



Date: July 22, 2024

Bureau of Land Management, Price Field Office
125 South 600 West
Price, Utah 84501

Via submission on ePlanning and email to:

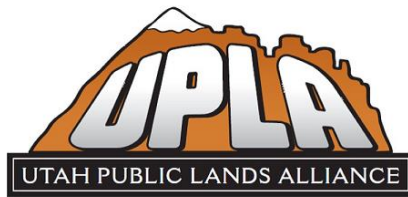
Jaydon Mead
BLM Price Field Office Project Planner
blm_ut_pr_comments@blm.gov

RE: San Rafael Swell Travel Management Plan, Environmental Assessment (DOI-BLM-UT-G020-2019-0019-EA)

Dear BLM Planning Team,

Utah Public Lands Alliance (UPLA) is writing to provide public comment on the [San Rafael Swell Travel Management Plan](#)¹, Environmental Assessment, hereto forward referred to with the acronym TMP. Many of our members and supporters live near and/or recreate throughout the 1.15 million acres of the Planning Area in Utah that will be impacted by the TMP. This letter of comment shall not supersede the rights of other UPLA agents, representatives, or members from submitting their own comments; the Bureau of Land Management (BLM) should consider and appropriately respond to all comments received for the TMP.

UPLA is a non-profit organization representing over 5,800 members, in addition to speaking out for 69 OHV clubs and organizations. We advocate for responsible outdoor recreation, active stewardship of public lands, and encourage members to exercise a strong conservation ethic including “leave no trace” principles. We champion scrupulous use of public lands for the benefit of the general public and all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with public land managers, all recreationists, and other public land stakeholders. Our members participate in outdoor recreation of all forms to enjoy federally and state managed lands throughout Utah, including BLM and US Forest Service managed public lands. UPLA members visit public lands to participate in motorized and human-powered activity such as off-roading, camping, hiking, canyoneering, horseback riding, sightseeing, photography, wildlife and nature study, observing cultural resources, and other similar pursuits on a frequent and regular basis throughout every season of the year. UPLA members and supporters have concrete, definite, and



immediate plans to continue such activities in the San Rafael Swell Travel Management Area (TMA) throughout the future.

I, Rose Winn, am an avid outdoor recreation enthusiast and anthropologist; hiking, backpacking, backcountry horseback riding, camping, rock climbing, off-roading, fishing, forage of wild herbs and plants for medicinal uses, and exploration of cultural and archeological sites and artifacts on public lands are among my core areas of activity and interest. I serve as the Natural Resources Consultant for Utah Public Lands Alliance (UPLA), a non-profit organization dedicated to keeping offroad trails open for all recreation users. While my profession allows me to advocate to protect public access to public lands for all stakeholders and multiple-uses, I also work as a volunteer on conservation, mitigation, and restoration projects on public lands.

As a joint writer of this comment letter, Loren Campbell is a Jeepster and UTV enthusiast from Virgin, Utah. Loren serves as the President of Utah Public Lands Alliance (UPLA). We share a strong interest in maximizing opportunities for offroad motorized recreation. Loren works full time as a volunteer advocate to protect access for all users, but also organizes and works as a volunteer on projects on public lands. UPLA, Loren, and I are also members of BlueRibbon Coalition. These comments are submitted on behalf of both me and Loren Campbell, as well as our members and followers from within and outside of Utah.

Please note our support and agreement with the comments submitted by BlueRibbon Coalition, as well as those submitted by Jason Taylor and Chris Reed.



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GENERAL COMMENTS

UPLA recognizes the positive mental, spiritual, physical, and social benefits that can be achieved through outdoor recreation. We also recognize that outdoor recreation provides business owners and local communities with significant financial stimulus. Of foremost importance to our motivations for this comment letter: our members are directly affected by management decisions concerning public land use in the San Rafael Swell (SRS) TMA, including and especially, decisions that impact the scope and implementation of the multiple-use mandate, and related balance of public access and outdoor recreation with conservation of natural and cultural resources.

Our members subscribe to the tenets of:

- Public access to public lands now, and for all future generations
- Active stewardship for the benefit of all US citizens who collectively own our public lands as part of our national endowment
- Effective management of public lands to ensure the safety of all who enjoy them
- Conservation of ecological, cultural, and archeological resources in balance with implementation of the Congressional mandate for multiple-use public land management

UPLA members as well as the general public desire access to public lands now and in the infinite foreseeable future. Restricting access today deprives the public of the opportunity to enjoy the many natural wonders of public lands. UPLA members and the general public are deeply concerned about the condition of the environment and public safety. They desire safe means to access public lands to engage in conservation efforts as well as outdoor recreation. UPLA supports the concept of managed recreation and believes it is prudent to identify areas where both motorized and non-motorized use is appropriate.

The [BLM manages 22.8 million acres of public land in Utah](#)², representing 42% of the total land mass in this state. In Emery and Sevier Counties where the SRS TMP is located, the TMA represents 18% of the available land within the two counties. The SRS TMA is surrounded by other federally-managed lands including: San Rafael Desert TMA, Henry Mountains TMA and Capitol Reef National Park; while Labyrinth Canyon TMA, Nine Mile Canyon TMA, Paunsaugunt TMA, and Trail Canyon TMA are all in close proximity. Utah's public lands offer the primary source for the public to enjoy outdoor recreation. Reduction or elimination of public access to BLM managed land thus bears the potential to increase user conflicts and resource damage by removing sufficient access to public lands for all forms of outdoor recreation.

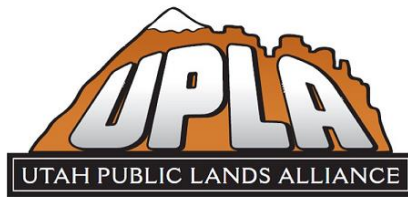


As the BLM is considering critical issues to inform how the Draft EA for this TMP is written, we are concerned for risk of recreational values being placed in an inferior position of priority among the range of public land values to be analyzed. We frame this comment letter with a reminder that it is the BLM's Congressionally-directed responsibility to develop TMP alternatives that serve to maximize the multiple-use directive, and place recreational values in equal status for optimization as all other public land values. TMP alternatives that function to close or restrict motorized, recreational, and other public access would negatively impact UPLA members, as well as all members of the general public who enjoy outdoor recreation on BLM managed lands, by significantly minimizing their ability to access public land. In accord with legal and procedural dictates, the TMP must provide a true recreation alternative as required by NEPA.

As Congressionally-designated managers, it is the responsibility of the BLM to optimize management protocol to balance conservation of natural and cultural resources with public access and enjoyment of public lands within the SRS TMA. By the letter and spirit of the law, it is neither necessary nor prudent to restrict or eliminate public access to BLM-managed public lands as the primary management tool; to do so, when alternative mechanisms for management would effectively balance conservation with public access, is both arbitrary and capricious.

While drafting the proposed TMP Environmental Assessment, the BLM is legally and procedurally compelled to address the following plan components:

1. Congressional direction, Congressional intent, and federal agency operational guidelines
2. Dingell Act
3. TMP route analysis
4. Relationships between routes and species of concern
5. Inaccurate maps
6. First Amendment rights
7. Impacts on outstanding multiple-use values and cumulative impacts
8. Economic impacts
9. Discrimination of members of the public with disabilities and impoverished communities
10. Conformity with Utah State law
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14. Transparency and ease of submitting comments by public
15. Dissenting opinions
16. False assertion of government ownership of federally-managed public lands



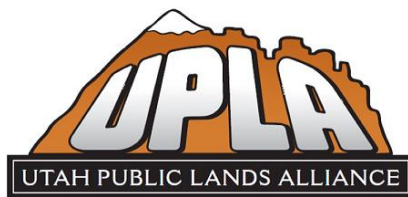
In summary reference to the items noted above, with additional detail for each following within this comment letter, we support any additional comments from individuals, groups, associations, and the general public that encourage the BLM to adhere to the Congressionally-mandated NEPA directive that requires comprehensive analysis and robust consideration for approval of a true recreation alternative as the final TMP. We support any additional comments that encourage the BLM to uphold their mission and commitment to the public to manage public lands in the SRS TMA in a manner that maximizes public access, and sustains the health, diversity, cultural resources, and values of the land for the use and enjoyment of present and future generations. We strongly advocate against any components of the TMP that would diminish or eliminate public access to the SRS TMA.

CONGRESSIONAL DIRECTION, CONGRESSIONAL INTENT, & BLM OPERATIONAL GUIDELINES

The BLM manages public lands and subsurface estate under jurisdiction granted by the United States Congress, in accord with the [Federal Land Policy and Management Act of 1976](#)³ (FLPMA). The BLM are contracted public land managers, with direct accountability to the citizens of the United States for the method and outcomes of their management actions. The BLM does not possess ownership of the public lands they are privileged to manage through Congressional directive. Neither does the BLM possess sole discretion to exercise management authority that excludes the vested interests of the full citizenship of the USA. As elected leaders, the US Congress is the only entity which may direct the BLM's management protocol. US citizens are protected from the risk of BLM overreach in management authority by the functions of congressional process, FLPMA, NEPA, as well as the broader framework of the US Constitution.

Since its inception as a federal agency, [the BLM has been explicitly, and very clearly, directed to manage public lands per the multiple-use mandate](#)⁴. Per the definition of multiple use within [U.S. Code § 1702 Title 43](#)⁵, the term "multiple use" means:

"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 land 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 land 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, timber, 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 land 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 the greatest unit output.”

When drafting alternatives for the SRS TMP, it is critical that the alternatives presented must not serve to diminish or eradicate the purpose and implementation of the multiple-use mandate on BLM managed public lands. As set forth in law, the BLM’s mission and congressional management directive is to achieve quality land management under the sustainable multiple-use management concept to meet the diverse needs of the people of the United States. The BLM’s operational guidelines clearly state that the foundational framework for all management action is to uphold and expand the multiple-use objective, manage public lands for the benefit of the people (all citizens of the USA), to maintain transparency and accountability in all decisions and actions, to execute decisions in a way that is fair to the public, and most importantly – to follow the law and congressional intent.

Since its inception in 2014, UPLA has been an active, responsible partner of the BLM, with members continually engaged in volunteer service to advance conservation, trail and landscape maintenance, public education, public safety, and cooperative public land management. UPLA members have a longstanding history of visiting BLM managed lands as individuals, groups, and for organized outdoor recreation events. Casual use and organized events like ours bring public land visitors to public lands in an orderly and controlled manner. This ensures conservation of the landscape and wildlife habitat, while preventing overcrowding and user conflict. Our events and membership doctrines promote land use ethics, responsible camping, respect for natural resources, and public safety. It is critical that the management policies set forth in the Draft EA will not obstruct the membership of UPLA, as well as members of the general public, from accessing vital areas of the SRS TMA for organized, safe, conservation-centric recreation. This may be accomplished by ensuring that general public access, access via OHV routes, and access for all varieties of outdoor recreation opportunities that are currently enjoyed in the SRS TMA are explicitly protected through an active management plan.

Elimination of public access and failure to adhere to the multiple-use objective would be a violation of Congressional direction and Congressional intent for the scope of limitations by which the BLM is authorized to manage our public lands. It is critical for the TMP planning managers to bear in mind that the BLM does not own our public lands. BLM managed lands are a part of the public endowment, as all public lands are owned by the citizens of the USA (the



public); the BLM is merely contracted to manage those lands within the defined scope of limited authority that is granted by Congress. **The TMP for the SRS TMA must demonstrate that the BLM is not overstepping Congressional direction and Congressional intent such that the best interests and needs of the public would be overrun through limitation or elimination of public access to public lands through restriction or closure of access via designated OHV routes, designated OHV riding areas, and designated outdoor recreation areas.**

DINGELL ACT

Within the Introduction for the SRS TMP (Section 1.1: Background, page 2), the BLM provides context regarding the relationship between the [Dingell Act](#)⁶ and the goals that the SRS TMP is intended to achieve:

“On March 12, 2019, Public Law 116-9, John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act) was enacted. It contained designations that overlap the TMP including the San Rafael Swell Recreation Area, fourteen wilderness areas, and Jurassic National Monument, all of which contain motorized vehicle requirements. It also required an Emery County Land Exchange involving routes within the TMA.

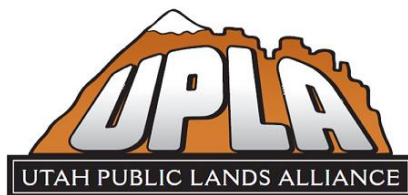
Therefore, the BLM’s PFO and RFO are proposing to designate routes within the TMA as OHV-Open, OHV-Limited, or OHV-Closed (see Appendix I for definitions) to form a revised travel network. To inform the effort, the BLM evaluated 2,161 miles of evaluated travel routes (2,123 routes) on 1,149,016 acres of BLM-managed lands in the San Rafael Swell TMA. The San Rafael Swell TMP environmental assessment (EA) analyzes the impacts of the proposed route network alternatives. The TMP Implementation Guide (Appendix H) describes actions (education and outreach, sign installation, route maintenance, enforcement, monitoring, and reclamation) that BLM would take after completion of the TMP. The final travel network would replace the route designations made in the 2008 RMPs.”

