultural resources, including sacred sites, TCPs, and cultural landscapes.</p> <p>American Indian sacred and religious sites are identified as a Monument object. Exceptions, modifications, and waivers would only be approved if it is shown that a surface-disturbing activity would not prevent the proper care and management of Monument objects and values, including historic properties and American Indian sacred and religious sites.</p> <p>Traditional uses, including Tribal use of woodland products, are identified as a Monument value for which the BLM and USFS must</p>

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	<p>Encouragement of BENM staff to attend gatherings where appropriate is good. Co hosting workshops – excellent. 1.5.3 Financial support is an important part of making collaboration work. 1.5.4 Employee performance is another excellent inclusion. Appendix J Stipulations Applicable to Surface-Disturbing Activities Page 1.2 There is too much discretion for exceptions, modifications, and waivers if the authorized official determines that avoidance of impacts to historic properties is not feasible (e.g., avoidance may cause unacceptable damage to other public land resources or affect valid existing rights). Unacceptable to who? “Affect” is a very low standard. How can protection of cultural resources be prioritized? What about sacred sites that aren’t historic properties? Appendix K Comparison of Forest Products Removal K1 Why isn’t there a comprehensive forest products management plan for both agencies that would allow for noncommercial, traditional personal use by tribal members, with Tribes determine quantities or at least be consulted? Appendix M Monitoring Strategy Table 1 Resource Monitoring Activities This Table is not consistent with Appendix D: Cultural Resource Monitoring Framework.</p>	<p>provide proper care and management. All action alternatives analyzed in the MMPs/EIS address the proper care and management of traditional uses of woodland products. Tribal input on traditional uses, and other issues and resources in the BENM, will be ongoing throughout the BENM planning and management process (see Appendix F). Appendix M of the MMPs/EIS refers the reader to Appendix D for specific information about cultural resources monitoring.</p>

### 3.5 Analysis Methods and Data

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V.02-2	<p>It's methodologically weak, the environmental impact study that was done here, because it does not take into account a whole watershed, whereas the previous boundaries did take into account the whole watershed.</p>	<p>As stated in Section 3.12 of the EIS, “The analysis area for potential management effects to riparian areas, wetlands, and water resources is the watersheds (10-digit hydrologic unit code [HUC] areas defined by the USGS) intersected by the Planning Area (Map RIP-3). The analysis area is appropriate as it encompasses the reasonable downstream extent of secondary effects to water quality and quantity that could result from direct effects within the Planning Area. The analysis area for potential management effects to groundwater quality and quantity is the Planning Area because the alternatives are focused on a small number of isolated resources (springs and seeps) within the Planning Area and large-scale groundwater withdrawals or impacts are not anticipated.”</p>
A.35-3	<p>"Tribes have emphasized the importance of the association between plant communities, landforms, &amp; landscape features" at Bears Ears, yet this interrelationship is not considered in the impact statement. Instead each aspect of the environment is given its own section. The association is important, therefore these plant and animal communities, the geologic landscape, and the sacred and archaeological sites need to be managed as a whole, not isolated elements.</p>	<p>Chapter 3 of the Draft MMPs/EIS considers each management decision impact on each resource, which accounts for the interrelation between natural resources such as plant communities, topography, and wildlife, as well as the interaction between natural resources and human resources, such as the impacts of surface-disturbing activities or human presence on sacred sites. These impacts and indicators are consistent with guidance in the BLM's Land Use Planning Handbook (H-1601-1) and the USFS's Land Management Planning Handbook (1909.12) and are discussed in Section 3.5.2.2 of the Draft MMPs/EIS.</p>
A.41-1	<p>Chapter 3 of the EIS contains significant and detailed analysis of the range of alternatives and their potential impacts to monument resources. Although the EIS does analyze the differences between the alternatives, there are inadequate analyses regarding the degree to which each alternative would</p>	<p>Chapter 3 of the MMPs/EIS provides both detailed qualitative discussion and quantification to allow comparison of the relative impacts of each alternative on Monument objects and values. The</p>

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	<p>actually impact the resource. For example, the EIS states that Alternative B “would provide greater protections for cultural resources than any other alternative.” 4 Although it is helpful to know which alternative provides the most protection, it is most helpful to know what the expected difference in impacts would be. It is possible that one alternative provides more protection than other alternatives yet all alternatives provide adequate protection. The public and decision makers need to be aware that alternatives that provide less protection do in fact provide management prescriptions that provide acceptable protections for cultural resources. As written, Chapter 3 Affected Environment and Environmental Consequences section of the plan gives the reader the sense that Alternative B is the only alternative that adequately protects sensitive resources. Because conclusory statements regarding the efficacy of the alternatives are included in the EIS, there also needs to be some analysis as to how much more protection that alternative would provide in relation to the restrictive nature of the management prescriptions. As written, Alternative D is the preferred alternative despite the fact that Alternative B is stated to provide more protection to monument objects and values. If Alternative D provides adequate protection to monument objects then the analysis needs to state it. Lack of context exists throughout Chapter 3 making it difficult to quantify if the alternative that provides the most protection in fact provides the appropriate management prescription for sensitive resources.</p>	<p>agencies’ final decision on which alternative provides for the proper care and management of Monument objects and values while meeting the intent of the Presidential Proclamations is made by the Authorized Officer (BLM)/Responsible Official (USFS). The agencies have determined that all alternatives that were retained for detailed analysis in the MMPs/EIS provide for the proper care and management of Monument objects and values, as required by the Presidential Proclamations. Additional text has been added to Section 2.1 and the Executive Summary (Section ES.1.4) of the MMPs/EIS to indicate as such. Alternatives that did not provide for proper care and management of Monument objects and values were eliminated from detailed analysis (See Section 2.3 of the MMPs/EIS).</p>
A.71-19	<p>Tribal consultation is often triggered when non-Native interest groups want to disturb or alter the use of Native American ancestral lands, and agencies are tasked with mitigating damage or getting feedback from Tribes. However, in this case, Tribes wrote a proposal and submitted it to the BLM, the USFS, and the President. Later their own proposal was modified and condensed into a brief piece of legislation. Why is the Bears Ears proposal, as written by the Tribes the agencies are required to consult, never referenced as a source document? Why is its source data which contains thousands of geographic cultural data references not utilized? Consultation with Tribes in 2018, appears to have been inadequate in the development of this DEIS, but why are the agencies not looking to the source and inspiration of the proclamation written by the same Tribes they are tasked with consulting, to understand, share perspectives, and borrow management language for this document? Unfortunately, the DEIS does not appear to have used readily available information provided by the Tribes to inform management of these lands.</p>	<p>See responses to comments PUBL-1 and PUBL-2. Additionally, note that consideration of Tribal input, including the proposal referenced in the comment, was used to develop the description of Monument objects and values described in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. The range of alternatives considered in detail and the analysis of the impacts of these alternatives in the MMPs/EIS is based on the agencies’ identification of the Monument objects and values. BLM and USFS will continue to engage in government-to-government consultation with interested Tribes throughout the development of the MMPs/EIS to incorporate their perspectives, input, and proposed management of the BENM.</p>
A.71-20	<p>Native American uses of the land were identified and delivered to the agencies including places Tribal members used “for gathering of medicines and herbs, worshipping at sacred areas, holding ceremonies, protecting archaeological sites, gathering firewood, hunting, protecting wildlife habitat for deer, elk, and bighorn sheep, and maintaining natural beauty and solitude. We also determined the areas where the threats to land health are the highest.” Yet, it is not apparent where this extensive research appears in this planning document. The Tribe’s proposal promised to, “provide GIS data that displays the information we have gathered showing the areas of high Tribal interest.” (Page 20, Bears Ears Proposal 10/15/15.) This GIS data was delivered to the BLM, USFS, Obama White House, and the Trump White House, yet fails to be represented in this DEIS document.</p>	<p>See response to A.71-19. The BLM and USFS did not believe it was appropriate to provide specific locations of archaeological sites and sites of special spiritual significance in a public document such as the MMPs/EIS (see comments provided by this same commenter at A.71-6). However, consideration of those areas and resources was considered in the development of the MMPs/EIS.</p> <p>The agencies coordinated with the commenter to obtain the geographic information system (GIS) information referenced in the comment. The commenter was unable to provide GIS data, although the commenter did provide maps displaying the data referenced in the comment. The agencies have considered the data provided in the development of the Proposed MMPs/Final EIS.</p>
A.75-11	<p>Class III inventory of cultural resource areas must be prioritized – conducting these inventories “as funding is available” is not sufficient. The Draft MMP’s criteria for developing cultural resource monitoring plans is focused on the National Register of Historic Places. The Draft MMP outlines that the agencies would conduct Class III cultural resource inventories “as funding is available” in accordance with Section 110 of the NHPA and Section 14 of the Archaeological Resources Protection Act (ARPA). See Draft MMP 2-4. The Draft MMP outlines priorities for such inventory, starting with areas that receive heavy public use or those that lack intensive inventory related to current standards, areas that need</p>	<p>The MMPs/EIS is not a proposal for a site-specific project that may impact cultural resources. Prior to implementation of specific projects with the potential to impact cultural resources, appropriate site-specific inventories would be conducted as necessary to meet the requirements of the NHPA and to meet the requirements of project-specific implementation-level NEPA. The Draft MMPs/EIS provides impacts analysis based on existing archaeological data and a site-</p>

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	<p>records clarification or updating, and areas with little or no previous inventory. Id. We agree with the provisions allowing for these inventory priorities to change in response to changing conditions. However, we request more clarification and a clear strategy to allocate specific funds to conducting these inventories. Additionally, within this structure, there should be a process for developing an interim list of places with urgent, immediate needs that require inventories prior to the development of the implementation-level plan.</p> <p>Summary of comments: To comply with the NHPA, BLM and USFS must complete a thorough inventory of the cultural resources and values that exist within the Monument before moving forward with management decisions that may threaten these resources. Conducting Class III inventories of cultural resources throughout the Bears Ears landscape must be prioritized and a clear source of funding for these inventories must be identified before moving forward with development of the MMP.</p>	<p>location model that provides for the likelihood for the presence of an archaeological site at any given location in the Planning Area (see Section 3.5.1.2 of the Draft MMPs/EIS). This, combined with reasonably foreseeable impacts caused by proposed alternative planning decisions allows the Draft MMPs/EIS to provide an analysis of the relative impacts of the alternatives.</p> <p>Section 2.4.1.2 of the MMPs/EIS provides the agencies' priorities for completing site-specific cultural resource inventories to support the ongoing management of the BENM.</p>
A.58-14	<p>Maintaining and restoring wildlife communities within the national monument, necessarily requires management at the broader landscape scale. Wildlife does not recognize boundaries, and will continue to traverse those lands protected as a national monument and those lands now open for development. Therefore, BLM must consider the cumulative impacts of development, specifically of energy development, on former monument lands. This development will increase demand for ROWs, and cause habitat disturbance, fragmentation and destruction both within and outside the Monument. While the DEIS acknowledges that oil, gas and mineral development outside the monument could negatively impact habitat for wildlife (DEIS at 2-1111), it does not sufficiently consider the effects of these impacts on wildlife and it certainly does not provide a justification for these impacts. For example studies show that energy development has significant long term effects on mule deer populations. In one 15 year study, mule deer abundance declined by 36% during the development period, despite mitigation efforts and a 45% reduction in deer harvest. Counter to expectations, over the 15 year period mule deer did not habituate to development, but instead remained a significant distance away from well pads.1 Nowhere in the DEIS does BLM consider or account for these types of impacts.</p>	<p>As stated in the comment, the MMPs/EIS does provide an analysis of the cumulative impacts of development on wildlife habitat impacted by the alternatives considered in the MMPs/EIS. Additionally, as described in Section 3.20 the MMPs/EIS, the analysis area for wildlife is larger than the Monument itself and varies by species. The cumulative impacts analysis for the MMPs/EIS does provide for the context of the cumulative impacts on wildlife habitat by disclosing the total estimated cumulative disturbance (see Section 3.22.18 of the MMPs/EIS). The analysis in the MMPs/EIS considers all reasonably foreseeable future development in the cumulative impacts analysis area, including any existing or proposed energy development. Section 3.22.18 of the Proposed MMPs/Final EIS has been revised to acknowledge oil and gas exploration/development mentioned in Table RFFA-1 that is outside the Planning Area but within the analysis area.</p> <p>As described in Section 2.8 of the AMS, information on mineral resources can be found in the Mineral Potential Report (MPR) and RFD scenario prepared for the 2008 Monticello RMP and the RFD prepared for the 2016 Moab Master Leasing Plan. These reports detail the geology as it relates to the potential for mineral resource occurrence and provide an in-depth description of the conditions, trends, and forecasts for mineral development within the Monticello Field Office, which encompasses the areas of the Shash Jáa and Indian Creek Units of the BENM. These reports are available on the BLM's ePlanning website. It is important to note that the projections for mineral resource development are no longer valid for areas within the Shash Jáa and Indian Creek Units because the lands are withdrawn from all forms of mineral entry, location, selection, sale, or other disposition under all laws relating to mineral and geothermal leasing, subject to valid existing rights. As described in these reports, the majority of the lands around the BENM have low potential for mineral development. Additional development beyond that described in the MMPs/EIS is not anticipated by the agencies.</p>
A.58-15	<p>The Draft EIS also does not sufficiently look at the cumulative impacts of habitat fragmentation on migration corridors. The Draft EIS notes that the Utah Division of Wildlife Resources ("UDWR") manages big game species in Utah. See DEIS at 3-911. NWF agrees that BLM should work with and look to UDWR to better understand big game and big game habitats within Utah. That said, the bureau is still</p>	<p>See response to A.58-14. Additional information about habitat fragmentation and migration corridors has been added to the MMPs/EIS. However, because the landscape within the BENM is relatively undisturbed by human activities and the MMPs/EIS would</p>

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	responsible for fully analyzing the impacts of its own environmental decision making. For example, the Draft EIS notes that because most big game seasonal movements in Utah are elevational, UDWR did not map migration corridors within the Planning Area. See DEIS at 3-91. However, unlike BLM, UDWR was not required to consider the future impacts of development when determining these corridors. While elevational changes speak to the seasonal ranges of wildlife communities, they do not account for the importance of the integrity of corridors between these ranges. As animals come under pressure from external stressors such as fires, drought and various human development activities, they require larger landscapes to maintain health and genetic viability. Corridors play a vital role in providing access to these landscapes. Habitat fragmentation and destruction within these corridors, including those corridors that fall on lands outside the national monument must be analyzed. In failing to account impacts of activates, such as oil and gas extraction, outside the corridors the plan fails to meet not only its obligations under NEPA, but also its obligation to protect monument objects under the Antiquities Act.	not authorize activities that would provide barriers to animal movement, impacts on migration corridors and habitat fragmentation from the implementation of the MMPs considered in the EIS is anticipated to be minimal. The level of analysis in the MMPs/EIS is consistent with the level of planning, and more specific analysis would be done on a case-by-case basis as site-specific decisions are proposed.
A.21-8	As funding is available, the agencies would conduct Class III cultural resource inventories... May I remind you, much of that work has been done by Winston Hurst and the Comb Ridge Heritage Initiative Project? Re-inventing the wheel will cause site number redundancies and all manner of confusion going forward. Somehow BLM needs to get the AVAILABLE data and use it for future monument management.	The BLM and USFS will use existing cultural resources data where possible as they engage in future Monument management.
A.21-10	There are FAR more than 991 documented archaeological sites within the Shash Jaa Unit. This statement makes me wonder how much of the other data contained in this draft MMP is faulty.	See response to A.21-8. As described in Section 3.5.1.2.1 of the MMPs/EIS, the number of documented sites is based on data gathered during site surveys by qualified archaeologists in the Shash Jaa Unit is 1,741 sites (991 sites on BLM-administered land and 750 sites on USFS-administered land). This represents only 8.2% of the BLM-administered lands in the Shash Jaa Unit that have been surveyed by professional archaeologists and does not account for all sites anticipated to be present in the BENM.
A.38-7	BLM should adopt the same standard as the National Forest System with regard to casual collecting of paleontological resources stated in the same option (i.e., Alternative A in Row 1). Invertebrate and plant fossils can provide invaluable information about the context of a vertebrate fossil locality, and thus the National Forest System's rule is considered a rigorous preservation standard, while allowing paleontological research with a permit.	The commenter accurately notes that the existing 2008 Monticello RMP and 1986 Manti-La Sal LRMP, in consideration of the Presidential Proclamations establishing the BENM, result in inconsistent allowances for paleontological resource collection in the BENM in Alternative A. All action alternatives would result in consistent decisions across BLM- and USFS-administered lands and include the requirement that paleontological object collection would be by permit only (see Table 2.6 of the MMPs/EIS).
A.95-6	The compressed timeline, lack of rigorous surveys and additional scientific analyses, and previous evidence of prioritizing development and reduced protections despite acknowledging the likely impacts on scientific resources and the overall ecosystem calls into question the agency's requirements to manage units of the National Landscape Conservation System (NLCS) according to the best available science. Moving ahead with efforts to prioritize development at the expense of scientific discovery is a mistake and an abdication of the agency's responsibility to future generations. We collectively urge the Secretary and relevant management officials to reconsider additional alternatives, which include management protections for all lands within the boundaries of the original national monuments prior to reductions, as well as alternatives which include better prioritizing science-based protections for wildlife, paleontological, and cultural resources.	See responses to ALT-4, NMON-2, OOS-1, and OOS-4.
A.87-2	Second, NEPA requires agencies to assess both connected and cumulative actions. In particular, agencies must assess "the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person	See responses to OOS-6 and OOS-10. Presidential Proclamation 9681 did not change reasonably foreseeable future management actions in or around the BENM. Until the MMPs are finalized, management of

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	<p>undertakes such other actions.” By failing to consider the environmental impacts of the proposed alteration of the monument’s boundaries, the agencies have failed to assess cumulative impacts in a meaningful way as required by NEPA. For example, in this draft EIS, the agencies vaguely acknowledge that “all alternatives would contribute cumulatively to global GHG emissions from other sources.” Yet NEPA requires more than this vague and perfunctory truism. Proclamation 9681 both is a connected, prerequisite action for this draft Monument Management Plan and also directly sets the stage for the cumulative impacts of this draft Monument Management Plan. By altering the boundaries of the monument and opening more lands for oil and gas exploration and other development, Proclamation 9681 generates greenhouse gas and other significant environmental impacts. The incremental impacts of this draft Monument Management Plan now must be assessed specifically in light of the environmental impacts of Proclamation 9681.</p>	<p>the area within the original boundary of the BENM continues to be managed by the 2008 Monticello RMP and 1986 Manti-La Sal LRMP. The cumulative impacts analysis provides an analysis of the impacts of past, present, and reasonably foreseeable project-specific development within these lands that impacts the same resources as the MMPs alternatives (see Section 3.22 of the Draft MMPs/EIS).</p>

### 3.6 Decision Process

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DEC-1	<p><b>The BLM and USFS should halt the BENM planning process and prohibit any commercial development on excluded lands until the courts have ruled on the ongoing litigation regarding the legality of Presidential Proclamation 9681.</b></p> <p><i>Sample comment:</i> I am writing to ask the BLM to halt the monument management planning process for Bears Ears until the court decides on the legality of Trump’s proclamation, which is currently being litigated in federal court.</p> <p><i>Sample comment:</i> Due to ongoing litigation and the pre-existence of defined boundary National Monuments, all legal challenges should be allowed to be completed before enacting any changes. We are a nation of laws...if each new President can unilaterally and arbitrarily alter existing monument boundaries, then why have a land preservation system in the first place? All management decisions considered under the current process must prioritize the protection of the resources the Monument was designated to protect.</p> <p><i>Sample comment:</i> There will definitely be court action taken if mining and other rights for these lands are given to companies to plunder, so BLM should NOT plan on any further action until the courts settle these disputes.</p> <p><i>Sample comment:</i> I am writing to urge the BLM to withhold any and all proposed changes to all national monuments until their borders have been determined by the courts.</p> <p><i>Sample comment:</i> The BLM should cease planning efforts until the legality of the administration's rescinding protections is settled in a court of law. It is far from assured that the administration's interpretation of the Antiquities Act is legally sound.</p>	<p>Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, directs the Secretaries of Interior and Agriculture to jointly prepare a management plan for the monument. The BLM and USFS have a responsibility to complete the planning process for the BENM within a reasonable amount of time to ensure the proper care and management of the Monument objects and values. BLM and USFS decisions are regularly challenged in court, and, absent unusual circumstances or relief granted by a court, the BLM and USFS typically continue to implement them. A contrary approach would bring the agencies’ decision-making and land management processes to a halt. Any future court decisions that are applicable to the BENM planning process or management of lands within the BENM will be addressed when they occur. Public land resources and resource uses on lands that were excluded from the BENM by Presidential Proclamation 9681 will continue to be managed by the BLM and USFS under the 2008 Monticello RMP and 1986 Manti-La Sal LRMP.</p>
9559-1	<p>As your agency's duty to maintaining the integrity of the American public landscape in a balanced and ethically-managed state between economical and environmental qualities and interests, you owe it to the American people and yourselves, as fellow Americans, to consider the principles of the American legacy and way of life that are founded on the existence of our intact, pristine public wilderness lands that provide the resources and qualities that make up the very fabric of the American people's livelihood, both in past, present and future generations. In contemplating this, I urge you to consider the quintessential role that America has played in the scope of global natural resource conservation of our planet's</p>	<p>The BLM and USFS have a statutory duty to manage public lands pursuant to the multiple use and sustained yield mandates of the Federal Land Policy and Management Act (FLPMA) of 1976 and the National Forest Management Act (NFMA) of 1976, and the specific direction in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, as well as other applicable federal land use and natural resource laws.</p>

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	environment by solidifying our historic legacy of land preservation as America’s cornerstone of strength and sustainability and as a beacon of global humanitarian efforts for the improvement of the quality of life for all human society. We owe it to ourselves and our fellow humans to maintain leadership and exemplification of the pursuit of life, liberty, and happiness; the topic of public land preservation and sound natural resource management are paramount to these fundamental concepts of both our nation and to maintaining a sustainable global environment for our future generations.	
A.15-2	This area already sustains heavy impacts from cattle grazing and recreational visitation. There should be a hybrid alternative that bridges the gap between alternative B and C and provides greater protections to the area while continuing to allow our public to enjoy it’s great benefit. I find the difference between alternative B and the others to be quite stark. Where is an alternative that represents a greater and modern hybrid of conservation and resource access? I am not seeing it here...	The agencies have considered a broad range of alternatives for the management of the BENM, all of which provide for the proper care and management of Monument objects and values.
A.41-2	The EIS considered but did not analyze in detail future impacts on public health and safety thus leaving such decisions to be made at implementation level planning. The State supports implementation level planning efforts to coordinate health, safety and welfare issues that will arise with the expected increase in tourist visitation. However, it would benefit future coordination and planning efforts if the EIS required the BLM and Forest Service to make it a priority to work towards cooperative agreements and memorandums of understanding between State and local governments concerning law enforcement and emergency medical services efforts. This would facilitate a more effective working relationship between Federal Agencies, the State, and local governments to the benefit of the general public.	The BLM and the USFS are always interested in working toward cooperative agreements and memorandums of understanding concerning law enforcement and emergency medical services as the need arises. This coordination does not require a plan decision in the MMPs. The BLM and USFS have had, and continue to have, discussions about cooperation with local law enforcement.
A.41-13	2.1 Introduction: In the first paragraph of the introduction, the DEIS states that multiple uses “may be allowed to the extent that they are consistent with the protection of Monument objects and values.” BLM should change this wording to “multiple uses will be allowed to the extent that they are consistent...” to provide more certainty for those who utilize the opportunities for multiple uses in the national monument. The Presidential Proclamation dictates the monument values that need to be protected; it also states in regard to domestic livestock grazing that: “Nothing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation.” The existing laws and regulations concerning the multiple uses state that the Secretaries “shall manage the public lands under principles of multiple use and sustained yields” (43 U.S.C. 1732.a), not that the Secretaries may manage the lands for multiple uses. The values identified in the Presidential Proclamation must be protected. However, the multiple use mandate legislated by congress still controls as long as those uses are not in conflict with monument values. To provide more certainty for all multiple users of this area, the BLM should change this language from “may” to “will.”	The text of the MMPs/EIS has not been revised as suggested. The BLM and USFS has discretion as to what multiple uses are allowed or not allowed beyond merely protecting Monument objects and values. Any multiple uses allowed on BLM- and USFS-administered lands in the Planning Area must be consistent with the approved MMPs and the proper care and management of Monument objects and values.
A.47-2	We encourage the BLM/USFS to: (1) withdraw the DMMP/DEIS, (2) prepare a new DMMP/DEIS that includes the requisite hard look at impacts and that reflects the legal binding requirements applicable to lands within the National Conservation Lands System and the other laws and regulations discussed in our comments, and (3) adopt a preferred alternative in the revised DMMP/DEIS that emphasizes protecting the objects of scientific importance identified in the two presidential proclamations creating the Bears Ears National Monument. Preparing a new DMMP/DEIS need not delay actions that are consistent with the applicable presidential proclamations and the Monticello RMP, such as collaborative efforts between the BLM/USFS and FCM, that improve resource protection and visitor information.	See response to NMON-3 and ALT-1. The Draft MMPs/EIS includes the requisite detailed qualitative discussion and quantification of impacts needed to support reasoned conclusions by comparing the amount and the degree of change caused by the proposed management action and alternatives (40 CFR 1502.1 and Section 6.8.1.2 of the BLM NEPA Handbook H-1790-1).
A.47-12	The BLM is choosing to do Section 106 compliance under the National Historic Preservation Act (NHPA) at the implementation level and therefore not at this stage in the planning process. We believe it would be far better and compliant with the NHPA to have a Section 106 process as part of the development of this plan. We believe there are clear examples where implementation of Alternative D would have an adverse	The agencies have revised Section 4.1.3 of the MMPs/EIS to include additional information about the agencies NHPA Section 106 consultation activities. As described in Section 4.1.3 of the MMPs/EIS, the SHPO has participated in development of this EIS as a consulting party and continues to provide input on alternatives and impacts



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	effect on cultural resources, and therefore a Section 106 process and likely Programmatic Agreement would be far better than hoping those impacts can be addressed on a case-by-case basis.	analysis. The BLM and USFS are also conducting Section 106 consultation on specific planning decisions.
A.71-10	Future promises of reviews under Section 106 of the National Historic Preservation Act (NHPA) during the ROW application stage is insufficient, as the BENM has a high density of cultural resources.	See responses to A.75-11 and A.47-12.
A.47-13	We [Friends of Cedar Mesa] express our interest in being involved in the Section 106 process as a Consulting Party and flag the issue of route designation. Guidance from the Interior Department and case law show that to designate new routes or areas as open to off-road highway vehicles is an “undertaking” and therefore triggers Section 106 of the NHPA. No new routes should be designated as a result of this EIS and the EIS should include a commitment to Section 106 and Class III surveys for future travel management in the Monument.	<p>See response to A.47-12. The agencies would consider appropriate site-specific surveys during the route designation process associated with implementation-level travel planning. As described in Section 3.17 of the MMPs/EIS, at the land use planning level, the BLM designates public lands as open, limited, or closed to OHVs, as defined in 43 CFR 8340.0-5. The designation of these areas would guide future implementation-level travel management planning for OHV use where agencies would designate travel routes within the Indian Creek and Shash Jaa Units. These designations are done outside of the development of the MMPs through a site-specific implementation-level travel plan. Until an implementation-level travel management plan, emergency order, or other NEPA decision is completed for the Shash Jaa and Indian Creek Units, all current implementation-level route designations within areas designated in the MMPs as OHV limited would remain in effect.</p> <p>When the BLM carries out implementation-level travel planning, the agency will institute appropriate site-specific cultural resources inventories and Section 106 consultation with the SHPO. The results of that consultation, as well as site-specific impacts of that designation, will be disclosed through implementation-level NEPA.</p>
A.75-40	<p>The MMP must comply with the National Historic Preservation Act. As described in further detail in Section IV(B) above, BLM and USFS are required to comply with the NHPA because the MMP planning process, as well as ORV area designation decisions are federal undertakings subject to Section 106 of the NHPA. It is worth noting that the initial identification step of the Section 106 process “is of considerable importance” as it determines the scope of the remaining consultation process. See <i>Attakai v. U.S.</i>, 746 F. Supp. 1395, 1406 (D. Ariz. 1990) (stating that the “initial steps in the process, the identification of historic properties that may be affected and the determination of the eligibility of these properties for inclusion in the National Register, is of considerable importance”); see also <i>Narragansett Indian Tribe v. Warwick Sewer Auth.</i>, 334 F. 3d 161, 169 (1st Cir. 2003) (stating that the court “[w]ould take real inadequacies in the initial steps of identifying properties seriously, since they influence all that follows in the § 106 process”).</p> <p>In developing the MMP, the agencies must consult with the State Historic Preservation Officer (SHPO), relevant and affected Tribes, and other interested parties. To ensure meaningful consultation, the agencies must conduct a Class III cultural resource inventory of the area of potential effects of all routes that have not yet been inventoried for cultural resources. See <i>Montana Wilderness Ass’n v. Connell</i>, No. 11-35821, 43 (D. Mont. filed July 31, 2013) (stating that “[c]onsistent with BLM’s own policy documents, BLM is required to conduct Class III inventories for roads, ways and airstrips that have not been surveyed previously or were surveyed decades ago”). Instead of prioritizing potential impacts to cultural resources and conducting additional inventory prior to determining the route network, BLM and USFS are proposing to close only 2% of the areas within the Shash Jaa’ unit that have high probability of containing cultural sites to ORVs, leaving 42% of these high probability areas and 31% of the medium probability areas available to ORVs.</p>	<p>See response to A-47-12. Closure of existing routes or the rerouting of existing routes are implementation-level travel planning decisions. Appropriate site-specific surveys will be conducted on routes prior to implementation-level planning. Meanwhile, appropriate site-specific surveys would be prioritized and implemented as quickly as possible with considerations of existing funding, as described in Section 2.4.1.2 of the MMPs/EIS. The designations of lands as OHV closed and OHV limited are identified for all lands in the Planning Area at this programmatic level of the planning process. No lands are designated as OHV open. Section 3.5.2.2.8 of the MMPs/EIS describes the impacts to cultural resources from OHV allocations, as derived from an archaeological site location sensitivity model. The model provides adequate analysis of the relative impacts of the alternatives considered in the MMPs to allow the BLM Authorized Officer and USFS Responsible Official to make their respective decisions regarding which alternative elements will compose the selected plan.</p> <p>Under all alternatives, if monitoring indicates unacceptable impacts to cultural resources the agencies have the authority to take steps to minimize or mitigate impacts from OHVs, including route designation, route closure, motorized vehicle size and weight limitations, or other measures as necessary to address impacts.</p>

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	<p>Although the MMP is only focused on ORV area designations, it will nevertheless allow continued and increasing use (based on forecasts in the Draft MMP) of the existing 2008 travel management system until a new travel plan is developed. Given the significant timeframe that will pass between area designation and future travel planning, it is imperative that the agencies conduct a Class III inventory on all routes designated in the 2008 plan prior to allowing continued and increase use of those routes. This inventory must occur prior to establishing limited or open ORV area designations, and should not wait until a future travel planning process. See id. (finding that “the government’s promise to complete Class II and Class III surveys in the future . . . does not substitute for a more intensive survey now) (emphasis in original). If, through the Class III inventory, BLM or USFS document cultural sites, it must close existing routes or re-route to ensure resource protection.</p>	
A.68-1	<p>The use of the NEPA process to satisfy the requirements for Section 106 of the National Historic Preservation Act does not absolve BLM and USFS of obligations to conduct inclusive and good faith consultations, at a minimum: to determine the area of potential effect for the establishment of BENM; to pin down recommended historic property identification; and, to formulate adverse effect avoidance/reduction strategies and methods.</p>	<p>See responses to A.75-11 and A.47-12. The federal undertaking being addressed is the development of the MMPs, not the establishment of the BENM through Presidential Proclamation.</p>
A.45-9	<p>With respect to both climbing and Shay Canyon, in particular, the agencies’ self-imposed limitations on their discretion risks foreclosing the consideration of alternatives under Section 106 of the National Historic Preservation Act. It also conflicts with one of the agencies’ central assumptions that further review will be required at the implementation level (See DEIS Section 3-1 and 3.5.2.1). We urge BLM and USFS to supplement and recirculate the Draft EIS with alternatives that do not prejudice the NHPA review process. Any alternative that limits the agencies’ discretion to act no matter what harm it finds users causing to cultural resources forecloses the consideration of alternatives to address the harm.</p>	<p>See response to A.47-12. The range of alternatives analyzed in the MMPs/EIS includes a range of alternative management to protect cultural resources in Shay Canyon and throughout the Monument. None of the alternatives preclude future agency discretion to address harm to cultural resources. A decision to close a particular climbing route based on observed impacts to cultural resources is an implementation-level decision, so no options are foreclosed based on the decisions included in the MMPs/EIS. Furthermore, if future needs require changes to the MMPs, the agencies could make the required changes through plan maintenance or, if necessary, a plan amendment process.</p>
A.37-64	<p>Chapter 4-National Historic Preservation Act Section 106 Consultation-4.1.3-43191. Section 106 of the NHPA requires federal agencies to identify historic properties affected by its decisions and to develop measures to avoid, minimize or mitigate any adverse effects on historic properties. 16 U.S.C. § 470f; 36 C.F.R. §§ 800.4, 800.6. In doing so, the agencies must initiate meaningful consultation with appropriate Tribes, not just the SHPO, before approving the undertaking, the agency must “[d]etermine and document the area of potential effects.” 36 C.F.R. § 800.4(a). BLM and USFS must make a reasonable and good faith effort in consulting with potentially affected Tribes. As the agency is well aware, there exist a number of important tribal cultural resources, and Ancestral Puebloan cultural resources. There is a very high likelihood that there exist other Acoma cultural resources both archaeological and natural (with archaeological traces) that may be found eligible to the National Register. This undertaking requires the agency to identify these historic properties as part of the Section 106 process. Thus far, the agency has failed to do so. Where the agency relies on Class I literature review, this is insufficient as the agency does not have Pueblo of Acoma ethnographic information or literature to identify Acoma cultural resources or evaluate existing archaeological sites as potentially eligible historic properties using Acoma ethnographic information for the national register’s four criteria. As a result, the agency must complete a thorough inventory of cultural sites and resources throughout the BENM, incorporate and consulting with the Pueblo of Acoma and other affiliated tribes.</p>	<p>See responses to A.11-6 and A.47-12.</p>
A.90-2	<p>Comment 1: The use of the NEPA process to satisfy the requirements for Section 106 of the National Historic Preservation Act does not absolve BLM and USFS of obligations to conduct inclusive and good faith consultations, at a minimum to determine the area of potential effect for BENM establishment and to pin down recommended historic property identification and adverse effect avoidance/ reduction</p>	<p>See response to A.47-12. As stated in the Draft MMPs/EIS, the lead agencies have used the public involvement process for the MMPs/EIS, including public scoping and public comment on the Draft MMPs/EIS,</p>

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	<p>strategies and methods. Section 4.1.3 of the DMMP/EIS states, “BLM and USFS notified the public that they would fulfill the public involvement requirements of the NHPA (54 USC 306108) through this NEPA process as provided for in 36 CFR 800.2(d)(3). During the scoping process, numerous commenters requested to be “consulting parties” under Section 106 of the NHPA. The BLM, in consultation with the SHPO, determined that this was not necessary because no findings or determinations of eligibility or effect are being made as part of this planning effort.” There are at least two apparent ambiguities and inconsistencies in this assertion: 1. The term “this” in the last sentence would seem to refer to and dismiss any/all participation by consulting parties in agency consideration of effects of the MMP on historic properties. If this is the intended meaning, and if all potential consulting parties except Utah SHPO are being excluded from the Section 106 process, then BLM and USFS are called upon to explain and justify this unusual and restrictive approach to public involvement. Such exclusivity seems in conflict with 36 CFR 800.2(d)(3), which states, “The agency official may use the agency’s procedures for public involvement under the National Environmental Policy Act or other program requirements in lieu of public involvement requirements in subpart B of this part, if they provide adequate opportunities for public involvement consistent with this subpart” (emphasis added). 2. The apparent rationale for excluding consulting parties from participation on the 106 side of the NHPA/NEPA interface—namely, that no determinations of eligibility or effect will result from the MMP—attempts to evade (i) the general intent of 36 CFR 800 to involve publics in general, and consulting parties (especially tribes) in particular, in considering effects on historic properties and, more specifically, (ii) consulting party consultations to determine the area of potential effects (APE) of the establishment and management of BENM and to plan and specify recommended historic property identification and adverse effect avoidance/ reduction strategies and methods. APE delineation, historic property identification, and adverse effect assessment and avoidance/reduction are all vital to good and actionable MMPs; all warrant tribal consultations and public involvement. BLM and USFS have initiated the Section 106 process via communications with the Utah SHPO, and the process cannot be concluded in the absence of a clear determination by the agency official that the BENM has (i) no potential to cause effects, or (ii) no properties, or (iii) no effects, or (iv) no adverse effects. If there is a lawful basis for the apparent intention on the part of BLM and USFS to conclude Section 106 without participation by consulting parties “because no findings or determinations of eligibility or effect are being made” then this must be explicitly disclosed for public scrutiny and comment. In reaching a determination on how to proceed, BLM and USFS should carefully consider the joint Council on Environmental Quality (CEQ) and Advisory Council on Historic Preservation (ACHP) NEPA-Section 106 Handbook, page 22 of which states, “Section 106 requires both public involvement and consultation with the SHPO and/or THPO and other consulting parties”. The CEQ-ACHP Handbook confirms that any decision to exclude participation by 106 consulting parties must be complemented by wider opening of opportunities for public participation in the NEPA process, something we eagerly await. In particular, page 2 of the Handbook states, “An EIS includes the analysis of the environmental impacts of each reasonable alternative. The relative scope of this analysis depends upon the level of probable effects and the complexity of the proposed alternative, and should be informed by consultation with the SHPO/THPO, affected Indian tribes, and Native Hawaiian organizations under Section 106, particularly with regard to the potential for large scale properties of religious or cultural significance” (emphasis added). The controversial nature of proposed government actions (see Comment 6, below) is a commonsense basis for broadening and intensifying the level of NEPA analyses, of tribal and stakeholder consultations, and of public involvement. It is never, ever, a lawful basis for limiting or forestalling public participation.</p>	<p>to satisfy public requirements of Section 106 of the National Historic Preservation Act. See also responses to PUBL-1, PUBL-2, and PUBL-3.</p>

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A.75-84	<p>BLM and USFS's current process outlined in the Draft MMP fails to comply with the National Historic Preservation Act. Congress enacted the National Historic Preservation Act (NHPA) in 1966 to implement a broad national policy encouraging the preservation and protection of America's historic and cultural resources. See 16 U.S.C. §§ 470(b), 470-1. The NHPA requires federal agencies to "take [ ] into account any adverse effects on historical places from actions concerning that property." Friends of the Atglen-Susquehanna Trail Inc. v. Surface Transp. Bd., 252 F.3d 246, 252 (3rd Cir. 2001); see also 16 U.S.C. §§ 470(f), 470h-2(d). Pursuant to Section 106 of the NHPA, before approving any undertaking a federal agency must identify all historic properties that may be affected by the undertaking and must assess the effects of the project on those properties. See 36 C.F.R. §§ 800.4, 800.5. The procedural nature of Section 106 reinforces the importance of strict adherence to the binding process set out in the NHPA regulations: "While Section 106 may seem to be no more than a 'command to consider,' . . . the language is mandatory and the scope is broad." United States v. 62.20 Acres of Land, More or Less, 639 F.2d 299, 302 (5th Cir. 1981). Section 106 of the NHPA requires federal agencies to identify historic properties affected by its decisions and to develop measures to avoid, minimize or mitigate any adverse effects on historic properties. 16 U.S.C. § 470f; 36 C.F.R. §§ 800.4, 800.6. In doing so, the agencies must initiate meaningful consultation with the State Historic Preservation Officer (SHPO) and appropriate Tribes and, in consultation with the SHPO and before approving the undertaking, the agency must "[d]etermine and document the area of potential effects." 36 C.F.R. § 800.4(a). BLM and USFS must make a reasonable and good faith effort in consulting with potentially affected Tribes.</p> <p>The area of potential effects is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist." Id. at § 800.16(d). The agency "shall take the steps necessary to identify historic properties within the area of potential effects," id. at § 800.4(b), and in doing so, "shall make a reasonable and good faith effort to carry out appropriate identification efforts." Id. at § 800(b)(1). Finally, if historic properties are identified within the area of potential effects, the agency must seek ways to "avoid, minimize, or mitigate any adverse effects on historic properties" in consultation with the SHPO and the Advisory Council. 36 C.F.R. §§ 800.1(a), 800.6. In Montana Wilderness Association v. Cornell, the court held that BLM violated the NHPA's "reasonable and good faith" inventory requirement when it adopted the Upper Missouri River Breaks National Monument RMP. Appeal No. 11-35818, 2013 WL 3927754, Slip Op. at 35-45 (citing 36 C.F.R. § 800.4(b)(1)). The court held that BLM's Class I literature review for the RMP did not amount to a "reasonable effort to identify historical and cultural resources" because "[c]onsistent with BLM's own policy documents, BLM is required to conduct Class III inventories for roads, ways and airstrips that have not been surveyed previously or were surveyed decades ago." Slip Op. at 43. The court remanded to the district court to enter an order requiring BLM to conduct Class III surveys. Slip Op. at 45.</p> <p>As highlighted in our scoping comments and described in more detail below, BLM must have a thorough inventory before allowing uses that impact these resources to begin or continue. The Draft MMP highlights agencies' plan to complete an implementation-level cultural resource plan within two years of finalizing the Monument plan. However, at this phase, the Draft MMP is proposing to initiate several management decisions that have the potential to negatively impact cultural resources, including travel management (see Section X below) and rights-of-way designations (see Section XIV below).</p>	<p>See response to A.47-12. For future site-specific implementation-level management actions, as noted in Section 3.5.2.1 of the MMPs/EIS, "[t]he requirements of the NHPA (Public Law 89-665 and 54 USC 300101 et seq., as amended) and its implementing regulations (typically referred to as the Section 106 process) to identify historic properties, evaluate them for adverse effects, and resolve any adverse effects would be applied at an implementation-level (site-specific) basis for all lands in the Planning Area."</p>
A.47-80	<p>On July 24, 2018, the BLM issued Instruction Memorandum IM 2018-093 stating that: "Except where the law specifically requires, the BLM must not require compensatory mitigation from public land users. While the BLM, under limited circumstances, will consider voluntary proposals for compensatory mitigation, the BLM will not accept any monetary payment to mitigate the impacts of a proposed action. In all instances, the BLM must refrain from authorizing any activity that causes unnecessary or undue degradation (UUD), pursuant to FLPMA Section 302(b)." The DMMP takes the position that "[i]f monitoring indicates that grazing is impacting the following resources, appropriate mitigation measures would be used to minimize those impacts." Vol 1, at 2-10. It is unclear how the BLM can require such mitigation in</p>	<p>None of the alternatives analyzed in the MMPs/EIS require compensatory mitigation. The BLM can and will consider mitigation strategies to address the referenced impacts, as appropriate and to be consistent with IM 2019-018. The mitigation referred to in this comment could include avoidance and minimization measures to reduce or avoid impacts, as suggested by the commenter, and would not necessarily include compensatory mitigation.</p>

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	light of the new policy, and it, therefore, appears that the DMMP may overstate the BLM's ability to protect monument resources under their preferred alternative. Recommendations 1. Reissue the DMMP/DEIS with an updated impact analysis reflecting current BLM policy 2. Adopt a preferred alternative that avoids impacts and therefore does not need to rely on mitigation.	Compensatory mitigation is not the only option when taking measures to mitigate potential impacts. Under Council on Environmental Quality regulations (40 CFR 1508.20), mitigation may include one or more of the following: <ul style="list-style-type: none"> <li>(a) Avoiding the impact altogether by not taking a certain action or parts of an action;</li> <li>(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;</li> <li>(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;</li> <li>(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and</li> <li>(e) Compensating for the impact by replacing or providing substitute resources or environments.</li> </ul>
A.63-5	"Except where the law specifically requires, the BLM must not require compensatory mitigation from public land users. While the BLM, under limited circumstances, will consider voluntary proposals for compensatory mitigation, the BLM will not accept any monetary payment to mitigate the impacts of a proposed action. In all instances, the BLM must refrain from authorizing any activity that causes unnecessary or undue degradation (UUD), pursuant to FLPMA Section 302(b)." Despite this apparently clear direction, the DMMP/DEIS takes the conflicting position that "[i]f monitoring indicates that grazing is impacting the following resources, appropriate mitigation measures would be used to minimize those impacts." DMMP/DEIS at 2-10 (emphasis added). It is unclear how the BLM can require such mitigation in light of the new policy, and it therefore appears that the DMMP/DEIS overstates the BLM's ability to protect monument resources under the preferred alternative. Grazing is but one example of this oversight. This critical assumption, which pervades the DMMP/DEIS, results in a flawed NEPA analysis that can be remedied only by updating the analysis and reissuing a new DMMP/DEIS.	See response to A.47-80.
A.34-4	CLF is concerned that the agency intends to fast-track the RMP development process, thereby not doing their due diligence to assess, document, and disclose necessary information. BLM must adhere to their own guidance and NEPA in developing an RMP, which includes analysis and inventory of objects and values and "rigorously explor[ing] and objectively evaluat[ing]" a range of alternatives.	See response to A.47-2.
A.71-4	Furthermore, the inability of the Tribes to be consulted due to litigation is a clear violation by the BLM's and USFS's requirement to meaningfully consult with American Indian tribes through the government-to-government relationship the federal government has with tribes and under the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA), as well as other federal laws and policies. See Art. I, Sect. 8, U.S. Constitution; National Historic Preservation Act, 16 U.S.C. §§ 470a(d)(6)(B) & 470h (1992); 36 C.F.R. 800.2(c); National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4335; Archaeological Resources Protection Act (ARPA), 16 U.S.C. § 470cc.; Native American Graves Protection and Repatriation Act, 25 U.S.C. §§ 3002-3005 and § 3010; 43 C.F.R. § 10.5; Executive Order 12875 (1993) Tribal Governance; Executive Order 12989 (1994) Environmental Justice; Executive Order 13007 (1996) Sacred Sites; Executive Order 13084 (1998) Consultation and Coordination with Indian Tribal Governments; Executive Order 13175 (2000) Consultation with Indian Tribal Governments; and Executive Memorandum, Government-to-Government Relationship with Tribal Governments (September 2004). In addition, the expedited planning process has failed to uphold these federal laws by not conducting the cultural surveys and environmental studies necessary to produce an adequate Draft Environmental Impact Statement that meets their requirements. In addition, the expedited planning process has failed to uphold these federal laws by not conducting the cultural surveys and environmental	See responses to A.71-19, A.75-11, and CUL-2. Ongoing litigation initiated by American Indian Tribes regarding the legality of Presidential Proclamation 9681 does not prohibit the Tribes from meaningful participation in the development of the MMPs/EIS. The agencies' efforts to engage with American Indian Tribes in the development of the MMPs/EIS is described in Sections 4.3 and 4.4 of the MMPs/EIS.

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	<p>studies necessary to produce an adequate Draft Environmental Impact Statement that meets their requirements. Furthermore, because these cultural surveys, environmental and cultural studies, and meaningful consultations have not occurred, the BLM is severely limited in even being able to properly assess how to protect the cultural and environmental resources within the Bears Ears National Monument. The mere discussion of multiple-use planning, recreation development, and extraction is not only in clear opposition to the intent of Congress, which has passed the aforementioned federal laws to protect public lands and assert the rights and religious freedoms of Native Americans, American Indian tribes, and Native American spiritual leaders, but it is severely premature without adequate study and meaningful consultation with tribes to understand the extent of these cultural and environmental resources, which will surely be destroyed.</p>	
A.71-11	<p>In particular, the Preferred Alternative, Alternative D, opens the Bears Ears National Monument to destructive uses, such as off-road vehicle use, rights of way (it opens the greatest amount of land to right of- way (ROW), which may cause direct harm to cultural resources from surface-disturbing activities and indirect harm from visual features, in addition to new access points which may cause significant damage to cultural resources), and poor vegetation management approaches. These uses could and most likely will, in fact, destroy the cultural resources that Proclamation 9558 sought to protect. Some relevant examples in Alternative D (the proposed Preferred Alternative) are as follows: • [...] [W]ould allow for the continuation of multiple uses of public lands and maintain similar recreation management levels while protecting Monument objects and values...Draft MMP 2-2. • [...] [Provide] less monitoring, fewer limitations, and less adaptive management implemented to address potential resource degradation...Draft MMP 3-47. • [...] [Provide] generally fewer restrictions on recreation visitation, group size, camping, campfires, rock climbing, pets, target shooting, and other activities...Id. • Proposes managing fewer acres as VRM Class I than any of the other alternatives, which could result in adverse impacts on the traditional cultural landscape, medicinal plants, the scenic quality of the Planning area, and other cultural resources. Id. • Proposes managing the least amount of land as ROW exclusion areas in comparison to the other alternatives. Id. • Closes the least number of acres of high archaeological sensitivity. Id.</p>	<p>See response to ALT-1.</p>
A.14-1	<p>The MMP is required to provide specific requirements, standards and limitations that are overarching for the Monument and that guide the site-specific decisions later. The usual RMP's written over the last decade are little more than aspirational wishes with no requirements. The proposed MMP is similar providing generalities, but lacking specifics. This violates FLPMA.</p>	<p>The range of alternatives analyzed in the MMPs/EIS provides a full spectrum of specific goals, objectives, and management actions to provide for the proper care and management of Monument objects and values. The MMPs/EIS provide landscape-level analysis and management that can subsequently be implemented through more site-specific or activity-specific planning.</p>
A.14-3	<p>The proposed MMP fails to provide for 4, 6 or 8. [(4) Program constraints and general management practices needed to achieve the above items; (6) Support action, including such measures as resource protection, access development, realty action, cadastral survey, etc., as necessary to achieve the above; (8) Intervals and standards for monitoring and evaluating the plan to determine the effectiveness of the plan and the need for amendment or revision. (referring to FLPMA requirements)]</p>	<p>The alternatives considered in the MMPs/EIS include management actions related to items 4, 6, and 8. An example of program constraints can be found in Chapter 2, Section 2.4.3.2, in the form of minimum-impact criteria for designated wilderness and Wilderness Study Areas (WSAs) on BLM lands. Examples of resource protections include no campfires or recreational use of domestic pets and pack animals in archaeological sites. Finally, Appendix M outlines the indicators, unit of measure, frequency, and management action triggers for resource monitoring activities.</p>
A.14-4	<p>The proposed MMP fails in this regard. [referring to compliance with 43 CFR 1610-7-2; 43 CFR 1610.4-4; and BLM Manual 1601, Section 1 B and Section 2. 02 Objectives]</p>	<p>The alternatives considered in the MMPs/EIS include consideration of the requirements of these guidelines, including prioritizing consideration of proposed ACECs, using an AMS to guide development of a range of reasonable alternatives, providing a framework to guide subsequent implementation decisions, and using</p>

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		this land use planning process to coordinate with the public to develop management to protect resources.
A.14-6	The proposed MMP provided fails to comply with these requirements. [referring to BLM Manual 1601 definitions for "goal", "guidelines", "land use allocation", "land use plan decision", "objective", "planning criteria", "resource use level", "standard"] [...] While the BLM has been writing goals in recent RMP's, the objectives have been noticeably missing. The alternatives provided likewise fail to provide objectives as laid out in the manual.	The goals, objectives, and management actions in the range of alternatives provided in the MMPs/EIS were developed to be compliant with BLM Manual H-1601-1.
A.14-7	The proposed MMP fails to implement these requirements. [referring to BLM Manual 1601, Allowable uses and management actions anticipated to achieve desired outcomes (goals and objectives)]	See response to A.14-6.
A.14-8	Clearly, the BLM intend to continue authorizing livestock grazing, yet the alternatives fail to provide "decisions must also be made regarding intensity and limits or restrictions." [referring to Appendix C of BLM Handbook, application of program-specific guidance for land use plan decisions]	The range of alternatives considered in the MMPs/EIS made areas available (BLM)/suitable (USFS) and unavailable (BLM)/not suitable (USFS) for livestock grazing to address the proper care and management of Monument objects and values. Other changes to grazing management practices can be addressed at the permit level.
A.14-39	Prior to embarking on this MMP, the BLM should review the Standards of Ethical Conduct for Federal Employees that are based on Executive Order 12674, as amended by Executive Order 12731. In particular, three of the broad principles I believe apply here are: "(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain. (5) Employees shall put forth honest effort in the performance of their duties. (8) Employees shall act impartially and not give preferential treatment to any private organization or individual." Just because the BLM has outsourced much of this process does not mean it has any less legal or ethical responsibilities to the American people.	Comment noted.
A.23-5	In developing a new MMP, the BLM must: Implement strong conservation-oriented adaptive management strategies. This includes: -Developing an adaptive management regime with (1) key metrics to collect and (2) designated decision points, at which time agencies will use the collected metrics to inform / limit future management decisions -Immediately limiting motorized recreation areas as initial metrics on ecological resources are collected. -Developing a short-term camping management plan. -Effects of activities beyond the recently-diminished boundary of the Monument on ecological resources within the monument.	The MMPs/EIS considers a range of alternatives that include the following: 1) adaptive management, including monitoring and thresholds with resulting adaptive management (see Alternative C and Appendix M); 2) limitations on motorized recreation in response to ecological concerns (see Section 2.4.12 and Table 2-12); 3) alternatives addressing camping, including an implementation-level Recreation Area Management Plan/Business Plan (see Section 2.4.7 and Table 2-7); and 4) effects of activities beyond the Monument boundary (see Chapter 3, including Section 3.22).
A.71-15	"Mitigation" Under the Proposed MMP and Draft EIS Are Grossly Inadequate and Non-Existent No mitigation is proposed for the harmful effects that will be caused by the proposed MMP. Instead, the MMP claims that agencies will follow "best management practices...and compliance with application laws" (Draft EIS at ES-6). This does not guarantee the protection of significant cultural resources, sacred places, environmental resources, and medicinal gathering sites. Instead, it suggests that a process could be reviewed, which ultimately may result in the development and/or destruction of these resources. Increases in use within the BENM may make cultural resources more vulnerable to harm or destruction under the proposed MMPs.	The MMPs/EIS includes a full range of alternative management actions to provide for the proper care and management of cultural resources in addition to the protection that is applied by applicable laws. Specifically, all action alternatives analyzed in the MMPs/EIS include protective measures, including the Cultural Resource Monitoring Framework (Appendix D), Best Management Practices (Appendix I), Stipulations Applicable to Surface-Disturbing Activities (Appendix J), and Monitoring Strategy (Appendix M).
A.75-8	The mitigation measures within the Draft MMP lack specificity and do not include sufficient commitments for action. Simply identifying mitigation measures, without analyzing the effectiveness of the measures, violates NEPA. Agencies must "analyze the mitigation measures in detail [and] explain how effective the measures would be . . . A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA." Nw. Indian Cemetery Protective Ass'n v. Peterson, 764 F.2d 581, 588 (9th Cir. 1985), rev'd on other grounds, 485 U.S. 439 (1988). Further, general statements that BLM will	Chapter 3 of the MMPs/EIS includes a discussion of how the proposed resource-specific measures, including BMPs in Appendix I and Stipulations in Appendix J of the MMPs/EIS, would reduce potential impacts on resources analyzed in the document. Furthermore, the mitigation measures are discussed at the level of specificity that is appropriate for a large-scale, programmatic land use plan. Additional

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	conduct monitoring are not an appropriate form of mitigation. Simply monitoring for expected damage does not actually reduce or alleviate any impacts.	specificity and/or quantitative assessments of possible mitigation measures is appropriate when agencies prepare environmental analyses that assess the impacts of relatively contained, site-specific proposals.
A.45-13	The proposed mitigation for the harmful effects of the proposed MMP is, in fact, no mitigation at all. The Draft EIS suggests only that the agencies would follow "best management practices ... and compliance with applicable laws" (Draft EIS at ES-6). This mitigation does not guarantee the protection of national monument objects, only that the agencies will follow a review process before taking actions that would threaten or harm resources. The expected increase in use has the potential to make cultural resources more vulnerable under the MMPs than they were prior to the original monument designation. Because of this, BLM and USFS need to be far more proactive in efforts to assure protections for cultural resources in the MMPs. Protecting, preserving, and maintaining the integrity of cultural and historic resources in BENM should be BLM and USFS's paramount management objective, and the MMPs should make this explicit. Given the geography and historic lack of law enforcement in the planning area, it has proven difficult for the agencies to protect against vandalism, looting, inadvertent destruction of identified and unidentified resources, and inappropriate conduct in and around cultural sites. Nevertheless, BLM and USFS have an affirmative obligation under the Proclamation to take appropriate steps within the MMPs to control impacts to cultural resources.	See response to A.71-15.
A.52-9	An agency's decision normally is arbitrary and capricious if it entirely fails to consider an important aspect of the problem. Here, mitigation and monitoring are crucial to achieving the overall management goals. The National Environmental Policy Act's most serious flaw is a lack of follow up. Without these enforcement tools, there is no guarantee that plans will be fulfilled and that objects of value will be adequately protected. If the BLM fails to consider the consequences of abstaining from mitigation and monitoring techniques, the decision is arbitrary and capricious. Along these same lines, the BLM failed to provide a meaningful cost analysis amongst the various Alternatives. The public should be aware of the differences in cost as this a critical element in the decision.	See responses to A.71-15 and A.53-16. The MMPs/EIS includes management requirements for mitigation and monitoring. That mitigation and monitoring may be chosen as part of the approved MMPs. All action alternatives considered in the MMPs/EIS include a Monitoring Strategy that addresses multiple resources (Appendix M of the MMPs/EIS).  The MMPs/EIS provides a comparative analysis that allows the Authorized Officer (BLM)/Responsible Official (USFS) to make an informed decision. This includes an analysis of Social and Economic Considerations (see Section 3.15). The Council of Environmental Quality (CEQ) Regulations for the Implementation of NEPA (40 CFR 1502.23) indicates, "For purposes of complying with the Act (NEPA), the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations."
A.75-38	Travel management decisions should be postponed until the courts rule on legality of Proclamation 9681 because irreversible impacts from travel management will be nearly impossible to combat. Ignoring this, BLM and USFS are rushing forward with a preferred alternative that "closes the least number of acres of high archaeological sensitivity." See Draft MMP 3-14. This leaves cultural resources, and other Monument objects such as soundscapes, quiet recreation, sensitive species, and visual resources at risk.	The travel management decisions being considered as part of this MMPs/EIS include OHV area designations per BLM Land Use Planning Handbook H-1601-1 and description of criteria that will be used to guide future implementation-level travel planning. All areas currently designated OHV closed would remain OHV closed under all alternatives. Additionally, there would be no areas designated as OHV open under any of the alternatives. These decisions will not result in irreversible impacts as they would merely guide subsequent implementation-level travel planning. Future travel management planning would be subject to site-specific NEPA that would include consideration of alternatives and mitigation as appropriate to address irreversible and irretrievable impacts, if any. Under Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, OHV use is only allowed on currently designated routes and



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		designation of additional routes is not allowed unless they are necessary for public safety or to protect Monument objects and values.
A.53-16	In order to ensure that the best possible policies are in place, we strongly recommend the agencies incorporate a provision for close monitoring of resource impacts and degradation as well as the ability to incorporate adaptive management to be able to address unanticipated impacts or environmental degradation stemming from allowed activities.	All action alternatives considered in the MMPs/EIS include a Monitoring Strategy (Appendix M of the MMPs/EIS). The Monitoring Strategy includes data collection, adaptive management, and resource monitoring, in conformance with agency standards.
A.53-17	We urge the agencies to maintain ongoing communication and strong coordination with NPS managers. Their expertise and cross-boundary management challenges can and should help shape the management of Bears Ears National Monument.	The NPS is a cooperating agency in the preparation of the MMPs. The agencies will continue to maintain strong coordination and communication with NPS to address cross-boundary management challenges between the BENM and NPS lands.
A.56-26	The Forest Service is presently in the process of rewriting the Manti-La Sal LRMP. While that document is not finalized, using a document from 1986 to guide the management of forest resources (especially cultural resources) within the USFS is insufficient to the task.	The USFS is currently updating the 1986 Manti-La Sal LRMP because the agency has identified the need to prepare a revised LRMP, as described in the <i>Manti-La Sal National Forest Plan Revision Assessment Report</i> (USFS 2017). Separate from that effort, the USFS is using the information in the MMPs/EIS to consider an amendment to the 1986 Manti-La Sal LRMP for the portions of the Manti-La Sal National Forest that comprise the BENM. The USFS proposed plan amendment associated with the MMPs/EIS is described in Appendix Q of the Proposed MMPs/Final EIS.
A.55-1	The management of public lands requires a broad and detailed understanding of valuable archaeological and natural resources that relies on western science and traditional ecological knowledge to inform and develop best practices. Research is also required to assess the significance of archaeological sites under the National Historic Preservation Act (NHPA) and Archaeological Resources Protection Act (ARPA) and such assessments profoundly influence how the archaeological site is ultimately managed. Site significance should also be based on the traditional ecological knowledge of the resource base surrounding a site, including plants gathered for medicinal, ceremonial and dietary purposes, wood collected for fire and shelter, and animals hunted for food and hide. In fact, co-management of federal lands with Utah native tribes has been recently recommended in both Proclamation No. 9558 and Proclamation No. 9681.	See responses to A.71-19 and A.75-11.
A.51-6	<p>For Those Reasons, Choosing Alternative D Would be Arbitrary and Capricious Under State Farm Agency action is arbitrary and capricious when it “relies on factors Congress did not intend for [the agency] to consider, entirely failed to consider an important aspect of the problem, offered an explanation that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” Choosing Alternative D likely fits under the first three State Farm factors.</p> <p>i. Alternative D relies on factors Congress did not intend for the agency to consider By relying almost exclusively on FLPMA’s multiple use calculus, Alternative D relies on factors Congress did not intend for the BLM to consider when preparing a management plan for a National Monument. As explained above, FLPMA requires multiple use, except when a tract of land has been specified for another use under any other provision of law. Here, that provision of law is Proclamation 9558, as modified by Proclamation 9681, which directs the BLM to prepare a management plan that prioritizes the protection and restoration of monument objects. Further, the proclamations require that the Monument be managed as a unit of the National Landscape Conservation System, which, in turn, requires management to “protect the values” for which the Monument was designated. Read jointly, the proclamations, FLPMA and the NLCSA provide the BLM with three specific mandates directing the issuance of a management plan that</p>	See responses to ALT-1, A.51-3, and NMON-3.

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	<p>prioritizes protection of monument objects over the other uses in the multiple use calculus. Therefore, by prioritizing “continuing multiple uses and similar recreation levels...” over the protection of monument objects, Alternative D relies on factors Congress specifically intended the BLM not to rely on.</p> <p>ii. Alternative D entirely fails to consider an important aspect of the problem by failing to address the concerns raised with respect to travel management in the 2015 Plan Evaluation, Alternative D entirely fails to consider an important aspect of the problem. Again, because the monument objects are the “cultural resources” referred to in the 2015 Plan Evaluation, the Evaluation holds particular weight in this context. While travel management will be addressed at the implementation phase, there is nothing in the MMP to guide that implementation other than continuation of the status quo. The planning-level decision under Alternative D is an acre-for-acre match to the current travel management plan. The areas designated as “open,” “limited” or “closed” in Alternative D, moreover, do not track at all with the cultural sensitivity map that accompanies the plan. Because travel management is an historical threat to the monument objects, Alternative D’s failure to anticipate any use restrictions in relation to areas of heightened cultural resources sensitivity appears to be a failure, entirely, to consider an important aspect of the problem.</p> <p>iii. Alternative D offers an explanation that runs counter to the evidence before the agency. As part of its analysis of travel management under the draft MMP, the BLM indicates that a goal of the travel management analysis is to “protect monument objects while maintaining similar management levels...” Until a travel management plan is issued, OHV use will be governed by the 2008 RMP. However, the evidence before the agency shows that the current management levels are inadequate to protect the monument objects. Again, because the 2015 Plan Evaluation indicates that travel management needs to be adjusted in order to adequately protect the cultural resources that are now monument objects, the premise of the travel management analysis is flawed, and reliance on it runs counter to the evidence before the agency.</p>	
A.51-13	<p>Tribal co-management would be an efficient way to monitor cultural resources by reducing operating costs on the managing agency. By vesting a tribal commission with broad discretion to monitor and evaluate the effectiveness of the plan’s protection of cultural resources, the BLM could save the resources it would otherwise expend on its own monitoring program. Further, tribal members are in a particularly good position to monitor, given their traditional knowledge of the landscape and the resources therein. We propose a co-management scheme that vests a five-member tribal commission with authority to monitor the MMP’s effectiveness in protecting the monument objects (i.e. cultural resources). The commission would have one member of each tribe (chosen by their respective tribe), who would have authority to recommend to the BLM closures of OHV trails, as well as hiking trails and rights of way and set forth their reasons why. The BLM would retain final discretion to accept or reject that recommendation. Therefore, none of the BLM’s delegated authority would be abrogated by the commission, but it could carry out the bulk of the “on-the-ground” monitoring that this plan so desperately needs.</p>	<p>See response to PUBL-11. The agencies have developed a Cultural Resources Monitoring Framework that outlines criteria and procedures for developing site-specific monitoring plans for cultural resources localities within the BENM where adaptive management strategies are applied and ongoing location-specific monitoring is necessary. The completed implementation-level cultural resources monitoring and management plan(s) will include the site-specific resource indicators, thresholds, and adaptive management actions to be taken when thresholds are crossed. The agencies have involved interested American Indian Tribes in the development of the Cultural Resources Monitoring Framework, and would involve them in subsequent implementation-level plans.</p>
A.94-3	<p>The new management proposal does not comport with the BLM’s obligation to prevent “unnecessary and undue degradation” of public lands under 43 U.S.C § 1732 (b) of FLPMA. The BLM has a duty under the Federal Land Policy and Management Act (FLPMA) to, at a minimum, prevent “unnecessary or undue degradation.” Under FLPMA, “unnecessary degradation” should be read as distinct from “undue degradation.” This would mean that an agency faced with an activity, that may be necessary for a certain land-use project, must disapprove such activity if it would unduly harm or degrade the land. If “unnecessary and undue” were intended to retain the same meaning, the use of both would render the statutory language superfluous. There is a “surplusage canon” of construction that indicates that “If possible, every word and every provision is to be given effect (verba cum effectu sunt accipienda),” and language should not “needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence.” Despite any Chevron Deference afforded to the agency, BLM should exercise its</p>	<p>See response to MIN-1. Also, note that the agencies have determined that all action alternatives provide for the legally required proper care and management of Monument objects and values. This proposed management includes planning level OHV allocations (OHV closed and OHV limited designations), as well as criteria to guide future implementation level travel planning (see Section 3.17 of the Draft MMPs/EIS).</p>

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	<p>discretion to interpret the language in a way that “reasonably and fairly encompasses the ordinary or common meaning of the words used by Congress in a way that can be objectively applied.” The definition of “unnecessary” is antithetical to “necessary,” which means “of an inevitable nature” or “needed to be done, achieved, or present; essential.” “Undue” is antithetical to “due,” which “means according to accepted notions or procedures” or “of the proper quality or extent.” Considering the current trajectory of the uranium market and significant number of vulnerable environmental, archaeological, and paleontological sites within the original and ‘revised’ barriers, the management plan encourages both “unnecessary and undue degradation.” OHV use would necessarily follow an increase in access to mining claims and such use would unduly harm the archaeological and environmental character of so many areas. Further, failure of the BLM to mitigate impacts of OHV use by refusing to designate more closures also constitutes a breach of the standard. The damage that is faced by vehicular use on these public lands is not essential (unnecessary) and exceeds levels of acceptable levels of disturbance (undue).</p>	
A.75-79	<p>Further, the proposed management in the Draft MMP arguably violates Proclamation 9681, which, if found valid, is also subject to the Antiquities Act. Proclamation 9681 requires protection and proper care and management of monument objects within the reduced boundaries. Pursuant to the Draft MMP, the objects identified in Proclamation 9558 are still considered to be monument objects “as modified by” Proclamation 9681. The Draft MMP identifies the following “themes” as “objects and/or values in BENM” pursuant to Presidential Proclamation 9558, “as modified by” Presidential Proclamation 9681: “archaeological, historic, and cultural resources; geological features and landscapes; paleontological resources; biological and ecological resources and processes; recreational opportunities; and economic opportunities.” See Draft MMP, Appx. A-15. Following this direction, any objects identified in Proclamation 9558 that are not specifically identified as removed from protected status by Proclamation 9681 must still be prioritized for protection as they exist within the modified boundaries of the Monument per Proclamation 9681. In addition, Proclamation 9681 provides that specific management changes are made “consistent with the care and management of the objects identified.” Consequently, the direction provided in the Draft MMP, particularly Alternative D, which permits increased development and destruction from rights-of-way, grazing, off-road vehicle use, and other harmful management provisions, violates Proclamation 9558 “as modified by” Proclamation 9681 and the Antiquities Act.</p> <p>As highlighted in our scoping comments, the mandate to prioritize the protection of Monument objects and values over discretionary uses, such as rights-of-way development and widespread off-road vehicle use has been repeatedly upheld by the courts.<sup>3</sup> Proclamations have the force of law and BLM must manage these lands in accordance with the Monument proclamations and to protect the Monument’s objects.</p>	<p>The commenter erroneously states that Alternative D allows “increased development and destruction from rights-of-way, grazing, off-road vehicle use, and other harmful management provisions” when in fact, each of the action alternatives considered in the MMPs/EIS either reduces or maintains current areas where these uses would be allowed, while adding other provisions to specifically provide for the proper care and management of Monument objects and values.</p> <p>The MMPs/EIS analyzes a range of management actions addressing BENM resources and Monument objects and values. These management actions include BMPs, monitoring, adaptive management approaches, and other methods for ensuring the proper care and management of Monument objects and values. The BLM and USFS can also make site-specific decisions at the implementation level to ensure the proper care and management of Monument objects and values.</p> <p>Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, makes it clear that the BLM and USFS have discretion in determining the appropriate management for lands within the BENM to provide for the proper care and management of Monument objects and values. Presidential Proclamation 9558 states, “For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate.” Each of the action alternatives in the MMPs/EIS properly provides for the care and management of the objects as identified in the Presidential Proclamations.</p>
A.75-82	<p>BLM and USFS have failed to take a hard look at the direct, indirect, and cumulative impacts of the proposed action in the Draft MMP. NEPA dictates that BLM 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.” <i>Metcalf v. Daley</i>, 214 F.3d 1135, 1151 (9th Cir. 2000); <i>Robertson v. Methow Valley Citizens Council</i>, 490 U.S. 332, 348 (1989). To satisfy NEPA’s hard look requirement, the cumulative impacts assessment must do two things. First, BLM must catalogue the past, present, and reasonably foreseeable projects in the area that might impact the environment. <i>Muckleshoot Indian Tribe v. U.S. Forest Service</i>, 177 F.3d 800, 809–10 (9th Cir. 1999). Second, BLM must analyze these impacts</p>	<p>See responses to A.87-2 and OOS-4.</p> <p>Nevertheless, the cumulative impacts analysis for the MMPs/EIS (Section 3.22) includes, where necessary, consideration of management actions occurring and resources present outside of the Planning Area. For each resource, the analysis in the MMPs/EIS considers all reasonably foreseeable future development in the cumulative impacts analysis area, including any existing or proposed</p>

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	<p>considering the proposed action. Id. If BLM determines that certain actions are not relevant to the cumulative impacts analysis, it must “demonstrat[e] the scientific basis for this assertion.” <i>Sierra Club v. Bosworth</i>, 199 F.Supp.2d 971, 983 (N.D. Ca. 2002). A failure to include a cumulative impact analysis of actions within a larger region will render NEPA analysis insufficient. See, e.g., <i>Kern v. U.S. Bureau of Land Management</i>, 284 F.3d 1062, 1078 (9th Cir. 2002) (analysis of root fungus on cedar timber sales was necessary for an entire area). Taking a “hard look” at the impacts of the proposed action in the Draft MMP requires consideration of the impacts to the greater Bears Ears landscape. Regardless of whether Proclamation 9681 could lawfully remove lands designated under Proclamation 9558 as part of the Monument, the Agencies have discretion to consider whether proper management of the objects in the Shash Jaa’ and Indian Creek areas requires management changes to the broader area surrounding those units, including the full extent of the original monument. In particular, the overlap and ecological connectivity of the resources and objects between the Shash Jaa’ and Indian Creek areas and the surrounding excised lands makes it clear that proper management of those units requires management changes beyond their bounds. For example, maintaining and restoring ecosystems, flora, and fauna identified as “objects” under Proclamation 9558, and occurring within the areas labeled as Indian Creek and Shash Jaa’, necessarily requires management at the broader landscape scale to ensure the persistence of even the portion of the objects within the units. Similarly, protecting the air quality, water quality, and viewsheds for objects in the Indian Creek and Shash Jaa’ units requires consideration of whether extractive land uses on adjacent areas would impair those objects. Protecting the cultural resources of those areas requires consideration of whether potential new roads associated with extractive land uses on the excised lands would expose those resources to vandalism and destruction by increasing the ease of access to otherwise remote areas of the units.</p> <p>Despite these considerations, the Agencies have failed to consider any alternative that provides protective management beyond the boundaries of the two units. In particular, the Agencies have failed to consider whether limitations on extractive activities such as coal leasing and oil and gas leasing on the lands between and around the two units is necessary to advance the proper care and management of the objects of the monument. In deciding not to consider protective management extending beyond the bounds of the units, such as administratively withdrawing lands surrounding the units from fossil fuel leasing, the Agencies have made an affirmative decision that has significant environmental implications that they have failed to analyze. For more information on BLM and USFS’s failure to take a “hard look” at climate change impacts, see Section XXII below. We are concerned by the lack of specificity in the Draft MMP and do not believe it meets the “hard look” requirement of NEPA. The Draft MMP concedes that its cumulative impacts analysis is “broad in nature” and that “[m]ore detailed analyses will be considered in subsequent NEPA documents that analyze specific projects or programs based on the information available at the time those analyses are prepared.” See Draft MMP 3-105.</p>	<p>energy development. As noted in the comment and in the MMPs/EIS, the MMPs/EIS cumulative impacts analysis is “broad in nature” and “[m]ore detailed analyses will be considered in subsequent NEPA documents that analyze specific projects or programs based on the information available at the time those analyses are prepared.”</p>
A.47-10	<p>No comprehensive cumulative impacts analysis was completed per NEPA’s “hard look” requirements. Cumulative impacts are broad in nature, naturally extending beyond the boundaries of a project area (such as the areas surrounding the boundaries of Proclamation 9681 that area clearly receiving high levels of visitation. In Bears Ears, this is very pertinent as we expect management decisions, like where camping is allowed or where hiking permits are required, may have cumulative impacts on cultural sites in the Proclamation 9558 boundary. This provides all the more reason to consider an alternative that looks at the original Proclamation 9558 objects.</p>	<p>See response to OOS-4. The cumulative impacts analysis area for most resources evaluated in Section 3.22 of the MMPs/EIS extend beyond the Planning Area.</p>
236717-2	<p>The Wilderness Society brags about writing BLM policy and even training BLM employees. To pretend that this is an open public process belies the genesis of the monument movement and the machinations that brought it about. I’m opposed to alternatives B, C, and D. Of the alternatives offered by the BLM, “A” is the least repugnant.</p>	<p>See response to ALT-1.</p>

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236940-1	I strongly encourage the BLM to support Alternative A, status quo, as described on page 16 of the Draft Management Plan. The priority for Utah and the United States should be protection of the objects in BENM and preservation of access for indigenous groups. The other alternatives, either fail to prioritize these, compromise the relationship of indigenous groups with their native lands, or both. Implementing an alternative other than A will hasten damage to and, eventually, loss of these irreplaceable objects, lessen access of indigenous groups to their historic lands, or both	See response to ALT-1. Alternative A would continue managing the area under the existing 2008 Monticello RMP and 1986 Manti-La Sal LRMP.
236742-1	The Federal government, of course, should consult with states, local governments and affected parties, but the management and decision making regarding Federal lands should be fully retained by the Federal government.	The BLM and USFS are required by Federal laws, including NEPA, FLPMA, and NFMA, to solicit public input from States, local governments, and interested members of the public and to consult with American Indian Tribes during the planning process. However, the agencies retain decision-making authority regarding management of BLM- and USFS-administered lands.
225169-1	Furthermore, this arbitrary and stupid proposal does not legally meet the requirements nor scrutiny of the National Environmental Policy Act (NEPA). Under the mandates of that law, a complete Environmental Impact Statement (EIS) and public comment scoping is necessary for a proposal of this magnitude and potential short, and long term negative impacts!	The BLM and USFS prepared the MMPs/EIS analyzing a range of alternatives, as required by NEPA. Preparation of the MMPs/EIS included a public scoping process that is described in Sections 1.4 and 4.1 of the MMPs/EIS.
237117-2	Third, inventories and monitoring of the cultural and paleontological resources, objects, and values described in President Obama's proclamation should be undertaken across the entire landscape included in President Obama's proclamation. The management plan should specify how sample inventories will be initiated immediately, leading to complete inventory of the landscape and development of protective measures as soon as critical resources, objects, and values are identified.	See responses to A.75-85 and OOS-4. All alternatives analyzed in the MMPs/EIS include research, inventory, and monitoring of paleontological resources in the BENM. A paleontological resource inventory prioritization system that mirrors the proposed cultural resources inventory prioritization system has been added to management actions common to all alternatives in the proposed MMPs/Final EIS (Section 2.4.6.2).
237065-1	BLM must work with the interested Tribes to create an interim plan to protect these resources while the validity of Trump's boundary modifications is decided by the courts.  We propose the BLM consider at least one alternative that extends management for the entire 2016 original monument boundaries – 85% of the original monument cannot be left out of the planning process while the legality of the boundary adjustments is being challenged in court.	See responses to PUBL-7 and OOS-4.
F25-1	I strongly recommend that the Final EIS identify the most prevalent and likely specific impacts to each area in the Units' and excluded lands' aquatic, soil, and vegetation resources (i.e. not only the general areas above) and what adaptation measures will be undertaken in land use decisions to address these specific areas. Critical areas to be focused on include most water bodies and vulnerable soils areas (like cryptobiotic soils that act to hold the soil structure intact and provide nutrients to the soil systems). Each of these areas and the likely impacts should be listed in a table. The Final EIS must include strong protections, stipulation, commitments to monitoring and response for reclamation and restoration as possible, to support requirements that do not allow the highest level of development and access possible, as the preferred alternative and some of the other existing action alternatives do. The final alternative must identify highest protections for these rare resources, not the least level of restrictions and protective land used.	The level of analysis in the MMPs/EIS is commensurate with the development of a landscape-scale Monument management plan. Potential site-specific impacts from specific management actions authorized or carried out by the agencies would be analyzed in the appropriate implementation-level environmental analysis at the time that site-specific management actions are proposed. The MMPs/EIS analyzes a range of management actions to provide for the proper care and management of Monument objects and values. The MMPs/EIS includes BMPs (Appendix I), stipulations (Appendix J), and monitoring requirements (Appendix M) that address potential impacts to water resources, sensitive soils, and other resources in the BENM.

### 3.7 Editorial

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56507-1	Incidentally, there is a typo on page ES-11, Visual Resources Alternative B: the last line should read "followed by Alternative C, then Alternative D" (currently it says B).	This typo has been fixed.
A.37-2	ES-Executive Summary -1.4.2-ES-4: This paragraph establishes that none of the alternatives address coordination of management goals with the BLM which has significant holdings adjacent to the monuments with similar resource characteristics. "Flexibility" is not an accurate word to use in this context without more specific definition and examples. Alt. B purportedly "limits flexibility" at the site-specific implementation, though Alt. B is the most protective of cultural resources. A phrase other than "limit flexibility" should be used to describe the natural and cultural resource protections associated with this alternative.	Text in Executive Summary Section ES.1.4.2 has been revised to state, "In general, this alternative provides guidance on the requirements for subsequent site-specific management actions, which ensures consistency but would be more prescriptive regarding how uses and activities are managed at the site-specific implementation level." Other edits have been made to Sections ES.1.4.3, ES.1.4.4, 2.2.2, 2.2.3, and 2.2.4 of the Proposed MMPs/Final EIS to more accurately describe how the alternatives affect management at the site-specific implementation level.
A.37-5	ES-Executive Summary-1.6-ES-12. This section should be revised in stating that consultations were held with "interested" tribes. Tribes may be unable to attend tribal consultations due to any number of reasons including scheduling conflicts, distance, etc. "Interested tribes" implies those not participating are not interested in the management of BENM.	Text in Executive Summary Section 1.6 has been revised to state, "An initial Tribal consultation meeting was held with Tribes able to attend the meeting on May 10, 2018, in Bluff, Utah."

### 3.8 Fire Management

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FIRE-1	<p><b>The BLM and USFS should not allow chaining in the BENM because of potential impacts on cultural and other resources.</b></p> <p>Sample comment: The draft plan proposes lots cutting of old trees in a landscape where pinyon and juniper have cultural and historical significance and a low burn rate. What's worse, the BLM proposes to allow chaining and mechanized tree removal in the parts of the monument. Chaining can have devastating and long-lasting impacts on natural and cultural resources and has no place in a monument. There can be grave impacts to cultural resources when fire and fuel reduction projects do not use hand treatment across the board. The current draft does not acknowledge the unintended impacts from mechanized and isolated hand treatment have on archaeological sites, like damage and possible looting. Select an Alternative that does not allow chaining in Bears Ears.</p> <p>Sample comment: Bears Ears is a treasure trove of archeological treasure. It deserves to be protected from the damage caused by mining, drilling, roads, or chaining (an ineffective, obsolete attempt to mitigate damage caused by overgrazing).</p> <p>Sample comment: Concerned with the BLM proposed chaining and mechanized tree removal in the parts of the monument. Chaining can have devastating and long-lasting impacts on natural and cultural resources and has no place in a monument.</p> <p>Sample comment: Although everyone recognizes the need for some tree removal for forest health, removal should be done by hand in order to protect old growth. There should be absolutely no chaining or mechanized tree removal. Please select an alternative that does not allow chaining.</p>	<p>The range of alternatives analyzed in the MMPs/EIS include an alternative that does not allow chaining in the BENM (Section 2.4.2, Alternative B). Section 3.5.2.2.2 of the MMPs/EIS acknowledges the potential for fuels reduction and fire suppression activities to cause damage or loss of cultural resources, which was specifically contemplated by Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Text has been added to Section 3.5.2.2.2 acknowledging the potential for looting because of increased human presence during fuels reduction and fire suppression activities. Chapter 3 acknowledges the potential impacts of mechanical vegetation maintenance on other resources present in the BENM.</p> <p>Prior to approval of any site-specific fuels treatment actions, the BLM and/or USFS will perform the necessary level of environmental analysis and review, including a determination of whether the activity is consistent with the proper care and management of Monument objects and values. This evaluation would include appropriate cultural resources surveys, impacts analyses, and identification of any applicable mitigation actions, which may include altering prescribed treatment methods or the location of treatments</p>

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H.61-8	<p>P.3-17 3.6.2.2.2. Proposed Grazing Decisions</p> <p>Change "would" to "could" in the first sentence to read "Alternatives B and D would make additional areas unavailable to grazing (refer to Table LSG-2), which would could have the beneficial effect of helping restore or maintain vegetation communities at desired conditions. Exclusion of livestock grazing may not result in desired vegetation communities. Proper livestock grazing practices can often result in achieving desired conditions.</p>	Text in Section 3.6.2.2.2 revised as suggested.
A.17-2	<p>Cultural sites, particularly rock art, are highly susceptible to damage by fire as well as the chemicals used to control fires. Areas planned for controlled burns should be surveyed and all identified sites should be protected by hand treatment only. In areas indicated by the planning models to have a high likelihood for cultural sites, fuel management treatments other than fire should be used.</p>	<p>A land use plan decision is not needed to implement the recommendation provided in the comment. Prior to approval of any site-specific proposals for fire treatment, the BLM and/or USFS will perform the necessary level of environmental analysis and reviews, including a determination of whether the activity is consistent with the proper care and management of Monument objects and values. This evaluation would include cultural resources surveys, impacts analyses, and identification of any applicable mitigation actions, which may include altering prescribed treatment methods or the location of treatments.</p>
A.41-16	<p>2.4.2.1 Goals and Objectives Edit the first bullet point to read, "Maintain or increase existing levels of vegetation treatments." Depending on the changes in conditions on the ground, an increase in vegetation treatments might be necessary to reach the desired Vegetation Condition Class.</p>	Text in Section 2.4.2.1 revised as suggested.
A.41-17	<p>Table 2.2. Alternatives for Fire Management Row 2, Alternative D: Chaining is one of the most cost-effective vegetative treatment tools that allow state and federal agencies to treat the greatest number of acres with high fire risk, while staying within their limited budgets. Restricting chaining to only those areas that have previously been chained, may restrict land management agencies' ability to reduce fire risk because land managers cannot chain new areas. Restricting chaining to previously chained areas does not provide a proper range of alternatives. BLM should edit Alternative D to read, "Chaining treatments would be allowed in areas that had been previously chained and in new areas where the chaining would not cause irreparable damage to monument values or resources" or use similar language that allows chaining in new areas where irreparable damage would not occur.</p>	<p>The range of action alternatives analyzed in the MMPs/EIS includes alternatives that allow chaining in the BENM (see Section 2.4.2). In developing the Proposed MMPs/Final EIS, the BLM and USFS have developed a new Alternative E, which is analyzed in the Proposed MMPs/Final EIS. Alternative E would allow mechanical treatments, which includes chaining, in those areas where the agencies have determined that it would be consistent with the proper care and management of Monument objects and values.</p>
A.47-21	<p>We support the Alternative B proposal for Fire and Fuels management because those management prescriptions would cause the least amount of direct and indirect impacts on cultural resources. While we dispute the need for significant fuel reduction projects, especially in the Cedar Mesa area of Bears Ears, hand treatment for fuels management, as proposed as the only option for Alternative B (See Section 3.5.2.2.2 and 3.6.2.2.1.), is the only method appropriate on National Conservation Lands with cultural resources with such high density. There can be grave impacts to cultural resources when fire and fuel reduction projects do not use hand treatment across the board. Sites whose NRHP eligibility can be harmed by adverse effects to their setting, feeling, and association are particularly susceptible to permanent damage by mechanized treatment for fuels and vegetation treatment. However, even hand-treatment only fuels reduction projects have the potential to cause adverse direct and indirect impacts to cultural resources (Shultz 2004: 72). We are deeply concerned about a particularly adverse effect to sites resulting from some fuels reduction projects called "tree islands." "Tree islands" or "leave islands" of sections of vegetated area caused by site avoidance become a target for firewood gatherers, cattle seeking shade and woodcutters. In a cruel twist of irony, sites intentionally left vegetated for their "protection" may be driven over, trampled or worse - looted. On a previous fuels reduction project in the Monticello Field Office, FCM spoke with an archaeologist who followed pits left by looters from untreated grove to untreated grove within weeks of a fuels reduction project. Treatment at sites, even with a hand crew, can diminish the integrity of the property and impact its eligibility, but leaving the site untreated</p>	<p>See responses to ALT-1 and FIRE-1. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p> <p>A land use plan decision is not needed to implement the recommendation provided in the comment. Prior to approval of any site-specific proposals for fire treatment, the BLM and/or USFS will perform the necessary level of environmental analysis and review, including cultural resources surveys, impacts analyses, and identification of any applicable mitigation actions, which may include altering prescribed treatment methods. Vegetation treatment is also a method that can be used to protect archaeological sites.</p> <p>The BMPs listed in Appendix I of the MMPs/EIS have been revised to add additional BMPs that the agencies would consider in the development of implementation-level management actions. The BLM has previously coordinated with the commenter regarding these</p>

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	would create a damaging island effect. Faced with this dilemma, we suggest a technique called buffering that is based on research and anecdotal evidence from archaeologists. Careful planning that includes buffering can decrease looting and vandalism and other "tree island" adverse effects at sites. To buffer, one study suggests incorporating sites into a contiguous body of untreated areas by "blocking up" sites into groves. This minimizes cattle impacts, would be less likely to attract the attention of looters and maintains the natural appearance and feel of the area (Haase 1983: 159). This last point is extremely important to protecting the integrity of a site and because of this, we believe "blocking up" sites with wide buffers is the best way to minimize adverse effects. This follows the NRCS policy in Arizona to create a 50-foot buffer beginning at the cultural site boundary (NRCS 2006).	BMPs, and the commenter has indicated their support for these management actions.
A.47-22	FCM believes a full range of alternatives would include an alternative that provides for no fuels reduction projects in areas of old-growth pinyon-juniper forests.	Additional BMPs addressing considerations for old-growth pinyon-juniper stands have been added to the BMPs in the MMPs/EIS.
A.47-23	The final selected alternative should include natural fire treatment/prescribed burns on BLM and USFS lands as primary tools for proactively protecting natural and cultural resources. Prescribed burns allow for careful decisions to be made about cultural resource protection without the pressure of balancing wildfire management with cultural resource management in the event of a fire.	Management actions common to all alternatives analyzed in the MMPs/EIS include the utilization of natural fire and prescribed burns in the BENM (Section 2.4.2).
A.47-24	We urge agencies to select Alternative B (3.5.2.2.2) or a modified B that excludes fuel reduction in culturally rich areas with low fire danger. At a minimum, the plan should only allow hand treatment, not chaining or mechanized mulching, for fuels projects. In line with this decision, the final alternative should include same stipulations that treatment at a significant or eligible or listed site is allowed only using hand or chemical methods.	See responses to ALT-1, FIRE-1, and A.17-2.
A.47-25	Agencies should incorporate a buffering approach to manual treatment when doing fuels treatment in the vicinity of cultural sites and areas. This practice leaves open gaps to mimic the naturally occurring openings.	See responses to A.17-2 and A.47-12. The agencies have added additional BMPs to Appendix I in the MMPs/EIS that address the concern raised in the comment.
A.47-26	The current draft does not acknowledge the unintended impacts from mechanized and isolated hand treatment have on archaeological sites, like damage and possible looting, and these impacts need be added to the analysis.	Section 3.5.2.2.2 of the MMPs/EIS acknowledges the potential for fuels reduction and fire suppression activities to cause damage or loss of cultural resources. Text has been added to Section 3.5.2.2.2 acknowledging the potential for looting because of increased human presence during fuels reduction and fire suppression activities, and that treatments can unintentionally identify the locations of cultural resources.
A.70-11	The goals and objectives only list vegetation treatments for fire management. Protection of private property and human safety should also be included in the goals and objectives and made a stronger priority in management action common to all alternatives. Dugout Ranch is an inholding and thus impacted by management on neighboring lands and especially by fire.	Section 2.4.2.2 states that the protection of human life would be the primary fire management priority, and the order in which the management actions are listed does not denote a preference or priority. "Protection of property" has been added to bulleted list in Section 2.4.2.2
A.21-1	Fuels management and vegetation treatments should be kept to a minimum, using the least invasive, non-mechanized equipment possible, except in extreme emergencies.	The range of alternatives analyzed in the MMPs/EIS includes an alternative that does not allow chaining and allows only hand treatments and chemical methods in areas within fuels projects in the BENM containing identified sensitive resources (Section 2.4.2, Alternative B).
A.21-9	The following activities should not be occurring in a national monument with an archaeological site density as high as that of BENM. - Mechanical treatments such as mowing, chopping, or chipping/ grinding (with a brush cutter), chaining, tilling, cutting, or extraction - Chemical spraying or biological treatments such as insects or goats/sheep/cattle (goats, sheep or cattle are not appropriate fire management tools)	See response to A.21-1. Prior to approval of any site-specific proposals for fire treatment, the BLM and/or USFS will perform the necessary level of environmental analysis and review, including a determination of whether the activity is consistent with the proper



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		care and management of Monument objects and values. This evaluation would include cultural resources surveys, impacts analyses, and identification of any applicable mitigation actions, which may include altering prescribed treatment methods or the location of treatments.
A.37-52	Chapter 3-Impacts from Fire Management Actions-3.5.2.2.2-3-10. All alternatives considered should limit treatment of NRHP eligible or NRHP listed sites to using hand or chemical methods for fuels management.	See response to A.21-1. Prior to approval of any site-specific proposals for fire treatment, the BLM and/or USFS will perform the necessary level of environmental analysis and review, including a determination of whether the activity is consistent with the proper care and management of Monument objects and values. This evaluation would include cultural resources surveys, impacts analyses, and identification of any applicable mitigation actions, which may include altering prescribed treatment methods or the location of treatments.
237027-4	There can be grave impacts to cultural resources when fire and fuel reduction projects do not use hand treatment across the board. The current draft does not acknowledge the unintended impacts mechanized and isolated hand treatment have on archaeological sites, like damage and possible looting.	See responses to FIRE-1 and A.47-12.

### 3.9 Livestock Grazing

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GRAZ-1	<p><b>The BLM and USFS should not allow grazing in the BENM.</b></p> <p>Sample comment: We want no livestock grazing on this national land. The citizens of this country have been ripped off for eons by these robber baron cattle ranchers who destroy our national land, rip us off and never pay for use of that land.</p> <p>Sample comment: Please honor the wishes of Native Americans in protecting Bears Ears area from drilling, mining, logging and grazing.</p>	<p>The BLM and USFS must manage the BENM pursuant to the multiple-use and sustained yield mandates of the Federal Land Policy and Management Act (FLPMA) of 1976, the National Forest Management Act (NFMA) of 1976, and the specific direction in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Livestock grazing was identified as a value of the BENM by Presidential Proclamation 9558 and Presidential Proclamation 9681. As described in Section 2.3 of the MMPs/EIS, during alternatives development, the agencies considered the impacts of livestock grazing on objects identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, as well as other natural and cultural resources. After considering potential conflicts between livestock grazing and other objects and resources, the agencies determined that there are no issues or conflicts that require the complete elimination of livestock grazing within the Planning Area for their resolution. The range of alternatives analyzed in the MMPs/EIS (Section 2.4.5) includes making various areas available or unavailable (BLM)/not suitable (USFS) for livestock grazing to address potential conflicts between livestock grazing and other Monument objects and values.</p>

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GRAZ-2	<p><b>The BLM and USFS should limit impacts from grazing in the BENM.</b></p> <p>Sample comment: Damage from grazing must be limited.</p> <p>Sample comment: The new plan for Bears Ears National Monument, Alternative D, does not meet the basic requirements of the Bureau of Land Management's obligation to conserve national lands. We cannot allow enhanced motorized recreation. This, along with timber cutting and increased livestock grazing, will wreak havoc on the landscape. In addition, increased mineral exploration is an unacceptable use of protected lands. Please present an alternative plan that protects the cultural landscape known as Bears Ears National Monument.</p> <p>Sample comment: Livestock grazing is destructive and should be limited in this region.</p> <p>Sample comment: The BLM should select more stringent grazing management than is in the preferred Alternative D. Impacts from grazing should be mitigated and cattle should be kept out of areas that have poor rangeland health and/or contain fragile resources such as archaeological sites and riparian areas</p> <p>Sample comment: Instead of mitigating impacts from cattle grazing in the Monument, the BLM is considering an alternative that would keep cattle on areas of poor "rangeland health" and continuing to rely on natural features to keep cattle out of archaeological sites – a technique we have seen to fail over and over. Other alternatives would provide strong options with more opportunities for collaboration. BLM and USFS's analysis shows a full determination of rangeland health has not been completed on all of the Monument but according to the BLM, some areas like Comb Wash and Arch Canyon are not meeting rangeland health standards.</p> <p>Sample comment: The archaeological and cultural treasures in Bears Ears need the utmost protection. This means there are some areas that must be off-limits to grazing.</p>	See response to GRAZ-1.
GRAZ-3	<p><b>The BLM should prohibit grazing on those lands considered in poor rangeland health based on BLM's Rangeland Health Standards.</b></p> <p>Sample comment: BLMs own analysis showed that certain areas weren't suitable for grazing. USE THE DATA and do not graze livestock there.</p> <p>Sample comment: Follow your own analysis in reconsidering grazing in certain areas Cattle do not belong in sensitive areas of the National Monument, especially where grazing conditions are poor. Please select a more restrictive grazing management plan other than the preferred alternative D. Because the BLM analysis shows the full inventory of rangeland health hasn't been completed yet, places are not meeting the health standards, and the full review needs to be completed and taken into account.</p>	<p>See responses to GRAZ-1 and ALT-1. Grazing decisions in the BENM will be guided by the MMPs, as well as the best available science, <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997), and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i>, consistent with the proper care and management of Monument objects and values. In developing the range of alternatives considered in the MMPs, the agencies considered several issues, including whether making lands unavailable for livestock grazing was necessary to achieve BLM Standards for Rangeland Health. The range of alternatives considered in Section 2.4.5 the MMPs/EIS includes considerations for areas that are not meeting Standards for Rangeland Health. Site-specific decisions regarding livestock grazing, including management actions to be taken to improve rangeland health on specific allotments, are made on a case-by-case basis at the implementation level and are therefore not addressed in the programmatic, planning-level MMPs.</p>
56513-2	<p>To leave 91% of riparian areas open to grazing as suggested in alternative D is ludicrous. Riparian areas throughout the west have difficulty recovering from the effects of livestock grazing, and even the 67% of alternative B seems like too much. I work on public lands in the four corners region and have seen too many springs and riparian areas destroyed by cattle - we should protect these precious resources in the arid west. Bears Ears should be protected to the fullest extent possible, and the BLM should strive to sustain the health, diversity and productivity of these areas for the enjoyment of present and future generations - instead of allowing present generations to destroy them.</p>	<p>See responses to GRAZ-1 and ALT-1. The range of alternatives analyzed in the MMPs/EIS includes management of grazing to maintain riparian function (see Sections 2.4.8 and 2.4.9 of the MMPs/EIS). Impacts associated with livestock grazing in specific riparian areas would be monitored as described in Appendix M. Should monitoring indicate that changes in livestock stocking levels or allotment-specific management actions are warranted, these changes would be made to individual livestock grazing permits and</p>

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68054-1	Continue to allow livestock grazing and firewood gathering as well as hunting is good policy.	allotment management plans in future implementation-level planning.
H.12-3	Please put in place that as leases end, no new leases can be acquired. No transfer of grazing leases to new/other cattle companies. Grazing hurts the plant life and sites. Building fences around archeological sites help, also.	See responses to GRAZ-1 and 56513-2. The BLM and USFS would not continue to issue permits for livestock grazing in areas that are identified as unavailable for this use.
V.05-3	Also, there's grazing being done in certain regions, and we hope that native people in the Aneth area will have a share of that grazing livestock, that it will be put in the plan. We'd like to be part of that and graze our animals.	The boundaries of specific grazing allotments have been established by the BLM and USFS outside of the development of the MMPs/EIS. All lands within the BENM are currently within an identified grazing allotment. Any transfer of those allotments would be made on a case-by-case basis based on the availability of these permits and/or transfers initiated by current permit holders. Allotments would become available if a current operator agrees to transfer or relinquish their permit on BLM-administered lands, or if they waive their permit on USFS-administered lands. These decisions are beyond the scope of the development of the MMPs/EIS.
V.07-3	So she has her home sites in the vicinity of Butler Wash all the way up to Bears Ears. There were some homes that were destroyed, and now that we went back there, we see the homes were taken apart for fencing for livestock out there. But you can see the ashes where she left her rattle for the sheep. You make a rattle out of a can, and she put rocks in there to throw at her sheep. I've seen where her sheep corral was at, and it's still standing as of now. What she wants is to keep that open for the Navajo people to be able to collect her herbs, her cedar trees, her pine trees. Those are used for her tea, Navajo tea. That's what she wants open for her and the people out here, to be able to utilize the area. She mentioned the elk. That's what she eats. A long time ago those were the only food source for them. Way back in 1920 and earlier, there was a promise that was made from the secretary of interior that the people down here, namely the Navajo people, the Ute people, would be able to utilize the area for a food source, you know, for them to have their sheep out there and utilize the area for grass and stuff like that. They were promised that. It also states in my dad's paper that in a memorandum agreement at that time BIA promised that they made that agreement upon the Navajo Nation. They already made an agreement, saying we want our people to utilize that area for herding sheep.	See response to V.05-3. American Indian traditional uses will be provided for under all alternatives analyzed in the MMPs/EIS (see Section 2.4.13.2 of the MMPs/EIS).
103116-3	Allowing "enhanced" motorized recreation, timber cutting, increased livestock grazing, vegetation removal, and mineral exploration and development are unacceptable in this fragile landscape with so many sacred sites. BLM and USFS's analysis of grazing viability shows a full determination of rangeland health has not been completed on all of the Monument but according to the BLM, some areas like Comb Wash and Arch Canyon are not meeting rangeland health standards.	See responses to MIN-1, TRAV-1, GRAZ-1, GRAZ-3, and WOOD-1. Also note that Section 2.4.5.1 of the MMPs/EIS reiterates the requirement to monitor and adjust grazing management practices as necessary to maintain rangeland health.
134760-2	I would ask for the BLM to accept volunteer monitors if they are unable to provide the staff to make sure grazing is done in a healthy manner.	Monitoring rangeland conditions and adapting grazing practices as necessary to maintain or make progress toward long-term rangeland health is an objective that is common to all alternatives analyzed in the MMPs/EIS (see Section 2.4.5.1 and Appendix M of the MMPs/EIS). A land use plan decision is not needed for the agencies to accept support from volunteers.

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H.61-2	<p>P. 2-9 2.4.5.1. Goals and Objectives (Livestock Grazing)</p> <p>3rd bullet statement: Revise to read "Maintain and improve range improvements and authorize new improvements (including access) to allow for effective range management. Range improvements should not be limited to existing improvements when options for new improvements may be needed to facilitate management and improve range condition. The additional wording would clarify this statement.</p>	<p>Text in Section 2.4.5.1 has been revised to state, "Maintain and improve existing range improvements and consider new range improvements (including access) to allow for effective range management." Any proposed new range improvements would be considered on a case-by-case basis.</p>
H.61-9	<p>P. 3-30 3.9.2.2. Direct and Indirect Impacts</p> <p>Last full paragraph, 2nd sentence: This sentence states that the loss of grazing in closed areas in parts of the Comb Wash Allotment "would not have a practical impact as the allotment is not currently grazed. This statement is also applied to the Babylon Allotment. This statement may be true for the current permit holder but there would be a real impact if you consider that these allotments could be grazed by another permittee. Therefore, exclusion of areas to grazing with a resultant loss of AUMs would be an impact to the livestock industry in the area.</p>	<p>Text in Section 3.9.2.2 has been revised to state, "A portion of the Comb Wash allotment, which is on BLM-administered land, would also be unavailable for livestock grazing under Alternatives D and E; however, as noted above, the allotment is not currently grazed. This would not impact existing grazing levels but could limit potential grazing in this allotment in the future. In addition, on USFS-administered land, the Babylon allotment has not been grazed since 2003 and a portion of the Bears Ears allotment is inaccessible due to topography; therefore, making portions of these allotments not suitable for grazing would have very little practical impact in these areas at present but could limit potential grazing in these allotments in the future." A discussion of the economic impacts to livestock grazing has also been added to Appendix N of the Final MMPs/EIS.</p>
A.17-4	<p>Livestock also have a significant impact on cultural resources, particularly rock art. Rock art is often found in sheltered alcoves at ground level, locations also favored by cattle looking for shade and shelter that rub against the rock walls and trample surface features. We would like to see more stringent grazing management practices than is in the Preferred Alternative D. We would prefer to see areas with known cultural sites made unavailable for livestock grazing. Monitoring the area and applying mitigation measures after the damage is done does not provide adequate protection. Once a cultural site is damaged it cannot be repaired or replaced.</p>	<p>Section 2.4.5.2 of the MMPs/EIS provides management common to all alternatives that provides for appropriate mitigation measures to be applied to livestock grazing if monitoring determines impacts to cultural sites. The agencies may also apply these measures proactively in areas of known conflicts between livestock grazing and cultural resources. These mitigation measures would be applied on a case-by-case basis to specific sites and permits at the implementation level.</p>
A.76-9	<p>The Draft EIS identifies the potential for grazing to impact water resources, including riparian areas, wetlands, springs, and vegetation associated with these habitats, as well as cultural artifacts. The Draft EIS provides an analysis of grazing impacts for each of the alternatives. It also identifies that a determination of rangeland health has not been made for every grazing allotment in the Planning Area. We recommend identifying in the Final EIS, a strategy for prioritizing and completing rangeland health assessments for the allotments that have not yet been assessed. This would help to inform future resource management decisions in the BENM. Where studies have been completed (of approximately 84,137 BLM acres), approximately 64,691 of those acres (77%) are meeting rangeland health standards. The Draft EIS concludes that grazing can occur while soil/site stability, hydrologic function, and biotic integrity are maintained. In areas where rangeland health standards are not being met, past grazing practices and persistent drought are identified as the primary causal factors. We support on-going efforts to reduce grazing impacts through the use of Best Management Practices (BMPs) and adaptive management strategies to protect sensitive soils, wetlands, riparian areas, meadows, stream crossings, and critical habitat. Management tools such as pasture rotation, upland water developments, buffer zones for high quality riparian and wetland resources, modification of allotment boundaries and controlled timing of grazing may assist with meeting Utah Rangeland Health Standards and in moving BENM resources toward PFC.</p>	<p>Monitoring rangeland conditions and adapting grazing practices as necessary to maintain or make progress toward long-term rangeland health is an objective that is common to all alternatives analyzed in the MMPs/EIS (see Sections 2.4.5.1 and 2.4.5.2). Appendix M of the MMPs/EIS identifies monitoring practices, including the frequency of monitoring for vegetation and range resources in the BENM.</p> <p>Site-specific decisions regarding livestock grazing, including management actions to be taken to improve rangeland health or reduce resource conflicts on specific allotments, are made on a case-by-case basis at the implementation level and are therefore not addressed in the programmatic planning-level MMPs.</p>
A.41-14	<p>2.3 Alternatives Considered but Not Analyzed in Detail: In the second full paragraph, the BLM points out that there are two grazing allotments, Comb Wash and Harts Draw, which currently are not meeting</p>	<p>Text has been added to the MMPs/EIS to clarify that the Comb Wash and Harts Draw allotments are not meeting rangeland health standards because of drought and past livestock grazing practices.</p>

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	rangeland health standards. The BLM should provide specific analysis regarding the principal causes of why these allotments are not meeting rangeland health standards.	Note that modifications have already been made to grazing practices for these specific allotments to make progress toward meeting rangeland health standards. Additional modifications will be made as necessary to continue to make progress toward meeting rangeland health standards. These modifications would be permit-specific implementation-level decisions and are not appropriate planning-level management decisions and therefore are not included in the MMPs/EIS.
A.41-15	2.4.1.2. Management Actions Common to All Alternatives Bullet Point 5: The DEIS states that “pack animals would not be allowed in cultural resource locations listed on or eligible for the NRHP with the exception of historic roads and trails.” If domestic livestock grazing allotments are within any of the National Register of Historic Places, not allowing pack animals would potentially impact permittees when moving their livestock. BLM should allow an exemption for permitted livestock operations.	The MMPs/EIS has been revised to clarify that casual use and recreation use of pack animals and domestic pets would not be allowed in cultural resource locations listed on or eligible for the NRHP with the exception of historic roads and trails.
A.41-18	2.4.5.1. Goals and Objectives Bullet Point 3: Edit this goal/objective to read, “Maintain, improve, and increase range improvements (including access) to allow for effective range management.” Additional range improvements could be an effective tool to improve rangeland health conditions in addition to promoting wildlife.	This goal and objective bullet point has been revised to read, “Maintain and improve existing range improvements and consider new range improvements (including fencing and/or access) to allow for effective range management.”
A.41-19	2.4.5.2. Management Actions Common to all Alternatives Bullet Point 2: Edit this management action to read, “Continue to authorize current, active, permitted grazing use unless monitoring data or other factors indicate a need for change (e.g. increases or decreases in stocking numbers or changes in federal land ownership).	The MMPs/EIS text has been revised as suggested.
A.41-20	2.4.5.2. Management Actions Common to all Alternatives Bullet Point 3: Edit this management action to read, “Develop offsite water sources where practicable to reduce impacts to riparian areas, seeps, and springs, as well as improve and increase grazing distribution within and across allotments. Identify grazing allotments that could benefit from improved grazing distribution and prioritize these allotments for the construction of new water sources.”	The MMPs/EIS text has been revised as suggested.
A.41-29	3.10.2.2.4. Impacts from Proposed Grazing Decisions Impacts from Proposed Livestock Grazing Actions: Include in the paragraph a discussion concerning the fact that although Recreation/paleontological/livestock impacts would be reduced under Alternative B, economic benefits from livestock production would also be negatively impacted the most due to the fact that this alternative contains the greatest reductions in graze-able land and stocking rates.  3.11.2.2.1 Impacts Common to All Alternatives Impacts from Proposed Livestock Grazing Actions: Although recreation / paleontological / livestock impacts would be reduced under Alternative B, economic benefits from livestock production would also be negatively impacted. The EIS should include a discussion on the economic impacts due to reductions in graze-able land and stocking rates.	Sections 3.10.2.2.4 and 3.11.2.2.1 of the MMPs/EIS discuss impacts of livestock grazing on paleontological resources and recreation, respectively. Impacts to livestock grazing from grazing management decisions and other resource management decisions are discussed in Section 3.9.2. Additional text has been added to Section 3.9.2.2 of the MMPs/EIS describing potential decreases in economic benefits from livestock production resulting from making areas unavailable (BLM)/not suitable (USFS) for livestock grazing.
A.47-77	Grazing is a value protected in the monument but it is not the only value. As directed by the National Conservation Lands Act and 15-year strategy, the BLM should base management decisions on science. That is why we support Alternative B restrictions on grazing because they follow the BLM's own analysis of rangeland health. Places that are not meeting rangeland health standards should not be grazed and areas lacking baseline rangeland health data need to be inventoried.	See responses to A.41-14, GRAZ-1, and ALT-1. Monitoring rangeland conditions and adapting grazing practices as necessary to maintain or make progress toward long-term rangeland health is an objective that is common to all alternatives analyzed in the MMPs/EIS. The agencies have multiple tools that can address allotments that are not meeting rangeland health standards; making an area unavailable (BLM)/not suitable (USFS) for livestock grazing on a temporary or permanent basis is only one of those tools.

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A.47-78	<p>The 2008 Amended RMP for the Monticello Field Office relies on “natural features” to keep cattle out of canyons where conflicts with other values (cultural and recreational being the most common) are inevitable. This Monument Management Plan is the time to move beyond this passive form of management to something proactive, like collaborative enclosure projects that keep cattle from damaging cultural sites and impacting quiet recreational user experiences. Based on FCM experience working to mitigate cattle impacts on cultural resources in the Monticello Field Office area, we have seen that area closures for cattle to protect archaeological sites that are not intentionally and physically closed are often “in name only.” For example, Trail Fork of Slickhorn Canyon was closed in the Monticello RMP to protect cultural and natural values, such as archaeological sites and riparian habitats. However, no fence was ever built around the head of the canyon. As such, cows desperate for water often find themselves very deep in the canyon impacting resources the closure was meant to protect. Cows and wild horses can and do cross what appears to be exceptionally challenging topography. If a resource should be protected from cattle impacts, there should not be the exceptionally large loophole written into the DMMP that states: “The intention for areas unavailable for grazing would be to use natural topographic features to the extent possible to mitigate direct adverse impacts to various resources from livestock.” While we understand the limitation of resources, if something is worth protecting, we should work together to find the resources, volunteers, and time to make fences or other exclusions that will actually do the job. The Comb Ridge SRMA is a prime example of how a “natural feature” enclosure policy does not work - but how proactive enclosures do. For years, cows have been entering cultural sites, going to the bathroom in them, and even damaging ancient structures along Comb Ridges just to find water. In 2018, the BLM worked with FCM and the permittee(s) of Comb Ridge to fence cattle out of cultural sites while still maintaining access to important water sources. Collaboratively, we leverage volunteers power to install fences away from cultural sites so they cause minimal impact on a visitor’s experience. Fencing is a more effective means of management that using “natural features” and is more proactive than mitigating impacts from cattle grazing in the Monument.</p>	<p>The MMPs/EIS analyzes a range of management actions addressing livestock grazing, including the use of fencing and other types of enclosures/enclosures. Fencing has been added as an example of allowed range improvements in Section 2.4.5.1 of the MMPs/EIS and can be used to augment topographical barriers. Under all alternatives, the monitoring of cultural sites and riparian areas would determine if mitigation measures would be necessary to address impacts from livestock grazing (Section 2.4.5.2), which may include fencing.</p> <p>Site-specific decisions regarding the necessity and installation of enclosures/enclosures to maintain rangeland health standards, appropriately manage livestock grazing, and provide for proper care and management of Monument objects and values will be made on a case-by-case basis at the implementation level.</p>
A.47-79	<p>1. We strongly support removing Milk Ranch Point from grazing under Alternative B in order to reduce cultural resources impacts in a dense Pueblo I occupation area. Agencies should protect this as an interface zone, as it is a better place for protecting cultural resource values than protecting grazing values because of the cultural site density and importance. 2. We support the closure of unnamed canyon and support collaborative enclosure projects on-the-ground for the reasons outlined above.</p>	<p>See response to ALT-1. The MMPs/EIS analyzes a range of management actions that includes both closing and prohibiting new water developments within the South Milk Ranch Point pasture or other improvements that would intensify or concentrate livestock use within the South Milk Ranch Point pasture unit of the Babylon allotment. These management actions would help avoid livestock grazing-related impacts on cultural resources within the closure area. This range of alternatives also includes closing select side canyons of Butler Wash, including the canyon referenced in the comment (see Section 2.4.5 of the MMPs/EIS). This range of alternatives allows for all available tools to manage livestock grazing, including fencing and/or enclosures if necessary. Under all alternatives, the monitoring of cultural sites would determine if mitigation measures would be necessary to address impacts from livestock grazing (Section 2.4.5.2).</p>
A.71-25	<p>Grazing under existing permits or leases should continue under existing law.</p>	<p>As stated in Presidential Proclamation 9681, “[n]othing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation.” Grazing under valid existing permits/leases would continue under all alternatives analyzed in the MMPs/EIS, subject to the proper care and management of Monument objects and values and the areas</p>

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		identified as available (BLM)/suitable (USFS) for livestock grazing in the selected MMPs. The MMPs/EIS does not change the requirements of the grazing laws and regulations under which those existing permits would be managed.
A.16-9	The Climbing Organizations support the Dugout Ranch's continued operations at Indian Creek consistent with existing restrictions to protect cultural, natural and riparian resources. This MMP should incentivize continued communication between the Dugout Ranch and climbing community to limit conflicts between the user groups and encourage better understanding of ranch operations.	The MMPs/EIS analyze a range of management actions that address balancing different uses of the BENM. Stakeholder involvement in BENM management, including communication between stakeholders, would continue to be supported during the development and implementation of the MMPs. The BLM will continue to work with the climbing community and Dugout Ranch and associated stakeholders to reduce conflicts in the Indian Creek Unit.
A.26-9	the PFYC guidelines state that "PFYC assignments should be considered as only a first approximation of the potential presence of paleontological resources, subject to change based on ground verification", and "The [PFYC] classification is not intended to be applied to specific paleontological localities or small areas within units." Thus, site-level assessment and survey is required for any activities that could impact paleontological resources, regardless of the PFYC of the geological units represented at the site. All areas should be surveyed regardless of PFYC class before grazing is permitted.	Site-specific decisions to open new areas to grazing would require a plan amendment and would need to undergo an environmental review, as required by NEPA, which would include assessing potential impacts to paleontological resources. Such site-specific decisions may include the requirement to conduct paleontological surveys, regardless of the Potential Fossil Yield Classification (PFYC), if the Authorized Officer determines there is a risk to significant paleontological resources. Section 2.4.6 of the Proposed MMPs/Final EIS has been revised for clarify.
A.14-2	The EIS fails to provide a rational basis for its determinations as to what lands will be grazed. They fail to provide for 3 [referring to Resource condition goals and objectives to be attained (FLPMA requirement)], other than general, unmeasurable statements.	The range of alternatives analyzed in the MMPs/EIS was developed to address public concern regarding potential conflict between livestock grazing and management of BENM objects and values. Site-specific permit management regarding grazing would be dictated according to <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i> , consistent with the proper care and management of Monument objects and values.
A.14-5	Livestock grazing significantly increases salinity in runoff and the alternatives must provide compliance with the above. [referring to FLPMA Section 201 and The Colorado River Basin Salinity Control Act (43 U.S.C. 1593)]	Livestock grazing decisions in the BENM would be consistent with all applicable laws and regulations, including FLPMA and the Colorado River Basin Salinity Control Act (see Appendix C of the MMPs/EIS). The impacts of livestock grazing on soils and water resources is analyzed in Sections 3.12 and 3.13 of the MMPs/EIS. The agencies have often implemented range improvements or other measures at the implementation level to address issues related to salinity and runoff. These management actions do not require specific decisions during the development of the MMPs.
A.14-9	The BLM must include in each MMP alternative and in the final selected alternative a voluntary waiver and retirement provision for all grazing permits.	Voluntary waiver and retirement of grazing permits are not land planning decisions. Existing BLM and USFS policy determines what is done in cases of voluntary waiver or relinquishment of grazing permits.

