September 23, 2019

Filed via e-planning

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Grand Staircase-Escalante National Monument
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Dear Mr. Barber and the Resource Management Planning Team,

On behalf of the National Parks Conservation Association (NPCA) and the Coalition to Protect America’s National Parks (Coalition), we submit this protest to the August 2019 Proposed Resource Management Plans (RMPs) and Final Environmental Impact Statement (EIS)\(^1\) for the three units of Grand Staircase-Escalante National Monument (GSENM) — the Grand Staircase, Kaiparowits, and Escalante Canyon Units — and the land removed from the original monument boundaries referred to as the Kanab-Escalante Planning Area (KEPA). In particular, NPCA and the Coalition protest the RMP-EIS’s new Alternative E for managing the GSENM and KEPA, which does not adequately protect those lands and thereby risks harm to the adjacent National Park lands.

NPCA has a long history of advocating for the preservation of the landscape that includes Grand Staircase-Escalante National Monument, dating back to the creation of the Monument in 1996 (Original Monument). Similarly, the Coalition has supported proper management and conservation of the Original Monument’s resources since the Coalition’s establishment in 2003. The Original Monument lies in the middle of, and adjacent to, three heavily visited crown jewels of the National Park System: Bryce Canyon National Park (Bryce Canyon), Capitol Reef National Park (Capitol Reef) and Glen Canyon National Recreation Area (Glen Canyon) (together, the National Parks or the Parks). NPCA and the Coalition opposed President Trump’s effort to modify the

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\(^1\) Citations to the August 2019 Proposed Resource Management Plans and Final Environmental Impact Statement are referenced herein as (“RMP-EIS”).
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Original Monument in 2017, submitted scoping comments prior to the Bureau of Land Management’s (BLM’s) preparation of the draft Resource Management Plans and Environmental Impact Statement, and submitted comments on the 2018 Draft Resource Management Plans and Environmental Impact Statement (Draft RMP-EIS). We value the connected landscape, the cultural, historic and scientific objects, and recreation opportunities within the entire Original Monument designated in 1996. Our greatest concerns and expertise, however, are focused on the adjacent Park lands, lands removed from the Original Monument, and potential impacts to the resources and values of Bryce Canyon, Capitol Reef, and Glen Canyon. The 2018 Comments of NPCA and the Coalition to the Draft RMP and EIS are attached hereto as Exhibit A and are fully incorporated herein.

NPCA and the Coalition acknowledge the new Alternative E proposed by BLM in the August 2019 RMP-EIS and its revisions intended to reduce the impact of certain resource development within the GSENM and the KEPA compared to the previously preferred Alternative D. Ultimately, however, those revisions are minimal and provide insufficient protection for the GSENM and KEPA lands and the surrounding National Parks. Moreover, Alternative E does not change BLM’s fundamental approach to managing these lands. Alternatives D and E both “emphasize[] resource uses within KEPA and reduce[] constraints” on use and development of the GSENM and KEPA lands. RMP-EIS at ES-7. We oppose such an approach and advocate instead for an approach more in line with Alternatives A or B that focus on protection of the Original Monument lands, biological resources and cultural objects, and the surrounding National Park lands.

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4 See Letter to Matt Betenson from NPCA and Coalition (Letter No. 108414) (Nov. 30, 2018). NPCA also joined comments on the Draft RMP-EIS filed by a number of organizations. See Letter to Matt Betenson from The Southern Utah Wilderness Alliance et al re: Comments on the Grand Staircase-Escalante National Monument and Kanab-Escalante Planning Area Draft Resource Management Plans and Environmental Impact Statement (Nov. 30, 2018). In addition to their written comments, NPCA and the Coalition have engaged with BLM personnel on a number of occasions throughout the scoping and management planning process.
NPCA and the Coalition are committed to safeguarding the GSENM and KEPA lands, and opposing the BLM’s current RMPs for the reduced protected areas and those removed from the monument. We provide these comments to articulate deficiencies in the proposed Alternative E, many of which are crucial to determining that the BLM’s analysis and conclusions are improper. For example, on September 16, 2019, the Interior Board of Land Appeals reversed the BLM’s plans to raze forest areas covering about 30,000 acres of southern Utah within the Grand Staircase-Escalante National Monument because the BLM plan failed to consider key interests such as the effect on wildlife, conflicted with the agency’s own guidelines, and was silent on how the proposed plans would impact climate change. Here, the 2019 Proposed RPMs and Final EIS for the GSENM fail for many of the same reasons.

National Parks Conservation Association

The mission of NPCA is to “protect and enhance America’s National Park System for present and future generations.” Founded in 1919, NPCA is the leading citizen voice for the national parks. We are a national nonprofit with headquarters in Washington, DC, and 29 regional and field offices across the country, including our Southwest Regional office in Salt Lake City, Utah. NPCA represents over 1.3 million members and supporters who care about America’s shared natural and cultural heritage preserved by the National Park System.

Coalition to Protect America’s National Parks

The Coalition is a nonprofit organization composed of retired, former, or current employees of the National Park Service (NPS). The Coalition studies, educates, speaks, and acts for the preservation of America’s National Park System. With over 1,700 members, the Coalition represents more than 40,000 years of experience managing and protecting America’s most precious and important natural and historic places. Among the Coalition members are former NPS directors, regional directors, superintendents, resource specialists, rangers, maintenance and administrative staff, and a full array of other former employees, volunteers, and supporters.

I. Grand Staircase-Escalante National Monument Legal Status and Management Planning

President Clinton created the original Grand Staircase-Escalante National Monument under the authority of the Antiquities Act.\(^5\) He sought to protect lands rich in geological, paleontological, ecological and cultural resources, as well as scenic views and recreation opportunities in the iconic canyon country adjacent to and surrounded by

Bryce Canyon, Capitol Reef and Glen Canyon. Congress has since ratified and enlarged the Original Monument on multiple occasions. For nearly two decades, the Original Monument has been effectively managed under the Grand Staircase-Escalante National Monument Approved Monument Management Plan (1999 GSE Plan) and Record of Decision. Under that plan, natural and cultural resources within the monument, as well as within neighboring national parks, and the landscape of the greater Grand Staircase-Escalante area have been effectively and appropriately protected from activities and development that would otherwise have been permitted under a typical BLM multiple-use management regime.

We maintain that President Trump’s Proclamation Modifying the Grand Staircase-Escalante National Monument (Modifying Proclamation) is an unlawful revocation of the Original Monument and will be overturned in a court of law. While the President has authority to create a national monument under the Antiquities Act, only Congress can revoke or reduce a national monument. The Modifying Proclamation is being vigorously challenged in court and is likely to be overturned. NPCA filed an amicus brief in that case in support of Plaintiffs’ challenge. This protest in no way constitutes acceptance of the Modifying Proclamation or management changes that may result from this process. By participating in this process, we are not waiving any rights to contest the underlying proclamation or processes flowing from it.

BLM’s rush to develop management plans based on the reduced boundaries of GSENEM is premature, inappropriate and likely a waste of time and resources. BLM should abstain from planning efforts under the Modifying Proclamation until the legitimacy of that proclamation is fully settled. Instead, BLM should spend time and resources ensuring the protection of the natural and cultural resources within the entire GSENEM and KEPA landscape under its jurisdiction, safeguarding it for current and future generations.

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8 Brief of Amicus Curiae National Parks Conservation Association in Opposition to Federal Defendants’ Motion to Dismiss, The Wilderness Society, et al. v. Donald J. Trump, et al., Civ. Action No. 1:17-cv-02587 (filed Nov. 19, 2018). In the proposed amicus curiae brief, NPCA sought to bring to the Court’s attention the significant impacts of the Modifying Proclamation on National Parks that were, but are no longer, adjacent to GSENEM as originally established in 1996.
II. Interests of NPCA and the Coalition

A. Grand Staircase National Monument and Surrounding National Parks

Since its creation, the Original Monument has served as a critical connector and protector of the neighboring National Park lands in Bryce Canyon, Capitol Reef and Glen Canyon. The BLM managed the Original Monument lands in accordance with their protected status, thereby contributing to preservation of the clean air, clear night skies, unspoiled vistas, and natural soundscapes in the surrounding Parks, as well as the wildlife and other natural and cultural resources that connect these landscapes.

Those Parks, as well as the Original Monument's resources, are now gravely threatened by the attempted diminution of the Monument boundaries and by the BLM's proposed Alternative E for managing the KEPA lands to "emphasize resource use." Under Alternative E, like the previously preferred Alternative D, activities are to be promoted both within the GSENM and the KEPA lands which previously were prohibited or limited, including mining, drilling, renewable energy projects and more extensive off-road vehicle use and livestock grazing, right-of-way (ROW) development for pipelines and communications, and more intensive vegetation treatments.

These activities inevitably would harm not only the Original Monument area, but also the neighboring National Parks, as BLM's RMP-EIS expressly acknowledges. See, e.g., RMP-EIS at ES-9. Air, water, vista and noise pollution do not stop at park borders. Dark night skies, natural soundscapes and natural viewsheds are critical to natural processes and visitor enjoyment at the Parks. But the new and more intensive activities and the night lighting that accompanies mining and drilling would result in intrusion into Park viewsheds, degradation of their night skies, disruption of their natural quiet, and degradation of their air, soil and water quality. The BLM admits that, under its proposed alternative, allowed activities within some of the viewsheds of Bryce Canyon and Capitol Reef could result in a "major modification of the existing character of the landscape" and "may dominate the view and be the major focus of view attention." RMP-EIS at 2-22; see also id. at ES-35 (Alternative E "could increase the potential for visual contrast or light pollution that would affect night skies, viewers, and viewsheds from NPS lands"). In addition, those activities are recognized as "likely to have direct and indirect adverse impacts on soil and water resources." Id. at 3-55.
B. Longstanding Compatible Management of Original Monument and National Parks

The federal government has long managed the Original Monument and the Parks in an interconnected manner such that each unit serves as protection for its neighboring unit. For example, NPS stated in its Capitol Reef Management Plan (adopted in 1998, shortly after the Monument was created) that its future plans would be intertwined with those of the Original Monument: “Capitol Reef will coordinate with the national monument and other adjoining land-managing agencies to seek compatibility with the management goals and objectives outlined in this General Management Plan.” President Clinton also was clearly mindful of the Original Monument’s interconnectedness with the surrounding Parks when he noted its nexus to the “rim of Bryce Canyon” and its importance to completing protection of the Waterpocket Fold, the major geological landform defining Capitol Reef.10

In 1999, after widespread consultation and review, BLM adopted the 1999 GSE Plan. The “overall vision” of that plan, which is the foundation for Alternative A in the RMP, was predicated on safeguarding the “remote and undeveloped frontier character of the Monument.” Accordingly, BLM has administered the Original Monument using “management zones” to constrain land uses. The majority of the Original Monument (65%) is currently designated “Primitive Zone,” which provides “an undeveloped, primitive and self-directed visitor experience without motorized or mechanized access.” Most of the remaining lands are designated “Outback Zone” (29% of the total), which provides “an undeveloped, primitive and self-directed experience while accommodating motorized and mechanized access on designated routes.” Only a small portion is designated “Frontcountry Zone” (4%), to serve as the focal point for visitation; and “Passage Zone” (2%), to provide secondary travel routes to recreation destinations and throughways. In short, 94% of the Original Monument was previously designated as either Primitive Zone or Outback Zone.

The Primitive Zone “is also intended to connect primitive and undeveloped areas on surrounding lands managed by other Federal agencies.” Those surrounding lands included Bryce Canyon, Capitol Reef and Glen Canyon. The portion of KEPA

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11 1999 GSE Plan at 4-5.
12 Id. at 8-9.
13 Id.; see also 1999 GSE Plan at Map 2 (Management Zones and Transportation System).
14 Id.
15 Id. at 9.
lands adjacent to Capitol Reef is designated either the Primitive Zone (to the south) or the Outback Zone (to the north). Almost all of the lands that wrap around the boundaries of Glen Canyon are designated Primitive Zone, with small strips of Outback Zone and Passage Zone. In addition, part of the Original Monument to the northwest, adjacent to Bryce Canyon, is a Primitive Zone.

Both Capitol Reef and Glen Canyon are also managed by management zones. Almost the entire portion of Capitol Reef adjacent to the Original Monument is managed as a “Primitive Zone” According to NPS:

In Capitol Reef National Park, the primitive zone represents the highest order of wilderness qualities, where isolated landscapes remain in an essentially wild and undeveloped condition. Terrain is rough, trails are few, and opportunities for solitude is abundant. The visitor is surrounded by one of the most ruggedly beautiful and remote rockscapes in America, defined by craggy uplifts and deep, twisting canyons.

... Travel through this zone requires cross-country hiking or horseback riding on unimproved trails and routes.

Similarly, NPS has designated a significant portion of Glen Canyon’s land adjacent to the Original Monument as Glen Canyon’s “Natural Zone,” which “includes the recreation area’s outstanding scenic resources, relatively undisturbed areas isolated and remote from the activities of man...”

Only Alternative A of BLM’s RMP would continue the protections for these areas. BLM’s previously preferred Alternative D did not preserve any of these protected zones, and the new proposed Alternative E did not designate any.

III. Risk to National Park Resources from Proposed Activities on Adjacent Lands

Activities outside the boundaries of National Parks can and often do have dramatic adverse effects on the Parks. Accordingly, the National Park Service’s Management Policies provide that, in order to carry out the congressionally defined...
mission to conserve and protect the Parks, NPS “will seek the cooperation of others in minimizing the impacts of influences originating outside parks,” including “by controlling noise and artificial lighting, maintaining water quality and quantity, eliminating toxic substances, preserving scenic views, improving air quality. . . . , and using other means of preserving and protecting natural resources.”