The Dingell Act was passed by Congress and signed into law on March 12, 2019, thereby creating 14 new Wilderness areas within Utah TMA and along the Green River, the majority of the 14 new Wilderness areas lie within the borders of the SRS TMA. As a public land management designation, Wilderness represents the most restrictive form of management, wherein the public may only access the Wilderness area by foot or on horseback. No mechanized travel is permitted within Wilderness, meaning that OHV recreation, as well as use of mountain bikes and e-bikes, are completely forbidden. Consequently, the only members of the public who may access Wilderness areas are those who are physically capable of hiking, backpacking, or



riding a horse; and as a result, public access to Wilderness is further restricted to those who have the luxury of time and resources to afford to be unemployed or take extended time off of work to go on a lengthy trip as is required to hike, backpack, or ride on horseback into Wilderness areas. The collective footprint of the 14 Wilderness areas designated by the Dingell Act equates to 663,000 acres – which again, includes a vast area of the SRS TMA. Therefore, the real impact of the Dingell Act served to minimize public access to roughly half of the SRS TMA (which is all public land) to individuals who possess both the physical ability, and economic luxury, of engaging in extended hiking, backpacking, or horseback trips.

To illustrate the scale of public access restrictions that were imposed through wilderness designations in the Dingell Act, the map below (Figure B.13 Map 13 of the TMP¹: Designated Wilderness Areas and The Old Spanish National Historic Trail) demonstrates the variance of scale of Wilderness versus active-management areas within the border of the SRS TMA. All Wilderness areas are shown in dark orange shading, while active management areas are shown in orange, and Utah State Trust Lands are shown in blue. Whereas the orange active-management areas are the only areas within the SRS TMA in which individuals of all physical abilities and socioeconomic status retain viable access to explore and enjoy the rich natural, cultural, and recreational opportunities of these exquisitely beautiful public lands – one may quickly recognize that a solid half of the public land in the SRS TMA is forbidden to all members of the public who lack the physical ability and financial means to hike, backpack, and ride horseback.



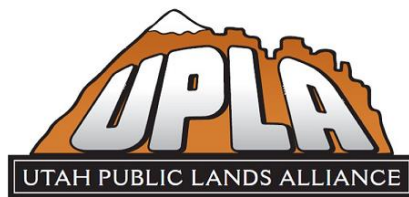
It must also be noted that the total acreage of Wilderness designations within the SRS TMA is not cited within the TMP. This is a disservice to the public, as they are consequently handicapped in their ability to adequately assess the impact of Wilderness designations when crafting substantive comments for this TMP. **In order to remedy this, the BLM must provide a table and map to demonstrate explicitly the various acreage of land that is designated Wilderness versus land that is accessible for all recreational uses. This table and map should also include the acreage of land that is designated as “Lands with Wilderness Characteristics (LWC), Wilderness Study Areas (WSA), and Areas of Critical Environmental Concern (ACEC)” given that LWCs, WSAs, and ACECs are typically managed as if they are already designated wilderness.**

Within Table 1-2: Key RMP Travel-Related Management Goals, Objectives, and Decisions (located in Section 1.5 of the TMP, Conformance with BLM Land Use Plans, page 4)¹, TRV-4 (page 148) states that a goal of the TMP is to:

“To reduce road density, maintain connectivity, and reduce habitat fragmentation, continue to require reclamation of redundant road systems or roads that no longer serve their intended purpose.”

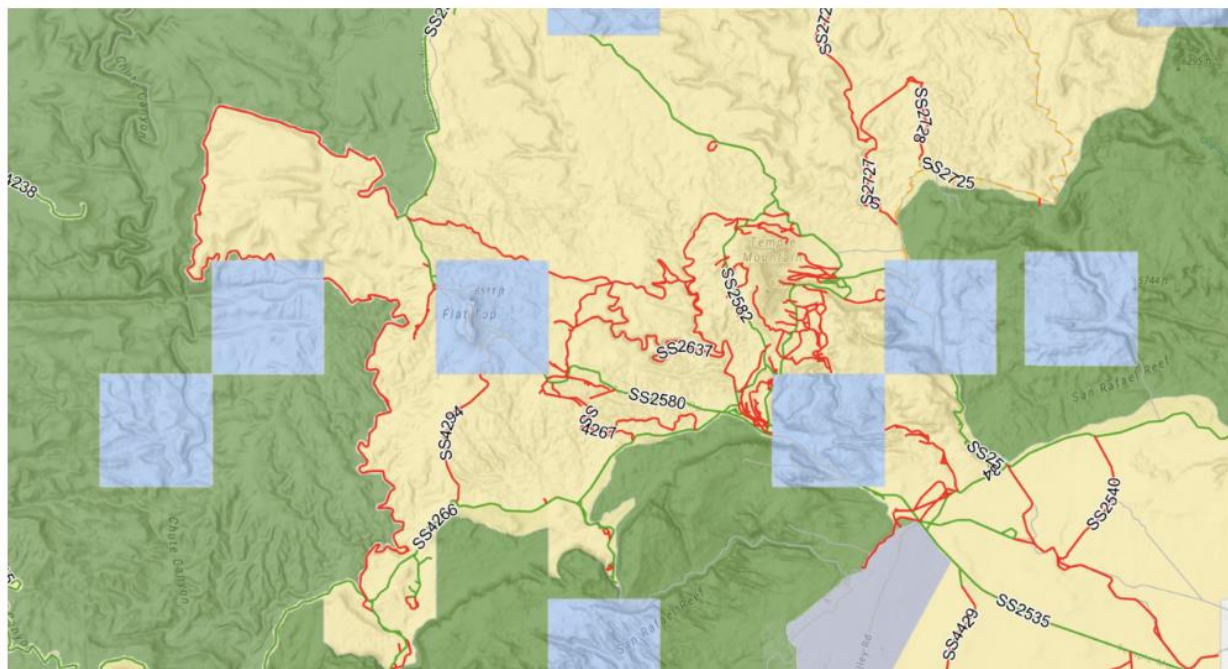
With the passage of the Dingell Act that created vast areas of Wilderness across the SRS TMA, reduction of road density has already been achieved. This aspect of minimization criteria has already been more than fully met – there must be no further requirement for minimization under the TMP as there is no justifiable or legal reason to close additional OHV routes within the small fraction of remaining public land that is available for OHV access within the SRS TMA. To close additional routes for the purpose of reducing road density, or advancing additional minimization criteria, would be both arbitrary and capricious.

Furthermore, it must be clearly pointed out that The Dingell Act expressly prohibits the creation of buffer zones around all 660,000 acres of wilderness that the Act served to create. The prohibition of wilderness buffer zones was Congress’s way of defining “balanced management” through statute. Designated Wilderness is managed with rigid restrictions, and as such, these wilderness areas are set aside to ensure that wildlife, vegetation, dark skies, soils, watersheds, habitats, viewsheds, soundscapes, and solitude are protected within the borders of each wilderness area. Areas that are not designated as wilderness are intended to prioritize multiple-use public access, which includes motorized recreation. Congress included language specific to prohibition of wilderness buffer zones in the Dingell Act to prevent management decisions that



would create new de-facto wilderness surrounding the wilderness designations themselves. A simple glance at the proposed road closures in the SRS TMP shows that the BLM has no functional, operative framework for following Congress's clearly worded prohibition against the creation of buffer zones. The TMP proposes closure of hundreds of miles of routes in the near vicinity of wilderness areas. If the BLM selects the most restrictive alternative (Alternative B, or any combination of alternatives that includes closure of routes near the vicinity of designated Wilderness) – the BLM will be blatantly violating the Dingell Act while created tens of thousands – if not hundreds of thousands – of acres of de facto wilderness.

An example from the TMP for one area within the SRS TMA in which route closures have been proposed to form wilderness buffer zones is shown in the map below. The proposed route closures (shown in red) near Temple Mountain will create prohibited buffer zones around designated Wilderness (shown as green shaded lands).



Justification for the proposed closure of routes near the vicinity of designated Wilderness is cited as a need to protect resources. However, those resources are already being adequately protected by the 663,000 acres of wilderness in this area – the very purpose of creating 663,000 acres of new wilderness was precisely for such resource protection.

With the passage of the Dingell Act that created vast areas of Wilderness across the SRS TMA, protection of wildlife, vegetation, dark skies, soils, watersheds, habitats, viewsheds,

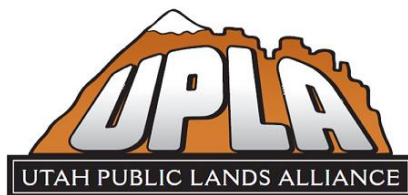


soundscapes, solitude, and other resource values inherent to designated Wilderness, has already been achieved. There must be no further expansion of wilderness within the SRS TMA through explicit or implicit creation of wilderness buffer zones as there is no justifiable or legal reason to close any OHV routes that run adjacent to or within the vicinity of designated Wilderness. To close any routes surrounding Wilderness in the SRS TMA would be both arbitrary and capricious.

TMP ROUTE ANALYSIS

Given the outstanding exceptional recreational values held within the SRS TMA, it is critical that the TMP include comprehensive detail for all forms of recreation for public review and analysis. TMP static maps, dynamic interactive maps, and draft EA documents should include:

- Detailed route reports for all inventoried routes, including:
 - Route ID
 - Route common name
 - Route location by coordinates and major geographic landmarks, including the ability to download track info in gpx format from the interactive maps; this is essential for the public to be able to identify the precise location of the route, and to be able to verify the accuracy of the route and identify routes that may have been left out of the inventory
 - Routes that are not subject to control of the BLM, such as County and State highways, should be depicted on the maps but **SHOULD NOT** be included as OPEN OHV routes; to include these routes as OPEN OHV is a gross minimization of the impact of closures of authorized routes
 - Route length, challenge rating, and designated usage (IE: open or limited)
 - Rates of usage (volume and frequency of use, peak seasonal usage if applicable, percentage breakdown of users by recreation type)
 - Natural or cultural resource concerns that transect each route
 - Cultural sites and usages located in proximity to the route
 - All recreational values connected to the route (IE: improved campgrounds, dispersed camping, hiking, backpacking, canyoneering, rock climbing, wildlife viewing, kayaking, canoeing, rafting, fishing, photography, cultural site observation or research, bird watching, etc.), including the number of miles/hours to access these recreation sites
 - All multiple-use values connected to the route (IE: grazing, mining, etc.)
 - Current and historic involvement by members of the public as volunteers to maintain or restore OHV routes, route facilities (IE: staging sites, restrooms and



waste disposal facilities,), developed and dispersed campsites connected to the route, other developed and undeveloped recreational sites connected to the route)

- User-created routes
- RS 2477 routes
- Access to in-holdings and other valid existing interests

While some of the items noted above were included in the Combined Route Reports and Individual Route Reports, many of these items were excluded, including:

- Detailed route reports for all inventoried routes, including:
 - Route common name
 - Route location by coordinates and major geographic landmarks, including the ability to download track info in gpx format from the interactive maps; this is essential for the public to be able to identify the precise location of the route, and to be able to verify the accuracy of the route and identify routes that may have been left out of the inventory
 - Routes that are not subject to control of the BLM, such as County and State highways, should be depicted on the maps but **SHOULD NOT** be included as OPEN OHV routes; to include these routes as OPEN OHV is a gross minimization of the impact of closures of authorized routes
 - Route challenge rating
 - Rates of usage (volume and frequency of use, peak seasonal usage if applicable, percentage breakdown of users by recreation type)
 - Cultural sites and usages located in proximity to the route
 - All recreational values connected to the route (IE: improved campgrounds, dispersed camping, hiking, backpacking, canyoneering, rock climbing, wildlife viewing, kayaking, canoeing, rafting, fishing, photography, cultural site observation or research, bird watching, etc.), including the number of miles/hours to access these recreation sites
 - All multiple-use values connected to the route (IE: grazing, mining, etc.)
 - Current and historic involvement by members of the public as volunteers to maintain or restore OHV routes, route facilities (IE: staging sites, restrooms and waste disposal facilities,), developed and dispersed campsites connected to the route, other developed and undeveloped recreational sites connected to the route)

In order to provide the public with adequate detail to facilitate efficacy in providing substantive comments for each inventoried route, it is essential for the BLM to revise the



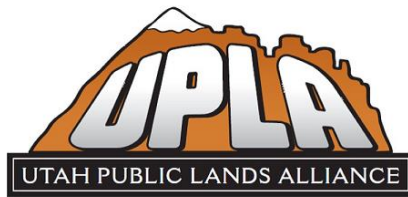
TMP static maps, dynamic interactive maps, and EA documents to include the route details noted above.