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A.14-10	All alternative shall assess the cumulative impacts of livestock along with all other impacts including global warming.	Section 3.22 of the MMPs/EIS addresses cumulative impacts for all BENM resources, including livestock grazing (Section 3.22.7), air resources, and GHG emissions (Section 3.22.2).
A.14-12	It is imperative that BLM, in its MMP, recognize the value of ungrazed watersheds both from an economic and environmental point of view. Not all areas should be grazed by livestock. This should be based on a determination of suitability for livestock grazing considering alternative uses and their benefits as well as the current condition of the land.	The MMPs/EIS analyzes both the socioeconomic and resource impacts of making areas unavailable(BLM)/not suitable (USFS) or available (BLM)/suitable (USFS) for livestock grazing. All alternatives in the MMPs/EIS state that site-specific grazing decisions will be guided using the <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i> , consistent with the proper care and management of Monument objects and values. Site-specific environmental reviews conducted for site-specific grazing decisions, such as permit renewals, will consider the potential impacts that grazing decisions would have on watersheds, other natural and cultural resources, and socioeconomics.
A.14-14	in areas of weed infestations, generally caused as a result of livestock grazing, livestock should be eliminated to allow recovery. Unsuitable areas should be mapped and allotments in those areas phased out to provide necessary protections. Those areas that are to continue being grazed by livestock must be stocked and managed in accordance with the condition of the land and its vegetation.	Monitoring rangeland conditions and adapting grazing practices as necessary to maintain or make progress toward long-term rangeland health is an objective that is common to all alternatives analyzed in the MMPs/EIS (see Section 2.4.5 of the MMPs/EIS).  Site-specific decisions regarding livestock grazing, including management actions to be taken to improve rangeland health, reduce weed infestations, or reduce resource conflicts on specific allotments, are made on a case-by-case basis at the implementation level and are therefore not addressed in the programmatic planning-level MMPs.
A.14-15	In areas to be grazed by livestock, the amount of forage produced must be determined and allocations of forage to watershed protection (50%), wildlife (25%) and livestock (25%) be made as recommended by Holechek et al (1998) <sup>1</sup> . Field data collection will be necessary to accomplish this. The proposed MMP provided fails to provide this.	Section 2.4.5 of the MMPs/EIS has been revised to clarify that forage allocations and utilization for all alternatives in the MMPs/EIS would be the same as managed under the 2008 Monticello RMP and 1986 Manti-La Sal LRMP. Any changes to forage allocations would be subject to appropriate environmental review at the time they are proposed. The rangeland health information presented in the MMPs/EIS is the best available information regarding rangeland health in the Planning Area and is sufficient to inform the decisions to be made in the MMPs/EIS. Additional data regarding rangeland health will be collected as described in Appendix M of the MMPs/EIS and may inform future management actions related to livestock grazing and rangeland health. See also response to A.14-12.
A.14-16	Ignored in the alternatives is the fact that livestock are significantly larger now than when the concept of the AUM was developed with the result being livestock forage consumption has increased dramatically and is now approximately 1,400 lbs for a cow calf pair, not 780 lbs. that the BLM now permits. The alternatives completely ignore this issue. Please see attached review of this issue [see letter attachment].	Determination of appropriate AUMs (as defined at 43 CFR 4100.0-5 and USFS Handbook [FSH] 2209.15) was guided by 43 CFR 4100, <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i> . If changes to existing grazing permits are required to provide for the proper care and management of Monument objects and values or to improve rangeland health, those decisions will be made on a case-by-



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A.14-19	The MMP amendment must include timelines and priorities for the completion and review of progress of the Fundamentals of Rangeland Health Standards and Guidelines assessments and determinations as required under the 4180 regulations. For further details on the implementation of the 4180 regulations, we request that the BLM review its 1/19/01 Manual Transmittal Sheet for H-4180-1 Rangeland Health Standards. We specifically bring the BLM's attention to its duties to make "significant progress" towards meeting Standards and Guidelines. The RMP must provide direction to achieve the Fundamentals of Rangeland Health and the Standards and Guidelines, and in those situations, of which there are many, where these are not being met, the RMP must provide sufficient direction that results in the required "significant progress". The MMP must also provide feedback loops so that once Standards and Guidelines (S&G) evaluations are completed, that the BLM requires regular reviews to insure "significant progress" is being made. Correcting this situation is critical and fundamental to everything the BLM does.	case basis and will be informed by monitoring rangeland health and the condition of BENM objects and values.  Prioritization of rangeland health assessments does not require a land use planning decision. The agencies have included monitoring and adaptive management provisions in all alternatives that will provide feedback loops and opportunities to amend livestock grazing practices as needed and as additional information regarding rangeland health is obtained. These decisions are made on a case-by-case basis at the implementation level.
A.14-20	The EIS cannot just move forward allotment condition and use information from the current RMP to satisfy its NEPA, FLPMA, PRIA and APA requirements. BLM RMP Planning Handbook Appendix C requires that lands available or not available for livestock grazing be determined by considering: other uses for the land; terrain characteristics; soil, vegetation and watershed characteristics; the presence of undesirable vegetation, including significant invasive weed infestations; and the presence of other resources that may require special management or protection, such as special status species, special recreation management areas (SRMAs), or ACECs. The proposed MMP fail to comply with this direction.	The MMPs/EIS analyzes a range of management actions that consider and address livestock grazing and its potential impacts on other resources and uses of the BENM, such as vegetation, water resources, cultural resources, special status species, and recreation. Potential site-specific impacts from grazing can be further addressed at the implementation level using permit-specific range improvements such as fencing, adaptive management, and other measures.
A.14-22	A failure by the BLM in its MMP to analyze utilization, stocking rates and precipitation would be a failure to meet NEPA requirements for analysis. The failure to provide sustainable utilization rates for upland and riparian area herbaceous vegetation, aspen suckers and riparian shrubs and incorporate those into grazing permits as terms and conditions leaves management uncontrolled and subject to bias, violating FLPMA.	See response to A.14-15. Decisions about specific grazing permits are made on a case-by-case basis at the implementation-level. These decisions are guided by <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i> , the approved MMPs, impacts on other resources, and management needed to provide for the proper care and management of Monument objects and values.
A.14-23	We have provided in C Grazing Capacity Info Proposed Outline [see letter attachment], a scientifically and legally defensible methodology for determining capability and suitability of BLM lands for livestock grazing. We request the BLM incorporate this process into the MMP as well as the EIS alternatives.	Decisions about the capability and suitability of BENM lands for livestock grazing are guided by <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i> , consistent with the proper care and management of Monument objects and values.
A.14-26	Manual 6100 provide further NLCS specific requirements and policy. 1.6 Policy. A. General Principles for the Management of NLCS units 1. As required under the Omnibus Act of 2009, the BLM will manage NLCS units to "conserve, protect, and restore nationally significant landscapes." 2. As also provided for under the Act, the Secretary of the Interior, through the BLM, "shall manage the... [NLCS] ...in accordance with any applicable law (including regulations) relating to any component of the system...and...in a manner that protects the values for which the components of the system were designated." Accordingly, site-specific activities requiring BLM approval, including Bureau initiated actions, will be managed in a manner consistent with the protection of those values. Multiple uses may be allowed to the extent that they are consistent with the designating legislation or proclamation, other applicable laws, and all relevant policies (including NLCS policy guidance).(emphasis added) What this demonstrates is that the BLM, in NLCS units, must prioritize the conservation, protection and restoration of these "nationally	See response to ALT-4. Livestock grazing was identified as a value of the BENM by Presidential Proclamation 9558 and Presidential Proclamation 9681 (see Appendix A). Presidential Proclamation 9681 states "[n]othing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation." BLM Manuals 6100 and 6220 allow management for multiple uses, such as livestock grazing and recreation, if consistent with the proper care and management of National Landscape Conservation System (NLCS) resources. The

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	<p>significant landscapes” above BLM’s standard ‘multiple use’ approach. Again, the BLM has put the cart before the horse and determined that livestock grazing will continue essentially in a status quo manner without any rational or logical analysis or determination that its status quo approach is “consistent with the designating legislation or proclamation”. Again, the BLM failed to make this basic NLCS requirement common to all alternatives nor, and more fundamentally, has the BLM provided an analysis (AMS) of what level of livestock grazing could be allowed “to the extent that they are consistent with the designating legislation or proclamation”. This is a fatal error that must be corrected.</p>	<p>MMPs/EIS analyzes a range of alternatives that are consistent with guidance outlined in BLM Manual 6100.</p> <p>Grazing decisions in the BENM will continue to be guided by <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i>, consistent with the proper care and management of Monument objects and values.</p>
A.14-28	<p>The BLM will use the best available science in managing NLCS units. Again, the BLM has ignored this requirement, that should be the basis for all alternatives. Current range science has been ignored as well as current science on biological soil crusts.</p>	<p>Grazing decisions in the BENM will be guided by the best available science and <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i>, consistent with the proper care and management of Monument objects and values. The agencies have considered impacts from livestock grazing on soils, vegetation, and water resources in the MMPs/EIS.</p>
A.14-33	<p>Livestock Grazing</p> <ol style="list-style-type: none"> <li>1. To the extent consistent with the designating legislation or proclamation and other applicable law, livestock grazing may occur within NLCS units.</li> <li>2. Grazing management practices will be implemented in a manner that protects the values for which NLCS units were designated unless otherwise provided for in law.</li> <li>3. The BLM will use NLCS units as a laboratory for innovative grazing techniques designed to better conserve, protect, and restore NLCS values, to the extent consistent with the designating legislation or proclamation and other applicable law.</li> </ol> <p>Again, the alternatives and proposed MMP fail to implement these requirements.</p>	<p>See response to A.14-26. Under all alternatives, the BLM would continue to allow research on sustainable livestock grazing in the BENM, including ongoing research with the Canyonlands Research Center and Dugout Ranch</p>
A.14-37	<p>The BLM will only develop new facilities, including structures and roads, within Monuments and NCAs where they are necessary for public health and safety, are required under law, are necessary for the exercise of valid existing rights or other non-discretionary uses, prevent impacts to fragile resources, or further the purposes for which an area was designated. Livestock grazing does not fit under any of the categories provided for the construction of new facilities. All the alternatives must implement this requirement.</p>	<p>Livestock grazing was identified as a value of the BENM by Presidential Proclamation 9558 and Presidential Proclamation 9681. Consideration of existing and future facilities on the Monument has been included as part of the range of alternatives analyzed in the MMPs/EIS (for examples, see Sections 2.4.3, 2.4.4, and 2.4.7 of the MMPs/EIS). Consideration of rangeland improvements for grazing would be designed to allow for the proper care and maintenance of Monument objects and values and would be identified and implemented (as appropriate) at the permit-specific implementation level.</p>
A.75-52	<p>For example, the Draft MMP must address domestic sheep grazing even though no domestic sheep grazing is currently proposed for the units. Domestic sheep pose a significant disease threat to bighorn sheep. Bears Ears’ proximity to desert bighorn sheep habitat (see Draft MMP Section 3.15.2.6.5) warrants the inclusion of a formal prohibition on domestic sheep grazing within Bears Ears’ two units in the MMP. Short of a prohibition, the MMP must at least account for the possibility of future sheep grazing and establish the management practices contained in BLM Directive 1730 – in particular, identifying the need to maintain sufficient separation between bighorn sheep and domestic sheep and pack goat. The directive states: Where domestic sheep or goats are authorized (including trailing and for vegetation management), or where recreational sheep or goats use (e.g., pack animals) may occur, and there is a potential for inter-species contact of wild sheep and domestic sheep or goats, land use plans and/or</p>	<p>Domestic sheep grazing does not currently occur in the BENM, and future sheep grazing is speculative at this time; therefore, addressing these concerns in the MMPs/EIS is not needed. Sheep grazing is not currently prohibited within the Planning Area, although existing grazing permits in the Planning Area only allow for cattle and horses. The BLM will develop management practices that address the potential for interaction between wild sheep with domestic sheep or goats when developing implementation-level plans for the management of livestock grazing allotments, including permit renewals and terms and conditions, as well as other projects</p>

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	<p>implementation-level plans will prescribe management practices to provide effective separation. Identify in the land use plan and/or implementation-level plan if opportunities exist for allotment or pasture management changes to help achieve effective separation. BLM MS 1730 1.8.A.2. (2016). In considering whether the Draft MMP must address the needs of desert bighorn sheep, BLM should look to the Grand Staircase-Escalante Draft RMP/EIS. In that document, BLM establishes a blanket 9-mile separation standard to prevent desert bighorn sheep from coming into contact with domestic sheep and goats. A 9-mile separation standard is not necessarily enough, given the habits and range of desert bighorn sheep, but it should serve to guide preparation of the Bears Ears plan. See GSENM Draft RMP/EIS 2-5.</p>	<p>involving domestic sheep or goats on BLM lands (BLM Manual 1730). The grazing of sheep would be addressed on a case-by-case basis and would require a reevaluation of the grazing permit, which would be an implementation-level action and would include appropriate environmental analysis and establishment of appropriate provisions to protect bighorn sheep.</p>
A.75-68	<p>The Analysis of the Management Situation references the Taylor Grazing Act, the Public Rangelands Improvement Act, and the Federal Land Policy and Management Act as guidance for livestock grazing, as well as 43 CFR 4100 and Utah Rangeland Health (Page 8-4). It does not reference additional guidance from the NCLs. As a unit in that system, BENM must comply with those policies. They require BLM to manage the lands “in a manner that protects the values for which the components of the system were designated.” (16 U.S.C. § 7202(c)(2)) and that in balancing considerations under FLPMA per 43 U.S.C. §§ 1702(c), 1732, BLM specifically should prioritize protections of those values. Courts have recognized that this provision requires BLM to manage lands in accordance with monument proclamations. Therefore, in developing any plan for the management of areas within the monument, BLM must consider the impact on monument objects, including impacts from grazing.</p> <p>In Instruction Memorandum 2009-215, which amended BLM’s Land Use Planning Handbook H-1610-1, Appendix C, BLM interpreted the exception clause in section 302(a) to mean that FLPMA specifically provided for the multiple-use policy to give way when other law requires elevation of a specific use. The identification of an object for protection under the Antiquities Act, and the reservation of land necessary to protect that object, dedicates the land for the purposes of the monument, and withdraws it from uses incompatible with that purpose. The mandate to protect the Monument’s objects imposed by the Antiquities Act, and by the Proclamation, overrides the multiple-use mandate where incompatible. Thus, even where the proclamation does not expressly restrict or preclude certain uses, BLM must weigh potential uses in light of the values protected by the proclamation, and the requirement to elevate protection of the monument resources above other values.</p> <p>The vegetation communities and wildlife on the monument are specifically mentioned in the Bears Ears National Monument Proclamation. Livestock grazing is not. The MMP claims that the fact that most allotments are meeting rangeland health shows that properly managed grazing will not damage soils, water, or vegetation. See Draft MMP 2-3. This is not supported by the data supplied in the EIS, however. For example, vegetative trend is down for four allotments. While trend is stable for another nine allotments, this doesn’t necessarily mean that vegetation is healthy. It just means conditions haven’t gotten worse (or better). Two allotments are not meeting the minimal Utah Standards for Rangeland Health, and three have not been assessed so their status is unknown. See AMS p. 2-66. Also, objective data gathered from the Perkins allotment, which BLM evaluated as meeting Standards, showed a great deal of departure from Ecological Site Descriptions (see below). The MMP attributes the failure of some allotments to meet Standards to past grazing practices and drought but provides no evidence to support this. See Draft MMP 2-3. In fact, it alludes to the connection between resource impacts and recent grazing management when it says that trends in the USFS Babylon allotment are up and moving toward desired conditions because of non-use since 2003. See AMS p. 2-69.</p> <p>All 13 allotments are in the I (Improve) category for various reasons that aren’t explained (Table 2-29 Summary of Allotment Situation p 2-70). BLM proposes range infrastructure projects, presumably to correct damage and facilitate distribution of livestock. However, since restoration and maintenance of ecosystem processes are the focus of lands in the NCL system, instituting a vast infrastructure to support livestock is not appropriate. These projects divert water from riparian systems and attract more livestock to upland areas, resulting in more trampling, soil erosion, soil compaction, bare ground, and weeds such</p>	<p>See responses to GRAZ-1 and A.14-9. As noted in the BLM’s NLCS Management Manual, NLCS units are required to be managed “in a manner that protects the values for which the components of the system were designated” (BLM Manual 6100). Therefore, the BENM MMPs must be consistent with the proper care and management of the objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Livestock grazing was identified as a value of the BENM by Presidential Proclamation 9558 and Presidential Proclamation 9681 (see Appendix A). The NLCS Management Manual allows management for multiple uses, such as livestock grazing and recreation, if consistent with the proper care and management of NLCS resources. The MMPs/EIS analyzes a range of alternatives that is consistent with guidance outlined in the NLCS Management Manual. The impacts from livestock grazing on other Monument objects and values, including vegetation and wildlife, is analyzed in Section 3 of the MMPs/EIS.</p> <p>The MMPs/EIS do not propose specific livestock grazing or range improvement projects. Livestock grazing permit decisions in the BENM would continue to be based on <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i>, consistent with the proper care and management of Monument objects and values. Wildlife species and habitats would be monitored as described in Appendix M. Should monitoring indicate that changes in livestock stocking levels or allotment-specific management actions are warranted, these changes would be made to individual livestock grazing permits or through implementation-level allotment management plans.</p>

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	<p>as smooth brome. If cattle can't graze sustainably without these projects this is an indication that those allotments are not propitious for livestock grazing. They should be unavailable to livestock grazing.</p> <p>Only 7% of the grazing allotments in BENM are unavailable to livestock grazing for "various resource protection." See AMS 2-64. Please reassess availability and unavailability for livestock under the new NCL guidance for emphasizing resource protection. Identify lands that would be available for other uses, such as watershed protection. Areas that are voluntarily relinquished should be considered for other uses and made unavailable for livestock grazing. Other priorities should be protection of rare species, vegetation communities, relict communities, restoration of degraded landscapes, protection of biological soil crust and cultural resources. BENM has an opportunity to design a grazing program based on the best available science. The emphasis should be on restoration of ecosystem process including soils, hydrology, and native vegetation. Allotments should reflect the native plant diversity, density, age classes, and productivity of ungrazed reference sites.</p>	
A.75-69	<p>We recommend the following:</p> <ol style="list-style-type: none"> <li>1) Increase opportunities for public involvement in livestock grazing decisions. Grazing is a controversial management issue with a number of interested stakeholders. As such, BENM should facilitate public involvement and buy-in by soliciting public comments on allotment permit renewals and management plans. Public information on utilization maps, annual use plans, data on utilization and trend, photos, etc. should be posted on the BENM website and made available to the public. The public should be notified and invited to attend when allotments will be monitored.</li> <li>2) Reduce percent utilization on forage. The Monticello Field Office RMP says that utilization will be 50% unless conditions indicate an adjustment. Practice shows that grazing at that level in desert systems creates a great deal of damage. Research shows that 25-30% is more appropriate, especially in a national monument with different priorities than those of a field office.</li> <li>3) Season of Use: At a minimum, there should be 6 weeks between the beginning of seasonal use of a particular area one year. Use should be staggered so the same areas are not grazed during the same season for consecutive years, particularly in the spring and fall.</li> <li>4) Conduct a forage capacity analysis to determine accurate number of AUMs. Now that the area has a new designation requiring it to use the best available science to protect resources, BLM should recalculate AUMs for each allotment without an up-to-date (within the last ten years) forage capacity analysis. An initial clip-and-weigh analysis of forage should be conducted and then repeated every ten years in each pasture of an allotment. This information will be used to adjust AUMs in the permit. The necessity of this assessment was borne out by a clip-and-weigh study in 2013 in the Valley of the Gods pasture in the Perkins Brothers allotment. This showed that the average herbaceous production for each plot was just 19 pounds/acre, far lower than the amount required to be considered adequate for grazing. We did a comparison between grazed and ungrazed plots using the grounds of the Valley of the Gods Bed and Breakfast as the ungrazed control. The ungrazed area produced 189 pounds per acre; the grazed plot nearby produced 31 pounds per acre. This stark difference shows the necessity of recalculating production values and AUMs.</li> <li>5) Design an explicit drought response plan. The EIS mentions the effects of past drought and the predictions of increased droughts in the future but is not clear about which drought prediction model it is using to predict drought and proactively reduce impacts. Please be more explicit about which method is being used. <ol style="list-style-type: none"> <li>i. Monthly trends in precipitation, soil moisture, plants growth, and air temperature will be monitored to detect incipient drought conditions.</li> <li>ii. Stocking rates will be kept to the capacity of the driest year in the last ten years to anticipate drought and mitigate resource damage from overusing drought-stressed plants.</li> </ol> </li> </ol>	<p>Decisions about specific grazing management to address rangeland health standards are made at the permit-specific implementation level.</p> <ol style="list-style-type: none"> <li>1. Grazing permit renewals on BLM-administered lands are subject to NEPA review and can be found on the BLM's ePlanning website (<a href="http://eplanning.blm.gov">eplanning.blm.gov</a>). Grazing permit renewals on USFS-administered lands are also subject to NEPA review and are available on the USFS' Schedule of Proposed Actions (SOPA) page (<a href="http://www.fs.fed.us/sopa">www.fs.fed.us/sopa</a>). A land use plan decision is not needed to invite interested public when range monitoring occurs, although the agencies may choose not to invite the public due to safety concerns.</li> <li>2. See response to A.14-15. The USFS will operate under the existing 1986 Manti-La Sal LRMP utilization levels and will determine utilization levels on an allotment-by-allotment basis, per 2012 Planning Rule requirements. The MMPs/EIS has been revised to clarify that utilization levels would continue to be the same as disclosed in the existing 2008 Monticello RMP and 1986 Manti-La Sal LRMP (GRA-14 of RMP and Amendment 5 to LRMP). Section 1.14 of Appendix M of the MMPs/EIS includes applicable monitoring requirements.</li> <li>3. Season of use is determined on a case-by-case basis at the permit-specific implementation level</li> <li>4. Grazing decisions, including, if necessary, a reassessment of forage capacity, are determined every 10 years during permit renewal. Additionally, grazing practices may be adjusted at any time if rangeland monitoring demonstrates that livestock grazing is contributing to the area not meeting standards or if it is determined that grazing is preventing the proper care and management of BENM objects and values (Appendix I, Section 1.5).</li> <li>5. Existing regulations and BLM and USFS policies allow the agencies to address drought conditions on a permit-specific case-by-case basis. A land use plan decision is not necessary to implement drought provisions.</li> </ol>

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	<p>iii. When drought is predicted, permit holders and interested public will be notified and grazing during the growing season should be cancelled.</p> <p>iv. Post-drought recovery will include using pastures only when forage species are dormant or less palatable species are green to shift grazing pressure away from key forage plants. In addition, grazing should be deferred until key forage species have produced mature seed and plant vigor and productivity has returned to pre-drought levels.</p> <p>v. Because most years have precipitation in amounts less than the average precipitation, stocking levels should be based on forage production during below average years. Depending on site potential, a minimum of 50 – 150 lbs of residual herbage levels should be left on site prior to and during a drought.</p>	
A.70-5	<p>The MMPs/EIS does consider a range of alternatives with respect to areas that are available or unavailable for grazing. Under Alternatives C and D, there would be minor changes in the numbers of acres available to livestock grazing, but Alternative B would provide for a substantial reduction (46,275 acres or 64% of the Indian Creek Unit and 42,289 acres or 33% of the Shash Jaa Unit). In the Indian Creek Unit, the Conservancy generally prefers alternative D that furthers the work and research on adaptive grazing practices at the CRC. However, we do not support the exception for developed recreation sites (existing and as described in Section 2.4.7). Further, because these pastures are on allotments that extend outside BENM boundaries, making them unavailable to grazing would severely impact our livestock grazing operations. The closures of the pastures would result in the Conservancy no longer being able to viably use portions of our allotments that are available to grazing. It is critically important to our cattle operations that we can trail cattle through campgrounds especially the Bridger Jack Campground. The topography of the area where the current Bridger Jack Mesa campground is located is one of steep walls and cliffs adjacent to a riparian area and agricultural lands. This makes it the only narrow corridor available for trailing our cattle. This historic use has been occurring in the area for more than a century prior to the construction of the campground and should be allowed to continue. Closing campgrounds to trailing places an undue hardship on our cattle operations. An alternative would be to move the campground to a more suitable location, with this new location being closed cattle trailing. In 2004, when BLM was considering developing the area for camping, we noted in our comment letter that “the location of this camping area is a pinch point for the Indian Creek Cattle operation and restricts our ability to move cows with minimal user conflict.” In addition, grazing in Indian Creek has historic significance. The MMPs/EIS includes “Euro-American livestock grazing” as an historic and cultural value of the BENM. Cattle have been present here since 1875. The Dugout Ranch is one of Utah’s oldest continuous operating traditional ranches. Any significant reduction or eliminating of grazing would compromise the area’s cultural heritage.</p>	<p>As described in the MMPs/EIS, developed recreation sites in the Indian Creek Unit are currently unavailable for livestock grazing. The Bridger Jack Mesa camping area is a dispersed camping area and is not a developed recreation site that would be made unavailable to livestock grazing under alternatives that would make developed recreation sites unavailable to livestock grazing. Additionally, Alternative B would make this pasture unavailable to livestock grazing, but livestock trailing in this area would still be permitted. See also response to ALT-3.</p>
A.70-6	<p>The MMPs/EIS describes conflicts between grazing and recreation within Indian Creek and recommends reducing grazing to avoid these conflicts. Because the research done by the CRC was highlighted as a value of the BENM in the Proclamation alongside recreation, the MMPs/EIS should also consider closing recreation sites that impact cattle operations, instead of altering grazing management or minimizing our collective impact though site specific plans that solely benefit recreation. There is currently inadequate analysis to select one use over another and more information is needed before eliminating uses. Perhaps most important, the CRC is uniquely situated to provide the analysis needed to help make these situational decisions in the future. Management decisions should not be based on qualitative descriptions, but rather on quantitative measurements developed to evaluate the effectiveness of management actions impacting vegetation cover, soils, water quality, riparian and rangeland health, wildlife habitat, and threatened and sensitive species.</p>	<p>The management action considering a reduction in grazing in Alternative B was developed by the BLM to respond to multiple resource conflicts, not solely a conflict between recreation and livestock grazing. Livestock grazing and recreation are different resource uses that result in different types of resource conflicts and impacts. As a result, the agencies have determined that it is not necessary to close recreation sites at the planning level to resolve resource conflicts in the Indian Creek Unit. The range of alternatives considered in the MMPs includes provisions that could result in the reroute or closure of recreation trails, climbing areas, and camping areas. Site-specific decisions related to recreation and/or livestock grazing are implementation-level decisions that will be evaluation on a case-by-case basis and are not addressed at the planning level in the MMPs/EIS. When management actions are proposed, they would</p>

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		need to undergo an appropriate environmental review, which would include addressing potential impacts to all applicable resources and uses, and developing appropriate resource impact avoidance or minimization measures. See also response to A.70-5.
A.70-7	The assessment status of the Indian Creek allotment needs to be clarified in the MMPs/EIS. The Conservancy's Indian Creek allotment has not been assessed for rangeland health by the BLM, but the MMPs/EIS states that "In the Indian Creek Unit, Harts Draw, which is located mostly outside of Indian Creek Canyon in upland areas along the eastern edge of the Monument boundary, is the only allotment not meeting rangeland health standards." This seems to indicate that our Indian Creek allotment has been assessed.	Section 2.3 of the MMPs/EIS has been revised to clarify that of the assessed allotments within the Indian Creek Unit of the BENM, only Harts Draw is not meeting Utah Rangeland Health Standards.
A.45-16	In the event that the agencies do not postpone this partial planning effort, it will be essential to supplement the Draft EIS in order to include a new alternative that incorporates the following commitments: Develop management objectives necessary to control the adverse effects of grazing on the thousands of identified and unidentified historic and cultural resources within the monuments. For instance, BLM and USFS should refrain from issuing any new grazing permits or renewing expired permits within the monuments, unless adequate stipulations and restrictions are incorporated to protect areas with sensitive resources.	See responses to GRAZ-1 and GRAZ-3.
A.58-11	The preferred alternative also increases the areas with highly erodible soils that will be available for grazing. See DEIS at ES-10 (11,417 acres under no action alternative compared to 25,533 acres under the preferred alternative). Livestock grazing, especially in vulnerable areas degrades habitat and forage for big game and other wildlife. Grazing also leads to decreased vegetative habitat that is important for nesting birds and numerous prey species and exposes wildlife to domesticated herds and the disease they carry. For example, big horn sheep are incredibly susceptible to diseases such as pneumonia spread by domestic livestock. These sheep are not only one of the most iconic images of Utah, they are considered the State's most coveted tag. Only 1 in 283 applicants is awarded the once in a life time opportunity to hunt a big horn. Loss of the heard would be devastating not only to current and future hunters, but to current and future wildlife enthusiasts hoping to experience the heard in their native habitat. While NWF supports pre-existing grazing allotments it does not support an alternative that places vulnerable habitat and vulnerable species at greater risk due to grazing.	See response to GRAZ-1. All action alternatives decrease acres of highly erodible soils available (BLM)/suitable (USFS) for grazing in comparison to the No Action Alternative (see Table SOI-2 in the MMPs/EIS). Table ES-3 in the MMPs/EIS has been to correct any discrepancies in these acreages.  Wildlife species and habitats would be monitored as described in Appendix M. Should monitoring indicate that changes in livestock stocking levels or allotment-specific management actions are warranted to promote rangeland health standards or provide for the proper care and management of Monument objects and values, these changes would be made to individual livestock grazing permits and implementation-level allotment management plans.  For a response related to sheep grazing, see response to comment A.75-52.
A.21-6	Livestock grazing promotes the spread of invasive weeds. I'm sure if any water quality tests were available for Butler Wash, they would not reflect a healthy riparian system. If BLM has considerable discretion in management, they should start using it NOW.	Impacts on vegetation from livestock grazing are analyzed in Section 3.18 of the MMPs/EIS. Butler Wash has been assessed for riparian PFC and can be reviewed in the AMS (see Table 2-41). Permit-specific grazing management is addressed during permit renewal and may be adjusted if rangeland monitoring demonstrates that livestock grazing is contributing to the area not meeting standards (refer to MMPs/EIS, Appendix I, Section 1.5) or if it indicates that grazing is precluding proper care and management of other Monument objects and values.
A.37-20	Chapter 2-Livestock Grazing-2.4.5.1-2-9. Livestock grazing should be significantly limited in Indian Creek and Shash Jaa Units given potential for site specific and cumulative adverse affects on the cultural landscape.	The MMPs/EIS includes a full range of alternatives of areas available (BLM)/suitable (USFS) and unavailable (BLM)/not suitable (USFS) for livestock grazing. See also response to GRAZ-1. Impacts on cultural resources from livestock grazing are analyzed in Section 3.5 of the MMPs/EIS.

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A.37-54	Chapter 3-Impacts from Livestock Grazing Management Actions-3.5.2.2.4-3-11. Livestock grazing should be restricted through avoidance and mitigation measures, particularly those used by Tribes on their own land, as much as possible within Indian Creek and Shash Jas Units to protect cultural resources.	See response to A.37-20. Consideration of livestock grazing avoidance and minimization measures would be designed to allow for the proper care and maintenance of BENM objects and values and would be identified and implemented (as appropriate) at the permit-specific implementation level.
A.38-25	Chapter 3, Page 34, Table PAL-4 in Section 3.10.2.2.4 PFYC is policy and cannot be presented as management alternatives. Furthermore, the number of acres with PFYC Classes 4 and 5 that is open to grazing actually increases, while the areas off-limits to grazing decreases by ~40 acres between Alternative A (no action) and Alternative D. This change in available acreage is unacceptable from the paleontological standpoint. A management plan that makes extractive resources available at the expense of the resources and objects for which the Monument was explicitly designated fails in its objectives to preserve them. Additionally, those ~40 acres come from the Shay Canyon area, an area not only known for its significant rock art and paleontology, but also explicitly named in the MMP as an important site open for public visitation. Shay Canyon is the site of a large and scientifically important trackway located in the bottom of the wash; moving cattle across this track surface would destroy it. Thus, grazing would negatively impact paleontological resources as well as the public's enjoyment of the site in a natural state. We strongly prefer the acreage protected in Alternative B.	See responses to ALT-1 and MIN-1.  The MMPs/EIS includes a full range of alternatives to address potential impacts of grazing on Monument objects and values. Under all alternatives, the significant cultural and paleontological resources in Shay Canyon referenced in the comment would be unavailable for livestock grazing, but livestock trailing would still be permitted. The BLM has considered minor adjustments to the areas unavailable in Alternative A in consideration of the location of cultural and paleontological resources. As described in Appendix A of the MMPs/EIS, paleontological resources were identified as objects of historic or scientific interest within the BENM. Under all alternatives analyzed in the MMPs/EIS (Section 2.4.6), the BENM would be managed to provide for the proper care and management of Monument objects and values.  Under all alternatives, the monitoring of paleontological sites would determine if mitigation measures would be necessary to address impacts from livestock grazing (Section 2.4.5.2.). Implementation-level livestock grazing management can include using exclosures and other methods to protect specific paleontological sites from cattle as deemed necessary for the proper care and management of Monument objects and values.
A.86-1	As a grazing permittee with grazing allotments in Hart's Draw whose boundaries fall partially within the Indian Creek Monument unit of the Bears Ears National Monument I am writing to support grazing as a value that should be protected in the Monument Management Plan. Grazing has historically provided significant economic value to the local area, and according to the Draft Management Plans add grazing permittees appear to be in compliance with grazing rules and regulations. Our industry should be held harmless in the adoption of any new management plan. Because I am meeting rangeland health standards, I see no need to use anything other than Alternative A as described in the Draft Monument Management Plan. I see the adoption of alternatives B, C, and D as an effort to reduce or eliminate grazing on the monument. I don't support the adoption of a management plan that will reduce stocking levels, AUMs, shrink allotment boundaries, or dramatically change stocking periods that have historically been used.	See response to ALT-1. Livestock grazing was identified as a value of the BENM by Presidential Proclamation 9558 and Presidential Proclamation 9681 (see Appendix A). The MMPs/EIS includes a full range of alternatives regarding areas of the Monument that would be available (BLM)/suitable (USFS) or unavailable (BLM)/not suitable (USFS) for livestock grazing to reduce resource conflicts and provide for the proper care and management of Monument objects and values. Decisions regarding range improvements or grazing management practices specific to grazing allotments would be made at a site-specific permit level and would be based on the requirements to meet rangeland health standards, consider site-specific resource conflicts, and be consistent with the proper care and management of Monument objects and values.
A.84-1	As a grazing permittee with grazing allotments whose boundaries fall partially within the Shash Jaa unit of the Bears Ears National Monument I am writing to support grazing as a value that should be protected in the Monument Management Plan. Grazing has historically provided significant economic value to the local area, and according to the Draft Management Plans and grazing permittees appear to be in compliance with grazing rules and regulations. Our industry should be held harmless in the adoption of any new management plan. Because I am meeting rangeland health standards, I see no need to use anything other than Alternative A as described in the Draft Monument Management Plan. I see the adoption of alternatives B, C, and D as an effort to reduce or eliminate grazing on the monument. I don't	See responses to A.86-1 and ALT-1.

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	support the adoption of a management plan that will reduce stocking levels, AUMs, shrink allotment boundaries, or dramatically change stocking periods that have historically been used. As the permittee on the Twin Creeks Allotment, I am also concerned about the monument boundary that surrounds the Doll House Ruin. I do not support the construction of any fencing or the adoption of site-specific management practices that would block access to my permit areas that do not fall within the monument boundaries.	
A.90-4	<p>Comment 3: Consideration of the well documented impacts of livestock grazing on cultural resources is inadequate. A program for baseline documentation, monitoring, and application of scientific evidence and recommended practices is required as the basis of changes to or continuation of livestock grazing in BENM. Section 2.4.5 of the DMMP/EIS fails to adequately consider available evidence for the adverse effects and significant impacts of livestock grazing on cultural resources. Neither Alternative C nor Alternative D include the reasonable and necessary constraints on grazing needed to harmonize livestock management with the cultural resource protections required pursuant to Proclamations 9558 and 9681. In its reliance on natural topographic boundaries and features, rather than fencing, to manage the location, intensity, and duration of grazing, Alternative B provides only modest and indirect protections for cultural resources. Active livestock management is unambiguously required to protect the objects and values referenced in Proclamations 9558 and 9681. While grazing is already established within portions of the reduced BENM, the DMMP/EIS must incorporate available and relevant scientific evidence into management decision making regarding the negative effects of grazing on cultural resources. Scientific research on the effects of livestock on cultural resources is not abundant, but its findings are consistent: all available evidence indicates that livestock can and do damage most types of cultural resource sites. Livestock grazing also alters vegetation, soils, and drainage conditions, usually for the worse and always to the detriment of cultural landscapes centered, as BENM's are, upon Native American use and occupancy. BLM reports confirm that livestock and livestock permit programs have significant adverse effects on cultural resources. For example, pages 4-92 of a BLM EIS concludes: Livestock use impacts on cultural resources include: displacement (vertical and horizontal) and breakage of artifacts, and the mixing of depositional associations through trampling; destruction or enhanced deterioration of structures and features through rubbing; and an acceleration of natural erosional processes. Plants valued by Native American traditionalists could be trampled or consumed by livestock, adversely affecting plant availability at some locations. For purposes of analysis it is assumed that the impacts of livestock use are distributed in proportion to the actual distribution of livestock, with the most intensive impacts occurring at livestock use concentration areas. Cultural Resources located on lands having erosional or other types of watershed deterioration problems attributed to livestock use impacts are assumed to receive high impacts. Cultural resources are non-renewable, and impacts of livestock use on cultural resources are cumulative. Additional adverse effects from grazing include soil compaction, toppling of architectural features, creation of movement corridors, and degradation of springs and streams, all or most of which are themselves cultural resources from the perspective of tribal cultural representatives and others. Anderson's 2007 research on links between grazing and cultural resources includes data and conclusions relevant to BENM management planning. Anderson assessed cattle grazing effects on 47 cultural resource sites located on diverse grazing allotments on two national forest ranger districts. Fieldwork at each cultural resource site included documentation of artifacts and features and assessment of six interrelated variables: (1) the density of cattle excrement; (2) the depth and length of cattle trails; (3) the depth and extent of cattle wallows at sites with surface water; (4) the condition of all riparian areas or springs associated with the sites; (5) the condition of fences established to exclude livestock from sites; (6) the types and levels of livestock effects on artifacts and features. Less than nine percent of the sites assessed (4 of 47) showed low or no signs of adverse effects from grazing. Sites associated with riparian areas and surface water had the greatest and most diverse adverse effects.<sup>3</sup> No studies available to Archaeology Southwest show that livestock grazing in dry uplands serves to conserve, protect, or enhance cultural resources, riparian areas, springs, seeps, or any other object of historic or scientific interest protected pursuant to the BENM proclamations. Additional peer- or faculty-reviewed research, including</p>	<p>See responses to GRAZ-1, GRAZ-3, and A.86-1. Section 3.5.2.2.4 of the MMPs/EIS acknowledges the potential impacts that livestock grazing decisions would have on cultural resources. Other resource sections in Section 3 of the MMPs/EIS analyze the impacts of livestock grazing on other resources within the BENM. Under all alternatives analyzed in the MMPs/EIS, potential site-specific impacts to cultural resources from livestock grazing could be addressed using fencing or other measures at the implementation level. Permit- and site-specific grazing decisions in the BENM, such as seasonality, duration, intensity, and distribution of livestock grazing, will be made at the implementation level and will undergo appropriate environmental reviews, as required by NEPA and NHPA, which will address issues such as potential impacts to cultural resources, natural resources, and socioeconomics. The agencies have evaluated the information available at this time and believe that adequate information is available to make planning-level livestock grazing decisions. Additional data collection may be appropriate for the implementation-level review and analysis of livestock grazing decisions. Decisions regarding necessary data collection and studies will be made at the time these implementation-level decisions are made. Note that the MMPs/EIS also includes a framework for continued proactive cultural resources monitoring and adaptive management, which would also be used to inform site-specific grazing decisions (see Appendices D, E, and M).</p>



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	<p>high-resolution baseline studies followed by monitoring of cultural resource artifacts and features in sites subjected to grazing at various levels of duration and intensity, could contribute relevant scientific evidence. In the meantime, however, any alternative selected in any MMP would need to require such studies to guide any livestock grazing in BENM. Any site-specific and landscape-level livestock impacts and effects would then need to be balanced against the financial and administrative costs of management treatments necessary to protect BENM riparian areas, cultural resources, and other protected objects and values from the damaging and often enduring effects of livestock. Because no scientific evidence indicates livestock grazing does anything except damage and degrade riparian areas and all types of cultural resource sites, BLM and USFS are encouraged and obliged to exclude grazing from all protected objects and sensitive areas of the BENM until a combination of cultural resource inventories and baseline studies, vegetation studies, and tribal consultations result in the identification of pastures where grazing will assist in achieving BENM's object and value protection priorities. If BLM and USFS are able to provide credible scientific evidence that grazing is consistent with mandates to protect BENM objects and values then the final MMP would need to specify in detail how the agencies will work with grazing permit holders to manage seasonality, duration, intensity, and distribution of livestock grazing through collaborative, short- and long-term monitoring of resource and range conditions, including threatened and endangered plant and animal populations and habitat, surface waters and adjacent soil surfaces, rangeland health, forage use, fuel loads, and of course cultural resources.4 Grazing must be managed conservatively and monitored carefully until that threshold of scientific evidence is reached.</p>	
A.50-1	<p>And for God's sake, how is anyone able to make an informed decision about site designation, if, as they say, "A determination of rangeland health has not been made for every allotment in the Planning Area." Clearly, not enough research has been conducted to recommend the continuance of harmful practices like grazing, on these public lands. The Draft Management Plan clearly states, "During the scoping process, the agencies did not receive comments indicating that they should consider an alternative that makes all lands in the BENM unavailable to livestock grazing." I am terribly sorry that I did not comment during the scoping process and that my peers faltered equally in their civic duties. Let me say it now, loudly, clearly, and probably too late. Consider an alternative that makes all lands in the BENM unavailable to livestock grazing.</p>	<p>See responses to GRAZ-1 and GRAZ-3. Section 2.3 of the MMPs/EIS has been revised to reflect livestock grazing comments received during the public comment period on the Draft MMPs/EIS.</p>
A.88-1	<p>As a grazing permittee with grazing allotment Perkins North whose boundaries fall partially within the Shash Jaa National Monument unit of the Bears Ears National Monument I am writing to support grazing as a value that should be protected in the Monument Management Plan. Grazing has historically provided significant economic value to the local area, and according to the Draft Management Plans add grazing permittees appear to be in compliance with grazing rules and regulations. Our industry should be held harmless in the adoption of any new management plan. Because I am meeting rangeland health standards, I see no need to use anything other than Alternative A as described in the Draft Monument Management Plan. I see the adoption of alternatives B, C, and D as an effort to reduce or eliminate grazing on the monument. I don't support the adoption of a management plan that will reduce stocking levels, AUMs, shrink allotment boundaries, or dramatically change stocking periods that have historically been used.</p>	<p>See responses to A.86-1 and ALT-1.</p>
A.97-4	<p>Rangeland grazing requirements should be strictly enforced (IE areas like Comb Wash and Arch Canyon should not permit grazing if their rangeland isn't meeting healthy standards).</p>	<p>See response to A.47-77. The range of alternatives considered in the MMPs/EIS includes alternatives that would make Comb Wash and Arch Canyon unavailable (BLM)/not suitable (USFS) for livestock grazing. Permit-specific grazing management is determined during permit renewal and may be adjusted if rangeland monitoring demonstrates that livestock grazing is contributing to the area not meeting standards (Appendix I, Section 1.5) or if grazing is not</p>

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A.11-4	Vagueness: Another example is found on page 2-10 in describing the management actions for Livestock Grazing. The document says, "The intention for areas unavailable for grazing is to use natural topographic features. . . to mitigate direct adverse impacts to various resources from livestock. Through plan maintenance, existing areas made unavailable may be adjusted to meet this intention." What does it mean that "unavailable areas may be adjusted to meet the intention of using natural topographic features?" Natural features do not move; they either exist in an area where grazing is unavailable or they don't. This management action is unintelligible to the average reader.	consistent with other resource objectives or the proper care and management of Monument objects and values.  This text in the MMPs/EIS has been modified to clarify that, as part of plan maintenance, the BLM and USFS would adjust the boundaries of areas currently unavailable (BLM)/not suitable (USFS) for grazing to reflect natural topographical features that preclude livestock access. Where necessary, fencing may be used to augment natural topographical boundaries.
236926-3	Livestock grazing and OHV use should be minimized as much as possible, or eliminated, in areas of cultural sensitivity (ES-7). Areas managed to protect wilderness characteristics should be maximized, including lands designated as OHV closed or limited areas, and lands managed as ROW exclusion areas (ES-7/8). Areas unavailable to livestock grazing should be significantly increased over current management for the benefit of native species, and also to gain a better understanding about the impacts of livestock grazing together with climate compared to the role of climate alone in affecting the landscape. This should primarily occur at the pasture/allotment level, but should also allow for smaller exclosures (ES-8). The percentage of riparian areas open to OHVs and livestock grazing should be minimized as much as possible (ES-9). The acreage of highly erodible soils open to OHVs and livestock grazing should be minimized as much as possible (ES-10).	The MMPs/EIS analyzes a range of management actions areas available (BLM)/suitable (USFS) and unavailable (BLM)/not suitable (USFS) for livestock grazing and OHV use, and available for new ROWs. Under all alternatives, the monitoring of cultural sites would determine if mitigation measures would be necessary to address impacts from livestock grazing (Section 2.4.5.2.). The MMPs/EIS includes a full range of alternative resource-specific restrictions on these and other uses to analyze different methods of providing for the proper care and management of Monument objects and values. For example, the range of alternatives presented in the MMPs/EIS provides three different acreages for protection of wilderness characteristics (see Section 2.4.4.2 of the MMPs/EIS). Section 3.8.2.2 of the MMPs/EIS provides a summary of the environmental consequences for the management actions in the range of alternatives.  Section 1.14 of Appendix M of the MMPs/EIS includes applicable monitoring requirements. Allotment-specific grazing decisions regarding utilization levels are made at the implementation level. These allotment-specific utilization levels may be adjusted if rangeland monitoring demonstrates that livestock grazing is contributing to the area not meeting standards (MMPs/EIS, Appendix I, Section 1.5) or if grazing is not consistent with the proper care and management of Monument objects and values.  Permit-specific livestock grazing decisions in the BENM would be based on <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and <i>USFS Handbook 2209.21 – Rangeland Ecosystem Analysis and Monitoring Handbook</i> , consistent with other resource objectives and the proper care and management of Monument objects and values.
237064-7	Shay Canyon ACEC should NOT be open to livestock trailing. The unique values that establish it as an ACEC should preclude any use by livestock as even trailing can cause adverse impacts to vegetation, water, and soils. Before any livestock grazing is authorized to continue on existing allotments, Rangeland Health Assessments MUST be completed and full environmental assessments or impact statements prepared. Existing use is causing desertification, soil loss, increases in invasive and non-palatable vegetation, erosion, and depletion of grass and forb biodiversity and productivity. These assessments MUST invite interested publics to participate and have input for lands within the Monument. In each Ecological Site Description within the Monument large areas that are publicly accessible should be excluded from livestock grazing and studied so BLM, ranchers and the public can observe natural	As described in Section 2.3 of the MMPs/EIS, the agencies considered an alternative that would make all lands within the BENM unavailable (BLM)/not suitable (USFS) for livestock grazing, including lands within the Shay Canyon ACEC, during the development of the MMPs/EIS. After considering potential conflicts between livestock grazing and other objects and resources, the agencies determined that there are no issues or conflicts that require the complete elimination of livestock grazing. Shay Canyon is proposed as open to trailing under all alternatives as this area provides livestock trailing

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	restoration and what un-grazed conditions can look like. These areas would serve as ungrazed reference areas to aid in understanding desired conditions. With most of our public lands grazed/over-grazed degradation has been normalized to the point that few people can recognize degradation or healthy functioning lands.	<p>access between pastures that would be open to grazing under the proposed alternatives in the MMPs/EIS, and current livestock use in this area has not resulted in unacceptable impacts to Monument resources. However, under all alternatives, the monitoring of cultural sites and riparian areas would determine if mitigation measures would be necessary to address impacts from livestock trailing (see Section 2.4.5.2). Implementation-level management can include using exclosures and other methods to protect specific cultural sites from livestock as deemed necessary for the proper care and management of Monument objects and values.</p> <p>Prioritization of rangeland health assessments will be made on a case-by-case basis at the implementation level as needed to inform permit-level grazing decisions. Grazing permit renewals and associated site-specific livestock grazing decisions on BLM-administered lands are subject to appropriate environmental review and can be found on the BLM's ePlanning website (<a href="http://eplanning.blm.gov">eplanning.blm.gov</a>). Grazing permit renewals and associated site-specific livestock grazing decisions on USFS-administered lands are also subject to appropriate environmental reviews and are available on the USFS's Schedule of Proposed Actions (SOPA) page (<a href="http://www.fs.fed.us/sopa">www.fs.fed.us/sopa</a>).</p> <p>Section 1.14 of Appendix M of the MMPs/EIS includes applicable monitoring requirements. Allotment-specific livestock grazing decisions regarding utilization levels are made at the implementation level. These allotment-specific utilization levels may be adjusted if rangeland monitoring demonstrates that livestock grazing is contributing to the area not meeting standards (MMPs/EIS, Appendix I, Section 1.5) or if grazing is not consistent with the proper care and management of Monument objects and values.</p> <p>Decisions regarding livestock grazing at the implementation level in the BENM would continue to be based on <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 - <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i>, consistent with the proper care and management of Monument objects and values.</p>
237064-6	There is no way to protect cultural resources from the significant impacts of livestock without extensive, expensive, intrusive and unnecessary fencing...simply remove livestock from the landscape. There should be no livestock within canyons with seasonal or perennial streams. Cattle especially concentrate in riparian areas reducing them to putrid cesspools of urine and feces, denuding vegetation that native wildlife is dependent upon, and trampling fragile banks and soil crusts causing significant erosion and reducing water quality and quantity. 50% utilization of forage by livestock grossly exceeds sustainable grazing utilization in situations where rangeland conditions are being met, much less where those conditions are NOT being met. With insufficient range staff to conduct periodic evaluations it is even more imperative to under-utilize resources instead of potentially overusing them. Scientific studies (The unpublished review of published literature by John Carter (2013) provides evidence for 30% utilization. The literature cited in the review reveals not only ecological benefits and benefits post-drought, but also economic feasibility for the rancher.), show 30% utilization to be the sustainable level that allows for	See responses to GRAZ-1, GRAZ-3, and A.14-15. Section 1.14 of Appendix M of the MMPs/EIS includes applicable monitoring requirements. Allotment-specific grazing decisions regarding utilization levels are made at the implementation level. These allotment-specific utilization levels may be adjusted if rangeland monitoring demonstrates that livestock grazing is contributing to the area not meeting standards (MMPs/EIS, Appendix I, Section 1.5) or if grazing is not consistent with the proper care and management of Monument objects and values.

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	other resource needs to be met and consistent meeting of rangeland health conditions. In a National Monument, 30% would be the most appropriate utilization standard to use.	
236993-1	Reconsider grazing in areas of poor rangeland health and go beyond using natural features by supporting more collaborative enclosure projects.	The MMPs/EIS analyzes a range of management actions addressing livestock grazing, including the use of fencing and other types of enclosures/enclosures. Fencing has been added as an example of allowed range improvements in Section 2.4.5.1 of the MMPs/EIS. Site-specific decisions regarding the use of enclosures/enclosures will be made at the implementation level. Allotment-specific grazing decisions regarding utilization levels are made at the implementation level. These allotment-specific utilization levels may be adjusted if rangeland monitoring demonstrates that livestock grazing is contributing to the area not meeting standards (MMPs/EIS, Appendix I, Section 1.5) or if grazing is not consistent with the proper care and management of Monument objects and values.
236877-5	<p>Regarding livestock grazing: * for protection of native species, the plans should outline that lands closed to grazing should be significantly increased over time (ES-8) * The plan should focus on maximizing areas intended to protect wilderness; this should include ROW exclusion areas and OHV limited or closed areas(ES-7/8). *</p> <p>The following areas open to livestock grazing and OHVs should be minimized to the greatest extent possible: *</p> <p>Riparian areas (ES-9) *</p> <p>Highly erodible soil areas (ES-10) *</p> <p>In areas of cultural significance (ES-7). *</p>	See response to 236926-3. Livestock grazing decisions in the BENM will be guided by the best available science and <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i> , consistent with the proper care and management of Monument objects and values. Also note that the MMPs/EIS includes a full range of alternatives regarding areas unavailable and available for OHV use, areas available for new ROWs, and lands managed for wilderness characteristics.
236918-4	Biological soil crusts are particularly prevalent in all of the above named areas, and the impact of grazing on these crusts and other fragile desert biology should be taken into account when considering changes to grazing permits. No allotment should be allowed to increase stocking rates under current management regimes.	<p>See response to comment A.14-15. The MMPs/EIS is a programmatic analysis of planning-level decisions to provide for resource uses and the proper care and management of Monument objects and values. The MMPs/EIS includes protections related to sensitive soils and analysis of the potential impacts of livestock grazing on soil resources (refer to Section 3.13 of the MMPs/EIS). Site-specific efforts to protect sensitive resources, such as biological soil crusts, will be addressed at the implementation level rather than the planning-level in the land use plan. Livestock grazing decisions in the BENM will be required to manage for maintenance of long-term soil function and will be guided by the best available science and <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> (BLM 1997) and USFS Handbook 2209.21 – <i>Rangeland Ecosystem Analysis and Monitoring Handbook</i> (see Section 2.4.9.2, bullet 1 of the MMPs/EIS).</p> <p>Section 1.14 of Appendix M of the MMPs/EIS includes applicable monitoring requirements. Allotment-specific grazing decisions regarding utilization levels are made at the implementation level. These allotment-specific utilization levels may be adjusted if rangeland monitoring demonstrates that livestock grazing is contributing to the area not meeting standards (MMPs/EIS, Appendix I, Section 1.5) or if grazing is not consistent with the proper care and management of Monument objects and values.</p>

## 3.10 Lands and Realty

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LANDS-1	<p><b>Lands in the BENM should not be conveyed out of federal ownership.</b></p> <p>Sample comment: These national treasures should not be wrenched from the public domain. No action to sell, please or otherwise exploit these areas should be especially when the issue is before the courts.</p> <p>Sample comment: Please DO NOT down-size, sell off parts of, or privatize the Bears Ears and Grand Staircase-Escalante National Monument areas.</p> <p>Sample comment: Restore the monument boundaries in and around Bears Ears and Grand Escalante Staircase. Never sell these lands.</p> <p>Sample comment: Please do not sell off any land or open up to extraction industries. Please leave the resources in the ground.</p> <p>Sample comment: Protect our monument from being sold to special interests. I want our BLM land to remain as it is.</p>	<p>The range of alternatives analyzed in the EIS does not include disposal of Federal lands.</p>
LANDS-2	<p><b>Lands in the BENM should not be made available for ROW applications or other lands and realty activities.</b></p> <p>Sample comment: The Bears Ears and Grand Staircase-Escalante national monuments should be kept intact and protected from commercial interests in perpetuity. Any "management" plans that sell or lease these lands amount to admissions that the national monuments can be carved up and made available to corporations.</p> <p>Sample comment: Bears Ears and Grand Staircases-Escalante is an American Treasure, that belongs to all the people. This unique National Monument must not be sold, leased, or otherwise be made available to corporate interests.</p> <p>Sample comment: I am opposed to selling or leasing of these public lands to anyone.</p> <p>Sample comment: The BLM has no right to lease out monument lands to private corporate interests. That is not in the best interests of the citizens of the US who actually own the monument.</p>	<p>The range of alternatives analyzed in the MMPs/EIS includes a range of lands that would be designated as open, avoidance, and exclusion areas for ROWs. Under Alternative B, all lands within the BENM would be managed as a ROW exclusion area. Under all of the alternatives analyzed in the MMPs/EIS, any land use authorization must provide for the proper care and management of Monument objects and values.</p>
LANDS-3	<p><b>Lands in the BENM should not be made available for ROW applications, or other lands and realty activities if those activities would conflict with the Monument's objects and values, particularly cultural or paleontological resources.</b></p> <p>Sample comment: Given the high intensity of cultural resources in the Shash Jaa unit, I believe exclusion rather than avoidance is necessary. Alternative B (Map 2-3) should be selected.</p> <p>Sample comment: I'd like to see the number of right-of-way applications as low as possible in order to provide adequate protections to the cultural resources.</p> <p>Sample comment: Rights-of-Way: Alternative D opens the greatest amount of land to right-of-way (ROW) applications that may cause direct harm from surface-disturbing activities. These actions also may cause indirect harm from the introduction of incompatible visual features, and new access points that facilitate both intentional and unintentional damage from users. This is a particular issue for cultural resources because, as the Draft EIS acknowledges, just 8.2% of the BLM administered lands within the Shash Jaa' unit have been surveyed for cultural resources (Section 3.5.1.2.1). Further, we disagree that a future commitment to conduct review under Section 106 of the National Historic Preservation Act (NHPA) at the ROW application stage is sufficient to reduce these impacts. The National Trust has also had significant disagreements with BLM - and the Monticello Field Office in particular - in what we consider to be unsupported "no adverse effect" determinations. This is particularly true with respect to oil and gas leasing on a culturally significant landscape on lands east of Route 191, which have previously been deferred because of a high density of cultural resources.</p>	<p>See response to LANDS-2.</p>

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LANDS-4	<p><b>Lands in the BENM should be made available to allow for future ROW applications, and other lands and realty actions.</b></p> <p>Sample comment: Alternatives B, C, and D dramatically increase rights-of-way exclusion and avoidance areas. Specifically in the Shash Jáa Unit, under Alternative B, there is only one small ROW area designated as open. This may create serious problems for State and private inholdings within the monument when efforts are made to use those lands. Additional open areas should be included in the ROW section for Alternative D. This would create a broader range of alternatives that would more easily allow the decision makers to consider State and Private interests throughout the planning area.</p>	<p>The range of alternatives analyzed in the MMPs/EIS includes a range of lands that would be designated as open, avoidance, and exclusion areas for ROW applications. Under Alternative D, the Shash Jáa Unit allows for a designated utility corridor and areas designated as open for ROW applications in the location where the agencies believe that the possibility for future ROW applications exist. Under Alternative D, the Indian Creek Unit would be largely open for ROW applications. The range of alternatives included in the MMPs/EIS includes specific provisions in the lands and realty section to allow for consideration of future ROW applications from State and private interests.</p>
LANDS-5	<p><b>Land acquisitions or exchanges that would increase the amount of lands in the BENM should be consistent with and protect Monument objects and values.</b></p> <p>Sample Comment: My concern with the reduction of the size of the monument is I see there's a lot of state lands incorporated within the two large monument areas taking up quite a bit of acreage. In the top part there's at least 13 square miles of SITLA land, and I'm wondering if there's going to be an effort to try to acquire, exchange, the in-holding SITLA lands in the monument for other BLM lands in order to preserve the integrity of the smaller designated monument lands. I hope there's an effort to do that. I hope SITLA will cooperate with that, and it will help preserve the integrity of the areas that remain in the monument.</p> <p>Sample comment: Any land exchanges between Federal agencies and the State of Utah must be transparent and have the purpose of increasing protection of Monument objects and values. The MMP notes that the Agencies would give land exchanges with the State of Utah priority consideration in terms of acquiring land consistent with the management of monument objects and values. See Draft MMP 2-8. Any land exchanges that occur, must be open and transparent. It must result in an overall benefit to, and improve the protection of, monument objects. Land exchanges with any other objective, such as opening protected areas to extractive uses, are not consistent with the management of monument objects and values.</p>	<p>As stated in Section 2.4.3.2 of the MMPs/EIS, acquisition of lands within the Planning Area would be pursued where it would provide for the proper care and management of the objects and values for which the Monument was designated. Any acquired lands would be managed the same as adjacent lands in the Planning Area unless they required specific management related to Monument objects and values. Land exchanges with the State of Utah would be given consideration by the BLM on a case-by-case basis. The State of Utah would have to initiate any such proposal for exchange.</p>
LANDS-6	<p><b>Monument management should not restrict UAVs or helicopter landings from occurring in the Monument.</b></p> <p>Sample comment: Chapter 2, page 9, section 2.4.3.3 Unmanned Aerial Vehicles Systems (UAVSs) are a valuable tool for a wide variety of scientific research that requires 3D mapping and visualization. We recommend case-by-case permitted use of UAVSs for scientific research: Alternative D. In contrast Alternatives A, B, and C would negatively impact scientific research within the monument.</p> <p>Sample comment: Chapter 2, page 13, section 2.4.7.4, row 2 of Table 2-8 Helicopters and UAVSs may be necessary to successfully conduct paleontological research and/or for transporting specimens out of the field as a method of minimizing impact. The management plan should explicitly state that the use of helicopters and UAVSs may be permitted for research purposes (with a valid scientific permit) on a case-by-case basis.</p>	<p>The MMPs/EIS includes a range of alternatives for the landing and taking off of UAVs (Section 2.4.3) to reduce conflicts with other resources and resource uses and to provide for the proper care and management of Monument objects and values. The range of alternatives considered for restrictions on UAV use includes provisions to allow UAVs for administrative or specially permitted activities, which could include permitted research activities. The review and approval of these activities would be on a case-by-case basis.</p>
A.70-2	<p>As described in the Presidential Proclamation 9681, the CRC is a unique and valuable partnership between federal and state agencies, academic institutions, and non-profit entities on both public and privately-owned lands. Specifically, the proclamation states:          "Also located within the Indian Creek area is the Canyonlands Research Center. Spanning lands managed by the National Park Service, BLM, USFS, and private landowners, this unique partnership works to increase our understanding of the complex natural systems on the landscape, providing their custodians with information they need to adapt to the challenges of a changing Colorado Plateau."          The CRC is governed by a Memorandum of Understanding (MOU) between the partners, including the BLM and the Forest Service (Attachment A). As stated in the MOU, the primary purpose of the CRC is to "collect</p>	<p>Proposed management under any alternative would not conflict with the mission of or ongoing research being conducted by the CRC, result in changes to the ownership of Dugout Ranch, or restrict valid existing access to the property. Although the CRC is a multiagency partnership that covers multiple landownership categories in the Indian Creek Unit, the MMPs/EIS accurately refers to the Dugout Ranch property, which is privately owned, as a private inholding. Specific scientific partnerships or projects between the CRC partners and the BLM are beyond the scope of the development of the MMPs.</p>

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	<p>sound scientific data on the interactive effects of land use and climate... The parties to this MOU intend that the research findings from the CRC may be used to develop land use solutions that meet human needs while maintaining ecological and economic viability in the region." The MMPs/EIS describes that "[s]cientific research is being conducted on soil and vegetation resources in the area"<sup>1</sup>, but the research at the CRC goes beyond this narrow definition. As explained in the MOU, substantial study is being done on cattle grazing and operations on the Colorado Plateau, such as assessing whether Criollo cattle are better suited to arid rangeland regions and how soon cattle can be returned to lands that have been restored.</p> <p>Because the CRC is a listed value of the BENM and part of a cooperative effort that includes the BLM and Forest Service, the MMPs/EIS needs to recognize and incorporate the importance of the CRC in the planning process. First, the MMPs/EIS should include the CRC in the analysis of alternatives and impacts. The CRC and its scientific research are a priority for both the Conservancy as well as many federal agencies—the Forest Service, BLM, National Parks Service, and U.S. Geological Survey. Moreover, the research being done at the CRC can be used to conserve the resources and systems within the BENM. 2 For example, because of its scale and use of biocrust organisms resistant to drought, a climate-adapted biocrust project could result in increased biocrust restoration success for BENM, and for BLM lands throughout the Colorado Plateau. Second, the MMPs/EIS should not include any actions that would negatively impact the CRC and its scientific research. For instance, if grazing were eliminated or reduced where the CRC is conducting scientific research on the impacts of livestock use, the CRC would no longer be able to effectively operate or meet the goals of the MOU. Therefore, eliminating or reducing grazing is in direct opposition to the Proclamation and the MOU signed by the BLM and Forest Service. Eliminating or reducing grazing in the Indian Creek unit should be removed from all alternatives.</p>	<p>The agencies considered a range of alternatives for the management of livestock grazing, including an alternative that would eliminate livestock grazing from the BENM entirely (although this alternative was not carried forward for detailed analysis). In some areas, prioritizing the management of the BENM for one object or value may require trade-offs that result in impacts to another. This discretion is clearly provided to the agencies in Proclamation 9558, which states, "the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate." Section 3.9.2.2 accurately describes the impacts of making areas unavailable for livestock grazing in the Indian Creek Unit, stating that "the closures could affect current and planned research on sustainable livestock grazing on the Indian Creek allotment."</p>
A.70-8	<p>The MMPs/EIS also needs to clarify that the CRC is not a private inholding. It is a federal, state, academic, and private partnership that operates on private and public lands. The MMPs/EIS notes "Most of Indian Creek Canyon is included in the Indian Creek allotment. This allotment (of which approximately 52,807 acres, or about 23%, is located within BENM) is held by the Conservancy, which has largest private inholding along Indian Creek, including the Dugout Ranch and the Canyonlands Research Center." The CRC encompasses lands managed by the BLM, National Park Service, the Forest Service and the Conservancy, as stated in the Proclamation, and is not a private inholding like the Dugout Ranch.</p>	<p>Although the CRC is a multiagency partnership that covers multiple landownership categories in the Indian Creek Unit, the MMPs/EIS accurately refers to the Dugout Ranch property, which is privately owned, as a private inholding. Specific scientific partnerships or projects between the CRC partners and the BLM are beyond the scope of the development of the MMPs.</p>
A.70-14	<p>The Conservancy strongly supports the goal "[t]o the extent possible, avoid designating or authorizing use of transportation or utility corridors within the Indian Creek Unit" and Alternative C that indicates the Indian Creek unit would be an avoidance area for rights-of-way (ROW). Corridor and ROW development could have irrevocable effects on our private property as well as the scientific research done by the CRC partnership. Because Dugout Ranch and the CRC are within the Indian Creek Unit, the Conservancy also feels filming projects should not impact sensitive habitat, and that livestock and/or exotic animals used in filming should not interfere with ranch operations.</p>	<p>See response to LANDS-2. As stated in Section 2.4.3.2 of the MMPs/EIS, minimum impact filming would be allowed under all alternatives, so long as the project meets certain criteria, including that it does not affect sensitive habitat or species, and impacts to air, land, and water can be avoided, mitigated, or reclaimed.</p>
A.58-13	<p>New Rights of Way (ROWs) are inappropriate management activities within a protected landscape. New Rights of Way described as including pipelines, powerlines, roads, and infrastructure for utilities (DMMP 3-19, 3-20) can have direct impacts not only on Monument visitors and resources, but on adjacent national park resources, which the agencies fail to consider. Alternatives A-D provide for vastly different approaches to ROWs within the Indian Creek unit, with the Preferred Alternative D being the least restrictive and Alternative B excluding ROWs from the planning area (DMMP 2.4.3.3). Preferred Alternative D would manage the vast majority of the Monument as "Open" to ROW's, including the area bordering Canyonlands National Park (DMMP Map 2-8). Only Bridger Jack Mesa WSA would be excluded from ROWs. Shay Canyon ACEC, Lavender Mesa ACEC, and active flood plains and recreation areas would be "avoidance areas" subject to the same criteria as Alternative C. In addition, ROW's would be available for maintenance or improvement of existing roads. Alternative B, by contrast, would manage the entire</p>	<p>See responses to LANDS-2 and ALT-1. The range of alternatives considered in the MMPs/EIS includes alternatives that would not make ROWs available for maintenance or improvement of existing roads.</p> <p>The comment implies a heightened risk of impacts occurring from ROW applications and development in the BENM. The agencies do not concur that these impacts are likely. As stated in Section 3.7 of the MMPs/EIS, there are 22 existing land use authorizations in the BENM. Section 2.5.2.1.2 of the AMS accurately describes that "When compared to areas of the Monticello Field Office outside of the Shash Jaa and Indian Creek Units, there is a low demand for most forms of</p>

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	<p>Planning Area as a ROW exclusion area, with the exception of private land access and infrastructure (DMMP Map 2-4). This would maintain the existing recreation setting (DMMP 3-46) and provide the strongest protections for national monument and adjacent national park resources and visitor experience. NPCA and the Coalition support the ROW management decisions in Alternative B. ROWs should not be made available for maintenance or improvement of existing roads.</p>	<p>ROW in the BENM. Many ROWs within and near the Indian Creek Unit are related to various research projects by government and educational institutions. Most of these ROWs involve small acreages and minimal surface disturbing activities. Other ROWs include State of Utah, San Juan County, and NPS access roads. An increase in the demand for ROWs is not anticipated." Accordingly, Section 3.7.2 of the MMPs/EIS has been clarified to state, "There is a low demand for most forms of ROW in the BENM compared to other lands in the Monticello Field Office. The demand for new land use authorizations would remain steady or slightly increase throughout the life of the MMP."</p> <p>The agencies would review all ROW applications on a case-by-case basis at the time they are received through an appropriate environmental analysis. Any ROW authorizations would be required to be consistent with the proper care and management of the Monument objects and values.</p>
A.53-3	<p>While the DEIS states that demand for new land use authorizations would remain steady or slightly increase through the life of the MMP it also admits expanding resource uses adjacent to Federal lands, particularly energy and mineral development, increases the demand for land use authorizations on Federal land to increase those uses. See DEIS at 3-21. These two statements are contradictory, BLM cannot on one hand expect demand for new authorizations to remain steady or only slightly increase, while at the same time admitting that activities outside the monument will increase the demand for authorizations within the monument. For a sufficient management plan, BLM must analyze the impacts of development outside the Monument on monument objects. To effectively protect Monument objects, especially with the expectation that previously protected lands will now be open for development, BLM should not select an alternative that opens lands to ROWS, but rather one that restricts or prohibits ROWS within the Monument. Therefore, NWF strongly urges BLM to select an alternative that reduces the number of ROWS permitted in national monuments, and at the very least require that ROW development would be avoided to the extent practicable as outlined in Alternative C.</p>	<p>See responses to LANDS-2, OOS-4, and A.58-13. Section 3.7.2 of the MMPs/EIS has been clarified to state, "There is a low demand for most forms of ROW in the BENM compared to other lands in the Monticello Field Office. The demand for new land use authorizations would remain steady or slightly increase throughout the life of the MMP." Additionally, the following statement has been removed from the MMPs/EIS: "Expanding resource uses adjacent to Federal lands, particularly energy and mineral development, increases the demand for land use authorizations on Federal lands to accommodate those uses." This statement does not accurately reflect the agencies' anticipated future demand for land use authorizations in the BENM.</p> <p>The analysis areas for many resources extend beyond the Planning Area boundaries. The cumulative impacts analysis contained in Section 3.22 of the MMPs/EIS analyzes the impacts of management actions outside the BENM on resources within the BENM.</p>
A.75-62	<p>The Draft MMP fails to acknowledge the impact that development on lands within the original Bears Ears boundaries will have on ROW expansion. The MMP also fails to acknowledge the impact that Proclamation 6981 and the elimination of thousands of acres of lands surrounding the Shash Jaa' and Indian Creek units from monument protection status will have on the development of ROWs. The EIS states that demand for new land use authorizations would remain steady or slightly increase through the life of the MMP but goes on to highlight how expanding resource uses adjacent to Federal lands, particularly energy and mineral development, increases the demand for land use authorizations on Federal land. See Draft MMP at 3-21. These two statements are contradictory, the Agencies cannot on one hand expect demand for new authorizations to remain steady or only slightly increase, while at the same time foresee that newly permitted extractive activities outside the Monument will increase the demand for authorizations within the Monument. Coal, oil and gas leasing, all of which were prohibited on excised lands under the 2016 Bears Ear Monument, may now be permitted on these excised lands. An increase in extractive industries will invariably result in significant impacts on monument lands due to increased demand for ROWs within the Monument and impairment of lands outside the Monument. These impairments do not occur in isolation and have broad landscape scale implications. Therefore, to meet its obligations to protect monument resources, the Agencies must acknowledge the implications of increased energy and development on lands outside the Monument, recognize the overlap and ecological</p>	<p>See responses to A.58-13, A.53-3, and OOS-10. Based on past trends, the agencies do not expect a substantial increase in demand for land use authorizations associated with mineral development in the BENM. The lands excluded from the BENM by Proclamation 9681 were available for location, entry, and other disposition under the mining and mineral leasing laws prior to the issuance of Presidential Proclamation 9558 on December 28, 2016, and were made available for these uses again by Presidential Proclamation 9681 on February 2, 2018. There are no existing ROW authorizations in the BENM associated with mineral operations located either in or outside the BENM.</p>



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7054-1	connectivity of the resources and objects between the Shash Jaa' and Indian Creek areas and the surrounding excised lands, and manage not just monument lands, but the broader landscape scale. It must consider an alternative that accounts for management of lands surrounding the Monument.	Under all alternatives analyzed in the MMPs/EIS (Section 2.4.3), landing and taking off from existing backcountry airstrips in the Planning Area would be allowed. No backcountry airstrips are proposed to be closed.
H.61-1	<p>P. 2-8 2.4.3.3. Management Actions by Alternative (Lands and Realty) Table 2-3 Alternative D</p> <p>Wording should be consistent between monument units for consideration of a ROW in an avoidance area. The current statements could be interpreted to be a somewhat different approach to ROWs in one unit compared to the other. Suggested revision:</p> <ul style="list-style-type: none"> <li>• ROWs may be issued for maintenance and improvement of existing roads so long as impacts to Monument objects can be avoided or mitigated.</li> <li>• ROWs may be issued for construction of new roads or other facilities where needed for public safety or protection of Monument objects so long as such objects can be avoided or mitigated.</li> <li>• ROWs may be issued where necessary to access non-Federal in-holdings so long as impacts to Monument objects can be avoided or mitigated</li> </ul>	The agencies developed alternatives that included slightly different language for the consideration of issuing ROWs between the two units because of minor differences between the landownership patterns and expected potential ROW needs. In developing the Final EIS, the BLM and USFS have developed a new Alternative E, which is analyzed in the Proposed MMPs/Final EIS. Alternative E provides "ROWs may be issued for maintenance and improvement of existing roads and where necessary to access non-Federal inholdings so long as impacts to Monument objects can be avoided or mitigated."
A.70-1	Impacts to private lands within, or adjacent to, the BENM were not adequately considered in the draft and should be analyzed in greater detail in the MMPs/EIS. Specifically, because the Dugout Ranch is the largest private inholding within BENM, we are concerned that management of BENM bordering lands will adversely impact our private property in the following ways (a partial list): increased visitation and recreation, development of associated facilities, visitor access changes in grazing allotments, protection of private property, human safety concerns because of increased visitation, unauthorized access to our property by visitors to the BENM, degradation of resources from increased use and development of adjacent public land, increased risk of fire, and challenges to existing cattle operations.	The agencies have added additional analysis regarding potential impacts on private property and the Dugout Ranch specifically to Section 3.23.14 of the MMPs/EIS. No part of the MMPs/EIS process would purposefully affect access to, or adversely impact the use, safety, or environmental quality of private lands. The agencies would continue to work collaboratively with adjacent property owners on a case-by-case basis to minimize trespass on private property, maintain public health and safety, evaluate grazing operations, and avoid the degradation of natural resources. The impacts on these resources are analyzed in the MMPs/EIS regardless of land ownership. , and Section 3.16 of the EIS. Safety and increased risk of fire are discussed in Section 3.6. Impacts to livestock grazing are discussed in Section 3.9.
A.75-61	<p>BLM and USFS improperly designate vast areas available for the development of rights-of-way.</p> <p>BLM issues land use authorizations, including ROWs for the use, occupancy, and development of BLM and USFS administered lands. Facilities that require ROWs include those for power lines, pipelines and roads. See Draft MMP at 3-20. These surface disturbing activities associated with ROWs imperil the natural, cultural and historic monument objects of the Shash Jaa' and Indian creek units.</p> <p>BLM Manual 6220 directs BLM to consider designating Monuments and other NCAs as ROW exclusion or avoidance areas, as ROWs can have direct impacts on Monument visitors and resources, as well as impacts to adjacent lands. Contrary to this direction, the preferred alternative closes the bare minimum amount of acreage to new ROWs (i.e., only closing areas that the agencies are legally required to close). The proposed alternative leaves 64,300 acres (89% of public lands) of Indian unit completely open for ROW authorizations and most of the remaining acres to be avoidance areas. In the Shash Jaa' unit, 1,500</p>	<p>The error in Table CUL-3 of the MMPs/EIS has been revised to correct the acreage and percentage of archaeological sensitivity in areas available or closed for ROWs.</p> <p>See response to A.75-62. The agencies are not required to provide justifications for the alternatives presented or identified as preferred in a NEPA document; the agencies' rationales for the alternative selected will be provided in the Records of Decision (RODs).</p>

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	<p>acres would be open for ROW authorizations, and except for three designated exclusion areas, the remaining acres (61% of public lands) would be designated as ROW avoidance areas, meaning development is still a likely possibility. See Draft MMP 2-8; Id., Appx. B-11, Id. at 3-20. Additionally, the preferred alternative is less protective than existing management for LWCs and would make ROWs available for maintenance or improvement of existing roads. See Draft MMP at ES-8. In contrast, Alternative B would manage the entire Planning Area as a ROW exclusion area, with the exception of private land access and infrastructure. See Draft MMP Map 2-4. This would maintain the existing recreation setting and provide the strongest protections for Monument objects. See Draft MMP 3-46.</p> <p>We would like the flag the error that exists in Table CUL-3, Draft MMP 3-11. In this table, the number of acres listed as being avoidance or open to ROWs in “high,” “medium,” and “low” archaeological sensitivity are the same under Alternative B and Alternative D. This is far from the case, as mentioned above — Alternative B is protective of Monument objects, whereas Alternative D provides the minimum protections possible and leaves Monument objects at risk.</p> <p>Assuming the numbers presented in Table CUL-3 are correct, the preferred alternative opens 5,914 acres that are determined to be “high” in archaeological sensitivity and 30,943 acres that are determined to be “medium” in archaeological sensitivity to ROWs in the Indian Creek unit. See Draft MMP 3-11. Additionally, in the Shash Jaa’ unit 822 acres of “high” archeological sensitivity are open to ROWs and 669 acres of “medium” archeological sensitivity are open to ROWs. Id. In the Indian Creek unit there are 216 known cultural localities in open ROW areas and 60 in known ROW avoidance areas. In the Shash Jaa’ unit there are 22 known cultural localities in areas open to ROWs and 2,025 in ROW avoidance areas. See Draft MMP at 3-11. As stated verbatim in the Draft MMP, “[a] ROW grant could also lead to indirect impacts to cultural resources if the purposes of the grant were to introduce an incompatible visual feature or provide new access. Areas closed to ROWs generally would provide greater protections for cultural resources.” See Draft MMP 3-10. We believe all these numbers are grossly too high — Bears Ears was designated as a National Monument primarily for the protection of cultural and archaeological resources, therefore, the protection of such resources must be the priority.</p> <p>The Draft MMP readily admits that “[t]he greatest potential impacts would occur under Alternatives A and D.” See Draft MMP at 3-97. The Draft MMP also make clear that “[i]mpacts related to ROW development are expected to be minimal over the life of the plans because there is anticipated to be a low demand for ROWs in the Planning Area.” Id. If demand for ROWs is expected to be low, there seems to be no reason to open such a wide majority of the Planning Area to be open to such use. The Draft MMP fails to provide sufficient justifications as to why it has selected an alternative that opens up well over 70% of the Shash Jaa’ and Indian Creek lands, purportedly protected as part of a National Monument, to ROWs.</p>	

### 3.11 Lands with Wilderness Characteristics

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LWC-1	<p><b>The BLM should conduct an updated inventory of lands with wilderness characteristics within the BENM, evaluate citizen-submitted data, and incorporate this information into the MMPs/EIS.</b></p> <p>Sample comment: Lands with Wilderness characteristics should be identified and designated for increased levels of resource protection.</p>	<p>BLM Instruction Memorandum 2011-154 directs the BLM to consider identified lands with wilderness characteristics when analyzing management actions under NEPA. Manual 6310 requires the BLM to consider whether to update or conduct a wilderness characteristics inventory when an action that may impact wilderness characteristics is undergoing NEPA analysis (Manual 6310 at Section 06(A)(2)).</p>

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	<p>Sample comment: The BLM is required by law to maintain a current inventory of its resources, including lands with wilderness characteristics. Should the BLM move forward with these plans, the agency must fully incorporate the information contained in this inventory in the development, maintenance, and updates to these land use plans.</p> <p><i>Sample comment:</i> Complete a thorough LWC inventory and evaluate citizen-submitted LWC data:</p> <p>The BLM is required under the Federal Lands Policy and Management Act (FLPMA), 43 U.S.C. § 1711 (a) to maintain a current inventory of its resources, including lands with wilderness characteristics. As the U.S. Court of Appeals for the Ninth Circuit recently held (Case No. 05- 35931, Oregon Natural Desert Association v. Bureau of Land Management), "wilderness characteristics are among the 'resource and other values' of the public lands to be inventoried under § 1711. BLM's land use plans, which provide for the management of these resources and values are to 'rely to the extent it is available, on the inventory of the public lands, their resources, and other values.'" 43 U.S.C. § 1712 (c) (4).</p> <p>Furthermore, BLM's Manual 6310 states: "[r]egardless of past inventory, the BLM must maintain and update as necessary, its inventory of wilderness resources on public lands." And BLM's Manual 6320 requires the agency to consider lands with wilderness characteristics in land use planning, both in evaluating the impacts of management alternatives on lands with wilderness characteristics and in evaluating alternatives that would protect those values. BLM is supposed to complete wilderness inventories on a continuing basis as well as evaluate relevant citizen-submitted data (BLM Manual 6310.04(C)(1)).</p> <p>The draft plan indicates that BLM relied on the 2008 Monticello RMP for its LWC findings. As required by FLPMA, BLM must maintain a current inventory. An analysis from a decade ago is not necessarily "current." Additionally, USFS should, at minimum, finish its draft wilderness evaluation before developing alternatives so that the alternatives are informed by the inventory.</p> <p>BLM must also evaluate any citizen LWC inventory data submitted as part of the planning process. We urge BLM to incorporate citizen LWC data into their inventory and make publicly available any analysis of citizen inventory data.</p>	<p>Furthermore, Manual 6320 requires the BLM to ensure that "wilderness characteristics inventories are considered and that, as warranted, lands with wilderness characteristics are protected in a manner consistent with this manual in BLM planning processes" (Manual 6320 at Section 04(C)(2)).</p> <p>Seven inventory units for lands with wilderness characteristics, covering approximately 101,497 acres, were identified in the BENM. These units are discussed in Section 3.8 of the MMPs/EIS and will continue to be updated as additional inventories are conducted in the future. As part of this NEPA process, the BLM considered all information from the public, interested groups, and cooperating agencies throughout the development of the MMPs/EIS. The BLM has not received any citizen inventory information since the last lands with wilderness characteristics inventory occurred in 2015. The 2015 inventory was part of the planning process for the Moab Master Leasing Plan and covered the area within the Indian Creek Unit. The inventory forms used to delineate and identify lands with wilderness characteristics within the BENM are available on the ePlanning website for the Monticello Field Office Record of Decision and Approved Resource Management Plan at <a href="https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&amp;currentPageId=98873">https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&amp;currentPageId=98873</a>.</p>
LWC-2	<p><b>The BLM should manage identified lands with wilderness characteristics for wilderness values, as this provides protection for wildlife habitat, the viewshed, cultural resources, paleontological resources, and other Monument objects and values.</b></p> <p><i>Sample comment:</i> BLM should manage identified lands with wilderness characteristics for wilderness values, as this provides protection for cultural resources, paleontological resources, and other irreplaceable Monument objects.</p> <p><i>Sample comment:</i> Areas identified with Wilderness characteristics should be managed for Wilderness values mandating the highest protections for these cultural and natural resources.</p> <p><i>Sample comment:</i> In the process of developing and implementing a management plan the BLM should focus on the following: *Managing identified lands with wilderness characteristics for wilderness values, as this provides protection for cultural resources, paleontological resources, and other irreplaceable Monument objects.</p>	<p>The range of alternatives analyzed in the MMPs/EIS includes alternatives that would manage none, some, and all seven lands with wilderness characteristics units in the BENM to protect wilderness characteristics (see Section 2.4.4 of the MMPs/EIS). Determining management of lands with wilderness characteristics through the land use planning process may result in several outcomes, including emphasizing other multiple uses as a priority over protecting wilderness characteristics; emphasizing other multiple uses, while applying management restrictions, such as conditions of use and mitigation measures, to reduce impacts on wilderness characteristics; and protecting wilderness characteristics as a priority over other multiple uses (BLM Manual 6320.06.A). Table LWC-2 in the MMPs/EIS provides a summary of overlapping allocations for the alternatives considered in the MMPs/EIS, some of which could provide varying protections for lands with wilderness characteristics units within the BENM, such as ACECs, closed to OHV use, ROW exclusion areas, and lands managed as VRM Class I and VRM Class II.</p>

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LWC-3	<p><b>The BLM should include management prescriptions for each lands with wilderness characteristics unit to most effectively protect their wilderness character, and a reasonable range of alternatives should be considered to protect wilderness values.</b></p> <p><i>Sample comment:</i> Instead of presenting a reasonable range of alternatives, BLM only provides two options: manage 82,393 acres as LWCS or manage no acres as LWCS, BLM should consider multiple alternatives for managing LWCs and include a number of alternatives to protect wilderness values.</p> <p><i>Sample comment:</i> Areas with wilderness characteristics are rare enough, precious enough, fragile enough, that to entrust their wellbeing to the self-restraint of the residents of a county who have illegally cut thousands of miles of roads on public lands is a disservice to the greater body of the American public, whose lands these are as well. Alternative B of the management plan provides the greatest potential for protection and responsible stewardship of these lands, and in the face of a changing climate, that stewardship is more urgent than ever. Please for the love of God, implement Alternative B.</p>	<p>See Table LWC-2 in the MMP/EIS, which summarizes the acreages of overlapping resources and resource uses that could impact or preserve wilderness characteristics on the affected lands. CEQ regulations (40 CFR 1502.1) require that the BLM consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment. In the analysis, the BLM considered a reasonable range of alternatives to analyze the trade-offs of managing lands with wilderness characteristics to maintain those characteristics versus the other potential uses of the lands.</p> <p>The alternatives presented in the MMPs/EIS provide three different acreages for protection of wilderness characteristics (see Section 2.4.4.2 of the MMPs/EIS). Additionally, Section 3.8.2.2 of the MMPs/EIS provides a summary of the environmental consequences for the management actions in the range of alternatives.</p>
A.58-7	<p>In order to meet their statutory and regulatory obligations-and to uphold the letter and spirit of the Bears Ears Proclamation BLM and the United States Forest Service ("USFS") should manage identified lands with wilderness characteristics (including Forest Service inventoried roadless areas ("IRAs") for protection of wilderness values.</p>	<p>See response to LWC-2. Management action preferences are noted by the BLM and USFS. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. The USFS portion of the Monument containing inventoried roadless areas (IRAs) is managed under the 2001 Roadless Rule (36 CFR 294) to protect its roadless character (see Section 3.14.1.4 of the MMPs/EIS).</p>
A.47-71	<p>The Preferred Alternative calls for none of the Monument to be managed to protect its wilderness characteristics (DMMP Vol. 1 at 2-9). We see this as a clear example of the DMMP reducing protections from the status quo. While we may debate about a few specific areas, it's very difficult to argue that significant portions of the Monument do not have areas with strong wilderness characteristics, which should be preserved. Managing lands with wilderness characteristics as such has the added benefit of protecting other values recognized in both Proclamations, including cultural, recreation, scenic, Wildlife habitat, connectivity, and riparian areas, paleontological, and dark skies. Alternative B is better for VRMs, LWCs, non-mechanized vegetation treatment, closed to OHVs, and ROW exclusion. Both VRM II and VRM I contribute to the protection of wilderness characteristics (Vol. 1. 3-25). Recommendations 1. Agencies should reject Alternative D which does not manage LWCs.</p>	<p>See response to LWC-2. The current lands with wilderness characteristics management actions in the 2008 Monticello RMP do not manage any BLM-administered lands for the protection of wilderness characteristics in the Planning Area. Also, see Table LWC-2 (Impacts on Lands with Wilderness Characteristics) in the MMP/EIS, which summarizes the acreages of overlapping resources and resource uses that could impact or preserve wilderness characteristics on the affected lands.</p> <p>Alternative preferences are noted by the BLM and USFS. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
A.38-18	<p>Chapter 3, Page 24, Section 3.8.2.2 The MMP is unclear as to what forms of surface disturbance would be prohibited in lands with wilderness characteristics. For example, would paleontological excavations be precluded from lands with wilderness characteristics, or would short-term (multi-week) surface disturbance be allowed, provided that the excavation area is restored to the prior conditions? While clarifications are needed, we advocate for permitted multi-week paleontological excavations on a case-by-case basis (determined by a monument paleontologist), as is the case in other units of the National Conservation Lands.</p>	<p>Section 3.8.2.2, page 34 of the Draft MMPs/EIS explains that the surface-disturbing activities in lands managed for the protection of wilderness characteristics must be by non-mechanized and non-motorized methods only. Surface disturbances would not be allowed in areas managed to protect their wilderness characteristics if those activities were inconsistent with the management of wilderness characteristics. This determination would be made on a site- and project-specific basis based on the nature of the activity and the resources present in the area. Paleontological excavations and other paleontological research would be managed according to existing</p>

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A-40.7	<p>Manage the 101,497 acres identified by BLM and USFS as lands with wilderness characteristics (LWC) to safeguard wilderness values.</p> <p>The BLM and USFS identify 62,093 acres of LWCs (including Forest Service inventoried roadless areas) within the Shash Jáa Unit and 39,404 acres of LWCs within the Indian Creek Unit. The LWCs identified by BLM contain vital wildlife habitat, cultural and paleontological resources, and scenic vistas. Managing these lands for their wilderness character will also provide protection for these values. While a subset of the 101,497 acres are included to be managed as LWCs in alternatives B and C, zero acres are proposed to be managed as LWC in alternative D, the agency preferred alternative.</p> <p>We urge BLM and USFS to include all 101,497 acres identified as LWC in the agency proposed alternative and also inventory and manage lands identified as LWC within the 2016 monument boundaries to safeguard wilderness values.</p>	<p>laws, regulations, and policy, and would be considered on a case-by-case basis. See Section 2.4.6.2 of the MMPs/EIS.</p> <p>See response to LWC-2. The USFS portion of the Monument containing IRAs is managed under the 2001 Roadless Rule (36 CFR 294) to protect its roadless character (see Section 3.14.1.4 of the MMPs/EIS).</p> <p>Alternative preferences are noted by the BLM and USFS. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
A.48-3	<p>Finally, it is shocking that BLM, under Alternative D, “would not manage inventoried lands with wilderness characteristics specifically to protect wilderness characteristics. Instead, these lands would be managed for multiple use, which would provide additional opportunities for motorized recreation and could diminish the experience of recreational users who desire a more primitive recreation setting.” The BLM should be managing these lands not for recreation, again, but to preserve the wilderness characteristics and for the health of the ecosystem.</p>	<p>See response to LWC-2 and see Table LWC-2 (Impacts on Lands with Wilderness Characteristics) in the MMP/EIS. OHV use would be limited to designated routes or closed to OHV use under all alternatives considered in the MMPs/EIS. No areas currently closed to OHV use are being proposed to be open to that use nor is the construction of any new roads being proposed in the MMPs/EIS; see Section 2.4.12.3 of the MMPs/EIS.</p>
A.75-33	<p>Approved recreational activities must be in line with the protection of Monument objects: Off-road vehicle use: No additional motorized use should be allowed in LWCs</p>	<p>See response to LWC-3. The MMPs/EIS analyzes a reasonable range of alternatives addressing OHV use in LWCs. Under Alternative B, all lands with wilderness characteristics would be designated as OHV closed areas (refer to Section 2.4.4.2 of the MMPs/EIS).</p> <p>Alternative preferences are noted by the BLM and USFS. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
H.32-4	<p>It is essential that the land with wilderness characteristics be managed as wilderness area, with no new roads or development, while boundaries are still being determined.</p>	<p>See response to LWC-2. Only Congress can decide which areas, if any, will be designated as wilderness and added to the National Wilderness Preservation System.</p> <p>The BLM manages areas inventoried and determined to possess wilderness characteristics according to prescriptions in BLM Resource Management Plans. The BLM is considering lands inventoried and found to possess wilderness characteristics in the development of the MMPs per the guidance outlined in BLM Manual 6320 – Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process.</p> <p>Seven lands with wilderness characteristics inventory units covering approximately 101,497 acres have been identified in the BENM. These units are discussed in Section 3.8 of the MMPs/EIS and will continue to be updated as additional inventories are conducted in the future. The inventory forms used to delineate and identify lands with wilderness characteristics within the BENM are available on the</p>

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A.53-5	<p>NPCA and the Coalition urge the agencies to continue managing the Lands with Wilderness Characteristics (LWC) within the Bears Ears National Monument. With so few places left in the United States that truly qualify as wilderness, it is important to preserve those places that do. In addition, nearly all of the Canyonlands National Park landscape adjacent to the Indian Creek unit of the Bears Ears National Monument is NPS recommended Wilderness and is managed as such (attach NPS Canyonlands Wilderness map). Consistent management across the boundary would ensure that the wilderness characteristics of both the national monument and national park remain eligible for Congressional designation and continue to provide solitude and opportunities for primitive recreation. According to the Analysis of the Management Situation (AMS) of the Indian Creek Unit, over half of the land in the Indian Creek Unit (39,494 acres out of 71,896 acres total) currently consists of LWC determined by the BLM (AMS Map 8). However, none of the DMMP alternatives includes managing all of the identified LWC for their wilderness character. On the least protective end, Preferred Alternative D does not manage for protected wilderness characteristics on any of the existing LWC. Instead the agency would "Manage lands with wilderness characteristics for multiple uses, subject to management actions for other resources and resource uses within this plan" (DMMP Table 2-4). Rather than maintain the area's wilderness qualities, the preferred alternative would provide for a variety of incompatible and potentially destructive activities including more motorized recreation within the LWC and likely result in the loss of the lands' wilderness character. NPCA and the Coalition recommend that the agencies manage all of the LWC landscape adjacent to Canyonlands National Park to maintain consistency for both the Monument wilderness character and NPS managed wilderness. We support Alternative B modified to include LWC lands near the southeast boundary of Canyonlands between Lavender Canyon and Bridger Jack Mesa, which was excluded (DMMP Map 2-10 and AMS Map 8). This includes closing the LWC to OHV use, commercial wood cutting, construction of new roads along with a ROW exclusion, classification as VRM I for minimal impacts to viewsheds, and only non-mechanical vegetation treatments.</p>	<p>ePlanning website for the Monticello Field Office <i>Record of Decision and Approved Resource Management Plan</i> at <a href="https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&amp;currentPageId=98873">https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&amp;currentPageId=98873</a>.</p> <p>See response to LWC-3. Alternative B would manage all seven units for the protection of wilderness characteristics, including management actions such as managing the units as VRM Class I and designating the units as OHV closed areas (which would preclude the development of new routes). Alternative C would manage areas found to possess wilderness characteristics in the Indian Creek Unit that are adjacent to Canyonlands National Park for the protection of these characteristics.</p> <p>Management of lands outside the BENM and the boundaries of the Planning Area described in the MMPs/EIS is beyond the scope of the development of the MMPs.</p> <p>Alternative preferences are noted by the BLM and USFS. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. In the analysis, the BLM considered the trade-offs of managing lands with wilderness characteristics to maintain those characteristics versus other potential uses of the lands.</p>
A.40-8	<p>Additionally, all LWCs should include management prescriptions that will most effectively protect their wilderness character. These management prescriptions include, but are not limited to, the following: • Close to leasing or allow leasing only with no surface occupancy with no exceptions, waivers, or modifications; • Designate as right-of-way exclusion areas; • Close to construction of new roads; • Designate as closed to motor vehicle use, as limited to motor vehicle use on designated routes, or as limited to mechanized use on designated routes; • Close to mineral material sales; • Designate as Visual Resource Management Class I or II; • Restrict construction of new structures and facilities unrelated to the preservation or enhancement of wilderness characteristics or necessary for the management of uses allowed under the land use plan; and/or • Retain public lands in federal ownership. We recommend that these management provisions be included for all LWCs in the plan and for all LWCs identified within the 2016 monument boundaries. These management prescriptions are appropriate to ensure that wilderness characteristics on identified units are maintained over the lifespan of this planning decision.</p>	<p>See responses to LWC-3 and MIN-1. Management action preferences are noted by the BLM and USFS. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
A.58-8	<p>Under the preferred alternative however none of these identified lands are managed as LWCs. Moreover, of the inventoried LWCs within Bears Ears the preferred alternative opens the most acres to limited OHV use. The preferred alternative also excludes ROWs from the fewest acres of inventoried LWCs and manages the fewest acres of inventoried LWCS under the visual resource management system. The BLM provides no reasoned explanation nor justification as to why it is refusing to manage lands as LWCs rather than choosing an alternative that would offer more protections. While NWF will not rehash the</p>	<p>Impacts on lands with wilderness characteristics from various allowed uses of those lands are analyzed using the indicators summarized in Section 3.8.2.1 of the MMPs/EIS (e.g., apparent naturalness). An analysis of impacts on wildlife and wildlife habitat, including an analysis of the activities that would be allowed on lands that have been inventoried and found to possess wilderness characteristics</p>

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	<p>NEPA arguments presented in the Wilderness Society comments, NWF wishes to emphasize that BLM's analysis of its decisions to manage no LWCS fails key requirements of NEPA. One of the core purposes of NEPA is to disclose how an agency is making a decision when that decision may negatively impact the environment. 42 U.S.C. § 4332. The EIS provides no such disclosure. The EIS broadly discusses lands with wilderness characteristics and notes that managing lands with wilderness characteristics for multiple use characteristics could leave these lands vulnerable to surface disturbing activities, which would diminish wilderness characteristics over time. DEIS at 3-25. However, it provides no analysis as to what exactly the effects of diminishing LWCs means in terms of overall environmental impact. For example, it provides no analysis of the impact a reduction in LWCs could have on wildlife habitat, habitat corridors, water quality or any other key environmental issues. Mere recognition of the fact that failure to recognize LWCs will diminish those lands does not meet either the requirements or the spirit of the NEPA. BLM must explain this decision and justify its actions.</p>	<p>under each alternative, is provided in Section 3.20.2 of the MMPs/EIS.</p> <p>See response to LWC-3. Management action preferences are noted by the BLM and USFS. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
A.37-19	<p>Chapter 2-Lands with Wilderness Characteristics -2.4.4.2-2-9. Bridger Jack, Harts Point, San Juan River, Road Canyon, Fish and Owl Canyons, Comb Ridge, Shay Mountain should be designated as exclusion areas; areas managed for the protection of wilderness characteristics should be designated as follows: designate as ROW exclusion areas, close to construction of new roads; designate as OHV closed areas; exclude commercial wood gathering, restrict construction of new structures and facilities unrelated to wilderness preservation.</p>	<p>See response to LWC-3. Management action preferences are noted by the BLM and USFS. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
A.75-16	<p>The Draft MMP fails to appropriately recognize the multiple values of lands with wilderness characteristics (LWCs). In order to meet their statutory and regulatory obligations — and to uphold the letter and spirit of the Bears Ears Proclamation — BLM and USFS should manage identified lands with wilderness characteristics (including Forest Service inventoried wilderness evaluation areas documented in the 2018 draft wilderness evaluation conducted pursuant to FSH 1909.12, chapter 70 for the Manti-La Sal National Forest plan revision7) for protection of wilderness values. Management of these lands — which comprise a significant portion of the overall monument— for protection of wilderness values will ensure lasting conservation of the objects identified in the Proclamation.</p> <p>According to the data available on e-planning, within the entire 228,783-acre Bears Ears National Monument, 48.7% (111,506 acres) of land qualifies under the requirements of the 1964 Wilderness Act (i.e., 82,333 acres of BLM-identified LWCs and 29,173 acres of wilderness evaluation polygons). Within the Shash Jaa' unit alone, 30% of BLM-managed lands qualify as wilderness (42,930 acres), 8.9% of the USFS-managed lands are identified as IRAs (12,773 acres), and 20% (29,173 acres) of the USFS were recently deemed to have wilderness quality by the USFS in the 2018 draft wilderness evaluation report. Within the Indian Creek unit, nearly 46% of BLM-managed lands qualify as wilderness (39,404 acres).</p> <p>The Proclamation identifies a wide range of values associated with LWCs, yet the Draft MMP fails to adopt management prescriptions that protect these values. To wit, the Proclamation contains repeated references to values associated with wilderness-quality lands, including:</p> <ol style="list-style-type: none"> <li>1) <i>Scenic values</i> – Proclamation 9558 identifies the scenic values within Bears Ears to be “stunning,” “fantastical,” and vividly hued.” Aside from management as a VRM Class I area, the management of wilderness-quality lands for the protection of wilderness values provides the highest level of protection for scenic values.</li> <li>2) <i>Recreation</i> – Wilderness-quality lands provide many opportunities for outdoor recreation, namely quiet recreation activities such as hiking, camping, hunting, and wildlife viewing. Failing to manage any qualifying lands within Bears Ears for protection of wilderness values undermines the quiet recreation goals set out in the Proclamation.</li> <li>3) <i>Wildlife habitat, connectivity, and riparian areas</i> – Proclamation 9558 identifies Bears Ears as supporting a variety of wildlife species, with significant focus on species diversity and connectivity.</li> </ol>	<p>See responses to LWC-2 and LWC-3. The BLM considered the trade-offs of managing lands with wilderness characteristics to maintain those characteristics versus the other potential uses of the lands. During the preparation of the MMPs/EIS, the BLM and USFS analyzed and considered alternatives to provide for the proper care and management of Monument objects and values. Alternative B would manage all seven inventoried units for the protection of wilderness characteristics, including management actions such as managing the units as VRM Class I and designating the units as OHV closed areas</p> <p>The USFS portion of the Monument containing IRAs is managed under the 2001 Roadless Rule (36 CFR 294) to protect its roadless character (see Section 3.14.1.4 of the MMPs/EIS).</p> <p>As described in Section 1.1 of the MMPs/EIS, for the USFS-administered lands within the BENM, the USFS will use the information contained in the MMPs/EIS to amend the existing Manti-La Sal LRMP. If the USFS amends the Manti-La Sal LRMP based on the information contained in the MMPs/EIS, the USFS would do so following USFS planning regulations at 36 CFR 219.</p> <p>Wilderness evaluations were not included in the BLM's Notice of Intent To Prepare Monument Management Plans for the Bears Ears National Monument Indian Creek and Shash Jaa Units and Associated Environmental Impact Statement, Utah (printed in the <i>Federal Register</i> on January 16, 2018) nor were wilderness evaluations included in the USFS Notice, Manti-La Sal National Forest; Utah; Monument Management Plan for the Bears Ears National Monument Shash Jaa Unit (printed in the <i>Federal Register</i> on April 10, 2018). For LRMP amendments, as stated in 36 CFR 219 (b) 5, “For every plan amendment, the responsible official shall: Determine which specific substantive requirement(s) within §§ 219.8 through 219.11 are</p>

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	<p>Wilderness-quality lands support biodiversity, watershed protection, and overall healthy ecosystems, and provide connectivity that facilitates wildlife migration, seasonal movements and dispersal of young. These values are largely absent from lands subject to amenities development and motorized and mechanized recreation. Management for protection of wilderness values is the single best management strategy for ensuring that a diversity of wildlife, and the habitat necessary to sustain that diversity, is maintained. Further, as climate change continues to impact our public lands and resources, the importance of large, intact, and protected ecosystems as refugia for vulnerable species will only increase.</p> <p>4) <i>Cultural and historical resources</i> – Proclamation 9558 speaks to the rich cultural history of the Bears Ears area since time immemorial. It is well documented that access, particularly motorized vehicle access and proximity to motorized vehicle routes, results in an increase in looting and damage to irreplaceable cultural resources. Managing wilderness-quality lands—roadless areas by definition—for protection of wilderness values provides the most effective and least resource intensive means of ensuring that cultural resources are protected for future generations.</p> <p>5) <i>Economic benefits</i> – The recreation opportunities provided by wilderness-quality lands yield direct economic benefits to local communities. The MMP must consider the economic benefits of managing land for protection of wilderness values, including a quantitative assessment of the non-market values.</p> <p>6) <i>Balanced use</i> – The vast majority of BLM- and USFS-managed lands are open to motorized use and development, and the 2008 Monticello RMP does not manage any BLM-administered lands for the protection of wilderness characteristics. Under FLPMA’s multiple-use and sustained yield mandate, National Conservation Lands provide a critical balance to public lands management by directing the agency to adopt conservation-focused management. Protection of wilderness characteristics benefits many of the other multiple uses and values of public lands such as air and water quality, night skies, soundscapes, and viewsheds.</p> <p>Furthermore, the preferred alternative is inconsistent with the “theme” identified in the Draft MMP: Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, identifies a recreational opportunity theme containing the following values, which are related to recreational uses in lands with wilderness characteristics: managing lands for world-class outdoor recreation opportunities and to support a growing travel and tourism sector, opportunities for cultural and heritage tourism, opportunities for experiencing dark skies and natural quiet, and opportunities for education and interpretation. Draft MMP at 3-22.</p> <p>Although protection of lands with wilderness characteristics is wholly consistent with the purposes of Bears Ears as set out in the Proclamation, the Draft MMP’s preferred alternative would not manage a single acre of land for protection of wilderness values. This is an inexplicable and unsupportable determination, as wilderness-quality lands make up the majority of both the Indian Creek and Shash Jaa’ Units, and protecting their naturalness is key to maintaining the “living landscape” that is Bears Ears.</p> <p>Consistent with the letter and spirit of the Proclamation, we request that the MMP manage identified wilderness-quality lands for the protection of wilderness values. In doing so, the MMP should also include guidance on considering impacts to wilderness characteristics in implementation-level decisions.</p>	<p>directly related to the plan direction being added, modified, or removed by the amendment and apply such requirement(s) within the scope and scale of the amendment. The responsible official is not required to apply any substantive requirements within §§ 219.8 through 219.11 that are not directly related to the amendment.” As described in Section 1.5 of the MMPs, the USFS Responsible Official has determined that a wilderness evaluation and recommendation is not necessary for this planning effort, as should the USFS choose to amend the Manti-La Sal LRMP, the USFS’ purpose for revising the 1986 Manti-La Sal LRMP would be to provide for the proper care and management of the “object[s] of antiquity” and “objects of historic or scientific interest” of the BENM that were identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. The USFS is considering a wilderness evaluation and recommendation as a component of the ongoing revision of the 1986 Manti-La Sal LRMP. If the USFS were to adopt the MMPs through an amendment to the Manti-La Sal LRMP and areas within the BENM are recommended for wilderness designation with the plan revision decision, the USFS components of the MMPs would be updated to reflect those decisions.</p> <p>Text in Section 3.8.1 of the MMPs/EIS has been revised to clarify that “Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, identifies a recreational opportunity theme containing the following values, which are consistent with recreational uses in lands with wilderness characteristics: managing lands for world-class outdoor recreation opportunities and to support a growing travel and tourism sector, opportunities for cultural and heritage tourism, opportunities for experiencing dark skies and natural quiet, and opportunities for education and interpretation.”</p>
A.75-21	<p>BLM does not appropriately document the rationale for its determination.</p> <p>The fundamental purpose of NEPA is to ensure that federal agencies analyze potential environmental impacts in decision-making, and to disclose those impacts to the public. As part of this process, NEPA requires that federal agencies articulate “a rational connection between the facts found and the choice made.” <i>Baltimore Gas and Elec. Co. v. Natural Res. Def. Council</i>, 462 U.S. 87, 105 (1983).</p> <p>Here, the Draft MMP fails to adequately articulate the agency’s rationale in determining that no identified wilderness-quality lands should be managed for protection of wilderness values in the preferred alternative. It also fails to explain the agency’s rationale for its wilderness management determinations</p>	<p>See responses to LWC-2 and LWC-3. The BLM considered the trade-offs of managing lands with wilderness characteristics to maintain those characteristics versus the other potential uses of lands in the BENM. Alternatives identified in the NEPA process are intended to provide a range of ways to address issues raised during the scoping period and to provide an analysis to inform a decision by the BLM Authorized Officer and USFS Responsible Official. The Record of Decision(s) for the MMPs/EIS will provide the reasoning for which</p>



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	<p>under any alternative. This is particularly notable, given that the management approaches under all alternatives are at odds with BLM and USFS's own analyses and statements regarding the importance of wilderness-quality lands, and the future risk to those resources.</p> <p>Specifically, per the agencies' analysis: "Interest in wilderness resources throughout [the Shash Jaa' and Indian Creek Units] has local, regional, and national significance. Public interest in these areas has increased dramatically in the past 15 years and is expected to increase in the future." BENM Analysis of the Management Situation, 2.6.2.1.4. Trends, 2-62 (August 2018). In addition, BLM predicts that "[a]s areas that meet the definition of land with wilderness characteristics . . . become more limited, increased pressure on lands that meet the definition [of wilderness] is expected to increase. . . . Monument designation is likely to increase demands for protection of this resources." Id. at 2.6.2.1.5. Forecasts, 2-62.</p> <p>Furthermore, the Draft MMP fails to bring forward a management alternative that would manage all of the 101,497 acres of identified wilderness-quality lands for the protection of wilderness values. In doing so, BLM fails to document its rationale for failing to bring forth such an alternative.</p>	<p>areas will and will not be managed for the protection of wilderness characteristics within the BENM. Wilderness characteristics in the land use planning process may result in several outcomes, including emphasizing other multiple uses as a priority over protecting wilderness characteristics; emphasizing other multiple uses, while applying management restrictions, such as conditions of use and mitigation measures, to reduce impacts on wilderness characteristics; and protecting wilderness characteristics as a priority over other multiple uses (BLM Manual 6320.06.A).</p>
A.75-22	<p>The MMP must clarify how it is addressing the Forest Service's obligations to inventory, evaluate, and consider for recommendation lands that may be suitable for inclusion in the National Wilderness Preservation System. It must also incorporate current information on USFS wilderness quality lands into the MMP and determine which if any it recommends for wilderness designation.</p> <p>It is unclear how the wilderness evaluation process for USFS lands within the BENM is being addressed. The Manti-La Sal is currently revising its land management plan (LMP) at the same time it is participating in the development of the MMP for Manti-La Sal National Forest land captured within the BENM. The MMP will presumably amend the current Manti-La Sal National Forest land management plan (LMP), and then shortly thereafter the Manti-La Sal will revise its LMP for the entire forest including the portion that lies within the BENM.</p> <p>The Forest Service has an obligation when developing a new LMP or revising an existing LMP to "[i]dentify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation." 36 C.F.R. § 219.7(c)(2)(v).</p> <p>The MMP should clearly explain how the Forest Service will meet its obligations to inventory, evaluate, analyze and consider for recommendation lands that qualify for wilderness. If the Forest Service intends to meet these obligations through the revision of the Manti-La Sal LMP, it must be clear that the final LMP may result in amendment to the MMP. Whatever course the Manti-La Sal chooses, it must ensure that wilderness values are adequately identified and analyzed in the MMP and EIS.</p> <p>We are incorporating by reference our comments, submitted to the Manti-La Sal Forest Planning Team on 11/9/18, for the Draft Wilderness Evaluation and Need for Change documents. These comments, as they overlap with the current planning area, must be considered throughout the development of the MMP.</p>	<p>See response to LWC-1.</p> <p>As described in Section 1.1 of the MMPs/EIS ,for the USFS-administered lands within the BENM, the USFS may use the information contained in the MMPs/EIS to amend the existing Manti-La Sal LRMP as necessary or appropriate by the MMPs. If the USFS were to amend the Manti-La Sal LRMP based on the information contained in the MMPs/EIS, the USFS would do so following USFS planning regulations at 36 CFR 219.</p> <p>Wilderness evaluations were not included in the Notice of Intent To Prepare Monument Management Plans for the Bears Ears National Monument Indian Creek and Shash Jaa Units and Associated Environmental Impact Statement, Utah (printed in the <i>Federal Register</i> on January 16, 2018) nor were wilderness evaluations included in the USFS Notice, Manti-La Sal National Forest; Utah; Monument Management Plan for the Bears Ears National Monument Shash Jaa Unit (printed in the <i>Federal Register</i> on April 10, 2018). For LRMP amendments, as stated in 36 CFR. 219 (b) 5, "For every plan amendment, the responsible official shall: Determine which specific substantive requirement(s) within §§ 219.8 through 219.11 are directly related to the plan direction being added, modified, or removed by the amendment and apply such requirement(s) within the scope and scale of the amendment. The responsible official is not required to apply any substantive requirements within §§ 219.8 through 219.11 that are not directly related to the amendment." As described in Section 1.5 of the MMPs, the USFS Responsible Official has determined that a wilderness evaluation and recommendation is not necessary for this planning effort, as the USFS' purpose for revising the 1986 Manti-La Sal LRMP is to provide protection and the proper care and management of the "object[s] of antiquity" and "objects of historic or scientific interest" of the BENM that were identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. The USFS is considering a wilderness evaluation and recommendation as a component of the ongoing</p>

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A.71-28	Utah Diné Bikéyah has carried out extensive research on cultural uses, travel planning, and has advanced policy recommendations to San Juan County, the State of Utah, and to the five Tribes since 2012. The UDB Board resolution dated, 6/15/12, includes the following specific recommendations: Lands within the Utah Diné Bikéyah National Conservation Area (now Bears Ears National Monument) that meet federal wilderness criteria and contain high cultural and/or high ecological values are supported for wilderness designation or for the highest levels of administrative protection possible within a National Conservation Area (now National Monument).	<p>revision of the 1986 Manti-La Sal LRMP. If the USFS were to adopt the MMPs through an amendment to the Manti-La Sal LRMP, and if areas within the BENM are recommended for wilderness designation by the overall Manti-La Sal plan revision decision, the USFS components of the MMPs would be updated to reflect those decisions through the LRMP revision process.</p> <p>See response to LWC-2. Alternative B would manage all seven lands with wilderness characteristics inventoried units for the protection of wilderness characteristics, including management actions such as managing the units as VRM Class I and designating the units as OHV closed areas (refer to Section 2.4.4.2 of the MMPs/EIS).</p> <p>The USFS portion of the Monument containing IRAs is managed under the 2001 Roadless Rule (36 CFR 294) to protect its roadless character (see Section 3.14.1.4 of the MMPs/EIS).</p> <p>Management action preferences are noted by the BLM and USFS. Any alternative selected by the BLM or USFS must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>

## 3.12 Minerals

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MIN-1	<p><b>Mineral exploration and development, including uranium mining, should not be allowed in the BENM or the lands excluded from the BENM by Proclamation 9681.</b></p> <p>Sample comment: In short the BLM and the USFS should concentrate on protecting national monuments, Bears Ears in particular, from intrusion of commercial and mineral exploration efforts.</p> <p>Sample comment: I am writing to express my strong opposition to opening up Bears Ears National Monument to drilling, mining, and road-building. As an American, I call on the Bureau of Land Management to protect the Bears Ears National Monument from commercial development and to preserve this land, our land, for future generations of Americans.</p> <p>Sample comment: Oil drilling, fracking, etc. destroys the environment in many ways and must not be allowed anywhere near these special places.</p> <p>Sample comment: At an absolute minimum I urge the BLM to simply hold off on any planning before it has been determined that what the current administration did in reducing the boundaries of these two monuments was legal. That would seem to be the prudent thing to do. If, somehow, that action was legal then I would still plead that the land be protected to the fullest extent possible, especially against extractive uses (oil, uranium) of the land.</p> <p>Sample comment: ALL of our public lands need protection from mining and geothermal exploration. Such activities could accidentally destroy important historical locations or natural beauty nearby. Also additional historical important may be found within the existing boundaries of Bears Ears and Grand</p>	<p>All lands within the BENM are withdrawn from mineral entry, subject to valid existing rights (see Sections 1.5 and 2.4.6.2 of the Draft MMPs/EIS). Lands excluded from the BENM by Proclamation 9681 are open to mineral location and entry under the Mining Law of 1872 and to disposition of leasable and salable minerals under the Mineral Leasing Act of 1920 and all other applicable laws. Any mineral application received by the agencies on the lands excluded would be processed subject to the applicable laws and the 2008 Monticello RMP or 1986 Manti-La Sal LRMP. Necessary measures to protect cultural and natural resources on public lands would be developed during the review of any site-specific proposal.</p>

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	Staircase-Escalante. Fossils and additional historic sites may be found in the areas proposed commercial exploration.	
MIN-2	<p><b>The BLM and USFS should limit the impacts that resource extraction activities in the BENM would have on the environment.</b></p> <p>Sample comment: Any plan put forth needs to show how the resources being extracted will be done in such a way that there will be NO damage done to the environment during the extraction process.</p> <p>Sample comment: The Bears Ears National Monument was created using extensive public involvement. Now, using just political "druthers", areas are subject to extreme destruction at the hands of extractive industry. I am not saying that no minerals anywhere should ever be dug out of the ground, BUT the industry just cannot do it right. Spills, habitat destruction, air pollution, water pollution and toxic waste are a daily outcome. Oil and gas and minerals will not last forever and they are important to our overall economy, but leave them in the ground in sensitive areas until industry can use technology to prospect, discover, develop, extract, transport and refine in a manner that does no harm to our environment.</p> <p>Sample comment: As a geologist, I am well aware of the damage mineral and petroleum exploration and extraction have on the surrounding area. This must be seriously considered and planned for in the management plan.</p>	<p>See response to MIN-1. The agencies do not have statutory authority to prevent all potential damage to the environment during resource extraction activities conducted pursuant to valid existing rights. However, BENM lands must also be managed consistent with the proper care and management of Monument objects and values. Any mineral development within the BENM could only proceed pursuant to valid existing rights. The BLM and USFS would need to complete an environmental analysis of the potential impacts. Appropriate measures to provide for the proper care and management of Monument objects and values would be determined at the time of a site-specific proposal. A mining permit would also need to be obtained from the State of Utah, which would also entail environmental analysis, mitigation, and reclamation requirements.</p>
48906-1	<p>Uranium mining is dangerous. Many Navajo people have died of kidney failure and cancer, conditions linked to uranium contamination. And new research from the CDC shows uranium in babies born now. Mining companies blasted 4 million tons of uranium out of Navajo land between 1944 and 1986. The federal government purchased the ore to make atomic weapons. As the Cold War threat petered out the companies left, abandoning more than 500 mines. The companies did not clean up their mess. "When they did the mining, there would be these pools that would fill up," she says. "And all of the kids swam in them. And my dad did, too." The pools are contaminated with Uranium. We do not need to go backwards. Clean up what is there and leave it be.</p>	<p>See response to MIN-1. Clean-up of abandoned uranium mine sites is beyond the scope of the BENM planning process.</p>
A.76-10	<p>Mining and Transportation The Draft EIS states that under the MMP only mineral development on existing mining claims would take place within the BENM. The Draft EIS identifies six placer mining claims in the Shash Jia Unit and notes that uranium mining claims have been staked outside of the BENM boundary. Development and transport of mineral resources through BENM lands can have impacts to water, air, and naturalness and opportunities for solitude within the BENM. For instance, depending on the method(s) used, placer mining can be destructive to streams and riparian areas, disrupting the flow of water and increasing sediment load and turbidity downstream. To help inform resource decisions including monitoring and restoration activities at mining sites, we recommend the Final EIS: • identify the locations of active and inactive mines, mills, and existing claims both within and near the BENM boundary (a good example is found in the 2005 Monticello RMP, Maps 2-4); and • describe or incorporate by reference any stipulations for extraction and transport of mined or milled material within or through the BENM.</p> <p>We recommend the Final EIS discuss how BLM will work with the Utah Department of Transportation to manage ore transport through BENM. The Draft EIS states uranium ore mined in southern Utah is transported through BENM to the White Mesa refining site. Mining activity in the region surrounding BENM is growing. See the approval to expand an existing uranium mine outside of the BENM (10/14/17 EA, Deneros Mine Expansion 2/23/18 FONSI &amp; ROD).</p> <p>Finally, required radiation control measures are detailed in the Transportation Policy for Shipments a/Colorado Plateau Uranium Ores to the White Mesa Uranium Mill (Daneros Mine Plan of Operations Modification (MPOM - Attachment N). We recommend these measures be included in the Appendix C list of "Laws, Regulations, Policies, and Plans Considered in the Development of the MMP and EIS." We also recommend the Final EIS identify the steps that BLM, state and local authorities take to assure compliance with these measures in the BENM.</p>	<p>Development of existing placer mining claims in the Shash Jaa Unit is speculative at this time as these claims have existed for years with no development. The BLM, USFS, and the planning process do not have the jurisdiction to negate those mining claims, and any analysis of the potential mining impacts of these claims would also be speculative, as no proposal to mine them has been submitted. If a proposal is brought forward to develop one of these mining claims, a validity exam would be required to determine whether the claim was valid before the withdrawal, and whether it remains valid. The proposal would be subject to appropriate BLM and/or USFS review and confirmation that it is compliant with the MMPs.</p> <p>Because of the speculative nature of any future development, potential mining impacts from development of the claims are not analyzed in detail in the Draft MMPs/EIS, and it is not necessary to provide a description of existing claims in the BENM. Mining activities outside of the BENM that are within the cumulative impacts analysis area for various resources are described in Section 3.22 of the MMPs/EIS.</p> <p>Project-specific measures developed to reduce or eliminate project-specific environmental impacts that originate from management actions outside of the BENM are beyond the scope of the development of the MMPs. Any measures required to reduce impacts</p>

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		<p>from future proposals to transport potentially harmful materials through the Planning Area will be developed by the agencies based on the risks and opportunities identified at the time a proposal is submitted.</p> <p>The BLM and USFS cannot control travel on state roads. The agencies will continue to coordinate with the Utah Department of Transportation (UDOT) as necessary regarding use of UDOT roads that cross lands administered by the agencies. This coordination does not require a decision in the MMPs.</p>
A.76-12	<p>There are several uranium mining claims outside and near the BENM boundaries. If pursued, these projects could lead to increased air impacts due to road development and heavy vehicle traffic. We recommend such areas of potential development (and likely new right-of-way (ROW) corridors) be identified in the Final EIS. The Final EIS should also include a specific commitment to pursue the appropriate level of NEPA compliance document preparation, including evaluating and determining the applicability of radionuclides regulation and other Clean Air Act requirements, when such new projects are proposed for development to address impacts to resources inside the BENM, if any.</p>	<p>See response to A.76-10. Development of mining claims for uranium around the BENM is speculative at this time as the BLM and USFS have not received applications to develop these resources. The agencies have a statutory responsibility to evaluate the potential impacts of proposals on BLM- and USFS-administered lands and a land use plan decision to do so is not necessary.</p>
A.56-3	<p>At least three mining claims have been filed within the original boundaries of the Bears Ears. Their financial viability is questionable. Actual mining activities require a lot of water. Wyoming's state engineer Patrick Tyrell recently warned water users that diversions on the Green River might have to be scaled back if voluntary reductions did not work. The Green River and the aquifers that it recharges don't need the additional burden of mines.</p>	<p>See responses to MIN-1 and A.76-12.</p>
A.47-81	<p>Mineral development, including development in inholdings and outside the boundaries of the reduced BENM, was not fully analyzed in the DMMP. This is an issue warranting careful analysis for two reasons. First, as the DMMP/DEIS admits, there are 6 unpatented mining claims within the Shash Jaa unit of the reduced BENM. There are also 6,630 acres of private land within the BENM according to the AMS. There is also over 20,000 acres of state land within the reduced BENM, and there is no mention of SITLA inholdings within the reduced BENM. These inholdings may have mineral value. Development of minerals on what totals over 40 square-miles of inholdings could directly impact monument resources, especially since SITLA is statutorily obligated to generate revenue from these lands. (SITLA must "manage the lands and revenues generated from the lands in the most prudent and profitable manner possible." Utah Code Ann. § 53C-1-102 (2)(v). "The beneficiaries do not include other governmental institutions or agencies, the public at large, or the general welfare of this state." Id. at 53C-1-102(2)(d).) Access to non-federal inholdings could also require roads through the monument which would impact monument resources. These potentially significant direct, indirect, and cumulative impacts were completely ignored in the analysis. Second, there is significant interest in mineral development, particularly oil, natural gas, and uranium on lands adjacent to the monument. Development of these lands may increase interest in development within the Proclamation 9558 boundary. A pipeline or utility network adjacent to lands removed from the BENM, for example, could greatly reduce transportation costs and make development on those lands more likely. Such development could impact multiple sensitive resources, including cultural and paleontological, and should have been part of the cumulative effects analysis. The RFD scenario for the Field Office is over a decade old and does not reflect new information, new technology, or changed conditions. Recommendations 1. Reissue the DMMP/DEIPS with a full analysis of mineral development that includes an analysis of in-holdings and lands in and adjacent to the Proclamation 9558 boundary. The RFD scenario from 2008 should be updated for this analysis. 2. Ensure that all alternatives comply with applicable requirements including those associated with the NLCS. 3. Adopt a preferred alternative that prevents direct, indirect, and cumulative associated with mineral development.</p>	<p>See responses to MIN-1, NMON-3, A-76-10, and DEC-1. Additionally, note that mineral development of SITLA inholdings within the Monument is speculative at this time, as no proposal exists to develop the minerals on those lands. Cumulative impacts analyses are required to analyze reasonably foreseeable future management actions (40 CFR 1508.7). Analyzing speculative management actions is not possible because there is no way to provide meaningful analysis of the impacts of an action when there is no proposal or other description for that action. Typically, an action is considered reasonably foreseeable when it is actively proposed, has committed resources or funding, or is described in a planning document (see Section 6.8.3.4 of the BLM NEPA Handbook H-1790-1). The agencies have considered the potential impacts of all reasonably foreseeable future mineral development in the cumulative impacts analysis included in Section 3.22 of the EIS.</p> <p>The agencies have reviewed the Mineral Potential reports, as described in Section 2.8 of the AMS. Information on mineral resources can be found in the Mineral Potential Report (MPR) and RFD prepared for the 2008 MFO RMP, and the RFD prepared for the 2016 Moab Master Leasing Plan. These reports detail the geology as it relates to the potential for mineral resource occurrence and provide an in-depth description of the conditions, trends, and forecasts for mineral development within the Monticello Field Office, which encompasses the areas of the Shash Jaa and Indian Creek Units of the BENM. These reports are available from the MFO. It is important to note that the RMP projections for mineral resource development</p>

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A.63-3	<p>In preparing the DMMP/DEIS the BLM/USFS chose not to consider mineral development as an issue warranting careful analysis. This is a critical flaw in the DMMP/DEIS that can be corrected only by reissuing a new DMMP/DEIS. As the DMMP/DEIS admits, there are six unpatented mining claims within the Shash Jáa unit of the reduced BENM. There are also 6,630 acres of private land within the BENM according to the Analysis of Management Situation (AMS). Additionally, there are over 20,000 acres of state land within the reduce BENM, and there is no mention of Utah School and Institutional Trust Lands Administration (SITLA) inholdings within the reduced BENM. These inholdings may have mineral value. Development of minerals on what totals almost 42 square-miles of inholdings could directly impact monument resources. There is significant interest in mineral development, particularly oil, natural gas, and uranium, on lands adjacent to the monument. As noted above, SITLA manages over 20,000 acres within the reduced BENM. SITLA is statutorily obligated to generate revenue from these lands, and mineral development on these lands would be far more profitable than the next most likely use, livestock grazing. Access to non-federal inholdings could also require roads, pipelines, or other utilities through the monument, and these facilities could adversely impact monument resources. These potentially significant direct, indirect, and cumulative impacts were completely ignored in the DMMP/DEIS. On a related note, the DMMP/DEIS tiers to a mineral potential report that is over a decade old and that may not reflect new current conditions. The increase in development interest to the east of BENM as well as recently filed uranium claims are two clear examples of the changed conditions.</p>	<p>are no longer valid for areas within the Shash Jáa and Indian Creek Units, as they have been withdrawn from mineral entry.</p> <p>See response to A.47-81.</p>
A.75-4	<p>The Draft MMP inappropriately references mineral exploration and development. National Monuments are generally withdrawn from mineral entry, and the Indian Creek and Shash Jaa' units of Bears Ears National Monument are no exception. Though Proclamation 9681 (we assert unlawfully) attempted to lift the mineral withdrawal issued in Proclamation 9558 for lands inside the original Bears Ears National Monument boundaries (subject to valid existing rights), Proclamation 9861 retained a mineral withdrawal for the shrunken units included within its prescribed boundaries. It was alarming, then, to find in Appendix G.5.1 (Desired Future Conditions for the USFS Arch Canyon Semi-Primitive Non-Motorized Area Recreation Management Zone) the text:</p> <p>Resource management activities such as timber harvest, livestock grazing, wildlife habitat improvement, vegetative treatments, mineral exploration and development, and special uses may occur as long as they meet Scenery Management System (SMS) objectives and maintain a high quality semi-primitive non-motorized recreation opportunity. (Emphasis added).</p> <p>New mineral exploration and development are prohibited inside the reduced boundaries of Bears Ears National Monument, and this reference (what we can only assume to be a copy and paste error in the preparation of the Draft MMP) must be removed in the final MMP.</p>	<p>Appendix G.5.1 has been revised in the Proposed MMPs/Final EIS to clarify that the Monument is withdrawn from mineral entry and location.</p>
A.75-25	<p>What we can only assume is a copy and paste error in Appendix G 5.1 must be corrected to remove a specific reference to "mineral exploration and development" within the Arch Canyon Semi-Primitive Non-Motorized Area. Id. at G-15. The entirety of the Indian Creek and Shash Jaa' units remain closed to mineral exploration and entry under Proclamation 9558 and Proclamation 9861. Absolutely no mining or mineral exploration is allowed within the Shash Jaa' or Indian Creek units.</p>	<p>Appendix G.5.1 has been revised in the Proposed MMPs/Final EIS to clarify that the Monument is withdrawn from mineral entry and location.</p>
A.79-7	<p>The Bear's Ear's region has seen past mining operations and its negative effects. The long-term effects of mining are being felt today and still can be seen by visible abandoned sites. The mining processes of the past have had an effect on subsurface water either through contamination or depletion. Nearby Superfund sites are visible and remind us of the dangerous contaminants that these companies have left behind for the locals to deal with. Radioactive waste still threatens aquifers in the region. We do not need those hazardous mining operations to further damage our water supply and fertile land. *Mining should</p>	<p>See responses to MIN-1, DEC-1, and A.76-10.</p>

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	not be allowed within or around the Bear's Ears Monument. The tourism industry in this area depends on the beauty of the unique landscape and the archaeological wonders. We need to protect the region from exploratory drilling and mining. Tourists from all over the world come to visit and see what this special place possess in culture and natural landforms. We should not allow for people/companies to desecrate the land by way of mining.	
A.57-11	The Draft EIS should address issues associated with post-production activities, including facility abandonment, dismantlement and removal of infrastructure, and subsequent site restoration, rehabilitation, and reclamation. NEPA requires agencies to consider appropriate mitigation measures, which include: (1) "[r]ectifying the impact by repairing, rehabilitating, or restoring the affected environment," (2) "[r]educing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and/or (3) "[c]ompensating for the impact by replacing or providing substitute resources or environments." 40 C.F.R. § 1508.20. Timely and effective reclamation practices are essential to protecting land and water resources, minimizing the length of time lands are disturbed, maintaining stable non-eroding production sites, reducing fugitive dust from unvegetated areas, and achieving productive end land uses. Inadequate reclamation has substantial adverse impacts, including the spread of noxious weeds, decreased air quality as a result of a larger area of disturbance, less water restoration, and a loss of wildlife habitat. Timely and effective decommissioning and reclamation depends upon the lessee's financial resources and the security of those resources. Because bonding amounts and types directly affect long term environmental performance, the Draft EIS should address reclamation bonding. The Draft EIS should identify the bond amounts that would be sufficient to cover projected restoration requirements by providing the formulas used to create them, and by comparing those formulas to actual reclamation costs at comparable facilities elsewhere in the Arctic region. The BLM should use its authority to disallow corporate guarantees for reclamation bonds and instead require cash to be placed in trust accounts, prior to initiation of development, for each facility that is developed. Even if bonds are held at the state level, it is the BLM's responsibility to ensure that lands under its jurisdiction will be properly reclaimed when oil or gas production ends. To address this concern, the BLM should consider no longer awarding leases to any company that is self-bonded, regardless of the current financial condition of the company. The BLM has this discretion, regardless of federal and state reclamation bonding requirements, to set a higher standard for bonding in such a highly sensitive and pristine area as the Coastal Plain.	See responses to MIN-1 A.76-10, and A.76-12. Should any mineral development be proposed in the future pursuant to valid existing rights within the BENM, the proponent would be required to comply with all reclamation and bonding requirements. The agencies review and evaluate proposals at the time they are received to ensure proper care and management of Monument objects and values.
A.57-12	A careful analysis of noise expected due to construction, well maintenance and operation, gravel use, facility size, and a pipeline and road route is necessary to provide information key to determining appropriate alternatives and to evaluate potential mitigation measures. Additionally, any noise and artificial light analysis should discuss the impact of that noise upon the individual species identified in Section II.a. It is necessary to understand how noise and artificial light will impact natural behaviors of these species, including, but not limited to, migration, foraging, resting, sleeping, rearing, and mating activities.	See response to MIN-1. The MMPs/EIS considers the potential impacts of noise on wildlife in Section 3.20. Additionally, dark sky lighting provisions are included in Section 2.4.14. The agencies would review and evaluate proposals at the time they are received and would apply environmental protection measures as appropriate. Because the BENM is withdrawn from mineral entry, any impacts from mineral development and associated infrastructure within the BENM are speculative at this time.
237224-2	If there is oil on the monuments issue permits and get the oil extracted. The land should not be full of restrictions.	See response to MIN-1.