As stated in NPCA’s and the Coalition’s comments on the Draft RMP-EIS, many of the management actions proposed in Alternative D — and retained in the new Alternative E — have the potential to impair the above-mentioned park resources and values. The contemplated mining and drilling, motor vehicle use, and grazing would jeopardize the natural resources that Congress has legislated to protect within Bryce Canyon, Capitol Reef and Glen Canyon. These and other activities will diminish the Parks’ air quality, night skies, viewsheds, natural quiet, soil and water quality and wildlife habitat as well as affect the region’s paleontological and cultural resources, visitor experience and tourism economy. BLM did not address or ameliorate our concerns in proposing its new Alternative E. Rather, in response to NPCA’s and the Coalition’s comments, BLM noted that Alternative E is “programmatic in nature and would not result in on-the-ground planning decision[s] or actions . . . [Future] site-specific environmental analysis . . . will provide opportunities to identify potential impacts associated with future projects.” E.g., RMP-EIS at W-14. The absence in the RMP-EIS of any permanent protections for the Original Monument lands, and particularly the KEPA lands adjacent to the National Parks, necessitates NPCA’s and the Coalition’s protest to the current plan.

A. Diminished Air Quality

Both Bryce Canyon and Capitol Reef have been designated as mandatory Class I areas under the Clean Air Act. 42 U.S.C. § 7472; 40 C.F.R. § 81.430. Class I areas are places where the law requires the air quality to be at its most pristine, virtually unaffected by human-made or human-caused pollutants. Congress “declare[d] as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.”

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23 See RMP-EIS at Appendix W at comments 003, 043, 059, 079b, 080, 082, 098, 106, 108, 138, 139 and 140.
42 U.S.C. § 7491(a)(1). Glen Canyon is a Class II area for air pollutants. Class II areas, like Class I, are established to prevent any significant deterioration of the air quality standards set by the Clean Air Act but allow a moderate increase in certain air pollutants.

In 1977, Congress amended the Clean Air Act to deem all “national parks which exceed six thousand acres in size” to be mandatory Class I areas (i.e., areas that “may not be redesignated”). Both Bryce Canyon and Capitol Reef were greater than 6,000 acres and were, therefore, designated as Class I areas under the Clean Air Act. Congress also instructed the Administrator of the Environmental Protection Agency (EPA), after consulting with the Secretary of the Interior, to “promulgate a list of mandatory Class I Federal areas in which he determines visibility is an important value.” Bryce Canyon and Capitol Reef are both among the Class I areas in which the Administrator determined that “visibility is an important value.”

Visitors to National Parks and wilderness areas consistently rate visibility and clear scenic vistas as one of the most important aspects of the experience. Bryce Canyon’s Foundation Document explains that the “[c]lean, clear air in Bryce Canyon National Park is essential to the exceptional views of the colorful Claron Formation and panoramic vistas of the surrounding region,” which include hundred-mile views of dramatic landscapes. Capitol Reef’s Management Plan likewise emphasizes the importance of air quality, which is “usually very good”; the park’s clear air allows “[v]isibility from points within and around the park [that] usually exceeds 100 miles.”

Increased emissions from activities within the KEPA and GSEN M lands are not confined to their borders and inevitably would migrate to the surrounding Parks. Indeed, BLM’s RMP acknowledges the far-ranging impact of such emissions by

24 NPS has a statutorily mandated “affirmative responsibility to protect the air quality related values (including visibility) of any such lands within a class I area” that NPS manages, “and to consider, in consultation with the Administrator [of the EPA], whether a proposed major emitting facility will have an adverse impact on such values. . . .” 42 U.S.C. § 7475(d)(2)(B).
28 40 C.F.R. § 81.430 (adopted at 44 Fed. Reg. 69,122, 69,126 (Nov. 30, 1979)).
29 Clean Air Task Force, Out of Sight: Haze in our National Parks at 1 (Sept. 2000).
30 Bryce Canyon, Foundation Document (“Bryce Canyon Foundation Document”) at 11 (May 2014). In addition, preservation of the fragile geological features such as those found in Bryce Canyon, Capitol Reef and Glen Canyon, depends in part on clean air, without acidic chemicals that can erode the fragile formations. Id. at 19.
defining the “Planning Area” used for assessing air resources to include not only the
Original Monument, but also “the nearby Class I and Sensitive Class II areas of Bryce
Canyon National Park, Zion National Park, Capitol Reef National Park, . . . and Glen
Canyon.” RMP-EIS at 3-9. Unfortunately, however, the BLM’s proposed Alternative
E promotes uses that will increase harmful emissions into the air.

The biggest threat to air resources is the anticipated mining and energy extraction
on lands formerly protected by the Original Monument. Extractive activities would
release particulate matter (PM), nitrogen oxides (NOx), sulfur dioxide (SO2) and volatile
organic compounds (VOCs) into the air, as well as dust from these operations from
related truck traffic. RMP-EIS at 3-13. These haze-causing pollutants could obscure
scenic vistas in Bryce Canyon, Capitol Reef and Glen Canyon, all of which are within
ten miles of areas that BLM has identified for potential fossil fuel extraction.32

Perhaps these factors explain why Congress, in 1998, shortly after the
Establishing Proclamation, expressly authorized a land exchange to acquire mineral rights
in the Original Monument, explaining that “[d]evelopment of surface and mineral
resources on State trust lands within the Monument could be incompatible with the
preservation of these scientific and historic resources for which the Monument was
established.”33 In 1999, Congress appropriated funds to acquire additional mineral rights
in the Original Monument that pre-dated the monument designation, thereby retiring
those mining rights.34 The revival of extractive activities on the KEPA lands would be a
serious step backwards for the Original Monument and the surrounding Parks and would
contravene Congress’s purpose in acquiring mineral rights within the Original Monument
after it was established.

The harmful emissions from mining would be compounded by increased
emissions from the contemplated expansion of motor vehicle use and livestock grazing.
The RMP acknowledges that BLM’s preferred plan for the reduced GSEN M units and
KEPA lands provides “the most acres as available for livestock grazing . . . and manages
the largest portion of the areas as limited or open for OHVs [off-highway vehicles]” and
thus “could increase the potential for emissions . . . from livestock grazing compared to
the other alternatives and could increase the potential for emissions from OHV use to the
extent that use is affected by managing OHV area designations as limited or open.”

32 See, e.g., Capitol Reef Gen. Mgmt. Plan at 81 (identifying “mining operations” as one factor that
impacts air quality); Bryce Canyon Foundation Document at 46 (identifying extraction activity in
surrounding areas as threatening wilderness air quality).
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OHV use generates emissions from both vehicle exhaust and the generation of increased particulates in the air (dust). RMP-EIS at 3-14. Grazing likewise contributes to “[a]ir pollutant emissions” because:

Livestock grazing and livestock grazing management (e.g., the maintenance or development of range improvement) generate both vehicular exhausts and dust. These activities, along with enteric fermentation from livestock, also create GHGs [greenhouse gases]. Higher grazing densities and climate change can also lead to destruction of biological soil crusts, leaving the Planning Area more susceptible to particulate matter emissions from windblown dust (Memmott et al. 1998; Rutherford et al. 2017).

Id. While NPCA and the Coalition acknowledge that Alternative E claims to reduce potential impacts on cultural resources from OHV travel in the Little Desert OHV open area compared to Alternative D, the reduction is immaterial to the overall negative impacts. The impacts are far greater than the proposal articulated in Alternative A, which would continue to limit OHV travel to certain designated routes outside of the Primitive Zone. See RMP-EIS at ES25, ES40.

B. Degradation of Night Sky Views

The BLM recognizes that the Original Monument “is one of the most naturally dark outdoor spaces in the lower 48 United States” with “fewer than 30 fixed artificial light sources” and the rarity of the “pristine” night skies over 90 percent of the Original Monument “where only natural sources of light, such as starlight, airglow, aurora, and zodiacal light, are visible to the human eye.” Id. at 3-74.

The BLM also notes that, “Several NPS units surrounding the Planning Area also hold International Dark Sky designations, such as ‘Dark Sky Sanctuary’ at Rainbow Bridge National Monument and several more are actively pursuing ‘Dark Sky Park’ designations (such as Glen Canyon).” Id at 3-75. Most recently, on August 13, 2019, Bryce Canyon National Park was certified as an International Dark Sky park.35 Bryce Canyon is “one of the darkest publicly accessible places in North America,” and due to its “clear, clean air and lack of artificial light,” the Milky Way Galaxy “can be viewed from horizon to horizon.”36 In addition, Capitol Reef and Cedar Breaks National Monument are among the few parks in the National Park System that still possess a natural night sky. Capitol Reef likewise “has some of the best night sky

36 Bryce Canyon Foundation Document at 8, 11, 12; see also Draft Resource Plan at 3-67.
viewing opportunities of the western national parks,” earning it a “designation as an
‘International Dark Sky Park’ by the International Dark-Sky Association.”

NPS has recognized that dark night skies play a critical role in natural resource
processes and the evolution of species, as well as contributing to the national park visitor
experience. Night sky protection enhances qualities of solitude and undeveloped
wilderness character that animals depend on for survival, park visitors seek for
connections, and many cultural-historical parks require for preservation. The BLM
also noted the important economic development opportunities created by increased
visitation associated with astrotourism, including dark sky festivals hosted by Bryce
Canyon, Torrey and Page. RMP-EIS at 3-75.

Nevertheless, BLM candidly acknowledges that the activities that it would
permit under Alternative D and the new proposed Alternative E would degrade the
extraordinary and rare dark night skies noted above, creating light pollution not only
within the management area, but also in surrounding areas, including the NPS-managed
areas. “Alternatives D and E contain the fewest special designations and restrictions on
resource uses that could increase light pollution in KEPA, followed by alternatives C,
A, and B, respectively.” RMP-EIS at 3-82. Moreover, “the potential for impacts on
dark night skies is driven by the degree of use restrictions on minerals development,
the availability of areas for issuance of new ROW and renewable energy permits,
creation of facilities and infrastructure for OHV use and recreation (all of which can
increase light pollution), and the extent and management of special designations
(which may limit future development and associated light pollution).” Id.

In sum, Alternative E proposes to open KEPA lands to all of the above light-
pollution sources, while relying only on ad hoc best management practices (BMPs) and
future “coordination with stakeholders” to control light pollution. Table 2.3.8, RMP-EIS
at 2-24. BLM fails to set forth minimum requirements or specifications that these
BMP’s would include, such as prohibitions on permanent outdoor lighting; requirements
for lighting to be downward, shielded or minimized; and requirements that lighting use
best available technology to avoid scattering or minimize emissions.

37 Capitol Reef, Night Sky, https://www.nps.gov/care/learn/nature/night-sky.htm; Capitol Reef, Capitol
39 National Park Service, Night Skies available at https://www.nps.gov/subjects/nightskies/index.htm
Eighty six percent of visitors to Utah national parks thought that the quality of night skies was “very
important” or “somewhat important” to their visit. NPS, Stargazing in National Parks at 2,
https://smdepo.org/download/0a7dbfda8045.
Clear night skies within the Original Monument and neighboring National Parks are similarly under threat from potential degradation of air quality. The release of dust (i.e., particulate matter) from mining, drilling, motorized travel on dirt roads (commercial or recreational), grazing, or other land-disturbing activities would result in light pollution and skyglow in the area. The BLM itself has recognized that coal mining in an area 10 miles from Bryce Canyon would increase the artificial brightness of the night sky, due in part to the release of dust.\(^{40}\) To the extent that mines or wells are operated after dark, or that commercial facilities are built on lands adjacent to the Parks, artificial light from these sources would further add to degradation of the night sky.

NPCA and the Coalition seeks to emphasize the importance of its current objection due to the BLM’s rejection of Alternative B, which provides the most significant protections of the rare dark skies enjoyed and valued by so many nearby residents and visitors to the region in general, and the parks in particular. Thus, we reiterate the request that management of the KEPA lands incorporate elements of Alternative B which “does not permit/authorize actions that will contribute to an increase in light pollution.” Table 2.3.8, RMP-EIS at 2-24. Such a restriction includes additional constraints on development and a greater acreage of VRM Class I and II areas, which reduce potential degradation of dark night skies compared to the other action alternatives. \(\text{Id.}\) Most importantly, these safeguards provide that BLM will “develop an activity plan for designation as an International Dark-Sky Association Dark Sky Sanctuary. The activity plan will include development and adoption of a comprehensive Lightscape Management Plan, Lighting Inventory, and Dark Sky BMPs consistent with requirements set forth by the International Dark-Sky Association” throughout the planning area. \(\text{Id.}\)

Furthermore, the BLM failed to make these provisions enforceable, leaving the planning area and neighboring parks at risk. Thus, the BLM should incorporate the following as requirements or stipulations to any development or activity necessitating consistent lighting:

- Limit the number of lights and lumen output of each (minimum number of lights and the lowest luminosity consistent with safe and secure operation of the facility).

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Utilize alternatives to lighting where feasible (retro-reflective or luminescent markers in lieu of permanent lighting).

Consider fixture design (lights of the proper design, shielded to eliminate uplight, placed and directed to eliminate light spill and trespass to offsite locations).

Identify any activities that may be restricted to avoid night-sky impacts.

Identify a process for promptly addressing and mitigating complaints about potential lighting impacts.

C. Intrusions into Viewsheds

From Bryce Canyon’s rim, visitors can look east over hoodoos and to the Monument beyond to unspoiled lands and geological features of Grand Staircase.

The location of the park at the summit of the Grand Staircase, surrounded by a system of nationally protected lands, and combined with the exceptional clarity of the air and natural quiet, provides a multisensory experience. The outstanding views often extend more than 100 miles and begin with the colorful and intricately carved Claron Formation and include panoramic vistas of cliffs, canyons, and forested landscapes.41

These unspoiled views have been preserved because the Original Monument has long been under federal protection and because there was little development in this remote area prior to the 1996 Proclamation establishing the Original Monument.