Route analysis should also note whether there is currently, or has been in the past, any involvement from volunteers to conduct adopt-a-trail efforts to maintain, restore, or assist in management of the route. During the current Scoping period, I reached out to a BLM Planning Manager for the SRS TMP to request information on whether, where, and at what frequency volunteer groups have been involved in trail maintenance efforts within the SRS TMA. The response I received was informative:

“We have been working with volunteers and user groups to implement on the groundwork for the last 20+ years. We have done projects with organized groups such as the San Rafael Backcountry Horseman, Sage Riders, Castle Country OHV, Wasatch Mountain Club, Southern Utah Wilderness Alliance, Mostly Emery County Cycling Association, various Universities, Utah Cultural Site Stewardship Program, the Emery County Trails Committee, and many other groups and individuals over the years. The ones I listed are the groups that have been more involved and have donated volunteer hours in or near the San Rafael Swell Recreation Area for the last several years.”

While general knowledge of volunteer group involvement in on-the-ground projects is good, it is not actually helpful to inform public comments on a TMP without inclusion of additional critical details. Which trails have been adopted by volunteer groups? Which developed campsites, dispersed campsites, facilities, or developed recreation sites have been restored, improved, or maintained by volunteers? Where have landscape or habitat restoration projects taken place? Have volunteer groups been involved in providing public education about off-roading, camping, or other outdoor recreation rules and etiquette? At what frequency do each of the volunteer groups conduct activities in the SRS TMA? Such context is essential to inform the public about which trails, developed and dispersed campsites, and other recreation sites are of such significant value to users that they would donate their own time and resources to maintain and restore those sites on a volunteer basis. Additionally, this context is needed to inform the public about where deficits in the BLM’s capacity to conduct active management across the full scope of the SRS TMA have been filled by volunteers, and to provide reference as to where current deficits in the BLM’s management capacity may need to be addressed.

In order to provide the public with adequate detail to facilitate efficacy in providing substantive comments for each inventoried route, it is essential for the BLM to revise the TMP static maps, dynamic interactive maps, and EA documents to note whether there is



currently, or has been in the past, any involvement from volunteers to conduct adopt-a-trail efforts to maintain, restore, or assist in management of the route.

When conducting TMP route analysis, the Combined and Individual Route Reports are a vital tool for the public to review and evaluate the unique characteristics and conditions of each route. However, there are multiple items within the Route Reports that provide insufficient detail for public review, and/or create obfuscation of public analysis.

For any route report that indicates a “Yes” response to the General Evaluation Question: “Can the anticipated potential impacts to the identified resources be avoided, minimized, i.e. reduced to acceptable levels, or be mitigated?” – when that route is proposed for closure in any Alternative – the BLM must provide additional details to:

- 1) Cite the specific reason(s) that avoidance, minimization or mitigation strategies were not adopted for the route.**
- 2) Indicate if any lack of implementation of avoidance, minimization, or mitigation was caused by the BLM’s inadequate access to financial, human, or tangible resources – and – identify options for volunteer groups or clubs to participate with labor, monitoring, or financial resources to achieve keeping the route open.**

The potential resource impacts considered for each route generally form a comprehensive and lengthy list, it is understood that not all impacts are considered equally. **In order to adequately equip the public to understand and substantively comment on the proposed decision, the BLM should:**

- 1) Identify clearly whether resource impacts are considered the dominant reason(s) for the proposed action in each alternative, and, cite which resource impacts are of primary concern.**
- 2) Identify whether each resource impact is a current negative impact, or a future possibility of negative impact.**
- 3) If “User Conflicts” are a major contributing impact resulting in proposed route closure, the BLM must provide details on the specific types of user conflicts that have been reported on that route, along with the actual dates of all user conflict reports, and the methods used to investigate the validity or substantiation of the user conflict.**

Public safety is of utmost importance, and it is the BLM’s responsibility to practice active management that optimizes public health and safety. Therefore, **any route that is proposed for**



closure should include a detailed analysis of the impact on connectivity to other routes that run adjacent to or intersect it. The public must be empowered to evaluate how a potential need for rapid evacuation from the area may be achieved in the event of an emergency. Thus, the route report must include detail to indicate the additional time and distance that would be required to navigate to alternate routes in an emergency, if the route that is proposed for closure is indeed, closed. This analysis is critical to allow the public to understand the impact in emergency situations when time is of the essence to exit an area.

Route Reports typically contain a copyright message at the bottom of each page that reads:

“Copyright 2021 by ARS, Inc. All Rights Reserved. No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law”

It is unclear why this statement appears at the bottom of every page of the reports if these reports were contracted by BLM for use in the public domain. It is a limiting factor in its use; the mere printing of a route report, or publishing an indexed form of the reports for each access by the public constitute copyright violations. Further, it clearly blocks accessibility and use of the reports by electronic means that prohibit use of material protected by copyright laws. **These copyright statements should not appear on any of the published route reports and must be removed from Route Reports in the Draft and Final TMP.**

For any routes in which there are concerns regarding damage to natural or cultural resources, the TMP analysis should include details on whether mitigation measures have been attempted to address those concerns, and to what extent mitigations have or have not been effective. The Route Reports included in the current Draft TMP do not include these details. **This must be remedied by pausing the current public comment period for the Draft TMP in order to insert details that specify whether mitigation measures for existing or potential damage to natural or cultural resources have been previously attempted, and, to what extent mitigations have or have not been effective.**

Any route proposed to be closed for public use, but would remain open for commercial use such as access to private land inholdings, access for grazing permittees, river access for tour operators, or cultural access by Native Americans, must cite the specific reasons why such use is allowed for a limited group, but not for the general public. Within the Route Reports for the current Draft



TMP, the General Evaluation Questions include a Yes/No response to note: “[does the route]... provide commercial, private property, or administrative access, e.g., via permit, ingress/egress rights or other jurisdictional responsibility?” For routes in which a “Yes” response is noted, the Route Reports do not provide information to indicate the specific parties for which commercial, private property, or administrative access is permitted. **To remedy this, the BLM must revise the Route Reports to cite the specific reasons why such use is allowed for a limited group, but not for the general public. If the use is for religious purposes or because of indigenous knowledge, the specifics of that allowance under Federal law should be explained in detail, including why that is not a First Amendment violation restricting or promoting or favoring a particular religion.**

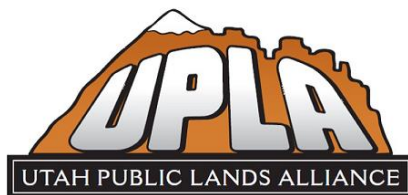
County Class D Roads

The BLM does not have the authority to unilaterally close County Class D roads in Utah, as these roads fall under the jurisdiction of county governments. The very question of road closure for a County Class D road is complex, involving multiple legal considerations.

In regard to County Jurisdiction, Class D roads in Utah are typically county roads, and counties have primary jurisdiction over them. This includes the authority to manage and maintain these roads. Under Utah law, county roads are defined and managed by county governments. This includes the power to open, close, or maintain these roads as part of their infrastructure responsibilities (Utah Code Title 72, Chapter 3, Section 105).

While the BLM does not have direct authority over county roads, coordination is often necessary when these roads traverse federal lands managed by the BLM. The BLM can influence access through its land management plans and regulations, particularly under the Federal Land Policy and Management Act (FLPMA). It is critical to note, the BLM manages public lands under the principles of multiple use and sustained yield. While this includes regulating access to protect resources, it does not extend to overriding county jurisdiction over public roads (43 U.S.C. §§ 1701-1787).

Some Class D roads are designated RS 2477 roads, which are rights-of-way (ROW) established under the Revised Statute 2477 (RS 2477) of the Mining Law of 1866. These roads grant rights-of-way across public lands. The status and management of RS 2477 roads have been the subject of extensive litigation. Courts have consistently upheld the principle that valid existing rights-of-way under RS 2477 must be honored, which limits the BLM's ability to unilaterally close these roads (e.g., Southern Utah Wilderness Alliance v. BLM, 425 F.3d 735 (10th Cir. 2005)).



In *Southern Utah Wilderness Alliance v. BLM* (2005), this case involved disputes over the management of RS 2477 rights-of-way across BLM lands. The court recognized the validity of certain RS 2477 rights-of-way, reinforcing that these rights must be respected by the BLM. This limits the BLM's ability to close roads without considering established rights-of-way (425 F.3d 735 (10th Cir. 2005)).

In *Kane County v. United States* (2011), this case addressed the conflict between county and federal authorities over the management of roads crossing federal lands. The court ruled in favor of Kane County, affirming the county's rights to manage and maintain certain roads under RS 2477, despite BLM's land management policies (772 F. Supp. 2d 1177 (D. Utah 2011)).

Furthermore, a litany of academic and professional studies highlight the importance of clear jurisdictional boundaries and the need for cooperation between federal and local authorities to effectively manage road access on public lands. The bottom line is that the BLM does not have the unilateral authority to close County Class D roads in Utah, as these roads fall under county jurisdiction. Coordination between the BLM and county governments is essential, particularly when these roads traverse federal lands managed by the BLM. Legal precedents, such as RS 2477 ROW, further restrict the BLM's ability to restrict access without due consideration of established rights. Additional detail specific to RS 2477 ROW are noted later in this comment letter.

The BLM has demonstrated a form of attempt to address the public's concerns regarding proposed actions that would result in closure of County Class D and RS 2477 roads within Section 1.3 of the Draft TMP (page 3):

"The BLM Authorized Officer will not, in this TMP, make any decisions affecting existing or future authorized users. Authorized users are excluded from the definition of OHV in 43 C.F.R. § 8340.0-5(a). Examples of authorized users include, but are not limited to, grazing permittees who need access to allotments or range facilities, landowners or their lessees who have been authorized to access their inholdings and other permit holders acting pursuant to their permit authorizations (such as rights-of-way or mineral leases). If the selected travel network results in a loss of public OHV access to Utah Trust Lands Administration (TLA) parcels, TLA and its permittees may obtain authorization to access those parcels from the BLM. The BLM will continue to work with current and future authorized users as appropriate to ensure reasonable access. As the need arises, and in accordance with applicable laws and regulations, any route (including those that are designated OHV-Closed) can be made available to authorized uses."



The BLM Authorized Officer will not, in this TMP, make any decisions pursuant to Revised Statute (R.S.) 2477, Act of July 28, 1866, Chapter 262, 8,14; Stat. 252, 253, codified at 43 U.S.C. § 932. This travel planning effort and resulting TMP is not intended to provide any evidence bearing on or to address the validity of any asserted R.S. 2477 rights-of-way and does not adjudicate, analyze, or otherwise determine the validity of any asserted rights-of-way. R.S. 2477 rights are determined through a process that is entirely separate from BLM travel planning efforts. Consequently, this planning effort does not consider any R.S. 2477 assertions or evidence and has no effect on any legal rights relating to asserted R.S. 2477 rights-of-way. At such time as a decision is made on R.S. 2477 assertions, the BLM will adjust its travel routes accordingly (BLM Manual 1626)."

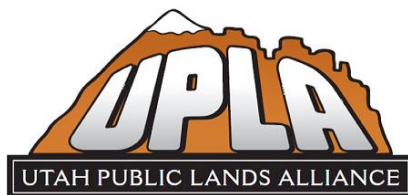
However, inclusion of the disclaimer statements as noted above are insufficient to ensure the public and all stakeholders of the SRS TMA that the BLM will not take action to illegally close or limit public access to County Class D Roads. History, including very recent action by the BLM, has demonstrated clearly that the BLM will exercise unilateral rule and overstep the boundaries of existing law to close roads that it holds zero authority manage as open, limited, or closed. A recent example that serves as a fresh laceration to the trust of the public and cooperating local governments, is the BLM's release of a Final Record of Decision (ROD) in the Labyrinth Rim and Gemini Bridges TMP. Thousands of miles of roads were closed to public access in this ROD, many of those miles were constituted of County Class D and RS 2477 roads. The closure of those roads is now being litigated – given the absolute clarity of existing law, in addition to the reasonable legal dispute over recent BLM closure of County Class D roads in other areas in Utah that are near the SRS TMA, it is imperative that the BLM refrain from taking any further action to close County Class D and RS 2477 routes through decisional action in the SRS TMP.

The BLM will be in clear violation of the law if action is taken to close County Class D Roads. While the BLM is designated by Congress to manage public lands on behalf of the citizens of the United States, the BLM, may not close County Class D Roads without legal adjudication with States and Counties. If the BLM closes these roads they are in violation of both the Supreme Court, and Utah State law. Utah State Law reads as follows (Section 1, Section 63C-4a-403):

"Plans for R.S. 2477 rights and constitutional defense

(1) (a) Any road on or across federally managed property and that is found on a county's class B and class D road map or a county travel plan is presumed to be a public road open for public use unless the road has been closed through an appropriate action of the state or federal government properly adjudicated and with due process.