### 3.13 National Monuments

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NMON-1	<p><b>Do not allow commercial development in the BENM.</b></p> <p><i>Sample comment:</i> In short the BLM and the USFS should concentrate on protecting national monuments, Bears Ears in particular, from intrusion of commercial and mineral exploration efforts.</p> <p><i>Sample comment:</i> I am writing to express my strong opposition to opening up Bears Ears National Monument to drilling, mining, and road-building. As an American, I call on the Bureau of Land Management to protect the Bears Ears National Monument from commercial development and to preserve this land, our land, for future generations of Americans.</p> <p><i>Sample comment:</i> All of our national monuments have been set aside for the use of all Americans for recreation, education and historical uses. They should never be used for profit and no resources should be sold or removed.</p> <p><i>Sample comment:</i> Please leave our public lands and monuments in the hands of the public citizen, and do not open them to private citizens or companies for exploitation.</p>	<p>Subject to valid existing rights, the BENM is closed to 1) entry, location, selection sale, or other disposition under the public land laws or laws applicable to the USFS, 2) location and entry under the mining laws, and 3) disposition under the mineral and geothermal leasing laws. In addition, activities that would be inconsistent with the protection and proper care and management of Monument objects and values would not be allowed in the BENM under any alternative considered in the MMPs/EIS.</p>
NMON-2	<p><b>The BLM and USFS should implement a management plan that prioritizes conservation of BENM objects and values, and protect national monuments.</b></p> <p><i>Sample comment:</i> The government should strengthen the protections of these Monuments. These Monuments have cultural resources and natural resources that cannot be found anywhere else in the United States. These resources must be protected for all future generations. Please keep present plans or increase the protection plans for these Monuments.</p> <p><i>Sample comment:</i> All existing protections of National Monuments should be continued. These are natural resources that need protecting and need to be preserved for this and future generations.</p> <p><i>Sample comment:</i> None of the alternatives appear to follow the BLM's own guidelines for protection of National Monuments. There is a reason that National Parks are not managed by the Forest Service, or BLM.</p> <p><i>Sample comment:</i> None of the Alternatives prioritize protecting the Monument Objects that the Monument is supposed to protect. Please come up with an alternative that applies the most protective measures possible. Livestock grazing and Mineral Exploration should not be allowed inside the Monument, and planning for it is a waste of taxpayer money that will be thrown out in court.</p>	<p>The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 makes it clear that the BLM and USFS have discretion in determining the appropriate management for lands within the BENM to provide for the proper care and management of Monument objects and values. Presidential Proclamation 9558 states, "For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate."</p>
NMON-3	<p><b>The BLM and USFS should manage the BENM consistent with laws and policies regarding management of units of the National Conservation Lands System, including program-specific guidance in BLM Manuals 6100 and 6220.</b></p> <p><i>Sample comment:</i> The current administration is attempting to use this plan to make Bears Ears a "monument in name only." Under US law, National Monuments are supposed to be part of the National Conservation Lands, where conservation is made a priority and resource protection is elevated. The draft plan fails to meet even the minimum standards for National Conservation Lands, and in some cases, even weakens protections the land had before it was made a monument.</p> <p><i>Sample comment:</i> In addition, none of the management alternatives proposed will ensure protection of the significant cultural and historic resources in the Bears Ears National Monument. Failing to sufficiently prioritize the protection of cultural resources would threaten the very historic, prehistoric, and scientific objects that prompted the national monument designation in the first place. The plan's preferred alternative also violates BLM's Congressional directive from the National Landscape Conservation System Act to give the protection of cultural and natural resources the highest priority on designated lands, including, where appropriate, prohibiting uses that conflict with those values.</p>	<p>The MMPs/EIS has been developed in conformance with the programmatic guidance and resource/resource use-specific guidance included in BLM Manual 6100 – National Landscape Conservation System Management Manual, BLM Manual 6220 - National Monuments, National Conservation Areas, and Similar Designations, and USFS Manual FSM 2300 – Recreation, Wilderness, and Related Resource Management. The BLM and USFS have a statutory duty to manage public lands pursuant to the FLPMA and the National Forest Management Act (NFMA) of 1976, and the specific direction in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Under the Omnibus Public Land Management Act (OPLMA) of 2009 (Public Law 111-11), the BLM also has statutory authority to manage NLCS lands in a manner that protects the values for which the components of the system were designated.</p> <p>As noted in the BLM's NLCS Management Manual, NLCS units are required to be managed "in a manner that protects the values for</p>

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	<p><i>Sample comment:</i> Follow the law of the Omnibus Bill. On NLCS lands you are to manage to PROTECT, CONSERVE, AND RESTORE. These are not regular BLM lands, and should not be managed like regular BLM under FLPMA.</p>	<p>which the components of the system were designated” (BLM Manual 6100). Therefore, the BENM MMPs must provide for the proper care and management of the objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. The NLCS Management Manual allows management for multiple uses, such as livestock grazing and recreation, if consistent with the proper care and management of the objects and values. The MMPs/EIS analyzes a range of alternatives that are consistent with guidance outlined in BLM Manuals 6100 and 6220.</p>
NMON-4	<p><b>The BLM and USFS should allow multiple uses, such as grazing, hunting, camping, OHV use, and mining, in the BENM and reduce restrictions.</b></p> <p><i>Sample comment:</i> Cattle grazing, hunting, camping, ATV, Four Wheel drive vehicles need to be allowed on Indian Creek and Shash Jaa. There should be multiple uses need to be allowed on both Indian Creek and Shash Jaa including wood gathering, group camping, hunting, and all vehicle access. There should be cattle grazing, and all uses related to commercial and recreational opportunities. There should be oil and gas drilling and mining of minerals that are commercially useful. Basically there should be no stupid restrictions when it comes to using the land in the mentioned monuments.</p> <p><i>Sample comment:</i> The land in the two new monuments should be used for hunting, camping, ATV riding, and all forms of recreation. The two new monuments should be used for cattle grazing, oil and mining exploration</p>	<p>The MMPs/EIS analyzes a range of alternatives that allow grazing, camping, OHV use, wood gathering, and other uses of the BENM, consistent with the proper care and management of Monument objects and values. Under Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, all lands within the BENM are withdrawn from mineral entry, subject to valid existing rights. See responses to MIN-1, NMON-1, and REC-6.</p>
A.47-4	<p>After a thorough review of the draft plan, FCM’s bottom-line conclusion is that the current administration appears to be using this plan to make Bears Ears a “monument in name only.” Under US law, BLM-managed National Monuments are part of the National Conservation Lands system, where conservation is made a priority and resource protection is elevated. The purpose of the National Conservation Lands System (NCLS) is “to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” 16 U.S.C. § 7202(a). The 15-Year Strategy for the National Conservation Lands further supports this purpose, naming “conservation, protection, and restoration” the priority in planning. (National Conservation Lands Strategy at 8.) The National Conservation Lands Bureau of Land Management - Utah 5-Year Strategy 2014-2019 offers similar guidance with an emphasis on managing National Conservation Lands as part of the larger landscape. This document also appears to be missing from the analysis. The agencies’ draft plan fails to meet even the minimum standards for National Conservation Lands, and in some cases, even weakens protections the land had before it was made a monument. Perhaps even more importantly, the plan ignores or attempts to roll back key protections for the area that were outlined in President Obama’s initial proclamation protecting 1.35 million acres of the greater Bears Ears cultural landscape. FCM requests that the final Monument Management Plan incorporate National Conservation Lands law and strategy.</p>	<p>See responses to ALT-4, NMON-2, and NMON-3. All of the action alternatives provide additional protections for Monument objects and values, compared to the no action alternative.</p>
A.47-5	<p>Appendix A to the DMMP states that “The BLM has generally interpreted objects as discrete physical items.” This is an overly narrow definition of “objects” and inconsistent with well-established federal law. If this definition is applied throughout the DMMP, application of that definition could unacceptably skew management and potentially leave important monument resources without the protections intended by the proclamations or required by the NLCS. In ruling on a prior national monument challenge, the D.C. Circuit Court of Appeals clearly stated that “[i]nclusion of such items as ecosystems and scenic vistas in the Proclamation did not contravene the terms of the statute by relying on nonqualifying features. . . . [T]he President’s Antiquities Act authority is not limited to protecting only archeological sites.” <i>Tulare County v. Bush</i>, 306 F.3d 1138, 1142 (D.C. Cir. 2002). Limiting “objects” to “discrete physical items,” as the DMMP/DEIS appears to do, is inconsistent with federal law. Application of the BLM’s flawed definition</p>	<p>The comment incorrectly states that the agencies have inappropriately interpreted the Proclamations based on law and past court rulings, and does not identify any specific object or value identified in the Proclamations that were erroneously omitted by the agencies in Appendix A. As stated in Appendix A, “Objects are listed in the proclamation or enabling legislation and may include cultural artifacts or features, historic structures, paleontological or geological features, specific plant or animal species or habitats, and other resources. The BLM has generally interpreted objects as discrete physical items. A national monument may also have less-tangible</p>



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	<p>undermines identification of the objects to be protected. Failure to correctly identify the objects that could be impacted by the management actions contemplated under each alternative may result in potentially severe understatement of likely impacts in the NEPA analysis. This problem is most severe with respect to the preferred alternative but may result in impacts that are inconsistent with the NLCS under multiple alternatives. Appendix A also states that “courts have affirmed the BLM’s discretion to determine which items listed in a proclamation are the actual objects to be protected.” The BLM and USFS cannot disregard direction contained in a presidential proclamation or laws enacted by Congress (the NLCS). The agencies simply cannot determine that objects of historic or scientific importance and identified in the applicable proclamations are not worthy of protection. This narrow interpretation is also contrary to Proclamation 9558 and 9681. Objects identified in Proclamation 9558 are still considered to be monument objects “as modified by” Proclamation 9681. This means that if an object is not explicitly removed as an object under Proclamation 9681, it must still be protected within the modified boundaries of Proclamation 9681. The Draft MMP identifies the following “themes” as “objects and/or values in BENM” pursuant to Presidential Proclamation 9558, “As modified by” Presidential Proclamation 9681: “archaeological, historic, and cultural resources; geological features and landscapes; paleontological resources; biological and ecological resources and processes; recreational opportunities; and economic opportunities.” Vol. 1 at A-15. It would, therefore, be consistent with both proclamations for the definition of “object” to be extended beyond discrete physical items.</p>	<p>values, such as provision of opportunities for research.” Appendix A identifies several objects and values that are less tangible, including cultural landscapes, areas of religious use, geologic features, and others described in Appendix A. The MMPs have been developed to provide for the proper care and management of these objects and values, and potential impacts on these resources are included in Chapter 3 of the MMPs/EIS.</p> <p>The MMPs/EIS includes an analysis of potential impacts to resources such as night skies (Section 3.19.2), visual resources (Section 3.19.2), and other resources important to Tribes, such as specific plant and wildlife species (Sections 3.15.2 and 3.20.2).</p>
A.71-13	<p>In addition to violating Proclamation 9558, the Draft MMP violates the Antiquities Act in that it fails to consider the cultural resources and sacred places (referred to as “objects”) specifically mentioned in Proclamation 9558 (which even the Draft MMP states must be still be considered, in particular: “archaeological, historic, and cultural resources, geological features and landscapes; paleontological resources; biological and ecological resources and processes; recreational opportunities; and economic opportunities.”) See Draft MMP A-15. The Courts have also upheld the prioritization of Monument objects and values over the discretionary uses, such as widespread off-road vehicle use and rights of way, which have been prioritized in the Draft MMP. <i>Montana Wilderness Association v. Connell</i>, 725 F.3d 988, 998 n. 8 (9<sup>th</sup> Cir. 2013); <i>Western Watersheds Project v. Abbey</i>, 719 F.3d 1035, 1053 (9<sup>th</sup> Cir. 2013).</p>	See responses to NMON-2, NMON-3, and A.47-5.
A.14-29	<p>Primacy of Presidential or Congressional Designations 1. Section 302(a) of the Federal Land Policy and Management Act (FLPMA) states that public lands are to be managed under the principles of multiple use and sustained yield “except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it will be managed in accordance with such law.” Therefore, as a general rule, if the Act of Congress or presidential proclamation that designates an NLCS unit conflicts with FLPMA’s multiple use mandate, the designating language will apply. Land use planning decisions for each NLCS unit must be consistent with the purposes and objectives of the designating proclamation or Act of Congress. Again, the BLM has failed to implement this requirement as the foundation of all alternatives.</p>	See responses to NMON-2, NMON-3, and A.47-5.
A.63-6	<p>Appendix A to the DMMP/DEIS states that “The BLM has generally interpreted objects as discrete physical items.” This is an overly narrow definition of “objects” and inconsistent with federal court opinions interpreting the Antiquities Act, the federal statute providing authority to designate the monument. The D.C. Circuit Court of Appeals clearly stated that “Inclusion of such items as ecosystems and scenic vistas in the Proclamation did not contravene the terms of the statute by relying on nonqualifying features. . . . [T]he President’s Antiquities Act authority is not limited to protecting only archeological sites.” <i>Tulare County v. Bush</i>, 306 F.3d 1138, 1142 (D.C. Cir. 2002). Limiting “objects” to “discrete physical items,” as the DMMP/DEIS does, is inconsistent with federal law. Application of the BLM/USFS’s flawed definition undermines identification of the objects to be protected. Failure to correctly identify the objects that could be impacted by the management actions contemplated under each alternative undercuts the NEPA analysis and likely results in a severe understatement of likely impacts. Appendix A also states that “courts have affirmed the BLM’s discretion to determine which</p>	See response to A.47.5.

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	items listed in a proclamation are the actual objects to be protected.” It is well settled that federal agencies lack discretion to disregard direction contained in a presidential proclamation or laws enacted by Congress, such as the OPLMA. The BLM/USFS simply cannot determine that objects of historic or scientific importance and identified in the applicable proclamations are not worthy of protection.	
A.71-9	The Draft MMPs and Draft EIS Violate the Intent of Congress and Requirements for Lands Managed Under the National Landscape Conservation System and the Protection of Cultural Resources Should be Prioritized. The prioritization of the protection of cultural resources and environmental resources has been well established by Congress through multiple laws, such as the Antiquities Act, National Historic Preservation Act (NHPA), National Environmental Policy Act (NEPA), Archaeological Resources Protection Act (ARPA), Native American Graves Protection and Repatriation (NAGPRA), the American Indian Religious Freedom Act (AIRFA), and the Federal Land Policy and Management Act (FLPMA). The prioritization of multiple-use principles of management in the Draft MMPs and the Draft EIS clearly violate the intent of Congress in these laws, which prioritize the protection of cultural and environmental resources. In addition, the Bears Ears National Monument established by President Obama in Proclamation 9558 in his authority under the Antiquities Act established the BENM for the explicit purpose of “ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans.” 82 Fed. Reg. at 1142-43. Furthermore, FLPMA directs the BLM to manage the land for specific uses, which should be prioritized above traditional multiple-use management. See 43. U.S.C. § 1732(a). The status of a national monument provides greater and substantive protections for cultural resources than other public lands, which may be managed under multiple-use principles. In addition, national monuments are part of the National Landscape Conservation System (NLCS), which was established “to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” 16 U.S.C. § 7202. The Draft EIS fails to consider these important laws passed by Congress and wrongfully asserts that “multiple use” principles of management of the Shash Jaa’ and Indian Creek Units of the BENM should be prioritized. Because multiple-use principles have been prioritized over the protection of cultural resources and environmental resources in all alternatives, the current Draft EIS is inadequate and, if implemented, would, most likely, lead to the destruction of significant historic, prehistoric, and scientific objects, including and in addition to significant cultural and environmental resources. See also, National Trust for Historic Preservation Comments on Monument Management Plans for the Bears Ears National Monument Indian Creek and Shash Jaa Units (Nov. 15, 2015).	See responses to NMON-2 and NMON-3.
A.71-27	The monument should be added to the National Landscape Conservation System	Because the BENM is a National Monument, the BLM manages the BLM portion of it as part of the NLCS pursuant to OPLMA .
A.14-24	The BLM must comply with the direction specific to NLCS units. For instance, Secretarial Order 3308: Sec. 4 Policy. a. The BLM shall ensure that the components of the NLCS are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values. If consistent with such protection, appropriate multiple uses may be allowed, consistent with the applicable law and the relevant designations under which the components were established. Again, the BLM has put the cart before the horse. The proposed MMP fails to be based on any assessment or implementation of the above policy.	See response to NMON-3.
A.14-25	Science shall be integrated into management decisions concerning NLCS components in order to enhance land and resource stewardship and promote greater understanding of lands and resources through research and education. The alternatives and proposed MMP fail to implement science into the process. For instance, the alternatives that the BLM will realistically seriously consider fail to implement the most basic range management science, such as utilization rates or stocking determinations. Further,	The alternatives analyzed in the Draft MMPs/EIS were designed to provide for the proper care and management of the objects and values for which the Monument was designated. The BLM and USFS relied on scientific information, best available information, and sound rationale when developing those alternatives (see Chapters 2 and 3 of

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	the common to all alternatives fails to provide any implementation of current science regarding biological soil crust. Again, the BLM fails to comply with its own direction.	the Draft MMPs/EIS and the Bears Ears National Monument Analysis of the Management Situation).
A.14-27	The BLM will inventory and monitor the values for which NLCS units were designated. Monitoring data will be collected and stored in accordance with BLM data standards. The BLM has failed to implement this requirement. The result being is that the BLM is undertaking this planning process blind. It has little to no data on most of the resources that the proclamation requires the BLM to protect. Without data regarding the condition of these resources and impacts from livestock to these resources, the BLM cannot provide the management requirements and limitations necessary to protect these resources.	The agencies have and continue to inventory the Monument resources as funding allows. The agencies have compiled the results of that information, including available resource data, in the AMS. The AMS has been summarized in Chapter 3 of the Draft MMPs/EIS. The complete AMS is publicly available on the BLM's ePlanning website. Additionally, the agencies have developed a Monitoring Strategy and Cultural Resources Monitoring Framework to meet the established objectives of the MMPs for resources and objects within the BENM. The Monitoring Strategy is included as Appendix M of the MMPs/EIS; the Cultural Resources Monitoring Strategy is included as Appendix D of the MMPs/EIS. Finally, the agencies will have an opportunity to perform additional inventories before authorizing site-specific proposals.
A.14-30	2. Land use plans addressing NLCS units will identify the values for which the area was designated. Plans addressing NLCS units, including implementation plans, will emphasize the conservation, protection, and restoration of these values. 3. The BLM will develop monitoring strategies to track the implementation and effectiveness of plan decisions addressing NLCS units. Again, the alternatives and proposed MMP fail to implement these requirements.	See responses to NMON-2, NMON-3, and A.14-27.
A.14-35	Compatibility of Uses. 1. Site-specific activities in Monuments and NCAs will be managed in a manner that is compatible with the protection of the objects and values for which these areas were designated. Multiple uses may be allowed to the extent they are consistent with the applicable designating authority, other applicable laws, and with the applicable land use plan. 2. Through the NEPA process, the manager with decision-making authority for a Monument or NCA will evaluate discretionary uses and will analyze whether the impacts of the proposed use in the Monument or NCA or similarly designated area are consistent with the protection of the area's objects and values. As part of this analysis, the manager will consider the severity, duration, timing, and direct and indirect and cumulative effects of the proposed use. If necessary and appropriate, the BLM may use the land use planning process to consider whether to change discretionary use authorizations. 3. When approving a proposed action, the decision must document how the activity is consistent with the proclamation or designating legislation. The BLM has failed to implement this direction in the provided alternatives and proposed MMP.	See responses to NMON-2, NMON-3, and A.47-5. Note that item 1 is related to management discretion over site-specific projects. This Draft MMPs/EIS is a programmatic plan analysis and provides for general analysis of planning direction to provide for the proper care and management of Monument objects and values. Discretion over site-specific projects will be exercised when those projects are proposed, and the determination of their consistency with this plan and with the proper care and management of Monument objects and values would be made that time.
A.14-36	Facilities. 1. The BLM will inventory existing facilities within Monuments and NCAs and determine whether to remove, maintain, restore, enhance, or allow natural disintegration of each facility. Subject to applicable law and valid existing rights, the BLM will consider removal of facilities on Monuments or NCAs that do not have administrative, public safety, recreational, cultural, or historic value. The BLM has failed to implement this direction.	Consideration of existing and future facilities on the Monument has been included as part of the range of alternatives analyzed in the MMPs/EIS (for examples, see Sections 2.4.3, 2.4.4, and 2.4.7 of the Draft MMPs/EIS).
A.14-38	4. Land use plans must analyze and consider measures to ensure that objects and values are conserved, protected, and restored. Specifically, plans must: a. clearly identify Monument and NCA objects and values as described in the designating proclamation or legislation; where objects and values are described in the designating legislation or proclamation only in broad categories (e.g. scenic, ecological, etc.), identify the specific resources within the designating area that fall into those categories; b. identify specific and measurable goals and objectives for each object and value, as well as generally for the Monument or NCA; c. identify management actions, allowable uses, restrictions, management actions regarding any valid existing rights, and mitigation measures to ensure that the objects and values are protected; (emphasis added) g. include a monitoring strategy that identifies indicators of change,	The agencies have complied with these requirements. The agencies developed a monitoring strategy (see Appendix D and Appendix M) and appropriately identified Monument objects and values before beginning the planning process (see Appendix A). See also responses to NMON-2, NMON-3, and A.47-5.

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	<p>methodologies, protocols, and time frames for determining whether desired outcomes are being achieved; and h. be evaluated at least every five years, consistent with and as required by BLM land use planning guidance. Again, the BLM has utterly failed to implement these requirements within the proposed alternatives and MMP.</p>	
A.75-3	<p>The Draft MMP does not appropriately manage the lands under the National Conservation Lands Act. As a National Monument, Bears Ears is also part of the National Landscape Conservation System (National Conservation Lands), which was established by Congress in the Omnibus Public Land Management Act of 2009. This law made the National Conservation Lands (NCLs) a permanent system of public lands conservation with the stated purpose “to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” 16 U.S.C. § 7202(a). 4 The management direction for the NCLs is also instructive. Secretarial Order 3308 speaks to the management of the NCLs. The Order states in pertinent part that “BLM shall ensure that the components of the NLCS are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values.” The Order also requires the incorporation of science into the decision-making process for the National Conservation Lands, stating, “[s]cience shall be integrated into management decisions concerning [National Conservation Lands] components in order to enhance land and resource stewardship and promote greater understanding of lands and resources through research and education.” The 15-Year Strategy for the National Conservation Lands reinforces this by stating the “conservation, protection, and restoration of the [National Conservation Lands] values is the highest priority in [National Conservation Lands] planning and management, consistent with the designating legislation or presidential proclamation.” National Conservation Lands Strategy at 8. BLM’s preferred alternative fail to meet standards for national monuments and NCLs for two distinct reasons: 1) BLM’s preferred alternative prioritizes to continue multiple uses, whereas NCLs and monuments should be managed to conserve, protect and enhance the resources they were designated to protect; and 2) BLM’s preferred alternative provides more flexibility in management prescriptions and maintains similar or increased recreation management levels, whereas NCLs and monuments should be managed to only allow uses that further conservation, protection and enhancement of the natural resources the areas were designated to defend. For example, in many cases, the Draft MMP contemplates “enhanced” motorized use to furthering recreation goals. NCLs require increased motorized use only where that use would aid in protecting the monument objects for which the monument was designated. References to allowing new or increased motorized use for the purposes of “enhanc[ing]” motorized use focused solely on public recreation without benefit to the protection of monument objects is inconsistent with proper monument management and must be removed and corrected in the final MMP.</p> <p>Additionally, the applicability of the legislative and policy standards for the NCLs is hardly mentioned in the Draft MMP — there are few references to the National Conservation Lands, once in each Appendix A, Appendix C and Appendix F, but no acknowledgement throughout the remainder of the document. Regardless of the current Administration’s opinion on NCLs, BLM’s management of these lands must comply with its requirements to prioritize protection of the values identified in Proclamation 9558 over other uses. As set forth above and discussed in further detail below, several prescriptions in the MMP, and the preferred alternative in its entirety, falls far short of meeting these requirements. Similarly, the Draft MMP and the preferred alternative fail to meet these requirements for Proclamation 9681, should it be found valid in whole or in part.</p> <p>Summary of comments: The Draft MMP fails to properly acknowledge the National Conservation Lands and the added layers of protection that the agencies are legally required to comply with during land-use planning. Bears Ears National Monument, as part of the National Conservation Lands, must be managed for preservation and conservation of its cultural, ecological, and significant values rather than under FLPMA’s multiple-use mandate.</p>	<p>See responses to NMON-2, NMON-3, A.47-5, and A.14-25. Text in Appendix G of the MMPs/EIS has been revised to remove references to “enhanced” motorized recreation. It was not the agencies’ intention to increase motorized recreation over current levels and none of the alternatives considered in the MMPs/EIS would allow motorized use in areas where motorized use is currently prohibited.</p>

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A.75-23	<p>The Draft MMP specifies that BLM will manage monuments under its jurisdiction “as part of the National Landscape Conservation System...to conserve, protect, and restore nationally significant landscapes recognized by the President or Congress for their outstanding ecological, cultural, or scientific resources and values.” Draft MMP, Appx. A-1. Secretarial Order 3308 states that the National Conservation Lands “shall be managed as an integral part of the larger landscape, in collaboration with the neighboring land owners and surrounding communities, to maintain biodiversity, and promote ecological connectivity and resilience in the face of climate change.” BLM’s 15-Year Strategy for the National Conservation Lands discusses utilizing largescale assessments, such as BLM’s Rapid Ecoregional Assessments (REA), to identify how to connect and protect resources at the landscape-level.</p> <p>Furthermore, as discussed above, Proclamation 9558 designates a wide variety of wildlife species as Monument objects to be properly cared for and protected from any injury or harm. The Proclamation emphasizes the Monument’s remoteness, the species diversity the Monument harbors and the intactness of and connectivity among wildlife habitats that the Monument provides. Indeed, Proclamation 9558 characterized the entirety of the Bears Ears National Monument “[a]s one of the most intact and least roaded areas in the contiguous United States[.]” This means that the Bears Ears National Monument, as defined by Proclamation 9558 and encompassing the “Planning Area,” is an area of extremely high conservation value, offering significant ecological connectivity, intactness, remoteness and biodiversity. And indeed, Proclamation 9681 does not dispute this Presidential declaration.</p> <p>The value of the Planning Area and the adjacent federal lands to protect the Monument’s wildlife, biodiversity, intactness and connectivity has been further documented by a study assessing the ecological features and conservation values across the original boundaries of the Bears Ears National Monument.<sup>8</sup> That analysis, attached hereto, determined that the area “may be one of the best landscapes in the U.S. to preserve remote environmental assets of both human and ecological significance (Watts et al. 2007)”<sup>9</sup> and that the areas’ conservation values, “namely ecological connectivity and intactness, remoteness and biodiversity...rival those found in many of the most well-known and larger national parks in the western U.S.”<sup>10</sup></p> <p>As the agencies acknowledge, large intact landscapes are necessary to support biodiversity, watershed protection, and healthy ecosystems, and provide connectivity that facilitates wildlife migration, seasonal movement and dispersal of young – the exact values designated by the Proclamation and necessary to protect the Monument’s wildlife objects. For example, the agencies cite as goals common to all management alternatives: 1) “[e]ngag[ing] local, State, and Federal partners in program and project design to address management issues and minimize or avoid impacts to wildlife species and their habitats across jurisdictional boundaries;” 2) “[p]rotect[ing] and maintain[ing] wildlife connectivity;” and, 3) “[p]rotect[ing] large undisturbed blocks of wildlife habitat, and, where possible, consolidate[ing] and creat[ing] larger protected blocks of habitat through land acquisition.” Draft MMP at 2-26.</p> <p>The agencies’ recognition that large intact areas are necessary to safeguard the Monument’s wildlife and ecological values expresses the findings of conservation science. Ecologically intact landscapes are those with minimal to no influence from human activities that, as a result, support natural evolutionary and ecological processes (Angermeier &amp; Karr 1994; Parrish et al. 2003).<sup>11</sup> These landscapes harbor and sustain plant and animal communities that have species composition, diversity, and functional organization comparable to those of natural habitats within a region (Parrish et al. 2003).<sup>12</sup> In addition, for an area to successfully protect diversity, it must encompass a sufficient land base, protect a variety of habitats, be resilient to ongoing climate change (Dawson et al. 2011), and be interconnected (DeFries et al. 2007, Cumming et al. 2015).<sup>13</sup> Recent modeling directly applicable to the Bears Ears region includes Belote et al. (2016; coauthored by TWS’s Gregory H. Aplet) who identify the most “natural” (i.e., least human-modified) corridors between large protected areas in the contiguous United States (Belote 2016: Figure 4, page 16).<sup>14</sup> The maps depict high value corridor linkages between Colorado’s San Juan</p>	<p>Additional text has been added to Section 3.20.1 of the MMPs/EIS that acknowledges the BENM’s role in maintaining landscape intactness and connectivity for wildlife. The existing 2008 Monticello RMP and 1986 Manti-La Sal LRMP include management for these values.</p> <p>One way in which the BLM addresses the potential impacts that climate change has on planning exercises is the use of Rapid Ecoregional Assessments, as described in Section 2.1.2.1.10 of the AMS.</p> <p>The Draft MMPs/EIS analyzes a full range of alternatives that includes restrictions on surface disturbing activities to project Monument objects and values. Examples include new stipulations for surface disturbing activities, closures of areas to OHVs, exclusions of ROWs from the Monument, and prohibition of surface disturbing activities in sensitive areas. These are all management actions that are applied on the landscape planning scale (see Chapter 2 of the Draft MMPs/EIS). See also responses to MIN-1, OOS-4, and DEC-1.</p>

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	<p>Mountains and westward through the Bears Ears region to the Grand Staircase-Escalante NM and surrounding Aquarius and Paunsagunt Plateaus.</p> <p>In addition, Wild LifeLines™, based on national dataset such as natural land cover, presence of roads, highway traffic volume, housing density, and other factors, depicts potential movement pathways in the U.S. between the Mexican and Canadian borders that emphasize the least human modification and highest extant connectivity for wildlife (Fields et al. 2010; Theobald 2010).<sup>15</sup> The model depicts “most efficient existing pathways” important for landscape connectivity that includes the Bears Ears region and most of the Colorado Plateau (Fields et al. 2010: 3, Figure 2). Carlos Carroll and other carnivore experts have also identified the Bears Ears region as a potential landscape linkage for wide-ranging carnivores in the region (Carroll et al. 2006, 2013).<sup>17</sup> Their research provides complementary scientific supports to the connectivity models referenced above, contributing to the connectivity significance of Bears Ears. As the agencies also acknowledge, OHV use, energy development, mining, timber harvesting, road building and other surface disturbing activities fragment intact, connected habitats, reducing their ecological function.<sup>18</sup> For example, the agencies explain:</p> <p>Although big game species generally inhabit large ranges, they are also sensitive to anthropogenic disturbances. Human presence and noise from surface-disturbing activities (e.g., woodland harvest, vegetation treatments, road construction, ROW activities) and recreation (e.g., OHV use, camping, hiking) can result in displacement from suitable habitats, habitat fragmentation, and habitat loss. Draft MMP at 3-96; see also id. (“OHV use can lead to destruction of vegetation, erosion, increased noise, and habitat fragmentation. OHV use can directly impact habitats by destroying vegetation and acting as a vector for invasive/noxious plant introduction and proliferation.”); Draft MMP at 3-104; 3-24; 3-53 (riparian habitats); 3-63 (discussing benefits to wildlife habitat of IRAs); 3-66 (sensitive species); 3-68 (western yellow-billed cuckoo and southwest willow flycatcher); 3-22. Development activities can also reduce the effectiveness of existing protected areas (e.g., Berger et al. 2014). Moreover, these same adverse impacts and harms to the Monument’s objects and ecological values can result from OHV use, energy development, mining, timber harvesting, road building and other surface disturbing activities outside the Monument. A variety of mechanisms link protected areas with activities on adjacent lands.<sup>19</sup> For example, future extractive uses and associated roads on lands that are no longer protected are likely to negatively impact protected lands through means such as chemical, light, and noise pollution; edge effects; loss of core habitat area; loss of habitat connectivity; and, disruption of population and disturbance dynamics.<sup>20</sup> Thus, by authorizing or failing to prohibit development, road building and other surface disturbing activities on the lands surrounding the Monument, the agencies are increasing the threat of harm to the ecological objects inside the Monument. The agencies are allowing or failing to prevent destructive and damaging development closer to these vulnerable objects and fragmenting and isolating important objects. Because this approach fails to properly care for the Monument’s objects and ecological values and fails to fulfill BLM’s obligation to administer National Conservation Lands as part of an integral landscape, it is not a valid management scheme.</p> <p>In sum, there are at least two significant legal mandates that require the agencies to derive and implement a management alternative that conserves ecological connectivity and intactness, remoteness and biodiversity across the region surrounding the Monument, particularly across adjacent areas under the agencies’ jurisdiction. First, this landscape approach, deemed by BLM as necessary to protect biodiversity, connectivity and resilience to climate change is a central element of the agency’s obligation to manage National Conservation Lands such as the Monument. Second, to properly care for and protect the Monument’s wildlife and ecosystem values, the agencies must manage the Monument “as an integral part of the larger landscape” and ensure that OHV use, energy development, mining, timber harvesting, road building and other surface disturbing activities outside the Monument do not harm the Monument’s significant conservation values, including intactness, connectivity and diversity.</p>	

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	Consideration of the cumulative adverse impacts on wildlife and ecosystem values coming from adjacent federal lands is not enough. Rather, the agencies must take these impacts head on by developing and adopting an alternative that directs the management of the intact and contiguous federal lands surrounding the Monument and entails collaboration with the neighboring land owners and surrounding communities to maintain biodiversity and promote ecological connectivity and resilience.	
A.45-2	The Draft EIS, however, contains inappropriate assertions that the Shash Jáa and Indian Creek Units of BENM should continue to be managed primarily under “multiple use” principles. To the contrary, national monument status affords substantive protections for cultural resources that lands managed under multiple-use principles do not have. Lands designated as national monuments are a part of the National Landscape Conservation System (NLCS). The NLCS was formally established by an act of Congress in 2008 “to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” <sup>7</sup> This confirms that the designation of public lands as national monuments is intended to afford the highest level of protection for historic resources. Thus, BLM is required to manage lands within the NLCS (known as National Conservation Lands) with preservation and conservation as the primary goal. The preservation management mandate is further strengthened by Secretarial Order 3308, which states that “the BLM shall ensure that the [National Conservation Lands] are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values.” <sup>8</sup> We believe that language related to multiple-use in the MMPs could lead to management decisions contrary to BLM and USFS’s legal obligations, and could put historic, prehistoric, and scientific objects in jeopardy. Prioritizing multiple use creates the false impression that BLM is required to provide “a combination of balanced and diverse resource uses,” 43 U.S.C. § 1702(c), which could create public confusion during the management planning process.	See responses to NMON-2 and NMON-3.
A.56-27	[MMPs/EIS Section 2.2.4] Alternative D: This alternative professes to maintain the status quo in regards to recreation management and protecting Monument objects and values. This assertion presumes that the managing agencies conclude that the current practices and procedures are adequate for the continued conservation of landscape and cultural resources protection. This presumption is not supported by facts or the BLM’s and Forest Services’ own documentation of resources in the BENM. Sites recorded either by these federal agencies or on behalf of the federal agencies are replete with impact data that contradicts the presumptions asserted in the alternative. The MMP fails to provide any evidence that the status quo provides adequate protection of Monument values and objects. The agencies have set up a false dichotomy between Alternatives A and D, which, for all intents and purposes are nearly identical. Alternatives B and C actually provide greater protections for Monument values and objects.	See response to ALT-1 and NMON-2. All of the action alternatives provide additional protections for the Monument objects and values, compared to the no action alternative.
A.58-4	By choosing a management alternative that paves the way for increased development, destruction from rights of way (ROWs), grazing, off-road vehicle use, and other potentially harmful activities, the Secretary fails to protect the objects identified within the monument, and fails to preserve the values for which these monuments were declared, thereby violating both the Antiquities Act and the Public Lands Management Act.	See responses to ALT-1, NMON-2, and NMON-3.
A.37-4	ES-Executive Summary -1.4.4-ES-5. as written, the Agency’s preference for Alternative D is inconsistent with the expressly stated purpose of the reservation creating the BENM for the protection of the objects of antiquities contained therein. The Agency should adopt the most restrictive and protective, Alternative B, in order to comply with the proclamation establishing the BENM. Lastly, Alternative D, the preferred alternative, completely undercuts the area’s status as a National Monument, putting multiple uses upfront and ahead of protection of Monument values. Alternative D includes numerous provisions that will cause more harm to the Monument objects than allowed for by current management under the 2008 Monticello RMP and the Manti-La Sal National Forest Plan.	See responses to ALT-1 and NMON-2.

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A.48-2	<p>The Preferred Alternative 'D' is Inconsistent with the Purpose of the Management Plan. The DEIS states that the purpose of the management plan is "to provide protection and the proper care and management of the 'object[s] of antiquity' and 'objects of historic or scientific interest' of the [Bears Ears National Monument]." Yet, the preferred alternative, D, implements the least-restrictive management terms of the four alternatives considered and allows for the most resource destruction of all alternatives and the least agency oversight. In fact, this alternative allows all routes, trails and access points to remain open until "impacts to significant cultural' resources" are identified. Sec. 2.4.1.3, page 2-5. This is not how the BLM should manage the Bears Ears National Monument, a culturally sensitive area and an area of protected public lands. BLM needs to exercise precaution in managing this area consistent with the tribal resources on the land and in consultation with the Navajo Nation and the other Coalition tribes. Of the four alternatives, the DEIS describes the preferred Alternative D as the "least protective" of cultural and natural resources and the Bears Ears landscape, overall. This is a poor choice. Both Alternative B and C are more protective of the land and resources and Alternative C has useful adaptive management built in. Alternative D allows BLM to take a hands-off approach to land management and wait until resource degradation occurs rather than actively managing to protect the resources upfront. In the alternatives discussion section, 3.11.2.2.2, page 3-47, the DEIS states that under Alternative D the land would be managed less for long-term protection and more for immediate recreation interests: • "there would be less monitoring, fewer limitations, and less adaptive management implemented to address potential resource degradation" than Alternative C; • "be fewer restrictions on recreation visitation, group size, camping, campfires, rock climbing, pets, target shooting, and other activities than under Alternatives B or C;" • "Areas open for OHV use under Alternative D would be similar to those under Alternatives A and C, and would be larger than areas open under Alternative B;" • "While allowing more areas open to motorized use may diminish the experience of recreational users seeking solitude and a more primitive recreation setting, open roads would also provide all recreational users with greater access to numerous non-mechanized trails in the Shash Jáa Unit;" • "manage fewer areas as VRM Class I than any of the other alternatives, which could result in adverse impacts on the scenic quality of the Planning Area and diminish the recreational experience of recreational users who visit the Monument to enjoy its scenic resources and desire a more primitive recreation setting;" • "In general, Alternative D would provide more opportunities for recreational users to visit and explore the Monument in a less-regulated atmosphere when compared with Alternatives B and C." (all emphases are added). The Bears Ears National Monument should not be managed as a recreation-first monument. It should be managed to protect the unique historic and prehistoric features of the area, including the cultural sites that are found throughout the landscape. Alternative D, incredibly, allows for the most off-road vehicle use, rock climbing, target shooting, campfires, and pet areas in all alternatives considered. This is plainly inconsistent with the "protection and proper care" of the monument's resources, including culturally important areas that will be harmed if additional recreation is allowed on them.</p>	See responses to ALT-1, ALT-4, NMON-2, and REC-2.
A.63-2	<p>The National Landscape Conservation System The DMMP/DEIS fails to adequately recognize and disclose the BLM's statutory management obligations. Moreover, by selecting Alternative D as its preferred alternative, the BLM has abrogated its duties under the presidential proclamations, the Omnibus Public Land Management Act of 2009, Pub. L. No. 111-11, 123 Stat. 991 (codified at 16 U.S.C. § 7202 (2018)) (OPLMA), and BLM guidance interpreting the OPLMA. The purpose of Subtitle A of the OPLMA was to codify into federal law the National Landscape Conservation System (NLCS), which had been established administratively in 2000. BLM-managed national monuments are part of the NLCS. 16 U.S.C. § 7202(b)(1)(a). Subsection (c)(2) of the OPLMA obligates the Secretary of the Interior and BLM to prioritize the values for which an NLCS unit was designated when making management decisions. The subsection reads: "The Secretary shall manage the system . . . in a manner that protects the values for which the components of the system were designated." 16 U.S.C. § 7202(c)(2) (emphasis added). The DMMP/DEIS fails to recognize BLM's legal obligations pursuant to the OPLMA, never even mentioning either the OPLMA or the NLCS. The DMMP/DEIS also fails to either discuss the obligations imposed on the BLM by</p>	See responses to ALT-1, ALT-4, NMON-2, and NMON-3.



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	<p>the OPLMA, or evaluate whether each of the alternatives in the DMMP would satisfy this legal mandate. This is a fatal flaw that can be remedied only by completing the requisite analysis and reissuing a new DMMP/DEIS. BLM's Manual 6100 and Manual 6220 include numerous provisions that direct BLM staff to manage NLCS units according to the values for which they were designated. Manual 6220 provides management guidance for national monuments and similar units, while Manual 6100 applies broadly to all NLCS lands. Manual 6100 includes twenty-two such provisions throughout the document, addressing potential uses on NLCS lands. BLM personnel are directed to protect or restore the values for which NLCS units were originally designated when managing for recreation opportunities, grazing, new land acquisition, facilities and infrastructure, energy and mineral development, and scientific study. Critically, Paragraph B of Section 1.6 emphasizes the primacy of presidential or congressional declaration of NLCS units. These provisions make clear that, "as a general rule, if [a designating act] or presidential proclamation . . . conflicts with FLPMA's multiple use mandate, the designating language will apply." From the plain meaning of the OPLMA, the legislative purpose behind the statute, and BLM's own interpretation of its duties therein, the OPLMA creates a binding obligation on the BLM. Statutory construction of the term "shall" plainly directs the BLM to manage NLCS units according to their recognized values, as evident in a designating act or proclamation. Extensive congressional debate over the choice of the term "values" during debate over the OPLMA also indicates the importance of prioritizing these resources in particular, and the relative importance of protecting the recognized values over other uses—bucking BLM's traditional "multiple use" management paradigm. In Appendix A, the DMMP/DEIS identifies several BENM values and objects that were included in Presidential Proclamations 9558 and 9681 and recognizes the BLM "objective" to "[c]omply with the presidential proclamations by conserving, protecting, and restoring the objects and values for which [BENM] was designated." However, this section is silent regarding the Secretary's and BLM's statutory requirement to do so under the OPLMA, and the analysis to support that these obligations have been satisfied. The DMMP/DEIS, in short, completely ignores a Congressional directive. There are also numerous issues with BLM's preferred alternative (Alternative D). To begin with, the general description of Alternative D provides that it "allow[s] for the continuation of multiple uses and maintain[s] similar recreation management levels." The selection of Alternative D as the preferred alternative contradicts the directives in the OPLMA as well as Manuals 6100 and 6220 which recognize the legal priority of protecting objects and values identified in presidential proclamations over multiple-use policies. In the DMMP/DEIS's comparison of the four alternatives' management implications for cultural resources (presented in Table 2-1), it is apparent that Alternative B includes the management strategies that best protect the values for which BENM was dedicated. Presidential proclamations 9558 and 9681 go into detail regarding the cultural and archaeological values and objects that are unique to the Monument, and it is these resources that the BENM designation truly hinges on. Bearing this in mind, Alternative B includes the strategies that will most effectively conserve, protect, and restore the identified cultural and archaeological values and objects. While Alternatives C and D offer courses of action for BLM to take if the cultural objects are adversely impacted, Alternative B provides for the immediate closing or rerouting of trails and access points from the outset (see Section 2.4.1.3, Table 2-1). This would be a significant and beneficial management change, as the cultural sites in BENM have historically suffered from issues with looting and vandalism. Additionally, Alternative B listed twenty-two areas that would be unavailable for livestock grazing due to the presence of cultural sites, paleontological resources, and sensitive water sources; whereas Alternatives C and D only listed eight areas that would be closed off. If BLM had complied with its affirmative obligations under the OPLMA, it likely would have selected Alternative B as the preferred alternative, since this alternative best protects the cultural resources which serve as the linchpin of BENM. At a minimum, the BLM should review the OPLMA and recognize what it obligates the agency to do: manage BENM to protect the values for which it was designated. Upon recognizing this legal mandate, and applying it using the guidance in both presidential proclamations and its own policy manuals, BLM should accordingly find that, by selecting Alternative D, the agency will likely fail to fulfill its legal duties. Although Alternative C is a step in the right direction, only Alternative B adequately</p>	

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	<p>provides for the protection, conservation, and restoration of the Monument's designated values and objects. To be clear, simply choosing Alternative B will not solve the problems with the DMMP/DEIS. NEPA requires a hard look at issues, including compliance with statutory mandates, and a hard look at OPLMA compliance is missing from the DMMP/DEIS. The BLM should reissue a new DMMP/DEIS that includes that analysis, and the updated DMMP/DEIS should include a preferred alternative that meets the BLM's statutory obligations.</p>	
A.90-1	<p>The list of monument objects and values identified in the DMMP/EIS Appendix A is reasonably inclusive. Because Proclamation 9681 did not remove from protective consideration any of the classes of objects and values protected in Proclamation 9558, consideration and deployment of appropriate protection strategies for these objects and values must be initiated promptly. Protective interventions would then be expanded in response to increasing knowledge of the geographical distribution and significance of objects and values designated for protection and of the threats to their physical integrities.</p>	<p>See response to CUL-3. As stated in Appendix A, "Objects are listed in the proclamation or enabling legislation and may include cultural artifacts or features, historic structures, paleontological or geological features, specific plant or animal species or habitats, and other resources. The BLM has generally interpreted objects as discrete physical items. A national monument may also have less-tangible values, such as provision of opportunities for research." The MMPs have been developed to provide for the proper care and management of these objects and values, and potential impacts on these resources are included in Chapter 3 of the MMPs/EIS.</p>
A.90-7	<p>Comment 6: The DMMP/EIS fails to meet the landscape-scale planning and management requirements of the National Landscape Conservation System (NLCS). Multiple federal government statutes and executive policies require BENM to be managed at a landscape scale. Proclamation 9558 employs "landscape" a dozen times before stating that BLM lands within BENM "shall be managed as a unit of the National Landscape Conservation System." The 2009 National Landscape Conservation System Act established the NLCS within the BLM "to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations." In 2010, then Secretary of Interior, Ken Salazar, issued a Department of Interior Policy Memorandum No. 3308, requiring that NLCS lands "shall be managed as an integral part of the larger landscape..." and that "components of the National Conservation Lands shall be managed to offer visitors the adventure of experiencing natural, cultural and historic landscapes through self-directed discovery." The BLM responded in 2011 with the publication of National Conservation Lands 15 Year Strategy, which puts forward BLM intentions "to be a world leader in conservation by protecting landscapes." One of the four Themes in the 2011 Strategy is "Collaboratively managing the NLCS as part of a larger landscape." Among the goals within this Theme is (1) for cultural resources to be managed "in the context of the cultural landscape and adjoining lands to provide the greatest conservation benefit" and (2) for BLM to "Adopt a cross-jurisdictional community-based approach to landscape-level conservation planning and management." BLM's 2017 Manual 6220 re-affirms BLM mandates to manage national monuments to "conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations" (section 1.1). In keeping with these mandates, in 2015 the BLM collaborated with the Society for American Archaeology (SAA) to incorporate archaeological resource management issues and objectives in regional land-use plans.<sup>8</sup> The resulting peer-reviewed study assessed various approaches to incorporate cultural resource data in landscape-scale planning and outlined follow-up research directions.<sup>9</sup> Another asset for guiding a cultural landscape approach to understanding and taking care of the BENM region emerged from a 2017 gathering of 30 experts, all with previous professional archaeological experience in the BENM region.<sup>10</sup> One result of the gathering included in the online report is a series of maps that display past population "intensity" over ten millennia to convey the dramatic changes in land use and occupancy within the BENM region and broader geographic contexts. The DMMP/EIS Appendix A lists cultural landscapes under "Values" and identifies a number of specific, spatially restricted cultural landscapes as "Objects." A broader consideration of cultural landscapes is required to facilitate integrated management across spatial and jurisdictional scales, resource</p>	<p>See responses to NMON-3, A.47-12, and A.47-14. The commenter incorrectly states that the analysis contained in the MMPs/EIS is limited to the Planning Area. The agencies established an analysis area for each resource addressed in Chapter 3 of the MMPs/EIS to provide context for the analysis of impacts.</p>

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	<p>specialties, and tribal consultation and public engagement and interpretation of BENM. The archaeological experts report cited here notes: "one of the most powerful elements of the landscape approach that a national monument such as Bears Ears offers: the opportunity for tribes and other stakeholders to collaboratively manage and interpret a rich and living tapestry of interrelated places." The DMMP/EIS fails to meet NLCS requirements for landscape-level planning, impact and effect assessment, avoidance, and reduction. Public interest and awareness is bringing visitors to the current monument, the reduced monument, and to the entire "Greater Bears Ears Cultural Landscape." Indirect and cumulative effects and impacts to cultural resources and other objects and values must be considered on spatial scales much larger than that referred as the Planning Area [DMMP pages 1-2, 3-4]. BLM has access to cultural resource data such as that used to derive the model for predicting and comparing cultural resource sensitivity in the two BENM units [page 3-6], so it is clear that BLM and USFS have the capability to address cultural resources on larger landscape scales. Proclamation 9681 used the existence of several types of special land use areas, such as Wilderness Study Areas (WSAs) and Areas of Critical Environmental Concerns (ACECs) as part of the rationale for diminishing the size of the original Bears Ears. The final MMP/EIS should integrate those areas using a landscape scale that more reasonably approximates the spatial extent of indirect and cumulative impacts from the unmistakably increasing visitation to the BENM region. It also bears mention that the joint CEQ-ACHP Handbook (see Comment 1) states, on page 23: Agencies should take particular care when the proposed undertaking will affect types of historic properties whose boundaries might not be well defined or Include natural features. The intensity of the action's effect on a property such as a cultural landscape or historic property of religious and cultural significance to Indian tribes or Native Hawaiian organizations might not be as immediately apparent as it would be when considering effects on a discrete structure or archaeological site. The intensity of the proposed action in these situations is likely to affect the more intangible aspects of the property, such as "feeling" as this term is used in the criteria for evaluating properties for the National Register. Consultation with Indian tribes and Native Hawaiian organizations to identify the character-defining features of such a cultural landscape is vital (emphases added). The Handbook further notes, on page 27, that cultural resources that must "be identified and assessed as part of the affected environment include a broader array of properties than "historic properties," as defined in Section 1.06" (CEQ-ACHP 2013:27).</p>	
A.97-2	<p>The recommended management plan proposed "option D" focused on resource extraction, is completely out of line with the actual meaning behind a National Monument designation. A National Monument is set aside to protect an area of cultural and historical significance through the Antiquities Act, therefore Alternative D deviates completely from the purpose of this monument. Since February 6 when the ability to stake mining claims within areas no longer in the monument boundaries reopened, only 3 mines have been staked (and only two still stand to my knowledge). However, increased recreational visitation and interest has accelerated at far higher levels. This is the top concern that must be addressed. In accordance with BLM multi-use policies, the entities of most "use" should be prioritized in your planning. At the minimum, the management for the area needs to meet the standards for National Conservation Lands. With so much of Bears Ears having wilderness characteristics (Alternative D recognizes 0 acres of this compared to 82,000 acres in Alternative B) and containing artifacts necessary of protection under the Antiquities Act, failing to do so is blatantly ignoring what this place is and the protection it inherently deserves.</p>	See responses to ALT-1, MIN-1, NMON-2, and CUL-4.
A.51-1	<p>This section will explain why the statement of purpose and need accurately describes the BLM's responsibility under the proclamations, but why the preferred alternative does not meet those standards. i. Protection of Monument objects requires a change in management, and the Bears Ears proclamations make that clear: The only purpose for designating land as a Monument is to change its management with respect to the "objects" identified in the proclamation. Indeed, Proclamation 9558, as modified by proclamation 9681, specifically directs changes in management as compared to the Monticello Field</p>	See responses to NMON-2, CUL-1, and CUL-4. All of the action alternatives provide additional protections for the Monument objects and values, compared to the No Action Alternative.

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	<p>Plan. Proclamation 9558 directs “[the BLM and USFS to manage] the Monument ... pursuant to their respective legal authorities, [and to] implement the purposes of this proclamation.” The proclamation goes on to specifically require the BLM and USFS to prepare a joint management plan “for the purposes of protecting and restoring the monument objects...” Proclamation 9681 does not modify that requirement. Thus, the MMP must prioritize “protect[ing] and restor[ing]” the Monument objects. The Draft MMP’s statement of purpose and need recognizes that mandate. It states, “[t]he need for the MMPs is established by Presidential Proclamation 9558, as modified by Proclamation 9681, FLPMA and NFMA. [The Proclamation] states, ‘for the purposes of protecting the objects. . . . the Secretaries shall jointly prepare a management plan...’” The MMP must increase protection of monument objects because the existing management scheme does not prioritize, or adequately protect, those objects. That is evidenced by two key facts: (1) both proclamations recognize that monument status is necessary for the protection and restoration of the objects;15 and (2) the BLM’s own evaluation of the Monticello RMP indicated that cultural resources were not being adequately protected as of 2015. That is particularly important given that the monument’s stated purpose is to protect cultural resources. The monument objects are the very cultural resources that the 2015 Plan Evaluation identified as needing better protection. Thus, by naming cultural resources as the monument “objects” and requiring the BLM and USFS to jointly promulgate a management plan for the purpose of “protecting and restoring” those objects, Proclamation 9558, as modified by Proclamation 9681, expressly requires a change to the underlying management scheme. It simply cannot be the case that a management scheme that was “inadequate” to protect cultural resources prior to monument designation can be relabeled as the “preferred alternative” under an MMP whose purpose is to “protect and restore” those very resources.</p>	
A.51-2	<p>This section will explain why the statement of purpose and need accurately describes the BLM’s responsibility under the proclamations, but why the preferred alternative does not meet those standards. ii. Management directives in monument proclamations and the National Landscape Conservation Act are binding and override FLPMA’s multiple use mandate: FLPMA requires the BLM to “manage the public lands under principles of multiple use and sustained yield...”18 But that same provision of FLPMA excepts from the multiple use mandate any “tract of land [that] has been dedicated to specific uses according to any other provisions of law...,” and requires the BLM to manage such a tract “in accordance with such law.” Monument proclamations, therefore, are the dominant mandate. Inasmuch as the proclamation directs the management scheme of the Monument, the agency is bound to so manage it. Courts have recognized that directive and enforced management directives under monument proclamations against deficient MMPs. Proclamation 9558, as modified by Proclamation 9681, provides a number of specific management directives, including; (1) The BLM shall manage its portion of the Monument as a unit of the National Landscape Conservation System; (2) The BLM and USFS shall prepare a management plan that carries forward the purposes of the monument proclamations (prioritizing protecting and restoring monument objects); (3) Preparation and implementation of the plan shall include meaningful cooperation with affected Tribes; and (4) In addition to the management plan, the BLM and USFS shall prepare a travel management plan that limits the trails designated for OHV travel to only those that would be consistent with the management and care of the monument objects; The draft MMP is non-compliant with a number of those directives. For example, while Proclamation 9558, as modified by Proclamation 9681 directs the BLM to manage the Monument as a unit of the National Landscape Conservation System, the System, nor the Act under which the System is created, is mentioned in the MMP. As a unit of the System, the BLM must manage the Monument “in a manner that protects the values for which [it was designated].” However, preferred Alternative D manages the land “to continue multiple uses and similar recreation levels...,” with no specific plan to protect monument objects. Travel management under the draft MMP is also non-compliant with the management directives of the proclamations. While the draft MMP indicates that travel management will be handled more specifically at the implementation level, the preferred alternative keeps open, as a default, every acre of land that is currently open to OHV use. This is so even though the BLM’s own Evaluation Plan came to the conclusion</p>	See responses to A.51-3, NMON-2, and A.47-5.

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A.75-2	<p>that current travel management was failing to adequately protect cultural resources (which are now the monument objects).</p> <p>BLM and USFS must prioritize the protection of monument objects. The Draft MMP does not comply with Proclamation 9558 in managing for Bears Ears National Monument. As discussed in detail below, the Draft MMP fails to provide maximum protections for the monument objects identified in Proclamation 9558. As stated in the Draft MMP, Alternative D, the Preferred Alternative:  [W]ould allow for the continuation of multiple uses of public lands and maintain similar recreation management levels while protecting Monument objects and values. . . Draft MMP 2-2.  [Provide] less monitoring, fewer limitations, and less adaptive management implemented to address potential resource degradation . . . Draft MMP 3-47.  [Provide] fewer restrictions on recreation visitation, group size, camping, campfires, rock climbing, pets, target shooting, and other activities. . . Id.  Would manage fewer acres as VRM Class I than any of the other alternatives, which could result in adverse impacts on the scenic quality of the Planning Area and diminish the recreational experience of recreational users who visit the Monument to enjoy its scenic resources and desire a more primitive recreation setting. . . Id.  Would manage the least amount of land as ROW exclusion areas compared to other alternatives. . . Id.  Closes the least number of acres of high archaeological sensitivity [to off-road vehicle use]. . . Id. at 3-14.</p> <p>The preferred alternative includes language about balancing protection of the Monument objects, but it fails to provide enough protection. As highlighted in the examples above, the Draft MMP's proposed alternative includes several provisions opening Monument lands to destructive uses, such as rights of way, increased off-road vehicle use, and disparaging vegetation management techniques. The Draft MMP delays meaningful planning for cultural resources and recreation activities within the Monument to be completed several years down the road, despite these resources being primary reasons for the Monument's designation.</p>	See responses to ALT-1, ALT-4, CUL-3, and NMON-2.
A.75-80	<p>BLM and USFS should use this planning opportunity to identify additional protections for Monument objects. While, as noted above, we do not acquiesce to Proclamation 9681 and do not believe that this planning process will necessarily continue based on the current litigation, we also recognize that BLM and USFS can incorporate additional protections for Monument objects in a manner consistent with Proclamation 9558 through planning processes, based on ongoing inventory, research, and public input. Accordingly, in these comments, we note that Alternative B generally provides the management direction that is closest in consistency to the care required under Proclamation 9558. At the same time, other management prescriptions outlined in the various alternatives that would provide further protection for monument objects would also be consistent with Proclamation 9558 and BLM's obligations under law and policy. For example, managing lands to protect wilderness characteristics, as BLM acknowledges, would not only protect wilderness values, but also provide more protections for monument objects. Similarly, considering proposals submitted for additional Areas of Critical Environmental Concern (ACECs) could provide additional protection for monument objects. Consequently, these comments identify improved management for the monument objects identified in Proclamation 9558, as well as Proclamation 9558 "as modified by" Proclamation 9681.</p>	See responses to ALT-1, ALT-4, NMON-2, and A.01-1.
A.75-83	<p>The baseline assessment of the Planning Area is insufficient. Importantly, 40 C.F.R. § 1502.15 requires agencies to "describe the environment of the areas to be affected or created by the alternatives under consideration." Establishment of baseline conditions is a requirement of NEPA. In Half Moon Bay</p>	Appendix A represents the agencies' efforts to inventory the BENM's objects and values after designation and prior to the development of

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	<p>Fisherman’s Marketing Ass’n v. Carlucci, 857 F.2d 505, 510 (9th Cir. 1988), the Ninth Circuit states 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.” 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.” As highlighted in Section I(A) above, the protection of Monument objects must be the priority when considering management prescriptions for the Bears Ears landscape. Appendix A includes specifications for the “resources, objects, and values identified within the Bears Ears National Monument.” See Draft MMP, Appendix A. Appendix A lists the Monument objects and values within the current Planning Area, but is missing a clear identification, inventory, and assessment of the Monument objects.</p>	<p>the MMPs/EIS. This document was used to support the development of the AMS and MMPs/EIS.</p> <p>The agencies continue to inventory the Monument resources as funding allows. The agencies have compiled the results of that information, including available resource data in the AMS. The AMS has been summarized in Chapter 3 of the Draft MMPs/EIS. The complete AMS is publicly available on the BLM’s ePlanning website. Additionally, the agencies have developed a Monitoring Strategy and Cultural Resources Monitoring Framework to meet the established objectives of the MMPs for resources and objects within BENM. The Monitoring Strategy is included as Appendix M of the MMPs/EIS, the Cultural Resources Monitoring Strategy is included as Appendix D of the MMPs/EIS. Site-specific inventories of applicable objects and values will continue as needed to assess planning or specific projects when they are proposed.</p>

### 3.14 Paleontology

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PAL-1	<p><b>The BLM and USFS should protect paleontological resources in the BENM.</b></p> <p>Sample comment: I think that the fossil dig sites should be protected. I think that it is a tragedy that Trump plans to shrink these amazing fossil recourse sites. I think that this action should not be taken because of its importance to science or at the very least keep open some areas just for paleontological research.</p> <p>Sample comment: Bears Ears also contains important cultural, biological, and historical resources that are not adequately addressed in the new draft management plan. According to David Polly, the President of the Society of Vertebrate Paleontology, “The consultation for the draft management plan was rushed through, especially with regards to the scientific resources that are the reason it was established, including astounding fossil sites– massive dinosaurs, and tiny mammals that record our own origins–in every part of the excluded areas of the Monument. Even with a comprehensive new management plan, the protection afforded to the more than 700 excluded paleontological sites is much weaker than in the original monument.” It is unbelievable that the BLM would go back on one of the main reasons that the monument was created, and put these valuable resources that belong to ALL Americans at risk.</p> <p>Sample comment: The lack of any specific protections for paleontology would seriously mar scientific progress. Without explicit recognition of the paleontological value of the lands, whether in the form of a National Conservation Area (NCA) or a National Monument, paleontologists would have a difficult time continuing ongoing research and obtaining new permits to work within the region. Only a small portion of the cultural and paleontological resources present in the original monument boundaries have been discovered. The plan must include specific protections for paleontological resources and specific strategies for finding more. Without strong protections, myriad resources could be lost forever. The BLM should manage for the protection of the entire Bears Ears landscape for cultural and</p>	<p>As described in Appendix A of the MMPs/EIS, paleontological resources were identified as an object of antiquity within the BENM. The BLM has determined that all of the alternatives analyzed in the MMPs/EIS (Section 2.4.6), provide for the proper care and management of paleontological resources. All research, inventories, and monitoring of paleontological resources would be conducted in accordance with applicable laws, regulations, and policy. Appendix M of the MMPs/EIS identifies monitoring protocol for paleontological resources.</p>

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	paleontological resources. The BLM should not manage to protect only the currently known sites, but should commit to a program of continued discovery, inventory, management and protection.	
PAL-2	<p><b>The BLM and USFS should include paleontological and archaeological exploration/study as one of the primary existing land uses in the BENM.</b></p> <p>Sample comment: Chapter 1, page 2, section 1.3.1, sentence 1 of paragraph 2; &amp; section 1.3.2, sentence 1 of paragraph 2: In listing existing primary land uses, there is no mention of scientific research. Specifically, there is extensive paleontological and archaeological research in both Indian Creek and Shash Jáa units with a number of paleontological research permits are active for both areas. We suggest specifically adding paleontological and archaeological exploration/study as one of the primary existing land uses.</p> <p>Sample comment: We suggest including paleontological exploration/study as one of the primary existing land uses.</p>	Text of MMPs/EIS Section 1.3.1 has been revised to include paleontological and archaeological exploration/study in the list of primary land uses.
PAL-3	<p><b>The BLM and USFS should clarify that scientific researchers with valid research permits may use mechanized tools and hand tools for paleontological research if deemed necessary and within the scope of the permit.</b></p> <p>Sample comment: Chapter 2, page 11, section 2.4.6.3, row 1 of Table 2-6: In the context of casual collecting of paleontological resources, Alternative A states “mechanized tools may not be used.” The RMP should clarify that scientific researchers with valid paleontological research permits may use mechanized tools (e.g., jackhammers, generators, rock saws, and other tools) and hand tools (e.g., picks, shovels, hammers, and chisels if deemed necessary and within the scope of the permit.</p> <p>Sample comment: Specific statements should be added to the MMP to clarify that mechanized tools (e.g., jackhammers, generators, rock saws, and other gasoline or battery-powered hand or large tools), as well as hand tools (e.g., picks, shovels, hammers, and chisels), may be permitted for research purposes (under a valid paleontological research permit) if deemed necessary.</p>	The text referenced in the comment is decision PAL-1 in the 2008 Monticello RMP and represents the BLM’s current management of the area for casual collection. This decision has not been retained in the action alternatives. Under all of the action alternatives, the agencies may allow use of both mechanized tools and hand tools when their use is deemed necessary and the agencies determine that their use does not result in unacceptable conflicts with other resources or resource uses and provides for the proper care and management of Monument objects and values.
PAL-4	<p><b>The MMPs should address the increased infrastructure and staffing needs for the management of paleontological resources.</b></p> <p>Sample comment: At least one full-time (FT) paleontologist is necessary for each of the new monument units, in addition to one FT senior monument paleontologist who would coordinate them and oversee paleontological resources at the excluded Federal lands. These staff should be charged with preserving, studying, interpreting the paleontological resources of the two monument units, and coordinating the activities of external researchers and other BLM paleontologists. Each of the three unit paleontologists should be assisted by at least one trained FT monument paleontology technician. In addition, the two monument units combined need at least one FT education and outreach coordinator to promote the monument units’ paleontology program and the awareness of paleontological resources protection and preservation to the general public. The senior monument paleontologist would oversee the entire paleontology program in the two monument units and the areas now excluded from the former BENM boundaries, and would prioritize tasks of each unit paleontologist and the education and outreach coordinator.</p> <p>Sample comment: The draft MMP has a complete lack of infrastructural support described, designated, or planned that would enable the federal government to satisfactorily implement all aspects of BLM and USFS’s draft MMPs relating to paleontology. President Obama’s proclamation explicitly created BENM not only to protect paleontological resources, but also to develop their full potential for the benefit of all Americans. To meet these goals, minimum infrastructure and staffing needs are required, including: The hiring of four full time paleontologists, who will coordinate research, surveying and permitting (one each for the Shash Jáa and Indian Creek units of the new monument, and one each for the BLM and USFS lands in the excluded areas) The entirety of the former BENM be included in the National Conservation Lands program to receive funding to survey and study the</p>	Decisions regarding infrastructure and staffing needs are beyond the scope of the development of the MMPs.

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	<p>paleontological resources in the new monuments and the excluded areas, at least until the resolution of pending court cases Additional Law Enforcement Officers hired and trained on the Paleontological Resources Protection Act (PRPA) to effectively enforce and educate about federal fossil laws Visitor infrastructure that would educate and guide visitors to interpreted sites and inform them about the relevant laws, either in the form of a visitor center or augmenting existing visitor interfaces within the region.</p> <p>Sample comment: In the absence of a regional paleontologist, there should be a paleontology staff (not just a geologist or archaeologist) capable of handling permit requests from qualified researchers. This should be outlined in the MMP</p>	
PAL-5	<p><b>The BLM and USFS should not base the range of MMPs alternatives on varying Potential Fossil Yield Classification (PFYC), because PFYC is already agency policy that must be followed.</b></p> <p>Sample comment: Management of BLM paleontological resources using the Potential Fossil Yield Classification (PFYC) system is written policy (see Instructional Memorandum 2016-124, <a href="https://www.blm.gov/policy/im-2016-1240">https://www.blm.gov/policy/im-2016-1240</a> and 8270 Program Guidance and Handbook H-8270-1 General Procedural Guidance for Paleontological Resource Management). As such, presenting different management alternatives based on PFYC in the draft RMP is inappropriate because the PFYC is written policy. According to this policy, paleontological resources must be given “full and equal consideration” in “land use planning and decision making” (section .06 policy, A2 of Handbook H-8270-1 General Procedural Guidance for Paleontological Resource Management); the BLM must “mitigate adverse impacts to paleontological resources as necessary” (section .06 policy, A4); and “vigorously pursue the protection of paleontological resources from theft, destruction and other illegal or unauthorized uses” (section .06 policy, A7).</p> <p>Sample comment: The draft RMPs consistently makes inappropriate use of the Potential Fossil Yield Classification (PFYC) system, and any resultant MMP must abandon the current language in regards to PFYC and come into compliance with agency policy regarding PFYC (see Instructional Memorandum 2016-124, <a href="https://www.blm.gov/policy/im-2016-1240">https://www.blm.gov/policy/im-2016-1240</a> and 8270 Program Guidance and Handbook H-8270-1 General Procedural Guidance for Paleontological Resource Management). It is completely inappropriate to present different treatments of PFYC as “alternatives” because the application of PFYC is already codified as agency policy and cannot be changed on a field office, district office, or even state office level.</p> <p>Sample comment: Comment 10: Chapter 2, Page 11, Section 2.4.6.3, Row 2 of Table 2-6, Alternative D: Alternative D states: “Conduct on-site survey for paleontological resources prior to implementing any surface-disturbing activities for all Potential Fossil Yield Classification (PFYC) 4 and 5 Areas. Surface-disturbing activities would avoid or minimize impacts to paleontological resources to the degree practicable. Where avoidance is not practicable, appropriate mitigation to reduce impacts would be developed based on site-specific survey information.” PFYC is policy and it is inappropriate to present management alternatives for PFYC.</p> <p>Sample comment: Chapter 2, Page 28, Section 2.4.16.3, Row 4 of Table 2-16: PFYC is policy and cannot be presented as management alternatives.</p> <p>Sample comment: Chapter 3, page 32, section 3.10.2.2.1, Table PAL-2: PFYC is written policy not a guide for management alternatives. The omission of PFYC Class 3 from Alternative D is problematic because many of these areas have not been systematically surveyed for fossils but known sites have produced exceptionally important paleontological resources.</p> <p>Sample comment: Chapter 3, Page 32, Table PAL-2: PFYC is policy and cannot be presented as management alternatives. Furthermore, Alternative D leaves out PFYC Class 3 (which is included in Alternatives B and C). This is problematic because the level of protection of paleontological resources would not be adequate for sites discovered during surveys.</p>	<p>Table 2-6 in the Proposed MMPs/Final EIS has been revised to remove the row addressing travel planning. Text has been added to the second row of Table 2-6 to clarify that the Authorized Officer has discretion to require surveys if needed (under all alternatives). The associated impacts analysis in Section 3.10.2 of the Proposed MMPs/Final EIS has also been revised as a result of these changes. After review of public comments on the Draft MMPs/EIS, the agencies have elected to remove the decisions related to restrictions on the designations of new routes based on PFYC that were contained in Section 2.4.6.3 of the Draft MMPs/EIS. These decisions inappropriately created restrictions on implementation-level travel management planning. These decisions may have resulted in the agencies not being able to designate or move a route that would have reduced impacts on other BENM resources, even if a survey indicated that paleontological resources were not present in the area. Similarly, the decisions could have been misinterpreted to mean that the agencies would be able to designate routes in areas of lower PFYC regardless of the presence of paleontological resources. The removal of these decisions allows the agencies to consider the best approach to protect paleontological resources on a case-by-case basis.</p> <p>Further, the BLM Planning Handbook (H-1601-1), Appendix C, identifies that planning-level decisions for paleontological resources include identifying “criteria or use restrictions to ensure that areas containing, or that are likely to contain, vertebrate or noteworthy occurrences of invertebrate or plant fossils are identified and evaluated prior to authorizing surface-disturbing activities.” Current BLM policy requires use of the PFYC “to assess possible . . . mitigation needs for Federal actions.” Consistent with this direction and policy, the BLM and USFS have used PFYC classes to guide prioritization of future inventory efforts and include management to protect paleontological resources in areas that are likely to contain fossil resources.</p>



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PAL-6	<p><b>The MMPs/EIS should be revised to include vertebrates and traces fossils in the list of paleontological localities in the BENM.</b></p> <p>Sample comment: Chapter 3, page 31, section 3.10.1, lines 3–4 of paragraph 2: This statement leaves out mention of important vertebrate and trace fossils, which comprise the bulk of the localities. It should be revised to say: “Over 300 paleontological localities, including plants, invertebrates, vertebrates, and trace fossils, have been recorded in the two units.”</p> <p>Sample comment: Chapter 3, Page 31, Lines 3–4 of Paragraph 2 in Section 3.10.1: The sentence reads “Over 300 paleontological localities, ranging from invertebrates to plants have been recorded in the two units.” However, this statement is not accurate and should be re-written to read “Over 300 paleontological localities, including invertebrates, vertebrates, plants, and trace fossils, have been recorded in the two units.”</p>	Text in MMPs/EIS Section 3.10.1 has been revised to include vertebrates and trace fossils.
PAL-7	<p><b>The MMPs/EIS should be revised to mention important early-middle Holocene sites and correct its discussion of Pleistocene mammals.</b></p> <p>Sample comment: Chapter 3, page 31, section 3.10.1, line 3 in paragraph 3: This sentence leaves out mention of important early-middle Holocene sites, and erroneously states that Pleistocene primates (non-human) have been found in BENM. It should read: “BENM also contains Pleistocene-Holocene Epoch sediments preserving fossils of large mammals such as mammoths, short-faced bears, ground sloths, and camels, as well as a wide variety of small vertebrates.”</p> <p>Sample comment: Chapter 3, Page 31, Section 3.10.1, Line 3 in Paragraph 3: The sentence reads “The BENM also contains Pleistocene epoch sediments in which traces of mammoths, short-faced bears, ground sloths, primates, and camels have been found.” For accuracy, we suggest that this sentence be elaborated to “The BENM also contains Pleistocene and Holocene Epoch sediments in which fossils of large mammals, such as mammoths, short-faced bears, ground sloths, and camels, as well as a wide variety of small vertebrates, have been found.”</p>	Text in MMPs/EIS Section 3.10.1 has been revised as suggested.
PAL-8	<p><b>The MMPs/EIS should be revised to clarify that PFYC acreages are regularly updated and may change in the future.</b></p> <p>Sample comment: Chapter 3, page 31, section 3.10.1, Table PAL-1: PFYC classification is regularly updated as more information is available. Table PAL-1 should clarify that the acreage listed for PFYC 2–5 areas in the Shash Jáa and Indian Creek units is current as of the date of the publication of the RMP but will likely change in the future.</p> <p>Sample comment: Chapter 3, Page 31, Section 3.10.1, Table PAL-1: PFYC is an evolving classification in which the classification of any unit is intended to be updated as new information becomes available. In regards to the distribution of PFYC 2–5 Areas in the Shash Jáa and Indian Creek Units, Table PAL-1 should make clear that the acreage listed is as of the date of publication of the document, and is likely to change in coming years.</p>	Text in MMPs/EIS Section 3.10.1 has been revised to clarify that PFYC acreages are regularly inventoried, so PFYC acreages may change in the future.
PAL-9	<p><b>The MMPs/EIS glossary definitions for “fossil”, “paleontological resources”, and “paleontology” should be revised to be more accurate.</b></p> <p>Sample comment: Glossary (Volume 2): page 4, definition of ‘fossil’: This definition is inconsistent with both the scientific and vernacular usage of the term ‘fossil.’ Fossils are the remains or traces of any organism, not just ‘plants and animals.’ As such, this definition should be changed to; “Fossil: any remains or traces of prehistoric life.” Glossary (Volume 2): page 6, definition of ‘paleontological resources’: See above comment. Change to: ‘Paleontological resource: any fossil that is of scientific interest and that provides information about the history of life on Earth.’ Glossary (Volume 2): page 6, definition of ‘paleontology’: See above comments. Change to: ‘Paleontology: the scientific study of prehistoric life based on the fossil record.’</p>	The definitions of “fossil” and “paleontology” have been revised. The definition of “paleontological resources” used in the MMPs/EIS comes from the Paleontological Resources Preservation Act of 2009 and has not been revised.

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	<p>Sample comment: Glossary (Volume 2): Page Glossary-4, definition of "Fossil": "Fossil" in the glossary is defined as "Any remains, trace, or imprint of a plant or animal that has been preserved in the Earth's crust since past geologic or prehistoric time." Besides the fact that a fossil may not necessarily be represented by a plant or animal, we recommend that the definition be replaced with something simpler and more straightforward: 'Fossil: Any remain or trace of prehistoric life.'</p> <p>Sample comment: Glossary (Volume 2): Page Glossary-6, definition of "Paleontological resources": "Paleontological resources (fossils)" in the glossary is defined as "Any fossilized remains, traces, or imprints of organisms, preserved in or on the Earth's crust, that are of paleontological interest and that provide information about the history of life on Earth." In conjunction with re-defining "Fossil" (see Comment 37 immediately above), we recommend that the definition be replaced with something simpler and more straightforward: 'Paleontological resource [note 'resource' in singular; also omit "(fossils)" in this heading]: Any fossil that is of scientific interest and that provides information about the history of life on Earth.'</p> <p>Sample comment: Glossary (Volume 2): Page Glossary-6, definition of "Paleontology": "Paleontology" in the glossary is defined as "A science dealing with the life forms of past geological periods as known from fossil remains." We should note that fossils may not necessarily be preserved as 'remains' but also traces (e.g., foot prints). Furthermore, "past geologic periods" precludes the current geologic period for which we also have relevant paleontological information. In conjunction with re-defining 'Fossil' and 'Paleontological resource' (see Comments 37 and 38, immediately above), we recommend that the definition be replaced with something simpler and more straightforward: 'Paleontology: The scientific study of prehistoric life based on the fossil record.'</p>	
PAL-10	<p><b>The BLM and USFS should add specific paleontological resources to the list of Monument objects in Appendix A of the MMPs/EIS.</b></p> <p>Sample comment: Appendices (Volume 2), page A-17, subheading 'Objects' under heading 'Paleontological Resources': This list underreports known paleontological resources from areas within BENM. Based on ongoing NHMU research within BENM, the following paleontological resources are known: - Moenkopi Formation (Middle Triassic) in Indian Creek area (including Lavender Canyon): temnospondyl amphibian skull - Chinle Formation (Upper Triassic) in Indian Creek area, including tributaries (e.g., Lavender and Davis canyons) and Bridger Jack Mesa: petrified wood, leaf impressions, bivalves, gastropods, crayfish burrows, arthropod traces, vertebrate tracks and trackways, and vertebrate bones. - Wingate Sandstone (Upper Triassic-Lower Jurassic) in Indian Creek area, including tributaries (e.g., Lavender and Davis canyons) and Bridger Jack Mesa: vertebrate tracks and trackways. - Navajo Sandstone (Lower Jurassic) at Comb Ridge: type locality and only occurrence of the early sauropodomorph dinosaur <i>Seitaad ruessi</i>. - Cutler Group (Late Pennsylvanian-Lower Permian) in Indian Creek area: petrified wood, fossil leaves, marine invertebrates (e.g., crinoids, echinoids, bivalves, gastropods, brachiopods), and scales, teeth, and bones from vertebrates.</p> <p>Sample comment: Appendices (Volume 2), Page A-17, regarding 'Objects' under 'Paleontological Resources': The list of 'Objects' showing examples of paleontological resources in this table is simplified beyond the point of utility. We suggest replacing the list with a more accurate list that better reflects the full significance of the paleontological resources at BENM. Note that this proposed list represents dozens of known sites for each bullet point. ● Chinle Formation (Upper Triassic) at Cathedral Butte and its vicinity: Prehistoric plant debris and petrified wood, coquinas (debris of shelled animals), animal burrows and trackways. ● Numerous Quaternary deposits in natural cliff alcoves in Davis and Lavender Canyons as well as at Cathedral Butte and its vicinity: Prehistoric packrat middens. ● Chinle Formation (Upper Triassic) in Indian Creek: petrified wood, plant root casts, leaf impressions, coquinas (debris of shelled animals), animal burrows and trackways, and vertebrate bones. ● Chinle Formation (Upper Triassic) at Bridger Jack Mesa: petrified wood, leaf impressions, coquinas (debris of shelled animals), animal burrows and trackways, and vertebrate bones. ● Chinle Formation (Upper Triassic) in Lavender Canyon: petrified wood, leaf impressions, coquinas (debris of shelled animals),</p>	<p>Appendix A of the Proposed MMPs/Final EIS has been revised to provide a general list of the Monument paleontological objects and values. "Trace fossils" has been added to the list of Monument paleontological objects. The list in Appendix A is meant to provide examples of important paleontological resources in the Monument and is not an exhaustive list of specific paleontological resources found in the Monument.</p>

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	<p>animal burrows and trackways, and vertebrate bones. ● Chinle Formation (Upper Triassic) at Comb Ridge: Petrified wood, coquinas (debris of shelled animals), animal burrows and trackways, coprolites, and vertebrate bones and teeth. ● Wingate Formation (Upper Triassic-Lower Jurassic) at Indian Creek: Vertebrate tracks and trackways. ● Navajo Formation (Lower Jurassic) at Comb Ridge: Vertebrate tracks and trackways, vertebrate burrows, root and plant casts, and type locality and only occurrence of the dinosaur <i>Seitaad ruessi</i>. ● Summerville Formation (Middle-Upper Jurassic) in Butler Wash: Vertebrate tracks and trackways ● Cutler Group (Lower Permian) in Arch Canyon: Vertebrate bones. ● Moenkopi Formation (Middle Triassic) at Bears Ears Buttes: Plant fossils, vertebrate tracks, and vertebrate bones and teeth. ● Moenkopi Formation (Middle Triassic) in Indian Creek: Amphibian skull. ● Chinle Formation (Upper Triassic) on Elk Ridge: Plant fossils and impressions. ● Cutler Group (Upper Carboniferous/Lower Permian) in Indian Creek: Petrified wood, leaf fossils, marine invertebrates (e.g., echinoderms, brachiopods, bivalves, gastropods), and vertebrate bones. ● Chinle Formation (Upper Triassic) at Abajo Mountains: Only procolophonid skull from Chinle Formation, anywhere in the United States.</p> <p>Sample comment: Appendices (Volume 2), Page A-17, regarding 'Objects' under 'Paleontological Resources': The list of 'Objects' showing examples of paleontological resources in this table is excessively simplified, especially since Proclamation 9681 specifically recognizes those objects named in Proclamations 9558. We suggest replacing the list (that currently has only three bullet-points) with the following simple, but more accurate list that better reflects the full significance of the paleontological resources at BENM: Objects Specific objects that would be considered under Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, include, but not limited to, the following: ● Petrified wood, leaf fossils, marine invertebrates (e.g., echinoderms, brachiopods, bivalves, gastropods), and vertebrate bones found at Indian Creek, Arch Canyon, and elsewhere in the monuments ● Plant fossils, vertebrate tracks, and vertebrate bones and teeth, including remains of extinct amphibians found at Bears Ears Buttes, Indian Creek, and elsewhere. ● Prehistoric plant debris and petrified wood, plant root casts, leaf impressions, coquinas (debris of shelled animals), animal burrows and trackways, and vertebrate bones and teeth, including the only known procolophonid skull found at Bridger Jack Mesa, Cathedral Butte, Comb Ridge, Indian Creek, Lavender Canyon, and elsewhere. ● Vertebrate tracks and trackways, vertebrate burrows, root and plant casts found at Indian Creek, Butler Wash, and elsewhere ● The type locality and only occurrence of the dinosaur <i>Seitaad ruessi</i> at Indian Creek ● Numerous Quaternary deposits, including prehistoric packrat middens in natural cliff alcoves, found in Davis and Lavender Canyons, Cathedral Butte and its vicinity, and elsewhere</p>	
A.38-11	<p>Chapter 2, Page 11, Section 2.4.6.3, Row 2 of Table 2-6: PFYC is policy and cannot be presented as management alternatives. Additionally, on-site evaluation prior to any disturbance is vital for PFYC Classes 3, 4, and 5 (i.e., Alternative B or C) in BENM. This is because: 1) southeastern Utah, and the Indian Creek and Shash Jaa units, have particularly abundant paleontological resources and represent among the most productive and significant regions known to paleontologists; and 2) PFYC Class 3 means that the potential yield of the unit is "moderate" or "unknown." In southeastern Utah, formations classified as PFYC 3 have been designated as such because the region's yield is incompletely known owing to a lack of comprehensive, systematic survey, as opposed to a known, "moderate," yield. Highly significant fossils have been found in PFYC Class 3 formations in southeastern Utah, some of which occur within BENM. On-site evaluation of surface-disturbing activities must extend to PFYC Class 3 rock units, as dictated by BLM policy.</p>	See response to PAL-5.
V.03-8	<p>As far as paleontological and geological resources, I strongly prefer Alternative B. I believe a permit system would allow us to understand where people are collecting these geological and paleontological resources, and if necessary we can then take prescriptive and guided actions to protect areas that may need protecting.</p>	<p>All action alternatives analyzed in the MMPs/EIS (Section 2.4.6) include a requirement that the collection of paleontological objects would be by permit only. Permits would be considered and issued at the field office level in the absence of a regional paleontologist. No casual fossil collecting would be allowed within the Planning Area.</p>

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A.55-8	NHMU paleontological research has identified important fossil resources in Indian Creek north of Route 211 that are not currently included in the draft RMP. These fossils from the Late Pennsylvanian-Early Permian document the first fully-terrestrial ecosystems and include critical specimens of petrified wood, fossil leaves, marine invertebrates (e.g., crinoids, echinoids, bivalves, gastropods, brachiopods), and scales, teeth, and bones from fossil fish, amphibians, early reptiles, and early mammal-relatives (synapsids). NHMU is aware of other important paleontological resources in the areas of Valley of the Gods, Johns Canyon, Comb Ridge, White Canyon, Beef Basin, Elk Ridge, Dark Canyon, Harts, Draw, and Lockhart Basin, which are also currently excluded from the draft RMP. All of the resources require management and protection in accordance with the Paleontological Resources Protection Act and existing BLM regulations and policy.	Paleontological resources within the excluded lands are protected by applicable laws and regulations, including the Paleontological Resources Preservation Act (PRPA) and existing applicable regulations and policy. Appendix A of the MMPs/EIS identifies paleontological Monument objects and values.
A.26-18	Within the Monument—Access to areas in the monument units with paleontological resources for non-paleontological commercial purposes such as grazing, film production, and mineral extraction shall be conducted only where paleontological resources will not be adversely affected. Access to all areas within the new monument units with paleontological resources shall be restricted to existing roads. Particularly sensitive areas include exposures of highly fossiliferous formations, such as the Cutler Group, Chinle Formation, and Morrison Formation	The Draft MMPs/EIS includes a range of alternative management actions to protect paleontological resources (See Section 2.4.6 of the Draft MMPs/EIS). All management actions authorized by the agencies in the BENM must provide for the proper care and management of Monument objects and values.
A.26-20	In cases where extraction activities are being conducted in areas with high potential for yielding paleontological resources as determined by the preliminary survey, periodic inspections by a professional paleontologist should be conducted to ensure scientifically important paleontological resources are not inadvertently destroyed or unlawfully extracted. These inspections should include newly disturbed areas and their spoil banks. Mining workers during operation must immediately report to the designated monument paleontologist should they encounter any paleontological resources that are suspected of having scientific importance. If the discovery is determined to be scientifically important, the paleontologist shall immediately report to the senior paleontologist who will then request the chief monument manager or authorized officer to request an emergency excavation to collect the paleontological resources in question	See responses to MIN-1 and A.26-18. The comment accurately describes the type of measure that the agencies may implement should any mining be proposed pursuant to valid existing rights after a site-specific review determines that paleontological resources may be present in the area. Similar measures are included in Appendix J. Including this measure in the MMPs is not necessary because these development activities are speculative at this time, and these measures may be implemented at the time a specific proposal is brought forward for the agencies' consideration.
A.47-52	agencies should continue to inventory paleontological resources within the Proclamation 9558 and 9681 boundaries in order to better understand the nature and complexity of the paleontological landscape of Bears Ears. High visitor use areas should be prioritized for inventory, along with areas of high PFYC that have information gaps.	The comment is consistent with the goals and objectives outlined in Section 2.4.6 of the MMPs/EIS. Paleontological resources will continue to be researched and inventoried. Text has been added to Section 2.4.6.2 of the proposed MMPs/Final EIS that outlines how paleontological inventories would be prioritized. Decisions regarding where that research takes place are beyond the scope of the development of the MMPs.
A.47-54	The final MMP could be improved with an inventory prioritization system for paleontological resources, much like the cultural resource inventory priority (Vol.1 2.4.1.2.) that we discuss in Section IV.C [see letter].	A paleontological resource inventory prioritization system that mirrors the proposed cultural resources inventory prioritization system has been added to management actions common to all alternatives in the proposed MMPs/Final EIS (Section 2.4.6.2).
A.65-1	Fundamentally we know very little of the specific distribution of paleontological sites within these areas under consideration. Much of the information that we do know comes from the research conducted by peer-reviewed articles and reports by independent universities and museums in the region over the last century. This lack of information could be rectified by the federal government, if they conducted a geological and paleontological inventory of the region. These surveys are often called "block" surveys, and they involve producing detailed geological maps at the 7.5' minute scale, and surveying and precisely locating significant and nonsignificant fossil sites within the boundaries of the project area. These surveys would employ trained geologists and paleontologists who would produce for the agencies involved, a detailed report on the distribution of paleontological sites, geological units, as well as a detailed reports and recommendations for future management. This information would be	See response to A.47-52. One of the stated goals of the MMPs is to identify, evaluate, study, interpret, and protect paleontological resources in the BENM. Thus, paleontological research will continue in the BENM.

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	highly valuable in decision making, and allocating resources for both the protection and fostering of research within the lands managed by the United States government.	
A.47-53	We support the collection of paleontological objects by permit only in accordance with PRPA and no casual fossil collecting, as is standard for National Conservation Lands management. (2-11, DMMP). Collection requires special skills and data collection; these skills cannot be expected of the casual collector and are necessary for preserving these nonrenewable resources.	Casual fossil collection would be prohibited under all alternatives analyzed in the MMPs/EIS. All fossil collection in the BENM must be in compliance with the PRPA and all other applicable laws and regulations.
A.47-55	Implementation of a monitoring program including volunteers and an electronic app to assess impacts from natural and human activity and avoid and mitigate damage.	All alternatives analyzed in the MMPs/EIS include research, inventory, and monitoring of paleontological resources in the BENM. Specific decisions about volunteers and technology used during monitoring are beyond the scope of the development of the MMPs.
A.47-56	In some cases, emergency closures or physical restrictions may be necessary to protect paleontological resources in situ.	The BLM and USFS have the authority to close or restrict access to sites in situations where it is necessary to protect paleontological resources, which are identified as Monument objects. Such decisions would be made by the agencies on a case-by-case basis if such situations arise.
A.43-1	the provisions in Alternative D which require a "paleontological survey and clearance prior to issuance of the permit" need further explanation. Does this requirement pertain to new permits, existing permits, or both? As written, it appears to necessitate a new survey, perhaps of already authorized climbing sites, before existing permits holders could continue commercial activities at Indian Creek. We believe the paleontological survey requirement should pertain only to new permits that would be issued for guided climbing locations not yet surveyed. The 14 currently authorized SRP locations which have already been cleared for paleontological and cultural resources should not be subject to this requirement. We would like the BLM to clarify this survey requirement to improve understanding for all involved.	Text in the MMPs/EIS has been revised to clarify that paleontological surveys and clearance would be required for new permits in locations that have not previously undergone surveys or clearances. This is a current requirement for permitting of all climbing SRPs.
A.41-3	The analysis regarding impacts on paleontological resources from proposed recreation decisions is misleading. The EIS states that Alternative C further regulates target shooting, OHV use and dispersed camping which would reduce impacts to paleontological resources. In fact, Alternative C only prohibits target shooting in the south Elks/Bears Ears RMZ and the trail of the ancients RMZ. In other areas, Alternatives C and D have the same management prescriptions for target shooting. Additionally, dispersed camping is allowed under both Alternatives C and D until implementation level planning occurs which would provide the same impacts to paleontological resources.10 Alternatives C and D also share the same closed and limited area designations for OHV travel. The paleontological section should be edited to more accurately portray the impacts that Alternatives C and D would have on paleontological resources. As written, the EIS suggests that Alternative C would provide dramatically more protections than Alternative D when that is not really the case. The EIS should be revised to reflect the actual impacts across all alternatives.	The analysis of potential impacts from recreation decisions correctly states that Alternatives B and C would provide for greater restrictions on recreational use and access than Alternative D. However, the text has been revised to clarify which management action examples apply to Alternative B and which examples apply to Alternative C.
A.64-1	Alternative A would continue the policies contained in those plans for the Shash Jáa and Indian Creek National Monuments. We believe that this will be the best course of action to take in terms of protections for archaeological and cultural resources until Proclamation 9681 is overturned by the courts, at which time the Bears Ears NM will be restored to its full size.	See responses to ALT-1 and OOS-4.
A.16-6	The Climbing Organizations support the provisions in Alternative C whereby all climbing routes, trails, and access points would remain open, but be monitored for impacts to cultural resources. If such impacts are observed, the agencies would work to educate users in "tread lightly" principles and encourage self-regulation to minimize impacts. Accordingly, under Alternatives C, the agencies will work more proactively with the climbing community to address and avoid conflicts and thus limit	See response to ALT-2. The Proposed MMPs/Final EIS analyzes a range of management actions that include working with the climbing community, avoiding conflicts, and limiting closures. For example, under Alternative E, all access points, trails, and climbing routes would be open, but would be monitored for impacts to paleontological resources and other resources. If impacts occur, visitors would be

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	closures. The Climbing Organizations also support the direction in Alternative C, where the agencies may harden, reroute, or close trails as necessary to protect paleontological sites.	educated on how to “tread lightly” and/or self-regulate to avoid impacting these resources. If impacts continue, the agencies would close or reroute access points, trails, and climbing routes. If closure or rerouting is not practicable, the agencies would implement mitigation to avoid significant impacts to site integrity. Under Alternative E, the agencies may harden, reroute, or close trails as necessary to protect paleontological sites.
A.26-1	Areas outside the new monuments that contain key paleontological resources should be specially managed. The density and importance of the paleontological resources at BENM is remarkable, even in the excluded areas of the monument. These sites reveal the history of life on Earth between the Pennsylvanian and Cretaceous periods and are part of our national heritage, as well as being scientifically important. Because of their scientific importance, it is imperative that the excluded areas continue to be managed at a level above that mandated by the Paleontological Resources Preservation Act (PRPA). The following areas are already known contain world-class paleontological resources that, with proper scientific development, have the potential to revolutionize our understanding of the late Paleozoic and early Mesozoic periods: • Beef Basin • Comb Ridge • Dark Canyon • Elk Ridge • Fry Canyon • Harts Draw • Indian Creek north of Route 211 • Johns Canyon • Lockhart Basin • Slickhorn Canyon • Valley of the Gods • White Canyon	See response to OOS-4. Paleontological resources outside the boundaries of BENM will continue to be managed consistent with applicable laws, regulations, and management plans.
A.26-2	Resources at these sites are vulnerable to mineral extraction activities, off-road vehicles, and other uses without specific paleontological management plans in place. Where these areas are not already classified as Wilderness Study Areas (WSAs), they should be designated as Areas of Critical Environmental Concern (ACEC) where they occur on BLM land or as Special Interest Areas (SIA) where they occur on USFS lands in order to better protect their paleontological resources. These areas should be managed under the same rules as those within the two current monument units, including withdrawal from commercial mineral activities and limiting grazing and off-road vehicle use.	See response to A.26-1.
A.26-3	We prefer Alternative D, but recommend that both of the new monuments and the excluded areas have dedicated paleontologists on staff	See response to ALT-3. Decisions related to agency staffing and funding are beyond the scope of the development of the MMPs.
A.26-5	We are uncertain whether paleontological excavations would be precluded from lands with wilderness characteristics, or if short-term (multi-week) surface disturbance would be allowed, so long as the area is returned to their prior conditions. While clarifications are needed, we advocate for permitted multi-week paleontological excavations on a case-by-case basis.	The MMPs/EIS analyze a range of alternatives for lands with wilderness characteristics. Some of the alternatives may preclude certain types of surface disturbance. If consistent with the approved MMPs, proposed paleontological excavations on lands with wilderness characteristics would be reviewed and determined on a case-by-case basis. All agency-authorized activities would be consistent with the approved MMPs, which would provide for the proper care and management of Monument objects and values.
A.75-49	Bears Ears National Monument contains world-class, and often globally unique paleontological resources, many of which were primary reasons for the Monument's designation and are identified as Monument objects requiring protection. See Draft MMP, Appx. A-15. The Draft MMP misuses Potential Fossil Yield Classification (PFYC) throughout, and presents existing, codified BLM policy as “options” for fossil management. Despite the significance of these resources, the Draft MMP provides no provision for creating a permanent position for a Monument paleontologist or staff.  The preferred alternative protects fewer acres of high-yield fossil exposure from grazing and ROW development than any other alternative, including the no action alternative. Id. at 2-11. The preferred alternative also violates the Paleontological Resources Preservation Act by not giving local BLM agents the authority to close climbing or travel routes if fossil sites are being damaged. Id. Additionally, as a national monument, there should be no personal collection of fossils allowed under any alternative, as currently proposed in Alternative A. Id. In addition to personal collection of fossils being destructive to	See responses to PAL-4 and PAL-5.  The MMPs/EIS analyzes a range of management actions addressing grazing and paleontological resources. If a resource use such as livestock grazing is shown to be impacting paleontological resources, the BLM and USFS can take management actions to address those impacts at the implementation level. Additionally, the range of alternatives analyzed in the MMPs/EIS includes a management action that allows the BLM and USFS to harden, reroute, or close trails if monitoring indicates impacts to significant paleontological resources. The BLM and USFS are required to provide proper care and

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	<p>Monument objects, the USFS already prohibits casual fossil collection in monuments and having two conflicting standards within a monument would create unneeded confusion and may result in individuals inadvertently breaking the law.</p> <p>For additional information on paleontological impacts, we are incorporating by reference Rob Gay's expert comments submitted during this planning process.</p>	<p>management of paleontological resources in the Monument, consistent with all applicable laws and regulations.</p> <p>Casual collection of fossils in the Planning Area is prohibited under all action alternatives analyzed in the MMP/EIS. The PRPA provides that "the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources." There is no mandatory obligation, and the BLM does not violate the PRPA by deciding not to utilize that discretion.</p>
A.55-7	<p>The BLM lands within BENM and surrounding areas contain important plant, invertebrate, and vertebrate fossil resources from the Late Pennsylvanian, Early Permian, Triassic, Jurassic, and Early Cretaceous periods that require scientific research, preservation, scientific collection, and curation. These paleontological resources should be managed in accordance with the Paleontological Resources Protection Act and existing BLM regulations and policy.</p>	<p>Paleontological resources in BENM and surrounding BLM lands would be managed consistent with all applicable laws and regulations, including the PRPA and BLM regulations and policy.</p>
A.55-14	<p>Chapter 2, page 11, section 2.4.6.3, row 2 of Table 2-6: We prefer Alternative B because it provides protections for all areas regardless of Potential Fossil Yield Classification (PFYC) classification. In contrast, Alternative D states: "Conduct on-site survey for paleontological resources prior to implementing any surface-disturbing activities for all PFYC 4 and 5 Areas. Surface-disturbing activities would avoid or minimize impacts to paleontological resources to the degree practicable. Where avoidance is not practicable, appropriate mitigation to reduce impacts would be developed based on site-specific survey information." This leaves out PFYC 3, which often include important paleontological resources within BENM. Furthermore, although areas classed as PFYC 1-3 are thought to have lower yield than those in 4-5, this is often because they have not been systematically surveyed within BENM, not because scientifically important fossils are actually rare. Nationally and internationally-important fossils have been found in BENM areas classified as PFYC 3. PFYC is written BLM policy and thus there should not be any management alternatives for PFYC.</p>	<p>See responses to ALT-1 and PAL-5. Any alternative selected by the BLM or USFS must provide for the proper care and management of monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Paleontological resources in BENM would be managed consistent with all applicable laws and regulations, including PFYC guidance.</p>
A.55-15	<p>Chapter 2, page 11, section 2.4.6.3, rows 3-4 of Table 2-6: Inventory and monitoring of paleontological resources are required by law under PRPA (Public Law 111-11, Title VI, Subtitle D; 16 U.S.C. §§ 470aaa - 470aaa-11). Thus, all federal land agencies are legally required by to inventory and monitor fossils that may be impacted by climbing and hiking routes, and take action to prevent damage (e.g., by closing routes) to such resources.</p>	<p>All alternatives analyzed in the MMPs/EIS include research, inventory, and monitoring of paleontological resources in the BENM. Paleontological resources in BENM will be managed consistent with all applicable laws and regulations, including PRPA. The alternatives in the MMPs/EIS do not preclude the agencies from taking action to protect paleontological resources should those management actions be necessary.</p>
A.38-12	<p>Under Alternatives B and C, recreational climbing routes could be closed if unmitigatable impacts were found to be affecting paleontological resources in Indian Creek. Under Alternative D, there is no provision that a route can be closed. While we understand that closures of routes may still be possible at the field office level, Alternative D offers no management guidance. Additionally, this means that, purely on an administrative level with staff turnover in the local field offices, a route could be closed then reopened without additional survey work. Alternative D is therefore insufficient for protection of scientifically significant paleontological resources and fossil sites. Alternative C is the preferred option from the perspective of paleontology.</p>	<p>See response to ALT-2. The alternatives in the MMPs/EIS do not preclude the agencies from taking management action to protect paleontological resources should those actions be necessary.</p>
A.38-13	<p>Chapter 2, Page 11, Section 2.4.6.3, Row 4 of Table 2-6: For Alternative D, the draft MMP applies only to one side of Indian Creek, Shay Canyon. Considering the vast area beyond Shay Canyon that hikers frequent and where paleontological resources exist, limiting the scope of this management plan subsection is counterintuitive. All trails across the Monument crossing PFYC Classes 3, 4, and 5 lands receive the same attention as the Shay Canyon section, as required under BLM PFYC policy.</p>	<p>Shay Canyon is the focus of some proposed management actions because of known paleontological resources in the area. The alternatives in the MMPs/EIS do not preclude the agencies from taking action to protect to paleontological resources should those management actions be necessary.</p>

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A.38-14	Chapter 2, Page 11, Section 2.4.6.3, Row 3 and 4 of Table 2-6: Inventory and monitoring is required under PRPA (Public Law 111-11, Title VI, Subtitle D; 16 U.S.C. §§ 470aaa - 470aaa-11). Further, knowingly allowing a person to deface or damage a fossil is a violation of PRPA. Thus, BLM and USFS are compelled by PRPA to inventory and monitor fossils that may be impacted by climbing and hiking routes, and to take any necessary action (e.g., by re-routing or closing routes) if these activities damage paleontological resources.	All alternatives analyzed in the MMPs/EIS include research, inventory, and monitoring of paleontological resources in the BENM. Paleontological resources would be monitored in accordance with Appendix M (Monitoring Strategy). The alternatives in the MMPs/EIS do not preclude the agencies from taking action to protect paleontological resources should those management actions be necessary.
A.38-15	Chapter 2, Page 11, Section 2.4.6.3, Row 5 of Table 2-6: Alternative D is preferred: no new routes should be designated in PFYC Classes 3, 4, and 5. However, precluding new routes in PFYC Classes 3, 4, and 5 could be a major obstacle to paleontological research. For example, we are uncertain whether temporary routes are the same as designating new routes, and whether researchers will still be able to access paleontological sites. Therefore, clarifications are needed, and accessibility to paleontological sites should be granted with a proper permit	See response to PAL-5.
A.38-24	Chapter 3, Page 32, Section 3.10.2.2.1, paragraphs 2 and 3: Guidelines for when and where to survey, and how to mitigate on-going or expected damage to paleontological resources, are established BLM policy and described in multiple documents, specifically: Instructional memorandum 2016-124, 8270 program guidance and Handbook H-8270-1 General Procedural Guidance for Paleontological Resource Management, and PRPA (Public Law 111-11, Title VI, Subtitle D; 16 U.S.C. §§ 470aaa - 470aaa-11).	Paleontological resources in BENM will be managed consistent with all applicable laws and regulations, including PRPA and BLM and USFS policy and guidance. See response to PAL-5.
A.95-3	Additionally, we are concerned about impacts on science and objects of scientific importance from the following: • Paleontological resources – We join in the concerns raised by acknowledged experts in the fields of paleontology, including the Society for Vertebrate Paleontology, about a number of management proposals in the preferred alternative. This includes the designation of off-road vehicle routes in areas with moderate potential fossil yields, ground disturbing activities without on-site surveys, and ignoring planning for 85% of the original Bears Ears National Monument. We urge the Department to incorporate comments from the Society for Vertebrate Paleontology, Rob Gay, and other noted experts in the field of paleontological science to improve the management proposals identified.	The BLM and USFS have reviewed all public comments received on the MMPs/EIS and have incorporated suggestions where appropriate. Paleontological resources in BENM will be managed consistent with all applicable laws and regulations, including PRPA and BLM policy and guidance. See response to OOS-1.
A.94-5	The BLM should consider, at least, on-site pre-disturbance surveys for all classifications of paleontological resources in order to comply with its Duties and prevent irreparable harm. Without adequate protection against OHV use, standard management procedures would considerably alter the potential of the successful recovery of resources bearing scientific significance. Under the chosen alternative, Potential Fossil Yield Classification (PFYC) Class 4 and 5 would be the only classifications that would be afforded “on-site survey for paleontological resources prior to implementing any surface-disturbing activities” in order to “avoid or minimize impacts to paleontological resources to the degree practicable.” <sup>36</sup> This would not allow areas with the assignments of Class 1 through 3 to receive the same precaution. According to the BLM’s instruction memorandum on Potential Fossil Yield Classification (PFYC) System For Paleontological Resources on Public Lands (the “BLM’s Instructional Memo”), Class 3 (“moderate” PFYC assignment) areas contain “[s]edimentary geologic units where fossil content varies in significance, abundance, and predictable occurrence.” <sup>37</sup> While deemed to be comparatively lower on the gradient of containing potentially significant paleontological resources than Class 4 or 5, this classification/assignment compromises a significant amount of land under the BLM’s control, and will leave a number of potentially valuable paleontological resources vulnerable to destruction as new OHV routes could be designated throughout the planning process without prior confirmation of the potential resources available to salvage. According to the DMMP and EIS, there is a total of 81,515 acres of Class 3 areas out of the 201,673 acres of land in the ‘modified’ barriers. This amounts to 40.4% of the land within the ‘modified’ barriers (55.6% of Shash Jaa and 13% of Indian Creek). It had been contemplated, in the BLM’s Instructional Memo, that “Management considerations” in Class 3 assignments “cover a broad range of options that may include record	See response to PAL-5. Table 1 in Appendix M of the Proposed MMPs/Final EIS has been revised to state that paleontological resources would be monitored on an as needed basis rather than annually.



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	<p>searches, pre-disturbance surveys, monitoring, mitigation, or avoidance.”<sup>41</sup> The memo continues to discuss assessments prior to conducting surface-disturbing activities and how they “may require assessment by a qualified paleontologist to determine whether significant paleontological resources occur in the area of a proposed action, and whether the action could affect the paleontological resources.” The decision to limit pre-disturbance surveys to Class 4 and Class 5 areas does not comport with the management considerations for the classification. Even Class 4 and 5 areas would be vulnerable, despite mitigation efforts, if it was determined that disturbance was not “avoidable.” The resource monitoring technique chosen for addressing changes in paleontological resource conditions does not adequately protect against destruction. According to the DMMP and EIS, site inspections of areas with “significant paleontological resources and paleontological objects within BENM,” are triggered by “(d)egradation or loss of significant fossil resources.” Notably, they will be monitored annually, rather than on a “case-by-case basis,” which is listed as the frequency under the “archaeological, historic, or cultural objects” section.<sup>44</sup> BLM should consider altering its listed frequency to “case-by-case basis”, “as needed,” or within a more consistent timeframe. This will provide some chance that the agency can successfully adhere to its intent to assure these resources are “conserved, protected, and restored.”</p> <p>The BLM should, at the bare minimum, consider on-site pre-disturbance surveys for all classifications of paleontological resources to prevent irreparable harm. This would better assure BLM’s ability to “protect the quality” of scientific and historical values on public land. This strategy would help mitigate impacts to the resources and narrow management strategies based on the proposed disturbance activity.</p>	
236843-1	<p>The draft MMP misinterprets the Potential Fossil Yield Classification and considers the established BLM policy as merely optional, which it is not. Nor does the MMP provide a plan for a monument paleontologist or key scientific staff to oversee management of paleontology resources, which are specifically designed as key resources in the monument’s charter.</p>	<p>See responses to PAL-5 and PAL-4.</p>
236843-2	<p>Furthermore, the "Alternative D" proposed protects fewer acres of the high-yield fossil exposures from grazing and right-of-way development than "Alternative A". "Alternative D" pointedly violates the Paleontological Resources Preservation Act by not giving local BLM agents the authority to close recreational routes if fossil sites are being damaged. This is very concerning, as once these rare and important resources are damaged, they are gone forever and cannot be replaced. Where "Alternative A" violates the Paleontological Resources Preservation Act by allowing personal collection of rare and unstudied fossils from the Monument. These issues are unacceptable and must be changed in a future draft.</p>	<p>The MMPs/EIS analyzes a range of alternatives that include explicit requirements to close or reroute access points, trails, and climbing routes if surveys indicate the presence of significant paleontological resources. The alternatives in the MMPs/EIS do not preclude the agencies from taking action to protect paleontological resources should those management actions be necessary.</p> <p>NEPA requires the analysis of a No Action Alternative as part of a reasonable range of alternatives. The MMPs/EIS analyzes Alternative A as the No Action Alternative that represents maintaining existing management of the lands in the BENM. All action alternatives analyzed in the MMPs/EIS prohibit casual collection of fossils in the BENM.</p> <p>The alternatives considered in the MMPs are consistent with all applicable laws, regulations, and provide for the proper care and management of Monument objects and values, which include paleontological resources.</p>
236874-1	<p>In addition, the proposal violates established federal law (the Paleontological Resources Preservation Act) by limiting the ability of BLM officials to take charge and protect important fossil sites while allowing for excessive personal collecting. All these measures would greatly hinder scientific study of the fossils and prevent them from being accessible to the public in museums. I would urge the committee to collaborate with existing bodies, such as paleontologists within the BLM as well as the Society of Vertebrate Paleontology to improve upon this management plan.</p>	<p>See response to 236843-2. The BLM and USFS will coordinate with applicable agency staff, as well as interested stakeholders as appropriate and required by law, during the development of the MMPs and the ongoing management of the BENM. The PRPA provides that “the Secretary may restrict access to or close areas under the Secretary’s jurisdiction to the collection of paleontological resources.”</p>

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237225-1	<p>It appears that the proposed monument management plan has several key flaws regarding the management of paleontological resources. The draft misuses the Potential Fossil Yield Classification (PFCY), and presents codified policy as options for fossil management. The draft makes no provision for a monument paleontologist or paleontology staff. Alternative D protects fewer acres of fossil exposure from development than alternative A (doing nothing). It also violates the Paleontological Resources Preservation Act (PRPA) by not giving local BLM agents the authority to close climbing or travel routes if fossil sites are being damaged. Alternative A would allow for personal collection of some fossils on monument land. Considering that the protection of paleontological resources was one of the reasons for the initial designation of the monument, it seems prudent to ensure that they remain protected under the new management plan.</p>	<p>There is no mandatory obligation, and the BLM does not violate the PRPA by deciding not to utilize that discretion.</p> <p>See responses to PAL-4, PAL-5, and 236843-2.</p>

### 3.15 Public and Stakeholder Involvement

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PUBL-1	<p><b>The BLM and USFS should consult the Tribes and American Indians during the BENM planning and management process.</b></p> <p>Sample comment: Please do not exclude the Coalition of Tribes in plans for Bears Ears. This was one of the most forward thinking and innovative efforts of our times. Grant recognition to sacred lands.</p> <p>Sample comment: I have spent much time in these spectacular areas while working on the Navajo reservation. The voices of the tribe and all Americans who want to preserve these treasures should be heard more loudly than those who simply want to control and damage these lands for their own purposes.</p> <p>Sample comment: The BLM and the USFS should manage Bears Ears National Monument to protect its irreplaceable values and should provide meaningful opportunities for Tribal consultation and co-management in the process</p> <p>Sample comment: Current alternatives lack tribal input due to ongoing litigation, and for this reason alone the DEIS process should be invalidated and halted. Ask for more time. Tribal members have lived on these lands since time immemorial and 90-Days is not enough time to meaningfully gather the information tribal members hold to inform the environmental and cultural analysis.</p> <p>Sample comment: I am writing to request that all Native American tribes be consulted first before any decisions are made regarding the monuments. Most areas of our monuments are of archaeological significance as well as past burial sites. Most cultures will take disturbance of burial sites very seriously.</p>	<p>The BLM and USFS have solicited input from American Indian Tribes for the BENM planning process, as described in Chapter 4 of the MMPs/EIS. Tribal consultation has included government-to-government consultation meetings, invitations to participate in the planning process as cooperating agencies, invitations to participate in the Shash Jáa Commission, public meetings held in locations that are more accessible to members of tribal communities, and other outreach described in the MMPs/EIS. Additionally, the BLM and USFS have developed an American Indian Tribal Collaboration Framework to guide continued tribal participation in the management of the BENM.</p>
PUBL-2	<p><b>The BLM and USFS should consult with Tribes on a government-to-government basis.</b></p> <p>Sample comment: Let me emphasize the importance of consulting with tribes on a government-to-government basis. The spiritual importance of this region must be understood and managed accordingly.</p> <p>Sample comment: I believe that the federal government should deal with the tribes on a government to government basis, and that the tribes be allowed to fulfill their designated role on environmental and cultural issues.</p>	<p>As described in Section 4.4 of the MMPs/EIS, the BLM and USFS have invited more than 30 American Indian Tribes to engage in government-to-government tribal consultation during the planning process. To support this government-to-government consultation, the agencies have hosted several tribal consultation meetings during the development of the MMPs/EIS. Section 4.4 of the MMPs/EIS has been revised to describe efforts undertaken by the agencies since the publication of the Draft MMPs/EIS. Additionally, the BLM and USFS</p>

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	<p>Sample comment: Invitation to a tribe to be a “co-operator” is not the same as government-to-government consultation between the BLM and individual tribal governments. Such government-to-government consultations must be a part of the management planning process.</p> <p>Sample comment: This was the first national monument designated at the request of Native American Tribes. To honor these connections to the landscape and the trust responsibility of the United States to the Tribes, Native American participation in management must begin early and incorporate extensive government-to-government consultation and collaboration throughout planning and into the future.</p>	<p>have developed an American Indian Tribal Collaboration Framework to guide continued tribal participation in the management of the BENM.</p>
PUBL-3	<p><b>The BLM and USFS should solicit input from all stakeholders and consider all public comments submitted during the BENM planning process.</b></p> <p>Sample comment: There must be public input throughout the state and including a fair representation of tribal members before implementing any plan.</p> <p>Sample comment: When planning, call on local citizens &amp; travelers alike to solicit input. Making plans &amp; getting ideas only from other your own and other agencies means you never hear the voices of the people impacted by your decisions.</p> <p>Sample comment: BLM should follow the law and perform all reviews and audits and assessments of stakeholder input on timelines consistent with allowing full review and analysis of all necessary data.</p> <p>Sample comment: The voices of those who enjoy this land (not those who destroy it), as well as native Tribes, must be heard fully before this land is used for destructive practices such as mining.</p> <p>Sample comment: BLM needs to consider all views not just the locals, this land belongs to all of us and needs to be managed for the majority of American, not just the few</p> <p>Sample comment: The public, federally managed, nationally significant lands of southern Utah belong to all Americans (including of course Ancestral Puebloan Navajo, and Ute native Americans) and should NOT be disproportionately influenced by local interests or claims of "states rights".</p>	<p>The BLM and USFS have solicited input from all members of the public and considered and addressed all substantive comments received during the 90-day public comment period on the Draft MMPs/EIS. During the 90-day public comment period, the BLM held three public open houses to solicit input from local communities, stakeholders and Tribes. The meetings were held in Blanding, Utah; Bluff, Utah; and Montezuma Creek, Utah.</p>
PUBL-4	<p><b>The BLM and USFS need to establish a Monument Advisory Committee.</b></p> <p>Sample comment: The BLM and USFS must establish a federal advisory committee, consisting of a fair and balanced representation of interested stakeholders, to inform the planning process. This federal advisory committee should be established as part of the scoping process to allow this process to have meaningful input based on equal input from various stakeholders and not just limited input from certain, favored parties.</p> <p>Sample comment: The BLM neglected to establish the mandated Bears Ears National Monument advisory committee prior to the initial phase of the management planning process.</p> <p>Sample comment: As a former chair of the Monument Advisory Committee for a different monument, I feel strongly that the approach being used for the Bears Ears RMP is inappropriate (at best). The BLM neglected to establish the mandated Bears Ears National Monument advisory committee prior to the initial phase of the management planning process. They should have been able to meet and advise in the development of the RMP. The legally binding Proclamation 9558 creating the monument states that the committee SHALL be created to advise on the development of the plan.</p> <p>Sample comment: The proposed management plan for the Bears Ears area needs to go back to the table; a proper advisory panel needs to be assembled, with HEAVY representation by Native Tribal groups, recreational users, and desert soil/water/animal/plant scientists; and the management plan development needs to be open, fully public, and include expected impacts to the surrounding areas as well.</p>	<p>Section 4.5 of the Proposed MMPs/Final EIS addresses the establishment of a Monument Advisory Committee for the BENM.</p>
PUBL-5	<p><b>The BLM and USFS should consult the Inter-Tribal Coalition when making BENM planning and management decisions.</b></p>	<p>The BLM and USFS have solicited input from a wide variety of stakeholder groups during the BENM planning process, including</p>

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	<p>Sample comment: To reduce this protected area without serious consultation of either the Access Fund, who have for years acted to preserve natural areas, or the Inter-Tribal Coalition, who specifically provided for a climbing clause when developing the Bear Ears National Monument Proclamation disenfranchises those who have a legitimate reason to be involved in the planning process. By prematurely releasing the MPP prior to establishing an advisory committee of individuals who are knowledgeable and may have a stake in the process, the administration appears to be working backward in the hope of being able to strip the people of one more part of the US that remains wild.</p> <p>Sample comment: the Inter-Tribal Coalition MUST have greater representation in the decisions involving Bears Ears. They are far too sacred and interwoven with the land to be dismissed and not heard.</p> <p>Sample comment: The inter-Tribal Coalition needs to be represented in managing the National Monument</p>	<p>representatives of American Indian tribes. As described in Section 4.3 of the MMPs/EIS, the BLM and USFS have attempted to engage the Shash Jaa Commission, which will include representatives from the five tribes represented on the Inter-Tribal Coalition. As discussed in Section 4.5 of the Proposed MMPs/Final EIS, the Monument Advisory Committee also includes Tribal representation.</p> <p>Additionally, the agencies have sought input from the members of the Inter-Tribal Coalition through government-to-government consultation and invited the tribes to participate in the development of the MMPs as cooperating agencies.</p>
PUBL-6	<p><b>The BLM and USFS consider extending the comment period and scheduling additional public meetings in more locations.</b></p> <p>Sample comment: I am also requesting that environmental and cultural reviews meaningfully engage Tribes, Native communities, and the public, and that public open houses be held in Salt Lake City, Moab, Utah, and Cortez.</p> <p>Sample comment: Public meetings were held only in Bluff and Blanding, two settlements near the BENM with predominantly "white" populations. Another center just as near BENM if not nearer is the White Mesa Ute community, but no public meeting was held there, despite the great potential of the BENM planning to affect that Native American community. Nor were public scoping meetings held for members of concerned Native American Tribes in their own communities, at least those nearest BENM.</p> <p>Sample comment: The current plans do not allow for adequate citizen input, and open houses should be held in Salt Lake City and Moab, at least, for all citizens to have input.</p> <p>Sample comment: Additionally, for both Bear Ears and Grand Staircase-Escalante, new public hearings should be scheduled in Salt Lake City, UT, Flagstaff, AZ, Denver, CO, Washington D.C. and Albuquerque, NM, in addition to the "gateway communities" of each monument.</p> <p>Sample comment: Given the nearly 3 million public comments received during the national monuments review, I also urge the BLM to extend the public comment periods for Bears Ears and Grand Staircase-Escalante to at least 90 days following the last public meeting to provide ample time for all Americans to weigh in on the future of our public lands. Lastly, I urge the BLM to schedule public hearings in Salt Lake City, Utah; Flagstaff, Arizona; Denver, Colorado; Washington, D.C.; and Albuquerque, New Mexico, in addition to the currently scheduled scoping meetings in the gateway communities of the Bears Ears and Grand Staircase-Escalante national monuments. These public lands belong to all Americans, and the public should have every opportunity to have its views heard.</p>	<p>The BLM and USFS held public meetings during scoping and during the 90-day comment period on the Draft MMPs/EIS in communities surrounding the BENM. Public scoping meetings for the MMPs/EIS were held in Blanding, Utah, and Bluff, Utah. Public meetings on the Draft MMPs/EIS were held in Blanding, Utah; Bluff, Utah; and Montezuma Creek, Utah. The Montezuma Creek meeting was specifically organized to solicit input from tribal communities. The materials presented at the public meetings were available on the BLM's ePlanning website to all members of the public. Additionally, all members of the public were able to submit comments using email, U.S. Postal Service mail, or in person at BLM and USFS offices during the scoping period and comment period on the MMPs/EIS.</p> <p>Based on the volume of input from the public, the agencies believe that the comment time frames, public announcements of the public comment period, and the representative public meeting locations provided adequate opportunity for input from the interested public. The BLM and USFS determined that all members of the public were provided appropriate opportunities to provide input during the development of the MMPs/EIS and that additional public meetings or extension of the public comment period were not warranted.</p>
PUBL-7	<p><b>The BLM and USFS should implement an interim management strategy that includes Tribal input.</b></p> <p>Sample comment: The final plan must contain a specific strategy for engaging the tribes in interim management and developing monitoring and management strategies that benefits them and contributes to saving and conserving resources.</p> <p>Sample comment: Under BLM and USFS's current plan, cultural resources are left at risk. BLM's idea to develop cultural resource monitoring and management strategies two years down the road is not sufficient. BLM must proactively consult with interested Tribes to develop solutions to protect these resources before it is too late by committing to develop an interim approach that can be implemented as soon as the management plan is completed.</p> <p>Sample comment: Under the BLM and USFS's preferred draft plan, the cultural resources that the monument is designed to protect are at risk. The BLM must proactively consult and engage with</p>	<p>The MMPs/EIS includes a Cultural Resources Monitoring Framework (Appendix D) and an American Indian Tribal Collaboration Framework (Appendix F). The existing 1986 Manti-La Sal LRMP and 2008 BLM Monticello RMP, which include measures to protect sensitive resources, will remain in effect until the BENM MMPs are approved. Neither the current RMP/LRMP or the MMPs in development would prevent the agencies from taking site-specific management actions necessary to protect cultural or other sensitive resources in the Planning Area.</p>

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	<p>interested tribes to collaboratively manage these resources in the interim — before it is too late. The agencies must ensure the process is meaningful and inclusive of tribal interests, not just condensed into the Trump administration’s arbitrary one-year timeline. The BLM should stop prioritizing speed and begin prioritizing tribal involvement. The final plan must contain a specific strategy for engaging the tribes in interim management and developing monitoring and management strategies.</p> <p>Sample comment: The proposal to create a cultural resource monitoring program in two years is insufficient to protect the valuable resources of the area. BLM must consult with interested Native Tribes to create ways to protect the area’s cultural gems. A meaningful strategy and plan to protect cultural resources must be developed via meaningful consultation with interested Tribes, so it is ready when the management plan is completed. Putting off protection strategies for two years is inviting avoidable and irreparable damage.</p>	
PUBL-8	<p><b>The BLM and USFS should solicit input from the rock climbing community.</b></p> <p>Sample comment: I suggest there be experienced climbers and climbing management people involved in your discussion of the Bear Ears National Monument Management Plan.</p> <p>Sample comment: Consult the proper people, allow a local climbing representative a place at the table, as well as fully including the Inter-Tribal Coalition who hold this land as sacred.</p> <p>Sample comment: To reduce this protected area without serious consultation of either the Access Fund, who have for years acted to preserve natural areas, or the Inter-Tribal Coalition, who specifically provided for a climbing clause when developing the Bear Ears National Monument Proclamation disenfranchises those who have a legitimate reason to be involved in the planning process. By prematurely releasing the MPP prior to establishing an advisory committee of individuals who are knowledgeable and may have a stake in the process, the administration appears to be working backward in the hope of being able to strip the people of one more part of the US that remains wild.</p>	<p>The BLM and USFS have solicited input from a wide variety of stakeholder groups during the BENM planning process, including climbers and other recreational users. As discussed in Section 4.5 of the Proposed MMPs/Final EIS, the Monument Advisory Committee is made up of a variety of stakeholders to address a variety of resource concerns, including concerns regarding recreation activities such as rock climbing. Nothing in the MMPs would prevent the agencies from continuing to engage with organizations or individuals from the rock climbing community regarding the ongoing management of the BENM.</p>
PUBL-9	<p><b>The BLM and USFS should conduct the BENM planning process with more transparency.</b></p> <p>Sample comment: Finally, the hastiness by which this entire management plan is being developed denies credibility to the process. Specifically, the shortened comment periods and the unusual lack of effort at ensuring the public is even aware of BLMs actions and intentions regarding the Bears Ears is not in keeping with the agency’s proud mission and dishonors it’s ideals.</p> <p>Sample comment: Many will point out that the draft was prepared outside of the framework generally proscribed for such management plans and specifically for the procedures set forth for Bears Ears National Monument specifically. While I have a number of concerns as an outdoorsman, climber, westerner, and investor in mining stocks about specific areas of the draft plan, My principle concern as a citizen is that the process lacks transparency and has a hint of the the sub rosa.</p>	<p>The BLM and USFS have conducted the BENM planning process in compliance with all applicable laws and guidance, such as FLPMA, NFMA, and NEPA. All applicable laws and guidance, including agency policy regarding public involvement and public disclosure requirements that have been met.</p>
PUBL-10	<p><b>The BLM and USFS should solicit feedback from local communities regarding the appropriate management of the BENM.</b></p> <p>Sample Comment: Any changes and management should include input from local inhabitants whose voice and co-management inclusion should be respected and heard.</p> <p>I like to have San Juan County residents put the plan together. That’s my main point, that we don’t need outside people from Arizona or New Mexico to say this is how you’re going to plan and design anything. So I’m really focused on San Juan County residents who make the plan how to manage the Bears Ears region as well as Indian Creek.</p>	<p>The BLM and USFS have solicited input on the BENM planning process from all members of the public, including local residents. During the 90-day public comment period, the BLM held three public open houses to solicit input from local communities, stakeholders and tribes. The meetings were held in Blanding, Utah; Bluff, Utah; and Montezuma Creek, Utah.</p>
PUBL-11	<p><b>The BLM and the USFS should allow American Indian tribes to co-manage the BENM alongside the BLM and USFS.</b></p>	<p>The BLM and USFS have sought tribal input in the development of the MMPs and have endeavored to provide a number of forums to ensure continued involvement of American Indian Tribes in the management</p>

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	<p>Sample Comment: The Native Nations must have veto power over any management proposal made by Secretary Ryan Zinke, the BLM, or the U.S. Forest Service, if those management proposals abrogate in any way the decisions which flowed from the Nation-to-Nation consultations made with the Obama Administration.</p> <p>Sample Comment: I strongly support the right of Native Americans to have final judgment on all their sacred grounds.</p>	<p>of the BENM. This involvement includes ongoing government-to-government consultation, invitations to participate as cooperating agencies in the planning process, opportunities to participate in public meetings and public comment periods, the Monument Advisory Committee, and the Shash Jáa Commission. Additionally, the agencies have developed an American Indian Tribal Collaboration Framework (Appendix F of the MMPs/EIS) to guide future collaboration with the Tribes. The NFMA and FLPMA direct the Secretaries, the BLM, and the USFS to manage the public lands for multiple uses. Without congressional authorization of co-management by American Indian Tribes, the BLM and USFS retain management authority for all BLM- and USFS- administered lands. Planning decisions are guided by applicable land management laws and regulations (i.e., FLPMA and NFMA) and the specific direction in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. As indicated in Presidential Proclamation 9681 and referenced in the MMPs, the BLM and USFS will meaningfully engage the Shash Jáa Commission in order to carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Tribes into the management plan and management of the Shash Jáa unit of the Monument.</p>
PUBL-12	<p><b>The BLM and USFS should slow down the development of the MMPs to allow for additional time to consult with American Indian tribes and the public.</b></p>	<p>The agencies have complied with all procedural requirements related to government-to-government consultation in development of the MMPs/EIS, including necessary public scoping and public comment periods on the Draft MMPs/EIS. The MMPs/EIS must be developed in conformance with all applicable laws, regulations, and policies. The BLM and USFS have prepared the MMPs/EIS in accordance with Secretarial Order 3355. The timely completion of the MMPs will allow the management within the MMPs to be implemented and begin addressing some of the management challenges that currently exist and cannot be addressed with the existing BLM RMP/USFS LRMP. The agencies have provided for additional coordination with American Indian tribes during the development of the Cultural Resources Monitoring Plan(s) and other ongoing management of the BENM through the American Indian Tribal Collaboration Framework (Appendix F of the MMPs/EIS).</p>
PUBL-13	<p><b>The BLM and USFS should halt the planning process until the newly-elected San Juan County commissioners are seated in January 2019 and have a chance to provide input.</b></p> <p><i>Sample comment:</i> San Juan County is a cooperating agency in planning for Bears Ears, however two new commissioners will be seated in January 2019 and their current policies which do not prioritize cultural resource use over other land-uses should not be adopted into this plan. The 2008 San Juan County Master Plan and San Juan County Land Plan are deficient in representing the Native American majority views in the county, and was not developed with input from Native American Tribes. This BLM planning process should be halted until the incoming commissioners can engage in planning in a manner that more accurately reflects local views and land-use desires.</p>	<p>The agencies will continue to seek feedback from San Juan County as a cooperating agency throughout the development and implementation of the MMPs/EIS. The agencies will strive to make the MMPs as consistent as possible with local government plans while still meeting federal agency regulatory requirements, including proper care and management of the objects and values for which the Monument was designated.</p>

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	<i>Sample comment:</i> We also believe an extension of time is warranted for consultation with the new Native American leadership on the San Juan County Commission. Duly elected by the citizens of San Juan County, these Commissioners deserve at least the opportunity provided to their predecessors.	
7025-1	I am not sure how you can be going ahead with a Use Plan for Bears Ears National Monument without the involvement of the Bears Ears Commission of tribes? Inviting them to one meeting (which I see you did in the executive summary) is a paltry excuse for saying you tried to involve them. The tribe had been involved in the original creation of the monument and then were cut (like many of the American people) from the plans to reduce and desecrate their sacred landscape. How can this new management plan address the American Indian Religious Freedom Act when so much land is cut from their monument?	See responses to PUBL-1 and PUBL-2. None of the management actions considered in the MMPs/EIS would infringe on the rights of persons under the American Indian Religious Freedom Act.
V.07-1	She doesn't want a different tribe to be on the commission because the local people should have the say-so to be on that commission. She wants the local people to be in there.	See response to OOS-11. The BLM and USFS have solicited input on the BENM planning process from all members of the public, including local residents, as described in Section 4 of the MMPs/EIS. The establishment of the Monument Advisory Committee is detailed in Section 4.5 of the Proposed MMPs/Final EIS.
A.13-5	The Monument Advisory Committee must be a vital part of finalizing the plan. As the deadline to apply was October 1, 2018, I'm not sure it has even been formed yet. Tribal members need to weigh in on cultural and sacred sites.	The involvement of the Monument Advisory Committee in the development of the Proposed MMPs is described in Section 4.5 of the MMPs/EIS.
A.47-8	The BLM released the draft monument management plan before the required Monument Advisory Committee (MAC) was even created. This precluded meaningful and focused stakeholder involvement in the most important step of guiding the draft plan. Stakeholders from ranchers to climbers have incredibly deep ties to this land and should be given the opportunity to do more than attend perhaps one meeting of the MAC if it is even seated before the MMP is practically complete. FCM contends that this failure to meaningfully engage the MAC is a violation of the law as established by Proclamation 9558, the portion of which created the MAC was not even attempted to be modified by President Trump.	See response to A.13-5.
A.16-2	this MMP is inadequate in at least two fundamental respects: 1) it fails to address the excised portions of the BENM caused by President Trump's December 2017 Proclamation which is currently under litigation, and 2) this draft MMP does not benefit from a Monument Advisory Council (MAC) as required by both President Obama's Proclamation establishing BENM and President Trump's Proclamation that reduced the size of BENM.	See responses to OOS-4 and A.13-5.
A.70-4	The Conservancy recommends extending the timeline for completion of the Proposed MMPs/Final EIS until the BENM Advisory Committee is formed and can contribute to the process. The BENM Monument Advisory Committee should have been in place and active prior to the initiation of the MMPs/EIS process as the Committee's purpose is to provide information and advice regarding public land management issues. In addition, the MMPs/EIS would benefit from the BENM Monument Advisory Committee's ability to bring diverse interests together to work collaboratively to deal with controversial issues thereby ensuring greater public participation in the planning process. Under the current timeline, the Proposed MMPs/Final EIS will likely be published before the BENM Management Advisory Committee will be formed. This is a lost opportunity and not in keeping with the process established for creating management plans for other National Monuments.	See responses to A.13-5 and PUBL-12.
A.30-2	Both the original Bears Ears National Monument proclamation and the illegal reduction proclamation mandate that the Bureau of Land Management (BLM) establish an advisory committee prior to the initial phase of the management planning process. This advisory committee should have been established before any of the MMP was begun, so the committee could inform and counsel the BLM on the entire planning process.	See response to A.13-5.