These vast, undeveloped landscapes in some cases provide 360-degree views for a hundred miles without any visual intrusion from development. Visitors seem to travel back through time to imagine our lands as seen by the first inhabitants. Incompatible development along the borders of the National Parks – such as coal strip mining, tar sands development, placement of drilling rigs, erection of cell towers, pipelines, commercial development, or roads – could significantly alter the viewshed and affect that experience.

Indeed, BLM acknowledges that the proposed Alternative E increases the potential to affect visual resources on adjacent NPS lands. Some KEPA lands within the viewsheds of Capitol Reef and Bryce Canyon National Parks are managed as Visual Resource Management (VRM) III and IV, allowing major modification of the character

41 Bryce Canyon Foundation Document at 8.
of the landscape. RMP-EIS at 3-84; see also, RMP-EIS at ES-35 (“BLM management of these areas could increase the potential for visual contrast or light pollution that would affect night skies, viewers, and viewsheds from NPS lands.”); http://blmwyomingvisual.anl.gov/vr-overview/blm/ (BLM website describing VRM classes). The RMP’s “Map 25” starkly illustrates the potential intrusion into the National Park viewsheds. Id. at Appendix A Map 25; see also Maps 24, 26. Alternatives A, B and C maintain more land in areas abutting the Parks as VRM Class I (preserve natural landscape), II or III (allow progressively greater visual change), all which have been rejected by the BLM in favor of Alternatives D and E.

As the Resource Plan itself notes, “The majority of the lands in the Planning Area exhibit the qualities of a highly intact, natural landscape, as well as rugged, relatively undisturbed visual conditions, distinct (or memorable) natural attributes, and general inaccessibility.” RMP-EIS at 3-74. Under Alternative E, the agency fails to ensure that high quality conditions are preserved in areas visible from Bryce Canyon, Capitol Reef and Glen Canyon, as well as viewpoints in the GSENM and KEPA lands.

Additionally, BLM fails to safeguard the high quality, unspoiled scenic byways and backways that connect the planning areas with the Parks, particularly Burr Trail (which is still open to right of ways (ROWS)) and Hole in the Rock Road. Id. at Appendix A Map 69. Although Alternative E now designates these areas as Special Recreation Management Areas (SRMAs), this status does not eliminate the possibility that these areas could have their viewsheds interrupted by nearby energy development permitted on KEPA lands outside the narrow corridor of the SRMA and open ROWs inside the corridor. Id. At 2-40/41. The viewsheds along these byways should be maintained as VRM Class I or Class II. These routes are gateways to the adjacent Parks and their quality affects the overall visitor experience in the region. These routes should not be marred by unsightly commercial or industrial infrastructure or industrial truck traffic.

D. Disruption of Natural Quiet

The RMP notes that the GSENM and KEPA areas are “relatively free of human-caused sound” with several monitored sites “within range of the quietest locations monitored in the lower 48 United States.” Id. at 3-75. The natural quiet is “important for visitors, ecosystem health, and the welfare of non-human species who reside in protected natural areas.” Id. at 3-75. By creating a 3-mile buffer around the planning area for sound analysis, the BLM acknowledges that noise pollution from activities permitted within the GSENM and KEPA lands will extend to neighboring communities and Parks – even noting that “noise can and does extend beyond 3 miles.” Id.
NPS strives to “preserve, to the greatest extent possible, the natural soundscapes of parks.”

In and adjacent to parks, the Service will monitor human activities that generate noise that adversely affects park soundscapes, including noise caused by mechanical or electronic devices.” Bryce Canyon has identified the “predominance and maintenance of natural quiet” as “an essential resource critical to visitor experience and the functioning of biological systems.” Indeed, “[d]uring sound monitoring efforts in the park, at some locations natural ambient decibel levels often were lower than data collection systems could measure, making Bryce Canyon an exceptionally quiet place.” However, this also means the quiet nature of the park—and by extension the visitor experience—are exceptionally susceptible to disturbance from extrinsic noise.

Similarly, natural quiet is an important part of visitors’ experience in Capitol Reef. There is currently “very little noise pollution in the park” and “[t]he backcountry areas of the park are managed for wilderness qualities, including natural quiet.” Thus, any “increase in noise that affects the natural quiet of the backcountry . . . would be considered significant.”

Mining or drilling activities generate noise from use of heavy equipment and vehicle traffic. Commercial activities generate traffic noise, and off-road vehicle use near the Parks’ boundaries—or illegally crossing into the parks—would do the same. If these activities occur in the KEPA lands near the boundaries of the Parks, as the RMP-EIS would currently allow, they will interfere with the natural quiet. Here, too, the RMP-EIS acknowledges that its proposed management under Alternative E will degrade natural soundscapes in the Planning Area and threaten the neighboring Parks’ soundscapes. Effectively, Alternative E is the same as Alternative D, which “increases development potential and potential for human activity in KEPA . . ., which also increases the potential to affect natural soundscapes on NPS lands adjacent to the Planning Area.” RMP-EIS at ES-36.

To protect the natural quiet in the Planning Area and adjacent Parks, BLM should continue to manage with constraints on development and human activity and add stipulations or enforceable requirements to any permitted development or activity that has the potential to degrade the natural soundscapes. As under Alternative B, the final plan should “require interpretive materials/programs to be developed to educate and engage the

43 Id.
44 Bryce Canyon Foundation Document at 11.
45 Id. at 24.
46 Id.
48 Id.
public about natural soundscapes and would also inventory and monitor natural soundscapes in partnership with local stakeholders." *Id.*

E. **Degradation of Soil and Water Quality**

The mining, expanded on- and off-road vehicle use, and increased grazing proposed by BLM in the RMP also threaten to degrade the soil and water quality in the KEPA lands and the surrounding Parks. The RMP states:

Surface disturbance and vegetation removal from mineral development in KEPA, vegetation treatments, installation or maintenance of livestock grazing range improvements, ROW and renewable energy development in KEPA, development and maintenance of routes and trails, OHV use, and recreation are the primary activities *likely to have direct and indirect adverse impacts on soil and water resources.*

RMP-EIS at 3-55 (emphasis added). Further, “alternatives D and E would increase potential impacts on soils and water associated with vegetation treatments, followed by Alternative C, with Alternative B having the least potential for impacts.” *Id.* at 3-57.

For example, it has long been recognized that off-road vehicles cause significant damage to the resources of National Parks. As BLM explained in adopting its 1999 GSE Plan for the Original Monument:

The unregulated use of off-highway vehicles (OHV), also called all-terrain vehicles (ATV), . . . off of designated routes has the potential to damage Monument resources and cause recreational conflicts. Cross-country vehicle travel can damage Monument objects associated with these resources which are sensitive to surface disturbance. . . . OHV tracks can become ruts. These ruts concentrate water flows, altering water quality and quantity and creating erosion.⁴⁹

More recently, NPS explained:

The impacts of off-road use have been thoroughly documented for areas with desert soils similar to Glen Canyon. Major damage from off-road use to soils in arid areas includes

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⁴⁹ 1999 GSE Plan at 2.20.
destruction of soil stabilizers, soil compaction and reduced rates of water infiltration, accelerated rates of surface water runoff and erosion, accelerated rates of wind erosion, and declines in soil productivity. Damage to desert soils, like those found at Glen Canyon, can occur with a single pass of a vehicle.  

Similarly, a large body of scientific studies finds that grazing also negatively impacts soil and water resources, including due to:

- Increased “soil compaction and bulk density,” leading to “increases [in] runoff and overland flow rates,” “wind and water erosion,” and decreases in infiltration rates, nutrient retention, and biologic function;”

- Reduced biomass due to “defoliation and trampling;”

- Impairment of “water resources” including “[i]increased nutrient loads,” “[i]increased sediment loads,” and “loss of streambank stability;” and

- Decreased water quality due to the “bacteria associated with livestock waste” which “can move either directly or in overland flow from precipitation into streams.”

Expanded grazing also would increase the risk of physical damage to neighboring parklands caused by the livestock themselves, and from the “improvement activities” associated with grazing. For example, BLM concedes that its “preferred alternative” plan for increased grazing within the Planning Area “increases the potential to affect resources in the adjacent Glen Canyon NRA, managed by NPS,” through impacts such as “the use of nonnative species” in range improvements, “confusion by permittees” leading to “inadvertent trespass,” and “damage to vegetative cover and soils managed by NPS.” RMP-EIS at ES-38. Furthermore, “improper livestock grazing, especially near riparian or water sources, can also result in impacts on water quality from transport of E. coli into downstream water resources, including water sources outside of the Planning Area in

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50 Glen Canyon, Off-Road Vehicle Management Plan/Final Environmental Impact Statement, January 2017 at 236 (citations omitted).
51 Capitol Reef Livestock Grazing and Trailing Management Plan and Environmental Assessment, July 2018, at 4-3 (citing multiple studies).
52 Id. at 4-12.
53 Id. at 4-26.
54 Id. at D-4.
Glen Canyon NRA and Lake Powell. Transport of E. coli into water resources can result in human health and safety concerns when these water sources are used for drinking water, especially in backcountry situations (e.g., Coyote Creek, Escalante River, Paria River)." Id. at 3-56.

F. Fragmentation of Wildlife Habitat

It is widely understood that fragmentation of wildlife habitat and corridors poses a threat to healthy wildlife communities, overall ecosystem functions and resiliency in a changing climate. Surface disturbing projects will not only directly damage the habitat for animals in the vicinity, but the noise, vibration, and physical contact from these and other human activities may adversely affect wildlife behavior patterns. Additionally, activities that will introduce any foreign chemicals or other substances into riparian areas may harm wildlife within and downstream from the management areas. Because BLM has only incomplete data on the wildlife habitats within the Planning Area, it is not able to fully assess the impacts on species in the planning area. Based on the information that it does have, however, BLM acknowledges that there will be detrimental effects to special status and other species under all of its alternatives. Id. at 3-27.

These negative impacts will not be confined to the wildlife species in the GSEN and KEPA lands, which include big game populations and more than 40 special-status species, but will also impair wildlife values in immediately adjacent NPS-managed areas. Id. at ES – 13-14. As stated in Bryce Canyon’s Foundation Document, “Park boundaries are irrelevant to the migratory hummingbirds or nesting peregrine falcons; Rocky Mountain elk, mule deer, and pronghorn cross through the plateau forests and meadows within and beyond the park; other animals have adapted to occupy the distinctive erosional features of the amphitheater and adjacent habitats.”

Capitol Reef likewise shares wildlife species habitat with the adjacent area for species including, among others, mule deer and bighorn sheep as well as threatened,

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endangered and sensitive species such as the bald eagle, Mexican spotted owl, peregrine falcon, and the southwestern willow flycatcher.  

Glen Canyon hosts bighorn sheep, bald eagles, golden eagles, and California condors, and these species’ ranges are not confined to the Parks. In addition, the Escalante River and its tributaries within the monument feed into riparian areas in Glen Canyon. The health of these water bodies is vital to the health of numerous fish species downriver, including endangered species such as the Colorado pikeminnow, razorback sucker, bonytail and humpback chub.

Along with being important components of these park ecosystems, these animals are also observed and enjoyed by Park visitors. They are NPS resources and values that are important to consider in management and planning decisions.

Mineral development, large-scale renewable projects, roads, pipelines, transmission lines, communication towers, and timber harvesting will substantially damage habitats and disturb—possibly permanently—species behavior and migration patterns through noise, vibration and night-lighting disturbance.

Additional introduction of nonnative plants and animals through expanded grazing will also disrupt ecosystem balance, and accompanying fencing and infrastructure will further degrade habitat for big game. Roads and OHV use can result in direct injury and/or mortality of big-game species through collision; while power lines and communications towers pose hazards to birds; and the introduction of chemical compounds and eroded soils into water bodies risks injury to fish as well as other animals.

Alternative E permits the greatest amount of activity that is detrimental to wildlife not only within the Original Monument area but also the adjacent NPS-managed areas. In fact, BLM acknowledges that all of the alternatives will contribute incrementally to adverse cumulative impacts on fish, wildlife, and special status species. RMP-EIS at 3-38.

For the reasons described here and in previous sections, the strongest protections possible are needed for the wildlife inside the three monument units and the KEPA area and, by extension, the adjacent Parks. By choosing Alternative E, BLM

failed to exert maximum effort to achieve stated wildlife conservation goals: preserving the integrity of wildlife corridors, migration routes, and access to key forage, nesting, and spawning areas because the preferred alternative does not prioritize limiting adverse impacts from development in the monument; managing habitats for the recovery or reestablishment of native populations and work to improve habitat quantity and quality (forage, water, cover, space, security, trophic level integrity, and biogeochemical processes); and conserving habitat for migratory birds.

G. Damage and Loss of Cultural and Paleontological Resources

Allowing expanded access and development in KEPA areas adjacent to the Parks would not only risk damage and loss to cultural and paleontological resources in the KEPA areas, but also increase the potential for vandalism, looting and damage to resources within the Parks themselves. Once remote, pristine areas would be more readily reached by OHVs and become more heavily traveled under Alternatives D and E. Boundaries between BLM-administered surface land and adjacent lands are often poorly marked in remote areas, and, consequently, confusion by the public may lead to inadvertent casual collection of or damage to paleontological and cultural resources on neighboring non-BLM lands. Id. at 3-58. Such harm to valuable, protected Park resources would be least likely where land next to the Parks is fully protected and managed for compatible uses. All areas within the GSENIM and KEPA should be closed to casual collection of paleontological specimens, mineral resources, and petrified wood, and Paleontological Resource Management Plans should be completed before any surface disturbing activities are allowed.