(b) If the federal government attempts to close a road on a county's class B and class D road map or county travel plan without proper adjudication and due process:



- (i) the closure is invalid and has no effect; and*
 - (ii) the state and county may disregard the alleged closure.*
 - (c) In an adjudication to determine ownership of a disputed road that is included in a county travel plan, including an R.S. 2477 claim, the federal government has the burden of proof to show that the disputed road is not a public road and warrants closure.*
- (1) (2) The council may approve an R.S. 2477 plan if the R.S. 2477 plan:*
- (a) provides for a good faith, cooperative effort between the state and each participating county;*
 - (b) allows a county to formally agree to participate in the R.S. 2477 plan by adopting a resolution;*
 - (c) provides that the state and a participating county are equal partners in determining litigation strategy and the expenditure of resources with respect to that county's rights under R.S. 2477; and*
 - (d) provides a process for resolving any disagreement between the state and a participating county about litigation strategy or resource expenditure that includes the following requirements:*
 - (i) the governor or the governor's designee and a representative of the Utah Association of Counties shall first attempt to resolve the disagreement;*
 - (ii) if the county and the state continue to disagree, the county, the governor, and the Utah Association of Counties shall present their recommendations to the council for a final decision about the strategy or expenditure in question; and*
 - (iii) the county may pursue a strategy or make an expenditure contrary to the final decision of the council only if the county does not claim resources provided to fund the R.S. 2477 plan."*

There is clearly a legal basis that requires the BLM to exclude County Class D roads from the TMP route inventory; under Utah law, county roads are defined and managed by county governments. This includes the power to open, close, or maintain these roads as part of their infrastructure responsibilities (Utah Code Title 72, Chapter 3, Section 105). Within the Route Reports for the SRS TMP, in the Combined Reports SS0001 to SS3507, there are 1,419 routes noted as County Class D Roads. There are, of course, hundreds of additional routes in the SRS TMP route inventory that are classified as County Class D Roads, given that this Combined Report is just one of multiple Route Reports for the TMP. **It is imperative that the BLM correct this gross discrepancy in the maps and route reports for the SRS TMP by clearly indicating all County Class D roads as a unique color designation within static and dynamic maps (to distinguish Class D roads from the OHV route inventory), and noting on**



each Route Report for a Class D road that the BLM does not hold authority to determine whether that route is classified as open, limited, or closed.

Additionally, the BLM must specifically designate on TMP maps, which roads have RS 2477 claims on the. While County, State, and Class D roads may be included on the maps for orientation, they must be designated as a different layer in dynamic maps, and noted as a different color than OHV routes in static maps, to clearly indicate to the public that BLM has no authority to determine open, limited, or closed public access to them.

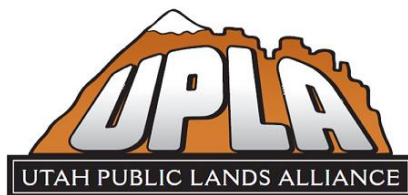
RELATIONSHIPS BETWEEN ROUTES & SPECIES OF CONCERN

Concerns regarding the impact of OHV recreation on ESA-listed endangered or threatened species and other species of concern, are cited throughout the SRS TMP as justification for route limitation or closure. At the same time, limited information is provided in the TMP about each species current status, and any history of efforts to actively manage recreation and multiple uses to balance human needs and interests with species protections. It is critical that the public is afforded the opportunity to thoroughly evaluate and comment on species concerns, if indeed, there may be any that are substantial enough to warrant limitation or closure of public access for a designated OHV route.

If there are any species that are currently listed as endangered or threatened under the Endangered Species Act, or are otherwise identified as a species of concern, the proximity of those species' populations and habitat to routes within the SRS TMA must be clearly articulated in TMP documents, and clearly shown on both static and dynamic maps. For all such species identified, a comprehensive review of the species' status, including detail regarding the species' full range of habitat and population outside of the SRS TMA, must be included.

In addition, reports from Fish and Wildlife on resource impacts, and any other agency report used in making recommendations should be included in the TMP.

Furthermore, if any previous action has been taken to mitigate impacts of human uses on the species habitat and ability to thrive within the SRS TMP, this should be reported in detail. All such reports must include specifics regarding the method of mitigation, the date(s) and duration of implementation, defined measures of success or lack thereof, and evidence of success or lack thereof. If mitigations have not been attempted within the SRS TMA, an explanation should be provided as to why. If mitigations have been attempted on public or private lands outside of the SRS TMA, this should also be noted with the same details as aforementioned.



The following are cited as species of concern within the SRS TMP:

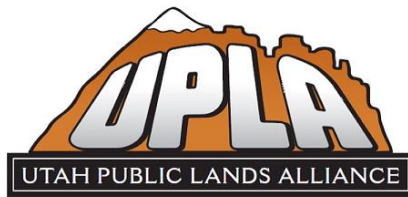
- Greater Sage Grouse
- Bighorn Sheep
- Elk
- Pronghorn
- Mule Deer

There are additional flora and fauna that are noted as species of concern in this TMP, those listed above are merely among the most prominent that are cited in relationship to concerns over susceptibility to experience existing or future potential negative impact from OHV recreation.

Given the deficiency of information as noted above, the Draft TMP as currently written is wholly insufficient to provide the public adequate opportunity to evaluate and comment on species issues as related to public access, OHV recreation, and other outdoor recreation. Therefore, the BLM has the legal and moral obligation to correct this error by revising the Draft TMP and extending the public comment period in order to allow the public an opportunity to provide relevant, substantive comments as related to this topic.

We thus call upon the BLM to pause the current Draft TMP EA public comment period, take time to revise the TMP to include the following details, and then reopen the public comment period for an additional timeframe to allow reasonable public review and response. The revised Draft TMP should include:

- **For all species of concern that are identified, a comprehensive review of the species' status, including detail regarding the species' full range of habitat and population both within and outside of the SRS TMA.**
- **Reports from Fish and Wildlife on resource impacts, and any other agency report used in making recommendations for species management.**
- **Details regarding any previous action that has been taken to mitigate impacts of human uses on the species habitat and ability to thrive within the SRS TMP, including specifics regarding the method of mitigation, the date(s) and duration of implementation, defined measures of success or lack thereof, and evidence of success or lack thereof.**
 - **If mitigations have not been attempted within the SRS TMA, an explanation should be provided as to why.**
 - **If mitigations have been attempted on public or private lands outside of the SRS TMA, this should also be noted with the same details as aforementioned.**



INACCURATE MAPS FOR PUBLIC REVIEW AND COMMENT

Per the procedural guidelines that define and dictate NEPA analysis, the BLM is obligated to provide the public with sufficient data to allow the public to understand all of the essential factors that influence the planning process and final decision, in order to ensure that the public may contribute relevant, substantive comments within each phase of NEPA scoping, analysis, objection resolution, and final record of decision. Maps are a critical component of that essential data. In this TMP plan specifically, given the breadth of geographic scale within the TMA footprint, and the broad range of multiple-uses and public land resources that will be impacted by the plan, maps are a vital piece of the data required for public review. Unfortunately, the maps that have been provided to the public for Scoping are wholly inadequate to inform and equip members of the public to submit relevant and substantive comments at this time.

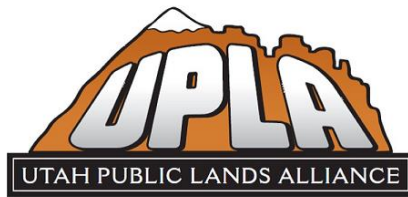
As noted above, the static maps that has been made available in PDF format solely shows the lines of OHV routes on the map – they do not contain details to note the route’s common names, or indicate all of the types of uses associated with each route.

Within the dynamic maps, the layers on the maps also contain insufficient data. None of the details noted for the static map above, are included in the dynamic map. Existing high-value recreation sites, cultural sites, and other multiple-uses are omitted from the map. Additionally, routes identified on the map must show the exact location of the route by making a gpx track downloadable from the map. Without this data, it is impossible for members of the public to accurately evaluate and speak to the potential range of impacts they will experience through any changes in travel management that are proposed in the TMP.

While the generalized impact of map inaccuracies and insufficiencies as noted above create harm on members of the American public by disenfranchising them of the right and opportunity to conduct meaningful and relevant participation within the TMP planning process, the following specific inaccuracies constitute acute harm.

Inaccurate Inventory of Designated OHV Routes

Neither the static nor dynamic maps provide an accurate demonstration of the full inventory of designated OHV routes in the SRS TMA. This is an egregious error that must be rectified! The lack of an accurately mapped route inventory makes it impossible from the outset of Analysis for the public to provide thorough, relevant feedback on the TMP via public comment. While this error may be attributed to human error or oversight on the part of the TMP planning team during



the Scoping phase of this plan... if this error is not corrected, it functions as an intentional action to obfuscate the public's rights and responsibilities for participation in this planning process.

We urge the BLM to ensure that this error is fully resolved by revising the maps for the TMP Draft EA and extending the public comment period to allow the public sufficient opportunity to review and provide comment on accurate maps. If the TMP planning team faces any gaps in knowledge or resources to create accurate maps, we invite the team to reach out to UPLA for support. We are more than happy to assist with reviewing the current inventory of designated OHV routes, verifying accuracy of maps, and ground-truthing routes in the field.

Recreation Opportunity Spectrum

Neither the static nor the dynamic maps reflect the Recreation Opportunity Spectrum within the SRS TMA. This is minimum essential data that must be provided to the public to allow for adequate and relevant evaluation of potential impacts from each alternative proposed within the TMP.

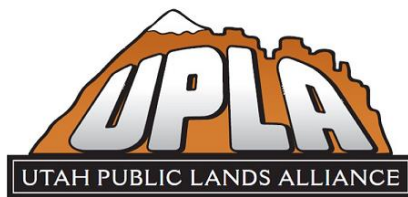
Current Travel System

Details to indicate which routes are designated for varied OHV uses (IE: 4x4, ATV, motorcycle, eBike, etc.) are omitted from both the static and dynamic maps.

Backcountry Airstrips and Dispersed Campsites

Neither the static nor dynamic maps provided for this TMP display backcountry airstrips or dispersed campsites. During public meetings for Scoping of this TMP, both backcountry airstrips and dispersed camping were noted by the public as two of the prominent recreational uses of the SRS TMA. The potential impact of closures for both aircraft and camping is troubling, and the omission of detail, including the precise gpx location and capacity of each campsite, within the static and dynamic maps makes it impossible to determine the relative potential impact of route closures for these uses.

For camping specifically, the scope of negative impact on the American public from omission of display of dispersed campsites within TMP maps is vast. The prevalent majority of visitors to the SRS TMA utilize camping as a primary and preferred mode of overnight accommodation. Eradication of dispersed camping will subsequently eliminate affordable and practical means for the American public to spend extended time exploring and appreciating the unparalleled beauty, unique cultural and natural resources, and internationally renowned outdoor recreation



opportunities that are held within this area. Restriction or closure of dispersed camping creates economic harm for members of the American public who cannot afford to pay for accommodations outside of the TMA. Omission of dispersed campsites within TMP maps demonstrates intentional misleading by planning managers to accurately disclose and inform the public of the full range of impacts within each alternative, and thereby obfuscates members of the public from conducting accurate evaluation of the draft TMP, to provide relevant comments throughout the planning process.

RS. 2477 and Mining Claim Access Routes

The TMP will provide bearing on and addresses the validity of R.S. 2477 assertions. It is critical that the TMP must not reduce access or close completely any routes that are the means of access to active mining claims. ROW that access mining claims are granted rights under R.S. 2477.

MS-1626 Travel and Transportation Management Section 6.2 states, “A travel management plan is not intended to provide evidence, bearing on, or address the validity of any R.S. 2477 assertions. R.S. 2477 rights are determined through a process that is entirely independent of the BLM's planning process.

In these proceedings, whether routes have existed historically and whether they currently exist on the ground are part of the evidentiary record for R.S. 2477 claims. Closure of an R.S. 2477 route through a TMP planning process provides bearing against the validity of any R.S. 2477 assertion by erasing the primary source of evidence upon which these assertions rely: the continued existence of the route itself. As such the closure of R.S. 2477 routes through the TMP process violates MS-1626 (6.2).

We recognize that RS 2477 claims cannot be adjudicated through an administrative process, but we also recognize that closing RS 2477 routes through an administrative process will bias any future adjudication, and closures of these routes should be avoided at all costs until any contested route can be thoroughly adjudicated. As noted earlier in this comment letter, it is a legal requirement that the BLM must not take action to restrict or close access to RS 2477 routes.

The closure of RS 2477 routes also creates an undue burden on active mining operations, and BLM Manual 2801.8(G) requires BLM to “Recognize as an authorized use, any ROW facility constructed on public land on or before October 21, 1976, under the authority of any act repealed as to future authorization by FLPMA. No further authorization is required by the holder for [...] b. A ROW for a public highway constructed on public land under R.S. 2477.” The closure of routes that provide the sole access to valid mining claims is illegal.



In order to provide substantive comments on routes that may be affected by RS 2477 claims after the adjudication is determined, Routes with RS 2477 claims must be included in the static TMP map, and especially, as a layer in the dynamic Interactive Map.