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A.81-1	While the draft MMP includes solid elements, it is deficient in two important respects. First, the MMP does not address the portions of the landscape removed from the monument by President Trump's December 2017 Proclamation, which is currently the subject of litigation; and second, the MMP was developed without input from Monument Advisory Committee as required by both the original proclamation designating the monument and the subsequent proclamation by President Trump. FOOTNOTE (Aside from specifically addressed issues relating to transportation, grazing, and vegetation management, President Trump's December 2017 Proclamation (Proclamation 9681) explicitly retains all other provisions from the original Proclamation 9558, stating "[n]othing in this proclamation shall change the management of the areas designated and reserved by Proclamation 9558 that remain part of the monument in accordance with the terms of this proclamation." See, <a href="https://www.whitehouse.gov/presidential-actions/presidential-proclamation-modifying-bears-ears-nationalmonument/">https://www.whitehouse.gov/presidential-actions/presidential-proclamation-modifying-bears-ears-nationalmonument/</a> .)	See responses to DEC-1, OOS-4, and A.13-5.
A.52-5	The original proclamation required a Monument Advisory Committee ("MAC") under the Federal Advisory Committee Act "to provide information and advice regarding the development of the management plan and, as appropriate, management of the monument." 23 While the BLM is currently considering public nominations for the fifteen positions of the MAC, it is inadequate to create this committee post hoc. The MAC must consist of two representatives of tribal interests, and these two representatives should have had a substantial voice in the creation of the MMP.	See response to A.13-5.
A.34-5	In addition, the agency must allow for the public to fully engage and participate in the process. To date, BLM has held only four public meetings at which BLM barred oral public testimony, and BLM apparently intends to complete the entire RMP process within a year. BLM's expedited time frame does not indicate an intent to conduct an open and trustworthy process that allows for careful and informed input from affected stakeholders. CLF strongly urges that the agency hold public hearings in Salt Lake City, UT, Flagstaff, AR, Denver, CO, and Albuquerque, NM in addition to gateway communities surrounding the Bears Ears region.	See responses to PUBL-3 and PUBL-6. The commenter inaccurately states that oral public testimony was barred at public meetings. At every public scoping meeting and public meeting on the Draft MMPs/EIS, the agencies had court reporters available at a clearly marked "Verbal Comment" area who were available to record oral public comments. All oral public comments received were either addressed in the scoping report or Appendix O of the Proposed MMPs/Final EIS, as appropriate.
A.69-2	The Coalition maintains that lands, natural resources, and scientific and cultural resources encompassing 1.9 million-acres within the Bears Ears landscape are in need of preservation and protection as a National Monument. Instead of engaging in BLM and USFS's development of management plans for an unlawful monument, the Coalition has begun its own management planning to preserve and protect endangered, valuable and culturally sensitive resources over the entire 1.9 million-acre landscape. We invite the BLM and USFS to engage with the Coalition in this important and tribally-led planning process. This will be much in contrast to BLM and USFS's MMPs/DEIS review process, which does not give the Tribes a meaningful voice in the development of a land management plan for the original Bears Ears landscape or the so-called Shash Jaa and Indian Creek Units.	See responses to PUBL-1, PUBL-2, PUBL-5, and PUBL-12.
A.73-4	Instead of follow the path of President Trump's unlawful action attempting to revoke and replace the Monument with two, much smaller, Monument Units, BLM and FS should comply with the United States' government-to-government relationship and trust responsibilities and engage the Ute Indian Tribe and other tribal Coalition members in the care and management of the full Bears Ears landscape. The Coalition has begun its own land management planning process for the 1.9 million-acres making up this landscape. This tribally led process is the best way to ensure that these sensitive and significant cultural and sacred resources are sustained for future generations. The Ute Indian Tribe asks that BLM and FS fulfill their government-to government relationship and trust responsibility to the Tribe and engage in this important and tribally led planning process.	See response to A.69-2.
A.75-5	Proclamation 9558 was groundbreaking in that it acknowledged the importance of traditional knowledge when considering land management for the living landscape that is Bears Ears. Additionally, it directed	See responses to PUBL-1, PUBL-2, PUBL-5, OOS-11, and PUBL-11.



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	<p>BLM and USFS to “meaningfully engage” the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe, and the Pueblo of Zuni throughout the entirety of the land management planning process, including pre-planning and post-planning. This engagement was intended to be implemented through the Bears Ears Commission, which would be composed of one elected officer from each of the interested Tribes. Because to date, no formal, lawful meeting of the Commission has occurred, the Draft MMP is in violation of both Proclamation 9558 and 9861.</p> <p>The Draft MMP’s Appx. F speaks to BLM and USFS’s “framework” for “closely coordinating with American Indian Tribes as envisioned in Presidential Proclamation 9558, “as modified by” Presidential Proclamation 9681.” See Draft MMP, Appx. F-1. Because Proclamation 9681 did not include the same requirements for meaningful Tribal engagement and co-management authority, this framework is inadequate.</p> <p>The Draft MMP asserts “successful collaboration and integration of tribal historical knowledge into future management of the BENM is contingent on the Federal government and the commission or comparable entity being equally willing to take part in Monument organization and administration.” See Draft MMP, Appx. F-2. This statement is correct in the sense that it places the five, sovereign Tribal Nations that have been invested in this landscape since time immemorial at an equal seat at the table to BLM and USFS. However, this statement inaccurately places the burden on the interested Tribes to be “equally willing” to participate in a process that is by no means “equal”. The current management process is solely defined by the Federal government. It is no surprise that BLM and USFS’s arbitrary, rushed timeline to complete the MMP within one year leaves little opportunity for meaningful Tribal consultation nor collaboration, let alone co-management.</p> <p>The Administration will have no legitimate conception of proper management of the Bears Ears landscape, nor these two mini units, unless there is purposeful and meaningful engagement with the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe, and the Pueblo of Zuni.</p>	<p>Section 4.3 of the MMPs/EIS describes the agencies ongoing attempts to engage the Tribes in the Shash Jaa Commission in the development of the MMPs and management of the BENM. Presidential Proclamation 9558 required the BLM and USFS to “meaningfully engage the Commission or, should the Commission no longer exist, the tribal governments through some other entity composed of elected tribal government officers (comparable entity).” The management plan shall also set forth parameters for continued meaningful engagement with the Commission or comparable entity in implementation of the management plan.” While the tribes have been unwilling to participate in the Commission, the agencies have met these requirements through ongoing government-to-government consultation and the establishment of the American Indian Tribal Collaboration Framework (Appendix F of the MMPs/EIS).</p>
A.45-5	<p>Meaningful Consultation with Tribes Has Not Occurred, and is Unlikely Unless BLM and USFS Respect the Legal Challenge to the BENM Reduction. BLM and USFS assert in the Planning Criteria that the agencies “will meaningfully engage with American Indian Tribes and will carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Tribes.” (see Section 1.6) While we appreciate the intent of the agencies to engage in this consultation, it is highly unlikely to occur given that several tribes are plaintiffs challenging the reduction of the BENM boundaries. BLM and USFS do not present a realistic consultation plan based on these circumstances. Supplementing the Draft EIS to include management alternatives for 100% of BENM would respect the views of tribes, and is the only way that meaningful consultation can occur.</p>	<p>See responses to OOS-4, DEC-1, and PUBL-12. As described in Section 4 of the MMPs/EIS, the BLM and USFS have made and continue to make multiple good faith efforts to engage interested American Indian Tribes in the development of the MMPs/EIS. The agencies have developed an American Indian Tribal Collaboration Framework to guide ongoing tribal involvement in the management of the BENM.</p>
A.56-25	<p>UPAC would be interested in consulting on the Cultural Resource Management Plan through its development.</p>	<p>Comment noted. Development of the Cultural Resources Management Plan will be an implementation-level planning effort and consulting parties will be identified when that planning effort is initiated.</p>
A.37-1	<p>Acoma requests continued government-to-government consultation as required in this undertaking and by applicable federal laws and executive orders.</p>	<p>The BLM and USFS have invited the Pueblo of Acoma to participate in government-to-government consultation regarding the development of the MMPs/EIS and representatives of the Pueblo of Acoma have participated in ongoing government-to-government consultation activities, as described in Section 4.4 of the MMPs/EIS. The agencies will continue to consult with the Pueblo of Acoma on a government-to-government basis through the development and implementation of the MMPs.</p>

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A.37-65	Chapter 4-American Indian Tribal Government to Government Consultation-Table 4-2-43194. Has the agency actually had consultation with all of the Pueblos listed? Or does this table indicate which tribes received invitations? To the extent the agency has made presentations in front of the All Pueblo Council of Governors, the agency should not treat meeting with the All Pueblo Council of Governors as sufficiently fulfilling and checking the box for government to government consultation with all 20 Pueblos.	See responses to PUBL-1, PUBL-2, and A.37-1. The agencies have consulted and will continue to consult with all 20 Pueblos as well as with the All Pueblo Council of Governors. Also note that BLM and USFS will continue to consult with all concerned American Indian Tribes, including any Pueblos expressing interest.
A.90-8	Comment 7: Consultation with Native American tribes regarding the DMMP/EIS is inadequate. Proclamation 9558 explicitly honors Native American tribal interests and calls for the establishment of a Bears Ears Commission "to provide guidance and recommendations on the development and implementation of management plans and on management of the monument." Pages 2-4 of the DMMP/EIS list 11 Cultural Resources Goals and Objectives, five of which obligate collaboration with tribes or priority attention to tribal interests. The DMMP/EIS includes an initial "framework" for American Indian tribal collaboration (Appendix F), but much more and more specific guidance regarding consultation and collaboration needs to be provided to assure tribes and concerned members of the public that tribal participation will be commensurate with tribal knowledge, interests, and preferences. Here, too, Archaeology Southwest recommends adoption of a landscape-scale approach as a vehicle to reopen and facilitate constructive communications in the wake of the insults to tribes and American Indian peoples contained in Proclamation 9688.	See responses to PUBL-1, PUBL-2, and PUBL-5. Additionally, note that the American Indian Tribal Collaboration Framework (Appendix F of the MMPs/EIS) is a framework and will be developed in additional detail with input from American Indian Tribes to guide Tribal consultation during the implementation of the MMPs.
A.79-1	A very important factor to the effective management of this particular region is the inclusion and involvement of local tribes. This tribally-promoted Bear's Ears Monument should have the inclusion of native perspectives and ideas. It would be ideal for the BLM and Forest Service to have more resources available towards land management and that may be achieved if they cooperated mutually with the tribes. Possible Resources from Tribes: Additional Funding for Projects, Volunteer Groups organized to help manage Bear's Ears Monument, Cultural Education. Archaeological sites are located throughout the Bear's ears region. The protection of the archaeological sites is a sensitive matter being that most of them are considered sacred and ceremonial. Descendants of the ancestral inhabitants should be referred to in cases of restoration, excavation, education, and protection of these sites. These places are important to the preservation of the local tribes' culture. With the cooperation of tribes, additional resources could enhance projects such as structure restoration, site- monitoring, site interpretations, trail-management, and site management. Currently sites are vulnerable to damage because of lack of site monitoring. There are very few rangers who try to monitor the vast amounts of sites. Rangers do need additional help. Friends of Cedar Mesa helps with monitoring sites and acknowledges that additional help is needed. With additional help from tribes we could increase the number of volunteer ambassadors and monitors.	See responses to PUBL-1, PUBL-2, and PUBL-5. The management actions suggested in the comment are included in the alternatives analyzed in the MMPs/EIS. Specifically, the MMPs/EIS includes development of a stewardship program to assist in monitoring cultural site conditions (Table 2-9), an American Indian Tribal Collaboration Framework (Appendix F), and a Cultural Resources Monitoring Framework (Appendix D). Tribal and volunteer participation in monitoring efforts is expressly allowed under these documents.
A.51-11	Proclamation 9681 Irresponsibly Modified Proclamation 9558, But Is Still Beholden To The Promise Of Meaningful Engagement Proclamation 9681 modified the initial Proclamation in a number of ways. First, it changed the title "Bear's Ears Commission" to the "Shash Jaa Commission." This switch was unnecessarily divisive in that "Shash Jaa" means Bear's Ears only in Navajo, despite the five tribes' request that the Commission's name remain intentionally neutral as to accommodate all tribes with historical and cultural ties to the territory. Additionally, the Commission's scope of influence has shrunk not only to the smaller Monument area as a whole, but specifically to the Shash Jaa Unit. This severely limits tribal input relating to the Indian Creek Unit, despite the Proclamation's explicit acknowledgment that Indian Creek contains ancient art "attributed to the Ancestral Puebloan people who inhabited this region for 2,000 years [as well as art from] the Ute people who still live in the Four Corners area." Finally, Proclamation 9681 requires the Shash Jaa Commission to include "the elected official of the San Juan County Commission." This last provision is hurtful to the integrity of any size Commission as San Juan County has historically "always been in favor of big, rapid development and indifferent at best to Indian and environmental concerns." In fact, the Navajo Nation and UDB proposed the creation of a Bears Ears	Changing direction provided by Presidential Proclamation 9681 is out of the scope of the agencies' analysis and decision space for the MMPs/EIS. See also responses to PUBL-1, PUBL-2, PUBL-11, and CUL-3.

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	<p>National Conservation Area, to be co-managed by Tribes, to San Juan County in 2013. The County never responded, but rather completed an eighteen-month public land planning process for the area that essentially ignored the Native Americans' request. Notably, indigenous people comprise almost half the county's population. Despite these very real missteps, Proclamation 9681 does not explicitly nullify Proclamation 9558's promise to meaningfully engage tribal members. Though the later proclamation's modifications act counter to that promise, it is still wholly bound to follow its predecessor's directive unless otherwise specified. Collaborative Management Is The Best Path Towards Meaningful Engagement with Tribal Members Proclamation 9558 states that "the traditional ecological knowledge amassed by the Native Americans [...] offers critical insight into the historic and scientific significance of the area. Such knowledge is, itself, a resource to be protected and used in understanding and managing this landscape sustainably for generations to come." Indeed, the five tribes' inherited wisdom regarding the Bear's Ears Monument is well earned, indispensable and even acknowledged in Proclamation 9681 ("management decisions affecting the monument [should] reflect tribal expertise and traditional and historical knowledge"). We believe that the best way in which to incorporate tribal knowledge is collaborative management ("co-management"). Co-management was initially suggested by the Inter-Tribal Coalition to President Barack Obama in 2015 as part of its proposal for the creation of Bear's Ears National Monument. At its core, co-management means joint decision-making between the federal government's team and Inter-Tribal Coalition representatives. Neither the tribes nor the representative federal agency would have the last say on any major decision. There would either be consensus or mediation by the Secretary of the Interior or the Secretary of Agriculture. Co-management would give tribal members real agency to determine the fate of Bear's Ears. Western knowledge can only go so far to protect and understand the cultural and paleontological resources within the Monument's bounds. It is playing catch up to the indigenous understanding that preceded it. There seems to be little reason to avoid sharing power and responsibility for Bear's Ears. While government officials may have a conceptual understanding of the area and appreciation for its beauty and cultural legacy, the roots that tie the indigenous people to the site run far deeper. Management, for them, is more than a chore. It is a duty and gift. When robbery and vandalism occur, the objects broken or stolen were those created by their ancestors. That commitment is indispensable and should be utilized to create the most equitable and efficacious system of ongoing management possible.</p>	
A.51-12	<p>Collaborative Management Is Legal and Has Proven Successful Proclamation 9681 cautions that the co-management scheme directed by Proclamation 9558 is illegal. However, Co-management between the government of the United States and Native American populations is both legal and has proven effective. It currently functions in New Mexico, Alaska and the Pacific Northwest. The Boldt decision, written in 1974 by Hon. George H. Boldt in United States vs. Washington, is a significant for a number of reasons. In it, Judge Boldt upheld the Medicine Creek Treaty of 1854, which recognized the fishing rights of the native population. He explicitly addressed the nature of an equitable management strategy between the tribes of the Pacific Northwest, the state of Washington and the federal government: "Regulation of off-reservation Indian treaty fishing by the United States, the State, or the Plaintiff tribes does not preempt the regulation by any of the other two. Jurisdiction of each entity to regulate is unimpaired by the exercise of another entity's regulatory jurisdiction." The language of the decision speaks to the legality of collaborative, shared resource regulation. Indeed, the area benefited immensely from its indigenous population's increased involvement in the management of fisheries. While "salmon runs once thought to be inextinguishable were decimated in a short time" thanks to the large-scale fishing operations introduced by white settlers, Traditional Ecological Knowledge (TEK) as well as focused energy have brought renewed vigor back into maintaining healthy salmon populations. Additionally, a long-standing antagonistic relationship between the government and tribal entities has softened considerably, as decades of cooperation have begun to write a new narrative in the face of previous injustices. The Boldt decision and others like it demonstrate the efficacy of tribal co-management. And Bears Ears is a fantastic opportunity to invoke it.</p>	<p>See response to PUBL-11. The United States' management of the BENM in collaboration with American Indian Tribes does not involve treaty rights.</p>

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A.92-2	In developing the MMP, the BLM and the USFS should meaningfully engage the Bears Ears Commission or a comparable entity not just in the Shash Jáa Unit (ES-12), but also in the Indian Creek Unit and in developing appropriate management of cultural and historical resources in the entire area of the monument established by Proclamation 9558. My comment is that by limiting meaningful engagement with the Tribes to only the Shash Jáa Unit, the BLM and USFS are neglecting their duty protect the cultural and historical resources within the boundaries of the Bears Ears National Monument, and by doing so are breaking an agreement that was made in good faith with these tribal governments.	See responses to PUBL-1, PUBL-2, and PUBL-5. As described in Section 4 of the MMPs/EIS, while the agencies will engage the Shash Jáa Commission specifically regarding management of the Shash Jáa Unit, the agencies are meaningfully engaging American Indian Tribes in the development and management of the entire BENM. In doing so, the agencies are engaged in ongoing government-to-government consultation with American Indian Tribes and have developed an American Indian Tribal Collaboration Framework (Appendix F).
A.71-3	In addition, a very small percentage of cultural resources are actually estimated to be known by the BLM and USFS in the Bears Ears National Monument. However, American Indian tribes and their spiritual and ceremonial leaders have been taking care of this sacred landscape since time immemorial. The proposed MMPs and DEIS should not move forward without cultural surveys, environmental studies, and meaningful consultations to fully understand the extent of cultural and environmental resources, and how to protect them, with alternatives that focus upon how to protect these resources. If these are not done, it will likely lead to the destruction of cultural and environmental resources that the National Monument designation is meant to protect. The sacred Bears Ears region, protected in the original boundaries of the National Monument in Proclamation 9558 (82 Fed. Reg. 1139 (Dec. 28, 2016)), is an important, interconnected place where American Indian tribes and their religious and ceremonial leaders practice their culture, beliefs, and religion. The BLM and other federal agencies should not be in the business of religious and cultural persecution by destroying the ability of these American Indian Nations to practice their religious and cultural beliefs in sacred places that they have visited, maintained, and used since time immemorial.	See responses to PUBL-1, PUBL-2, PUBL-12, CUL-2, and OOS-4.
A.65-3	The management plan should do more to establish resources for education, such as educational programs and resources for the region under consideration.	The MMPs/EIS includes several management actions related to education and interpretation of Monument objects and values, including a goal to provide for interpretation and education of the public about cultural resources, and management common to all action alternatives that calls for the development of an activity-level cultural resources management plan.
237034-1	It is wrong that the Native Americans haven't been more involved in the planning. They should be the first to comment, plan, and advise. I hope that members of the Monument Advisory Committee won't have to be just residents of Utah. The land wasn't limited by an imaginary boundary line before. Whether I live in northern Arizona or western Colorado, the outcome of decisions made about Bears Ears would be extremely important to me, too. And the proposed name of the downsized area being called "Indian Creek" is offensive.	See responses to PUBL-1 and PUBL-2. The names of the BENM units were established in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. The BLM published a request for nominations for individuals to serve on the Monument Advisory Committee in the <i>Federal Register</i> on August 30, 2018 (83 FR 44302). The <i>Federal Register</i> notice addresses the requirements for individuals to be considered on the Monument Advisory Committee. Section 4.5 of the Proposed MMPs/Final EIS addresses the establishment of a Monument Advisory Committee for the BENM.
237064-4	And how is a grazing allotment held by a rancher from an adjacent state considered local but members of the MAC are limited to Utah local? Please define "local" for purposes of these processes.	Presidential Proclamation 9558, as modified by Presidential Proclamation 9681 states that the "advisory committee shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners."  The BLM published a request for nominations for individuals to serve on the Monument Advisory Committee in the <i>Federal Register</i> on August 30, 2018 (83 FR 44302). The <i>Federal Register</i> notice

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		addresses the requirements for individuals to be considered on the Monument Advisory Committee. Section 4.5 of the Proposed MMPs/Final EIS addresses the establishment of a Monument Advisory Committee for the BENM.
237056-1	Co-management will be a challenge unless it is structured and takes into account traditional consultation processes (largely by consensus and therefore, more time-consuming). All alternatives should, therefore, consider a well-structured adaptive management process THAT IS GUIDED BY EXPERIENCED PERSONELL and ADEQUATELY FUNDED SO IT CAN BE SUSTAINED FOR AT LEAST 10 YEARS, POSSIBLY 20 YEARS or more. Native American experts in the fields of botany, ecology, archeology, traditional foods, etc. must be included.	See response to PUBL-11. The MMPs/EIS analyzes a range of alternatives that includes an adaptive management approach to many resources. Appendix F of the MMPs/EIS presents an American Indian Tribal Collaboration Framework that will guide the involvement of American Indian Tribes in the ongoing management of the BENM. Appendix D of the MMPs/EIS presents a Cultural Resources Monitoring Framework, which describes thresholds that would trigger management actions to address impacts to cultural resources. Appendix M of the MMPs/EIS presents a Monitoring Strategy for other resources in the BENM, which includes an adaptive management approach.  Decisions related to agency staffing and funding are beyond the scope of the development of the MMPs.
236567-2	The agencies and tribes have not been included appropriately. Of the 39 agencies and tribes, only seven are cooperating. You have failed to incorporate the tribes or the cooperating agencies appropriately. You should have not moved forward without the tribes full cooperation as a participating or cooperating agency. The Council on Environmental Quality require cooperating agencies. A lead agency has the responsibility to respond to all substantive comments raising significant issues regarding a draft EIS. Section 1503.4. Moving forward is illegal. As stated on page 4-3 of Volume 1, it is stated in the first sentence: "Federal laws require the BLM and USFS to consult with American Indian Tribes during the planning/NEPA process." This document violates the federal law and is not adequately consulting with the American Indian Tribes. The Indian Tribes are a Sovereign Nation and have full rights to protect their heritage for which Presidential Proclamation 9558 protected.	See responses to PUBL-1 and PUBL-2.

### 3.16 Recreation

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REC-1	<p><b>The BLM and USFS should protect the BENM resources from impacts caused by OHV use.</b></p> <p>Sample comment: This is where I recreate. Please protect these lands from mining/drilling and off road vehicle use.</p> <p>Sample comment: I have witnessed first hand the destruction of beautiful lands from oil and gas drilling, mining, and off-road vehicle abuses, so when it comes to planning for the management of Bears Ears, the government needs to do all it can to prevent further damage to the land.</p> <p>Sample comment: The new plan for Bears Ears National Monument, Alternative D, does not meet the basic requirements of the Bureau of Land Management's obligation to conserve national lands. We cannot allow enhanced motorized recreation. This, along with timber cutting and increased livestock grazing, will wreck havoc on the landscape. In addition, increased mineral exploration is an unacceptable</p>	See response to ALT-4. The BLM and USFS analyze a range of alternatives that include managing areas in the BENM as OHV-limited, OHV-closed, and semi-primitive non-motorized (refer to Section 2.4.12 of the MMPs/EIS). The BLM and USFS are responsible for managing the BENM to provide for the proper care and management of monument objects and values, including addressing potential impacts caused by OHV use.

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	<p>use of protected lands. Please present an alternative plan that protects the cultural landscape known as Bears Ears National Monument.</p> <p>Sample comment: What perils will enhanced access bring? Motorized vehicles, including ORVs, will be allowed on any road that existed prior to December 2016. Within BENM, there were 1,400 miles of "roads" (wash bottoms, cow paths and two-track trails) that had been closed. Anyone who hikes the canyons and plateaus of southern Utah will inevitably see the scars and hear the whine of off-road vehicles across the landscape. Gone will be the supreme quality of BENM recognized in the document accompanying Obama's declaration: From earth to sky, the region is unsurpassed in wonders...Bears Ears has that rare and arresting quality of deafening silence. Please reconsider the destructive steps that already have been taken and the larger destruction contemplated in your favoured alternative.</p> <p>Sample comment: The long-term impacts of increasing numbers of visitors to the national monument should be proactively measured by BLM employees. ORV use erodes soil and habitat, and recreation should be limited only to designated areas - avoiding locating routes in sensitive areas should be an immediate priority. In addition, the BLM must enforce rules that state that certain areas are off-limits to ORVs. Again Section 1505.3 of the CEQ rules states that "agencies may provide for monitoring to assure their decisions are carried out and should do so in important cases".<sup>39</sup> While not strictly binding, we find the BLM should maximize attention given to conservation under Alternative C and simultaneously continue to monitor ORV use on public lands as outlined in Alternative D. Furthermore, the cumulative impacts of ORV use in proximity to the national monument could fall outside the scope of the draft-EIS according to Section 1508.25 of the CEQ rules</p>	
REC-2	<p><b>The BLM and USFS should protect the BENM for recreational purposes.</b></p> <p>Sample comment: Southern Utah is my family and friends' favorite vacation spot. We travel there twice a year for canyoneering, climbing, hiking, river floating and camping, and have for almost 20 years. The Bears Ears, and Indian Creek in particular, deserve strong protections.</p> <p>Sample comment: Keep these recreational lands for recreation (and just pure beauty) and not for business. Business can be carried out in other locations that do not have the impact of a place like Bears Ears.</p> <p>Sample comment: The land should be reserved for native use, protection of sacred sites and those who want to appreciate the land through camping, hiking and climbing by those dedicated to protecting and maintaining the pristine landscape</p> <p>Sample comment: Please keep the park open to climbers and hikers and campers. No mines, no oil and gas</p> <p>Sample comment: Although the BLM developed a range of alternatives, as required, none of them are acceptable, and even you'll admit that its preferred plan (Alternative D) has the potential to do more harm to cultural resources than would the other alternatives. The entire Bears Ears National Monument is a sacred and irreplaceable landscape that has far more value as recreation lands than it does as extraction lands.</p>	<p>World class recreation is identified as one of the Monument objects and values, as described in Appendix A of the MMPs/EIS. Accordingly, the range of alternatives analyzed in the MMPs/EIS (Section 2.4.7) provides for the proper care and management of Monument resources and support for recreational activities in the Indian Creek and Shash Jáa Units. See also responses to ALT-1, ALT-4, and MIN-1.</p>
REC-3	<p><b>The BLM and USFS should implement a visitor management strategy immediately, including monitoring for potential resource impacts and applying an adaptive management approach.</b></p> <p>Sample comment: Interim visitor management planning needs to be strategic and begin immediately.</p> <p>Sample comment: The BLM needs to include an interim visitor management strategy, designating more "visitor ready sites," in the final plan.</p> <p>Sample comment: The widespread publicity of attributes in Bears Ears has drawn the attention of a large number of people from all over the world, and the area can no longer be considered a remote area where only a few will trample. Therefore, it is imperative to immediately develop and enforce a visitor</p>	<p>The BLM and USFS are currently addressing increased visitation through management actions that include, but are not limited to, cultural site stabilization, cultural monitoring, increases in staff, revisions to the permit system, and an expanded site-stewardship program. Visitor management activities under the existing 1986 Manti-La Sal LRM and 2008 Monticello RMP, which include measures to protect sensitive resources, will remain in effect until the BENM MMPs are approved. The MMPs/EIS analyzes a range of alternatives that include monitoring and adaptive management</p>

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	<p>management plan that will direct visitors to appropriate areas while the status of the monument is settled in the court system. The plan should address not only the one time visitor access, but it should also restrict motorized vehicles, fuel reduction and grazing activities to current allowable levels and locations until the monument status is determined.</p> <p>Sample comment: I strongly feel that planning should move forward to address the urgent issue of skyrocketing visitation to the area. The planning process could result in at least the beginning of a strategy for addressing this critical issue, by creating a plan to proactively direct tourists to "visitor ready" sites, instead of letting Google manage it.</p> <p>Sample comment: A robust visitor management plan must be in place, as these areas are now being visited by more and more citizens wanting to learn about our ancient past.</p> <p>Sample comment: With so, so many people now coming to experience and visit the Bears Ears region, BLM steps should be taken immediately to manage and promote respectful visitation including protecting rock art, canyon cliff dwellings, and general mesa top habitation sites.</p> <p>Sample comment: Crucial for protecting the cultural resources, is managing the crowds of people that are now descending on popular, easily reached areas. Decisions must be made to reduce the impact on sites and to reduce damage to the sites. With this in mind, several of the sites that are determined as "visible" and easily visited must be made ready for increased visitation like Monarch Cave, as an example. This means that some sites need more parking, more signage as reminders to visitors to visit with respect, restroom facilities, information about Leave no Trace, and sensitive areas fenced for protection.</p> <p>Sample comment: Under both units, it is imperative to plan to identify and restrict if needed for the future, if reoccurring issues occur with recreation and visitor services. This includes monitoring of soil, vegetation, trails, roads, and archaeological/cultural resources. The preferred alternative D does NOT identify or state adaptive management of trails, routes, and includes no reclamation procedures. These all need to be included in the future management as tourism is likely to increase in the Monument over the years.</p>	<p>approaches to addressing potential impacts to BENM resources from increased visitation. Appendix E and Appendix M of the MMPs/EIS also addresses strategies for monitoring and providing for proper care and management of Monument objects and values, including sensitive cultural resources sites in the BENM from potential impacts from increased visitation.</p>
REC-4	<p><b>The BLM and USFS should implement group size limits to protect cultural and natural resources, and not exempt Special Recreation Permit holders from these limits.</b></p> <p>Sample comment: Group size limits are extremely important to protecting cultural and natural resources. Please encourage the BLM and USFS to maintain group size limits and not allow exemptions to any organized groups.</p> <p>Sample comment: The draft plan leaves certain areas without appropriate group size limits. Existing group size limitations in Bears Ears should be the ceiling, not the floor, since limiting recreation in space and time is a very effective way of minimizing cultural and natural resource damage. All areas of Bears Ears need specific caps on group size – regardless of whether a group has an Special Recreation Permit (SRP) or not. An SRP or Letter of Agreement is not an excuse for increased impact on the land.</p> <p>Sample comment: Large groups ruin this experience and I think group size should be limited to 10 to 15 maximum to protect the solitude experience and the health of the land.</p> <p>Sample comment: The BLM should standardize group size limits to help protect cultural and natural resources across Bears Ears.</p> <p>Sample comment: I believe that the group size restrictions and group size limitations should actually be stronger than listed in Alternative B. It's important to keep group sizes small in order to protect the wilderness characteristic and to protect the experience for all users.</p>	<p>Management common to all alternatives (Section 2.4.7.2) states that both commercial and private group size would remain limited to 12 individuals for hiking to cultural sites in Comb Ridge and Mule Canyon south of SR-95 until site-specific group size limits can be established in an activity-level cultural resources management plan. The range of alternatives analyzed in the MMPs/EIS (Section 2.4.7) for other areas include a range of group size limits that address protection of cultural and natural resources as well as recreational access. SRPs are subject to case-by-case evaluation of potential impacts and determination of appropriate avoidance and minimization measures, which may include group size limits (see Section 2.4.7 of MMPs/EIS). The BLM and USFS must manage recreational use of the BENM consistent with the proper care and management of Monument objects and values. The MMPs/EIS has been revised to clarify the meaning and intent of group size limits and thresholds. See also response to ALT-1.</p>

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	<p>Sample comment: Please continue to place a specific the cap on group numbers of 12 or fewer for visiting back country sites that require a permit. Sites are severely trampled and sensitive areas damaged with visitation by more than this number.</p> <p>Sample comment: Also within the Shash Jaa Unit, under Alternative D, an organized event/activity group size of 25 OHV/mechanized vehicles, 50 individuals, or 15 pack animals is too large. The Monument has numerous culturally and archaeological sensitive areas that may be impacted by large numbers of visitors. Sensitive ecological zones, washes, riparian areas, and numerous other fragile areas are at high risk. OHV groups do not always stay on the designated trail and have easier means to disturb a large area. Also, large groups, especially OHV cause an extreme amount of noise pollution. Therefore, Alternative B is ideal with having group size limited to 12 OHV, 35 individuals, or 12 pack animals is a more reasonable goal. This would greatly reduce impacts to the highly sensitive objects and values of the Monument.</p> <p>Sample comment: Please continue to place a specific the cap on group numbers of 12 or fewer for visiting back country sites that require a permit. Sites are severely trampled and sensitive areas damaged with visitation by more than this number.</p>	
REC-5	<p><b>The BLM and USFS should allow rock climbing in the BENM.</b></p> <p>Sample comment: Rock climbing on desert towers and walls should be considered a beneficial activity to the area and needs to be considered.</p> <p>Sample comment: Please allow rock climbing at Bears Ears.</p> <p>Sample comment: Let climbing and climbing access continue!</p> <p>Sample comment: Existing climbing routes and anchors should be preserved.</p>	<p>The range of alternatives analyzed in the MMPs/EIS (Section 2.4.7) does not impose area-wide restrictions on climbing activities and includes provisions to allow the BLM and USFS to address conflicts between climbing activities and other resources on a case-by-case basis when needed. Any alternative chosen must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
REC-6	<p><b>The BLM and USFS should not allow hunting or trapping in the BENM.</b></p> <p>Sample comment: Bears Ears is sacred land and has been designated a national monument. Please continue to protect this land from any exploitation. No drilling, no mining, no hunting.</p> <p>Sample comment: Hunting &amp; trapping on public lands should be made illegal.</p>	<p>As provided for in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, hunting, trapping, and fishing within the Monument are regulated by the State of Utah. The BLM and USFS will coordinate, as appropriate, with the State of Utah Division of Wildlife Resources regarding any potential impacts from these activities on Monument objects and values. The agencies are also required to address Secretarial Order No. 3356, regarding hunting and recreational shooting, in a way that is consistent with the proper care and management of Monument objects and values.</p>
REC-7	<p><b>The BLM and USFS should clarify proposed restrictions on rock climbing.</b></p> <p><i>Sample comment:</i> The proposed climbing restrictions on “hoodoos” (Section 3.11.2.3, page 3-49) needs clarification so that already established world-class climbing routes on towers within the BLM SRMA (such as Dreamcatcher) are not prohibited.</p> <p><i>Sample comment:</i> The proposed climbing restrictions on “hoodoos” (Section 3.11.2.3, page 3-49) needs clarification so that already established world-class climbing routes on towers within the BLM SRMA (such as Dreamcatcher) are not prohibited. The proposed restriction is intended to prevent visual impacts to some recreation users; therefore “hoodoos” needs to be clearly defined as short (&lt;30 feet), fragile rock formations that are distinctly differentiated from “towers”</p> <p><i>Sample comment:</i> We also encourage the BLM to clarify the vague language in all of the alternatives regarding climbing on “hoodoos.” Without a definition of a “hoodoo,” the language could be practically construed to prohibit (or make completely infeasible due to a ban on fixed anchors) climbing on any of the major towers, such as those in Arch Canyon, that have been climbed in the Monument for decades. Except in cases where such climbing routes have the potential to impact archaeological resources, we</p>	<p>Table 2-9 and Section 3.11.2.3 of the MMPs/EIS has been revised to clarify climbing restrictions on “hoodoos” that were included in the range of alternatives analyzed in the MMPs/EIS. The MMPs/EIS analyze a full range of management actions that includes all access points, trails, and climbing routes being open subject to monitoring for potential site-specific impacts and the possibility for closure or reroutes of access points, trails, and climbing routes on a case-by-case basis if climber education fails to rectify site-specific impacts on cultural resources.</p>



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REC-8	<p>believe such a prohibition is not needed an unfairly targets one user group. If a small climber on top of a tower degrades visual resources, surely a parade of ATVs in a canyon has a much greater impact.</p> <p><b>The BLM and USFS should close or reroute social trails if they threaten cultural resources.</b></p> <p>Sample comment: BLM should manage for the protection of the entire Bears Ears landscape for cultural and paleontological resources—including ongoing inventory and management. * The agency, in co-management with the interested Tribes, should maintain the option to close or reroute social trails when cultural resources are threatened, instead of relying primarily on educational principles for the public.</p> <p>Sample comment: The agency, in co-management with the interested Tribes, should maintain the option to close or reroute social trails when cultural resources are threatened. This is not only good policy, but a necessity under existing federal law (see, e.g., Native American Graves Repatriation Act, National Historical Preservation Act, and the Archeological Resources Protection Act), but is also consistent with the United States' international obligations under the International Covenant on Civil and Political Rights and the Convention on the Elimination of Racial Discrimination.</p>	<p>See responses to CUL-1 and PAL-1. All alternatives analyzed in the MMPs/EIS provide for the closure and reclamation of social trails on a case-by-case basis as needed (Section 2.4.7.2). The range of alternatives analyzed in the proposed MMPs/EIS includes a management action that leaves all access points, trails, and climbing routes open. However, if monitoring information indicates impacts to cultural resources, the agencies would do the following:</p> <ul style="list-style-type: none"> <li>• Educate visitors on potential impacts to cultural resources and how to “tread lightly” and/or self-regulate to avoid impacting these resources</li> <li>• Work with visitors, organizations, and SRP/SUP holders to increase volunteer monitoring and to educate users</li> <li>• If impacts continue, the BLM and USFS would close or reroute access points, trails, and climbing routes to avoid or reduce impacts to cultural resources or, if closure or routing is not practicable, implement mitigation to avoid significant impacts to site integrity.</li> </ul> <p>As described in Section 4.4 of the MMPs/EIS, consultation with American Indian Tribes will be ongoing throughout the development and implementation of the MMPs.</p>
REC-9	<p><b>The BLM and USFS should enforce the MMPs restrictions.</b></p> <p>Sample comment: Since the 2008 Monticello RMP, there has been an extraordinary increase in visitation. Many cultural resources that were previously unknown are now experiencing high visitation levels. The current RMP governing the affected area contains some restrictions on pets, camping, and visitation, but there is little enforcement of those restrictions. The combination of increased visitation and lack of enforcement has resulted in a great deal more disturbance and cultural resources have deteriorated.</p> <p>Sample comment: Lack of Enforcement Resources Unacknowledged: Finally, as a practical matter, there is little to no enforcement of the current restrictions applicable to activities in the BENM. The combination of limited enforcement resources and allowing expanded activities in the BENM would exacerbate damage to important resources and should be explicitly acknowledged in the document.</p>	<p>The BLM and USFS will monitor and enforce the requirements outlined in the MMPs to ensure the proper care and management of Monument objects and values. As necessary, the agencies may develop supplemental rules subsequent to the selection of the approved MMPs to aid in enforcing the restrictions of the MMPs. See also response to REC-3.</p>
REC-10	<p><b>The BLM should not promote increased visitation in the San Juan Hill RMZ.</b></p> <p>Sample comment: San Juan Hill Recreation Management Zone One of the outcome-focused objectives for managing this area is “minimizing conflict between multiple recreation uses and between recreation use and protection of the object and values of BENM.” (Appendix G 2.5.1) The DMMP suggests moving San Juan Hill to a middle-country setting with some more visitor services. This should be done very cautiously - if at all. Vehicle access to the San Juan Hill is very challenging and even dangerous. The narrow dirt road is often in a poor condition due to seasonal flooding. Vehicle operators often drive off-route and create new illegal routes when trying to pass one another or avoid poor road conditions. In the vicinity of San Juan Hill, there are layers of cultural history that can be easily damaged by off-road travel by hikers, bikers, or vehicles. All in all, this is not a safe place to promote increased visitation. The roads and resources cannot support a large number of visitors. Increased visitation can also easily cause user conflicts, especially with boaters who come to the area for solitude, not to experience the impacts from dramatically increasing motorized recreation. The final selected alternative for management of the San</p>	<p>Decisions regarding construction of specific visitor facilities, such as informational kiosks and parking areas, and specific events that require SRPs will be made at the implementation level and would require action-specific environmental reviews that would provide additional opportunities for public involvement and American Indian Tribal consultation prior to any final decisions. Planning-level decisions in the range of alternatives are meant to address the current and projected level of public interest in visiting this area; not to promote increased visitation. Some visitor facilities are needed to help address impacts from increased levels of visitation currently observed. The BLM may apply measures to avoid or minimize impacts on sensitive resources, including restrictions on group sizes, at the implementation level if it is shown that large group sizes are</p>

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	<p>Juan Hill area should maintain group size limits of 12, separated in space and time. The current preferred alternative does not create a ceiling on permitted organized groups. This number needs a ceiling here and elsewhere in the monument.</p> <p><i>Sample comment:</i> The San Juan Hill RMZ, like the entirety of BENM, is home to endless layers of cultural history that are easily damaged by off-road travel and unmanaged recreation more generally. In general, this is not a safe place to promote increased visitation. The roads and infrastructure available cannot support large numbers of visitors. Management prescriptions for the area should limit group visitation to 12 people, separated in space and time. We are extremely concerned by the preferred alternative's lack of limitation on permitted organized groups.</p>	<p>inconsistent with management objectives of the area and the proper care and management of Monument objects and values.</p>
REC-11	<p><b>The BLM should prioritize visitor use and education in the Trail of the Ancients RMZ.</b></p> <p><i>Sample comment:</i> We support the Trail of the Ancients RMZ as an area along highway corridors where visitor usage and education would be prioritized. We believe this could alleviate visitor use elsewhere or at least provide opportunities for visitors to be educated on the principles of Visit with Respect before traveling to middle and backcountry areas. This would also be the most appropriate area for a visitor contact station, interpretive information, and a developed campground because it is near the highway and has areas that have been previously disturbed. This accessible, front country corridor may be the only or most appropriate area in Bears Ears for large group sizes. We know from the many calls Friends of Cedar Mesa receives that the BLM needs the ability to accommodate school/visitor groups. This type of visitation should occur at Public Use (developed) sites and recreation facilities that have the infrastructure, signage, and/or stabilization to support higher levels of visitation. <b>Recommendations:</b> Approve the Trail of the Ancients RMZ and consider allowing larger group sizes with a ceiling at developed areas in the RMZ.</p> <p><i>Sample comment:</i> We support the Trail of the Ancients RMZ as a frontcountry area where cultural site visitation, hiking, backpacking, camping, education and interpretation, and heritage tourism is prioritized. Developing a visitor contact station would be beneficial to educate visitors on the principles of "Visit with Respect" before engaging in these recreation opportunities. This would also be a 35 good location for a developed campground as it is near the highway, easy to access, and has areas that have previously been disturbed.</p>	<p>Under all alternatives analyzed in the MMPs/EIS, Trail of the Ancients RMZ would be established and managed to facilitate cultural and heritage tourism. The SRP group sizes listed in the MMPs/EIS are thresholds and not absolute limits. Group sizes larger than the ones listed could be allowed if an SRP or letter of agreement is obtained and analysis that the activity is consistent with the proper care and management of Monument objects and values. See also response to ALT-1.</p>
REC-12	<p><b>The BLM and USFS should not allow competitive events in the BENM.</b></p> <p><i>Sample comment:</i> We do not believe the small area included in the Bears Ears National Monument as defined by Proclamation 9681 is an appropriate place for most competitive events, especially those with high numbers of participants or vehicles. If allowed at all, competitive events should be confined to major roads and the size of events should be explicitly limited.</p> <p><i>Sample comment:</i> Competitive events As highlighted in our scoping comments, no competitive events should be authorized within BENM. There are three annual non-competitive events in the Shash Jaa' unit – San Juan ATV Safari, Jeep Jamboree, and Jeep Safari. These events must be managed consistent with the protection of Monument objects and subject to group limitations and SRP requirements outlined in these comments. Because these events are so large and extend over multiple days, there is serious threat to degradation of Monument resources. Additionally, we are concerned that under Monticello RMP, commercial motorized tours are allowed on designated routes, except in Wilderness Study Areas. See AMS 3-19. As a national monument, strict limitations on commercial motorized tours are required, including where such tours are allowed, group size, and permitting requirements.</p>	<p>The MMPs/EIS analyzes a range of management actions addressing competitive events and group size thresholds in the BENM, including an alternative that closes the BENM to competitive events (Section 2.4.6). Specific details regarding roads used and size of events will be addressed at the implementation level on a case-by-case basis, should the agencies select an alternative that allows competitive events.</p>
REC-13	<p><b>The BLM should address any paleontological and cultural resources concerns before constructing the Shay Mountain Vista Campground.</b></p> <p><i>Sample comment:</i> "Under Alternative A, a new campground called Shay Mountain Vista Campground would be constructed in the Indian Creek Unit", but it is unclear where the proposed campsite would be.</p>	<p>The location of Shay Mountain Vista Campground would be determined by the BLM through additional, implementation-level analysis, which would include site-specific resource surveys and an environmental review that would provide additional opportunities for</p>

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	<p>We must note that a campground near Shay Canyon could be a serious threat to paleontological (and cultural) resources at Shay Canyon. Therefore, proposed development of any new campground must be in consultation with Monument paleontologists, which the Monument currently lacks.</p> <p>Sample comment: Chapter 3, page 48, section 3.11.2.3, lines 10–11 of paragraph 3 Under Alternative A, this would establish a new campground in the vicinity of Shay Mountain, but does not specify the location. Any new surface disturbance (including a new campground) should be located in an area without known paleontological resources, and be comprehensively inventoried and monitored for such resources before and during construction.</p>	<p>public involvement, American Indian Tribal consultation, and development of appropriate resource impact avoidance and minimization measures prior to any final decisions.</p> <p>The Shay Canyon ACEC is closed to camping across all alternatives, and as such, would not be an appropriate location for the campground.</p>
REC-14	<p><b>The BLM and USFS should create educational materials and signage to educate visitors about protection and respect for BENM resources, such as cultural resources, paleontological resources, biological soil crusts, wildlife resources, proper trail use, and monument rules.</b></p> <p><i>Sample comment:</i> Chapter 2-Recreation and Visitor Services: Management Actions Common to All Alternatives-2.4.7.2-2-12. BLM should invest heavily in educational programs, literature and interpretive signage on significance of cultural sites generally to tribes, including Pueblo of Acoma, to emphasize the importance of respecting park rules and staying on trails.</p> <p><i>Sample comment:</i> There is no mention of some of the most fundamental facets of protecting paleontological resources in the monument: i.e., site stewardship and education/interpretation. Site stewardship is called out for certain archaeological resources, such as Alternative D of Table 2.9 (Page 17), but site stewardship programs and education/interpretation for paleontological resources must also be implemented at BENM for their long-term management.</p> <p><i>Sample comment:</i> There is a need for more signs out along trails and roads. Signs are needed to direct people who are visiting the area whether they are walking riding a bike, or driving an ATV. Hikers, overnite campers, wood haulers, ATV riders, and all other parties traversing the land need better signs to direct and guide them in the Bear's Ears Region. I recommend that signs be more visible with color for visitors to see from different distances. Illuminating colors for signs would be easier to see and create more awareness with brighter visibility. Currently there are very few signs out in region and those that are out on display are barely visible. Most existing signs are faded from exposure and the wording is illegible. Colors of signs could be differentiated according to specific activities For example, signs with overnite camper information could be a certain color as for a sign directed towards hikers/trailwalkers, could be a different specific color. The differentiation of signs would allow people to see that the land has multiple uses and we need to all respect each others visits by abiding by rules and regulations. Some signs are repeatedly knocked over and end up laying on the ground. All signs intended for land management should be properly stabilized and maintained.</p>	<p>Decisions regarding specific visitor educational materials and signage do not require a decision in the MMPs. These decisions will be made at the implementation level either on a case-by-case basis or through development of an implementation-level Recreation Area Management Plan/Business Plan. As appropriate, American Indian Tribal consultation regarding implementation of these management actions will be conducted as described in Appendix F of the MMPs/EIS. Also note that Alternative A is the No Action Alternative, which reflects current management, not proposed management.</p>
REC-15	<p><b>The BLM and USFS should put limits on target shooting in the BENM to protect cultural resources, paleontological resources, geologic features, and other resources.</b></p> <p><i>Sample comment:</i> Chapter 2-Management Actions by Alternative; Table 2-9: Alternatives for Recreation, Shash Jaa Unit.-Table 2-9-2-16. Target Shooting under Alternative D should allow for the agency to prohibit target shooting generally or in specific areas if analysis determines threats to cultural resources; or in the alternative, allowing for target shooting in designated areas that present no threat to cultural resources.</p> <p><i>Sample comment:</i> Chapter 3, Page 45, Section 3.11, regarding recreational target shooting. Target shooting poses a serious threat to paleontological resources, depending upon the location and whether there is risk of outcrop being struck; such damage has already been documented in the Shash Jaa unit. Shooting toward geologic features and paleontological resources must be prohibited</p>	<p>The range of alternatives analyzed in the MMPs/EIS include a management action that would prohibit target shooting within the Shash Jaa Unit near cliffs, climbing walls, paleontological resources, and properties listed or eligible for the NRHP, within WSAs, within 600 feet of any designated recreation site, including but not limited to campgrounds, buildings, trailheads, designated dispersed camping areas. Shooting toward significant natural and/or geologic features would be prohibited. If impacts to sensitive resources from target shooting occurs, the BLM and USFS could take further management actions at the implementation level to address such issues. See also responses to ALT-1 and ALT-4.</p>

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A.01-5	Indian Creek ACEC: This ACEC, along with increased funding for visitor management, interpretation, and monitoring and enforcement is especially needed considering the growth in development and visitation since the Monticello RMP was completed almost 10 years ago.	<p>The BLM appropriately prioritized consideration of new ACEC designations within the boundaries of the National Monument. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.</p> <p>The BLM reviewed the nominated relevant and important values, resources, or systems/processes (collectively, "values") and determined that those portions of the nominated ACECs that met both relevant and importance criteria are identical to the geographic location and corresponding relevant and important values already managed for by the existing San Juan River, Lavender Mesa, and Shay Canyon ACECs. The BLM retained the existing ACECs to maintain continuity of management for those relevant and important values. The BLM did not retain the portion of the nominated ACECs outside of the existing ACECs for analysis because those areas do not meet both the relevance and importance criteria.</p> <p>The range of alternatives analyzed in the MMPs/EIS includes monitoring and addressing potential impacts on BENM resources in the Indian Creek Unit, including potential impacts from recreational use. Agency staffing and funding levels are administrative decisions and are beyond the scope of the development of the MMPs.</p>
A.01-7	Indian Creek ACEC: The Indian Creek area is at risk from irresponsible off-road vehicle use, including use in prohibited areas. Off-road vehicle uses poses a threat to cultural and natural resources, can destroy fragile biological resources, and negatively impact quiet recreation and spiritual experiences. Off-road vehicle routes, whether legitimate or illegal, often lead to cultural sites and result in increased vandalism and looting.	<p>The BLM analyzes a range of alternatives that include managing areas in the Indian Creek Unit as OHV limited, OHV closed, and Semi-Primitive Non-Motorized (Section 2.4.12). The BLM is responsible for the proper care and management of Monument objects and values in the Indian Creek Unit, including addressing potential impacts caused by OHV use. Potential impacts on biological and cultural resources from OHV use are analyzed in Chapter 3 of the MMPs/EIS.</p>
7086-1	OHV usage can be very destructive and should be restricted to areas already allocated for this use. 4WD vehicle usage should be prohibited off established roads and this should be actually enforced. Drone usage should be strictly regulated and limited and allowed only for educational purposes and the like by permit.	<p>See responses to TRAV-3 and LANDS-6. The range of alternatives considered in the MMPs/EIS would not open any areas to OHV use that are currently closed to such use. Any alternative chosen must provide for the proper care and management of Monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
69627-2	This spring I noticed a number of visitors with license plates as far away as New York. Perhaps I'm mistaken, but it appeared they were not there either for a day hike or a back country adventure. Have you considered an "overlook" area where either the curious or distant visitor, the elderly, or those with a handicap could drive, park, and look into the Gulch or one of the Cedar Mesa canyons? Such an area may accomplish at least two purposes: (a) the distant but merely curious visitor could at least have a taste of the national monument; and (b) traffic could be better directed and focused to certain areas of the mesa, leaving the remainder to those seeking a quieter experience.	<p>Appendix E of the MMPs/EIS addresses the potential for different levels of visitation for different cultural resources sites in the BENM. Site-specific decisions regarding development of overlook areas or other developed recreation infrastructure will be made at the implementation level. Additionally, note that there are existing scenic overlooks in the BENM that would continue to be managed for such uses under all alternatives and the MMPs/EIS provides for continued development of accessible public use developed areas.</p>
56393-1	I encourage any management plan to include Tribal input and management, sustainable/ responsible recreational growth, and off limits areas for non Native people.	<p>The range of alternatives analyzed in the MMPs/EIS (Section 2.4.7) includes protection of resources and support for recreational activities in the Indian Creek and Shash Jáa Units. Efforts to manage recreation while protecting BENM resources, such as limiting access to sensitive</p>

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56398-4	Adequate resources to manage illegal off-road vehicle activities should be given stronger emphasis in any management plan. Rocks and other barriers must be placed at junctures where off-road actions have damaged sensitive landscapes. Resources must be available to educate recreationists of the fragility of the landscape to minimize damage to biological crust (cryptogamic soil). Trails should be better identified and social trails closed. Any management plan must address protecting this uniquely sensitive landscape from increased visitation, both in vehicles and on foot.	<p>archaeological sites, are outlined in Appendix E and Appendix G (Recreation and Visitor Services Management Framework) of the MMPs/EIS. The MMPs/EIS includes a full range of alternatives that includes both permitted visitation with limitations and closures as methods to address impacts to cultural sites (see Section 2.4.1.2 and Table 2-1 of the MMPs/EIS). The range of alternatives in the MMPs/EIS already includes such limitations on recreational access to the Moon House and the Doll House (Table 2-9). The agencies can also make these decisions in the activity-level cultural resource management plan. Additionally, there restrictions could potentially be applied to any site based on the results of monitoring (see Section 2.4.1.2 of the MMPs/EIS).</p> <p>As discussed in Sections 4.3 and 4.4, as well as Appendix E of the MMPs/EIS, the agencies have and would continue to engage with the Shash Jaa Commission and consult with American Indian Tribes during the development and implementation of the MMPs.</p>
69648-3	The presence of LEs should be increased greatly above the part-time position currently employed. No major land disturbing activities should be allowed. Interpretation needs to be improved to enhance visitor experience.	<p>Agency staffing and funding levels are administrative decisions and are beyond the scope of the development of the MMPs. The MMPs/EIS is a programmatic analysis of planning-level decisions. Site-specific efforts to protect sensitive resources, such as biological soil crusts, will be addressed at the implementation level rather than the land use plan level. Specific management actions regarding trails and transportation routes will be addressed in a separate implementation-level travel management plan. The MMPs/EIS includes designation of OHV closed and OHV limited areas. OHV limited areas would limit OHVs to designated routes and would not create additional disturbance to soils. Current travel management includes signage, appropriate route restoration, and education enforcement of the travel plan as applicable in the BENM.</p>
68054-1	Continue to allow livestock grazing and firewood gathering as well as hunting is good policy.	<p>Hunting, trapping, and fishing within the State of Utah are regulated by the State. The BLM and USFS will coordinate, as appropriate, with the State of Utah Division of Wildlife Resources regarding any potential impacts from these activities on Monument objects and values. The agencies must also address Secretarial Order No. 3356, regarding hunting and recreational shooting, in a way that is consistent with the proper care and management of Monument objects and values. The range of alternatives analyzed in the MMPs/EIS include allowing livestock grazing and firewood gathering in the BENM.</p>

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H.12-5	Please don't give "lip service" as Bears Ears is managed. Really manage it, manage the visitors too. Have some sites to send everyone to and protect the other sites.	The MMPs/EIS analyzes a full range of alternatives for the proper care and management of Monument objects and values. This includes identifying specific sites as Public Use (Developed) and limiting access to other sensitive archaeological sites, are outlined in Appendix E and Appendix G of the MMPs/EIS.
V.03-2	I think that Alternative B is appropriate because by placing strong restrictions on recreational use in sensitive areas we can effectively protect these cultural resources.	See responses to H.12-5 and ALT-1.
V.08-1	I don't want nobody using their ATV on the road or just making new roads because you're killing the herbal plants. And to the Anasazi ruins, our traditional ways, we don't want them inside the ruins. These people come walk in these areas. If there's an Anasazi ruin there, it's like going to a graveyard.	See responses to REC-1, REC-3, A.55-5, and H.12-5.
F15-4	Prioritize consultation and meaningful engagement with the tribal nations that petitioned for protection of the Bears Ears landscape: the Navajo Nation, Hopi Tribe, Ute Mountain Ute Tribe, Pueblo of Zuni, and Ute Indian Tribe. Work with these tribes to develop and implement a plan to better manage cultural resources, including maintaining the option to close or reroute trails when cultural resources are threatened.	See responses to PUBL-1, PUBL-5, REC-8, and H.19-8.
103153-2	Daily permit maximums at sensitive areas such as Moon House should be maintained at 20 and not increased to avoid destruction of sites due to the natural consequence of increased visitation.	The MMPs/EIS analyzes a range of management actions regarding permit limits and thresholds. Individual Special Recreation Permits (ISRPs) would continue to be required to access the Moon House under all alternatives. The Moon House is also limited to day hiking under all alternatives. The MMPs/EIS provides a range of additional protections for the Moon House, discussed in Table 2.9. While none of the alternatives in the MMPs/EIS would increase the maximum number of ISRPs available beyond those allowed in the 2008 Monticello RMP, some of the alternatives would reduce the number of ISRPs available on a daily basis to 20, which is the current limit for BLM permits. Should monitoring indicate that impacts are negatively affecting cultural resources in the Moon House RMZ, BLM could adjust group sizes through an implementation-level management action.
103118-2	I noticed a great number of campers in the southern section that is no longer in the protected zones. How do we protect our fossil sites that are adjacent to the current road from those who may choose to urinate or literally defecate in a nearby shallow area and damage the fossils that have yet to be collected with valid permits? Without the expanded monument, I see no way to provide toilet stops. How do we ensure that visitors stay off the many areas with fragile biocrusts? There is NO signage to warn people in these areas that have been removed from the earlier Presidential declaration. I see quite a bit of damage in areas with perhaps well meaning visitors that have no toilet facilities. How do we provide trash bins and notices to keep these areas clear from camper's who neglect to carry out their cigarette butts?	See response to ALT-4. The MMPs/EIS includes a full range of alternatives to address visitor impacts on resources within the BENM, including paleontological resources and soil crusts (see Section 2 and Appendices D, E, G, H, I, J, and M of the MMPs/EIS). Development of site-specific facilities, including restrooms and trash collection are implementation-level decisions that are beyond the scope of the landscape-scale MMPs. These types of site-specific management actions could be considered by the agencies in future implementation-level plans.
134747-13	As far as recreation and visitor services, including the protection of paleontology, and cultural resources, we can not rely only on self regulation and education. More Field Rangers through the BLM and USFS is of utmost importance and more Law Enforcement Rangers need to make a big presence, especially as visitor use goes up in numbers. Popularity and overcrowding might not occur within the next few years, but land managers need to think long term and what is best for the Monument for the future.	Agency staffing and funding levels are administrative decisions and are beyond the scope of the development of the MMPs.
140548-2	To better preserve these sites, the best alternative is to have a NPS employee act as 'site steward' on location. Members of the local communities would be ideal for these positions.	See response to REC-3. The National Park Service (NPS) has participated in the development of the MMPs as a cooperating

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H.61-10	<p>P. 3-42 3.11.2.2.1. Impacts Common to All Alternatives Impacts from Proposed Travel Management</p> <p>Some readers may not understand that the individual routes deferred to subsequent implementation-level travel planning are only those routes in the 'Limited to OHV Use' areas. Our understanding is that existing routes in any areas 'Closed to OHV Use' in the plans would be closed with the signing of the Decision Record for the plans.</p>	<p>agency. None of the alternatives analyzed in the MMPs/EIS would preclude the development of a site steward program.</p> <p>Text in Section 3.11.2.2.1 has been revised to state, "Designating areas as closed to OHV use would result in the immediate closure of any existing OHV routes in these areas, which would support non-motorized user's opportunities and help maintain a natural recreation setting but would limit OHV users' ability to pursue motorized activities in certain areas."</p>
A.15-1	<p>Organizations like RMFI, The Access Fund, Friends of Indian Creek, The American Alpine Club and many others have dedicated many years funding as well as professional and volunteer labor to the well being of the area, often with very little support from the local Field Office. It is a serious error that the prepared AMS neglects to mention any of the dedicated stewardship projects enacted within the Indian Creek Unit (2.10.4.2.2 – 2.9) over the last 25 years.</p>	<p>The agencies agree that these organizations have provided valuable assistance.</p> <p>The purpose of the public review period is largely to solicit substantive comments on the MMPs/EIS that would affect the comparative analysis of alternatives and the subsequent ability of the decision maker to make an informed decision. The AMS (BLM 2018) has provided adequate information to inform the development of alternatives and the development of the affected environment for the MMPs/EIS and will not be revised. If a deficiency in the AMS negatively affects the analyses in the MMPs/EIS, the agencies will revise the NEPA documents accordingly. The agencies have reviewed the suggested changes to the AMS and determined that revising the AMS is not necessary at this time.</p>
A.15-3	<p>Particular attention need be paid to how camping (both official and dispersed) has affected (and considering trends in use, threatens) the desert throughout the area. Particularly, the plan for managing camping within the Indian Creek Unit seems very lacking. I dread that your oversimplification of the issue is pushing this area to follow the fate of BLM hotspots such as Red Rock Conservation Area to loggerheads with a significant user group (climbers) that has been an invaluable partner in stewarding this area since well before others were paying attention to this area.</p> <p>The BLM taking over traditional dispersed camping areas (Superbowl Campground) that were originally developed with climber labor and funds (open concept latrines were funded by Access Fund, Friends of Indian Creek and other climbing companies).</p> <p>Camping fees were illogically determined by drawing inappropriate comparisons to fees paid by other user groups who frequent the Moab area (2015's Campground Business Plan). Little attention was paid to the particular characteristics of the climber user-group who frequent the Indian Creek Unit and extremely wishful budgets were drawn up that have caused shortfalls and issues ever since. Since then fees have gone up dramatically and confrontations seem to be increasing between climbers and BLM staff.</p> <p>Climber warnings that such inappropriately high fees for camping would not be respected (especially without enforcement!) or would cause greater numbers to spread out into the desert were not heeded and we are seeing users spreading out throughout the desert at an unprecedented level. On a trip to Indian Creek two weeks ago I witnessed people (presumably all climbers) camping at literally every feasible parking area in the unit. This is the first time that I have ever seen such spreading out of campers.</p> <p>Camping represents one of the larger impact issues of the prominent and very particular recreational use of the unit: climbing. Previous attempts to simply duplicate this recent approach to address (formalizing a campground at the Bridger Jacks and adding the Shay Mountain Vista Campground) these issues is</p>	<p>The alternatives analyzed in the MMPs/EIS include a range of options for addressing dispersed camping. This includes a management decision common to all alternatives that requires development of an implementation-level Recreation Area Management Plan/Business Plan to manage camping consistent with the proper care and management of Monument objects and values. The implementation-level Recreation Area Management Plan/Business Plan will be developed after the adoption of approved MMPs and will allow for additional public and stakeholder involvement, American Indian Tribal consultation, and consideration of the preferred approach for camping management in the BENM.</p> <p>Agency staffing and funding levels are administrative decisions and are beyond the scope of the development of the MMPs.</p>

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	very concerning. We need to pay more attention to and look for better/more creative solutions to mitigate these issues more effectively. I do not see high chances of success if you keep on your current course.	
A.17-6	We are also concerned about the provisions for target shooting within the Monument. Target shooting, if allowed at all within the Monument, should be limited to small, controlled areas. The proposal in Alternate C and D to prohibit target shooting near “cliffs, climbing walls, paleontological resources, and cultural resource sites” seem so us unenforceable. Examples of damage to rock art by target shooting are innumerable and many target shooters are simply unaware of the cultural resources in an area and of the damage they are causing. We would prefer Alternative B, which prohibits target shooting within the Monument.	See responses to ALT-1 and REC-15. The MMPs/EIS analyzes a range of alternatives addressing target shooting (see Sections 2.4.7.4 and 2.4.7.5 of the MMPs/EIS). If target shooting is allowed in the BENM and conflicts with or impacts to Monument objects and values, or other uses of the Monument, the BLM and USFS would address these issues by implementing appropriate restrictions at the implementation level.
A.13-1	National Monuments are part of the National Conservation Lands where conservation is a priority and protection is primary. Planning should move forward to address the urgent issue of increased visitation. In October 2018 we were shocked by the number of folks spreading to dispersed camping sites w/o adequate bathrooms or staff for education, interpretation and monitoring especially near sensitive sites. Well-planned visitor sites with marked trailheads as on could take the pressure off more sensitive areas.	See response to A.15-3.
A.41-4	Alternative D in the cultural resource section of Chapter 2 contains a requirement that the BLM and Forest Service “work with climbing organizations and SRP/SUP holders to increase volunteer monitoring and to educate climbers” in order to mitigate negative impacts. Open dialogue between the public and land managers is an important tool to protect Monument objects and values. All alternatives should require the BLM and Forest Service to consult with climbing organizations prior to restricting climbing opportunities. Whether through reroute or other creative options, the least restrictive means to avoid cultural resource conflicts could be found through consultation with affected recreational groups. Such public outreach and mitigation measures should also be included in Alternative B.	See response to ALT-1. For those alternatives that do not explicitly include the requirement for public outreach and coordination with climbing organizations, the agencies still have the option of coordinating with those groups when recreational impacts are identified and prior to implementing management actions to correct these impacts. If appropriate, these management actions could be taken on a case-by-case basis at the implementation level.
A.41-7	There is not an adequate range of alternatives regarding mechanized trails on the Comb Ridge formation west of Butler Wash.17 Alternatives B, C, and D all prohibit the development of additional mechanized trails. At least one alternative should analyze the possibility of providing additional mountain bike opportunities in that area. Additionally, Arch Canyon Backcountry RMZ, which is found within an inventoried roadless area, also does not contain a full range of alternatives regarding mechanized use. Roadless areas do not contain designated routes for motorized vehicles; however, they can contain mechanized trails and allow mechanized use. A full range of alternatives should include an alternative that at least allows the possibility of mechanized use. Neighboring Arch Canyon RMZ provides an alternative including mechanized use. A similar range in Arch Canyon Backcountry RMZ might lead to more fluid and common management across both RMZs.	The alternatives that would prohibit new OHV and mechanized trails on the Comb Ridge formation are meant to protect sensitive archaeological and paleontological resources that are identified as Monument objects and values. The alternatives were developed in light of new pressures on these resources that have been identified since the development of the 2008 Monticello RMP. Note that Alternative A would allow for new mechanized routes. Accordingly, this possibility has been analyzed in detail as part of the range of alternatives in the MMPs/EIS and can be considered by the Authorized Officer when the MMPs decisions are made.  The BLM and USFS are open to working with the State of Utah and other stakeholders to find appropriate locations for new mechanized trails in the BLM Monticello Field Office.
A.41-8	Throughout the recreation section, the alternatives create group stock use event limitations. These stock number limitations are often substantially lower than vehicle group limitations. Vehicles make more noise and have a larger footprint than stock animals. For the sake of consistency and clarity, it would make sense to increase group stock limitations to equal vehicle limitations except where there are specific resource concerns.	Stock use does not always occur on the same trails/routes as OHV use and can have different impacts in different locations than OHV use. Also, note that stock use is allowed to travel cross-country, while OHV use is not. The MMPs/EIS has been revised to clarify the definition and intent of group size limitations and thresholds- (see Section 2.4.7.3).
A.41-9	Alternatives B and C for the McLoyd Canyon –Moon House RMZ allow 20 private permits and 16 commercially guided tours of the Moon House each day. There should be language included in these alternatives allowing commercially allocated permits to be issued to private visitors if all of the	See response to 103153-2. As identified in the MMPs, the number of ISRPs that would be issued for the site are planning-level decisions. The BLM and USFS may adjust how these permits are allocated in the



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	commercial permits are not allocated in any given day. In other words, 36 private and commercial permits should be issued regardless of private or commercial status if low demand exists for certain types of permits on certain dates or during certain seasons of the year. If the resource can handle those levels of visitation, it should not matter whether they occur commercially or privately.	future to address proper care and management of BENM objects and values as long as the agencies do not increase them above the maximum allowed for each category. Any increases above the maximum allowed would require a land use plan amendment. The BLM is not currently allowing visitation beyond 20 people per day. If the agency were to increase the number of permits issued to include an additional 16 permits for guided groups, the agency would prefer to evaluate and monitor the impacts of this change before allowing these permits to be issued to unguided groups, as guided groups generally cause fewer resource impacts than unguided groups.
A.47-29	We strongly support additional and enhanced visitor facilities within Comb Ridge area, as it practically has become a “front country” area. This region is seeing significantly increased visitation due to its accessibility and spectacular cultural resources. However, a lack of restroom facilities, educational/interpretive signage, marked trailheads, and designated trails mean this area is essentially being managed by Google and not the BLM. The Wolfman Panel, Procession Panel, Monarch Cave, Fishmouth Canyon, Target Cliff Dwelling, Tower House, and Over-Under Cliff Dwellings are all exceedingly well-known sites that are easily found on the internet (or in multiple guidebooks) and are receiving significant visitation. Rather than procrastinate on visitor management planning and facilities, the RMP should call for the timely implementation of a practical strategy to direct visitors to these well-known sites, provide them the much-needed education while they are there, and provide facilities to address human waste issues. Such a plan would significantly reduce the impact on the many other sites in the area while improving the visitor experience and ensuring hikers are learning how to Visit with Respect out on the landscape.	The MMPs/EIS includes decisions such as designating some of these sites as Public Use (Developed) and establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment. Specific decisions regarding construction of developed campgrounds, marked trailheads, and other visitor facilities will be made as part of an implementation-level plan. The MMPs/EIS includes a full range of alternatives providing direction to guide the development of those implementation-level recreation and infrastructure decisions (see Section 2.4.7 of the MMPs/EIS).
A.47-31	Arch Canyon Recreation Management Zone There are no group size limits proposed for Arch Canyon. The final alternative should put a cap on group sizes and vehicle numbers for permitted and non-permitted use of the RMZ.	The MMPs/EIS analyzes a range of group size thresholds for Arch Canyon RMZ and Arch Canyon Backcountry RMZ. When these thresholds are exceeded, the agencies would require an SRP. Consideration of a site-specific SRP provides an opportunity to determine if a group size limit is necessary to provide for the proper care and management of Monument objects and values.
A.47-32	McLoyd Canyon-Moon House Recreation Management Zone We support the change in visitor services from a middle-country to front country operational approach because of the number of people trying to visit Moon House and the difficulty in communicating permit requirements and regulations to those visitors during an increasingly-long visitor season.	The alternatives analyzed in the MMPs/EIS include a range of management actions for visitor services in the McLoyd Canyon-Moon House RMZ. The BLM is amenable to exploring opportunities to improve visitor services for the site, which can be addressed through subsequent implementation-level management actions.
A.47-34	The South Elks/Bears Ears Roaded Natural Zone We support an alternative that focuses USFS-based recreation in this zone. Educational signage will be critical in this area, as it is receiving a lot of vehicle travel to and from the Bears Ears buttes. We hope agencies work closely with Tribes on signage and questions of access to tops of the Bears Ears Buttes.	The MMPs/EIS identifies the South Elks/Bears Ears Roaded Natural Zone as a frontcountry recreation area where recreation development in the Monument on USFS lands would be focused. Specific decisions regarding educational signage are not land use plan decisions and would be made in subsequent implementation-level planning efforts. The BLM and USFS will continue to consult with American Indian Tribes during the implementation of the MMPs, as described in Appendix F.

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A.47-35	The final MMP should prohibit camping in alcoves because many alcoves are cultural sites that may not be identifiable to the untrained eye and can be damaged by camping.	Under management common to all alternatives analyzed in the MMPs/EIS (Section 2.4.1.2), camping would not be allowed within historic and prehistoric structures. Additional camping restrictions may be developed during the development of an implementation-level Recreation Area Management Plan/Business Plan, which would be developed within 3 years of the cultural resources management plan.
A.47-36	We support an implementation-level camping plan as outlined in Section 2.4.7.2. and to be completed within 3 years. The final selected alternative should provide land managers the opportunity to temporarily restrict camping in an area where cultural resources or natural resources are being or are at risk of being irreparably damaged.	It is within the BLM's and USFS's implementation-level management authority to temporarily restrict camping and other activities if cultural or natural resources, particularly Monument objects and values, are at risk of being irreparably damaged. See also response to ALT-1.
A.47-37	We support a prohibition of campfires in alcoves because many alcoves are cultural sites that may not be identifiable to the untrained eye and can be damaged by camping. Modern charcoal can affect the archaeological record, making data and stratigraphic chronology difficult to understand.	Under management common to all alternatives analyzed in the MMPs/EIS (Section 2.4.1.2), camping would not be allowed within historic and prehistoric structures. The agencies have added an action common to all alternatives in Section 2.4.1.2 that would prohibit campfires in archaeological sites. Additional camping restrictions may be developed during the development of an implementation-level Recreation Area Management Plan/Business Plan, which would be developed within 3 years of the cultural resources management plan.
A.47-39	target shooting, including with paintball guns, is particularly problematic near cultural sites, roads, and heavily visited areas. We support a final alternative that includes the language in Section 2.4.7.2. that "Discharge of firearms would be prohibited in all developed recreation sites (e.g., campgrounds, trailheads, picnic areas, etc.) per 43 CFR 8365.2-5(a)." The language in Section 2.4.72. should be broadened to include cultural sites as areas where the discharge of firearms would be prohibited. We recommend a specific distance from cultural sites where target shooting should be prohibited.	The MMPs/EIS management common to all (Section 2.4.7.2) has been revised to include a prohibition on shooting at and within cultural sites. Agencies have determined that mandating prohibitions on shooting within a specific distance from cultural sites would not be practicable, though additional text about posting signs notifying visitors of restrictions and considerations of implementing supplemental rules has been added to Section 2.4.7.4 of the MMPs/EIS.
A.47-40	We strongly support a prohibition on pets and pack animals in all cultural resource locations listed on or eligible for the NRHP with the exception of historic roads and trails. However, we are concerned that the public has no way of recognizing the difference between an eligible and ineligible site. Therefore, we encourage the Agencies to communicate this message to the public by simply saying that "pack animals and pets are not allowed in any archaeological site." If need be, additional language in the plan could say that enforcement activities will be focused on eligible sites.	The range of alternatives analyzed in the MMPs/EIS include a management action to not allow pets in or at any alcoves, rock writing sites, or other non-developed archaeological sites. The range of alternatives analyzed in the MMPs/EIS also include a management action that pet use at developed archaeological sites would be as posted. Enforcement actions are administrative decisions and do not require a plan decision.
A.47-41	FCM strongly supports the provision in Alternative B for the closure of climbing routes to protect cultural sites and paleontological resources. While education and self-regulation are nice and most climbers very much want to protect cultural resources, the agencies should maintain a strong preservation stance and actively decommission routes that can impact eligible cultural sites and avoid user conflicts when/if an eligible site is damage and laws such as ARPA should be enforced.	Under all alternatives analyzed in the MMPs/EIS, BLM and USFS have the option to close or reroute access points, trails, or climbing routes if climber education fails to prevent any ongoing site-specific impacts to cultural resources. Decisions about specific routes or trails could be made during subsequent implementation-level travel planning.
A.47-43	FCM also strongly supports a ban on the use of climbing equipment to approach archaeological sites throughout the monument, as such equipment can cause damage to the site. However, we support an exception that would allow officially sanctioned visits by designated members of Native American tribes with cultural ties to the site with a permit. Allowed visits to sites only accessible using climbing equipment should not be limited only to scientists, but also to tribal cultural leaders as well.	Section 2.4.1.2 of the Proposed MMPs/Final EIS has been revised to clarify that, under all alternatives, ropes and climbing aids would not be allowed to access cultural sites or archaeological resources unless used for scientific purposes, with a permit, for Tribal administrative access, or for emergencies.

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A.47-44	<p>Group size limits are critical to protecting cultural and natural resources. As such, we strongly support group size limits of 12 in Comb Ridge and Mule Canyon south of HWY 95 (common to all alternatives). We are concerned that the draft plan leaves certain areas without appropriate group size limits. This is another area where FCM is concerned that the MMP reduces protections currently in place. Existing group size limitations in Bears Ears should be the ceiling, not the floor, since limiting recreation in space and time is a very effective way of minimizing cultural and natural resource damage. All areas of Bears Ears need specific caps on group size – regardless of whether a group has a Special Recreation Permit (SRP) or not. An SRP or Letter of Agreement is not an excuse for increased impact on the land. As an example, under the preferred alternative, an SRP is required if more than 50 individuals are in a group at San Juan Hill – but it doesn't mention the limits to that SRP size. Arch Canyon also has no group size limits under the preferred alternative. In considering changes to group size limitations, managers should allow for no exemptions to group size limits for organized or permitted groups. We wish to remind land managers that Secretarial Order 3308 directs the BLM to manage National Conservation Lands based on science (“[s]cience shall be integrated into management decisions”), and any proposed exemptions to group size limits should be analyzed on sound scientific reasoning. Instead, agencies should plan for areas where larger group sizes are more appropriate, like in the Trail of the Ancients RMZ. FCM continues to believe that the well-established group size of 12 should be maintained in an area off of a major road or in proximity to cultural resources. Should groups larger than 12 wish to use the area, they should be separated in space and time so as not to congregate in larger groups. At a very minimum, we encourage the agencies to place explicit caps on permitted organized group sizes.</p>	<p>The MMPs/EIS analyzes a range of group size limits and thresholds. The agencies' review of SRP applications allows for an opportunity to review proposed group activities on a case-by-case basis and determine appropriate restrictions to provide proper care and management of Monument objects and values. It is within the BLM's and USFS's management authority to limit group sizes if large group sizes are shown to be inconsistent with the proper care and management of Monument objects and values. Note that Section 2.4.7.2, bullet 5 of the MMPs/EIS provides management common to all alternatives that provides for the development of additional protective group size limits in the implementation-level cultural resources management plan. If implementation-level development of group size limits is outside the scope or levels mandated in the selected MMPs, this implementation-level plan would also require an amendment to the MMPs.</p>
A.47-45	<p>We support including criteria for Special Recreations Permits/Special Use Permits (SRPs) in the Cultural Resource management plan, however, that is two years down the line and organized groups need clarity in the meantime. Friends of Cedar Mesa gets approximately two requests a month to meet with groups that do not have SRPs or LOAs. This shows a need for disseminating clear information on when a permit is required and how one can be obtained. The current regulations for when a permit is needed is somewhat of a “black box,” which causes many who should get a permit to not bother and others who likely don't need one to waste BLM staff time. The final MMP should clarify the distinction between LOAs and SRPs. For example, is one more appropriate for a one-time activity? And do they have different turnaround times? The final MMP should direct the future SRP criteria to specify deadlines and turnaround time for an LOA/SRPs. More clear and transparent regulations and decision-making processes will increase compliance with SRP/LOA requirements and help groups like Friends of Cedar Mesa articulate requirements for organized groups.</p>	<p>Table notes have been added to Tables 2-7 and 2-8 of the Proposed MMPs/Final EIS to clarify the distinction between SRPs and Letters of Agreement (LOAs) as they are described in BLM Handbook 2930-1. Additional text has also been added to appropriate locations in Alternative E that states, “All organized events/activities must be coordinated with the BLM.” Permit turnaround times and other customer service standards are administrative issues and are beyond the scope of the MMPs.</p>
A.47-46	<p>The language in the DMMP suggests SRP-holders would be limited to hiking on designated trails, as is written in the 2008 RMP. This language is unrealistic, as there are very few designated trails in Bears Ears and this would unreasonably restrict the recreation values of the monument. Such a restriction would essentially amount to a monument closure for SRP holders, as there are very few designated hiking trails. Closing the monument except for designated routes is out of keeping of the self-discovery and primitive recreation goals of the National Conservation Lands, as outlined in the 15-year strategy, 5-year plan, and statue.</p>	<p>Text in MMPs/EIS has been revised to clarify where commercial hiking would be limited to designated trails. Under all alternatives, hiking would be limited to designated trails in Shay Canyon and to Moon House.</p>
A.47-49	<p>FCM has seen an increasing problem with human waste in high visitation ears, including at major cultural sites, such as Monarch Cave. We support human waste management practices in Vol. 2. 1.7.1. that should inform regulations. However, regulations must be supplemented by infrastructure in front country settings (like the Comb Ridge and Trail of the Ancients RMZ) to encourage consolidation of human waste and lessen noncompliance. Composting toilets or similar restroom facilities could be located at key parking areas and trailheads, and a minimal amount of waste disposal facilities across the Bears Ears landscape could be placed strategically to reduce waste left on the landscape. Even a minimal</p>	<p>The MMPs/EIS analyzes a range of management actions addressing human waste (Section 2.4.6). The MMPs/EIS includes decisions such as designating sites as Public Use (Developed) and establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment. Specific decisions regarding construction of restrooms and other visitor facilities will be made at the implementation level. The MMPs/EIS includes a full range of alternatives providing direction to</p>

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	investment in waste management would provide significant positive impacts on cultural and natural resource protection, as well as the visitor experience.	guide the development of those implementation-level recreation and infrastructure decisions (see Section 2.4.7 of the MMPs/EIS).
A.47-50	We noted in scoping the need to analyze the use of drones/unmanned aerial vehicles (UAVs). Common to all alternatives is a prohibition of UAVs in WSAs/Wilderness (2.4.3.2.). We support such reasonable limitations and encourage the BLM to extend those limitations to cultural sites, where the sound and visual disturbance can be very distracting to other visitors and downright disrespectful to indigenous people performing ceremony or making pilgrimage. Drones could also easily facilitate looting, allowing views of previously un-photographed artifacts to lure looters into lawbreaking. Likewise, drones should be prohibited at campgrounds where privacy issues, as well as basic decency toward other users trying to experience the outdoors without being filmed.	Drone use in airspace is managed by the Federal Aviation Administration Civil Operations Part 107 (see Section 2.4.3.2 of the MMPs/EIS). However, the agencies have the authority to manage the casual use landing or taking off of drones on BLM- and USFS-administered lands. Additionally, the agencies have the discretion to dictate all aspects of drone use if that drone is being used as part of a permitted activity. The range of alternatives analyzed in the MMPs/EIS includes a full range of alternatives that address drone use where the agencies have discretion. These alternatives include prohibition of casual-use landing and takeoff of UAVs at developed recreation areas (such as campgrounds), all cultural resources sites, WSAs, designated wilderness, ACECs, and the Arch Canyon IRA. Section 2.4.3.2 of the MMPs/EIS also includes restrictions regarding drone use for permitted filming.
A.47-70	Planning criteria should include guidance on educational signage for OHV users in strategic locations. We suggest the Respect and Protect and Tread Lightly campaigns for assistance in developing messaging.	Implementing the suggestion in the comment does not require a land use plan decision. Specific decisions regarding signage for OHV users will be made at the implementation level and during the development of an implementation-level travel management plan.
A.60-1	As the recreational demand has escalated infrastructure has been installed in hopes of mitigating the impact more users. This created an urban/ wilderness interface of toilets and campsites that and now provides a platform from which increasing recreation pressure is exerted on the yet undeveloped parts of Indian Creek in the forms dispersed camping, unpermitted climbing routes, vehicle traffic, human and pet waste, etc., ad nauseam. There is a clear and immediate danger of having this unique system of canyons where agriculture and recreation coexist and people are able to enjoy solitude and physical connection to the landscape replaced with the new urban sprawl of recreation infrastructure: toilets, campgrounds, and parking lots with dispersed camping in between. A vicious cycle that expands into and impacts more of our sacred and special landscapes every year.	Site-specific decisions regarding construction of visitor facilities will be made at the implementation level. Construction of any visitor facilities must be consistent with the proper care and management of Monument objects and values. As discussed in Appendix G of the MMPS/EIS, the BLM and USFS will manage the BENM to provide a range of visitor experiences that includes backcountry, middle country, and front country approaches.  Additionally, note that the BLM has previously developed an implementation-level plan that is in place for the Indian Creek corridor. The MMPs would not modify this existing implementation-level plan.
A.11-9	The document is also devoid of any discussion of the impact of increases in allowable visitation to McLoyd Canyon-Moonhouse (p. 2-17) allowed in the preferred alternative. Similarly, the impact of increased visitation and fewer restrictions on camping in Butler Wash (pp. 2-15, 2-16) on riparian resources and vegetation is not identified. Finally, there is no identification of the types and locations of new visitor facilities (p. 2-14), much less any discussion of the impacts of the development of these facilities. The lack of detail about the impacts of these new or increased activities on cultural resources, vegetation, riparian, wetland, and water resources renders the document incomplete and insufficient.	None of the alternatives in the MMPs/EIS would increase the maximum number of ISRPs available beyond those allowed in the 2008 Monticello RMP, some of the alternatives would reduce the number of ISRPs available on a daily basis to 20, which is the current limit for BLM permits. Should monitoring indicate that impacts are negatively affecting cultural resources in the Moon House RMZ, BLM could adjust group sizes through subsequent management action. Additional text has been added to Section 3.5.2.2.5 of the MMPs/EIS to clarify this statement.  Sections 3.12.2.1 and 3.18.2.2 discuss impacts to riparian areas and vegetation in the BENM resulting from planning decisions for dispersed camping and other recreation activities.  Site-specific decisions regarding construction of visitor facilities in Butler Wash or other areas in the BENM will be made at the implementation level. The MMPs/EIS includes decisions such as

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A.11-12	<p><u>Consistency:</u> The Draft Management Plan is also inconsistent with its Appendices. For example, the Draft Management Plan identifies increased visitation to the McLoyd Canyon-Moonhouse RMZ, but Appendix G (Recreation and Visitor Services Management Framework) indicates no change to existing recreation settings. Similarly, Appendix G identifies increased visitor use as a desired outcome for Arch Canyon RMZ, but the impacts of this increased visitation is not addressed in the Draft Management Plan or the EIS.</p>	<p>designating sites as Public Use (Developed) and establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment. Specific decisions regarding construction of developed campgrounds, marked trailheads, and other visitor facilities will be made at the implementation level. The MMPs/EIS includes a full range of alternatives providing direction to guide the development of those implementation-level recreation and infrastructure decisions (see Section 2.4.7 of the MMPs/EIS). These implementation-level management actions would be required to undergo an appropriate level of environmental review at the time they are proposed, during which the impacts of those management actions would be analyzed and disclosed.</p> <p>See response to A.11-9. None of the action alternatives analyzed in the MMPs/EIS allow increased visitation to McLoyd Canyon-Moon House RMZ over the current maximum group size limit provided for in the 2008 RMP (no more than 36 people permitted per day). Appendix G identifies managing for increased visitor use as a desired recreation setting for Arch Canyon RMZ. The BLM's decisions regarding group sizes, appropriate Public Use sites, and future implementation level decisions related to the placement of visitor facilities are provided to address this desired recreation setting while providing proper care and management of Monument objects and values. Appendix G was developed to manage for existing increased visitation not to promote increased visitation. The impacts of the agencies decisions regarding group sizes and other management that are consistent with the desired recreation setting presented in the appendices are analyzed in Section 3 of the MMPs/EIS.</p>
A.71-12	<p>Furthermore, under all alternatives, the BLM and USFS plan to open all routes to climbing without tribal consultation. The only options to close these routes through agency discretion are under Alternatives C and D, but only after conducting surveys, educating climbers, and working with climbing organizations. Alternative B fails to even consider closing a route if cultural resources are harmed, and instead plans to "implement mitigation." It is altogether unclear why the agency would not have an alternative that allows the agency to close a climbing route if there is a threat to cultural resources. See National Trust for Historic Preservation Comments, Comments on Monument Management Plans for the Bears Ears National Monument Indian Creek and Shash Jáa Units (November 15, 2018).</p>	<p>All action alternatives include the option for the BLM and USFS to close or reroute climbing routes to avoid or reduce impacts to cultural resources (MMPs/EIS Table 2-1). The range of alternatives analyzed in the MMPs/EIS include a management action to implement preliminary monitoring and climber education steps prior to exercising the option to close or reroute climbing routes if impacts are ongoing. The range of alternatives analyzed in the MMPs/EIS includes the option to close or reroute access points, trails, or climbing routes if climber education efforts fail and monitoring shows that site-specific impacts to cultural resources are ongoing.</p> <p>Additionally, text in Table 2-1 has been revised to require the agencies to consult and resolve any identified adverse effects to historic properties, as per 36 CFR 800.</p>
A.16-1	<p>we believe that the BLM should select a management direction in this plan that maintains the primitive character of Indian Creek, preserving its outstanding landscape qualities. The Climbing Organizations believe that the BLM should also consider the unique and world-class climbing opportunities at Indian Creek when developing management alternatives and implementing related decisions. There is no other climbing area in the world like Indian Creek and this recreational value should be emphasized in any management initiative that is established for BENM and Indian Creek specifically.</p>	<p>The MMPs/EIS analyzes a range of alternatives that address recreational experiences in the Indian Creek Unit. However, increased visitation to the Indian Creek Unit may warrant additional visitor facilities to help address potential adverse impacts to resources resulting from increased dispersed camping, increased social trails, increased human waste disposal issues, and other factors. Site-</p>

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A.16-3	<p>The Climbing Organizations urge the BLM to dedicate significant amount of planning resources and develop a comprehensive plan for the Indian Creek corridor as part of this travel plan to address existing and future climbing use patterns. This master plan is critical for the BLM to make informed decisions about current and future needs for the Indian Creek area and should document existing trails, foreseeable future trail needs, high-use staging areas at the base of popular climbing cliffs, parking areas, approach roads (including gate policies), and high-use trailheads. This plan could be identified as a “climbing area facilities plan” (perhaps a subset of the transportation plan) and address the many existing and needed access trails to dozens of walls throughout the popular Indian Creek corridor, consistent with the Visual Resource Management (VRM) standards supported below. The BLM should initiate this travel plan as soon as possible following the completion of the final MMP; the Climbing Organizations and our partners offer assistance with the research and development of this “facilities” plan, many details (mapping and otherwise) which we have already obtained.</p>	<p>specific decisions regarding construction of visitor facilities in the Indian Creek Unit will be made at the implementation level and would need to undergo an appropriate environmental review, public involvement, and American Indian Tribal consultation at the time they are proposed.</p> <p>Additionally, note that the BLM has previously developed an implementation-level plan that is in place for the Indian Creek corridor. The MMPs would not modify this existing implementation-level plan.</p>
A.16-4	<p>The Climbing Organizations urge the BLM to also develop an extensive map/survey that identifies existing campgrounds, dispersed camping areas and authorized camping areas that have not yet been built (such as the Shay Mountain Campground). For Indian Creek, this camping analysis could be part of the “climbing area facilities plan” proposed above; such a mapping initiative could build on existing surveys and serve as a very useful tool when considering how to address camping needs that currently exist at Indian Creek as well as foreseeable future needs. As part of this process, the BLM should consider whether any additional campgrounds should be developed within the Indian Creek Unit, and if the agencies should decommission any existing campsites. Again, the Climbing Organizations offer our resources to develop this master camping survey that should be developed as part of a “climbing area facilities plan” since climbing use patterns for access trails and transportation are directly related to camping area needs (including waste disposal).</p>	<p>See response to A.16-3.</p>
A.16-8	<p>The Climbing Organizations support the direction in Alternative C that allows climbing on “arches” and “hoodoos” in the Shash Jáa SRMA, but we support the use of climbing hardware necessary to safely climb and descend these outstanding climbing objectives. We support best practices that mitigate visual impacts, such as requiring any fixed anchor to be camouflaged, and we support additional adaptive management actions addressing locations where visitor-use monitoring indicates that high levels of visitor encounters may lead to social conflicts.</p>	<p>The range of alternatives analyzed in the MMPs/EIS includes a management action that would leave open all access points, trails, and climbing routes subject to monitoring for potential site-specific impacts, which would be addressed through climber education or potential closures or reroutes if impacts are ongoing. The range of alternatives analyzed in the MMPs/EIS also includes a range of management actions related to the placement of fixed hardware. See also response to ALT-2.</p>
A.26-4	<p>OHV uses is a potential threat to paleontological resources if the route passes over fossiliferous strata, but vehicle access is often needed to conduct paleontological field research, especially for removing fossils from the field. OHV use should only be allowed in the monuments for management activities or by special permit for activities consistent with the protection of Monument objects and values.</p>	<p>The MMPs/EIS analyzes a range of management actions regarding OHV use in the BENM. The BLM and USFS must ensure that any OHV use allowed in the BENM is consistent with the proper care and management of Monument objects and values and the management direction provided by Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Accordingly, management common</p>

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A.26-10	Target shooting poses a serious threat to paleontological resources, depending upon the location and whether there is risk of outcrop being struck. Shooting toward geologic features and paleontological resources must be prohibited.	to all alternatives in the MMPs/EIS directs that all implementation-level travel planning follow planning level criteria for proper care and management of these values (see Section 2.4.12.2 of the MMPs/EIS). Permitted or administrative OHV use needed to conduct paleontological field research could be permitted under all alternatives in the MMPs/EIS.
A.26-23	In order to increase public awareness of the significance of paleontological resources on those lands, it is critical to disseminate scientific findings made by both monument staff and external partners as well as associated education and outreach, in the form of news media coverage, documentary television programs, websites, museum exhibits, and visitor center exhibits. Many areas of the monument units still have not been surveyed for their paleontological resources. Establishing well-structured and well-funded research, education, and outreach programs should be a high management priority to ensure that the paleontological resources of the new monument units and the lands now excluded can be appreciated, protected, and shared.	A land use plan decision is not needed to implement the suggestions provided in the comment. However, Section 2.4.6.1 of the MMPs/EIS includes an overall planning goal to promote scientific, educational, and interpretive uses of paleontological resources. This goal will guide implementation-level decisions regarding specific educational programs, interpretation opportunities, and outreach activities.
A.26-24	The BLM should establish at least one visitor center at each of the two monument units to promote understanding of the cultural and scientific resources of the area, including paleontology. Results of paleontological research should be disseminated to visitors through interpretative public displays, public programming, exhibitions, publications, and discussion forums. Each visitor center should include exhibits and programs on the paleontology of the monument and surrounding areas, especially in the region around the center, embedded with tribal interpretations of the land, its history, and its fossils.	Site-specific decisions regarding construction of visitor facilities in the BENM will be made at the implementation level and will be subject to the availability of funding and other considerations. The MMPs/EIS includes decisions such as establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment. Specific decisions regarding construction of developed campgrounds, marked trailheads, and other visitor facilities will be made at the implementation level. The MMPs/EIS includes a full range of alternatives providing direction to guide the development of those implementation-level recreation and infrastructure decisions (see Section 2.4.7 of the MMPs/EIS). See also response to A.26-23.
A.32-1	WSC also supports planning for the development of "hiking paths and trails if consistent with maintaining [monument] objects and values." This plan should document existing and future trail needs, roads and parking areas, and trailheads to accommodate the growing number of hikers and cyclists to Bears Ears National Monument. In addition, this plan should assess future opportunities for mountain bike trails throughout the monument that can avoid sensitive cultural, paleontological and natural resources, while also considering new biking trails that could provide the public important opportunities to experience monument objects and values.	The BLM and USFS will develop an implementation-level travel management plan that will be guided by the landscape-scale management direction provided in the MMPs. The implementation-level travel management plan will assess existing motorized/mechanized trails and routes, as well as future needs and opportunities regarding motorized/mechanized trails and routes (see Section 2.4.12 of the MMPs/EIS). See also response to A.41-7.
A.75-24	BLM and USFS should establish unified recreation management zones and descriptions for BENM, with BLM adopting the USFS's recreation opportunity spectrum (ROS) classifications (e.g., primitive, semi-primitive nonmotorized, semi-primitive motorized, and roaded natural). See Draft MMP 3-37. As identified in our scoping comments, the agencies should adopt recreation management zones (RMZs) labeled as: passage, motorized backcountry, primitive, and pristine.  Identifying cohesive RMZs throughout the Monument would help guide the comprehensive travel and transportation management process, as well as other management decisions and prescriptions in the	The creation of Special Recreation Management Areas (SRMAs), Extensive Recreation Management Areas (ERMAs), and RMZs, as well as the Recreation and Visitor Services Management Framework found in Appendix G of the MMPs/EIS, address how the BLM and USFS intend to manage recreation in different parts of the BENM, and will help guide the travel management planning process. Each agency would manage according to its respective required recreational

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	MMP. This process would be much easier to establish and follow than the “existing and desired recreational settings” identified in Appendix G of the Draft MMP. Additionally, the designation of these RMZs would be helpful to implement the primary activities and experiences identified for each zone.	management framework and are coordinating through this MMPs/EIS process to ensure consistency in management.
A.75-28	<p>South Elk / Bears Ears Roded Natural Zone</p> <p>We support an alternative that focuses on USFS recreation in this zone. It is extremely important for the agencies to invest in educational signage, as it is receiving an ever-increasing amount of vehicle travel for visitors seeking to travel to and from the Bears Ears buttes. We encourage the agencies to focus substantial effort to work in meaningful collaboration, ideally in comanagement, with the five interested Tribes on signage and decisions on access to the Bears Ears Buttes.</p>	Decisions regarding specific educational signage and other visitor facilities will be made at the implementation level and guided by the recreation setting decisions made in the MMPs. American Indian Tribal consultation and coordination will be ongoing during the development and implementation of the MMPs, as described in Section 4.4 and Appendix F of the MMPs/EIS. See also responses to PUBL-1, PUBL-2, and PUBL-1.1.
A.75-29	<p>Recreation Management Areas</p> <p>We generally support the designation of Extensive Recreation Management Areas (ERMAs) and Special Recreation Management Areas (SRMAs). As highlighted in depth in our scoping comments, ERMAs are particularly useful for quiet recreation activities, and benefit from being overlapped with LWCs and ACECs. BLM can use SRMAs to create management that maintains or enhances the desired conditions (i.e., the desired conditions can be aspirational).</p> <p>We support managing the Comb Ridge SRMA as a frontcountry physical setting due to the ever increasing amount of visitation. This region deserves prompt attention in developing interim management prescriptions (prior to the implementation-level recreation plan) due its high use and lack of resources such as restrooms, educational/interpretive signage, marked trailheads, and designated trails.</p> <p>Some of the most visited sites that require immediate interim management are: Wolfman Panel, Procession Panel, Monarch Cave, Fishmouth Canyon, Target Cliff Dwelling, Tower House, and Over-Under Cliff Dwellings. The MMP should lay out specific timelines for implementation strategies to direct visitors to these well-known sites, provide them with much needed education while they are there, and provide facilities to address human waste issues.</p>	<p>The range of alternatives included in the MMPs/EIS includes designation of ERMAs and SRMAs, some of which overlap with other special designations, which would guide the management of recreation in the BENM. The MMPs/EIS also includes decisions such as designating some of these sites as Public Use (Developed) and establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment. Specific decisions regarding construction of developed campgrounds, marked trailheads, and other visitor facilities will be made at the implementation level. The agencies have included timeframes for the development of the implementation-level plans identified in the MMPs/EIS.</p> <p>The BLM and USFS are currently addressing increased visitation through management actions that include, but are not limited to, cultural site stabilization, cultural monitoring, adjustments to staffing, revisions to the permit system, and an expanded site-stewardship program. Visitor management activities under the existing 1986 Manti-La Sal LRMP and 2008 Monticello RMP, which include measures to protect sensitive resources, will remain in effect until the BENM MMPs are approved. The MMPs/EIS analyzes a range of alternatives that include monitoring and adaptive management approaches to addressing potential impacts to BENM resources from increased visitation. Appendix E of the MMPs/EIS also addresses strategies for protecting sensitive cultural resources sites in the BENM from potential impacts from increased visitation. See also responses to CUL-3 and A.47-19.</p>
A.75-31	<p>Approved recreational activities must be in line with the protection of Monument objects.</p> <p>1) Camping. Campfires should be permitted only on a site-by-site basis or through the broader RMZ designation, as appropriate. Campfires should not be permitted in alcoves as they can cause irreparable harm to cultural sites.</p> <p>ii. We are concerned with the “dead and down” campfire wood collection policy. The availability of firewood should dictate where campfires are allowed. Avoid areas such as Comb Ridge and Butler Wash where direct impacts to the landscape have already been noticed. iii. Camping should not be permitted in alcoves because many alcoves are cultural sites that are not easy to identify by the untrained eye and are easily susceptible to damage from visitation, especially camping. iv. Camping should be restricted to designated sites with the opportunity to open certain areas to dispersed camping. Alternative B makes the most sense in the interim, as BLM and USFS are working to sift through recreation needs and</p>	<p>See responses to A.15-3, A-47-37, ALT-4, and ALT-1. The MMPs/EIS analyzes a range of management actions regarding campfires and camping that address potential impacts to cultural resources and other BENM resources.</p> <p>Any management actions approved in the MMPs or at the implementation level must be consistent with the proper care and management of Monument objects and values.</p> <p>Alternatives A and E would exclude all developed recreation sites, livestock/wildlife exclosures, cultural sites, and the Indian Creek</p>



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A.75-32	<p>assessing potential impacts throughout the Monument. Once an area is open to camping or impacts are noted, it will be extremely difficult to curtail or restrict.</p> <p>Approved recreational activities must be in line with the protection of Monument objects: There should be no target shooting permitted within BENM. Target shooting is inconsistent with the protection of Monument objects as set out in the Proclamation.</p>	<p>SRMA from all woodland product use, including on-site collection of dead wood for campfires.</p> <p>See responses to ALT-1 and REC-13. The MMPs/EIS analyzes a range of management actions regarding target shooting that addresses potential impacts to BENM resources. The range of alternatives analyzed in the MMPs/EIS include a management action that prohibits target shooting near cliffs, climbing walls, paleontological resources, and cultural resource sites and localities listed on or eligible for the NRHP; in WSAs within 600 feet of designated recreation sites including campgrounds; and within designated recreation sites including campgrounds, buildings, trailheads, and designated dispersed camping areas. Additionally, shooting toward natural and/or geologic features would be prohibited (see Chapter 2 of the MMPs/EIS).</p> <p>Any management actions approved in the MMPs or at the implementation level must be consistent with the proper care and management of Monument objects and values.</p>
A.75-37	<p>As acknowledged in the Draft MMP, “[w]here recreation activities are concentrated, the greatest potential direct impact to cultural resources is surface disturbance from excessive visitation and the potential increase in site vandalism and looting.” See Draft MMP 3-12. As such, it is imperative that the agencies have flexibility to monitor and engage in adaptive management techniques when cultural resources or other Monument objects are at risk or are being impacted or destroyed.</p> <p>We agree with Alternative B’s approach to limit hiking to designated trails, where present, in areas with a high likelihood for cultural resources, as this would “provide the greatest protections for cultural resources.” See Draft MMP 3-13. Additionally, we support Alternative B’s prescription to give the agencies the option to close routes or implement mitigation to avoid impacts to cultural resources if the impacts are occurring. Id. at 3-9. The “tread lightly” principals presented in Alternative C and Alternative D may be a useful tool in the toolbox, but, as the agencies acknowledge in the Draft MMP, are not sufficient mechanisms to avoid any additional impacts. Id. At minimum, the preferred alternative must adopt adaptive management and limitations that are outlined in Alternative C to ensure Monument objects are appropriately protected. See Draft MMP 3-43.</p>	<p>See response to ALT-2. The MMPs/EIS analyzes a range of management actions to address potential impacts to cultural resources from recreational users, including options to close or reroute access points, trails, and climbing routes under all action alternatives if impacts cannot be addressed through other means. All alternatives analyzed in the MMPs/EIS also include a Monitoring Strategy (Appendix M) and a Cultural Resources Monitoring Framework (Appendix D). These plans would allow for ongoing monitoring and adaptive management of cultural resources and recreation in the BENM.</p> <p>Additionally, the range of alternatives analyzed in the MMPs/EIS includes adaptive management action stating that if degradation of sensitive resources is observed or documented through monitoring in areas with designated trails, hikers would be encouraged to stay on the trail and leave no trace through placement of signs and/or use of barriers. If impacts from off-trail hiking continue, hiking off-trail could be prohibited (Section 2.4.9.3 of the MMPs/EIS).</p>
A.59-2	<p>Similarly, it might make more sense to align regulatory considerations around camping requirements and waste disposal for backcountry users who enter the monument from adjacent BLM or USFS lands. NOLS asks that the agencies consider a broader perspective in the context of recreation management to help avoid user conflicts and not accidentally discourage primitive backcountry recreation on this landscape. Aligning management within the monument with the management of adjacent lands outside the planning area is important for keeping this landscape contiguous for backcountry recreation.</p>	<p>The BLM and USFS considered existing management of surrounding lands as part of the development of the MMPs/EIS, including inviting adjacent land management agencies to participate in the development of the MMPs/EIS as cooperating agencies. Subsequent site-specific implementation planning, including the implementation-level Recreation Area Management Plan/Business Plan (see Section 2.4.7.2), will also consider consistency with surrounding land uses to the extent possible while providing for proper care and management of Monument objects and values.</p>

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A.59-4	<p>Under Alternative D, NOLS would anticipate increased conflict between motorized and non-motorized quiet recreation on the landscape. Furthermore, maintaining motorized vehicles on designated routes also presents a significant monitoring and enforcement challenge for the responsible agencies. In our experience operating across public lands across the United States, it is unfortunately quite common to see encroachment of unauthorized motorized use on a landscape. This is especially true in situations like we see here, where designated OHV routes border Wilderness Study Areas (WSAs) and other areas with sensitive cultural and natural resource values.</p>	<p>The MMPs/EIS provides a full range of alternatives related to OHV designations within the BENM, though none of the alternatives would designate OHV routes or allow OHV use on routes where that use is not currently allowed. The BLM and USFS will continue to monitor and enforce OHV designations and requirements within the BENM as they currently do on all lands they manage. Enforcement of OHV designations and requirements is an administrative action and is beyond the scope of the development of the MMPs. See also response to ALT-1.</p>
A.59-6	<p>Protecting the wilderness quality or cultural resources of a landscape should not necessarily lead to management alternatives that overly restrict backcountry users. In the alternatives examined, there is an assumption that in order to protect both the wilderness qualities and the cultural resources found on these units that strict regulations need to be applied on backcountry users who operate on the monument's SRMAs and ERMA's. This is most clearly seen in Alternative B, which would prohibit dispersed camping and require backcountry users to pack out human waste. From NOLS' perspective, these two requirements alone would effectively prevent outfitters and guides who specialize in extended backcountry expeditions from accessing BENM for recreation. Unfortunately, this alternative also manages the landscape in a way that is most beneficial to these stakeholders. This contradiction makes it challenging for NOLS to support any of the agencies' proposed alternatives - either we support more development, motorized uses, and generally less restrictions on the landscape (as in Alternative D) or we support strictly regulated backcountry experience that protects wilderness character and primitive uses but makes this inaccessible to our students and clients (as in Alternative B). There is a balanced middle-ground alternative here that does not pit backcountry recreation against wilderness and cultural resource protection. Dispersed backcountry recreation, when done in a way that promotes education, and a strong ethic of Leave No Trace Principles, can encourage more people to experience this landscape without the need to create restrictions to camp in designated places or pack out human waste. At the very least, NOLS thinks that the agencies should more explicitly consider the impact that the restrictions discussed in Alternative B would have on recreation users/permittees leading progressive, multi-week backcountry trips in and around BENM.</p>	<p>The alternatives contained in the MMPs/EIS include a range of management actions for dispersed camping and human waste, including strategies such as "leave no trace." It is within the decision space of the BLM and USFS to select specific management actions from any of the alternatives analyzed in the MMPs/EIS when drafting the proposed or final MMPs. The BLM and USFS must manage the BENM for a range of visitor experiences while also providing proper care and management of Monument objects and values. See also response to ALT-1.</p> <p>The agencies are aware that restrictions on human waste and dispersed camping can make planning activities more complex for uses, including permitted outfitters and guides. However, the agencies are also aware that outfitters and guides that operate under these types of restrictions on adjacent public lands, and do not believe that these restrictions would result in any of the trip types that are currently occurring within the BENM being displaced from or unable to operate in the BENM.</p> <p>The agencies have identified an action that is common to all alternatives that would require the development of an implementation-level Recreation Area Management Plan/Business Plan for the BENM within 3 years of the cultural resources management plan. This implementation-level Recreation Area Management Plan/Business Plan would provide an opportunity to review, on a more site-specific basis, the camping restrictions that are necessary to provide for appropriate resource protections and the proper care and management of Monument objects and values. The Recreation Area Management Plan/Business Plan would be developed with additional public involvement and American Indian Tribal consultation. The agencies have included time frames for the development of the implementation-level plans identified in the MMPs/EIS.</p>

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A.59-7	Bears Ears National Monument has internationally renowned rock climbing and canyoneering opportunities that are important for NOLS instructors and the broader climbing community. One term used in the DEIS that could be clarified in the context of climbing is the term "hardware." Hardware is used in Table 2-9 when discussing the alternatives for recreation on the Shash Jaá Unit. Clarity around what it means to "prohibit" the use of hardware verses permanent hardware for climbing activities would be helpful to the climbing community. For context, it is not clear to NOLS why Alternative C in the DEIS would want to allow climbing while also prohibiting the use of hardware (presumably removable hardware, such as cams, hexes, and nuts) that helps protect rock climbers without permanently altering the rocks they climb.	Table 2-9 in the MMPs/EIS has been revised to clarify that the restrictions addressing climbing hardware in the alternatives are on the use of fixed hardware, including bolts.
A.70-3	Increased visitation to the Indian Creek unit will continue to have the greatest adverse impact on the resources within the BENM. With more people in concentrated areas, health and safety concerns arise. Presidential Proclamation 9681 and the MMPs/EIS lists archeological, historical, cultural, geological, paleontological, biological, ecological, recreational, and economic objects and values within the BENM. These are all at risk of degradation because of increased visitor use if the BENM is not managed carefully, properly funded and actions are taken now to address increased pressures on resources. The MMPs/EIS directs the agencies to: "Manage discretionary uses within a Monument to ensure the protection of the objects and values for which the Monument was designated." Therefore, the MMPs/EIS needs to adequately analyze and mitigate the impacts on resources from increased visitation. Also, the alternatives need to "ensure the protection" of the objects and values within BENM in the face of rapidly increasing visitation and associated effects. To accomplish this, a range of tools can be used, including a permitting system for camping and recreational access, eliminating dispersed camping, permitting for recreational development, limiting fires at campsites, and requiring visitors pack out waste rather than develop bathrooms. A dedicated climbing/recreation ranger should be hired as soon as possible to enforce management policies, educate users, and prevent user conflicts in a constructive, proactive manner. Finally, before visitor and recreational development is undertaken in areas like Shay Canyon, further analysis should be done on the impacts of increased visitor use to "ensure the protection" of the objects and values within the BENM. Not planning and managing for increased visitation will have long-term impacts upon natural, cultural, and recreational resources that cannot be reversed.	See responses to ALT-4 and A.47-29.  In order to provide for the proper care and management of Monument objects, the MMPs/EIS analyzes a range of management actions regarding camping, campfires, group size limits and SRP thresholds, human waste disposal, and other management actions to address increased visitation to the BENM (see Section 2.4.7 of the MMPs/EIS). Decisions regarding agency funding and staffing are administrative decisions and are beyond the scope of the development of the MMPs.
A.70-10	We do not support the development of Shay Canyon until further analysis can be done to determine the impacts of increased use, as also described above. Newspaper Rock provides for a developed education visitor experience, while Shay Canyon could provide visitors with the benefits of self-exploration and reflection, thus allowing for a range of visitor experiences. The Conservancy supports alternatives that limit recreational use to designated trails in Shay Canyon to protect unique cultural and paleontological resources.	Decisions regarding construction of visitor facilities at Shay Canyon or other areas in the BENM would be made at the implementation level and would undergo an appropriate environmental review with additional opportunities for public involvement. The MMPs/EIS includes decisions such as designating sites as Public Use (Developed) and establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment. The MMPs/EIS includes a full range of alternatives providing direction to guide the development of those implementation-level recreation and infrastructure decisions (see Section 2.4.7 of the MMPs/EIS).
A.70-15	the Conservancy strongly urges issuing permits for recreational users in the Indian Corridor to minimize user conflicts and retain a quality user experience. To this end, the Conservancy supports the following statement: "Activities that have the potential for user conflict and/or that could impact public health and safety would require a permit. If detailed analysis on that activity indicates that it would conflict with Monument objects and values or would impact public health and safety, that permit would not be granted." <sup>4</sup>	The statement quoted is a management action common to all alternatives and would apply to activities in the Indian Creek Unit as well as the rest of the BENM. See also response to ALT-1.

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A.70-16	We also support an implementation-level camping plan developed for the Indian Creek Unit within 3 years following the cultural resources management plan. At this time, the Conservancy urges identifying a social and ecological carrying capacity to inform the process and decrease degradation of resources. Until such a plan can be developed, the BLM should allow camping in the Indian Creek SRMA only in designated campgrounds.	The MMPs/EIS analyzes a range of management actions addressing dispersed camping in the Indian Creek SRMA and ERMA, including requiring or encouraging dispersed camping in designated areas/sites only. An implementation-level Recreation Area Management Plan/Business Plan would be completed under all alternatives and additional restrictions on camping may be implemented at that time. The development of the implementation-level Recreation Area Management Plan/Business Plan will also provide additional opportunities for public and stakeholder involvement. See also response to ALT-1.
A.70-17	Because Alternative B Management for the Indian Creek Unit calls for managed recreation (e.g., packing out human waste and camping only in designated sites in the SRMA) the Conservancy feels this is the best option. The Conservancy is opposed to additional campsites and rustic bathrooms in the Cottonwood Corridor. In 1998, the BLM issued an emergency closure that recognized that “[i]ncreased recreation use of certain public lands in Indian Creek Canyon Corridor has adversely impacted riparian areas, vegetation, soil, visual and cultural resources and poses a threat to public safety and enjoyment of these lands.” Since that time, recreational use has dramatically increased. Without proper management, adverse impacts will undoubtedly continue to occur.	See responses to ALT-1, A.70-16, and A.16-3. The MMPs/EIS do not include alternatives that would include new campsites or restroom facilities in the Indian Creek Unit. Site-specific decisions regarding construction of visitor facilities such as developed campgrounds or restrooms in the Indian Creek Unit will be made at the implementation level and would undergo an appropriate environmental review at the time they are proposed. At that time, there would be additional opportunities for public and stakeholder involvement.  Additionally, note that the BLM has previously developed an implementation-level plan that is in place for the Indian Creek corridor. The MMPs would not modify this existing implementation-level plan.
A.70-18	Drone access was only addressed in Alternative B and was not adequately analyzed in the MMPs/EIS. Drones should be prohibited in areas that could impact visual, natural, cultural, and private property resources within BENM. Furthermore, any use of drones within BENM should be regulated by permit.	Monument-wide management actions regarding UAVs/drone access are addressed in the Land and Realty sections of the MMPs/EIS (Sections 2.4.3 and 3.7), and potential impacts to recreation from these management actions are discussed in Section 3.11.2.2.1 of the MMPs/EIS. See also response to A.47-50.
A.70-19	To protect riparian and wetland resources, the Conservancy prefers that dispersed camping be prohibited instead of discouraged, as described above. For this same reason, the Conservancy supports Alternative B which allows for recreational use but also protects other resources values.	The MMPs/EIS analyzes a range of management actions addressing dispersed camping, including requiring or encouraging dispersed camping in designated areas/sites only. An implementation-level Recreation Area Management Plan/Business Plan would be completed under all alternatives and additional restrictions on camping may be implemented at that time. The development of the implementation-level Recreation Area Management Plan/Business Plan will also provide additional opportunities for public and stakeholder involvement. See also response to ALT-1.
A.53-4	All of the Southeast Utah Group National Parks (Canyonlands and Arches national parks and Hovenweep and Natural Bridges national monuments) prohibit the “Launching, landing, or operating unmanned aircraft within” their boundaries. See Superintendent’s Compendium or Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority - 36 CFR 1.7(b), November, 2017; <a href="https://www.nps.gov/cany/learn/management/compendium.htm">https://www.nps.gov/cany/learn/management/compendium.htm</a> . This is because the use of UAV’s in parks “brings noise and visual intrusions where visitors expect quiet and natural vistas. Their use creates a safety concern for visitors, disturbs wildlife, and otherwise conflicts with the mission of national parks to preserve and protect natural and cultural resources and their associated values.”	The MMPs/EIS analyzes a range of management actions addressing UAVs/drone use (Table 2-3) with varying levels of restrictions on where casual use (landing and taking off) of UAVs/drones can occur in the BENM. See also responses to A.47-50 and ALT-1.

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	<p><a href="https://www.nps.gov/cany/learn/news/news082014.htm">https://www.nps.gov/cany/learn/news/news082014.htm</a> Because the impacts described above for national park visitors can also impact national monument visitors, NPCA and the Coalition urge the agencies to follow the lead of the NPS in prohibiting the use of UAV's within Bears Ears National Monument, a designated protected area. The use of drones particularly near the boundary of Canyonlands National Park may lead to intrusions into the park and would create an incompatible use difficult to monitor and enforce within a backcountry environment. The preferred alternative does not go far enough and leaves portions of the planning area, particularly adjacent to Canyonlands, open to drone use. We support Alternative B, which prohibits the casual use landing and takeoff of UAVs anywhere in the Planning Area. Use of UAVs for administrative use or permitted use would be analyzed on a case-by-case basis per U.S. Department of the Interior Operational Procedures Memorandum (OPM)-11, USFS Manual 5713.7, USFS Handbook 5709.16, and Federal Aviation Administration Civil Operations Part 107. (2-9)</p>	
A.53-9	<p>The analysis fails to consider the direct relationship between increasing visitation to nearby national parks and how that trend may positively impact future national monument visitation.</p>	<p>The socioeconomic analysis in the MMPs/EIS analyzes low-growth, medium-growth, and high-growth visitation scenarios (Section 3.16.2). Other resource analyses contained in Section 3 of the MMPs/EIS address anticipated increasing visitation and the impacts of management actions contained in the MMPs/EIS that could address this increasing visitation. All alternatives and resource analyses analyzed anticipate increases in visitation to the BENM. Identifying a direct correlation between national park visitation and BENM visitation is not necessary for an analysis of potential impacts from the alternatives contained in the MMPs/EIS.</p>
A.45-7	<p>Climbing routes, trails and access points: We acknowledge that climbing can be a respectful and compatible use within National Monuments so long as it occurs in appropriate areas. However, under every alternative BLM and USFS plan to open all routes to climbing, a determination apparently made without tribal consultation. The agencies would only retain the discretion to close these routes under Alternatives C and D, but would only do so after conducting surveys, educating climbers, and working with climbing organizations. Oddly, the agencies do not envision educational efforts in the event that harm occurs to cultural resources under Alternative B. Alternative B hypothesizes a scenario where closing a route would "not be practicable," and commits BLM and USFS to instead "implement mitigation." It is unclear why the agencies have elected competing strategies for every alternative with regard to climbing. It is also unclear why the Draft EIS does not include an alternative that simply retains the agencies' discretion to close a climbing route outright in the event that users pose a threat to cultural resources.</p>	<p>All action alternatives analyzed in the MMPs/EIS give the BLM and USFS the option to close or reroute access points, trails, or climbing routes if site-specific impacts are ongoing and cannot be addressed through other means (see Section 2.4.7 of the MMPs/EIS). Similarly, the agencies' ability to conduct surveys, educate users, and work with stakeholder organizations would not be limited by any alternative contained in the MMPs/EIS. The agencies ongoing efforts to consult with American Indian Tribes during the development and implementation of the MMPs is described in Section 4.4 of the MMPs/EIS.</p>
A.45-15	<p>In the event that the agencies do not postpone this partial planning effort, it will be essential to supplement the Draft EIS in order to include a new alternative that incorporates the following commitments: Enhance educational initiatives to teach the public about the significance of the irreplaceable resources within BENM. This should include partnerships with local organizations such as Friends of Cedar Mesa, who have proactively started an education and interpretation program.</p>	<p>See response to ALT-4. The MMPs/EIS includes several goals, objectives, and management actions addressing educating the public about BENM resources (Section 2.4.1.1, Section 2.4.1.2, Table 2-1, Section 2.4.6.1, Table 2-9, Section 2.4.8.1, Table 2-6, and Section 2.4.15.2). Decisions about specific partnerships with local organizations and education programs do not require a land use plan decision and will be made on a case-by-case basis.</p>
A.56-21	<p>[AMS Section 4.10, Table 4-8] Planning Decision: "Commercial hiking to cultural sites is limited to designated trails and human waste must be packed out." Option for Change, consider revising to: "Commercial hiking to cultural sites is limited to areas authorized in specific special recreation permits and human waste must be packed out." UPAC has some concern about this alternative language.</p>	<p>The AMS is not meant to present a range of management alternatives and the language that is being commented on is not an element of an alternative analyzed in the MMPs/EIS. Rather, the AMS provides baseline information related to the current management of public lands to assist the lead agencies in developing alternatives as part of the MMPs/EIS process. The MMPs/EIS includes a range of</p>

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	Specifically, where do special recreation permits allow commercial trips to go? Does this limit the scope of sites available for commercial visitation or expand it? (pg 4-20)	management actions addressing commercial hiking/visitation in Section 2.4.7.  The purpose of the public review period is largely to solicit substantive comments on in the MMPs/EIS that would affect the comparative analysis of alternatives and the subsequent ability of the decision maker to make an informed decision. The AMS has provided adequate information to inform the development of alternatives and the development of the affected environment for the MMPs/EIS and will not be revised. If a deficiency in the AMS negatively affects the analyses in the MMPs/EIS, the agencies will revise the NEPA documents accordingly.
A.56-22	[AMS Section 4.10, Table 4-8] Does this limit the scope of sites available for commercial visitation or expand it? (pages 4-22 through pages 4-34, and 4-44)	The AMS does not limit or expand sites available for commercial visitation. It analyzes available inventory data and other information to characterize a particular resource, described the existing management situation, and identifies management opportunities to respond to identified issues. The MMPs/EIS presents a range of alternatives addressing management actions that may or may not affect the scope of sites available for commercial visitation. Commercial visitation is generally addressed in Sections 2.4.7 and 3.11 of the MMPs/EIS. See also response to A.56-21.
A.56-34	[MMPs/EIS Section 2.4.7.2] Regarding the camping plan—the management actions indicate that a camping plan will be completed within three years of the cultural resources management plan (expected to take two years). This puts this plan's completion at five years from the completion of the MMP and EIS. Will there be an interim plan for camping?	Under the alternatives analyzed in the MMPs/EIS, until analyzed in an implementation-level plan, dispersed camping would be either required or encouraged in designated areas/sites only. The MMPs/EIS analyzes a range of management actions that include monitoring and adaptive management approaches to addressing potential impacts to BENM resources from camping. These management actions would be enacted as necessary on a site-specific case-by-case basis until the implementation-level plans are completed (see Section 2.4.7 of the MMPs/EIS).
A.56-35	[MMPs/EIS Section 2.4.7.4, Table 2-8] Pet Waste: It is recommended that day use visitors be required to pack out pet waste as opposed to burying it. Expecting all BENM visitors to have a comprehensive understanding of what constitutes cultural resources is not reasonable. It is not unlikely that visitors, in an effort to comply with pet waste disposal requirements, may inadvertently bury pet waste on a cultural site/historic properties. This is especially so if the many visitors to BENM are visiting with the purpose of going to ruins or rock art sites. The concept of a site boundary is not standard knowledge and visitors cannot reasonably be expected to understand it.	The range of alternatives analyzed in the MMPs/EIS includes a management action that states if disposal of pet or human waste becomes a problem, such as causing site-specific damage to cultural/historic site, the BLM and USFS would require waste to be packed out. The MMPs/EIS includes strategies such as education and signage to assist in helping the public understand what constitutes a cultural resource and how best to avoid impacting these resources (see Section 2.4.1 of the MMPs/EIS). Additionally, Appendix M includes monitoring efforts and adaptive management that could be used to address any issues associated with pet waste.
A.30-4	Lastly, we are concerned that the BLM's preferred alternative (Alternative D) in the current draft MMP could heavily restrict climbing on 'hoodoos' because of a proposal to prohibit fixed anchors on free-standing rock formations. Prohibiting fixed anchors for ascending and descending these rock formations is a direct threat to the future of climbing in this landscape. Human-powered recreation in this landscape only continues to grow in popularity, and as such, these activities should be incorporated and supported in any management plan.	The range of alternatives analyzed in the Proposed MMPs/Final EIS includes alternatives that would allow climbing on hoodoos and leave all access points, trails, and climbing routes open subject to monitoring for potential site-specific impacts, which would be addressed through climber education or potential closures or reroutes if impacts are ongoing. This range of alternatives also includes a

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A.58-12	The preferred alternative allows for more intense recreational uses, such as larger groups, more permitted events, and fewer restrictions. See DEIS at 3-96. For example the preferred alternative closes the fewest acres to OHV use which displaces wildlife, particularly big game species around OHV trails and results in avoidance areas due to increased noise levels. Increase in noise levels due to OHV can cause changes in home ranges, foraging patterns and breeding behavior. See DEIS at 3-97. BLM acknowledges that OHV use would be most detrimental during reproductive and young rearing times, yet offers no solutions to mitigate impacts during these times. Id. While NWF supports the use of public lands for recreational purposes, it urges the BLM to select a management plan that will reduce the impacts of recreation on wildlife and wildlife habitat within the National Monument.	range of potential restrictions on the installation of fixed hardware for rock climbing. See also response to ALT-1.  See response to ALT-1. The MMPs/EIS analyzes a range of management actions addressing recreational use and potential impacts on wildlife. None of the alternatives analyzed in the MMPs/EIS would open areas that are currently closed to OHV use.
A.21-2	As I wrote in my scoping comments, new signs, bathrooms, parking lots and the like should be kept to a minimum. Proactive education regarding leave no trace, Visit With Respect, safety and self-responsibility should be promoted and developed instead. Provide visitors with maps and apps.	The MMPs/EIS provides a range of alternatives related to recreation management throughout the BENM (see Section 2.4.7 of the MMPs/EIS). These alternatives include establishing outcome-focused recreation objectives for RMZs that could support the development of the infrastructure mentioned in the comment. Specific decisions regarding construction of visitor facilities will be made at the implementation level. The MMPs/EIS includes a full range of alternatives providing direction to guide the development of those implementation-level recreation and infrastructure decisions (see Section 2.4.7 of the MMPs/EIS).
A.37-21	Chapter 2-Recreation and Visitor Services: Goals and Objectives-2.4.7.1-2-12. As a goal/objective, plan should specifically mention balance between recreational and visitor services and protection of cultural landscape, as the Monument was created for this purpose and the land is sacred to various tribes, including Acoma.	Text in Section 2.4.7.1 of the Proposed MMPs/Final EIS has been revised to clarify that the plan provides for recreational use while ensuring the proper care and management of cultural resources.
A.37-22	Chapter 2-Recreation and Visitor Services: Management Actions Common to All Alternatives-2.4.7.2-2-12. Generally all alternatives should allow for the agency to limit activities as deemed necessary upon monitoring to protect cultural resources. This may include: horseback riding should be significantly limited to designated trails (if allowed at all); leashed dogs (if allowed), bikers and hikers should be limited to restricted areas or trails (that avoid culturally sensitive areas). No additional motorized activities should be allowed and all motor vehicles should be required to stay on designated roads; camping restrictions should extend to archeological sites to protect cultural resources - camping should be allowed only at designated sites; visitors should be limited in being allowed to hike off designated paths and trails; target shooting should be significantly limited; trails should be continually maintained and improved, all informal access points or undesignated trails should be closed and signage should educate visitors accordingly.	The MMPs/EIS provides a full range of alternatives that includes varying levels of restrictions on the referenced activities to allow for the proper care and management of Monument objects and values. Additionally, under all alternatives analyzed in the MMPs/EIS, the BLM and USFS can apply restrictions to activities, such as horseback riding, OHV use, biking, hiking, pets, and target shooting, if ongoing impacts to resources are observed and restrictions are necessary to provide for the proper care and management of Monument objects and values.
A.37-25	Chapter 2-Management Actions by Alternative; Table 2-8: Alternatives for Recreation, Indian Creek Unit.-Table 2-8-2-13. Alternative D's increase in the group amount for OHV, vehicle, Individual, and Pack Animal SRP/Letter of Agreement threshold should be the same as Alt. B. The smaller threshold of Alt. B does not limit people from engaging in these recreational activities, only requiring the Agency to make a determination to permit these activities or not. This provides the greatest flexibility to ensure both the protection of the BENM values while also providing for recreation.	The MMPs/EIS analyzes a range of management actions addressing SRP/letter of agreement group size thresholds. The agencies review of SRP applications provides the agencies with an opportunity to consider proposed group activities on a case-by-case basis and determine appropriate restrictions to provide for the proper care and management of Monument objects and values. It is within the BLM's and USFS's implementation-level management authority to limit group sizes if large group sizes are shown to be inconsistent with the proper care and management of Monument objects and values. See also response to ALT-1.