H. Effects on the Visitor Experience and Tourism Economy

BLM's analysis fails to adequately consider the likely adverse impacts of the proposed action (and the significant reduction in monument size) on the established visitation to the Original Monument and the region's tourism economy. As noted in the RMP:

Multiple studies have been conducted on the social and economic values of the Original Monument, including the following:

- Headwaters Economics found that western counties with protected public lands grow more quickly than counties without protected public lands. The local economies of Garfield and Kane Counties grew since the designation of GSENIM, specifically in terms of indicators such as per-capita income, labor income, service jobs, population, and jobs (Headwaters Economics 2017).
September 23, 2019
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- Utah State University’s College of Natural Resources found, based on a 2004 frontcountry use survey, that the average visitor group spent $495 in Garfield and Kane Counties, which supported 430 full-time equivalent jobs (Burr et al. 2010).

RMP-EIS at 3-157. The significant downsizing of the Original Monument and reduced protection of monument resources under the proposed “multiple use” regime will undoubtedly have a significant adverse impact on monument visitation, visitor spending and related local economic benefits, yet BLM does not disclose or analyze this adequately in the RMP. Likewise, BLM notes but does not thoroughly consider the relationship between increasing visitation to nearby National Parks and how that trend positively impacts current and future Monument visitation and the overall tourism economy.

To put the positive economic impacts of a “conservation” (rather than the proposed “multiple use”) strategy in context, National Parks and monument visitors are flocking to Utah in record numbers. According to NPS, 14.4 million people visited Utah’s national parks in 2016. That number increased to 15.2 million people visiting in 2017. Those visitors are coming to experience not only Utah’s “Mighty Five” National Parks, but the mosaic of spectacular public lands across the state, including Bryce Canyon, Capitol Reef, Glen Canyon, and Grand Staircase-Escalante National Monument. According to the Outdoor Industry Foundation, in 2016, that visitation contributed $12.3 billion to Utah’s economy. It is imperative we recognize the importance of preserving the natural and cultural resources that are protected by our National Parks and Monuments, along with the celebrated dark night skies, intense quiet and the spectacular vistas that continue to draw more and more visitors.

While we believe the value of protected areas, such as the Original Monument, goes far beyond economic benefits, BLM should have at least disclosed and analyzed that the change from managing the Original Monument as a conservation area to managing the much smaller current Monument as a multiple-use area is a significant reduction in resource protection, with associated impacts on the visitor experience, visitation numbers and related economic benefits for the region.

IV. Additional Resource Management Issues

A. Coal Unsuitability Determination

Both of the coal deposits in the Planning Area are adjacent to National Parks – Alton coalfield is next to Bryce Canyon, and the Kaiparowits coalfield is next to Glen Canyon. It does not appear that BLM has thoroughly analyzed impacts from the
proposed and anticipated Kaiparowits coal mine on Glen Canyon; further, the RMP seems to reverse, or at least disregard, the previous coal unsuitability determination for the Alton coalfield. In the Analysis of the Management Situation, BLM’s forecast for the development potential of the Alton coalfield states:

[T]his area has been declared by BLM as unsuitable for surface mining (and surface disturbance related to underground mining) due to its proximity to Bryce Canyon National Park. Unless this determination is changed in the current planning effort, the potential for coal mining in the reasonably foreseeable future is low.

Analysis of the Management Situation at 108 (emphasis added).

In the RMP, the BLM confined its coal suitability analysis to the Kaiparowits coalfield “because a configuration of this tract is the most likely area to be applied for in the term of this planning cycle” and that an assessment for suitability would be made for land outside the area analyzed only if they receive a coal lease by application. RMP-EIS Appendix L at 1. The BLM acknowledges that “coal resource decisions directly affect the extent to which lands can be made available for coal leasing and development,” and propose to close 75,076 acres of the Kaiparowits coalfield to surface coal mining in all action alternatives based on coal unsuitability criteria (43 Code of Federal Regulations [CFR] 3461) (Map 65, Coal Unsuitability). Id. at 3-111. At the same time, BLM proposes to leave the Alton coalfield open to only moderate constraints in Alternative E, essentially reversing its previous unsuitability determination for the Alton coalfield due to its proximity to Bryce Canyon National Park without any discussion, explanation or justification in the management plan.

Given its proximity to Bryce Canyon and location within the viewshed of the Park’s observation points, the Alton coalfield should remain closed as it has been under the 1999 GSE plan. Bryce Canyon resources are already at risk from BLM’s decision to expand the Alton coal strip mine onto federal land on the southwest side of the park, including three of the fundamental resources that Bryce Canyon was established to protect: dark night skies, natural soundscapes and clean air. Expansion of the Alton coal strip mine is already expected to increase nighttime skyglow, elevate ambient noise levels and release haze-causing and toxic air pollutants.

Furthermore, industrial development and heavy truck traffic caused by coal mining in the heart of the Planning Area on the Kaiparowits coalfield would not only threaten and destroy cultural, archeological and paleontological sites as well as scientific resources, but also adversely affect the health and well-being of nearby communities,
negatively impact regional tourism-related businesses, increase nighttime skyglow, elevate ambient noise levels and release haze-causing and toxic air pollutants. These impacts could harm the very resources and visitor experience of the three GSEN units as well as Glen Canyon. The coal unsuitability analysis of the Kaiparowits coalfield failed to adequately address potential impacts from the proposed coal mine on the Glen Canyon visitor experience, air quality, dark night skies, natural soundscapes and particularly water quality and quantity.

B. Grazing Management Inside Glen Canyon National Recreation Area

Glen Canyon operates under the same NPS Organic Act of 1916 as national parks, monuments, and historic sites with the fundamental purpose to “conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”\(^{58}\) Although the enabling legislation for Glen Canyon states that the administration of grazing leases within the recreation area shall be by the BLM, it is also explicit that BLM administration of grazing inside Glen Canyon is subject to the provisions of the Organic Act, i.e., it must not result in impairment to park values and purpose.

Several agreements between the BLM and NPS (specifically, the “Umbrella” Memorandum of Understanding 1984 Between Bureau of Land Management and National Park Service; and Interagency Agreement between Bureau of Land Management and National Park Service for Grazing Management on Glen Canyon National Recreation Area) also state that before authorizing a grazing activity within Glen Canyon, NPS must determine if recreation area values and purposes are affected, a process called a “Values and Purposes Determination.” In addition to the purpose of the NRA described above, the values of the recreation area have been defined by the NPS as the vegetation, soil, water quality, wildlife, archaeological, historic, paleontological, scenic and recreation resources that make up the scenic, scientific, and historic features that define the outdoor recreational use and enjoyment of Glen Canyon.\(^{59}\)

The RMP proposes and analyzes alternatives for grazing management inside Glen Canyon, yet indicates this information is for NPS, not BLM, to make future decisions. RMP-EIS at 2-3. In prior comments, NPCA and the Coalition asked the BLM to clarify the decision-making process for grazing inside the recreation area and demonstrate how the EIS process adheres to the grazing management agreements with the NPS and obligations of each agency. Alternative E does not provide this clarity. BLM should

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\(^{58}\) The National Park Service Organic Act (16 U.S.C. at Section 1).

\(^{59}\) Glen Canyon Grazing Mgmt. Plan 1999 at 2.
incorporate into its RMP appropriate guidelines for ensuring non-impairment and protection of Glen Canyon values and purpose.

It is not clear how the BLM determined which allotments to close and which would remain open within the recreation area in the various alternatives. In RMP Section 2.4, BLM's discussion of “Alternatives Considered but not Analyzed in Detail” states, “In areas where there are unresolved conflicts, the BLM and NPS are considering making public lands unavailable for grazing.” RMP-EIS at 2-67. Under Alternative B, approximately 607,226 acres would have been unavailable for grazing. This level of reduced grazing represents a “meaningful reduction” in grazing under one of the existing alternatives, consistent with BLM Instruction Memorandum 2012-169 (BLM 2012a).

Id.

However, there is no indication that BLM incorporated an accurate assessment of rangeland health, along with an assessment of impacts to the values and purposes from livestock grazing within Glen Canyon, into developing the alternatives. It is also not clear what the “unresolved conflicts” are within the 607,226 acres identified as unavailable in Alternative B. The BLM, in partnership with the NPS, must analyze all relevant data for the current condition of open allotments inside Glen Canyon and ensure that scientifically based decisions are made in terms of where grazing is appropriate inside the recreation area and how permits will be managed and monitored in partnership with the NPS for the protection and preservation of Glen Canyon values and purposes. We again ask the BLM to clarify the decision-making process for identifying specific allotments within Glen Canyon as open or closed in the various draft alternatives.

We are also concerned about potential adverse impacts identified in the RMP from grazing on the landscape adjacent to Glen Canyon:

Increased opportunities for public access, livestock grazing, and range improvement management on BLM-administered surface land may result in adverse impacts on lands managed by Glen Canyon NRA. Boundaries between the Planning Area and the Glen Canyon NRA are often unsigned in remote portions of the Planning Area. Where BLM management is inconsistent or incompatible with management of adjacent areas, confusion by the public and permittees may lead to inadvertent damage to vegetation cover and soils on NPS lands by recreationists and potential increases in inadvertent trespass by permittees using OHVs for administrative access to their allotments or inadvertently moving their livestock onto NPS lands that are closed to grazing. Potential adverse impacts would be least likely
under alternatives A and B, which generally manage grazing and other uses consistent with adjacent NPS lands, and greatest under Alternatives C, D and E, which generally include fewer restrictions on access and grazing permittee operations than do adjacent NPS lands.

_id_ at 3-106. It is alarming that BLM would move forward with a plan that would very likely lead to adverse impacts on NPS-managed lands.

C. **Monitoring and Adaptive Management**

In order to ensure that the best possible policies are in place, we strongly recommend the BLM closely monitor resource impacts and degradation as well as incorporate adaptive management to be able to address unanticipated impacts or environmental degradation stemming from allowed activities.

D. **Coordination with Stakeholders**

Because National Parks and Monuments share both boundaries and resources and are, to some extent, interdependent, it is important for land managers to engage with other agencies, decision-makers and stakeholders. We urge the agencies to maintain ongoing communication and strong coordination with NPS managers of adjacent Parks. Their expertise, including in particular cross-boundary management, can and should help shape the management of the GSENM units and KEPA lands. In addition, we urge the BLM to incorporate traditional cultural knowledge and affiliated tribal representatives in the understanding and interpretation of monument history, cultural sites and traditional uses.

V. **Secretary of the Interior’s Duty to Protect National Parks**

As noted in our prior comments, the Secretary of the Interior, who is entrusted with care of both the National Park System and administration of lands under the BLM, has a duty to administer the latter lands in such a way as not to impair or otherwise materially adversely impact any area of the National Park System. The plan proposed by BLM for management of the GSENM and KEPA lands would violate that duty. As discussed above, the RMP will have significant adverse impacts on the National Parks surrounding the Original Monument area. In permitting BLM to adopt such a plan, the Secretary of the Interior is violating his duty under the National Park System Organic Act.
BLM is a "bureau" within the Department of the Interior, under the supervision of
the Secretary of the Interior.50 BLM was transferred to that Department when it was
created in 1849.61 Before the Federal Land Policy and Management Act of 1976
(FLPMA) was enacted, the U.S. Supreme Court explained that "the Secretary is charged
with the general supervision of the public business relating to public lands."62 When
Congress adopted FLPMA, it expressly entrusted the Secretary of the Interior with the
administration of public lands thereunder, with BLM as his instrument in doing so.63
While BLM manages the lands entrusted to it under FLPMA under the supervision of
the Secretary, however, that same Secretary of the Interior was also charged by the 1916
Organic Act with protecting the National Park System.64 As the Senate Report on the
1978 Redwood Amendment stated, in a much quoted passage, the Organic Act:

[I]mposes upon the "[t]he Secretary . . . an absolute duty, which is not
to be compromised, to fulfill the mandate of the 1916 Act to take
whatever action and seek whatever relief as will safeguard the units of
the National Park System.65

Accordingly, the Secretary wears two hats when managing under FLPMA public
lands near or adjacent to parts of the National Park System. While he has discretion
under FLPMA to manage BLM lands under a multiple-use standard, his obligations
under the Organic Act kick in when managing BLM land near or adjacent to lands he
administers under the Organic Act.

The Secretary's duties in this regard may be analogized to his powers to protect
National Park lands from adverse activity occurring on nearby non-federal lands. It has
long been recognized that the Secretary has been delegated the power of Congress under
the Property Clause of the U.S. Constitution to make all "needful" regulations to protect
the national parks. When the Secretary has adopted "needful" regulations to protect
National Parks against adverse impacts arising from activities on nearby non-federal

60 [cite FLPMA, 43 USC 1732?].
61 9 Stat. 395.
Washington, 190 U.S. 179 (1902); Hawley v. Diller, 178 U.S. 476 (1900); Prehard v. Alexander, 157 U.S.
372 (1895); Knight v. United Land Ass'n, 142 U.S. 161 (1891).
63 [cite FLPMA].
64 54 U.S.C. § 100101(a).
65 Senate Report 95-528, 95th Cong., 1st Sess., 9 (Oct. 21, 1977) (emphasis added). See also 2006 National
Park Service Management Policies, § 1.4.2 (quoting Senate Report); Daiserfield Island Protective Soc. v.
to have an affirmative duty "to take whatever action and seek whatever relief as will safeguard the units of
the National Park System."”) (quoting Senate Report 95-528 at 9).
lands, the courts have upheld those regulations. If the regulations are "needful," it is the Secretary’s duty to take such action. Here, rather than adopting regulations, the Secretary must merely refrain from allowing the activity on land under his control and administered by BLM. That duty requires that the Secretary not allow a bureau under his direction to permit such activities on BLM land near National Park land.