There are thousands of mining claims within the SRS TMA. This region, like many other parts of the western United States, has a history of mineral exploration and extraction. Mining activities in the SRS TMA primarily focus on minerals such as uranium, vanadium, and other valuable resources found in the area. The presence of mining claims and activities directly affect land use and recreational opportunities. It is unreasonable and unacceptable that mining sites and the routes affiliated with access to those sites are not shown in the static and dynamic maps for this TMP. The BLM maintains records of both active and inactive mining claims, including all details such as claim locations, claim holders, and the types of minerals being extracted. This is information that is easily accessible and useable by the BLM for Analysis of this TMP.

In order to comply with NEPA requirements, the BLM must provide maps of sufficient quality to allow members of the public to identify landmarks, areas, and designations on areas that are contained within the full range of the TMA, along with details regarding potential impacts to public access and multiple uses. It is critical that the TMP planning team provide comprehensive and complete maps for public review that include all of the details specified in this comment letter.

Consequently, we urge the BLM to maintain alignment with legal and Congressionally-directed mandates, by pausing the current Draft TMP EA public comment period, taking time to revise the TMP maps to correct errors and include the details noted above, and then reopen the public comment period for an additional timeframe to allow reasonable public review and response.

FIRST AMENDMENT RIGHTS

The BLM needs to strongly consider the American public's Constitutional rights when crafting alternatives for this TMP. The First Amendment protects the right of groups to gather and have organized rides where we educate each other on ways to best enjoy our preferred choice of recreation. It also specifically provides that Congress make no law respecting an establishment or religion or prohibiting its free exercise. Limiting routes could be violating those rights. It would be inappropriate and unlawful for the BLM to give preferential treatment to any user group over another. Given the creation of expansive Wilderness designations across the SRS TMA, preferential treatment has already been established for individuals with the physical ability and



financial resources necessary to hike, backpack, and ride horseback into the hundreds of thousands of acres of Wilderness areas in the SRS TMA. This preferential treatment must be balanced by providing equitable access via motorized recreation to allow individuals with physical disabilities and socioeconomic constraints to enjoy and explore the SRS TMA in a comprehensive and robust manner. **The reality is, the BLM can implement active management for all types of recreation within the SRS TMA. Motorized and non-motorized users can co-exist; one should not be restricted to accommodate another.**

POTENTIAL NEGATIVE IMPACT ON OUTSTANDING MULTIPLE-USE VALUES & CUMULATIVE IMPACTS

The [National Environmental Policy Act](#)⁷ (NEPA) plays a critical role in preventing cumulative impacts from closures and restrictions to public access on public lands by ensuring comprehensive environmental reviews and public involvement in decision-making processes. NEPA requires federal agencies to prepare an Environmental Impact Statement (EIS) for major federal actions significantly affecting the quality of the human environment. For less significant actions, an Environmental Assessment (EA) is prepared to determine whether an EIS is needed. Both documents must consider the cumulative impacts of the proposed action in conjunction with other past, present, and reasonably foreseeable future actions. Cumulative impact analysis ensures that the effects of land closures and restrictions are evaluated not in isolation, but in the context of other actions that might compound their environmental and social impacts.

Outstanding Recreation Value: OHV Recreation

UPLA is concerned that any further restrictions and closure of OHV access in the SRS TMA will bear insurmountable negative impact on OHV recreation. This negative impact will directly affect our members and the communities and economies that are situated near the SRS TMA and throughout the greater Southwest region of the United States. Closures and restrictions of access will displace OHV riders. This will drive OHV enthusiasts to seek recreation in other areas of Utah and the American Southwest. This will create a higher concentration of people off-roading in other OHV areas, which will create new negative impact on natural and cultural resources in those areas, thus jeopardizing the long-term viability of other OHV areas, and thereby inflicting a snowball effect of harm directly on the OHV recreation community.

While anti-motorized groups will no doubt emphasize in their comments that recreation is subservient to preservation of natural and cultural resources, we note that the SRS TMA supports a booming travel and tourism sector that is a source of economic opportunity for local communities. This coincides with a plethora of economic and demographic regional data. The



outdoor recreation and tourism sector is a significant source of employment in Emery and Sevier Counties. A [report by Headwaters Economics](#)⁸ indicated that in 2018, travel and tourism-related jobs constituted around 15% of total employment in both Emery and Sevier Counties. Employment sectors include lodging, dining, retail, and various recreation services, which are all bolstered by the influx of tourists. [Emery and Sevier Counties have experienced population growth in large part due to their proximity to public lands as an outdoor recreation hub](#)⁹. Many local businesses thrive on the influx of visitors seeking outdoor activities. This includes OHV sales and rentals, OHV tour operators, OHV repair shops, outdoor gear sales and rental shops, and guided adventure services.

The importance of OHV recreation to the local economy is undeniable. Moreover, the motorized route network in the SRS TMA is what enables all other recreational activities in the TMA to take place. Much of the terrain is remote, and many areas can be accessed only by primitive four-wheel-drive roads. Driving these roads is in itself a valued recreational experience for many people, while others use them to access hiking trailheads, climbing sites, campsites, or cultural sites. A robust motorized route network is key to enabling all forms of recreation, whether those participating in a given activity appreciate that or not.

Given the long management history of the motorized routes in this area and their extreme importance to the local economy in enabling all forms of recreation within the TMA, any additional closures of motorized routes proposed in the TMP are simply unwarranted. A vast quantity of OHV routes were already, recently closed through the creation of new designated Wilderness via the Dingell Act. We therefore urge the BLM to consider and adopt the following provisions in the TMP:

- 1. Keep all existing OHV area designations from current management plans.**
- 2. Maintain existing OHV access within wilderness study areas, and lands with wilderness characteristics.**
- 3. Maintain all individual route designations under existing travel management plans.**
- 4. Utilize an adaptive management framework for motorized use.** As part of implementation-level travel planning, active management should include monitoring OHV use areas and, if unacceptable 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. Any route closures or other management measures



should be developed in response to specific unacceptable impacts identified through monitoring, not done preemptively based on pure speculation. The best way to manage OHV use is with the least restrictive approach first, leaving room to escalate to increased restrictions later when necessary.

5. **Special recreation permits for motorized events must continue to be allowed for all routes currently permitted for events.**

Outstanding Recreation Value: Rock Climbing

The SRS TMA contains a large number of renowned rock climbing destinations. Climbers come from around the state and the US to test themselves on the unique alpine, trad, and bouldering routes. Restrictions or closures of access to rock climbing in the SRS TMA effectively serves to eliminate an irreplaceable climbing experience; it decimates the ability for current and future climbers to engage in a unique climbing experience that cannot be accessed elsewhere. Notable rock climbing routes within the SRS TMA include:

- Buckhorn Wash
- Mexican Mountain Road
- Mexican Mountain Area
- River Bridge West
- Road Draw, Oil Well Flat Road
- Head of Sinbad North
- Eagle Canyon
- San Rafael Knob Area
- Head of Sinbad South
- Temple Mountain Area
- Factory Butte Area
- View Finder Towers
- Dirty Devil River Gorge
- The Eastern Reef
- Swaseyland sector
- Upper Muddy Creek
- Ding Dang Dome
- Tomsich Peak
- Lucky Strike Mine Area
- Airport Towers



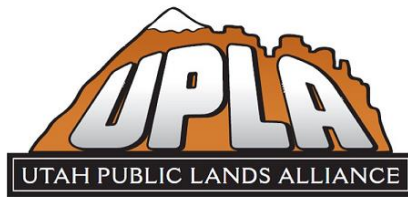
- Flat Tops
- Sulphur Canyon Area
- Hanksville Area
- Back Of The Reef
- Shooting Range Boulder
- Moore Cutoff Road
- Torres De Polvo
- Dead Mans Spires
- The Weasel Formation
- Coal Wash sector
- Calf Mesa sector
- Smith Cabin sector
- Dog Pond Road Area sector
- Cottonwood Wash

All of the rock climbing routes noted above, in addition to those not mentioned (for sake of space within this comment letter) must be added as recreational sites within the static and dynamic maps for the SRS TMP.

It is important to note, [rock climbing as a sport embodies and advances a deep value and commitment for responsible stewardship of public lands](#)¹⁰. The Leave No Trace (LNT) philosophy stands as a beacon of responsible outdoor ethics, guiding climbers toward environmentally conscious practices that protect and preserve the very landscapes they cherish. Throughout each stage of a climbing journey – from the approach to the summit, and through the descent to camping or bivouac – these seven principles serve as a compass, guiding climbers to minimize their impact and leave behind only memories, not traces. Climbers believe that they have the privilege of experiencing some of nature's most awe-inspiring vistas, and with that privilege comes a shared responsibility to protect them. By embracing the LNT principles, climbers embark on a collective mission to safeguard the beauty of climbing areas and leave them unspoiled for generations to come.

We urge the TMP planning team to explicitly revise the SRS TMP to ensure that all rock climbing routes and sites are:

- **Identified on the static and dynamic TMP maps, including identification of access routes (roads and trails) to each sites,**
- **Remain open within all alternatives that are proposed.**



Cumulative Impacts

It is critical that the TMP planning team represents an interdisciplinary approach. Any lack of agency representation and expertise in sociology, economics, and recreation management will likely result in a chasm of missing data and analysis to inform the TMP process and outcomes related to cumulative impacts on public access, local economies, as well as diverse social groups and stakeholders.

Use of active management and mitigation measures must be prevalent throughout the TMP planning process and documents. While NEPA is intended to prevent cumulative impacts from closures and restrictions to public access on public lands through comprehensive environmental review processes, public involvement, interdisciplinary analysis, mitigation measures, and adaptive management strategies, the responsibility falls on the TMP planning team to adhere to NEPA mandates and therefore leverage these mechanisms to ensure that the potential cumulative effects of management actions are thoroughly considered and addressed.

ECONOMIC IMPACTS

The [National Environmental Policy Act](#)⁷ (NEPA) also plays a critical role in preventing negative economic impacts from closures and restrictions to public access on public lands by ensuring that comprehensive economic analysis is included in environmental reviews and public involvement in decision-making processes. NEPA requires federal agencies to prepare an Environmental Impact Statement (EIS) or an Environmental Assessment (EA), both of which must consider the cumulative impacts of the proposed action on the financial and resource economies of communities that are within proximity of the related public lands addressed in an EIS or EA. Cumulative impact analysis ensures that the effects of land closures and restrictions are not evaluated in isolation, but in the context of other actions that might compound their economic impacts.

An economic impact analysis for a TMP EA must address the following critical components to ensure a comprehensive evaluation of how the proposed plan will affect the local and regional economy.

1. Baseline Economic Conditions
 - Demographic Data: Population size, growth trends, age distribution, and other relevant demographic information.



- Economic Data: Current economic indicators such as employment rates, income levels, major industries, and economic growth trends.
 - Tourism and Recreation Data: Existing tourism and recreation activities, visitor numbers, and related economic contributions.
2. Description of Proposed Actions and Alternatives
 - Action Alternatives: Detailed description of the proposed travel management actions and any alternatives being considered.
 - No-Action Alternative: Analysis of the baseline scenario where no changes are implemented.
 3. Direct Economic Impacts
 - Visitor Spending: Projected changes in visitor spending due to the proposed actions (e.g., changes in access to recreational areas, new facilities).
 - Employment: Changes in local employment related to tourism, recreation, and other affected industries.
 - Business Revenue: Impact on local businesses, particularly those dependent on tourism and outdoor recreation.
 4. Indirect and Induced Economic Impacts
 - Supply Chain Effects: Impact on suppliers and service providers linked to the primary industries affected by the TMP.
 - Multiplier Effects: Broader economic effects stemming from changes in spending patterns and income distribution in the local economy.
 5. Fiscal Impacts
 - Tax Revenue: Changes in local and state tax revenues, including sales tax, property tax, and other relevant taxes.
 - Public Services and Infrastructure: Impact on public services such as emergency response, road maintenance, and infrastructure improvements or requirements.
 6. Social and Community Impacts
 - Quality of Life: Effects on the quality of life for local residents, including changes in recreational opportunities and potential increases in traffic or noise.
 - Cultural and Historical Resources: Impact on culturally significant sites and historical resources.



7. Environmental Justice

- Affected Communities: Identification of low-income or minority communities that may be disproportionately affected by the TMP.
- Impact Analysis: Evaluation of how economic changes might impact these communities differently compared to the general population.

8. Mitigation Measures

- Impact Mitigation: Proposed measures to mitigate negative economic impacts and enhance positive outcomes.
- Monitoring and Adaptation: Plans for monitoring economic impacts over time and adapting management strategies as necessary.

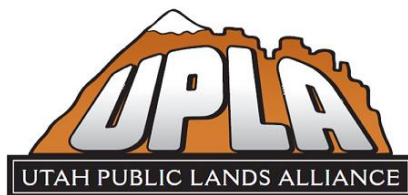
9. Stakeholder Engagement and Public Input

- Consultation Process: Description of stakeholder engagement, including consultations with local businesses, community groups, and other relevant stakeholders.
- Public Comments: Summary of public comments received during the EA process and how they have been addressed in the economic impact analysis.