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A.37-26	Chapter 2-Management Actions by Alternative: Shash Jaa Unit-2.4.7.5-2-14. With respect to the following, Shash Jaa SRMA: Trail of the Ancients RMZ, South Elks/Bears Ears RMZ, Arch Canyon RMZ, Arch Canyon Backcountry RMZ, McLloyd Canyon Moonhouse RMZ, San Juan Hill RMZ, the Points RMZ, and Dollhouse RMZ, all alternatives should limit development of new trails (OHV and otherwise), sites, and recreational facilities until full cultural landscape survey/analysis is completed with Pueblo consultation	Decisions regarding the designation/development of new trails will occur during a separate implementation-level travel management planning process. Similarly, decisions regarding the development of specific recreation facilities are implementation-level decisions and are not contained in the MMPs/EIS. The development of the implementation-level travel management plan and any future implementation-level recreation infrastructure would include consultation with American Indian Tribes. Appendix F the MMPs/EIS provides a framework for continued collaboration with American Indian Tribes for implementation-level management actions.
A.37-27	Chapter 2-Management Actions by Alternative: Shash Jaa Unit-2.4.7.5-2-14. With respect to the following, Shash Jaa SRMA: Trail of the Ancients RMZ, South Elks/Bears Ears RMZ, Arch Canyon RMZ, Arch Canyon Backcountry RMZ, McLloyd Canyon Moonhouse RMZ, San Juan Hill RMZ, the Points RMZ, and Dollhouse RMZ, climbing should be prohibited on arches and hoodoos if determined to be sacred sites or eligible historic properties - many of these may be sacred objects with spiritual significance after consultation with tribes	The MMPs/EIS analyzes a range of management actions addressing potential impacts to cultural resources resulting from climbing. Under all alternatives analyzed in the MMPs/EIS, the agencies would retain the authority to close or reroute of access points, trails, or climbing routes if site-specific impacts to cultural resources are ongoing and unable to be addressed through mitigation or climber education. Appendix F the MMPs/EIS provides a framework for continued collaboration with American Indian Tribes for addressing site-specific impacts and, if applicable, closures or reroutes to address those impacts.
A.37-28	Chapter 2-Management Actions by Alternative: Shash Jaa Unit-2.4.7.5-2-14. camping should be allowed in designated areas only in Shash Jaa unit	The MMPs/EIS analyzes a range of management actions addressing dispersed camping in the Shash Jaa Unit that includes restricting dispersed camping to designated sites, allowing dispersed vehicle camping along designated routes, and allowing dispersed vehicle camping along designated routes in previously disturbed areas until an implementation-level Recreation Area Management Plan/Business Plan is completed.  An implementation-level Recreation Area Management Plan/Business Plan would be completed under all alternatives and additional restrictions on camping may be implemented at that time. The development of the implementation-level Recreation Area Management Plan/Business Plan will also provide additional opportunities for public and stakeholder involvement and American Indian Tribal consultation.
A.37-30	Chapter 2-Management Actions by Alternative: permits should be required (and other Alt. B limitations) for McCloyd Canyon-Moon House, Mule Canyon WSA and Lower Fish Creek	See response to ALT-1. The range of alternatives analyzed in the MMPs/EIS includes a permit requirement for the McLloyd Canyon-Moon House RMZ, the Mule Canyon WSA, and Lower Fish Creek (see Section 2.4.7 of the MMPs/EIS).
A.37-31	Chapter 2-Management Actions by Alternative: Shash Jaa Unit-2.4.7.5-2-14. for all SRPs, Trail of the Ancients RMZ, Arch Canyon RMZ, McCloyd Canyon Moon House RMZ, San Juan Hill RMZ, Mule Canyon WSA: no competitive or vending use would be allow, BLM should heavily limit group sizes, animals, mechanized vehicles through permitting (and prohibit when appropriate to protect cultural resources); and prohibit or heavily limit camping/campfires to designated areas only depending on the cultural resource sensitivity of the site.	The MMPs/EIS analyzes a range of management actions addressing SRPs, competitive events, vending, group sizes, animals, OHV use, camping, and campfires in the BENM. These management actions provide for recreational use while ensuring the proper care and management of Monument objects and values. If management actions regarding SRPs or other uses of the BENM threaten cultural resources, the BLM and USFS would be required to take management



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		actions to ensure the proper care and management of these resources (see Section 2.4.7 of the MMPs/EIS).
A.37-55	Chapter 3-Impacts from Recreation Management Actions-3.5.2.2.5-3-12. Commercial hiking should be limited to designated trails only that should avoid cultural sites when no less restrictive means exist to protect the sites.	Text in the MMPs/EIS has been revised clarify where commercial hiking would be limited to designated trails. Under all alternatives, hiking would be limited to designated trails in Shay Canyon and in the McLoyd Canyon–Moon House RMZ.
A.37-56	Chapter 3-Impacts from Recreation Management Actions-3.5.2.2.5-3-12. Use of ropes or climbing should be limited to emergencies for historic properties.	Language has been added to Section 2.4.1.2 of the Proposed MMPs/Final EIS to clarify that, under all alternatives, ropes and climbing aids would not be allowed to access cultural sites or archaeological resources unless used for scientific purposes, with a permit, for Tribal administrative access, or for emergencies.
A.37-57	Chapter 3-Impacts from Recreation Management Actions-3.5.2.2.5-3-12. Permits should be required for Moon House RMZ, San Juan Hill RMZ, McLoyd Canyon Moon House RMZ, and Doll House RMZ and daily visitation should be limited to 20 visitors per day, with a maximum group size of 12.	See response to 103153-2. The MMPs/EIS analyzes a range of management actions regarding permitted access, group size limits and SRP thresholds, and other protections for these RMZs (see Section 2.4.7 of the MMPs/EIS). If monitoring indicates unacceptable impacts to Monument objects and values, the BLM and USFS would consider adjusting this management through an implementation-level management action.
A.37-58	Chapter 3-Impacts from Soil and Water Management Actions-3.5.2.2.7-3-13. Hiking should be limited to designated trails to reduce erosion and threats to vandalism or looting of archaeological and cultural sites.	The MMPs/EIS analyzes a range of management actions addressing hiking, including limiting hiking to designated trails in certain circumstances. If off-trail hiking results in impacts to sensitive resources or Monument objects and values, the BLM and USFS could take further management actions at the implementation level to address such issues by designating trails or closing areas to off-trail hiking (see Section 2.4.9 of the MMPs/EIS).
A.38-16	Chapter 2, Page 13, Section 2.4.7.4, Row 2 of Table 2-8 Occasionally, helicopter and UAVS access may be necessary to successfully conduct paleontological research and/or for transporting specimens out of the field in Areas of Critical Environmental Concern (ACEC). The management plan should explicitly state that the use of helicopters and UAVSs may be permitted for research purposes on a case-by-case basis.	Under all alternatives analyzed in the MMPs/EIS (Table 2-3), use of UAVSs for administrative use or permitted use would be analyzed on a case-by-case basis per U.S. Department of the Interior Operational Procedures Memorandum (OPM)-1.1, USFS Manual 5713.7, USFS Handbook 5700, and Federal Aviation Administration Civil Operations Part 107.
A.54-3	Another consideration is how recreation use patterns may shift due to future climate. A recent study (Smith et al. 2018) found declines in visitation to Arches, Canyonlands, and Capitol Reef national parks once average daily maximum temperatures exceed 25 °C, likely shifting summer recreation use into spring, when plant communities and soils may be more vulnerable to recreation use impacts. In response, BENM managers may want to consider seasonal restrictions on use to protect vulnerable plant communities early in the growing season.	The BLM and USFS can take management actions at the implementation level, such as seasonal restrictions or temporary trail closures, if impacts to sensitive resources or Monument objects and values are occurring. The agencies have developed a Management Strategy (Appendix M) of the MMPs/EIS that would be used to monitor visitation and vegetation conditions in the BENM.
A.79-5	Hiking within the region is awesome and unique. Our hikes offer scenic views of the landscape and Archaeological sites. Current hiking allows for dogs on leashes which can have a negative effect on hiking experiences. Dogs along trails and at archaeological sites can damage and tarnish the natural settings. I have seen dog feces left along trails and fresh dog scratches on rock surfaces. Dogs should not be allowed on hiking trails and at Archaeological SITES. Pets can stay at campgrounds or at home. There has been an increase in hikers and campers within the region and the concern for waste management has grown also. Human solid waste should be disposed of properly by visitors while out hiking or camping. Digging holes and burying feces/toilet paper should not be allowed. Waste disposal stations	The MMPs/EIS analyzes a range of management actions addressing pets, pet waste, and human waste. All alternatives require pets to be under human control at all times (see Section 2.4.7 of the MMPs/EIS).  Site-specific decisions about the construction of visitor facilities, such as restrooms, will be made at the implementation level as required and/or through development of the implementation-level Recreation

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	are needed throughout the various sites to remedy the problem of waste littering. I have seen more and more "potty holes" being dug over time as I continually visit various places.	Area Management Plan/Business Plan (see Section 2.4.7.2 of the MMPs/EIS).
A.79-6	Educating people of the surrounding terrain is key to having people visit responsibly and safely. Camping in the Bear's Ears region is popular and needs to be regulated more to help in land sustainability. With limited signs and open camping, people are damaging the land as they drive their big RV's through delicate terrain and making new campsites. There needs to be a regulation on what type of camping is allowed within the Monument. Campsites should be designated and monitored by a new permit system which would allow BLM, Forest Service, and tribes to keep a close eye on recreational camping.	The MMPs/EIS analyzes a range of management actions addressing camping. An implementation-level Recreation Area Management Plan/Business Plan would be completed under all alternatives and additional restrictions on camping may be implemented at that time. The development of the implementation-level Recreation Area Management Plan/Business Plan will also provide further opportunities for public and stakeholder involvement and American Indian Tribal consultation.
A.97-3	The management actions that need to take immediate precedence are directing the public to stabilized sites and low-impact hiking routes that can withstand higher volumes of human traffic. This will inherently help protect, sustain and keep the masses away from sensitive areas, protecting their cultural significance and current/future research. This needs to include increased rangers/staff on hand at nearby BLM offices and increased hours of operation to help enforce conservation practices on the ground and provide accurate information to the public. Group permits should be capped to help protect sensitive areas and preserve a more natural experience for others. Detailed and up to date educational materials, guidebooks and maps that help guide the public to areas with that in mind. This needs to emphasize leave no trace principals and visiting cultural areas with respect, but also highlight the historical, cultural and ecological significance so that the public creates a connection with it and understands why these practices and protections are so vital.	The MMPs/EIS includes decisions such as designating sites as Public Use (Developed) and establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment. Specific decisions regarding construction of developed campgrounds, marked trailheads, and other visitor facilities will be made at the implementation level.  Agency staffing and funding levels are administrative decisions and are beyond the scope of the development of the MMPs.  Additionally, note that Appendix E of the MMPs/EIS provides a framework to guide development of future cultural resource management to address these issues. See also the response to REC-4 regarding group size and permit limits.
A.52-8	According to the planning document, BENM is home to at least 4 wildlife species listed under the Endangered Species Act of 1973, including the California condor and Mexican Spotted Owl. Besides the obvious of risks to injury from collision with vehicles. The noise impacts from ORV recreation on wildlife is well documented. Disturbance from vehicles can reduce the overall quality of wildlife habitats, make breeding habitats less attractive to nesting animals, and affect animal migration routes. The new management plan should continue to monitor the consequences of ORVs on local wildlife under guidelines set forth in Alternative D. Where monitoring suggests that endangered or threatened wildlife is under stress, then the BLM should adjust management priorities accordingly.	The BLM and USFS will monitor impacts to wildlife from OHV use and other activities in the BENM (see Appendix M of the MMPs/EIS). If OHV use or other activities in the BENM are impacting threatened or endangered wildlife species, the BLM and USFS would take implementation-level management actions to address such issues (see Section 2.4.12.2, bullet 5 of the MMPs/EIS).
A.80-2	Dispersed camping allows visitors to get closer to the cultural resources and exposes the cultural resources to more potential damage. Limiting dispersed camping to designated areas can prevent potential impacts from human disturbance.	The MMPs/EIS analyzes a range of alternatives that restrict dispersed camping to protect cultural resources. Additionally, Section 2.4.7 of the MMPs/EIS includes a requirement for development of an implementation-level Recreation Area Management Plan/Business Plan to further address these concerns on a more site-specific level. Additional restrictions on dispersed camping may be adopted through the development of this plan. The MMPs/EIS also includes monitoring and adaptive management direction and framework plans to address recreational impacts on natural and cultural resources (see Appendices D and M of the MMPs/EIS). The MMPs/EIS, including these appendices, will guide the designation of camping areas to ensure the proper care and management of Monument objects and values.

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A.75-89	<p>Arch Canyon Recreation Management Zone</p> <p>We support Alternative B for the Arch Canyon RMZ, which would close the canyon to destructive OHV use and instead prioritize non-motorized recreation. Arch Canyon RMZ has remarkable opportunities for cultural site visitation, camping, education and interpretation, and heritage and tourism. Id. at 3-49. These invaluable uses should be prioritized over destructive OHV and other motorized uses. The preferred alternative purportedly seeks to “maintain and enhance motorized and nonmotorized recreation use in the area and minimize conflict between recreation use and protection of the objects and values of BENM.” See Draft MMP, Appx. G-6. However, this is not the case. The preferred alternative instead sets no limit for groups engaging in casual use and chooses to ignore reasonable limitations such as closing 0.5 mi of the current designated route in the USFS boundary to protect known Mexican spotted owl habitat. Id., Appx. G-6 and 3-49. The agency also ignores the reasonable management prescription to provide seasonal closure from March 1 to August 31 to casual OHV use in the RMZ. Id., 3-49.</p>	<p>See response to ALT-1. The MMPs/EIS analyzes a range of management actions that address OHV and mechanized casual use in Arch Canyon RMZ. These management actions include allowing such use on BLM-administered lands in the Arch Canyon RMZ and closing the area to OHV use. These management actions also include a seasonal OHV access closure from March 1 to August 31 (last 0.5 mile before National Forest boundary) that would apply to commercial and/or casual use with a specified turnaround point to protect known Mexican spotted owl habitat.</p>
A.75-90	<p>Special Recreation Permit / Special Use Permits</p> <p>BLM should have “unambiguous, protective criteria” for the issuance of SRPs. In our scoping comments, we suggested initiating SRP use classes, ranging from least intensive to most intensive based on specific factors like type of equipment, size of area used, number of participants, etc. Furthermore, 43 CFR. 2932 outlines specific regulations speaking to “special areas”, which include national monuments. The DOI handbook on NEPA categorical exclusions (CXs) specifically bars CXs from being used in SRPs in “special areas.” Within BENM, the predominant SRP use is commercially guided hiking and backpacking. The group size limitations proposed in the Draft MMP are a major issue. The criteria set in the Monticello RMP are unacceptably high for management of a national monument. See AMS 3-19.</p> <p>Additionally, we do not support the suggested prescription of having no limitation on the amount of SRP authorized in the Indian Creek unit. Draft MMP 3-38. We are also concerned about certain instances not requiring an SRP, but rather a “letter of agreement.” See Draft MMP 2-12. We request additional information and specifics as to what a “letter of agreement” entails. We understand that there is concern about barriers to organized educational groups to visit the Monument, particularly if there is too short of notice to request an SRP. To address this issue, we suggest BLM consider 1) specific public use (developed) sites where organized education groups may visit that have appropriate infrastructure, signage, and stabilization to support high levels of visitation and 2) make a clear letter of agreement process that functions similar to an SRP. As a national monument, the area must be managed to protect its world-class recreation values along with the other invaluable resources. As such, the MMP must include realistic and conservative caps for SRPs and letters of agreement, as well as language addressing commercial or motorized events through an SRP.</p>	<p>See response to REC-4. Although the alternatives considered in the MMPs/EIS do not include the commenter’s proposed limitations on SRPs, the lead agencies have the discretion to deny SRP applications or limit allowed activities if they deem those SRPs would not be consistent with proper care and management of Monument objects and values. These decisions regarding the issuance of specific SRPs will be made on a case-by-case basis as they are proposed.</p> <p>Table notes have been added to Tables 2-7 and 2-8 of the Proposed MMPs/Final EIS to clarify the distinction between SRPs and LOAs as they are described in BLM Handbook 2930-1.</p> <p>Decisions regarding Public Use sites and developed recreation sites is an ongoing process and will continue at the implementation level. The level of NEPA analysis for site-specific management actions would be determined on a case-by-case basis and will be consistent with H-1790-1 BLM NEPA Handbook and any other applicable agency guidance.</p> <p>The MMPs/EIS includes decisions such as designating sites as Public Use (Developed) that may support some of the outcomes mentioned in the comment.</p>
A.47-51	<p>To manage photography, we recommend land managers continue to allow recreational and professional photography throughout the monument with increased attention to education as a means of mitigating impacts.</p>	<p>The MMPs/EIS does not prohibit either casual use recreational photography or permitted professional photography. Both casual use and permitted photography would continue to be allowed in the Monument subject to applicable management plans, appropriate regulations, and permit requirements (if applicable).</p>
236724-4	<p>Lower Butler Trail to firehouse ruins. I think the parking for this hike needs to be larger or more organized I often see people parked in a crowded way just to be 10ft closer to the trailhead. I also would encourage you to advertise the hike officially as just firehouse to limit visitation to the wall site, gazebo kiva, and other incredible ruins upstream: people will still hike there anyway and most will be satisfied with firehouse. 11. Regarding dollhouse ruin: I’d like to encourage you to keep the road as rough and difficult as it’s always been, but do believe you may need to sign it somewhere early on to let the tourists visiting in cars know it may not be accessible at times with a low clearance vehicle. In keeping just this one tiny site miles and miles from the rest of the monument you’ve pinpointed the site to new visitors who can</p>	<p>Decisions regarding the development of specific recreation facilities are implementation-level decisions and are not contained in the MMPs/EIS. The MMPs/EIS provides a range of alternatives to address impacts to these referenced areas. Landscape-scale management from the approved MMPs will guide subsequent implementation-level site-specific decisions regarding facilities in these areas. As described in Appendix D of the MMPs/EIS, the BLM and USFS would apply adaptive management strategies to address potential impacts to Doll</p>

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	now google it's name and see it's splendor. That and the hike to it is incredibly short so it will be attractive to people with far less backcountry experience. Again I think it needs signs for how to visit respectfully. In fact, it may be prudent to consider permitting this location as a way to force visitors to understand what they need before heading so far out away from any other paved roads etc.	House Ruin, or other cultural resources, if monitoring indicates impacts to these resources.
236736-5	Looting of archaeological sites continues within the original and reduced monument boundaries, including an incident reported to the BLM less than two weeks ago in a popular hiking area. Increased ranger and law enforcement presence is therefore imperative. 6. Impacts to irreplaceable cultural resources by recreational visitors is increasing, especially given all the popularity of Bears Ears based on the ongoing controversy and its more-or-less constant presence in the media. This also requires increased personnel and resource monitoring. 7. Along with the increase of visitation owing to the monument's presence in the media, visitors are at great personal safety risk owing to a lack of visitor services and no standing search-and-rescue team or even a year-round ranger station. Advertising the place to the public by declaring it a national monument only to put all of the concomitant influx of tourists in great personal danger by not providing any funding for services/personnel to look after them is criminally negligent.	Decisions regarding agency funding and staffing are administrative decisions and are beyond the scope of the development of the MMPs/EIS. As described in Appendix D of the MMPs/EIS, the BLM and USFS would apply adaptive management strategies to address potential impacts cultural resources if monitoring indicates impacts to these resources.
236724-2	Along the comb: camping at the cottonwood campground is getting crowded with RVs and others who are not efficiently using the space. While I love free-form camping along the wash, I would suggest a large area near the bathrooms with organized parking (still dirt, paving the road would be tragic in my opinion) to fit a higher number of RVs with a section for just tent campers set aside. It should remain otherwise as is: no reservation and open first come first serve.	Decisions regarding the development of specific recreation facilities are implementation-level decisions and are not contained in the MMPs/EIS. Site-specific decisions regarding campgrounds will be made at the implementation level. The MMPs/EIS provides a range of alternatives to address impacts to these referenced areas. Landscape-scale management from the approved MMPs/EIS will guide subsequent implementation-level site-specific decisions regarding facilities in these areas. An implementation-level Recreation Area Management Plan/Business Plan would be completed under all alternatives and additional changes to the management of camping may be implemented at that time.
236922-2	As much as I dislike campgrounds the overuse of Arch Canyon, Butler Wash and Comb Wash has resulted in copious amounts of human waste and toilet paper so either camping should be limited to designated campgrounds (some newly established) or at a minimum a requirement for packing out human waste.	See response to 236724-2.
237022-4	I strongly support dispersed camping in both units until further evaluated again aligning with alternative C. And support the building of a campground on the Natural Bridges entrance road.	See responses to 236724-2 and ALT-2.
237224-3	Vehicles of all types need to be allowed to use the monuments.	The MMPs/EIS analyzes a range of alternatives addressing motorized and mechanized use of the BENM. An implementation-level travel management plan would be completed under all alternatives, which will address permitted vehicle types within the Monument.
236724-3	Off road use and travel: I have seen many tire tracks from motorcycles, OHVs, and trucks outside the official road and this is for everywhere I've been along the comb: mainly the cottonwood wash side. On the north end near tower multiple roads did not stop where maps show and extended far beyond with off-shoots in addition. Enforcement of off-road use needs to be improved. At Kane Gulch they require hikers to watch a video on hiking on crypto, but no signage that I have seen educates the OHV and motorcycle users the same way. Perhaps signs to educate near cottonwood campground (since that is where I see the most use personally) would help. In addition, I would like to see no improvements to any dirt or unmaintained roads. Part of the fun of this area is it's ruggedness: you should have to take a high clearance vehicle and it should be a place people long to bring these vehicles: not one accessible to RVs and small cars. Please do not pave ANY road that are not already paved	The BLM and USFS will enforce rules regarding OHV use in the BENM; though enforcement and staffing are administrative decisions and beyond the scope of the development of the MMPs/EIS. Decisions about signage, user education, and route improvements are implementation-level decisions and are not contained in the MMPs/EIS. The MMPs/EIS includes decisions such as establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment.

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237018-2	Visitation is already exploding. Additional "visitor ready sites" need to be designated, not just in the two units but throughout the original monument area. Tourist impacts - dirty fire rings, trash, building of cairns - are becoming evident across the entire area.	The alternatives contained in the MMPs/EIS include decisions such as designating sites as Public Use (Developed) and establishing outcome-focused recreation objectives for RMZs that would address the issues mentioned in the comment. Appendix E of the MMPs/EIS describes the process and criteria for allocating sites as Public Use and the management of such sites. The MMPs/EIS includes a full range of alternatives providing direction to guide the development of those implementation-level recreation and infrastructure decisions (see Section 2.4.7 of the MMPs/EIS). See also response to OOS-4. Additionally, an implementation-level Recreation Area Management Plan/Business Plan would be completed under all alternatives and additional changes to the management of camping to address increased impacts may be implemented at that time.
237023-1	For the past three years, my husband and I have been volunteer rangers at the Kane Gulch Ranger Station on Cedar Mesa. During this relatively short amount of time, we have seen a dramatic increase in visitors to the areas included in the Shash Jaa Unit of the Bears Ears National Monument. It is vitally important that the management plan proactively address visitor management in a way that protects the unique cultural and natural resources. I support designating "visitor ready" sites that include parking and bathroom facilities, as well as on-site rangers/volunteers, for example, at South Mule canyon; Wolfman, Monarch Cave and Fishmouth Cave on Comb Ridge. Many visitors come to Kane Gulch Ranger Station looking for relatively accessible and representative hikes to cultural sites. Visitors could be directed to these sites, diverting traffic to some of the more sensitive areas. All of the areas should have limits on group size: we have witnessed the difficulty of managing large groups in these sensitive areas and support continuing to manage group size through permits for day and overnight use. Expanding limitations to group size to areas on Comb Ridge and Mule Canyon should be a priority. Increasing Ranger/Volunteer presence at Cultural sites should be a priority to prevent careless visitors, off-leash dogs, and large groups from degrading these fragile National treasures.	The alternatives contained in the MMPs/EIS include decisions such as designating some of these sites as Public Use (Developed) and establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment. Appendix E of the MMPs/EIS describes the process and criteria for allocating sites as Public Use and the management of such sites.  The MMPs/EIS also analyzes a range of management actions addressing group sizes and pets. Appendix D of the MMPs/EIS describes how cultural resources in the BENM would be monitored and the adaptive management strategies that would be applied to provide for the proper care and management of these resources.  Decisions regarding agency funding and staffing are administrative decisions and are beyond the scope of the development of the MMPs/EIS.
237027-6	An SRP or Letter of Agreement is not an excuse for increased impact on the land. I know this well from operating a SRP in the past and seeing the impacts firsthand from cultural site visitation from both private and commercial groups. Staff are essential to enforcing group size limits.	Decisions regarding agency funding and staffing are administrative decisions and are beyond the scope of the development of the MMPs/EIS.  If monitoring of SRPs indicates significant impacts to Monument objects and values, group size thresholds would be reduced during implementation-level planning. Additionally, the agencies have the discretion to deny SRP applications or restrict activities if they deem those SRPs would not be consistent with proper care and management of Monument objects and values. These decisions regarding the issuance of specific SRPs will be made on a case-by-case basis as they are proposed.
237141-2	Visitor centers and monument facilities should be located in surrounding communities or on the periphery of the monument. The emphasis during visitor contact should emphasize education including sensitivity to cultural values of the Tribes.	Decisions regarding potential visitor centers and monument facilities, as well as visitor education decisions, are beyond the scope of the development of the MMPs/EIS. These decisions, if necessary, would be made through a subsequent implementation-level action.

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237129-1	Likewise, wildlife and the geologic and natural resources of the area should be conserved and protected. This will necessitate increased staffing to assure that degradation and vandalism of these resources is minimized. Given increasing numbers of visitors to the area, due in large part to all the publicity and controversy over monument designations, public safety concerns must also be a major focus, as must creation of additional visitor services (e.g. designated campsites, parking, toilet facilities). Enhanced facilities and services should be carefully planned in order to maintain the scenic values and wilderness characteristics Lands within the area removed from the Bears Ears National Monument should be managed the same as lands within the Indian Creek and Shash Jaa National Monuments.	Decisions regarding agency funding and staffing are administrative decisions and are beyond the scope of the development of the MMPs/EIS.  The alternatives contained in the MMPs/EIS includes decisions such as establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment. Site-specific decisions regarding potential visitor services and infrastructure will be made through subsequent implementation-level management actions and will undergo applicable environmental reviews with opportunities for public involvement at that time.  See also response to OOS-4.
237125-1	Any plan developed for the area also needs to greatly strengthen the enforcement presence. This area needs more than a couple of rangers based out of Kane Gulch, however dedicated they may be.	Decisions regarding agency funding and staffing are administrative decisions and are beyond the scope of the development of the MMPs/EIS.
237220-2	Visitor Management: Our observations of public use of the Bears Ears area strongly suggest that visitation is increasing. The BLM needs a plan to deal with increased numbers of people as soon as possible, not in 2 or 3 years. A productive strategy would designate sites that could handle increased numbers and provide direction to tourists to visit those sites. Trailhead signs, interpretive materials, restrooms and volunteer educators and monitors could be concentrated on these "visitor ready" sites. Working to direct visitors to sites that can best absorb heavier use would then provide protection to and reduce impacts on many more sensitive sites. A real bonus would be the education of visitors to be sensitive to the cultural and ecological values of other sites in the area. Part of visitor management should be limiting group size in certain areas, so as to minimize cultural and ecological damage. Such limits should be part of the Special Recreation Permit for visitation to these areas - and they should be a ceiling, not a minimum. Canyon bottoms (such as in Arch Canyon) should receive active consideration for group size limits. In past years we have seen increased erosion, damage to cultural resources, and vegetation damage in these sensitive areas, and they require careful and restorative management.	The alternatives contained in the MMPs/EIS include decisions such as designating sites as Public Use (Developed) and establishing outcome-focused recreation objectives for RMZs that would support the development of the infrastructure mentioned in the comment. Appendix E of the MMPs/EIS describes the process and criteria for allocating sites as Public Use and the management of such sites.  The MMPs/EIS also analyzes a range of management actions addressing the resources mentioned in the comment. Appendix D of the MMPs/EIS describes how cultural resources in the BENM would be monitored and the adaptive management strategies that would be applied to provide for the proper care and management of these resources.  Decisions regarding agency funding and staffing are administrative decisions and are beyond the scope of the development of the MMPs/EIS.  The MMPs/EIS analyzes a range of alternatives addressing SRPs and group sizes. If monitoring of SRPs indicates significant impacts to Monument objects and values, group size thresholds would be reduced during implementation-level planning. Additionally, the agencies have the discretion to deny SRP applications or restrict activities if they deem those SRPs would not be consistent with proper care and management of Monument objects and values. These decisions regarding the issuance of specific SRPs will be made on a case-by-case basis as they are proposed.
A.99-4	Regardless of which agency manages the Monument Units, adequate funding is needed to insure enforcement and protection against artifact collection, vandalism, exploitation, and destruction of the Monument objects and values due to off-road vehicle use, mining, drilling, "pot hunting", destruction of rock art panels, intensive recreational use (OHV jamborees and competitive events), intensive rangeland management measures like "chaining", development of more roads, and associated infrastructure to support development projects, which the BLM appears to embrace and encourage to happen.	Decisions regarding agency funding and staffing are administrative decisions and are beyond the scope of the development of the MMPs/EIS.  The alternatives considered in the MMPs/EIS contain management actions to address the issues raised in the comment. The BLM and USFS will monitor and enforce the requirements outlined in the proposed MMPs to ensure the proper care and management of

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		Monument objects and values. As described in Appendix D of the MMPs/EIS, the BLM and USFS would apply adaptive management strategies to address potential impacts to cultural resources if monitoring indicates impacts to these resources.

### 3.17 Riparian, Wetland, and Water Resources

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24360-1	These are arid lands so any development must take into consideration available aquifers, something that will likely drain them and contribute less to downstream flows - which are already severely overextended. This is something that I, as a resident of the arid southwest have been living with.	Section 3.12 states that large-scale groundwater withdrawals or impacts are not anticipated as a result of the management actions being considered, and for that reason, the alternatives are unlikely to affect groundwater quantity or quality on an aquifer scale. Nevertheless, the alternatives considered in the MMPs/EIS include specific provisions designed to avoid negative impacts on groundwater aquifers in the BENM. The MMPs/EIS (Section 3.12.2) analyzes the potential impacts that the alternatives considered in the MMPs/EIS would have on riparian, wetland, and water resources. Section 3.12.2.2.3 of the MMPs/EIS specifically addresses water use. Appendix J outlines stipulations that would be implemented to protect riparian, wetland and water resources. Additionally, Appendix I describes best management practices, techniques determined to be the most effective and practical means of maximizing beneficial results and minimizing conflicts and negative environmental impacts from management actions.
A.76-6	The Draft EIS identifies that monitoring for wetland and riparian area functioning conditions will be conducted as needed. We recommend the Final EIS identify the decision process that will be applied to determine when such monitoring will be needed. In our experience, there are uncertainties and limitations in agency monitoring budgets. We therefore recommend identifying management practices that realistically meet established resource objectives, rather than depending on adaptive management and associated monitoring. Where BLM selects approaches that rely on adaptive management, we recommend identification of conservative management actions to protect resources if monitoring resources for adaptive management are not available.	As identified in the Monitoring Strategy included as Appendix M of the MMPs/EIS, wetland and riparian monitoring in the BENM would be conducted using aquatic and terrestrial Assessment, Inventory, and Monitoring (AIM) protocols at aquatic AIM sites every 5 years, as well as proper functioning condition determinations, funding permitting. As described in Section 3.12.1 of the MMPs/EIS, 94% of the riparian areas in the Planning Area are in PFC or functioning at risk but improving, indicating that past management has not resulted in unacceptable impacts to wetlands or riparian resources. The alternatives considered in the MMPs would place restrictions on the primary uses of the BENM that may result in degradation of wetlands and riparian areas if not properly managed, including recreation and livestock grazing. Additionally, Federal laws regarding the protection of wetlands (Section 404 of the Clean Water Act and Executive Order (EO) 11990 Protection of Wetlands) and floodplains (EO 11988 Floodplain Management) would apply.

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56398-2	The impacts of grazing on limited riparian areas along the eastern edge of Comb Ridge have not been adequately assessed. From personal experience seeing these heavily degraded resources it's clear that livestock are incompatible with the BLM's mission to care for the landscape. Wildlife resources, including sensitive and endangered species, are placed at unacceptable risk under current management. A complete reassessment of riparian areas degradation and credible emphasis on their preservation and care should be a part of any Bears Ears management plan.	As described in Section 3.12.1 of the MMPs/EIS, 94% of the riparian areas in the Planning Area are in PFC or functioning at risk but improving, indicating that past management has not resulted in unacceptable impacts to wetlands or riparian resources. The agencies have considered a range of alternatives in the MMPs/EIS, including alternatives that would close canyons containing riparian areas on the east side of Comb Ridge in Butler Wash.  Analysis of potential site-specific impacts on riparian areas will be completed when implementation-level decisions regarding livestock grazing (e.g., permit renewal) and other activities are proposed in the BENM. These site-specific analyses of implementation-level decisions would include discussion of appropriate measures to reduce impacts on riparian areas where applicable. Also see response to comment A.76-6.
56588-3	The potential negative impact of extraction activities on the ground water must also be considered.	See response to MIN-1. The alternatives considered in the MMPs/EIS include specific provisions designed to avoid negative impacts on groundwater aquifers in the BENM. If any new mining or exploration on valid existing rights within the BENM were proposed, the BLM and USFS would need to complete an environmental analysis of the potential impacts. A mining permit would also need to be obtained from the State of Utah, which would also entail environmental analysis, mitigation, and reclamation requirements.
V.03-10	By keeping the percentage of riparian areas as open to various subsurface disturbance uses as low as possible, we can protect the character and the natural elements of the monument as described in the proclamation.	The range of alternatives analyzed in the MMPs/EIS (Section 3.12.2.2) include protections for riparian areas. See also response to ALT-1.
H.61-11	P.3-53 3.12.22.1.Surface Disturbing Activities (Direct and Indirect Impacts)  Paragraph 7, 3rd sentence: Recommend deleting the last part of the sentence as " ... however, riparian, wetland, and water resources could be degraded before degradation is known and corrective actions can be implemented." This statement overly emphasizes potential negative impacts from livestock grazing which have already been stated in preceding sentences and makes monitoring efforts appear futile. It should be noted that proper livestock grazing can be used to improve riparian area condition.	Text in Section 3.12.2.2.1 has been revised as suggested.
H.61-12	P.3-54 3.12.2.2.3. Water Use (Direct and Indirect Impacts)  Modify 1st sentence to read: "Surface water use (subject to existing water rights) in the Planning Area ..." Although it may be assumed that existing water rights would be honored, the addition of this qualifier would make that clear.	Text in Section 3.12.2.2.3 has been revised as suggested.
A.76-1	EPA's April 2018 scoping letter described the importance of evaluating the potential for impacts to water resources within, crossing or downstream of the BENM boundary. The BENM should be managed to avoid actions that would cause or contribute to a violation of Utah's Water Quality Standards. The Draft EIS (p.3-51) states that existing "water quality concerns within the Planning Area include high stream temperatures, low dissolved oxygen, high sediment loads and nutrient concentrations, high salinity, and high coliform bacteria concentrations. Many of these concerns are associated with riparian health and cover, water quantity, and natural conditions." The Analysis of the Management Situation (AMS) document referenced in the Draft EIS identifies numerous streams in the BENM that are listed by the State of Utah as impaired under section 303(d) of the Clean Water Act (CWA) (Maps 23 ICU & 28 SJU), though we found no discussion of these impairments in the Draft EIS itself. We recommend	The MMPs place restrictions on the primary uses of the BENM that may result in degradation of water resources if not properly managed. A description of the impaired waters and reference to additional details contained in Section 2.12.2.5 of the AMS have been added to Section 3.12 of the MMPs/EIS.



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	including a discussion of the impaired waters in the affected environment and environmental consequences portions of the Final EIS.	
A.76-2	Because resource management plans are updated infrequently, this MMP provides an important opportunity for allocating resources and managing BENM lands to improve stream conditions and to assist in achieving BLM's identified Proper Functioning Conditions (PFC) and applicable state water quality standards for these resources. Where CWA total maximum daily load (TMDL) analyses for impaired waterbodies within, upstream or downstream of the Monument planning areas still need to be completed, we reiterate our recommendation that proposed activities in the drainages of CWA impaired or threatened waterbodies be either limited to prevent any worsening of the impairment or avoided where such impairments cannot be prevented.	Text in Section 2.4.9 has been revised to include the recommendations for water resources published in the State of Utah TMDL reports as management actions common to all alternatives. In addition, management actions common to all alternatives described for riparian and wetland resources (Section 2.4.8.2), livestock grazing (Section 2.4.5.2), travel and transportation management (Section 2.4.12.2), wildlife and fisheries (Section 2.4.15.2), and woodlands and forestry (Section 2.4.16.2) would contribute to addressing impaired waters within the Planning Area. Appendix J outlines stipulations that would be implemented to protect riparian, wetland, and water resources, and Appendix I describes BMPs, techniques determined to be the most effective and practical means of maximizing beneficial results and minimizing conflicts and negative environmental impacts from management actions.
A.76-3	To bolster the analysis of impacts to stream resources in the EIS and to aid in identifying opportunities to improve resource conditions, we recommend the Final EIS: • identify the current condition of each stream and spring in the project area (e.g. streambank or spring condition, riparian vegetation, water quality); • include any waters within the BENM that have been impacted by high levels of radioactivity, either from background geology or from mine activities (like those in Cottonwood Wash; ref: UDEQ, 2002 TMDL2), or that are upstream of waters in the BENM and have the potential to impact waters in the BENM; • identify the extent to which each action alternative would be expected to move those resources toward BLM's defined PFC or toward attaining Utah's water quality standards; and • more clearly identify the pollutants of concern and PFC issues for each stream in Maps 23 ICU and 28 SJU (e.g. color-coded maps).	A description of the impaired waters and reference to additional details contained in Section 2.12.2.5 of the AMS have been added to Section 3.12 of the MMPs/EIS. The MMPs/EIS analyzes programmatic planning-level management actions at a landscape scale. Implementation-level management actions that may impact to specific streams and waterways would be analyzed in appropriate implementation-level environmental analyses. The agencies can analyze conditions of specific streams and waterways and potential impacts to those streams and waterways on a case-by-case basis when site-specific management actions are proposed.
A.76-4	We note that for Riparian Resources, Alternative B of the Draft EIS includes the following stipulation: For both BLM and USFS lands, except for vegetation treatments and recreational infrastructure, preclude surface-disturbing activities within the following: public water reserves; active floodplains; 100-year floodplain of the San Juan River; 500 feet of intermittent and perennial streams, rivers, riparian areas, wetlands, and springs. Given that soil disturbance and erosion appear to be primary contributors to water quality issues in the BENM, we expect stipulations to assist in improving or resolving each of the existing water quality issues cited in the EIS (p. 3-51) mentioned above. We therefore recommend these protections be included as a component of the preferred alternative in the Final EIS and in the Record of Decision (ROD).	See response to ALT-1. Appendix I of the MMPs/EIS includes soil/water/riparian BMPs that apply to all alternatives analyzed.
A.76-5	Our review identified at least one example of activities inside the BENM boundary that could affect resources both inside and outside the boundaries. Fish Creek and a portion of Comb Wash below the confluence with Fish Creek are listed in the Utah Water Quality Integrated Report (2016) as impaired under section 303(d) of the CWA for selenium, temperature and total dissolved solids. We recommend that the Final EIS evaluate whether the identification of the portion of fish Creek as being impaired is accurate on the maps, and whether the grazing modifications contemplated in Alternative B, or other modifications for this area, would be effective in improving riparian function and water quality for these streams. If there are land use modifications that would improve impaired conditions or move resources toward PFC in this area, we recommend the Final EIS disclose this and that BLM select an alternative that includes that land use modification. We also recommend where there are similar allotments near other impaired streams, the Final EIS identify those and, in order to improve water quality and achieve	The analysis area for water resources extends beyond the boundaries of the BENM, as described in Section 3.12 of the MMPs/EIS. As described in Section 3.12.1 of the MMPs/EIS, 94% of the riparian areas in the Planning Area are in PFC or functioning at risk but improving, indicating that past management has not resulted in unacceptable impacts to wetlands or riparian resources. Section 3.12.1 of the MMPs/EIS analyzes the potential impacts of the alternatives considered for livestock grazing on water resources. The agencies do not believe that removal of livestock grazing from entire allotments is necessary to improve water quality. The agencies can analyze potential site-specific impacts on riparian areas and water

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	BLM's stream PFC, make a final alternative selection that improves riparian function and water quality for those streams.	quality when implementation-level decisions regarding livestock grazing (e.g., permit renewal) and other activities are proposed in the BENM. These site-specific analyses of implementation-level decisions would include discussion of appropriate measures to reduce impacts on riparian areas and water quality where applicable.
A.76-7	The N aquifer (predominantly Wingate and Navajo Sandstones) is used to supply public water to communities throughout the region, including the communities of Blanding, Bluff and many communities and inholdings of Ute Mountain Ute Tribal members (e.g. White Mesa community and others). Although the Draft EIS notes that there are no existing Sole Source Aquifers (SSAs) designated in the planning area, the Ute Mountain Ute Tribe is currently engaged in preparing a SSA petition for this aquifer that provides 100% of the public water supply for White Mesa and other community members. Because this aquifer serves as a sole domestic water source for several communities in the region, it is important to protect it at the withdrawal locations as well as the recharge areas. Recharge for the N aquifer occurs through infiltration of precipitation in several areas within and immediately outside of the current BENM boundaries, including Comb Ridge, the Abajo Mountains, and Cottonwood Wash (Avery 1986). The Draft EIS anticipates there will be little to no impacts to groundwater quality or quantity. To clarify the location of Aquifer N and its recharge areas, we recommend the Final EIS include those features on a map. To ensure protection of the proposed SSA, it will be important to identify and mitigate or disallow actions that would pose risks to groundwater in recharge areas. Specifically, we recommend avoiding surface uses with the potential to introduce pollutants within recharge areas, or the potential to result in soil compacting activity in recharge areas that could reduce recharge rates. We also recommend that BLM and the Forest Service consider designating aquifers and aquifer systems that serve as primary drinking water sources for communities as Areas of Critical Environmental Concern.	Maps identifying the N aquifer and other potential aquifers within the BENM have been added to the Proposed MMPs/Final EIS. Also, Section 3.12.1 of the Proposed MMPs/Final EIS has been revised to include a detailed discussion of the aquifers within the BENM, and Section 3.12.2 has been revised to discuss the potential for impacts of the alternatives on groundwater.  Watersheds include recharge areas for the N aquifer, are an object and value of the BENM and the agencies are required to provide for the proper care and management of Monument objects. Therefore, special management is not required and ACEC designation would not provide additional protections to these resources beyond those provided under the areas status as a National Monument. The portion of the suggested ACEC that falls outside the boundary of the BENM is outside the scope of this planning process, but an ACEC nomination could be considered in a future planning process for BLM-administered lands that are inside and outside the BENM boundary.  In addition, groundwater movement in the aquifers is from north to south (see Section 3.12.1), any recharge to N aquifer that would occur along Comb Ridge within the BENM boundary would move toward the south. As the White Mesa area is located directly to the east of the BENM, it is unlikely that recharge within the BENM would affect the groundwater resources used by local communities. Also see response to A.76-8.
A.76-8	The Draft EIS (p. 3-51) states that the shallow aquifers of the ICU supply domestic drinking water via wells within the Unit. Shallow aquifers are also often the source of springs and seeps which are mentioned as important resources in the Proclamations and the Draft EIS. These aquifers are typically unconfined, water table aquifers that are in communication with the surface and can therefore be sensitive to contamination from surface activities. We recommend the Final EIS include a map identifying aquifers within the BENM that are responsible for springs, and stock and drinking water wells. Additionally, since surface water is scarce in the planning area, any groundwater withdrawals have the potential to significantly degrade riparian, wetland or stream function. We recommend the preferred alternative in the Final EIS include a stipulation from Alternative B that requires conducting hydro logic studies of all proposed and future groundwater withdrawals to avoid impacts.	Maps identifying aquifers within the BENM have been added to the Proposed MMPs/Final EIS. As described in the responses to MIN-2 and A.58-13, there are no anticipated future surface activities in the BENM that could result in contamination of shallow aquifers. If any of these activities were to be proposed in the BENM, the BLM and USFS would review them on a case-by-case basis at the time they are received through an appropriate environmental analysis. Any land-use authorizations would be required to be consistent with the proper care and management of Monument objects and values.  The alternatives considered in the MMPs/EIS include specific provisions designed to avoid negative impacts on groundwater aquifers in the BENM from water withdrawals.
A.41-21	2.4.8.2. Management Actions Common to all Alternatives Bullet Point 13: Edit this management action to read, "Range resource management: Avoid trailing livestock along the length of riparian areas except where existing stock driveways occur. Rehabilitate existing stock driveways where damage is occurring in riparian areas. Implement BMPs if monitoring shows livestock are causing damage to riparian areas. If BMPs are ineffective, temporarily relocate livestock outside riparian areas if possible and when necessary to achieve riparian area goals."	The language in the MMPs/EIS does not limit the agencies from making livestock relocations to promote riparian health temporary. The agencies believe that it is important to maintain administrative flexibility for effective management of livestock grazing in riparian areas that are not meeting riparian area goals.

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A.41-22	2.4.8.3. Management Actions by Alternative Table 2-10. Alternatives for Riparian Resources Row 2, Alternative D: Edit alternative to read, "If monitoring determines that a permitted activity is a causal factor in riparian areas Functioning at Risk and best management practices have already been implemented without improvements to riparian health that permitted activity would be restricted or the riparian area closed to that activity..." This language fits better with the BLM's management actions common to all alternatives in bullet point 13.	BMPs are intended to be implemented at all times; therefore, they do not need to be specifically mentioned in this decision. BMPs are similarly not mentioned in the corresponding decision for Alternative A.
A.41-23	2.4.8.3. Management Actions by Alternative Table 2-10. Alternatives for Riparian Resources Row 3, Alternative D: Add the following onto the end of the alternative language, "and enhancement of Monument objects and values, as well as existing laws, regulations, and agency guidelines."	As stated in Section 1.6 of the MMPs/EIS, the BLM and USFS must adhere to laws, regulations, and policy or agency guidance for all decisions the agencies make. Mentioning compliance with existing laws, regulations, and agency guidance is not necessary as a decision in the MMPs.
A.41-24	2.4.8.3. Management Actions by Alternative Table 2-10. Alternatives for Riparian Resources Row 4, Alternative D: If there is no scientific basis for the half mile requirement, this component is arbitrary and should be removed. This alternative component needs clarification and scientific support.  Table 2-11. Alternatives for Soil and Water Row 2, Alternative D: If there is no scientific basis for the half mile requirement, this component is arbitrary and should be removed. This alternative component needs clarification and scientific support.	During the alternatives development process, the agencies considered the types of groundwater resources, aquifer characteristics, and potential land use applications (including considering types and quantity of groundwater withdrawals) that may be received within the BENM during the life of the MMPs. Based on those considerations, the BLM and USFS, as well as the commenter, developed the range of alternatives considered in the MMPs/EIS. The agencies believed that the 0.5 mile area included in Alternative D was one way to balance the need to protect groundwater resources with the proposed groundwater withdrawals.
A.41-30	3.12.2.2.1 Surface-Disturbing Activities Paragraph 7: The BLM and Forest Service should include in this paragraph the benefit that proper domestic livestock grazing can provide for riparian and wetland areas. See Appendix 1 for literature outlining some of the many benefits that domestic livestock grazing can provide in riparian areas.	Text in Section 3.12.2.2.1 has been revised to describe that proper livestock grazing practices, along with other management actions, can be consistent with achieving rangeland health standards and PFC for riparian habitats.
A.41-32	3.22.10. Riparian, Wetland, and Water Resources Paragraph: In the last sentence of the paragraph, edit the language to include the positive impacts that new offsite water developments would have on riparian health and water quality. Livestock enclosures are not the only way to positively improve water quality and riparian health. Studies show that increased offsite water sources improve water quality, overall riparian health, <sup>24</sup> and decrease the amount of time livestock spend in riparian areas as well as how intensely the animals use these areas.	Text in Section 3.22.10 has been revised as suggested.
A.14-17	All of the alternatives that the BLM has any intention of selecting completely fail to deal with drought management or provide any science-based management requirements to deal with drought.	Existing regulations, as well as BLM and USFS policies and guidelines such as BLM IM 2013-094, allow the agencies to address drought conditions on a case-by-case basis. A land use plan decision is not needed to address drought conditions. Resource monitoring activities included in Appendix M of the MMPs/EIS, including those for water, vegetation, and livestock grazing monitoring, would detect drought conditions and any associated impacts on rangeland health, the agencies could take appropriate management actions at the implementation level, such as reducing forage utilization or temporarily reducing livestock stocking levels to address drought conditions.
A.14-18	We have provided various drought research papers, management guidelines and drought policies from other agencies for your review [see letter attachments]. We recommend a drought policy similar to the Tonto National Forest's which we have provided copies of. This policy should be tailored to fit the	See response to A.14-17.

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	<p>differing climate patterns which would mean adjusting the SPI from -0.70 to something more applicable to Utah such as -0.85. The MMP must specify that the drought policy will come into effect in the ROD and that permit terms and conditions will be updated to reflect the drought policy. "The Role of Drought in Range Management" is an excellent review of the current problem with agencies current drought responses and must be incorporated into this planning process. In a review of drought effects and management, a Prescott National Forest biologist has shown the need for de-stocking and rest to maintain plant communities during dry and drought conditions and the irreversible loss of soil that can occur<sup>2,3</sup>. Without specification of grazing regimes to allow for below normal and drought conditions, sensitive species of native grass such as Idaho fescue, bluebunch wheatgrass and others can lose vigor, productivity and be lost over time unless proper stocking and rest are employed to maintain these plants. Failure to do so is in violation of the impairment provision of FLPMA. We request the MMP team to review all of drought information we are providing, including citations. We request that a drought policy similar to the Tonto National Forest's be incorporated into the MMP. If the BLM does not feel this information is applicable to the MMP, we request that the EIS provide reasoning to support that claim. Without such review and analysis, the requirements of NEPA will not have been satisfied.</p>	
A.75-73	<p>The Agencies have not identified the full scope of the Monument's water resource values. The agencies have failed to characterize adequately the water resources values identified in Proclamation 9558 and therefore have necessarily failed to derive management alternatives that will safeguard these values. For the same reason, the agencies have also neglected their legal obligation to consider the environmental impact of their various alternative management scenarios on the full range of Monument values the agencies are obligated to protect.</p> <p>Importantly, Proclamation 9558 identifies water resources as Monument objects that must be protected not only for their intrinsic value, but also because they provide habitat and ecosystem services for the wildlife species enumerated in the proclamation, promote and maintain water quality and water quality, and provide high quality water to local communities. Key to safeguarding water quality and quantity and plant and animal species, as well as other watershed and wetland values, is managing activities upstream and elsewhere in the relevant watersheds. Yet, the agencies do not acknowledge or address this connection and fail to consider protective management schemes for upstream and watershed-wide activities. As a result, the Draft MMP is necessarily inadequate.</p> <p>In contrast to the agencies' description of Monument values, Proclamation 9558 underscores the need to protect upstream and watershed-wide values. For example, Proclamation 9558 identifies as an object that must be protected the "Bears Ears' Headwaters." These "mountains" have long been recognized "for the watershed values" they provide to local communities. In other words, all the watershed values of all headwaters that feed the Monument – necessarily found on high elevation lands – are to be protected.</p> <p>Similarly, Proclamation 9558 states:</p> <p>Understanding the important role of the green highlands in providing habitat for subsistence plants and animals, as well as capturing and filtering water from passing storms, the Navajo refer to such places as "Nahodishgish," or places to be left alone. Again, the Proclamation emphasizes the need to protect high elevation lands – highlands that feed water resources values on Monument lands – in part because of these lands protect and enhance both water quantity and water quality. Further, activities upstream necessarily impact downstream water resource values and the plants and animals they harbor, including by providing high quality water. Therefore, the agencies must acknowledge the impact activities in these reaches have on Monument water resource values and derive management alternatives that ensure that management of these activities furthers the goal of protecting water resource values inside the Monument.</p>	<p>BLM and USFS-administered lands outside of the BENM boundary as identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, are managed according to the 2008 Monticello RMP and 1986 Manti-La Sal LRM and are outside of the agencies' decision space of this MMPs/EIS. As described in Section 3.12 of the MMPs/EIS, the analysis area for potential management effects to riparian areas, wetlands, and water resources is the watersheds (10-digit hydrologic unit code [HUC] areas defined by the U.S. Geological Survey) intersected by the Planning Area. This area is larger than the BENM and includes both upstream and downstream areas from the Planning Area. Appendix A accurately identifies water resource-related objects and values from the Proclamations establishing the BENM. All of the alternatives considered in the MMPs/EIS would provide for the proper care and management of Monument object and values, including water resources and watershed areas. These alternatives include setbacks for various resource uses from riparian areas, best management practices (Appendix I), and stipulations for surface-disturbing activities (Appendix J). The analysis of impacts contained in the MMPs/EIS does not indicate that water resources in the BENM would be impacted in a manner that is inconsistent with the proper care and management of these resources. Furthermore, evaluation of individual water resources within BENM, and determination of site-specific management actions are implementation-level decisions that are not addressed at the planning level in the MMPs/EIS.</p>

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	<p>In contrast to the Proclamation, the agencies classify “Bears Ears Headwaters” as a “[s]pecific cultural, archaeological, or historical object,” identified in Proclamation 9558. Draft MMP A-16. In doing so, the agencies fail to recognize that this area is singled out as providing “watershed values” prized by local communities. Proclamation 9558 (“Local communities seeking to protect the mountains for their watershed values have long recognized the importance of the Bears Ears’ headwaters.”). Thus, in contradiction with the Proclamation language, the agencies improperly treat the Bears Ears Headwaters as an object somehow divorced from upstream and watershed-wide conditions and influences. This approach is contrary to the Proclamation as well as established science.</p> <p>Similarly, the agencies categorize “[w]ater sources, including springs, seeps, tinajas, and their associated riparian habitat (e.g., hanging gardens),” and “[p]erennial and intermittent streams and riparian corridors” as specific biological and ecological processes protected as Monument objects because they support a “broad diversity of plants, animal communities, and ecosystems.” Draft MMP at A-18 (describing as the associated values “[o]pportunities to protect headwaters and water supplies,” “[d]iversity of wildlife species and associated habitats,” and “[d]iversity of native vegetation and habitats (including Elk Ridge, mesa tops, and canyons).” While this characterization appears to acknowledge that protecting headwaters and water supplies, which necessarily originate upstream and are affected by activities and conditions at the watershedwide scale, the Draft MMP does not reflect the recognition.</p> <p>In sum, Proclamation 9558 identifies uplands and headwaters as being critical to the protection of Monument objects. Utah Water Quality Standards and conservation science further confirm that to safeguard Monument water resource values it is necessary to ensure that upstream and watershed-wide conditions and activities are not degrading water quality and otherwise interfering with the protection of riparian zones, wetlands, water quality and water quality. Further, these water resource values also must also promote and fully support Monument wildlife and plants. Therefore, it is legally incumbent on the agencies to assess the condition of upland and upstream water resource values and to derive and implement an alternative that ensures that upstream and watershed-wide management activities safeguard and do not harm Monument water resource values.</p>	
A.75-74	<p>The proffered alternatives are not sufficient protective of the Monument’s water resource values. As established above, water resource values thought out the Monument must be protected from harm and water quality in the Monument and in the headwaters feeding Monument waters may not be degraded. Yet, the alternatives presented in the Draft MMP all allow both injury to water resource values and water quality.</p> <p>First, as discussed above, the agencies do not proffer an alternative that protects Monument water resource values by addressing their management of activities upstream and on a watershed-wide basis. While the agencies acknowledge that the Planning Area does not encompass all relevant watersheds in their entirety, Draft MMP at 3-50 (“The analysis area for potential management effects to riparian areas, wetlands, and water resources is the watersheds...intersected by the Planning Area (Map RIP-3)”), they restrict their management plan and analysis to only those portions of the watershed that lie within the Monument. This approach is not adequate. It is not possible to protect watershed values and water quality in a piecemeal fashion and while failing to address the impacts that activities upstream and elsewhere in the watershed will have on the success or failure of efforts to protect watersheds, water quality and water quality. As a result, the agencies have not met their obligation to determine the degree to which their management alternatives meet the purpose and the need of the Draft MMP – to safeguard the Monument’s water resource values.</p> <p>Even within the Monument, the management alternatives are not sufficient to protect water resource values. For example, the agencies give as a management action common to all alternatives that “[f]uture resource uses or activities would be executed to minimize impacts...to water quality and/or water quantity.” Draft MMP at 2-21. However, minimizing impacts to water resource values is insufficient under the Antiquities Act and Utah Water Quality Standards. Rather, watershed values,</p>	<p>See response to A.75-73. The commenter has misinterpreted the analysis area for riparian, wetland, and water resources, which was larger than the BENM. Text in Section 3.12 has been revised for clarity.</p> <p>The analysis area for riparian, wetland, and water resources consists of the watersheds intersected by the BENM (Section 3.12); the analysis area extends outside of the BENM boundaries to encompass water resources upstream (see Map RIP-3 in Appendix B). While riparian, wetland, and water resources are analyzed at this scale, BLM- and USFS-administered lands outside of the current BENM boundary are managed according to the 2008 Monticello RMP and 1986 Manti-La Sal LRMP and are outside of the decision space of this MMPs/EIS.</p> <p>For clarity, “preferential consideration to riparian area-dependent resources in cases of unresolvable resource conflicts” has been removed from Section 2.4.8.2 of the MMPs/EIS.</p> <p>Site-specific analyses of implementation-level decisions would include analysis of potential direct, indirect, and cumulative impacts to water resources and application of appropriate mitigation efforts, where applicable, to ensure the proper care and management of these resources.</p>

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	<p>riparian habitats and water quality must be properly managed and cared for and protected from harm. Water quality may not be degraded. This means that “minimizing” impacts is not enough. Adverse impact to water resources values must be avoided and indeed, actions to restore any water quality that is no longer of the highest quality must immediately be taken.</p> <p>The agencies state as a goal to “[a]void or minimize the destruction, loss, or degradation of riparian areas, wetlands and associated floodplains; preserve and enhance natural and beneficial values.” Draft MMP at 2-19. However, as Proclamation 9558 provides, watershed values, riparian habitats and water quality must be properly managed and cared for and protected from harm. Further, under Utah law, water quality may not be degraded. This means that “minimizing” impacts is not enough. Adverse impact to water resources values must be avoided – and indeed, actions to restore any water quality that is no longer of the highest quality must immediately be taken.</p> <p>The agencies claim that giving “preferential consideration to riparian area–dependent resources in cases of unresolvable resource conflicts” is a management action common to all alternatives. Draft MMP at 2-19. However, Alternatives B, C and D each allow vegetation treatments and recreational infrastructure in riparian corridors and floodplains regardless of the impact on riparian areas and in disregard for the “preferential consideration” and ultimate protection of water quality and Monument water resource values. Draft MMP at 2-20. Indeed, Alternative D conflicts directly with this management action, stating that “[c]onsideration of unresolvable conflicts would be made on a case-by-case basis at the implementation level and would be consistent with protection, preservation, and enhancement of Monument objects and values.”</p> <p>The agencies stated that “[m]inimize surface-disturbing activities in riparian areas that alter vegetative cover, result in stream channel instability or loss of channel cross sectional area, or reduce water quality” is a management action common to all alternatives. Draft MMP at 2-19. The agencies also give as a management action common to all alternatives that “[n]ew trails developed in riparian areas would be designed to minimize impacts to riparian function. “ Draft MMP at 2-19. Again, as Proclamation 9558 provides, watershed values, riparian habitats and water quality must be properly managed and cared for and protected from harm. Further, under Utah law, water quality may not be degraded. This means that “minimizing” impacts is not enough. Adverse impact to water resources values must be avoided – and indeed, actions to restore any water quality that is no longer of the highest quality must immediately be taken.</p> <p>The agencies further state that surface disturbing activities adversely impact riparian corridors and wetlands and that prohibiting roads and trails on erodible and sensitive soils, near seeps and springs, in floodplains and otherwise reducing road and trail density protects these Monument values:</p> <p>Alternatives that would limit the location of roads and trails, such as avoiding highly erodible or sensitive biological soils, seeps and springs, floodplains, and closing redundant trails, would reduce negative impacts to riparian, wetland, and stream resources to the degree they are implemented under each alternative. Alternative B would be most protective of riparian areas from direct surface disturbance impacts and would provide a larger buffer to surface disturbance than would Alternatives A and D. Alternative C does not prescribe specific buffers. Direct riparian impacts would be similar under all alternatives. These impacts would indirectly affect long-term plant diversity, soil moisture, and water temperature. Draft MMP at 3-52.</p> <p>However, the agencies’ management alternatives each allows surface disturbing activities that damage water resource values even as the agencies admit that prohibiting such activities would help protect and failing to do so would open these values to harm and injury. Id. at 2-20. For example, each management alternative opens considerable percentages of Monument riparian areas to livestock grazing, new ROWs, and OHV use. Draft MMP at 3-52 (Table RIP-1); see also Draft MMP at 3-53 (“Riparian areas with existing unpaved vehicle routes that would remain partially open or open (e.g., Arch Canyon under Alternatives A, C, and D) could see impacts from vehicle use. Impacts may include</p>	See also responses to ALT-1 and A.76-2.

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	<p>loss or conversion of riparian/wetland/aquatic habitat, removal of and/or damage to riparian and wetland vegetation, introduction of invasive species, loss of plant diversity, habitat fragmentation, soil compaction, streambank erosion, and stream channel instability.”). As a result, the management alternatives proposed by the agencies are not adequate to protect the Monument’s water resources.</p> <p>Similarly, the agencies state that “[r]iparian, wetland, and water resources are also susceptible to indirect impacts from surface-disturbing activities on adjacent lands, particularly within floodplains, on steep slopes, and/or in highly erodible soils.” Draft MMP 3-52. Again, the agencies’ management alternatives fail to prohibit surface-disturbing activities within floodplains, on steep slopes and on highly erodible soils. Id. at 2-20. For example, even Alternative B allows vegetation treatments and construction of recreational infrastructure in floodplains. Moreover, each management alternative opens considerable percentages of Monument floodplains to livestock grazing, new ROWs, and OHV use. Id. at 3-53 (Table RIP- 2). As a result, the management alternatives proposed by the agencies are not adequate to protect the Monument’s water resources.</p> <p>Each alternative allows vegetation treatments in riparian corridors, in floodplains and nearby streams without qualifying that such treatments may be allowed only if they are consistent with protecting Monument values, including water resource values. Id. at 2-20. This approach is not adequate. Indeed, at times the agencies acknowledge this, noting that “Proclamation 9558 is amended to clarify that, consistent with the care and management of the objects identified above, the Secretaries of the Interior and Agriculture may authorize ecological restoration and active vegetation management activities in the monument.” Id., Appx. K-1. Therefore, because the proffered alternatives do not specify that vegetation treatments are permissible only if they do not harm water resource values, the management alternatives proposed by the agencies are not adequate.</p> <p>Importantly, to the extent that the agencies might contend that water quality could be negatively impacted in the name of protecting other Monument values, this argument is without merit. That is because, as the agencies confirm, all activities on the Monument – and indeed activities on federal lands that may impact the Monument – must meet water quality standards. E.g., Draft MMP 2-21 (“Manage actions on BLM- and USFS-administered lands in the Planning Area to meet State water quality standards.”); Id. (“Water quality and soil productivity would be maintained or improved.”). Utah Water Quality standards prohibit the degradation of the streams, rivers and lakes in the Monument. Therefore, any management activities that may be designed to protect other Monument values but that nonetheless degrade water quality are prohibited.</p> <p>In sum, for the many reasons set forth above, the management alternatives proposed by the agencies are not adequate to protect the Monument’s water resources as required by the Antiquities and mandated by the purpose and need of the MMP. The alternatives to not prohibit degradation of water quality, allow damaging surface disturbances, including OHV use, in riparian corridors, in floodplains and on sensitive soils and otherwise fail to safeguard the Monument’s water resources from harm and injury. As a result, the agencies must derive an implement a management alternative that does meet their legal obligations.</p>	
A.75-75	<p>The Agencies must derive and implement a management alternative that complies with Proclamation 9558 and Utah Water Quality Standards. Given the agencies’ legal obligations and their failure to come up with management alternatives that fulfill their duty to protect and restore water resources on the Monument, the agencies must derive and consider the environmental impacts of management alternatives that properly care for and manage water resources so that riparian corridors, wetlands, water quality and water quantity are not harmed or injured by existing and future activities inside and near the Monument. To do this, the agencies at a minimum must: 1) Derive and implement a management alternative that safeguards and prevents harm or injury to the full scope of the water resource values identified in Proclamation 9558. 2) Quantify baseline water quality and water quantity conditions, including upstream and watershed-wide conditions to ensure that no degradation of water</p>	<p>See response to A.75-73, A.75-74, and ALT-4. The commenter incorrectly implies that the alternatives considered by the agencies in the MMPs/EIS must avoid all impacts on water resources.</p> <p>Appendix M of the MMPs/EIS contains specific provisions for monitoring of water resources within the BENM. Evaluation of individual water resources within BENM, and determination of site-specific management actions are implementation-level decisions that are not addressed at the programmatic planning level in the MMPs/EIS. Appendix I outlines best management practices to</p>

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	<p>quality is permitted. 3) Derive an alternative that includes analysis and proposed management of activities upstream and on areas outside the Monument impacting watershed in the Monument in order to safeguard the Monument's water resources. 4) Derive and consider the environmental consequences of an alternative that ensures compliance with Utah Water Quality Standards and prevent degradation of water quality based on consideration of water quality within and upstream from the Monument and the conditions of the entirety of the Monument's watersheds. 5) Determine whether existing water quality and quantity are adequate to protect the animal and plant species identified in the Proclamation, consider the environmental impacts of management alternatives on providing sufficiently high quality and quantities of water to achieve this goal and derive management alternatives that fulfill the agencies' obligations to protect animal and plant species. 6) Analyze whether management alternatives are adequate to protect future needs of communities for high quality water, as well as to protect the future needs of plant and animal species and derive a management alternative to ensure these future goals are achieved.</p>	<p>maintain and enhance water resources. Appendix J discusses stipulations applicable to surface-disturbing activities that would protect water resources.</p>
A.75-76	<p>To fulfill their obligation to protect the Monument's water resources, the agencies should focus on restoring and conserving riparian corridors and wetlands. As stated in Proclamation 9558, watersheds and grasslands are to be maintained "through the careful use of wildlife [wildfire] and management of grazing and timber." Riparian and other wetland areas within the Planning Area and the broader Bears Ears landscape should attain proper functioning condition, which includes dominance by native wetland species, little to no non-natives, and a minimum of bare ground and erosion as defined by appropriate reference conditions. The agencies should prioritize restoration of any watershed are classified as not attaining "proper functioning condition." We recommend the following management prescriptions to maintain and restore watershed function and to properly care for the Monument's wildlife, plant communities and ecological values: 1) No water source should be completely diverted into tanks or troughs. At least 70% of the flow should remain in the system to maintain riparian ecological processes and functions. 2) There should be a maximum of 5% cover of non-native, invasive riparian species such as tamarisk or Russian olive. Areas with more than this percent cover should be priorities for restoration. 3) Macroinvertebrate community diversity and composition should meet standards and be within 80% of relevant reference stream reaches. 4) Special status species habitat and ecological process should be evaluated in all future riparian assessments. 5) Trails should be kept out of riparian areas. 6) Monitoring should be established in all riparian areas to ensure that they are meeting or making progress toward meeting PFC and goals for native plant composition. 7) No new water developments should be constructed solely for livestock operations.</p>	<p>The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. BLM and USFS-administered lands outside of the current BENM boundary are managed according to the 2008 Monticello RMP and 1986 Manti-La Sal LRMP and are outside of the decision space of the MMPs/EIS. Specific proposals for water diversions would be evaluated in the appropriate implementation-level environmental analysis. Measures to avoid or reduce impacts on riparian and water resources would be implemented as needed on a case-by-case basis to provide for the proper care and management of Monument objects and values.</p> <p>Management actions common to all alternatives (Section 2.4.5.2) includes the development of offsite water sources where practical to reduce impacts to riparian areas, seeps, and springs. Additionally, Appendix I (Sections 1.5 and 1.6) contain BMPs to protect water resources and associated aquatic and riparian habitats in the case of a proposed water development or range improvement.</p> <p>Riparian areas targeted for restoration would be identified as those not meeting standards described in Appendix M (M-27, M-28, M-31, and Section 1.13).</p> <p>Any site-specific management actions approved in the BENM would have to comply with applicable state water quality standards.</p> <p>Wildlife habitat (including that for special status species) is evaluated in the PFC assessment, as well as a number of other resource evaluations (such as rangeland health assessments) and species-specific monitoring (as described in Appendix M).</p> <p>The range of alternatives considered in the MMPs/EIS includes specific provisions related to placement of roads in riparian areas. PFC assessments, as well as other assessments (such as special status plant monitoring) will be conducted in riparian and wetland areas, as described in Appendix M.</p>



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A.53-6	<p>Water withdrawals, grazing, irresponsible OHV use, ROW's, vegetation treatments, timber management, and wildfire management can have significant impacts on water quality and quantity as well as soils, riparian vegetation, and fish and other wildlife downstream. The agencies acknowledge that water quality is already compromised within the planning area when they state, "Water quality concerns within the Planning Area include high stream temperatures, low dissolved oxygen, high sediment loads and nutrient concentrations, high salinity, and high coliform bacteria concentrations. Many of these concerns are associated with riparian health and cover, water quantity, and natural conditions" (DMMP 3.12.1). It is therefore important that the agencies make management decisions that will restore, not further compromise already degraded water resources. We support providing the strongest protections possible for water resources within the Monument. Alternative B would protect sensitive riparian areas from ROW development, some OHV use and grazing. It would close redundant routes and trails while prohibiting off-trail hiking in sensitive water resource areas and provide clearly marked trails in areas where multiple social trails have been developed. With regard to water withdrawals, Alternative B would require a hydrologic study for all proposed groundwater withdrawals and new wells while not authorizing land uses for water withdrawals that could negatively affect groundwater for seeps and springs (DMMP Table 2-10). Alternative B also precludes surface-disturbing activities on both BLM and USFS lands within the following: public water reserves, active floodplains, 100-year floodplain of the San Juan River, and 500 feet of intermittent and perennial streams, rivers, riparian areas, wetlands, and springs. However, this Alternative allows for an exception of vegetation treatments and recreational infrastructure. We urge the agencies to eliminate the exception for mechanical vegetation treatments and to only allow for recreational infrastructure that would enhance and further protect water resources from recreational use.</p>	<p>All of these decisions would be made on a case-by-case basis and take into account site-specific conditions.</p> <p>See response to ALT-1. In developing the Proposed MMPs/Final EIS, the BLM and USFS have developed a range of alternatives that, when warranted, allow exceptions for vegetation treatments and recreational infrastructure. Mechanical treatments are allowed under all alternatives, but the MMPs/EIS analyzes a range of alternatives that includes restrictions on chaining.</p>
A.53-7	<p>we recommend including the following monitoring requirements from Alternative C: Water resources and soils would be monitored for degradation from use of roads, equestrian routes, mechanized routes, hiking trails, and/or natural variability in seasonal cycles. This monitoring would include loss of bank stability, incised channels, headcutting or downcutting, and sedimentation due to loss of vegetation cover (DMMP Table 2-11).</p>	<p>See response to ALT-2. The monitoring strategy for water resources outlined in Appendix M would monitor for degradation of resources from all uses and includes the indicators listed.</p>
A.37-35	<p>Chapter 2-Riparian and Wetland Resources-2.4.8.1-2-19. Goals and Objectives should include the desired management of these resources to include cultural resources. The Pueblo of Acoma maintains springs and other water features as important cultural resources.</p>	<p>Management goals and objectives for cultural resources (Section 2.4.1.1) includes "[m]anage natural resources important to American Indian Tribes for cultural uses." Restating this goal in Section 2.4.8 of the MMPs/EIS is not necessary.</p>
A.57-4	<p>Oil and gas exploration and development can pose significant threats to water resources. The Draft EIS should evaluate direct, indirect, and cumulative impacts to surface water resources and wetlands in the Coastal Plain. Specifically, the Draft EIS should examine alterations to the landscape that would likely occur as a result of development of the leases and predicted impacts to stream and wetlands discharge, riparian habitat, water quality, and flow.</p>	<p>The Coastal Plain is located outside of the BENM boundary.</p> <p>All lands within the BENM are withdrawn from mineral entry, subject to valid existing rights (see Sections 1.5 and 2.4.6.2 of the Draft MMPs/EIS). Potential cumulative impacts to riparian, wetland, and water resources from reasonably foreseeable future management actions are discussed in Section 3.22.</p>
V.02-2	<p>It's methodologically weak, the environmental impact study that was done here, because it does not take into account a whole watershed, whereas the previous boundaries did take into account the whole watershed.</p>	<p>The analysis area for riparian, wetland, and water resources includes the watersheds intersected by the BENM (refer to Section 3.12 of the MMPs/EIS).</p>
A.75-104	<p>As BLM and the Forest Service acknowledge, riparian corridors, water resources and water quality are key Monument objects that must be properly managed and cared for in a manner that safeguards these objects and protects them from harm. See Draft MMP at A-18. However, the agencies fail to</p>	<p>The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the Monument objects and values identified in</p>

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	<p>identify the scope of these objects as specified in Proclamation 9558. As a result, the agencies have not adequately considered how to protect water resources as mandated by Proclamation 9558 and have not sufficiently addressed the impacts the management alternatives will have on resources within, as well as surrounding, the Monument.</p> <p>Further, given that agencies acknowledge their preferred alternative would have an increased adverse impact on water resources, this alternative must be rejected as contrary to the Antiquities Act and Proclamation 9558 and as failing to meet the purpose and need of the Draft MMP. Even Alternative B, which achieves the goal of protecting best among the proposed alternatives, is not adequate to meet the agencies' legal obligations to safeguard and restore the Monument's water resource values. Therefore, the agencies are duty bound to derive and implement an alternative that lives up to their management obligations under the Antiquities Act to safeguard and restore water resources.</p>	<p>Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. The BLM- and USFS-administered lands outside of the current BENM boundary are managed according to the 2008 Monticello RMP and 1986 Manti-La Sal LRMP and are outside of the decision space of the MMPs/EIS.</p>
A.75-105	<p>The Agencies are legally obligated to prevent any further damage or injury to and to restore the Monument's water resource values. As mentioned above in Section I, the agencies are been charged with carrying out the "proper care and management" of the objects identified in Proclamation 9558 as qualifying for protection as "national monuments." 16 U.S.C. § 431. Therefore, the Draft MMP must ensure that the objects specified in Proclamation are protected, meaning that they are shielded from harm, injury and damage.</p> <p>Specific to water quality, a necessary component of watershed and wetland health and function, Utah Water Quality Standards specify that every waterbody on Manti-La Sal National Forest Land has been designated as a "Category 1" water and therefore entitled to the utmost protection. In Utah, Category 1 waters are given the same protections granted to Outstanding National Resources Waters under the federal antidegradation policy. Category 1 waters are of exceptional recreational or ecological significance and shall be maintained at existing high quality. To achieve this end, no "new" point source discharges shall be allowed into Category 1 waters and nonpoint sources shall be controlled to the extent feasible through implementation of best management practices or and regulatory programs. Ultimately, however, water quality in these prized streams, rivers and lakes must be maintained at existing levels and may not be degraded. Waters of the state designated as Category 1 Waters are listed in R317-2-12.1 and include, with minor exceptions not applicable here, all the waters in the boundaries of the National Forest.</p> <p>Further, although the agencies do not address this requirement under the Utah Water Quality Standards, water quality in all Category 2 streams shall likewise be maintained at high quality. Only if the Director of the Utah Division of Water Quality determines, after appropriate intergovernmental coordination and public participation in concert with the Utah continuing planning process, allowing lower water quality is necessary to accommodate important economic or social development, may water quality in these streams, rivers and lakes be degraded.</p>	<p>See responses to ALT-4, A.75-73, A.75-74, and A.75-75.</p> <p>As described in Section 2.12.2.2 of the AMS, on USFS-administered lands in the Planning Area there are no perennial streams and intermittent streams, and springs are scattered.</p> <p>Appendix M of the MMPs/EIS contains specific provisions for monitoring of water resources within the BENM. As detailed in Appendix M, water quality sampling will be conducted as part of the Cooperative Program with the State of Utah Division of Water Quality (UDWQ), and data will be used to assess whether a stream is meeting state water quality standards. Evaluation of individual water resources within BENM, and determination of site-specific management actions are implementation-level decisions that are not addressed at the programmatic planning level in the MMPs/EIS. Appendix I outlines best management practices to maintain and enhance water resources. Appendix J discusses stipulations applicable to surface-disturbing activities that would protect water resources. The analysis of impacts in the MMPs/EIS did not find that there would be unacceptable impacts on water quality under any of the alternatives considered in the MMPs/EIS.</p>
A.75-106	<p>The Agencies do not adequately consider the impacts of the alternatives on water resource values.</p> <p>The Draft MMP states that "[d]etermining appropriate riparian buffer widths depends on hydrology, slope and soil characteristics, vegetation, surface roughness, adjacent land use and management, and the nature of recreational use (Johnson and Buffler 2008)." Draft MMP 3-53. The agencies also state that "[w]ider buffers with more restrictive uses within the buffer would generally be more protective of riparian, wetland, and water resources." Id. However, the agencies do not analyze whether the buffers and restrictions association with the various management alternatives are sufficiently robust to protect the Monument's water resources. See Draft MMP at 2-20. Similarly, the agencies fail to determine the minimum buffers necessary to fully safeguard the riparian corridors, wetlands, water quality and water quantity in the Monument.</p>	<p>See responses to A.41-24 and ALT-4.</p> <p>The analysis area for riparian, wetland, and water resources consists of the watersheds intersected by the BENM (Section 3.12); the analysis area extends outside of the BENM boundaries to encompass water resources upstream (see Map RIP-3 in Appendix B). While riparian, wetland, and water resources are analyzed at this scale, BLM and USFS-administered lands outside of the current BENM boundary are managed according to the 2008 Monticello RMP and 1986 Manti-La Sal LRMP and are outside of the decision space of this MMPs/EIS.</p> <p>The alternatives analyzed in the Draft MMPs/EIS are designed to manage the objects and values for which the Monument was designated and relied on scientific information, best available existing</p>

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	<p>The Draft MMP does not include a discussion of the environmental consequences of the proposed management alternatives on water quality. The Draft MMP acknowledges that water quality in the Monument is impaired:</p> <p>Water quality concerns within the Planning Area include high stream temperatures, low dissolved oxygen, high sediment loads and nutrient concentrations, high salinity, and high coliform bacteria concentrations. Many of these concerns are associated with riparian health and cover, water quantity, and natural conditions. Draft MMP at 3-51.</p> <p>Yet the agencies do not quantify that impairment in anyway, thereby failing to describe base conditions in the Monument. Plainly, management alternatives that would adequately protect water quality necessarily respond to existing water quality, for example by providing more robust buffers and more restrictive management requirements on areas impacting waters where quality has been degraded and that are failing to meet Utah Water Quality Standards. Because it fails to analyze baseline water quality conditions and base its management alternatives on existing water quality, the Draft MMP and its associated environmental analysis are not adequate.</p> <p>The Draft MMP does not consider the impacts of the agencies' management of activities within the Monument's watersheds and/or upstream of Monument waters on riparian corridors, watersheds, wetlands and water quality. As a result, the Draft MMP and its associated environmental analysis are not adequate.</p> <p>The Draft MMP does not adequately consider the impacts of the proposed alternatives on water quantity. The agencies do not quantify baseline conditions relating to water quantity, including those conditions necessary to support the Monument's wildlife and plant communities. The Draft MMP does not characterize the future needs of local communities, plants and wildlife for high quality water or how the management alternatives will impact these requirements. As a result, the Draft MMP and its associated environmental analysis are not adequate. Alternative D requires "a hydrologic study for all proposed groundwater withdrawals and new wells within 0.5 mile of seeps and springs," while Alternative B requires study for any withdrawal. Draft MMP at 2-20. Yet, the Draft MMP includes no analysis to suggest why a 0.5 mile threshold is adequate to protect water quantity, watersheds, and wetlands and the ecosystem services they provide.</p>	<p>data, and sound rational for the development of those alternatives (see Chapters 2 and 3 of the MMPs/EIS and the AMS [BLM 2018]).</p> <p>Impacts on water quality and quantity resulting from the alternatives considered in the MMPs/EIS are included in Section 3.12 of the MMPs/EIS. Additional information has been added to Section 3.12.2.2.3 of the MMPs/EIS to clarify anticipated impacts on water quantity.</p>
236730-3	<p>As much of the intent of opening up this land to mining is for uranium, I am deeply concerned about the impacts of silt and sediment run-off impact on the already deeply taxed water ways. Also to mention the effluents and run off from the Uranium mining processes.</p>	<p>See response to MIN-1. The range of alternatives analyzed in the MMPs/EIS (Section 3.12.2.2), the stipulations on surface-disturbing activities provided in Appendix J and the best management practices outlined in Appendix I include protections for water resources.</p>
236755-3	<p>Third, I am concerned about the percentage of riparian areas open to surface-disturbing uses that will be permitted in each of the alternatives. Of the alternatives, Alternative B is most appropriate for riparian health. Water is scarce in Southern Utah, so riparian areas should be among the most protected areas. There is no mention of Riparian Management Areas or Best Management Practices for riparian areas, other than to prevent private and commercial operations from removing riparian trees. Furthermore, springs and riparian areas typically harbor uncommon and rare species of flora, which quickly become trampled when cattle graze on them.</p>	<p>See response to ALT-1. The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of riparian resources within the Monument. Appendix I (Sections 1.5 and 1.6) contain BMPs to protect water resources and associated aquatic and riparian habitats. Special status plants and habitats would be monitored as described in Appendix M. Should monitoring indicate that changes in livestock stocking levels or allotment-specific management actions are warranted, these changes would be made to individual livestock grazing permits and allotment management plans through future implementation-level management actions.</p>

## 3.18 Socioeconomics

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SOC-1	<p><b>The BLM and USFS should acknowledge the socioeconomic benefits of preserving BENM lands for non-extractive purposes, such as recreation and tourism.</b></p> <p>Sample comment: I understand there is a monetary push for opening up this area to resource extraction, but this fails to view the long-term social and economic benefits of a vast monument, in the realm of cultural and eco tourism, outdoor recreation, and public land management, community programs (eg. Cultural Rangers), research, and environmental and heritage preservation programs. These combined initiatives contribute more to local towns and communities than any boom-bust model of development that is, by design, geared to non-local corporate interests.</p> <p>Sample comment: I have hiked, biked and camped for several decades in and around the Bears Ears National Monument area and urge protection of the Bears Ears Monument for the tourism outdoor recreation brings local communities, the preservation of historical and Native American cultural values, the preservation of Native American way of life and for habitat preservation.</p> <p>Sample comment: critical data which supported the economic benefits of both national monuments was deliberately excluded in the decision process which reduced the size of both national monuments. The GSENM has proven a tourism and economic boon for Southern Utah since its designation. Between 2001 and 2015, the population in the two counties bordering Grand Staircase grew by 13 percent, jobs increased 24 percent and real personal income grew 32 percent. Travel and tourism boomed in the region, offering 1,630 jobs around Grand Staircase. In the big picture, recreation from adventure-seekers, hikers, amateur geologists and families simply getting outdoors now funnels more than \$12 billion into Utah's economy. After President Clinton designated Grand Staircase, an intricate land swap between the state and federal government was completed. Congress passed legislation modifying the monument's boundaries in 1998 and then approved a land swap in which the state of Utah received 145,000 acres of mineral-rich federal lands and \$50 million from the federal treasury. That \$50 million has since gone to support Utah's public schools, and the swap would be extremely difficult to unravel. The Utah School and Institutional Trust Lands Administration established the Land Exchange Distribution Account to dole out the proceeds from these state-federal trades. At least 27 Utah counties have since received a total of \$441 million.</p> <p>Sample comment: Campgrounds, trailheads, carefully planned roads and amenities such as toilets and visitor centers will provide the region's economy with a permanent ongoing source of sustainable revenue, while mining is currently seeking to reduce human labor as much as possible and automate everything that can be done to eliminate paying jobs. Grand Staircase and Bears Ears should be developed in the best practices of the National Park Service, allowing for eco-tourism that leaves the land intact for future generations and allows native Americans opportunity to interact with the land in a way that honors their traditions.</p>	<p>The MMPs/EIS (Section 3.16.2) analyzes the potential socioeconomic impacts that the designation of the BENM and the various planning decisions would have on tourism in local communities related to outdoor recreation. Please note that the monument is withdrawn from mineral development, subject to valid existing rights. Additionally, BLM and USFS expect very little extractive activities to occur within the Planning Area.</p>
9546-1	<p>BLM should work with vested Tribes and other "share holders" to develop a sustainable management plan that addresses responsible tourism to the Monument. Tourism is the economic life blood of southern Utah and responsible tourism management can provide sustainable livelihoods for Utahans. Destructive resource extraction industries, poor over site of tourism, and off-road vehicle access will only destroy the sustainable economic and cultural values of this monument.</p>	<p>During the development of the MMPs, the BLM and USFS have solicited input from Tribes and other stakeholders regarding management of all BENM resources. This MMPs include management goals and actions related to recreation, travel management, and cultural resources, which are among the most prominent tourism activities in the BENM. All resources and resource uses must be managed in a way that provides for the proper care and management of Monument objects and values.</p>
40500-1	<p>Instead, a strategic eco-tourism development plan should be developed to provide sustained employment, rather than the boom/bust of mining, that would be consistent with the ecological and</p>	<p>See response to 9546-1. All lands in the BENM are withdrawn from mineral entry and leasing subject to valid existing rights. As described</p>

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	cultural heritage that resides here. This plan should be developed in collaboration with the National Park Service (NPS) and Tribal coalition and could include adobe lodges using solar power that would offer accommodations similar to those in other premier NPS parks.	in Sections 4.2 and 4.4 of the MMPs/EIS, the BLM and USFS engaged with the NPS and American Indian Tribes during the development of the MMPs. The agencies have developed an American Indian Tribal Collaboration Framework (Appendix F of the MMPs/EIS) to guide future Tribal involvement in the management of the BENM.
A.26-12	Paleontological resource researchers should be identified as important stakeholders distinct group from the five groups. This is because management of paleontological resources requires a unique combination of knowledge and expertise that is very different from that required for 'cultural resources' or any other categories covered in the listed stakeholder categories. We strongly recommend 'Paleontological resource research stakeholders' be added as a sixth group formally identified by BLM and USFS.	Section 3.16 of the MMPs/EIS specifically addresses stakeholders in the socioeconomic impacts of the management of the BENM. The agencies consider persons and organizations concerned with protection of paleontological, cultural, and historic sites as part of the habitat and resource conservation stakeholder group. See Appendix C, Section 3.6.1 of the AMS.
A.38-28	Paleontologists should be identified as important stakeholders distinct group from the five groups. This is because management of paleontological resources requires a unique combination of knowledge and expertise that is very different from that required for 'cultural resources' or any other categories covered in the listed stakeholder categories. We strongly recommend 'Paleontological resource stakeholders' be added as a sixth group formally identified by BLM and USFS.	See response to A.26-12.
40512-1	Many potential visitors, such as my husband and myself, would be discouraged from spending time in this area while large-scale mining, drilling, logging and livestock grazing are ongoing. The economic harm to local communities, including the tribes, will be significant.	All lands in the BENM are withdrawn from mineral location and entry subject to valid existing rights. All lands in the BENM are also withdrawn from mineral leasing. Additionally, the range of alternatives does not include management actions that would facilitate large-scale logging. Section 3.16.2 of the MMPs/EIS analyzes the potential impacts that the alternatives contained in Chapter 2 of the MMPs/EIS would have on socioeconomic conditions.
H.07-1	I am worried that national monuments make it impossible to use the natural resources of San Juan County to provide education for our people. Since more than 50% of the school children are American Indians we have a special responsibility to help reduce poverty through education for grades 1-12 and college. Tourism will not provide the tax base the county needs for infrastructure and education.	The MMPs/EIS (Section 3.16.2) analyzes the potential socioeconomic impacts that the designation of the BENM and the alternatives contained in Chapter 2 of the MMPs/EIS would have on the local economy.
H.61-13	P. 3-75 3.16.2 Environmental Consequences and Appendix N Socioeconomics Analysis The Environmental Consequences and Socioeconomic Analysis sections do not adequately address the social and economic impacts of the various alternatives. The analysis is based on low, medium and high growth scenarios for projected future recreation visitation but no attempt is made to analyze visitation projections under the three main alternatives; most restrictive to least restrictive. It is our position that the greatest social and economic benefits accrue to the residents of San Juan County under the provisions of the least restrictive and preferred alternative. Multiple-use management encourages and enables the largest number of visitors (both local and out-of-County) to enjoy recreational opportunities in BENM while protecting resources.	Section 3.16.2 of the MMPs/EIS acknowledges that Alternative D, which offers the most unlimited recreation access and opportunity, would likely be the preferred alternative for stakeholders focused on recreation opportunities. More detailed quantitative analysis of potential socioeconomic impacts is discussed in Appendix N of the MMPs/EIS. As described in Appendix N, insufficient information is available to estimate any differences in future visitation between Alternatives A, B, C, and D and thus quantify fiscal differences between these alternatives. Appendix N of the MMPs/EIS has been revised to address the anticipated socioeconomic effects of incremental increase in visitation.
A.76-13	We note that the Draft EIS completed a comprehensive Environmental Justice (EJ) analysis in the AMS document (see Appendix C "Socioeconomics Baseline Report). The Draft EIS identifies procedures and policies for consulting with tribes in the MMP development process and through implementation of the MMPs (Section 4.4. "American Indian Tribal Consultation, Appendix F, "American Indian Tribal Collaboration Framework" and the handout, "Tribal Collaboration and Cultural Resources Monitoring Plan6). We recommend that the Final EIS include: • a description of how the EJ analysis was considered by selection of the preferred alternative in the Final EIS (if different from the Draft EIS Preferred	Section 4.4 of the MMPs/EIS has been updated in the Proposed MMPs/Final EIS to describe the BLM and USFS' ongoing efforts to engage American Indian Tribes in the development of the MMPs. The agencies have developed an American Indian Tribal Collaboration Framework (Appendix F of the MMPs/EIS) to guide future Tribal involvement in the management of the BENM. The Environmental justice (EJ) analysis is included in Section 3.16 of the MMPs/EIS.

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	Alternative); and, • an update on BLM's and the USFS's efforts to consult with the Tribes between the Draft and Final EISs.	Because the purpose of the MMPs is to provide protection and proper care and management of the “objects of antiquity” and “objects of historic and scientific interest”, none of the alternatives are anticipated to have disproportionately high and adverse effects on minority or low-income residents or Tribes. This analysis was considered in the selection of the preferred alternative, however, there were no differences in EJ impacts identified between the alternatives analyzed in the MMPs/EIS.
A.32-2	A key simultaneous step should be initiating an economic development plan that complements the monument land management plan and maximizes opportunities for economic growth in San Juan County. A complimentary plan also provides local residents with a critical opportunity to plan their desired future. By analyzing what experiences cultural tourists want when visiting Bears Ears, county planners can carefully market certain locations that are not sensitive while growing targeted economic sectors of the local economy.	The development of an economic development plan is beyond the scope of the BLM and USFS' development of the MMPs. BLM and USFS are land management agencies that are not responsible for the development of economic development plans. However, the agencies often work with state and local government agencies to implement economic development plans developed by these government entities. The BLM and USFS evaluated the potential socioeconomic impacts of the alternatives considered in the MMPs/EIS; this analysis is contained in Section 3.16 of the MMPs/EIS. No management actions contained in the MMPs would prevent the BLM or USFS from working with state and local government agencies to implement an economic development plan after the completion of the MMPs. As described in Appendix N, insufficient information is available to estimate any differences in future visitation between Alternatives A, B, C, and D and thus quantify fiscal differences between these alternatives.
A.75-78	It is clear from the development of the draft alternatives that information provided in the socioeconomic report was more of a checked box than a meaningful analysis to inform management decisions. We believe BLM and USFS must revise the proposed alternatives to more thoroughly consider socioeconomics from a total economic valuation framework, including the very important role that nonmarket values and ecosystem services play in the economy.	Nonmarket values and ecosystem services were considered in the evaluation of the alternatives in Section 3.16.2 and Appendix N. BLM is not required to conduct a cost-benefit analysis or evaluate alternatives in a total economic valuation framework and does not customarily do so for the development of land use plans or associated NEPA analyses.
A.52-6	Through collaborative consultation with local stakeholders, the BLM should provide every opportunity for the people of San Juan County to experience similar economic revitalization seen in neighboring counties.	See responses to SOC-1 and A.32-2.
A.65-2	Establish research grants for professionals to work within the boundary areas designated by either proclamation would be beneficial for the cultivation of a more knowledgeable public about their country, and support tourism, and local economies in the region. The BLM and Forest Service lack resources to cultivate active professional research in the lands they manage, however, establishment of grants would incentive active research.	The establishment of research grants is an administrative decision for the BLM and USFS and is beyond the scope of the development of the MMPs. Nothing in the alternatives considered in the MMPs would prevent the agencies from establishing research grants in the future, if the agencies determined that this action was appropriate.
237064-5	It is patently untrue that grazing “provides an important economic activity to local communities”. Please substantiate how providing less than 19 jobs (this is the total for all agriculture including grazing, forestry, fishing, hunting, cropland, etc.) out of 4083 jobs in 2016 is “significant” in any way to the local economy. Significant to the rancher perhaps, the local economy not so much. Economic Analysis is Flawed In your Economic Strategies Meeting Powerpoint document (June 2018), 2017 employment by sector adds up to 6010 total jobs. The 2016 data shows total employment of 4083. How were nearly 2,000 new jobs added in this sparsely populated rural area in less than one year? In 2017 757 jobs were in agriculture and ranching versus only 19 in agriculture, forestry, fishing and hunting in 2016.	The MMPs/EIS analyzes a range of management actions that address the potential impacts that livestock grazing has on other resources. Different public agencies count jobs differently, depending on whether or not they are including self-employed workers or not, and other variations. 2016 data from IMPLAN for San Juan County indicates about 6,200 total jobs, of which about 690 were in agriculture. These data are generally consistent with the numbers the commenter cites from the economic strategies meeting. The data and methods used in

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	That is a huge discrepancy. Please discuss! The impacts from livestock grazing and cost of subsidizing that use must be put in accurate perspective in order to consider authorizing continuation of this use at current levels. In reality there are only a handful of livestock operators who use the lands within the downsized monument. Explore the costs of these grazing activities to the resources, costs of management, subsidies taxpayers provide in the form of predator control, invasive eradication, degraded water quality, loss of biodiversity, conflicts with recreation users, erosion, soil loss, etc.	the MMPs/EIS socioeconomics analysis are discussed in Section 3.16 of the MMPs/EIS and Appendix C of the AMS.
236742-2	Among the alternatives analyzed should be the long-term environmental impact of the decision. I see no effort along those lines. As a corollary for this section, I would like to emphasize "primary financial benefit." I have no problem when a company makes a profit. I have no problem when people working for a company make good wages. I have no problem when stock holders make money off their investments. However, those profits, wages and investment returns should not exceed the return to the Federal government from the resources. The use of a little GAAP accounting principles to make asset based decisions might be worthwhile (e.g., analyze the impact of the change in the asset value on other asset value).	The MMPs/EIS analyzes the potential environmental impacts of proposed planning decisions, including potential socioeconomics impacts (Sections 3.16 and 3.22.14). The specificity in analysis requested by the commenter is not required under NEPA or the agencies land use planning regulations. NEPA and the agencies land use planning regulations also do not require a cost-benefit analysis. The analysis methods used for the MMPs/EIS socioeconomics analysis are described in Section 3.16 of the MMPs/EIS, Appendix N of the MMPs/EIS, and Appendix C of the AMS.

### 3.19 Soils

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V.03-11	I think it's important to protect the erodable soils in the monument to the highest level possible, which is why I support Alternative B. By keeping livestock and off-highway vehicle use as limited as possible, we can protect these highly erodable soils and ensure that they're not disturbed to promote long-term soil quality.	See response to ALT-1.
H.61-3	P.2-21 2.4.9.1. Goals and Objectives (Soil and Water Resources) 3rd bullet statement: Manage actions on BLM- and USFS-administered lands in the Planning Area to provide for long-term sustainability of soil including protection from vegetation trampling/removal, soil compaction, and accelerated soil erosion." Suggest deleting "including protection from vegetation trampling/removal, soil compaction, and accelerated soil erosion." as these appear to be methods to the goal of sustainability of soil. Such methods when stated with a goal could be used in a very strict sense to restrict authorized uses unnecessarily	Text in Section 2.4.9.1 has been revised as suggested.
A.15-4	The other prominent impact of rock climbing within the Indian Creek Unit is damage to soil and water resources. The 2.4.9.2 Soil and Water Resources, MANAGEMENT ACTIONS COMMON TO ALL ALTERNATIVES in the EIS (2-21) mention that For slopes greater than 40%, no surface disturbance would be allowed unless it is determined that other placement alternatives are not practicable. In those cases, an erosion control plan would be required for review and approval by the BLM and USFS prior to permitting the activity. 25 years of maintenance-in-place projects on the trails within the Indian Creek Unit that access the climbing crags have proven that building trail on such steep slopes is often a preferred alternative (using proper design and methods) to attempting to build numerous switchbacks or forcing access trails to take indirect trail corridors that do not solicit good user-compliance amongst this user group. Please understand that climber trails are very distinct and allow for proper design.	The management action mentioned in the comment does not prohibit constructing trails on slopes greater than 40%; however, it does require more rigorous review of such trails. The review would consider potential impacts to soils, as well as factors such as user compliance and user safety. Additionally, text in Section 2.4.9.2 has been revised to allow surface disturbance on slopes greater than 40% when constructing a trail specifically designed to prevent soil erosion.

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A.41-25	2.4.9.2. Management Actions Common to All Alternatives Bullet Point 1: Edit management action to read, "Maintain or improve soil quality and long-term soil productivity through making progress towards achieving the Standards of Rangeland Health..."	<i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> is a guidance document that the BLM is required to implement, so the use of "implementation" is appropriate in this context. Implementation of this guidance document will result in progress toward achieving rangeland health goals.
A.14-13	Sensitive soils and biological soil crusts must be protected. This includes soils which occur on steep slopes, are susceptible to severe wind and water erosion or have been degraded from their potential by removal of ground covering vegetation and cryptogamic crusts.	The MMPs/EIS analyzes a range of management actions addressing the proper care and management of sensitive soils and biological soil crusts (Sections 2.4.9.2 and 2.4.9.3). Appendix J outlines stipulations that would be implemented to protect soils and riparian, wetland, and water resources. Additionally Appendix I describes best management practices, techniques determined to be the most effective and practical means of maximizing beneficial results and minimizing conflicts and negative environmental impacts from authorized uses.
A.75-71	We recommend the Monument use management techniques to stabilize or protect the soil surface, including: 1) Reducing unnaturally frequent and intense fires, such as those resulting from annual grass invasions. 2) Concentrating recreational use by hikers and OHVs to reduce trampling and prevent disturbance. 3) Gathering information on the distribution of biological soil crusts, particularly rare species and locations of especially high species diversity, is important to define habitat characteristics and identify threats. Plant monitoring and inventory projects should include a moss and lichen species component. Specimens of biological soil crust should be collected and identified. 4) Reducing grazing impacts to crust. In general, light to moderate stocking in early- to mid-wet season is recommended on biological soil crust. Grazing strategies that minimize the frequency of surface disturbance during dry seasons and maximize periods between disturbances should reduce impacts to biological soil crusts. Relocate existing water development and nutrient block location to sites with low potential for biological soil crust development, such as rocky areas. Using brush barriers to divert trailing from sites with biological soil crust also helps prevent trampling damage. 5) Facilitating appropriate research to improve understanding and management of soil resources and biological soil crusts. 6) Maintaining ground cover (including litter) at 80% of a relevant (e.g., similar soil, vegetation type, precipitation) ungrazed reference site to protect the soil surface from excessive water and wind erosion, promote infiltration, detain surface flow, retard soil moisture loss by evaporation, and provide appropriate biological soil crust ecosystem functions (hydrology and nutrient cycling). 7) Protecting biological soil crusts from trampling and other physical disturbance within at least 60% of their predicted available habitat within Monument; and within 80% of predicted available habitat. 8) Maintaining indicators of erosion such as rills, soil pedestals, mass wasting, and actively eroding gullies and headcuts to within 80% of appropriate, identified reference sites. 9) Collecting biological soil crust data as part of all range management evaluations (e.g., trend studies, frequency transects, and any other assessments or data collection). 10) Avoiding areas with high percentage cover of biological soil crust or high biodiversity conservation value (such as gypsiferous soils) when planning road and trail construction. Enforcement of off-road vehicle regulations should be prioritized in these areas. 11) Avoiding soil surface disturbing projects in habitats of rare biological soil crust species, where biological soil crust diversity is high, or where removal of biological soil crust should degrade soil, hydrology, or biology ecosystem functions.	BLM has many tools to protect biological soil crusts including implementing guidelines from <i>Biological Soil Crusts: Ecology and Management</i> (BLM 2001, as revised). The MMPs/EIS analyzes a range of management actions addressing the proper care and management of sensitive soils and biological soil crusts (Sections 2.4.9.2 and 2.4.9.3) including best management practices and stipulations applicable to surface-disturbing activities. Site-specific decisions regarding recreation, grazing, OHV use, and other activities would be made during implementation-level reviews of proposed management actions or plans. When such site-specific management actions are proposed, potential impacts to soils would be addressed on a case-by-case basis through appropriate environmental reviews, during which appropriate measures similar to those described in the comment could be applied. Specific land use plan decisions are not needed to implement the recommendations and many of the provided recommendations could be applied as part of implementing the management goals and objectives for soils contained in the MMPs/EIS.
A.54-2	The draft MMP (Volume 2. Section 3.4.2 Agency Activities) states that, "Climate change is an aspect that is difficult to address on a regional or national level, let alone at a local level, such as in the Planning Area. The BLM and USFS should make a constant and consistent effort to maintain vegetative and soil communities in good health." We do agree that maintaining vegetative and soil communities in good health is the critical step in sustainably managing the BENM. Although managing vegetation and soils	Specific land use plan decisions are not needed to implement the recommendations. Decisions regarding site-specific soil restoration efforts would be made during environmental reviews of specific management actions at the implementation level. At that time many



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	<p>under current and future climate within the Planning Area is difficult, we do believe that this is an achievable goal given significant and recent advances in our knowledge of restoration practices that consider how climate will change in the future (Wood et al. 2015, Butterfield et al. 2018, Winkler et al. 2018). One example of restoration approaches that take into consideration future climate to increase restoration success on BENM lands and for a wide-range of BLM lands is the use of landscape scale climate adapted biological soil crusts to be used in restoration of native soil microorganisms. Biocrust organisms that are more likely to survive hotter temperatures and increasing drought are being cultivated and then inoculated on to degraded soils within the BENM.</p>	<p>different factors, including climate change, may be considered. Also see response to A.75-71.</p>
A.79-3	<p>There is the important Cryptobiotic Soil that needs protection from trailblazing and destructive activities. Cryptobiotic (Biological) soil is necessary for soil nourishment and stabilization which makes it very important to our ecosystem. I have seen the destruction people and livestock do to this valuable soil. More signage related to the Biological Soil and its preservation is needed along ATV trails, campsites, and hiking trails. Destructive to Cryptobiotic Soil: Cattle Grazing, Excessive ATV riding, Camping in non-designated areas, new trail-making, new road-making, hiking off designated trails. Some of these activities are currently not regulated enough to where the land is protected.</p>	<p>Decisions regarding specific signage or education efforts to preserve biological soil crusts do not require land use plan decisions. The MMPs/EIS analyzes a range of management actions addressing the proper care and management of sensitive soils and biological soil crusts (Sections 2.4.9.2, 2.4.9.3, and 2.4.8.2). Analysis of impacts on soils from OHV use, livestock grazing, recreation, and other resource uses are analyzed in Section 3.13 of the MMPs/EIS. Also see response to A.75-71.</p>
A.94-4	<p>The BLM has the authority to close access to public lands in order "[t]o protect persons, property, and public lands and resources."<sup>33</sup> Taking into consideration the ecological resources at stake, the BLM must strongly consider making use of this authority in order to protect the vulnerable ecological structures. Furthermore, under 40 CFR §1508.20(a), when attempting to mitigate adverse impacts, the first choice is to avoid the impact altogether.<sup>34</sup> Considering the sensitivity of arid soils and cryptobiotic soils and the inability to cheaply, easily, or quickly restore them, it would be prudent to prevent their degradation in the first place.</p>	<p>The MMPs/EIS analyzes a range of management actions addressing the proper care and management of sensitive soils and biological soil crusts (Sections 2.4.9.2, 2.4.9.3, and 2.4.8.2). The range of alternatives considered include a decision to avoid highly erodible soils during implementation-level travel planning. Additionally, the range of alternatives would close some areas of the BENM to some uses. Appendix J outlines stipulations that would be implemented to protect soils and riparian, wetland, and water resources. Additionally, Appendix I describes best management practices, techniques determined to be the most effective and practical means of maximizing beneficial results and minimizing conflicts and negative environmental impacts from authorized activities within the BENM. Site-specific management actions with the potential to impact sensitive soils and biological soil crusts would undergo appropriate environmental reviews prior to implementation and appropriate best management practices or stipulations would be applied to avoid or minimize impacts to soil resources.</p>
A.75-102	<p>Biological soil crust is an integral component of the desert systems the Monument was designated to protect. Draft MMP notes that more use of the Planning Area is expected in the future, which will "increase demand" on soil resources crust. See AMS 2-133. As stated in the Draft MMP, "[h]ealthy soils and vegetation – particularly woodlands and forests – are important in storing carbon and preventing its release into the atmosphere. Unhealthy soils and plant communities, with large amounts of vegetation that is either overused or lacking productivity, or, conversely, underused and high in oxidized material, cannot store but will release carbon into the atmosphere." Id.</p> <p>The expected increase in visitation to BENM, and the management prescriptions proposed in the Draft MMP, translate to more impacts on soils and biological soil crust through processes like increased compaction, decreased infiltration rates, greater erosion, and reduced nutrient cycling. The MMP attributes these impacts to increased recreation (e.g., hiking, OHVs), rights-of-way maintenance, woodland gathering, and grazing. See Draft MMP 3-57. However, in the discussion of impacts from implementation-level decisions, the MMP only refers to ways to minimize impacts to soils from hiking. The plan considers closing sensitive areas such as riparian zones, concentrations of biological soil crust,</p>	<p>The MMPs/EIS analyzes a range of management actions addressing the proper care and management of sensitive soils and biological soil crusts (Sections 2.4.9.2, 2.4.9.3, and 2.4.8.2). Additionally, the range of alternatives considered in the MMPs/EIS includes closures of areas within the BENM to certain uses, which would benefit soil resources. Many of the stipulations applicable to surface-disturbing activities for other resources such as riparian resources outlined in Appendix J would also offer protections to biological soil crusts. BMPs related to soils can be found in Appendix I (Section 1.6).</p> <p>Site-specific decisions regarding recreation, grazing, OHV use, and other activities would be made during implementation-level review of proposed management actions and planning. Appropriate environmental reviews would be conducted at the time that such management actions are proposed and potential impacts to soils,</p>

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	<p>and highly erodible soils to hiking, and perhaps installing barriers and prohibiting off-trail hiking. See Draft MMP 3-59. We support these restrictions to protect resources, but they should apply to all impactful activities, not just hiking. Why are the other disturbances (e.g., OHVs, maintenance, and grazing) that cause as much or more damage not also subject to the same restrictions?</p> <p>BLM should protect soils from accelerated or unnatural erosion from any ground disturbing activity. The effects of activities such as grazing, range improvements, mineral exploration or development, route maintenance and restoration, recreation, and other uses on biological soil crust and soil health should be analyzed through project specific NEPA documents. This process should include inventories for affected resources and the identification of mitigation measures. Prior to any ground disturbing activity, the potential effects on biological soil crusts should be considered and steps should be taken to avoid impacts on their function, health, and distribution.</p>	<p>including identification of appropriate avoidance and minimization measures, would be addressed at that time.</p>

## 3.20 Special Designations

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SPEC-1	<p><b>The BLM and USFS should manage the BENM as a wilderness area.</b></p> <p>Sample comment: Please ensure you manage Bears Ears as wilderness.</p> <p>Sample comment: I've visited Bears Ears, and it deserves continued protection as a National Monument (or better yet a wilderness area).</p> <p>Sample comment: BLM should consider an alternative management plan that prioritizes cultural preservation and conservation of a diminishing resource—wilderness.</p> <p>Sample comment: There should be plans for the entire original monument landscape being preserved as wilderness and national park for the benefit of all current and future Americans.</p> <p>Sample comment: I would like to see a large amount of the monument retained as wilderness, with a limited, judicious amount of road- and trail-building to better ensure public access for sustainable outdoors recreation.</p>	<p>Only congress has the authority to designate wilderness areas. The BENM includes portions of three WSAs on BLM-administered lands (i.e., the Bridger Jack Mesa, Fish Creek Canyon, and Mule Canyon WSAs) that are managed in a manner that maintains the areas' suitability for preservation as wilderness by Congress. A portion of congressionally designated Dark Canyon Wilderness Area overlaps the BENM. This area is managed as wilderness by the USFS. Additionally, approximately 12,775 acres of USFS-administered lands within the BENM are managed as IRAs.</p>
SPEC-2	<p><b>The BLM and USFS should consider the potential impacts that the management of the BENM could have on neighboring lands, including national parks.</b></p> <p>Sample comment: Please make sure that that all plans take into the natural beauty, tribal rights, effects on neighboring areas. Please do not put business as the first priority.</p> <p>Sample comment: What's worse, the administration's new plans don't even live up to their own goals of protecting the landscapes surrounding nearby national parks like Bryce Canyon, Capitol Reef, and Canyonlands. These plans jeopardize the very things the monuments were originally created to protect.</p>	<p>The BLM and USFS considered the location of the BENM in relation to lands managed by other agencies and the relevant agencies goals for the management of those lands during the development of the range of alternatives for the MMPs/EIS. The NPS participated in the planning process as a cooperating agency and provided input, particularly in relation to the nearby Canyonlands National Park and Natural Bridges National Monument. Specific input from the agencies is reflected in the range of alternatives presented in the MMPs/EIS. Where appropriate, the analysis in the MMPs/EIS considers impacts on resources that extend beyond the boundaries of the BENM.</p>
57185-5, 57186-5	<p>The agency must also give priority to the designation and protection of areas of critical environmental concern (ACECs). ACECs are areas that require special management to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes. Should the BLM move forward with these plans, the agency has an obligation to evaluate special places within the excised lands to determine if they should be designated as ACECs.</p>	<p>Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process. These specific comments were not submitted with specific ACEC nominations for the BLM to consider. Nevertheless, the BLM reviewed the nominated relevant and</p>

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		important values, resources, or systems/processes (collectively, “values”) and determined that those portions of the nominated ACECs that met both relevant and importance criteria are identical to the geographic location and corresponding relevant and important values already managed for by the existing San Juan River, Lavender Mesa, and Shay Canyon ACECs. The BLM retained the existing ACECs to maintain continuity of management for those relevant and important values. The BLM did not retain the portion of the nominated ACECs outside of the existing ACECs for analysis because those areas do not meet both the relevance and importance criteria.
A.17-12	Retain existing Areas of Critical Environmental Concern (ACEC) and consider designating new ACECs where special management is required to protect and prevent irreparable damage to important historic, cultural, or scenic resources.	See response to 57185-5.
A.47-72	Areas of Critical Environmental Concern (ACECs) would protect lands with wilderness characteristics (See Vol. 1 at 3-24) and help manage wildlife corridors. Agencies should retain existing ACECs (San Juan River, Lavender Mesa, Shay Canyon) in the monument.	See response to 57185-5. The potential impact that retaining existing ACECs would have on lands with wilderness characteristics and wildlife is analyzed through the evaluation of the impacts of activities that would or would not be allowed in these areas on lands with wilderness characteristics and wildlife in the MMPs/EIS.
A.38-1	These areas outside of the 2017 proclamation boundaries should be designated as Areas of Critical Environmental Concern (ACEC). Their paleontological resources should be managed under the same rules as those within the two current monument units, including withdrawal from commercial mineral activities, limits on grazing and off-road vehicle use, and prohibiting casual collecting of invertebrate and plant fossils, at least until the resolution of court cases pending regarding the status of the monument boundaries.	See response to OOS-4. Considering designation of ACECs outside the boundary of the BENM is outside the scope of this planning process. However, designation of ACECs outside the boundary of the BENM could be considered in a future planning process for BLM-administered lands within the Monticello Field Office.
A.40-9	<p>Prioritize the designation and protection of areas of critical environmental concern (ACECs): FLPMA mandates that BLM “give priority to the designation and protection of areas of critical environmental concern (ACEC).” 43 U.S.C. § 1712(c)(3). ACECs are areas “where special management is required (when such areas are developed or used or where no development 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.” 43 U.S.C. § 1702(a). With the passage of FLPMA, Congress gave clear intent to prioritizing, designating and protecting ACECs in BLM’s land planning and management processes.</p> <p>The three existing ACECs within the planning area (San Juan River, Lavender Mesa, and Shay Canyon) meet the BLM’s relevance and importance criteria and should be maintained as recommended in all of the agency alternatives. Additionally, BLM must evaluate and consider designating new ACEC nominations submitted to the agency by citizen groups as part of the planning process.</p> <p>As previously stated above, BLM and USFS should consider at least one alternative that plans for the entire Bears Ears National Monument boundaries as set forth in the 2016 proclamation. ACEC nominations for lands within the 2016 monument boundaries should also be considered in the planning process.</p>	See responses to 57185-5, 57186-5, and A.38-1.
A.75-15	<p>BLM should retain existing ACECs and consider new ACEC nominations submitted throughout this planning process.</p> <p>In developing land use plans, FLPMA requires BLM to “give priority to the designation and protection of areas of critical environmental concern.” 43 U.S.C. § 1712(c)(3) (emphasis added). The 2008 Monticello RMP includes three ACECs within the BENM Planning Area (e.g., San Juan River, Lavender Mesa, and Shay Canyon), which should be retained in the MMP.</p>	See response to A.40-9. The management of the existing ACECs suggested by the comments are included in the range of alternatives considered in the MMPs/EIS. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.