As the U.S. Supreme Court has recognized, "The network of National Parks... are unique resources that the Federal Government holds in trust for the American people." The Secretary is the fiduciary responsible for safeguarding those “trust” lands. Just as the Secretary must consider and address his trust responsibility towards Indian tribes when BLM actions would impact those tribes and their lands (e.g., *N. Cheyenne Tribe v. Hodel*, 12 Indian L. Rptr. 3065, 3074 (D. Mont. 1985); *Island Mt. Protectors*, 144 IBLA 168, 185 (1998)), he similarly must honor his “affirmative duty” to safeguard NPS resources (*see Daingerfield Island*, 823 F. Supp. at 955) when acting though BLM.

VI. Obligations Pursuant to the Federal Advisory Committee Act

The RMP-EIS fails to identify whether or not the required “one or more advisory committees under the Federal Advisory Committee Act (5 U.S.C. App.)” have been created and, if so, the outcome of such mandated committees. (See Proclamation 9682). To the extent that BLM presented the RMP-EIS only to an existing BLM Resource Advisory Council (RAC) instead of a GSEN M advisory committee, the RMP-EIS does not comply with the Proclamation directive.

Conclusion

The National Parks Conservation Association and the Coalition to Protect America’s National Parks urge the Administration to maintain, at minimum, the current protections established under the 1999 GSE Plan. BLM’s rush to develop management plans based on the reduced monument boundaries is premature, inappropriate and likely wasted time and resources, including the more than $3 million spent to date to prepare the Draft RMP-EIS and the Final RMP-EIS. Until the legitimacy of Proclamation 9682 is fully settled, BLM should use its resources to continue a plan that embraces this “vast and austere landscape” and its scientific and historic resources in a manner that protects neighboring National Parks, is consistent with existing law,

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preserves our natural and cultural history and allows the growing outdoor recreation economy to flourish.

Thank you for your consideration of the comments in this protest and those of our members and supporters. We look forward to working with you to ensure that our National Parks and Monuments, their connected ecological and cultural landscapes, and surrounding public lands are protected and remain the special places that draw visitors from across the country and the world.

Should you have any questions or concerns regarding comments or positions described in this letter, please contact NPCA staff, Cory MacNulty at 801-834-3125 or cmacnulty@npca.org.

Sincerely,

Robert D. Rosenbaum
Evelina J. Norwinski
Dina M. Hayes
Matt Betenson, Associate Monument Manager
Bureau of Land Management
Grand Staircase-Escalante National Monument and Kanab Field Office
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utknmail@blm.gov

Sent via email and eplanning

November 30, 2018


Dear Mr. Betenson and the Resource Management Planning Team,

The National Parks Conservation Association (NPCA) and the Coalition to Protect America’s National Parks (Coalition) submit the following comments regarding the Draft Environmental Impact Statement and the Draft Resource Management Plans for the three units of Grand Staircase-Escalante National Monument, the Grand Staircase, Kaiparowits, and Escalante Canyon Units, and the land removed from the original monument boundaries referred to as the Kanab-Escalante Planning Area. Like our scoping comments, these comments are in addition to joint comments NPCA has signed with Southern Utah Wilderness Alliance (SUWA) and other conservation organizations that have been submitted by SUWA. We value the connected landscape and the cultural, historic and scientific objects, and recreation opportunities within the entire monument designated under Presidential Proclamation 6920 in 1996. Our greatest concerns and expertise, however, are focused on park adjacent lands, particularly lands removed from the original monument, and potential impacts to the resources and values of Bryce Canyon and Capitol Reef National Parks and Glen Canyon National Recreation Area. We submit these comments in addition to SUWA et al. to address those park- specific concerns.

**National Parks Conservation Association**

The mission of NPCA is to “protect and enhance America’s National Park System for present and future generations.” Founded in 1919, NPCA is the leading citizen voice for the national parks. We are a national non-profit with headquarters in Washington, DC, and 29 regional and field offices across the country, including our Southwest Regional office in Salt Lake City, Utah. NPCA represents over 1.3 million members and supporters who care about America’s shared natural and cultural heritage preserved by the National Park System.
Coalition to Protect America’s National Parks

The Coalition is a non-profit organization composed of retired, former, or current employees of the National Park Service (NPS). The Coalition studies, educates, speaks, and acts for the preservation of America’s National Park System. With over 1,600 members, the Coalition represents more than 35,000 years of experience managing and protecting America’s most precious and important natural and historic places.

Grand Staircase-Escalante National Monument Legal Status and Management Planning

The top priority for NPCA and the Coalition is protecting the resources within national parks, but we aim to do so within the larger landscape in which they are embedded, and the air and water on which they depend, to enhance their ecological and cultural integrity. Our organizations are strong supporters of President Clinton’s Proclamation 6920 (Pres. Proc. No. 6920, 61 Fed. Reg. 50,223 (Sept. 18, 1996) (the Establishing Proclamation)) creating the original Grand Staircase-Escalante National Monument (the Original Monument) over 21 years ago, and as ratified and enlarged by Congress on multiple occasions. President Clinton issued this proclamation under the authority explicitly bestowed to him under the Antiquities Act, protecting lands rich in geological, paleontological, ecological and cultural resources, as well as scenic views and recreation opportunities in the iconic canyon country adjacent to and surrounded by three National Park System units: Bryce Canyon National Park (Bryce Canyon), Capitol Reef National Park (Capitol Reef) and Glen Canyon National Recreation Area (Glen Canyon) (together, the National Parks or the Parks). For nearly two decades the Original Monument has been effectively managed under the Grand Staircase-Escalante National Monument Approved Monument Management Plan (1999 GSE Plan) and Record of Decision.1 Under that plan, natural and cultural resources within the monument, as well as within neighboring national parks, and the landscape of the greater Grand Staircase-Escalante area have been effectively and appropriately protected from adverse impacts that would have otherwise resulted under a typical Bureau of Land Management (BLM) multiple-use management regime.

Nearly a year ago, President Trump signed Proclamation 9682 (Modifying the Grand Staircase Escalante National Monument, Pres. Proc. No. 9682, 82 Fed. Reg. 58,089 (Dec. 4, 2017)) (the Modifying Proclamation) excluding nearly 862,000 acres (KEPA or Excluded Lands) from the Original Monument boundaries and dividing the remaining monument land into three smaller, disjointed national monument units: Grand Staircase, Kaiparowits, and Escalante Canyon (GSENM or Reduced Monument). We maintain that Proclamation 9682 is an unlawful revocation of the Original Monument and will be overturned in a court of law. While the President has authority to create a national monument under the Antiquities Act, only Congress can revoke or reduce a national monument.

This submission of comments from NPCA and the Coalition regarding the Draft Environmental Impact Statement and the Draft Resource Management Plans for the three units of Grand Staircase-Escalante National Monument and KEPA (Draft Resource Plan) in no way constitutes acceptance of the Modifying Proclamation or management changes that may result from this process. By participating in this process, we are not waiving any rights to contest the underlying proclamation or processes flowing from it.

Proclamation 9682 is being vigorously challenged in court and is likely to be overturned. Therefore, the BLM’s rush to develop management plans based on the reduced boundaries of GSENM is premature, inappropriate and likely a waste of time and resources. BLM should abstain from planning efforts under the Modifying Proclamation until the legitimacy of the proclamations are fully settled. Instead, BLM should spend time and resources ensuring the protection of the natural and cultural resources within the entire landscape under their jurisdiction, including the lands within the Original Monument, safeguarding it for current and future generations.

**Grand Staircase Escalante National Monument and Surrounding National Parks**

For more than twenty years, the Original Monument has served as a critical connector and protector of three heavily visited crown jewels of the National Park System – the neighboring national park lands in Bryce Canyon, Capitol Reef and Glen Canyon. Historically, the BLM managed the Original Monument lands in accordance with their protected status, thereby contributing to preservation of the clean air, clear night skies, unspoiled vistas, and natural soundscapes in the surrounding Parks.

Those Parks, as well as the resources protected under the Establishing Proclamation, are now gravely threatened by the diminution of the Original Monument boundaries and particularly the BLM’s preferred Alternative D for managing KEPA lands to implement the directives in the Modifying Proclamation. Under Alternative D, activities are to be promoted both within the Reduced Monument and on lands excised from the Original Monument which were prohibited or limited under the Establishing Proclamation, including mining, drilling, renewable energy projects and more extensive off-road vehicle use and livestock grazing, right of way (ROW) development for pipelines and communications, and more intensive vegetation treatments.

These activities inevitably would harm not only the monument, but also the neighboring National Parks, as BLM’s Draft Resource Plan expressly acknowledges. Air, water, vista and noise pollution do not stop at park borders. Clear night skies, natural soundscapes and natural viewsheds are critical to natural processes and visitor enjoyment at the Parks. But the new and more intensive activities and the night lighting that accompanies mining and drilling would result in intrusion into Park viewsheds, degradation of their night skies, disruption of their natural quiet, and degradation of their air, soil and water quality. The Draft Resource Plan admits that, under its preferred alternative, allowed activities within some of the viewsheds of Bryce Canyon and Capitol Reef could result in “major modification of the existing character of the landscape” and “may dominate the view and be the major focus of view attention.” Draft Resource Plan at 2-16; see also Id. at ES–32-33 (“could increase the potential for visual contrast or light pollution that would affect night skies, viewers, and viewsheds from NPS lands”). In addition, those activities are recognized as “likely to have direct and indirect adverse impacts on soil and water resources.” *Id.* at 3-49.

**Longstanding Compatible Management of Planning Area and National Parks**

The federal government has long managed the Planning Area and the Parks in an interconnected manner such that each unit serves as protection for its neighboring unit. For example, NPS stated in its Capitol Reef Management Plan (adopted in 1998, shortly after the Monument was created) that its future plans would be intertwined with those of the Monument: “Capitol Reef will coordinate with the national monument and other adjoining land-managing agencies to seek compatibility with the management goals and objectives outlined in this General Management Plan.” Capitol Reef Final Environmental Impact Statement (“FEIS”)/ General Management Plan (Capitol Reef Gen.

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2 The Draft Resource Plan’s pages are number by chapter and page, *i.e.*, 2-16 (page 16 of Chapter 2), but the “Executive Summary” pages are cited “ES-“ and then the page number within that part of the document.
Mgmt. Plan) at 26. President Clinton also was clearly mindful of the Original Monument’s interconnectedness with the surrounding Parks when he noted its nexus to the “rim of Bryce Canyon” and its importance to completing protection of the Waterpocket Fold. Establishing Proclamation, 61 Fed. Reg. at 50,223.

In 1999, after widespread consultation and review, BLM adopted the 1999 GSE Plan. The “overall vision” of that plan, which is the foundation for Alternative A in the Draft Resource Plan, was predicated on safeguarding the “remote and undeveloped frontier character of the Monument.” 1999 GSE Plan at 4-5. Accordingly, BLM has administered the Monument using “management zones” to constrain land uses. The majority of the Monument (65%) is designated “Primitive Zone,” which provides “an undeveloped, primitive and self-directed visitor experience without motorized or mechanized access.” Id. at 8-9. Most of the remaining lands are designated “Outback Zone” (29% of the total), which provides “an undeveloped, primitive and self-directed experience while accommodating motorized and mechanized access on designated routes.” Id; See also 1999 GSE Plan at Map 2 (Management Zones and Transportation System). A small portion is designated “Frontcountry Zone” (4%), to serve as the focal point for visitation; and “Passage Zone” (2%), to provide secondary travel routes to recreation destinations and throughways. Id. In short, 94% of the Monument is designated as either Primitive Zone or Outback Zone and, according to the Draft Resource Plan, would remain protected as such under Alternative A.

The Primitive Zone, said BLM in the 1999 GSE Plan, “is also intended to connect primitive and undeveloped areas on surrounding lands managed by other Federal agencies.” Id. at 9. Those surrounding lands included Bryce Canyon, Capitol Reef and Glen Canyon. The portion of KEPA lands adjacent to Capitol Reef is designated either the Primitive Zone (to the south) or the Outback Zone (to the north). Id.; compare id. at 2 (map showing adjacent lands). Almost all of the lands that wrap around the boundaries of Glen Canyon are designated Primitive Zone, with small strips of Outback Zone and Passage Zone. Id. at 9; compare id. at 2 (map showing adjacent lands). In addition, part of the Planning Area to the northwest, adjacent to Bryce Canyon, is a Primitive Zone. Id. at 9; compare id. at 2 (map showing adjacent lands).

Both Capitol Reef and Glen Canyon are also managed by management zones. Almost the entire portion of Capitol Reef adjacent to the Planning Area is managed as a “Primitive Zone.” Capitol Reef Gen. Mgmt. Plan at 27. According to NPS:

In Capitol Reef National Park, the primitive zone represents the highest order of wilderness qualities, where isolated landscapes remain in an essentially wild and undeveloped condition. Terrain is rough, trails are few, and opportunities for solitude is abundant. The visitor is surrounded by one of the most ruggedly beautiful and remote rockscapes in America, defined by craggy uplifts and deep, twisting canyons. . . . Travel through this zone requires cross-country hiking or horseback riding on unimproved trails and routes.