10. Data Sources and Methodology

- Data Collection: Sources of economic data used in the analysis, such as government reports, surveys, and industry studies.
- Analytical Methods: Description of the methods and models used to estimate economic impacts, such as input-output models, econometric analysis, and economic multipliers.

While the SRS TMP provides some information regarding economic impacts, it is remiss to include adequate analysis as defined above and required by NEPA. This represents both legal and procedural violation of NEPA process. It is essential that the TMP planning managers for the SRS TMP pause the current public comment period, conduct comprehensive economic analysis that accurately aligns with NEPA requirements, and then reopen the public comment period in order to demonstrate how the proposed actions will affect the local and regional economy, and allow the public an opportunity for relevant public comment on such impacts, and thereby support TMP decision-makers in balancing environmental and economic considerations.



EQUITY, ENVIRONMENTAL JUSTICE, AND PEOPLE WITH DISABILITIES NOT ADDRESSED IN RMP ALTERNATIVES AS PER E.O. 13085 AND E.O. 14035

In his first two months in office, President Joe Biden issued Executive Order(s) [13085](#)¹¹ and [14035](#)¹² On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. These executive orders established “an ambitious whole-of-government equity agenda” which focuses on addressing “entrenched disparities in our laws and public policies,” and mandates a “comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.” In the fall of 2021, the Department of Interior subsequently published a notice in the Federal Register seeking comments on how to provide more equitable access to public lands, which it has identified as an important goal of this administration.

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

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

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



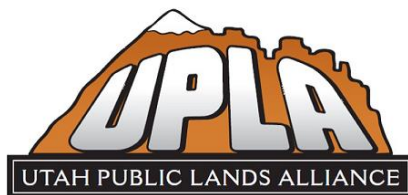
The Biden Administration's focus on equity, however, changes the equation. While the ADA focuses only on equality of opportunity, equity inherently focuses on equality of outcome. Any policy that is facially neutral but disproportionately harms a disadvantaged or marginalized group is considered inequitable. The BLM is therefore required by this executive order and others mandating that federal agencies consider "environmental justice" in NEPA proceedings to consider whether any restriction or closure of OHV access imposed by the Dolores TMP would disproportionately harm disabled users' ability to access public lands.

Senator Mike Lee introduced the Outdoor Americans with Disabilities Act into Congress recently on June 13, 2024. This act will preserve access for users that are impaired by disabilities, including our nation's veterans. The introduction of this bill, in addition to President Biden's Executive Orders, demonstrates the public interest in achieving equity of access for these individuals. It is imperative that the BLM consider the access needs of disabled users in considering the alternatives for this travel plan and ensure that people with disabilities who depend on motorized means do not lose access. Such consideration is also required by the BLM's recently adopted Equity Action Plan that was released by the Department of Interior in April 2022. The Equity Action Plan recognizes that off-road routes create a form of access to public land for those with disabilities, and specifically identifies limited physical access as a barrier that prevents people with disabilities from recreating on public lands. Limiting the areas motorized vehicles can access limits those users who want to experience public land and contradicts the agency's Equity Action Plan. Therefore, BLM should analyze how the proposed closures would undermine the objectives of the Equity Action Plan.

I (Loren Campbell) personally am affected because I am 68 years of age and have been a Type 1 diabetic in excess of 30 years. I can no longer visit these scenic areas without the benefit of motorized vehicles. My husband has been as asthmatic since childhood, and he also may be deprived of the opportunity to visit these lands without motorized vehicles.

Any approach to travel management that presumes the superiority of non-motorized forms of recreation like hiking over motorized recreation, or that justifies closing motorized routes on the basis that people can still hike on those routes, is inherently discriminatory toward people with disabilities. Any large-scale closures of existing routes would unfairly and inequitably deprive people with disabilities of the ability to recreate in the area using the only means available to them.

We note that, anecdotally, a significant and growing number of racial minorities (especially Latinos) have recently been getting involved in motorized recreation driving side-by-sides and



UTVs. From personal observations while off-roading in both Colorado and Utah, a significant proportion of UTV drivers are Hispanic. These vehicles seem to appeal to that demographic in ways that traditional off-road vehicles or other outdoor activities like hiking or mountain biking historically have not. Motorized recreation (specifically OHV use) is therefore playing a major role in diversifying recreation on western public lands, which is one of the primary goals of the DOI's Equity Action Plan. Eliminating a significant amount of motorized recreational opportunities in the SRS TMA therefore runs counter to this goal and disproportionately affects racial and ethnic minorities who prefer motorized recreation over other forms of outdoor recreation. For that reason as well, the action alternatives presented in the draft RMP are broadly overreaching towards conservation and should be rejected or scaled back to a more balanced approach that allows for both conservation and outdoor recreation access to be protected for perpetuity.

Many of UPLA's members and supporters are made up of individuals that are elderly, handicapped in some way, or suffer from physical mobility challenges, and cannot access public lands because of their limitations without the benefit of motorized vehicles.

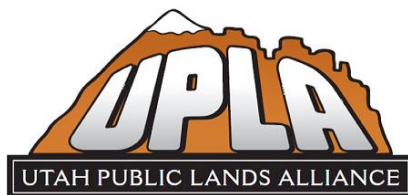
The SRS TMP must include compliance with Executive Orders 13985 and 14035 on Advancing Racial Equity and Support in the list of regulations and laws that the TMP must address, and address how the BLM will achieve compliance for each of the proposed restrictions or closures to motorized access in the Draft EA.

CONFORMITY WITH UTAH STATE LAW

The TMP should be in conformity with Utah State laws, especially 2024 H.B. 471 and S.B. 67. Compliance with State laws should be a stated objective of the TMP. **Should the BLM choose not to comply with State law, an explanation must be included in the TMP.**

EDUCATION

BLM should analyze the educational resources utilized to inform the public about the TMA. The analysis must include evaluation of resources that are underutilized, and how BLM will address improving that public education. Items to consider might be informational signing, BLM trail talks, trail signage, resource impacts, responsible use, leave no trace practices, and the importance of protecting natural and cultural resources. There is minimal evidence of analysis of educational resources within the SRS TMP. **We thus assert the exigence that the BLM must pause the current public comment period, revise the Draft SRS TMP to include robust analysis of educational resources, and then reopen the public comment period to allow the**



public sufficient opportunity to evaluate and comment on education as a method of active management within the SRS TMA.

CURRENT MANAGEMENT

BLM should include their current applicable Resource Management Guides in the EPlanning website data. Where the TMA is not being managed in accordance with applicable BLM Management Guides and or handbooks, these should be identified by BLM as discrepancies in their management, and identify corrective actions they propose or the need to change the Guide. A thorough report on the monitoring done currently in the TMA should be included in the Draft EA, including data and sources on route usage such as counters installed on trails.

SAFETY IMPACTS LEADING TO IRREPARABLE HARM

As a former certified EMT and Wilderness First Aid Caregiver, I (Loren Campbell) have been well acquainted with The Golden Hour for treatment of critical injuries or illnesses has been a practice since it was introduced by the French in WWI. More recently, medical professionals have said that the hour should be shorter or longer depending on the circumstances, but “as soon as possible” has remained a good guide.

As I am frequently a trail leader for groups, one essential part of my preparation is planning for an emergency exit for medical and other reasons. I have been presented with all of the following emergencies on routes that I have been on, and quick exits to seek advanced medical care or extraction points was essential.

- A simple fall by a club member shattered both knees on a trail near Silverwood Lake in California. Due to the excruciating pain and risk of internal bleeding, I splinted both legs and evacuated him in the back of a Jeep to a waiting ambulance on the highway using the quickest and smoothest of available route choices.
- Twice on the Dusey Ershim Trail in California, we had members that began having chest pains, difficulty breathing and dizziness. We evacuated one back to advanced medical care. He was diagnosed with severe altitude sickness, the only field remedy was moving him to a lower altitude as quickly as possible, which is what we did. The other member we hydrated and put to bed and he adjusted to altitude overnight.
- On another Jeep trip to Johnson Valley in California, a member of our group was bitten by a rattlesnake. After driving with OHV to reach a cell signal, we contacted 911 and arranged evacuation to a suitable landing site for helicopter transport for treatment for advanced medical care at a hospital with the needed anti venom. Without motorized OHV



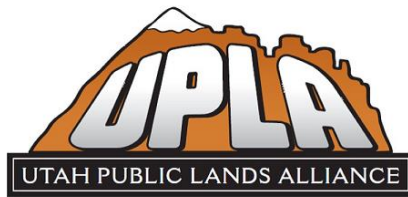
to quickly reach cell reception and to arrange expedited emergency evacuation and treatment, that member would have suffered irreparable harm possibly including death.

- A passenger on a UTV run in Parker, AZ and had a panic attack as a result of getting lost, running low on fuel and water, and darkness setting in. The other members were eventually able to calm him down somewhat and evacuated him. This was the first time he had a panic attack, but the attacks became prevalent and more severe over the next year. He committed suicide one year later as a result of the attacks. Not sure if quicker treatment might have made a difference, but it was a tragic loss.
- A Jeep member was on a run in Havasu, AZ and had a heart attack. We began CPR and contacted EMS who we met at the highway and drove to the patient. Unfortunately, efforts were unsuccessful and the member died, but at least because of OHV we were able to expedite arrival of EMS.
- On a Jeep run in Big Bear, CA we saw a mountain biker collapsed on the side of the road. We verified his vitals were good and called 911. It was very hot, almost 100°. He was severely dehydrated, so after he regained consciousness we got him in an air conditioned Jeep and started dousing him with water to cool him down and started rehydration. We drove him to a fire station about 6 miles away where EMS and an ambulance was waiting, who took him to a hospital for advanced medical care.
- There are many other common medical conditions I have not experienced, but happen everyday. Expedited medical care, even if it is just a scoop and run, generally increases the chances of recovery.
- Other emergencies such as threats by fire or flood also are enhanced with motorized OHV in expediting evacuation.

Often the shortest, or the route you came in on, are not the best routes for evacuation. Having a multitude of route choices is often the very best way to expedite evacuation and recovery. I have had a variety of emergency experiences in my life, but it pales in comparison to the number of actual issues that arise in daily life. Closing routes WILL increase evacuation, treatment delays, and even survivability. **Human life and safety should be considered carefully in your decisions. For every route the draft TMP may propose to close, a comprehensive analysis must be provided that evaluates how these factors will affect response to emergencies for evacuation and recovery.**

TRANSPARENCY AND EASE OF SUBMITTING COMMENTS BY PUBLIC

Many of our members and supporters have expressed considerable frustration and difficulties being forced to use the ePlanning website to submit comments. Both BLM and UPLA have been



emphasizing the importance of more substantive comments, but the Participate Now link makes it much more difficult.

- The Participate Now link often takes 10-15 seconds to appear when accessing the page, many people abandon the site before it appears, and occasionally the link does not work
- There is no “Help” option on the Participate Now page for people having difficulty.
- Deep linking to the Participate Now Comment page is not supported
- The 5000 character limit for comments is inadequate to support substantive comments, my comments nearly 8000 words without any attachments.
- The file types do not support adding gpx or kmz files which are the most commonly used
- There is no ability to simultaneously copy other organizations or elected officials in comments so that they are aware.
- Mailing comments is impractical, especially when photos are included.

We urge that BLM offer the option of submitting comments by a dedicated email address as they have in the past.

DISSENTING OPINIONS

Dissenting opinions on individual route decisions are inevitable when the Interdisciplinary Team goes through the planning process, but if an IDT team member presents a specific report or study that would support a different decision, we ask that BLM specifically identify these reports in the supporting documents as Dissenting Opinions.

FALSE ASSERTION OF GOVERNMENT OWNERSHIP OF FEDERALLY-MANAGED PUBLIC LANDS

As noted previously in this comment letter, the BLM manages public lands and subsurface estate under jurisdiction granted by the United States Congress, in accord with the [Federal Land Policy and Management Act of 1976](#)³ (FLPMA). The agency is a contracted public land managers, with direct accountability to the citizens of the United States for the method and outcomes of their management actions. Neither the BLM, nor their respective “department of” (Department of the Interior) possess ownership of BLM managed lands. Nor does the BLM possess sole discretion to exercise management authority that excludes the vested interests of the full citizenship of the USA. As elected leaders, the US Congress is the only entity which may direct the agency’s management protocol. US citizens are protected from the risk of BLM overreach in management authority by the functions of congressional process, FLPMA, as well as the broader framework of the US Constitution.