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	<p>As set out in the 2008 RMP, existing ACECs possess the following relevant and important values:</p> <ol style="list-style-type: none"> <li>1) San Juan River ACEC (4,321 acres)- Scenic, Cultural, Fish and Wildlife, Natural Systems and Processes, and Geologic Features</li> <li>2) Lavender Mesa ACEC (649 acres) – Relict Vegetation</li> <li>3) Shay Canyon ACEC (119 acres)- Cultural</li> </ol> <p>With regard to existing ACECs, the MMP should manage all ACECs as right-of-way (ROW) exclusion areas. Currently, the Draft MMP preferred alternative would manage the San Juan River and Shay Canyon ACECs as ROW avoidance areas — a determination that is at odds with BLM’s own acknowledgment that designating ACECs as ROW exclusion areas best protect the areas’ relevant and important values. Further, BLM should prohibit helicopter and drone access to the Lavender Mesa ACEC, a relict plant community, as this would “reduce the potential for impacts to relict vegetation.” Draft MMP at 3-62. If necessary, the MMP could include a limited exception for the issuance of permits for the use of helicopters or drones for legitimate scientific study of the relict plant community.</p> <p>Not only should the MMP retain the existing ACECs, the plan should also designate new ACECs that were nominated by the public as part of this planning process. These submissions include both monument-specific and landscape-scale ACECs — some which extend beyond the bounds of the BENM boundary—that will ensure habitat connectivity between monument and nonmonument lands.</p>	
A.75-88	<p>Layering ACEC management with other protective designations is consistent with applicable law and policy. FLPMA’s requirement that BLM “give priority” to designation and protection of ACECs is not nullified or diminished by monument designation. 43 U.S.C. § 1712(c)(3). In other words, even though BLM must manage the monument to protect the objects and values as set out in the Proclamation, it must nevertheless prioritize designation and protection of ACECs within the monument boundaries.</p> <p>Overlapping, or layered, designations are common in BLM land use planning. In our scoping comments, we highlighted eight National Conservation Areas—including five National Monuments—that contain overlapping designations. In fact, this approach was accurately described in the 2008 RMP, in response to public comment in opposition to layered designations:</p> <p>“Layering” is planning. Under FLPMA’s multiple use mandate, BLM manages many different resource values and uses on public lands. Through land use planning BLM sets goals and objectives for each of those values and uses, and prescribes actions to accomplish those objectives. Under the multiple use concept, BLM doesn’t necessarily manage every value and use on every acre, but routinely manages many different values and uses on the same areas of public lands. The process of applying many individual program goals, objectives, and actions to the same area of public lands may be perceived as “layering”. BLM strives to ensure that the goals and objectives of each program (representing resource values and uses) are consistent and compatible for a particular land area. Inconsistent goals and objectives can lead to resource conflicts, failure to achieve the desired outcomes of a land use plan, and litigation. Whether or not a particular form of management is restrictive depends upon a personal interest or desire to see that public lands are managed in a particular manner. All uses and values cannot be provided for on every acre. That is why land use plans are developed through a public and interdisciplinary process. The interdisciplinary process helps ensure that all resource values and uses can be considered together to determine what mix of values and uses is responsive to the issues identified for resolution in the land use plan. Layering of program decisions is not optional for BLM, but is required by the FLPMA and National BLM planning and program specific regulations. Monticello Proposed RMP, Response to Comments, at 5-68. To meet FLPMA’s statutory requirement of prioritizing the designation and protection of ACECs, BLM must apply special management to protect the values identified for each of the ACECs and designated new ACECs as nominated. Layering protective designations is consistent with applicable law and policy and failing to do so because of monument designation violates BLM’s statutory obligation.</p>	<p>See response to A.40-9. The range of alternatives considered in the MMPs/EIS include “layered” decisions, as described in the comment. For example, the range of alternatives considered in the MMPs/EIS includes maintaining existing ACECs within the BENM. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.</p>

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A.01-1	<p>Shash Jaa' unit of Bears Ears National Monument in southeastern Utah as an ACEC (total area is 129,980 acres, 97,393 acres of BLM land and 32,587 acres of USFS land) providing protection for cultural, scenic, paleontological, ecological, and geological resources. The name of the ACEC should be "Bears Ears," rather than using the Diné name for Bears Ears, "Shash Jaa'," to honor the collective importance of the unit to numerous Native American Tribes. The Bears Ears Buttes are known in the Hopi, Diné (Navajo), Ute, and Zuni languages respectively as Hoon'Naqvut, Shash Jaa', Kwiyaqatu Nukavachi, Ansh An Lashokdiwe, all translating to "Bears Ears" in English. A seemingly small gesture, names are important, and using the common English name is necessary to perpetuate historic unity among tribes with unbreakable cultural affiliations to Bears Ears.</p> <p>The Bears Ears region held as sacred by members of numerous Native American Tribes. The density and extent of cultural resources is unparalleled elsewhere in the country and is highly deserving of protection. The scenic qualities of the proposed ACEC are incredibly important for the economic wellbeing of the surrounding local communities, the county, and the region. The Bears Ears ACEC will complement the designation of the Indian Creek ACEC submitted by SUWA, TWS, and GCT. With the designation of Bears Ears National Monument in 2016, the area has seen a drastic increase in tourism and visitation. As such, it is vital for this area to be managed for the protection of its invaluable resources.</p>	<p>Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.</p> <p>While the designation of ACECs on BLM-administered lands is provided for in FLPMA, there is no similar framework or designation within the National Forest Management Act (NFMA); therefore, USFS planning decisions do not include the designation of ACECs.</p>
A.01-3	<p>Shash Jaa ACEC: SPECIFIC PROPOSED MANAGEMENT PRESCRIPTIONS</p> <ol style="list-style-type: none"> <li>1. VRM Class I</li> <li>2. Right-of-way exclusion area</li> <li>3. Lands within the ACEC should be classified as primitive, or semi-primitive non-motorized for areas with designated routes. All uses limited to designated roads and trails</li> <li>4. Exclude authorizations for new rights-of-way or other reality actions</li> <li>5. BLM will seek out opportunities to acquire non-federal land within the ACEC boundary, including purchase from willing private sellers and/or exchange, and upon acquisition such lands will be incorporated into the ACEC</li> <li>6. Non-native species must not be introduced in the ACEC</li> <li>7. No new wildlife or "range" improvements should be allowed in the ACEC, except those designed to restore to native conditions, such as native seeding to restore native plant species</li> </ol>	<p>See response to A.01-1. The MMPs/EIS (Section 2.4.14) analyzes a reasonable range of alternatives to address visual resources concerns in the Shash Jaa Unit. In response to this comment, the BLM and USFS evaluated an alternative that would manage the entire BENM as VRM I/USFS SIO Very High. This alternative is addressed in Section 2.3 of the Proposed MMPs/Final EIS.</p> <p>The range of alternatives considered in the MMPs/EIS also include decisions related to range improvements. The analysis in the MMPs/EIS has found that the agencies could provide for the proper care and management of the Monument objects and values without the recommend restrictions on range improvements. Specific range improvements would be analyzed on a case-by-case basis at the implementation level. Section 2.3 of the MMPs/EIS has been revised to describe the agencies' consideration of the Monument-wide restrictions on range improvements. All management actions authorized or carried out by the agencies would be consistent with the proper care and management of Monument objects and values.</p> <p>All other suggested management prescriptions are incorporated into the range of alternatives and any of the individual prescriptions that best meet the purpose and need can be chosen as part of the proposed plan.</p>
A.01-4	<p>Indian Creek ACEC: BLM should designate and manage the entirety of the Indian Creek unit of Bears Ears National Monument in southeastern Utah as an ACEC (total area is 71,896 acres, comprised of BLM land) providing protection for cultural and historic resources, geological, scenic, ecological, and paleontological resources. This important area provides significant views of its meandering canyons and outstanding sandstone rock formations and is the gateway to the Needles District of Canyonlands National Park. The area sustains significant habitat for many important species found in the area and contains myriad resources from ancient cultures and historic settlers.</p> <p>The Indian Creek region is held as sacred by members of numerous Native American Tribes, and tribal members still perform rites of pilgrimage to shrines and other important sites in the region today. The combination of cultural, historic, geological, riparian, and wildlife resources found here makes the</p>	<p>See response to A.01-1. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.</p>

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	<p>area highly deserving of enhanced protection. The scenic qualities of BLM land are incredibly important for the economic well-being of the surrounding local communities, the county, and the region. Because the region is accessed by a high standard paved highway leading visitors to one of the premiere districts of Canyonlands National Park, an Indian Creek ACEC will ensure that visitors to the area enjoy unspoiled vistas and scenery they expect when visiting Utah's Mighty Five National Parks. The designation of the Indian Creek proposed ACEC will compliment other ACEC nominations submitted by SUWA, TWS and GCT. Because of its proximity to Canyonlands and the Newspaper Rock State Historic Site, coupled with the new designation of Bears Ears National Monument is 2016 the area has seen a drastic increase in tourism and visitation.</p> <p>As such, it is vital for this area to be managed for protection of the invaluable resources within.</p>	
A.01-6	<p>Indian Creek ACEC: BLM's ACEC Manual (1613) provides additional detail on the criteria to be considered in ACEC designation, as discussed in the applicable regulations, as well. See, Manual 1613, Section .1 (Characteristics of ACECs); 43 C.F.R. § 8200. An area must possess relevance (such that it has significant value(s) in historic, cultural or scenic values, fish &amp; wildlife resources, other natural systems/processes, or natural hazards) and importance (such that it has special significance and distinctiveness by being more than locally significant or especially rare, fragile or vulnerable). In addition, the area must require special management attention to protect the relevant and important values (where current management is not sufficient to protect these values or where the needed management action is considered unusual or unique), which is addressed in special protective management prescriptions. For potential ACECs, management prescriptions are to be "fully developed" in the RMP. Manual 1613, Section .22 (Develop Management Prescriptions for Potential ACECs). The Indian Creek area meets all three criteria for designation as an ACEC.</p>	<p>See response to A.01-1. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.</p>
A.01-8	<p>Indian Creek ACEC: SPECIFIC PROPOSED MANAGEMENT PRESCRIPTIONS</p> <ol style="list-style-type: none"> <li>1. VRM Class I</li> <li>2. Right-of-way exclusion area</li> <li>3. Closed to oil and gas lease sales, or managed, at a minimum, as a no-surface occupancy area</li> <li>4. Closed to disposal of mineral materials as these sites are managed as VRM Class IV and will conflict with the purpose of the scenic ACEC</li> <li>5. Withdrawal from locatable mineral entry</li> <li>6. Lands within the ACEC should be classified as primitive, or semi-primitive non-motorized for areas with designated routes. All uses limited to designated roads and trails</li> <li>7. Exclude authorizations for new rights-of-way or other reality actions</li> <li>8. BLM will seek out opportunities to acquire non-federal land within the ACEC boundary, including purchase from willing private sellers and/or exchange, and upon acquisition such lands will be incorporated into the ACEC</li> <li>9. Non-native species must not be introduced in the ACEC</li> <li>10. No new wildlife or "range" improvements should be allowed in the ACEC, except those designed to restore to native conditions, such as native seeding to restore native plant species</li> </ol>	<p>The MMPs/EIS (Section 2.4.14) analyzes a reasonable range of alternatives to address visual resources concerns in the Indian Creek Unit. In response to this comment, the BLM and USFS evaluated an alternative that would manage the entire BENM as VRM I/USFS SIO Very High. This alternative is addressed in Section 2.3 of the Proposed MMPs/Final EIS.</p> <p>The range of alternatives considered in the MMPs/EIS include decisions related to range improvements. The analysis in the MMPs/EIS has found that the agencies could provide for the proper care and management of the Monument objects and values without the recommend restrictions on range improvements. Specific range improvements would be analyzed on a case-by-case basis at the implementation level. Section 2.3 of the MMPs/EIS has been revised to describe the agencies' consideration of the Monument-wide restrictions on range improvements. All management actions authorized or carried out by the agencies would be consistent with the proper care and management of Monument objects and values.</p> <p>All other suggested management prescriptions are incorporated into the range of alternatives and any of the individual prescriptions that best meet the purpose and need can be chosen as part of the proposed plan.</p>

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A.01-9	<p>Indian Creek ACEC: The maze of redrock that composes the nominated Indian Creek ACEC unit was proposed for inclusion in Canyonlands National Park in 1962 but was dropped for political reasons. The BLM has previously recommended wilderness for the WSAs in the area, but left the rest of the area open to potential mining and off-road vehicle use. The BLM cites old roads as disqualifying intrusions, but SUWA fieldwork shows that the “roads are merely vehicle ways and occupy only a small area... [that] could have easily been excluded with a small boundary modification.”</p>	<p>See response to A.01-1. Recommending areas for wilderness designation is outside the scope of this planning process.</p>
A.04-1	<p>Cedar Mesa ACEC: BLM should designate and manage the Cedar Mesa area in southeastern Utah as an ACEC (total area is 484,128 acres, comprised of 462,320 acres of BLM land and 21,808 acres of U.S. Forest Service land) providing protection for cultural, historic, scenic, paleontological, ecological, and geological resources.</p> <p>The Cedar Mesa region held as sacred by members of numerous Native American Tribes. The density and extent of these resources in unparalleled anywhere else in the country and is deserving of protection. The scenic qualities of BLM land are incredibly important for the economic well-being of the surrounding local communities, the county, and the region. The Cedar Mesa ACEC will complement the designation of the Valley of the Gods ACEC and the other ACEC nominations submitted by SUWA, TWS, and GCT. With the designation of Bears Ears National Monument in 2016, the area has seen a drastic increase in tourism and visitation. As such, it is vital for this area to be managed for the protection of its invaluable resources. The following is the formal nomination of the Cedar Mesa landscape for designation as an ACEC in BLM’s planning process for the Indian Creek and Shash Jaa’ units of Bears Ears National Monument<sup>1</sup>, which we assert must be expanded to include the entire Bears Ears National Monument as designated by President Obama in 2016. Under policy direction from BLM’s ACEC Manual, we request the completion</p> <p>of a plan amendment to the 2008 Monticello Field Office RMP in consideration of this ACEC nomination. See BLM Manual 1613, Sect. 21E (see also “Authority” section at the end of this proposal).</p>	<p>See response to A.01-1. The portion of the suggested ACEC that falls outside the boundary of the BENM is outside the scope of this planning process; however, the areas outside the BENM boundary proposed for ACEC designation could be considered in a future planning process for BLM-administered lands in the Monticello Field Office.</p> <p>While the designation of ACECs on BLM-administered lands is provided for in FLPMA, there is no similar framework or designation within the NFMA. Therefore, USFS planning decisions do not include the designation of ACECs.</p>
A.04-2	<p>Cedar Mesa ACEC: The cultural, historic, scenic, paleontological, ecological, and geological values of the Cedar Mesa ACEC could significantly diminish in the future if BLM retains the status quo for management of this area. Uranium mining, gravel quarrying, and oil and gas development threaten to degrade lands and pollute waterways within the Cedar Mesa area. Oil is currently being extracted in the Aneth oil field, to the east of the original monument boundary. The eastern portion of the proposed ACEC is currently the subject of interest in future oil and gas leasing, particularly in the Bluff Bench and extreme southeast areas around Recapture Canyon. These areas rich in unique and undocumented cultural sites necessitates the designation of an ACEC to protect these important, fragile, and irreplaceable resources. The northern and western borders of the proposed Cedar Mesa ACEC contains past uranium production and the western border of the proposed ACEC is near to the White Mesa uranium mill.</p>	<p>See responses to A.04-1 and MIN-1. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.</p>
A.04-3	<p>Cedar Mesa ACEC: SPECIFIC PROPOSED MANAGEMENT PRESCRIPTIONS</p> <ol style="list-style-type: none"> <li>1. VRM Class I</li> <li>2. Right-of-way exclusion area</li> <li>3. Closed to oil and gas lease sales, or managed, at a minimum, as a no-surface occupancy area</li> <li>4. Closed to disposal of mineral materials as these sites are managed as VRM Class IV and will conflict with the purpose of the scenic ACEC</li> <li>5. Withdrawal from locatable mineral entry</li> <li>6. Lands within the ACEC should be classified as primitive, or semi-primitive non-motorized for areas with designated routes. All uses limited to designated roads and trails</li> </ol>	<p>See response to A.04-1. For lands in the suggested ACEC that overlap the Shash Jaa Unit, see response to A.01-3.</p>

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	<p>7. Exclude authorizations for new rights-of-way or other reality actions</p> <p>8. BLM will seek out opportunities to acquire non-federal land within the ACEC boundary, including purchase from willing private sellers and/or exchange, and upon acquisition such lands will be incorporated into the ACEC</p> <p>9. Non-native species must not be introduced in the ACEC</p> <p>10. No new wildlife or “range” improvements should be allowed in the ACEC, except those designed to restore to native conditions, such as native seeding to restore native plant species</p>	
A.04-4	<p>Headwaters ACEC: BLM should designate and manage the Headwaters area in southeastern Utah as an ACEC (total area is 158,955 acres, comprised of 24,972 acres of BLM land and 133,983 acres of U.S. Forest Service land) providing protection for cultural, historical, scenic, ecological, and paleontological resources. The cultural and archaeological resources within the Headwaters region are held as sacred by members of numerous Native American Tribes. The scenic qualities of BLM land are incredibly important for the economic well-being of the surrounding local communities, the county, and the region. The Headwaters ACEC will complement the designation of other nearby protected lands, including the Dark Canyon Wilderness and the other ACEC nominations submitted by SUWA, TWS, and GCT. With the designation of Bears Ears National Monument in 2016, the area has seen a drastic increase in tourism and visitation. As such, it is vital for this area to be managed for the protection of the invaluable resources it contains. The following is the formal nomination of the Headwaters area for designation as an ACEC in BLM’s planning process for the Indian Creek and Shash Jaa’ units of Bears Ears National Monument<sup>1</sup>, which we strongly believe must be expanded to include the entire Bears Ears National Monument as designated by President Obama in 2016. Under policy direction from BLM’s ACEC Manual, we request the completion of a plan amendment to the 2008 Monticello Field Office RMP in consideration of this ACEC nomination. See BLM Manual 1613, Sect. 21E (see also “Authority” section at the end of this proposal).</p>	See response to A.04-1.
A.04-5	<p>Headwaters ACEC: SPECIFIC PROPOSED MANAGEMENT PRESCRIPTIONS</p> <ol style="list-style-type: none"> <li>1. VRM Class I</li> <li>2. Right-of-way exclusion area</li> <li>3. Closed to oil and gas lease sales, or managed, at a minimum, as a no-surface occupancy area</li> <li>4. Closed to disposal of mineral materials as these sites are managed as VRM Class IV and will conflict with the purpose of the scenic ACEC</li> <li>5. Withdrawal from locatable mineral entry</li> <li>6. Lands within the ACEC should be classified as primitive, or semi-primitive non-motorized for areas with designated routes. All uses limited to designated roads and trails</li> <li>7. Exclude authorizations for new rights-of-way or other reality actions</li> <li>8. BLM will seek out opportunities to acquire non-federal land within the ACEC boundary, including purchase from willing private sellers and/or exchange, and upon acquisition such lands will be incorporated into the ACEC</li> <li>9. Non-native species must not be introduced in the ACEC</li> <li>10. No new wildlife or “range” improvements should be allowed in the ACEC, except those designed to restore to native conditions, such as native seeding to restore native plant species</li> </ol>	See response to A.04-3.
A.04-6	<p>Indian Creek ACEC (Original Monument Boundary): BLM should designate and manage the Indian Creek area in southeastern Utah as an ACEC (total area is 189,801 acres, comprised of 178,423 acres of BLM land and 11,378 acres of U.S. Forest Service land) providing protection for geological, cultural and historic, scenic, ecological, and paleontological resources. BLM could consider expanding</p>	See response to A.01-1. The portion of the suggested ACEC that falls outside the boundary of the BENM is outside the scope of this planning process; however, the areas outside the BENM boundary proposed for ACEC designation could be considered in a future



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	<p>the existing Indian Creek ACEC, which is 8,640 acres to encompass our proposed boundaries. This important area provides significant views of its meandering canyons and outstanding sandstone rock formations and is the gateway to the Needles District of Canyonlands National Park. The area sustains significant habitat for many important species found in the area and contains myriad resources from ancient cultures and historic settlers.</p>	<p>planning process for BLM-administered lands in the Monticello Field Office. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.</p>
A.04-7	<p>Indian Creek ACEC (Original Monument Boundary): The following is the formal nomination of the Indian Creek area for designation as an ACEC in BLM's planning process for the Indian Creek and Shash Jaa' units of Bears Ears National Monument, which we assert must be expanded to include the entire Bears Ears National Monument as designated by President Obama in 2016. Under policy direction from BLM's ACEC Manual, we request the completion of a plan amendment to the 2008 Monticello Field Office RMP in consideration of this ACEC nomination. See BLM Manual 1613, Sect. 21E (see also "Authority" section at the end of this proposal).</p>	<p>See response to A.04-6. Expanding the boundaries of the BENM units is outside the scope of this planning process. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.</p>
A.04-8	<p>Indian Creek ACEC: SPECIFIC PROPOSED MANAGEMENT PRESCRIPTIONS</p> <ol style="list-style-type: none"> <li>1. VRM Class I</li> <li>2. Right-of-way exclusion area</li> <li>3. Closed to oil and gas lease sales, or managed, at a minimum, as a no-surface occupancy area</li> <li>4. Closed to disposal of mineral materials as these sites are managed as VRM Class IV and will conflict with the purpose of the scenic ACEC</li> <li>5. Withdrawal from locatable mineral entry</li> <li>6. Lands within the ACEC should be classified as primitive, or semi-primitive non-motorized for areas with designated routes. All uses limited to designated roads and trails</li> <li>7. Exclude authorizations for new rights-of-way or other reality actions</li> <li>8. BLM will seek out opportunities to acquire non-federal land within the ACEC boundary, including purchase from willing private sellers and/or exchange, and upon acquisition such lands will be incorporated into the ACEC</li> <li>9. Non-native species must not be introduced in the ACEC</li> <li>10. No new wildlife or "range" improvements should be allowed in the ACEC, except those designed to restore to native conditions, such as native seeding to restore native plant species</li> </ol>	<p>See response to A.04-1. For lands in the suggested ACEC that overlap the Indian Creek Unit, see response to A.01-8.</p>
A.04-9	<p>Mancos Mesa ACEC: BLM should designate and manage the Mancos Mesa area west of Glen Canyon as an ACEC (total area is 66,040 acres, all comprised of BLM land) providing protection for cultural, scenic, ecological, and paleontological resources.</p> <p>The Mancos Mesa area is held as sacred by members of numerous Native American Tribes. The area's extreme remoteness, difficulty of access, and arid nature have led to exceptional preservation of cultural resources. In the absence of regular human visitors, intact riparian corridors provide undisturbed habitat for birds and wildlife. The landscape is among the wildest areas in the lower 48 states. It's austere beauty, extremely rugged terrain, and a combination of deep, wide, and slot canyons provide unmatched adventure for lovers of self-reliance. Visitors here are met with a true wilderness experience. Additionally, the scenic qualities of BLM land are incredibly important for the economic well-being of the surrounding local communities, the county, and the region. The Mancos Mesa ACEC will complement protective management of cultural resources at the Glen Canyon National Recreation Area to the west, as well as the other ACEC nominations submitted by SUWA, TWS, and GCT. Due to its extremely remote nature and the difficulty of access by law enforcement and resource protection officers, it is vital for this area to be managed for the protection of its invaluable resources. The following is the formal nomination of the Cedar Mesa landscape for designation as an ACEC in BLM's planning process for the Indian Creek and Shash Jaa' units of Bears Ears National</p>	<p>See response to A.01-1. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.</p>

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	<p>Monument, which we assert must be expanded to include the entire Bears Ears National Monument as designated by President Obama in 2016. Under policy direction from BLM's ACEC Manual, we request the completion of a plan amendment to the 2008 Monticello Field Office RMP in consideration of this ACEC nomination. See BLM Manual 1613, Sect. 21E (see also "Authority" section at the end of this proposal).</p>	
A.04-10	<p>Mancos Mesa ACEC: Portions of the Mancos Mesa area is threatened by reckless off-road vehicle use, including use in prohibited areas. Inadequate closures and a lack of enforcement allow illicit access to the top of the mesa, though the roads are closed under the 2008 Monticello RMP. Better enforcement, including hardening a closure at a key choke point is urgently needed, independent of this nomination or the ongoing planning process for Bears Ears National Monument.</p> <p>Off-road vehicle uses poses a threat to cultural and natural resources, can destroy fragile biological resources, and negatively impact quiet recreation and spiritual experiences. Off-road vehicle routes, whether legitimate or illegal, often lead to increased vandalism and looting of cultural sites near open routes.</p>	See response to A.04-9.
A.04-11	<p>White Canyon ACEC: BLM should designate and manage the White Canyon area on the northwestern side of Bears Ears National Monument as an ACEC (total area is 330,029 acres, containing 303,019 acres of BLM land and 27,010 acres of U.S. Forest Service land) providing protection for cultural, historical, scenic, ecological, and paleontological values. This important area provides significant views of the spectacular mesas and cliffs of BLM land. The area sustains significant habitat for many important species found in the area and contains myriad relics from prehistoric and historic settlers. The White Canyon proposed ACEC, including the Dark Canyon Plateau and Beef Basin, is held as sacred by members of numerous Native American Tribes. The extent of cultural resources found there shows unique cultural mixing not found anywhere else in the country and is deserving of protection. The scenic qualities of BLM land are incredibly important for the economic well-being of the surrounding local communities, the county and the region. The White Canyon ACEC will complement the designation of Canyonlands National Park, Dark Canyon Wilderness area, and the other ACEC nominations submitted by SUWA, TWS, and GCT. With the designation of Bears Ears National Monument in 2016, the area has seen a marked increase in tourism and visitation. As such, it is vital for this area to be managed for the protection of its invaluable resources. The following is the formal nomination of the White Canyon area for designation as an ACEC in BLM's planning process for the Indian Creek and Shash Jaa' units of Bears Ears National Monument<sup>1</sup>, which we assert must be expanded to include the entire Bears Ears National Monument as designated by President Obama in 2016. Under policy direction from BLM's ACEC Manual, we request the completion of a plan amendment to the 2008 Monticello Field Office RMP in consideration of this ACEC nomination. See BLM Manual 1613, Sect. 21E (see also "Authority" section at the end of this proposal).</p>	See response to A.04-6. Expanding the boundaries of the BENM units is outside the scope of this planning process. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.
A.04-12	<p>White Canyon ACEC: The cultural, historical, scenic, ecological, and paleontological resources of the White Canyon ACEC could significantly diminish in the future if BLM retains the status quo for management of this area. Uranium prospects and mines in the state-recognized White Canyon Uranium District were worked with varying degrees of success during the Cold War, and hundreds of claims are still held by uranium companies and private individuals in the area. Without the overarching prioritization of monument object protection that comes with national monument designation, these areas and their unique and irreplaceable cultural and ecological resources are vulnerable to destructive development, making an ACEC designation necessary and important. Future uranium mining, gravel quarrying, and tar sands development threaten to degrade lands and pollute waterways within the White Canyon area. Between 1979 and 1983, the BLM authorized the drilling of more than 200 new uranium exploration holes and the construction of 10 miles of new seismic lines in the Cheesebox Canyon area. Due to protests, appeals, a decline of energy prices, few of the</p>	See response to A.04-6. All lands in the BENM units are withdrawn from mineral entry, subject to valid existing rights.

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	<p>authorized actions were ever completed. New mining exploration proposals in the area may develop at any time.</p> <p>The White Canyon Proposed ACEC covers an area approved by the 2012 Oil Shale/Tar Sands Programmatic EIS for exploratory development of deep tar sands deposits near the Happy Jack Mine. Tar sands are our nation's dirtiest fuels, and the depth of the deposits would necessitate unproven steam injection extraction technologies that the area has neither the water or power infrastructure to support. The area should be set aside now as an ACEC for the protection of cultural, recreational, and ecological values before (or if ever) such extraction becomes economically viable.</p>	
A.75-87	<p>On August 16, 2018, TWS, SUWA, and GCT submitted two batches of ACEC proposals to the BLM Bears Ears planning team. These two batches included the following nominations:</p> <p>1) Batch 1</p> <p>i. Bears Ears ACEC</p> <p>ii. Indian Creek ACEC</p> <p>2) Batch 2</p> <p>i. White Canyon ACEC</p> <p>ii. Mancos Mesa ACEC</p> <p>iii. Headwaters ACEC</p> <p>iv. Cedar Mesa ACEC</p> <p>v. Indian Creek ACEC</p> <p>These nominations were submitted based on thoughtful analysis and consideration of best available data on the relevance and importance of the areas. We used Conservation Science Partners 2017 report "Identifying hotspots of ecological objects identified in the Bears Ears National Monument proclamation" to outline areas based on density of Monument objects.<sup>6</sup> This report is attached as Appendix B to these comments. In accordance with FLPMA, and due to the complexities surrounding the current planning effort for BENM, all nominated ACECs must be considered and analyzed as part of this planning process. The first set of nominations (i.e., Bears Ears and Indian Creek ACECs) coincide with the Planning Area under consideration for the Indian Creek and Shash Jaa' units of BENM, and, thus, are required to be considered throughout this process. The second set of nominations (i.e., White Canyon, Mancos Mesa, Indian Creek, Headwaters, and Cedar Mesa ACECs) coincide with the original boundaries of BENM pursuant to Proclamation 9558 and offer landscape connectivity between the current BENM boundaries and other contiguous lands managed by BLM. As was previously highlighted in Section IV(A)(2) of our comments above, BLM and USFS must consider at least one alternative that analyzes the entire BENM boundaries as designated by Proclamation 9558. Consistent with this alternative and the requirements of FLPMA, the five ACEC nominations that were submitted as part of the second batch must also be considered during this process. To date, it does not appear that BLM has considered any of the ACEC nominations submitted by the public.</p>	<p>These ACEC nominations were submitted to the BLM after the publication of the Draft MMPs/EIS and therefore could not be considered in the development of the Draft MMPs/EIS. These nominated ACECs may be considered in a future planning process. The BLM has considered the ACEC nominations in the development of the Proposed MMPs/Final EIS. See responses to OOS-4, A.01-1, A.01-2, A.01-3, A.01-4, A.01-5, A.01-6, A.01-7, A.01-8, A.01-9, A.04-1, A.04-2, A.04-3, A.04-4, A.04-5, A.04-6, A.04-7, A.04-8, A.04-9, A.04-10, A.04-11, and A.04-12. Section 3.14 of the Proposed MMPs/Final EIS has been revised to summarize the existing ACECs and review of ACEC nominations received during the planning process.</p> <p>While the designation of ACECs on BLM-administered lands is provided for in FLPMA, there is no similar framework or designation within the NFMA. Therefore, USFS planning decisions do not include the designation of ACECs.</p>
69650-3	All of the original (pre-Monument) WSAs should be closed to motorized or mechanized recreation.	See response to OOS-4. Under all alternatives considered in the MMPs/EIS, all WSAs in the BENM are closed to OHV use. Additionally, under all alternatives considered in the MMPs/EIS, mechanized travel is limited to routes open to OHVs and trails specifically designated for bicycle use. There are no designated routes located in WSAs in the BENM.
A.10-6	Continue to manage WSA lands as potential wilderness areas with protections at the highest levels.	There are no WSAs on USFS-administered lands in the BENM. The BLM manages WSAs in the BENM consistent with applicable WSA guidance in BLM Manual 6330 which directs the agency to continue

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A.16-5	<p>The Climbing Organizations support the BLM developing specific climbing management provisions in this management plan that ensure the ability of climbers to place and maintain fixed anchors—necessary climbing tools to ascend and descend climbing routes. WSAs typically ban the placement of fixed anchors, but so long as the boundaries for these WSAs are located at the top of the cliffs at Bridger Jack Mesa (just above the high point of climbs) there is no management issue restricting the ability of climbers to maintain climbing fixed anchors. Irrespective of where the WSA boundary is located, all climbing anchors existing within BENM at the time of this MMP should be allowed to remain. BLM management of Lands with Wilderness Characteristics should likewise not preclude the placement of climbing anchors and other climbing infrastructure.</p>	<p>resource uses on lands designated as WSAs in a manner that maintains the area's suitability for preservation as wilderness. Accordingly, under all alternatives considered in the MMPs/EIS, all WSAs would be designated as closed to OHV use, ROW exclusion areas, VRM I, and closed to woodland product harvest.</p> <p>The decisions related to use of fixed hardware have been clarified in the Proposed MMPs/Final EIS.</p> <p>The BLM does not have the authority to modify the boundaries of WSAs through the development of the MMPs/EIS. The BLM manages WSAs in the BENM consistent with applicable WSA guidance in BLM Manual 6330, which states that "Rock climbing and caving are allowed as long as these activities meet the non-impairment criteria. The placement of permanent fixed anchors (e.g., bolts) or artificial holds is not allowed unless it meets one of the exceptions to the non-impairment standard (e.g., for emergencies, such as search and rescue operations. Any impacts from emergency management actions must be restored to a substantially unnoticeable condition following the emergency situation. Generally, fixed anchors placed prior to FLPMA will not be removed unless their presence creates—directly or indirectly—impacts that exceed the non-impairment standard."</p> <p>The MMPs/EIS considered a range of alternatives for the management of lands with wilderness characteristics. Under alternatives that would manage lands with wilderness characteristics to protect their wilderness characteristics, installation and maintenance of climbing fixed anchors would be allowed if consistent with the protection of wilderness characteristics, consistent with other resource prescriptions outlined in the MMPs/EIS, and consistent with proper care and management of Monument objects and values.</p>
A.59-5	<p>The preferred Alternative D would not protect any of the approximate 101,000 acres of lands with wilderness characteristics found across both units of the monument. NOLS thinks that managing for at least some of these areas across the planning would help promote a broader diversity of recreational opportunities, especially for guides and outfitters like ourselves who depend on contiguous wild landscapes to educate student groups. In this case, several of the monument's Lands with Wilderness Characteristics are adjacent to Wilderness Study Areas, both inside and outside the monument boundaries. As a result, these lands promote connectivity across the landscape that allows backcountry users to enter and exit the monument boundaries without compromising the naturalness of the landscape or opportunities to experience solitude as they travel. NOLS encourages the agencies to consider managing lands with wilderness characteristics (such as in Alternative C), especially those adjacent to Wilderness Study Areas. Importantly, managing lands for wilderness characteristics is part of a balanced management approach that promotes multiple uses on the landscape - as opposed to discouraging them. NOLS mentions this because the following paragraph of the DEIS (3-24) suggests that managing lands for multiple uses is somehow different, or more important, than managing lands for wilderness characteristics, when in fact managing for wilderness character can enable a healthy diversity of multiple uses (such as backpacking, canyoneering, horseback riding, hiking, hunting, wildlife watching, etc.) on a landscape.</p>	<p>See response to ALT-1. The analysis in Section 3.8 of the MMPs/EIS accurately reflects the resource and resource use trade-offs associated with managing areas to preserve wilderness characteristics.</p>

## 3.21 Special Status Species

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57002-2	<p>This area it should be strictly regulated in a manner which guarantees the maintenance of the ecology and protection of endangered and threatened species, with the stipulation that the entities that benefit from it return the land and preserve the cultural sites and artifacts in their original condition or be held responsible for any cost to achieve that result. I view the plan as an affront to the wishes of millions of Americans. I urge a reconsideration of this action, a discussion between all parties involved to weigh the costs and benefits of the plan and a suspension of any action until those processes are complete.</p>	<p>See responses to CUL-1 and OOS-2. The range of alternatives analyzed in the MMPs/EIS (Section 2.4.11) include protections for special status species.</p>
A.41-31	<p>3.15.2.9. Plants Paragraph 2: Edit this paragraph to reflect how managing livestock grazing to rangeland health standards will mitigate and reduce the potential negative impacts that are highlighted. Managing to rangeland health standards will mitigate the majority of the negative impacts and provide for sustainable livestock grazing for the long-term and economic benefits in the short-term.</p> <p>3.18.2.2. Direct and Indirect Impacts Paragraph 2: Edit this paragraph to reflect how managing livestock grazing to rangeland health standards will mitigate and reduce the potential negative impacts that are highlighted. Managing to rangeland health standards will mitigate the majority of the negative impacts and provide for sustainable livestock grazing for the long-term and economic benefits in the short-term.</p>	<p>The text in Section 3.15.2.9 has been clarified. The text in Section 3.18.2.2 already states that management of livestock grazing to rangeland standards would mitigate the risk for adverse impacts to vegetation.</p>
A.75-51	<p>The agencies fail to adequately explain how they will protect sensitive species. The agencies have failed to demonstrate that their actions under the preferred alternative will not contribute to the need for ESA listing of BLM or USFS sensitive species, such as ferruginous hawk, American three-toed woodpecker, bighorn sheep, and Colorado River cutthroat. See Draft MMP Table SSS-1. For example, the Draft MMP must address domestic sheep grazing even though no domestic sheep grazing is currently proposed for the units. Domestic sheep pose a significant disease threat to bighorn sheep. Bears Ears' proximity to desert bighorn sheep habitat (see Draft MMP Section 3.15.2.6.5) warrants the inclusion of a formal prohibition on domestic sheep grazing within Bears Ears' two units in the MMP.</p> <p>Short of a prohibition, the MMP must at least account for the possibility of future sheep grazing and establish the management practices contained in BLM Directive 1730 — in particular, identifying the need to maintain sufficient separation between bighorn sheep and domestic sheep and pack goat. The directive states: Where domestic sheep or goats are authorized (including trailing and for vegetation management), or where recreational sheep or goats use (e.g., pack animals) may occur, and there is a potential for inter-species contact of wild sheep and domestic sheep or goats, land use plans and/or implementation-level plans will prescribe management practices to provide effective separation. Identify in the land use plan and/or implementation-level plan if opportunities exist for allotment or pasture management changes to help achieve effective separation. BLM MS 1730 1.8.A.2. (2016).</p> <p>In considering whether the Draft MMP must address the needs of desert bighorn sheep, BLM should look to the Grand Staircase-Escalante Draft RMP/EIS. In that document, BLM establishes a blanket 9-mile separation standard to prevent desert bighorn sheep from coming into contact with domestic sheep and goats. A 9-mile separation standard is not necessarily enough, given the habits and range of desert bighorn sheep, but it should serve to guide preparation of the Bears Ears plan. See GSENM Draft RMP/EIS 2-5.</p>	<p>The degree of harm indicated in the comments is not supported by the analysis in the MMPs/EIS and the comment provides no specific errors in the analysis or conclusions. The lands within the Planning Area have remained mostly natural with minimal development and the activities that would be allowed under the alternatives considered in the MMPs/EIS are not anticipated to result in substantial new development. The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p> <p>Furthermore, the MMPs/EIS is not proposing specific projects. Analysis of impact to special status species is required for every site-specific, implementation-level action, in accordance with BLM Manual 6840. Future proposed actions would be subject to site-specific analysis that would include consideration of alternatives, direct, indirect, and cumulative impacts, and mitigation as appropriate to address impacts. In addition, Appendix J contains specific stipulations for surface disturbing activities for special status species. The intent of the MMPs is to provide the guidance to give protection to special status species as described under management common to all alternatives (Section 2.4.11.2).</p> <p>Because domestic sheep grazing does not currently occur in the BENM and is speculative, it is not necessary or useful to address this issue during the current programmatic planning process. However,</p>

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	<p>As noted in the Draft MMP (see 3-63), in the interest of the public as well as the relevant agency, BLM is directed to “undertake conservation actions for such species before listing [under the ESA] is warranted” and, “improve the status of such species so that their Bureau sensitive recognition is no longer warranted.” Similarly, the USFS is directed to “maintain viable populations” of sensitive species and to “[d]evelop and implement management practices to ensure that species do not become threatened or endangered because of Forest Service actions.” Furthermore, the USFS must “[a]void or minimize impacts to [sensitive] species.” In selecting Alternative D as the preferred alternative, the agencies are proposing management actions with severe adverse impacts on sensitive species and their habitat and therefore would threaten population viability. Alternative D promotes destructive activities including OHV use (see Draft MMP 3-44, 45 and Section X of these comments), grazing (Id. at Table LSG-2 and Section XVIII of these comments), ROW construction (Id. at Table VEG-1 and Section XIV of these comments), and unmanaged recreation (Id. at Table REC-1 through REC-4 and Section IX of these comments). Id. at 3-74. Alternative D is also the least protective of all the alternatives with respect to habitat components including riparian and wetland resources (Id. at 2-20), soil resources (Id. at 3-58), and vegetation. Id. at 3-83. However, while the agencies admit the serious harm that could occur to Sensitive Species under Alternative D, or any of the alternatives, nowhere does the Draft MMP meaningfully explain how the agencies will comply with their legal duties to protect Sensitive Species. Simply pointing to existing plans that agencies operate under is not an explanation as to how Sensitive Species will be adequately protected. Development and improper management of the lands surrounding the Planning Area could result in cumulative impacts to sensitive species. Lands outside of the Planning Area should be managed not only for the protection of Monument objects in accordance with Proclamation 9558, but also to ensure the adequate protection of BLM and USFS sensitive species.</p>	<p>permitting of sheep grazing would be addressed on a case-by-case basis at the implementation level if and when it occurs. The BLM will develop management practices that address the potential for interaction between wild sheep with domestic sheep or goats when developing implementation-level plans for the management of livestock grazing allotments, including permit renewals and terms and conditions, as well as other projects involving domestic sheep or goats on BLM lands (BLM Manual 1730).</p> <p>Potential cumulative impacts to special status species from reasonably foreseeable future management actions are discussed in Section 3.22. Also, BLM- and USFS-administered lands outside of the Monument boundary are managed according to the 2008 Monticello RMP and 1986 Manti-La Sal LRMP and are outside of the decision space of this MMPs/EIS.</p>
A.75-53	<p>However, while the agencies admit the serious harm that could occur to Sensitive Species under Alternative D, or any of the alternatives, nowhere does the Draft MMP meaningfully explain how the agencies will comply with their legal duties to protect Sensitive Species. Simply pointing to existing plans that agencies operate under is not an explanation as to how Sensitive Species will be adequately protected. Development and improper management of the lands surrounding the Planning Area could result in cumulative impacts to sensitive species. Lands outside of the Planning Area should be managed not only for the protection of Monument objects in accordance with Proclamation 9558, but also to ensure the adequate protection of BLM and USFS sensitive species.</p>	<p>See responses to A.75-51 and OOS-4. The BLM and USFS consider potential impacts on sensitive species for all management actions authorized or carried out by the agencies.</p>
A.75-54	<p>The agencies must complete ESA Section 7 Consultation prior to issuing a Record of Decision, must avoid take of listed species, and must meaningfully evaluate the Plan’s impacts to listed species. The Draft MMP condones numerous harmful activities, especially under the preferred alternative, Alternative D, that will negatively impact ESA-listed wildlife, and further, offers no meaningful standards to ensure the conservation of ESA-listed species in the Plan area. Instead, like with wildlife and Monument objects, threatened and endangered species are treated as an after-thought. As discussed below with respect to each ESA-listed species impacted by the Draft MMP’s harmful actions, the Draft MMP is “likely to adversely affect” ESA-listed species or result in adverse modification of their habitat, as well as the taking of individual members of the species. Consequently, formal consultation under the ESA is necessary with respect to the threatened and endangered species impacted by the Plan (Mexican spotted owl, southwestern willow flycatcher, Colorado pikeminnow, razorback sucker, bonytail chub, humpback chub, California condor, western yellow-billed cuckoo, Jones cycladenia, and Navajo sedge). This analysis and its associated procedures must be completed prior to the issuance of a Record of Decision (ROD) to comply with the mandates of the ESA, as well as NEPA. Further, NEPA requires that the agencies here</p>	<p>Section 4.1.2 of the MMPs/EIS has been updated to describe the BLM’s and USFS’s ongoing consultation with the U.S. Fish and Wildlife Service (USFWS) related to the MMPs/EIS.</p> <p>BLM policy regarding special status species is “[t]o conserve and/or recover ESA-listed species and the ecosystems on which they depend so that ESA protections are no longer needed for these species . . . [, and t]o initiate proactive conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of and need for listing of these species under the ESA” (BLM Manual 6840). In developing the MMPs, the BLM followed the guidance contained in BLM Manual 6840. BLM Manual 6840 also provides guidance for the BLM in consulting with the USFWS on implementation-level management actions. The BLM and USFS prepared a Biological Assessment (BA) to initiate formal consultation with the USFWS on the potential effects of the MMPs on species and</p>

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	adequately explain the Plan's direct, indirect, and cumulative effects as to these threatened and endangered species and their habitat, effects that here will plainly have significant impacts to the species. This has not occurred and thus violates NEPA's "hard look" standard, as further discussed in Section IV(B) of these comments.	designated critical habitats listed under the ESA. The BA is available on the BLM's ePlanning website and analyzes both planning-level and implementation-level management actions under the agencies' preferred alternative.  Subsequent implementation-level actions that may be authorized or carried out by the agencies to meet proposed management goals or authorize site-specific land uses under the approved MMPs would require action-specific analysis of potential impacts on special status species. Based on these action-specific implementation-level analyses, appropriate consultation with the USFWS on those projects that may impact ESA-listed species would be conducted.  Consistent with NEPA standards, Chapter 3 of the MMPs/EIS provides both detailed qualitative discussion and quantification to allow comparison of the relative impacts of each alternative on special status species.
A.75-55	<p>The Draft MMP, especially the preferred alternative, is likely to adversely affect ESA-listed species or cause adverse modification to their critical habitat and is likely to result in take of ESA-listed species. In selecting Alternative D as the preferred alternative, the agencies are proposing management actions that will have severe adverse impacts on threatened and endangered species and their habitat. Alternative D condones destructive activities, and does so in excessive fashion, including OHV use (see Draft MMP 3-44, 45), grazing (Id. at Table LSG-2), ROW construction (Id. At Table VEG-1), and recreation (Id. at 3-74). Alternative D is also extremely harmful to important wildlife habitat components including riparian and wetland resources (Id. at 2-20), soil resources (see Draft MMP 3-58), and vegetation (Id. at 3-83). The agencies should instead consider selecting management direction that conserves threatened and endangered species and their habitat.</p> <p>As mentioned above in Section XIII(B), development and improper management of the lands surrounding the Planning Area could result in cumulative impacts to habitat for special status species. Id. at 3-11.1. Lands outside of the Planning Area should be managed for the protection of monument objects in accordance with Proclamation 9558 to avoid potential jeopardy to the continued existence of threatened and endangered species, the destruction or adverse modification of their designated critical habitat, or the "take" of these species.</p>	See responses to A.75-51 and OOS-4. The BLM and USFS consider potential impacts on ESA-listed species and consult with the USFWS on the potential impacts of all management actions the agencies authorize or carry out.
A.75-56	<p>The Mexican spotted owl (<i>Strix occidentalis lucida</i>), a subspecies of the spotted owl, was listed as threatened under the ESA in 1993 due to the many threats it faces such as habitat destruction and fragmentation from logging and recreation including OHV use.<sup>37</sup> The Planning Area of the Draft MMP falls in the owls' Colorado Plateau Ecological Management Unit (CP EMU) and contains 106,534 acres of Mexican spotted owl critical habitat and 67,965 acres of potential habitat. See Draft MMP AMS Table 2-76. According to the 2012 USFWS recovery plan, the CP EMU contained approximately 15 percent of all known owl sites at that time.<sup>38</sup> The 2012 USFWS recovery plan set forth recovery criteria, including that owl occupancy rates and indicators of habitat conditions are stable or improving for 10 years. According to the recovery plan, monitoring and managing for the protection of existing Protected Activity Centers and new nesting/roosting sites for the subspecies are key to the recovery of the owl.</p> <p>The Draft MMP states that recreation activities such as OHV use are a serious threat to the owls (see Draft MMP 3-69), and as the Plan recognizes, research shows that vehicle noise from OHV use can decrease reproductive success and overall fitness of spotted owls.<sup>39</sup> The owls' recovery plan</p>	See response to A.75-54. The degree of harm indicated in the comments is not supported by the analysis in the MMPs/EIS and the comment provides no specific errors in the analysis or conclusions. The lands within the Planning Area have remained mostly natural with minimal development and the activities that would be allowed under the alternative considered in the MMPs/EIS are not anticipated to result in substantial new development. The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Specific analysis of direct and indirect impacts on the species is included in Section 3.15 of the MMPs/EIS; a cumulative impacts analysis for this species is included in Section 3.22 of the MMPs/EIS.

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	<p>also speaks to the harm in this EMU from “livestock grazing, timber cutting, coal and uranium mining, and oil and natural gas development,” and the Draft MMP acknowledges this reality as well. See AMS 2-165.</p> <p>Despite these admissions, the agencies selected a preferred alternative that, compared to the other alternatives, would almost always result in the highest levels of threats to the owls and therefore will likely result in damage to designated critical habitat and/or take of the owls. For example, within the Planning Area, the agencies’ preferred alternative, Alternative D, would fail to close any additional habitat areas to OHV use compared to the No Action Alternative. See Draft MMP 2-24. Alternative D leaves 75 percent of MSO habitat open to OHV use, and even Alternative B still leaves 35 percent open to OHV use. Id. at 3-71. Alternative D also wrongly promotes motorized recreation in Arch Canyon RMZ rather than closing the area to OHV use to protect MSO habitat as in Alternative C. Id., Appx. G-6. Furthermore, Alternative D leaves 47 percent of owl habitat open to ROW construction, whereas Alternative B would close all owl habitat to such construction. Id. at 3-71. The agencies’ preferred alternative also fails to require USFS monitoring of impacts to the subspecies due to recreation impacts in the Shash Jaa’ Unit as Alternative C would. Id. at 2-18.</p> <p>Outside of the Planning Area, around 487,790 acres of MSO critical habitat will continue to be managed under existing RMPs. See Appx. A, attached to these comments. As highlighted above, continued management of areas around the Planning Area under the Monticello RMP and Manti-La Sal LRMP is likely to result in cumulative effects within the Planning Area. In summary, while the agencies acknowledge the harm the Draft MMP will cause to the owls, they then fail to account for this harm and thereby fail to take a “hard look” at the Plan’s direct, indirect, and cumulative effects that will clearly have potentially significant impacts to the threatened Mexican spotted owl. This violates NEPA, as further described in Section IV(B) of these comments. Moreover, these harmful actions, especially those in the preferred alternative, will likely adversely affect the owls and/or result in adverse modification of the owls’ critical habitat, and will likely result in the taking of individual members of this subspecies. Consequently, formal consultation under the ESA is necessary. Furthermore, by not adequately protecting the Mexican spotted owl, which is named as a monument object in Proclamation 9558, the agencies fail to meet the stated purpose of and need for the MMP. Id. at 1-1.</p>	<p>Subsequent implementation-level management actions that may be authorized or carried out by the agencies to meet proposed management goals or authorize site-specific land uses under the approved MMPs would require action-specific analysis of potential impacts on special status species. Based on these action-specific implementation-level analyses, appropriate consultation with the USFWS on those projects that may impact ESA-listed species would be conducted. For example, the agencies would consult with the USFWS, as appropriate, on a future implementation-level travel management plan and evaluate site-specific impacts to Mexican spotted owl habitat. In addition, management actions common to all alternatives (Section 2.4.5.2.) include monitoring and mitigation of impacts from livestock grazing on riparian resources. The monitoring strategies for Mexican spotted owl and other raptors are detailed in Appendix M. Appendix J contains specific stipulations for surface-disturbing activities for special status species. The intent of the MMPs is to provide the guidance to give protection to special status species, as described under management common to all alternatives (Section 2.4.11.2).</p>
A.75-57	<p>The Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>) was listed as endangered in 1995,40 and is explicitly named a Monument object in Proclamation 9558.41 The bird is endangered by habitat loss and modification, nonnative plants, brood parasitism by cowbirds, and other stresses. See Draft MMP AMS 2-166. Southwestern willow flycatchers have small breeding populations that are widely dispersed across the Southwest. Because of these population dynamics, populations of flycatcher and their habitat patches “are highly susceptible to loss due to natural events and human activities.” The flycatcher is a small, neotropical migrant, mid-summer breeding, riparian-obligate bird. The subspecies “uses and breeds in patchy to dense riparian habitats along streams and wetlands near or adjacent to surface water or saturated soils” See AMS 2-166. The traditional nesting habitat of the flycatcher includes tree and shrub species such as willows, box elder, maple, and cottonwood. However, because such native habitats have been decimated by human activities, the flycatcher now also nests in tamarisk riparian areas. Consequently, eradicating tamarisk without also engaging in strenuous efforts to restore native plant communities has severe adverse impacts on the flycatcher, compounding the destruction of the subspecies’ natural habitat by also destroying the substitute habitat to which the species has struggled to adapt. Past attempts to eradicate tamarisk throughout the Southwest, such as through the</p>	<p>See response to A.75-54. The degree of harm indicated in the comments is not supported by the analysis in the MMPs/EIS and the comment provides no specific errors in the analysis or conclusions. The lands within the Planning Area that may support the species have minimal development and the activities that would be allowed under the alternative considered in the MMPs/EIS are not anticipated to result in substantial new development. The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Specific analysis of direct and indirect impacts on the species is included in Section 3.15 of the MMPs/EIS; a cumulative impacts analysis for this species is included in Section 3.22 of the MMPs/EIS.</p> <p>Subsequent implementation-level management actions that may be authorized or carried out by the agencies to meet proposed management goals or authorize site-specific land uses under the</p>



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	<p>introduction of tamarisk beetles, have resulted in unintended impacts to flycatcher habitat and viability.</p> <p>The Planning Area contains 331 acres of designated critical habitat along the San Juan River and 5,103 acres of potential habitat (1,149 acres in the Indian Creek Unit and 3,954 acres in the Shash Jaa' Unit) for the flycatcher. The Draft MMP acknowledges that, especially within riparian areas, surface-disturbing activities, grazing, and recreational use will adversely affect the subspecies. See Draft MMP 3-68. Despite this, the agencies knowingly selected a preferred alternative that, compared to the other alternatives, would result in the highest levels of harm to this ESA-listed bird. For example, within the Planning Area, under the agencies' preferred alternative, Alternative D, "new surface-disturbing activities would be allowed within active floodplains or within 100 meters (approximately 300 feet) of riparian areas along perennial and intermittent springs and streams" Id. at 2-20. For all other alternatives, there would be restrictions to these activities, but damage to flycatcher habitat would nonetheless be allowed under all the alternatives, and thus none of them adequately protect riparian areas and the flycatcher. Furthermore, Alternative D would dictate that "[a]ll treatment options would be available" for vegetation treatments in riparian areas to remove nonnative tamarisk and Russian olive, thus potentially exacerbating the species' imperiled situation. Id. at 2-21.</p> <p>Flycatchers are sensitive to OHV use and recreation activities in riparian areas because such use can directly result in clearing of riparian vegetation and reductions in abundance and diversity of bird assemblages, and indirectly in the accumulation of trash and food that can attract predators or cowbirds, the primary parasite for this species. The cumulative impacts from human activities in riparian areas, which has degraded flycatcher habitat, led to listing of this species and their continuation will likely prevent recovery. The agencies recognize that "[i]ncreased noise levels would likely result in temporary displacement of birds," that "OHV use and vehicle traffic are anticipated to be the primary sources of noise," and that, "[l]ikelihood of nest abandonment is greater for nests close to existing OHV trails relative to nests at greater distances. Additionally, a study discovered that nests are less common near OHV trails, suggesting that birds avoid nesting in areas where disturbance regularly occurs." See Draft MMP 3-67. Despite this, Alternative D, along with Alternatives A and C, would designate 99 percent of the monument as OHV limited, thus allowing for designated OHV routes in these areas. Id. At Table 2-12. Even Alternative B, which would designate additional OHV closure areas thereby closing 59 miles of these routes, would still leave 82 percent of these routes open in the monument. Id. at Table SSS-2. In riparian areas specifically, Alternative D, along with Alternatives A and C, would leave 95 percent open to designated OHV routes by managing them as OHV limited areas. Id. at Table RIP-1. Even Alternative B would still allow designated OHV use in 48 percent of riparian areas. In floodplains (areas within 300 feet of riparian areas), Alternative D, along with Alternatives A and C, would leave 93 percent open to designated OHV routes by managing them as OHV limited areas, and Alternative B would still allow designated OHV use in 44 percent of floodplains. Id. at Table RIP-2. Furthermore, Alternative D would fail to close and reclaim redundant routes and social hiking trails within 100 feet of riparian areas and floodplains as would be done under Alternative B. Id. at 3-55. The agencies acknowledge that these OHV routes could result in impacts including "loss or conversion of riparian/wetland/aquatic habitat, removal of and/or damage to riparian and wetland vegetation, introduction of invasive species, loss of plant diversity, habitat fragmentation, soil compaction, streambank erosion, and stream channel instability." Id. at 3-53. In addition to the effects of OHV use, the agencies recognize that other recreation uses "could cause displacement of some bird species, especially within riparian areas" (see Draft MMP 3-68), and that "habitat degradation could occur in the immediate vicinity of high-use trails and could affect forage and nesting habitat." Id. at</p>	<p>approved MMPs would require action-specific analysis of potential impacts on special status species. Based on these action-specific implementation-level analyses, appropriate consultation with the USFWS on those projects that may impact ESA-listed species would be conducted. In addition, management actions common to all alternatives (Section 2.4.5.2.) include monitoring and mitigation of impacts from livestock grazing on riparian resources. The monitoring strategy for riparian resources and southwestern willow flycatcher is detailed in Appendix M. Appendix J contains specific stipulations for surface disturbing activities for special status species. Additionally, all lands within the BENM are withdrawn from mineral entry, subject to valid existing rights (see Sections 1.5 and 2.4.6.2 of the Draft MMPs/EIS), and surface-disturbing activities are not allowed in the portion of the San Juan ACEC within the BENM (Appendix J).</p>

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	<p>3-67. Despite this, the agencies' preferred alternative would fail to reduce recreational access to riparian areas for the purpose of reducing impacts on species such as the southwestern willow flycatcher. Id. at 3-68.</p> <p>All grazing poses a threat to riparian areas in the region, and in turn, to the habitat of the flycatcher. Removal of livestock grazing pressure from riparian areas has been found to have a positive effect on growth, distribution, and vigor of riparian vegetation. The Draft MMP recognizes that “[d]ue to the range of potential open areas under the management alternatives and the duration, extent, and nature of potential impacts, livestock grazing is likely a management concern for riparian and wetland areas and water quality. Riparian impacts from improper grazing include removal of and/or damage to riparian and wetland vegetation, the introduction of invasive species, soil compaction, erosion and sedimentation, decreased water quality, and changes to stream morphology and habitat.” Id. at 3-53. Despite this, the agencies' preferred alternative would open two additional acres of general riparian and wetland areas to grazing compared to the No Action Alternative for a total of 4,706 acres of riparian and wetland areas open to grazing. Id. at Table VEG-2. Even Alternative B would leave 2,219 acres of riparian and wetland areas open to grazing. Specific to flycatcher habitat, Alternative D would fail to close any acres to grazing compared to the No Action Alternative, leaving 92 percent of habitat open to grazing. Id. at Table SSS-5. Even Alternative B would leave 63 percent of flycatcher habitat open to grazing, still an unacceptable risk to the flycatcher and other riparian dependent species, and the Plan should instead be closing all riparian areas and other flycatcher habitat to grazing.</p> <p>Alternative D would only close 57 acres of riparian and wetland areas to ROW construction, opening three additional acres compared to the No Action Alternative. Alternative D would also leave 5,029 acres of riparian and wetland areas open to ROW construction, with 553 acres designated as open and 4,476 acres designated as avoidance areas. Id. at Table VEG-1. The agencies should instead choose Alternative B with respect to ROW construction, which would close all riparian and wetland areas to ROW construction. More specifically, Alternative D would even leave the San Juan River ACEC — the location of most of the acres of Southwestern willow flycatcher designated critical habitat within the Planning Area— open to ROW construction by managing it as a ROW avoidance area instead of as a ROW exclusion area as it should and as Alternatives B and C would. Id. at 3-62.</p> <p>Development and improper management of the lands surrounding the Planning Area would likely result in cumulative impacts to wildlife habitat. About 535 acres of flycatcher designated critical habitat was excluded from the original Bears Ears boundaries and would be managed under these existing RMPs. See Appx. A, attached to these comments.</p> <p>Oil and gas development in these areas — especially surrounding the San Juan River ACEC — could result in impacts to the endangered flycatcher. See Appx. A, attached to these comments. For example, on Nevada's BLM public lands, where hundreds of thousands of acres have been leased or made available for oil and gas development, it has been shown that spilled or leaked hydraulic fracturing flowback fluids and produced waters could negatively affect multiple threatened species such as the Southwestern willow flycatcher. The USFWS has recognized likely adverse effects on species and designated critical habitat from BLM oil and gas operations in Nevada to species including the southwestern willow flycatcher.</p> <p>In summary, the Draft MMP fails to adequately address the Plan's direct, indirect, and cumulative effects that will clearly have potentially significant impacts to the endangered southwestern willow flycatcher and its habitat. This violates NEPA's “hard look” standard, as discussed in Section IV(B) of these comments. Moreover, these harmful actions, especially those in the preferred alternative, are</p>	

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	<p>likely to adversely affect this subspecies or result in adverse modification of its critical habitat, as well as the taking of individual members of the subspecies.</p> <p>Consequently, formal consultation under the ESA is necessary with respect to the southwestern willow flycatcher. Furthermore, by not adequately protecting the southwestern willow flycatcher, which is named as a monument object in Proclamation 9558, the agencies fail to meet the stated purpose of and need for the MMP. See Draft MMP 1-1.</p>	
A.75-59	<p>Colorado River fishes:</p> <p>The Colorado pikeminnow (<i>Ptychocheilus Lucius</i>), razorback sucker (<i>Xyrauchen texanus</i>), humpback chub (<i>Gila cypha</i>), and bonytail chub (<i>Gila elegans</i>) were listed as endangered in 1967, 48 1991, 49 1967, 50 and 198051 respectively. These fishes are endangered by habitat loss, modification, and degradation, the modification and depletion of river flows, and nonnative fishes among other issues. See AMS 2-166-168. Generally, these species inhabited a variety of habitats in many of the major waterways in the Colorado River basin including the main stem of the Colorado River and most of its major tributaries. Today, however, they are relegated to small numbers of populations occurring in limited areas.</p> <p>The Planning Area contains 109 acres of designated critical habitat for the Colorado pikeminnow and razorback sucker. See AMS Table 2-76. While the Planning Area does not contain any designated critical habitat for the bonytail chub or the humpback chub, the Draft MMP recognizes that “both the Shash Jaa’ and Indian Creek Units are part of the Upper Colorado River Basin” (Id. at 2-168) and that “bonytail were historically believed to inhabit the San Juan River.” See Id. at 2-167.</p> <p>The Draft MMP states that “[m]anagement alternatives that limit OHV use, grazing, recreational use, and ROW development; protect wilderness characteristics; and restrict surface disturbance within the 100-year floodplain would . . . likely protect special status species in the San Juan River.” See Draft MMP 3-72. Despite this, the agencies knowingly selected a preferred alternative that would result in the highest levels of harm to ESA-listed fishes (Id. at 3-73) and fisheries (Id. at 3-100) and is likely to result in damage to designated critical habitat or potential take of the endangered Colorado River fishes. Even Alternative B which would have the least impacts of the analyzed alternatives would still cause serious harm to these species and their habitat. Id. at 3-100. For example, within the Planning Area, the agencies’ preferred alternative, Alternative D, fails to limit OHV use or grazing in any riparian areas compared to the No Action Alternative. Even Alternative B still allows limited OHV use and grazing in 48 percent and 52 percent of riparian areas respectively. Id. at Table RIP-1. Furthermore, Alternative D leaves 19 percent of riparian areas open to ROW construction and would designate another 79 percent as “avoidance areas,” still leaving the possibility of ROW construction open. Id. at Table RIP-1. Specifically, Alternative D places the San Juan River ACEC under management as a ROW avoidance area instead of as a ROW exclusion area as it should have and Alternatives B and C would. Id. at 3-62.</p> <p>Furthermore, the Draft MMP acknowledges that continued management of areas around the Planning Area under the Monticello RMP and Manti-La Sal LRMP would allow for developments including oil and gas development, timber harvest, recreation, grazing, OHV use (Id. at 3-110), mineral development, and ROWs that will likely degrade habitat and result in cumulative effects within the Planning Area. Id. at 3-111. For example, oil and gas development in these areas — especially surrounding the San Juan River ACEC52 — could result in impacts to the endangered Colorado River fishes through water depletions. Oil and gas drilling and hydraulic fracturing in the areas surrounding the Planning Area would result in additional withdrawals of water from the San Juan River basin and the larger upper Colorado River basin, with adverse effects on the listed fish</p>	<p>See response to A.75-54. The degree of harm indicated in the comment is not supported by the analysis in the MMPs/EIS, and the comment provides no specific errors in the analysis or conclusions. The lands within the Planning Area have remained mostly natural with minimal development and the activities that would be allowed under the alternative considered in the MMPs/EIS are not anticipated to result in substantial new development. The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Specific analysis of direct and indirect impacts on these species is included in Section 3.15 of the MMPs/EIS; a cumulative impacts analysis for these species is included in Section 3.22 of the MMPs/EIS.</p> <p>Subsequent implementation-level management actions that may be authorized or carried out by the agencies to meet proposed management goals or authorize site-specific land uses under the approved MMPs would require action-specific analysis of potential impacts on special status species. Based on these action-specific implementation-level analyses, appropriate consultation with the USFWS on those projects that may impact ESA-listed species would be conducted. In addition, management actions common to all alternatives (Section 2.4.5.2.) include monitoring and mitigation of impacts from livestock grazing on riparian resources. The monitoring strategy for riparian resources, threatened and endangered species, and water resources is detailed in Appendix M. Appendix J contains specific stipulations for surface disturbing activities for special status species. Additionally, all lands within the BENM are withdrawn from mineral entry, subject to valid existing rights (See Sections 1.5 and 2.4.6.2 of the Draft MMPs/EIS), and surface-disturbing activities are not allowed in the portion of the San Juan ACEC within the BENM (Appendix J).</p> <p>With regard to climate change, the agencies acknowledge that climate change may affect the Planning Area (see Section 2.1.2.1.10 of the AMS and Appendix L of the MMPs/EIS). Text has been added to Section 3.15.1 of the Proposed MMPs/Final EIS that describes climate change impacts that are currently occurring.</p>

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	<p>and their critical habitat. In its 2008 Biological Opinion for the Vernal Resource Management Plan, the Fish and Wildlife Service re-confirmed a long-standing opinion that all depletions from the Upper Colorado will jeopardize the continued existence of the four listed fish: Water depletions from the Upper Colorado River Basin are a major factor in the decline of the threatened and endangered Colorado River fish. The USFWS determined that any depletion will jeopardize their continued existence and will likely contribute to the destruction or adverse modification of their critical habitat (USDI, Fish and Wildlife Service, Region 6 Memorandum, dated July 8, 1997).<sup>53</sup> Adverse effects from oil and gas development in the area surrounding the Planning Area would not be limited to water depletions. The agencies must also address, and consult on, foreseeable water quality impacts from oil and gas development and the resulting wells, pipelines, pits, and soil disturbance. A 2011 Fish and Wildlife Service Biological Opinion for the GasCo Energy Inc.</p> <p>Field Development Project EIS found that, in addition to water depletions, oil and gas development in the Uinta Basin has a significant potential for impacts to Colorado River endangered fish resulting from the highly foreseeable probability of spills and contamination: There is a greater potential for impacts from pollutants, if a pipeline, well pit, or other source were to inadvertently release contaminated fluids into waterways at points near the Green and White Rivers. Through direct or indirect discharge, these pollutants could reach the Green River and negatively impact water quality to the point of affecting native fish populations. Direct impacts will result from a discharge from a pipeline or well pit reaching the Green River in its original form or within a single release event. Indirect effects occur when discharges are released to the ground and are later released to the river after being carried by an erosion event or carried by rain or snowmelt runoff. As more well and pipeline development occurs in the project area the chance of pollutants reaching the Green River increases, thus increasing the potential of harm to native fish populations... While applicant-committed measures will reduce the chance for spills or leaks of contaminants, accidental releases can and do still occur. According to the National Response Center, there have been at least 219 spills and releases within Carbon, Duchesne, and Uintah Counties from January 1991 through August, 2011 due to oil and gas development and related activities affecting water, land and air. Spill incidences reviewed in Utah include corrosion and leakage of surface and buried pipelines, broken well rods, valve and gasket failures, wellhead pressure buildups, shutoff alarm malfunctions, leakage of trace systems, loss of formation water to the surface during drilling, and vehicular related traffic accidents. Releases have included crude oil, natural gas, hydrochloric acid, condensate, salt water, ethylene glycol, and produced water in various quantities. Releases of harmful agents into floodplain habitats could result in significant adverse impacts to the endangered fish and their designated critical habitat. One of the constituent elements of the designated critical habitat for the four Colorado River fish is contaminant-free water. Any release of contaminants into the floodplain will result in degradation of critical habitat and could result in take of individual fish, including downstream impacts to larvae and juveniles.<sup>54</sup></p> <p>Oil and gas development in the areas surrounding the Draft MMP Planning Area would be expected to have a similar effect. Furthermore, because Alternative D would fail to close the San Juan River ACEC to ROW construction (see Draft MMP 3-62) these sorts of accidents could occur directly within the Planning Area as well.</p> <p>As discussed further in Section XXI below, the Draft MMP has not adequately considered the impacts of climate change on these water resources, such as the decline in stream flows. This is a significant omission, as numerous climate change models show anthropogenic climate change is profoundly impacting the Colorado River in ways that are altering temperature, streamflow, and the hydrologic cycle. Changes observed to date include rising temperatures, earlier snowmelt and</p>	

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	<p>streamflow, decreasing snowpack, and declining runoff and streamflow. Modeling studies project that these changes will only worsen, including continued declines in streamflow and intensification of drought. Climate change is likely to have significant effects on the endangered fish and the Colorado River ecosystem, and the effect of climate change on future flow regimes and water temperatures must be taken into account in the consultation process.</p> <p>The Plan's harmful activities, especially those associated with the preferred alternative, are likely to adversely affect these fish or result in adverse modification of their critical habitat, as well as the taking of individual members of these species. Consequently, formal consultation under the ESA is necessary with respect to the four endangered Colorado River fishes.</p>	
A.75-60	<p>The California condor (<i>Gymnogyps californianus</i>) was listed as endangered in 1967.<sup>55</sup> The species prefers "mountainous country at low and moderate elevations, especially rocky and brushy areas near cliffs. California condor colonies often roost in snags, tall open-branched trees, or cliffs, often near important foraging grounds (UDWR 2007)." See AMS 2-165. In 1996, an experimental non-essential population of California condor was established through the reintroduction of the bird to northern Arizona.<sup>56</sup> Condors found in southern Utah (south of Interstate 70 and west of US-191), including in the Planning Area, are a part of this experimental population, which is "treated as though it is proposed for Federal listing, rather than as Endangered." See AMS 2-165. In its most recent status report, the FWS reported 82 condors in the Arizona/Utah population as of 2017.<sup>57</sup> While no critical habitat occurs within the Planning Area, the species could potentially be present in both Shash Jaa' and Indian Creek units. See Draft MMP Table SSS-1. The Plan also notes that California condors "have the potential to move through the area where suitable nesting habitat does exist." See AMS 2-165.</p> <p>While the species faces numerous threats, the FWS explained in their 2013 five-year review that "[l]ead ingestion by California condors and the subsequent behavioral and physiological effects of lead poisoning, including both mortality and morbidity events, is the single most significant threat to the species." The species feeds on the carcasses of dead animals, including those that have been hunted using lead shot. As of 2017: "Lead poisoning from spent lead ammunition continues to be the greatest cause of mortality in the wild population, representing approximately 50 percent of known causes of deaths (n=159) since 1992, and continues to preclude recovery."</p> <p>According to the five-year review: In Arizona since 2003, and more recently in Utah (2012), voluntary efforts have been developed to reduce California condor exposure to lead-affected carrion. Activities include education and marketing outreach to hunters and free nontoxic high-performance ammunition for those hunting in condor range. While these efforts have been successful in changing the ammunition used by the majority of hunters, particularly in Arizona, the continued occurrence of lead poisoning in the condor population in those states continues to significantly impact the condor population. The most recent information on condor deaths indicates that nearly fifty percent of known deaths in that population resulted from lead toxicity.<sup>60</sup></p> <p>While efforts to encourage the use of non-lead shot are being made in Utah, they are emphasized in the Utah Division of Wildlife Resource's Zion hunting management unit, but not in the hunting units that cross the Planning Area. The plan lists hunting as one of the public recreational uses in the Planning Area (see Draft MMP 3-35) and notes that it is among the most popular visitor activities in part of the Planning Area. See AMS Table 2-37. Despite the fact that lead toxicity due to hunting is the leading cause of mortality in the area's condor population and that Utah lacks a prohibition on lead shot, the Draft MMP makes no mention of lead shot, much less how condors might be protected from this threat within the Planning Area.</p>	<p>See response to A.75-54. The degree of harm indicated in the comments is not supported by the analysis in the MMPs/EIS. Condors are infrequent visitors to the Planning Area. Additionally, the lands within the Planning Area have remained mostly natural with minimal development and the activities that would be allowed under the alternative considered in the MMPs/EIS are not anticipated to result in substantial new development. The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Specific analysis of direct and indirect impacts on these species is included in Section 3.15 of the MMPs/EIS; a cumulative impacts analysis for these species is included in Section 3.22 of the MMPs/EIS.</p> <p>Subsequent implementation-level management actions that may be authorized or carried out by the agencies to meet proposed management goals or authorize site-specific land uses under the approved MMPs would require action-specific analysis of potential impacts on special status species. Based on these action-specific implementation-level analyses, appropriate consultation with the USFWS on those projects that may impact ESA-listed species would be conducted. In addition, management actions common to all alternatives (Section 2.4.11) states that raptor management would be guided by the practices in Appendix H, utilizing seasonal and spatial buffers as well as mitigation, to maintain and enhance raptor nesting and foraging habitat, while allowing other resource uses. The monitoring strategy for threatened and endangered species is detailed in Appendix M. Appendix J contains specific stipulations for surface disturbing activities for special status species.</p> <p>The California condor has been added to the discussion in Section 3.15.2.5. The agencies have reviewed the risk of poisoning of California condors by ingesting lead within the Planning Area. There are no known instances of condors being poisoned by ingesting lead within the Planning Area, and condor use of the area is low. Therefore, the agencies do not believe that restrictions on use of lead ammunition for hunting is necessary within the Planning Area. The agencies will continue to work with members of the public who hunt</p>

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	<p>The Draft MMP recognizes that “[c]limbing activity near actively nesting raptors would disturb the birds and could result in abandonment of nests.” See Draft MMP 3-100. Though the plan repeatedly claims that they would be followed under all alternatives, the agencies’ preferred alternative, Alternative D, does not appear to adopt the Best Management Practices for Raptors and their Associated Habitats in Utah outlined in Appendix H with regards to closure to rock climbing and other recreational activities in active raptor nesting. Id. at Table 2-15.</p> <p>The agencies also recognize that noise can cause “a loss of condor habitat function or [displace] condors through continued disturbance.” Id., Appx. J-6. Despite this, Alternative D, along with Alternatives A and C, would designate 99 percent of the monument as OHV limited, allowing for designated OHV routes in these areas. Id. at Table 2-12. Even Alternative B, which would designate additional OHV closure areas thereby closing 59 miles of these routes, would still leave 82 percent of these routes open in the monument. Id. at Table SSS-2.</p> <p>Overall, the plan fails to meaningfully address the many direct, indirect, and cumulative effects (especially lead), that will clearly have potentially significant impacts to the endangered California condor and its habitat. This violates NEPA’s “hard look” standard. The Plan’s failures with respect to the condor are also evidenced by the fact that the species is not included in the list of special status raptors that is further evaluated in the Plan (Id. at 3-68), even though raptors are specifically called out in the Proclamation for Bear Ears. Moreover, the Plan’s harmful actions, especially those in the preferred alternative, are likely to adversely affect this species and while the condor in this area is an ESA 10(j) population, the ESA still applies per the 1996 Rule.</p>	<p>in the Planning Area to educate them about the risks to condors posed by the use of lead ammunition.</p>
A.58-6	<p>The DMMP outlines commendable goals and objectives for managing wildlife and fisheries, including protecting critical and crucial habitat such as transitional and stop-over habitat for native wildlife, protecting large undisturbed blocks of wildlife habitat, and protecting and maintaining wildlife connectivity. See DEIS at 2-26. However the agencies offer no insights as to how they plan on achieving these goals given the lack of protections offered under the preferred alternative. Instead, the preferred alternative does little to ensure that habitat remains undisturbed. It provides the fewest protections to undisturbed lands, such as lands with wilderness characteristics (“LWCS”), and is the most permissive of activities that will displace wildlife from suitable habitat and cause habitat fragmentation and habitat loss. For example, the alternative fails to decrease the designated routes available for off-highway vehicles (“OHVs”) or mechanized recreation which, along with more intense recreational activities and right of way (“ROW”) development, subjects numerous species to harmful disturbance. The purpose of monument designation is to prevent any further deterioration of the monument objects and provide for the restoration of the objects. It is irrational and not in accordance with the Antiquities Act or governing proclamations to use a monument management plan that does little to protect these objects.</p>	<p>See response to ALT-4.</p>
A.75-6	<p>According to the Draft MMP, the MMP would amend the existing Manti-La Sal LRMP for the USFS-administered lands within the BENM. In section 1.5 of the Draft MMP, BLM and USFS assert that certain resource topics are dismissed from detailed analysis, including USFS species of conservation concern (SCC), which are referenced as being part of the revision process for the Manti-La Sal forest plan. To be clear, for the USFS-administered lands, this planning process must comply with 36 CFR 219 (planning rule), including §219.13 which establishes requirements for plan amendments. One of those requirements is found in §219.13(b)(5) and requires a determination of which specific substantive requirements of the planning rule are “directly related” to the amendment. For ecosystems, watersheds and wildlife diversity and viability in the Planning Area, the proposed action (amendment) would arguably “substantially lessen protections”</p>	<p>In accordance with the April 10, 2018, USFS Notice in the <i>Federal Register</i> for USFS-administered lands within the BENM, the USFS will use the information contained in the MMPs/EIS to amend the existing Manti-La Sal LRMP.</p> <p>Because the USFS will amend the Manti-La Sal LRMP, the April 10 <i>Federal Register</i> Notice identified substantive requirements of the 2012 Planning Rule that were likely to be directly related and therefore applicable to an amendment, including 36 CFR 219.8 (b)(1), (5), and (6); 39 CFR 219.10 (a)(1), (4), (5), (7), (8), and (10); and 36 CFR 219.10(b)(1), (ii), (iii), and (vi).</p>

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	<p>(§219.13(b)(5)(ii)(A)), therefore triggering a determination that §219.8 and §219.9 of the planning rule are directly related to the action. In addition, as noted elsewhere in this comment, the agencies are proposing management actions with substantial adverse effects on resources, even though the Draft MMP has failed to disclose those effects. §219.13(b)(5)(ii)(A) directs that NEPA effects analysis be employed to make “directly related” determinations under the planning rule. Yet, there is no indication that the agency has acknowledged these requirements in this planning process, much less demonstrated compliance with the substantive ecosystem and species conservation requirements of the planning rule. §219.13(b)(6) of the planning rule states that for an amendment where SCC have not been identified, and where there are substantial adverse impacts to species or substantial lessening of protections for species, the agency “must determine whether such species is a potential SCC, and if so, apply section § 219.9(b) with respect to that species as if it were an SCC.” As noted elsewhere in these comments, the agencies are proposing management actions with severe adverse impacts on agency sensitive species and their habitat that are likely to threaten population viability. In addition, the actions would substantially lessen protections as compared to existing management. Therefore, this planning process must make “potential SCC” determinations and demonstrate compliance with §219.9(b) of the planning rule. These matters of compliance with National Forest Management Act (NFMA) cannot be ignored and treated as only part of the Manti-La Sal forest plan revision process.</p>	<p>The comment erroneously states that Species of Conservation Concern (SCC) have not been identified for the Forest Service Project Area. The signed letter by the Regional Forester, dated April 26, 2017, identifies the plant and animal SCC for the Manti-La Sal National Forest, including the portion of the Shash Jaa Unit of National Forest System lands.</p> <p>The comment erroneously states that the alternatives considered in the MMPs/EIS would “substantially lessen protections” from the 1986 Manti-La Sal LRMP, when in fact the proposed alternatives provide additional protections for resources on USFS-administered lands that are currently in the 1986 Manti-La Sal LRMP. Examples of additional protections include more restrictive VRM, the consideration of removing livestock grazing and allowable OHV uses, implementation of new stipulations for surface-disturbing activities, withdrawal from mineral entry, and designation as unsuitable for timber production.</p> <p>The USFS Responsible Official has determined that the requirements at §219.9 are applicable to the MMPs. The USFS has completed an analysis of the potential effects of the alternatives analyzed in the MMPs/EIS on USFS SCC. This analysis is contained in Appendix P of the Proposed MMPs/Final EIS. Based on this analysis, the USFS Responsible Official has determined that the MMPs would provide the ecological conditions to maintain a viable population of all species in the Planning Area in accordance with §219.9 (b)(1), as described in the analysis contained in the MMPs/EIS; therefore, additional plan components are not required to maintain viable populations of any species, including SCC species, in the Planning Area.</p>
A.75-96	<p>The Draft MMP must follow the legal requirements of the ESA.</p> <p>The ESA sets out a substantive duty for all federal agencies to ensure that their actions do not jeopardize the continued existence of threatened or endangered species or destroy or adversely modify listed species’ designated critical habitat. 16 U.S.C. § 1536(a)(2). The ESA also prohibits the “take” of threatened or endangered species. 16 U.S.C. § 1538(a)(1)(B)&amp;(G). To assist federal agencies in complying with their ESA duties, Section 7 of the ESA (and its implementing regulations) set out a detailed consultation process. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402 et seq. When a federal agency determines that an action it proposes to take “may affect listed species or critical habitat,” that agency must assess the effects of its action. 50 C.F.R. §§ 402.12; 402.14(a); 16 U.S.C. § 1536(c). If the agency determines that the proposed action is “likely to adversely affect” any listed species or critical habitat, then the agency must initiate formal consultation with the FWS. 50 C.F.R. § 402.14. To conduct ESA-compliant consultation, agencies must also analyze the “entire” agency action. <i>Conner v. Burford</i>, 848 F.2d 1441, 1452-53 (9th Cir. 1988) (citing 16 U.S.C. § 1536(b)(3)(A)); <i>Ctr. for Biological Diversity v. Rumsfeld</i>, 198 F. Supp. 2d 1139, 1155 (D. Ariz. 2002). This means that a biological opinion’s analysis of effects to listed species and critical habitat “must be coextensive with the agency action.” <i>Conner</i>, 848 F.2d at 1458; <i>Greenpeace v. Nat’l Marine Fisheries Serv.</i>, 80 F. Supp. 2d 1137, 1143 (W.D. Wash. 2000) (agency “must prepare a . . . biological opinion equal in scope” to action consulted upon); <i>Rumsfeld</i>, 198 F. Supp. 2d at 1156 (“breadth and scope of the analysis must be adequate to consider all the impacts”). Accordingly, courts strike down biological opinions that fail to perform a comprehensive analysis of the entire action, including analyses that omit key areas or impacts. See, e.g., <i>Conner</i>, 848 F.2d at 1453-54</p>	See response to A.75-54.

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	<p>(analysis of entire agency action for oil and gas leasing must also include impacts from development); <i>Native Ecosystems Council v. Dombeck</i>, 304 F.3d 886, 902-03 (9th Cir. 2002) (overturning Forest Service's Section 7 analysis because it omitted key geographic area affected by proposal). Further, in designating an "action area" for analysis, the agency must consider "all areas to be affected directly or indirectly by the Federal Action and not merely the immediate area involved in the action." 50 C.F.R. § 402.02; <i>Native Ecosystems Council</i>, 304 F.3d at 902 (emphasis added).</p> <p>In addition, the effects of the agency action which must be evaluated during ESA consultation include "the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action." 50 C.F.R. § 402.02. "Indirect effects" include effects "that are caused by the proposed action and are later in time, but still are reasonably certain to occur." <i>Id.</i> These direct and indirect effects must be considered together with a separate category of impacts known as "cumulative effects," which are "those effects of future State or private activities, not involving Federal activities, that are reasonably certain to occur within the action area of the Federal action subject to consultation." <i>Id.</i></p> <p>Courts have repeatedly found that impacts are "reasonably certain to occur" – and thus must be analyzed under the ESA as "indirect effects"– where federal actions induce private or off-site development. For example, when considering the potential effects of the operation of a military base, a court required the U.S. Army to consider the indirect impacts caused by groundwater pumping required by its operation and people the base attracted to the area. <i>Rumsfeld</i>, 198 F. Supp. at 1139; <i>Fla. Key Deer v. Paulison</i>, 522 F.3d 1133, 1144-45 (11th Cir. 2008) (finding FEMA's flood insurance program may cause jeopardy to endangered Florida key deer by encouraging development); <i>Nat'l Wildlife Fed'n v. Fed. Emergency Mgm't Agency</i>, 345 F.Supp.2d 1151, 1173-74, 1176 (W.D. Wash. 2004) (Section 7 consultation on FEMA flood insurance program must address harmful impacts of induced property development in flood zone because "development [was] reasonably certain to occur as a result of" the program, even though FEMA did not "authorize, permit, or carry out the actual development that causes the harm."); <i>Sierra Club v. U.S. Dep't of Energy</i>, 255 F. Supp. 2d 1177, 1187-89 (D. Colo. 2002) (agency consultation concerning approval of right-of-way must address indirect impacts of a mine the construction of which was made possible by the right-of-way); <i>Riverside Irr. Dist. v. Andrews</i>, 758 F.2d 508, 512 (10th Cir. 1985) ("To require [an agency] to ignore the indirect effects that result from its actions would be to require it to wear blinders that Congress has not chosen to impose" under the ESA).</p> <p>Consultation must also consider the value of critical habitat for recovery. <i>Gifford Pinchot v. U.S. Fish and Wildlife Serv.</i>, 378 F.3d 1059 (9th Cir. 2004). As the Ninth Circuit noted, "it is logical and inevitable that a species requires more critical habitat for recovery than is necessary for the species survival." <i>Id.</i> at 1069. "Conservation is a much broader concept than mere survival. The ESA's definition of conservation speaks to the recovery of a threatened or endangered species." <i>Id.</i> at 1071-72.</p>	
A.75-97	<p>The western yellow-billed cuckoo is a member of the avian family Cuculidae and is a Neotropical migrant bird that winters in South America and summers in the western United States, northwestern Mexico, and southwestern Canada. The cuckoo is a riparian obligate, and "nests almost exclusive[ly] in low to moderate elevation riparian woodlands that cover 50 acres or more within arid to semiarid landscapes."<sup>63</sup> Western yellow-billed cuckoos primarily place their nests in willow trees, but also use alder, cottonwood, mesquite, box elder, and sycamore. FWS has described the physical or biological features essential to the conservation of the cuckoo as including riparian woodlands ("generally willow dominated [with] above average canopy closure (greater than 70</p>	<p>See response to A.75-54. The USFWS' designation of critical habitat for the yellow-billed cuckoo is beyond the scope of the development of the MMPs/EIS. Additionally, the degree of harm indicated in the comments is not supported by the analysis in the MMPs/EIS. The lands within the Planning Area that may support the species have been subject to minimal development and the activities that would be allowed under the alternative considered in the MMPs/EIS are not anticipated to result in substantial new development. The alternatives</p>



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	<p>percent) [that] have a cooler, more humid environment than the surrounding riparian and upland habitats"); adequate prey base (large breeding insects and tree frogs); and dynamic riverine processes ("allow[ing] habitat to regenerate at regular intervals, leading to riparian vegetation with variously aged patches from young to old."). The cuckoo historically occurred throughout the western U.S.:</p> <p>Based on historic accounts, the species was widespread and locally common in California and Arizona, locally common in a few river reaches in New Mexico, common very locally in Oregon and Washington, generally local and uncommon in scattered drainages of the arid and semiarid portions of western Colorado, western Wyoming, Idaho, Nevada, and Utah, and probably uncommon and very local in British Columbia. Today, however, the cuckoo has been extirpated from large portions of its historic range and only breeds rarely and locally along rivers, with the largest remaining populations in New Mexico, Arizona, and California. As FWS acknowledged, this restriction of the cuckoo's historic range "is primarily the result of habitat loss and degradation." As a result of this habitat loss and other threats discussed in more detail below, the western yellow-billed cuckoo "has declined by several orders of magnitude over the past 100 years, and [ ] this decline is continuing." For example, FWS noted in 2013 that "[r]ecent declines over the past 15 years have shown both a loss of breeding yellow-billed cuckoos in smaller isolated spots and declines in numbers at core breeding areas."<sup>67</sup> According to FWS's most recent estimates, western yellow-billed cuckoos have been reduced to 350 to 495 pairs in the United States.</p> <p>In 2014, the FWS issued a final rule listing the western distinct population segment (DPS) of the yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>) as threatened under the ESA. In summarizing the factors compelling listing, FWS stated:</p> <p>The primary factors threatening the western DPS of the yellow-billed cuckoo are the loss and degradation of habitat for the species from altered watercourse hydrology and natural stream processes, livestock overgrazing, encroachment from agriculture, and conversion of native habitat to predominantly nonnative vegetation . . . Additional threats . . . include the effects of climate change, pesticides, wildfire, and small and widely separated habitat patches. The cumulative impact from various threats is also a factor that will exacerbate multiple existing threats to the western yellow-billed cuckoo and its habitat . . . [B]ecause the yellow-billed cuckoo is not a protected or sensitive species in a majority of the United States or in Canada and Mexico, the application of [existing] regulatory mechanisms to conserve the western yellow-billed cuckoo or its habitat is unknown and the effectiveness of these regulatory mechanisms is uncertain.</p> <p>In 2014, FWS also issued a proposed rule to designate 546,335 acres of critical habitat for the cuckoo in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Texas, Utah, and Wyoming. The proposed critical habitat is comprised of 80 units with 8 falling in Utah. The proposed rule, however, contains numerous improper exclusions. In total, the 29 proposed exclusions encompass 197,257 acres. FWS has not yet finalized the designation of critical habitat for the western yellow-billed cuckoo.</p> <p>The Planning Area contains approximately 5,103 acres of potential habitat for the western yellow-billed cuckoo in the BENM, with approximately 1,149 acres in the Indian Creek Unit and 3,954 acres in the Shash Jaa' Unit. See Draft MMP 3-67. The Draft MMP acknowledges that, especially within riparian areas, surface-disturbing activities, grazing, and recreational use stand to adversely affect the species. Id. at 3-68. Despite this, the agencies knowingly selected a preferred alternative that, compared to the other alternatives, would result in the highest levels of harm to this ESA-listed bird. For example, within the Planning Area, under the agencies' preferred alternative, Alternative D, "new surface-disturbing activities would be allowed within active floodplains or within 100 meters</p>	<p>analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Specific analysis of direct and indirect impacts on the species is included in Section 3.15 of the MMPs/EIS; a cumulative impacts analysis for this species is included in Section 3.22 of the MMPs/EIS.</p> <p>Subsequent implementation-level actions that may be authorized or carried out by the agencies to meet proposed management goals or authorize site-specific land uses under the approved MMPs would require action-specific analysis of potential impacts on special status species. Based on these action-specific implementation-level analyses, appropriate consultation with the USFWS on those projects that may impact ESA-listed species would be conducted. In addition, management actions common to all alternatives (Section 2.4.5.2.) include monitoring and mitigation of impacts from livestock grazing on riparian resources. The monitoring strategy for riparian resources and yellow-billed cuckoo is detailed in Appendix M. Appendix J contains specific stipulations for surface disturbing activities for special status species. Additionally, all lands within the BENM are withdrawn from mineral entry, subject to valid existing rights (see Sections 1.5 and 2.4.6.2 of the Draft MMPs/EIS), and surface-disturbing activities are not allowed in the portion of the San Juan ACEC within the BENM where the most suitable habitat for the species occurs (Appendix J).</p>

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	<p>(approximately 300 feet) of riparian areas along perennial and intermittent springs and streams . . . .” Id. at 2-20. For all other alternatives, while there would be greater restrictions than Alternative D, extensive harmful activities would still be allowed, and therefore all the alternatives pose a serious threat to the cuckoo. The agencies should instead prohibit surface disturbing activities within riparian areas altogether to protect the cuckoo and uphold the intent of the monument.</p> <p>Furthermore, Alternative D would dictate that “[a]ll treatment options would be available” for vegetation treatments in riparian areas to remove nonnative tamarisk and Russian olive. Id. at 2-21. The agencies must instead limit allowable treatment methods to those that do not harm the cuckoo and additionally should commit to engage in strenuous efforts to restore native plant communities wherever such treatments occur. Restoration through active removal of tamarisk and replanting of native riparian vegetation can be instrumental if done right:</p> <p>Restoration of natural hydrological processes, rather than direct removal programs, would be a more effective method for promoting regeneration of native riparian vegetation and diminishing the presence of tamarisk. However, tamarisk removal programs coupled with native riparian plantings can speed up the restoration process assuming that the hydrologic system will support the native vegetation.</p> <p>The Plan also recognizes that “[i]ncreased noise levels would likely result in temporary displacement of birds,” that “OHV use and vehicle traffic are anticipated to be the primary sources of noise,” and that, “[l]ikelihood of nest abandonment is greater for nests close to existing OHV trails relative to nests at greater distances.” See Draft MMP 3-67. Despite this, Alternative D, as well as Alternatives A and C, would designate 99 percent of the monument as OHV limited, allowing for designated OHV routes in these areas. Id. at Table 2-12. Even Alternative B, which would designate additional OHV closure areas thereby closing 59 miles of these routes, would still leave 82 percent of these routes open in the monument. Id. at Table SSS- 2. This is unacceptable for this threatened species. Furthermore, in riparian areas specifically, Alternative D, along with Alternatives A and C, would leave 95 percent open to designated OHV routes by managing them as OHV limited areas. Id. at Table RIP-1. Even Alternative B would still allow designated OHV use in 48 percent of riparian areas. In floodplains (areas within 300 feet of riparian areas), Alternative D, along with Alternatives A and C, would leave 93 percent open to designated OHV routes by managing them as OHV limited areas (Id. at Table RIP-2), and Alternative B would still allow designated OHV use in 44 percent of floodplains. Alternative D would also fail to close and reclaim redundant routes and social hiking trails within 100 feet of riparian areas and floodplains as would be done under Alternative B. Id. at 3-55. The agencies acknowledge that these OHV routes could result in impacts including “loss or conversion of riparian/wetland/aquatic habitat, removal of and/or damage to riparian and wetland vegetation, introduction of invasive species, loss of plant diversity, habitat fragmentation, soil compaction, streambank erosion, and stream channel instability.” Id. at 3-53. In addition to the effects of OHV use, the agencies recognize that other recreation uses “could cause displacement of some bird species, especially within riparian areas” and that “habitat degradation could occur in the immediate vicinity of high-use trails and could affect forage and nesting habitat.” Id. at 3-67, 68. Despite this, compared to the No Action Alternative, the agencies’ preferred alternative would fail to reduce recreational access to riparian areas for the purpose of reducing impacts on species such as the western yellow-billed cuckoo. Id. at 3-68.</p> <p>All grazing poses a threat to riparian areas in the region, and in turn, to the habitat of the cuckoo. Removal of livestock grazing pressure from riparian areas has been found to have a positive effect on growth, distribution, and vigor of riparian vegetation. Restoration through cessation or if need be</p>	

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	<p>just through reduction in livestock grazing is an important component of what will be needed for recovery of the cuckoo:</p> <p>[E]xamples suggest that even severely degraded riparian systems can recover quickly, in at least some cases, after livestock removal (Krueper et al. 2003, p. 615), and that damage to riparian vegetation from grazing is at least partly reversible. They also illustrate the extent to which livestock grazing destroys and modifies nesting and foraging habitat of the western yellow-billed cuckoo. Riparian vegetation can recover relatively quickly from these effects after livestock removal (Smith 1996, p. 4; Krueper et al. 2003, p. 615). However, without proper management to reduce overgrazing, ongoing overgrazing will continue to contribute to habitat modification in the range of the western yellow-billed cuckoo into the future.</p> <p>The Draft MMP recognizes that “livestock grazing is likely a management concern for riparian and wetland areas and water quality,” such as through “removal of and/or damage to riparian and wetland vegetation, the introduction of invasive species, soil compaction, erosion and sedimentation, decreased water quality, and changes to stream morphology and habitat.” See Draft MMP 3-53. Despite this, the agencies’ preferred alternative would open two additional acres of general riparian and wetland areas to grazing compared to the No Action Alternative for a total of 4,706 acres of riparian and wetland areas open to grazing. Id. at Table VEG-2. Even Alternative B would leave 2,219 acres of riparian and wetland areas open to grazing. Specific to cuckoo potential habitat, Alternative D would fail to close any acres to grazing compared to the No Action Alternative, leaving 92 percent of habitat open to grazing. Id. at Table SSS-5. Even Alternative B would leave 63 percent of potential cuckoo habitat open to grazing. Alternative D would only close 57 acres of riparian and wetland areas to ROW construction, opening three additional acres compared to the No Action Alternative. Alternative D would also leave 5,029 acres of riparian and wetland areas open to ROW construction, with 553 acres designated as open and 4,476 acres designated as avoidance areas. Id. at Table VEG-1. The agencies should instead choose Alternative B in this respect, which would close all riparian and wetland areas to ROW construction. Alternative D would even leave the San Juan River ACEC, which the plan recognizes is used as a migration corridor for the cuckoo (see AMS 2-161) open to ROW construction by managing it as a ROW avoidance area instead of as a ROW exclusion area as it should and as Alternatives B and C would. See Draft MMP 3-62.</p> <p>Development and improper management of the lands surrounding the Planning Area could result in cumulative impacts to wildlife habitat. About 619 acres of cuckoo proposed critical habitat was excluded from the original Bears Ears boundaries and would be managed under these existing RMPs. See Appx. A, attached to these comments. Oil and gas development in these areas would result in impacts to the threatened cuckoo. For example, on Nevada’s BLM public lands, where hundreds of thousands of acres have been leased or made available for oil and gas development, it has been shown that spilled or leaked hydraulic fracturing flowback fluids and produced waters could negatively affect multiple threatened and endangered species such as the western yellow-billed cuckoo.<sup>76</sup> The USFWS has recognized likely adverse effects on species and designated critical habitat from BLM oil and gas operations in Nevada to species including the cuckoo.</p> <p>In summary, the Draft MMP acknowledges the Plan’s many direct, indirect, and cumulative effects that will clearly have potentially significant impacts to the threatened western yellow billed cuckoo and its habitat, but then fails to address them. This violates NEPA’s “hard look” standard, as further described in Section IV(B) of these comments. Moreover, these harmful actions, especially those in the preferred alternative, are likely to adversely affect this subspecies, degrade proposed critical</p>	

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A.75-98	<p>habitat, as well as result in the taking of individual members of the subspecies. Consequently, formal consultation under the ESA is necessary with respect to the western yellow-billed cuckoo.</p> <p>Jones cycladenia (<i>Cycladenia humilis</i> var. <i>jonesii</i>) was listed as threatened in 1986 due to threats including “habitat disturbance from exploration for oil and gas, tar sands, and minerals (primarily uranium) and from recreational and other off-road vehicle (ORV) use.” The 2008 FWS recovery plan for the species states that “[o]ngoing and potential anthropogenic impacts to habitat include[]: off-highway vehicle (OHV) use; oil, gas, and mineral exploration, including uranium mining and tar sands; and livestock grazing” and notes that climate change also threatens the species.</p> <p>The species “[o]ccurs on gypsiferous saline soils on the Chinle, Cutler, and Summerville Formations,” and is “[a]ssociated with buckwheat and Mormon tea, cool desert shrub and juniper communities between 4,400 and 6,000 feet.” See Draft MMP Table SSS-1. The 2008 recovery plan states:</p> <p>Much of the habitat considered to be suitable for Jones cycladenia has not been surveyed and many sites have not been revisited in the past 10 years (Spence and Palmquist in draft; Welp and Fertig, pers. comm. 2002). The recovery plan should address the limited understanding of the occupied range and unsurveyed potential habitat needs. Further searches for Jones cycladenia could result in new finds that would have important implications on the species’ status (Spence and Palmquist 2007).</p> <p>Potential habitat, as identified by known soil types, within the species’ range should be addressed during Section 7 consultation and land sales and leasing. While Jones cycladenia is not yet known to occur in the Planning Area, the Draft MMP acknowledges that the species is potentially present in both Shash Jaa’ and Indian Creek units. See Draft MMP Table SSS-1. The Plan also provides geospatial modeling predicting the possibility of its occurrence based on soil type and vegetative community. Id. at 3-73, 74 and Maps SSS-11 and SSS-12. The FWS recovery plan lays out a vision for the recovery of the species that includes “habitat across the species historical range,” and “[a]ll populations on Federal lands should be managed for the variety’s protection.”</p> <p>Alternative D would have “the greatest potential impacts to special status plants.” See Draft MMP 3-74. The Draft MMP further states that plant species including Jones cycladenia would be most susceptible to management decisions regarding livestock grazing, recreation (including OHV riding), and vegetation treatments. Id. at 3-74. The Plan states “[v]egetation treatments would generally be considered beneficial to special status plant species,” but the agencies admit that the resulting “open space could be utilized by aggressive invasive/noxious plants.” Id. At 3-74. Because cattle serve as a vector for such invasive plants, the agencies should analyze the effects of livestock grazing on the success of any proposed vegetation or other treatments in achieving and maintaining desired future conditions as they relate to Jones cycladenia and other native plant populations and habitats. Grazing significantly diminishes native plant communities, and rest from grazing allows functional ecosystems rates to recover. USDA research has found that excluding cattle from a landscape for five growing seasons “significantly increased: (1) total vegetative cover, (2) native perennial forb cover, (3) grass stature, (4) grass flowering stem density, and (5) the cover of some shrub species and functional groups.”<sup>82</sup> Reisner and colleagues found the most important variables in controlling cheatgrass were bunchgrass cover and biological soil crust intactness. Given that cattle both reduce bunchgrass cover and trample soil crusts, they state: “Passive restoration by reducing cumulative cattle grazing may be one of the most effective means of” controlling cheatgrass. Scientists have observed that both short-term and long-term ungrazed areas at Chaco Canyon, New Mexico had higher species richness, higher grass species diversity, higher percent</p>	<p>See response to A.75-54. The comment correctly states that there are no known occurrences of the species in the Planning Area.</p> <p>Additionally, the degree of harm indicated in the comments is not supported by the analysis in the MMPs/EIS. The lands within the Planning Area that may support the species have been subject to minimal development and the activities that would be allowed under the alternative considered in the MMPs/EIS are not anticipated to result in substantial new development. The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Specific analysis of direct and indirect impacts on the species is included in Section 3.15 of the MMPs/EIS; a cumulative impacts analysis for this species is included in Section 3.22 of the MMPs/EIS.</p> <p>Subsequent implementation-level management actions that may be authorized or carried out by the agencies to meet proposed management goals or authorize site-specific land uses under the approved MMPs would require action-specific analysis of potential impacts on special status species. Based on these action-specific implementation-level analyses, appropriate consultation with the USFWS on those projects that may impact ESA-listed species would be conducted. In addition, management actions common to all alternatives (Section 2.4.5.2.) include monitoring and mitigation of impacts from livestock grazing and OHV use. The monitoring strategy for riparian resources and ESA-listed species is detailed in Appendix M. Appendix J contains specific stipulations for surface disturbing activities for special status species, including requirements for pre-disturbance surveys. Additionally, all lands within the BENM are withdrawn from mineral entry, subject to valid existing rights (see Sections 1.5 and 2.4.6.2 of the Draft MMPs/EIS).</p> <p>Text has been added to Section 3.15.1 of the Proposed MMPs/Final EIS that describes climate change impacts that are currently occurring.</p>

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	<p>cover of biological soil crusts, higher grass percent cover, and a variable effect on shrub cover that depended on soil and site characteristics. Given that it has been proven that livestock grazing has had numerous, long-lasting negative impacts to arid western ecosystems, the agencies should identify areas with degraded soils or plant communities, areas with sensitive or high-erosion soils, and areas in need of recovery, and reduce or eliminate grazing in those pastures altogether to contribute the health of potential Jones cycladenia habitat. This applies particularly to grazing allotments within the Planning Area in which habitat for the species has been modeled (see Draft MMP Vol. 2 Maps SSS-11 and SSS- 12) including the Perkins Brothers, Tank Bench Brushy Basin, White Mesa, Cottonwood, Comb Wash, Texas-Muley, Slickhorn, and Lake Canyon allotments in the Shash Jaa' Unit and the Indian Creek, Hart Draw, and Hart Point allotments in the Indian Creek Unit. See Appx. A, attached to these comments.</p> <p>Instead, the agencies' preferred alternative would leave 183,014 acres of the Planning Area open to grazing. This is only 3,463 acres less than the No Action Alternative. Id. at Table VEG-2. Even Alternative B would leave over 100,000 acres of the monument open to grazing and an additional 46,141 acres open to trailing. This general trend stands when looking specifically at the vegetation types in which Jones cycladenia occurs and most of the modeled habitat for Jones cycladenia (Id. at Id. at Vol. 2 Maps SSS-11 and SSS-12) would be designated as available to grazing under the agencies preferred alternative. Id. at Vol.2 Maps 2-19, 20. The Plan's promise to "adhere to or move toward adherence to Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah (BLM 1997) or to USFS desired conditions for rangelands" (Id. at 3-74) is not sufficient to address impacts on Jones cycladenia and its habitat.</p> <p>The Plan recognizes that "OHV use could impact vegetation through plant mortality, crushing, and soil compaction, which over time could make reestablishment of vegetation difficult" (Id. At 3-74) and that "[i]n general, the largest area would be open to potential disturbances from recreational use under Alternatives A and D, and the smallest area would be open to these disturbances under Alternative B." Id. at 3-74. Alternative D would only close 25,559 acres of the Planning Area to OHV use — no more than the No Action Alternative — leaving the rest designated either as open or limited where OHV use can still occur on designated routes. Id. At Table VEG-3. The agencies provide little assurance that OHV use in OHV limited areas will be confined to designated routes. Even Alternative B would leave 82,021 acres open to OHV limited use. This general trend stands when looking specifically at the vegetation types in which Jones cycladenia occurs and most of the modeled habitat for Jones cycladenia would be designated as OHV limited under the agencies preferred alternative. Id., Appx. 2-26, 27.</p> <p>The Draft MMP acknowledges that continued management of areas around the Planning Area under the Monticello RMP and Manti-La Sal LRMP would allow for developments including oil and gas development, timber harvest, recreation, grazing, OHV use, mineral development, and ROW construction that will likely degrade habitat and result in cumulative effects within the Planning Area. Id. at 3-110, 111. The listing rule for Jones cycladenia identified "habitat disturbance from exploration for oil and gas, tar sands, and minerals (primarily uranium) and from recreational and other off-road vehicle (ORV) use" among the threats faced by the species. Continued management of areas around the Planning Area under the Monticello RMP and Manti-La Sal LRMP could result in degradation of areas that may be suitable habitat for Jones cycladenia by allowing these threats. See Appx. A, attached to these comments.</p> <p>Furthermore, the 2008 FWS recovery plan for the species notes that "Jones cycladenia may be impacted by global climate change." The Draft MMP has not adequately considered the impacts to Jones cycladenia of climate change, the effects of which would be increased by future oil and gas</p>	

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A.75-99	<p>development in the areas surrounding the Planning Area. Overall, the Draft MMP fails to adequately address the Plan's direct, indirect, and cumulative effects that can clearly have significant impacts to the threatened Jones cycladenia and its habitat. This violates NEPA's "hard look" standard. Moreover, these harmful actions, especially those in the preferred alternative, are likely to adversely affect this species. Consequently, formal consultation under the ESA is necessary with respect to Jones cycladenia. Furthermore, by not adequately protecting Jones cycladenia habitat including the Chinle Formation, which is named as a monument object in Proclamation 9558, the agencies fail to meet the stated purpose of and need for the MMPs. See Draft MMP 1-1.</p>	<p>See response to A.75-54. The degree of harm indicated in the comments is not supported by the analysis in the MMPs/EIS. The lands within the Planning Area that may support the species have been subject to minimal development and the activities that would be allowed under the alternative considered in the MMPs/EIS are not anticipated to result in substantial new development. The alternatives analyzed in the MMPs/EIS include a range of management actions that provide for the proper care and management of the monument objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Specific analysis of direct and indirect impacts on the species is included in Section 3.15 of the MMPs/EIS; a cumulative impacts analysis for this species is included in Section 3.22 of the MMPs/EIS.</p> <p>Subsequent implementation-level management actions that may be authorized or carried out by the agencies to meet proposed management goals or authorize site-specific land uses under the approved MMPs would require action-specific analysis of potential impacts on special status species. Based on these action-specific implementation-level analyses, appropriate consultation with the USFWS on those projects that may impact ESA-listed species would be conducted. In addition, management actions common to all alternatives (Section 2.4.5.2.) include monitoring and mitigation of impacts from livestock grazing and OHV use. The monitoring strategy for riparian resources and ESA-listed species is detailed in Appendix M. Appendix J contains specific stipulations for surface disturbing activities for special status species, including requirements for pre-disturbance surveys. Additionally, all lands within the BENM are withdrawn from mineral entry, subject to valid existing rights (see Sections 1.5 and 2.4.6.2 of the MMPs/EIS).</p> <p>The groundwater protections requiring hydrologic studies under the alternative establish minimum requirements for developments in the Planning Area. Based on land uses in and adjacent to the BENM and available resources, the agencies anticipate few, if any water wells would be permitted in the area and the size of the withdrawals, if permitted, would be minimal. The range of alternatives in the MMPs do not prevent the agencies from conducting additional hydrologic studies for future site-specific projects at the time they are proposed.</p>

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	<p>Preferred Alternative would not have significant impacts on the Navajo sedge and its potential habitat. The Plan acknowledges that exotic species are a threat to riparian areas and associated vegetation such as sedges (see AMS 2-113) and that grazing has the potential to transport such species (see Draft MMP 3-74) but fails to explain how widespread grazing under the Plan will not serve to spread such exotic species between riparian areas such as seeps and springs where Navajo sedge potential habitat occurs.</p> <p>Under the agencies' preferred alternative, "new surface-disturbing activities would be allowed within active floodplains or within 100 meters (approximately 300 feet) of riparian areas along perennial and intermittent springs and streams . . ." See Draft MMP 3-74. The agencies should instead preclude surface-disturbing activities in riparian areas in order to better protect Navajo sedge.</p> <p>The Draft MMP acknowledges the regional nature of the area's aquifers in saying "springs or wells [ ] are regionally connected to the groundwater resources . . ." Id. at 3-51. The Plan also acknowledges that knowledge of the region's groundwater is lacking in saying that avoiding impacts to seeps and springs "would require an understanding of the groundwater hydrology influencing the springs." Id. at 3-51. Despite this, the agencies' preferred alternative would only require a hydrologic study for groundwater withdrawals within 0.5 mile of seeps and springs. See Draft MMP Table 2-10. Given the uncertainty about groundwater hydrology in the region,<sup>94</sup> a study should be required for any new groundwater withdrawals as would be required under Alternative B and extreme caution should be used in permitting withdrawals. Added stipulations that activities that would result in water depletions or changes to hydrology must be sited 1.25 miles away from suitable or occupied Navajo sedge habitat (Id., Appx. J-7) may still not be adequate to protect seeps and springs. Simulations of water depletions in the N-aquifer of northern Arizona, which also supports Navajo sedge, <sup>95</sup> showed effects covering an area of 1,660 square miles.<sup>96</sup> While the water depletion modeled in this study was very large, this study demonstrates the potentially large area over which groundwater can be affected in these types of aquifers.</p> <p>Development and improper management of the lands surrounding the Planning Area could result in cumulative impacts to wildlife habitat. The Plan does not demonstrate that continued management of areas around the Planning Area under the Monticello RMP and Manti-La Sal LRMP would not result in degradation of areas that may be potential habitat for Navajo sedge by allowing such development projects, which may affect the hydrology of the area, potentially putting seeps and spring habitat at risk inside and outside of the Planning Area. See Appx. A, attached to these comments.</p> <p>Furthermore, the 2014 FWS five-year review for the species notes that global climate change also threatens the Navajo sedge. The Draft MMP has not adequately considered the impacts to the Navajo sedge of climate change, the effects of which would be increased by future oil and gas development in the areas surrounding the Planning Area.</p> <p>In sum, the Plan's direct, indirect, and cumulative effects will clearly have potentially significant impacts to the threatened Navajo sedge and its habitat, and yet these effects are not meaningfully addressed. This violates NEPA's "hard look" standard. Moreover, the Draft MMP's harmful actions, especially those in the preferred alternative, are likely to adversely affect this species. Consequently, formal consultation under the ESA is necessary with respect to Navajo sedge. Furthermore, by not adequately protecting Navajo sedge habitat, which is identified as a monument object in Proclamation 9558 ("Numerous seeps [that] provide year-round water and support delicate hanging gardens, moisture-loving plants, and relict species"), the agencies fail to meet the stated purpose of and need for the MMPs. See Draft MMP 1-1.</p>	<p>Text has been added to Section 3.15.1 of the Proposed MMPs/Final EIS that describes climate change impacts that are currently occurring.</p>

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236730-4	A full environmental survey and study must be done on the endangered species that reside in these borders including but not limited to: California condor, Mexican spotted own, greenback cutthroat trout, the southwestern willow fly catcher, Canada lynx, Mojave desert tortoise, and any others.	<p>Section 3.15 of the MMPs/EIS contains an analysis of potential impacts on threatened and endangered species that may occur within the BENM. Additionally, as described in Section 4.1.2 of the MMPs/EIS, the BLM and USFS are consulting with the USFWS as required by Section 7 of the ESA.</p> <p>Subsequent implementation-level management actions that may be authorized or carried out by the agencies to meet proposed management goals or authorize site-specific land uses under the approved MMPs would require action-specific analysis of potential impacts on special status species. Based on these action-specific implementation-level analyses, appropriate consultation with the USFWS on those projects which may impact ESA-listed species would be conducted. The monitoring strategy for ESA-listed species is detailed in Appendix M of the MMPs/EIS. Appendix J of the MMPs/EIS contains specific stipulations for surface disturbing activities for special status species, including requirements for pre-disturbance surveys.</p>
237365-1	Further, the many unique Rare, Threatened and Endangered plant species, under the BLM/Forest Services reduced area of consideration, face significant deterioration of critical habitat. These species require the full level of protection the full geographic expanse offered by the original Bears Ears National Monument. The BLM/Forest Service has failed to protect these resources and now is complicit in furthering the illegal diminution of the significance deserving both recognition and study.	See responses to OOS-4 and 236730-4.
236567-3	The Mexican spotted owl protections are not adequate in any of the alternatives to protect critical habitat for this species. The USFS portion is too small to adequately protect the Mexican spotted owl. The local endemic species need further protection as well, such as the Kachina daisy. The Fremont cottonwood community is already in decline from drought, climate change, and water shortage. This EIS fails to protect these species and ecological communities that are so important to their status globally. Lastly, the raptor protections in Volume 2 (page H-4). It is common practice for raptors including goshawks to be monitored for 10 years before determining if the nest is abandoned. This is common practice by State Game and Fish, Forest Service, BLM, and other scientific studies. For examples, refer to land management plans for the Medicine Bow National Forest or Thunder Basin National Grasslands. Three years is inadequate to protect raptors. Lastly, the alternatives are no different than the existing management plans for which exist today for both BLM and USFS. These documents do not fully analyze the impacts associated with each of the alternatives.	<p>See responses to A.75-56 and A.75-99. Subsequent implementation-level management actions that may be authorized or carried out by the agencies to meet proposed management goals or authorize site-specific land uses under the approved MMPs would require action-specific analysis of potential impacts on special status species. Based on these action-specific implementation-level analyses, appropriate consultation with the USFWS on those projects that may impact ESA-listed species would be conducted. In addition, the monitoring strategy for riparian resources and ESA-listed species is detailed in Appendix M. Appendix J contains specific stipulations and requirements for pre-disturbance surveys for surface-disturbing activities for special status species, including Mexican spotted owl.</p> <p>Section 3.1 of Appendix H accurately describes the agencies' rationale for modifications to the procedures outlined in the USFWS Utah Field Office <i>Guidelines for Raptor Protection from Human and Land Use Disturbances</i>.</p>



## 3.22 Travel Management

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TRAV-1	<p><b>The BLM and USFS should close the BENM to OHV use.</b></p> <p>Sample comment: Also regarding protection of wildlife and ecology: Off-roading should not be tolerated in the monument, Please get the First Nations input on this. Off-roading is VERY detrimental to the land and the ecology.</p> <p>Sample comment: I have owned and ATV and Jeep Tour company for 20 some years in Utah and to open this area up is nothing short of a travesty. DON'T DO IT! PLEEEAASSSEEE!</p> <p>Sample comment: Bears Ears should not be open for ATV riding, and there should be no new roads on the monument. This area is a National Monument.</p> <p>Sample comment: We should be seeking to mitigate or eliminate so-called "motorized recreation", limiting it only to those with severe physical limitations.</p>	<p>The BLM and USFS have considered a range of areas that would be designated as either OHV limited or OHV closed in the alternatives considered in the MMPs/EIS. In developing the range of alternative considered in the MMPs/EIS, the agencies considered potential conflicts between OHV use and other BENM objects and resources. The agencies determined that there are no issues or conflicts that require the complete elimination of OHV use or designation of the entire BENM as an OHV closed area. Designating the entire BENM as an OHV closed area would not be consistent with promoting the values associated with recreational use of the Monument as described in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681 and would have unintended consequences related to closing existing designated routes within the BENM that are used for recreational access, livestock grazing, or other resource management activities. Additionally, the agencies have the opportunity to close, reroute, or add other restrictions related to the use of existing routes through the development of an implementation-level travel management plan, which would be completed after the MMPs.</p>
TRAV-2	<p><b>The BLM and USFS should not construct new roads in the BENM.</b></p> <p>Sample comment: I am writing to express my strong opposition to opening up Bears Ears National Monument to drilling, mining, and road-building. As an American, I call on the Bureau of Land Management to protect the Bears Ears National Monument from commercial development and to preserve this land, our land, for future generations of Americans.</p> <p>Sample comment: Bears Ears should not be open for ATV riding, and there should be no new roads on the monument. This area is a National Monument.</p> <p>Sample comment: It would be a tragedy to open new, unneeded roads in the Monument, as their use would degrade the wild beauty of the place. I urge the BLM to resist the implementation of additional thoroughfares.</p> <p>Sample comment: The BLM cannot leave open the prospect of a network of new roads that could impact fragile, irreplaceable archaeological sites and dramatically change the experience we now enjoy in Bears Ears.</p>	<p>Road and trail construction decisions are implementation-level decisions that are not addressed at the planning level in the MMPs/EIS. Implementation-level travel planning will be conducted by the agencies after the completion of the MMPs and would be consistent with the management direction in the approved MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
TRAV-3	<p><b>OHV use should be restricted and enforced.</b></p> <p>Sample comment: Lastly, another plea to not allow wide use of off road vehicles. They do a great amount of damage.</p> <p>Sample comment: OHV usage can be very destructive and should be restricted to areas already allocated for this use. 4WD vehicle usage should be prohibited off established roads and this should be actually enforced. Drone usage should be strictly regulated and limited and allowed only for educational purposes and the like by permit.</p> <p>Sample comment: ATVs should be limited to existing graded roads by permit.</p> <p>Sample comment: As far as travel management, I prefer Alternative B because I believe that the lower number of acres we provide to OHV access, the fewer OHV trips that we have into cultural and sensitive areas will help to protect them and preserve them for future generations.</p>	<p>The alternatives analyzed in the MMPs/EIS would designate OHV limited and OHV closed areas within the BENM; no OHV open areas would be designated. The designation of OHV closed and -limited areas would provide for the proper care and management of Monument objects and values (Section 2.4.12). OHV use in the BENM is currently limited to designated routes and this limitation is enforced by the agencies.</p>

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TRAV-4	<p><b>The BLM and USFS should close or reroute roads and trails to protect BENM resources.</b></p> <p>Sample comment: Can we move some of the roads to protect the fossil sites with valid permits from this kind of accidental or intentional destruction?</p> <p>Sample comment: To avoid damage to the values for which the monument was established, off-road vehicles should be restricted to routes already designated for their use. No “free play” areas for ORVs should be designated. BLM should be attentive to public concern where ORVs have caused damage to wildlife habitat, and should close those routes and provide for restoration of the damaged habitat.</p> <p>Sample comment: While we agree with the objectives in Alternate D to educate visitors about their impact on the cultural resources we feel that there is an immediate need to analyze existing routes and trails and close or reroute those that impact cultural resources as provided for in Alternative B. Visitation is only going to increase with the Monument designation and many of these areas area already being heavily impacted.</p>	<p>The range of alternatives includes alternatives that designate certain areas as OHV closed areas, which could result in the closure of certain roads or trails. Decisions by the BLM or USFS to close or re-route specific routes are implementation-level decisions that are not addressed at the planning level in the MMPs/EIS. Implementation-level travel planning will be conducted by the agencies after the completion of the MMPs and would be consistent with the approved MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. None of the alternatives analyzed in the MMPs/EIS include OHV open areas.</p>
TRAV-5	<p><b>The BLM and USFS should close specific areas to OHV use, including Arch Canyon, Davis Canyon, Lavender Canyon, and Comb Ridge.</b></p> <p><i>Sample comment:</i> The final plan for the Shash Jáa and Indian Creek units should include a permanent strict closure against motorized vehicles in Arch Canyon, Lavender Canyon, and Davis Canyon.</p> <p><i>Sample comment:</i> The MOS opposes certain ORV routes proposed in the draft plan under various alternatives. Sensitive riparian wildlife habitat, which is essential for birds, would be damaged if ORVs are allowed to travel in these canyons.</p> <p>1. Arch Canyon: In the Shash Jáa unit, we favor a ban on ORVs in Arch Canyon, which is part of the Cedar Mesa complex. MOS members visiting Arch Canyon saw damage caused by ORVs, including trampled riparian vegetation and oil pollution in Arch Creek. Arch Canyon should be managed for protection of bird and wildlife habitat and for quiet uses such as bird watching and hiking. It is suitable for day hiking and overnight backpacking, and it is recommended in guidebooks such as “Utah Hiking” by Buck Tilton.</p> <p>2. Lavender and Davis Canyons: In the Indian Creek unit, we favor a ban on ORVs in Lavender and Davis Canyons, which adjoin Canyonlands National Park and have long been proposed for addition to the park and for wilderness designation as part of the Bridger Jack Mesa Wilderness in America’s Red Rock Wilderness Act (S. 948, H.R. 2044). Both are easily accessible from roads branching off Utah Highway 211, the main road to the Needles District of the national park. They should be managed for protection of riparian habitat and for quiet uses such as bird watching and hiking. The experience of the National Park Service in excluding vehicles from Salt Creek Canyon shows the value of restoring riparian habitat in the canyons.</p> <p>Comb Ridge: In the Shash Jáa unit we urge BLM to bar ORVs strictly from Comb Ridge, including the entire area between the Butler Wash Road (Roads 260/230) and Comb Wash Road (Road 235). MOS members noticed that Comb Ridge serves as a spring migration route for birds. Much of the surface is bare rock. The rest has a thin soil cover supporting small thickets of scrub vegetation that shelters migrating birds. ORVs would do severe damage to this habitat. Also, Comb Ridge is proposed for designation as wilderness in America’s Red Rock Wilderness Act (S. 948, H.R. 2044).</p>	<p>The range of alternatives analyzed in the MMPs/EIS include alternatives that close Arch Canyon, Lavender Canyon, and Davis Canyon to OHV use (Section 2.4.12). The range of alternatives analyzed in the MMPs/EIS include an alternative that closes a majority of Comb Ridge to OHV use (Alternative B, Section 2.4.12). Decisions about specific route designations will be made during development of an implementation-level travel management plan. Implementation-level travel planning will be conducted by the agencies after the completion of the MMPs and would be consistent with the approved MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
TRAV-6	<p><b>The BLM and USFS should not incorporate San Juan County’s transportation system into the BENM transportation management plan.</b></p> <p>Sample comment: [I]mplementing San Juan County’s travel plan – as the plan suggests – would result in re-opening several roads that are closed in the current management plan, including the route at the base of the iconic Bridger Jack Towers at Indian Creek.</p>	<p>Decisions by the BLM or USFS to designate, open, close, or re-route specific routes are implementation-level decisions that are not addressed at the planning level in the MMPs/EIS. Implementation-level travel planning will be conducted by the agencies after the completion of the MMPs and would be consistent with the approved MMPs and Presidential Proclamation 9558, as modified by</p>

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	<p>Sample comment: The agencies' preferred alternative leaves broad swaths of the area open to future road and atv trail development. We feel that the MMP should do nothing to increase the development of motorized and OHV trails. There are already an abundance of world-class roads and trails available for responsible motorized recreationists to enjoy on public lands. It is clear that where motorized access to cultural sites exist the risk of unintended damage and vandalism is much greater. We also do not support integrating the San Juan County OHV route system into the MMP since it re-opens roads that are currently closed in the BLM's current plan.</p>	<p>Presidential Proclamation 9681. None of the alternatives analyzed in the MMPs/EIS include OHV open areas. The agencies recognition of the San Juan County transportation system does not create an obligation on the behalf of the agencies to designate, open, or close any specific route in the development of an implementation-level travel management plan. The MMP explicitly qualifies the extent to which it can be integrated into the travel management plan by "the extent possible." Adopting the county plan will not be possible where doing so would be incompatible with federal laws governing environmental or cultural protection, or where doing so would be incompatible with the proper care and management of the Monument objects and values.</p> <p>Any new routes within the BENM designated during an implementation-level travel management plan would be consistent with the direction provided in the approved MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 requires "Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects."</p>
7243-8	<p>Travel management planning throughout the entire Monument is another opportunity to address visitor and cultural resource impacts.</p>	<p>Proposed travel management decisions included in the MMPs/EIS address visitor and cultural resource impacts. A site-specific implementation-level travel plan will be completed after the completion of the MMPs and will also address and account for visitor and cultural resources impacts.</p>
69659-1	<p>Access routes, like trails need to be monitored for erosion and over use. Premature efforts at extraction or road-building need to be thwarted in preliminary stages before they cause damage.</p>	<p>See response to TRAV-2. All alternatives analyzed in the MMPs/EIS include the following action (Section 2.4.12.2): "As part of implementation-level travel planning, monitor OHV use areas and, if impacts to natural and cultural resources are occurring, develop implementation-level limitations including route designation, route closure, motorized vehicle size and weight limitations, or other mitigation measures as necessary to address those impacts." The monitoring strategy included in Appendix M of the MMPs/EIS includes management actions the agencies would take to monitor roads and trails and soil erosion.</p>
69627-1	<p>There are several roads that previously accessed the edge or near the edge of Grand Gulch that now have road blocks, requiring a 2-3 mile walk along a dirt road. Perhaps the intent is to keep visitors away from the edge of the canyon, but the unintended consequence is to restrict the elderly, those with a physical handicap, or youngsters from hiking or even viewing the Gulch. Would it be possible to either reduce the required walk along a dirt road, or perhaps make a few roads drivable to the edge of the canyon? . If you decide to keep the blockades where they are, would it be possible to improve these trail heads with some limited parking areas? Regardless of how you decide to manage these closed dirt roads, please keep them available to hike to the edge of the Gulch. These allow the day hiker to see parts of the Gulch that would otherwise require overnight back country permits that may not be realistic for many visitors.</p>	<p>Grand Gulch is outside of the BENM and decisions related to OHV use in this area is beyond the scope of the development of the MMPs. Decisions by the BLM or USFS to designate, open, close, or re-route specific routes are implementation-level decisions that are not addressed at the planning level in the development of land use plans.</p>

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H.61-4	<p>P.2-23 2.4.12.1. Goals and Objectives (Travel and Transportation Management)</p> <p>1st bullet statement: It is unclear what “while maintaining similar recreational management levels” means in this statement. A possible revision could be: “Protect Monument objects and values while providing opportunities for the public to enjoy those objects and values facilitated by a practical transportation network of roads and trails.”</p>	<p>The first bullet of Section 2.4.12.1 has been deleted and the second bullet has been revised to state, “Manage the transportation system so it provides safe reasonable access for public travel, recreation uses, traditional and cultural uses, and land management and resource protection activities, and contributes to the social economic sustainability of local communities while providing proper care and management of Monument objects and values.”</p>
H.61-5	<p>p.2-23 2.4.12.2 Management Actions Common to All Alternatives (Travel)</p> <p>3rd bullet statement: We are pleased to see and concur with this statement as modified: “Implementation-level travel planning in SRMAs and ERMA’s would recognize the San Juan County OHV route system and integrate it to the extent possible in travel management and recreational goals and objectives.” ERMA’s should also be added to this statement to cover segments of the OHV route system in those areas.</p> <p>5th bullet statement Add “unacceptable” before “impacts” to read “As part of implementation level planning ... and, if unacceptable impacts to natural and cultural resources are occurring ... “ Some Impacts may be “acceptable” and not reach the threshold that would require the mitigation listed.</p>	<p>Text in MMPs/EIS has been revised as suggested.</p>
A.17-10	<p>Designate Management Zones for the entire Monument that emphasize certain types of management and experiences for the Monument to help guide a comprehensive travel and transportation management process, as well as other management decisions and prescriptions in the MMP.</p>	<p>The range of alternatives analyzed in the MMPs/EIS includes alternatives that would designate SRMAs and ERMA’s, identify RMZs, and designate Recreation Opportunity Spectrum on USFS-administered lands. Appendix G contains goals, objectives, and targeted outcomes for the proposed recreation management zones and designations. Such designations helped guide decisions regarding travel and transportation management as well as other management decisions in the BENM.</p>
A.41-6	<p>Alternative D, the preferred alternative, provides the BLM and Forest Service with the most flexibility to plan the monument transportation system during implementation level planning. Implementation level travel management planning requires thoughtful analysis of the resource concerns as well as the wants and needs of the public. The ability to designate new roads within the monument in order to mitigate or avoid more sensitive resources should be available to the BLM and Forest Service. The State asks that Alternative D be selected so that proper analysis can be conducted in order to decide the critical details of the travel plan. Likewise, Alternative B designates Upper David Canyon and Lavender Canyon as OHV closed areas.16 For these same reasons the State asks that Alternative B not be selected for the final plan.</p>	<p>See response to ALT-3.</p>
A.47-47	<p>Like any activity that may be damaging cultural resources like off-road vehicle travel, FCM supports temporary hiking/route closures (Vol. 1 3-9) to avoid or mitigate impacts to cultural resources.</p>	<p>The range of alternatives in the MMPs/EIS considers closure or reroute of access points, trails, and climbing routes to avoid or reduce impacts to cultural resources. See Section 2.4.1.3 of the MMPs/EIS. The agencies will have additional opportunities to review the appropriate management of hiking routes and trails during the development of an implementation-level travel management plan.</p>
A.47-58	<p>The Monument area already has an abundance of roads allowing for plentiful motorized recreation opportunities. To protect cultural and paleontological sites and preserve a semblance of quiet and solitude, the Agencies should disallow new roads and motorized trails, except as needed for administrative purposes or to re-route routes that are already impacting cultural sites. The BLM, in particular, has prepared a Class I Archaeological Survey and predictive model that shows high probabilities for cultural sites throughout much of the monument. At a minimum, these areas of high</p>	<p>See responses to TRAV-2 and A.47-47. Implementation-level travel management planning would be informed by additional resource inventories completed to support the environmental analysis completed to support the implementation-level plan. Any new routes within the BENM designated during an implementation-level travel management plan would be required to be consistent with the direction provided in the MMPs and Presidential Proclamation 9558,</p>

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	probability should be included in exclusion areas to protect the Objects the monument was created to protect.	as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 requires that "Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects."
A.47-59	We are also concerned that the language in Alternative D for the Indian Creek Unit that would prioritize implementation of the San Juan County Travel Plan would lead to the creation of new motorized routes in culturally sensitive areas, which will inevitably increase visitor and looting impacts. San Juan County lacks authority to designate roads on federal lands as open or closed and the BLM/USFS cannot incorporate the county's recommendations without further NEPA analysis. Furthermore, this Travel Plan is likely to change over time, especially with newly elected County Commissioners who have a different priority when it comes to Bears Ears and cultural resources. The DMMP states that "[i]mplementation-level travel planning in SRMAs would recognize the San Juan County OHV route system and integrate it to the extent possible in travel management and recreational goals and objectives." DEIS Vol 1. at 2-23. While not clearly stated, it appears that the San Juan County OHV route system includes routes on federal public lands. San Juan County lacks statutory authority to designate routes or uses on federal lands. If the BLM and the USFS intend to adopt County route or land use recommendations the BLM and the USFS must first subject those recommendations to public review and analysis pursuant to NEPA and NHPA. It is inappropriate to treat conformity with such plans as a management action common to all alternatives and to adopt county plans without NEPA analysis.	See response to TRAV-6.
A.47-60	We prefer Alternative B for Travel Management because it is aligned with NLCS goals. Goal 1F of 15-year strategy is that the "BLM will only develop facilities, including roads, on [National Conservation Lands] where they are required for public health and safety, are necessary for the exercise of valid existing rights, minimize impacts to fragile resources, or further the purposes for which an area was designated." Many routes already exist in Bears Ears and creating more routes would not put the protection of monument values first. Alternative B limits more routes in archaeologically sensitive areas (Vol. 1 at 3-14) and near paleontology resources (Vol. 1 at 3-33), which we ultimately feel can protect these nonrenewable resources. As stated in the DMMP Vol. 1 at 3-13, vehicle accessibility to cultural sites is strongly related to risks in maintaining site integrity. Below, we encourage implementation-level planning to conduct further analysis on the impacts of illegal route proliferation on cultural sites. At the implementation-level travel planning stage, we encourage the BLM to consider not just whether a road is directly impacting a cultural site. We believe it's clearly demonstrable that roads can easily have "indirect" effects on cultural sites, such as facilitating unsustainable levels of visitation or outright looting, as has been shown to be the case with the road between Fish and Dry Wash Canyons. This canyon, which is theoretically closed in the 2008 Travel Management Plan, has never been closed on the ground and has since been used by looters. Redundant roads near cultural sites also cause confusion and exacerbate issues with trail braiding and erosion. This issue is seen best with roads near Tower House and Over-Under Ruin where people trying to access a site they've read about on the internet get confused, trample off trail, and often end up at more sensitive sites, such as the abundant sites in North Whiskers Draw.	See responses to ALT-1 and TRAV-4. Implementation-level travel management planning would be informed by additional resource inventories completed to support the environmental analysis completed to support the implementation-level plan. The environmental analysis completed with the implementation-level travel management plan would consider direct, indirect, and cumulative impacts on affected resources.  Any new routes within the BENM designated during an implementation-level travel management plan would be required to be consistent with the direction provided in the MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 requires that "Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects."
A.47-61	We support that for all alternatives, new OHV routes could not be designated in certain PFYC areas. OHVs can harm paleontological resources by driving over them, and new routes would give easier access to areas with high paleontological resource yield.	See response to TRAV-2. After review of public comments on the Draft MMPs/EIS, the agencies have elected to remove the decisions related to restrictions on the designations of new routes based on PFYC that were contained in Section 2.4.6.3 of the Draft MMPs/EIS. These decisions inappropriately created restrictions on implementation-level

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A.47-62	We support that all proposed action alternatives prohibit new OHV or mechanized trail development on the Comb Ridge formation west of Butler Wash. (Vol. 1 at 3-49) because this avoids conflicts between cultural resources protection, quiet recreation, and grazing. There are many surface cultural sites west of Butler Wash road that could be destroyed by new routes or mechanized trails.	travel management planning. These decisions may have resulted in the agencies not being able to designate or move a route that would have reduced impacts on other BENM resources, even if a survey indicated that paleontological resources were not present in the area. Similarly, the decisions could have been misinterpreted to mean that the agencies would be able to designate routes in areas of lower PFYC regardless of the presence of paleontological resources. The removal of these decisions allows the agencies to consider the best approach to protect paleontological resources on a case-by-case basis.
A.47-63	Travel planning is a major undertaking that triggers NEPA and NHPA compliance. Any route designation requires a formal Section 106 process. The MMP should commit agencies to the following at implementation level: - A robust Section 106 for future travel management planning. - Class III surveys of proposed new roads, ways, and airstrips that have not been previously or recently surveyed. Survey techniques and technology are constantly evolving so surveys completed more than 15 years ago may not capture the full picture of the cultural history and eligibility. Class III surveys are required to identify cultural resources so that adverse impacts on them can be avoided.	The requirements of future implementation-level travel management planning are not land use planning-level decisions. The agencies will perform future implementation-level travel management planning in accordance with appropriate and applicable laws, regulations, and policies, including those related to cultural resources inventories and surveys.
A.47-64	The final MMP should not incorporate the San Juan County Travel Management Plan because it has many outstanding resource conflicts, does not match the BLM's travel plan, and would open 12.9 miles of routes that would trigger Section 106 of the NHPA.	See response to TRAV-6.
A.47-65	Agencies should add additional criteria for implementation-level travel planning, including route designation, to the final MMP (Vol. 1 at 1.6). This should include criteria for analyzing proximity to cultural, recreational, paleontological, and other types of resource areas, whether sufficient access already exists, and whether the risk of damage to those resources is greater than the value of access.	The comment describes many elements that are regularly considered by the agencies as a part of implementation-level travel management planning. A land use planning decision is not needed to implement these recommendations. The appropriate scope of the environmental analysis for the implementation-level travel management plan, including criteria for route evaluation, would be determined by the agencies through public scoping at the initiation of the implementation-level travel management plan.
A.47-67	One criterion agencies should look at is where the county plan is inconsistent with BLM and USFS travel plans and resolve those conflicts with public input.	See response to TRAV-6. Consistency with local and nonfederal laws, policies, and plans is described in Section 1.7, which addresses the BLM's and the USFS' commitment to aligning federal management with State, Tribal, and local rules and plans.
A.47-68	One criterion should be that Special Recreation Management Areas and Recreation Management Areas should not be prioritized for new motorized or mechanized use except on currently designated routes.	The alternatives considered in the MMPs/EIS include a range of OHV area designations. These designations consider the agencies goals in the designation of SRMAs and identification of RMZs.  Any new routes within the BENM designated during an implementation-level travel management plan would be consistent with the direction provided in the MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 requires that "Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of

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A.47-69	The Forest Service should consider road closures on Milk Ranch Point to manage it as an interface zone, maintain its backcountry setting, protect cultural resources.	such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.”  The USFS has considered closing Milk Ranch Point to OHV use in the range of alternatives considered in the MMPs/EIS. In developing the Final EIS, the BLM and USFS have developed a new Alternative E, which is analyzed in the Final EIS/Proposed MMPs. Alternative E considers specific direction related to the USFS’ future development of an implementation-level travel management plan.
A.71-22	Motorized vehicle use should be permitted only on designated roads. Non-motorized mechanized vehicle use should be permitted only on roads and trails designated for their use consistent with the purposes of the monument. The management plan directed by the proclamation should include a transportation plan designating the roads and trails available for motorized or non-motorized vehicle uses. (Page 36)	See response to TRAV-3. Implementation-level travel planning will be conducted by the agencies after the completion of the MMPs and would be consistent with the approved MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. None of the alternatives analyzed in the MMPs/EIS include OHV open areas.  Any new routes within the BENM designated during an implementation-level travel management plan would be consistent with the direction provided in the MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 requires that “Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.”
A.71-29	Roads utilized by Navajo people to access cultural and natural resources should remain open for motorized travel except in cases where 1) public use of the roads is causing cultural resource or ecological damage, 2) roads are no longer passable, and 3) alternative routes exist. In these cases road closures or other access management measures may be recommended by UDB.	Decisions by the BLM or USFS to designate, open, close, or re-route specific routes are implementation-level decisions that are not addressed at the planning level in the MMPs/EIS. Implementation-level travel planning will be conducted by the agencies after the completion of the MMPs and would be consistent with the approved MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.  Under all alternatives, the agencies would provide for the use of potential traditional cultural properties (TCPs), American Indian sacred sites, cultural landscapes, and traditionally significant vegetation and forest products by American Indians and affected communities.
A.71-30	One road which UDB Board Members have regularly expressed a desire to close, is the ATV trail up Arch Canyon. It is advised that the road be closed beyond the parking area where the cliff walls end as Arch Canyon terminates into Comb Wash. The area just inside the canyon is very important for Native American cultural use, and over the years we have seen significant erosion, cultural resource damage, human safety issues, and disturbance of the peace and tranquility of this pristine canyon environment. UDB recommends keeping this trail open to horses, hikers, and non-motorized users. Many other roads require site specific feedback and UDB is happy to detail its recommendations prior to completion of the planning process. We have general recommendations of how to provide access for firewood, and assuring appropriate setbacks for parking areas used to access cultural resources.	See responses to TRAV-4 and TRAV-5.