Id. at 28. Similarly, NPS has designated a significant portion of Glen Canyon’s land adjacent to the boundary with the Planning Area as Glen Canyon’s “Natural Zone,” which “includes the recreation area’s outstanding scenic resources, relatively undisturbed areas isolated and remote from the activities of man . . . .” Glen Canyon Gen. Mgmt. Plan at 4-5.
Draft Management Plan’s Range of Alternatives

Alternative A appears to maintain the Original Monument’s land-use protections as outlined above, which were “intended to connect primitive and undeveloped areas on surrounding lands” with protected lands in the Planning Area, including KEPA lands. 1999 GSE Plan at 9. We remain concerned, however, that the BLM’s intent under this alternative to continue existing management under the 1999 GSE Plan only to “the extent that it is consistent with Presidential Proclamation 9682” may ultimately eliminate protections assumed to be included under this alternative. Draft Resource Plan at ES-5

According to BLM, Alternative B endeavors to conserve physical, biological, cultural, visual, and other resources by limiting mineral development, ROWs, OHV use; areas available for grazing and renewable energy development. We appreciate that, among the action alternatives, Alternative B identifies and preserves the most acreage with special designations including 14 Areas of Critical Environmental Concern (ACECs) under the Federal Land Policy and Management Act. 43 U.S.C. § 1712(c)(3). The ACECs would be managed to “protect and prevent irreparable damage to important historic, cultural, or scenic values or fish and wildlife resources or other natural systems or processes; or to protect life and safety from natural hazards.” See BLM regulations 43 CFR 1610.8-2(b). A number of these ACEC’s are of especially high value in protecting adjacent Parks, especially Circle Cliffs (adjacent to Capitol Reef), Hole in the Rock Trail, Scorpion Flat/ Dry Fork, and Straight Cliffs/ Fifty Mile Bench (adjacent to Glen Canyon). Draft Resource Plan Appendix A Map 66.

Likewise, under Alternative B, BLM identifies the most lands as Lands with Wilderness Characteristics (LWCs) and applies management prescriptions to protect their wilderness attributes. See BLM Manuals 6310 and 6320 (BLM 2012). Constraints on mineral extraction, ROW’s, and other destructive activities would be applied. A significant portion of the lands proposed to be protected as LWCs border upon NPS areas Bryce Canyon, Capitol Reef and Glen Canyon. Draft Resource Plan, Appendix A Map 5. Management policies that conserve these LWC’s natural attributes and place restrictions and constraints on resource uses would reduce the potential for management conflicts and benefit these Parks, protecting Park resources and values further described below.

While Alternative B identifies and preserves the most acreage with special designations, we are opposed to the BLM’s proposal under this alternative to open 25,145 acres of Federal mineral estate to mineral leasing subject to moderate constraints and 272,506 acres subject to major constraints on KEPA lands. We are especially concerned that lands next to Bryce Canyon and Glen Canyon would be open to mineral leasing and its associated industrial development. Id. at Appendix A Map 37, 50.

Alternative D, the BLM’s “preferred option” for the Reduced Monument and Excluded Lands “emphasizes resource uses and reduces constraints” and “is the least restrictive to energy and mineral development.” Draft Resource Plan at ES-10. The draft plan proposes opening nearly all of the KEPA lands to mining and drilling, greater on- and off-road motor vehicle use, and increased grazing – all actions that are incompatible with neighboring national park management. Id. at ES-10 - ES-11.

The agency acknowledges that “Based on the potential for increased development and resource use, especially in KEPA, Alternative D is most likely to increase the potential for management conflicts and associated impacts on lands adjacent to the planning area.” Id. at ES-14. Alternative C would
similarly, though to a slightly lesser degree, fail to restrict or constrain uses and activities that would lead to potential management conflicts with adjacent Parks.

**Risk to National Park Resources from Proposed Activities on Adjacent Lands**

Activities outside the boundaries of National Parks can and often do have dramatic adverse effects on the Parks. Accordingly, the National Park Service’s Management Policies provide that, in order to carry out the Congressionally defined mission to conserve and protect the Parks, NPS “will seek the cooperation of others in minimizing the impacts of influences originating outside parks,” including “by controlling noise and artificial lighting, maintaining water quality and quantity, eliminating toxic substances, preserving scenic views, improving air quality . . . , and using other means of preserving and protecting natural resources.” NPS Management Policies 2006 (§ 4.1.4).

Many of the management actions addressed and proposed in the Draft Resource Plan have the potential to impair the above-mentioned park resources and values. Alternatives C and D threaten the three neighboring Parks with particularly harmful spillover effects. The contemplated mining and drilling, motor vehicle use, and grazing would jeopardize the natural resources that Congress has legislated to protect within Bryce Canyon, Capitol Reef and Glen Canyon. These and other activities will diminish the Parks’ air quality, night skies, viewsheds, natural quiet, soil and water quality and wildlife habitat as well as affect the region’s paleontological and cultural resources, visitor experience and tourism economy. The Secretary of the Interior, who is entrusted with both care of the National Park System and administration of lands under the BLM, has a duty to administer the latter lands in such a way as not to impair or otherwise materially adversely impact any area of the National Park System. The plan proposed by BLM for management of the Reduced Monument and for management of the KEPA lands would, if adopted, violate that duty.

**A. Diminished Air Quality**

Both Bryce Canyon and Capitol Reef have been designated as mandatory Class I areas under the Clean Air Act. 42 U.S.C. § 7472; 40 C.F.R. § 81.430. Class I areas are places where the law requires the air quality to be at its most pristine, virtually unaffected by human-made or human-caused pollutants. Congress “declare[d] as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.” 42 U.S.C. § 7491(a)(1). Glen Canyon is a Class II area for air pollutants. Class II areas, like Class I, are established to prevent any significant deterioration of the air quality standards set by the Clean Air Act but allow a moderate increase in certain air pollutants.

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3 In 1977, Congress amended the Clean Air Act to deem all “national parks which exceed six thousand acres in size” to be mandatory Class I areas (i.e., areas that “may not be redesignated”). 42 U.S.C. § 7472(a)(4). Both Bryce Canyon and Capitol Reef were greater than 6,000 acres and were therefore designated as class I areas under this statute. Congress also instructed the Administrator of the Environmental Protection Agency (“EPA”), after consulting with the Secretary of the Interior, to “promulgate a list of mandatory Class I Federal areas in which he determines visibility is an important value.” 42 U.S.C. § 7491(a)(2). Bryce Canyon and Capitol Reef are both among the Class I areas in which the Administrator determined that “visibility is an important value.” 40 C.F.R. § 81.430 (adopted at 44 Fed. Reg. 69,122, 69,126 (Nov. 30, 1979)).

4 NPS has a statutorily-mandated “affirmative responsibility to protect the air quality related values (including visibility) of any such lands within a class I area” that NPS manages, “and to consider, in consultation with the Administrator [of the EPA], whether a proposed major emitting facility will have an adverse impact on such values . . . .” 42 U.S.C. § 7475(d)(2)(B).

Visitors to National Parks and wilderness areas consistently rate visibility and clear scenic vistas as one of the most important aspects of the experience. Bryce Canyon’s Foundation Document explains that the “clean, clear air in Bryce Canyon National Park is essential to the exceptional views of the colorful Claron Formation and panoramic vistas of the surrounding region,” which include hundred-mile views of dramatic landscapes. Capitol Reef’s Management Plan likewise emphasizes the importance of air quality, which is “usually very good”; the park’s clear air allows “[v]isibility from points within and around the park [that] usually exceeds 100 miles.”

Increased emissions from activities within the Excluded Lands (and the Reduced Monument) are not confined to their borders and inevitably would migrate to the surrounding Parks. Indeed, BLM’s Draft Resource Plan acknowledges the far-ranging impact of such emissions by defining the “Planning Area” used for assessing air resources to include not only the Original Monument, but also “the nearby Class I and Sensitive Class II areas of Bryce Canyon National Park, Zion National Park, Capitol Reef National Park, . . . and Glen Canyon.”

The biggest threat to air resources is the anticipated mining and energy extraction on lands formerly protected by the Original Monument. Extractive activities would release particulate matter (PM), nitrogen oxides (NOx), sulfur dioxide (SO₂) and volatile organic compounds (VOCs) into the air, as well as dust from these operations from related truck traffic. Id. at ES-15. These haze-causing pollutants could obscure scenic vistas in Bryce Canyon, Capitol Reef and Glen Canyon, all of which are within ten miles of areas that BLM has identified for potential fossil fuel extraction.

Perhaps these factors explain why Congress, in 1998, shortly after the Establishing Proclamation, expressly authorized a land exchange to acquire mineral rights in the Original Monument, explaining that “[d]evelopment of surface and mineral resources on State trust lands within the Monument could be incompatible with the preservation of these scientific and historic resources for which the Monument was established.”

The revival of extractive activities on the Excluded Lands would be a serious step backwards for the Planning Area and the surrounding Parks and would contravene Congress’s purpose in acquiring mineral rights within the Original Monument after it was established.

The harmful emissions from mining would be compounded by increased emissions from the contemplated expansion of motor vehicle use and livestock grazing. The Draft Resource Plan acknowledges that BLM’s preferred plan for the Reduced Monument and the Excluded Lands, provides “the most acres as available for livestock grazing . . . and manages the largest portion of the areas as limited or open for OHVs [off-highway vehicles]” and thus “could increase the potential for emissions . . . from livestock grazing compared to the other alternatives and could increase the

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6 Clean Air Task Force, Out of Sight: Haze in our National Parks at 1 (Sept. 2000).
7 Bryce Canyon, Foundation Document (“Bryce Canyon Foundation Document”) at 11 (May 2014). In addition, preservation of the fragile geological features such as those found in Bryce, Capitol Reef and Glen Canyon, depends in part on clean air, without acidic chemicals that can erode the fragile formations. Id. at 19.
8 See, e.g., Capitol Reef Gen. Mgmt. Plan at 81 (identifying “mining operations” as one factor that impacts air quality); Bryce Canyon Foundation Document at 46 (identifying extraction activity in surrounding areas as threatening wilderness air quality).
potential for emissions from OHV use to the extent that use is affected by managing OHV area
designations as limited or open.” Draft Resource Plan at ES-15 – ES-16.

OHV use generates emissions from both vehicle exhaust and the generation of increased particulates
emissions” because:

Livestock grazing and livestock grazing management (e.g., the maintenance or
development of range improvement) generate both vehicular exhausts and dust.
These activities, along with enteric fermentation from livestock, also create GHGs
[greenhouse gases]. Higher grazing densities and climate change can also lead to
destruction of biological soil crusts, leaving the Planning Area more susceptible to
particulate matter emissions from windblown dust (Memmott et al. 1998; Rutherford
et al. 2017).

Id.

B. Degradation of Night Sky Views
The BLM recognizes that “the Planning Area is one of the most naturally dark outdoor spaces in the
lower 48 United States” with “fewer than 30 fixed artificial light sources” and the rarity of the
“pristine” night skies over 90 percent of the Planning Area “where only natural sources of light, such
as starlight, airglow, aurora, and zodiacal light, are visible to the human eye.” Id. at 3-67.

The BLM also notes that “Several NPS units surrounding the Planning Area also hold International
Dark Sky designations, such as “Dark Sky Sanctuary” at Rainbow Bridge National Monument, and
several are actively pursuing “Dark Sky Park” designations (such as Glen Canyon).” Id. In addition,
Bryce Canyon, Capitol Reef and Cedar Breaks National Monument are among the few parks in the
National Park System that still possess a natural night sky. Bryce Canyon is “one of the darkest
publicly accessible places in North America,” and due to its “clear, clean air and lack of artificial
light,” the Milky Way Galaxy “can be viewed from horizon to horizon.”9 Capitol Reef likewise “has
some of the best night sky viewing opportunities of the western national parks,” earning it a
“designation as an ‘International Dark Sky Park’ by the International Dark-Sky Association.”10

NPS has recognized that dark night skies play a critical role in natural resource processes and the
evolution of species, as well as contributing to the national park visitor experience. NPS Management
wilderness character that animals depend on for survival, park visitors seek for connections, and
many cultural-historical parks require for preservation.”11 The BLM also noted the important
economic development opportunities created by increased visitation associated with astrotourism,

Yet BLM candidly acknowledges that the activities that it would permit under the preferred
Alternative D would degrade the extraordinary and rare dark night skies noted above, creating light
pollution not only within the management area, but also in surrounding areas, including the NPS-

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9 Bryce Canyon Foundation Document at 8, 11, 12; see also Draft Resource Plan at 3-67.
10 Capitol Reef, Night Sky, https://www.nps.gov/care/learn/nature/night-sky.htm; Capitol Reef,
11 National Park Service, Night Skies available at https://www.nps.gov/subjects/nightskies/index.htm Eighty six
percent of visitors to Utah national parks thought that the quality of night skies was “very important” or “somewhat
important” to their visit. NPS, Stargazing in National Parks at 2, https://smdepo.org/download/0a7dbeida8045.
managed areas. “Alternative D would increase the potential for dark night sky pollution compared to the other alternatives, followed by alternatives C, A, and B, respectively” because “the potential for impacts on dark night skies is driven by the degree of use restrictions on minerals development, the availability of areas for issuance of new ROW and renewable energy permits, creation of facilities and infrastructure for OHV use and recreation (all of which can increase light pollution), and the extent and management of special designations (which may limit future development and associated light pollution).” Id. at 3-73.

Simply, Alternative D proposes to open KEPA lands to all of the above light pollution sources, while relying only on ad hoc Best Management Practices (BMPs) and future “coordination with stakeholders” to control light pollution. Table 2.3.8, Draft Resource Plan at 2-18. BLM fails to set forth minimum requirements or specifications that these BMP's would include, such as prohibitions on permanent outdoor lighting; requirements for lighting to be downward, shielded or minimized; requirements that lighting use best available technology to avoid scattering or minimize emissions.

Clear night skies within the Planning Area and neighboring National Parks are similarly under threat from potential degradation of air quality. The release of dust (i.e., particulate matter) from mining, drilling, motorized travel on dirt roads (commercial or recreational), grazing, or other land-disturbing activities would result in light pollution and skyglow in the area. The BLM itself has recognized that coal mining in an area 10 miles from Bryce Canyon would increase the artificial brightness of the night sky, due in part to the release of dust. To the extent that mines or wells are operated after dark, or that commercial facilities are built on lands adjacent to the Parks, artificial light from these sources would further add to degradation of the night sky. Id.