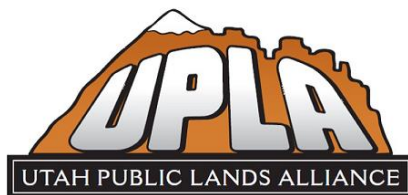


Thus, we are alarmed and disappointed that there are multiple statements within the TMP that assert that the public land within BENM is federally “owned” by the BLM. In order to protect the vested rights and ownership that American citizens possess through the endowment of our treasured public lands, and to ensure accurate language that aligns with FLPMA, the US Constitution, and Congressional directives, each of these false statements within the TMP must be corrected. Erroneous references to federal ownership of public lands are found in the following:

- Section 1.5, Conformance with BLM Land Use Plans, page 9, paragraph 1:
 - *“Maintain important recreational values and sites in federal ownership to ensure a continued diversity of recreation settings, activities, and opportunities.”*
 - This must be corrected to state “federal administration” or “federal management” in place of “federal ownership.”
- Appendix A: Issues Analyzed in Brief, Table Appx - 3: Acreage within the TMA by Potential Fossil Yield Classification Value and Land Ownership, page 123:
 - *Column 3 of this table cites the % of Federal Acres as “owned” by the federal government.*
 - This must be corrected to distinguish accurate, legal land owners (Private and State entities) from public land managers (the BLM). The American public must be cited as “owners” of public lands that are managed by any federal agency.

Please note, there are additional erroneous references to federal and BLM ownership of public lands in other components of the TMP, appendices, and supporting documents. The items in need of correction as noted above are not intended to be a comprehensive list of all such references. All additional erroneous references must also be corrected.

Again, it is critical for the BLM to bear in mind that the agency does not own our public lands. BLM managed lands are a part of the public endowment, as all public lands are owned by the citizens of the USA (the public); the BLM is merely contracted to manage those lands within the defined scope of limited authority that is granted by Congress. Thus, we assert the exigence that the agency must correct each item of erroneous language that states implicitly or explicitly that the BLM, Department of the Interior, or any other federal agency owns our public lands and the mineral rights and natural resources that are contained within them.



CLOSING

In addition to our preceding comments, we support any additional comments from individuals, groups, associations, and the general public that encourage the BLM to adhere to the Congressionally-mandated NEPA directive that requires a true recreation alternative as an additional option for public comment. We support any additional comments that encourage the agencies to uphold their mission and commitment to the public to manage public lands in the SRS TMA in a manner that maximizes public access, and sustains the health, diversity, cultural resources, and values of the land for the use and enjoyment of present and future generations. We strongly advocate against any components of the TMP that would diminish or eliminate public access to the SRS TMA.

We would like to close by once again calling your attention to the rights and interest that UPLA members, all outdoor recreationists, and the general public have as vested stakeholders of the BLM-managed lands. We encourage the BLM to uphold their alignment with the BLM mission and operating guidelines, their responsibility to manage our public lands for the benefit of all American citizens, and their accountability to operate within the scope of congressionally-granted boundaries as contracted managers of our nation's public lands - the citizenry's prized national heritage.

Utah Public Lands Alliance would like to be considered an interested public for the TMP. Information can be sent to the following address and email address:

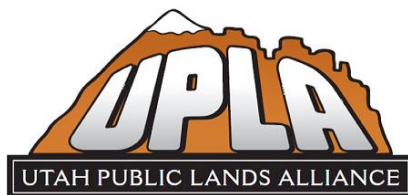
Rose Winn
Utah Public Lands Alliance
PO Box 833, St. George, UT 84771
rose@utahpla.com

Sincerely,

Rose Winn
Natural Resources Consultant
Utah Public Lands Alliance
559.862.6382

Loren Campbell
President
Utah Public Lands Association
909.499.3295

cc: Senator Mike Lee, Senator Mitt Romney, Congressman John Curtis, Congresswoman Celeste Malloy, Congressman Blake Moore, Congressman Burgess Owens, Governor Spencer Cox, Redge Johnson, Laura Ault, UPLA Trustees and Members



References

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12. Federal Register. Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. A Presidential Document by the Executive Office of the President on 02/22/2023. <https://www.federalregister.gov/documents/2023/02/22/2023-03779/further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal>



UTAH PUBLIC LANDS ALLIANCE

*Together We Will Win,
But We Can't Do It Without You*

July 22, 2024

Bureau of Land Management-Price Field Office
Attention: Jaydon Mead via Email and BLM E Planning Site
blm_ut_pr_comments@blm.gov

Subject: San Rafael Swell Travel Management Plan, DOI-BLM-UT-G020-2019-0019-EA

Dear BLM Planning Team,

Utah Public Lands Alliance (UPLA) is writing to provide public comment on the Travel Management Plan for the San Rafael Swell Travel Management Plan, hereinafter TMP. Many of our members and supporters live near and/or recreate throughout the 1.45 million acres of the Planning Area in Utah that will be impacted by the TMA. This letter of comment shall not supersede the rights of other UPLA agents, representatives, or members from submitting their own comments; the Bureau of Land Management (BLM) should consider and appropriately respond to all comments received for the TMA.

UPLA is a non-profit organization representing over 5,800 members, in addition to speaking out for 69 OHV clubs and organizations; we champion responsible outdoor recreation, active stewardship of public lands, and encourage members to exercise a strong conservation ethic including “tread lightly” principles. We champion scrupulous use of public lands for the benefit of the general public and all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with public land managers and other recreationists. Our members participate in outdoor recreation of all forms to enjoy federally and state managed lands throughout Utah, including BLM and US Forest Service managed public lands. UPLA members visit public lands to participate in motorized and human-powered activity such as off-roading, camping, hiking, canyoneering, horseback riding, sightseeing, photography, wildlife and nature study, observing cultural resources, and other similar pursuits on a frequent and regular basis throughout every season of the year. UPLA members and supporters have concrete, definite, and immediate plans to continue such activities in the TMA throughout the future.

I, Loren Campbell, am a Jeepster and UTV enthusiast from Virgin, Utah. I serve as the President of Utah Public Lands Alliance (UPLA), a non-profit organization dedicated to keeping offroad trails open for all recreation users. We have a strong interest in maximizing opportunities for offroad motorized recreation. UPLA and myself are also members of BlueRibbon Coalition. I work full time as a volunteer advocate to protect access for all users, but also organize and work as a volunteer on projects on public lands.

These comments are submitted on behalf of both myself and Rose Winn, Natural Resource Consultant for UPLA as an organization, as well as our many members and followers from within and without Utah. We also request that we also support and agree with the comments submitted by BlueRibbon Coalition.

We note at the outset how frustrating this travel management process is for the motorized community, being forced to justify the existence of every motorized route in a large portion of the Price Field Office. The Swell is often regarded as one of the most remote and beautiful areas of Utah, a distinction earned in part because of the ability to travel by OHV into the vast region. We are extremely frustrated because BLM appears to have abdicated their responsibility for the multi use directive under FLPMA by surrendering to the agenda of a small minority of environmental extremists and exclusionary special interest groups who wish to eliminate motorized users from the region, which will eventually affect other users when roads and routes are closed leading to their access of the area.

These comments are Supplemental to the Comments Filed by Rose Winn as our Natural Resource Consultant separately.

Development of Travel Management Plan for Swell without Revision of the RMP including development of a RAMP is illegal.

The San Rafael Swell Travel Management Area is one of the largest in the State of Utah, and is incredibly complex with all the actions that have happened over the past 16 years since the 2008 Price Field Office Resource Management Plan (RMP).

The TMP must be developed to be consistent with the goals, objectives, and decisions outlined in the RMP. Essentially, the RMP sets the broader management direction, and the TMP provides detailed guidance on how travel and transportation are to be managed in alignment with those directions. The RMP provides the strategic framework, the TMP is one of the tools used to implement the RMP's transportation-related goals.

Both RMPs and TMPs are required to involve significant public input, and are dependent on good quality information and analysis to be provided by the BLM.

The Travel Management Plan Draft EA is unnecessarily complex because it is an attempt to decipher all the individual decisions over the past 16 years. This difficulty caused even BLM to be delayed in releasing anything other than the pdf versions of the maps for the Preliminary Alternatives. The format of the Story Map that was eventually released is in a completely new format and lacks significant information to make it usable by the public, such as the omission of County and State Roads for orientation.

Additionally, trying to release all the decisions as part of the TMP draft resulted in BLM making assumptions that were not supported by timely public release of data and allowance for comments from the public.

It has been widely acknowledged in both the RMP and in the numerous actions since that the attempt to designate OHV routes was extremely limited in scope, and identified less than half of the available routes in the San Rafael Swell. The fact that any Implementation Level decisions were made in the RMP at all likely destined it to failure, as it well beyond the broad scope required in an RMP.

It should be noted that **Page 1 of the Price Final RMP (2008) defined “Need” as follows:**

“A revision to the Price River Management Framework Plan (MFP) 1983 and San Rafael RMP 1991 is necessary because there have been significant alterations in light of new information and changed resources. Circumstances and policies relevant to the future management of public lands and allocation of resources under the multiple-use and sustained yield mandate have also 2 changed. The BLM completed detailed evaluations of the Price River MFP and the San Rafael RMP in 2001 and determined that both plans needed revision (BLM 2001).

Changes in the laws, policies, and regulations directing public land resource management and new information and resource data need to be considered to better manage the public lands. Visitation to the region has grown. Population demographics have changed, as have public awareness and use of lands within the planning area. Specifically, there may be a need to evaluate management prescriptions and resource allocations to address the increases in recreation and visitor use, including scenic quality and open spaces, as well as the increased interest in oil and gas development. Land use plan decisions may be changed only through the amendment or revision process.”

The same conditions exist today that required this statement of Need, except they are now even more complex than they were in 2008. In order for the RMP to be used as a guide for the TMP, the RMP requires a complete Revision of the Plan. The following deficiencies should also be noted:

- The route inventory used in 2008 was incomplete, and this was acknowledged on Page 26 of the RMP which states: “Many comments were submitted on the Draft RMP/EIS and the supplements that suggested additions, deletions, and modifications to the proposed route system for the Preferred Alternative. The Approved RMP identifies that specific designated routes may be modified through subsequent implementation planning and project planning on a case-by-case basis and based on site specific NEPA documentation. Areas that were open to cross county OHV use in the San Rafael RMP (1991) are now limited to designated routes in the Approved RMP. However, the Draft RMP/EIS did not display any routes in this area and therefore the public was unable to comment on these

potential decisions. For this reason, the Approved RMP does not designate any routes in these areas and future activity-level planning will be needed to consider route designation. Other modifications to the route system in the Approved RMP will not be considered until implementation of the plan has been substantially completed which includes mapping, signing, monitoring and evaluation. The first area for consideration will be adjustments to the SRRDP where implementation is already substantially completed.”

- **The attempt in the 2008 Plan to designate routes was a failed effort from the start, as well as being improper under NEPA guidelines which only allow Area OHV designations. Further, the Plan also made note that a complete review would be made in the implementation level decisions to follow.**
- **The 2008 RMP identified on Page 62 a Plan Evaluation Schedule for the Plan in Section D as follows:**

“Evaluation is a process in which the plan and monitoring data are reviewed to see if management goals and objectives are being met and if management direction is sound. Land use plan evaluations determine if decisions are being implemented, whether mitigation measures are satisfactory, whether there are significant changes in the related plans of other entities, whether there is new data of significance to the plan, and if decisions should be changed through amendment or revision. Monitoring data gathered over time is examined and used to draw conclusions on whether management actions are meeting stated objectives, and if not, why. Conclusions are then used to make recommendations on whether to continue current management or to identify what changes need to be made in management practices to meet objectives. BLM will use land use plan evaluations to determine if the decisions in the RMP, supported by the accompanying NEPA analysis, are still valid in light of new information and monitoring data. Evaluation of the RMP will generally be conducted every five years, unless unexpected actions, new information, or significant changes in other plans, legislation, or litigation triggers an evaluation. The following estimated evaluation schedule will be followed for the PFO RMP: September 2013, 2018, 2023, 2028”

It is clear that not only has BLM failed in its obligation to do the periodic reviews required to assess the viability of the RMP, but also failed to miss required updates/revisions of the RMP as required by both the RMP and the BLM Land Use Planning Handbook (H- 1601-1) as a result of changes created by passage of the Dingell Act that alone:

- **Designated 663,000 acres as Wilderness**
- **Established cherry stem routes**
- **Reduced the SRMA to only 217,000 acres**
- **Released 17,000 acres from WSA status**
- **Included very specific language that an amended RMP including development of a San Rafael Swell Recreation Area Management Plan (RAMP) within five years of passage of the Dingell Act, which would have meant it was required to be in place by March 12, 2024.**

BLM was also required to Revise the RMP due to the overwhelming changes in the landscape. The BLM website titled “How Plans are Updated” states: (Comments have been added with red text.)

The Bureau of Land Management evaluates and amends or revises its land-use plans in response to changing conditions and demands on the public lands, or when new components are added to the National Conservation Lands that it manages. Keeping a plan up-to-date helps ensure that the BLM manages the public lands in ways that meet the multiple-use and sustained yield goals that Congress has set for these lands.