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A.26-16	An appropriate management plan to regulate traffic within the new monument units and the lands now excluded from the former BENM boundaries is critical to avoid or minimize damage to paleontological resources and paleontologically sensitive sites. A. Public Access. Within the Monument—Public access to off-road areas with known paleontological resources within the monument units shall be restricted to dispersed foot-traffic only in order to minimize damage to the resources by vehicles and other modes of transportation.	See response to OOS-4. The areas excluded from the BENM by Presidential Proclamation 9681 will continue to be managed consistent with the 2008 Monticello RMP and 1986 Manti-La Sal LRMP and associated implementation-level travel management plans. All of the alternatives considered in the MMPs/EIS would designate the entire BENM as a mix of OHV limited and OHV closed. OHV use off of designated routes would not be allowed under any alternative considered in the MMPs/EIS.
A.14-32	The BLM will only develop new facilities, including roads, within NLCS units where they are required under law, required for public health and safety, are necessary for the exercise of valid existing rights or other non-discretionary uses, prevent impacts to fragile resources, or further the purposes for which an area was designated. Yet the alternatives and proposed MMP provided fail to comply with this requirement.	The BLM and USFS will perform implementation-level travel management planning in accordance with appropriate and applicable laws, regulations, and policies. Implementation-level travel management plans would be consistent with the direction provided in the MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 requires that “Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.”
A.70-21	The Conservancy supports initiating implementation level travel management planning in the future when the Advisory Committee and additional studies can be incorporated into plan.	Comment noted. The agencies will initiate an implementation-level travel management plan at an appropriate time following the completion of the MMPs.
A.53-8	We also recommend provisions from Alternative C for adaptive management during implementation-level travel planning, where specific source(s) for degradation would be identified and adaptive management would be implemented to address this degradation. Management actions could include temporary route closures for natural reclamation, active reclamation, and revegetation of eroded sites.	See response to ALT-2. Section 2.4.12.2 of the MMPs/EIS, Management Actions Common to All Alternatives, includes management action that discusses monitoring and adaptive decision-making. An implementation-level monitoring framework is included for cultural resources in Appendix D, the agencies’ monitoring strategy for other resources is outlined in Appendix M. More detailed adaptive management strategies may be developed as a component of an implementation-level travel management plan.
A.53-11	NPCA and the Coalition recommend developing a new alternative, similar to Alternative B, that would close the entire shared boundary with Canyonlands National Park from existing and future OHV use with the exception of open routes that continue into the national park. This would ensure consistent and compatible management across boundaries and help prevent incursions into the park along with impacts to park resources and visitor experience. The agencies should also carefully oversee the use of OHV’s and should subject proposed group access to review to ensure that soundscapes within the Monument and on adjacent lands in Canyonlands are protected.	This recommended alternative described is consistent with the alternatives considered in the MMPs/EIS. Alternative B would designate the majority of the BENM along the Canyonlands National Park boundary as OHV closed. Under Alternatives A, C, and D this area would be designated as an OHV limited area. Under OHV limited designations, OHV use would be limited to existing designated routes. The agencies would review all routes during implementation-level travel management and could make decisions to open, close, or limit access to existing routes, or designate new routes in OHV limited areas. Any new routes within the BENM designated during an implementation-level travel management plan would be consistent with the direction provided in the MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 provides that “Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails



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		designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.”
A.45-18	In the event that the agencies do not postpone this partial planning effort, it will be essential to supplement the Draft EIS in order to include a new alternative that incorporates the following commitments: Commit to implementation-level travel planning that focuses on decreasing road infrastructure; eliminating duplicative or unnecessary roads; eliminating roads that threaten historic values, including historic landscapes; restricting or limiting “off-road vehicle” use, which often threatens historic objects and resources; and allowing access only for those activities that will not adversely affect the identified historic objects and places within the monuments.	See response to TRAV-4. Any new routes within the BENM designated during an implementation-level travel management plan would be consistent with the direction provided in the MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 provides that “Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.”
A.56-23	[AMS Section 4.17, Table 4-14] UPAC is supportive of considering “additional ‘Closed’ Areas within BENM” to prevent/limit impacts to and protect cultural resources from OHV use (pg 4-70).	See response to TRAV-1.
A.37-29	Chapter 2-Management Actions by Alternative: Shash Jaa Unit-2.4.7.5-2-14. With respect to the following, Shash Jaa SRMA: Trail of the Ancients RMZ, South Elks/Bears Ears RMZ, Arch Canyon RMZ, Arch Canyon Backcountry RMZ, McLloyd Canyon Moonhouse RMZ, San Juan Hill RMZ, the Points RMZ, and Dollhouse RMZ, OHV should be prohibited with the exception of emergencies (BLM staff)	See responses to TRAV-1 and TRAV-5.
A.37-36	Chapter 2-Travel and Transportation Management-2.4.12-2-23. Goals of management should include balance with cultural resource management.	The goals and objectives described in Section 2.4.12.1 of the MMPs/EIS include, “Protect Monument objects and values while maintaining similar recreational management levels to allow the public to enjoy those objects and values.” Cultural resources are an identified object within the BENM (refer to Appendix A of the MMPs/EIS).
A.37-37	Chapter 2-Management Actions Common to All Alternatives-2.4.12.2-2-23. All alternatives should share a management action requiring the inventory of all roads, trails, and access points for both units.	Route inventories are an important component of implementation-level travel management planning. Implementation-level travel planning will be conducted by the agencies after the completion of the MMPs and would be consistent with the approved MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. As described in Section 2.4.12.2 of the MMPs/EIS, “This plan would guide future implementation-level travel management planning including mechanized and other modes of travel where the agencies would designate travel routes within the Indian Creek Unit and Shash Jaa Unit as per Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. This would be done outside of this Monument management planning process through a site-specific implementation-level travel plan. Until an implementation-level travel management plan or emergency order is completed for the Shash Jaa Unit and Indian Creek Unit, all current implementation-level route designations within areas designated in the MMPs as OHV limited areas would remain in effect.”

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A.37-38	Chapter 2-Management Actions Common to All Alternatives-2.4.12.2-2-23. Unauthorized roads, trails, and access points should be closed and reclaimed in order to adequately manage and protect the BENM resources - especially from unauthorized OHV/motorized vehicle erosion, and unauthorized trails increasing a likelihood of harm to or looting of archaeological/cultural resources.	Decisions to reclaim roads, close roads, and restrict vehicle use on designated roads are implementation-level decisions that are made as part of implementation-level management planning. Section 2.4.12.2 of the MMPs/EIS includes a decision common to all alternatives that states, "As part of implementation-level travel planning, monitor OHV use areas and, if impacts to natural and cultural resources are occurring, develop implementation-level limitations including route designation, route closure, motorized vehicle size and weight limitations, or other mitigation measures as necessary to address those impacts."  The range of alternatives analyzed in the MMPs/EIS includes varying levels of areas available for OHV use to provide for the proper care and management of Monument objects and values (Section 2.4.12).
A.37-39	Chapter 2-Management Actions by Alternative; Table 2-12: Alternatives of Travel Management-2.4.12.3-2-24. OHV use should be prohibited for recreational and other visitor use within Indian Creek and Shash Jaa units except for use on designated roads, and in the case of emergencies or necessary access for Tribal ceremonies, research or cultural resource surveys and necessary BLM uses.	See response to TRAV-1. Under all alternatives considered in the MMPs/EIS, OHV use would only be allowed on designated routes. Additionally, as described in Section 2.4.1.1 of the MMPs/EIS, under all alternatives, the agencies would provide for the use of potential traditional cultural properties (TCPs), American Indian sacred sites, cultural landscapes, and traditionally significant vegetation and forest products by American Indians and affected communities.
A.37-40	Chapter 2-Management Actions by Alternative; Table 2-12: Alternatives for Travel and Transportation Management-Table 2-12-2-24. Bike use should be limited to designated trails.	For all alternatives considered, the MMPs/EIS states, "Mechanized travel (e.g., bicycles) is limited to routes open to OHVs and trails specifically designated for bicycle use." See Section 2.4.12.2 of the MMPs/EIS.
A.37-41	Chapter 2-Management Actions by Alternative; Table 2-12: Alternatives for Travel and Transportation Management-Table 2-12-2-24. Alternative D should allow for the agency to close OHV access upon monitoring and analysis if deemed necessary to protect BENM resources.	As described in Section 2.4.12 of the MMPs/EIS, under all alternatives considered in the MMPs/EIS the agencies would do the following: "As part of implementation-level travel planning, monitor OHV use areas and, if impacts to natural and cultural resources are occurring, develop implementation-level limitations including route designation, route closure, motorized vehicle size and weight limitations, or other mitigation measures as necessary to address those impacts." Nothing in the alternatives considered in the MMPs/EIS would prohibit the agencies from closing OHV routes, if necessary, to provide for the proper care and management of BENM objects and values.
A.37-59	Chapter 3-Impacts from Travel Management Actions-3.5.2.2.8-3-13. Shash Jaa and Indian Creek units should be closed to OHV use on or near all known cultural localities to avoid impacts to cultural resources. It should generally be prohibited with certain exceptions as outlined in comments to "Management Actions by Alternative; Table 2-12: Alternatives of Travel Management	See response to TRAV-1.

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A.38-19	Chapter 3, Page 24, Section 3.8.2.2 Regarding new roads in areas with wilderness characteristics, we are uncertain about the mode of transportation that would be permitted for access to paleontological sites. In some cases, temporary access by vehicle would be necessary for paleontological excavations as excavation equipment can be prohibitively large/heavy. While clarifications are needed, we advocate for permitted temporary access by vehicle for paleontological excavations on a case-by-case basis.	The MMPs/EIS analyze a range of alternatives for lands with wilderness characteristics. Some of the alternatives may preclude certain types of surface disturbances or cross-country OHV use for permitted activities. If consistent with the approved MMPs, specific review of proposed paleontological excavations, including permitted access to those locations, on lands with wilderness characteristics will be made on a case-by-case basis. All agency-authorized activities would be consistent with the approved MMPs and the proper care and management of Monument objects and values.
A.38-33	Appendices (Volume 2): Page B-31 (Map 2-27) The level of off-highway vehicle (OHV) access outlined in Alternative A threatens paleontological resources because: 1) OHVs can drive over paleontological resources, as they have been documented to do previously in the Shash Jáa unit, and 2) it would allow easy access for parties seeking to loot fossil resources to areas with high paleontological resource yield. Alternative B (Page B-33, Map 2-29) would allow OHV users to connect with other existing routes (e.g., Salt Creek Mesa and Beef Basin Roads) without unnecessary unconstrained OHV access, and is therefore preferred.	See response to ALT-1. Potential impacts on paleontological resources from travel management decisions are addressed in Section 3.10.2 of the MMPs/EIS. Issues related to impacts to specific fossil locations resulting from OHV use on designated routes could be addressed through closing, rerouting, or implementing other restrictions or mitigation during implementation-level travel management planning.
A.90-5	Comment 4: Any addition of new roads, opening of new ATV areas, or the re-opening of roads that were previously closed would increase threats to cultural resources rather than serve to protect them. Proclamation 9581 refers to Bears Ears as “one of the most intact and least roaded areas in the contiguous United States.” This lack of roads and the persistence of landscape integrity are defined as positive attributes of BENM. DMMP/EIS Section 2.4.12.2 states, “Any additional roads or trails designated for OHV use as part of implementation-level travel planning must be for the purpose of public safety and the protection of Monument objects and values.” As is true for grazing, so it is for roads: all available scientific evidence indicates that roads increase threats to, not protections for, cultural resources. The modified monument is served by a network of passable roads. No new roads or substantial road improvements are needed for public safety. There is no scientific evidence or commonsense basis for claiming that building or improving roads or enabling ATV could help protect BENM’s objects or values. The DMMP/EIS fails to adequately consider the negative impacts—direct, indirect, and cumulative—of existing roads. Among other things, the DMMP/EIS must consider scientific evidence indicating positive correlations between vehicle access and cultural resource losses. An independent, peer-reviewed study conducted circa 2010 on Tonto National Forest lands confirms what cultural resource managers have long-surmised: the likelihood of looting and vandalism to cultural resources increases with proximity to roads and vehicular travel routes. <sup>5</sup> This evidence is sufficient basis for advising and encouraging BLM and USFS are to carefully and consistently link all BENM transportation and access to cultural resource inventories, assessments, and affirmative protections. BLM and USFS are further advised and encouraged to build systematic monitoring of cultural resource conditions—and the completion of cultural resource damage assessments, as needed—into transportation planning and assessment. The final MMP should explicitly (1) require intensive and comprehensive cultural resource field inventories and associated tribal consultations for any and all areas exposed to greater visitation or use (or grazing) as a result of any change in management or public access, including ATV travel, and (2) set specific criteria for road and ATV travel route closures as immediate and substantial responses to the discovery of any cultural resource impact resulting from the use of roads or ATV travel routes, most especially the use of any road or travel route in the commission of any cultural resource crime.	<p>The range of alternatives analyzed in the MMPs/EIS includes varying levels of areas available for OHV use to provide for the proper care and management of Monument objects and values (Section 2.4.12). The MMP does not make decisions regarding opening/closing specific routes; these decisions would be made during implementation-level travel management planning.</p> <p>The effect of travel management designations regarding OHV use on cultural resources are analyzed in Section 3.5.2.2.8 of the MMPs/EIS. This section recognizes the relationship between road proximity and the likelihood of looting and vandalism. The section also notes that where historic properties are being or would be considerably adversely impacted by off-road vehicles, areas would be closed to OHV use.</p> <p>Any new routes within the BENM designated during an implementation-level travel management plan would be consistent with the direction provided in the MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Presidential Proclamation 9558 provides that “Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.”</p> <p>The agencies have developed a Cultural Resources Monitoring Framework (Appendix D of the MMPs/EIS) and a Monitoring Strategy (Appendix M of the MMPs/EIS) that would guide adaptive management of the BENM and provide information for future implementation-level planning.</p>

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A.51-4	<p>a. Alternative D lacks specific monitoring and evaluation standards that would allow for flexible, yet protective, management. Alternative D's justification lies in the fact that it provides "more flexibility" than the other alternatives. That may be so, but nothing in the draft MMP indicates that the Alternative's flexibility will better protect monument objects and values than any of the other alternatives. Rather, Alternative D prioritizes "continuation of multiple uses and similar recreation levels,"<sup>35</sup> but the management plan would be subject to "additional review of proposals during implementation."<sup>36</sup> In the travel management context, the draft MMP indicates that "if impacts to natural and cultural resources are occurring, [BLM will] develop implementation-level limitations..."<sup>37</sup> That monitoring standard is a great start. However, what the plan lacks is any specific metric that indicates when those implementation-level limitations will trigger. In the meantime, under Alternative D, travel management will be managed under the 2008 RMP, which, once more, has already been deemed inadequate to protect those cultural resources. We propose two alternative courses of action: (1) direct a more restrictive OHV plan at the outset that more closely tracks the cultural sensitivity maps attached to the plan; and/or (2) establish a FACA committee—comprising substantially of tribal representatives—to act as the monitoring body for cultural resources, and, upon a finding that cultural resources are being damaged by a particular management activity, swiftly implement particular use limitations that serve to mitigate against that damage. We make those recommendations because, as written, Alternative D provides no particularized mitigation plan for adverse effects to monument objects stemming from OHV use. That is so in spite of the fact that the travel management scheme is identical to the one that evidence in the administrative record shows is inadequate to protect monument objects.</p>	<p>The comment inaccurately states that the agencies have found the current management of travel management in the BENM "is inadequate to protect monument objects." The BLM's 2015 Monticello Plan Evaluation found that "OHV designations are still meeting resource objectives."</p> <p>The agencies have considered a range of alternatives for travel management in the BENM in the MMPs/EIS. In developing the alternatives, the agencies determined that the cultural sensitivity maps were appropriate for assessing potential impacts at the planning level, but were not appropriate tools to use to develop specific decisions contained in the alternatives because they do not represent the on-the-ground presence of cultural resources. The alternatives would designate only OHV limited and OHV closed areas; OHV open areas would not be designated. Under all alternatives, OHV use would only be allowed on designated routes. As described in Section 2.4.12 of the MMPs/EIS, under all alternatives considered in the MMPs/EIS the agencies would "As part of implementation-level travel planning, monitor OHV use areas and, if impacts to natural and cultural resources are occurring, develop implementation-level limitations including route designation, route closure, motorized vehicle size and weight limitations, or other mitigation measures as necessary to address those impacts." The agencies have developed a Cultural Resources Monitoring Framework (Appendix D of the MMPs/EIS) and a Monitoring Strategy (Appendix M of the MMPs/EIS) that would guide adaptive management of the BENM and provide information for future implementation-level planning.</p> <p>Section 4.5 of the Proposed MMPs/Final EIS addresses the BLM and USFS' establishment of a Monument Advisory Committee for the BENM.</p>
A.51-5	<p>b. The draft MMP also lacks sufficient analysis of mitigation alternatives under 40 C.F.R. § 1508.25 40 C.F.R. § 1508.25 requires agencies to consider possible mitigation alternatives in the environmental impact statement accompanying a major federal action.<sup>38</sup> NEPA requires the action agency discuss the mitigation plan in sufficient detail to demonstrate that the agency took a "hard look" at the impact of the project.<sup>39</sup> But with respect to both travel management and cultural resource management, the draft MMP indicates that all mitigation analysis will be done at a later date, upon the issuance of separate travel management and cultural resources plan.<sup>40</sup> The problem with declining to look at mitigation efforts until a later date is that travel management is already harming the monument objects.<sup>41</sup> In the face of the BLM's own determination of actual harm, the final EIS and MMP should include a site-specific mitigation analysis that can help guide travel management at least until the travel management and cultural resources plans are issued.</p>	<p>See response to A.51-4. The MMPs/EIS include Best Management Practices (Appendix I) and Stipulations Applicable to Surface-Disturbing Activities (Appendix J) that demonstrate that the agency has taken a hard look at appropriate mitigation measures for the range of management actions considered in the MMPs/EIS. The MMPs/EIS discussion of mitigation in general terms is proper given that the details of site-specific route designations are still uncertain. The agencies' commitments to complete additional implementation-level travel management planning and develop an activity-level cultural resources management plan are in addition to the measures contained in the range of alternatives, Appendix I, and Appendix J. The development of the implementation-level travel management plan and activity-level cultural resources management plan would allow the agencies to take a closer, more site-specific look at resource issues, including the development of additional site-specific mitigation within the guidance provided by the approved MMPs.</p>

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A.51-10	<p>Whichever Alternative BLM Ultimately Decides To Implement, It Should Include Better Travel Management and Cultural Resource Management A. Either Develop a Protective Travel Management Strategy, or Commit to an Adaptive Management Strategy That Identifies Specific Mitigation Strategies Although we adamantly encourage the BLM to choose Alternative B out of the options listed in their MMP, there is not doubt that, whatever alternative the BLM choses, a better travel management and cultural resource management commitment is necessary in order to fulfill the government's obligation pursuant to Proclamation 9558, as modified by Proclamation 9681. As explained above, in light of the 2015 Plan Evaluation's findings of actual harm to cultural resources stemming from travel management, mitigation measures should be considered in the planning-level decision before the agency now. A good place to start would be to change all areas that are "highly sensitive" in the cultural resources scoping report to a "closed" designation with respect to OHV use. In Alternative D, 61,592 acres of "highly sensitive" land is designated as "limited OHV" use.<sup>49</sup> Or, the agency could set specific mitigation strategies at the outset that would ensure immediate closure of areas where OHV use conflicted with significant cultural resources. In our view, this would be best carried out if tribal representatives are a significant part of the monitoring plan. In that case, the BLM would carry out both its directive to prioritize protecting and restoring the monument objects, and its directive to meaningfully engage with affected tribes.</p>	<p>See responses to A.51-4, A.51-5, and ALT-1. The MMPs/EIS include a Cultural Resources Monitoring Framework (Appendix D) and American Indian Tribal Collaboration Framework (Appendix F) that the agencies have developed to guide cultural resource monitoring and the involvement of American Indian Tribes in the ongoing management of the BENM, including the development of implementation-level plans. OHV use on areas designated as OHV limited would be limited to designated routes. As described in Section 2.4.12 of the MMPs/EIS, until an implementation-level travel management plan or emergency order is completed for the Shash Jáa Unit and Indian Creek Unit, all current implementation-level route designations within areas designated in the MMPs as OHV limited areas would remain in effect. This would include the routes designated in the Monticello RMP and the USFS Motorized Vehicle Use Map.</p>
A.94-6	<p>The BLM must consider OHV closures in order to comply with 43 CFR 8341.2 and properly protect archaeological resources. Despite the "limited" OHV status for various areas in the current management and the preferred alternative, failure to consider an adequate amount of closures in the agencies' travel management decisions will likely result in fundamental impacts to archeological resources in violation of BLM's duties. According to a Senior Attorney with the Natural Resources Defense Council, under pre-monument designation, "(p)oorly regulated off-highway vehicle use...led to environmental damage, as well as the looting and vandalism of cultural sites and fossils."<sup>47</sup> The DMMP and EIS blatantly acknowledge the observed detrimental impacts that vehicular access can have on sites with archaeological value.<sup>48</sup> Specifically, it addresses the OHV access issue by saying, "areas designated as closed to OHV use provide greater protection for cultural resources than do areas designated as OHV limited areas."<sup>49</sup> Yet, the management decision has been to retain a low level of closures. The BLM acknowledges that the current management strategy and the preferred alternative "closes the least number of acres of high archaeological sensitivity."<sup>50</sup> Despite self-proclaimed adherence to 43 CFR 8341.2, it certainly can be argued that these sensitive areas that were not closed in BLM's management strategy must be closed. This is because "off-road vehicles are causing or will cause considerable adverse effects" on "historical resources" and BLM has conceded to the point that it retains a low level of closure designations in areas of "high archaeological sensitivity" compared to the level of potential land closures.<sup>51</sup> As reported by the DMMP and EIS, closures to OHV use will only take place on 25 acres of highly sensitive areas, 1,340 acres of intermediately sensitive areas, and 5,544 acres of mildly sensitive areas.<sup>52</sup> Limited areas (High: 6,356 acres; Medium: 31,501 acres; Low: 26,779 acres) are and will continue to be vulnerable to irreversible damage.<sup>53</sup> The U.S. Forest Service has acknowledged that unmanaged (OHV) recreation is one of four main threats to the 'health of the nation's forests and grasslands.'<sup>54</sup> "Erosion, user conflicts, spread of invasive species, damage to cultural sites, disturbance to wildlife, destruction of wildlife habitat, and risks to public safety can result from unmanaged recreation, including cross-country OHV use."<sup>55</sup> Considering the significant potential damage to acres of "high archaeological sensitivity" in limited OHV areas, the BLM must consider altering limited designations to closed in order to "minimize damage" of these "resources of the public lands."<sup>56</sup> Additionally, in order to truly comply with 43 U.S.C. § 1701(a)(8) of FLPMA, BLM should consider efforts to manage public lands to "preserve and protect...archeological values."<sup>57</sup></p>	<p>See response to TRAV-1. The agencies have considered a range of alternatives for travel management in the BENM in the MMPs/EIS. In developing the alternatives, the agencies determined that the cultural sensitivity maps were appropriate for assessing potential impacts at the planning level, but were not appropriate tools to use to develop specific decisions contained in the alternatives because they do not represent the on-the-ground presence of cultural resources. The alternatives would designate only OHV limited and OHV closed areas; OHV open areas would not be designated.</p> <p>Designating areas as OHV closed is only one way that the agencies may ensure the proper care and management of Monument objects and values. OHV use on areas designated as OHV limited would be limited to designated routes. As described in Section 2.4.12 of the MMPs/EIS, until an implementation-level travel management plan or emergency order is completed for the Shash Jáa Unit and Indian Creek Unit, all current implementation-level route designations within areas designated in the MMPs as OHV limited areas would remain in effect. This would include the routes designated in the Monticello RMP and the USFS Motorized Vehicle Use Map. Nevertheless, nothing in the alternatives considered in the MMPs/EIS would prohibit implementing closures in accordance with 43 CFR 8341.2.</p> <p>Implementation-level travel planning will be conducted by the agencies after the completion of the MMPs and would be consistent with the approved MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. The development of the implementation-level travel management plan would present another opportunity for the agencies to review the potential impacts associated with individual routes and determine whether the routes should remain open, be rerouted, closed, or have other restrictions placed on OHV use.</p>

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A.63-7	<p>The DMMP/DEIS states that “Implementation-level travel planning in SRMAs would recognize the San Juan County OHV route system and integrate it to the extent possible in 6 travel management and recreational goals and objectives.” DMMP/DEIS at 2-23. While not clearly stated, it appears that the San Juan County OHV route system includes routes on federal public lands. San Juan County lacks the authority to designate routes across federal lands as open or closed to motorized uses. The County also lacks statutory authority to designate uses on federal lands. If the BLM/USFS intends to adopt County route or land use recommendations the BLM/USFS must first subject those recommendations to public review and analysis pursuant to NEPA. It is inappropriate to treat conformity with such plans as a management action common to all alternatives and exempt it from analysis.</p>	See response to TRAV-6.
A.75-39	<p>The MMP must minimize adverse impacts as required by regulation and Executive Order. When designating an ORV system, BLM and USFS are required to minimize impacts to public land resources. 43 C.F.R. § 8342.1; Executive Order 11644 (1972). Specifically, the “minimization criteria” requires the agencies to minimize: damage to soil, watershed, vegetation, air, or other resources of public lands; harassment of wildlife and significant disruption of wildlife habitat; and conflicts between ORV use and other existing or proposed recreational uses.</p> <p>This is not merely a procedural requirement, but rather it demands a substantive outcome—the agencies must actually minimize impacts from both area and trail designations, and show how they did so in the administrative record.</p> <p>Furthermore, the National Landscape Conservation System 15-Year Strategy states that “BLM will only develop facilities, including roads, on [National Conservation Lands] where they are required for public health and safety, are necessary for the exercise of valid existing rights, minimize impacts to fragile resources, or further the purposes for which an area was designated.” This 15-year strategy, consistent with the agencies’ obligation to minimize impacts from ORV area and route designations, is a clear recognition that roads should be limited to the minimum network necessary for management of the monument.</p> <p>The Draft MMP preferred alternative makes no changes to the area designations as established in the 2008 RMP. In other words, the no action and preferred alternatives are exactly the same. In making this determination, the agencies fail to explain how this approach meets the substantive requirements of the minimization criteria—an issue that similarly plagued the 2008 Monticello BLM travel management plan. Instead, the Draft MMP appears to prioritize recreation and recreational access as it pertains to travel management, while sidestepping other significant resource issues that must be considered under both the Proclamation the minimization criteria.</p> <p>Most concerning is the apparent lack of concern for cultural resource impacts, even though the Draft MMP accurately notes:</p> <p>Vehicle access to cultural resource sites . . . is consistently cited as a primary factor influencing human-caused impacts. Multiple studies of the relationship between evidence for human-caused impacts to cultural resource sites and the distance of those sites to roads strongly implicate vehicular access as a significant risk factor to maintaining site integrity (Hedquist et al. 2014; Nickens et al. 1981; Spangler et al. 2006). These studies show that a cultural resource site is more likely to have been subject to looting, vandalism, or other negative human-caused impacts if it is nearer to a road.</p> <p>Draft MMP at 3-13, 3-14 (emphasis added). Importantly, the Draft MMP goes on to conclude that “areas designated as closed to OHV use provide greater protection for cultural resources than do areas designated as OHV limited areas,” and therefore, “Alternative B would provide the greatest protection for archaeological resources by closing the greatest number of acres of high archaeological sensitivity to OHV use and by protecting the greatest number of known archaeological sites.” Draft MMP at 3-14. Yet, for reasons uncertain, the agencies bring forward a preferred alternative that “closes the least number of acres of high archaeological sensitivity and provides</p>	<p>See responses to ALT-1 and TRAV-6. Broad scale allocations at this planning level were designed to minimize conflicts to the extent possible by designating the entire Monument as limited or closed, which would limit OHVs to existing routes or close areas which would minimize conflicts as required by 43 CFR 8342.1 (a – d). The range of OHV alternative allocations were based on a range of planning issue concerns and conflicts related to access, recreation, other resource uses, and the proper care and management of Monument objects and values. A range of OHV area designations were analyzed in detail in the MMPs/EIS to provide the Authorized Officer information required to make an informed decision regarding this management allocation.</p> <p>Future implementation-level travel planning will be conducted in accordance with applicable laws and regulations, including 43 CFR 8342.1, after the completion of the MMPs. Future implementation-level travel management designations would be consistent with the approved MMPs and Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. The development of the implementation-level travel management plan would present another opportunity for the agencies to review the potential conflicts and impacts associated with individual routes, apply appropriate minimization criteria, and determine whether the routes should remain open, be rerouted, closed, or other restrictions placed on OHV use.</p>

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	<p>limited access to the greatest number of acres of high archaeological sensitivity . . . ." Draft MMP at 3-14. Given the monument's overarching focus on the preservation of cultural resources, and in light of the data and analysis contained in the Draft MMP, there is simply no rational connection between the facts presented and the agencies' determination to move forward with an alternative that results in no change to the current ORV area designations.</p> <p>The Draft MMP also fails to address the minimization criteria and provide record evidence as to how that criteria was considered and applied when developing the range of alternatives as it pertains to ORV area designations.</p> <p>Finally, while we generally support the agencies' proposed prescriptions in Alternative B, as they provide the greatest protection for archaeological resources by closing the largest number of acres of high archaeological-sensitivity to OHV use, see Draft MMP at 3-14, we strongly oppose the inclusion of the San Juan County OHV route system in all alternatives and the intent to "integrate it to the extent possible in travel management and recreational goals and objectives."</p> <p>Draft MMP at 2-23. Not only does this inclusion violate NEPA's requirement to include an actual range of alternatives, there is also simply no compelling justification for including this provision in the larger planning effort.</p>	
236922-1	<p>Right of ways should be limited to the Comb Wash, Butler Wash, Arch Canyon Road to the creek, Cottonwood Road and Morman Trail Road. All other roads including the upper drainage of Arch Canyon should be close to OHV/ ATV/motorcycle use.</p>	See response to TRAV-5.
237028-5	<p>Bears Ears is not a place for new roads or ATV trails Please do not re-open roads that are currently closed in the area, specifically the Bridger Jack Towers at Indian Creek road. There are roads that are currently closed that access important cultural sites in the area, and to protect these sites, please keep the roads closed. No not prioritize the implementation of San Juan County's travel plan. Keep cars and ATVs out of sensitive places in the Bears Ears area.</p>	See responses to TRAV-4 and TRAV-6. Decisions about designating specific routes will be made during development of an implementation-level travel management plan. Implementation-level travel planning will be conducted by the agencies after the completion of the MMPs and will include additional environmental review and public involvement.
237029-4	<p>Since there is already a reasonable road system (which I have used!) as well as adequate trails open to ATVs, please do not open any additional areas to ATVs and include in the Management plan adequate staffing for law enforcement personnel to prevent any ATV access where not allowed.</p>	See responses to TRAV-3 and TRAV-4.
237030-3	<p>Unfortunately, the draft procrastinates such important planning well down the road (at least 2.5 years), when implementation of such steps is needed NOW. There pastedare already an abundance of world-class roads and trails for responsible motorized recreationists to enjoy, and the current road and trail system are sufficient for transportation needs. New roads should be prohibited roads. The plan goes so far as to prioritize implementation of San Juan County's travel plan, which would mean re-opening several roads that are currently closed in the BLM's current plan, including at the base of the iconic Bridger Jack Towers at Indian Creek.</p>	See response to TRAV-6.
237064-12	<p>ATV's have no place in the reduced Monument boundaries beyond the existing designated roads and trails. The map for Alt B would allow for existing use and access to continue and provide the best protection of resources within the Monument. There are already an abundance of world-class roads and trails for responsible motorized recreationists to enjoy, BLM's preferred alternative leaves broad swaths of the area open to future road and ATV trail development. This is in direct contradiction to the protections created by President Obama, which acknowledged that the current road and trail system is sufficient for transportation needs and prohibited new roads and trails for motorized use. The plan goes so far as to prioritize implementation of San Juan County's travel plan, which would mean re-opening several roads that are currently closed in the BLM's current plan, including at the base of the iconic Bridger Jack Towers at Indian Creek. The plan would also tie the hands of</p>	See response to TRAV-1, TRAV-4 and TRAV-6.

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	managers to close problematic roads, like the many we know of that go directly through archaeological sites.	
237161-3	Increased ATV access has no place in the MMPs. The original roadless areas, road closures and Wilderness Study Areas in the 2016 Monument declaration should be reinstated and enforced.	See response to TRAV-1. Under all alternatives considered in the MMPs/EIS, all WSAs would be designated as OHV closed areas.

### 3.23 Tribal Concerns

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TRIB-1	<p><b>The BLM and USFS should protect American Indians' heritage, sacred sites, rights, and way of life.</b></p> <p>Sample comment: I have hiked, biked and camped for several decades in and around the Bears Ears National Monument area and urge protection of the Bears Ears Monument for the tourism outdoor recreation brings local communities, the preservation of historical and Native American cultural values, the preservation of Native American way of life and for habitat preservation.</p> <p>Sample comment: The heritage of these early peoples in our national landscape should be fully honored and fully protected. This land is sacred to them with centuries of commitment behind that. Their reverence for the land should instruct the whole of our nation into commitments for preservation over exploitation.</p> <p>Sample comment: Opening these areas to development would violate agreements reached with Native American tribes to preserve these lands because of their cultural value and their status as sacred sites.</p> <p>Sample comment: Please do not take protections away from treasures like Bears Ears and Grand Staircase. There is a huge value in the tourism that our national parks and monuments bring to the United States each year. Please stop this initiative to allow full protections to be removed for these monuments. It is not just these sites that are at issue but other sacred lands that are religious sites for Native American tribes. We have a responsibility to honor the religious freedoms of all who call our country home. This issue is on front of the courts right now and needs to be settled in this manner before you make decisions. Please allow the legal process to work the way it is intended to. You may cause irretrievable harm to our natural and cultural resources by moving forward.</p>	<p>The range of alternatives analyzed in the MMPs/EIS (Section 2.4.1) include protections for American Indians' way of life and cultural values. American Indians and Tribes have been and continue to be invited to participate in the planning process. See also responses to PUBL-1 and PUBL-3.</p>
TRIB-2	<p><b>The BLM and USFS should not put off NEPA and NHPA compliance until the project stage.</b></p> <p>Sample comment: Page 3-2, Section 3.5.1.1.3: San Felipe strongly disagrees with putting off NEPA and NHPA work until the project stage. These effects need to be considered up-front in the planning stage, and at the project stage</p> <p>Sample comment: Page 3-8, Section 3.5.2.1: San Felipe strongly disagrees with putting off NEPA and NHPA work until the project stage. These effects need to be considered up-front in the planning stage, and at the project stage. When the analysis is done at the project stage only it is rushed and favors the project proponent over tribal concerns.</p> <p>Sample comment: Page 4-1, Section 4.1.3: Disagree with NHPA not being a part of planning. NHPA is rushed later. This is very true of Oil and Gas activities and we have no reason to believe will be any different in the MMP</p>	<p>The MMPs/EIS complies with NEPA and the NHPA by analyzing potential impacts to cultural resources at the programmatic planning level. The agencies have revised Section 4.1.3 of the MMPs/EIS to include additional information about the agencies NHPA Section 106 consultation and compliance activities.</p> <p>Analyzing potential site-specific impacts to cultural resources resulting from projects or actions that are not a part of the MMPs cannot be done until site-specific projects or actions are proposed. Likewise, consulting under NHPA to address potential site-specific impacts to cultural resources cannot be done until site-specific projects or actions are proposed. However, Tribal consultation and coordination will be ongoing throughout the development and implementation of the MMPs, as described in Appendix F of the MMPs/EIS (American Indian Tribal Collaboration Framework). The BLM is consulting on impacts to cultural resources associated with</p>



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TRIB-3	<p><b>The BLM and USFS should acknowledge that paleontological resources are considered cultural resources by American Indian Tribes and consult with Tribes on these resources accordingly.</b></p> <p>Sample comment: Page 2-10, Section 2.4.5.2: Paleontological resources are known to the BLM to be considered as cultural resources to the Pueblo of San Felipe and other Pueblos and Tribes (187 IBLA 342 [2016] and NCAI Resolution)</p> <p>Sample comment: Page 3-31, Section 3.10.1: Paleontological resources are known to the BLM to be considered as cultural resources to the Pueblo of San Felipe and other Pueblos and Tribes (187 IBLA 342 [2016] and NCAI Resolution). Cultural concerns of the Pueblo of San Felipe and other Pueblos and Tribes must be considered when planning for paleontological resources. There are very few controls on the intuitions who request excavations. This needs to improve to protect this important resource.</p> <p>Sample comment: Page A-17: Paleontological resources are cultural resources with ongoing significance for the Pueblo of San Felipe and other Pueblos and Tribes</p>	<p>the planning-level decisions in the MMPs. See also responses to PUBL-1 and PUBL-3.</p> <p>Sections 3.5 and 3.10.1 of the MMPs/EIS have been revised to clarify the status of paleontological resources as cultural resources to some American Indian Tribes. The BLM and USFS are consulting with American Indian Tribes on all issues of concern to the Tribes during the development and implementation of the MMPs, as described in Sections 4.1.3 and 4.4 of the MMPs/EIS.</p>
TRIB-4	<p><b>The BLM and USFS should provide a more detailed analysis of the potential socioeconomic impacts that BENM management actions would have on Tribes and other cultural resources stakeholders.</b></p> <p>Sample comment: Page 3-19, Section 3.7.2: Increase in uses, visitors will increase adverse impacts to tribes, and adverse impacts to cultural resources, sites and landscapes. This will increase costs to tribes in terms of time, money and staff resources, yet these costs are not considered or factored into the planning process by our trustee despite Executive Orders and policies in place.</p> <p>Sample comment: Page 3-76, Section 3.16.2: Cultural resources stakeholders: This paragraph is so weak. Does not reflect all the time and energy the Pueblo of San Felipe, and so many other Pueblos and Tribes have expended to show you and educate the BLM on the importance of this area and our ongoing, from time immemorial ties to this area.</p> <p>Sample comment: Page 3-76, Section 3.16.2: for Mineral Stakeholders the writers go on about all the reasons they may not be happy. Why isn't this same analysis applied to Cultural Resource Stakeholders view of unsatisfactory protections? The Tribes are after all the Trustee of the Federal Government, not simply the Public, Lease holders, or interested parties</p>	<p>Section 3.16.2 of the MMPs/EIS has been revised to clarify potential socioeconomic impacts to Tribes and other cultural resources stakeholders from BENM management actions.</p>
TRIB-5	<p><b>The BLM and USFS should ensure that American Indians are able to continue conducting traditional activities, such as collection of medicinal plants, hunting, and performing ceremonies.</b></p> <p>Sample comment: Exploration, extraction, hunting, fishing and other activities will create activity that will cause damage to the environment making it difficult or impossible for the Native peoples to do activities such as collecting herbs and performing sacred ceremonies that they have conducted for centuries.</p> <p>Sample comment: Also, it is important that we get some firewood in certain areas from the Bears Ears region. I hope that will be continued, that we will have access to these resources that have been used for many years for medicine. We have a traditional medicine plant. We'd like to have that continue. We would like to have access to those plants we use for our medicine. The region is also for our food, to hunt, and it should be continued under the reduced size under Trump.</p> <p>Sample comment: She's a medicine lady, and so she wants to still collect her herbs for herbal usage, like sukuma plants for her weaving basket and also the berries to be used when you have a traditional ceremony. She uses cedar to be utilized for wood, for ceremonial, cottonwood. She utilizes deer and rabbit as her food source.</p>	<p>All alternatives analyzed in the MMPs/EIS (Sections 2.4.1 and 2.4.13) include a requirement to provide for the management, protection, and access to cultural sites and vegetation types important to American Indian ceremonial, religious, or other traditional uses. Activities within the BENM would be managed to provide for the proper care and management of Monument objects and values, which include ceremonial sites and access for traditional activities such as hunting and fishing.</p>

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40460-1	I oppose any BLM proposal to profit from sacred land. Native Americans, including many in your home state of Montana, have been constantly swindled by whites since the advent of Anglo settlers. Many Christians have finally come to a realization of the abuse by Anglos of indigenous cultures. Some have issued apologies for past actions. At Bears Ears, indigenous peoples finally received significant recognition of their tribal rights and sacred grounds. Please do not commodify their sacred lands.	The BLM and USFS have a statutory duty to manage the BENM pursuant to Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, which includes proper care and management of BENM objects and values identified in those proclamations. The range of alternatives analyzed in the MMPs/EIS (Section 2.4.1) include management to provide for American Indians' traditional and cultural values associated with the BENM. American Indians and Tribes have been invited and have participated, and will continue to be invited to participate, in the planning process (see Section 4.4). See also responses to PUBL-1 and PUBL-3.
A.71-18	None of the alternatives described in the BLM planning documents reflect Native American interests which require strong conservation measures, and assurance of access for cultural use including firewood collection. The purpose of BENM is to protect cultural resources above other recreational and extractive uses, yet there is no alternative that accurately describes Native American cultural needs, or provides assurances that those uses will be protected as conflicts with recreationists, commercial permittees, or other user groups arise.	The MMPs/EIS analyzes a range of management actions addressing Tribal concerns and the proper care and management of cultural resources and traditional uses, including firewood collection (Sections 2.4.1 and 2.4.16). These management actions address potential conflict with activities associated with recreational objects and values identified in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. For example, the MMPs/EIS alternatives include permitting and group size limits in culturally sensitive areas, requiring use of designated trails in culturally sensitive areas, allowing for American Indians' collection of firewood and plants, and options for monitoring and adaptive management approaches to addressing potential impacts to cultural resources. See also response to ALT-4.
A.71-24	Provide access to the sites by members of Indian tribes for traditional and cultural uses, including gathering of minerals, medicines, berries and other vegetation, forest products, and firewood.	Opportunities for American Indian and historic rural communities to conduct subsistence activities (hunting, gathering, wood cutting, etc.) is identified as a Monument value and is provided for under management common to all alternatives (see Section 2.4.1.2 and Appendix A of the MMPs/EIS). Medicinal plants and plants for religious use are also identified as a Monument object that is addressed by the alternatives included in the MMPs/EIS.
A.73-2	In addition, President Trump's unlawful action displaces the Ute Indian Tribe and other tribal members of the Coalition from oversight and management of the Monument. Our ability to protect and preserve tribal uses, cultural and sacred sites is all but eliminated. Also lost is the opportunity for the Tribe and other tribal members of the Coalition to highlight and share the traditional tribal knowledge used to manage and sustain these resources since the beginning of time.	Consultation and coordination with Tribes has been and will continue to be ongoing throughout the development and implementation of the MMPs. The agencies have developed an American Indian Tribal Collaboration Framework that will guide the agencies' involvement with the Tribes in the ongoing management of the BENM once the MMPs are approved. Tribal consultation will include government-to-government consultation, Tribal representation on the Monument Advisory Committee, and Tribal representation on the Shash Jáa Commission. Monument objects and values, such as specific cultural sites, cultural landscapes, and American Indian sacred and religious sites would be protected under management common to all alternatives analyzed in the MMPs/EIS (see Section 2.4.1.2). Tribal expertise and traditional ecological and historical knowledge are also identified as a Monument values that will be incorporated into Monument planning and management.

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A.82-2	While the BENM MMP discusses cultural resources and sites it is in a way that more often than not places "scientific" values over traditional or tribal uses. We do understand this language mirrors the Monuments Act, but is also a colonial view of cultural sites and resources as something to be "discovered", rather than their real meaning and purpose.	Section 3.5.1.2.3 of the MMPs/EIS includes discussion of the cultural significance that sites and landscapes in the BENM have for American Indian Tribes.
A.82-3	Page 1-2, Section 1.3.1: Understanding the word "Ruin" is often used, they are not Ruins from the Pueblo of San Felipe's perspective	Comment noted. The BLM and USFS recognize that terms such as "ruin" may not be the terms used by American Indian Tribes to describe sites in the BENM. The MMPs/EIS uses such common scientific terms because the terms are most familiar to the general reader of the MMPs/EIS.
A.82-4	Page 2-4, Section 2.4.1.1: Why do Scientific and educational uses of cultural resources precede traditional American Indian uses?	The order in which the uses of cultural resources are listed in Section 2.4.1.1 does not denote a preference or priority. Appendix E identifies criteria and processes the agencies would follow in determining whether an archaeological site would be suitable for Public Use within the BENM. American Indian Tribal input is a primary consideration in this allocation process. The BLM and USFS will manage cultural resources in collaboration with American Indian Tribes for a variety of uses but must do so in a way that provides for the proper care and management of Monument objects and values.
A.82-5	Page 2-4, Section 2.4.1.1: Will tribes be consulted before collection and curation or exhibit of our cultural materials is done?	Tribal consultation and coordination will be ongoing throughout the development and implementation of the MMPs, as outlined in the American Indian Tribal Collaboration Framework (Appendix F of the MMPs/EIS). American Indian Tribes would be consulted on any proposed curation and collection activities. See also response to TRIB-1.
A.82-6	Page 2-5, Section 2.4.1.2: How are all these cultural sites designated for Public Use? Has this been consulted on with all the Commission, Pueblos and Tribes and Consulting parties?	The sites listed in Section 2.4.1.2 of the MMPs/EIS are those sites already managed by the BLM and USFS as Public Use sites today, including appropriate interpretation, monitoring, and site preparation for visitation. As described in Section 2.4.1.2 of the MMPs/EIS, the agencies would continue to consult with Tribes to add or remove sites to this list as necessary. Criteria for future allocation of sites are provided in Appendix E. Appendix E of the MMPs/EIS provides criteria for how cultural sites will be allocated as Public Use in the future. When making decisions about which sites will be allocated as Public Use, the BLM and USFS will conduct Tribal consultation and will incorporate that input as appropriate. Methods for Tribal collaboration and consultation are discussed in Appendix F of the MMPs/EIS.
A.82-7	Page 2-7, Section 2.4.3.2: There is no discussion on when tribes would be consulted with on filming projects. What if the film is exploitive of cultural and religious sites?	Appendix F of the MMPs/EIS describes when the BLM and USFS will consult with American Indian Tribes for implementation-level management actions. In general, consultation is appropriate for individual filming permits if there is a potential to affect known American Indian cultural sites or sites with religious significance to American Indians. Permitting would be compliant with the American Indian Religious Freedom Act and all other applicable laws and regulations. Continued consultation with the Tribes in subsequent BENM management is required under management common to all

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		alternatives analyzed in the MMPs/EIS (see Section 2.4.1.2 of the MMPs/EIS).
A.82-9	Page 2-11, Section 2.4.6.2: BLM needs to do more when institutions apply to excavate paleontological remains. No efforts, that San Felipe has been able to ascertain, are being taken to ensure institutions are adequately cataloging their inventories. Nor are they looking to study fossils already excavated, before removing more non-renewable cultural resources from the ground.	Management common to all alternatives analyzed in the MMPs/EIS indicates that all permitted paleontological and cultural excavations and inventories would be done in compliance with applicable laws and regulations, and in a way that provides for the proper care and management of Monument objects and values (See Section 2.4.6.1, bullet two of the MMPs/EIS). Appendix F of the MMPs/EIS (American Indian Tribal Collaboration Framework) describes when the BLM and USFS will consult with American Indian Tribes for implementation-level management actions.
A.82-10	Page 2-12, Section 2.4.7.1: Adverse impacts from recreation onto Cultural Resources, Traditional Cultural Properties (TCPs) should be acknowledged in this section	Chapter 2 of the MMPs/EIS describes the proposed BENM management alternatives. Chapter 3 of the MMPs/EIS analyzes the potential impacts of these management alternatives. Potential impacts to cultural resources and traditional cultural properties from recreation are discussed in Section 3.5.2.2.5 of the MMPs/EIS.
A.82-11	Page 2-12, Section 2.4.7.2: Rope and other climbing aids would not be allowed for access to cultural resource locations, identified by tribes, listed on or eligible for the NRHP	The text has been modified to read, "Ropes and other climbing aids would not be allowed for access to cultural sites or archaeological resources, except for emergencies or administrative needs."
A.82-12	Page 2-12, Section 2.4.7.2: Tribal consultation must be done in the development of roads and trails	Appendix F of the MMPs/EIS describes when the BLM and USFS will consult with American Indian Tribes for implementation-level management actions. Tribal consultation and coordination will be ongoing throughout the development and implementation of the MMPs, including consultation during the development of a travel management plan and during the review for any road and trail proposals at the implementation level. Continued consultation with the Tribes in subsequent BENM management is required under management common to all alternatives analyzed in the MMPs/EIS (see Section 2.4.1.2 of the MMPs/EIS).
A.82-13	Page 2-2, Section 2.4.15.1: Mentions local, state and federal partners - Tribal partners should be included in there as well	The MMPs/EIS has been revised to add Tribal partners to this list.
A.82-15	Page 3-5, Section 3.5: BLM could do better in this section after all the expense and time San Felipe, the Commission tribes, and other Pueblos and Tribes have spent educating the BLM. and USFS on the importance of the area and the cultural resources within. Lack of tribal perspective in this section shows that Tribal Consultation is not leading to inclusion anywhere in this plan.	Additional information is included in Section 2.2 of the AMS, which has been referenced in Section 3.5.1.1.1 of the MMPs/EIS. Section 3.5.1.2.3 of the MMPs/EIS includes a discussion of the cultural significance that sites and landscapes in the BENM have for American Indian Tribes. Additional information about the cultural resources in the BENM and their importance to American Indian Tribes will be included as part of the implementation-level cultural resources management plan, which will be completed in consultation with Tribes (see Section 2.4.1.2 of the MMPs/EIS).
A.82-17	Page 3-7, Section 3.5.1.2.3: The only Pueblo included here is Hopi. Absence of the Pueblo of San Felipe, Rio Grande Pueblos and other Pueblos shows that all the efforts to be heard and participate are being ignored.	The verbiage cited by commenter refers to examples that are specific to the Hopi Tribe. This MMPs/EIS section is not intended to provide a list of TCPs that have been identified by all American Indian Tribes and explains that these are examples that could be applicable to other American Indian Tribes.

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A.82-18	Page 3-7, Section 3.5.1.2.4: Not all important cultural resources can be identified by archaeologists, or may not be considered eligible for Listing. BLM needs to be careful to remember who's cultural sites these are.	The BLM and USFS acknowledge that not all important cultural resources may be considered eligible for listed on the NRRP or identifiable by archaeologists. Thus, consultation with Tribes will be ongoing throughout the development and implementation of the MMPs to help identify important cultural resources and provide for their proper care and management. See also responses to PUBL-1, PUBL-2, and PUBL-3.
A.82-20	Page 3-9, Section 3.5.2.2: The assumption is there that public education is compatible with cultural resources. This is not always the case, and could lead to infringement on rights under the American Indian Religious Freedom Act	Appendix E of the MMPs/EIS includes criteria for determining which cultural resource sites are appropriate to allocated as Public Use sites. Such determinations will be made in consultation with Tribes and must comply with all applicable laws and regulations. As appropriate, the agencies will also consult with Tribes regarding actual type and extent of interpretation at cultural sites.
A.82-21	Page 3-10, Section 3.5.2.2.2: Care needs to be taken in using chemical treatments at cultural sites, could negatively impact plants of cultural importance, or natives who may ingest	The agencies would perform any necessary environmental reviews associated with proposed site-specific vegetation treatments. Such review would include Tribal consultation (as appropriate) and disclosure of the potential impacts of treatments to cultural resources and plants of cultural importance. At the time these treatments are identified, applicable avoidance and mitigation measures would be developed in consultation with interested parties.
A.82-22	Page 3-12, Section 3.5.2.2.5: Permits should be required throughout. There is very little Law Enforcement personnel for the vast landscape. Permits, and tribal consultation on those permits will help to cut down on or catch "bad actors".	The MMPs/EIS analyzes a range of management actions addressing permitting for visitation to sensitive sites and areas, such as McLoyd Canyon-Moon House Ruin RMZ, as well as various SRPs and letters of agreement. Consultation with Tribes will be ongoing throughout the development and implementation of the MMPs. Decisions about law enforcement staffing are administrative decisions, not planning decisions, and are beyond the scope of the development of the MMPs. See also response to A.82-12
A.82-24	Page 3-20, Section 3.7.2.1: Tribal consultation should be included in this section to remind BLM and the Public of the impacts to cultural resources in every action taken on this landscape	Section 3.7.2.1 of the MMPs/EIS has been revised to acknowledge that, as appropriate, Tribal consultation will be included in lands actions, ROWs, decisions relating to the Recreation and Public Purposes Act and land acquisition.
A.82-26	Page 3-37, Section 3.11.1.1.1: What are the impacts to cultural resources from these recreational activities? How is the trustee protecting these sacred places, sites and resources?	Potential impacts to cultural resources from recreation management decisions are analyzed in Section 3.5.2.2.5 of the MMPs/EIS. Management actions to provide for the proper care and management of Monument objects and values are presented in the Alternatives in Chapter 2 of the MMPs/EIS.
A.82-27	Page 3-38, Section 3.11.1.2: Cultural resources have meaning, beyond the "scientific" or thrill of "discovery". The actions by visitors, scientists, etc. can take away from that meaning and purpose of these resources. That needs to be accounted for, and protected if the word "sacred" means anything to the DOI and BLM.	Appendix E of the MMPs/EIS describes criteria that will be used to determine whether cultural resources sites will be allocated as Public Use, Scientific Use, or Traditional Use. The BLM and USFS will make these determinations in consultation with Tribes and must ensure proper care and management of cultural resources. See also Section 1.3 of Appendix F to the MMPs/EIS.

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A.82-28	Page 3-40, Section 3.11.2.2.1: "...sense of discovery" is problematic - is that discovery like Christopher Columbus? This thrill of "discovery" is what leads to theft, illicit collection, etc.	The phrase "sense of discovery" is meant to imply a less developed recreation setting, with less signage and other visitor facilities. The MMPs/EIS makes it clear that looting and other destructive activities at cultural resource sites are prohibited in accordance with applicable Federal law.
A.82-29	Page 3-41, Section 3.11.2.2.1: Impacts from Proposed Cultural Resources Actions - can see how the writer is trying to tie cultural resource actions to all uses and users, but this is a huge assumption. This assumes that "opportunities for recreational resource visitation and interpretation" are attractive to Tribes.	This section of the MMPs/EIS presents an analysis of the potential impacts that cultural resources management actions would specifically have on recreational users of the BENM. Text in Section 3.11.2.2.1 of the Proposed MMPs/Final EIS has been revised to clarify that cultural resources management actions would benefit recreational users seeking opportunities for visitation and interpretation of cultural resources sites. Text in Section 3.5.2.2.5 of the Proposed MMPs/Final EIS has also been revised to clarify the potential impacts on Tribes from proposed recreation management actions, including increased visitation.
A.82-30	Page 3-42, Section 3.11.2.2.1: Agree with this. Fossils and petrified wood are cultural resources and should be better protected across the BLM	The MMPs/EIS analyzes a range of management actions that address the proper care and management of paleontological resources and petrified wood. This includes prohibiting casual collection of fossils and petrified wood in the BENM. See also response to ALT-1.
A.82-31	Page 3-29, Section 3.11.2.3: Climbing and recreating on culturally significant sites should not be permitted. Education of the population away from "discovery" to respect for these places needs to happen	The range of alternatives analyzed in the MMPs/EIS includes a management action that leaves all existing access points, trails, and climbing routes open. However, if impacts to cultural resources occur because of climbing or other recreation activities, the agencies would educate visitors to avoid impacts. If impacts are ongoing even after education, the agencies can close or reroute access points, trails, or climbing routes. Under all alternatives analyzed in the MMPs/EIS, cultural sites may be closed to visitation when they are determined to be at risk (see Section 2.4.1 of the MMPs/EIS).
A.82-34	Page 3-76, Section 3.16.2: Environmental Justice is a huge concern given the high Native American populations around this project area.	The MMPs/EIS acknowledges that most of the analysis area has potential communities of concern from an environmental justice standpoint because of the large American Indian populations. This section also describes the potential for impacts to cultural resources to represent an environmental justice impact. The text in Section 3.16.2 of the MMPs/EIS has been clarified to note that because all of the alternatives would provide for the proper care and management of Monument objects and values, none of the proposed action alternatives is anticipated to result in any disproportionate impacts to these environmental justice communities.
A.82-35	Page 3-86, Section 3.19.1: ...cliff dwellings, and other archaeological and cultural sites. Cultural sites are not always archaeological sites or recognized by Archaeologists	The BLM and USFS acknowledge that not all cultural sites are archaeological sites. The list of cultural features in Section 3.19.1 of the MMPs/EIS is not meant to be exhaustive.

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A.82-36	Page 3-86, Section 3.19.1: Dark night skies, the moon and stars, and visual resources are Cultural Resources and Traditional Cultural Properties and must be treated and protected as such	Dark skies are identified as a Monument value for which the BLM and USFS must provide proper care and management. The MMPs/EIS analyzes a range of management actions that address both dark skies and visual resources concerns (Sections 2.4.14.2 and 2.4.14.3 of the MMPs/EIS). Text has been added to Section 3.19.1 of the MMPs/EIS indicating that dark night skies, the moon and stars, and visual resources are identified as cultural resources and traditional cultural properties by some American Indian Tribes.
A.82-37	Page 3-91, Section 3.20.1.1: Wildlife is a cultural resource and must be treated and protected as such	Special status wildlife species are identified as a Monument object and diversity of wildlife species and habitat is identified as a Monument value for which the BLM and USFS must provide proper care and management. The MMPs/EIS analyzes a range of management actions that address wildlife concerns (Sections 2.4.11.2, 2.4.15.2, and 2.4.15.3). Text has been added to Section 3.20.1 of the MMPs/EIS indicating that some wildlife species are identified as cultural resources by some American Indian Tribes.
A.82-38	Page 3-94, Section 3.20.1.2.1: Eagles are a cultural resource and must be treated and protected as such	The MMPs/EIS analyzes a range of management actions that address concerns about eagles and other raptors (Sections 2.4.11.2, 2.4.15.2, and 2.4.15.3). Text has been added to Section 3.20.1 of the MMPs/EIS indicating that eagles are identified as cultural resources by some American Indian Tribes.
A.82-39	Page 3-107, Section 3.22.3: Disagree with this calculation of by the acre disturbance of cultural resources. First, what is the basis for this 5 existing 5 new acres number. Plus who is to say that the most important things aren't disturbed? The public, archaeologists, law enforcement either don't know, don't care or both. This is analysis does not show the basis for the number and is disrespectful of the meaning and significance of the resources, and the loss to Native Americans who hold them so dear.	Disturbance calculations used in the cumulative impacts section of the MMPs/EIS are described in Section 3.22.1. The acreages used come from the site-specific analyses of the reasonably foreseeable future management actions described in Table RFFA-1. ePlanning project numbers are provided where available in Table RFFA-1. Text in Sections 3.22.1 and 3.22.3 of the Proposed MMPs/Final EIS has been revised to clarify this and to indicate that some cultural resources may have been impacted by past visitation or looting.
A.82-40	Page 3-107, Section 3.22.3: Discussion of Oil and Gas, timber, extractive activities - is the new highly aggressive and exploitive approach of the DOI and BLM factored into this analysis?	The RFD scenario used for the MMPs/EIS analysis was prepared in association with the 2008 Monticello RMP. This RFD scenario is still applicable based upon current conditions. However, as noted in Section 3.22.14 of the MMPs/EIS, actual oil and gas development in the area has been far less than the predicted RFD scenario. Agency policy does not meet the definition of a reasonably foreseeable future action and is therefore not considered in the cumulative effects analysis as described in the BLM NEPA Handbook H-1790-1.
A.82-41	Page 3-107, Section 3.22.3: The shrinking of the Monument will greatly cumulatively negatively impact cultural resources and it is disingenuous to not include that in this section.	The MMPs/EIS analyzes a range of management actions addressing the proper care and management of cultural resources in the BENM. Lands excluded from the BENM would continue to be managed according to the existing 2008 Monticello RMP and the 1986 Manti-La Sal LRMP. The MMPs/EIS acknowledges that continued management under these plans would allow for potential management actions that could impact the setting of important cultural sites. However, any potential projects would be subject to existing laws and regulations addressing protections for cultural resources. The current cumulative effects analysis does take into

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		account the modification of the BENM boundaries because it considers cumulative impacts that would result from management under the existing 2008 Monticello RMP and 1986 Manti-La Sal LRMP. See response to comment OOS-4.
A.82-43	Page 4-1, Section 4.1.1: San Felipe's invitation/s to this meeting came after the meeting was already held.	The BLM and USFS apologize for the late arrival of the scoping meeting invitation. Following the scoping meetings, the meeting materials were made available to the public on the BLM's ePlanning website. Scoping comments could be submitted through April 11, 2018. The BLM and USFS will continue to consult with and seek input from Tribes throughout the development and implementation of the MMPs.
A.82-44	Page 4-2: What was included in this document from all the discussion with San Felipe and the strong effort San Felipe made to be involved? I don't see anything at all.	The BLM and USFS considered all input that they received from American Indian Tribes and incorporated relevant information into the development of the MMPs. Additional information about ongoing American Indian Tribal consultation has been added to Section 4.4 of the MMPs/EIS in the Proposed MMPs/Final EIS.
A.82-45	Table 4-2: This table is titled American Indian Tribal Government to Government Consultation. Did you really consult with all of these tribes? Or is BLM still counting notification, or a letter with an invitation to consult as consultation - even though Manual and Handbook 1780 clearly say notification is NOT consultation. This is a huge issue and needs to be fixed. We are requesting Government to Government consultation on this.	As stated in Section 4.4 of the MMPs/EIS, Table 4-2 lists the more than 30 Tribes that were invited to participate in government-to-government consultation. Section 4.4 of the Proposed MMPs/Final EIS has been updated to describe additional Tribal consultation activities undertaken by the BLM and USFS in the development of the MMPs. Section 4.4 also acknowledges that of the 30 Tribes invited to participate, eleven Tribal members representing seven Tribes attended the May 10th meeting. The title of Table 4-2 has been revised to "American Indian Tribes Invited to Participate in Government-to-Government Consultation." Tribal consultation will continue throughout the MMPs/EIS process and management of the BENM. See also responses to PUBL-3 and PUBL-4.
A.82-46	Page A-16: Values: Why is research first and traditional use so far down on the list?	The order in which Monument values are listed does not denote importance or prioritization.
A.82-48	Page C-1: Federal Laws should include American Indian Religious Freedom Act	The Appendix C of the MMPs/EIS has been revised to add the American Indian Religious Freedom Act to the list of Federal laws.
A.82-49	Page D-1: This Cultural Resources Monitoring Framework should be consulted on. It is written by Archaeologists from the viewpoint that sites contain data, rather than the meaning and significance they truly hold to Pueblos and Tribes associated with them.	The Cultural Resources Monitoring Framework (Appendix D of the MMPs/EIS) outlines a framework for developing site-specific monitoring plans for cultural resource localities within the Monument where adaptive management strategies will be applied and ongoing location-specific monitoring is necessary. The completed implementation-level cultural resource monitoring and management plan(s) will include the site-specific resource indicators, thresholds, and adaptive management actions to be taken when thresholds are crossed. The American Indian Tribes would be consulted in the development of the implementation-level cultural resources monitoring and management plan(s). Consultation on the development of the implementation-level cultural resource monitoring and management plan(s) would follow the procedures outlined in the American Indian Tribal Collaboration Framework (Appendix F of the



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A.82-50	Page E-1: What if a tribe says an area is important but the SHPO or BLM disagree?	MMPs/EIS). Both appendices have been subject to American Indian Tribal consultation, as described in Section 4.4.  As indicated in Section 2.4.1 and Appendix E of the MMPs/EIS, the BLM and USFS will consider input from all cultural resources stakeholders when making determinations about site allocations, including Tribal input. Any decisions made about site allocations must be consistent with the proper care and management of Monument objects and values, including providing for traditional uses and management of sites sacred to American Indian Tribes.
A.82-51	Page E-2: Where does Tribal Consultation fit into all of this? I don't see it even mentioned. What about the high costs associated?	Allocating cultural resource sites, as described in Appendix E, is an action that would trigger American Indian Tribal consultation, as described in Appendix F - Item #1 of Appendix E of the MMPs/EIS states, "The following questions will be used to assess whether or not a particular site might be appropriate for allocation to Public Use" and the first bullet states, "Are American Indian Tribes amenable to Public Use?" Item #2 states, "The following specific steps will be completed before opening a site to the public" and the first bullet states, "Consultation with appropriate American Indian Tribes regarding the suitability of site selection and public information content." Thus, consultation with American Indian Tribes will be the first step before determining whether a site should be allocated to Public Use.
A.82-52	Table E-1: Once again Science is listed first	The order in which cultural allocations are listed does not denote importance or prioritization.
A.82-53	Page F-1: As stated in the conference call - all the words in this American Indian Tribal Collaboration Framework sound good, but how is BLM going to keep their words?	If Appendix F is included in the final ROD for the MMPs/EIS, the BLM and USFS will follow the guidance included in the framework. Section 2.4.1.2 included a management decision that is common to all alternatives that would implement the American Indian Tribal Collaboration Framework.
A.82-54	Page J-1: Where is Tribal Consultation in the Surface Disturbance and Stipulation and Waiver process?	Stipulations and waivers are applied on a case-by-case basis at the implementation level. Because the BLM and USFS are required to consult with Tribes on a project-by-project basis, in addition to being invited to consult on the stipulations as a part of the development of the MMPs, the American Indian Tribes will be able to consult on any applicable stipulations or waivers at the time a project is considered by the agencies.
A.82-55	Page M-1: How is BLM going to keep information on sacred sites confidential?	The BLM and USFS, as required by applicable Federal law and as requested by applicable Tribal input, will not disclose the locations of cultural resources sites that are not allocated as Public Use.
A.82-56	We ask that DOI, BLM and their staff remember Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Executive Order 13007 Indian Sacred Sites, federal law including the National Historic Preservation Act and multiple DOI and BLM policies, still in effect, which describe a much more robust BLM Tribal relationship than is being administered currently.	See responses to PUBL-1 and PUB-2. The BLM and USFS will comply with all applicable Federal laws during the BENM planning and management processes.

## 3.24 Vegetation

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VEG-1	<b>The BLM and USFS should prohibit timber harvest and vegetation removal in the BENM.</b>	The range of alternatives analyzed in the MMPs/EIS (Section 2.4.13) include varying levels of vegetation management and methods. Specific vegetation management actions would be considered at the implementation level. Any vegetation removal action in the BENM would be required to be consistent with the proper care and management of monument objects and values. The agencies would complete a site-specific analysis of possible vegetation management actions to evaluate impacts on Monument objects and values at the time a proposal is developed for consideration.
A.41-12	The BLM and Forest Service should consider the policies and objectives set forth by the state of Utah in "The Utah Strategic Plan for Managing Noxious and Invasive Weeds." <sup>22</sup> This plan dictates management on some state land that falls within the boundaries of the Shash Jaá and Indian Creek units of Bears Ears National Monument and should be added to Appendix C.	Appendix C has been modified to include a reference to <i>The Utah Strategic Plan for Managing Noxious and Invasive Weeds</i> .
5960-1	Ban all both pesticides and herbicides, additionally ban fracking and underground and above ground pipelines for oil, as they eventually leak.	See responses to MIN-1 and LANDS-2. The range of alternatives analyzed in the MMPs/EIS (Section 2.4.13) include varying levels of vegetation management and methods. Under all alternatives considered in the MMPs/EIS, vegetation management activities in the BENM would be implemented to provide for the proper care and management of the monument objects and values. Herbicide use would be conducted consistent with <i>Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (BLM 2007)</i> .
A.41-26	2.4.13.2. Management Actions Common to All Alternatives Include the production of forage for domestic livestock as a management goal and objective for vegetation.	The MMPs/EIS consider a range of alternatives for both vegetation and livestock grazing management. The agencies would manage vegetation in the BENM for multiple resource values, including to provide forage to support livestock grazing. Livestock grazing is identified as a Monument value in the BENM and would be considered in any decision related to vegetation management.
A.41-27	2.4.13.1. Goals and Objectives Add a goal or objective to identify the number of rangeland acres that have been impacted by pinyon-juniper encroachment and outline how many acres will be treated to recover and restore impacted sage-steppe communities.	The range of alternatives analyzed in the MMPs/EIS (Section 2.4.13) include varying levels of vegetation management and methods; therefore, quantification of area to be treated would be inappropriate to include in goals or objectives. Decisions about vegetation treatment activities will be made at the implementation level. The agencies have included estimates of the number of acres of vegetation that would be treated over the life of the plans in Section 3.6.2.1 of the EIS. These estimates were used to support analysis of impacts on all resources.
A.41-28	2.4.13.2. Management Actions Common to All Alternatives Bullet Point 7: Edit management action to read, "Maintain or increase existing level of vegetation treatments..."	Text in Section 2.4.13.2 revised as suggested.

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A.47-27	Agencies should provide additional data on chaining in Bears Ears including areas previously chained (like Shay Mesa, Milk Ranch Point, and Little Baullie Mesa) in order to allow for complete analysis.	An estimate of areas within the BENM that have been treated using mechanical methods has been added to Section 3.6.1. The agencies have included estimates of the number of acres of vegetation that would be treated over the life of the plans in Section 3.6.2.1 of the EIS. These estimates were used to support analysis of impacts on all resources.
A.47-28	Agencies should select as a final alternative one that prioritizes cultural resource protection by prohibiting mechanized vegetative treatment.	<p>See response to ALT-1. The range of alternatives analyzed in the MMPs/EIS include varying levels of vegetation management and methods (Section 2.4.2 Fire Management and Section 2.4.13 Vegetation).</p> <p>Prior to approval of any site-specific proposals for vegetation treatment, the BLM and USFS would perform any necessary environmental analysis and reviews, including a determination of whether the activity is consistent with the proper care and management of Monument objects and values. This evaluation would include cultural resources surveys, impacts analyses, and identification of any applicable mitigation actions, which may include altering prescribed treatment methods or the location of treatments.</p>
A.14-11	In addressing range management in the MMP, the BLM should use and reference the quantitative data (including the methodologies used to collect them and the time they were collected) pertaining to the current and expected acreages which meet, or fail to meet, desired vegetative condition, and trends in vegetative condition. Using out-dated data or using methodologies which are no longer accepted, would be inappropriate. As we previously cited, the BLM's own planning handbook requires the use of the best available information.	A quantification of the current condition of rangeland health is described in Section 3.9.2.2 (Table LSG-1) of the MMPs/EIS and methodologies are described in Section 2.7 of the AMS. A trend analysis was completed for the Forest Service allotments in 2007 (AMS, page 2-69), and trend data for the BLM allotments completed from 2016 to 2018. BLM manages rangeland according to <i>Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah</i> , and USFS manages rangeland to meet USFS desired conditions for rangelands.
A.75-48	We also request that the management goals for vegetation are described in more detail. The document discusses objectives and management for forest products and wildfire but is silent on management of other vegetation types. See Draft MMP Section 2.4.13. Consequently, it is difficult for the public to know what BLM is proposing for vegetation management in sagebrush grasslands and other shrubland community types. Also, the MMP discusses management of forest vegetation types in the context of Vegetation Condition Classes, which is a general Landfire classification reflecting departure of current vegetation from simulated historical vegetation reference conditions. See Draft MMP 3-82. It also talks about achieving and maintaining rangeland health standards. Neither of these give a specific indication of Desired Future Conditions. They are too vague, and, in the case of rangeland health standards, too low a bar for an NCL unit. BLM should use the NRCS's Ecological Site Descriptions as the Desired Future Condition.	<p>Vegetation in the BENM would be managed consistent with the proper care and management of Monument objects and values, including opportunities to protect headwaters and water supplies, provide for diversity of wildlife species and associated habitats, provide a diversity of native vegetation and habitats, provide opportunities for ecological restoration and active vegetation management, opportunities to collect firewood, opportunities to collect plant materials and seeds, and using livestock grazing and associated management activities and structures as a tool to restore or maintain the health of watersheds and grasslands. As the overarching purpose of the plans is to provide for the proper care and management of these objects and values, specific land use plan goals and objectives are not needed for each. The agencies would evaluate and determine site-specific vegetation management actions through implementation-level management planning and actions.</p> <p>BLM utilizes Ecological Site Descriptions (ESD) or the equivalent for implementation-level site-specific planning. The Draft MMPs/EIS based its analysis on the best available data that was applicable at the programmatic planning stage. BLM policy for the management of NCLs (BLM Handbook 6100) does not identify a source for determining standards.</p>

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A.70-20	The Conservancy prefers Alternative C because of pre-treatment surveys for nesting southwestern willow flycatcher and other migratory birds as well as the accompanying restrictions on when and where treatments could be conducted.	See response to ALT-2. Any activities within the BENM would be required to comply with the Endangered Species Act and Migratory Bird Treaty Act.
A.37-42	Chapter 2-Goals and Objectives-2.4.13-2-24. Goals and Objectives should include management of vegetation to support medicinal plants and other vegetative resources deemed by tribes as being cultural relevant.	Two new goals have been added to the vegetation section (Section 2.4.13) in response to this comment.
A.37-60	Chapter 3-Impacts from Vegetation Management Actions-3.5.2.2.9-3-14. All alternatives considered should allow for seed gathering and plant collection for American Indian Traditional Uses, including Wilderness areas: Private harvest should be closely monitored by Tribal cultural specialists to prevent or limit destruction of cultural sites "discovered" with removal of forest cover.	Under all alternatives analyzed in the MMPs/EIS (Section 2.4.13, Table 2-13), private seed gathering and plant collection for American Indian traditional, medicinal, and ceremonial purposes would not be restricted. Commercial seed gathering would not be allowed under any of the action alternatives. For any cultural resource identified during vegetation removal activities, the BLM and USFS would immediately implement management actions to protect cultural resources, including those described in the selected alternative, the Cultural Resources Monitoring Framework, American Indian Collaboration Framework, Best Management Practices, and Stipulations Applicable to Surface Disturbing Activities. The development of an activity-level cultural resources management plan within 2 years of the completion of the MMPs would allow for additional study of management actions needed to protect cultural resources at a site-specific level as well as additional involvement of the public and American Indian Tribes in the development of this plan.
A.75-91	In keeping with NCLs guidance and the proclamation, the overarching purpose of vegetation management should be to maintain, restore, and promote a natural range of native plant associations in the Monument. As a newly-minted member of the NCLs, BENM must be especially careful in treatment design and implementation. The vegetation community potential for each site must be considered in deciding which areas to treat and whether treatment is necessary. For example, rocky outcrops and thin soils are not conducive to sagebrush grassland and the likelihood of project success is diminished if pinyon and juniper will be removed to try and facilitate shrub growth in an unfavorable site. Attempts to convert vegetation communities from the site potential to another (such as removing pinyon and juniper in an attempt to create sagebrush grassland) must be prohibited in the MMP. In addition, NCLs promote natural processes. Assessing vegetation in terms of forage production as the EIS does (see Draft MMP 3-26) is not appropriate. Decreases in forage production are natural at older seral stages, and this decrease is not a reason to conduct a treatment to shift the site back to an earlier, more productive seral stage. The priority for existing seedlings should be to restore a mosaic of seral stages in native communities as defined by the Ecological Site Descriptions and Potential Natural Community for that site. Most important, post-treatment management needs to be adjusted to ensure that the treatment is sustainably managed and not overused.	See response to A.75-48. The range of alternatives analyzed in the MMPs/EIS (Section 2.4.13) include varying levels of vegetation management and methods. Discretion over site-specific projects will be exercised when those projects are proposed, and the determination of their consistency with this plan and with the proper care and management of Monument objects and values would be made that time. BLM utilizes Ecological Site Descriptions (ESD) or the equivalent for implementation-level site-specific planning.  In addition, the MMPs/EIS does not propose vegetation treatments for the purpose of increasing forage for livestock. Assessing impacts from vegetation treatments in terms of forage production is appropriate in the context of an analysis of impacts to livestock grazing. Text on page 3-26 has been revised to clarify that vegetation management activities would indirectly benefit livestock grazing.
A.75-92	The Draft MMP says that the focus of treatments will be on removing weeds and juniper. See Draft MMP 3-82. Controlling exotics is a critical management goal and we are glad to see BLM emphasizing it. However, regarding juniper removal, it is important to note that this is a native species that occurs naturally on BENM and is appropriate for some ecological sites. Its increase may be a natural response to climatic conditions, a recolonization of juniper sites after harvesting by humans, or a combination of these and other factors. The MMP must reveal how BLM will determine where to remove juniper and the decision process and scientific basis for that determination.	The agencies would evaluate and determine site-specific vegetation management actions through implementation-level planning, at which point implementation-level environmental analysis would disclose both specific intent and process for achieving those objectives. The BLM and USFS acknowledge that juniper is a native species in the Planning Area and is appropriate for certain ecological sites; however, it can encroach on sites where it is not appropriate and result in a particular site no longer meeting standards.

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A.75-93	<p>Also, in light of the Draft MMP's focus on weeds, it should be noted that an unintended consequence of pinyon-juniper treatments is the increase of invasive and/or annual plants, particularly cheatgrass (<i>Bromus tectorum</i>). Cheatgrass can outcompete the forbs and grasses the treatment was intended to increase. Surface disturbance associated with mechanical treatments facilitates annual expansion and may actually increase fine fuels and thereby the incidence of uncharacteristic fire. A meta-analysis of treatments conducted by Willms et al. (2018) found that the most consistent treatment effect overall was increase in non-native species, which they ascribed to the ground disturbance associated with treatments. For example, Young et al. (2015), Redmond et al. (2013), and Young et al. (2013) also found that mastication treatments increase annual grasses. Davis and Harper (1990) reported significant increases in weedy annuals on a chained treatments in Utah; Owen et al. (2009) observed increases in cheatgrass following lop and scatter/pile burn and mastication treatments in Colorado; and Ross et al. (2012) found that in Utah, cheatgrass was not present on control sites but on treatment sites (methods tested were lop and scatter/pile and burn and mastication), cheatgrass comprised more than 18% of cover. Sites with high cheatgrass cover before treatment had high cheatgrass cover after treatment.</p> <p>The MMP should also provide a more detailed description of how grazing will be managed after treatments. Grazing management is a critical component of the success of treatments and is integral to the analysis of these kinds of projects. BLM's rule-of-thumb measure that allows grazing to commence after two years is arbitrary and may not be adequate to meet objectives and protect the investment of time and tax dollars made in the project.</p>	<p>When specific vegetation treatments are proposed, they would be evaluated, and appropriate measures developed through an implementation-level environmental analysis. The potential for establishment or encroachment of invasive species and/or weeds would be managed according to the BMPs outlined in Appendix I, and includes the development of a Weed Management Plan.</p> <p>Grazing decisions related to treatments would be made on a project-specific, case-by-case basis and may be adjusted if rangeland monitoring demonstrates that livestock grazing is contributing to the area not meeting standards or reclamation requirements (Appendix I, Section 1.5).</p>
A.75-94	<p>As we requested in scoping, please specify in the MMP that all NEPA documents for vegetation treatments will include the budget for the project. The costs of vegetation treatments are not disclosed to the public and BLM needs to provide them in the EAs for each project. This will enable the government to achieve transparency and allow the public to weigh the costs and risks of treatment against the economic benefits.</p>	<p>The BLM and USFS are not required to disclose the budget for vegetation treatments through the NEPA process, though this information may be available from the agency through other methods. The agencies would evaluate the impacts (including socioeconomic impacts) of any proposed vegetation treatment in an appropriate implementation-level environmental analysis at the time the treatment is proposed.</p>
A.75-95	<p>A critical part of increasing the odds of success of vegetation projects is assessing why there is a need for a treatment project in the first place. BLM should discuss the ecological basis and justification for projects in a scientifically sound basis. Following treatment, monitoring is necessary following treatment to assess success. The MMP's monitoring plan does not require a detailed monitoring plan and objective, clearly-stated goals. Traditional monitoring methods such as trend is not adequate because many of those methods are not statistically reliable or do not measure the variables that need to be monitored to determine project success. Instead, vegetation monitoring plots should be established to determine the effectiveness of the treatments in achieving management objectives and to provide baseline data of overall change.</p>	<p>When specific vegetation treatments are proposed, they would be evaluated, and appropriate measures developed through an implementation-level environmental analysis. The environmental analysis would disclose the specific project's purpose and need, potential impacts, and provide appropriate opportunities for public involvement. The analysis of impacts would be used to develop appropriate mitigation and monitoring needs to support project goals.</p>
A.75-41	<p>Our recommendations for vegetation management and treatments are as follows:</p> <ol style="list-style-type: none"> <li>1) BLM should limit treatment methods to those that create the least amount of surface disturbance. Chaining should be prohibited due to its potential impacts on a wide array of resources, e.g., soil compaction, water and wind erosion, increased invasive species, removal of biological soil crust, and disruption of woodland and sagebrush obligate wildlife. Chaining projects also have a large footprint of indiscriminate vegetation removal. Methods that allow for more targeted treatments and less disturbance, such as hand thinning, should be used instead.</li> <li>2) The Monument should actively pursue a program to produce locally-sourced native seed for restoration projects.</li> <li>3) Chemical methods should generally be restricted to the control of noxious weed species.</li> </ol>	<ol style="list-style-type: none"> <li>1. The range of alternatives analyzed in the MMPs/EIS include an alternative that does not allow chaining and allows only hand treatments and chemical methods in areas within fuels projects in the BENM containing identified sensitive resources (Section 2.4.2, Alternative B).</li> <li>2. BLM Manual 6100 Policy states that native plant materials be sourced as locally as possible. Additionally, BMPs in Appendix I of the MMPs/EIS include an emphasis on utilization of native seeds and plants. The alternatives would not preclude the development of a program to produce locally sourced native seed for restoration projects if those management actions are consistent with the MMPs and the proper care and management of the Monument objects and</li> </ol>

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	<p>4) Prescribed burns should be used when fire has been documented to historically occur in an area, and where various factors have prevented natural fire cycles from occurring. In these circumstances, management ignited fires should attempt to simulate natural fire intensity and timing. Specific objectives for all management ignited fires should be developed prior to its use in the Monument.</p> <p>5) All surface disturbing projects proposed in the Monument should contain a restoration or revegetation component and should budget for the cost of seeding with native species. All planning for projects, in all except limited, emergency situations, should use native species, and the use of non-native species should not be analyzed as an alternative.</p> <p>6) Non-native plants should not be used to increase forage for livestock and wildlife or in wildlife habitat restoration projects.</p> <p>7) Areas where biological soil crust is abundant within vegetation project areas should be located, mapped, and avoided. The project is, by nature, ground disturbing, which will remove recovering crust where it occurs. Where crust destruction is unavoidable, it should be harvested before treatment and replaced as part of the post-treatment rehabilitation.</p> <p>8) Livestock grazing after native seedings are fully established should be modified to ensure the survival of the native plants. The livestock exclusion period required to allow full establishment of seeded native species and recovery of surviving native plants after a wildfire may be more than two years. Site evaluation will be required to determine when the native seeding could be grazed again and evaluate the effectiveness of the current or new grazing system on the persistence of native plants. All vegetation treatment EAs will clearly describe the grazing decision that will be in place in each allotment to ensure project success. In addition, a clip-and-weigh analysis should be undertaken prior to the return of grazing to provide an objective, accurate measure of AUMs.</p> <p>9) All vegetation treatment projects will include a monitoring component that includes data on species frequency, density, and distribution. These data should be part of the overall adaptive management framework. Reference areas need to be located, and if they are not available, then exclosures should be installed. Where local reference areas are preferable but do not exist, designate local areas to attain future reference area status (i.e., at least ten years of non-use by livestock). In the interim, use a more distant, reference site that has not been grazed for at least ten years.</p> <p>10)Vegetation treatment projects should not, in any circumstance, be conducted for the purpose of increasing cattle forage.</p>	<p>values. Decisions about sources for native seeds and plants for specific projects will be made at the implementation level.</p> <p>3. Comment noted. The range of alternatives analyzed in the MMPs/EIS (Section 2.4.13) include varying levels of vegetation management and methods. Herbicide use would be conducted consistent with <i>Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement</i> (BLM 2007) and the <i>2016 Vegetation Treatments Using Aminopyralid, Fluroxypyr, and Rimsulfuron on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement</i> (BLM 2016b)</p> <p>4. Decisions about the appropriate method of vegetation treatments will be made at the implementation level. When prescribed burns are proposed, the BLM and USFS will perform any necessary environmental analysis and review, which would describe the site-specific objectives for each project.</p> <p>5. The MMPs/EIS is not proposing specific projects. Prior to implementation of specific projects with the potential to result in surface disturbance, appropriate mitigation strategies would be developed. BMPs in Appendix I of the MMPs/EIS include an emphasis on prompt revegetation of disturbed lands, minimization of disturbance of vegetation, and the utilization of native seeds and plants.</p> <p>6. BMPs in Appendix I of the MMPs/EIS limit the use of non-native grasses and shrubs in habitat restoration projects.</p> <p>7. The MMPs/EIS analyzes a range of management actions addressing the proper care and management of sensitive soils and biological soil crusts (Sections 2.4.9.2 and 2.4.9.3). When site-specific projects are proposed, they would undergo any necessary environmental review, as required by NEPA, which would include addressing potential impacts to biological soil crusts where applicable. Appendix I (Section 1.6) provides BMPs for the salvage and restoration of biological soil crusts.</p> <p>8. Grazing decisions related to treatments would be made on a project-specific, case-by-case basis and may be adjusted if rangeland monitoring demonstrates that livestock grazing is contributing to the area not meeting standards or reclamation requirements (Appendix I, Section 1.5).</p> <p>9. See response to A.75-95.</p> <p>10. Vegetation treatment projects would be implemented where areas were determined through evaluation and/or monitoring (see Appendix I) to not be meeting rangeland or other standards and would not be conducted solely for the purpose of increasing livestock forage.</p>
236877-4	<p>Regarding Pinyon and juniper management: *this should be specific to the species given their differential response to climatic drivers. *pinyon-juniper projects regarding claimed 'encroachment' must be justified with valid historical evidence of absence of pinyon-juniper in the region.</p>	<p>See response to A.75-92. Note that because these species typically grow in the same areas, the considerations applied to juniper would also apply to pinyon.</p>

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236880-2	Mechanized tree removal should not be utilized in the monument. Tree removal should be limited to the lowest number possible, reducing the impact to the absolute minimum. The pinon and juniper old growth trees are an integral part of Cedar Mesa, they contribute to the beauty of the landscape as much as the mesas and canyons. In such an arid environment the growth of trees is so slow the loss of the older trees would be detrimental.	The range of alternatives analyzed in the MMPs/EIS include an alternative that does not allow certain mechanized treatments and allows only hand treatments and chemical methods in areas within fuels projects in the BENM containing identified sensitive resources (Section 2.4.2, Alternative B, Table 2-2). The agencies have added additional BMPs to address old growth pinyon-juniper stands in Appendix I of the MMPs/EIS.
236926-5	Pinyon and juniper should not always be lumped together and managed in the same way, especially given their differential response to climatic drivers. Any claims about pinyon-juniper encroachment and associated projects should be justified with evidence of PJ's historical absence in that area.	See response to 236877-4.
237056-2	These is a need for pro-active measures that restore populations of high priority plant taxa. Scientific approaches to restoration that target habitat quality (e.g. weed control, especially highly invasive non-natives, such as salt cedar) and the maintenance of ecological processes (e.g. precipitation storage in riparian zones) are certainly appropriate, but so are traditional approaches that tend and improve populations for human use (e.g. wild cultivation by native stewards). This should be a discussion central to co-management so that tending/cultivation can be used to sustain traditional uses as well as to conserve plant diversity.	Vegetation management BMPs in Appendix I of the MMPs/EIS include measures that address restoration of plant populations and maintenance of ecological processes. Consultation with the Tribes is ongoing throughout the BENM planning and management processes and the BLM and USFS will consider traditional knowledge, as appropriate, into their vegetation management practices.
237064-9	Any reseeded of any area within BENM for any purpose must be required to use native seeds only.	BMPs in Appendix I (Section 1.5 and Section 1.6) of the MMPs/EIS include an emphasis on utilization of native seeds and plants. Stipulations for ground-disturbing activities are outlined in Appendix J, which provides additional details regarding the use of native plants and seeds.
237160-3	Practices such as "chaining" should not be an option in the management plan because of its destructive impacts to both ecological and archaeological resources. Old growth pinyon and juniper forests are critical to the biodiversity of the monument and should not be removed or reduced as proposed in the current draft plan. I've seen a significant increase in visitor use over the many years I've visited Bears Ears.	See responses to FIRE-1 and A.47-22. None of the alternatives propose reducing or removing old-growth pinyon or juniper where the species are appropriate components of the vegetation community.

### 3.25 Wildlife and Fisheries

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200-1	I have hiked, biked and camped for several decades in and around the Bears Ears National Monument area and urge protection of the Bears Ears Monument for the tourism outdoor recreation brings local communities, the preservation of historical and Native American cultural values, the preservation of Native American way of life and for habitat preservation.	The range of alternatives analyzed in the MMPs/EIS include protections for wildlife habitat (Section 2.4.15).
H.61-6	P. 2-26 2.4.15.2. Management Actions Common to All Alternatives (Wildlife/Fisheries) 2nd bullet: "Ground-disturbing activities would be avoided where practical." This statement seems overly restrictive for all wildlife and fisheries habitat and could be interpreted too strictly precluding ground disturbing improvements called for in following bullet statements. We suggest explaining that disturbances be avoided unless they would improve habitat, are needed for other resource uses or can be mitigated.	The second bullet in Section 2.4.15.2 has been revised to state, "Ground-disturbing actions that adversely impact fish and wildlife species and fish and wildlife habitat would be avoided where possible. Where unavoidable disturbances would be required, the BLM and USFS would follow current agency policy regarding application of appropriate minimization and mitigation measures."

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A.31-3	<p>The Agencies Must Manage All Flora and Fauna Recognized in the Monument Proclamation to Prevent Any Decline of On-site Populations and Provide for their Restoration.</p> <p>Even if the Trump proclamation was lawful, which it is not, the preferred alternative (Alternative D) does not comport with the requirements imposed by the monument designation to protect and restore the wildlife objects of the two monument “units.” Regardless of whether these species are recognized as special status species or species of conservation concern, or are listed under the Endangered Species Act, the proclamation, and therefore the Antiquities Act, independently require that these species and their habitats be managed to ensure their presence and restoration within the monument. The agencies cannot assume that existing land use plan provisions pursuant to the Federal Lands Policy and Management Act or National Forest Management Act necessarily ensure that the presence of the wildlife or vegetation in question will be maintained and restored across the monument lands in a way that reflects the overall values of the proclamation. Furthermore, in light of the importance of habitat corridors and maintaining connectivity between populations, ensuring such preservation and restoration of wildlife and vegetation may require special management of lands outside the monument bounds to provide for the necessary conditions within the monument boundaries. Finally, the agencies’ evaluation should necessarily turn on credible scientific information, and should include careful consideration of the impacts of climate change on the species and their habitats. As explained in detail in our comments submitted with The Wilderness Society and others, for multiple wildlife protected as “objects” of the monument, the preferred alternative allows for adverse impacts to wildlife objects without regard for whether those impacts are consistent with maintaining and restoring the presence and abundance of those species on the monument lands to ensure that the wildlife “objects” are present on those lands for generations to come. For ESA listed species, even if the impacts comported with the standards of the ESA to conserve the species as a whole, that would not necessarily satisfy the separate and more specific requirement imposed by the monument designation and Antiquities Act to specifically preserve and enhance the populations of those species on the portion of their range within the monument lands. The Agencies therefore cannot assume that future consultations on individual projects will necessarily ensure that the distinct preservation and restoration standard imposed by the monument proclamation will be satisfied. Similarly, the no action alternative and Alternative C are unacceptable because they again fail to ensure that impacts to wildlife “objects” will be consistent with the mandate to protect and restore the populations specifically on the lands within the monument. As detailed in our other comments, although Alternative B is the closest to meeting the standard required by the monument designation, there are a number of areas where even that alternative is less protective than required to ensure that the populations for the wildlife “objects” are not only preserved but affirmatively restored. Further, the Agencies have failed to consider management of the excised areas that may be necessary to ensure wildlife “objects” within the two units in question are preserved and restored.</p>	<p>See response to ALT-4. The proclamations do not provide the affirmative mandate described in the comment to manage all flora and fauna recognized in the BENM proclamations to prevent any decline of on-site populations and provide for their restoration. Presidential Proclamation 9558 makes it clear that the BLM and USFS have discretion in determining the appropriate management for lands within the BENM to provide for the proper care and management of Monument objects and values. Proclamation 9558 states, “For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate.” Multiple factors affect wildlife populations, including land management and natural population cycles, drought, and other factors beyond the control of the agencies.</p> <p>The MMPs/EIS analyzes a range of alternatives to protect natural resources in the BENM. All activities authorized by the BLM and USFS in the BENM must be consistent with the proper care and management of Monument objects and values.</p> <p>Climate change can be addressed through adaptive management and monitoring requirements across all action alternatives as described in Appendix M of the MMPs/EIS. Climate change is also addressed in Appendix I of the MMPs/EIS and in Section 2.1.2.1.10 of the AMS.</p>
A.75-50	<p>For reference, a recent report mapped the ecological objects that were named in the Proclamation within the Monument’s original boundaries and found that “most areas of BENM are potentially suitable for high numbers of ecological objects . . .”<sup>32</sup> The Proclamation requires that “[f]or purposes of protecting and restoring the objects . . .the Secretaries shall jointly prepare a management plan.”<sup>82</sup> Fed. Reg. 1143(emphasis added). Thus, regardless of whether these species are recognized as special status species or species of conservation concern, or are listed under the ESA, the Monument’s Proclamation, and therefore the Antiquities Act, independently require that these species and their habitats be managed to ensure their protection and restoration within the Monument.</p> <p>The agencies’ selection of Alternative D would wantonly fail to protect and restore the species identified as Monument objects. Within the Planning Area, the Draft MMP acknowledges that the agencies’ preferred alternative would cause severe ecological degradation and would have more adverse direct and indirect effects on wildlife compared to other alternatives, especially Alternative B, although, as mentioned in Section I(A) above, none of the alternatives adequately protect, let alone work to restore,</p>	<p>See responses to A.31-3 and OOS-4. The BLM and USFS have reviewed the types of activities that impact wildlife within the BENM and have found that the action alternatives outlined in the MMPs/EIS would adequately provide for the proper care and management of Monument objects and values. Section 3.20.2.2 of the MMPs/EIS discusses the beneficial effects that vegetation treatments have on wildlife species and habitat by promoting growth of native flora that provide forage.</p> <p>BMPs that benefit wildlife, cultural resources, and other resources are described in Appendix I of the MMPs/EIS, and additional BMPs that protect wildlife habitat have been added to the Proposed MMPs/Final EIS. Appendix J of the MMPs/EIS also identifies stipulations for</p>



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	<p>the Monument's objects. For example, Alternative D fails to decrease the designated routes available for OHV or mechanized recreation which, along with more intense recreational activities and ROW development, subjects numerous species, including deer and elk, to harmful disturbance. See Draft MMP 3-96, 97. The Draft MMP also notes that Alternative D would have severe impacts due to its management activities affecting riparian areas, stream habitat, and water quality and quantity. Id. at 3-100. Alternative B, by managing large areas of the Planning Area for wilderness characteristics and closing certain designated OHV routes, would better protect monument wildlife, but it too allows activities, such as ROW development and widespread OHV use, that will inhibit wildlife protection and restoration. Id. At 3-96, 97.</p> <p>The Draft MMP also acknowledges that continued management of areas around the Planning Area under the Monticello RMP and Manti-La Sal LRMP would allow for developments including oil and gas development, timber harvest, recreation, grazing, OHV use (Id. at 3-110), mineral development, and ROWs (Id. at 3-111) that could result in cumulative effects within the Planning Area. The Draft MMP acknowledges that these developments would potentially contribute cumulatively to impacts on riparian, wetland, and water resources (Id. at 3-110), soil resources, within and outside the Planning Area. These resources are components of wildlife habitat and their degradation would necessarily have negative effects on wildlife generally. The Draft MMP explicitly admits that these developments would have the potential to negatively impact habitat for wildlife. Id. at 3-111. Lands outside of the Planning Area should be managed for the protection of Monument objects in accordance with the original Bears Ears Proclamation in order to properly protect wildlife within the new reduced Monument boundaries as well as the original boundaries.</p> <p>At base, the Draft MMP time and again admit the serious harm that could occur to wildlife, especially under Alternative D, yet nowhere do the agencies meaningfully explain how they will comply with their duties to protect and restore wildlife identified as Monument objects. The Draft MMP essentially outlines the harms it will cause to flora and fauna, and then shrugs its shoulders as to its obligations to the many unique and wonderful plants and animals that call Bears Ears home. Such dereliction of duty is arbitrary and capricious and directly contradicts some of the very reasons the Monument was established.</p>	<p>ground-disturbing activities that would further benefit wildlife, cultural resources, and other resources.</p> <p>Additionally, the analysis contained in the MMPs/EIS is at the programmatic planning level. Analysis of potential impacts on wildlife and Special Status Species is required for every site-specific, implementation-level action. This implementation-level planning would be subject to site-specific environmental review that would include consideration of alternatives, direct, indirect, and cumulative impacts, consultation with USFWS when applicable, and mitigation as appropriate to address impacts. Appendix J contains specific stipulations for surface disturbing activities for special status species.</p> <p>The BLM's travel management planning process must consider potential impacts on other resources (BLM Handbook H-8342).</p>
A.16-7	<p>The Climbing Organizations support the provisions in Alternative B where the agencies temporarily close areas to recreational activities with "active raptor nesting" according to the current best practices for developing temporo-spatial restrictions. Best practices include opening nesting areas once birds have fledged or have not established a nest site successfully. The agencies should also consider implementing a climber volunteer program to monitor for nesting.</p>	<p>See response to ALT-1. Management of climbing routes within cliff-nesting raptor habitats will be implemented as described in Appendix H <i>Best Management Practices for Raptors and Their Associated Habitats in Utah</i>. Decisions about potential volunteer monitors do not require a land use plan decision.</p>
A.14-21	<p>The goal of BLM's land management and its impacts to wildlife should be to achieve and maintain natural populations, population dynamics and population distributions. Management actions should be taken to protect and preserve the biodiversity, integrity and population viability of wildlife. BLM actions should preserve the integrity of wildlife corridors, migration routes, and access to key forage.</p>	<p>The BLM's and USFS' goals and objectives outlined in Section 2.4.15 of the MMPs/EIS include many statements similar to those made in the comment. The range of alternatives analyzed in the MMPs/EIS include protections for wildlife species and habitat (Section 2.4.15).</p>
A.53-15	<p>NPCA and the Coalition recommend the agencies provide the strongest protections possible for the wildlife inside and adjacent to the monument. Fortunately, to date, negative impacts on wildlife have been minimal in the Indian Creek Unit because it has remained mostly natural with minimal development. Any increase in development or human activities through the DMMP could result in increased harm and disturbance to wildlife. The Preferred Alternative D, as well as Alternatives A and C include management prescriptions that would jeopardize wildlife directly (through noise or physical contact) or indirectly (by damaging their habitat). Examples of impacts to wildlife in the DMMP include OHV use and ROW development, both of which can lead to excessive noise and fragmentation or destruction of important habitat. Increases in noise levels (relative to ambient noise levels) are generally considered a detriment to wildlife. The agencies point out that "noise increases can lead to panic responses in wild populations of ungulates (Weisenberger et al. 1996), which requires energy</p>	<p>The commenters accurately note that the lands within the Planning Area have remained mostly natural with minimal development, but overstates the threats posed by the alternatives considered in the MMPs/EIS. The MMPs/EIS analyzes a range of alternatives to protect natural resources in the BENM. These alternatives include avoidance and minimization measures to reduce potential impacts on wildlife and wildlife habitats from other land uses. As outlined in the alternatives considered in the MMPs/EIS, activities authorized by the BLM and USFS in the BENM must be consistent with the proper care and management of Monument objects and values.</p>

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	from the animals and can put them at health risk, especially during years of drought, where resources may be more limited and energy conservation would be considered much more valuable” (DMPP 3-97). Development and OHV’s can also be vectors to the introduction and proliferation of invasive and noxious plant species. More directly, roads and OHV use can result in direct injury and/or mortality of big game species through collision.	
A.95-4	Additionally, we are concerned about impacts on science and objects of scientific importance from the following: • Wildlife, including special status and endangered species – We are particularly concerned that the agency is making a habit of moving ahead with activities that they admit will have great impacts on key species and wildlife habitat. The BLM acknowledges that “The greatest potential impacts [to special status riparian species] would occur under Alternative D” and yet moves forward with the activities identified as in conflict with those species and their habitat. Experts in the fields of wildlife biology and ecosystem conservation, including Defenders of Wildlife, National Wildlife Federation and the Center for Biological Diversity, have detailed concerns with the proposed plans and we encourage the agency to respect their concerns and incorporate their input in any future management.	See responses to A.53-13 and A.75-50.

### 3.26 Woodlands and Forestry

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WOOD-1	<p><b>The BLM and USFS should not allow logging in the BENM.</b></p> <p>Sample comment: Bears Ears Monument should not be cut down, torn in half, renamed or anything else to allow mining of oil, uranium, and trees cut down.</p> <p>Sample comment: it concerns me that opening Bears Ears to mining, logging, drilling, and more. is just a shameless gift to dirty fuel industries at an irreplaceable and irreversible cost and loss to future generations of Americans that would not be able to enjoy this special place. It is shameless and irresponsible and not what National Parks are meant to be. They are to be protected as our National Heritage.</p> <p>Sample comment: Native Americans consider these lands to have great significance, much like we consider our own churches, battle fields, and historic sites to be extremely important. Not to mention the great ecological value that Bears Ears holds along with tourism and recreational opportunities. Please don't be so short sighted by allowing drilling and logging in Bears Ears.</p> <p>Sample comment: Do not allow mining and logging or grazing in Bear's Ears.</p>	The range of alternatives analyzed in the MMPs/EIS (Section 2.4.16) include varying levels of land open to forestry and woodland product harvest. Under all alternatives, USFS-administered lands would be designated as unsuitable for timber production and would be withdrawn from that use. This would not preclude pre-commercial and commercial treatments to meet other resource objectives. On BLM-administered lands, commercial forestry and woodland product harvest would not be allowed. Private woodland harvest would be conducted within appropriate locations and with appropriate measures to provide for the proper care and management of Monument objects and values.
68054-1	Continue to allow livestock grazing and firewood gathering as well as hunting is good policy.	The range of alternatives analyzed in the MMPs/EIS include allowing livestock grazing and firewood gathering in the BENM. Hunting in the BENM is regulated by the State of Utah. The range of alternatives considered in the MMPs/EIS would not restrict hunting in the BENM.
A.41-10	All alternatives prohibit commercial woodland harvest on BLM-administered lands even though fuel treatment projects are allowed as needed. <sup>20</sup> It is foreseeable that fuel treatment projects could be carried out through commercial operations. At a minimum, people should be allowed to cut more wood than needed for personal which would provide limited opportunities for locals to sale harvested wood. Although unlikely, an alternative should cover this possibility.	The range of alternatives analyzed in the MMPs/EIS include allowing commercial and private woodland harvest in the BENM (Section 2.4.16.2). Commercial harvesting is prohibited under all action alternatives; however, on USFS-administered lands within the BENM, the prohibition on commercial harvest “would not preclude pre-commercial and commercial treatments to meet other resource

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A.41-11	<p>Additionally, the EIS is silent as to whether or not private and commercial pinyon nut collection will be allowed within the monument. Both private and commercial pinyon nut gathering is an important activity that provides economic activity in the planning area. In order to provide a full range of alternatives, an alternative should analyze small scale commercial pinyon nut gathering that could supplement incomes throughout the area. The final EIS does allow seed gathering "dependent upon annual seed production".<sup>21</sup> However, it is unclear whether or not this applies to pinyon nut gathering. Further clarification will provide the management guidance that is needed for this important multiple use activity.</p>	<p>objectives" (Section 2.4.16.2). The prohibition of commercial woodland product harvest would not preclude fuel treatments projects that are completed through commercial operations.</p> <p>Per BLM policy, pinyon nut collection is addressed as a forest product in Woodland and Forestry (Section 2.4.16 and 3.21). The alternatives analyzed in the MMPs/EIS allow private forest product harvesting in the BENM (refer to Section 2.4.16.2 of the MMPs/EIS). Commercial harvesting is prohibited under all action alternatives in the BENM. Additional information is available in Appendix K.</p>
A.47-38	<p>Another impact concern is the inadvertent (or intentional) destruction of historic and prehistoric wooden structures for firewood collection. This has happened before in places like Comb Ridge/Butler Wash. The Comb Ridge SRMA and the Trail of the Ancients RMZ would be areas to prohibit firewood collection for this very reason. We support a final alternative that responds to this threat by requiring firepans in Comb Ridge and the Trail of the Ancients RMZ.</p>	<p>The alternatives considered in the MMPs/EIS would not designate a Comb Ridge SRMA. Destruction of cultural resources for firewood collection is prohibited by federal law and can be addressed by the agencies through law enforcement and promotion of "visit with respect" principles. Additionally, as described in Section 2.4.7.2 of the MMPs/EIS, an implementation-level Recreation Area Management Plan/Business Plan would be developed for the BENM within 3 years following the cultural resources management plan. The implementation-level plan would use the following criteria for determining whether the agencies should identify and restrict camping to designated dispersed campsites and or areas or developed campgrounds:</p> <ul style="list-style-type: none"> <li>• There are conflicting resource impacts that cannot be mitigated (e.g., cultural resources, visual, wildlife impacts).</li> <li>• There are recurring issues with human waste, trash, campfires, and expanded disturbance that are best addressed through additional management.</li> </ul> <p>The development of the implementation-level Recreation Area Management Plan/Business Plan would provide the agencies with the opportunity to close specific campsites or implement additional restrictions on camping and campfires that may be necessary to address potential site-specific impacts and provide for the proper care and management of Monument objects and values. This could help the agencies address firewood collection in sensitive areas.</p>
A.71-26	<p>Firewood gathering should continue under current management prescriptions and then be subject to such provisions as adopted in the management plan.</p>	<p>The range of alternatives analyzed in the MMPs/EIS include allowing firewood gathering in the BENM. Under all alternatives, the agencies would provide for use by American Indians and affected communities of potential traditional cultural properties (TCPs), American Indian sacred sites, cultural landscapes, and traditionally significant vegetation and forest products.</p>

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A.71-31	UDB is actively carrying out extensive firewood research across BENM with the University of Utah and the Navajo Nation. Preliminary data and recommendations are available on request.	Comment noted. The BLM and USFS have contacted Utah Diné Bikéyah regarding preliminary data and recommendations indicated in the comment.
A.31-2	The preferred alternative includes numerous provisions that will cause more harm to the monument objects of the Shash Jáa and Indian Creek areas than allowed for by the current management under the Monticello RMP and Manti La-Sal National Forest Plan. It is arbitrary and capricious, and in violation of the obligations of the Agencies to manage those lands in accordance with the mandate to provide for the care and restoration of the monument objects to reduce protections for the objects subsequent to their designation as part of a monument under the Antiquities Act. The preferred alternative opens more than 50,000 additional acres to "private woodland product harvest" beyond the no action alternative. See DEIS at ES-11. Whereas the no action alternative leaves 82,720 acres open to private harvest, the preferred alternative increases that to 136,205 acres. Id. The preferred alternative also increases the areas with highly erodible soils that will be available for grazing. See DEIS at ES-10 (11,417 acres under no action alternative compared to 25,533 acres under the preferred alternative). The preferred alternative also increases the areas with highly erodible soils open to woodland harvest (15,321 acres under no action alternative; 21,534 acres under the preferred alternative). Further, the preferred alternative actually reduces the total acreage of lands with wilderness characteristics from which ROWs will be excluded. See DEIS at ES-8. With regard to impacts on wildlife, the preferred alternative allows slightly less surface disturbance acreage than no action alternative, but notes that the locations of the disturbance could make the total impact of surface disturbing activities worse for the affected species. See DEIS at ES-10. It is irrational and not in accordance with the Antiquities Act or governing proclamations to use a monument management plan to lower the protection that the lands would otherwise receive under the pre-existing land management plans. The whole purpose of monument designation is to prevent any further deterioration of the monument objects and provide for the restoration of the objects. Reducing protections by allowing more grazing and woodland harvest in areas where the soils are most vulnerable to erosion and allowing surface disturbing activities in locations where wildlife may be highly sensitive does not comport with the obligation to protect and restore the affected objects, including but not limited to the biological objects of the monument units.	The mapping of the woodland harvest alternatives and subsequent calculations in the Draft MMPs/EIS contained an error that resulted in the appearance that the agencies would permit woodland harvest in areas currently closed to this use. However, the text in Section 2.4.16 of the Draft MMPs/EIS was correct. This error has been corrected in the Proposed MMPs/Final EIS.  The comment erroneously states that the alternatives considered in the MMPs/EIS would "lower the protection [of] the lands" from the 2008 Monticello RMP and 1986 Manti-La Sal LRMP, when in fact the proposed alternatives provide additional protections for resources on BLM- and USFS-administered lands. Examples of additional protections include more restrictive visual resource management, considering removing livestock grazing and allowable OHV uses, implementing new stipulations for surface disturbing activities, withdrawal from mineral entry, a new Monitoring Strategy and Cultural Resources Monitoring Framework, removal of commercial woodland product harvest, and designation as unsuitable for timber production.
A.56-36	[MMPs/EIS Section 2.4.16.3, Table 2-16] Point 4, Alternative D: "No private-use woodland harvest in the following areas... The following archaeology sites: Doll House Ruin and Moon House Complex" This list seems excessively scant. Considering the scientific and cultural value of wood in archaeological sites and the acknowledgment of misunderstandings of what constitutes cultural resources (example the dismantling of a historic indigenous structure for fire wood), as the preferred alternative, this list should be significantly expanded (Alternative C is preferable as wood harvesting relates to cultural resources).	See responses to A.31-2, A.47-38, and ALT-2. The decisions referenced in the comment are intended to further reduce the areas that were identified as open for woodland product harvest in the 2008 Monticello RMP. The wording of these decisions has been revised and re-mapped to clarify that these closures are in addition to the areas that were identified as open/closed in the 2008 Monticello RMP.
A.21-5	Limiting woodland harvesting to private use only is to be applauded, but then to increase the acreage available will only increase the likelihood that woodcutters will inadvertently damage cultural resources	See responses to A.56-36 and A.31-2.
236877-3, 236926-4	Regarding woodland harvest within the monument; only private harvest should be allowed (ES-11).	Under all action alternatives analyzed in the MMPs/EIS, only private harvest of woodland products would be allowed on BLM-administered lands in the BENM. Commercial harvest to support resource goals and objectives would be allowed on USFS-administered lands in the BENM.

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A.58-10	Roads and two tracks required for woodland harvest not only fragment habitat, they drive away wildlife populations that require the secure cover of forests. Further, the use of chaining can have lasting impacts on cultural and natural resources in the area. It is nonsensical that BLM would choose an alternative that, as compared to the previous land management plan, opens more acres to woodland harvest on lands that are designated as national monuments. This is in direct contravention to the purpose of the Antiquities Act.	The mapping of the woodland harvest alternatives and subsequent calculations in the Draft MMPs/EIS contained an error that resulted in the appearance that the agencies would permit woodland harvest in areas currently closed to this use. However, the text in Section 2.4.16 of the Draft MMPs/EIS was correct. This error has been corrected in the Proposed MMPs/Final EIS.
236922-4, 236923-4	Timber management should be limited to wood cutting for tribal members and BLM/FS initiated projects with the priority of supporting a healthy ecosystem.	The MMPs/EIS analyzes a range of management actions addressing woodland harvest that includes Tribal use and other private use. Opportunities to collect firewood is identified as a Monument value (Appendix A of the MMPs/EIS). The BLM and USFS must manage the BENM to provide for this value consistent with the proper care and management of other Monument objects and values.

## **4 OUT-OF-SCOPE COMMENTS**

Several commenters submitted comments that addressed issues and concerns that are outside the scope of the development of the MMPs. These issues and concerns included requests that the BENM boundaries be returned to the boundaries set forth in Presidential Proclamation 9558; requests that an alternative be considered that manages for the BENM boundaries set forth in Presidential Proclamation 9558; requests that mining be prohibited within the boundaries set forth in Presidential Proclamation 9558; comments that expressed support or opposition to legislation regarding the BENM; suggestions to add specific areas to the BENM; suggestions that the BENM be designated as a national park; and suggestions that the BLM and the USFS prioritize the development of clean and renewable energy sources. Comments that were beyond the scope of the development of the MMPs also included suggestions that the BLM and the USFS analyze the impact of reducing the size of the BENM; requests that the BLM and the USFS protect wild horses; suggestions about what groups should be represented on the Monument Advisory Committee; suggestions regarding management of specific areas or resources outside the BENM; requests that the Planning Area not be designated as a national monument; and suggestions regarding staffing of the BENM. Specific out-of-scope comments that the BLM and the USFS determined warranted an individual response are presented in the table below.