To protect the rare dark skies enjoyed and valued by so many nearby residents and visitors to the region in general, and the parks in particular, management of the KEPA lands must incorporate elements of Alternative B. Alternative B “does not permit/authorize actions that will contribute to an increase in light pollution.” Table 2.3.8, Draft Resource Plan at 2-18. This alternative includes additional constraints on development and a greater acreage of VRM Class I and II areas, which could reduce potential degradation of dark night skies compared to the other action alternatives. Draft Resource Plan at 3-75. Most importantly, this alternative provides that BLM will “develop an activity plan for designation as an International Dark-Sky Association Dark Sky Sanctuary. The activity plan will include development and adoption of a comprehensive Lightscape Management Plan, Lighting Inventory, and Dark Sky BMPs consistent with requirements set forth by the International Dark-Sky Association” throughout the planning area. Id.

Furthermore, rather than including these provisions as unenforceable BMPs, BLM should incorporate them as requirements or stipulations to any development or activity necessitating consistent lighting. Additionally, BLM should mandate that a developer:

- Limit the number of lights and lumen output of each (minimum number of lights and the lowest luminosity consistent with safe and secure operation of the facility).

• Utilize alternatives to lighting where feasible (retro-reflective or luminescent markers in lieu of permanent lighting).
• Consider fixture design (lights of the proper design, shielded to eliminate uplight, placed and directed to eliminate light spill and trespass to offsite locations).
• Identify any activities that may be restricted to avoid night-sky impacts.
• Identify a process for promptly addressing and mitigating complaints about potential lighting impacts.

**C. Intrusions into Viewsheds**

From Bryce Canyon’s rim, visitors can look east over hoodoos and to the Monument beyond to unspoiled lands and geological features of Grand Staircase.

The location of the park at the summit of the Grand Staircase, surrounded by a system of nationally protected lands, and combined with the exceptional clarity of the air and natural quiet, provides a multisensory experience. The outstanding views often extend more than 100 miles and begin with the colorful and intricately carved Claron Formation and include panoramic vistas of cliffs, canyons, and forested landscapes.

Bryce Canyon Foundation Document at 8. These unspoiled views have been preserved because the Original Monument has long been under federal protection and because there was little development in this remote area prior to the Establishing Proclamation.

These vast, undeveloped landscapes in some cases provide 360-degree views for a hundred miles without any visual intrusion from development. Visitors seem to travel back through time to imagine our lands as seen by the first inhabitants. Incompatible development along the borders of the National Parks – such as coal strip mining, tar sands development, placement of drilling rigs, erection of cell towers, pipelines, commercial development, or roads – could significantly alter the viewshed and affect that experience.

Indeed, BLM’s Draft Resource Plan acknowledges that the preferred management alternative, Alternative D, may impair viewsheds throughout the area:

Alternative D increases the potential to affect visual resources on adjacent NPS lands, as some [Excluded Lands] within the viewsheds of Capitol Reef and Bryce Canyon National Parks are managed as VRM III and IV (Map 23). BLM management of these areas could increase the potential for visual contrast or light pollution that would affect night skies, viewers, and viewsheds from NPS lands.

Draft Resource Plan at ES-32–33. That Plan’s “Map 23” starkly illustrates the potential intrusion into the National Park viewsheds. *Id.* at Appendix A Map 23. Alternative C also proposes to manage substantial amounts of land bordering Capitol Reef as VRM III and some lands close to Bryce Canyon as only VRM IV and would lead to intrusions into Park viewsheds. *Id.* at Appendix A Map 22. Although Alternatives A and B maintain more land in areas abutting the Parks as VRM Class I or II, they also fall short in protecting Park viewsheds. Alternative A appears not to maintain any lands bordering the Parks as Class I and allows lands near Bryce to be maintained as VRM III. Alternative B maintains lands near Bryce at VRM Class III and IV. *Id.* at Appendix A Maps 20 and 21.

“The majority of the lands in the Planning Area exhibit the qualities of a highly intact, natural landscape, as well as rugged, relatively undisturbed visual conditions, distinct (or memorable)
natural attributes, and general inaccessibility.” *Id.* at 3-66. We urge the agency to do its utmost to ensure that high quality conditions are preserved in areas visible from Bryce Canyon, Capitol Reef and Glen Canyon, as well as viewpoints in the Planning Area.

Additionally, we urge BLM to safeguard the high quality, unspoiled scenic byways and backways that connect the planning areas with the Parks, particularly Burr Trail, Hole in the Rock Road. *Id.* at Appendix A Map 69. The viewsheds along these byways should be maintained as VRM Class I or Class II. These routes are gateways to the adjacent Parks and their quality affects the overall visitor experience in the region. These routes should not be marred by unsightly commercial or industrial infrastructure or industrial truck traffic.

**D. Disruption of Natural Quiet**

The Draft Resource Plan notes that the Planning Area is “relatively free of human-caused sound” with several monitored sites “within range of the quietest locations monitored in the lower 48 United States.” *Id.* at 3-68. The natural quiet found in the Planning Area is “important for visitors, ecosystem health, and the welfare of non-human species who reside in protected natural areas.” *Id.* at 3-67. By creating a 3-mile buffer around the Planning Area for sound analysis, the BLM acknowledges that noise pollution from activities permitted within the Planning Area will extend to neighboring communities and Parks – even noting that “noise can and does extend beyond 3 miles.” *Id.*

NPS strives to “preserve, to the greatest extent possible, the natural soundscapes of parks.” NPS, Soundscape Management Policy 4.9 (2006). “In and adjacent to parks, the Service will monitor human activities that generate noise that adversely affects park soundscapes, including noise caused by mechanical or electronic devices.” *Id.* Bryce Canyon has identified the “predominance and maintenance of natural quiet” as “an essential resource critical to visitor experience and the functioning of biological systems.” Bryce Canyon Foundation Document at 11. Indeed, “[d]uring sound monitoring efforts in the park, at some locations natural ambient decibel levels often were lower than data collection systems could measure, making Bryce Canyon an exceptionally quiet place.” *Id.* at 24. “However, this also means the quiet nature of the park—and by extension the visitor experience—are exceptionally susceptible to disturbance from extrinsic noise.” *Id.*

Similarly, natural quiet is an important part of visitors’ experience in Capitol Reef. There is currently “very little noise pollution in the park” and “[t]he backcountry areas of the park are managed for wilderness qualities, including natural quiet.” Capitol Reef Gen. Mgmt. Plan at 109. Thus, any “increase in noise that affects the natural quiet of the backcountry . . . would be considered significant.” *Id.*

Mining or drilling activities generate noise from use of heavy equipment and vehicle traffic. Commercial activities generate traffic noise, and off-road vehicle use near the Parks’ boundaries – or illegally crossing into the parks – would do the same. If these activities occur in the KEPA Lands near the boundaries of the Parks, they will interfere with the natural quiet. Here, too, the Draft Resource Plan acknowledges that its proposed management under Alternative D will degrade natural soundscapes in the Planning Area and threaten the neighboring Parks’ soundscapes: Alternative D increases development potential and potential for human activity in KEPA . . ., which also increases the potential to affect natural soundscapes on NPS lands adjacent to the Planning Area.

To protect the natural quiet in the Planning Area and adjacent Parks, BLM should continue to manage with constraints on development and human activity and add stipulations or enforceable requirements to any permitted development or activity that has the potential to degrade the natural soundscapes. As under Alternative B, the final plan should “require interpretive materials/programs to be developed to educate and engage the public about natural soundscapes and would also inventory and monitor natural soundscapes in partnership with local stakeholders.” *Id.*

### E. Degradation of Soil and Water Quality

The mining, expanded on- and off-road vehicle use, and increased grazing proposed by BLM in the Draft Resource Plan also threaten to degrade the soil and water quality in the Excluded Lands and the surrounding Parks. The Draft Resource Plan states:

Surface disturbance and vegetation removal from mineral development, vegetation treatments, installation or maintenance of livestock grazing range improvements, ROW and renewable energy development, development and maintenance of routes and trails, OHV use, and recreation are the primary activities *likely to have direct and indirect adverse impacts on soil and water resources.*

Draft Resource Plan at 3-49 (emphasis added). Further, the “[d]irect and indirect, adverse impacts on soil and water resources would typically be greatest in [the Excluded Lands] under Alternative D and Alternative C.” *Id.* at 3-51.

For example, it has long been recognized that off-road vehicles cause significant damage to the resources of National Parks. As BLM explained in adopting its 1999 GSE Plan for the Original Monument:

The unregulated use of off-highway vehicles (OHV), also called all-terrain vehicles (ATV), . . . off of designated routes has the potential to damage Monument resources and cause recreational conflicts. Cross-country vehicle travel can damage Monument objects associated with these resources which are sensitive to surface disturbance. ... OHV tracks can become ruts. These ruts concentrate water flows, altering water quality and quantity and creating erosion.

1999 GSE Plan at 2.20. More recently, NPS explained:

The impacts of off-road use have been thoroughly documented for areas with desert soils similar to Glen Canyon. Major damage from off-road use to soils in arid areas includes destruction of soil stabilizers, soil compaction and reduced rates of water infiltration, accelerated rates of surface water runoff and erosion, accelerated rates of wind erosion, and declines in soil productivity. Damage to desert soils, like those found at Glen Canyon, can occur with a single pass of a vehicle.\(^\text{13}\)

Similarly, a large body of scientific studies finds that grazing also negatively impacts soil and water resources, including due to:

- Increased “soil compaction and bulk density,” leading to “increases [in] runoff and overland flow rates,” “wind and water erosion,” and decreases in infiltration rates, nutrient retention, and biologic function”;\(^\text{14}\)

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\(^{13}\) Glen Canyon, Off-Road Vehicle Management Plan/Final Environmental Impact Statement, January 2017 at 236 (citations omitted).

\(^{14}\) Capitol Reef Livestock Grazing and Trailing Management Plan and Environmental Assessment, July 2018, at 4-3 (citing multiple studies).
• Reduced biomass due to “defoliation and trampling;”\textsuperscript{15}

• Impairment of “water resources” including “[i]ncreased nutrient loads,” “[i]ncreased sediment loads,” and “loss of streambank stability;”\textsuperscript{16}

• Decreased water quality due to the “bacteria associated with livestock waste” which “can move either directly or in overland flow from precipitation into streams.”\textsuperscript{17}

Expanded grazing also would increase the risk of physical damage to neighboring parklands caused by the livestock themselves, and from the “improvement activities” associated with grazing. For example, BLM concedes that its “preferred alternative” plan for increased grazing within the Planning Area “increases the potential to affect resources in the adjacent Glen Canyon NRA, managed by NPS,” through impacts such as “the use of nonnative species” in range improvements, “confusion by permittees” leading to “inadvertent trespass,” and “damage to vegetative cover and soils managed by NPS.” Draft Resource Plan at ES–38. Furthermore, “improper livestock grazing, especially near riparian or water sources, can also result in impacts on water quality from transport of E. coli into downstream water resources, including water sources outside of the Planning Area in Glen Canyon NRA and Lake Powell. Transport of E. coli into water resources can result in human health and safety concerns when these water sources are used for drinking water, especially in backcountry situations (e.g., Coyote Creek, Escalante River, Paria River).” \textit{Id.} at 3-51.

\textbf{F. Fragmentation of Wildlife Habitat}

It is widely understood that fragmentation of wildlife habitat and corridors poses a threat to healthy wildlife communities, overall ecosystem functions and resiliency in a changing climate. Surface disturbing projects will not only directly damage the habitat for animals in the vicinity, but the noise, vibration, and physical contact from these and other human activities may adversely affect wildlife behavior patterns. Additionally, activities that will introduce any foreign chemicals or other substances into riparian areas may harm wildlife within and downstream from the management areas. Because BLM has only incomplete data on the wildlife habitats within the planning area, it is not able to fully assess the impacts on species in the planning area. BLM acknowledges that there will be detrimental effects to special status and other species under all of its alternatives, based on the information that it does have, however. \textit{Id.} at ES – 19-22

These negative impacts will not be confined to the wildlife species in the Planning Area, which include big game populations and more than 40 special status species but will also impair wildlife values in immediately adjacent NPS-managed areas. \textit{Id.} at ES – 12, 21. As stated in Bryce Canyon’s Foundation Document, “Park boundaries are irrelevant to the migratory hummingbirds or nesting peregrine falcons; Rocky Mountain elk, mule deer, and pronghorn cross through the plateau forests and meadows within and beyond the park; other animals have adapted to occupy the distinctive erosional features of the amphitheater and adjacent habitats.”\textsuperscript{18}

\textsuperscript{15} \textit{Id.} at 4-12.

\textsuperscript{16} \textit{Id.} at 4-26.

\textsuperscript{17} \textit{Id.} at D-4.

\textsuperscript{18} Foundation Document, Bryce Canyon National Park, May 2014 at 6. (https://www.nps.gov/subjects/sound/upload/BRCA_FD_SP.pdf); see also Species Checklist for Bryce Canyon National Park at https://irma.nps.gov/NPSpecies/Reports/SpeciesList/Species\%20Checklist/BRCA/1,2,4,5,3,11,12,7,9,6,8,10,13,14,16,15,17/false, viewed November 15, 2018.
Capitol Reef likewise shares wildlife species habitat with the adjacent Planning Area, including, among others, mule deer and bighorn sheep as well as threatened, endangered and sensitive species such as the bald eagle, Mexican spotted owl, peregrine falcon, and the southwestern willow flycatcher.19

Glen Canyon hosts bighorn sheep, bald eagles, golden eagles, and California condors, and these species ranges are not confined to the Parks.20 In addition, the Escalante River and its tributaries within the monument feed into riparian areas in Glen Canyon. The health of these water bodies is vital to the health of numerous fish species downriver, including endangered species such as the Colorado Pikeminnow, Razorback Sucker, bonytail and humpback chub.