Examples of situations that may require new or changed land-use plan decisions include:

- *New information or scientific knowledge about the environmental health of an area* *There is much new information on huge scale and impacts with the Dingell Act and the 2017 Settlement Agreement alone, plus all the implementation steps outlined in the 2008 RMP that have still not been implemented.*
- *Failure to meet the land health standards set out in the original plan* *There are numerous claims that land health standards have not been met that were the basis of the Settlement Agreement*
- *Requests for land uses that were not considered in the original plan.* *Many older land-use plans, for example, did not consider the possible land-use needs of emerging renewable energy resources. Huge changes in land use have been implemented, but still not incorporated into a Revised RMP.*

The BLM can take several steps to keep its plans up to date, through plan maintenance actions, plan amendments, or plan revisions. Minor changes to an existing land-use plan, such as correcting typographical errors or refining the boundaries of a fire management area are examples of plan maintenance actions. Plan maintenance actions do not require public notice or the creation of associated NEPA documents. *The changes identified have not been minor changes authorized with Plan Maintenance.*

Changing the decisions in a plan, however, can't be done through plan maintenance. The BLM must either amend or revise its land-use plans to change the plan's decisions. We amend or revise our plans in much the same way that we create them: we require public involvement; we create NEPA documents; and we give state governors the opportunity to review our amendments or revisions for conformity to state plans.

- ***Plan revisions:** Plan revisions involve a complete or near-complete rewrite of an existing land-use plan. A plan revision always requires a full Environmental Impact Statement. The changes in land use that have added 14 Wilderness Areas, several WSAs, and eliminated 17,000 acres from WSA status are enormous changes in the use of the land. **Section 2.1.1. of the Draft EA** describes how the current total evaluated network was developed, and the elimination of 375 miles of routes by the IDT in 2023 is especially troubling. The EA states that the IDT determined that the routes had no purpose and need for a wide range of reasons and just categorically removed them from the inventory.*

The elimination of 375 miles of routes in an area, especially during a period of time when a Travel Management Plan was underway, meets the definition of a major federal action contained in §1508.7, and the detailed statement required in the BLM Handbook was not provided, nor was there an opportunity for public comment so that a more informed decision could have been made. This action should have required public notice and opportunity to comment.

The Cultural Cat III surveys completed during the TMP process revealed that a relatively small number of cultural sites are actually impacted rather than the broad assertions contained in the 2008 RMP. Source: Draft EA Page 30-33, a portion of which is contained in the following Tables

Table 3-2: Number of Cultural Sites Intersected by Open/Limited Routes (Direct APE)

Site Status	Alt A	Alt B	Alt C	Alt D
NRHP Listed	2	1	1	1
NRHP Eligible	96	67	101	119
Not Eligible for NRHP	136	105	157	197
Undetermined NRHP Eligibility	12	9	15	15
Total Sites in Alternative	246	182	274	332

Table 3-3: Number of Cultural Sites within 100 Feet of Open/Limited Routes (Direct APE)

Site Status	Alt A	Alt B	Alt C	Alt D
NRHP Listed	1	1	1	2
NRHP Eligible	51	48	64	67
Not Eligible for NRHP	97	76	106	130
Undetermined NRHP Eligibility	15	12	16	21
Total Sites in Alternative	164	137	187	220

Table 3-4: Number of Cultural Sites within ¼-Mile of Open/Limited Routes (Indirect APE)

Site Status	Alt A	Alt B	Alt C	Alt D
NRHP Listed	4	5	6	5
NRHP Eligible	167	171	197	225
Not Eligible for NRHP	208	197	248	279
Undetermined NRHP Eligibility	149	109	176	206
Total Sites in Alternative	528	482	627	715

The RMP provides the broad, strategic vision for managing BLM lands, while the TMP offers detailed guidance on managing travel and access in a way that supports the RMP's objectives. **The TMP ensures that travel management aligns with the resource conservation and land use goals established in the RMP.**

BLM Handbook MS-1626 Travel and Transportation Management on Pages 3-1 and 3-2 cover the requirements of a TTM program to comply with the underlying RMP. It also specifies that "the RMP must include a map of OHV area designations." This requirement has not, and cannot be met without revision of the RMP.

It is clear that Revision of the 2008 RMP is required for all of these reasons, including compliance with the Dingell Act, and by attempting to implement a TMP before it is literally putting the cart in front of the horse. If continued, this will require the RMP large scale plan to be built around the TMP, or require the TMP to be dismissed as arbitrary and capricious.

BLM must withdraw the proposed TMP and begin work on Revising the underlying RMP and RAMP. Because all of the public comments during Scoping were done without the benefit of a Revised RMP, the public and government agencies did not have the opportunity to effectively participate.

Other Issues with Route Inventory and Alternatives

BLM failed in identifying routes in the field via signs and structural installations, as indicated on Page 37 of the RMP. On April 10, 2024, I rode a route from Green River that was 82.2 miles in length, depicted on the GPX track separately emailed to Jaydon Mead on July 22, 2024. This route had almost no route markings on the entire route, which demonstrates that BLM has not complied with the requirement that BLM will identify routes in the field via signs and structural installations. This makes the ground proofing very difficult.

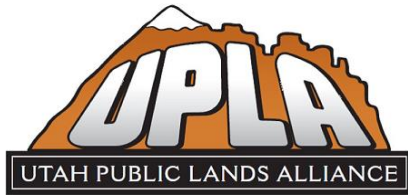
Linear disturbances are missing from the Total Route Inventory

1. In the 2008 RMP made a decision on Page 29 that the BLM that approximately 1430 miles of BLM system and County roads were not considered to be part of the recreational OHV designation, but they did appear on the maps for orientation purposes. The current maps provided by BLM do not include these roads, but are apparently included in the mileage estimates of Open OHV routes.
2. As previously mentioned, BLM removed 345 miles of routes in 2023 because they could not determine a purpose and need.
3. Review of Google Earth overlaid with the TMA boundaries and the total evaluated network reveals many miles of routes that are not included in the inventory, but without the inclusion of all the routes, it is impossible to determine whether routes are missing or just removed in 2023. This eliminates the opportunity for public comment.
4. The Interactive Map was not updated since 2021, and thus useless in evaluating the effects of this EA. The Story Map was released late, and in a completely new format that users are unfamiliar with, and still missing several key components such as the ability to download tracks for ground proofing using commonly used GPS devices.

We would also like to submit attached route comments from Chris Reid and Jason Taylor as part of our comments.

For these reasons, BLM should withdraw this Draft EA and proceed once the procedural issues are corrected by starting over when high quality data to the public is available.

Loren Campbell
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UTAH PUBLIC LANDS ALLIANCE

*Together We Will Win,
But We Can't Do It Without You*

July 22, 2024

Bureau of Land Management-Price Field Office
Attention: Jaydon Mead via Email and BLM E Planning Site
blm_ut_pr_comments@blm.gov

Subject: San Rafael Swell Travel Management Plan, DOI-BLM-UT-G020-2019-0019-EA

Dear BLM Planning Team,

Utah Public Lands Alliance (UPLA) is writing to provide public comment on the Travel Management Plan for the San Rafael Swell Travel Management Plan, hereinafter TMP. Many of our members and supporters live near and/or recreate throughout the 1.45 million acres of the Planning Area in Utah that will be impacted by the TMA. This letter of comment shall not supersede the rights of other UPLA agents, representatives, or members from submitting their own comments; the Bureau of Land Management (BLM) should consider and appropriately respond to all comments received for the TMA.

UPLA is a non-profit organization representing over 5,800 members, in addition to speaking out for 69 OHV clubs and organizations; we champion responsible outdoor recreation, active stewardship of public lands, and encourage members to exercise a strong conservation ethic including “tread lightly” principles. We champion scrupulous use of public lands for the benefit of the general public and all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with public land managers and other recreationists. Our members participate in outdoor recreation of all forms to enjoy federally and state managed lands throughout Utah, including BLM and US Forest Service managed public lands. UPLA members visit public lands to participate in motorized and human-powered activity such as off-roading, camping, hiking, canyoneering, horseback riding, sightseeing, photography, wildlife and nature study, observing cultural resources, and other similar pursuits on a frequent and regular basis throughout every season of the year. UPLA members and supporters have concrete, definite, and immediate plans to continue such activities in the TMA throughout the future.

I, Loren Campbell, am a Jeepster and UTV enthusiast from Virgin, Utah. I serve as the President of Utah Public Lands Alliance (UPLA), a non-profit organization dedicated to keeping offroad trails open for all recreation users. We have a strong interest in maximizing opportunities for offroad motorized recreation. UPLA and myself are also members of BlueRibbon Coalition. I work full time as a volunteer advocate to protect access for all users, but also organize and work as a volunteer on projects on public lands.

These comments are submitted on behalf of both myself and Rose Winn, Natural Resource Consultant for UPLA as an organization, as well as our many members and followers from within and without Utah. We also request that we also support and agree with the comments submitted by BlueRibbon Coalition.

We note at the outset how frustrating this travel management process is for the motorized community, being forced to justify the existence of every motorized route in a large portion of the Price Field Office. The Swell is often regarded as one of the most remote and beautiful areas of Utah, a distinction earned in part because of the ability to travel by OHV into the vast region. We are extremely frustrated because BLM appears to have abdicated their responsibility for the multi use directive under FLPMA by surrendering to the agenda of a small minority of environmental extremists and exclusionary special interest groups who wish to eliminate motorized users from the region, which will eventually affect other users when roads and routes are closed leading to their access of the area.

These comments are a second set of supplemental Comments Filed by Rose Winn as our Natural Resource Consultant separately.

ROUTE EVALUATIONS AND MITIGATION EFFORTS

Previous comments to Matt Preston and Jaydon Mead also requested that BLM detail the process for clubs or other organizations to assist in mitigating resource impacts to avoid closure in formal or informal volunteer efforts.

MAPS MISSING IMPORTANT INFORMATION

Although this was brought up in Preliminary comments to Jaydon Mead and Matt Preston, the maps still do not show the existence of roads not under the control of BLM such as B, C, and D roads. These are important for both orientation and also to make it easier to identify missing routes from the inventory.

Another serious shortcoming of the maps is the lack of a Search button to locate Routes with the Route Number.

ALTERNATIVES ARE GROSSLY MISLEADING ON THEIR IMPACT, ESPECIALLY ALTERNATIVE A

Alternative A is defined as the “No Action” Alternative, but that is both a misleading and totally inaccurate representation of roads and their management and should not be used as a Baseline. When I requested the current RMP for the Swell from BLM I received the [2008 Price Field Office Record of Decision and Approved Resource Management Plan](#). Congress established that RMP’s do not make site-specific decisions regarding travel management because travel management decisions are made at the Project Level. Regardless of that direction by Congress, some attempts were made in the Price ROD to identify roads and designate their status, but this attempt was severely lacking in their ability to conduct an adequate inventory or evaluation. Specifically on Page 26 BLM acknowledges the numerous shortcomings in both the inventory in many areas and lack of inclusion of many routes in the Draft RMP/EIS, which deprived the public from being able to comment on them.

On Page 29, the RMP states that the decision does not apply to BLM system roads, County Class B Roads, or to State or Federal Highway system roads, which were estimated at 1430 miles of roads. BLM’s

Preliminary maps appear to include some of these roads, notably I 70 is clearly visible on all the Preliminary Maps as an Open Road. This is not only in direct conflict with the 2008 RMP, but also radically inflates the number of “Open Roads” in their Alternatives creating a false narrative about the number of roads proposed for closure.

BLM has not managed or enforced land in the TMA according to the 2008 RMP or as the proposed Alternative A. Please refer to the following chart

San Rafael Swell Preliminary Alternatives

Proposed Action	Alt A	Alt B	Alt C	Alt D
Open Miles	1329	1123	1524	1917
BLM Calc of Miles Closed from Alt A	0	206	-195	-587
Our Calculation of Loss from Current Management	587	794	392	0
% Actually Closed from Alt D	31%	41%	20%	0%
* We actually believe there are close to 2100 miles of inventoried roads				

*

Under BLM’s narrative description of the impact of changes in Open Trails comparing it to their Alternative A, BLM represents only a loss of 206 miles if the Conservation based Alternative B were chosen. This is extremely misleading however, when compared to the way it is being actively managed, it would be a staggering 795 miles, or 41% of the currently used roads. These numbers undoubtedly get even worse because of BLM’s inclusion of roads not subject to BLM’s control discussed earlier, plus roads not included in D because they already determined they were not eligible. (2100 vs 1917)

BLM also reinforced another false narrative that if Alt C, supposedly the Balanced Alternative, were chosen, we would get 392 additional miles of trails than we have now. Alternative D thus presents how greedy OHV is, giving us an additional 587 miles of OHV roads, or 44% more than we currently have.

By creative fabrication of the statistics, BLM has depicted that the worst possible outcome would be far less severe than it actually is, causing the OHV community irreparable harm by diminishing the need for our users to take action in preparing for comments.

It is questionable whether this harm can even be corrected, but UPLA vigorously objects to the Preliminary Documents as they are published, and demands that BLM reevaluate them and republish corrected versions to the public for further comment. BLM should also clearly state the reason for the reissuance of the documents correct these grievous errors, and vigorously advertise these facts to the public.

UPLA requests that BLM withdraw the Draft EA, revise the underlying RMP with correct data, and start the TMP process over with Scoping.

Sincerely,

Loren Campbell

Loren Campbell

President

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