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OOS-1	<p><b><i>The BLM and USFS should recognize the boundaries of the BENM established in Presidential Proclamation 9558.</i></b></p> <p><i>Sample comment:</i> Shash Jaa ACEC: The recently-issued Presidential Proclamation No. 9681, 82 Fed. Reg. 58081 (Dec. 4, 2017), which claims to modify the boundaries of the monument and alter the management requirements set forth in the 2016 proclamation, is illegal action without either constitutional or statutory authority. Because the 2017 Presidential Proclamation is unlawful, BLM must continue to abide by the 2016 Monument Proclamation.</p> <p><i>Sample comment:</i> The Monument must be retained with its original boundaries as designated by President Obama. The proposed major reduction in size is illegal under law, and the court will confirm this.</p> <p><i>Sample comment:</i> The original Bears Ears monument must be preserved in tact because of its unmatched historic, paleontologic, archeologic, and ecologic significance. The destruction of this area by drilling, mining, and off-road vehicles would be a sin that cannot be corrected. It is time for greed to take a backseat to preservation of this sacred area for future generations.</p> <p><i>Sample comment:</i> Abandon your new plans and re-establish protections for these cultural and natural landscapes inside the original boundaries of Bears Ears and Grand-Staircase-Escalante.</p> <p><i>Sample comment:</i> The planning process is illegal. The courts will need to decide if the changes to the original Grand Staircase-Escalante National Monument and the Bears Ears National Monument are even legal. Until then the Bureau of Land Management should not be moving ahead with these plans. Instead, BLM should abandon these plans and re-establish protections for the cultural and natural landscapes within the original boundaries of the two monuments.</p> <p><i>Sample comment:</i> I strenuously oppose the proposed draft management plans for Bears Ears and Grand Staircase-Escalante National Monuments and demand that the original boundaries be restored.</p> <p><i>Sample comment:</i> The BLM must include an alternative to cover the full 1.35 million acres of Bears Ears National Monument as designated in 2016.</p>	<p>The BLM and USFS are conducting planning for the BENM according to the boundaries described in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, because there has been no judicial determination that Presidential Proclamation 9681 is unlawful. Section 2.3 of the MMPs/EIS explains that a larger Planning Area was considered but dismissed from detailed analysis because it would not meet the BLM's and USFS's need to complete MMPs for the Monument, as required by Presidential Proclamation 9558, as modified by Presidential Proclamation 9681.</p>
OOS-2	<p><b>The reduction of the BENM boundaries is unlawful.</b></p> <p><i>Sample comment:</i> the Antiquities Act does not provide a provision that allows the overturning of national lands by previous presidents. This is an unfair reading of the act. I hope you will work to preserve these precious monuments.</p> <p><i>Sample comment:</i> The management plan proposed for these areas is illegal since the reduction to both national monuments ordered by President Trump on December 4, 2017 is in direct violation of the 1906 Antiquities Act. Congress enacted the law in 1906, granting presidents the authority to create national monuments on federal lands to protect significant natural, cultural, historic or scientific features. The Antiquities Act does not, however, grant presidents the authority to diminish or rescind the monument designations of their predecessors. The Congressional Research Service has found that the Antiquities Act does not authorize the President to repeal national monument designations. Only Congress has that authority. Numerous legal scholars have reached the same conclusion. In fact, the process by which both of these national monuments were reduced was tainted.</p> <p><i>Sample comment:</i> The Antiquities Act was passed by Congress and signed into law by the great Theodore Roosevelt in 1906. The law gives the President of the United States the authority to, by presidential proclamation, create national monuments from federal lands however it says NOTHING about taking land away from a monument. Reducing the size of Bear Ears and Grand Staircase so that the land can be tied up in fossil fuel contracts is completely unprecedented and very much a clear violation of the Antiquities Act!</p> <p><i>Sample comment:</i> The plan for these two monuments is outrageous. They provide no protection to the land involved. The president is authorized to create national monuments under the Antiquities Act. There is no</p>	<p>There has been no judicial determination that Presidential Proclamation 9681 is inconsistent with the Antiquities Act or other U.S. law.</p>

Letter #-Comment # or Public Concern Statement #	Comment	Response
	<p>provision in the law for a later president rescinding the monument status. This action is illegal and will be stopped in court.</p> <p><i>Sample comment:</i> Only Congress can legally take action on national monuments, so Trump is acting illegally in shrinking Bears Ears to benefit mining and energy interests over the majority of the American people.</p>	
OOS-3	<p><b>Do not allow mining within the original BENM boundary.</b></p> <p><i>Sample comment:</i> Do not allow any mineral or oil exploration or extraction on the entire (as defined in Presidential Proclamations dated September 18, 1996 and December 28, 2016) Grand Staircase and Bears Ears National Monuments.</p> <p><i>Sample comment:</i> I urge the administration to protect this national monument, not cut its size and open it up to drilling, mining and other development.</p> <p><i>Sample comment:</i> I am writing to urge a conservative approach to management of the portions of Bears Ears NM which were carved out, by a legally disputed executive order. It appears that the design of the dramatically reduced boundaries was specifically to put development and mineral extraction first among the management priorities for these lands, which belong to all Americans. I strongly believe that most of my fellow title holders would not agree that “energy dominance” should be the guiding management principle.</p> <p><i>Sample comment:</i> It appears that the design of the dramatically reduced boundaries was specifically to put development and mineral extraction first among the management priorities for these lands, which belong to all Americans. I strongly believe that most of my fellow title holders would not agree that “energy dominance” should be the guiding management principle.</p> <p><i>Sample comment:</i> Please respect the land of our first people in the US. Do not allow drilling g or mining in the area of Bear Ears that was previously protected as a National Monument.</p> <p><i>Sample comment:</i> Please do not to finalize or approve any plan that would allow mineral extraction on the land formerly protected under Bears Ears National Monument.</p> <p><i>Sample comment:</i> I deplore plans by the current administration to open land around Bear's Ears National Monument to uranium mining, a process that will degrade and even destroy this priceless natural landscape for future generations</p>	<p>See responses to OOS-1 and OOS-4. All lands in the BENM are withdrawn from mineral entry, subject to valid existing rights. Lands excluded from the BENM by Presidential Proclamation 9681 are managed as directed by the 2008 Monticello RMP and 2018 Manti-La Sal LRMP.</p>
OOS-4	<p><b>The BLM and USFS should protect resources within the original BENM boundary, or consider an alternative in the MMPs/EIS that would plan for the BENM boundaries established in Presidential Proclamation 9558.</b></p> <p><i>Sample comment:</i> Please protect the priceless cultural treasures and natural resources within the original monument boundaries.</p> <p><i>Sample comment:</i> Protect ALL of the special values &amp; resources within the original boundaries of Bears Ears &amp; Grand Staircase-Escalante National Monuments &amp; ALL OTHER NATIONAL MONUMENTS &amp; PARKS.</p> <p><i>Sample comment:</i> All areas of the original park should be protected from artifact removal and stiff penalties should be enforced upon people or organizations that seek to remove any objects of historical or cultural significance.</p> <p><i>Sample comment:</i> Bears Ears - the entire original area- and all national monuments should be closed to resource extraction and protected. NO MINING, NO LOGGING, NO GRAZING</p> <p><i>Sample comment:</i> Particularly, remote wilderness areas removed from monument protection such as Grand Gulch, Fish/Owl canyons, Wahweep Hoodoos, etc., should remain remote wilderness areas. These places are the few left where one can experience solitude. We need these places to be able to get away from our mechanized horrors, bustling crowds, and cellphone service. And these places will only become more valuable with time. It is imperative that Grand Gulch remains only accessible by those willing to walk it's length. It is imperative that the Wahweep access road remain closed to preserve the delicate</p>	<p>See response to OOS-1. The BLM and the USFS have a statutory duty to manage the lands excluded from the BENM pursuant to the multiple-use and sustained yield mandates of FLPMA and the NFMA, while protecting natural and cultural resources. Because the lands excluded from the BENM by Proclamation 9681 are managed pursuant to the multiple-use and sustained yield mandates of FLPMA and the NFMA, the agencies have determined that there are not changed circumstances related to designation of a National Monument that warrant the revision of the land use plan for the management of these lands. Therefore, lands excluded from the BENM will continue to be managed consistent with the existing 2008 Monticello RMP and 1986 Manti-La Sal LRMP.</p> <p>An alternative analyzing management of all lands within the original boundary of the BENM would not meet the purpose and need of Federal action being analyzed, which are described in Section 1.2 of the MMPs/EIS.</p>



Letter #-Comment # or Public Concern Statement #	Comment	Response
	<p>hoodoos. It is imperative that Fish/Owl canyons are limited to foot traffic only, so the ruins and rock art are not shot full of holes and degraded like so many other sites.</p> <p><i>Sample comment:</i> Instead of rushing the process, the BLM must meaningfully engage Native American tribes in the development of a management plan for the entire Bears Ears cultural landscape, not just the shrunken monument units.</p> <p><i>Sample comment:</i> Further, it is essential that the management plan protect cultural and paleontological sites and objects across the entire Bears Ears landscape, not just the 15% of Bears Ears remaining within the smaller boundaries established by President Trump's proclamation. Many sites within the larger Bears Ears boundary still await discovery. The management plan must ensure that all these areas are protected from resource extraction, motorized use, and other incompatible uses.</p>	
OOS-5	<p><b>The BLM and USFS should support or oppose legislation introduced into the United States Congress that would affect the management of the BENM.</b></p> <p><i>Sample comment:</i> I oppose HR 4532 and support HR 4518 and S. 2354. Please place Grand gulch back in the monument; get the cattle out and keep Native Americans involved in the decision making process!</p> <p><i>Sample comment:</i> HR4532 would eliminate the Tribes ability to co-manage the protected area. 4532 was not developed with consultation with the Indian Tribes most impacted and would in fact cut out three of five Tribes with ancestral ties to Bears Ears. HR 4532 undermines and violates US Treaty Trust and government to government relationships with impacted Tribes.</p>	<p>Support or opposition for legislation that would affect the management of the BENM is beyond the scope of the development of the MMPs/EIS.</p>
OOS-6	<p><b>The BLM and USFS should add areas to the BENM.</b></p> <p><i>Sample comment:</i> In order to protect what the original monument was meant to protect, the original boundaries of Bears Ears National Monument should be restored, and the following areas should be added to the national monument: Red Canyon, Steer Pasture Canyon, Black Mesa, and Black Steer Knoll.</p> <p><i>Sample comment:</i> restore Grand Gulch to the monument</p> <p><i>Sample comment:</i> I oppose HR 4532 and support HR 4518 and S. 2354. Please place Grand gulch back in the monument; get the cattle out ; and keep Native Americans involved in the decision making process!</p> <p><i>Sample comment:</i> Restore Bear Ears National Monument to its original size. In fact the original boundaries were inadequate. The area should be expanded from its original boundaries to include all of Red Canyon &amp; all of the Hatch Point Area including the area above the rim where the road is.</p>	<p>The BLM and USFS are conducting planning for the BENM according to the boundaries described in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. Only the U.S. Congress or President has the ability to add areas to a National Monument.</p>
OOS-7	<p><b>The BLM and USFS should protect wild horses.</b></p> <p><i>Sample comment:</i> I urge use to please tell the BLM to leave ALL our western wild horses alone.</p> <p><i>Sample comment:</i> Stop rounding up and killing innocent horses.</p> <p><i>Sample comment:</i> Please I ask don't target the historic wild horses and burros from their designated lands I mean they didn't ask for to be removed because of some are upset about where they came from. Please don't blame the beautiful horses and burros because they do deserve to live. Let them roam the gorgeous places. Let them live their life to the fullness and did you know that they do help keep the wildfires down by eating the grass and all ? Please help us to protect all wildlife animals too.</p>	<p>There are no wild horse or burro herds in the BENM Planning Area.</p>
OOS-8	<p><b>The BENM should be a national park.</b></p> <p><i>Sample comment:</i> Please consider making the area a national park.</p> <p><i>Sample comment:</i> Keep Bears Ears intact as a national park.</p> <p><i>Sample comment:</i> There should be plans for the entire original monument landscape being preserved as wilderness and national park for the benefit of all current and future Americans.</p>	<p>Only the U.S. Congress has the authority to create new National Parks.</p>

Letter #-Comment # or Public Concern Statement #	Comment	Response
OOS-9	<p><b>Develop clean/renewable energy alternatives to fossil fuels.</b></p> <p><i>Sample comment:</i> Instead of ruining America's landscape, heritage and monuments, focus on clean energy and fuels to move America into a sustainable future for everyone!</p>	Energy policy is outside the scope of the BENM planning process.
OOS-10	<p><b>The BLM and USFS must analyze the Impacts of Presidential Proclamation 9681 modifying the boundaries of the BENM that were identified in Presidential Proclamation 9558.</b></p> <p><i>Sample comment:</i> However, in refusing to consider the environmental impacts of shrinking the monument's boundaries, the agencies have violated their responsibilities under the National Environmental Policy Act (NEPA). First, NEPA regulations require agencies to consider "reasonable alternatives not within the jurisdiction of the lead agency."<sup>4</sup> As the U.S. Court of Appeals for the District of Columbia Circuit explained soon after NEPA took effect, "Congress contemplated that the Impact Statement would constitute the environmental source material for the information of the Congress as well as the Executive."<sup>5</sup> Environmental impact statements are "not only for the exposition of the thinking of the agency, but also for the guidance of these ultimate decision-makers," like Congress, who have power to take action outside the strict purview of individual agencies.<sup>6</sup> In this case, the agencies' responsibility to inform Congress through their environmental impact statement is especially important, because the President alone lacks the power to diminish previous national monument designations. As explained in a recent article by Jayni Hein, only an act of Congress can legally alter the boundaries of a monument.<sup>7</sup> NEPA therefore requires the agencies to provide Congress with the information needed to assess the environmental impacts of altering the boundaries of the Bears Ears Monument as Proclamation 9681 and the draft Monument Management Plan now attempt.</p>	As described in 40 CFR 1580.12, the procedural requirements of NEPA apply to Federal agencies. The procedural requirements of NEPA do not apply to acts of Congress or the President. The federal action being analyzed in the MMPs/EIS is the potential BENM management plan, not the modification of the BENM boundary.
OOS-11	<p><b>The Monument Advisory Committee should include more Tribal representatives.</b></p> <p><i>Sample comment:</i> The proposed Monument Advisory Committee make-up would offer tribal members only 2 of 15 presumably equal voices. It is easy to anticipate that Tribal voices will be consistently outvoted on management decisions, and their input rendered meaningless. Again, because of the unique resources and origins of the Bears Ears monument area, Tribal input must be prioritized.</p> <p><i>Sample comment:</i> The two Tribal members on the proposed management team will have no effective power on a 15-member Monument Advisory Committee. The Bears Ears Monument Management Alternatives should include another management plan developed and approved by appointed members of the Navajo, Hopi, Uintah and Ouray Ute, Ute Mountain, and Zuni tribes.</p> <p><i>Sample comment:</i> All five nations must have a seat on the advisory board and heard equally.</p>	The Monument Advisory Committee is made up of a variety of stakeholders, including Tribal representatives. The BLM published a request for nominations for individuals to serve on the Monument Advisory Committee in the <i>Federal Register</i> on August 30, 2018. The <i>Federal Register</i> notice addresses the requirements for individuals to be considered for the Monument Advisory Committee. The purpose of the Monument Advisory Committee is for different stakeholders to provide information and advice to the BLM and USFS on BENM management decisions, but the BLM and USFS will have final decision-making authority over management decisions. Section 4.5 of the Proposed MMPs/Final EIS addresses the establishment of a Monument Advisory Committee for the BENM.
OOS-12	<p><b>The BLM and USFS should provide the Access Fund or another rock climbing representative a seat on the Monument Advisory Committee.</b></p> <p><i>Sample comment:</i> Either Access Fund, the national advocacy organization representing American rock climbers, or another local climbing representative should be given the "dispersed recreation" seat on the advisory committee.</p> <p><i>Sample comment:</i> Bears Ears is a world-class rock climbing destination, and rock climbers have proven to be responsible land stewards for several decades. Either Access Fund, the national advocacy organization representing American rock climbers, or another local climbing representative should be given the "dispersed recreation" seat on the advisory committee.</p> <p><i>Sample comment:</i> The Bears Ears is a mecca for climbing and rock climbers have proven around the world to be respectful stewards of the land. Either the Access Fund or another local climbing representative should be given the "dispersed recreation" seat on the advisory committee so that our concerns, our hobby, our passion, is given a voice.</p>	The Monument Advisory Committee is made up of a variety of stakeholders to address a variety of resource concerns, including concerns regarding recreation activities such as climbing. The BLM published a request for nominations for individuals to serve on the Monument Advisory Committee in the <i>Federal Register</i> on August 30, 2018. The <i>Federal Register</i> notice addresses the requirements for individuals to be considered for the Monument Advisory Committee. Section 4.5 of the Proposed MMPs/Final EIS addresses the establishment of a Monument Advisory Committee for the BENM.

Letter #-Comment # or Public Concern Statement #	Comment	Response
A.55-2	A major concern is whether the BLM and USFS resource base (e.g. personnel, vehicles, computers, etc.) will be increased to successfully implement the management plans and actions as presented in the MMP and EIS.	Administrative actions and funding for personnel and equipment to implement the MMPs are outside the scope of the MMPs/EIS analysis process and decision.
56833-1	Please don't remove protection on any land that is already under NPCA. There are lands & houses that shouldn't be added so consideration of leaving them in the states hands should be something to scrutinize.	There are no National Parks Conservation Association (NPCA) lands in the BENM.
A.71-8	Proclamation 9861 contains misleading information about legal protections that apply to lands outside its boundaries. Proclamation 9861 assumes that the lands of the original boundaries of the Bears Ears National Monument under Proclamation 9558, which have been eliminated by Proclamation 9861 have "specific protection" under "[a] host of laws enacted after the Antiquities Act." 82 Fed. Reg. 58082. This is factually incorrect and demonstrates fundamental flaws within Proclamation 9861 that render it inappropriate for management planning and guidance. For example (and this is not exhaustive), National Monument status affords substantive protections for cultural resources, whereas other federal laws, such as the National Historic Preservation Act (NHPA) only mandate procedural protections, leaving open the potential for no protection to be chosen by the agencies in the process. As the National Trust for Historic Preservation points out in its comments, lands designated as National Monuments require a management approach dedicated to conserving, protecting, and restoring nationally significant landscapes with "outstanding cultural, ecological, and scientific values for the benefit of current and future generations." 16 U.S.C. § 7202 (2009). Thus, cultural resources outside of Proclamation 9861 boundaries may be left entirely unprotected. In addition, Wilderness Study Areas (WSAs) do not afford permanent and primary protection of cultural resources. BLM policy considers cultural resource management within WSAs a "supplemental use." See WSA Policy Manual 6330 D.1. However, designation as a National Monument under the Antiquities Act requires that management be for "historic landmarks, historic and prehistoric structures, and other objects of historic and scientific interest that are situated upon the lands owned or controlled by the Federal Government [...]." 54 U.S.C. § 320301. Thus, Proclamation 9558, which established the Bears Ears National Monument, accurately designates the entire 1.35 million acre boundary as part of the National Monument under the Antiquities Act and does not mislead the public, as Proclamation 9861 does, into believing these cultural resources are already well protected under existing federal laws.	The specific language contained in Presidential Proclamation 9558 and Presidential Proclamation 9861 are beyond the scope of the development of the MMPs/EIS.
A.56-54	[MMPs/EIS Appendix D] UPAC would like to invite the BENM managers to present to our organization on monitoring strategies and methodologies.	Comment noted. The BLM will contact commenter when consultation begins on the cultural resources monitoring plan.
A.37-6	Chapter 1-Introduction-1.1-1-2. Presidential Proclamation 9681 modified BENM and proclamation 9558 - stating it "clarified" the original proclamation is an unwarranted conclusion.	Comment noted. No edits to the MMPs/EIS are necessary.
237057-1	I urge you to shrink more of or totally get rid of the Bears Ears monument altogether or let it be managed by the State of Utah. These lands have been protected just fine in the past by the local residents and the ranching communities, and would be better protected if they were not monument and overrun with tourists to ruin them. Please continue to manage these lands as they were managed for generations before making a monument out of them by the local communities.	The public lands in the BENM were managed by the BLM and USFS prior to the Presidential Proclamations 9558 and 9681 and will continue to be managed by the BLM and USFS under the approved MMPs.
237126-2	Furthermore the government agencies should impose restrictions on further development on the wilderness study areas and on the cultural resource areas in the entire original 1.35 million acre proposal until those areas left out of the new proposal can be inventoried and prioritized.	See response to OOS-4. Existing WSAs will continue to be managed as WSAs. Lands and the resources on them that were excluded from the BENM by Presidential Proclamation 9681 will continue to be managed consistent with applicable Federal laws and regulations as well as the existing 2008 Monticello RMP and 1986 Manti-La Sal LRMP.

Letter #-Comment # or Public Concern Statement #	Comment	Response
237035-1	There is no indication that the Tribes' request to be heard and the specific concerns they raised, have been taken into account during the planning process. The current draft describes a bare minimum of engagement with local Tribes, so as to satisfy the letter of Federal law, but no substantive engagement of Tribes' expertise or their concerns, and no role for them in the substantive planning process. I find this unacceptable, for the following reason: Bears Ears is distinctive among National Monuments, being the first created at the request of indigenous tribes, representative of whom worked together for many years on its establishment. The significance of Bears Ears goes beyond its value for outdoor activities, as it includes sites of great cultural significance for these Tribes. All Utahns can enjoy our public lands, but for people whose heritage is tied to those lands, the importance of protection is even greater. The proposed reduction of Bears Ears to 15% of the original protected area is currently being contested in the courts. While this matter is under contention, it is vital that the stake-holding tribes be consulted and included in the management of Bears Ears National Monument, and that consideration be extended to the original planned BENM (not only the 15% remainder).	See responses to PUBL-1 and OOS-4.
236880-4	Regarding the Monument Advisory Committee I believe two Native American representatives is inadequate. There should be one representative from each tribe as in the Intertribal Coalition: Navajo, Hopi, Ute Mountain Ute, Uintah and Ouray Ute, and Zuni. They have such a deep connection to the area and their voices deserve to be heard. They also have so much valuable input that would be definitely helpful moving forward in monument management plans. Also there needs to be a representative in the dispersed recreation activities group to also include a stakeholder that is not part of the hunting/shooting group, someone representing hikers, backpackers, horse packers etc (so 2 representatives in the Dispersed Recreation Activities group).	See responses to OOS-11 and OOS-12. Section 4.5 of the Proposed MMPs/Final EIS addresses the establishment of a Monument Advisory Committee for the BENM.
237047-3	MONUMENT ADVISORY COMMITTEE IS SKEWED The proposed composition of the Monument Advisory Committee is deliberately skewed to give a majority to pro-development interests and to minimize the influence of tribal, scientific, and environmental interests. This is not appropriate because the primary objective of a monument is to protect monument objects, not to maximize economic development.	The Monument Advisory Committee is made up of a variety of stakeholders to address a variety of resource concerns, including concerns regarding dispersed recreation activities. The BLM published a request for nominations for individuals to serve on the Monument Advisory Committee in the <i>Federal Register</i> on August 30, 2018 (83 FR 44302). The <i>Federal Register</i> notice addresses the requirements for individuals to be considered for the Monument Advisory Committee.
A.26-22	National Conservation Lands funds and other sources of BLM funding should be made available to appropriate projects selected by existing application procedures, in addition to other funding streams that may be available from other Federal and non-Federal programs. Owing to the joint management nature of BENM, NCL grant funding should be eligible for use on both BLM and non-BLM portions of the monument	Funding for the management of the BENM is beyond the scope of the development of the MMPs/EIS.
236918-2	The BLM should consider increasing protections and management for areas that are receiving increased visitation, including the Slickhorn and Grand Gulch drainages.	Grand Gulch and Slickhorn Canyon and their tributary canyons are outside the boundaries of the BENM and are managed under the existing 2008 Monticello RMP. Both Grand Gulch and Slickhorn Canyon are within the Grand Gulch Wilderness Study Area. A portion of Slickhorn Canyon is also within Glen Canyon National Recreation Area and is managed by the NPS.
236717-1	I'm opposed to a process mandated in response to sue and settle schemes between the federal agencies and environmentalists and calculated to circumvent Congress.	Section 1.2 of the MMPs/EIS describes the agencies' purpose and need for the development of the MMPs/EIS. The MMPs/EIS is being completed consistent with applicable Federal laws, including FLPMA, the NFMA, and NEPA.

## 5 GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT COMMENTS

Several commenters submitted comments expressing concerns specific to Grand Staircase-Escalante National Monument (GSENM). These comments included concerns about potential impacts to recreation, opposition to mining, opposition to the reduction in the size of GSENM, potential impacts to paleontological resources, requests that specific areas be added back into the monument boundary, opposition to OHV use in the monument, as well as other concerns. Because planning for the BENM does not affect GSENM, comments expressing concerns specific to GSENM were forwarded to the GSENM planning effort for consideration.

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## **APPENDIX P**

### **U.S. Forest Service Species of Conservation Concern**





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# 1 INTRODUCTION

This appendix analyzes the potential impacts from the implementation of management actions contained within the Bears Ears National Monument (BENM) Monument Management Plans and Environmental Impact Statement (MMPs/EIS) on plant, fish, and animal species listed as Species of Conservation Concern (SCC) by the U.S. Forest Service (USFS) Region 4 Regional Forester.

This analysis was prepared in accordance with legal requirements set forth under the 2012 Planning Rule (36 Code of Federal Regulations [CFR] 219), and with policy provided in Forest Service Manual 2670 (USFS 2005). The policy for sensitive species (see Section 3.15 of the MMPs/EIS) is designed to avoid impacts that may cause a trend toward listing a species under the Endangered Species Act (ESA) or loss of species viability on USFS-administered lands; for SCC, the analysis focuses on the ability of the MMPs to provide the ecological conditions for viable populations of these species to persist on the forest (and, by extension, within the Planning Area) in accordance with the components described at 36 CFR 219.9. The purpose of this document is to determine the potential effects of the MMPs on the Manti-La Sal National Forest SCC that may occur within the Planning Area.

# 2 REGULATORY FRAMEWORK AND CURRENT MANAGEMENT

The *Land and Resource Management Plan: Manti-La Sal National Forest* (LRMP) was published in 1986. The Manti-La Sal National Forest is now currently revising its LRMP, with an expected completion date in 2019, in accordance with the 2012 Planning Rule (36 CFR 219). At the conclusion of the BENM MMPs/EIS process, the USFS may decide to amend or make administrative changes to the current LRMP, or make changes associated with the MMP as part of the concurrent Manti-La Sal National forest plan revision process. The portion of BENM that contains USFS-administered lands consists of 32,587 acres within the Shash Jáa Unit.

The species addressed in this appendix are those identified by Manti-La Sal National Forest during its ongoing forest plan revision process and approved by the Regional Forester as SCC (USFS 2017a, USFS 2017b). The 2012 Planning Rule defines SCC as “a species, other than a federally recognized threatened, endangered, proposed or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species’ capability to persist over the long-term in the plan area” (36 CFR 219.9).

During the forest plan revision process, the Manti-La Sal National Forest would continue to manage lands and resources in accordance with the existing 1986 LRMP, which includes Forest Sensitive Species (addressed in Section 3.15 of the MMPs/EIS and in more detail within the Biological Assessment/Biological Evaluation prepared for this planning effort and available on the Bureau of Land Management’s (BLM’s) ePlanning website. SCC are addressed in this appendix because they have been identified by the Regional Forester; and while species-specific Desired Future Conditions and management actions are currently being developed through the forest plan revision process, an analysis of the potential effects of the range of management alternatives for the Planning Area on these identified species will assist the USFS Line Officer in making an informed decision related to the MMPs. Plan components and management actions that provide for ecosystem integrity and ecosystem diversity are the primary context for evaluation of impacts on SCC, as under the 2012 Planning Rule forest resources are managed to provide the type of habitat and other conditions that SCC need to persist on the forest.

# 3 PROPOSED ACTION

The proposed action is the adoption of an MMP that would apply to the USFS-administered portion of BENM and would amend the 1986 LRMP. There are five alternatives evaluated in the MMPs/EIS; see Section 2.2 of the MMPs/EIS for a description of these alternatives. Also included in the MMPs/EIS are monitoring requirements, Best Management Practices (BMPs), and stipulations for ground-disturbing actions that are considered in the analysis.

## 4 AFFECTED ENVIRONMENT

See Chapter 3 of the MMPs/EIS for a description of the Planning Area.

### 4.1 Species Considered

Pursuant to the 2012 planning rule, the USFS created a list of SCC during the plan revision process as a proactive step intended to prevent species from becoming listed under the ESA. These lists were approved by the Regional Forester in 2017 (USFS 2017a, USFS 2017b). These species may not necessarily provide information about the larger ecosystem, but because of their rarity or population threats, these species were identified for monitoring and assessments of their viability. Most of these species tend to be habitat specialists, which are closely linked to specific habitat types and generally have an uneven distribution across the landscape.

The Manti-La Sal National Forest SCC list was obtained and reviewed using published information concerning life histories, suitable habitats, threats, and population trends for the species and in consultation with biologists from the USFS to identify species that may be present in the Planning Area. Table 1 presents the results of this review. Species determined to have the potential to occur are brought forward for a detailed effects analysis.

**Table 1. Species of Conservation Concern for the Manti-La Sal National Forest Considered in the Analysis**

Common Name ( <i>Scientific Name</i> )	Carried Forward for Detailed Analysis?	Rationale*
<b><i>Plant Species</i></b>		
Chatterley onion ( <i>Allium geyeri</i> var. <i>chatterleyi</i> )	Yes	See full description in Section 4.2.1.
Lehmann's rockjasmine ( <i>Androsace chamaejasme</i> subsp. <i>lehmanniana</i> )	No	This species is widely distributed in alpine habitats across North America, including Alaska, British Columbia and Yukon in Canada, Colorado, Idaho, New Mexico, Montana, Wyoming, and Utah. Habitat consists of rocky, open habitats on tundra to approximately 13,000 feet above mean sea level (amsl). The Planning Area does not contain alpine habitat and is outside of the elevational range of the species; therefore, the species is unlikely to occur.
Link trail columbine ( <i>Aquilegia flavescens</i> var. <i>rubicunda</i> )	No	This species is an endemic found in Emery, Garfield, and Sevier Counties in Utah, and grows in ponderosa pine, aspen, and spruce-fir communities between 6,900 and 8,500 feet amsl. Generally associated with seeps in the Mesaverde Group sandstones near coal measures. The Planning Area is located in San Juan County and is outside of the known range of the species; therefore, this species is unlikely to occur.
Isley's milkvetch ( <i>Astragalus isleyi</i> )	No	This species is endemic to the west slopes of the La Sal Mountains in Grand and San Juan Counties in Utah (Franklin 2005). Habitat consists of silty sandy to gravelly clay slopes in pinyon-juniper and desert shrub communities between 4,900 and 6,600 feet amsl. The Planning Area is located approximately 20 miles southwest of the La Sal Mountains and is outside of the known range of the species; therefore, this species is unlikely to occur.
Little grapefern ( <i>Botrychium simplex</i> )	No	This species is widely distributed in high-elevation habitats across North America and is found from Southern California to North Carolina and north to Alaska and Newfoundland. In Utah, it is known from Grand, Piute, Garfield, Kane, Washington, Summit, and Salt Lake Counties. Habitat consists of meadows, barrens and woods, dry fields, marshes, bogs, swamps, and roadside ditches, usually in subacid soils. The Planning Area is located in San Juan County, does not contain high-elevation habitats, and is outside of the known range of the species; therefore, the species is unlikely to occur.
Globe sedge ( <i>Carex perglobosa</i> )	No	This species is found in San Juan and Grand Counties in Utah, as well as portions of Colorado. Habitat consists of dry alpine tundra, particularly scree slopes between 11,500 and 13,000 feet amsl. The Planning Area does not contain dry alpine habitat and is outside of the elevational range of the species; therefore, the species is unlikely to occur.
Creutzfeldt's cryptantha ( <i>Cryptantha creutzfeldtii</i> )	No	This species is an east-central Utah endemic found in Carbon, Emery and Sevier Counties and is known from scattered locations along the Book Cliffs and Wasatch Plateau (Franklin 2005). It grows in scattered pinyon-juniper communities with an understory of black sagebrush or <i>Atriplex</i> spp. (Franklin 2005; NatureServe 2019). The Planning Area is located in San Juan County and is outside of the known range of the species; therefore, this species is unlikely to occur.
Pinnate spring-parsley ( <i>Cymopterus beckii</i> )	Yes	See full description in Section 4.2.2.
Huntington/Rubber rabbitbrush ( <i>Ericameria nauseosa</i> var. <i>psilocarpa</i> )	No	This species is reported to be in Straight and Cottonwood Canyons within the Ferron Ranger District. The Planning Area is located approximately 106 miles southeast of the Ferron Ranger District and is outside of the known range of the species; therefore, this species is unlikely to occur.

<b>Common Name (Scientific Name)</b>	<b>Carried Forward for Detailed Analysis?</b>	<b>Rationale*</b>
Abajo daisy ( <i>Erigeron abajoensis</i> )	Yes	See full description in Section 4.2.3.
Tall fleabane ( <i>Erigeron elatior</i> )	No	This species is found in San Juan and Grand Counties in Utah, as well as portions of Colorado, New Mexico, Wyoming. Habitat consists of mountain brush, alpine and subalpine meadows, and openings within spruce-fir communities between 7,800 and 12,500 feet amsl. There are 11 records, ranging from 1933 to 2011, within San Juan County for this species, and all but one is located in the La Sal Mountains. One record (2011) is from the Abajo Mountains, located at approximately 10,318 feet amsl. The Planning Area is located approximately 20 miles southwest of the La Sal Mountains, and suitable habitat for this species in the Abajo Mountains is located at much higher elevations than those contained within the Planning Area; therefore, this species is unlikely to occur.
Kachina daisy ( <i>Erigeron kachinensis</i> )	Yes	See full description in Section 4.2.4.
La Sal daisy ( <i>Erigeron mancus</i> )	No	This species is endemic to the La Sal Mountains. It occurs on the peaks above timberline in grass-sedge and forb communities at elevations of 9,900–12,200 feet amsl. The species appears locally abundant in suitable sites, but it is restricted to the narrow spine of the La Sal Range. The Planning Area is located approximately 20 miles southwest of the La Sal Mountains and is outside of the known range of the species; therefore, this species is unlikely to occur.
Black-head fleabane ( <i>Erigeron melanocephalus</i> )	No	This species is found in San Juan and Grand Counties in Utah, as well as portions of Colorado, New Mexico, and Wyoming. It occurs between 10,000 and 13,000 feet amsl. Within the Manti-La Sal National Forest, it can be found in the La Sal Mountains (Consortium of Intermountain Herbaria [COIH] 2019). The Planning Area is located approximately 20 miles southwest of the La Sal Mountains and is outside of the elevational range of the species; therefore, this species is unlikely to occur.
Canyon sweetvetch ( <i>Hedysarum occidentale</i> var. <i>canone</i> )	No	This species is known from sites in mountain brush, sagebrush, and lower spruce-fir communities between 6,400 and 8,300 feet amsl within western Duchesne, Carbon, and Emery Counties in Utah (NatureServe 2019). Vegetation surveys in 2016 show the plant to be common in its known locations within the Manti-La Sal National Forest and expanding into disturbed sites. The Planning Area is located in San Juan County and is outside of the known range of this species; therefore, the species is unlikely to occur.
Baker's alpineparsley ( <i>Oreoxis bakeri</i> )	No	This species is found in San Juan and Grand Counties in Utah, as well as portions of Colorado and New Mexico. Habitat for this species consists of subalpine to tundra communities. The Planning Area does not contain subalpine or tundra habitats; therefore, the species is unlikely to occur.
Fendler's cowbane ( <i>Oxypolis fendleri</i> )	Yes	See full description in Section 4.2.5.
Musiena groundsel ( <i>Packera musiniensis</i> )	No	This species is endemic to Utah's Wasatch Plateau and is found only in Sanpete County. Habitat consists of ridgetops on white Flagstaff Limestone barrens and talus slopes on Musinea Peak and the margins of the Wasatch Plateau between 9,400 and 10,800 feet amsl. The Planning Area is located in San Juan County and is outside of the known range of this species; therefore, the species is unlikely to occur.
Navajo Mountain beardtongue ( <i>Penstemon navajoa</i> )	Yes	See full description in Section 4.2.6.
Tidestrom's beardtongue ( <i>Penstemon tidestromii</i> )	No	This endemic species is found in Juab, Millard, Sanpete, and Utah Counties in Utah. It occurs in desert shrub, sagebrush, and pinyon-juniper communities between 5,350 and 8,200 feet amsl. It appears to be abundant on the San Pitch Mountains. The Planning Area is located in San Juan County and is outside of the known range of this species; therefore, the species is unlikely to occur.
Alcove bog orchid ( <i>Platanthera zothecina</i> )	Yes	See full description in Section 4.2.7.
Eastwood's podistera ( <i>Podistera eastwoodiae</i> )	No	This species is found in Grand and San Juan Counties in Utah, as well as portions of Colorado and New Mexico. Habitat consists of alpine tundra in the toe slopes of rock slides at approximately 11,600 feet amsl. Its distribution in the Manti-La Sal National Forest is based on two collections from the La Sal Mountains (COIH 2019). The Planning Area does not contain alpine habitat and is outside of the elevational range of the species; therefore, the species is unlikely to occur.
La Sal cinquefoil ( <i>Potentilla paucijuga</i> )	No	This species is endemic to the La Sal Mountains in San Juan and Grand Counties in Utah. Habitat consists of alpine tundra and patches of turf within talus between 10,800 and 12,100 feet amsl. The Planning Area is located approximately 20 miles southwest of the La Sal Mountains and is outside of the elevational range of the species; therefore, this species is unlikely to occur.
Cutleaf coneflower ( <i>Rudbeckia laciniata</i> var. <i>ampla</i> )	No	This species grows west of the Great Plains in portions of British Columbia, Arizona, Colorado, Montana, New Mexico, South Dakota, Wyoming, and Utah. In Utah it is found in San Juan and Grand Counties, in the La Sal Mountains. Habitat consists of wet sites along streams and in open meadows between 5,500 and 9,000 feet amsl. The Planning Area is located approximately 20 miles southwest of the La Sal Mountains and is outside of the known range for this species; therefore, this species is unlikely to occur.

Common Name ( <i>Scientific Name</i> )	Carried Forward for Detailed Analysis?	Rationale*
Arizona willow ( <i>Salix arizonica</i> )	No	This species is found in Garfield, Iron, Sanpete, and Sevier Counties in Utah, as well as portions of Arizona, New Mexico, and Colorado. Habitat consists of riparian areas and wet meadows above 8,200 feet amsl. The Manti-La Sal National Forest appears to be the northern boundary for the species, as it does not occur north of Sanpete County. The Planning Area is located in San Juan County and is outside of the known range of this species; therefore, this species is unlikely to occur.
Crandall's saxifrage ( <i>Saxifraga flagellaris</i> ssp. <i>crandallii</i> )	No	This species is found in Arizona, Colorado, Idaho, Montana, New Mexico, Wyoming, and Utah. In Utah, it occurs in San Juan, Grand, Summit, and Duchesne Counties. Habitat consists of rocky, open mountain slopes, sandy or gravelly areas, and alpine tundra between 4,900 and 14,100 feet amsl. There are two records from 1933 within San Juan County for this species, and both are located in the La Sal Mountains. The Planning Area is located approximately 20 miles southwest of the La Sal Mountains and is outside of the known range for this species; therefore, this species is unlikely to occur.
Nodding saxifrage ( <i>Saxifraga cernua</i> )	No	This species is circumboreal (occurring throughout most of Canada to Alaska and south to New Mexico). In Utah, it occurs in San Juan, Grand, Summit, and Duchesne Counties in the Uinta and La Sal Mountains. Habitat consists of seepage areas, moist rock crevices, ledges of steep cliffs, glacial outwash, and streambanks between 6,500 and 8,120 feet amsl. It grows very well in snow patches. The Planning Area does not contain alpine habitat, is located approximately 20 miles southwest of the La Sal Mountains, and is outside of the known range for this species; therefore, the species is unlikely to occur.
Tall ragwort ( <i>Senecio serra</i> var. <i>admirabilis</i> )	No	This species is found in the southern Rocky Mountains, in portions of Wyoming, Colorado, and Utah. In Utah, it is known from the La Sal Mountains in San Juan and Grand Counties. Habitat consists of streambanks, wet areas, and open coniferous woodlands between 8,200 and 10,500 feet amsl. The Planning Area is located approximately 20 miles southwest of the La Sal Mountains and is outside of the known range for this species; therefore, this species is unlikely to occur.
La Sal Mountain's groundsel ( <i>Senecio fremontii</i> var. <i>inexpectatus</i> )	No	This species is endemic to the La Sal Mountains and inhabits alpine ridge crests, talus slopes, and subalpine meadows (Franklin 2005) between 11,000 and 12,200 feet amsl. The Planning Area does not contain alpine habitat or subalpine meadows and is outside of the elevational range of the species; therefore, the species is unlikely to occur.
Geyer's aster ( <i>Symphyotrichum laeve</i> var. <i>geyeri</i> )	No	This wide-ranging species is found across most of Canada and into North America to western Texas. In Utah, it is known from San Juan, Grand, and Sanpete Counties and into the La Sal Mountains. Habitat consists of open, dry habitats, mixed and tallgrass prairies, open pine forests, montane meadows, the edges of aspen groves and montane forests, clearings, and roadsides between 1,000 and 7,900 feet amsl. The Planning Area is located approximately 20 miles southwest of the La Sal Mountains and is outside of the known range for this species; therefore, this species is unlikely to occur.
Alpine besseyia ( <i>Synthyris alpina</i> )	No	This species is found in San Juan and Grand Counties in Utah, as well as portions of Wyoming, Colorado, and New Mexico. A regional endemic species, its habitat consists of rocky boulder and talus slopes, and alpine meadows of <i>Geum rossi</i> or cushion plants between 11,200 and 11,800 feet amsl. The Planning Area does not contain alpine habitat and is outside of the elevational range of this species; therefore, the species is unlikely to occur.
<b>Non-Plant Species</b>		
Black rosy-finch ( <i>Leucosticte atrata</i> )	No	Habitat for black rosy-finches generally occurs above the tree line and includes rocky summits, alpine snowfields, and tundra. This species breeds on the barren tundra of mountain peaks, mostly in rocky areas, and winters at lower elevations in the open country of mountains and nearby valleys, often coming into towns (USFS n.d.). Within the Manti-La Sal National Forest, there are few sightings documented (only one sighting is from the Moab District in 1961); however, breeding activity on the La Sal Mountains has been confirmed through the observation of fledglings in recent years and from other local sources. The Planning Area is located approximately 20 miles southwest of the La Sal Mountains and does not contain suitable breeding habitat; therefore, this species is unlikely to occur.
Bluehead sucker ( <i>Catostomus discobolus</i> )	No	Bluehead sucker is found in the mainstem Green, Colorado, and San Juan Rivers, including the Duchesne, White, Strawberry, Price, San Rafael, Fremont, and Escalante Rivers and Muddy Creek tributaries. They are also found in the Weber, Ogden, and Bear Rivers in the Bonneville Basin (USFS n.d.). Within the Planning Area, surveys conducted by USFS biologists in 2012 and 2014 found bluehead suckers in both Ferron and Lowry Creeks. No other populations have been found within the Manti-La Sal National Forest. Ferron and Lowry Creeks are not located within the Planning Area and the Planning Area is outside of the known range of the species; therefore, this species is unlikely to occur.
Bonneville cutthroat trout ( <i>Oncorhynchus clarkii</i> Utah)	No	Bonneville cutthroat trout occurs within Bonneville Basin streams and lakes as well as within a limited portion of the Virgin River drainage. Most are found in the headwater streams and high-elevation river reaches, but a few populations occur in perennial streams located in the Deep Creek Mountains. The Bonneville Basin and Virgin River drainages are not located within the Planning Area and the Planning Area is outside of the known range of the species; therefore, this species is unlikely to occur.

Common Name ( <i>Scientific Name</i> )	Carried Forward for Detailed Analysis?	Rationale*
Boreal toad ( <i>Anaxyrus boreas</i> )	No	Boreal toad occurs throughout most of Utah and can be found in a variety of wet habitats (i.e., marshes, wet meadows, streams, beaver ponds, glacial kettle ponds, lakes interspersed in subalpine forest) at altitudes primarily between 8,000 and 11,500 feet amsl. There are no records of this species within San Juan County. The Planning Area is outside of the elevational range of this species; therefore, this species is unlikely to occur.
Colorado cutthroat trout ( <i>Oncorhynchus clarkii pleuriticus</i> )	No	Colorado River cutthroat trout occurs in tributaries to the Colorado and Green Rivers. Habitat generally consists of higher elevation small, cold and clear-running streams, beaver ponds, and lakes. The Planning Area does not contain high-elevation streams, beaver ponds, or lakes and is outside of the current range of the species; therefore, this species is unlikely to occur.
Fringed myotis ( <i>Myotis thysanodes</i> )	Yes	See full description in Section 4.2.8.
Greater sage-grouse ( <i>Centrocercus urophasianus</i> )	No	Scattered populations of greater sage-grouse occur throughout Utah, primarily in habitat dominated by sagebrush ( <i>Artemisia</i> spp.), excluding the southeastern quarter of the State. This species is present on the Manti-La Sal National Forest, within the Ferron and Price Ranger Districts. The Planning Area is located approximately 1.06 and 1.13 miles from these districts, respectively; therefore, this species is unlikely to occur.
Southern leatherside chub ( <i>Lepidomeda aliciae</i> )	No	Southern leatherside chub inhabits desert streams of the southeastern margin of the Bonneville Basin. An undetermined species of leatherside chub (northern or southern) was introduced into portions of the Upper Colorado River Basin (Fremont River, Pleasant Creek, Dirty Devil River, and Quitcupah Creek). The Bonneville Basin and portions of the Upper Colorado River Basin that contain the introduced undetermined population are not located within the Planning Area and the Planning Area is outside of both the known and historic ranges of the species; therefore, this species is unlikely to occur.
Townsend's big-eared bat ( <i>Corynorhinus townsendii</i> )	Yes	See full description in Section 4.2.9.
Utah sallfly ( <i>Sweltsa cristata</i> )	Yes	See full description in Section 4.2.10.
American pika ( <i>Ochotona princeps</i> )	No	American pika is found on the Wasatch Plateau and La Sal Mountains in the Manti-La Sal National Forest located in high-elevation, alpine habitats above 9,000 feet amsl in association with talus slopes. The Planning Area does not contain alpine or talus slope habitat and is outside of the elevational range of the species; therefore, this species is unlikely to occur.

\* Sources for the range or habitat information: Utah Conservation Data Center (Utah Department of Wildlife Resources [UDWR] 2019), Consortium of Intermountain Herbaria (COIH 2019), Wyoming Natural Diversity Database (University of Wyoming 2019), the U.S. Fish and Wildlife Service (USFWS) Utah Ecological Services Field Office (USFWS 2019), NatureServe (2019), eFloras (2008), the Utah Rare Plant Guide (Utah Native Plant Society 2019), Rare Plant Field Guide (Washington State Department of Natural Resources [WDNR] 2019), and Manti-La Sal Plant Review Document 1 - Not Recommended (USFS n.d.).

Ten of the 42 species included on the Manti-La Sal National Forest SCC list have either been recorded within the Planning Area (including portions of the Planning Area that are not administered by the USFS) or have the potential to occur. These species are included for detailed analysis below.

## 4.2 Existing Condition of Affected Species

### 4.2.1 *Allium geyeri* var. *chatterleyi* (Chatterley onion)

This species is endemic to the Abajo Mountains and the Elk Ridge area in San Juan County, Utah, and its habitat consists of unshaded sites with sandy loam soils found in small pockets, protected depressions, and cracks in the open slickrock of Navajo sandstone (Consortium of Intermountain Herbaria [COIH] 2019) within pinyon-juniper, mountain mahogany, and ponderosa pine-manzanita communities between 6,600 and 8,200 feet above mean sea level (amsl) (UNPS 2019). Suitable habitat for this species in the Planning Area occurs in pinyon-juniper and ponderosa pine habitats, which occur throughout both the Indian Creek and Shash Jáa Units (see Figures VEG-1 and VEG-2 in Appendix B). The type specimen for this species was collected at the head of Indian Creek Canyon (Welsh 1993), located near the Shash Jáa Unit, and specimens have been collected from within the Unit (COIH 2019). Eight populations of this species are known (NatureServe 2019). Abundance and population trends for this species are not well documented.

Specific threats have not been described for this species; however, it is likely that habitat degradation, recreation disturbance, and grazing pressures are primary threats. As habitat for this species includes exposed areas on slickrock and sandstone, this species may also be susceptible to trampling and disturbance from livestock and recreational users.

#### **4.2.2 *Cymopterus beckii* (pinnate spring-parsley)**

This species is a sandstone endemic with disjunct populations found in San Juan and Wayne Counties in Utah and Navajo Nation lands in Arizona. Habitat consists of sandy or stony locations within pinyon-juniper, mountain brush, ponderosa pine-manzanita, conifer-oak, and Douglas-fir communities between 5,600 and 8,700 feet amsl (UNPS 2019). It can be found in rock crevices and near cliff bases. At lower elevations, this species is restricted to north-facing, shady slot canyons in Navajo, Kayenta, or Wingate sandstones. At higher elevations, it is found in the cracks and crevices of sandstone domes (USDA et al. 2006). Potentially suitable habitat for this species occurs within the Shash Jáa Unit, specifically, pinyon-juniper and conifer habitats on Navajo sandstone formations (see Figure VEG-1 in Appendix B). Surveys since 1997 have recorded a number of new populations (Alexander 2016) in southeastern Utah, including on the Manti-La Sal National Forest; however, it is unknown if this species occurs within the Planning Area. This species is also covered under the Central Utah Navajo Sandstone Endemics Conservation Agreement (USDA et al. 2006) (although the populations within the Planning Area are not covered under this agreement) and is listed as a National Park Service Sensitive Species.

Potential threats to this species include livestock grazing and trampling, off-highway vehicle (OHV) use, and other ground-disturbing activities (such as mineral exploration) (USDA et al. 2006), and potentially impacts from non-motorized recreation (as noted by Capitol Reef National Park) (USFS 2019). As habitat for this species includes the sandy floors of slot canyons, these populations are more susceptible to trampling and disturbance from livestock and recreationists than populations located on cliffs and domes.

#### **4.2.3 *Erigeron abajoensis* (Abajo daisy)**

This species is endemic to the Four Corners area of Utah, Colorado, Arizona, and New Mexico. Its habitat does not appear to be overly specific (Alexander 2016) and includes rocky or gravelly open slopes within ponderosa pine, pinyon-juniper, and spruce-fir communities between 7,000 to 11,320 feet amsl (UNPS 2019) in scattered locations in southeastern Utah (COIH 2019). The known range of this species is quite small; within the Manti-La Sal National Forest Monticello Ranger District, it has been located only on the open, rocky ridgetops of the Abajo Mountains, although these populations are numerous and occasionally dense (USFS n.d.). Potentially suitable high-elevation habitat for this species may be present the Shash Jáa Unit (see Figure VEG-1 Appendix B). Abundance and population trends for this species are not well documented.

Potential threats to this species include livestock grazing and trampling, OHV use, and other ground-disturbing activities (such as mineral exploration) (NatureServe 2019). While habitat for this species is nonspecific, its small range makes the species susceptible to disturbance.

#### **4.2.4 *Erigeron kachinensis* (Kachina daisy)**

This species is endemic to the Colorado Plateau and is known from a few sites in southeastern Utah and adjacent Colorado. It has been found in widely scattered locations on the USFS Monticello Ranger District and adjacent BLM-administered land (Alexander 2016). Its habitat consists of seeps and hanging gardens with wet sandy soils and sandstone crevices, and in moist pockets on open slickrock in ponderosa pine communities at elevations of 5,200–8,000 feet amsl (UNPS 2019). Microsites consist of perennially moist and cool soils along seep lines; where large overhangs provide too much shade, plants can be found growing on the outside perimeter of alcoves or just below them (Allphin and Harper 1994). Both the Indian Creek and Shash Jáa Units contain potentially suitable habitat for this species, which includes lower elevation seeps, springs, and hanging gardens, as well as high-elevation sandstone outcrops in aspen and ponderosa pine habitats (see Figures VEG-1 and VEG-2 in Appendix B). This species is known to occur in the vicinity of the Planning Area—particularly around the Shash Jáa Unit—in high-elevation habitat sites at Elk Ridge in San Juan County, Utah (Colorado Natural Heritage Program [CNHP] 2013, COIH 2019); therefore, it is possible that it may be present within the Planning Area. Populations are numerous but small; there are 19 occurrences in Utah, last observed from 1983 to 1992 (COIH 2019).



The primary threat for this species is likely hydrologic alteration; as this species is dependent on seeps and springs on cliffs, diversion of the mesa top springs and streams or the groundwater that feeds these habitats could disrupt this hydrologic system (Rondeau et al. 2011). This species often occurs in alcoves containing cultural sites that can attract tourist activity and trampling, and/or Disturbances from recreation within alcoves or animals accessing water may also threaten individual, easily accessible populations of this species (Allphin and Harper 1994).

#### **4.2.5 *Oxypolis fendleri* (Fendler's cowbane)**

This species is found in San Juan and Sevier Counties in Utah, as well as portions of Wyoming, Colorado, New Mexico, and Arizona. Habitat consists of shaded streambanks and wet meadows in montane and subalpine communities between 7,800 and 11,500 feet amsl (UNPS 2019). In suitable habitat with enough water, this species can grow into dense streamside carpets (Alexander 2016). Potentially suitable habitat for this species occurs in both the Indian Creek and Shash Jáa Units (see Figures VEG-1 and VEG-2 in Appendix B), and records for this species are located approximately 8 miles south of the Indian Creek Unit near Johnson and Indian Creeks in the Abajo Mountains (COIH 2019). There is little information available on abundance or habitat conditions for this species in Utah.

Threats to this species include herbivory and disturbance by livestock and wildlife and by climate change, which results in snowpack melting earlier than normal (Alexander 2016). As soil moisture appears to be an important habitat characteristic, and because this species is limited to wet meadows and streamside habitats, the species may be susceptible to loss of these habitats or groundwater that contribute to water sources.

#### **4.2.6 *Penstemon navajoa* (Navajo Mountain beardtongue)**

This species is endemic to extreme southeast Utah, in San Juan County. It is found at high elevations in ponderosa pine-Douglas-fir-alpine fir, ponderosa pine-Gambel's oak, grassland meadow-ponderosa pine, and aspen-Gambel's oak communities (Franklin 2005). Historically only known from the upper elevations (< 7,000 feet amsl) of Navajo Mountain on the Navajo Nation, where it is common, recent observations also place it at the head of Dark Canyon on Elk Ridge, approximately 5 miles north of the Shash Jáa Unit, and in the Abajo Mountains within the Manti-La Sal National Forest (Franklin 2005). Both the Indian Creek and Shash Jáa Units contain potentially suitable habitat for this species, which includes aspen and conifer habitats (see Figures VEG-1 and VEG-2 in Appendix B). There is no information on the abundance or habitat conditions for the newer localities.

Threats to the Navajo Mountain populations of this species include fire, development, road improvement, and intense grazing (Roth 2008). Potential threats to the Elk Ridge and Abajo Mountain populations are unknown but are assumed to be similar to those identified for the Navajo Mountain populations.

#### **4.2.7 *Platanthera zothecina* (alcove bog orchid)**

This species is endemic to the Colorado River-Green River drainage in Emery, Garfield, Grand, Kane, San Juan, Uintah, and Wayne Counties in Utah, as well as portions of Arizona and Colorado. It occurs in seeps, hanging gardens, and moist streambanks within desert shrub, pinyon-juniper, and oak brush communities between 3,900 and 6,400 feet amsl (UNPS 2019). Typical sites are shaded for most of the day. Microsites within hanging garden communities consist of flowing seep areas at the bases of alcove walls, within the protection of dense vegetation or under the rock debris of an alcove foot slope, in shaded sites along streams, and in shaded seeps (Hudson 2001). Its presence within the Manti-La Sal National Forest appears to be based on a single 1990 collection from Notch Canyon in the Abajo Mountains (USFS n.d.), which is located approximately 5 miles north of the Shash Jáa Unit. Both the Indian Creek and Shash Jáa Units contain potentially suitable habitat for this species, which includes seeps, springs, and hanging gardens (see Figures VEG-1 and VEG-2 in Appendix B).

Human impacts are generally low; however, herbivory may adversely affect fruit set and possibly long-term recruitment for this orchid (Hudson 2001). As soil moisture appears to be an important habitat characteristic, and because this species is limited to shaded seep and spring habitats, the species may be susceptible to loss of these habitats or groundwater that contribute to seeps and springs.

#### **4.2.8 *Fringed Myotis (Myotis thysanodes)***

Fringed myotis is widely distributed in the western United States, but the species is uncommon in Utah (USFS n.d.). Beetles, plucked from the vegetation or ground, are the major prey item for this species. This species primarily occurs at middle elevations, between 2,400 and 8,900 feet amsl. Its habitat includes desert, riparian, grassland, and woodland communities. Maternity roosts have been reported in caves, mines, and buildings, and hibernacula occurs in caves and crevices. Its abundance varies locally (UDNR 2015), although there are two records from the Manti-La Sal National Forest, Monticello Ranger District (USFS n.d.). Both the Indian Creek and Shash Jáa Units contain potentially suitable habitat for this species (see Figures VEG-1 and VEG-2 in Appendix B).

The greatest threat to this species includes human disturbance, largely through recreational caving, mine exploration, and general vandalism. This species appears to be easily disturbed by human presence in or near roosting areas (Keinath 2004). Other threats include the closure of abandoned mines, renewed mining at historic sites, toxic material impoundments, pesticide spraying, vegetation conversion, livestock grazing, timber harvest, destruction if buildings and bridges are used as roosts, and destruction or disturbance of water sources and riparian habitat (Arizona Game and Fish Department [AGFD] 2011). This species may also be susceptible to white nose syndrome (UDNR 2015).

#### **4.2.9 *Townsend's Big-Eared Bat (Corynorhinus townsendii)***

Townsend's big-eared bat is found throughout Utah in a wide variety of habitats, but its presence is closely tied to the availability of caves and abandoned mines. This species is generally rare but may be locally common where there is appropriate roosting habitat (UDNR 2015). This species utilizes caves and mines year-round for both maternity colonies and hibernacula, and maternity colonies tend to be located in large, complex sites with multiple openings. Reported foraging distances for this species range from approximately 5 to 8 miles, and total movement distances have been reported to range from approximately 20 to 40 miles (Oliver et al 2008). This species' foraging habitat occurs in the vicinity of water or along stream corridors. Moths are the major prey for this species. There are four records of occurrence for individuals of this species within the Manti-La Sal National Forest (USFS n.d.). Both the Indian Creek and Shash Jáa Units contain potentially suitable habitat for this species, primarily within grassland, shrub, and forested habitats, including pinyon-juniper (see Figures VEG-1 and VEG-2 in Appendix B).

The primary threat to this species is the disturbance or loss of roost sites in caves and abandoned mines (due to recreation in caves, mine reclamation, and renewed mining). This species is extremely sensitive to disturbance at maternity roosts and hibernacula, which can cause the abandonment of roost sites and the death of young and adults. Other potential threats include degradation or loss of foraging habitat in forests and woodlands, and pesticides and other contaminants (Hester and Grenier 2005). Contamination of water sources is thought to be particularly severe in desert areas, where water associated with mining operations may be the only water in an area (Oliver et al. 2008).

#### **4.2.10 *Utah Sallfly (Sweltsa cristata)***

Identified in 1995 (Surdick 1995), Utah sallfly is a stonefly species that is endemic to southern Utah, with a limited distribution that includes high-elevation habitats in the La Sal and Abajo Mountains. Records for this species are from Oowah Lake in the La Sal Mountains (approximately 29 miles northeast of the Indian Creek Unit) and Johnson Creek in the Abajo Mountains (approximately 9 miles northeast of the Shash Jáa Unit) (Call and Baumann 2002). The nymph (immature) stage of this species is entirely aquatic. The

nymphs live in flowing streams and are predators of small aquatic insects, such as midge larvae (Montana State University 2019). Stonefly adults generally remain within a few feet of the area of larval emergence and mate on nearby solid substratum; dispersal rarely exceeds a few kilometers (Malmqvist 2000). As sensitive aquatic insects, stoneflies are limited to flowing freshwater systems; therefore, distributions of stoneflies reflect the presence of streams and rivers (Call and Baumann 2002). Both the Indian Creek and Shash Jaa Units contain potentially suitable habitat for this species, which includes riparian communities with perennial streams and rivers (San Juan River, Arch Creek, and Indian Creek) (see Figures RIP-1 and RIP-2 in Appendix B).

As the nymph stage of this species is entirely aquatic and limited to flowing freshwater systems, the species may be susceptible to loss or degradation of stream and river habitats, and changes in hydrologic regime, including groundwater levels.

## **5 ENVIRONMENTAL CONSEQUENCES**

This section of the appendix analyzes the potential impacts of the management actions described in Chapter 2 on each SCC and habitat. Where resource programs and their associated management actions would have similar impacts on species or their habitats, they are analyzed together (e.g., cultural and paleontological resource management). In some cases, habitat elements for multiple species and the potential effects from proposed management actions under the alternatives are considered to be similar; therefore, the impact analyses for these species are discussed together. For the purposes of this document, the analysis area for each species is the Planning Area.

All action alternatives propose new management to provide for the proper care of Monument objects and values, which would address existing conditions and potential stressors to special status species and their habitats and result in overall beneficial impacts. While the No Action Alternative would provide for some protections (in accordance with current BLM and USFS land use plans), the overall impact would not be beneficial because existing management would be continued. It should be noted that all site-specific permitted and agency-initiated management actions would be considered implementation-level actions and would therefore require BLM and/or USFS review. In accordance with the BMPs (Appendix L) and stipulations common to all alternatives (Appendix J), potential adverse impacts to special status species would be evaluated and avoided and/or mitigated. However, should an action meet the requirements for an exception to these stipulations, localized impacts may occur and would be considered to be generally minor, as the majority of intensive surface-disturbing activities are prohibited (such as mining, as the Planning Area is withdrawn from mineral entry) or there is very low demand for these actions (such as new rights-of-way [ROWs]) within the Planning Area.

The methodology and assumptions included in this analysis are the same as those described in Sections 3.1, 3.2, and 3.3 of the MMPs/EIS. Also included in the MMPs/EIS are monitoring requirements, BMPs, and stipulations for ground-disturbing actions that are considered in the analysis.

Anticipated direct, indirect, and cumulative effects of the MMP alternatives to species viability is disclosed below.

### **5.1 Allium geyeri var. chatterleyi, Cymopterus beckii, and Erigeron kachinensis**

Potential impacts to these species are discussed together due to similarities in habitat, conditions, and range. These species are typically found in sandy soils on sandstone/slickrock, within manzanita, pinyon-juniper, and/or conifer communities near the Shash Jaa Unit. As inventories for special status plants have not been completed across the entire Planning Area, the impact analysis assumes that these species may be present in both units.

## **5.1.1 Direct and Indirect Effects**

### **5.1.1.1 CULTURAL AND PALEONTOLOGICAL RESOURCES MANAGEMENT**

Impacts to individual plants and/or suitable habitat from some cultural and paleontological resources management actions may result in adverse effects. Cultural and paleontological management actions would limit surface disturbances and implement public visitation and other resource use restrictions within known areas of cultural and paleontological significance. Cultural and paleontological resource inventories, paleontological excavation/fossil collection (by permit only), and public visitation at sites could involve vehicle and mechanical use, and would introduce human presence. Where these activities take place within suitable habitat for these species, it is anticipated that potential ground disturbance, trampling of individual plants, and/or increased risk for erosion could adversely affect these species. Such impacts can alter vegetative composition, decrease the productivity of individual plants, increase dust production and deposition on plants, and decrease habitat diversity in the immediate vicinity of the activities. As a result, there may be an increased occurrence of plant damage or individual mortality. Additionally, these actions could affect local pollinators, precluding them from pollinating this species in the vicinity of disturbances. Furthermore, increased traffic can increase the likelihood of introduction and/or proliferation of invasive weed species, decreasing habitat quality and habitat availability for these species. With the implementation of stipulations for surface-disturbing activities (such as paleontological excavations) and monitoring, it is anticipated that impacts from these management actions would be minor.

As management actions for cultural and paleontological resources that could result in impacts to these plant species (cultural and paleontological inventories and public visitation) are common to all alternatives, impacts are anticipated to be similar across all alternatives.

### **5.1.1.2 FIRE MANAGEMENT**

Impacts to individual plants and/or suitable habitat from some fire management actions may result in adverse effects. The agencies would maintain existing levels of fuels treatments under the MMPs. To meet this goal, the BLM estimates that the agency would conduct fuel reduction activities on approximately 3,000 acres of vegetation in the Shash Jáa Unit and approximately 2,000 acres in the Indian Creek Unit over the life of the plan. Fire suppression and fuels reduction activities may include mechanical treatments, hand treatments, fire retardant, and prescribed fires. These activities would be associated with vehicle and motorized equipment use, human presence, and vegetation removal. Fuels treatments may result in vegetation or ground disturbance (due to mechanical treatments, which may include chaining), which could result in individual plant mortality (due to crushing or burning) should they occur in suitable habitats; however, as stipulations would generally require surveys for special status plants prior to treatment, potential impacts to individual plants are anticipated to be minor. Fuels treatments may also temporarily reduce and/or degrade available habitat for these species due to include loss of vegetation cover, decreased soil stability, direct loss of individuals, and potential introduction of invasive weed species. Additionally, prescribed fires may cause ash deposition on plants, limiting photosynthesis and impacting pollinators or their habitats. It is anticipated that any impacts to individual plants and/or suitable habitats from vegetation treatments would be short term. In the long term, fuel treatment projects and fire suppression can minimize the risk of landscape-scale wildfires within the Planning Area. Landscape-scale wildfires could cause mortality of local populations and/or reduce suitable habitat should it occur where these species are present.

These potential impacts would be greatest under the No Action Alternative, which does not place limitations on how treatments would be performed, and least under Alternative B, as chaining would not be allowed in the Planning Area and therefore the potential for ground disturbance would be reduced by the greatest degree. Impacts from vegetation treatments under Alternatives C and E would be the same, while under Alternative D, chaining would be limited to areas previously chained.

### **5.1.1.3 LANDS AND REALTY MANAGEMENT**

Impacts to individual plants and/or suitable habitats from some land and realty management actions may result in adverse effects. In areas open to ROWs and Special Use Authorizations (SUAs), permitting of new land use authorizations could result in mortality of individual plants and/or loss or degradation of suitable habitat from vegetation clearing, ground disturbance, or introduction of invasive species, should these activities occur within suitable habitats. Additionally, such actions could produce dust that may inhibit photosynthesis and may result in impacts to local pollinator populations and their habitats. Operations and maintenance of the ROWs and SUAs could require vegetation management activities that could impact individual plants and/or change or degrade suitable habitats. As the Planning Area is withdrawn from mineral entry, these land use authorizations would include projects that would require limited ground disturbance, and any land use authorizations would be subject to the terms and conditions of any applicable local, State, and Federal permits, in addition to stipulations that would generally require surveys for special status plants prior to disturbance; therefore, potential impacts from new land use authorizations to individual plants and/or suitable habitats would be minor.

As permits for filming within the Planning Area would require that any activities would not adversely impact sensitive species or habitats, it is anticipated that filming activities would not result in an adverse impact to individual plants or suitable habitats. Also, no lands would be available for disposal within the Planning Area while acquisition of non-Federal lands within the Planning Area would be pursued; this would have entirely beneficial effects on these species and habitats (as plants are generally not protected on non-Federal lands). Lands acquired would be managed by Federal agencies for the proper care and management of Monument objects and values, which would provide additional protections to special status plant species.

As the No Action Alternative would designate the largest area open to ROWs and SUAs within the Planning Area, including designating transportation and utility corridors, impacts would be greatest under this alternative. Alternative B would designate the largest areas as ROW and SUA avoidance or exclusion areas and therefore impacts would be least under this alternative. Alternative C would designate the Planning Area as a ROW and SUA avoidance or exclusion area, except that this alternative would retain existing designated corridors and provide for exceptions in avoidance areas, which could result in the potential for greater impacts than under Alternative B. Under Alternatives D and E, impacts would be similar and would result from the largest area open to ROWs of the action alternatives and therefore with the potential for the greatest impacts of all action alternatives.

### **5.1.1.4 LIVESTOCK GRAZING MANAGEMENT**

Livestock grazing and associated management activities may result in livestock and human presence, vehicle and motorized equipment use, noise, surface disturbance, and changes in vegetation, including alteration of vegetation composition, increased/decreased productivity of selected plant species, and increased/decreased habitat diversity by altering habitat structure. Individual plants may be trampled, or livestock may consume the seed heads of individual special status species during grazing or impact pollinators or their habitats, which may decrease productivity of these species. However, it is anticipated that adverse impacts to habitats are unlikely to occur due to monitoring, management practices, proper fencing, and restricting/limiting livestock grazing in certain allotments within the Planning Area. Furthermore, under all alternatives, grazing would adhere to or move toward adherence to *Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah* (BLM 1997) or USFS desired conditions for rangelands; for these reasons, impacts related to grazing would be minor.

These potential impacts would be greatest under the No Action Alternative, as the largest area would be available (BLM)/suitable (USFS) for livestock grazing, and least under Alternative B, as the smallest area would be available (BLM)/suitable (USFS) for livestock grazing. Impacts from livestock grazing under Alternatives C, D, and E would be the same, these alternatives would have similar areas available (BLM)/suitable (USFS) for livestock grazing.

### **5.1.1.5 RECREATION AND VISITOR MANAGEMENT**

Recreational activities within the Planning Area are anticipated to increase over time, presumably creating a greater likelihood for disturbance and potentially adversely impacting these special status plant species and their habitats. Recreation activities (such as hiking, camping/overnight use, target shooting, biking, and OHV activities) could adversely affect these species. These activities could result in surface disturbance, the crushing of individual plants, degradation of suitable habitat, and increased dust production and deposition from repeated OHV use, which may impact pollinators or pollinator habitats, all of which could result in decreased productivity of these species. Disturbance from activities like climbing, which may allow recreationists access into otherwise protected habitats on cliffs, may impact individual plants and/or habitats. Other recreational activities (such as dispersed camping, hiking, and OHV activities) could result in habitat degradation, either through surface disturbance or through the introduction and spread of nonnative plants should these activities occur within suitable habitats. While disturbances associated with dispersed camping are likely to be intermittent and temporary, should specific sites be repeatedly utilized, adverse impacts to suitable habitats could result. Disturbances associated with hiking and OHV activities are anticipated to be largely restricted to areas directly adjacent to established trails and could increase the risk for introduction and spread of invasive species. However, it is anticipated that such impacts are likely to be avoided with the implementation of monitoring.

As Special Recreation Permits (SRPs)/Special Use Permits (SUPs) within the Planning Area would require that any permitted activities would not adversely impact sensitive habitat or species, and/or would require appropriate mitigation, it is anticipated that authorization of SRPs/SUPs would not result in adverse impacts to sensitive plant populations, although it would not eliminate the potential for impacts to individual plants. These requirements are common to all alternatives.

Potential impacts would be greatest under the No Action Alternative, which would not restrict activities such as dispersed camping and would result in the greatest risk for potential adverse impacts. Alternative B would provide the greatest reduction in risk for adverse impacts, as this alternative would apply the most restrictions on dispersed camping. Potential impacts would be similar under Alternatives C, D, and E, as the differences between each across the Planning Area are slight. The potential for adverse impacts would be greater under these alternatives than under Alternative B but less than under the No Action Alternative. Impacts under each alternative as they relate to OHV activities are discussed in Section 5.1.1.10.

### **5.1.1.6 RIPARIAN AND AQUATIC RESOURCES MANAGEMENT**

These species generally occur in upland manzanita, pinyon-juniper, and conifer communities, not in riparian or aquatic habitats; therefore, management actions for riparian and aquatic resources in the Planning Area are not anticipated to impact these species or their suitable habitats.

### **5.1.1.7 SOIL AND WATER RESOURCES MANAGEMENT**

Impacts to individual plants and/or suitable habitat from soil and water resources management would be generally beneficial. As areas with sensitive soil and water resources within the Planning Area would be managed to minimize activities or resource uses that could degrade these resources and/or actions taken to improve conditions that are not meeting standards, management actions would minimize the risk of soil erosion and result in the improvement of habitat conditions. However, surface-disturbing activities would still be permitted (such as off-trail hiking), and management activities occurring under this program may temporarily increase equipment and vehicle use, resulting in localized vegetation removal or alteration and surface disturbance in suitable habitats as well as affect pollinators or pollinator habitats. These activities could result in mortality of individual plants, increased risk potential introduction of invasive species, and habitat degradation. However, any surface-disturbing activities would be subject to stipulations that would generally require surveys for special status plants prior to disturbance; therefore, short-term impacts to individual plants and/or suitable habitats would be minor and the overall long-term impacts would be beneficial.

Groundwater withdrawals could reduce the availability of water that supports riparian vegetation; however, as groundwater developments are anticipated to be minimal within the Planning Area, and these species generally occur in upland communities that are less dependent on perennial surface waters, the risk of this potential impact would be negligible.

Potential impacts would be greatest under the No Action Alternative, which would not restrict activities that may impact sensitive soils, such as off-trail hiking, and would result in the greatest risk for potential adverse impacts. Alternative B would provide the greatest reduction in risk for adverse impacts, as this alternative would apply the most restrictions on off-trail hiking. Potential impacts would be similar under Alternatives C, D, and E, as the differences between each across the Planning Area are slight. The potential for adverse impacts under these alternatives would be greater than under Alternative B but less than under the No Action Alternative.

#### **5.1.1.8 SPECIAL DESIGNATION MANAGEMENT**

Impacts to individual plants and/or suitable habitat from management actions for special designations would be generally beneficial. Management goals would aim to protect and prevent damage to important historic, cultural, or scenic values; fish and wildlife resources; or other natural systems or process as well as maintain the long-term sustainability of the values for which special designations are managed. Moreover, areas with special designations are generally associated with implementation of conservation measures and stipulations to minimize adverse impacts, benefiting species, pollinators, and habitats.

As management actions for special designations are common to all alternatives, impacts are anticipated to be the same across all alternatives.

#### **5.1.1.9 SPECIAL STATUS SPECIES MANAGEMENT**

Impacts to individual plants and/or suitable habitats from management actions for special status species would be beneficial. Management goals for special status species include managing habitat to maintain viable species populations, preventing Federal listing, and inventory and monitoring special status species and their habitats. Management actions include coordination of vegetation management (including treatments) for consistency with the proper care and management of Monument objects (including plant communities) and values. Moreover, special status species' habitats are generally associated with implementation of conservation measures and stipulations to minimize adverse impacts, benefiting these species. During inventory and monitoring actions associated with special status species, human presence could temporarily cause adverse impacts to suitable habitat for these species through minimal surface erosion; additionally, surveyors could trample individuals. As inventory and monitoring efforts would be conducted by qualified individuals, these impacts would be negligible.

As management actions for special status species are common to all alternatives, impacts are anticipated to be the same across all alternatives.

#### **5.1.1.10 TRAVEL AND TRANSPORTATION MANAGEMENT**

Impacts from management actions related to travel and transportation management would result in an overall beneficial impact to individual plants and/or habitats. OHV use can directly impact habitats by destroying vegetation and acting as a vector for invasive/noxious plant introduction and proliferation, and indirectly with the production of dust, which can result in reduced productivity (due to a reduction in the ability to photosynthesize) should plants adjacent to trails be covered in a layer of dust, and impact pollinators and their habitats. As disturbance from OHV activities can impact individuals and degrade suitable habitats, the designation of areas of the Planning Area as limited or closed to motorized use would limit the potential for this disturbance where motorized use is prohibited. However, recreational activities within the Planning Area, including OHV use, are anticipated to increase over time, and this could result in impacts to the species or habitats in which routes available to public motorized use are present. Application of the designation criteria (43 CFR §8342.1) during implementation-level travel management

planning would avoid designating individual routes for public motorized use where it would conflict with management for special status species; therefore, impacts from increased recreation and motorized use in areas designated as limited within the Planning Area is anticipated to be minor.

Potential impacts would be the least under Alternative B, as this alternative would designate the largest area as OHV closed. Impacts from travel and transportation management actions would be greatest under the No Action Alternative and Alternatives C, D, and E, as the same areas would be designated OHV closed and OHV limited under these alternatives.

#### **5.1.1.11 VEGETATION MANAGEMENT**

Impacts from management actions related to vegetation management would result in an overall beneficial impact to special status plant habitats. Management actions could include plant and seed collection, vegetation treatments (including mechanical treatments, chemical treatments, hand treatments, and prescribed fires), as well as treatment to limit the proliferation of existing invasive/noxious plants, and would promote growth of native flora (including special status plants). These activities would be associated with vehicle and motorized equipment use, human presence, noise, herbicide use, and vegetation removal. Although long-term management of vegetation is anticipated to benefit habitats within treatment areas, there would be short-term adverse impacts to individual plants related to mortality of individual plants and/or temporary loss of suitable habitats, or impact pollinators and their habitats. Effects from vegetation treatments and surface disturbance on individuals and habitats would be similar to those described for previous resource sections.

Upland vegetation treatments can reduce the potential for damage from high-severity wildland fire, while creating seral stage diversity across the landscape and promoting understory restoration through the germination and establishment of grasses, forbs, and shrubs. Restoring a healthy understory enhances the resiliency, structure, and diversity of the vegetative community and provides healthier habitat conditions. Long-term impacts would result in higher quality habitat for special status species.

As management actions for vegetation resources that could result in impacts to special status plant species are common to all alternatives, impacts are anticipated to be the same across all alternatives.

#### **5.1.1.12 VISUAL RESOURCE AND NIGHT SKIES MANAGEMENT**

Impacts from management actions related to visual resources management would result in an overall indirect beneficial impact to special status plant habitats. Management actions for night skies are not anticipated to result in impacts to special status plant species. While management actions related to the preservation of the visual quality of landscapes (such as those for Class I areas, see Section 3.19 of the MMPs/EIS for more detail) would provide protections from development or disturbance of these areas, these actions would not necessarily preclude the potential for ground-disturbing activities; however, the additional restrictions would indirectly reduce the potential for individual mortality of plants and/or habitat degradation that could result from ground-disturbing activities.

Potential impacts would be greatest under the No Action Alternative, which would continue to manage the Planning Area as Classes I through IV and would result in the greatest risk for potential adverse impacts. Alternative B would provide the greatest reduction in risk for adverse impacts, as this alternative would manage the largest area as Class I. Potential impacts would be similar under Alternatives C, D, and E, as the differences between each across the Planning Area are slight. The potential for adverse impacts under these alternatives would be greater than under Alternative B but less than under the No Action Alternative.

#### **5.1.1.13 WILDLIFE AND FISHERIES MANAGEMENT**

Impacts from management actions related to wildlife and fisheries management would result in an overall beneficial impact to special status plant habitats. However, where habitat reclamation activities would occur, increased human and vehicle presence, as well as equipment and vehicles, could cause direct



trampling of plants and/or temporarily disturb suitable habitats or impact pollinators and their habitats through surface disturbance. Effects from surface disturbance on individuals and habitats would be similar to those described for previous resource sections. Such impacts would be in the short term, subject to stipulations that would require pre-disturbance surveys for special status plants, and in the long term, would benefit special status plant habitats.

As management actions for wildlife and fish resources are common to all alternatives, impacts are anticipated to be the same across all alternatives.

#### **5.1.1.14 FORESTRY AND WOODLAND MANAGEMENT**

Impacts from management actions related to forestry and woodland product use could result in adverse impacts to individual plants and/or habitats. As woodland or forest product harvest is associated with localized and temporary increased levels of motorized vehicle and equipment use, human presence, and vegetation removal, should harvesting occur within suitable habitat for special status plant species, activities may result in individual mortality, from crushing and/or habitat degradation, or impact pollinators and their habitats, from surface disturbance and vegetation removal. Effects from surface disturbance on individuals and habitats would be similar to those described for previous resource sections. Designation of specific areas for woodland and forest product harvest would reduce the potential for resource use conflict with habitat and/or disturbance for special status species; therefore, impacts related to forestry and woodland harvest are anticipated to be minor.

Potential impacts would be greatest under the No Action Alternative, which allows for private and commercial use of woodland products and would result in the greatest risk for potential adverse impacts. Under Alternatives B, C, D, and E, private use of woodland products in the same zones would be permitted. Additionally, Alternatives B, C, D, and E would designate USFS-administered lands in the Monument as unsuitable for timber production; these lands would be withdrawn from that use (however, this would not preclude the use of pre-commercial and commercial treatments to meet forest goals and objectives). Designating USFS-administered lands in the Monument as unsuitable for timber production would reduce the frequency and intensity of forest management activities in special status plant habitats.

#### **5.1.2 Cumulative effects**

Cumulative effects for these species would be similar to those described in Section 3.22.13 of the MMPs/EIS.

#### **5.1.3 Conclusion**

Overall, the action alternatives propose management goals, objectives, and actions that would protect Monument objects and values, and include actions that would result in long-term, beneficial impacts for *Allium geyeri* var. *chatterleyi*, *Cymopterus beckii*, and *Erigeron kachinensis*. Alternative B would provide the greatest degree of protection from disturbance and/or habitat degradation by placing the most restrictions on recreation, livestock grazing, new land use authorizations, fuels treatments, development, and woodland product harvesting; however, all action alternatives provide protection that is greater than the current conditions and would still benefit these species. When considered in combination with proposed management actions for vegetation treatments, additional protections for special designations and increased inventories and monitoring for special status species, the action alternatives would create a framework that could provide the necessary habitat conditions for these species to persist within the Planning Area.

Management actions that would continue under the No Action Alternative may not provide the additional protections necessary to maintain or improve habitat conditions for these species within the Planning Area.

## **5.1.4 *Erigeron abajoensis* and *Penstemon navajoa***

Potential impacts to these species are discussed together due to similarities in habitat, conditions, and range. These species are typically found at higher elevations in oak, ponderosa pine, pinyon-juniper, and spruce-fir communities near the Shash Jaa Unit. As inventories for special status plants have not been completed across the entire Planning Area, the impact analysis assumes that these species may be present in both units.

### **5.1.4.1 DIRECT AND INDIRECT EFFECTS**

Impacts to this special status plant species would be similar to those described in Section 5.1., with the exception of the proposed resource management actions discussed below.

#### **5.1.4.1.1 Fire Management**

Impacts to this special status plant species would be similar to those described in Section 5.1.1.2. Additionally, because wildfire and firefighting activities were identified as a potential threat, the long-term beneficial impacts from fuels treatment described for each alternative would be greater in magnitude for these species. For *P. navajoa*, in particular, because the species is adapted to ponderosa pine habitats, which historically have burned naturally on a cycle of 1 every 5 to 25 years, frequent low-severity fires and/or prescribed fire may have an overall beneficial impact on potential habitat.

#### **5.1.4.1.2 Lands and Realty Management**

Impacts to this special status plant species would be similar to those described in Section 5.1.1.3. As development was identified as a potential threat, the beneficial impacts of land acquisition within the Planning Area would be greater in magnitude for these species.

#### **5.1.4.1.3 Livestock Grazing Management**

Impacts to this special status plant species would be similar to those described in Section 5.1.1.4. As livestock grazing was identified as a potential threat, the beneficial impacts of monitoring and implementation of responsible grazing practices would be greater in magnitude for these species.

#### **5.1.4.1.4 Travel and Transportation Management**

Impacts to this special status plant species would be similar to those described in Section 5.1.1.10. As road improvement was identified as a potential threat, the beneficial impacts of travel management planning due to the implementation of the designation criteria (which would reduce the potential for conflicts with special status species) would be greater in magnitude for these species.

#### **5.1.4.1.5 Forestry and Woodland Management**

Impacts to this special status plant species would be similar to those described in Section 5.1.1.14. As suitable habitat for these species is located within vegetation communities typically targeted for forest product harvest, both the adverse and beneficial impacts of designating areas as open or closed to either commercial or private forest product harvest have the potential to be greater in magnitude.

### **5.1.4.2 CUMULATIVE EFFECTS**

Cumulative effects on these species would be similar to those described in Section 3.22.13 of the MMPs/EIS.

### **5.1.4.3 CONCLUSION**

Overall, the action alternatives propose management goals, objectives, and actions that would protect Monument objects and values, and include actions that would result in long-term, beneficial impacts for *Erigeron abajoensis* and *Penstemon navajoa*. Alternative B would provide the greatest degree of protection from disturbance and/or habitat degradation by placing the most restrictions on recreation, livestock grazing, new land use authorizations, fuels treatments, development, and woodland product harvesting; however, all action alternatives provide some degree of protection that is greater than the current conditions and would still benefit these species. When considered in combination with proposed management actions for vegetation treatments, additional protections for special designations and increased inventories and monitoring for special status species, the action alternatives would create a framework that could provide the necessary habitat conditions for these species to persist within the Planning Area.

Management actions that would continue under the No Action Alternative may not provide the additional protections necessary to maintain or improve habitat conditions for these species within the Planning Area.

### **5.1.5 *Oxypolis fendleri* and *Platanthera zothecina***

Potential impacts to these species are discussed together, as both species are riparian species, and while some necessary habitat conditions may differ (high-elevation streambanks versus mid-elevation streambanks and seeps in cliff alcoves), both species are susceptible to changes in the hydrologic regime and activities within riparian habitats. As the MMPs do not prescribe specific, implementation-level actions, analysis of the impacts from proposed management strategies on these species is anticipated to be similar. As inventories for special status plants have not been completed across the entire Planning Area, the impact analysis assumes that these species may be present in both units.

#### **5.1.5.1 DIRECT AND INDIRECT EFFECTS**

Impacts to this special status plant species would be similar to those described in Section 5.1., with the exception of the proposed resource management actions discussed below.

##### **5.1.5.1.1 Livestock Grazing Management**

Impacts to these special status plant species would be similar to those described in Section 5.1.1.4. As improper livestock grazing practices can degrade riparian habitats and herbivory was identified as a potential threat, the beneficial impacts of the removal of grazing from riparian areas under each alternative, monitoring, and the implementation of responsible grazing practices would be greater in magnitude for these species. Additionally, the development of off-site water sources for livestock would reduce the potential for adverse impacts to individual plants and/or riparian habitats in which livestock grazing would be permitted.

##### **5.1.5.1.2 Riparian and Aquatic Resources Management**

Impacts to individual plants and/or suitable habitats from riparian and aquatic resources management would be generally beneficial. These species are largely restricted to riparian habitats, and riparian habitats are limited to areas surrounding water sources, which are rare on the landscape of the Planning Area. For this reason, impacts to riparian areas that may result in disturbance, degradation, and/or removal of habitat (either through development or vegetation treatments) could have a greater magnitude of effects than the same activities in other habitats. Effects from surface disturbance on individuals and habitats would be similar to those described for previous resource sections. Overall, management actions would benefit riparian and aquatic resources in the long term, which could improve habitat conditions for these special status plant species.

Other uses, such as camping, motorized and non-motorized use of existing roads and trails, and livestock grazing, could result in disturbance and degradation of riparian habitats due to human noise and activity, the trampling of vegetation, surface disturbance and increased erosion, changes to stream morphology, and/or the introduction or spread of nonnative species, or impact pollinators and their habitats. As recreational use of the Planning Area is anticipated to continue increasing, impacts from recreation in riparian areas are likely to continue and increase in intensity. Groundwater withdrawals could impact riparian habitats around springs and seeps by reducing the availability of water that supports riparian vegetation; however, as groundwater developments are anticipated to minimal within the Planning Area, the risk of this potential impact would be minor.

Direct riparian habitat disturbances would be minimized under all alternatives by adhering to stipulations that encourage development to occur outside of riparian areas. Alternative B would be most protective of riparian habitats from direct surface disturbance impacts, as well as impacts related to dispersed camping and livestock grazing, than would Alternatives D and E, and the No Action Alternative, which would designate smaller disturbance avoidance buffers, provide for more exceptions to avoidance areas, and not restrict recreational and livestock access to the degree that Alternative B would. Alternative C does not prescribe specific buffers for riparian avoidance areas and would not restrict recreational access into riparian areas (similar to Alternatives D and E, and the No Action Alternative). Alternatives that would limit the location of roads and trails, such as avoiding sensitive soils, seeps and springs, and floodplains, and closing redundant trails, would reduce negative impacts to riparian, wetland, and stream resources to the degree they are implemented under each alternative (which would be greatest under Alternative B and least under the No Action Alternative).

#### **5.1.5.1.3 Soil and Water Resources Management**

Impacts to these special status plant species would be similar to those described in Section 5.1.1.7. In addition, as management actions that would maintain or improve surface water quality would result in beneficial effects to riparian habitats and protect the hydrologic conditions of the Planning Area, and when considered in terms of applicable stipulations and increased monitoring, the impacts to these special status species would be greater in magnitude.

#### **5.1.5.1.4 Travel and Transportation Management**

Impacts to these special status plant species would be similar to those described in Section 5.1.1.10. Because riparian habitats are rare in the Planning Area, the effects of any closure of areas to motorized use that may contain suitable habitat (such as Arch Canyon) would be greater in magnitude for these species.

#### **5.1.5.1.5 Vegetation Management**

Impacts to these special status plant species would be similar to those described in Section 5.1.1.11. In addition, as management actions for invasive species would be largely focused on riparian habitats, these actions would result in beneficial effects to riparian habitats, and when considered in terms of applicable stipulations and increased monitoring, the impacts to these special status species would be greater in magnitude.

#### **5.1.5.2 CUMULATIVE EFFECTS**

Cumulative effects on these species would be similar to those described in Section 3.22.13 of the MMPs/EIS.

#### **5.1.5.3 CONCLUSION**

Overall, the action alternatives propose management goals, objectives, and actions that would protect Monument objects and values, and include actions that would result in long-term, beneficial impacts for

*Oxyopolis fendleri* and *Platanthera zothecina*. Alternative B would provide the greatest degree of protection from disturbance and/or habitat degradation by placing the most restrictions on potentially adverse uses (such as ground-disturbing activities, livestock grazing, OHV use, and recreation) in riparian habitats; however, all action alternatives provide protection that is greater than the current conditions and would still benefit these species. When considered in combination with proposed management actions for vegetation treatments, additional protections for special designations, and increased inventory and monitoring actions for special status species, the action alternatives would create a framework that could provide the necessary habitat conditions for these species to persist within the Planning Area.

Management actions that would continue under the No Action Alternative may not provide the additional protections necessary to maintain or improve habitat conditions for these species within the Planning Area.

### **5.1.6 *Fringed Myotis and Townsend's Big-Eared Bat***

Fringed myotis and Townsend's big-eared bat are both distributed widely across Utah, and both species use a variety of habitats that are present throughout the Planning Area. Both species are sensitive to disturbance of roosting habitat. It has been determined that foraging habitat for both species is present, and these species have been documented within the Planning Area.

#### **5.1.6.1 DIRECT AND INDIRECT EFFECTS**

##### **5.1.6.1.1 Cultural and Paleontological Resources Management**

Impacts to individual fringed myotis and Townsend's big-eared bats and/or suitable habitats from some cultural and paleontological resources management actions may result in adverse effects.

Cultural and paleontological resource inventories, paleontological excavation/fossil collection (by permit only), and public visitation at sites could involve vehicle and mechanical use, and would introduce human presence. As cultural and paleontological inventories/excavations would generally be confined to small areas and be conducted intermittently, the potential for disturbance of these bat species is low. Should the inventories or public visitation occur within suitable habitats, temporary displacement or a temporary change in behavior could occur due to human presence and increased noise levels. These potential impacts would apply should these disturbances occur outside of daylight hours or if the bats are roosting in the immediate area during daylight hours. It is also anticipated that inventories and monitoring for cultural and paleontological resources would not likely be conducted in caves or abandoned mines and therefore the risk of disturbing a hibernacula or maternity colony and risking abandonment of a roost would be very low. Any disturbances associated with these inventories would be temporary, short term, and isolated; therefore, potential impacts associated with inventories would be minimal.

As management actions for cultural and paleontological resources that could result in impacts to fringed myotis and Townsend's big-eared bats (Class III and paleontological inventories, excavations, and public visitation) are common to all alternatives, impacts are anticipated to be the same across all alternatives.

##### **5.1.6.1.2 Fire Management**

Impacts to individual fringed myotis and Townsend's big-eared bats and/or suitable habitats from some fire management actions may result in adverse effects. The agencies would maintain existing levels of fuels treatments under the MMPs. To meet this goal, the BLM estimates that the agency would conduct fuel reduction activities on approximately 3,000 acres of vegetation in the Shash Jaa Unit and approximately 2,000 acres in the Indian Creek Unit over the life of the plan. Activities associated with fuels treatments could potentially impact these bat species through temporary displacement and temporary changes in behavior due to human noise and activity should these activities occur within suitable habitat. Additionally, treatments may result in vegetation or ground disturbance (due to mechanical treatments, which may include chaining), which could reduce available foraging habitat for these species should they

occur in suitable habitats. As the species utilize a wide range of habitats for foraging, these habitats are available across the Planning Area; and as the 5,000 acres would not be treated at the same time, the reduction in available habitats would be minor. Prescribed fires may affect habitat structure or prey availability for these species; however, insects are widely present throughout the Planning Area, and it would not be expected that availability of forage would be a limiting resource for these species. Long-term fuel treatment projects and fire suppression can minimize the risk of landscape-scale wildfires within the Planning Area, which could reduce suitable habitat for these species and prey species, and result in impacts to local bat populations. It is anticipated that any impacts to individual bats and suitable foraging habitats from vegetation treatments would be short term.

These potential impacts would be greatest under the No Action Alternative, which does not place limitations on how treatments would be performed, and least under Alternative B, as chaining would not be allowed in the Planning Area, and therefore the potential for ground disturbance would be reduced to the greatest degree. Impacts from vegetation treatments under Alternatives C and E would be the same, while under Alternative D, chaining would be limited to areas previously chained.

#### **5.1.6.1.3 Lands and Realty Management**

Impacts to individual fringed myotis and Townsend's big-eared bats and/or suitable habitats from some land and realty management actions may result in adverse effects. In areas open to ROWs and SUPs, permitting of new land use authorizations could result in disturbance from human noise and activity, and habitat disturbance from construction activities. Human noise and activity could impact these bat species through temporary displacement and temporary changes in behavior, and vegetation clearing and/or ground disturbance could reduce available foraging habitats should these activities occur within suitable habitats and/or impact roosting behavior in the vicinity of the activities. Operations and maintenance of the ROWs and SUAs could require vegetation management activities that could change or degrade suitable foraging habitats. As the Planning Area is withdrawn from mineral entry, these land use authorizations would include projects that would require limited ground disturbance. In addition, any land use authorizations would be subject to the terms and conditions of any applicable local, State, and Federal permits.

As permits for filming within the Planning Area would require that any activities would not adversely impact sensitive habitats or species, it is anticipated that filming activities would not result in an adverse impact to individual bats or suitable habitats. It is assumed that any potential impacts on the bats would be temporary and related to increased noise and human presence, which could cause temporary displacement and limit foraging opportunities in the vicinity of human presence. Also, no lands would be available for disposal within the Planning Area while acquisition of non-Federal lands within the Planning Area would be pursued; this would have entirely beneficial effects on these species and habitats (as species not listed under the ESA are generally not protected on non-Federal lands). Lands acquired would be managed by Federal agencies for the proper care and management of Monument objects and values, which would provide additional protections to special status bat species and habitats.

As the No Action Alternative would designate the largest area open to ROWs and SUAs within the Planning Area, including designating transportation and utility corridors, impacts would be greatest under this alternative. Alternative B would designate the largest areas as ROW and SUA avoidance or exclusion areas and therefore impacts would be least under this alternative. Alternative C would designate the Planning Area as a ROW and SUA avoidance or exclusion area, except that this alternative would retain existing designated corridors and provide for exceptions in avoidance areas, which could result in the potential for greater impacts than under Alternative B. Under Alternatives D and E impacts would be similar and would result from the largest area open to ROWs of the action alternatives and therefore with the potential for the greatest impacts of all action alternatives.

#### **5.1.6.1.4 Livestock Grazing Management**

Impacts to fringed myotis and Townsend's big-eared bat populations from livestock grazing activities could result in localized impacts to vegetative communities, either through surface disturbance related to the congregation of livestock in concentrated areas (such as around water sources) or through the introduction and spread of nonnative plants. This could potentially degrade foraging habitat and decrease prey species abundance for these bat species; however, it is anticipated that such impacts are unlikely to occur due to management practices, monitoring, proper fencing, and restricting/limiting livestock grazing in certain allotments within the Planning Area. Furthermore, under all alternatives, grazing would adhere to or move toward adherence to *Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah* (BLM 1997) or USFS desired conditions for rangelands; for these reasons, impacts related to grazing would be minor.

These potential impacts would be greatest under the No Action Alternative, as the largest area would be available (BLM)/suitable (USFS) for livestock grazing, and least under Alternative B, as the smallest area would be available (BLM)/suitable (USFS) for livestock grazing. Impacts from livestock grazing under Alternatives C, D, and E would be the same, as these alternatives would have similar areas available (BLM)/suitable (USFS) for livestock grazing.

#### **5.1.6.1.5 Recreation and Visitor Management**

Impacts to individual fringed myotis and Townsend's big-eared bats and/or suitable habitat from recreation and visitor management actions may result in adverse effects.

Recreational activities within the Planning Area are anticipated to increase over time, presumably creating a greater likelihood for disturbance and potentially adversely impacting these bat species and their habitats. Visual and noise disturbances related to hiking, camping/overnight use, target shooting, biking, and OHV activities could adversely affect these species, especially during sensitive periods such as roosting (and particularly if the roost is a hibernacula or maternity colony). Human noise and activity related to recreational activities (such as climbing, target shooting, and OHV activities) could disturb roosting bats. As these species are highly sensitive to disturbance, caving and other recreational activities that could increase the potential for humans to enter occupied caves or abandoned mines could cause abandonment of the hibernacula or maternity roosts. Additionally, climbers could disturb roosts in less obvious locations, such as crevices; these impacts would be limited to fringed myotis, as Townsend's big-eared bats are not known to roost in crevices. Impacts associated with OHV and target shooting activities—specifically, from the increased noise levels that accompany these activities—could adversely affect these species should these activities occur near roosting habitat.

Increased noise levels during foraging can cause bats to avoid areas for feeding (Schaub et al. 2008) and ultimately limit available foraging areas. As bats forage at night and noise levels associated with OHV and target shooting activities are anticipated to occur largely within the daylight hours, impacts related to noise on foraging behavior are anticipated to be minor.

Other recreational activities (such as dispersed camping) could result in disturbance due to human noise and activity or from habitat degradation, either through surface disturbance or through the introduction and spread of nonnative plants, should these activities occur within suitable foraging habitats. While these activities are likely to be intermittent and temporary, should specific dispersed sites be repeatedly utilized, adverse impacts to suitable foraging habitats could result. It is anticipated that such impacts are likely to be avoided with the implementation of monitoring.

As SRPs/SUPs within the Planning Area would require that any permitted activities would not adversely impact sensitive habitat or species, and/or would require appropriate mitigation, it is anticipated that authorization of SRPs/SUPs would not result in adverse impacts to individual bats or suitable habitats. These requirements are common to all alternatives.

Potential impacts would be greatest under the No Action Alternative, which would not restrict activities such as target shooting or dispersed camping, and would result in the greatest risk for potential adverse impacts. Alternative B would provide the greatest reduction in risk for adverse impacts, as this alternative would prohibit target shooting within the Planning Area and apply the most restrictions on dispersed camping. Potential impacts would be similar under Alternatives C, D, and E, as the differences between each across the Planning Area are slight. The potential for adverse impacts would be greater than under Alternative B but less than under the No Action Alternative. Impacts under each alternative as they relate to OHV activities are discussed in Section 5.1.1.10.

#### **5.1.6.1.6 Riparian and Aquatic Resources Management**

Impacts to individual fringed myotis and Townsend's big-eared bats and/or suitable habitats from riparian and aquatic resources management would be generally beneficial. While the Planning Area contains a variety of vegetation communities that may provide foraging habitat for these bat species, riparian areas provide high-value foraging habitat, as prey abundance is generally higher in these areas than the more arid surrounding habitats. Additionally, the availability of this habitat is more restricted, as riparian habitats are limited to areas surrounding water sources, which are rare on the landscape of the Planning Area. For this reason, impacts to riparian areas that may result in disturbance, degradation, and/or removal of habitat (either through development or vegetation treatments) could have a greater magnitude of effects than the same activities in other habitats. Effects from surface disturbance and/or human noise and activity on individuals and habitats would be similar to those described for previous resource sections.

Other uses, such as camping, motorized and non-motorized use of existing roads and trails, and livestock grazing, could result in disturbance and degradation of riparian habitats due to human noise and activity, the trampling of vegetation, surface disturbance and increased erosion, changes to stream morphology, and/or the introduction or spread of nonnative species. As recreational use of the Planning Area is anticipated to continue increasing, impacts from recreation in riparian areas are anticipated to continue and increase in intensity.

Direct riparian habitat disturbances would be minimized under all alternatives by adhering to stipulations that encourage development to occur outside of riparian areas. Alternative B would be more protective of riparian habitats from direct surface disturbance impacts, as well as impacts related to dispersed camping and livestock grazing, than would Alternatives D and E, and the No Action Alternative, which would designate smaller disturbance avoidance buffers, provide for more exceptions to avoidance areas, and not restrict recreational and livestock access to the degree that Alternative B would. Alternative C does not prescribe specific buffers for riparian avoidance areas and would not restrict recreational access into riparian areas (similar to Alternatives D and E, and the No Action Alternative). Alternatives that would limit the location of roads and trails, such as avoiding sensitive soils, seeps and springs, and floodplains, and closing redundant trails, would reduce negative impacts to riparian, wetland, and stream resources to the degree they are implemented under each alternative (which would be greatest under Alternative B and least under the No Action Alternative).

Based on habitat requirements for fringed myotis and Townsend's big-eared bats, riparian and aquatic resources management actions are not anticipated to have direct impacts on individuals of these species or their habitats; however, management actions under the action alternatives would benefit riparian and aquatic resources in the long term, which could improve habitat conditions for prey species and ultimately improve foraging habitat for fringed myotis and Townsend's big-eared bats in riparian areas.

#### **5.1.6.1.7 Soil and Water Resources Management**

Impacts to individual fringed myotis and Townsend's big-eared bats and/or suitable habitat from soil and water resources management would be generally beneficial. These actions would minimize the risk of soil erosion and result in the improvement of habitat conditions. However, if these management actions require crews to be present and/or result in surface disturbance, short-term disturbance of individual bats due to human noise and activity, and a reduction in suitable habitats could occur. Effects from surface



disturbance and/or human noise and activity on individuals and habitats would be similar to those described for previous resource sections.

Groundwater withdrawals could impact riparian habitats around springs and seeps by reducing the availability of water that supports riparian vegetation; however, as groundwater developments are anticipated to minimal within the Planning Area, the risk of this potential impact would be minor.

Impacts by alternative would be similar to those described for riparian and aquatic resources management.

#### **5.1.6.1.8 Special Designation Management**

Impacts to individual fringed myotis and Townsend's big-eared bats and/or suitable habitat from management actions for special designations would be generally beneficial. Management goals would aim to protect and prevent damage to important historic, cultural, or scenic values; fish and wildlife resources; or other natural systems or processes as well as maintain the long-term sustainability of the values for which special designations are managed. Moreover, areas with special designations are generally associated with implementation of conservation measures and stipulations to minimize adverse impacts, benefiting wildlife species.

As management actions for special designations are common to all alternatives, impacts are anticipated to be the same across all alternatives.

#### **5.1.6.1.9 Special Status Species Management**

Impacts to individual fringed myotis and Townsend's big-eared bats and/or suitable habitats from management actions for special status species would be beneficial. Management goals for special status species include managing habitat to maintain viable species populations, preventing Federal listing, and inventory and monitoring special status species and their habitats. Management actions include coordination of vegetation management (including treatments) for consistency with the proper care and management of Monument objects (including wildlife) and values, and, specifically for bat species, the protection of roosting, hibernating, and breeding habitats from disturbance. This includes the monitoring and/or surveying of abandoned mines for the presence of bats and installation of bat gates. Inventorying roosting areas would reduce the risk of accidental disturbance and risk of abandonment from the implementation of other management actions that may disturb colonies; however, inventory, monitoring, and gate installation activities would result in increased human presence and could adversely affect bat behavior as well as increase the risk for displacement or abandonment. However, such impacts would be temporary and short term, and the overall long-term impacts would be beneficial for the population. Moreover, special status species habitats are generally associated with implementation of conservation measures and stipulations to minimize adverse impacts, benefiting these species. In addition, inventory and monitoring efforts would be conducted by qualified individuals who would take care not to disturb these species during sensitive periods, such as roosting; as such, these impacts would be minimal and would benefit the understanding of these species within the Planning Area.

As management actions for special status species are common to all alternatives, impacts are anticipated to be the same across all alternatives.

#### **5.1.6.1.10 Travel and Transportation Management**

Impacts from management actions related to travel and transportation management would result in an overall beneficial impact to individual fringed myotis and Townsend's big-eared bats and/or habitats. OHV use can lead to destruction of vegetation, erosion, increased noise, and habitat fragmentation. OHV use can directly impact habitats by destroying vegetation and acting as a vector for invasive/noxious plant introduction and proliferation. As the noise and activity related to OHV activities could disturb roosting bats and/or degrade foraging habitat, the designation of areas of the Planning Area as limited or closed to

motorized use would limit the potential for this disturbance where motorized use is prohibited. However, recreational activities within the Planning Area, including OHV use, are anticipated to increase over time, and this could result in impacts to the species or habitats in which routes available to public motorized use are present. Noise and visual disturbances associated with these impacts could adversely affect bat behavior and foraging activities, and could result in the temporary displacement of individuals. Vegetation disturbances or vegetation removal may affect the availability of suitable prey habitats and foraging habitats. Application of the designation criteria (43 CFR §8342.1) during implementation-level travel management planning would avoid designating individual routes for public motorized use where it would conflict with management for special status species; therefore, impacts from increased recreation and motorized use in areas designated as limited within the Planning Area is anticipated to be minor.

Potential impacts would be the least under Alternative B, as this alternative would designate the largest area as OHV closed. Impacts from travel and transportation management actions would be greatest under the No Action Alternative and Alternatives C, D, and E, as the same areas would be designated OHV closed and OHV limited under these alternatives.

#### **5.1.6.1.11 Vegetation Management**

Impacts from management actions related to vegetation management would result in an overall beneficial impact to fringed myotis and Townsend's big-eared bat habitats. Management of vegetation within the Planning Area would involve treatment of invasive/noxious plants, pinyon-juniper/fuel reduction, and prescribed burns to limit the proliferation of existing invasive/noxious plants and promote the growth of native flora. Although long-term management of vegetation is anticipated to benefit habitats within treatment areas, there would be short-term adverse impacts to Townsend's big-eared bats related to the temporary loss of foraging habitat. Effects from vegetation treatments, surface disturbance, and/or human noise and activity on individuals and habitats would be similar to those described for previous resource sections.

Upland vegetation treatments can reduce the potential for damage from high-severity wildland fire, while creating seral stage diversity across the landscape and promoting understory restoration through the germination and establishment of grasses, forbs, and shrubs. Restoring a healthy understory enhances the resiliency, structure, and diversity of the vegetative community and provides better forage and habitat options for bats and prey species. Vegetation treatments in riparian communities that remove woody (such as Russian olive and tamarisk) and herbaceous (such as Russian knapweed and camelthorn) invasive species reduce the risk of high-severity fire, restore natural ecological and hydrological processes, help to achieve or maintain proper functioning condition, improve system resiliency, and provide opportunities for passive or active revegetation of native species. Long-term impacts would result in higher quality foraging habitat and prey habitat.

As management actions for vegetation resources that could result in impacts to bats (vegetation treatments) are common to all alternatives, impacts are anticipated to be the same across all alternatives.

#### **5.1.6.1.12 Visual Resource and Night Skies Management**

Impacts from management actions related to visual resources management would result in an overall beneficial impact to fringed myotis and Townsend's big-eared bat habitats. While management actions related to the preservation of the visual quality of landscapes (such as those for Class I areas, see Section 3.19 of the MMPs/EIS for more detail) would provide protections from development or disturbances of these areas, these actions would not necessarily preclude the potential for ground-disturbing activities; however, the additional restrictions would indirectly reduce the potential for disturbance due to human noise and activity and/or habitat degradation that could result from ground-disturbing activities.

Potential impacts from management actions related to visual resources would be greatest under the No Action Alternative, which would continue to manage the Planning Area at Classes I through IV and would result in the greatest risk for potential adverse impacts. Alternative B would provide the greatest reduction

in risk for adverse impacts, as this alternative would manage the largest area as Class I. Potential impacts would be similar under Alternatives C, D, and E, as the differences between each across the Planning Area are slight. The potential for adverse impacts under these alternatives would be greater than under Alternative B but less than under the No Action Alternative.

Management actions for night skies would result in beneficial impacts to special status bat species. Management actions would place lighting requirements for any future development, which includes limitations on new light sources that could result in light pollution and adversely affect bat foraging behavior. Light pollution may disorient foraging bats (Longcore and Rich 2004); however, limitations on lighting would reduce nighttime lighting, which would reduce the potential for light pollution from development to adversely affect foraging habitat for these species.

As management actions for night sky resources that could result in impacts to bats are common to all alternatives, impacts are anticipated to be the same across all alternatives.

#### **5.1.6.1.13 Wildlife and Fisheries Management**

Impacts would be similar to those described for special status species, as there are no proposed management actions specific to bats or bat habitats.

#### **5.1.6.1.14 Forestry and Woodland Management**

Impacts from management actions related to forestry and woodland product use could result in adverse impacts to individual fringed myotis and Townsend's big-eared bats and/or habitats. Harvest of woodland products could result in localized and temporary increased levels of human noise and activity and/or surface disturbance that could result in the displacement of individuals or a reduction in available foraging habitat. Effects from harvest activities would be similar to those described for previous resource sections. However, designation of specific areas for woodland harvest would reduce the potential for resource use conflict with habitat and/or disturbance for special status species. Therefore, impacts related to forestry and woodland harvest are anticipated to be minor.

Potential impacts would be greatest under the No Action Alternative, which allows for private and commercial use of woodland products and would result in the greatest risk for potential adverse impacts. Under Alternatives B, C, D, and E, private use of woodland products in the same zones would be permitted. Additionally, Alternatives B, C, D, and E would designate USFS-administered lands in the Monument as unsuitable for timber production; these lands would be withdrawn from that use (however, this would not preclude the use of pre-commercial and commercial treatments to meet forest goals and objectives). Designating USFS-administered lands in the Monument as unsuitable for timber production would reduce the frequency and intensity of forest management activities in bat habitats.

#### **5.1.6.2 CUMULATIVE EFFECTS**

Cumulative effects for these species would be similar to those described in Section 3.22.13 of the MMPs/EIS.

#### **5.1.6.3 CONCLUSION**

Overall, the action alternatives propose management goals, objectives, and actions that would protect Monument objects and values, and include actions that would result in long-term, beneficial impacts for fringed myotis and Townsend's big-eared bats. Alternative B would provide the greatest degree of protection from disturbance and/or habitat degradation by placing the most restrictions on recreation, livestock grazing, new land use authorizations, fuels treatments, development, and woodland product harvesting; however, all action alternatives provide some degree of protection that is greater than current conditions and would still benefit these species. When considered in combination with proposed management actions for vegetation treatments, additional protections for special designations, and

increased inventory and monitoring actions for special status species, the action alternatives would create a framework that could provide the necessary habitat conditions for these species to persist within the Planning Area.

Management actions that would continue under the No Action Alternative may not provide the additional protections necessary to maintain or improve habitat conditions for these species within the Planning Area.

### **5.1.7 Utah Sallfly (*Sweltsa cristata*)**

This species is typically found in the vicinity of flowing freshwater streams, which are present within both the Indian Creek and Shash Jaa Units. As this species is restricted to flowing aquatic habitats during the nymph stage and has limited dispersal capabilities, the impact analysis will focus on proposed riparian and water resources management actions. Additionally, as inventories for special status species have not been completed across the entire Planning Area, the impact analysis assumes that this species may be present in both units.

#### **5.1.7.1 DIRECT AND INDIRECT EFFECTS**

##### **5.1.7.1.1 Livestock Grazing Management**

Impacts to individual stoneflies and/or suitable habitats from livestock grazing management may result in adverse impacts. Livestock grazing and associated management activities may result in surface disturbance and/or soil erosion, changes in vegetation, and the presence of livestock in riparian habitats, which may adversely impact aquatic habitats within the Planning Area. It is anticipated that adverse impacts to habitats are unlikely to occur due to monitoring, management practices, proper fencing, and restricting/limiting livestock grazing in certain allotments within the Planning Area; for these reasons, impacts related to grazing would be minor. As improper livestock grazing practices can degrade riparian and aquatic habitats, there would be beneficial impacts to the Utah sallfly as a result of the removal of grazing from riparian areas under each alternative, along with monitoring and/or the implementation of responsible grazing practices. Additionally, the development of off-site water sources for livestock would further reduce the potential for adverse impacts to riparian and aquatic habitats in which livestock grazing would be permitted.

These potential impacts would be greatest under the No Action Alternative, as the largest area would be available (BLM)/suitable (USFS) for livestock grazing, and the least under Alternative B, as the smallest area would be available (BLM)/suitable (USFS) for livestock grazing. Impacts from livestock grazing under Alternatives C, D, and E would be the same; these alternatives would have similar areas available (BLM)/suitable (USFS) for livestock grazing.

##### **5.1.7.1.2 Riparian and Aquatic Resources Management**

Impacts to individual stoneflies and/or suitable habitats from riparian and aquatic resources management would be generally beneficial. As the nymph stage of this species is entirely aquatic, loss or degradation of these habitats could result in decreased productivity due to a reduction in suitable breeding habitat. Additionally, because flowing freshwater systems (perennial streams) are rare on the landscape of the Planning Area, impacts to riparian areas that may result in disturbance, degradation, and/or removal of habitats (either through development or vegetation treatments) could adversely affect this species. However, as a portion of suitable habitat for this species within the Planning Area is shared by a number of threatened and/or endangered fish species (such as the San Juan River [see Section 3.15.2.7 of the MMPs/EIS]), any activities that could result in disturbance or degradation of these aquatic habitats would be subject to consultation with the USFWS under Section 7 of the ESA, and any required mitigation would indirectly benefit this species. In addition, implementation of the BMPs and stipulations included in this MMPs/EIS would reduce potential impacts to aquatic habitats; therefore, potential effects to the Utah sallfly from disturbance of riparian and aquatic habitats would be minor. In the long term, vegetation

treatments would improve habitat conditions for this species and ultimately result in beneficial effects to suitable habitat.

Other uses, such as camping, motorized and non-motorized use of existing roads and trails, and livestock grazing, could result in disturbance and degradation of riparian habitats due to the trampling of vegetation, surface disturbance and increased erosion, changes to stream morphology, and/or the introduction or spread of nonnative species. As recreational use of the Planning Area is anticipated to continue increasing, impacts from recreation in riparian areas are anticipated to continue and increase in intensity.

Direct riparian habitat disturbances would be minimized under all alternatives by adhering to stipulations that encourage development to occur outside of riparian areas. Alternative B would be more protective of riparian habitats from direct surface disturbance impacts, as well as impacts related to dispersed camping and livestock grazing, than would Alternatives D and E, and the No Action Alternative, which would designate smaller disturbance avoidance buffers, provide for more exceptions to avoidance areas, and not restrict recreational and livestock access to the degree that Alternative B would. Alternative C does not prescribe specific buffers for riparian avoidance areas and would not restrict recreational access into riparian areas (similar to Alternatives D and E, and the No Action Alternative). Alternatives that would limit the location of roads and trails, such as avoiding sensitive soils, seeps and springs, and floodplains, and closing redundant trails, would reduce negative impacts to riparian, wetland, and stream resources to the degree they are implemented under each alternative (which would be greatest under Alternative B and least under the No Action Alternative).

#### **5.1.7.1.3 Soil and Water Resources Management**

Impacts to individual stoneflies and/or suitable habitat from soil and water resources management would be generally beneficial. As areas with sensitive soil and water resources within the Planning Area would be managed to minimize activities or resource uses that could degrade these resources and/or actions taken to improve conditions that are not meeting standards, management actions would minimize the risk of soil erosion and result in the improvement of habitat conditions. However, surface-disturbing activities would still be permitted and management activities occurring under this program may temporarily increase equipment and vehicle use, resulting in localized vegetation removal or alteration and surface disturbance in suitable habitat. These activities could result in the mortality of individual stoneflies, an increased risk for introduction of invasive species, and habitat degradation. However, any surface-disturbing activities would be subject to stipulations that would generally require surveys for special status species prior to disturbance; therefore, short-term impacts to individuals and/or suitable habitats would be minor and the overall long-term impacts would be beneficial.

Groundwater withdrawals could impact the hydrologic system by reducing the availability of water that supports appropriate aquatic habitats; however, as groundwater developments are anticipated to be minimal within the Planning Area, the risk of this potential impact would be minor. Management actions under all alternatives would improve watershed function using Utah's Standards for Rangeland Health, USFS desired conditions for rangelands, riparian proper functioning condition, and State water quality standards; this would have a beneficial impact on riparian and aquatic habitats within the Planning Area and indirectly improve habitat conditions for the Utah sallfly in the long term.

Impacts by alternative would be similar to those described for riparian and aquatic resources management.

#### **5.1.7.1.4 Special Status Species Management**

Impacts to individual stoneflies and/or suitable habitat from management actions for special status species would be beneficial. Management goals for special status species include managing habitat to maintain viable species populations, preventing Federal listing, and inventorying and monitoring special status species and their habitats. Management actions include coordination of resource management for consistency with the proper care and management of Monument objects (including special status species)

and values. Moreover, special status species' habitats are generally associated with implementation of conservation measures and stipulations to minimize adverse impacts, benefiting this species. In addition, inventory and monitoring efforts would benefit the understanding of this species within the Planning Area.

As management actions for special status species are common to all alternatives, impacts are anticipated to be the same across all alternatives.

#### **5.1.7.2 CUMULATIVE EFFECTS**

Cumulative effects on this species would be similar to those described in Section 3.22.13 of the MMPs/EIS.

#### **5.1.7.3 CONCLUSION**

Overall, the action alternatives propose management goals, objectives, and actions that would protect Monument objects and values, and include actions that would result in long-term, beneficial impacts for the Utah sallfly. Alternative B would provide the greatest degree of protection from disturbance and/or habitat degradation by placing the most restrictions on livestock grazing and proposed management actions for riparian, aquatic, and water resources; however, all action alternatives provide protection that is greater than current conditions and would still benefit this species. When considered in combination with proposed management actions for increased inventories and monitoring actions for special status species, the action alternatives would create a framework that could provide the necessary habitat conditions for these species to persist within the Planning Area.

Management actions that would continue under the No Action Alternative may not provide the additional protections necessary to maintain or improve habitat conditions for this species within the Planning Area.

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## **APPENDIX Q**

**Proposed Plan Amendment for the  
*Land and Resource Management Plan: Manti-La Sal National Forest***



# **1 AMENDMENT OF THE LAND AND RESOURCE MANAGEMENT PLAN: MANTI-LA SAL NATIONAL FOREST**

The following sections describe the language that would be in the U.S. Forest Service (USFS) amendment to the *Land and Resource Management Plan: Manti-La Sal National Forest*, as amended.

## **1.1 Identify a Designated Area**

The Bears Ears National Monument Designated Area is established for the *Land and Resource Management Plan: Manti-La Sal National Forest* (Figure Q-1).

## **1.2 Add Plan Components Applicable to the Bears Ears National Monument Designated Area**

Desired condition:

**BENMDA-DC-01:** The objects of antiquity and the objects of historic or scientific interest, as identified by Presidential Proclamation 9558, as modified by Presidential Proclamation 9681, are protected.

Standard:

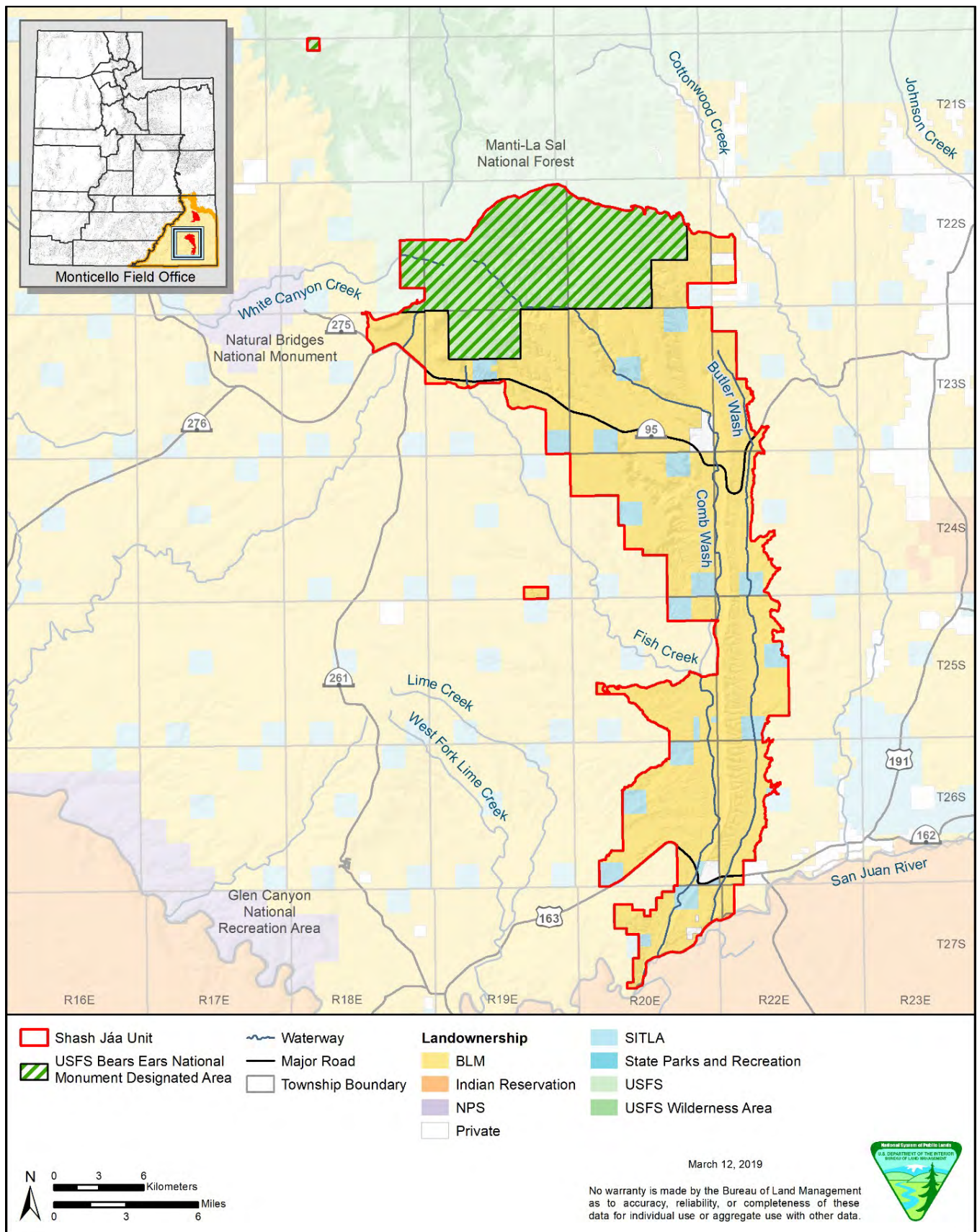
**BENMDA-ST-01:** The Bears Ears National Monument Designated Area shall be managed per the Shash Jáa Unit Monument Management Plan (see Appendix G). This direction shall take precedence over other conflicting forest plan direction that may also apply to the Bears Ears National Monument Designated Area.

Suitability of lands:

Lands within the Bears Ears National Monument Designated Area are not suited for timber production.

## **1.3 Add an Appendix G to the *Land and Resource Management Plan: Manti-La Sal National Forest***

Appendix G would be created using the management actions in Chapter 2 of the Bear Ears National Monument, Monument Management Plans for the selected alternative that are applicable to USFS-administered lands.



**Figure Q-1. U.S. Forest Service Bears Ears National Monument Designated Area.**

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## **APPENDIX R**

### **U.S. Forest Service Scenic Character Descriptions**





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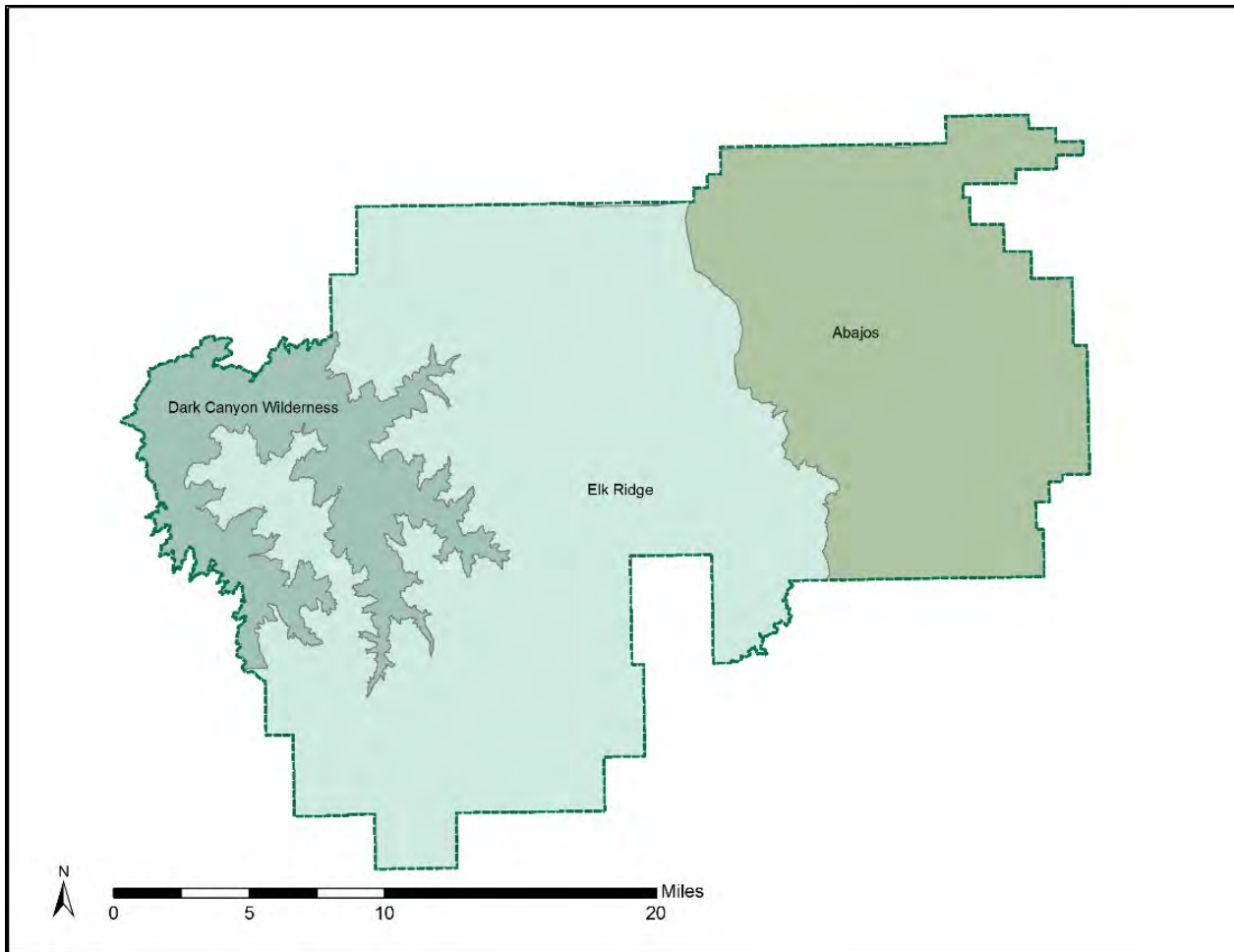
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# 1 OVERVIEW

Scenic character is defined as the combination of physical, biological, and cultural images that gives an area its scenic identity and contributes to its sense of place. Scenic character provides a frame of reference from which to determine scenic attractiveness and to measure scenic integrity (36 Code of Federal Regulations 219.19).

The 1,413,111-acre Manti-La Sal National Forest (forest) is located in central-southeastern Utah and southwestern Colorado and is composed of mountains that transition from the geologic and topographic landforms of the Wasatch Plateau and Great Basin to the Colorado Plateau and Rocky Mountains. The forest is composed of four mountainous units divided by valleys populated by rural communities with strong ties to the forest. The North Zone of the forest consists of two units, the Manti, which is the southern extent of the Wasatch Plateau, and the San Pitch Mountains, which are a transition mountain range between the Great Basin and the Colorado Plateau. The South Zone of the forest consists of two units, the La Sal Mountains and the Abajo Mountains/Elk Ridge, both of which are sky island mountain ranges. Two scenic character areas within the South Zone, Elk Ridge and Dark Canyon Wilderness, are relevant to the Bears Ears National Monument (BENM) planning process (Figure 1).



**Figure 1. Elk Ridge, the Dark Canyon Wilderness, and the Abajos scenic character areas.**

The Manti Forest Reserve was established in 1903, the La Sal Forest Reserve in 1906, and the Monticello Forest Reserve in 1907. The latter two were combined into the La Sal National Forest in 1908 and married to the Manti National Forest in 1949 to become the Manti-La Sal National Forest. The San Pitch Unit,

although within the administrative boundary of the Uinta National Forest, was assigned to the Manti-La Sal National Forest for administration in 1974.

Bureau of Land Management-administered lands, State lands, and private lands are adjacent to the forest. Arches National Park, Canyonlands National Park, and Natural Bridges National Monument are also within 25 miles of the forest, creating a network of public lands that serve as an ecologic and social system.

Elevational and topographic changes generally define the boundaries of the forest. At most of the boundaries, the forest rises 3,000 or more feet above the surrounding valley terrain.

The four mountain ranges (La Sals, Abajos, San Pitch, and Wasatch Plateau) are very different from one another but are consistent in that they all provide distinct geological, topographic, ecologic, and cultural resources from the landscapes that surround and separate them.

As stated previously, the scenic character areas of the Manti-La Sal National Forest that are applicable to the management of visual resources for the BENM include the Elk Ridge and the Dark Canyon Wilderness areas (see Figure 1). The Doll House site, which is a portion of the Shash Jáa Unit of the BENM, contains portions of the Dark Canyon Wilderness and Elk Ridge scenic character areas. The remainder of the Shash Jáa Unit contains areas within the Elk Ridge scenic character area. The scenic character of these areas is described below. These descriptions include representative photographs (Figures 2-8) .

## 2 ELK RIDGE



Figure 2. View into Arch Canyon.



**Figure 3. Archaeological resources.**



**Figure 4. West Texas area, view facing the Bears Ears.**



**Figure 5. Hammond Canyon.**

Elk Ridge is a north-south-trending high ridge dividing the Abajo Mountains and the San Juan River drainages to the east from the Dark Canyon and Colorado River drainages to the west. This distinct high plateau is broad and wide at some points and narrow at other points, such as at the Notch where Elk Ridge is approximately 100 feet wide before dropping precipitously (approximately 500 feet on either side) into the Cottonwood Canyon system to the east and Dark Canyon system to the west. Sandstone and shales dominate Elk Ridge and the canyons that cut off of its edges. The Elk Ridge Zone includes notable landscape features such as the Bears Ears and Chippean Rocks, Arch Canyon, Hammond Canyon, and Mormon and Horse Mountains.

The Elk Ridge Zone is dominated by the Cottonwood Canyon drainage (North and South) split by the Causeway. This major drainage is intermittent but can be big and powerful after summer monsoons or during spring run-off. This drainage serves as a visual break between Elk Ridge proper to the west and the Chippean Ridge and Maverick Point plateau areas coming off the Abajo Mountains to the east.

Much like the Abajos Zone, the lowest elevations of the Elk Ridge Zone are dominated by sagebrush flats mixed with Gambel oak and pinyon-juniper, and, at the highest elevations along Elk Ridge proper, ponderosa pine and its associated grassy understory dominate the landscape. Aspen stands and open meadows are also common along the broad expanses of Elk Ridge in the northern areas.

Views from the Elk Ridge area are generally across the landscape into the deep canyons that drop off the ridge and also toward the Abajo Mountains that rise above the plateau. Sandstone boulder and dome outcrops are exposed along the high mesa lands and provide a visual break from the plateau and canyon country.

The Elk Ridge Road Scenic Backway is a designated scenic backway and heavily traveled by forest users for the visual resources it provides compared to the surrounding canyons. This ridge is the highest roadway between the Abajo Mountains and the Henry Mountains, and provides panoramic views off the forest to the west for many miles.

Numerous cultural resource sites are found within this area. The majority of these sites are ancient American Indian sites, but historic European-American sites are also known. Ancient American Indian sites include open-air artifact scatters and pueblos in addition to numerous cliff structures. Historic resources include mines, campsites, grazing-related facilities (e.g., cabins, corrals, and fences), sawmills, U.S. Forest Service administration facilities (Gooseberry Guard Station, North Cottonwood Guard Station), wikiups, hogans, sweat lodges, and peeled ponderosa trees.

### 3 DARK CANYON



Figure 6. Woodenshoe Canyon.



Figure 7. Canyon walls.



**Figure 8. Archaeological resources are found throughout the Dark Canyon Wilderness Area.**

The Dark Canyon Wilderness Area was established in 1986 to protect the rich archaeological resources found within the steep-sided canyons of the Dark Canyon system, which is primarily made up of the main branches of Dark and Woodenshoe Canyons and their side canyons. These canyons are sandstone dominated with steep walls revealing dense archaeological resources from granaries to large habitation dwellings and cliff dwellings. The highest elevations in Dark Canyon are at approximately 8,000 feet above mean sea level, and the lowest are at approximately 6,000 feet above mean sea level; individual canyon walls rise up to 1,000 feet from canyon floor to canyon rim. This variation in elevation results in a high variation in vegetation, as well.

Ponderosa pine dominates the canyon tops and highest elevations while scrub oak, pinyon-juniper, cacti, grasses, and sagebrush flats inhabit the canyon bottoms. Small microclimates around springs and perennial water sources provide habitats for ferns and other water-intensive plant species. Horse Pasture near the junction of Dark Canyon and Peavine Canyon is a unique open meadow area in the canyon bottom dominated by tall grass and forb species.

Views into Dark Canyon are plentiful off the Elk Ridge Zone and are generally middle and background views displaying the vivid contrast in colors between the red and pink sandstone and green vegetation. Foreground views throughout the area are of archaeological resources and canyon walls, and are punctuated by small riparian dense green spots.

Moderate numbers of cultural resource sites are found within this area. The majority of these sites are ancient American Indian sites, but historic European-American sites are also known. Ancient American Indian sites include open-air artifact scatters and pueblos in addition to numerous cliff structures. Historic resources include Scorup Cabin, campsites, grazing-related facilities (e.g., cabins, corrals, and fences), the Rig Canyon drill site, and peeled ponderosa trees.