Along with being important components of these park ecosystems, these animals are also observed and enjoyed by park visitors. They are NPS resources and values that are important to consider in management and planning decisions.

Mineral development, large-scale renewable projects, roads, pipelines, transmission lines, communication towers, and timber harvesting will substantially damage habitats and disturb--possibly permanently--species behavior and migration patterns through noise, vibration and night lighting disturbance.

Additional introduction of non-native plants and animals through expanded grazing will disrupt ecosystem balance, and accompanying fencing and infrastructure will further degrade habitat for big game. Roads and OHV use can result in direct injury and/or mortality of big game species through collision; while power lines and communications towers pose hazards to birds; and the introduction of chemical compounds and eroded soils into water bodies risks injury to fish as well as other animals.

Preferred Alternative D permits the greatest amount of activity that is detrimental to wildlife not only within the monument area but also the adjacent NPS-managed areas. In fact, BLM acknowledges that all of the current Alternatives will contribute incrementally to adverse cumulative impacts on fish, wildlife, and special status species. Draft Resource Plan at 3-34.

For the reasons described here and in previous sections, NPCA and the Coalition urge BLM to provide the strongest protections possible for the wildlife inside the three monument units and the KEPA area and, by extension, the adjacent Parks. BLM should exert maximum effort to achieve stated wildlife conservation goals: preserving the integrity of wildlife corridors, migration routes, and access to key forage, nesting, and spawning areas by limiting adverse impacts from development in the monument; managing habitats for the recovery or reestablishment of native populations and work to improve habitat quantity and quality (forage, water, cover, space, security, trophic level integrity, and biogeochemical processes); and conserving habitat for migratory birds. Finally, BLM should facilitate appropriate research to improve understanding of fish and wildlife species and habitat and increase public education and appreciation of fish and wildlife species through interpretation.

G. Damage and Loss of Cultural and Paleontological Resources

Allowing expanded access and development in KEPA areas adjacent to the Parks would not only risk damage and loss to cultural and paleontological resources within the Excluded areas, but also increase the potential for vandalism, looting and damage to resources within the Parks themselves. Once remote, pristine areas would be more readily reached by OHV’s and become more heavily traveled, particularly under Alternatives D and C. Boundaries between BLM-administered surface land and adjacent lands are often poorly marked in remote portions of the Planning Area, and, consequently, confusion by the public may lead to inadvertent casual collection of or damage to paleontological and cultural resources on neighboring non-BLM lands. Id. at 3-46. Such harm to valuable, protected Park resources would be least likely where land next to the Parks is fully protected and managed for compatible uses. All areas within the Reduced Monument units and KEPA should be closed to casual collection of paleontological specimens, mineral resources, and petrified wood and Paleontological Resource Management Plans should be completed before any surface disturbing activities are allowed.

H. Effects on the Visitor Experience and Tourism Economy

BLM’s analysis fails to adequately consider the likely adverse impacts of the proposed action (and the significant reduction in monument size) on the established visitation to the Original Monument and the region’s tourism economy. As mentioned in the Draft Resource Plan:

Multiple studies have been conducted on the social and economic values of the Original Monument, including the following:

- Headwaters Economics found that western counties with protected public lands grow more quickly than counties without protected public lands. The local economies of Garfield and Kane Counties grew since the designation of GSENM, specifically in terms of indicators such as per-capita income, labor income, service jobs, population, and jobs (Headwaters Economics 2017).
- Utah State University’s College of Natural Resources found, based on a 2004 frontcountry use survey, that the average visitor group spent $495 in Garfield and Kane Counties, which supported 430 full-time equivalent jobs (Burr et al. 2010).

Draft Resource Plan at 3-139. The significant downsizing of the Original Monument and reduced protection of monument resources under the proposed “multiple use” regime will undoubtedly have a significant adverse impact on monument visitation, visitor spending and related local economic benefits; yet BLM does not disclose or analyze this adequately in the Draft Resource Plan. Likewise, BLM notes but does not thoroughly consider the relationship between increasing visitation to nearby national parks and how that trend positively impacts current and future Monument visitation and the overall tourism economy.

To put the positive economic impacts of a “conservation” (rather than the proposed “multiple use”) strategy in context, national park and monument visitors are flocking to Utah in record numbers. According to NPS, 14.4 million people visited Utah’s national parks in 2016. That number increased to 15.2 million people visiting in 2017. Those visitors are coming to experience not only Utah’s “Mighty Five” National Parks, but the mosaic of spectacular public lands across our state, including Bryce Canyon, Glen Canyon, and Grand Staircase-Escalante National Monument. According to the Outdoor Industry Foundation, in 2016, that visitation contributed $12.3 billion to Utah’s economy. It is imperative we recognize the importance of preserving the natural and cultural resources that are protected by our National Parks and Monuments, along with the celebrated dark night skies, intense quiet and the spectacular vistas that continue to draw more and more visitors.
While we believe the value of protected areas, such as the Original Monument, goes far beyond economic benefits, BLM should at least disclose and analyze that the change from managing the Original Monument as a conservation area to managing the much smaller Reduced Monument as a multiple-use area is a significant reduction in resource protection, with associated impacts on the visitor experience, visitation numbers and related economic benefits for the region.

Additional Resource Management Issues

Coal Unsuitability Determination

Both of the coal deposits in the Planning Area are adjacent to national parks – Alton coalfield is next to Bryce Canyon, and the Kaiparowits coalfield is next to Glen Canyon. We are concerned that BLM has not thoroughly analyzed impacts from the proposed and anticipated Kaiparowits coal mine on Glen Canyon and that the Draft Resource Plan seems to reverse, or at least disregard, the previous coal unsuitability determination for the Alton coalfield. In the Analysis of the Management Situation, BLM’s forecast for the development potential of the Alton coalfield states,

...this area has been declared by BLM as unsuitable for surface mining (and surface disturbance related to underground mining) due to its proximity to Bryce Canyon National Park. Unless this determination is changed in the current planning effort, the potential for coal mining in the reasonably foreseeable future is low.

Analysis of the Management Situation at 108; Draft Resource Plan at 3-96.

In the Draft Resource Plan, the BLM confined their coal suitability analysis to the Kaiparowits coalfield “because a configuration of this tract is the most likely area to be applied for in the term of this planning cycle” and that an assessment for suitability would be made for land outside the area analyzed only if they receive a coal lease by application. Id. Appendix L at 1. The BLM acknowledges that “coal resource decisions directly affect the extent to which lands can be made available for coal leasing and development,” and propose to close 75,076 acres of the Kaiparowits coalfield to surface coal mining in all action alternatives based on coal unsuitability criteria (43 Code of Federal Regulations [CFR] 3461) (Map 53, Coal Unsuitability). Id. at 3-100. At the same time, BLM proposes to leave the Alton coalfield open to only moderate constraints in both Alternatives C and D, essentially reversing their previous unsuitability determination for the Alton coalfield due to its proximity to Bryce Canyon National Park without any discussion, explanation or justification in the management plan.

Given its proximity to Bryce Canyon and location within the viewshed of the park’s observation points, the Alton coalfield should remain closed as it has been under the 1999 GSE plan. Bryce Canyon resources are already at risk from BLM’s decision to expand the Alton coal strip mine onto federal land on the southwest side of the park including three of the fundamental resources that Bryce Canyon was established to protect: dark night skies, natural soundscapes and clean air. Expansion of the Alton coal strip mine is already expected to increase nighttime skyglow, elevate ambient noise levels and release haze causing and toxic air pollutants.

Furthermore, industrial development and heavy truck traffic for coal mining in the heart of the Planning Area on the Kaiparowits coalfield would not only threaten and destroy cultural, archeological and paleontological sites as well as scientific resources, but also adversely affect the health and well-being of nearby communities, negatively impact regional tourism related businesses, increase nighttime skyglow, elevate ambient noise levels and release haze causing and toxic air pollutants. These impacts could harm the very resources and visitor experience of the three GSENM
units as well as Glen Canyon. The coal unsuitability analysis of the Kaiparowits coalfield failed to adequately address potential impacts from the proposed coal mine on Glen Canyon visitor experience, air quality, dark night skies, natural soundscapes and particularly water quality and quantity.

**Grazing Management Inside Glen Canyon National Recreation Area**

Glen Canyon operates under the same NPS Organic Act of 1916 as national parks, monuments, and historic sites with the fundamental purpose to “.... conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” Although the enabling legislation for Glen Canyon states that the administration of grazing leases within the recreation area shall be by the BLM, it is also explicit that BLM administration of grazing inside Glen Canyon is subject to the provisions of the Organic Act i.e. with no resulting impairment to park values and purpose.

Several agreements between the BLM and NPS (“Umbrella” Memorandum of Understanding 1984 Between Bureau of Land Management and National Park Service, Interagency Agreement between Bureau of Land Management and National Park Service for Grazing Management on Glen Canyon National Recreation Area) also state that before authorizing a grazing activity within Glen Canyon, NPS must determine if recreation area values and purposes are affected, a process called a “Values and Purposes Determination”. In addition to the purpose of the NRA described above, the values of the recreation area have been defined by the NPS as the vegetation, soil, water quality, wildlife, archaeological, historic, paleontological, scenic and recreation resources that make up the scenic, scientific, and historic features which define the outdoor recreational use and enjoyment of Glen Canyon. Glen Canyon Grazing Mgmt. Plan 1999 at 2.

The Draft Resource Plan proposes and analyzes alternatives for grazing management inside Glen Canyon, yet indicates this information is for NPS, not BLM, to make future decisions. Draft Resource Plan at 1-1. The BLM must clarify the decision-making process for grazing inside the recreation area and demonstrate how the EIS process adheres to the grazing management agreements with the NPS and obligations of each agency. The resulting plan should incorporate appropriate guidelines for ensuring non-impairment and protection of Glen Canyon values and purpose.

It is not clear how the BLM determined which allotments to close and which would remain open within the recreation area in the various alternatives. In Draft Resource Plan Section 2.4, BLM’s discussion of “Alternatives Considered but not Analyzed in Detail”, it is stated, “In areas where there are unresolved conflicts, the BLM and NPS are considering making public lands unavailable for grazing. Under Alternative B, approximately 607,226 acres would be unavailable for grazing. This level of reduced grazing represents a “meaningful reduction” in grazing under one of the existing alternatives, consistent with BLM Instruction Memorandum 2012–169 (BLM 2012a). Id. at 2-51.

However, there is no indication that an accurate assessment of rangeland health along with an assessment of impacts to the values and purposes from livestock grazing within Glen Canyon were incorporated into developing the alternatives. It is also not clear what the “unresolved conflicts” are within the 607,226 acres identified as unavailable in Alternative B. The BLM, in partnership with the NPS, must analyze all relevant data for the current condition of open allotments inside Glen Canyon and ensure that scientifically based decisions are made in terms of where grazing is appropriate inside the recreation area and how permits will be managed and monitored in partnership with the NPS for the protection and preservation of Glen Canyon values and purposes. We ask the BLM to clarify the decision-making process for identifying specific allotments within Glen Canyon as open or closed in the various draft alternatives.
We are also concerned about potential adverse impacts identified in the Draft Resource Plan from grazing on the landscape adjacent to Glen Canyon. Increased opportunities for public access, livestock grazing, and range improvement management on BLM-administered surface land may result in adverse impacts on lands managed by Glen Canyon NRA. Boundaries between the Planning Area and the Glen Canyon NRA are often unsigned in remote portions of the Planning Area. Where BLM management is inconsistent or incompatible with management of adjacent areas, confusion by the public and permittees may lead to inadvertent damage to vegetation cover and soils on NPS lands by recreationists and potential increases in inadvertent trespass by permittees using OHVs for administrative access to their allotments or inadvertently moving their livestock onto NPS lands that are closed to grazing. Potential adverse impacts would be least likely under alternatives A and B, which generally manage grazing and other uses consistent with adjacent NPS lands, and greatest under Alternative D and Alternative C, which generally include fewer restrictions on access and grazing permittee operations than do adjacent NPS lands.

Id. at 3–95. It is alarming that BLM would move forward with a Preferred Alternative that would very likely lead to adverse impacts on NPS managed lands.

Monitoring and Adaptive Management
In order to ensure that the best possible policies are in place, we strongly recommend the BLM incorporate a provision for close monitoring of resource impacts and degradation as well as the ability to incorporate adaptive management to be able to address unanticipated impacts or environmental degradation stemming from allowed activities.

Coordination with Stakeholders
Because National Parks and Monuments share both boundaries and resources and are, to some extent, interdependent, it is important for land managers to engage with other agencies, decision-makers and stakeholders. We urge the agencies to maintain ongoing communication and strong coordination with NPS managers of adjacent Parks. Their expertise and cross-boundary management expertise can and should help shape the management of the GSENM units and KEPA lands. In addition, we urge the BLM to incorporate traditional cultural knowledge and tribal representatives in the interpretation of monument history, cultural sites and traditional uses.

Conclusion
The National Parks Conservation Association and the Coalition to Protect America’s National Parks urge the administration to maintain, at minimum, the current protections established under the 1999 GSE Plan. We ask the BLM to move forward with a plan that embraces this “vast and austere landscape” and its scientific and historic resources in a manner that protects neighboring national parks, is consistent with existing law, preserves our natural and cultural history and allows the growing outdoor recreation economy to flourish.

Thank you for your consideration of these comments and those of our members and supporters. We look forward to working with you to ensure our National Parks and Monuments, their connected cultural landscapes and surrounding public lands are protected and remain the special places that draw visitors from across the country and the world.

Should you have any questions or concerns regarding comments or positions described in this letter, please contact NPCA staff, Cory MacNulty at 801-834-3125 or cmacnulty@npca.org.

Sincerely,

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